



Homeless Rights are Human Rights

Report of the study session organised by FEANTSA
Youth in Cooperation with the European Youth
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Introduction to FEANTSA Youth

What is FEANTSA Youth

FEANTSA Youth aims to prevent, reduce and end youth homelessness by advocating for housing rights, developing prevention strategies, raising public awareness, training professionals and building international collaboration between homeless service providers, social services, youth services, cities, ministries, human rights activists and other stakeholders. Each year the network is expanding its membership, with an emphasis on empowering young professionals to advocate for the needs of young homeless people within their communities.

The network is comprised of over 100+ people from more than 30 organisations from 20 European countries, working in a wide variety of fields including social work, youth work, academics, law, architecture, public policy (local and national civil services), NGOs and others. Every person has a right to adequate housing and our mission is to enable access to this right for young people and end youth homelessness.

FEANTSA Youth Mission & Commitments

In most European countries, young people between 18 and 29 years old represent 20 to 30% of all homeless people. In Denmark, the number of young homeless people has increased by 80% from 2009 to 2013. Among those, 51% had mental health problems, 58% were concerned by problematic drug or alcohol use, and 32% were concerned by both.

Being homeless is not just sleeping rough or using a shelter. It means not being able to access your basic rights for housing, security, private possession, education, employment, health and social protection. The European Commission,

through the Europe 2020 Strategy and its European Platform against Poverty and Social Exclusion, identified homelessness as one of the most severe forms of poverty and deprivation and called for the development of appropriate and integrated responses in the framework of a wider EU social inclusion policy.

But a growing number of European and local stakeholders, including FEANTSA and FEANTSA Youth, are asking for coordinated, cross-policy collaboration towards prevention of youth homelessness. This can be instigated at all levels of government, including within the European Commission, national, regional and local governments.

Excellent models, like the Canadian A Way Home approach, could serve as inspiration. In order to achieve this goal, we need to switch the paradigm from emergency response to the prevention of homelessness. We need to react as early as possible.

Youth homelessness is distinct from adult homelessness: causes and conditions are different; therefore, responses and solutions must be different too. Since young homeless people often have complex needs and may find themselves in vulnerable positions, the longer they are stuck in homelessness, the more difficult they will find it to escape, the more likely they will be exposed to the risks of experiencing trauma, declining health and addictions, being a victim of exploitation, violence and human rights abuses.

Consequently, reducing this worsening problem must be a priority in Europe, and not only by focusing on emergency services but also by putting more efforts into preventing youth from becoming homeless in the first place as well as assisting others to exit homelessness as quickly as



possible through housing-led approaches. FEANTSA Youth is committed to:

- Engage in constant dialogue with the European Union institutions and national and regional governments to promote the development and implementation of effective measures to prevent homelessness and fight youth homelessness.
- Conducting & disseminating research and data collection to promote better understanding of the nature, extent, causes of, and solutions to youth homelessness.
- Promoting and facilitating the exchange of information, experience and good practices between FEANTSA youth members and relevant stakeholders with a view to improve policies and practices addressing homelessness.
- Raising public awareness about youth homelessness and the concept of Housing First as a solution.

FEANTSA Youth Working Groups

At the end of each study session the FEANTSA Youth Network constitutes new working groups as a means to implement the learning from the study session. This years study sessions are:

1. Strategic Development – to oversee the growth of the network and identify new opportunities.
2. Coalition Building – supporting members to build coalitions to end youth homelessness
3. Human Rights – supporting the translations of the Youth Rights, Right Now Guide
4. LGBTIQ – helping members to understand why we need to develop specific supports for vulnerable LGBTIQ youth.
5. Mental Health – sharing best practices to support youth with experiencing poor mental illness
6. Research – coordinating research on the topic of youth homelessness.
7. Training – support further training for social workers around human rights.

8. Site Visits – looking at potential services in the youth network that could organise a site visit to provide further learning for the youth network.

FEANTSA Youth Study Sessions with the Council of Europe

The FEANTSA Youth Study Sessions closely align with the priorities of the Council of Europe, particularly under the Enter! Project - Recommendation CM/Rec(2015)3 of the Committee of Ministers to member States on the access of young people from disadvantaged neighbourhoods to social rights and the focus on access to housing as an essential aspect of access to rights.

The focus on youth homelessness is further linked to Recommendation CM/Rec (2016)7, which highlights social exclusion and discrimination of young people including the right to housing, empowering youth and social workers and fostering intersectoral approaches to supporting vulnerable youth.

The Council of Europe's Youth Department has provided FEANTSA Youth with the expertise and platform to grow over the past five years. Each study session has allowed young professionals from across Europe with the unique opportunity to spend 5 days conducting a "deep dive" into a different dimension of youth homelessness. Using non-formal education, the sessions have not only provided an insight into what is youth homelessness but has created a respectful and safe space where participants feel comfortable sharing their perspective, which provides for a truly European perspective on this issue.

The network has grown from strength to strength each year. In 2014 the youth network focussed on "Preventing youth homelessness through access to social rights", 2015 focused on advocacy and how to build capacity to advocate for homeless youth and make better policy. The 2016 one was for the first-time part of a Special Project which helped to solidify the youth network, by setting



short, medium and long-term goals and setting up working groups to continue the work of the network beyond the study session. In 2018 our study session focussed on Housing First for Youth which has helped to expose European services to the model developed in Canada, following a very successful study session the Housing First Europe Hub has developed a specific stream on youth to continue to build on the learning which has included a series of train the trainer models to assist in the implementation and evaluation of the Housing First for Youth model.



A key issue identified in the 2017 Study Session was a lack of understanding of human rights more broadly and how they can be integrated into youth serving homeless services, as human rights is generally not mainstreamed or part of policy discussion.

Therefore in 2018 our study session focussed on building an understanding of what are human rights and how do you build services that are embedded in human rights.



