



## REPORT

# on the right to housing in the light of European standards and European good practices

Prepared by **Mr Padraic Kenna**,  
Council of Europe consultant,  
professor of the University of Galway, Ireland

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## 1. INTRODUCTION

This Report is commissioned by the Council of Europe under the projects “Enhanced social protection in Ukraine” and “Facilitating housing solutions for the war-affected people in Ukraine” implemented within the Council of Europe Action Plan for Ukraine “Resilience, recovery, reconstruction” 2023-2026. It sets out relevant information regarding the right to housing in the light of European standards and European good practices, focusing on the European Social Charter and case law of the European Committee of Social Rights (ECSR), including also other relevant standards. It addresses such questions as to who should be entitled to social housing, standards for social housing, and reviews the Conclusions of the ECSR in 2023 in relation to Ukraine.

The European Social Charter is a Council of Europe treaty from 1961 which is an integrated set of international standards concerning social rights and a mechanism for monitoring their implementation within the ratifying States. The Charter guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights, which refers to civil and political rights. It guarantees a broad range of everyday human rights related to employment, housing, health, education, social protection and welfare. The Charter lays specific emphasis on the protection of vulnerable persons such as elderly people, children, people with disabilities and migrants. It requires that enjoyment of Charter rights be guaranteed without discrimination. No other legal instrument at pan-European level can provide such an extensive and complete protection of social rights as that provided by the Charter, which also serves as a point of reference in European Union law; most of the social rights in the EU Charter of Fundamental Rights are based on the relevant articles of the Charter. Ukraine ratified the Revised European Social Charter on 21/12/2006, accepting 76 of the 98 paragraphs of the Charter.

Ukraine has ratified Article 16 on the right of the family to social, legal and economic protection and 31.1. and 31.2 on the right to housing of the European Social Charter. The ECSR has provided detailed conclusions in respect of national reports and decisions in relation to Collective Complaints which set out the housing related standards and obligations on States in their application of the European Social Charter provisions which they have ratified.

## 2. THE RIGHT TO HOUSING UNDER THE EUROPEAN SOCIAL CHARTER

The right to housing is addressed in Articles 16 and 31 (and to some extent 15) of the European Social Charter and Revised Charter and the European Committee on Social Rights (ECSR) has elaborated on this rights in its case law. Ukraine has ratified Articles 16 and 31.1 and 31.2.

### Article 16 – The right of the family to social, legal and economic protection

**Article 16** provides that the family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development. Article 16 guarantees a right to adequate housing for families.<sup>1</sup> ...The Committee recalls its previous case law to the effect that in order satisfy Article 16 states must promote the provision of an adequate supply of housing for families, take the needs of families into account in housing policies and ensure that existing housing be of an adequate standard and include essential services (such as heating and electricity). The Committee has stated that adequate housing refers not only to a dwelling which must not be sub-standard and must have essential amenities, but also to a dwelling of suitable size considering the composition of the family in residence. Furthermore the obligation to promote and provide housing extends to security from unlawful eviction.<sup>2</sup>

<sup>1</sup> European Roma Rights Center (ERRC) v. Bulgaria, Complaint No. 31/2005, decision on admissibility of 10 October 2005, §9.

<sup>2</sup> European Roma Rights Centre (ERRC) v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §24.

States Parties must take the legal and practical measures which are necessary and adequate to the goal of the effective protection of the right to adequate housing in terms of Article 16. This objective must be achieved within a reasonable time, with measurable progress and to an extent consistent with the maximum use of available resources.<sup>3</sup> The part of Article 16 relating to the right of families to decent housing and particularly the right not to be deprived of shelter also applies to foreign families unlawfully present in the country.<sup>4</sup>

In order to ensure the satisfactory application of the right to family housing under Article 16 States Parties should:

- a. adopt the necessary legal, financial, and operational means of ensuring steady progress towards achieving the goals laid down by the Charter;
- b. maintain meaningful statistics on needs, resources, and results;
- c. undertake regular reviews of the impact of the strategies adopted;
- d. establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage;
- e. pay close attention to the impact of the policies adopted on each category of persons concerned, particularly the most vulnerable.<sup>5</sup>

The ECSR will consider each State Party situation on its merits and specificity, on a case by case analysis, taking into account all the factors relevant to the circumstances of the case.<sup>6</sup>

The effectiveness of the right to adequate housing in terms of Article 16 and 31 also requires legal protection through adequate procedural safeguards against eviction.<sup>7</sup> In such cases occupiers and tenants must have access to affordable and impartial judicial or other remedies, with effective appeals procedure.

Where families are displaced by a war, States Parties are under a positive obligation by virtue of Article 16 to take appropriate steps to provide housing and security of tenure to displaced families who have lost housing rights, and have expressed a clear desire to return to their country, or who have been discouraged from returning due to a lack of housing and other forms of protection.<sup>8</sup>

In relation to vulnerable groups, a shortage of care solutions and of social services adapted to the needs of persons with severe disabilities which causes many families to live in precarious circumstances, undermining their cohesion, amounts to a lack of protection of the family as a unit of society, in breach of Article 16 of the Charter.<sup>9</sup> This also includes Roma, who as a result of their history have become a specific type of disadvantaged group and vulnerable minority.<sup>10</sup> The rights and obligations arising from the legal recognition of a dwelling must apply to all forms of housing, including alternative forms, such as caravans.<sup>11</sup>

<sup>3</sup> International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 62/2010, decision of 21 March 2013, §113.

<sup>4</sup> Defence for Children International (DCI) v. Belgium, Complaint No. 69/2011, decision on the merits of 20 October 2012, §136.

<sup>5</sup> FEANTSA v France, Complaint No. 39/2006, decision on the merits of 5 December 2007 §56.

