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May 14th 2021
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FEANTSA's input for the United Nations Special Rapporteur on housing discrimination and spatial segregation

The European Federation of National Organisations working with the homeless, FEANTSA, is the only European organization fighting to end homelessness in Europe. We have members in all EU countries. FEANTSA and its members understand homelessness as a situation that deprives individuals of their fundamental rights, including the right to housing. For FEANTSA, widespread homelessness is evidence of the failure of the States to protect and ensure the human rights of the most vulnerable in Europe. We engage in the protection of the right to housing primarily through transnational exchanges, direct advocacy, and research.

FEANTSA has developed a European Typology of Homelessness and housing exclusion (ETHOS) as a means of improving understanding and measurement of homelessness in Europe, and to provide a common "language" for transnational exchanges on homelessness. ETHOS categories attempt to cover all living situations which amount to forms of homelessness: rooflessness (without a shelter, sleeping rough), houselessness (with a place to sleep but temporary in institutions or shelter), living in insecure housing (threatened with severe exclusion due to insecure tenancies, eviction, domestic violence) and living in inadequate housing (in caravans on illegal campsites, in unfit housing, in extreme overcrowding).¹

In this submission, we would like to focus on the non-exhaustive information provided by some of our members, mainly homeless service providers, as well as data provided by the FEANTSA Secretariat in Brussels. We have access to additional information on this topic via the Housing Rights Watch wider network.²

Housing discrimination and spatial segregation in Europe

The pandemic has created momentum for tackling structural discrimination, poverty, and homelessness in Europe. FEANTSA has called for immediate access to safe, secure, and dignified emergency accommodation for anyone who is homeless, with

¹ European Typology on Homelessness and Housing Exclusion, ETHOS:
<https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

² Housing Rights Watch was created by FEANTSA with the generous support of the Abbe Pierre Foundation as an interdisciplinary European network of associations, lawyers and academics from different countries, who are committed to promoting the right to housing in Europe.
<https://www.housingrightswatch.org/>

all necessary supports and without discrimination.

There are a plurality and complexity of cases when the non-discrimination laws intersect with the right to housing. The disparities in access to housing between migrants and EU nationals are widespread in Europe. Persistent differences are faced especially by Roma people, travellers, migrant workers, refugees, and asylum seekers. There is an array of factors substantiating these disparities, among them: the vulnerability in migrants' status, occupancy rates (overcrowding), the quality of facilities, the concentration in poorer housing areas (often in slums) and finally higher levels of homelessness.

EU Policy Framework and legislation

The **EU Charter of Fundamental Rights** contains a full chapter related to equality: article 20 proclaims the principle of equality before the law, while article 21 states that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion, or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited.³

The EU has produced a wide range of legislation in relation to discrimination.⁴ EU member states have transposed the **EU Racial Equality Directive of 2000** that prohibits discrimination in access to the supply of goods and services based on race into national law.⁵ The Racial Equality Directive implements the principle of equal treatment irrespective of racial or ethnic origin with a broad material scope, covering employment and occupation, social protection including social security and healthcare, social advantages, education, and access to and supply of goods and services available to the public including housing.

European non-discrimination law, as constituted by the EU non-discrimination directives, and Article 14 of the European Convention on Human Rights and its Protocol 12, prohibit discrimination across a range of contexts and grounds. A handbook by the EU Fundamental Rights Agency examines European non-

³ EUCFR, Chapter 3, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT&from=EN>

⁴ [Directive 2000/43/EC](#) against discrimination on grounds of race and ethnic origin.

[Directive 2000/78/EC](#) against discrimination at work on grounds of religion or belief, disability, age or sexual orientation.

[Directive 2006/54/EC](#) equal treatment for men and women in matters of employment and occupation.

[Directive 2004/113/EC](#) equal treatment for men and women in the access to and supply of goods and services.

[Directive Proposal \(COM \(2008\) 462\)](#) against discrimination based on age, disability, sexual orientation and religion or belief beyond the workplace.

