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WHO COUNTS AS HOMELESS?

A Gendered Analysis of Administrative Recognition in the Belgian Reference
Address System

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Abstract

In Belgium, the reference address provides an administrative address for persons experiencing homelessness in order to enable administrative inclusion and facilitate access to fundamental rights. However, access depends on legal-administrative definitions of homelessness and evidentiary requirements implemented through administrative assessments. Growing research demonstrates that women experience distinct trajectories into and during homelessness, which often remain less visible within dominant understandings of homelessness. Despite women representing a significantly smaller proportion of reference address beneficiaries than men, research has not yet examined how the reference address framework interacts with women's homelessness trajectories or whether it may produce differentiated experiences.

Through a feminist socio-legal analysis drawing on Katherine Bartlett's feminist method of Asking the Woman Question, this thesis examines the extent to which the legal-administrative framework of the reference address accommodates women's homelessness trajectories and identifies plausible gendered effects of administrative burdens emerging during CPAS implementation. The analysis demonstrates that the reference address framework does not merely identify homelessness but constructs administratively recognizable categories of homelessness through definitions, evidentiary requirements and discretionary assessment. These mechanisms may produce gendered effects where recognition depends on assumptions about what constitutes homelessness, thereby making trajectories that diverge from dominant understandings more difficult to recognize. The findings demonstrate that access to rights depends not only on formal legal entitlement but also on administrative recognition, highlighting the importance of legal-administrative frameworks that take diverse experiences of homelessness into account.

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Introduction

A history of academia, public policy, social services and societal narratives has assumed that being excluded from housing “signifies the homeless person’s incapacities and failure to function in what are presented as unproblematic social systems.”¹ Homelessness is not understood merely as something people experience as a consequence of structural inequalities, instead, it is perceived as something fundamental to the identities and aspirations of people excluded from housing. This dynamic results in persons experiencing homelessness having to renegotiate their position in society in order to become *more-than-homeless*.²

Meanwhile, access to homelessness services is generally conditional on administrative recognition of homelessness, requiring individuals to demonstrate that their circumstances conform to the eligibility criteria established by legal and administrative frameworks.³ Consequently, besides resulting in profound, far-reaching and cascading consequences for individuals, homelessness also involves “a complex web of *administrative* difficulties and problems.”⁴

Homelessness is constructed through definitions: the way it is defined necessarily determines which experiences of homelessness are measured and the extent to which it is perceived as prevalent.⁵ Whilst employing broader and more unified definitions results in a dramatic increase in measured homelessness, narrow definitions significantly limit the knowledge of its causation, extent, nature and effect.⁶ Dominant public perceptions, as well as some official definitions, tend to limit the focus to persons living on the streets or in homeless

¹ Cameron Parsell, *The Homeless Person in Contemporary Society* (Routledge Focus 2018) 1f.

² Josie Jolley, ‘Embodying Plurality: Becoming More-than-Homeless’ (2020) 45 *Transactions of the Institute of British Geographers* 635 <<https://www.jstor.org/stable/10.2307/48587742>> accessed 11 June 2026.

³ Volker Busch-Geertsema and others, ‘Homelessness and Homeless Policies in Europe: Lessons from Research’ (FEANSTA 2010) <https://www.feantsa.org/files/Themes/misc/2010/consensus-conference/fea_020-10_en_final.pdf>.

⁴ Michiel Commère and others, “Access to Social Assistance and Rights for Homeless People” No One Left out. For an Administrative System That Includes the Most Excluded’ (European Commission DG Employment, Social Affairs and Inclusion 2019) Host Country Discussion Paper - Belgium 16.

⁵ Andrew Alfred Sullivan, ‘What Does It Mean to Be Homeless? How Definitions Affect Homelessness Policy’ (2023) 59 *Urban Affairs Review* 728, 3 <<https://doi.org/10.1177/10780874221095185>> accessed 8 July 2026; Nicholas Pleace and Koen Hermans, ‘Counting All Homelessness in Europe: The Case for Ending Separate Enumeration of “Hidden Homelessness”’ *European Journal of Homelessness*, vol 14 (Special Edition Measuring Homelessness in Europe COST Action 15218, European Observatory on Homelessness 2020).

⁶ Volker Busch-Geertsema, Guy Johnson and Eoin O’Sullivan, ‘Defining Homelessness’ *Research Handbook on Homelessness* (Edward Elgar Publishing 2024) 12f. <<https://www.elgaronline.com/edcollchap/book/9781800883413/book-part-9781800883413-10.xml>> accessed 8 July 2026.

shelters and almost universally, homelessness is associated with men.⁷

In Europe, women's homelessness has long been treated as a "subcategory" of homelessness, while growing research reveals that women experience different pathways into, and trajectories through homelessness than those reflected in dominant understandings.⁸ Often referred to as "hidden homelessness", these trajectories are frequently absent from narrow homelessness definitions.⁹ This raises the question of whether national legal and administrative conceptions of homelessness adequately accommodate the less visible and gendered trajectories through which women experience homelessness.

This thesis examines this question in the Belgian context, where access to a wide range of social and civil rights is conditional on having an official address. To mitigate the exclusion of persons experiencing homelessness from social assistance and benefits, Belgium established the reference address: an administrative address that may be requested through the Public Centres for Social Welfare (CPAS).¹⁰ Whilst the reference address effectively functions as a gateway to rights for persons experiencing homelessness, access depends on the legal and administrative recognition of homelessness and on operationalization through administrative procedures.¹¹ However, existing research finds that the implementation is subject to significant challenges and that, despite being eligible, many applicants nevertheless experience exclusion.¹² Although women represented only 29.1% of reference address beneficiaries in

⁷ Harm Deleu, Mieke Schrooten and Koen Hermans, 'Hidden Homelessness: A Scoping Review and Avenues for Further Inquiry' (2023) 22 Social Policy and Society 282, 5 <<https://doi.org/10.1017/S1474746421000476>> accessed 23 April 2026; Magdalena Mostowska, 'How the Production of Statistics Makes Homeless Women (in)Visible' 5, 5 <https://www.academia.edu/28318694/How_the_production_of_statistics_makes_homeless_women_in_visible> accessed 9 June 2026.

⁸ Joanne Bretherton and Paula Mayock, 'Women's Homelessness: European Evidence Review' (FEANTSA 2021) 9 <<https://doi.org/https://doi.org/10.15124/yao-3xhp-xz85>> accessed 19 March 2026; Alba Galán-Sanantonio and Mercedes Botija, 'Barriers and Opportunities in Accessing Social Care for Women Experiencing Homelessness: A Systematic Integrative Review' (2024) 2024 Health & Social Care in the Community 2 <<https://doi.org/https://doi.org/10.1155/2024/3010747>> accessed 16 June 2026.

⁹ Nicholas Pleace, 'Exclusion by Definition: The Under-Representation of Women in European Homelessness Statistics' in Paula Mayock and Joanne Bretherton (eds), *Women's Homelessness in Europe* (Palgrave Macmillan UK 2016) 116 <<https://doi.org/10.1057/978-1-137-54516-9>> accessed 11 June 2026.

¹⁰ *Loi du 19 juillet 1991 relative aux registres de la population, aux cartes d'identité, aux cartes des étrangers et aux documents de séjour* (Law of 19 July 1991 on Population Registers, Identity Cards, Foreigner Identity Cards and Residence Documents) art 1(2); *Arrêté royal du 16 juillet 1992 relatif aux registres de la population et au registre des étrangers*. (Royal Decree of 16 July 1992 relating to the Population Registers and the Register of Foreigners) art 20(3).

¹¹ Jacques Moriau and others, 'Invisibles Aux Yeux de l'État. Une Première Estimation Des « disparitions Administratives » En Région de Bruxelles-Capitale' [2024] Brussels Studies 2 <<https://doi.org/https://doi.org/10.4000/11plr>>.

¹² Laure-lise Robben, Rik Peeters and Arjan Widlak, 'Burdens on the Gateway to the State: Administrative Burdens in the Registration of People Experiencing Homelessness in Belgium and the Netherlands' (2024) 43

2023 (compared with 70.9% men)¹³, research has not yet examined how the reference address system interacts with women's specific homelessness trajectories and whether its legal and administrative processes may produce differentiated experiences for women. Since women's homelessness trajectories more frequently diverge from dominant constructions and assumptions of homelessness, the process of administrative recognition may unintentionally produce differentiated barriers for women.

To examine this hypothesis, this thesis draws on Katherine Bartlett's feminist legal method of Asking the Woman Question and investigates *to what extent the legal-administrative framework governing the reference address takes women's homelessness trajectories into account and which plausible gendered effects of administrative burdens may emerge during CPAS implementation.*

Through a socio-legal analysis of the reference address, it seeks to bridge existing research on the reference address with literature on women's homelessness by examining whether women's homelessness trajectories are accommodated by legal categories, administrative processes and eligibility conditions of the reference address system in both law and practice. As Belgian legislation, administrative data, statistical reporting, existing research and much of the relevant theoretical literature primarily use the categories of 'women' and 'men', this thesis is necessarily restricted to these binary categories. This does not imply that gender is limited to binary identities, rather, the thesis understands gender as socially and relationally produced.¹⁴ Consequently, the analysis does not examine whether women and men inherently experience access differently, but how documented gendered social realities of 'women' may interact with legal definitions and administrative practices to produce differentiated experiences of recognition and access to legal entitlements. Although the reference address constitutes a national legal and administrative framework, the thesis occasionally draws on examples from Brussels to illustrate dynamics.

Following an overview of the legal and institutional framework governing the reference address, chapter 2 establishes the academic context by reviewing literature on women's homelessness, recognition and access to services. Subsequently, chapter 3 develops the

Journal of Policy Analysis and Management 780, 781 <<https://doi.org/10.1002/pam.22598>> accessed 14 April 2026.

¹³ Frederic Swaelens and others (eds), 'Focus nr. 36: Dak- en thuisloosheid' (POD Maatschappelijke Integratie, Armoedebestrijding, Sociale Economie en Grootstedenbeleid 2024) 11.

¹⁴ Joan Acker, 'Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations' (1990) 4 Gender and Society 139 <<http://www.jstor.org/stable/189609>>.

conceptual framework through Bartlett's Woman Question, Street-Level Bureaucracy and Administrative Burden theory. Chapter 4 explains the methodological approach, whereafter chapter 5 applies this framework to examine both the legal-administrative construction of homelessness and the plausible gendered effects of administrative burdens that may emerge during implementation. The thesis concludes by summarizing the findings, discussing their limitations and proposing recommendations.

1. Legal and Institutional Framework

In the chapter that follows, I present the legal and institutional framework governing the reference address for persons experiencing homelessness (hereinafter PEH). This will lay the foundation for analysing how this system interacts with women's homelessness trajectories. First, I will briefly consider the Belgian governance of homelessness (1.1). Thereafter, I will present the regulatory framework and relevance of the population registers (1.2) and the reference address (1.3). Subsequently, I shall outline the reference address mechanism (1.3.1), the definition of homelessness (1.3.2), as well as the role of the Public Centres for Social Welfare (hereinafter CPAS) in implementing the legal provisions (1.3.3) and the ensuing eligibility conditions (1.3.4).

1.1 The Governance of Homelessness

Requested by the European Parliament in 1987, Belgium formally decriminalized the experience of homelessness in 1993 through the 'Law regarding the Emergency Programme for a Solidary Society'.¹⁵ Furthermore, Article 23 of the Belgian Constitution of 1994 declares that "everyone has the right to lead a life in accordance with human dignity", including the right to social security, the right to decent housing and social and medical assistance.¹⁶ According to the Senate, a life in accordance with human dignity implies the right to a decent standard of living.¹⁷

Belgium's legal landscape that governs the rights of PEH is complex and multi-layered. The

¹⁵ *Loi du 12 janvier 1993 contenant un programme d'urgence pour une société plus solidaire* (Law of 12 January 1993 containing an Urgent Programme for a More Solidary Society), arts 16-18.

¹⁶ *Constitution Belge* (Constitution of Belgium) art 23.

¹⁷ Maxime Stroobant, 'L'ARTICLE 23 DE LA CONSTITUTION ET LA PROBLÉMATIQUE DE LA PAUVRETÉ' (Lutte Pauvrette) 45 <https://luttepauvrete.be/publications/10ansaccord/10ansaccord_01-1_Stroobant_FR.pdf>; see Rapport du groupe de travail du Sénat, 99.

country's federal structure distributes authority across multiple levels of governance, each with disparate competences which are governed by the Special Law of 8 August 1980 on Institutional Reforms.¹⁸ Responsibilities relevant to homelessness are fragmented between the federal state, the Regions, the Communities, municipalities, and the Public Centres for Social Welfare (CPAS in French or OCMW in Dutch). While social security and population registration remains predominantly a federal competence, social assistance policy was transferred to the Communities, including the organic rules governing the CPAS. The Regions are responsible for housing policy and the broader housing infrastructure relevant to homelessness.¹⁹ At the local level, Belgium's 565 municipalities hold responsibilities over matters of municipal interest.²⁰ Each municipality has a CPAS, established under the Organic Law on Public Centres for Social Welfare of 8 July 1976. These are autonomous public welfare institutions mandated to provide social assistance, thereby enabling persons to "lead a life consistent with human dignity."²¹

Importantly, homelessness is a multidimensional phenomenon. As it does not simply derive from the lack of housing, but multiple complex causes - social, economic, administrative, health-related, migratory - and affects diverse populations, responsibilities are further dispersed across various sectors, which are likewise governed by different institutional actors.²²

Belgium's welfare system distinguishes between social security and social assistance. Whilst social security operates as a contributory system for employees, employers, and the self-employed, thereby covering benefits such as pensions and unemployment insurance, social assistance - a subdivision of social security - functions as a safety net for persons who are not eligible for contributory benefits and whose resources are considered insufficient.²³

In order to access social security and social assistance, a person must be registered in the population register.²⁴ Registration is also a precondition for a wide range of other civil and social rights and procedures. On the one hand, this includes voting rights, health insurance, child allowances and housing support. On the other hand, it also affects various administrative

¹⁸ Loi spéciale du 8 août 1980 de réformes institutionnelles (Special Law of 8 August 1980 on Institutional Reforms).

¹⁹ Special Law of 8 August 1980 (n 18) arts 5 and 6.

²⁰ *Constitution of Belgium* (n 16) art 162; see also art 41.

²¹ *Loi organique du 8 juillet 1976 des centres publics d'action sociale* (Organic Law of 8 July 1976 on Public Centres for Social Welfare) arts 1 and 57(1).

²² Sacha Hancart, 'La répartition des compétences et le fédéralisme coopératif en matière de sans-abrisme à Bruxelles : des cache-misères ?' (2024) 1 *Revue Droits fondamentaux et pauvreté* 48 and 52 <<https://doi.org/https://hdl.handle.net/2078.5/260080>>.

²³ Daniel Dumont, *Le Revenu de Base Universel, Avenir de La Sécurité Sociale ? Une Introduction Critique Au Débat* (Droit et Société 2023) 30 <<https://doi.org/https://doi.org/10.58079/nxqz>>.

²⁴ Moriau and others (n 11) 2.

procedures such as opening a bank account, renewing identity cards or drivers' licenses, purchasing mobile phone subscriptions, marrying, accepting inheritance or writing a job application.²⁵ Consequently, registration becomes a gateway to social and civil rights.²⁶

1.2 Population Registers

Registration in the population registers is governed by the Law of 19 July 1991 *relating to population registers, identity cards, foreigners' cards and residence documents*. Article 1§1 of that Law requires each municipality to maintain a population register of Belgian citizens and legally residing foreigners.²⁷ Further, the Royal Decree of 16th July 1992 *concerning population registers and the foreigners' register* operationalizes the legal framework, overseeing how municipalities register persons and verify their residence. Article 16 of the Royal decree establishes that the determination of the *principal residence*, where a person is registered in the population register, “is based on a factual situation, namely the finding of an effective stay in a municipality during the greater part of a year.”²⁸ It further clarifies elements of assessment, such as where household members reside during rest periods, energy consumption or telephone expenses.

Consequently, persons without a stable, factual address are not eligible for registration in the population register, posing a problem for various mobile groups, specifically PEH. Furthermore, Article 8 §1 of the 1991 Law on population registers establishes that in the case of a disagreement concerning a person's main residence, an on-site investigation may be carried out.²⁹ If the investigation follows, that a person has left their address without a declaration and a new address cannot be determined, “they will be automatically removed from the population registers.”³⁰ Particularly for PEH, this creates a paradox where they cannot access support for being homeless due to the fact that they are homeless. In the UK, this same dynamic has been described as a “postal paradox”, whereby the lack of an address both results from and

²⁵ Laure-lise Robben, ‘Including the Excluded. Towards a Better Understanding of Access to Social Rights for People Experiencing Homelessness in Belgium.’ (PhD, KU Leuven 2024) 34 and 47

<https://www.researchgate.net/publication/385144880_Including_the_excluded_Towards_a_better_understanding_of_access_to_social_rights_for_people_experiencing_homelessness_in_Belgium> accessed 27 April 2026.

²⁶ Robben, Peeters and Widlak (n 12).

²⁷ This includes persons “authorized to stay for more than three months in the Kingdom, authorized to settle there, or foreigners registered for another reason in accordance with the provisions of the law of December 15, 1980 [...] with the exception of foreigners who are registered in the register of 'expectation [...]”

Law of 19 July 1991 (n 10) arts 1(1).

²⁸ *Royal Decree of 16 July 1992* (n 10) art. 16.

²⁹ Law of 19 July 1991 on Population Registers (n 10), art 8(1).

³⁰ *ibid* art.8.

reproduces homelessness, resulting in a vicious cycle.³¹ In Brussels alone, deregistration concerns around 14,000 people yearly.³²

1.3 The Reference Address and the Definition of Homelessness

1.3.1 The Mechanism

To mitigate this exclusion from the administrative system the reference address mechanism was created, which enables registration in a population register without a permanent residence. It is an administrative address which permits various mobile groups, but also PEH to receive mail and formal documents, thereby maintaining an administrative existence and effectively access to social assistance and benefits which require a registration in the population registers.³³ In its judgment no. 106/2023 of 29 June 2023, the Constitutional Court considered a reference address itself as a form of social assistance, allowing a person “not to be marginalized administratively.”³⁴ In 2024 alone, 26,144 people were registered at a reference address in Belgium (see 5.1.1 for further statistics on reference address beneficiaries).³⁵

The legal and administrative regulation of the reference address is fragmented across several laws, royal decrees, circulars and case law. Legally, it is governed by Article 1 §2 of the Law of 19 July 1991 and by Article 20 §3 of the Royal Decree of 16 July 1992.³⁶ Article 1, §2 of the Law of 19 July 1991 defines the reference address as “*the address either of a natural person registered in the population register at the place where he has established his main residence, or of a legal person, and where, with the agreement of this natural or legal person, a natural person without a fixed residence is registered.*”³⁷ It further stipulates that certain persons are, at their request, registered at a reference address by the municipality where they are usually present. This includes “*people who, due to lack of sufficient resources, do not*

³¹ Gemma Byrne, ‘The Postal Paradox: How Having No Address Keeps People Homeless’ 2 <<https://www.citizensadvice.org.uk/policy/publications/the-postal-paradox-how-having-no-address-keeps-people-homeless/>>.