<sup>6</sup> International Federation for Human Rights (FIDH) v. Ireland, Complaint No. 110/2014, decision on the merits of 12 May 2017, §110.

<sup>7</sup> Conclusions 2015, Austria.

<sup>8</sup> Centre on Housing Rights and Evictions (COHRE) v. Croatia, Complaint No. 52/2008, decision on the merits of 22 June 2010, §63.

<sup>9</sup> International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 75/2011, decision on the merits of 18 March 2013, §187.

<sup>10</sup> Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 39-40.

<sup>11</sup> International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 62/2010, decision of 21 March 2013, §74.

## Article 31 – Everyone has the right to housing

Article 31 is the most comprehensive Article in the Social Charter on housing rights and comprises three elements – promoting access to housing of an adequate standard, preventing and reducing homelessness with a view to its gradual elimination, and making the price of housing accessible to those without adequate resources (this part in 31.3 has not yet been ratified by Ukraine). The personal scope of this Article also includes refugees, who should be treated as favourably as possible.<sup>12</sup> The right to shelter should be guaranteed to persons present in an irregular manner, including children, for as long as they are within the jurisdiction of the State.<sup>13</sup>

### Access to adequate housing - Article 31.1. states:

*With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to promote access to housing of an adequate standard.*

States Parties must guarantee to everyone the right to adequate housing.<sup>14</sup> This includes taking the legal and practical measures which are necessary and adequate for the effective protection of this right.<sup>15</sup> It also requires adequate procedural safeguards and access to affordable and impartial judicial or other remedies and appeals.<sup>16</sup>

States Parties must promote access to housing in particular to different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities including those with mental health problems.<sup>17</sup>

The adequacy of social housing, relevant case law and European standards are also considered further in Part 2 below.

### Homelessness - Article 31.2. states:

*With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to prevent and reduce homelessness with a view to its gradual elimination.*

Homeless persons are those persons who legally do not have at their disposal a dwelling or other form of adequate housing.<sup>18</sup> Reducing homelessness implies the introduction of measures such as provision of immediate shelter and care for homeless people, and measures to help such people overcome their difficulties and prevent a return to homelessness.<sup>19</sup>

There is an obligation on States Parties to take action to prevent categories of vulnerable people from becoming homeless. This requires States Parties to introduce a housing policy for all disadvantaged groups of people to ensure access to social housing and housing allowances.<sup>20</sup>

<sup>12</sup> Conclusions 2015, Statement on Interpretation on the Rights of Refugees

<sup>13</sup> FEANTSA v. the Netherlands, Complaint No. 86/2012, decision on the merits of 2 July 2014, §61.

<sup>14</sup> Conclusions 2003, France.

<sup>15</sup> European Roma and Travellers Forum (ERTF) v. France, Complaint No. 64/2011, decision on the merits of 24 January 2012, §95.

<sup>16</sup> Conclusions 2003, France.

<sup>17</sup> Conclusions 2003, Italy.

<sup>18</sup> Conclusions 2003, Italy.

<sup>19</sup> Conclusions 2003, Sweden.

<sup>20</sup> Conclusions 2003, Sweden; Conclusions 2005, Lithuania; Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013, decision on the merits of 1 July 2014, §136

Article 31.2 also obliges States parties to set up procedural safeguards to limit the risk of evictions – even in cases of illegal occupancy.<sup>21</sup> Legal protection for persons threatened by eviction must include, an obligation to consult the parties affected in order to find alternative solutions to eviction and the obligation to fix a reasonable notice period before eviction. A notice period of one month in case of eviction due to insolvency or wrongful occupation is not reasonable.<sup>22</sup> When evictions do take place, they must be carried out under conditions that respect the dignity of the persons concerned, not be carried out at night or during the winter period, and when justified by the public interest, authorities must adopt measures to re-house or financially assist the persons concerned.<sup>23</sup> Compensation for illegal evictions must also be provided.<sup>24</sup>

## The right to shelter

According to Article 31§2, homeless persons must be offered shelter as an emergency solution.<sup>25</sup> To ensure that the dignity of the persons sheltered is respected, shelters must meet health, safety and hygiene standards and, in particular, be equipped with basic amenities such as access to clean water and heating and sufficient lighting.<sup>26</sup> However, temporary housing need not be subject to the same requirements of privacy, family life and suitability as are required from more permanent forms of standard housing, once the minimum requirements are met.<sup>27</sup> Conditions in the shelters should be such as to enable living in keeping with human dignity, and people who are homeless should be provided with adequate housing within a reasonable period.<sup>28</sup> The ECSR considers that eviction from shelters without the provision of alternative accommodation must be prohibited.<sup>29</sup> Measures should be taken to help homeless people overcome their difficulties and to prevent them from returning to a situation of homelessness – (see below on Housing First as a good practice model).

For information. The EU European Union Pillar of Social Rights<sup>30</sup> which although not justiciable, now informs EU policy and governance arrangements in this area. Principle 19 of the EPSR states:

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

## Implementation and Material Scope of Articles 16 and 31

The Contracting States Parties to the Charter “accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised...”<sup>31</sup>

<sup>21</sup> Conclusions 2003, Sweden; Conclusions 2005, Lithuania; Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013, decision on the merits of 1 July 2014, §136.

<sup>22</sup> Conclusions 2019, Ukraine.

<sup>23</sup> Conclusions 2003, Sweden.

<sup>24</sup> Conclusions 2003, Sweden.

<sup>25</sup> Defence for Children International (DCI) v. the Netherlands, Complaint No. 47/2008, decision on the merits of 20 October 2009, §46.

<sup>26</sup> *Ibid.*, §62.

<sup>27</sup> *Ibid.*, §62.

<sup>28</sup> FEANTSA v. France, Complaint No 39/2006, decision on the merits of 5 December 2007, §106.