⁵ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000L0043>

discrimination law stemming from these two sources as complementary systems.⁶

The awaited adoption of the **Equal Treatment Directive** has not yet happened, leaving the EU's non-discrimination legal framework incomplete. It currently protects against discrimination on grounds of religion or belief, age, disability, and sexual orientation in employment and occupation. It does not apply to other key areas of life, such as education, social protection, healthcare or access to goods and services, including housing. If adopted, the Equal Treatment Directive would close this gap.⁷

Discrimination based on nationality in EU law is prohibited by the EU Treaties in the context of the free movement of persons. EU citizens residing in another EU Member State may face additional problems that are linked to the free movement legal framework and its implementation at national level. EU citizens may be confronted with obstacles to the exercise of their right to free movement concerning registration formalities, the obtention and the retention of the worker status, the residence exceeding three months for job seekers and self-sufficient people, access to social benefits and protection against unlawful expulsions. As a result of these obstacles, EU mobile citizens, including Roma, account for a considerable proportion of the homeless population and, where access to homeless services is limited to those who have a right to reside, they are highly represented among people sleeping rough.

The EU has promoted several specific initiatives to reverse trends of increasing socio-spatial inequalities within European cities. Three of the partnerships in the Urban Agenda for the EU⁸ deal with urban poverty, housing and the inclusion of migrants and refugees. During the programming period 2014-2020, EUR 14 billion of the European Structural and Investment Funds (ESIF) were directly allocated to cities to develop integrated strategies of sustainable urban development. About a quarter of these resources were put towards reducing inequalities by investing in thematic objectives such as employment, inclusion, and education.⁹

Access to accommodation for migrants and refugees in the EU

FEANTSA considers that homeless people must have access to basic services, including accommodation regardless of their administrative situation. However, in the last decades, we have witnessed in Europe limited access to accommodation and housing for asylum seekers, the development of migration encampments and the pressure of these residents on homeless services.

⁶ EU fundamental rights agency, Handbook on European non-discrimination law – 2018 edition 2018, <https://fra.europa.eu/en/publication/2018/handbook-european-non-discrimination-law-2018-edition>

⁷ Fundamental Rights Report 2020, 11 June 2020:

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

⁸ The Urban Agenda for the EU is an integrated and coordinated approach to deal with the urban dimension of EU and national policies and legislation. By focusing on concrete priority themes within dedicated Partnerships, the Urban Agenda seeks to improve the quality of life in urban areas.

<https://ec.europa.eu/futurium/en/urban-agenda-eu/what-urban-agenda-eu>

⁹ Social Segregation <https://urban.jrc.ec.europa.eu/thefutureofcities/social-segregation#the-chapter>

Special mention must be made to migrants in transit for their vulnerability. Although they are potential beneficiaries of international protection, when they decide not to ask for asylum in the country where they are irregularly staying, they are not eligible to access shelter not any other minimum material reception conditions.¹⁰

The FEANTSA/ FAP Overview of Housing Exclusion in Europe has shown for many years how migrants are impacted by the housing crisis more than other groups. The 2020 report¹¹ focused on people seeking asylum in the EU who are over-represented among the homeless population and whose fundamental rights, in particular access to dignified reception and accommodation conditions, are called into question at every stage of the asylum process. Different institutions in Europe have reported increased vulnerabilities of migrants, asylum seekers and refugees in Europe in the last year.¹²

A recent Fundamental Rights Agency report¹³ includes several references to housing discrimination: *“Although Roma respondents and people of African descent mostly noted encountering discrimination based on their physical appearance, immigrants and descendants of immigrants from North Africa and Turkey mainly indicated experiencing discrimination based on their first or last names. A respondent’s name was the main reason for discrimination in access to housing and second in importance in all other areas of life covered by the survey.”* (Page 7).

“The reason most frequently mentioned by respondents for the most recent incident of discrimination when looking for work is their skin colour or physical appearance (50 %), followed by their first or last name (36 %) and their accent in speaking the country’s language (18 %). Discrimination in access to housing is mainly triggered by the first or last name (44 %), followed by skin colour or physical appearance (40 %) and citizenship (22 %). However, more than eight in 10 (84 %) respondents with a sub-Saharan African background mention their skin colour as the main reason for the most recent incident of discrimination in access to housing.” (Page 30)

Migrant women face multiple challenges fully integrating into European society. This is often due to inequalities resulting from the combined effect of their gender, migrant status, and ethnic background, as FRA’s latest report testifies.¹⁴ It underlines the need