³² Laure-lise Robben, Adèle Pierre and Koen Hermans, ‘Without an Address, You Do Not Exist: The Invisibility of People Experiencing Homelessness in Belgium’ (Centre for Care Research and Consultancy and centre for Sociological Research 2022) 12.

³³ ‘Cahier de Jurisprudence N° 1 L’adresse de Référence Auprès d’un CPAS Etude de La Jurisprudence Des Cours et Tribunaux Du Travail 2016-2017’ (Service de Lutte Contre la Pauvreté, la Précarité et l’Exclusion Sociale 2018) 3 <<https://luttepauvrete.be/publications/adresserefCPAS.pdf>>.

³⁴ Arrêt n° 263.398 (Conseil d’État (F)) 4.

³⁵ Swaelens and others (n 13) 5.

³⁶ Law of 19 July 1991 (n 10), art 1(2); Royal Decree of 16 July 1992 (n 10) art 20(3).

³⁷ Law of 19 July 1991 (n 10) art 1(2).

*have or no longer have a residence and who, in the absence of registration in the population registers, are deprived of the benefit of social assistance from a public social assistance center or any other social benefit.*³⁸

1.3.2 The Definition of Homelessness

Both laws do not explicitly use the terms “homeless”, “homelessness”, or in French, “sans abris.” Instead, Article 1 §2 of the Law of 1991 refers to “a natural person without a fixed residence”, clarifying that they must lack accommodation due to insufficient resources.³⁹

Following the administrative circular of May 2002 concerning the right to social integration⁴⁰, the first legal instrument to define homelessness was the Royal Decree of 21st September 2004 concerning the granting of a settlement allowance. In Article 1 it defines a homeless person as someone “*who does not have their own accommodation, who is unable to obtain it by their own means and who therefore has no place of residence, or who is temporarily residing in a shelter whilst awaiting the provision of accommodation.*”⁴¹

This wording is replicated in federal administrative guidance by the Federal public planning service for Social Integration (SPP Intégration Sociale), mostly clarified to be extended to persons temporarily residing with private individuals for “the purpose of providing them with assistance, on a transitional and temporary basis, whilst they are waiting to find accommodation.”⁴² Importantly, this extension is not explicitly established in a legal definition, rather it results from interpretations of the Royal Decree of 16 July 1992, as well as explicit clarifications through circulars and administrative guidance by SPF Intérieur. Interestingly, various scholars confirm that Belgium lacks a unified definition of homelessness with different actors applying varying definitions, suggesting a confusion around the Belgian definition of homelessness and its implementation.⁴³

³⁸ *ibid.*

³⁹ *ibid.*

⁴⁰ *Circulaire du 6 septembre 2002 relative à la loi du 26 mai 2002 concernant le droit à l'intégration sociale* (Circular of 6 September 2002 concerning the Law of 26 May 2002 on the Right to Social Integration).

⁴¹ *Arrêté royal du 21 septembre 2004 visant l'octroi d'une prime d'installation par le centre public d'action sociale à certaines personnes qui perdent leur qualité de sans-abri* (Royal Decree of 21 September 2004 providing for the granting of an installation allowance by the Public Centre for Social Welfare to certain persons who cease to be homeless) art 1.

⁴² *Service public fédéral Intégration sociale, «Que veut dire dans la définition de sans-abris “le sans-abri n'a pas de lieu de résidence ou réside temporairement dans une maison d'accueil”» (FAQ,2014) <<https://www.mis.be/fr/faq/que-veut-dire-dans-la-definition-de-sans-abris-le-sans-abri-na-pas-de-lieu-de-residence-ou>>* accessed 7 July 2026.

⁴³ Lotte Lammens and Laure-lise Robben, ‘Accessing Social Rights for Vulnerable Groups Without an Address’ (2025) Volume 13 Social Inclusion 3 <<https://doi.org/10.17645/si.10132>>.

In the analysis, I will compare this homelessness definition with the ETHOS homelessness typology (5.1.2), which will serve in investigating whether the definition is inclusive of women's experiences of homelessness. ETHOS will be initially introduced in chapter 2.1.3.

1.3.3 CPAS Application Procedure

As mentioned, the Public Centres for Social Welfare (CPAS) are mandated to provide social assistance, each exercising a degree of autonomy in determining the form and scope of assistance provided, and how it fulfils its responsibilities.⁴⁴ While Belgian nationals and legally residing individuals may access a broad range of support, persons without a legal residency are not eligible for receiving a reference address and are limited to urgent medical assistance.⁴⁵ Crucially, a significant proportion of the homeless population consists of persons without documentation and legal residence status. Responsibility for asylum seekers lies with the federal reception agency Fedasil, which is mandated to provide material assistance, including accommodation.⁴⁶

PEH who wish to apply for a reference address may submit their request at their local CPAS, which is responsible for assessing eligibility.⁴⁷ As stated, a person can either register at the CPAS or with a natural person, however, the latter option is rarely invoked, as it is difficult to find individuals prepared to provide their address.⁴⁸ Although legally there should be no negative consequence involved for individuals willing to provide a reference address, a prevailing fear about the impact it may have on their own benefits often hinders this option. Additionally, PEH often lack the social networks necessary to resource such an address.⁴⁹ The law further establishes that the CPAS of "the municipality where the person concerned has his de facto residence"⁵⁰ is territorially competent to process the application. Pursuant to Article 60, §1 of the Organic Law of 8 July 1976 on Public Centres for Social Welfare, a qualified social worker must carry out a social investigation into the person's livelihood in order to assess eligibility.⁵¹ Further Article 5 of the Law of 19 July 1991 and Article 10 of the Royal Decree of 16 July 1992 establish, that "the municipal council determines by regulation the procedures

⁴⁴ *Organic Law of 8 July 1976* (n 21) arts 1, 57(1) and 60.

⁴⁵ *Ibid* art 57(2).

⁴⁶ Hancart (n 22) 56.

⁴⁷ *Royal Decree of 16 July 1992* (n 10) art 20(3).

⁴⁸ *Law of 19 July 1991* (n 10) art 1(2).

⁴⁹ Commère and others (n 4) 8.

⁵⁰ *Loi du 2 avril 1965 relative à la prise en charge des secours accordés par les centres publics d'aide sociale* (Law of 2 April 1965 relating to the payment of relief granted by public social welfare centres) art 2(7).

⁵¹ *Organic Law of 8 July 1976* (n 21) art 60(1).

of the investigation”⁵² for verifying the reality of the applicants residence, leaving the implementation largely determined locally. The social investigations serve to determine whether the applicant satisfies the conditions for a reference address, including a homelessness status, insufficient means, and presence in the municipality, without legal guidelines for the procedure’s methodology.⁵³ Receiving a decision may in theory take up to sixty days. The CPAS requires 30 days for processing the request, after which the municipality requires another 15 days, or 30 days if an address is registered with a private individual. In complex cases, deadlines may be extended.⁵⁴ This results in a waiting time of approximately two months before a PEH may receive the social assistance they require - excluding the time it takes for processing deregistration. According to the Organic Law of 8 July 1976, a special committee for social service takes the final decision concerning eligibility based on a report prepared by the investigating social worker.⁵⁵ Consequently, it is a political committee which decides if a reference address is granted or not.⁵⁶ If all legal conditions are met, a reference address must be granted and refusals may be challenged before the Labour Court pursuant to Article 71 of the Organic Law of 8 July 1976.⁵⁷ Lastly, beneficiaries must report quarterly to the CPAS, where their continued eligibility is evaluated.⁵⁸

1.3.4 Eligibility Conditions

The legislation itself establishes a set of formal conditions for obtaining a reference address. However, the distinction between legal conditions, administrative guidance and conditions emerging through implementation practices is often unclear, leading to differing interpretations. Pursuant to Article 1 §2 Law of 19 July 1991, a person must apply through the competent CPAS and they must be “a person without a fixed address”⁵⁹, which is largely interpreted though the above-mentioned homelessness definition. Furthermore, the applicant must be lacking sufficient resources as well as a registration which deprives them of social

⁵² *Law of 19 July 1991* (n 10) art 5; *Royal Decree of 16 July 1992* (n 10) art 10.

⁵³ Adèle Pierre, ‘De referentieadres voor mensen zonder thuis: een instrument dat versterkt moet worden’ (Bruss’help, 11 September 2025) <<https://brusshelp.org/index.php/nl/news/bruss-help/2947-de-referentieadres-voor-mensen-zonder-thuis-een-instrument-dat-versterkt-moet-worden>> accessed 7 July 2026.>

⁵⁴ SPP Intégration Sociale, ‘L’adresse de référence est peut-être une solution pour vous!’ (Brochure, non datée) 6 <https://www.mi-is.be/sites/default/files/documents/brochure_adresse_de_reference_0.pdf> accessed 7 July 2026.

⁵⁵ *Organic Law of 8 July 1976* (n 21) art 26bis.

⁵⁶ Robben (n 25) 19.

⁵⁷ *Organic Law of 8 July 1976* (n 21) art 71.

⁵⁸ *Law of 19 July 1991* (n 10) art 1(2)

⁵⁹ *ibid.*

assistance or other benefits.⁶⁰ Additionally, when registering at a natural person's address, that person's written consent is required.⁶¹

However, the practical operation of the system through administrative implementation involves a substantially broader set of requirements, which emerge through social investigations, administrative guidance, circulars and local implementation practices. For example, applicants are required to demonstrate "homelessness", the temporary nature of their accommodation with third parties, local connection to the municipality, cooperation with the investigation and continued compliance with monitoring obligations. Further, case law reveals, that in practice, additional conditions are often unlawfully imposed by CPAS and their employees (see 2.4).⁶² This distinction between formal legal conditions and operational eligibility requirements will be essential in understanding how discretion and administrative burdens shape access to the reference address (see 5.2).

More importantly, various actors including civil society organisations, scholars and even governmental policy reports, consistently highlight that the reference address conditions are difficult to interpret and apply, and that administrative procedures can be complex and burdensome for applicants (see 2.4).⁶³ While it is designed to reconnect individuals to the administrative system, research shows that not all eligible individuals obtain a reference address due to procedural barriers or discretionary practices.⁶⁴ Further, the indeterminate nature of the legal and institutional provisions is revealed to translate into significant variation in implementation across municipalities and CPAS, leading to unequal access.⁶⁵

This phenomenon, whereby persons who are eligible for social assistance nevertheless do not receive it for a variety of reasons, is referred to as the non-take up of rights.⁶⁶ Although the concept provides a broader analytical framework within which my conceptual framework (see 3) can be situated, an engagement with the non-take up literature falls outside the scope of this research.

⁶⁰ *ibid.*

⁶¹ *ibid.*

⁶² 'Cahier de Jurisprudence N° 1 L'adresse de Référence Auprès d'un CPAS Etude de La Jurisprudence Des Cours et Tribunaux Du Travail 2016-2017' (n 33).

⁶³ Alexandre Lesiw (ed), '4e Plan Fédéral de Lutte Contre La Pauvreté et de Réduction Des Inégalités' (SPP Intégration sociale, Lutte contre la Pauvreté, Economie sociale et Politique des Grandes Villes 2022) 42 <https://www.mi-is.be/sites/default/files/documents/4e-plan-federal_0.pdf>; Robben (n 25) 57.

⁶⁴ Robben, Pierre and Hermans (n 32) 17.

⁶⁵ Robben (n 25) 66.

⁶⁶ Julie Janssens and Natascha Van Mechelen, 'To Take or Not to Take? An Overview of the Factors Contributing to the Non-Take-up of Public Provisions' (2022) 24 *European Journal of Social Security* 95, 96f. <<https://doi.org/10.1177/13882627221106800>> accessed 9 July 2026.

To conclude, for PEH, the reference address is effectively the gateway to social assistance and other rights. The 4th Federal Plan to combat poverty and reduce inequality of 2022 confirms, that “living without a home constitutes a grave injustice and a violation of fundamental rights” and that “having an address and a home is an essential first step to accessing social, civil, and political rights.”⁶⁷

2. Literature Review

In the following chapter I will first review the literature related to the visibility and recognition of women’s homeless trajectories (2.1). Thereafter, I will detail existing knowledge on women’s homelessness trajectories (2.2), followed by women’s experiences of accessing homelessness services (2.3). Lastly, I will elaborate on the existing literature concerning implementation practices and access to the reference address (2.4). In the conclusion, I shall present the research gap and how this thesis intends to address it (2.5).

Administrative systems play an important role in creating visibility and recognition. As the Belgian reference address system is a key mechanism of administrative inclusion for PEH (see 1.2), recent research has empirically examined its accessibility and the role of discretionary administrative practices in creating burdens for applicants. However, there have been no systematic investigations into how these processes might specifically affect women experiencing homelessness. The core contribution of this thesis research lies in merging knowledge of various scholarly fields, including feminist homelessness literature and empirical research on the reference address. As this thesis is not about homelessness in a broader sense, but more precisely limited to the visibility and administrative recognition of homelessness, many interesting and important aspects of this topic remain outside the realms of this literature review. To name a few, this includes in-depth inquiries into gendered poverty studies, broader structural inequalities and discrimination of persons experiencing homelessness, the sociology of dehumanization, the politics of space and housing, access to other social services and benefits, the needs of women experiencing homelessness or a comprehensive examination of causations of homelessness and domestic abuse studies.

⁶⁷ Lesiw (n 63) 41.

2.1 The Visibility and Recognition of Women's Homelessness Trajectories

In this chapter, I first outline the significance and implications of how homelessness is defined and measured (2.1.1) and then present the errors of defining and measuring homelessness in relation to women's visibility (2.1.2). Subsequently, will introduce the ETHOS typologies (2.1.3) and the discussions on "hidden homelessness" (2.1.4).

2.1.1 Administrative Visibility: Defining and Measuring Homelessness

Popular stereotypes of homelessness have influenced immensely, how it is defined, measured and treated. These portray homelessness as living rough due to 'sin' (i.e., addiction) and 'sickness' (i.e., severe mental illness), when in fact this reality is only experienced by a minority among homeless people.⁶⁸ General public perceptions, as well as official definitions, frequently interpret homelessness as 'sleeping rough' or 'houselessness', thereby limiting the focus to persons living on the streets or in homeless shelters.⁶⁹ Likewise almost universally, homelessness is associated with men.⁷⁰ Importantly, these narratives result in the obscuring of other realities. For decades, equating homelessness with these narrow conceptions has been a common strategy of the political right to conceal the true extent, variety and the socially destructive impact of this social problem, as well as masking the main characteristic of homelessness: structural poverty. To date, defining and measuring homelessness remains a contested matter in Europe.⁷¹ Definitions and classifications render silent what falls outside them. Jacobs et al. assert, that definitions are "subject to ideological influences, availability of resources and expectations bestowed on government and policy makers."⁷² Definitions therefore function as mechanisms of inclusion and exclusion.⁷³

⁶⁸ Teresa Gowan, *Hobos, Hustlers, and Backsliders: Homeless in San Francisco* (Minnesota Scholarship Online 2015) <<https://doi.org/https://doi.org/10.5749/minnesota/9780816648696.001.0001>>.

⁶⁹ Harm Deleu, Mieke Schrooten and Koen Hermans, 'Hidden Homelessness: A Scoping Review and Avenues for Further Inquiry' (2023) 22 *Social Policy and Society* 282, 5 <<https://doi.org/10.1017/S1474746421000476>> accessed 20 April 2026.

⁷⁰ Mostowska (n 7) 5.

⁷¹ Pleace and Hermans (n 5) 48ff.

⁷² J Kemeny, K Jacobs and Tony Manzi, 'The Struggle to Define Homelessness: A Constructivist Approach' in D Clapham and S Hutson (eds), *Homelessness: Public Policies and Private Troubles* (Cassells 1999) 16 <<https://www.semanticscholar.org/paper/the-struggle-to-define-homelessness%3A-a-a-approach-Kemeny-Jacobs/849300e32424413b0456aeafac4678ed3a6d7b73>> accessed 7 July 2026.

⁷³ A recent empirical study on homelessness in Ireland undertaken by Juliette Davret, found that measurement systems demonstrate 'the political life of numbers', where seemingly technical methodologies of data collection and analysis in fact become sites of political contention and imperatives. The measurement methodologies reflect political choices that create real consequences for the development of policies and the vulnerable populations affected by them.

Juliette Davret, 'The Politics of Counting Homelessness: The Case of Ireland' (2026) 36 3, 1f. and 21 <<https://doi.org/https://doi.org/10.1080/10511482.2025.2599125>>.

2.1.2 The Errors in Defining and Measuring Homelessness: Women's Visibility

Measuring populations who are less visible, inherently mobile, and not in contact with services, are for obvious reasons difficult to detect in enumerations. Methodologies can, however, have a huge impact on who is searched for and found. In an action to measure homelessness in Europe, the European Cooperation in Science and Technology COST found three intersecting errors in defining and measuring homelessness in regards to 'hidden' homelessness commonly experienced by women: spatial, administrative and methodological.⁷⁴ Firstly, the spatial error demonstrates a tendency of operational definitions of homelessness being artificially narrow and excluding women's spatial experiences. These definitions reflect societal constructions of homelessness as rough sleeping or staying in homelessness services. Homelessness counts tend to look in spaces, where women experiencing homelessness are unlikely present. This is significant because women are represented more amongst populations experiencing homelessness once definitions broaden beyond this common narrative. In turn, this means that their homelessness also "effectively disappears" once broader situations are excluded from definitions.⁷⁵ Secondly, the administrative error, or category error obscures women's homelessness "by labelling and processing in ways that underplay its nature and extent"⁷⁶, and only documenting women's homelessness in certain systems and circumstances. For example, domestic abuse cases are often only classified as such, instead of (also) as homeless and women with children often fall into the category of 'homeless families.' Thirdly, the methodological error reveals a missing consideration as to whether or not prevailing methods are likely to discover women experiencing homelessness. Intersecting with the spatial error, methodologies of surveys and enumerations are mainly conducted in artificially narrow places and, alongside reproducing dominant narratives of 'sin' and 'sickness' as the main drivers, it also depicts homelessness as a problem mainly affecting lone, adult men.⁷⁷

2.1.3 The ETHOS Typologies

I will now introduce the ETHOS typologies, which will later serve as a benchmark for analysing the Belgian legal-administrative definition of homelessness (see 5.1.2).