<sup>29</sup> Conclusions 2015, Statement of Interpretation on Article 31§2

<sup>30</sup> SWD(2017) 201 final. See also the Lisbon Declaration on the European Platform on Combatting Homelessness in the EU. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_3044](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3044)

<sup>31</sup> European Social Charter, Turin, 18.X.1961. Part 1. <https://rm.coe.int/168006b660>

On ratifying the Charter States Parties undertake to apply the provisions they have accepted to their nationals and “nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned” (Appendix to the Social Charter).

Article I of the European Social Charter states that the means of fulfilling Charter obligations is left to the discretion of the States Parties, who are free to use all the methods of laws or regulations, agreements between employers or employers’ organisations and workers’ organisations, a combination of those two methods, or other appropriate means.

Article G of the Charter states that while in a democratic society, it is in principle for the legislature to legitimize and define the public interest by striking a fair balance between the needs of all members of society, and while, from the point of view of the Charter, it has a margin of appreciation in doing so, this does not imply that the legislature is totally free of any constraints in its decision-making. Obligations undertaken under the Charter cannot be abandoned without appropriate guarantees of a level of protection which is still adequate to meeting basic social needs.<sup>32</sup>

Ensuring steady progress towards achieving the goals laid down by the Charter requires States Parties to take legal action but also to make available the resources and introduce the operational procedures necessary to give full effect to the rights specified therein.<sup>33</sup>

When one of the rights in question is exceptionally complex and particularly expensive to implement, states party must take steps to achieve the objectives of the Charter within a reasonable time, with measurable progress and making maximum use of available resources (*Autisme Europe v. France*, Complaint No. 13/2002, decision on the merits of 4 November 2003, §53<sup>34</sup>).

The ECSR has stated that there must be realistic timetabling:

*“In connection with timetabling – with which other regulatory bodies of international instruments are also very concerned – it is essential for reasonable deadlines to be set that take account not only of administrative constraints but also of the needs of groups that fall into the urgent category. At all events, achievement of the goals that the authorities have set themselves cannot be deferred indefinitely.”*<sup>35</sup>

The requirement to maintain statistics is particularly important in the case of the right to housing because of the range of policy responses involved, the interaction between them and the unwanted side-effects that may occur as a result of this complexity. States Parties must be particularly mindful of the impact that their choices will have for groups with heightened vulnerabilities as well as for others persons affected including, especially, their families on whom falls the heaviest burden in the event of institutional shortcomings.<sup>36</sup> While statistical information is essential in ensuring the implementation of rights can be measured, it is only useful if resources made available and results achieved or progress made can be compared with identified needs. Authorities must pay particular attention to the impact of their housing policy choices on the most vulnerable groups, in this case individuals and families suffering exclusion and poverty.<sup>37</sup>

<sup>32</sup> Greek General Confederation of Labour (GSEE) v. Greece, Complaint No. 111/2014, decision on the merits of 23 March 2017, §85.

<sup>33</sup> International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007 §61.

<sup>34</sup> FEANTSA v. France, Complaint No 39/2006, decision on the merits of 5 December 2007 §56.

<sup>35</sup> *ATD Fourth World v. France*, Collective complaint 33/2006, decision 4.2.2006, §66. and Collective complaint 39/2006, FEANTSA v. France, decision 4.2.2008, §62.

<sup>36</sup> International Association Autism Europe v. France, Complaint No. 13/2002, decision on the merits of 4 November 2003, §53

<sup>37</sup> International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §67.

### 3. STANDARDS AND GOOD PRACTICES RELATED TO SOCIAL HOUSING

Standards for social housing have been addressed many times by the ECSR, particularly through the application of the “adequacy” test.

Article 31.1 of the Social Charter on access to adequate housing obliges States Parties to guarantee to everyone the right to adequate housing.<sup>38</sup> States Parties must promote access to housing in particular to different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities including those with mental health problems.<sup>39</sup>

The ECSR has clarified that “adequate housing” must be defined in law, and applies not only to new construction, but also gradually to the existing housing stock,<sup>40</sup> and to rented as well as owned housing.<sup>41</sup> “Adequate housing” means:

1. a dwelling which is safe from a sanitary and health point of view, i.e. that possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc and where specific dangers such as the presence of lead or asbestos are under control;
2. a dwelling which is not over-crowded, that the size of the dwelling must be suitable in light of the number of persons and the composition of the household in residence;
3. a dwelling with secure tenure supported by the law.<sup>42</sup>

The ECSR has also drawn on the concept of “adequacy” from the jurisprudence of the UN Committee on Economic and Social Rights (UNCESCR), which has identified seven criteria to determine the adequacy of housing:

- a. Legal security of tenure, including protection from forced eviction, regardless of the type of property and tenure (home ownership, rental, informal settlement, etc.);
- b. Availability of services, materials, facilities, and infrastructure, including access to natural and common resources, all of which are essential for health, safety, comfort and nutrition;
- c. Affordability, including protection from unreasonable rent levels and increases, so as not to compromise or threaten the attainment and satisfaction of other essential needs and rights;
- d. Habitability, in terms of protection from cold, damp, heat, rain, wind and other threats to health and safety;
- e. Accessibility, paying particular attention to the needs of groups and individuals at greater risk of harm, disadvantage and discrimination;
- f. Location, providing access to employment, health services, schools, transport and other facilities, taking into account environmental considerations; and
- g. Cultural adequacy, using materials and tools that adequately recognise and express the cultural identity and diversity of the population.<sup>43</sup>

The ECSR has repeatedly held that the right to housing for families encompasses housing of an adequate standard and access to essential services.

*In this respect the Committee takes into account General Comment No 4 of the UN Committee of Economic, Social, and Cultural Rights Committee which provides that “Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be*

<sup>38</sup> Conclusions 2003, France.

<sup>39</sup> Conclusions 2003, Italy.