¹⁰ <https://www.feantsa.org/download/homelessness-among-migrants-in-transit7118213477585514467.pdf>

¹¹ '5th Overview of Housing Exclusion in Europe' FEANTSA and the Foundation Abbé Pierre. 2020. <https://www.feantsa.org/en/report/2020/07/23/fifth-overview-of-housing-exclusion-in-europe-2020?bcParent=27>

¹² FRA reports, <https://fra.europa.eu/en/publication/2020/fundamental-rights-report-2020>
EU Human rights report, https://www.europarl.europa.eu/doceo/document/A-9-2020-0226_EN.html
Council of Europe. [Read the Commissioner for Human Rights' annual activity report 2020](https://www.coe.int/t/e/human_rights/commissioner/hra/annual_activity_report_2020.pdf)
WHO report, <https://apps.who.int/iris/bitstream/handle/10665/337931/9789240017924-eng.pdf?sequence=1&isAllowed=y>

¹³ Equality in the EU 20 years on from the initial implementation of the equality directives, 30 April 2021, Opinion Number: 1/2021. <https://fra.europa.eu/en/publication/2021/fra-opinion-eu-equality-20-years>

¹⁴ <https://fra.europa.eu/en/news/2019/women-friendly-measures-drive-better-migrant-integration>

for targeted, gender-sensitive measures to compensate for such inequalities.

Access to shelter for undocumented migrants

Emergency accommodation, health and social services should be universal and FEANTSA has worked for years to reinforce the unconditional nature of the right to shelter.

The European Committee of Social Rights, institution of the Council of Europe, delivered two decisions in November 2014, in two different procedures against the Netherlands,¹⁵ one led by the Conference of Churches and one by FEANTSA. Although, the social rights recognized by the European Social Charter do not protect undocumented migrants, Article 13.4 makes specific provision for emergency assistance for non-residents, without regard for their employment situation. In terms of emergency accommodation, the Committee made it clear that, even if the provisions of the Charter applied to foreign nationals in regular situations only, “*that does not release the States from their responsibility to prevent the homelessness of persons in irregular situations in their jurisdictions, in particular of minors*” (Art.31.2). In the latest follow up, the Committee of Social rights held that the Netherlands was still in breach of Article 30 of the Charter on the grounds of failure to provide shelter to undocumented migrants.¹⁶

Access to private rental market

Studies in France and Germany show the high prevalence of racial discrimination when it comes to renting housing: In France, 87% of private landlords racially discriminate when renting out a property. Someone with a Sub-Saharan African profile has 38% less chance of renting a property than a person with a French-sounding name.¹⁷

Discrimination testing is increasingly used to provide objective evidence of discrimination as for example in a recent report by Spanish FEANTSA member in Spain, *Provivienda, ¿Se alquila? Racismo y xenofobia en el mercado del alquiler*.¹⁸ In Belgium, a recent Vrije Universiteit Brussels (VUB) research uncovered discrimination in Leuven’s rental market.¹⁹

A recent article presents the findings of the first meta-analysis on sexual orientation discrimination in the rental housing market.²⁰ Data are collected from 11 separate

¹⁵ Decision on the Merits, Collective Complaint No. 90/2013. <http://hudoc.esc.coe.int/eng?i=cc-86-2012-dmerits-en>

¹⁶ <http://hudoc.esc.coe.int/eng?i=cc-86-2012-Assessment2-en>

¹⁷ 5th Overview on Housing Exclusion, FEANTSA and FAP.

¹⁸ <https://www.provivienda.org/wp-content/uploads/Se-alquila.-Racismo-y-xenofobia-en-el-mercado-del-alquiler.pdf>

¹⁹ VUB research uncovers discrimination in Leuven rental market, Monday, 12 April 2021 <https://www.brusselstimes.com/belgium/164015/immoweb-brussels-university-pieter-paul-verhaeghe-vub-research-uncovers-discrimination-in-leuven-rental-market/> (last accessed 12 April)

²⁰ Alexandre Flage, Université de Lorraine, Université de Strasbourg, CNRS, BETA. Discrimination against same-sex couples in the rental housing market, a meta-analysis. Published in 2021_ <https://ideas.repec.org/a/ebl/ecbull/eb-20-01170.html>

testing studies conducted in 8 OECD/European countries between 2008 and 2020 and represent a total of more than 36,000 requests made to landlords.

