

REFERENCE TEXTS AND STANDARDS ON ACCOMMODATION, HOUSING AND EVICTIONS

International and European Standards

The legal status of the right to adequate housing is based on the following main relevant international human rights provisions:

UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

- **Article 25.1** states that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

CONVENTION RELATING TO THE STATUS OF REFUGEES (1951)

- **Article 21** states that: "As regards housing, the Contracting States, insofar as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances."

CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (1965)

- **Article 5 (e) (iii)** obliges States "to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... (e) ... (iii) the right to housing".

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (1966)

- **Article 11.1** states that: "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 cooperation based on free consent."

The Committee on Economic, Social and Cultural Rights expressed its interpretation of the content of human rights provisions on the right to adequate housing. It has issued the following general comments:

- **General Comment n°4:** The right to adequate housing (art.11 (1)), Committee on Economic, Social and Cultural Rights
- **General Comment n°7:** The right to adequate housing: forced evictions (art.11 (1)), Committee on Economic, Social and Cultural Rights.
- **General Comment n°20:** Non-discrimination in economic, social and cultural rights (art.2 (2)), Committee on Economic, Social and Cultural Rights.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (1966)

- **Article 17** states that: "1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks."

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)

- **Article 14.2 (h)** states that: "States Parties shall undertake all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right ... (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

CONVENTION ON THE RIGHTS OF THE CHILD (1989)

- **Article 16.1** states that: "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation."
- **Article 27.3** states that: "States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in the case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."

INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (1990)

- **Article 43.1** states that: "Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to ... (d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents."

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (2008)

- **Article 2** of the gives the following definition: "'Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms."
- **Article 5.3** states that: "In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided."
- **Article 9.1 (a)** states that: "To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, (...). These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: ... (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces."
- **Article 19 (a)** states that: "States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that: (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement."
- **Article 22.1** states that: "No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks."
- **Article 28.1** states that: "States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability."
- **Article 28.2 (d)** states that: "States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures: ... (d) To ensure access by persons with disabilities to public housing programmes."

EUROPEAN CONVENTION ON HUMAN RIGHTS

- *The right to life, to property, to residence and freedom of movement, as well as to private and family life*
Article 2 the right to life, **Article 3** prohibition of torture, **Article 8** right to respect for private and family life, **Article 13** (invokable only in conjunction with other Convention rights) the right to remedy **Article 8**.
- *Protection from forced evictions from (il)legally occupied land or housing, as well as from expulsion from a member state if that would run contrary to the right to (family) life or the prohibition of torture (V.M. and Others v Belgium) [ECHR interpretation]*
- *Evictions must respect the principle of non-discrimination* (Art. 1 of Protocol No. 12 to the ECHR, Art. 14 of the ECHR The European Court of Human Rights and other international bodies have noted that the negative consequences of eviction on Roma and Travellers
- *Prohibition of collective expulsions of aliens* (Čonka v Belgium).

[FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES](#) (ETS No. 157);

[EUROPEAN SOCIAL CHARTER \(1961 \(1995\)\)](#)

- **Article 16**; its additional Protocol of 1988 (ETS No. 128) (**Article 4**); its additional Protocol of 1995 providing for a system of collective complaints, and the Revised European Social Charter of 1996 (ETS No. 163) (**Article 31**) the right to adequate housing

[RACIAL EQUALITY DIRECTIVE 2000/43/EC.](#)

- Article 13 (indirect discrimination based on racial or ethnic origin); Article 14 (equal treatment); Article 15 (direct and indirect discrimination); Article 16, 19 (member States to provide legal remedy); Article 23 member States to promote dialogue between social partners and NGOs to address different forms of discrimination and to combat them

Council Of Europe

The [Strasbourg Declaration 20 October 2010](#) establishes “Housing” as a priority to be focused on, in order to reach an effective social inclusion of Roma community giving the main guidelines as: taking the appropriate measures to improve the living conditions of Roma, ensuring equal access to housing and accommodation services for Roma, providing for effective access to judicial remedy in cases of eviction, while ensuring the full respect of the principle of the rule of law and providing appropriate accommodation for nomadic and semi-nomadic Roma.