<sup>40</sup> Conclusions 2003, France.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> International Federation for Human Rights (FIDH) v. Ireland, Complaint No. 110/2014, decision on the merits, 12 May 2017 §118.



*guaranteed as well” and that “An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.”<sup>44</sup>*

The ECSR has clarified that public authorities must ensure that housing is adequate through different measures, such as an inventory of the housing stock, injunctions against owners who disregard obligations, urban development rules and maintenance obligations for landlords.<sup>45</sup> States Parties are expected to demonstrate how the adequacy of the existing housing stock (whether rented or not, privately or publicly owned) is checked, whether regular inspections are carried out and what follow-up is given to decisions finding that a dwelling does not comply with the relevant regulation.<sup>46</sup> The State responsibility cannot be avoided. Even if under domestic law, local or regional authorities, trade unions or professional organisations are responsible for exercising a particular function, States Parties to the Social Charter are responsible, in terms of their international obligations, to ensure that such responsibilities are properly exercised.<sup>47</sup>

Standards for social housing are therefore assessed by the ECSR and other monitoring bodies for coherence with the relevant international instruments, jurisprudence and statements of interpretation of the respective monitoring body. Thus, while detailed prescriptive standards are not imposed, nevertheless the standards adopted must be in line with the international housing rights adopted. Aside from the human rights instruments, other reports from international organisations set out best practices which overlap in many ways with adherence to housing rights standards.

However, since standards for social housing are established and enforced at local, regional and national level, in many cases, social housing standards, such as a size, dimension, amenities, etc, may, in fact, overlap with the construction, planning and development regulatory frameworks for housing generally. Indeed, the UNECE (2006) *Guidelines on Social Housing - Principles and Examples* state:

*Social housing should be used to foster diversity and social cohesion in urban areas by spatial inclusion into larger housing areas. Social housing should therefore be placed among other residential buildings or even integrated into the same buildings.*

*The standards of social housing estates should not be lower than the average housing standards in a country, to avoid stigmatization and social segregation.”<sup>48</sup>*

In 2010 the World Health Organization (WHO) commenced a long and thorough process of devising guidelines on housing and health and published the WHO Housing and Health Guidelines in 2018 for governments and relevant organizations.<sup>49</sup> The WHO Guidelines cover the following areas:

- Inadequate living space
- Low indoor temperatures
- High indoor temperatures
- Accessibility of housing to people with functional impairments
- Proximity of housing to walking and cycling infrastructure.

<sup>44</sup> International Federation for Human Rights (FIDH) v. Ireland, Complaint No. 110/2014, decision on the merits, 12 May 2017 §118.

<sup>45</sup> Conclusions 2003, France.

<sup>46</sup> Conclusions 2019, Turkey, Ukraine.

<sup>47</sup> European Roma Rights Centre (ERRC) v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §29.

<sup>48</sup> [https://unece.org/fileadmin/DAM/hlm/documents/Publications/guidelines\\_social\\_housing.pdf](https://unece.org/fileadmin/DAM/hlm/documents/Publications/guidelines_social_housing.pdf), p. 92.

<sup>49</sup> World Health Organization, “WHO Housing and Health Guidelines”. Available at <https://www.who.int/publications/item/9789241550376>

The UNECE Report *Housing2030: Effective policies for affordable housing in the UNECE region* states that setting and monitoring appropriate housing standards to realise the right to housing is a vital tool of housing system governance, which can help shape better housing outcomes.<sup>50</sup> When good standards are adopted and enforced, usually via legislation, they can help to promote more secure, adequate and affordable housing outcomes. The UNECE Report also points out that while setting standards is important, effective compliance monitoring is equally important. This lets policymakers know the scale and location of non-compliance, as well as the housing segment in which it is located. The UNECE Report highlights the standards linked to housing rights as set out in the UN HCHR International standards on the right to housing,<sup>51</sup> and UN Special Rapporteur on adequate housing Guidelines for the implementation of the right to adequate housing.<sup>52</sup>

The UNECE Report *Housing2030: Effective policies for affordable housing in the UNECE region* points out that it is important to recognise that housing standards are more than the extremely important technical building or energy efficiency standards but also include the human and housing rights standards which all States have now adopted. These include standards of housing quality, access, overcrowding and affordability. Important housing standards relate to quality (including fire safety), space per occupant (relating to overcrowding), security (freedom from no-grounds eviction), affordability to different income and household types, access for different household groups (youth, aged, migrants) and proximity to key resources (employment, education and recreation).<sup>53</sup>

One valuable study - *Housing Spaces in Nine European Countries: A Comparison of Dimensional Requirements* – covered Germany, UK, France, Italy, The Netherlands, Portugal, Sweden and Denmark between 2018 and 2020.<sup>54</sup> This showed that in most countries the development of housing is undertaken within a framework of fixed minimum interior spaces, including amount of living space, ceiling heights, and in some cases room's side length and volumes. The study addressed minimum living space in square meters, habitable volume in cubic metres, minimum area for studio apartments, minimum size/area for living rooms, bathrooms and bedrooms, and minimum heights (which also addresses units in basements). Full details of each dimension are set out in Appendix 1 below.