Aiming to establish a common language to conceptualize and measure homelessness, the European typology of homelessness and housing exclusion (ETHOS) was developed as part of

⁷⁴ Bretherton and Mayock (n 8).

⁷⁵ *ibid* 9f. and 16.

⁷⁶ *ibid* 16.

⁷⁷ *ibid* 10, 12 and 16; Gowan (n 69).

the European Observatory on Homelessness (FEANTSA) by Edgar et al. and combines objective and subjective elements of homelessness.⁷⁸ The typology sought to broaden understandings of homelessness beyond rough sleeping, staying in emergency accommodation or in homeless shelters and presents a “wide variety of 'living' situations that homeless people face.”⁷⁹ ETHOS distinguishes between rooflessness, houselessness, insecure housing and inadequate housing and includes situations spanning the physical, legal, as well as social domains of *home*.⁸⁰ Its multidimensional approach acknowledges how despite physical shelter, the experience of insecure tenancy, and precarious social relationships can also reflect forms of homelessness.⁸¹ In order to facilitate homelessness measurements at a EU level, ETHOS light was developed in 2007 and focusses on the more readily agreed upon homelessness categories.⁸²

Although ETHOS has become a commonly accepted conceptual framework for understanding homelessness in Europe and significantly influences debates surrounding national homelessness definitions, national definitions and statistical measurements continue to vary significantly.⁸³ Despite its influence, the typology has also received significant criticism. Scholars have questioned the precision of some categories and noted that thresholds such as overcrowding, inadequacy, insecurity or the matter of threat of eviction remain contested and culturally variable. Furthermore, ETHOS has been criticized for creating artificial divisions of categories, prioritizing physical and legal dimensions of housing while inadequately taking into account emotional and psychological dimensions of home. For example, scholars have argued that a person living in a dwelling where they experience abuse, coercion or violence remain insufficiently recognised.⁸⁴

For the purposes of this thesis, ETHOS serves as a conceptual benchmark against which the legal-administrative framework of the reference address will later be compared. Though it cannot provide a perfect definition of homelessness, it will aid in recognizing which

⁷⁸ Bill Edgar, Henk Meert and Joe Doherty, ‘Third Review of Statistics on Homelessness in Europe. Developing an Operational Definition of Homelessness’ (European Observatory on Homelessness 2004); Busch-Geertsema, Johnson and O’Sullivan (n 6).

⁷⁹ ‘Werknota: Het (Referentie)Adres Voor Daklozen’ (Netwerk tegen Armoede 2017) 7
<https://bapn.be/storage/app/media/werknota-netwerk-tegen-armoede-1.pdf>.

⁸⁰ Edgar, Meert and Doherty (n 79).

⁸¹ Davret (n 74) 6.

⁸² Evelien Demaerschalk and others, ‘MEHOBEL Measuring Homelessness in Belgium’ (BRAIN-be 2018) 22.

⁸³ OECD, ‘OECD Toolkit to Combat Homelessness’ (OECD 2024)

<https://doi.org/https://doi.org/10.1787/0fec780e-en> accessed 8 July 2026; Busch-Geertsema, Johnson and O’Sullivan (n 6).

⁸⁴ Pleace and Hermans (n 5) 46.

experiences of homelessness become visible or invisible when compared with the categories recognised by Belgian law.

2.1.4 ‘Hidden’ Homelessness

Scholarship investigating women’s homelessness trajectories finds that women are more likely to experience 'concealed' forms of homelessness, often referred to as “hidden homelessness”⁸⁵ In the literature, the term tends to be used to refer to forms of housing exclusion which are absent from narrow definitions, describing people compelled to temporarily live with relatives, friends, acquaintances or strangers without the security of continued accommodation, nor immediate expectations for accessing permanent housing. A scoping review on the term by Deleu et.al. finds that the term is further used to describe PEH’s reliance on personal survival strategies, their avoidance of services or evading being labelled as homeless. However, though the term ‘hidden homelessness’ has been increasingly employed in the past decades, there is no consensus about what it exactly encompasses, or which profile characteristics it depicts. Deleu et.al. find that the term is conceptually blurred because it has been used in a rhetorical way in order to draw attention to varying issues, rather than as a conceptual framework. Importantly, they find that the extent and nature of hidden homelessness is still underestimated in most studies.⁸⁶

Scholars such as Deleu et.al. and Pleace et.al. argue that the term “hidden homelessness” should be made redundant, as it can be misread or deliberately misused to suggest and reproduce different ‘levels’ of seriousness to homelessness. Living rough or in emergency shelters may be implicitly or explicitly portrayed as more “real” or immediate, whilst homelessness labelled as ‘hidden’ may be treated as less serious.⁸⁷ Related to this, empirical research has suggested, that sofa surfing (a synonym used for the same dynamics) may in fact be characterized by serious, stressful burdens of instability, vulnerability and abuse, affecting mobility, dependence, diet and hindering longer term efforts to exit homelessness.⁸⁸

2.2 Women’s Homelessness Trajectories

Having discussed literature and relevant concepts concerning the visibility and recognition of women’s experiences of homelessness, I will now turn to current knowledge on

⁸⁵ Pleace (n 9) 116.

⁸⁶ Deleu, Schrooten and Hermans (n 70) 6 and 22ff.

⁸⁷ Pleace and Hermans (n 5) 60.

⁸⁸ Deleu, Schrooten and Hermans (n 70) 21ff.

women's homelessness trajectories. This includes a brief acknowledgement of the notion "home" (2.2.1) and a presentation of women's documented pathways into homelessness (2.2.2). It further outlines the relevance of domestic violence (2.2.2.1), and traces women's coping strategies during homelessness (2.2.3).

Women's homelessness has been treated as a "subcategory" of homelessness in Europe with many factors yet in need of research.⁸⁹ Gender specific experiences of homelessness related to health concerns such as menstruation or pregnancies as well as caregiving responsibilities, separation from children or the experience of trauma go beyond the bounds of this thesis. Instead, the following chapter will synergize existing knowledge on gender specific pathways into homelessness and trajectories during homelessness, which will later serve to examine whether woman's trajectories are taken into account in the Belgian reference address system (see 5.1.3). It by no means aims to comprehensively depict women's experiences of homelessness.

2.2.1 Women and Home

*"The 'home to homelessness continuum' still proves inadequate as a means of conceptualising complexity. A linear continuum does not suffice when women hold a multitude of shifting meanings of both home and homelessness."*⁹⁰

Definitions of homelessness have tended to treat homelessness as an issue of physical-legal character, without further reflection on what actually constitutes 'home'. Furthermore, they have often been "created without reference to people with lived experience."⁹¹ 'Home' commonly suggests a safe and secure environment, a refuge from challenges encountered in the external world.⁹² They are places to embody oneself, nurture identity, and a sense of belonging. Whilst this is true for any person, this dimension is particularly relevant in regards to women's homelessness trajectories, as there is a disconnect between the generally accepted imagery of home and the lived experience of many women for whom "housing can be the site

⁸⁹ Bretherton and Mayock (n 8) 5f. and 9.

⁹⁰ Lindsey McCarthy, '(Re)Conceptualising the Boundaries between Home and Homelessness: The Unheimlich' (2018) 33 Housing Studies 960, 3 <<https://doi.org/10.1080/02673037.2017.1408780>> accessed 7 July 2026.

⁹¹ Pleace and Hermans (n 5) 53.

⁹² Daniel Miller (ed), *Home Possessions. Material Culture behind Closed Doors* (Berg Oxford International Publishers Ltd 2001) <https://www.academia.edu/10986207/Miller_Home_Possessions> accessed 7 July 2026.

of exploitation, abuse, repression and violence, an unsafe environment.”⁹³

Homelessness does not begin when a person has left “the home” and entered rooflessness:

*“a woman with no privacy, no physical control over her own living space, no legal right to her housing who is living day to day through the goodwill or possibly exploitation by others, no more has an actual home than someone living rough, albeit that they have a roof over their head.”*⁹⁴

2.2.2 Pathways into Homelessness

Growing evidence shows that women experience different pathways into homelessness, as well as gender-specific needs during homelessness compared to men.⁹⁵ Their trajectories are characterized by “complex interactions of structural and biographical factors”⁹⁶, originating from diverse interrelating elements such as gendered poverty and power structures of society, childhood trauma, housing market discrimination, gender-based violence and a lack of alternative housing options, a greater vulnerability for experiencing recurrent violence, a scarcity of women-specific support services, as well as gender specific experiences of shame and stigma.⁹⁷ Furthermore, issues may intersect “based on age, race, ethnicity, gender and sexual identity, and disability.”⁹⁸

Experiencing homelessness is in itself a traumatic experience. However, research reveals that women experiencing homelessness are very likely to have been persistently exposed to ongoing lifetime sexual trauma, physical assault and victimization, also during childhood.⁹⁹ This can result in multiple episodes of homelessness being triggered.¹⁰⁰ Connected to this, women’s experiences of homelessness are largely connected to mental health issues, as the experience of physical and sexual assault is likely to lead to “high levels of depression, medical problems

⁹³ Pleace and Hermans (n 5) 53.

⁹⁴ Bretherton and Mayock (n 8) 13.

⁹⁵ Bretherton and Mayock (n 8); Galán-Sanantonio and Botija (n 8) 2.

⁹⁶ Sarah Wendt, Kristin Natalier and Sharyn Goudie, ‘Young Women’s Experiences of Violence and Homelessness’ (2025) 31 *Violence Against Women* 1423, 1424 <<https://doi.org/10.1177/10778012241243053>> accessed 7 July 2026.

⁹⁷ ‘HOUSING FIRST & WOMEN Case Studies from across Europe 2022’ <https://housingfirsteurope.eu/wp-content/uploads/2022/05/HousingFirstWomen_casestudies_March2022.pdf> accessed 19 March 2026; Wendt, Natalier and Goudie (n 96) 1424f.

⁹⁸ Wendt, Natalier and Goudie (n 96) 1424.

⁹⁹ ‘HOUSING FIRST & WOMEN Case Studies from across Europe 2022’ (n 97) 3.

¹⁰⁰ Monique Phipps and others, ‘Women and Homelessness, a Complex Multidimensional Issue: Findings from a Scoping Review.’ (2019) 28 *Journal of Social Distress & the Homeless* 1, 4f. <<https://doi.org/https://doi.org/10.1080/10530789.2018.1534427>> accessed 16 June 2026.

and substance abuse issues, as well as increased psychotic symptoms.”¹⁰¹ Interestingly, literature suggests that women may experience more mental health issues than men experiencing homelessness.¹⁰²

2.2.2.1 Domestic Violence

Research on women’s homelessness consistently finds domestic abuse and experiences of gender-based violence to be a major cause of women’s homelessness. This includes intimate partner and family abuse, financial abuse, social isolation, sexual and reproductive coercion, as well as physical and psychological violence and abuse.¹⁰³ Lacking affordable housing options, women may find themselves having to choose between remaining in a violent living situation or being without shelter.¹⁰⁴ Consequently, homelessness is “combined with the trauma, fear and, frequently, the physical danger of domestic abuse that caused it.”¹⁰⁵ Women often endure abusive relationships for considerable periods of time, whereas the hurdles of exiting a violent relationship can be considerably higher if a woman shares children and resources with her aggressor.¹⁰⁶ Whilst women’s various care responsibilities may result in not being able to work and sustain themselves and their families, situations of financial abuse in domestic violence may also lead to a lack of financial resources, as well as unemployment. Thereby, control over access to money, being actively prevented from attaining paid work, or not being able to work due to social isolation and the physical and psychological impact of domestic violence, lead to financial dependence.¹⁰⁷ Furthermore, many women tend to move into the accommodation of their partners, leaving them without legal security in the event of a dispute, unless they are married.¹⁰⁸ The likelihood of fleeing violent situations at short notice further exacerbates financial insecurities, leaving women with no assets or secured housing.¹⁰⁹

¹⁰¹ *ibid* 5; Katrina Milaney and others, ‘Recognizing and Responding to Women Experiencing Homelessness with Gendered and Trauma-Informed Care’ (2020) 20 BMC Public Health 397, 5 <<https://doi.org/10.1186/s12889-020-8353-1>> accessed 1 April 2026.

¹⁰² Galán-Sanantonio and Botija (n 8) 8.

¹⁰³ Wendt, Natalier and Goudie (n 96) 1424f.

¹⁰⁴ ‘HOUSING FIRST & WOMEN Case Studies from across Europe 2022’ (n 97) 3.

¹⁰⁵ Bretherton and Mayock (n 8) 10.

¹⁰⁶ Isabel Baptista, Paula Mayock and Joanne Bretherton, ‘Women’s Homelessness and Domestic Violence: (In)Visible Interactions’ in Paula Mayock and Joanne Bretherton (eds), *Women’s Homelessness in Europe* (Palgrave Macmillan UK 2016) 136 <<https://doi.org/10.1057/978-1-137-54516-9>> accessed 11 June 2026; Bretherton and Mayock (n 8) 20.

¹⁰⁷ Phipps and others (n 100) 3.

¹⁰⁸ ‘Homeless Women Count’ (EUROCITIES, 2024) <<https://eurocities.eu/latest/homeless-women-count/>> accessed 7 July 2026.

¹⁰⁹ Wendt, Natalier and Goudie (n 96) 1425.

Additionally, the fact of having experienced domestic violence is revealed to decrease persons chances of making quick transitions into sustainable housing.¹¹⁰

Importantly, domestic abuse is not the only cause of women's homelessness, and it does not necessarily lead to homelessness - statistics show a far higher prevalence of domestic abuse than homelessness. Further, whilst it is not an experience unique to women, research shows that they are more likely to experience this specific trajectory than men.¹¹¹ Importantly, domestic abuse survivors are often excluded from the datasets of homelessness services, due to the disconnect from domestic violence support systems (see 2.1.2).¹¹²

2.2.3 Coping Strategies

Women experience different trajectories during homelessness concerning coping strategies, access to formal support and services and self-image.¹¹³ The experience of violence is a cause, and also a major consequence of women's homelessness. On the one hand, women experiencing homelessness alongside mental health or drug use issues are less likely to secure specialist support for experiences of gender-based violence and the ensuing trauma.¹¹⁴ On the other hand, women and their families remain vulnerable to sexual and physical abuse during crisis accommodation, couch surfing and rough sleeping. Transactional sex, moving between violent homes and homelessness, exploitative social relationships have been identified as possible survival strategies, which may add to "a subjective sense of safety"¹¹⁵, but nevertheless increase the risk of violence. Many women experiencing recurrent homelessness are found to sustain patterns of exiting homeless services and "entering or re-entering abusive relationships"¹¹⁶ for social, emotional or economic reasons. Moreover, even after leaving relationships, women are frequently subjected to the controlling behaviour of abusive ex-partners.¹¹⁷

Women who sleep rough, in external or public spaces usually conceal their gender and avoid visible locations. Instead, they stay in places such as "hospital waiting rooms, public

¹¹⁰ Baptista, Mayock and Bretherton (n 106) 128.

¹¹¹ Bretherton and Mayock (n 8) 20.

¹¹² Davret (n 74) 3.

¹¹³ Mostowska (n 7) 5.

¹¹⁴ 'HOUSING FIRST & WOMEN Case Studies from across Europe 2022' (n 97) 3.

¹¹⁵ Wendt, Natalier and Goudie (n 96) 1425.

¹¹⁶ Baptista, Mayock and Bretherton (n 106) 133.

¹¹⁷ *ibid* 136.

restrooms, or spend nights walking”¹¹⁸, or on public transport, making it harder for services to find them. Furthermore, women are more likely to rely on their own resources and informal arrangements such as staying with relatives, friends or acquaintances to exit homelessness – they “are not passive victims of their circumstances.”¹¹⁹ At the same time, homelessness is often connected to a lack of social relationships, whereas mothers experiencing homelessness are specifically found to have “less social supports, less contact with friends and family and less people that they can count on for help when needed.”¹²⁰ Nonetheless, women seek formal homelessness accommodation when having exhausted all informal options. Possible reasons for service avoidance are the awareness of male-dominated spaces, the fear of victimisation in services largely oriented towards men, or the fear of stigma and shame.¹²¹ Due to service avoidance, their invisibility when sleeping rough and strategies of resorting to informal networks, many women are less likely to be served effectively by homelessness services.¹²² Importantly, it cannot be presumed that women experience homelessness less frequently, or that it is more often prevented or resolved quicker in European welfare systems.¹²³ Whilst domestic violence may often be the trigger of homelessness, the cause of women’s homelessness is poverty and socioeconomic position: the likelihood of being the primary carers, having a part-time and low-paid job, and being unable to pay rent or an own home without support. Welfare gaps, service exclusion and the lack of support sustain it.¹²⁴

2.3 Women’s Experiences of Accessing Homelessness Services

In this chapter, I present the relevant literature for understanding women’s experiences of accessing homelessness services. This will be structured by social factors (2.3.1) and institutional factors (2.3.2) which have been found to influence women’s experiences. These will be relevant in analyzing how the reference address system may produce plausible gendered effects in access (see 5.2).

¹¹⁸ ‘Homeless Women Count’ (n 108).

¹¹⁹ Bretherton and Mayock (n 8) 25; ‘HOUSING FIRST & WOMEN Case Studies from across Europe 2022’ (n 97) 3.

¹²⁰ Phipps and others (n 100) 6; Baptista, Mayock and Bretherton (n 106) 129.

¹²¹ Bretherton and Mayock (n 8) 6.

¹²² ‘HOUSING FIRST & WOMEN Case Studies from across Europe 2022’ (n 97) 3.

¹²³ Bretherton and Mayock (n 8) 6 and 23.

¹²⁴ Kesia Reeve, ‘Women and Homelessness: Putting Gender Back on the Agenda’ (2018) 11 *People, Place and Policy Online* 165, 169 <<https://doi.org/10.3351/ppp.2017.8845235448>> accessed 7 July 2026; Bretherton and Mayock (n 8) 21.