Study Session Outline

The study session was held over five days. The course was designed and delivered with the aim of building a shared understanding of human rights and framing homelessness as a violation of human rights.

As the week progressed and their understanding gradually developed participants then began to review their services. This was a difficult task for many, as participants work in high pressured and challenging environments that doesn't give time for a lot of reflection. This was key to helping participants come to their own understanding of what would need to change in their context.

The study session was facilitated by a prep team comprising:

1. Robbie Stakelum (Course Director) – Robbie leads FEANTSA's work on youth homelessness
2. Alison Calder – Alison works for the Rock Trust in Scotland and is a former prep team member
3. Milena Stojkovic – Milena has participated in previous study sessions and works for ADRA in Serbia
4. Judit Popovics – Judit also participated in previous study sessions and is a psychologist working with the Shelter Foundation in Hungary.

The first day grounded participants in human rights based approaches. With presentations about how the Council of Europe and the Youth Department operate, along with team building

exercises grounded in human rights law, participants learnt from one another about their respective contexts and professions to understand the different expertise and experiences in the room.

The second day focussed on deepening understandings of human rights, including a walking debate which challenged the beliefs of the participants and stimulated a reflection about what human rights are and how the homeless sector works towards vindicating these rights. Adding another more practical level participant heard from the Director of FEANTSA, Freek Spinnewijn, who outlined FEANTSA's experience of using strategic litigation to advance human rights. The day was finished up with a deep dive on the Hungarian context where a group of activist and lawyers outlined recent laws in Hungary which criminalised homelessness.

The third day expanded with more practical insights with site visits in Hungary to further understand the intersection of rights and the delivery of services.

Day Four brought all the learning back to the individual context in which participants worked in. They explored the Youth Rights Right Now Guide, and how to apply it in their day to day work.

The final day brought external expertise when Housing Rights Watch presented to participants. In a world café style setting participants learned about campaigns linking human rights closer to the homeless sector including the i) homeless Bill of Rights, ii) defensive furniture, iii) campaigns against anti-homeless ordinances and iv) criminalisation measures.



What is Youth Homelessness

Youth Needs

Any discussion around youth homelessness and services for young people must be framed in the context that young people have different set of needs to adults, which should be reflected in service delivery.

We know from research and practices that young people's service navigation differs from adults, and if we want to design and implement effective services to not only serve youth homelessness, but to have a real impact in reducing and ultimately ending youth homelessness, we need to think about their youth specific needs.

It is not sufficient to take general services for adults, and apply them to young people. Homeless youth services need to consider the adolescent development, age, experiences and dependency and supports of young people. Youth presenting to services are young and vulnerable, may not have knowledge of their rights or how to access them. They frequently lack a supportive community or family. Most importantly they are still cognitively developing as young adolescents.

Youth services must bear these factors in mind. Not only do needs differ, but the pathway into homelessness for young people are also different. This is important, as causes of homelessness change, so do the solutions and how we tailor and deliver them.

Youth homelessness is not a one-off event, it is a series of infringement of a young person's basic human rights. It is a process and a series of overlapping causes outlined below:

- Individual and relational factors: This generally relates to conflict in the family home, that results in a young person being made homeless. Such conflict can take the form of physical, emotional or sexual abuse,

either of the young person themselves or witnessing conflict/abuse of another member of the household. The young person, or a member of the family, may have poor mental health, which can often add to conflict. There is often an element of addiction, for alcohol or drugs. This can be the young person or a family member. These factors often result in the young person having to leave their home. This is important because it highlights the loss of a supportive and safe community, something which youth services must be aware of.

- Structural factors: When we discuss youth homelessness we often focus on the individual factors, noted above. However often young people face obstacles towards accessing their rights to housing. For example, in many urban areas we see a low supply of housing in rental markets with a high demand, basic economics dictates that in this context rent prices will rise. Young people, particularly those at risk or experiencing homelessness, have lower educational outcomes, meaning they often have lower paid employment and therefore cannot compete in private rental markets where prices are soaring. Additionally, young people lack deposits for apartments that may be requested by landlords. They are also face discrimination; some landlords will not rent to young adults. Young people are also likely to suffer from racism, homophobia and transphobia. While data is lacking in Europe, and estimated 30% of the homeless population in Canada identifies as LGBTIQ, and suffer discrimination for their sexual orientation, often in accessing housing but also from homeless service providers. These structural factors are important because they inform us of the supports youth need while in homeless services to ensure a successful exit from services, such as employment and educational opportunities, accrue savings for



a deposit and ensure the creation of safe spaces for those that have suffered from discrimination, racisms, homophobia or transphobia.

- System Failures: Vulnerable youth are at particular risk of system failures during the period of adolescent development, compounded by a lack of a support network. This is evident in vulnerable youth transitioning from state care to adulthood, with no support services, which is one of the highest causes of youth homelessness. Other frequent system failures include being discharged from hospitals or the judicial system without a home, resulting in being discharged straight into homeless services. Responding to Youth Homelessness Youth homelessness is not simply a state of being “houseless”. Moving between shelters, emergency shelters, couch surfing and rough sleeping, it is a traumatic experience. We know from research and studies that both physical and mental health worsens. Many young people are at increased risk of being exploited or physically abused. Substance misuse becomes very common, often being used as a coping mechanism. These three ‘characteristics’ are important, cumulatively, they result in the young person developing a

“fight or flight” mentality, where they are less likely to engage with services. To combat this we need to develop services that are based on Trauma Informed Care (TIC) thereby ensuring services are trauma aware, understand the behaviour of youth and create trusting and safe environments. In addressing substance misuse, services should understand the complex situation of the youth and be developed in line with core principles of harm reduction models. Most importantly homeless youth services should operate a principle of zero discharge into homelessness. This means that if a young person breaks a rule they are not discharged back into the streets and the service no longer works with them. This is not to say that there should not be consequences for their actions, but services should recognise that such youth have complex needs, and with their experiences of trauma and fight or flight mentality, the emphasis should be on engaging with the young person

This is important aspect in understanding youth homelessness as it impacts how we can take a human rights based approach to homelessness and sheds light on the various rights which a young person needs support in accessing.