The minimum living space is 14 m<sup>2</sup> in France and Italy, 18 m<sup>2</sup> in Spain and 35 m<sup>2</sup> in Sweden. The minimum size for a studio apartment size is 28 m<sup>2</sup> in Italy; 20 m<sup>2</sup> in Spain; 35 m<sup>2</sup> in Portugal; 37 m<sup>2</sup> in Ireland (see Appendix 2). Minimum room heights are 2.2m. in France; 2.4m. in Germany and Sweden; 2.5m. in Spain; 2.6m. in The Netherlands; and 2.7m. in Portugal and Italy. The minimum room size for a single bedroom is 6m<sup>2</sup> in Germany, Portugal and Spain, 9 m<sup>2</sup> in Italy, 7 m<sup>2</sup> in France, with the figure for Ireland at 7.1m<sup>2</sup>. Surprisingly, the Study of Nine European Countries did examine the dimensions for storage space, which is included in the Irish Regulations – Appendix 2.<sup>55</sup>

The EU Statistics on income and living conditions (EU-SILC) has established a set of housing deprivation indicators, which can be interpreted as EU comparative standards are:

- Severe housing deprivation rate
- Share of total population living in a dwelling with a leaking roof, damp walls, floors or foundation, or rot in window frames of floor
- Share of total population having neither a bath, nor a shower in their dwelling

<sup>50</sup> [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>51</sup> <https://www.ohchr.org/en/special-procedures/sr-housing/international-standards>

<sup>52</sup> <https://www.ohchr.org/en/special-procedures/sr-housing/guidelines-implementation-right-adequate-housing>

<sup>53</sup> UNECE (2021) #Housing2030: Effective policies for affordable housing in the UNECE region. P. 22/23. Available at: [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>54</sup> Appolloni, L.; D'Alessandro, D. Housing Spaces in Nine European Countries: A Comparison of Dimensional Requirements. *Int. J. Environ. Res. Public Health* 2021, 18, 4278. <https://doi.org/10.3390/ijerph18084278>

<sup>55</sup> The Ukraine Ministry of Regional Development and Construction – General Provisions on Residential Buildings (2005) compares favourably with these standards.

- Share of total population not having indoor flushing toilet for the sole use of their household
- Share of total population considering their dwelling as too dark
- Share of total population having neither a bath, nor a shower, nor indoor flushing toilet in their household
- Share of total population who cannot afford to replace worn-out furniture.<sup>56</sup>

Eurostat annual reports on living conditions in Europe – housing show the comparative levels of housing conditions in the EU.<sup>57</sup> For Eurostat a person is considered as living in an overcrowded household if the household does not have at its disposal a minimum number of rooms equal to:

- one room for the household;
- one room per couple in the household;
- one room for each single person aged 18 or more;
- one room per pair of single people of the same gender between 12 and 17 years of age;
- one room for each single person between 12 and 17 years of age and not included in the previous category;
- one room per pair of children under 12 years of age<sup>58</sup>

In relation to person with disabilities, Article 15 of the European Social Charter obliges Ratifying Parties to promote their full social integration and participation of persons with disabilities in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure. The ECSR has stated that the needs of persons with disabilities must be taken into account in housing policies, including the construction of an adequate supply of suitable, public, social or private, housing.<sup>59</sup>

### Long term management and maintenance standards

The long term management and maintenance of social housing with regular stock condition surveys is recognised by the ECSR as an integral part of the provision of adequate social housing. In *FIDH v Ireland*<sup>60</sup> the ECSR examined the conditions of social housing in Ireland in relation to a Complaint on Article 16 of the Charter. The Complaint involved information on poor standards of local authority housing for families, with dampness and mould and infestations. The ECSR examined the national legal provisions on the duties of public authorities in the provision and management of dwellings, as well as the Standards for Rented Housing Regulations.<sup>61</sup> Along with the failures in maintenance, one key issue was the lack of inspections by the local authority of its housing stock, and there was therefore no way of identifying local authority compliance with standards for its rented houses. The ECSR reiterated the obligations for ensuring compliance with Article 16 right to housing over time.

This means that, for ensuring the satisfactory application of the right to family housing under Article 16 of the Charter – mutatis mutandis, the same as for the right to adequate housing under Article 31 – States Parties should:

<sup>56</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU\\_statistics\\_on\\_income\\_and\\_living\\_conditions\\_\(EU-SILC\)\\_methodology](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_statistics_on_income_and_living_conditions_(EU-SILC)_methodology)

<sup>57</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living\\_conditions\\_in\\_Europe\\_-\\_housing#Housing\\_conditions](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living_conditions_in_Europe_-_housing#Housing_conditions)

<sup>58</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Overcrowding\\_rate](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Overcrowding_rate)

<sup>59</sup> Conclusions 2003, Italy.

<sup>60</sup> International Federation for Human Rights (FIDH) v. Ireland. Complaint No. 110/2014. Decision on the merits 12 May 2017, [https://hudoc.esc.coe.int/fre/#{:%22sort%22:\[%22escpublicationdate%20descending%22\],%22escdidentifier%22:\[%22cc-110-2014-dmerits-en%22\]}](https://hudoc.esc.coe.int/fre/#{:%22sort%22:[%22escpublicationdate%20descending%22],%22escdidentifier%22:[%22cc-110-2014-dmerits-en%22]})

<sup>61</sup> These have now been updated in 2019 and cover a range of issues and provide enforceable minimum standards in all rented housing. The standards relate to, inter alia, structural condition, provision of sanitary facilities, food preparation, storage and laundry, availability of adequate heating, lighting and ventilation, safety of oil, electricity and gas installations, fire safety and refuse facilities. The Standards are available at: <https://www.irishstatutebook.ie/eli/2019/si/137/made/en/pdf>

- a. adopt the necessary legal, financial and operational means of ensuring steady progress towards achieving the goals laid down by the Charter;
- b. maintain meaningful statistics on needs, resources and results;
- c. undertake regular reviews of the impact of the strategies adopted;
- d. establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage;
- e. pay close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable (European Federation of National Organisations Working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006, decision on the merits of 5 December 2007, § 54)<sup>62</sup>

The requirement for regular stock condition surveys was not met in the Irish case, with the last one being carried out in 2002. Even more concerning was that there was no national timetable for the refurbishment of local authority housing stock.<sup>63</sup> The ECSR found a violation of Article 16.