Existing empirical research highlights that PEH face particular difficulties when accessing systems. Whilst heavily relying on public services, vulnerable groups must navigate “a myriad of procedures and services”¹²⁵ - administrative complexities and barriers, the lack of documentation, and pre-existing vulnerabilities are often cumulative and interdependent, so that “one challenge often leads to or exacerbates another.”¹²⁶ Citizens face an unequal distribution of burdens in administrative processes, as individual characteristics further determine an individual’s experience. Consequently, vulnerable or marginalized populations with fewer economic, cognitive or social resources or capital and administrative literacy – “affected by gender, race, class, or their intersections”¹²⁷ - are disproportionately affected by administrative barriers, a dynamic described as *administrative vulnerability*.¹²⁸ Furthermore, scholars have connected specific characteristics such as gender to divergent decision-making.¹²⁹

It is not easy to discern, in which way gender influences certain processes that concern homelessness. When being processed by bureaucracies, gender may sometimes “work ‘in favour’ of men and other [times] ‘in favour’ of women”.¹³⁰ Nonetheless, a systematic review on access to social care services for women experiencing homelessness reveals a lack of services that provide gender sensitive support for women due to underfunding and the “absence of a gender perspective in homelessness care policies.”¹³¹ Anne Schneider and Helen Ingram examined the normative and evaluative character of the social construction of target populations in policies. They suggest, that they are ultimately stereotypes created by culture, politics, socialization, media etc., including positive constructions, such as narratives of deservingness, intelligence, honesty, and negative constructions such as images of undeservingness, stupidity, dishonesty or selfishness. Policy implicitly communicates these social constructions of citizens and influence the recognition of target groups as socially

¹²⁵ Robben (n 25) 5.

¹²⁶ *ibid* 17.

¹²⁷ Pierre-Marc Daigneault, ‘Administrative Burden Revisited: Advancing Research and Practice’ (2025) 68 Canadian Public Administration 159, 164 <<https://doi.org/10.1111/capa.70000>> accessed 27 April 2026.

¹²⁸ Robben, Peeters and Widlak (n 12) 781; Daigneault (n 128) 163.

¹²⁹ Helen Cramer, ‘Informal and Gendered Practices in a Homeless Persons Unit’ (2005) 20 ResearchGate 737 <<https://doi.org/10.1080/02673030500213987>> accessed 8 July 2026; Sarah Alden, ‘Discretion on the Frontline: The Street Level Bureaucrat in English Statutory Homelessness Services’ (2015) 14 Social Policy and Society 63, 1 <<https://doi.org/10.1017/S1474746414000402>>.

¹³⁰ Magdalena Mostowska, ‘Visible Women, Invisible Gender: Knowledge Production on Homelessness in Flanders’ (2024) 31 European Journal of Women’s Studies 197, 199 <<https://doi.org/10.1177/13505068241255481>> accessed 20 May 2026.

¹³¹ Galán-Sanantonio and Botija (n 8) 4.

meaningful.¹³²

Moreover, despite the evident connection between domestic violence and women's homelessness (see 2.2.2.1), policy and service responses have largely remained separated. As mentioned in the previous section, domestic violence services for example often do not accept women with mental health or substance use issues.¹³³

2.3.1 Social Factors

Besides social and health-related vulnerabilities, there is a general “recognition of the public vulnerability of homeless women.”¹³⁴ This accumulation of various vulnerabilities results in institutional responses to better protect women.¹³⁵ In Brussels for example, shelter priority is often given to women and children, a tendency which is sometimes even believed to disadvantage men in accessing support.¹³⁶ Similarly, a Belgian information guide for the PEH states: “our country is focusing on the homeless and on combating discrimination in the housing sector. The most vulnerable groups, such as single mothers and minors, must be given special attention.”¹³⁷ However, ethnographic research in Brussels reveals an ambiguous relationship between vulnerability and protection, suggesting that shelter spaces may also “reinforce or reproduce a paternalistic power and an understanding of homeless women as dispossessed not only of housing, but also of subjectivity and agency.”¹³⁸

Whilst single mothers with children will often be protected more in certain circumstances, this is likely dependent on “the provision that she signals she is a ‘good mother’”¹³⁹, leading to heightened surveillance of her behaviour. In contrast, research also finds that a woman experiencing homelessness is often perceived as being outside her “expected place at the core of domesticity.”¹⁴⁰ As a result, she is met with a “deeper level of hostility, as a personal moral

¹³² Anne Larason Schneider and Helen Ingram, ‘The Social Construction of Target Populations: Implications for Politics and Policy’ (1993) 87 334, 335f. <<https://doi.org/10.2307/2939044>> accessed 11 June 2026.

¹³³ Baptista, Mayock and Bretherton (n 106)., 140

¹³⁴ Marine Maurin, ‘Femmes sans abri : vivre la ville la nuit. Représentations et pratiques’ (2017) 112 Les Annales de la Recherche Urbaine 138, 140 <<https://doi.org/10.3406/aru.2017.3247>> accessed 8 July 2026.

¹³⁵ Elisabetta Cinzia Rosa, ‘Espaces in/habitable. Pratiques, affects et récits de femmes entre un projet d’habitat solidaire pour femmes sans-abri et la ville (Bruxelles, 2017-2019)’ (2021) 2021 Espace populations sociétés. Space populations societies 2 <<https://doi.org/10.4000/eps.11719>> accessed 20 May 2026.

¹³⁶ Nicole Mondelaers, ‘The Impact of Gender in Homelessness and Housing Deprivation in the Brussels Region’ (*Solidary Mobile Housing*, 2021) <<https://solidhomes.be/?p=143>> accessed 6 April 2026.

¹³⁷ Service public fédéral de Programmation Intégration sociale, *Guide pour les sans-abri: en collaboration avec le Front commun SDF* (SPP Intégration sociale 2003) 3 <<https://cpas-etterbeek.brussels/sites/default/files/2023-03/SPP%20Guide%20pour%20les%20sans-abri.pdf>> accessed 8 July 2026.

¹³⁸ Cinzia Rosa (n 136) 15.

¹³⁹ Bretherton and Mayock (n 8) 18.

¹⁴⁰ ibid 17; Cinzia Rosa (n 136) 2.

failure, than is the case for a lone homeless man.”¹⁴¹ Consequently, she is viewed as deviant for not embodying this expected role. Moreover, empirical research in Brussels reveals that women may themselves be reluctant to identify as being homeless.¹⁴²

Moreover, women experiencing homelessness are quickly assumed to practice sex work by both men and in extreme cases even by formal service staff, resulting in anger and frustration amongst those who are confronted with this stigmatisation.¹⁴³ Research also finds that social stigma related to homelessness and poverty carries more weight for women, resulting in feelings of shame, guilt, being undeserving and often discouraging them from approaching assistance. Fear of rejection or being judged further exacerbates this - especially for mothers who fear being judged as inadequate caretakers - as well as the fear of returning to a situation of dependence.¹⁴⁴

2.3.2 Institutional Factors

Besides having to fill in overwhelming amounts of complex forms and language barriers, women report not knowing where to find help or resources, how to navigate the system or understand eligibility criteria.¹⁴⁵ This lack of information can lead to “missed appointments, confusion about rules, duplication of care, or insufficient attention”¹⁴⁶, preventing women from attaining the support they need. Mothers may face challenges in attending appointments since they often lack the required social support or childcare.¹⁴⁷ Rules and schedules may result in “a sense of institutional control, lack of autonomy, and limitations on personal freedom, particularly affecting women’s experiences”¹⁴⁸ Mental health issues may exacerbate the difficulties in navigating a system, sometimes leading to disengagement. The requirement of providing almost unattainable evidence (such as proving the domestic abuse experienced many years prior) can lead women to feeling disbelieved. Likewise, women may be asked to repeatedly relate their traumas to various people due to a lack of collaboration across services.¹⁴⁹

¹⁴¹ Bretherton and Mayock (n 8) 17.

¹⁴² Cinzia Rosa (n 136) 2f. and 9.

¹⁴³ Joanne Bretherton and Nicholas Pleace, ‘Women and Rough Sleeping: A Critical Review of Current Research and Methodology’ (University of York 2018) 14.

¹⁴⁴ Galán-Sanantonio and Botija (n 8) 4 and 7.

¹⁴⁵ Martha Schofield, ‘Fobbed Off: The Barriers Preventing Women Accessing Housing and Homelessness Support, and the Women-Centred Approach Needed to Overcome Them’ (Shelter 2021) 33ff.

¹⁴⁶ Galán-Sanantonio and Botija (n 8) 7.

¹⁴⁷ *ibid.*

¹⁴⁸ *ibid.* 8.

¹⁴⁹ Schofield (n 145) 32ff.

With regards to interactions between PEH and service providers, a case study by Nanna Mik-Meyer and David Silverman in Denmark reveals how service interactions between PEH and staff represent a verbal and bodily negotiation of neediness and worthiness. Thereby, PEH are required to balance contradictory expectations of autonomy and efficacy while also presenting themselves as vulnerable enough to merit assistance.¹⁵⁰ Further research has shown that service staff develop notions of deservingness, which influence their decision-making choices.¹⁵¹

Research on women's homelessness and service provision in Ireland shows that many women experience caring and encouraging relationships with staff, who cultivated "feelings of belonging, safety and self-worth"¹⁵² by providing psychological and emotional support. Compassion and respect thereby lead to trust and positive connections. However, many interactions were also characterised by feelings of disempowerment and perceived unequal power dynamics. Further studies have found that women experience a lack of agency within homelessness services, which tend to generate feelings of objectification, a sense of powerlessness, loss and infantilisation.¹⁵³ A research conducted in the UK reported that women's experiences of domestic abuse were not managed adequately.¹⁵⁴ Other studies reveal a higher likelihood of discriminatory treatment due to a woman's ethnic background and language barriers compared to other claimants. Generally, lack of gender sensitivity, intersectional perspectives and paternalistic behaviour are found to influence the interactions between women and service providers. Women may face judgement, disregard and skepticism toward their evidence, sometimes resulting in being inadequately attended to. An initial negative experience can lead to future service avoidance. Research suggests a predominant fear when accessing local services, originating in the anticipation of encountering violent ex-

¹⁵⁰ Nanna Mik-Meyer and David Silverman, 'Agency and Clientship in Public Encounters: Co-Constructing "Neediness" and "Worthiness" in Shelter Placement Meetings' (2019) 70 *The British Journal of Sociology* 1640, 1657 <<https://doi.org/10.1111/1468-4446.12633>> accessed 1 April 2026.

¹⁵¹ Martin Baekgaard, Donald P Moynihan and Mette Kjærgaard Thomsen, 'Why Do Policymakers Support Administrative Burdens? The Roles of Deservingness, Political Ideology, and Personal Experience' (2021) 31 *Journal of Public Administration Research and Theory* 184 <<https://doi.org/10.1093/jopart/muaa033>> accessed 16 April 2026; Robben (n 25) 94.

¹⁵² Paula Mayock, Sarah Parker and Sarah Sheridan, 'Women, Homelessness and Service Provision' (Simon Communities in Ireland 2015) 29 <https://www.researchgate.net/publication/297397395_Women_Homelessness_and_Service_Provision> accessed 7 July 2026.

¹⁵³ Bretherton and Mayock (n 8) 6.

¹⁵⁴ Galán-Sanantonio and Botija (n 8) 8; Schofield (n 145) 35.

partners, of losing custody over children or of being involuntarily placed under psychiatric care.¹⁵⁵

2.4 Access to the Reference Address

Returning to the subject of the reference address system and implementation by the CPAS, I will now outline existing knowledge and empirical evidence on access to the reference address. As delineated in the legal framework, a registration in the population registers or at a reference address is necessary to access many social and civic rights, as well as administrative processes (see 1.1). Gargiulo argues that municipal registrations function as a mechanism of “local” citizenship or membership, allowing local authorities to differentiate between those who are recognised as legitimate claimants and those who are not.¹⁵⁶ Without a registration, individuals risk entering what is described as an administrative “no man’s land”, where despite theoretically holding rights, they are unable to access them in practice.¹⁵⁷

Over the years, NGO reports, empirical research and case law finds that implementation problems persist. A 2019 peer review by the European Commission’s DG for Employment, Social Affairs and Inclusion assesses the reference address to have “major problems of accessibility”¹⁵⁸ with diverse and pervasive consequences that exacerbate an individuals disconnect from society. Research by Robben et al. finds, that many eligible applicants experience exclusion and administrative burdens when trying to receive a reference address.¹⁵⁹ The concept of administrative burdens will be further discussed in the conceptual framework (3.3).

In practice, civil registries function simultaneously as instruments for (administrative) inclusion and exclusion¹⁶⁰, whereby participants of a research conducted in Belgium described the exclusion as an ‘administrative death’.¹⁶¹

¹⁵⁵ Galán-Sanantonio and Botija (n 8) 8.

¹⁵⁶ Enrico Gargiulo, ‘The Limits of Local Citizenship: Administrative Borders within the Italian Municipalities’ (2017) 21 *Citizenship Studies* 327 <<https://doi.org/10.1080/13621025.2016.1277982>> accessed 8 July 2026.

¹⁵⁷ Robben (n 25) 47.

¹⁵⁸ Commère and others (n 4) 16.

¹⁵⁹ Robben, Peeters and Widlak (n 12) 781.

¹⁶⁰ Rik Peeters and Arjan Widlak, ‘The Digital Cage: Administrative Exclusion through Information Architecture – The Case of the Dutch Civil Registry’s Master Data Management System’ (2018) 35 *Government Information Quarterly* 4 <<https://doi.org/10.1016/j.giq.2018.02.003>>.

¹⁶¹ Robben, Peeters and Widlak (n 12) 791.

In 2021 the Brussels Parliament itself concluded, that “the reference address at the [CPAS] is not effective enough.”¹⁶² Until 2021, there was a lack of transparency on how many recipients of the reference address were registered on the grounds of homelessness, and there is little publicly available data on rejections or application withdrawals.¹⁶³ In 2009, a study by De Boyser et al. found that only 30.7% CPAS often or always granted a reference address, whilst 55% rarely did and 14.4% refused it completely.¹⁶⁴ In 2017, it was found that refusals had decreased to 8.8% and further to 3.4% in 2020. Still, there is a lack of statistical knowledge on the beneficiaries and refusals. Researchers estimate that only a fourth of all counted PEH have a reference address.¹⁶⁵

Limited to the years 2016-2017, a case law analysis related to the reference address was conducted by the Combat Poverty Service (Service de lutte contre la pauvreté, la précarité et l’exclusion sociale), an independent public institution mandated to protect and monitor the human rights of people in poverty and make recommendations to policy makers.¹⁶⁶ Out of 100 examined cases, in 30 cases the judge considered that an applicant should have been granted or permitted to maintain a reference address.¹⁶⁷ This analysis confirmed the prevalent concerns around the reference address that it “remains an unknown mechanism and there is still a great deal of uncertainty surrounding it, both for the various administrations and for applicants.”¹⁶⁸ The Combat Poverty Service argues that due to this unfamiliarity, and because persons are weary of negative consequences, the reference address is rarely used.¹⁶⁹

Regarding the practical implementation, scholars find that alongside “various loopholes and ambiguities in the different legal texts”¹⁷⁰, the margin for interpretation of the law is too wide. Additionally, the various circulars that aimed to provide practical guidelines for

¹⁶² Parlement Bruxellois, Assemblée réunie de la Commission communautaire commune, *Commission délibérative sur le sans-abrisme: Fiche d'information* (2020–2021) <https://s3.amazonaws.com/participedia.prod/b7f8b6d1-5418-4e59-a857-6279960e952e> accessed 7 July 2026.

¹⁶³ Robben (n 25) 54.

¹⁶⁴ Katrien De Boyser, Linchet Stephanie and Lize Van Dijck, ‘Onderzoek Naar de OCMW-Hulpverlening Aan Dak-En Thuislozen. Een Onderzoek in Opdracht van de POD Maatschappelijke Integratie’ (POD Maatschappelijke Integratie 2009) <https://www.mi-is.be/sites/default/files/documents/ocmw-hulpverleningen_aan_daklozen.pdf>.

¹⁶⁵ Robben (n 25) 38 and 55.

¹⁶⁶ Commère and others (n 4) 11.

¹⁶⁷ ‘Cahier de Jurisprudence N° 1 L’adresse de Référence Auprès d’un CPAS Etude de La Jurisprudence Des Cours et Tribunaux Du Travail 2016-2017’ (n 33) 11.

¹⁶⁸ Commère and others (n 4) 13.

¹⁶⁹ ‘Cahier de Jurisprudence N° 1 L’adresse de Référence Auprès d’un CPAS Etude de La Jurisprudence Des Cours et Tribunaux Du Travail 2016-2017’ (n 33) 6.

¹⁷⁰ Commère and others (n 4) 17.

application instead resulted in confusion and differing interpretations by the authorities.¹⁷¹ Moreover, whilst policies are designed federally, the implementation occurs locally, resulting in a “decentralised assessment of eligibility criteria”¹⁷², differences in implementation and individual treatment.¹⁷³ Moreover, as the procedural responsibilities and competences of the reference address are shared between the CPAS and the municipalities, the matter is approached from two different perspectives. In 2008, the first Federal Poverty Reduction Plan explicitly revealed the inability of PEH to attain a reference address, calling for an improvement of its use¹⁷⁴, however simultaneously, combatting domicile fraud was made a priority.¹⁷⁵ As a result, the municipalities are largely concerned with fraud prevention and misuse of the reference address, whilst the CPAS is engaged in fighting poverty, leading to varying instructions and interpretations, including “the status of the homeless person.”¹⁷⁶ Robben finds that municipalities respond to these incentives with an administrative discretion to construct constraints for access to the reference address.¹⁷⁷ This dynamic is further reinforced by financial structures, as municipalities are obliged to fund CPAS excess expenditure, thereby suffering the economic consequences “of every additional resident that qualifies for such services.”¹⁷⁸ This is believed to create further potential incentives for municipalities to limit costly forms of assistance. In 2018, the Interfederal Combat Poverty Service stated that some CPAS unlawfully restrict registrations for financial or political reasons, leading to jurisdictional disagreements among CPAS regarding responsibility.¹⁷⁹

This uncertainty in CPAS competence responsibility also results from the difficulty in determining the ‘actual place of stay’ of typically mobile PEH. The legal provisions for the territorial competence and the margin for interpretation are revealed to result in many homeless people being referred “from one municipality to another.”¹⁸⁰

Further, research reveals high caseloads and straining demands on social workers. They are expected to navigate intricate legal frameworks whilst simultaneously providing best possible

¹⁷¹ *ibid*; Robben (n 25) 57.