The EU Agency of Fundamental rights included in their 2020 report some testing experiments that found evidence of discrimination in access to housing. A study in the city of Utrecht (Netherlands) used mystery calls and correspondence testing. It revealed that rental agencies discriminate against potential tenants on the grounds of their ethnicity and their sexual orientation.²¹ Likewise, a study investigated discrimination on grounds of sexual orientation in access to rental housing in Portugal.²² It revealed that male same-sex couples face significant levels of discrimination whereas the results for female same-sex couples match those for heterosexual couples.

Romani people and travellers

Most of the Roma people across the EU experience racialized poverty, including housing deprivation, at a much higher level than the non-Roma. According to the European Commission, 43% of Roma experience discrimination when trying to buy or rent housing. Roma people are also at a higher risk of becoming homeless and face more barriers in accessing support mechanisms when living in homelessness. The COVID-19 pandemic has deepened such inequalities.²³

The EU Roma strategic framework for equality, inclusion, and participation.

In October 2020, **a new EU Roma strategic framework for equality, inclusion, and participation**²⁴ was adopted. One of the objectives of the European Commission under this framework is to improve housing conditions for Roma people. The Member States must prepare the national strategies for Roma inclusion for the next ten years. Despite an improved framework, the post-2020 EU Roma strategic framework is regarded by some with scepticism. One area which is driving this scepticism is related to the limited results of the last decade of Roma inclusion including access to decent housing for Roma people. Inadequate housing, forced evictions, and homelessness among Roma as well as their multiple causes have been poorly addressed. Housing is the area of action with the least registered improvement.

In March 2021, the Council of the European Union adopted the **Recommendation for Roma Equality, Inclusion and Participation** which will contribute to strengthening the commitment across Member States to achieving inclusion of Roma communities in key areas such as education, employment, health, and housing. The EU Council Recommendation expands previous objectives to include fighting online and offline discrimination, combatting multiple and structural discrimination against Roma

²¹ Gielkens, D. and Wegkamp, F. (2019), Discrimination on the Utrecht housing market: A report (Discriminatie op de Utrechtse woningmarkt: Onderzoeksrapport), Utrecht, Academie van de Stad / Gemeente Utrecht.

²²Rodrigues, F. (2019), 'Same sex couple discrimination: A field experiment in the Portuguese housing market',

Lund University Publications Student Papers.

²³ 2019 Report on National Roma Integration Strategies: Key Conclusions:

https://ec.europa.eu/info/sites/default/files/factsheet_-_roma_integration_strategies_report_2019.pdf

²⁴ Roma Strategic framework: https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en

(focusing on women, children, LGBTI persons, elderly Roma, Roma with disabilities, stateless Roma, and EU mobile Roma), and promoting multi-cultural awareness-raising activities and campaigns in schools. FEANTSA welcomes the recommendation, including measures to support Roma facing homelessness across the EU and for including them in mainstream support services. The EU Council also makes references in the Recommendation to Roma who exercise their freedom of movement right within the EU to take up seasonal or short-term employment and who end up in vulnerable situations, calling for mechanisms of support in these situations.²⁵

FEANTSA dedicated its winter 2020 edition of the Homeless in Europe magazine to the **Roma individuals and families who experience homelessness or are at risk of homelessness across the EU.**²⁶

- [Interview with a Roma woman living in homelessness in Brussels](#) with Felicia, Conducted by Simona Barbu and Sergio Perez, FEANTSA
- [Interview with DIOGENES outreach worker Daniela Novac](#) conducted by Simona Barbu, FEANTSA
- [Homeless Roma in Sweden: Discrimination and Denial of Housing](#) by Johanna Westeson
- [Wandering: the main proposals from public authorities for Roma people after an eviction](#) by Lila Cherief
- [When patchworks dissolve: perspectives on destitute Roma families' economic livelihoods](#) by Camilla Ida Ravnboel
- [Gadje to gadje: we should listen more to Oslo's destitute Roma EU citizens](#) by Bianca Irina Cristea and Maren Stinessen Bøe
- [A brief insight into the systemic racism Roma face in accessing housing in Romania](#) by Marian Mandache
- [Spain as a slum free country: it is possible](#) by Belén Sánchez-Rubio, Maite Andrés and Carolina Fernández
- [An Uncertain Future for Roma Rough Sleepers in a post-Brexit UK](#) by Rory Meredith and Matt Cary
- [Roma Strategy vs Reality: An Overview of Roma homelessness and housing exclusion in Europe](#) by Amana Ferro and Isabela Mihalache
- [Forced evictions of Roma: "Europe's silent scandal"](#) by Bernard Rorke
- [Romani people and their right to housing: from rhetoric to reality!](#) by Marius Tudor