Human Rights

Human rights are moral entitlements that every individual in the world possesses simply by virtue of the fact the he/she/they is a human being. Human rights serve as a minimum standard applying to all human beings, each state or society is free to define and apply higher and more specific standards.

Human rights are ultimately:

1. **Inalienable** and they cannot be revoked by state powers, simply by existing we are entitled to human rights.
2. **Indivisible, interdependent and inter-related** because all rights whether political, civil, social, cultural or economic are of equal importance and none can be fully enjoyed without the others.
3. **Universal** in application, they apply to all people irrespective of age, gender, ethnicity etc.

Generally human rights have been enshrined in international treaties such as;

- European Convention on Human Rights
- EU Charter of Fundamental Rights
- European Social Charter
- The International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Rights of the Child
- International Convention of the Elimination of All Forms of Racial Discrimination

Human Rights and Homelessness:

Experiencing homelessness is the gross infringement of our basic human rights. Unfortunately for policy makers and service providers human rights are not part of the lexicon in the homeless sector. Homelessness is the end result of an infringement of our:

- Right to housing
- Right to shelter
- Right to education
- Right to employment
- Right healthcare
- Right to an adequate standard of living

Taking a human rights perspective to homelessness is an important first step to support youth to exit homelessness. Using human rights in our discussion about homelessness is essential to understand the “system” wide problems which result in homelessness. A person isn’t homeless because of a single event or occurrence but results from a series of problems related to accessing affordable housing, employment, healthcare and education.

Homelessness is a violation of human rights. Put most simply it is a violation of your right to housing which is clearly set out under Article 31 of the European Social Charter which notes that Member States should:

1. promote access to housing of an adequate standard;
2. prevent and reduce homelessness with a view to its gradual elimination;
3. make the price of housing accessible to those without adequate resources.

The right to housing is further set out under Article 11 of the International Covenant on Economic, Social and Cultural Rights which notes:

“the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent”



The European Charter of Fundamental Rights, which is applied to institutions of the E.U. under Article 34 notes that:

“in order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices”

Most recently E.U. Member States proclaimed the European Pillar of Social Rights in November

2017. While the Pillar is not a legally binding document it recognises

- Access to social housing or housing assistance of good quality shall be provided for those in need.
- Vulnerable people have the right to appropriate assistance and protection against forced eviction.
- Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion



Challenges for Human Rights in a Homeless Context

Homelessness is a clear violation of our basic human rights. During the study session participants engaged in lively debates which aimed to look at the practicalities of implementing a human rights-based approach to combatting homelessness.

Breaches of Human Rights

Young people who experience or are at risk of experiencing homelessness encounter a range of obstacles in accessing services and securing safe and affordable housing and as a result in claiming their rights.

1. For most young people the private rental market is the only means of finding housing. However landlords often discriminate against taking young people directly or indirectly by imposing previous landlord references and/or possessing a permanent contract.
2. Young people who can't access the rental market are then forced into emergency shelter supports, which generally are not adapted to the needs of young people. There is a distinct lack of specific housing solutions for homeless youth.
3. A young person rarely has access to specific LGBTIQ or LGBTIQ friendly shelters. This makes accessing services and claiming your rights more difficult.
4. Youth, particularly homeless youth, are rarely consulted in the development of homeless services.
5. Police 'cleanse' public spaces by moving youth and homeless children out of city centres and into urban peripheries.

Each of these occurrences is a regular breach of human rights for young people experiencing homelessness.

These issues are explored in the Youth Rights, Right Now Guide.

Using Human Rights to Address and Eliminate Youth Homelessness

The Youth Rights Right Now Guide contextualises the use of human rights in the Canadian context which participants of the study session examined and looked at in their contexts.

1. Homelessness is a system wide cause, it is not a single one off occurrence. Taking human rights approaches removes victim blaming of the individual who is homelessness and focuses on failure of social inclusion and housing policies to protect people. Investing in human rights embedded services and policies has also been demonstrated to have a more positive impact in combatting youth homelessness than criminalising or policies that punish the young person.
2. Combatting homelessness isn't merely a moral obligation, but legal. Member states have endorsed and ratified a range of international treaties which include provisions that are violated when a person experiences homelessness.
3. Using rights empowers a young person, it provides a framework to address their situation.
4. Rights based approaches prioritises those in the most desperate position and addresses their needs on a more urgent basis, thereby putting homeless youth first.
5. Human rights provides a remedy, speaking of homelessness as a violation of human rights requires a remedy to address the violation.
6. Human rights in treaties are linked to monitoring or forms of strategic litigation, using these mechanisms in a tactical way can lead to change of policies and how decisions are taken.
7. It is ultimately effective. Rights based approaches target systems that perpetuate youth homelessness and have been proven



to address their social and emotional needs as an equal citizen.

During the study session participants dug deeper into their services and contexts and reflected on the level to which human rights has informed the development and delivery of their services and/or policies.

Right to Employment v. Right to Healthcare v. Right to Education v. Right Housing

Participants concluded that rights are interdependent and that we cannot place a hierarchy on rights. While many felt the right to housing was most pressing in terms of practicality to helping a person exit homelessness, to ensure such an exit is sustainable we need to ensure that person has access to employment, healthcare and education. Services should be mindful that focusing on one single right is not sufficient and should strive towards delivering a holistic service that works towards the realisation of all the human rights of a person experiencing homelessness.