¹⁷² Robben (n 25) 11.

¹⁷³ Hancart (n 22).

¹⁷⁴ Service public fédéral de programmation Intégration sociale, Lutte contre la pauvreté et Économie sociale, *Premier Plan fédéral de lutte contre la pauvreté* (SPP Intégration sociale 2008) 46.

¹⁷⁵ Robben (n 25) 56.

¹⁷⁶ Commère and others (n 4) 9.

¹⁷⁷ Robben (n 25) 94.

¹⁷⁸ Robben, Peeters and Widlak (n 12) 793; Hancart (n 22) 57f.

¹⁷⁹ Lammens and Robben (n 43) 13; ‘Cahier de Jurisprudence N° 1 L’adresse de Référence Auprès d’un CPAS Etude de La Jurisprudence Des Cours et Tribunaux Du Travail 2016-2017’ (n 33).

¹⁸⁰ Commère and others (n 4) 17.

support to claimants. Social workers are tasked with eligibility assessment, conducting demanding social investigations with unclear scopes for evaluating “applicants’ broader socioeconomic contexts”¹⁸¹, continued monitoring of cases and guidance. These demands have been found to result in inconsistent implementation of regulations, inadvertently leading to possible discrimination of applicants.¹⁸²

Legally, the reference address cannot be linked to additional conditions. However, CPAS and employee’s interpretations of the requirement to apply for social assistance, sometimes leads to unlawful demands for additional commitments such as seeking housing, employment, treatment for addictions, personal care programs or debt mediation. Though well-intended, this can pose serious challenges for some PEH and potentially exclude or deter them from receiving a reference address.¹⁸³

Further complicating factors that are repeatedly referred to are the vagueness of the homelessness definition and the variation in its interpretation.¹⁸⁴ To varying degrees, CPAS employees develop individual informal definitions of homelessness, using their discretion to evaluate an individual’s deservingness of this label. Robben argues, that to cope with the ambiguities of their tasks, as well as institutional conditions and incentives, individual municipal employees develop “notions of deservingness” and responsabilization to direct their decision-making and treatment of individual applicants. This involves presenting the reference address as a “favor” or “exception to the rule”.¹⁸⁵ Likewise, challenges such as administrative complexity, lack of documentation, and pre-existing vulnerabilities of PEH tend to interact, creating “a web of obstacles that can be difficult to navigate.”¹⁸⁶ This has resulted in the non-profit organization Human Rights League (Ligue des Droits Humains) calling attention to the fact that the conditions for the eligibility are too difficult to meet and cause uncertainty among potential applicants.¹⁸⁷

¹⁸¹ Lammens and Robben (n 43) 13.

¹⁸² *ibid* 16.

¹⁸³ ‘Cahier de Jurisprudence N° 1 L’adresse de Référence Auprès d’un CPAS Etude de La Jurisprudence Des Cours et Tribunaux Du Travail 2016-2017’ (n 33) 19; Commère and others (n 4) 17; Robben, Pierre and Hermans (n 32) 14; Robben (n 25) 105.

¹⁸⁴ Commère and others (n 4) 9.

¹⁸⁵ Robben, Peeters and Widlak (n 12) 781 and 794f.

¹⁸⁶ Robben (n 25) 5.

¹⁸⁷ Olivia Venet (ed), ‘État Des Droits Humains En Belgique’ (Ligue des Droits Humains 2019).

2.5 Conclusion and Research Gaps

Existing literature demonstrates that access to the reference address is shaped by legal ambiguity, decentralized implementation and discretionary decision-making which can prevent eligible persons from obtaining a reference address. However, literature has not yet examined how the reference address system specifically interacts with women's homelessness trajectories in ways that may produce differentiated experiences.

Moreover, though a growing body of literature and research on women's homelessness has developed over the past two decades, revealing gendered dimensions and experiences of homelessness (see 2.2 and 2.3), to date, little is known about the number of women experiencing homelessness, nor how their access to rights and services is affected by policies. Mostowska notes that hardly any scholarship has examined "the processes of gender being made (in)visible through the production of expert knowledge on homelessness in a specific socio-historical context."¹⁸⁸ Moreover, women's homelessness in Belgium has barely received attention, which Rosa argues is manifested in the design of public policies and assistance services for primarily male audiences.¹⁸⁹

Building on existing research on the reference address, as well as literature on women's homelessness, this thesis aims to address this gap by examining the reference address through the lens of women's homelessness trajectories and querying *to what extent the legal-administrative framework governing the reference address takes women's homelessness trajectories into account and which plausible gendered effects of administrative burdens may emerge during CPAS implementation* (see 5.1 and 5.2).

3. Conceptual Framework

In the following chapter I will introduce the theoretical and conceptual framework which will form the basis of my analysis. First, I will introduce Bartlett's inquiry method of 'asking the Women Question', which will provide the methodological basis for analysis (3.1). Additionally, the theoretical lens which forms the foundational basis of investigation are two related strands of scholarship - Michael Lipsky's 1980 theory of street-level bureaucracy (3.2) and the more recent administrative burden framework created by Pamela Herd, Donald

¹⁸⁸ Mostowska (n 131) 198.

¹⁸⁹ Cinzia Rosa (n 136) 2.

Moynihan, and Hope Harvey in 2015 (3.3).

Together, the theories provide a guide for understanding the dynamics and mechanisms at play in the relationship and interactions between service users and institutions and set the groundwork for examining multi-level homelessness governance. By providing tools to examine how laws translate into practice, they draw attention to potential gaps between formal rights and lived reality of access.

3.1 Asking the Woman Question

This socio-legal analysis is informed and structured by Bartlett's feminist legal method of inquiry 'Asking the Woman Question'. In 1990, Bartlett asserted that feminist legal methods differ from traditional approaches by unveiling otherwise disregarded and suppressed legal issues.¹⁹⁰ The Woman Question was conceived "to expose how the substance of law may silently and without justification submerge the perspectives of women and other excluded groups."¹⁹¹ It thereby considers how rules and practices might appear neutral and objective on paper, but nonetheless overlook certain experiences. Consequently, the law does not have to "explicitly discriminate on the basis of sex"¹⁹² in order to have "differential gendered impacts to the detriment of women."¹⁹³ In a contribution on feminist philosophy of law, Francis and Smith elucidate that, by considering the male norms they assume, longstanding policies can be deconstructed.¹⁹⁴ Importantly, Bartlett insists that gender neutrality should never be assumed in legal analysis, as the Woman Question is always potentially relevant. Though there is no exact methodology or inquiry procedure its objectives are threefold: (1) investigating how a law omits to "take into account the experiences and values that seem more typical of women than of men, for whatever reason"¹⁹⁵ (2) exposing those traits and their operation and (3) suggesting how they could be corrected.¹⁹⁶

I aim to apply Bartlett's Woman Question by examining to what extent the construction of homelessness within the legal-administrative reference address framework recognizes

¹⁹⁰ Katharine T Bartlett, 'Feminist Legal Methods' (1990) 103 829
<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1119&context=faculty_scholarship>.

¹⁹¹ *ibid* 836.

¹⁹² *ibid* 843.

¹⁹³ Rosemary Hunter, 'Felicity Kaganas: Asking the Woman Question in Family Law' [2024] *Journal of Social Welfare and Family Law* 1, 1 <<https://doi.org/https://doi.org/10.1080/09649069.2024.2414627>> accessed 4 June 2026.

¹⁹⁴ Leslie Francis and Patricia Smith, 'Feminist Philosophy of Law' (2021) Winter 2021 Edition
<<https://plato.stanford.edu/archives/win2021/entries/feminism-law/>> accessed 4 June 2026.

¹⁹⁵ Bartlett (n 190) 837.

¹⁹⁶ *ibid* 837ff.

women's homelessness trajectories and how plausible gendered effects of administrative burdens might emerge from its implementation. I will engage in the third objective in the final conclusion of the thesis (see 6).

3.2 Street-Level Bureaucracy and Discretion

Individuals seeking homelessness assistance may effectively enter a "bureaucratic lottery, whereby the type of decisionmaker they see, local scarcity of accommodation options, or the priorities of a given senior officer within an organisation may dramatically affect the outcome." (Sarah Alden)¹⁹⁷

Referring to civil servants such as social workers, welfare officers, teachers, police officers or homelessness service providers, Michael Lipsky defines street-level bureaucrats (SLBs) as public service workers "who regularly interact with citizens in the course of their jobs"¹⁹⁸ and who exercise discretion in the implementation of their work. Discretion is defined as the "extent of freedom a worker can exercise in a specific context and the factors that give rise to this freedom in that context."¹⁹⁹ He describes street-level bureaucracies as places where citizens directly experience government and further explains that these complex encounters may severely influence the benefits and sanctions which they receive.²⁰⁰

Lipsky argues that SLB's effectively become policymakers in practice. Thereby they face a paradoxical challenge, namely treating citizens equally in their claims and simultaneously being responsive to individual needs when appropriate.

The inherent contradictions of their work result in the requirement to use discriminatory discretion to effectively carry out their job. High demand and institutional pressure to meet targets and achieve political policy objectives, chronic scarcity, time pressure and ambiguous legal directives force SLB's to develop informal coping mechanisms through routines of practice and by "psychologically simplifying their clientele and environment"²⁰¹, thereby significantly influencing the results of their efforts.

Importantly, discretion may be used positively to implement policy "fairly, appropriately, and

¹⁹⁷ Alden (n 130) 10.

¹⁹⁸ Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services* (Russell Sage Foundation 1980) xi.

¹⁹⁹ Franklin Akosa and Bossman E Asare, 'Street-Level Bureaucrats and the Exercise of Discretion' in Ali Farazmand (ed), *Global Encyclopedia of Public Administration, Public Policy, and Governance* (Springer International Publishing 2017) 1 <https://doi.org/10.1007/978-3-319-31816-5_3353-1> accessed 7 July 2026.

²⁰⁰ Lipsky (n 198) xi f.

²⁰¹ Michael Lipsky, *Street-Level Bureaucracy, 30th Ann. Ed. Dilemmas of the Individual in Public Service* (Russell Sage Foundation 2010) xii <<http://www.jstor.com/stable/10.7758/9781610446631.20>>.

thoughtfully”²⁰² or negatively, to favour, stereotype and conveniently routinize, in order to serve subjective or organizational purposes. The use of discretion to gatekeep services is not inherently an individual abuse of power, but a structural consequence of institutional demands and policy ambiguity. Lipsky emphasizes the influence of higher institutional levels over the individual autonomy of the street-level bureaucrat and maintains that the unequal distribution of resources inevitably leads to unequal service provision.²⁰³

Adding an important element and complexifying the understanding of discretion, Sarah Alden directly applies Lipsky’s conceptual framework to homelessness studies to investigate the use of illegitimate discretion in English Statutory Homelessness Services, and its consequences for service users. She affirms that (unlawful) discretion emerges in response to organizational top-down pressures, caused by limited resources, target driven work environments and a pressure to make quick decisions. However, Alden also shows that individual values, attitudes and personal characteristics likewise led practitioners to create variably high thresholds for acceptance depending on their personal inclination to goodwill. This in turn contributes to decision-making processes and influences case-outcomes.

This conceptual framework helps to understand how discretionary practices of SLB’s emerge structurally, which different elements they are influenced by and how they structure access to services. It signifies the importance of clear legal directives, available resources, institutional coherence, but also individual attitudes of SLB’s and their social constructions of service users.

With regards to legal scholarship, the concept of discretion is likewise most often associated with an alleged inherent characteristic of executive-administrative power and defined in varying terms depending on the legal discipline.²⁰⁴ Following David Duarte’s general theory of discretion, it describes “the normative situation of an agent empowered by a competence norm to produce legal consequences in the public interest (public agent).”²⁰⁵ A competence norm designates the authority to act without specifying how to. As Mario Krešić notes, amongst several tools to analyze the sources of discretion are “the indeterminacy of law due to the vagueness of language” and “the indeterminacy of law due to uncertainty about

²⁰² *ibid* xiv.

²⁰³ Lipsky (n 198) 193.

²⁰⁴ Mario Krešić, ‘Challenges to a General Theory of Discretion’ (2025) 75 *Zbornik Pravnog fakulteta u Zagrebu* 527, 527f. <<https://doi.org/10.3935/zpfz.75.4.2>> accessed 7 July 2026.

²⁰⁵ *ibid* 534.

which norms belong to the legal order which results from different methods of legal interpretation and legal construction.”²⁰⁶

3.3 Administrative Burdens as Exclusionary Mechanisms

Whilst street-level bureaucracy focuses on understanding how SLB’s apply policy and what agency they have in performing their duties, the administrative burden framework extends and operationalizes Lipsky and further scholars’ conceptual insights.

An administrative burden is “an individual’s experience of policy implementation as onerous”²⁰⁷. The administrative burden framework serves in understanding citizen-state interactions and the effectiveness of public policies, by highlighting the “gaps between policy intention and their ‘real life’ outcomes”²⁰⁸ – how individuals subjectively experience bureaucratic processes. Consequently, administrative burdens are the operational mechanisms through which discretionary welfare governance is experienced by citizens, whereby street-level bureaucrats as frontline workers play a crucial role.

Administrative burdens are commonly divided into three categories of costs which individuals encounter when interacting with state institutions. Learning costs refer to the effort required to understand programs, searching for eligibility criteria and procedures, collecting information and navigating the system. Compliance costs concern the practical requirements of interacting with the state, such as filling out forms, paying fees, gathering documentation, attending appointments and waiting. Psychological costs include stress, stigma, loss of autonomy and independence and the emotional strain associated with interactions.²⁰⁹ Later scholarship has added further dimensions such as redemption costs, a subcategory of learning costs, which refer to challenges in using benefits.²¹⁰ Administrative burdens are “multifaceted, pervasive, and cumulative”²¹¹ and can arise before, during, and after interactions with public institutions.

The administrative burden framework is extremely valuable and relevant, because it demonstrates that formal eligibility does not necessarily result in obtaining access to rights and

²⁰⁶ *ibid.*

²⁰⁷ Robben, Peeters and Widlak (n 12) 741.

²⁰⁸ Robben (n 25) 21.

²⁰⁹ Donald Moynihan, Pamela Herd and Hope Harvey, ‘Administrative Burden: Learning, Psychological, and Compliance Costs in Citizen-State Interactions’ (2015) 25 *Journal of Public Administration Research and Theory: J-PART* 43 <<https://www.jstor.org/stable/24484941>> accessed 16 April 2026.

²¹⁰ Carolyn Y Barnes, “‘It Takes a While to Get Used to’: The Costs of Redeeming Public Benefits’ (2021) 31 *Journal of Public Administration Research and Theory* 295 <<https://doi.org/10.1093/jopart/muaa042>> accessed 8 July 2026.

²¹¹ Daigneault (n 128) 164.

services. Service users potentially face substantial hurdles despite technically qualifying for assistance, as public service workers may create complex application conditions, procedures or conditionalities, prioritize fraud detection in registration procedures for social benefits, or intimidate or discourage target groups from using a service. Burdens can significantly influence the accessibility and effectiveness of public policies, further affecting “individuals’ social and economic participation. Service users may also struggle to fit into “state-defined categories”, answer ambiguous questionnaires, or fear bureaucratic encounters.²¹² As a result of this, service users may face substantial hurdles despite technically qualifying for assistance.

Administrative burdens can function as a form of “policy making by other means.”²¹³ They are not merely the byproduct of bureaucracy, but may also reflect deliberate, ideologically-motivated policy choices to restrict access to services and benefits which individuals are legally entitled to. Political ideology and perceived deservingness further contribute to the tolerance of burdens by policy makers.²¹⁴ Because administrative burdens often appear technical and neutral, they can be used to obscure decisions about rationing resources or limiting welfare access, which would otherwise be deemed as illegitimate objectives.²¹⁵

Inspired by the work of Laure-lise Robben, I draw on Lipsky’s theory and frame the reference address system and its implementation as a site of street-level bureaucracy. This serves as a lens through which to understand the discretionary practices of CPAS social workers during social investigations. Although this thesis does not seek to examine the factors influencing discretion, the framework nonetheless aids in understanding the broader dynamics at play from the perspective of street-level bureaucrats. This, in turn, provides the foundation for applying the administrative burden framework in order to examine the perspectives and experiences of applicants. Thereby, I investigate the plausible gendered effects of learning, compliance and psychological costs that women may encounter when interacting with the reference address system (see 5.2).

²¹² Donald P Moynihan, Pamela Herd and Elizabeth Ribgy, ‘Policymaking by Other Means: Do States Use Administrative Barriers to Limit Access to Medicaid?’ (2016) 48 *Administration & Society* 497 <<https://doi.org/10.1177/0095399713503540>> accessed 8 July 2026; Robben (n 25) 20; Donald Moynihan and Pamela Herd, ‘Red Tape and Democracy: How Rules Affect Citizenship Rights’ (2010) 40 *The American Review of Public Administration* 654 <<https://doi.org/10.1177/0275074010366732>> accessed 8 July 2026; Daigneault (n 128) 162; Robben, Peeters and Widlak (n 12) 783.

²¹³ Pamela Herd and Donald P Moynihan, *Administrative Burden: Policymaking by Other Means* (Russell Sage Foundation 2018) <<https://doi.org/10.7758/9781610448789>> accessed 7 July 2026.

²¹⁴ Robben, Peeters and Widlak (n 12); Baekgaard, Moynihan and Thomsen (n 151) 185.

²¹⁵ Daigneault (n 128) 160; Moynihan, Herd and Harvey (n 209).

4. Methodology

4.1 Research Approach and Design

This research employs a qualitative, feminist socio-legal methodology to investigate whether legal and administrative categories, conditions and processes take the social realities of women experiencing homelessness into account and if plausible gendered effects of administrative burdens may emerge from their implementation. By employing a feminist socio-legal methodology, I intend to examine the law's ability "to reflect or respond to the reality of women's lives"²¹⁶, thereby regarding the legal-administrative framework of the reference address as "normative judgements regarding the 'real needs' of 'real people' in real life."²¹⁷ This research is evidently influenced by my own ideological framework, a combination of anthropological and sociological biography and my rationally and emotionally developed understanding of homelessness. My understanding and approach to knowledge production is constructivist, in the sense that I view meaning and experience as socially produced through subjective construction.²¹⁸ In line with a feminist standpoint theory, I understand knowledge production to be entrenched with power relations.²¹⁹ Knowledge and theory are situated and rooted in positioned realities.²²⁰ As a researcher, my positioned reality remains at a privileged distance, and always with a partial, embodied and socialized perspective on the realities of the subjects of my theorizing.

