



FONDATION
Abbé Pierre

Legal cases to contribute to the right to housing in France

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INTERNATIONAL CONFERENCE ON LEGAL ASPECTS OF HOUSING

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Fondation Abbe Pierre activities

Part 1 Strategic litigation in the field of housing rights

1. Disputes to solve individual cases

- ✓ **Litigation of opportunity** : a case with a specific issue/ an interesting point of law
- ✓ **Recurring problem** : the right to housing cannot be applied because of a political practice
- ✓ **Purpose:**
 - Find a legal solution to a housing issue
 - Change the political practices

Example: *ECHR, Tchokontio Happi vs. France, April 9th 2015*

Part 1 Strategic litigation in the field of housing rights

2. Disputes to change the law

- ✓ **Identify laws that are not implemented** or do not comply with European obligations in terms of human rights

- ✓ **Purpose :**
 - National law should comply with European law
 - French State should respect European law

Example : *ECHR Winterstein vs France, October 10th, 2013, 27013/07*

Part 2 Political strategy based on European law and networking

1. Networking and mobilization of actors

- ✓ **Networking aims at building strategic litigation**
- ✓ **Mobilization and awareness-raising**
- ✓ **Trainings, conferences and production of tools**

Examples :

- *Defense of the rights of people living in slum*
- *Right to accommodation*

Part 2 Political strategy based on European law and networking

2. Political actions

- ✓ **Strategic litigation and bringing cases before European bodies**
- ✓ **European courts and bodies' decisions/opinions may be used to put pressure on public authorities, for change in public policies**

Examples for improving the implementation of the right to housing in France

- *FEANTSA collective complaint against France, November 2006*
- *Complaint before the European Commission, November 2016*
- *Third party intervention, EHCR, September 2015*

Conclusion

- ✓ Advocacy as a link between these two levels, networking and political action, in conjunction with litigation
- ✓ Aim : taking part in legislative and regulation's evolutions



Être humain !

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