Vulnerability of LGBTIQ People Experiencing Homelessness

According to the Fundamental Rights Agency, 1 in 5 LGBTIQ people report experiencing homelessness, as defined by ETHOS. This number increases to a third of trans people and nearly 40% of intersex people.²⁷ This can be contrasted with data collected by EU-SILC which estimates that 4% of the general population has experienced homelessness.²⁸ Both these surveys were conducted by agencies of the

²⁵ FEANTSA Reaction: The Council of the European Union Recommendation for Roma Equality, Inclusion and Participation:

<https://www.feantsa.org/en/feantsa-position/2021/03/22/feantsa-reaction-the-council-of-the-european-union-recommendation-for-roma-equality-inclusion-and-participation-could-represent-a-step-further-in-ending-homelessness-among-roma-communities?bcParent=27>

²⁶ Winter Magazine. Roma Experiences of Homelessness in Europe. FEANTSA 2020

<https://www.feantsa.org/en/newsletter/2020/12/18/homeless-in-europe-magazine-winter-2020>

²⁷ <https://ec.europa.eu/eurostat/web/income-and-living-conditions/data/ad-hoc-modules>

²⁸ <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

European Commission and used the same questions and multiple-choice answers, to create comparable data.

International research has pointed to the phenomenon of institutional erasure, the practice of poor data collection which excludes sexual orientation and gender identity.²⁹ This has resulted in denying the experiences, and in many instances the existence of LGBTIQ people using services. Effectively in Europe, services cannot accurately assess what percentage of the people they work with identify as LGBTIQ. In 2020 and 2021 FEANTSA, with the support of ILGA-Europe & True Colors United published research that examined the challenges faced by frontline homeless and LGBTIQ services.³⁰ Among the key findings were the lack of training and understanding about LGBTIQ identity and arising needs by homeless services. Without an adequate understanding of how to create safe spaces, respectful ways to collect information about sexual orientation or gender identity, how to use pronouns, discuss family rejection or the needs of trans people in the process of transitioning it is difficult to deliver an inclusive and empowering service. This often means LGBTIQ people withdraw from services which makes it more difficult to support their needs. The European Commission's LGBTIQ Equality Strategy highlights LGBTIQ homelessness as a target group, although clear actions tied to the strategy have not yet been published.

Country focus

Bulgaria

Roma people are the most disadvantaged minority group in Bulgaria in all areas of public life. They live in segregated, sub-standard, and unsecured settlements and are precluded from legally registering their housing. Bulgarian government bodies have discriminated on grounds of Roma ethnicity in housing rights, and Bulgaria has failed to transpose and implement the European Union's Race Equality Directive 2000/43/EC. The Open Society foundations requested the Commission begin infringement proceedings under Article 258 of the Treaty on the Functioning of the European Union ('TFEU').³¹

Fakulteta is the biggest Roma ghetto in Sofia, established in 1930.³² Discriminatory measures to isolate Roma communities during the pandemic have been reported by the media.³³ Nadezhda was segregated during Covid times surrounded by a 3-meter iron wall and with only one exit and entrance into the community through a tunnel.³⁴

²⁹ <https://www.homelesshub.ca/WhereAmIGoingtoGo>

³⁰ <https://www.feantsa.org/en/report/2020/10/26/perceptions-findings-from-a-european-survey-of-homelessness-service-providers-about-lgbtqi-youth-homelessness>

³¹ OSF Memorandum for infringement against Bulgaria - Violations of EU Law and Fundamental Rights by Bulgaria's | Discriminatory Treatment of Roma in the Area of Housing: <https://www.opensocietyfoundations.org/uploads/20dae17f-c7c4-4e4e-8618-342d2907cb6b/bulgaria-roma-infringement-memo-20170214pdf.pdf>