Right to Shelter v Right to Housing

The relevance of the right to shelter is sharply being put into question in Europe. For many shelters represent a first entry point to provide emergency shelter and care for a person who is homeless and can be a place to understand the needs of a person and refer them to other services. In a context where services are under-funded and face increasing demands providing a right to shelter is the absolute minimum we should provide.

Others believe that shelters are part of the problem arguing that people become trapped in the shelter system with no realistic alternative of getting permanent housing. In this instance using shelters as a minimum standard has released

governments of ambition in combatting homelessness. Participants believed that the right to shelter should be replaced with the right to housing and create a new norm whereby housing became the minimum standard.

However full agreement was made that providing shelter is the first step and is not sufficient to vindicate the right to housing. There is a progression of rights which moves from the right to shelter to the right to housing. Services should reflect this in their service delivery, ensuring that the right to housing is realised in time.

Accessing Rights for Young People

Service providers are often in a position where they work with young people, and a key issue they often face is supporting young people at the age of 18. While some participants believed that at the age of 18 a young person becomes an adult and should be treated as such in adult services, the large majority of participants adapted a more nuanced position.

18 is simply a figure. Legally a young person becomes an adult, and this may affect the homeless services they are allowed to access and how they are accessed. However, research and evidence shows clearly that at 18, and until the age of 23, a person is still undergoing cognitive, personal and psychological development and this should be reflected in how we support young people in vindicating their rights. Special services should be available to adequately meet the needs of a young person, an example cited was Housing First for Youth which is underpinned by the following core principles¹ i) Right to housing, with no pre-conditions ii) Youth Choice, Youth Voice and Self-Determination, iii) Positive Youth Development and Wellness Orientation, iv) Individualised and Client Drive Supports and v) Social Inclusion and Community Engagement

¹https://www.feantsa.org/download/2017_feantsa-youth_final_report_study-session2247233005847378843.pdf



Strategic Litigation & Vindicating Rights

Civil society spends a lot of time 'talking' about rights, reminding governments of the commitments they have made in international and European conventions and advocating for better use of government funds to support successful interventions in the homeless sector. Experience has demonstrated that it is a sector that governments can, and in many instances do, ignore. Strategic litigation provides a framework to moving rights into a concrete action and put human rights violations of people experiencing homelessness on the political agenda.

Strategic Litigation has the benefit of shining a light on infringements of human rights, however if successful have the opportunity to produce case law which can be referred to at national level, even if heard at international or European level and produce minimum standards which the homeless sector can build on.

This section provides an overview of some of the key criteria that should be considered when looking at the potential of Strategic Litigation and different forms of litigation available to civil society and homeless services.

Legal Expertise

Homeless service providers are experts on social exclusion and know the system very well, being in a position to identify problems with the system, however a Collective Complaint is a legal process and requires a legal expert. A key issue identified during the study session was that social workers generally do not cover human rights in their training. This means they do not view homelessness as a human rights infringement and secondly are unaware of the legal frameworks. An organisation who is serious about filling a Collective Complaint will need to involve an expert on human rights who can frame

the problems in the homeless sector in a human rights context.

Adequate Resources

Strategic Litigation is a process which needs adequate time to prepare. Adequately preparing strategic litigation and managing the process needs a commitment of human resources. The cost of lodging a collective complaint is relatively cheap, compared to general court cases, however the process can take 18-24 months and requires policy experts, legal experts and coordination at the European level. The coordination element shouldn't be forgotten as you will need to effectively mobilise national members, obtain statutory approval within the organisation, liaise with all parties involved, including external legal experts, following the proceedings, and accompany the process with complementary activities (lobbying, awareness-raising, capacity-building etc). This is often the biggest hurdle the sector will face in bringing strategic litigation, particularly for many services which are underfunded and oversubscribed. Services should be reminded that even where cases are successful it can require follow-up advocacy to ensure the relevant policy changes are achieved.

Identifying a Relevant Case

Depending on the form of litigation being used you will need a person whose rights have been infringed to take their case to court. Most people who experience homelessness, particularly those with chronic experiences, are concerned about their situation. A lengthy court case is not an adequate solution to somebody who doesn't have a roof over their head. Care should be given to identifying the correct case and matched to the right form of litigation. A benefit of Collective Complaints, is you may take action based on system failures rather than an individual's specific experience.

Forms of Strategic Litigation

There are different methods of using strategic litigation to hold policy makers to account



regarding the human rights of people experiencing homelessness.

Traditional Court Cases

Depending on the legal context of your country you may be able to bring a court case at national level. This is dependent on your country's legal framework.

Individual Complaints

Individual complaints may be submitted at an international level. An individual complaint may be submitted in the instance of an infringement. Anyone can lodge a complaint, with the relevant Committee responsible for the implementation of the treaty, against a state, provided the state in question has ratified the treaty relevant to the infringement of a human right, and has accepted the Committee's competency to examine individual complaints. Individual complaints can also be brought by a third party on behalf of individuals. However the issue at the complaint remains with the specific situation of the individual.

For more info about how to submit an individual complaint, the procedure and treaties which allow for a collective complaint click [here](#).

Collective Complaints

Collective Complaints may be submitted to the European Committee of Social Rights in an instance where there is a violation of the European Social Charter. The Collective Complaint mechanism does not allow to hear individual complaint but only concerns situations where a state's law or practices violate the provisions of the charter. Due to the collective nature of this mechanism the complainant does not need to have exhausted national level remedies or be the victim of the relevant violation. Only certain international NGO's and social partners have the authority to lodge a collective complaint, such as FEANTSA.

You can find out more information about Collective Complaints [here](#). The following section

follows FEANTSA's experience using the Collective Complaints Mechanism.

Petitions

Any individual or association of others may petition the European Parliament to examine the application of an element of E.U. law. This provides a framework for the European Parliament to draw attention to an infringement of a European Citizen's Rights by a Member State, Local Authority or other institution.