Informed by Katherine Bartlett's feminist legal inquiry method of Asking the Woman Question, I employ a deductive document analysis of legal provisions, administrative guidance, reports, existing empirical research and I draw from case law. I believe that women's experiences of access to bureaucratic processes should ideally be examined through empirical research with women. More generally, making knowledge claims about PEH, should always

²¹⁶ Rosemary Hunter, 'Feminist Approaches to Socio-Legal Studies' in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds), *Routledge Handbook of Socio-Legal Theory* (1st Edition, Routledge 2019) 260 <<https://doi.org/https://doi.org/10.4324/9780429952814>>.

²¹⁷ Aikaterini Argyrou, 'Making the Case for Case Studies in Empirical Legal Research' (2017) 13 *ResearchGate* 95, 97f. <<https://doi.org/10.18352/ulr.409>> accessed 3 June 2026; Jan M Smits, 'Law and Interdisciplinarity: On the Inevitable Normativity of Legal Studies' (2014) 1 *Maastricht European Private Law Institute Working Paper* 2014/10 75, 84 <<https://papers.ssrn.com/abstract=2410518>> accessed 7 July 2026.

²¹⁸ David Byrne, 'A Worked Example of Braun and Clarke's Approach to Reflexive Thematic Analysis' (2022) 56 *1391*, 1395 <<https://doi.org/https://doi.org/10.1007/s11135-021-01182-y>>.

²¹⁹ Zara Saeidzadeh, 'Gender Research and Feminist Methodologies' in Dragica Vujadinović, Mareike Fröhlich and Thomas Giegerich (eds), *Gender-Competent Legal Education* (Springer International Publishing 2023) 189 <https://doi.org/10.1007/978-3-031-14360-1_6> accessed 4 June 2026.

²²⁰ Donna Haraway, 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective' (1988) 14 *Feminist Studies* 575 <<https://doi.org/10.2307/3178066>> accessed 7 July 2026.

involve their “concrete experience to make that knowledge claim credible.”²²¹ Regrettably, time constraints prevented the execution of an intended ethnographic research project. Nevertheless, through a combination of data from reports, case law and existing empirical research that directly and indirectly recount applicant’s experiences, I aim to address how the legal-administrative framework could shape women’s access.

4.2 Analysis Procedure

With the aim of carrying out the first step of asking the Woman Question, I will first examine which homelessness trajectories the legal-administrative definition of homelessness explicitly includes and implicitly excludes, in order to understand the social reality that it assumes (5.1). I will accomplish this through a comparison with the ETHOS typologies (5.1.2). Subsequently, I will investigate to what extent the documented homelessness trajectories of women are taken into account (5.1.3). Thereafter, in an attempt to perform the second step of asking the Woman Question and exposing how the frameworks omissions operate, I intend to inspect how the implementation of the legal administrative reference address framework within CPAS services may generate plausible gendered effects of administrative burdens (5.2). To accomplish this, I will bring together two bodies of knowledge. Firstly, I will draw on reports, empirical research and existing case law analysis examining the implementation of the reference address system and the administrative burdens it generates. Secondly, I shall draw on the literature concerning women's homelessness trajectories and experiences with homelessness services. Examining these bodies of knowledge through the administrative burden framework of learning, compliance and psychological costs (see 3.3), allows me to identify where the formally gender-neutral administrative requirements may nevertheless produce differential effects for women. The third step of asking the Woman Question - suggesting how the omissions could be corrected - will be acknowledged in the conclusion (see 6).

4.3 Delimitation

A major caveat of this research is a lack of empirical data on women’s experiences. Consequently, the research findings of this thesis will remain hypotheses in need of further empirical evidence. It should therefore be viewed as a starting point, which aims to bridge a gap between existing knowledge on the reference address system and a theoretical gendered

²²¹ Saeidzadeh (n 219) 189.

lens. Furthermore, while acknowledging the importance of intersectional perspectives, as “systems of oppression overlap to create distinct experiences for people with multiple identity categories”²²², the scope of this research does not permit an explicit examination of how the interaction of gender, race, class, and other factors produce qualitatively different forms of marginalisation for women experiencing homelessness. Therefore, the specific legal-administrative implications for migrant women (EU-migrants, undocumented migrants and refugees), as well as LGBTQIA+ will not be able to receive the attention they deserve.

In order to translate literature and documents originally written in French, I employed Google Translate as well as DeepL. Therefore, I cannot guarantee that the translations convey the exact intended meaning. Furthermore, due to my disciplinary background, I selectively employed Open AI to assist in understanding legal provisions and to create references for legal provisions only.

5. Analysis

In the following chapter I intend to ask Bartlett’s *Woman Question* within the legal-administrative reference address system to assess the plausible gendered effects of a formally neutral rule. First, I will present my investigation into which homelessness trajectories the legal-administrative definition of homelessness explicitly includes and implicitly excludes (5.1). In the second half of the analysis, I will display how implementation through CPAS social investigations may create plausible gendered effects of administrative burdens: learning, compliance and psychological costs (5.2).

5.1 Asking the Woman Question: Defining Homelessness

In this chapter, I will present the analysis of the Belgian legal-administrative definition of homelessness. First, I briefly present the sole publicly available statistic on the number of female beneficiaries of the reference address (5.1.1). Thereafter, I outline the comparison of the legal-administrative definition with the ETHOS typologies to identify which living situations are administratively recognized and those that remain outside explicit legal recognition (5.1.2). This will include a short investigation into the significance of ETHOS Category 6 “Temporary Accommodation” (5.1.2.1). Following this, I will propose my findings

²²² The Editors, ‘Kimberlé Crenshaw’s Intersectional Feminism’ (JSTOR Daily, 1 September 2020) <<https://daily.jstor.org/kimberle-crenshaws-intersectional-feminism/>> accessed 15 December 2025.

of applying the Woman Question, where I scrutinise to what extent the legal-administrative framework takes into account the documented homelessness trajectories of women (5.1.3). An intermediate conclusion will summarize my findings (5.1.4).

5.1.1 Female Recipients of the Reference Address: Statistics

In 2024 the *POD Social Integration, Poverty Reduction, Social Economy and Major Cities Policy* published the only publicly available statistic on the reference address, indicating the number of female recipients.²²³ 26,144 people were registered at a reference address in Belgium, of which 54.4% were registered with a CPAS, and 3.6% with a natural person. In the Brussels-Capital Region alone, there were 5,995 registrations with 67.1% registered with the CPAS. In 2023, out of all beneficiaries of federal inclusion measures for homeless people (including the reference address), 53.1% were female and 46.9% male. However, of all beneficiaries with a reference address, merely 29.1% were female and 70.9% male. These statistics demonstrate that women are approximately equally represented, indeed slightly overrepresented in the total beneficiaries receiving homelessness assistance. They are, however, much less represented amongst persons registered under a reference address. This suggests that women are interacting with welfare institutions, but not entering the reference-address category at the same rate as men. The report suggests that this “shows that male beneficiaries are at a higher risk of having a reference address”²²⁴, implying that women are less likely to need a reference address than men by retaining standard registration. However, it does not demonstrate the reasoning. Besides the fact that women receive reference addresses at a far lower rate than men, the statistics alone do not permit conclusions about the recognition or visibility of women’s homelessness trajectories - particularly without a detailed analysis of the eligibility criteria and administrative pathways associated with the other benefits, which falls outside the scope of this thesis.

5.1.2 Comparison with ETHOS

I will now return to the analysis of the Belgian legal-administrative definition of homelessness. As established (see 1.3.2), the first legal instrument to define homelessness was the Royal Decree of 21st September 2004, which refers to a person “*who does not have their own accommodation, who is unable to obtain it by their own means and who therefore has no*

²²³ Swaelens and others (n 13) 5.

²²⁴ *ibid* 11.

place of residence, or who is temporarily residing in a shelter whilst awaiting the provision of accommodation.”²²⁵ It is administratively extended to persons temporarily residing with private individuals for “the purpose of providing them with assistance, on a transitional and temporary basis, whilst they are waiting to find accommodation”.²²⁶ This administrative extension expands the definition beyond visible rooflessness and theoretically allows some forms of “hidden homelessness” to become administratively recognisable. In the analysis I will use the legal-administrative extension of the definition.

The ETHOS typology does not provide a perfect, entirely coherent and inclusive definition. Nevertheless, it serves as a useful benchmark against which the legal-administrative definition of homelessness can be compared, as it identifies a wide variety of living situations that PEH experience (see 2.1.3). Following critiques of ETHOS regarding the under-representation of women in European homelessness statistics, I include three relevant categories which are not contained within either framework²²⁷:

- People living in cheap hotels, bed and breakfasts or similar, because they cannot find other affordable accommodation.
- People living in housing that is actively disabling for them or undermines mental and physical health; housing in environments that pose risks to physical and mental health.
- People explicitly living in or threatened by situations of domestic abuse or violence (without the necessity of prior police action).

²²⁵ Royal Decree of 21 September 2004 (n 41) art 1.

²²⁶ Service public fédéral Intégration sociale, ‘Que veut dire dans la définition de sans-abris “le sans-abri n’a pas de lieu de résidence ou réside temporairement dans une maison d’accueil”’ (n 42).

²²⁷ Pleace (n 9) 56.

TABLE 1 Comparison with ETHOS

	ETHOS	ETHOS Light	Administrative Definition
1	People living Rough in public/external spaces	Included in Category 1	Included
2	People in emergency accommodation (overnight shelters) with no usual place of residence	Included in Category 2	Included
3	People living in short-term accommodation for the homeless: homeless hostels; temporary accommodation; transitional supported accommodation	Included in Category 3	Included
4	People in short-term women's shelters due to domestic violence	Included in Category 3	Included
5	People in short-term or reception accommodation due to immigrant status	Not explicitly included	Not explicitly included
6	People living in and due to be released from institutions without housing prior to release (medical, penal or children's homes)	Included in Category 4 (children's homes not explicitly included)	Included in SPP guidance
7	People receiving longer-term support (due to homelessness) such as supported accommodation for formerly homeless people (normally more than one year)	Not explicitly included	Not explicitly included
8	People living in insecure accommodation: temporarily with family/friends (due to lack of housing); no legal (sub)tenancy; illegal occupation of land	Included in Category 6	Included
		Not explicitly included Not explicitly included	Not explicitly included; Squatting uninhabited housing "to sleep" there (so not explicitly to live) included in SPP guidance
9	People living under threat of eviction (legal- or repossession orders enforced)	Not explicitly included	Not explicitly included Having been illegally evicted is included in SPP guidance
10	People living under threat of violence (where police action is taken to ensure place of safety for victims of domestic violence)	Not explicitly included	Not explicitly included
11	People living in temporary/non-conventional structures (mobile homes, non-conventional buildings; temporary structures)	Included in Category 5	Not explicitly included (a separate reference address category exists for mobile homes)

12	People living in unfit housing (defined as unfit by national legislation or building regulations)	Not explicitly included	Not explicitly included
13	People living in extreme over-crowding (according to national density standard)	Not explicitly included	Not explicitly included
Added	People living in cheap hotels, bed and breakfasts or similar, because they cannot find other affordable accommodation	Not explicitly included	Not explicitly included
Added	People living in housing that is actively disabling for them or undermines mental and physical health; housing in environments that pose risks to physical and mental health.	Not explicitly included	Not explicitly included
Added	People explicitly living in or threatened by situations of domestic abuse or violence (without the necessity of prior police action).	Not explicitly included	Not explicitly included

The comparison reveals three observations. Firstly, they agree upon a number of living situations deemed as homeless. This includes people living rough in public or external spaces, people staying in overnight shelters, emergency accommodation, or in other short-term accommodation for the homeless, such as homeless hostels, transitional supported accommodation or short-term women's shelters. The threshold of a temporary stay is not defined. Additional situations which the two frameworks have in common are leaving an institution or prison with nowhere to go, squatting in uninhabited buildings to sleep there, not being let into the home by a partner, and having been illegally evicted from accommodation.²²⁸ Importantly, they also both commonly include persons living in insecure accommodation by staying temporarily with family or friends due to lack of housing. Hereby, persons are excluded once they have moved in on a long-term basis, which is clarified as “primarily managing their household matters together” under the same roof.²²⁹

5.1.2.1 Excursus: Significance of ETHOS Category 6 “Temporary Accommodation”

Before continuing with the observations, a short excursus is necessary to comprehend the significance of the latter category for women experiencing homelessness. I will illustrate this with the 2024 homelessness enumeration conducted by Bruss'Help²³⁰ in the Brussels-

²²⁸ Service public fédéral de Programmation Intégration sociale, *Guide pour les sans-abri: en collaboration avec le Front commun SDF* (n 137).

²²⁹ *ibid.*

²³⁰ The central coordination body for emergency aid, integration schemes, as well as conducting studies on homelessness in Brussels.

Capital Region. Indeed, this enumeration methodology employed the ETHOS light typology, which, albeit only semi-reliably, included category 6 “people staying with third parties.”²³¹ In total, 9,777 PEH were counted, including 1,991 women, an increase of 55,2% since the previous enumeration in 2022. Further, 38 non-binary and trans people were counted, 1310 persons whose gender could not be identified as well as 1678 minors.

TABLE 2 Bruss’Help Enumeration 2024

ETHOS Light	Living Situation	Men	Women	Gender undetermined	Minors
Category 1	Sleeping in Public spaces	642	84	242	n/a
Category 2	Emergency accommodation	1,576	434	n/a	524
Category 3	Shelters	541	525		548
Category 4	Institutions	136	76	144	1
Category 5	Unconventional housing (such as squats)	881	397	1,029	n/a
Category 6	People staying with third parties	960	457	n/a	121
Category 7	Under the threat of eviction	24	17	6	30

Findings show that men represented the majority of persons sleeping in public spaces, thereby confirming scholarship, that women are more likely to acquire avoidance strategies. Further, a male majority was also counted in emergency accommodation, however, according to the enumeration report, a large number of minors indicates a significant use of these services by families. Figures in shelters, on the other hand, show a more balanced count. The category “people staying with third parties” identified 1,539 additional persons, who had not been visible in previous enumerations. Compared to sleeping in public spaces, the number of women was particularly high.²³² According to Bruss’Help, this category encompasses diverse situations. Besides benevolent situations, it likewise entails moving into precarious conditions with others, in unsuitable spaces such as cellars, or alternating between temporary

²³¹ Adèle Pierre, ‘Dénombrement Des Personnes Sans-Chez-Soi En Région de Bruxelles-Capitale. HUITIÈME ÉDITION, 6 NOVEMBRE 2024’ (Bruss’Help 2025) 5

<https://brusshelp.org/images/Rapport_denombrement_2024_FR.pdf>.

²³² *ibid* 10f. and 17ff.

accommodation and rough sleeping. These accommodation agreements may also involve providing return acts, such as informal work or sexual relations²³³, reflecting broader literature on women's homelessness trajectories and coping strategies (see 2.2).

Importantly, these less visible forms of homelessness are understood to defy precise quantification, leading to significant limitations regarding the employed enumeration methodology.²³⁴ Moreover, although there was a large number of families in shelters, the enumerations in Brussels confirm scholarship, that women are more likely to avoid staying in emergency accommodation, as well as sleeping rough or, that they adopt strategies to "actively conceal their gender and hide themselves away"²³⁵ (see 2.2.4).

Broadening the homelessness definition for the enumeration resulted in a substantial growth of the registered homeless population, particularly among women, revealing the significance of including ETHOS category 6. Consequently, this demonstrates that incorporating temporary accommodation with individuals into the legal-administrative definition of homelessness in theory improves the recognition of one important dimension of women's homelessness.

Returning to the second observation, the comparison simultaneously reveals that the legal-administrative definition is nonetheless noticeably narrower. There are a number of living situations included in the ETHOS typology, which are not explicitly included in the legal-administrative definition. Though this does not necessarily mean that they are by default excluded, it indicates that these situations are rendered less visible. Living situations considered as homeless that are not included in the legal-administrative definition include:

- situations of *houselessness*: people in accommodation for immigrants.
- situations of *insecure housing*: people receiving longer-term support due to homelessness; people with no legal (sub)tenancy; long-term squatters, who live in the building; persons under the threat of eviction; people living under the threat of violence, where police action has been taken.
- situations of *inadequate housing*: people living in unconventional dwellings such as mobile homes (whereas, persons staying in mobile homes may also be registered with

²³³ Louise Paquot, 'Dénombrement Des Personnes Sans-Chez-Soi En Région de Bruxelles-Capitale. Septième Édition 8 Novembre 2022.' (François Bertrand ed, Bruss'Help 2022)
<https://brusshelp.org/images/Rapport_denombrement_2022_FR.pdf>.

²³⁴ Pierre (n 230) 44.

²³⁵ Bretherton and Mayock (n 8) 12.

a reference address²³⁶); people living in temporary or non-conventional structures; people living in unfit housing; and people living in extreme over-crowding.

- individuals who avoid institutional care, non-EU migrants, and refugees are also excluded by the reference address framework.²³⁷
- *Not included in either framework*: People living in cheap hotels, bed and breakfasts or similar, because they cannot find other affordable accommodation; people living in housing that is actively disabling for them or undermines mental and physical health; housing in environments that pose risks to physical and mental health; people explicitly living in or threatened by situations of domestic abuse or violence (without the necessity of prior police action).

Not all of these situations necessarily require a reference address or might be provided for through other provisional registration. Nonetheless, the common characteristic shared by most of these excluded situations is the absence or the impending absence of a stable and usable address through which an individual can safely exercise their (administrative) rights. This includes not only persons without accommodation, but also those who cannot register at the place where they are residing, whose address cannot safely be disclosed, or who require administrative stability in order to leave abusive or otherwise precarious living situations.

Thirdly, the comparison reveals that the legal-administrative definition centres primarily on the already realized absence of accommodation over threatened housing insecurity. The excluded living situations are characterized by legal insecurity, instability or unsafe situations, whilst included situations imply an assumption that homelessness is spatially visible, administratively demonstrable and verifiable, undoubtedly temporary, and essentially detached from complex relational dependencies.