³² <https://medium.com/stories-while-in-the-balkans/the-other-side-of-segregation-roma-in-bulgaria-451c267156da>

³³ <https://news.trust.org/item/20200324181330-f7skj>

³⁴ Europe's Roma community's life under Covid, <https://www.youtube.com/watch?v=IBY-BQIFWSE>

Czech Republic

In a collective complaint in February 2020, FEANTSA alleged that, following the implementation of new housing legislation and policy in the Czech Republic, the situation of many vulnerable households, in particular from the Roma minority, had worsened because of drastic cut in housing subsidies, threats and risks of eviction, social and racial discrimination against these households in violation of the provisions of the European Social Charter.³⁵ A final decision on the complaint is expected during the winter 2021/22.

Denmark

Thousands of people across Denmark face eviction from their homes under the country's "Ghetto Package," which seeks to "eradicate" "ghettos" by 2030. The State distinguishes "ghettos" from other areas with the same socio-economic factors on the basis that the majority of residents are of what it calls "non-Western background." A group of affected residents in Copenhagen is engaged in legal proceedings against the Danish Ministry of Interior and Housing. The case is an action for declaratory relief in Denmark's Eastern High Court, challenging the Ministry's approval of a "Ghetto Package" development plan. The residents' pleadings marry discrimination claims with arguments based on the right to respect for home and other fundamental rights, reflecting the intersections prevalent in the "Ghetto Package."³⁶ This issue got picked up by the media recently, showing that Denmark was planning to limit 'non-western' residents in disadvantaged areas.³⁷ The Danish Minister for Immigration and Integration has introduced a new classification for ethnic minorities in Denmark.³⁸

France

In relation to discrimination and to housing in France, several fact sheets were drawn up by a group of organizations in preparation for the visit of the UN (United Nations)

³⁵ FEANTSA v. Czech republic, https://www.coe.int/en/web/european-social-charter/pending-complaints/-/asset_publisher/lf8ufoBY2Thr/content/no-191-2020-european-federation-of-national-organisations-working-with-the-homeless-feantsa-v-czech-republic?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2FEuropean-social-charter%2Fpending-complaints%3Fp_p_id%3D101_INSTANCE_lf8ufoBY2Thr%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1

³⁶ Denmark's "Ghetto Package" and the intersection of the right to housing and non-discrimination: <https://www.housingrightswatch.org/content/denmark%E2%80%99s-%E2%80%9Cghetto-package%E2%80%9D-and-intersection-right-housing-and-non-discrimination>

³⁷ Denmark plans to limit 'non-western' residents in disadvantaged areas: https://www.theguardian.com/world/2021/mar/17/denmark-plans-to-limit-non-western-residents-in-disadvantaged-areas?CMP=Share_iOSApp_Other

³⁸ The Danish Minister for Immigration and Integration introduced a new classification for ethnic minorities in Denmark. A person is not considered Danish by Denmark's Statistics for holding a Danish passport, but only if s/he has in addition at least one parent who is a Danish citizen and was born in Denmark. Anyone else is defined as an 'immigrant' or 'descendant', and further divided into two categories: Western and non-Western: <https://ec.europa.eu/migrant-integration/news/denmark-new-statistics-category-for-migrants-from-muslim-countries>

Special Rapporteur to France, back in April 2019³⁹. Among the information provided by the task force, there was in-depth information about housing discrimination in France.⁴⁰

Concerning informal settlements of migrants, between 400 and 800 migrants are living in makeshift camps in the Calais area. In Calais, in the middle of winter, evacuations took place without any permanent solution.⁴¹ The Commission nationale consultative des droits de l'homme, (CNCDH) has deplored the violation of human rights caused by the constant destruction of makeshift shelters, which has already been denounced by the UN Special Rapporteur on adequate housing.⁴²