To find out more about the European Parliament's Petition Committee click [here](#).



Insights into Lodging Collective Complaints

FEANTSA is almost unique in being a social NGO which has brought a series of Collective Complaints to the European Committee of Social Rights. Generally human rights organisations possess the expertise on human rights to bring such a complaint, however FEANTSA's experience demonstrates that it is possible to leverage strategic litigation to deliver real policy changes that can support people experiencing homelessness.

Steps to Preparing your Collective Complaint

Having participated in three Collective Complaints here are some points to note if you are considering lodging a Collective Complaint.

Has your Member State ratified the relevant Protocol?

Check that your member state has ratified the *Additional Protocol to the European Social Charter Providing for a System of Collective Complaints*. Your country must have ratified this Protocol to bring a Collective Complaint. You can see if your country has ratified the protocol [here](#).

What Rights has your country ratified? Check what rights your country has ratified. In addition to ratifying the European Social Charter, countries have an option as to which rights they choose to ratify. In order to invoke a violation of a human right in a collective complaint the state must have ratified the corresponding article. For example, in *FIDH v Ireland* Article 31 (relating to the right to housing) could not be used during the Collective Complaint as the Irish State never ratified Article 31. This does not prevent a collective complaint being submitted, but only prevents the complaint from relying on an Article in their arguments. To see what articles your

state has ratified click [here](#). In the Irish case, while Article 31 was not allowed to be used the complaints used Article 16 around the rights of the family which linked to access housing.

Identify a Human Rights Violation
Identify a violation of a right, with which you can make clear reference to rights included in the European Social Charter, that have been ratified by your member state.

Draft and Submit your Collective Complaint
Start drafting your Collective Complaint. Valuable learning from FEANTSA's experience has shown that a Collective Complaint needs two key factors to be successful.

- National Champion: Firstly you need a national champion. Your national champion is an expert on the policy being discussed. In our sector this means they understand the homeless and housing sector, they know the system, how it operates and how it is failing the most vulnerable. In the instance of *FEANTSA v France* the French national champion was essential to gather the evidence to help prove the case.
- Legal Expert: The Collective Complaint is also a legal document and you need a legal expert who can take the evidence and policy expertise of the national champion and

FEANTSA's involvement in strategic litigation and human rights has been a gradual process that has developed over the past 15 years. In order to support our work in this area FEANTSA established Housing Rights Watch, which provided a platform to bring together housing rights lawyers in Europe and bridge the divide between policy experts and legal experts



connect it to the relevant Articles of the European Social Charter.

The national champion and the legal expert can be the same person, however in general the social sector lacks this expertise and needs to rely on outside expertise.

Ruling of Admissibility

The Collective Complaint must then be declared admissible. This is a technical step where the European Committee of Social Rights will rule if the case can be heard. The typical things reviewed here is making sure the complainant has the status to lodge a Collective Complaint and that all legal documents including statutes of the complaining organisation etc are appropriately filed with the Collective Complaint.

Member State Reaction

Reaction from the Member State. Once the Collective Complaint has been ruled admissible then the Member State will be a given an opportunity to react to and defend their policies.

Oral Hearing

Usually the Committee will simply review the Collective Complaint and make a decision without a formal hearing. However in more complex cases the Committee can hold a hearing where the complainant and the member states are invited to argue their case in an oral hearing. This was done in the case of FEANTSA v France.

Decision of Merits

This is the official decision given by the Committee. This decision will address the various components of the case. The Decision of Merits will review the Articles being invoked in the case individually. For example in the case of FIDH v Ireland Article 16 was found to be violated, however the Committee also ruled that Article E in conjunction of Article 16, Article 11, Article 17 and Article 30 were not violated.

Endorsement of the Committee of Ministers

This does not always happen. The Decision of Merits is effectively the 'legal' part of the Collective Complaint. However, the decision is not legally binding on the relevant member state. An endorsement of the Committee of Ministers acts as the 'political' element of the collective complaint and can be used as a further advocacy tool at the national level to campaign for policy change.

Existing Jurisprudence:

While the decision of the European Committee of Social Rights is not a legally binding decision which can be enforced at the national level. The decision can be cited as a reference in national courts. However, the decision should be used as an advocacy tool to lobby for policy and legal changes by campaigning to show that the current situation is infringing the human rights of citizens. The cases outlined below provide an insight into the impact Collective Complaints have had on policy.

FEANTSA v France

FEANTSA lodged its first Collective Complaint in November 2006 alleging a violation of Article 31 (right to housing). The Collective Complaint essentially challenged the French governments policy on housing and argued that the three specific obligations set out under Art 31 i) to promote adequate housing, ii) to prevent, reduce and gradually eliminate homelessness and iii) to make housing affordable for those without adequate resources were violated by France.

FEANTSA won the case with the Committee finding that there were six violations on the merit of the complaint. The French context is important, as the decisions of the Committee are not binding and do not obligate action on the Member State. However, in France the decision was built into part of a wider campaign and public discourse around homelessness and the right to housing. In the years that followed France would



introduce *Droit au Logement Opposable (DALO)* which is essentially a justiciable Right to Housing. While the Collective Complaint can't take credit for the introduction of this law it helped to build momentum and keep pressure on the government to enact policy changes.

This is the true value of Collective Complaints, they are not a silver bullet for problems in our sector. However, they can form part of a wider campaign to introduce effective policy changes. Importantly the case also established jurisprudence that can be used in other European countries and sets out norms and minimum standards related to housing.

You can view the Collective Complaint [here](#)

You can view the Merits of the Decision [here](#)

You can find more about the case [here](#).