In the light of the above the Committee finds that the Government has failed to take sufficient and timely measures to ensure the right to housing of an adequate standard for not an insignificant number of families living in local authority housing and therefore holds that there is a violation of Article 16 of the Charter in this respect.<sup>64</sup>

### Funding of Social Housing

A significant aspect of social housing standards relates to the funding arrangements for social housing – especially the need for long term sustainable finance to ensure adequate management and maintenance standards can be sustained throughout the lifetime of the social housing stock.

To boost investment in housing, a number of OECD countries have established revolving funds, or more complex systems achieving the same effect, to finance the construction of affordable and social rental dwellings. The key features in establishing and operating a dedicated funding mechanism vary widely across countries, including with respect to the institutional set-up of the scheme, the funding and financing arrangements, and decisions around management and monitoring as shown in the following table.<sup>65</sup>

Examples include:

- *Denmark's National Building Fund*: A dedicated, stand-alone, self-governing funding institution that was established by housing associations to promote the self-financing of construction, **renovations, improvements** and neighbourhood improvements. Funding is based on a share of tenants' rents and contributions from housing associations to mortgage loans.
- *Austria's affordable and social housing model*: Austria's funding approach relies on limited-profit housing associations that operate revolving funds under the supervision and with the steering of the federal, regional and municipal governments. Projects developed by limited-profit housing associations are typically financed by multiple sources, including tenant contributions, housing associations' own equity, and public and commercial loans.
- *Slovenia's Housing Fund*: a dedicated fund for housing established to finance and implement the National Housing Programme. The Housing Fund is a public finance and real estate fund that provides long-term loans with a favourable interest rate to public and private entities to purchase, **maintain and renovate** non-profit rental housing or owner-occupied dwellings. The fund also invests in construction and land for development and supports the construction, refurbishment and renovation of housing for vulnerable groups.

<sup>62</sup> International Federation for Human Rights (FIDH) v. Ireland. Complaint No. 110/2014. Decision on the merits 12 May 2017, §108.

<sup>63</sup> Ibid. §115.

<sup>64</sup> Ibid. §121.

<sup>65</sup> OECD (2023), *Brick by Brick (Volume 2): Better Housing Policies in the Post-COVID-19 Era*, OECD Publishing, Paris, <https://doi.org/10.1787/e91cb19d-en> Table 1.1.

- *The Netherlands' affordable and social housing model:* Housing associations have access to a guarantee fund (the Social Housing Guarantee Fund, or WSW). This system of housing associations operates as a sort of “revolving fund”, benefitting from lower interest rates thanks to the WSW and their mutual co-operation agreement to bail out housing associations. Furthermore, the Dutch State and municipalities act as guarantors of last resort for bank loans.

The UNECE Report *Housing2030: Effective policies for affordable housing in the UNECE region* states that setting and monitoring appropriate housing standards to realise the right to housing is a vital tool of housing system governance, which can help shape better housing outcomes.<sup>66</sup> The Report sets out a range of best practices on the structures and functions of social management organisations and the governing models.<sup>67</sup>

### Tenant Participation

Modern social housing systems incorporate tenant participation as an integral element of sustainable housing management.<sup>68</sup> It is recognized internationally, through the Tenants Charter of the International Union of Tenants, that incorporating tenants' perspectives and preferences in is a critical aspect of equitable and efficient rented housing management.<sup>69</sup> Indeed, the UNECE [#Housing2030](#) Report outlines the potential benefits and challenges of tenant participation:

#### Rationale for Involving Tenants in the Governance of Rented Housing<sup>70</sup>

Benefits	Challenges
<ul style="list-style-type: none"> <li>• Tenants have a right to be consulted regarding decisions which affect their homes.</li> <li>• Tenants have insights into the effectiveness of housing management which can help improve service quality and efficiency.</li> <li>• Can promote stronger communities in rented housing developments and reduce social isolation.</li> <li>• Empowers tenants, increases their self-confidence and helps them gain additional skills.</li> <li>• Cheaper digital technology, more widespread internet and social media usage has made consulting tenants easier.</li> <li>• Promotes the open, inclusive governance of housing</li> </ul>	<ul style="list-style-type: none"> <li>• May conflict with dominant ethos and culture of the landlord organisation.</li> <li>• Can create inequalities between “insiders” and “outsiders”, i.e., between current and aspiring tenants.</li> <li>• Additional demands on tenants to attend meetings, manage paperwork, take on management responsibilities.</li> <li>• Tenants' demands may undermine rent policy that secures funds for adequate maintenance, renovation and new housing.</li> <li>• Difficult to ensure that all categories of tenants get involved especially young people, disadvantaged households and ethnic minority tenants.</li> <li>• May be tokenistic and not reinforced by monitoring, regulation and legislation.</li> </ul>

Tenant participation can take various forms depending on both the goals of involving tenants in decision-making and the time and resources dedicated to the process.

<sup>66</sup> [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>67</sup> <https://www.housing2030.org>

<sup>68</sup> Centre for Housing Law, Rights and Policy (2022) *Empowering Tenants: Protecting Human Rights - Effective Tenant Participation in the Management of Local Authority Housing* (University of Galway)

