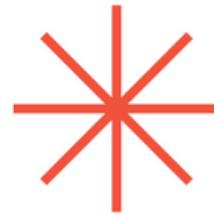




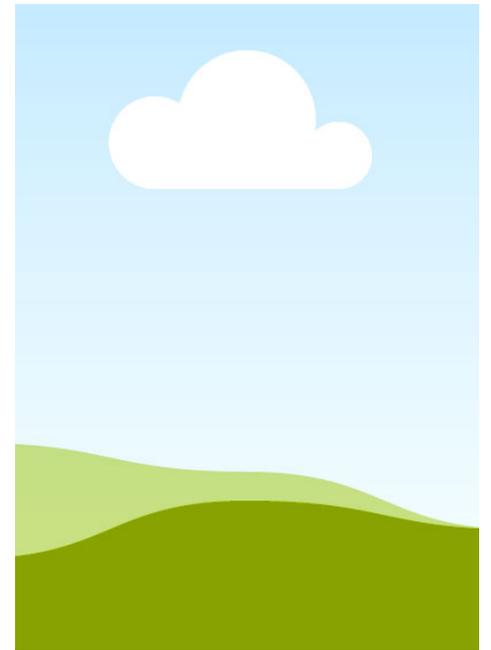
DID YOU SAY BINDING OBLIGATION S ?

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Housing-related Binding Obligations from European and International Law





Shaping of Public Policy and Evaluation

- The **necessary legal, financial, and operational means** for ensuring **steady progress** towards achieving the goals laid down by the ESC.
 - They cannot use the lack of resources as an excuse.
 - The rights recognised in the ESC must take a **practical and effective** form
 - Maintain **meaningful statistics on needs, resources, and results.**
 - Regular reviews of the impact of the strategies.
 - Establish a **timetable** and not defer indefinitely the deadline for achieving the objectives
 - Give **priority to vulnerable groups**
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Adequate Housing and a Healthy Environment

- Guarantee housing of an **adequate standard** for all.
 - **Adequate supply** must take into account the **needs of families** in housing policies and ensure that they include **essential services such as heating and electricity**.
 - The notion of adequate housing applies to **new and existing housing stock**
 - Guarantee that housing is **not overcrowded**, has an adequate size for family members
 - Responsible to **protect residents from dangerous substances**.
 - Evaluate the **risks represented by industrial pollution & noise**.
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Affordable housing

- Take the necessary measures to ensure the construction of **enough housing, especially social housing.**
 - Ensure that the **cost of housing corresponds to average income** // make sure the burden on the most disadvantaged households is compatible with their resources.
 - **Social housing** must particularly target the most vulnerable households.
 - **Reasonable waiting periods** for social housing (and possibility of appeal in case of refusal)
 - States must provide **housing benefits** for people on low incomes and disadvantaged population groups.
 - Individual housing benefits should make the cost of housing affordable (including electricity, taxes, etc.)
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Appeal and Legal Protection of the Right to Housing

- The effectiveness of the right to housing requires adequate **procedural safeguards**.
 - Legal proceeding must take place in a **reasonable time frame**
 - Residents must have **access to affordable and impartial judicial or other remedies**. Their operation must be budgeted for and affordable.
 - The appeal procedure must be **effective**.
 - Public authorities must **comply with court decisions** requiring the provision of housing.
 - the lack of available stock cannot be an excuse.
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Evictions

- Evictions must be established in a **legal framework** that sufficiently protect residents' rights.
 - Legal protection for persons threatened with eviction must include (***ERRC v. Greece***):
 - a prohibition to carry out evictions at night or during winter.
 - access to legal remedies, access to legal aid.
 - compensation in case of illegal evictions.
 - An eviction should be carried out as a **last resort**,
 - The persons concerned must have prior access to an effective judicial remedy in order to ascertain that the measure in question is justified. ***B.D. & others v. Spain***
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Evictions (2)

- **Proportionality assessment** / risk of homelessness
 - Any person threatened with eviction should have the opportunity to have the proportionality of the measure assessed by an independent tribunal
 - Attention to consequences of an eviction, when the person could become homeless.
 - When an eviction is justified in the public interest, States must **rehouse** the evicted households or **provide them with financial assistance**.
 - Obligation to consult the parties affected in order to find **alternative solutions to eviction (M.B.D. and others v. Spain)**
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Prevention of Homelessness

- States must take action to **prevent vulnerable people from becoming homeless**. In addition to a housing policy for all disadvantaged groups of people to ensure access to social housing.
 - In urban planning, the authorities must strike a **balance between the general interest and the fundamental rights of the individuals**, in particular ensuring individuals do not become homeless.
 - States must set up **procedures to limit the risk of eviction**.
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Homelessness and Right to Shelter

- Homeless persons must be **offered shelter - an emergency solution -**
 - Shelters must meet **health, safety and hygiene standards** and be equipped with **basic amenities** such as access to water and heating and sufficient lighting.
 - States should foresee **sufficient places** in emergency shelters and the conditions in the shelters should be such as to enable living in keeping with human dignity.
 - Temporary shelter cannot be considered satisfactory; Individuals who are homeless should be provided with **adequate housing within a reasonable period of time.**
 - In addition, measures should be taken to help such people **overcome their difficulties** and to **prevent them from returning to a situation of homelessness.**
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Roma People and Travellers

- Special consideration should be given to **Roma and travellers' needs and lifestyle.**
 - Their needs and their different lifestyle must be considered both in the **relevant regulatory framework** and in **reaching decisions** in particular cases.
 - Obligation to provide **alternative solutions** in the eviction of Roma and travellers – vulnerable minority-
 - Not taking into consideration the grievances of a minority group can amount to **discrimination.**
 - Roma people constitute a disadvantaged and vulnerable minority and their special needs must be taken into account in the proportionality assessment. ***Hirtu and Others v. France.***
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Migrants and Asylum Seekers

- States must provide **minimum reception conditions for asylum seekers:** accommodation or financial assistance, in order to allow asylum seekers to access housing in the private sector if necessary. ***FEDASIL case Belgium***
 - State should provide decent material conditions to vulnerable asylum seekers. ***M.S.S. v Belgium.***
 - States must provide access to sanitary facilities or other material support for asylum seekers without delay. Reception conditions respectful of human dignity are a right for all asylum seekers because of the vulnerability. ***N.H. v. France***
 - The context of a “migration crisis” cannot be an excuse.
 - Obligation of **protection and care for unaccompanied foreign children**
 - Implement measures for **the protection and care of unaccompanied foreign minors** who have been left in deprivation -unacceptably precarious conditions-
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THANKS FOR YOUR
ATTENTION!