The comparison demonstrates that the legal-administrative definition does not clearly define what constitutes "own accommodation". Instead, the boundaries of this concept emerge through the selective inclusion and indirect exclusion of particular living situations. Thereby, understanding what the framework includes necessarily requires understanding what it excludes, and vice versa, as the boundaries of eligibility are neither explicit nor straightforward. Why, for example, is temporarily staying with private individuals administratively recognised, whilst living in a squat, cheap hostels other precarious arrangements are not?

Nonetheless, if the purpose of the reference address is to prevent administrative exclusion and

²³⁶ *Law of 19 July 1991* (n 10) art 1(2)

²³⁷ Lammens and Robben (n 43) 17.

the loss of rights ensuing from the lack of a usable address, this arguably is not dependent on specific forms and manifestations of homelessness and thereby extends beyond situations of realised homelessness. It may equally serve individuals whose existing address cannot be used legally, safely, or effectively, thereby including individuals who cannot register at the place where they are temporarily residing, situations of impending homelessness or living under the threat of domestic violence. A specific inclusion of the latter two situations is relevant because, as mentioned, receiving a decision for the reference address may take up to 60 days (see 1.3.3). Persons who are under the threat of becoming homeless or who want to escape their living situations without prior financial security are not covered until the reference address is granted. Arguably, having to wait until literal homelessness occurs defeats the protective purpose of the system. If such situations were included, individuals could apply prior to losing their accommodation or, in the case of survivors of domestic violence, establish a stable administrative basis prior to - and in order to - safely exit their living conditions.

Interestingly, the ETHOS typology was recognised as a conceptual tool in the non-binding 2014 *Inter-federal Cooperation Agreement regarding homelessness and the absence of home* in Belgium. It was however also explicitly stated, that its use does not extend or modify the scope of existing legal provisions and that “an interpretation can therefore [not] be attributed to [the categories].”²³⁸ The agreement employs the legal-administrative definition, without explicitly including persons staying with private individuals. This indicates governmental awareness and acknowledgement of broader conceptual understandings of homelessness, definitional scopes, while choosing not to integrate them into formally operationalized definitions.²³⁹ Further, it illustrates scholar’s arguments that the scope of homelessness definitions are significantly influenced by political choices (2.1.1).

5.1.3 Inclusion of Gendered Trajectories

As established in the second chapter, women experience different causations of and trajectories during homelessness with domestic violence being a major cause (see 2.2.2). Importantly, scholars argue that these experiences themselves constitute homelessness.²⁴⁰ This

²³⁸ Accord de coopération du 12 mai 2014 concernant le sans-abrisme et l'absence de chez-soi (Cooperation Agreement of 12 May 2014 concerning Homelessness and the Absence of Home) ch II.

²³⁹ Having been widely criticised as unambitious and ineffective, the cooperation agreement was amended in 2024.

Hancart (n 22); Swaelens and others (n 13) 3.

²⁴⁰ Bretherton and Mayock (n 8) 13.

raises the question, to what extent the reference address framework inadvertently omits some experiences that women might disproportionately experience.

Drawing from the literature reviewed in chapters 2.2 and 2.3, this exploratory analysis develops a set of illustrative living situations that reflect trajectories commonly associated with women's experiences of homelessness. The purpose is not to provide an exhaustive typology. Nor do the situations aim to depict a comprehensive picture of how women experience homelessness and do not intend to equate all women experiencing homelessness with domestic violence survivors. Rather, these hypothetical scenarios synthesize recurring patterns that can be compared against the legal-administrative definition in order to test its scope and boundaries. The hypothetical situations should therefore be understood as analytically constructed scenarios grounded in existing research rather than as empirical evidence. Importantly, the objective is not to determine whether these situations are definitively included or excluded by the legal framework, but rather, it serves as an analytical test of the definition's clarity of eligibility. The analysis identifies the following living situations in which legal recognition appears clearly recognized, contingent upon administrative interpretation or not clearly recognized.

TABLE 3 Gendered Trajectories

Recognition	Plausible Living Situations
Living situations that are <i>in theory clearly</i> <i>recognized</i> as constituting homelessness	- A woman sleeping rough or temporarily staying in a shelter. - A woman staying with friends, family or acquaintances.
Living situations that are <i>contingent</i> upon administrative interpretation	- A woman is moving in and out of an abusive relationship for economic, emotional or social reasons (for example in order to escape the environment of homelessness services, couch surfing or rough sleeping). - A woman officially owns or rents a house with her partner; however, she cannot return for safety reasons. Would she have to provide stable evidence that she has in fact permanently left the home and cannot return? - A woman has left her relationship in which her finances were tied to her partners. She cannot prove her insufficient means, but also has no access to finances. - A woman is regularly moving between accommodation, shelters and rough sleeping.

Living situations that are <i>not clearly recognized</i> as constituting homelessness	- A woman is staying in cheap hotels and hostels, but cannot find or afford accommodation. - A woman has left an abusive relationship and is moving <i>between municipalities</i> for safety reasons or convenience. She must remain locally connected to ensure CPAS competence. - A woman is still living with her partner experiencing physical, sexual and/or economic violence and abuse, whereby the coercive relationship has left her socially isolated, lacking privacy and control over finances, documentation, post and assets. She wants to receive a reference address so that she can receive her mail elsewhere and pre-emptively secure benefits to be able to leave the relationship. - A woman requests a reference address so as not to be found by her abusive ex-partner who continues to exercise control. - A woman is avoiding the system because she fears stigmatisation, infantilisation, or consequences such as losing custody over her children.
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The comparison demonstrates that several conceivable circumstances do not clearly correspond to administratively recognized forms of homelessness and that the boundaries of the legal-administrative definition are ambiguous. These identified omissions are characterized by mobility, territorial fluidity, spatial (in)visibility and verifiability, relational dependency, challenging documentability, unsafety, and an emotional as opposed to legal-physical understanding of *home* (see 2.2.1).

These and other omissions are significant because they further determine how social workers recognize homelessness. As mentioned, having a reference address could enable a person to sever detrimental relationships, dependency upon a physical space or the ties of financial control. If women are discouraged to apply for a reference address in these situations, or actively denied one because their situations do not officially constitute homelessness, they may be more likely to remain in abusive situations. Likewise, the requirement to remain in a municipality may not take into account the prevalent element of safety for some women experiencing homelessness. These tensions mirror Bartlett's assertion, that legal provisions do not have to "explicitly discriminate on the basis of sex"²⁴¹ in order to have "differential gendered impacts to the detriment of women."²⁴² (see 3.1).

²⁴¹ Bartlett (n 190) 843.

²⁴² Hunter (n 193) 1.

To illustrate these challenges, I will draw from two relevant court cases concerning women who applied for a reference address due to domestic violence. A 2017 Brussels Labour Court case involved a woman who applied for a reference address, in order to make it more difficult for her ex-husband to “trace her actual residential address.”²⁴³ He had been sentenced for attempted murder of the claimant, but was still threatening her from prison. The applicant lived in a supported housing facility in Brussels, together with her five children and was not claiming to be homeless. The reference address was refused, on the grounds that it was not the responsibility of the CPAS, but that of the judiciary or the police. It further specified that the role of the reference address is “not anonymity but security”²⁴⁴, and that she is not and does not state to be homeless. The court ruled that the legal provisions of the reference address “may only be applied to the situations for which they are intended” and that “there is no legal basis for granting the reference address as a guarantee of safety.”²⁴⁵ Although this is only a single judgment, it illustrates that the legal concept of homelessness did not accommodate women requiring administrative invisibility after leaving an abusive relationship. The court treated continued access to an address as evidence against homelessness, whereas feminist homelessness literature conceptualises safety rather than mere physical access to housing as central.

Only recently decided, a similar case was brought before the same court in 2025. It involved a woman, who requested a reference address, with the aim of being able to work without fearing further violence from her ex-partner, who would have been able to access her address. He had committed serious domestic violence against her and sexual assault against their daughter.²⁴⁶ Failing to attend a follow-up appointment at the CPAS, her request was rejected. The CPAS claimed a lack of cooperation and that she had not demonstrated her state of need. The Court acknowledged that the reference address can also “be granted to people who have a roof over their head but cannot reside there for specific reasons (temporary accommodation, shelter, etc.)”²⁴⁷ and that in “this particular case, given the serious risk of violence, the person concerned must be treated in the same way as a person who, for other reasons, cannot be domiciled where she resides.”²⁴⁸ Though this decision is a valuable

²⁴³ *AR 17/866/A* (Tribunal du travail de Bruxelles (NI)) 4.

²⁴⁴ *ibid* 3.

²⁴⁵ *ibid* 5.

²⁴⁶ *RG 25/6322/A* [2026] *Terra Laboris Case Law Comment* (Tribunal du travail de Bruxelles (F)) 1.

²⁴⁷ *ibid* 2.

²⁴⁸ *ibid*.

accomplishment, it remains limited severe cases and to persons who cannot be domiciled where they live. Together these cases illustrate that domestic violence is not sufficiently accommodated within the legal-administrative understanding of homelessness.

5.1.4 Intermediate Conclusion

This first half of the analysis was based on the theoretical recognition of women's trajectories in the legal-administrative definition of homelessness, not taking into account elements which emerge through implementation. The analysis of the legal-administrative definition of homelessness revealed that its scope is significantly narrower than that of ETHOS and that it omits several living situations, which correspond to experiences of homelessness that scholarship identifies as significant, and sometimes disproportionately affecting women. Thereby, it constructs homelessness through categories and evidentiary requirements that determine which experiences become administratively recognizable as homelessness and which do not, despite sharing the underlying characteristics of housing insecurity and the lack of a stable, safe or effective address. Consequently, the legal framework already constructs which experiences are recognizable as homeless through the homelessness definition. The analysis demonstrates that despite appearing formally neutral, the legal-administrative framework and its construction of homelessness are considerably more complex, embedding multiple underlying assumptions about social reality with ambiguous boundaries of eligibility. The reference address framework is "shaped by internal protocols, assumptions, values, and characteristic behaviours."²⁴⁹ Thereby, the seeming objectivity of homelessness definitions may disguise how narrow definitions may be adopted "to limit the scope of acknowledged need and corresponding policy obligations"²⁵⁰ (see 2.1.1 and 2.4).

The framework assumes homelessness to be spatially visible, objectively verifiable, administratively demonstrable, undoubtedly temporary, and essentially detached from complex relational dependencies. Effectively, the reference address is not merely an administrative mechanism for restoring access to rights to those who are administratively disconnected. Rather, it also functions as a decisor of which experiences of housing insecurity are recognised as constituting homelessness in the first place. Thereby, it constructs the scope of administrative recognition and, accordingly, access to rights. Since the reference address was created to

²⁴⁹ Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds), *Routledge Handbook of Socio-Legal Theory* (1st Edition, Routledge 2019) 150 <[https://doi.org/https://doi.org/10.4324/9780429952814](https://doi.org/10.4324/9780429952814)>.

²⁵⁰ Davret (n 74) 7; Pleace (n 9).

remedy administrative exclusion, limiting access to narrowly defined categories of homelessness brings into question, whether the definition is aligned with this purpose.

The analysis suggests that women's experiences of homelessness are more frequently manifested in ways that fall outside the dominant legal-administrative construction of homelessness. Thereby, their coping strategies do not always fit the administrative image of the “administratively verifiable homeless person.” Although the administrative extension of temporary accommodation with individuals theoretically accommodates an important dimension of women’s homelessness, it does not clearly reconcile various other living situations characterized by legal insecurity, instability or unsafety. If women's experiences of homelessness more frequently manifest in ways that challenge the assumptions of homelessness embedded within the legal-administrative definition of homelessness, the risk of remaining insufficiently recognised within the reference address framework increases.

The analysis suggests that administrative inclusion and exclusion begins before an application is assessed - embedded in the legal definition of who can become administratively recognisable as homeless. Crucially, the legal definition does not determine recognition by itself. Instead, recognition and access depend upon social investigations conducted by CPAS social workers, creating additional layers of interpretation, discretion and administrative burdens.

5.2 Asking the Woman Question: Plausible Gendered Effects of Administrative Burdens

The following chapter aims to look in more detail at the implementation of the legal framework of the reference address and how it might structure women’s access to the reference address. I will first provide a brief reminder of the various conditions emerging from the legal-administrative framework of the reference address and their implementation through social investigations. Thereafter, I shall examine plausible gendered effects of learning costs (5.2.1) and compliance costs (5.2.2), which in turn will be subdivided through the criteria *temporary accommodation* (5.2.2.1) and *local connection* (5.2.2.2). Lastly, I will examine psychological costs (5.2.3).

Access to the reference address is not automatically granted to persons experiencing either officially recognized or unrecognized homelessness. As established in the first chapter, the legal-administrative framework sets out a list of conditions which is extended through administrative implementation (see 1.3.4).

TABLE 4 Conditions

Source	Condition
Law of 19 July 1991	(1) legally residing in Belgium ²⁵¹ (2) not being registered at a principal address ²⁵² (3) providing written agreement in the case of registration with a natural person ²⁵³
Royal Decree of 16 July 1992	(4) submitting an application for assistance to the CPAS ²⁵⁴ (5) applying to the competent CPAS (i.e., be locally connected to the municipality) ²⁵⁵ (6) reporting to the CPAS quarterly ²⁵⁶
Royal Decree of 21 September 2004	(7) demonstrating homelessness by ²⁵⁷ a. lack of own accommodation b. lack of sufficient resources c. temporary accommodation
Organic Law of 8 July 1976 on CPAS	(8) cooperating with social investigations ²⁵⁸
Implementation practices	(9) sometimes fulfilling additional unlawful requirements (see 2.4).

Effectively, each of these conditions create an evidentiary and administrative hurdle which applicants must satisfy before being granted access to a reference address. As demonstrated, social workers must assess eligibility through social investigations, which have been described to have an ambiguous scope (see 1.3.3).²⁵⁹ Through the social investigations, administrative recognition becomes dependent on an individual's ability to demonstrate certain situations. Whether a person is sleeping rough, temporarily staying in a shelter or at an individual, their whereabouts, local connection, homelessness status and insufficient means are determined through discretionary social investigations, reflecting a site of street-level bureaucracy. My aim of this thesis is not to investigate the reasoning behind discretionary decision-making (i.e., institutional pressure, scarcity, fraud prevention or individual attitudes (see 3.2)). Rather, I intend to identify the plausible gendered costs that women might encounter

²⁵¹ *Law of 19 July 1991* (n 10) art 1(1)

²⁵² *Ibid* (n 10) arts 1(2); *Royal Decree of 16 July 1992* (n 10) art 20(3).

²⁵³ *Ibid* (n 10) arts 1(2).

²⁵⁴ *Royal Decree of 16 July 1992* (n 10) art 20(3).

²⁵⁵ *Royal Decree of 16 July 1992* (n 10) art 20(3); *Organic Law of 8 July 1976* (n 21).

²⁵⁶ *Royal Decree of 16 July 1992* (n 10) art 20(3).

²⁵⁷ *Royal Decree of 21 September 2004* (n 41) art 1.

²⁵⁸ *Organic Law of 8 July 1976* (n 21) art.60.

²⁵⁹ Lammens and Robben (n 43) 13.

during social investigations. This is facilitated through the administrative burden typology (see chapter 3.3).

It is important to note that describing an administrative burden as gendered does not imply that it is experienced exclusively by women. Likewise, the objective is not to demonstrate that women experience greater administrative burdens than men. Rather, it is to examine whether existing knowledge on women's homelessness trajectories and social circumstances may interact with administrative requirements in ways that increase women's likelihood of experiencing these burdens. Consequently, the analysis identifies plausible mechanisms through which formally gender-neutral law may generate plausible gendered effects. I do not claim to comprehensively include all experiences that women may face, nor do I intend to indicate that these burdens are generated on a broad level by all CPAS and social workers.

5.2.1 Learning Costs

Learning costs (see chapter 3.3) arise because applicants must first understand the reference address system and recognize themselves as eligible before applying and exercising their rights to a reference address. Empirical research reveals that PEH may often not be aware of the reference address, nor of their specific rights. Further, scholars find municipality communication to be reserved and that applicants sometimes require the support of intermediary social workers to be able to navigate the procedure.²⁶⁰ As previously demonstrated, the legal-administrative definition incompletely reflects women's situations that disproportionately affect women. Women whose situations do not correspond to dominant understandings of homelessness or to what is communicated through the CPAS may not recognise themselves as eligible and therefore not apply for assistance. Inevitably, this might deter persons temporarily staying with third parties, as well as those experiencing domestic abuse from making applications. Most saliently, the level of proficiency required to navigate complicated administrative procedure presents an acute challenge to women experiencing or leaving violent relationships, facing traumatization or mental health issues (see 2.3.2).

As previously mentioned, these challenges have been described as administrative vulnerability: marginalized populations with fewer economic, cognitive or social resources or capital, affected by intersectional characteristics such as gender, race or class experience higher

²⁶⁰ Robben (n 25) 108; 'Werknota: Het (Referentie)Adres Voor Daklozen' (n 80).

burdens when navigating administrative systems (see 2.3).²⁶¹ Existing literature on women's homelessness suggest, that women are disproportionately likely to experience administrative vulnerability, because their homelessness trajectories frequently intersect with trauma, mental health issues, and caregiving responsibilities. Learning costs within the administrative design of the reference address become gendered when complex administrative communication reflects dominant understandings of homelessness and insufficiently represents women's trajectories.

5.2.2 Compliance Costs

Compliance costs (see 3.3) may likewise become gendered because the evidentiary requirements through which homelessness is administratively recognised assumes certain forms of homelessness. As established in the first half of the analysis, the definition of homelessness is not merely a neutral description of homelessness (see 5.1).

Likewise, social investigations do not simply discover or identify homelessness, but instead actively construct administratively recognisable homelessness. The reference address system does not merely require homelessness to exist; it requires homelessness to be demonstrable in administratively acceptable ways. Consequently, the burden is not solely proving homelessness, but proving homelessness in the particular form that the administrative system recognises. The following analysis of plausible compliance costs examines how women's trajectories may interact with frontline practices regarding *temporary accommodation with individuals* (5.2.2.1) and *local connection* (5.2.2.2).

5.2.2.1 Temporary Accommodation

As established, the incorporation of temporary accommodation with individuals into the homelessness definition theoretically accommodates the recognition of a significant dimension of women's homelessness (see 5.1.2.). In order to verify the temporary nature of an accommodation, the CPASs usually request two types of documents: "certificates of temporary residence with one or more private individuals, or certificates of presence in reception structures."²⁶² In the prior case, obtaining a certificate then requires a cooperative host.