FEANTSA v Slovenia

FEANTSA's second collective complaint was lodged against Slovenia in 2008. This complaint was more specific as it targeted legislation that would have dramatically destabilized the housing security of 13,000 tenants. The legislation would have downgraded the protections of tenants against the possibility of having their apartments expropriated by former occupiers. At the same time, FEANTSA expanded the grounds for its complaint beyond Article 31, which guarantees the right to housing. In the Slovenia Complaint, FEANTSA argued that the Slovenian legislation violated Article 31, Article E (right to non-discriminatory treatment) and Article 16 (right to a family life and access to family housing).

FEANTSA also won this complaint. However, the policy landscape differed significantly compared to France. The government never committed to making any policy changes in line with the decision of the Committee. Following the decision there wasn't sufficient public campaign to build on the decision and push for change.

You can view the Collective Complaint [here](#)

You can view the Merits of the Decision [here](#)

You can find more about the case [here](#).

FEANTSA v The Netherlands

In July 2012, FEANTSA lodged a collective complaint against The Netherlands alleging that The Netherlands' legislation, policy and practice regarding sheltering the homeless was not compatible with Articles 13 (right to social and medical assistance), 16 (right of the family to social, legal and economic protection), 17 (right of children and young persons to social, legal and economic protection), 19 (right of migrant workers and their families to protection and assistance), 30 (right to protection against poverty and social exclusion), 31 (right to housing), taken alone and in conjunction with Article E of the European Social Charter. In essence the complaint argued that there was a violation to the unconditional right to shelter due to administrative systems that required papers and documentation to access shelters.

FEANTSA won this case and the Committee called for immediate measure, for the first time in history, to rectify the policies which were in place that breached human rights and policies around access to shelters had to change. The use of an immediate measure by the Committee demonstrated the urgency in tackling this specific human rights violation. Soon after the case the Government introduced a new system for accessing shelters.

You can view the Collective Complaint [here](#)

You can view the Merits of the Decision [here](#)

You can find more about the case [here](#).

FIDH v Ireland

In October 2016 the International Federation of Human Rights lodged a Collective Complaint against Ireland, arguing that the State had violated Articles 11 (protection of health), 16 (right to the family to social, legal and economic protection) 17 (right of children and young



persons to social, legal and economic protection) & 30 (the right to protection against poverty and social exclusion) in failing to take sufficient and timely measures to ensure the right to housing of an adequate standard for families.

A point to note, Ireland has not ratified Article 31 (right to housing) which precluded the FIDH from invoking Article 31 in the Collective Complaint. This did not prevent FIDH from lodging a complaint around homelessness, but means they had to rely on other rights and Articles.



The Committee ruled that only Article 16 had been violated. However, the other Articles referenced in the case were not found to be violated. The decision was made in late 2017 and it yet unclear what the impact of the decision will be.

You can view the full case [here](#).

You can find more about the case [here](#).



Human Rights Violations: Deep Dive on Hungary

During the study session participants heard from the Civil Liberties Union in Hungary who provided an overview as to how Hungary gradually introduced the criminalisation of homelessness. Currently the Hungarian Constitution criminalises homelessness, it is not legal to rough sleep. If a person is found to be doing this on three separate occasions they can be arrested and taken to court. In some instances the person experiencing homelessness can have their possessions burnt. The current situation in Hungary is a clear breach of human rights conventions and has been condemned by the United Nations Special Rapporteur on the Right to Adequate Housing and FEANTSA.

In 2013 the Hungarian government introduced a law to make it an offence to live in the public space and discretion was allowed as to how cities would exercise this law. The law change was justified on the grounds that it was protecting the public good, well being and health by limiting use of the public space. However the courts struck down the law finding it to be unconstitutional. In 2018 the Hungarian Government introduced an amendment to the constitution making it illegal to live in public space thereby circumventing the courts.

On the first day of implementation of the new law 27 people who experienced homelessness received their first warning. After a month of implementation 5 cases were brought to the courts. In three cases the judges found the people to be 'committing homelessness' and were sentenced. However the other two judges have referred their cases to the constitutional court arguing that the constitutional amendment making living on the streets illegal was in contradiction to other Articles of the constitution.

The criminalisation of homelessness in Hungary is extreme and clear to see. However Hungary is not alone, many other countries have seen the introduction of laws and policies which discriminate against people experiencing homelessness. While not enacted on a national scale they are seen in cities and should be considered as breaches of human rights.

Participants discussed in detail the use of defensive furniture. In some cities public spaces are being designed with the explicit aim of discriminating against how homeless people use the space. For example placing spikes on public benches in parks as a means for preventing homeless people from sleeping on them. Others cited the use of begging bans which prevent people from occupying public space. These are examples of policies which on their face do not specifically set out to target people experiencing homelessness however in their implementation they clearly discriminate the homeless.

Fondation Abbé Pierre runs a public campaign to draw attention to the use of defensive furniture in France where citizens can draw attention to anti-homeless infrastructure in cities.

<https://soyonshumains.fr/>

In learning about the situation in Hungary participants of the study session organised a video which was shared on social media across Europe to draw attention to the growth of criminalisation in Europe. The video wasn't simply about what is happening in Hungary, but spoke about the growth of criminalisation across Europe. You can find the video [here](#).

Rather than investing time, money and policies which make the lives of people who are homeless



more difficult, governments at all levels should be investing in prevention of homelessness, affordable housing and evidence based practices to combat homelessness.



Youth Rights, Right Now – Ending Youth Homeless Using Human Rights

With their new found learning on human rights and its intersection with homelessness, participants were introduced to the [Youth Rights, Right Now Guide](#) which provides a framework for a discussion about how to integrate human rights into the development of policies and services for young people.

The Youth Rights Right Now Guide, was initially developed in Canada by A Way Home (AWH) Canada. Through previous partnerships between AWH and FEANTSA Youth including participation at the Council of Europe's Study Sessions the Youth Network has been aware of the Guide. Participants have previously translated the guide into 8 languages and plans are currently in place to make the Guide available in more languages.

You can find the guide [here](#).