According to the Délégation interministérielle à l'hébergement et l'accès au logement (DIHAL), there were around 16,000 people living in 500 shanty towns and large squats in mainland France in July 2018. Of these, 10,800 are European citizens (67% of the total population). These figures do not include shanty towns in Calais and overseas. In France, the repeated evictions experienced for many years by Roma people living in informal settlements are among the most visible expressions of racism against Roma people in very precarious situations. According to the European Roma Rights Centre, ERRC and the Ligue des droits de l'Homme, 11,309 people from the Roma community were evicted from 130 settlements, shanty towns and squats in 2017. Municipalities often refuse to comply with their requests for water, electricity, and waste collection, fearing that this will contribute to the perpetuation of the squat or slum. These refusals constitute discrimination linked to the real or supposed origin of the persons but also to their place of residence. Indeed, it seems clear that for some municipalities, refusing access to the most basic rights is a strategy aimed at encouraging people to leave the municipality.⁴³

Greece

Refugees who have received international protection are being forced to leave apartments for vulnerable people in the Emergency Support to Integration and Accommodation programme (ESTIA), hotels under the Temporary Shelter and Protection programme (FILOXENIA), Reception and Identification Centres (RICs) and refugee camps.

Organisations expressed their concerns over the exits of 8,300 refugees from their

³⁹ A/HRC/43/43/Add.2, Official Visit to France

⁴⁰ <https://www.housingrightswatch.org/news/un-special-rapporteur-leilani-farha%E2%80%99s-official-visit-france> and Discrimination and housing <https://www.housingrightswatch.org/sites/default/files/Fiche%206%20-%20Logement%20et%20discriminations%20vf.pdf> (in French)

⁴¹ https://www.lemonde.fr/societe/article/2021/01/04/a-calais-en-plein-hiver-les-evacuations-se-multiplient-sans-solution-perenne_6065107_3224.html

⁴² Avis sur la situation des personnes exilées à Calais et Grande-Synthe : <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043163380>

⁴³ Romeurope. Fact sheet on informal settlements and slums in France, April 2021:

<https://www.housingrightswatch.org/sites/default/files/Campements%20bidonvilles.pdf>

homes in 2020.⁴⁴ In 2021, thousands of refugees are at risk of being left homeless by the abrupt termination of this EU-funded programme providing cash assistance and temporary shelter to people granted asylum in Greece. Appeals from aid groups have mounted, amid fears, that one thousand people, including women and children, will face destitution if action is not taken.⁴⁵ One of the most important consequences is the lack of access to education for refugee children while living in the camps in Greece because they are too far from schools and because of lack of transportation.⁴⁶

The Netherlands

FEANTSA members in the Netherlands drafted their own submission in relation to Housing and discrimination in the Netherlands, which will be attached to ours, but it can also be found on Housing Rights Watch website.⁴⁷

Portugal

According to a recent study by the Institute for Housing and Urban Rehabilitation (IHRU, 2015), at least one third of the Roma population lives in makeshift accommodation (32%) and half lives in public housing (46%). A large part is forced to nomadism, which implies permanent upheaval and reinforces the precariousness, forcing them to rebuild again, at each expulsion. Discrimination and marginalisation are a constant, whether in the private market or by State entities and bodies: many municipalities do not accept requests for public housing from Roma families and refuse to re-house them, reproducing the anti-Roma racism in Portuguese society.⁴⁸

Romania

Romani people constitute one of Romania's largest minorities. According to the 2011 census, their number was 621,000 people or 3.3% of the total population, however the Council of Europe estimates the real number to be between 1,2 and 2,5 million (6,5 – 13,5%) with many still being afraid to declare their ethnicity because of discrimination and past oppressive experiences.⁴⁹ In its 2009 Concluding observations on Romania, the ESCR Committee expressed its concern that “forced evictions of Roma families with children have been carried out without the provision of alternative lodging or

⁴⁴ Joint letter to EU and Greek officials - <https://www.solidaritynow.org/en/exits/>

⁴⁵ Thousands of migrants at risk of homelessness as EU scheme ends.

<https://www.theguardian.com/world/2021/mar/05/greece-thousands-of-migrants-at-risk-of-homelessness-as-eu-scheme-ends>

⁴⁶ <https://rsaegean.org/en/excluded-and-segregated-the-vanishing-education-of-refugee-children-in-greece/?fbclid=IwAR1NGOIsEW9p69fSL32SrNZ-jVbNfdkEraLs-g1wuG-p0S5yPIY0W2X54K4>

⁴⁷ Final version (with references) on the Dutch national context for the FEANTSA-submission to the UN Special Rapporteur on Housing discrimination and Spatial segregation in the EU. May 2021

⁴⁸ <https://www.publico.pt/2021/04/25/opiniao/noticia/exigimos-direito-habitacao-digna-pessoas-ciganasroma-portugal-reparacao-ja-1959585?fbclid=IwAR2tpoBeRbEMhUBYuG1SOBQopCHNnWvSTDBkUomeo-tY-YZkW-DGTIzQZA>

⁴⁹ The World Bank, Ce este necesar pentru realizarea incluziunii romilor din Romania? (What's necessary for the inclusion of Roma in Romania?)