²⁶¹ Daigneault (n 128) 163f.; Robben, Peeters and Widlak (n 12) 781.

²⁶² Pierre, 'De referentieadres voor mensen zonder thuis' (n 53).

Scholars find that within the field “the definition of ‘temporary stay’ is often contested”²⁶³ and the Network against Poverty confirms significant variation in how CPAS manage temporary residency. They go on to state that whilst many accept these circumstances, some CPAS principally deny the reference address, invoking the Royal Decree of 16 July 1992, arguing that persons who actually reside at an address must register it in the population register. Thereby, they do not regard the administrative extension of the homelessness definition to people living temporarily with individuals (see 1.3.2).²⁶⁴ The Network against Poverty also observes that some CPAS only accept short periods of temporary residency, and that there are “differences within one and the same center”²⁶⁵ concerning the same situations. In interviews conducted with social workers, civil servants and professionals on population registries, Robben similarly finds that persons sleeping rough are considered homeless more often, and their eligibility is assessed quicker than persons temporarily staying with family or friends, which the 2019 peer review by the European Commission’s confirms.²⁶⁶ Relatedly, Robben finds that the applied homelessness definitions vary among social workers as well as across CPAS. Consequently, individuals may be denied a reference address if they do not match the specific CPAS or social worker’s interpretation of homelessness.²⁶⁷ This evokes Alden’s description of street-level bureaucracies as bureaucratic lotteries where various factors may “dramatically affect the outcome” of a service experience (see 3.2).²⁶⁸ Lammens and Robben state that beneficiaries are even advised by certain poverty organizations “to describe their living situations as more precarious than they actually are, to increase the likelihood of being granted a reference address.”²⁶⁹ Furthermore, research finds that PEH “are treated with suspicion if ‘they do not look like homeless people’ (i.e., are dressed too neatly).”²⁷⁰ These findings correlate with concerns regarding the dynamics of ‘hidden homelessness’, where scholars warn that these forms of homelessness may be viewed as less “real” or immediate than others.²⁷¹ Although these living situations are often equally characterized by precarity (see 5.1.2.1), applicants must demonstrate that their circumstances meet the threshold of homelessness applied by CPAS and employees, further resembling Nanna Mik-Meyer and David Silverman account of service interactions representing a verbal and

²⁶³ Lammens and Robben (n 43) 8.

²⁶⁴ ‘Werknota: Het (Referentie)Adres Voor Daklozen’ (n 80) 25.

²⁶⁵ *ibid* 26.

²⁶⁶ Robben, Peeters and Widlak (n 12) 794; Lammens and Robben (n 43) 10; Commère and others (n 4) 17.

²⁶⁷ Robben (n 25).

²⁶⁸ Alden (n 130) 10.

²⁶⁹ Lammens and Robben (n 43) 10.

²⁷⁰ Robben, Peeters and Widlak (n 12) 796.

²⁷¹ Pleace and Hermans (n 5) 60; Deleu, Schrooten and Hermans (n 70).

bodily negotiation of neediness and worthiness, whereby PEH must present themselves as autonomous, but vulnerable enough to merit assistance (see 2.3.2).²⁷²

According to the Combat Poverty Service case law analysis, CPAS decisions to terminate reference addresses because accommodation was no longer deemed temporary were sometimes considered well founded by the court. However, in other cases it ruled that the CPAS had “been too quick to conclude that a fixed residence existed.”²⁷³ If the municipality believes that another provisional registration is possible, it may deny a reference address and “instead register the applicant at what it considers to be their main residence”²⁷⁴, leading to discretionary decisions especially regarding accommodation with friends, family or acquaintances lasting approximately three to six months. In one case, an applicant was forced to register at their parents address despite being in a legal dispute with them.²⁷⁵ This could pose considerable challenges for persons staying in precarious situations.

The Combat Poverty Service also describes the case of a woman who was no longer considered homeless by the CPAS and therefore ineligible for certain homelessness benefits because she had already been registered at three successive reference addresses since being deregistered from the standard population register.²⁷⁶ In this example, the woman’s experience of “hidden homelessness” dynamics - moving from one temporary accommodation to another - was interpreted administratively as evidence that she was not homeless anymore.

Pertinently, the Network against Poverty notes that a major characteristic of homelessness is *“the very rapid transition from one situation to another. From the street to a shelter and back to the street, to moving in with friends or family, to sleeping in a car, to squatting, to temporarily becoming a tenant again or even a homeowner, to...”*²⁷⁷

An illustrative example of the challenges surrounding temporary accommodation with individuals is provided by the Network against Poverty. It concerns

“a young woman [who] loses her job and is evicted due to rent arrears. She moves in with her father and her children. Both she and her father are eligible for unemployment benefits, and both experience consequences for their unemployment payments almost

²⁷² Mik-Meyer and Silverman (n 150) 1657.

²⁷³ ‘Cahier de Jurisprudence N° 1 L’adresse de Référence Auprès d’un CPAS Etude de La Jurisprudence Des Cours et Tribunaux Du Travail 2016-2017’ (n 33) 12.

²⁷⁴ Lammens and Robben (n 43) 12.

²⁷⁵ ‘Cahier de Jurisprudence N° 1 L’adresse de Référence Auprès d’un CPAS Etude de La Jurisprudence Des Cours et Tribunaux Du Travail 2016-2017’ (n 33) 12.

²⁷⁶ *ibid* 21.

²⁷⁷ ‘Werknota: Het (Referentie)Adres Voor Daklozen’ (n 80) 7.

immediately. Consequently, her father throws her and her children out. A friend takes them in while she searches for a new rental home. Because she has since been officially removed from her father's address and her unemployment benefits have been suspended, she requests a reference address from the Public Centre for Social Welfare [...which] refuses because she is 'cohabiting' with her friend."²⁷⁸

Consequently, the administrative burdens of proving temporariness of stay and demonstrating a convincing level of precarity may disproportionately concern women. Further, dependency on the cooperation and goodwill of a host could likely pose an obstacle, as women staying in unstable or abusive arrangements may be unable or unwilling to obtain proof from the person hosting them.

5.2.2.2 Local Connection

In order to determine the competence of the CPAS, the local connection of an individual must be verified through a social investigation²⁷⁹, where they determine the actual presence within the territory of a municipality, a procedure involving various criteria which can be complicated to determine in practice when someone has no stable accommodation. Written approval by individuals with whom a person is temporarily staying, certificates from shelters, or other proof of presence such as cash receipts for purchases in the municipality, or receipts from local doctors may constitute as further evidence.²⁸⁰ If the CPAS considers itself incompetent after having conducted investigations, it must refer the applicant to the CPAS it deems competent.²⁸¹ An inability to prove a local connection can result in the rejection of a reference address.²⁸² Empirical research reports lengthy application forms requiring detailed information of the applicant, including descriptions of their “whereabouts during the previous months or the sleeping locations they often use (even if this is under a bridge).”²⁸³ Sometimes various sleeping locations are required, otherwise applicants are considered to have a permanent dwelling. In order to determine local connection, municipalities may also check a person’s last known address in the population registry. This suggests that not only current, but also a history of presence within the municipality may be demanded. Consequently, women

²⁷⁸ *ibid* 25.

²⁷⁹ *Organic Law of 8 July 1976* (n 21) art 60(1).

²⁸⁰ Robben (n 25) 105.; Pierre, ‘De referentieadres voor mensen zonder thuis’ (n 53).

²⁸¹ *Organic Law of 8 July 1976* (n 21) art 58(3).

²⁸² Robben (n 25) 105.

²⁸³ *ibid*.

who have recently left a municipality for safety reasons may not meet the local connection requirements. The following accounts by the Network against Poverty aims to illustrate the challenges encountered by a woman with regards to demonstrating local connection:

*A woman “had been sleeping in her car with her children for several weeks in a municipal parking lot. When she mentioned that she had already stayed overnight a few times at a friend’s house in the same municipality to make things somewhat bearable for her children (sleeping in a bed for once, washing...), the Social Welfare Department paid her a visit. Because the social worker from the [CPAS] did not find her there during that visit, she refused to believe that she was staying on the territory of the municipality.”*²⁸⁴

The local connection requirement assumes that PEH remain in one municipality, that homelessness is territorially stable and that applicants can demonstrate continuous presence within a single municipality. Whilst the local connection rule may pose a challenge for all PEH - as it is an inherently mobile group - having to remain in the same municipality may pose a gendered effect specifically for women experiencing homelessness caused by domestic violence. Furthermore, it requires disclosing locations of rough sleeping which may be difficult if, as literature suggests, women avoid visible locations and tend to spend their night in various locations such as waiting rooms, restrooms or on public transport (see 2.2.3).²⁸⁵

5.2.3 Psychological Costs

Research finds that applicants have to complete lengthy forms of a “sensitive and intrusive nature”²⁸⁶, demanding detailed personal histories also regarding an individual’s personal, family, and medical circumstances. Applicants feel “like they are required to tell their entire life story to a stranger”²⁸⁷, resulting in feelings of shame, power asymmetry and loss of autonomy. Further, research finds that assessment procedures are experienced as “humiliating and stressful.”²⁸⁸ The meetings between CPAS social workers and PEH often lack privacy, and are sometimes even perceived as hostile environments. The Network against Poverty explains, that PEH’s avoidance of CPAS service is “related to a certain weariness with the assistance

²⁸⁴ ‘Werknota: Het (Referentie)Adres Voor Daklozen’ (n 80) 22.

²⁸⁵ ‘Homeless Women Count’ (n 108).

²⁸⁶ Robben (n 25) 105.

²⁸⁷ *ibid* 108.

²⁸⁸ *ibid* 94.

and services provided, the prospect of having to contend with an uncooperative attitude from social workers, and difficult questions. [...] Sometimes there is outright distrust.”²⁸⁹

These accounts connect to literature on women’s experiences with homelessness services, which find that women experience judgement and scepticism toward their evidence. Likewise, women with domestic violence histories feel that these are not dealt with well (see 2.3.2). Being expected to divulge emotionally challenging and possibly retraumatizing information whilst at the same time facing distrust and skepticism could constitute a particularly stressful and demanding administrative burden that may disproportionately affect women whose homelessness is interconnected with domestic violence.

5.2.4 Intermediate Conclusion

Whilst the legal-administrative homelessness definition theoretically recognizes an important dimension of women’s homelessness by including temporary accommodation with individuals (see 5.1), research further shows that in practice these situations are not consequently accommodated. The fact that the legal administrative definition of homelessness already constructs (albeit ambiguous) boundaries of recognizable homelessness - thereby excluding circumstances which could benefit from a reference address - is compounded by administrative practices. These do not simply implement the legal framework but actively participate in constructing who becomes administratively recognisable as homeless through the discretionary decision-making of social investigations.

Administrative burdens emerge because applicants are compelled to demonstrate that their lived experience corresponds to this legally and administratively recognised form of homelessness. Whilst these burdens may apply to all applicants, when women's trajectories deviate from the assumptions embedded within the system, they may be more likely to encounter specific administrative burdens. The analysis reveals that - depending on the specific circumstances - these may include understanding eligibility, proving temporariness of accommodation, demonstrating a convincing level of precarity when housed with individuals, being dependent on cooperative hosts, being territorially limited, and having to divulge emotionally distressing and potentially retraumatizing information to potentially distrustful staff. This is not because the law explicitly discriminates on the basis of sex, but because the design of eligibility criteria and their corresponding social investigations accommodate (albeit

²⁸⁹ ‘Werknota: Het (Referentie)Adres Voor Daklozen’ (n 80) 20.

also to a limited extent) experiences that are more easily demonstrable within dominant understandings of homelessness.

6. Conclusion

In theorizing the development of discretion and gatekeeping practices within bureaucracies, Clemens sates that public officials' understanding of their department's legal responsibilities is often informally shaped by colleagues' vague knowledge transferals. Drawing an analogy to the game of Scrabble, he explains that bureaucracy is "a game with its own familial rules - and for every organization, the rules are different, even if they conflict with law or central government guidance."²⁹⁰ Importantly, officials most often genuinely believe that their understanding of the rules is correct. However, "bureaucracy is not a game played among equals"²⁹¹ in which all participants can simply insist that the rules be checked again. This analogy illustrates an important aspect of citizen-state interactions experienced by PEH when applying for a reference address. Applicants are subjected not only to the formal legal rules and definitions governing eligibility, but also to the individual understandings and interpretations of those rules by the CPAS and social workers responsible for implementing them.

By asking the Woman Question in the reference address system, this research has explored the extent to which the legal-administrative framework governing the reference address takes women's trajectories into account and which plausible gendered effects of administrative burdens may emerge during implementation through CPAS social investigations. The analysis revealed that the legal-administrative framework of the reference address does not merely identify homelessness, but constructs legal and administrative categories and evidentiary requirements through which homelessness becomes recognizable. Administrative recognition of homelessness is itself gendered because these are built around particular assumptions about what constitutes homelessness, thereby determining which experiences become administratively recognizable as homelessness. Although the homelessness definition accommodates an important dimension common to women's homelessness trajectories by including 'temporary accommodation with individuals', further analysis reveals that this category is inconsistently recognized in practice. Moreover, testing the definition with hypothetical situations revealed that several conceivable circumstances do

²⁹⁰ Luke Clemens, *Clustered Injustice and the Level Green* (Legal Action Group 2020) 70.

²⁹¹ *ibid* 71.

not clearly correspond to administratively recognizable forms of homelessness. These were characterized by mobility, territorial fluidity, spatial (in)visibility and verifiability, relational dependency, challenging documentability, unsafety, and an emotional as opposed to legal-physical understanding of *home* (see 2.2.1). Consequently, the analysis suggests that women's experiences of homelessness are more frequently manifested in ways that diverge from the dominant legal-administrative construction of homelessness. The burden is therefore not simply to prove homelessness, but to prove homelessness in the particular form recognized by the administrative system. Furthermore, whilst the analysis reveals that conditions for gendered non-recognition are already embedded within the formal legal framework, the implementation of the reference address framework through discretionary social investigations further determines the extent of the challenges and may further compound the ambiguous boundaries of the definitions scope of recognition. Plausible gendered effects of administrative burdens include understanding eligibility, proving temporariness of accommodation, demonstrating a convincing level of precarity when housed with individuals, being dependent on cooperative hosts, being territorially limited, and having to divulge emotionally distressing and potentially retraumatizing information to potentially distrustful staff.

Importantly, the analysis is necessarily limited by its conceptual methodology. The comparative tools employed such as the ETHOS typology (see 5.1.2), as well as the exploratory hypothetical situations employed to analyze the inclusion of gendered trajectories (see 5.1.3) remain tied to their scopes as well as their inherently theoretical nature. Further, while the second analysis identifies plausible gendered effects of administrative burdens, it cannot establish their empirical, practical occurrence. These findings should therefore be understood as analytically grounded hypotheses that further warrant empirical investigation into policy design as well as implementation practices. Importantly, defining and researching homelessness should always take into account subjective understandings and perspectives on home and homelessness of those experiencing it, instead of imposing notions that risk stigmatizing and misrepresenting persons with little resources to resist harmful representations.²⁹² As previously mentioned, the research is further limited by its binary nature and should be expanded to include intersectional perspectives.

Despite these limitations, the findings nonetheless provide an initial step towards a gendered understanding of the reference address and, accordingly, of administrative

²⁹² Jolley (n 2).

recognition. This is crucial as it effectively represents the gateway to exercising rights for PEH, thereby creating the risk that fundamental rights come to be treated as discretionary administrative benefits rather than as justiciable legal entitlements. At this point I would like to emphasize that homelessness is one of the gravest manifestations of poverty, social exclusion and injustice in Europe with human rights violations being its cause and consequence.²⁹³

This thesis aimed to examine a gap in research by analysing the reference address framework through a gendered lens. It demonstrates that the recognition of homelessness is not merely a question of legal definition but also of administrative construction. Examining these processes through the experiences of women reveals how apparently neutral legal-administrative frameworks may nonetheless fail to recognise certain trajectories of homelessness.

Finally, I come to the third objective of Bartlett's Woman Question: suggesting how the omissions could be corrected (see 3.1).

The Network against Poverty demands that access to measures for persons experiencing homelessness should not be denied *"because they are already 'served' by another policy domain (campsite residents and caravan dwellers, asylum seekers, victims of domestic violence, people temporarily staying with family, friends, or acquaintances...)*. No one must be forgotten! We therefore request that when designing policies against homelessness, account be taken of ALL 'housing' situations ('categories') referred to in the ETHOS typology."²⁹⁴

Further, the league of human rights declares that *"the allocation of a registered address should not be conditional on residence within a particular local territory, nor on recognized homeless status, nor on the provision of evidence of actively seeking accommodation, nor should it affect a person's status as living with others or living alone."*²⁹⁵

Relating specifically to the accommodation of gendered social realities, relevant trajectories should be more firmly included within the eligibility criteria of the reference address and affirmed within CPAS guidelines. Moreover, findings suggested that the reference address could be understood less narrowly - responding only to realised homelessness - and more broadly as an administrative mechanism for safeguarding access to fundamental rights whenever a person cannot safely or effectively use their residential address (see 5.1.2). This would encompass situations of impending homelessness, domestic violence, frequent mobility,

²⁹³ Lammens and Robben (n 43) 2; Paula Mayock and Joanne Bretherton (eds), *Women's Homelessness in Europe* (Palgrave Macmillan UK 2016) 1 <<https://doi.org/10.1057/978-1-137-54516-9>> accessed 11 June 2026.

²⁹⁴ 'Werknota: Het (Referentie)Adres Voor Daklozen' (n 80) 7.

²⁹⁵ Ligue des droits humains, 'Sans-abrisme : le Conseil d'État annule la dernière circulaire concernant l'adresse de référence pour les sans-abris' (26 May 2025) <<https://www.archive.liguedh.be/sans-abrisme-le-conseil-detat-annule-la-derniere-circulaire-concernant-ladresse-de-reference-pour-les-sans-abris/>> accessed 7 July 2026.

or movement between municipalities. Arguably, the absence of a secure or usable address produces the same administrative exclusion that the reference address was intended to remedy. Lastly, where access to fundamental rights depends upon administrative recognition, evidentiary requirements should not become barriers that effectively prevent those rights from being exercised. Ultimately, the question should not be who is "homeless enough", but who lacks the administrative conditions necessary to exercise their fundamental rights.

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