Find a Common Definition of Youth Homelessness

In Europe there is no common definition of youth homelessness. Across Europe what constitutes homelessness differs as does the definition of 'youth'. To develop a human rights based strategy to combat homelessness we require a common definition of youth.

The United Nations defines youth as a person aged 15-24. In addition to looking at the age parameters of 'youth' we are also required to identify the range of experiences of homeless youth and their pathways into homelessness, making special reference to the youth specific dimension of their experiences.

Measuring Youth Homelessness

Youth homelessness is generally hidden and young people are adept at hiding their homelessness through couch surfing, engaging in

Youth Homelessness refers to the situation and experience of young people between the age of 13 & 24 who are living independently of parents and/or caregivers, but do not have the means or ability to acquire a stable, safe or consistent residence”

Canadian Observatory on Homelessness (2016). Canadian Definition of Youth Homelessness.

sexual exploitation for shelter, hiding in parks and stations or remaining in violent or abusive households for lack of alternative options.

Services need to think strongly about how they measure youth homelessness for both quantitative and qualitative purposes. Using surveys, intake forms, conversations and online questionnaires is important to develop a comprehensive understanding of their needs and previous experiences. This also helps to understand the rights which have been violated and develop solutions.

Collecting data should also be disaggregated, to ensure information gathered on marginalised groups such as racialised youth, youth with mental health disabilities and LGBTIQ youth can be easily identified, as evidence also shows these youth will present with a unique set of needs.

Refer to Human Rights in Your Strategy

Any strategy to combat youth homelessness should include human rights obligations. This can include references to specific international treaties and articles therein, reports drafted related to homelessness or housing at the United Nations or even jurisprudence from Strategic Litigation. The strategy should also reference any relevant constitutional or legislative provisions.



Specifically naming rights makes it clearer the role that all actors from policy makers to service providers can play to realise human rights.

Human Rights Training

Those working in the homeless sector are generally social workers and human rights was not part of their background or training. Events such as this Study Session are important to set a framework to understand more precisely what human rights are and their relevance for youth experiencing homelessness.

Include Youth in the Process

When developing a strategy to end youth homelessness you must also include the voice of young people and ensure their experiences inform how policies and services initially failed them and what works to help move out of homelessness. Youth consultations are important for the success of the service.

Homeless youth may have experienced trauma, death of loved ones, dislocation, disease, isolation, poverty, mental illness, domestic abuse, child abuse and drug use, and running consultations on their experiences should be mindful and sensitive to these experiences.

A Way Home Canada has some suggestions on how to run a successful consultation:

- Be active and informed and provide information in plain language about the process and its purpose.
- Create a respectful environment where young people feel safe and empowered to talk about their experiences, ideas and opinions.
- Ensure youth are active in conversation and discussions.
- Provide necessary and relevant supports such as disability access, compensation for participation.

Youth consultations should be built into all parts of the strategy. It shouldn't be a once off, but be

fully integrated into monitoring of the implementation of the strategy too.

Set Goals

Using human rights is about the progressive realisation of rights. The strategy should make sure to include short, medium and long-term goals to work towards ending youth homelessness. Of course youth homelessness cannot be ended overnight but the strategy should set relevant milestones and objectives that work towards eradicating youth homelessness. Try and set short terms goals that are 'easy wins' which can help to build momentum.

Make the Strategy a Budget Priority

The best strategy to end youth homelessness will have not have the desired impact if its not supported with adequate resources. The strategy and goals will require positive action around changes to legislation, how services are designed and delivered. Changes will require human and financial resources.

Budgetary restraints should not be used as a reason for ignoring vulnerable youth. Youth serving and homeless organisations should leverage the strategy and human rights obligations for increased funding to end youth homelessness.

Monitor and Report on Progress

A strategy for ending youth homelessness does not sit on a shelf gathering dust. When building your strategy consider how you will monitor progress of your goals. There must be a system put in place to regularly report progress. This should be done in term of examining quantitative data, analysing the numbers of youth coming into homeless services and successful exits out of homelessness. This will have to be done with qualitative data too, to understand how youth navigate the homeless sector and how stakeholders you are working with are implementing the strategy.



In a Canadian context the progress reports examine the level of youth discrimination and criminalisation for example looking at youth charged with begging, squatting and sleeping in public spaces.

Use the International Systems to Push for Change

Civil Society organisations can participate in UN Committee Reviews to monitor the implementation of United Nations Treaties. FEANTSA for example frequently attended oral reviews in Geneva, prepared written submissions, made statements at hearings and have worked with the United Nations Special Rapporteur on the Right to Adequate Housing in preparing reports and supporting country visits to bring attention to the growing situation of homelessness in Europe.

In a European context organisations should also look at the value of strategic litigation to support your strategy for ending youth homelessness.

Give People a Space to Claim Their Rights

Create an open, accessible and responsive procedure for homeless youth to document their violations of human rights and a resource where they can learn more about information about rights.

Reports which are submitted by youth can be integrated into the strategy but should also be presented back to policy makers to demonstrate the reality of how existing policies are affecting vulnerable youth.



Feedback from Participants

At the end of each day of the study session, participants were given time to reflect on the progress they were making, their capacity to digest and understand the content that was presented, how relevant the course was to their work and provide suggestions and comments for how the study session could be improved. In addition on the final day of the study session participants were provided with the opportunity to take a holistic review and evaluation of the week. The results of the feedback have been captured below.

My base knowledge around human rights and housing was not strong so I was a little nervous around expectations. The sessions were structured in a way that allowed everyone to get to the same level of knowledge and understanding. I believe the group dynamic this year was better than last year, I have made friends with people who I will keep in touch with and share practice.

This study session represented the first time most people had studied human rights, which are generally not considered in the homeless sector. Participants valued the thought that had gone into building a programme that gradually built shared understandings.