Rights of Roma and Travellers in housing and accommodation Council of Europe Committee of Ministers’ Recommendations related to Roma housing [CM/Rec(2005)4] and Travellers’ encampment/halting sites [CM/Rec(2004)14] Recommendation Rec(2005)4 of the Committee of Ministers on improving the housing conditions of Roma and Travellers in Europe; Paragraph 24; member States obligation on improving the housing conditions of Roma and Travellers in Europe, Paragraph 31; *provision should also be made for Roma to be able to acquire their own accommodation by different means, forms and methods of access to housing, such as **social housing**, cooperatives, do-it-yourself housing, public housing, caravans and other innovative forms of housing*; Paragraph 26 regarding **forced evictions**; Paragraph 41 financing projects housing related projects.

The **Commissioner for Human Rights** report of the expert workshop “Housing rights: positive duties and enforceable rights” organised by the Commissioner for Human Rights in Budapest on 24-25 September 2007 [CommDH(2007)23]¹; a joint statement with UN Special Rapporteur on the Right to Adequate Housing: “Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe”²; a Paper “Housing Rights: the duty to ensure housing for all”³.

In its country monitoring reports, the [European Commission Against Racism and Intolerance \(ECRI\)](#) has recommended to several member states, to take urgent measures to improve the housing situation of Roma, and particularly to ensure that Roma families who are living without access to basic amenities are provided with a decent standard of housing and infrastructure. ECRI highlighted a number of obstacles (e.g. a strong public opinion against relocating Roma) and concerns (forcible evictions of Roma with little advance warning, no consultation with the Roma families involved and no information on the possibility for them to apply for social security). ECRI also noted the lack of a sustainable resettlement plan for evicted Roma which perpetuates the vicious cycle of forced evictions. In most cases the evicted Roma were offered no assistance or compensation for being moved away from city centres, market places.

¹<https://wcd.coe.int/ViewDoc.jsp?id=1230035&Site=COE&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679>.

²<https://wcd.coe.int/ViewDoc.jsp?id=1199995&Site=COE&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679>.

³ See this Paper at <https://wcd.coe.int/ViewDoc.jsp?id=1292391>.

CAHROM Thematic Reports on Housing

- [Thematic report on legalisation of Roma informal settlements, rehousing solutions and alternative measures to evictions](#) (Serbia, Greece, Slovak Republic, Spain)
- [Thematic report on social housing for Roma and legalisation of Roma settlements and houses](#) (Albania, Bosnia and Herzegovina, North Macedonia)
- [Thematic report on encampment areas and other issues relating to travellers](#) (Belgium, France, Switzerland, United Kingdom)
- [Thematic report on social housing for Roma](#) (North Macedonia, Bosnia and Herzegovina, Croatia, Spain)

[OPRE Joint Statement on Evictions of Roma and Travellers in Europe \(June 2016\)](#)

Additional TEXTS and Statements

FEANTSA

Position Statement on Roma Homelessness (2019); FEANTSA recent statement about the EU Roma Framework from the perspective of homeless service providers:

<https://www.feantsa.org/en/feantsa-position/2019/03/22/the-eu-roma-framework-beyond-2020-a-homelessness-service-providers-perspective?bcParent=27>

HOUSING RIGHTS WATCH

Le droit au logement des Roms et des Gens du voyage en Europe

https://www.federationsolidarite.org/images/stories/4_lenvironnement_institutionnel/europe/feantsa/roma_issue_fr.pdf

UN HUMAN RIGHTS COUNCIL

Access to justice for the right to housing

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

<http://unhousingrapp.org/user/pages/04.resources/Access%20to%20justice%20Report.pdf>

WHO HOUSING and HEALTH Standards

<https://www.who.int/hia/housing/en/>

UN - OHCHR

Informal settlements and the Right to housing

<https://www.ohchr.org/EN/Issues/Housing/Pages/InformalSettlementsRighttoHousing.aspx>

[Addressing Forced Evictions of Roma and Travellers](#)