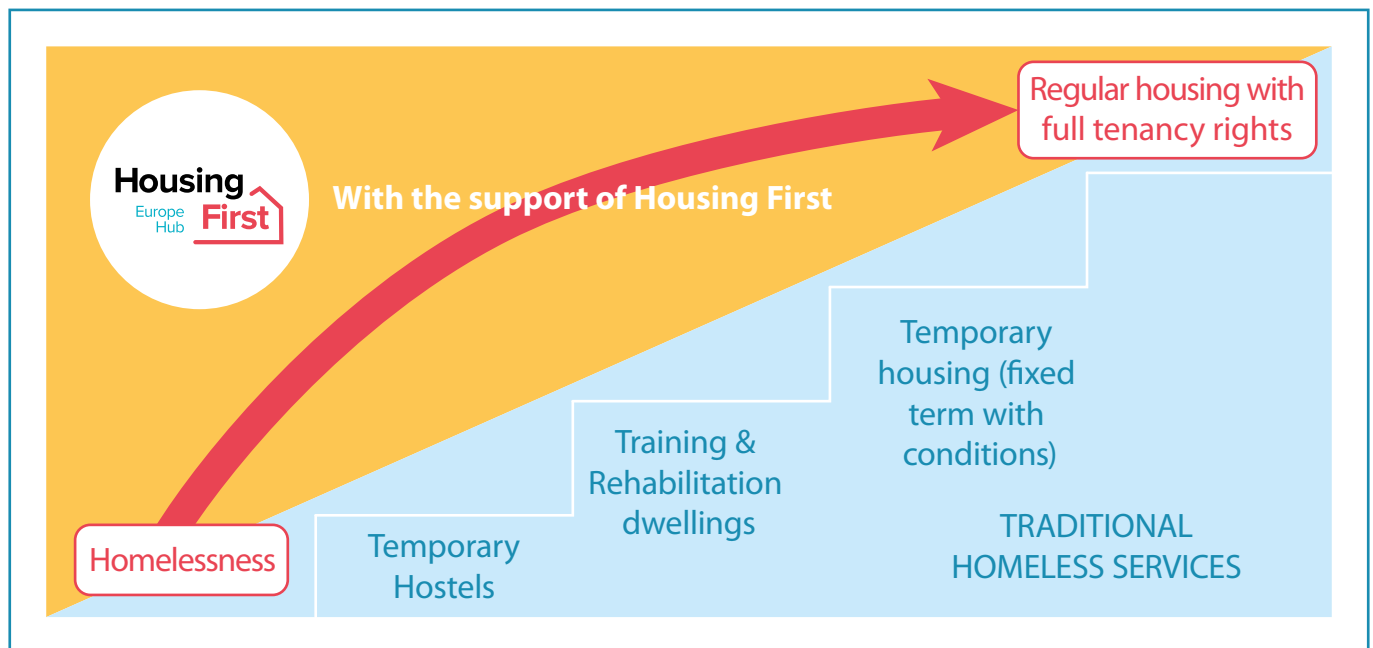
<sup>69</sup> International Union of Tenants, The Tenants Charter (IUT, 2003) Part VI, available at <https://www.iut.nu/about-iut/the-tenants-charter/>

<sup>70</sup> UNECE, *#Housing2030*, p. 42.

## **Housing First – a good standard for social housing for homeless people**

In situations of providing housing to vulnerable and social excluded persons the provision of social housing with social, personal or other supports is often necessary. One model for this holistic approach is Housing First, which although focussed on homeless people, nevertheless, provides inspiration as to how social housing can enhance peoples' lives in a number of ways. From the 2000s the Finnish government has funded programmes to reduce and end homelessness. Unlike other supported housing models, in Housing First, individuals do not need to prove they are 'ready' for independent housing, or progress through a series of accommodation and treatment services. There are no conditions placed on them, other than a willingness to maintain a tenancy agreement, and Housing First is designed to provide long-term, open-ended support for their on-going needs.

**Figure 1. Housing First offers full tenancy rights with support**



The core principles of Housing First are:

- **Housing is a human right** – Housing is provided first, rather than last, without any expectation that a homeless person has to behave in certain ways, comply with treatment, or be abstinent from drugs or alcohol before they are given a home. Housing First does not expect homeless people to earn their right to housing, or earn a right to remain in housing.
- **Choice and control for service users** – People using the service should be listened to and their opinions should be respected. Housing First tenants are able to exercise real choices about how they live their lives and the kinds of support they receive.
- **Separation of housing and treatment** – Access to housing (being offered a home by a Housing First service) is not conditional on behavioural change or accepting treatment. Remaining in housing provided via Housing First does not require someone to change their behaviour or accept treatment. If someone is evicted or moves out of their home, the support continues.
- **Recovery orientation** – The service focuses on the overall well-being of an individual. This includes their physical and mental health, their level of social support (from a partner, family or friends) and their level of social integration, i.e. being part of a community and taking an active part in society.
- **Harm reduction** – A principle based on the idea that ending problematic drug and alcohol use can be a complex process, and that services requiring abstinence or detoxification do not work well for many people experiencing homelessness.

- **Active engagement without coercion** – Assertive engagement is used with people in Housing First services in a positive way that makes them believe that recovery is possible.
- **Person-centred planning** – This involves organising support and treatment around an individual and their needs. Housing First adapts to and organises itself around service users, rather than expecting someone to adjust and adapt themselves to the Housing First service.
- **Flexible support for as long as is required** – This principle puts Housing First in stark contrast with other forms of homelessness support. Housing First providers commit to offering long-term support without a fixed end date; recovery takes time and varies by individual needs, characteristics and experiences.<sup>71</sup>

In terms of costs, homeless people in most European countries who are eligible for Housing First are also eligible for social welfare and housing benefits. Often the funding is combined from different streams of support, e.g. housing benefits, healthcare support for treatment, etc. These benefits can be used to cover the cost of rent and support.<sup>72</sup>

#### 4. ECSR CONCLUSIONS ON ARTICLE 31 REGARDING UKRAINE AND WHICH ASPECTS SHOULD BE TAKEN INTO ACCOUNT IN DEVELOPING THE NEW LAW ON SOCIAL HOUSING

The ECSR (Revised) Conclusions 2023 in relation to Ukraine<sup>73</sup> raised some issues in relation to Articles 31.1 and 31.2 which should be taken into account in developing a new law on social housing.