I think it was very much nailed by the latter part of the week; I felt a little bit adrift in a couple of the early exercises, without great pre-knowledge of human rights, however, this knowledge developed through the week and there was an increased focus on practical application of what we were learning as the week went on, which was much appreciated

Time was also spent during the week to reflect on how human rights could be implemented, learning from previous sessions outlined to us how participants can feel lost when they return to their contexts.

In order to translate human rights into real world contexts we invited 4 human rights lawyers to

When I got back to work I noticed right away that I was using it in my work. The weird thing was that when I left the training I didn't really realize the amount of understanding and awareness it brought me, so it had more impact than expected!

participate in a world café where participants learned of how human rights can be used in a diverse range of way in advocacy and campaigning to push for change.

The last session on Friday morning involving HR advocates in four different contexts was especially useful. Their explanations of the situations were detailed and their level of understanding of what might be useful to participants in their own context meant there is a lot to be learned and felt free to ask questions about.

Participants were also happy with the course director and prep team in how the course was delivered and how sessions were facilitated.

I am 100% grateful for all the facilities we had and the powerful facilitators that trained us. I definitely hope to give it back on a long term vision

Finally, participants were appreciated, and thanked, the EYCB for hosting our study session, noting the high quality of the food, facilities and how friendly the staff were in creating a safe and respectful environment.

The staff was very friendly and it was nice that vegetarian food was provided also. The rooms had enough space.



Appendix 1: Study Session Program

Sunday, 18th November 2018

Arrival of participants

19:00 Dinner

21:00 Welcome evening

Monday, 19th November 2018

09:30 Opening with Introduction to Study Session,
Intro of aims & objectives of the Study Session / Expectations & programme

11:00 Break

11:30 Understanding different contexts and professional backgrounds

13:00 Lunch

14:30 Defining Objectives for the Week

16:00 Break

16:30 Building a shared understanding of Human Rights

18:00 Reflection group

19:00 Dinner

21:00 Intercultural Evening

Tuesday, 20th November 2018

09:30 Deepening understandings of Human Rights.

11:00 Break

11:30 Human Rights in Practice

13:00 Lunch break

14:30 European Contexts

16:00 Break

16:30 Deep Dive on Hungarian Context

18:00 Reflection Groups

19:00 Dinner

21:00 Prep for Site Visit

Wednesday, 21st November 2018

09:30 – 12.00 – site visit

12.00 -13:00 – Debrief at CoE building

13.00 - Lunch

Free time

19:00 Dinner (outside of CoE)

Thursday, 22nd November 2018



09:30 Introduction to the Youth Rights, Right Now Guide – Part I
11:00 Break
11:30 [Introduction to the Youth Rights, Right Now Guide – Part II
13:00 Lunch
14:30 Developing Self-Assessment Tools - Part I
16:00 Break
16:30 Developing Self-Assessment Tools - Part II
18:00 Reflection Group
19:00 Dinner
21:00 Activist Night at Local Ruin Bar

Friday, 23rd November 2018

09:30 Meeting rights actors from the field – Housing Rights Watch
11:00 Break
11:30 Deep dive with Housing Rights Watch
13:00 Lunch
14:30 What's Next?
16:00 Break
16:30 Evaluation of the Week
19:00 Dinner
21:00 Wrap-up Party in Budapest.

Saturday 24th November 2018

09:30 Participants Leave Council of Europe/ Prep team conduct evaluation.

Appendix 2: List of Participants

Surname	First Name	Country	Organisation
Weidinger	Martin	Austria	neunerhaus
Berkvens	Liese	Belgium	AP Hogeschool
Spinnewijn	Freek	Belgium	FEANTSA
Stakelum	Robbie	Belgium	FEANTSA
Dord	Michal	Czechia	Vteřina poté
Julin	Celina	Denmark	Red Cross Copenhagen
Alén	Sonja	Finland	NAL (Nuorisosauntoliitto ry)
Mikkola	Marika	Finland	City of Helsinki
Veyrat	Tommy	France	Union Nationale des CLLAJ
N'diaye	Isabelle	France	Independent
BOURGUENOLLE	Camille	France	Association Nationale LE REFUGE
Kindt	Sören	Germany	Caritasverband für das Erzbistum Hamburg e.V.
Buzoianu	Catalin	Germany	Kulturen im Kiez e.V.
Georgopoulou	Chryssoula	Greece	Society of social psychiatry and mental health
Konstantinidou	Vicky	Greece	Ladies Union of Drama - House of Open Hospitality
Popovics	Judit	Hungary	Shelter Foundation
Camber	Gianpaolo	Italy	fio.PSD
Zaród	Weronika	Poland	Fundacja po DRUGIE
Bakhtadze	Monika	Poland	Youth for Peace and Development Association
Geraghty	Jenny	Republic of Ireland	Focus Ireland
Connolly	Alison	Republic of Ireland	Focus Ireland
Paraschiv	Mirela	Romania	CICADIT, University of Bucharest
Stojkovic	Milena	Serbia	Adra Serbia



Košan	Hana	Slovenia	Kings of the street
Bilčić	Irena	Slovenia	Kings of the street
Picciariello	Angela	Spain	Independent reseracher
Castellví Canet	Pau	Spain	Independent
Rus	Laura	Spain	Fundación Luz Casanova
Fleuren	Gwen	The Netherlands	Gemeente Venlo (City of Venlo)
Schmit	Melanie	The Netherlands	LIMOR
Jongeneel	Joanne	The Netherlands	CoMensha
Connor-Graham	Heather	United Kingdom	GMCA
Russell	Hugh	United Kingdom	Llamau
Rees	Mia	United Kingdom	The Prince's Trust Cymru
MacDermid	Alistair	United Kingdom	Rock Trust
Calder	Ally	United Kingdom	Rock Trust
Brown	Sharon	United Kingdom	Youth Homeless North East