<https://www.worldbank.org/content/dam/Worldbank/document/eca/romania/Summary%20Report%20RomanianAchievingRoma%20Inclusion%20RO.pdf>

adequate compensation". There has been little progress ever since. Forced evictions of Roma communities have continued, as illustrated below. Romani families are moved to the periphery of the city, usually in environmentally hazardous places. These forced relocations expose Romani families and children to significant health risks and jeopardise access to education.

- **Pata Rât** is a well know case of forced eviction leading to Roma people being established near a landfill segregated from the rest of the city since 2012. Among the consequences of segregation is the lack of access to education, public health services and the exploitation for cheap and unsafe labour.⁵⁰ You can read a more recent account of the crisis in the Pata Rât Area of Cluj-Napoca, Romania.⁵¹
- In **Eforie**, a city on the Black Sea coast of Romania where the majority of the population is Roma and living segregated since 2013,⁵² the local authorities have been ordered to provide adequate housing to Roma who were evicted from their homes in 2013. The authorities must also pay compensation for their failure to implement the 2016 judgment regarding the illegal eviction.⁵³
- In **Baia Mare** the mayor erected a wall between Roma and non-Roma inhabited apartment blocks, segregating Roma families. The so-called "Roma Wall" still exists, even though the National Council for Combating Discrimination fined the mayor for not demolishing it according to a previous council ruling.⁵⁴
- Evictions in **Bucharest** caused by restitutions left around 150 people homeless with winter approaching.⁵⁵

FEANTSA member in Romania, Casa Iona, added that with regards to women and children, they tend to have lost their homes mostly because of domestic abuse and no alternative accommodation. Therefore, for their protection, they must prioritize action to combat all form of discrimination and violence against children, girls, and women. To do that the Direction of Social Work and Child Protection in each sector in Bucharest should have an emergency shelter, but unfortunately some of them do not, so they refer the cases to the NGO centres for help in securing temporary housing/shelter. According to the provisions of Law no. 217/2003 for the prevention and combating of domestic violence, with subsequent amendments and completions, protection and support of the family, development, and consolidation of family solidarity, is an objective of national interest and prevention and combating

⁵⁰ Romania: The Roma who were evicted to live by a landfill site
<https://www.amnesty.org/en/latest/news/2012/12/romania-roma-who-were-evicted-live-landfill-site/>
and <https://thebarricade.online/crisis-pata-rat-onu/>

⁵¹ <https://casisocialeacum.ro/archives/5013/humanitarian-ecological-and-housing-crisis-in-the-pata-rat-area-of-cluj-napoca-romania/>

⁵² <http://theprotocity.com/ferentari-bucharests-post-socialist-ghetto/>
<https://www.opensocietyfoundations.org/voices/ferentari-life-fast-lane>

⁵³ First decision (2016) <http://www.errc.org/press-releases/municipality-ordered-to-rehouse-roma-evicted-from-eforie-in-2013>; Romanian court orders authorities in Eforie to compensate and rehouse Roma (2021): <http://www.errc.org/press-releases/romanian-court-orders-authorities-in-eforie-to-compensate-and-rehouse-roma>

⁵⁴ <https://www.youtube.com/watch?v=COs7f4VPGt0>
<https://www.economist.com/europe/2015/02/20/the-art-of-exclusion>

⁵⁵ https://notesfrombelow.org/article/_diary-vulturilor-50 and
<https://www.vice.com/en/article/yvqkdb/evictions-bucharest-children-876>

domestic violence are part of the integrated protection policy and family support and is an important public health issue.⁵⁶

⁵⁶ <https://anes.gov.ro/legislatie-nationala-violenta-domestica/> and <http://legislatie.just.ro/Public/DetaliiDocument/44014>