The first issue under Article 31.1 relates to the lack of information provided on the adequacy of housing. This information or data collection process is essential for establishing a baseline and monitoring the extent and effect of measures taken. It is a key part of the satisfactory application of the right to family housing under Articles 16 and 31 of the Charter and essential for measuring progress towards achieving the goals laid down by the Charter.<sup>74</sup> There is a specific obligation to maintain meaningful statistics on needs, resources and results as these are essential for establishing a timetable for the full application of the Articles and so as not to defer indefinitely the deadline for achieving the objectives of each stage.

The ECSR has clarified that public authorities must ensure that housing is adequate through different measures, such as an inventory of the housing stock, injunctions against owners who disregard obligations, urban development rules and maintenance obligations for landlords.<sup>75</sup> States Parties are expected to demonstrate how the adequacy of the existing housing stock (whether rented or not, privately or publicly owned) is checked, whether regular inspections are carried out and what follow-up is given to decisions finding that a dwelling does not comply with the relevant regulation.<sup>76</sup>

Information was requested on the adequacy of housing (e.g., number of substandard dwellings, overcrowding, water, heating, sanitary facilities, electricity), on the percentage of the population living in inadequate housing, including overcrowded housing, and on the practical measures taken to improve the situation. Any law on social housing could include regular stock conditions surveys for social

<sup>71</sup> <https://housingfirsteurope.eu/what-is-hf/a-beginners-guide-to-housing-first/>; A Home of Your Own, Y-Foundation, 2017 - <https://ysaatio.fi/en/housing-first-finland/a-home-of-your-own-handbook>; Kaakinen, J., Turunen, S., "Finnish but not yet Finnish – Successes and Challenges of Housing First in Finland," *European Journal of Homelessness*, vol. 15, no. 3, 2021 [https://www.feantsaresearch.org/public/user/Observatory/2021/EJH\\_15-3/Final/EJH\\_15-3\\_A2.pdf](https://www.feantsaresearch.org/public/user/Observatory/2021/EJH_15-3/Final/EJH_15-3_A2.pdf); [https://housingfirsteurope.eu/assets/files/2022/02/Systems\\_Perspective\\_Policy\\_and\\_Practice\\_Guide.pdf](https://housingfirsteurope.eu/assets/files/2022/02/Systems_Perspective_Policy_and_Practice_Guide.pdf); What is Housing First - video series: <https://housingfirsteurope.eu/guide/>.

<sup>72</sup> <https://housingfirsteurope.eu/what-is-hf/>

<sup>73</sup> ECSR Conclusions 2023 Ukraine - <https://rm.coe.int/conclusions-2023-ukraine-en-2771-3525-8889-1/1680aedd20>

<sup>74</sup> European Federation of National Organisations Working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006, decision on the merits of 5 December 2007, § 54.

<sup>75</sup> Conclusions 2003, France.

<sup>76</sup> Conclusions 2019, Turkey, Ukraine.

housing, and census data should also collate this information for the housing stock as a whole – and if not, a law on social housing could specify the arrangements for regular statistical surveys. The long term management and maintenance of social housing with regular stock condition surveys is recognised by the ECSR as an integral part of the provision of adequate social housing - *FIDH v Ireland*.<sup>77</sup>

The absence of information on whether legal minimum housing standards are established and enforced in relation to living space, unit and minimum room sizes and other issues, both in respect of new housing developments and existing housing was also raised. A law on social housing should set out these minimum sizes and dimensions, which should be in line with housing standards generally. The information above and Appendices 2 and 3 below offer some comparisons, in addition to the legally defined standards already adopted by Ukraine for new developments. Along with clear minimum standards the level and consistency of enforcement is also relevant. A new law on social housing should specify the enforcement process, with timelines and penalties.

The ECSR also raises the question as to whether the authorities carry out inspections and the frequency of those inspection for non-compliance with standards (in respect of the entire housing stock), along with the issue of follow-up in cases of non-compliance. Such a process and timeline could be set out in a new law on social housing, specifying the enforcement body and procedures for complaints to that body.

The level of legal protection for tenants and occupiers in relation to enjoyment of minimum standards of housing could also be specified in a new law on social housing, with the jurisdiction of the courts to deal directly with breaches and the levels of penalties and remedies for non-compliance. A law on social housing must be compatible with Article 31.1. which obliges States Parties to promote access to housing, in particular to different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities, including those with mental health problems.<sup>78</sup>

Improving the sub-standard housing conditions of Roma and other vulnerable groups must be an integral part of any law on social housing, and relevant data collection on this needs to be ensured. The operation of any social housing law must also be regularly reviewed to assess its impact on each of the categories of persons concerned, particularly the most vulnerable.<sup>79</sup>

The State responsibility for ensuring compliance with applicable rules on housing adequacy cannot be avoided. Even if under domestic law, local or regional authorities, trade unions or professional organisations are responsible for exercising a particular function, States Parties to the Social Charter are responsible, in terms of their international obligations, to ensure that such responsibilities are properly exercised.<sup>80</sup>

Indeed, the development of a social housing strategy is a key element in the implementation of the right to adequate housing, and should be included in any law on social housing. The Report of the UN 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 addressed this issue:

*... 6. Generally, a housing policy is composed of a number of programmes that address current housing issues, including homelessness, social housing supply or access to housing in the private market. Housing programmes are often operated by a single authority, a statutory agency or different levels of government.*

<sup>77</sup> International Federation for Human Rights (FIDH) v. Ireland. Complaint No. 110/2014. Decision on the merits 12 May 2017, <https://hudoc.esc.coe.int/fre/#{%22sort%22:%22escpublicationdate%20descending%22,%22escdidentifier%22:%22cc-110-2014-dmerits-en%22%22}>

<sup>78</sup> Conclusions 2003, Italy.

<sup>79</sup> European Federation of National Organisations Working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006, decision on the merits of 5 December 2007, § 54.

<sup>80</sup> European Roma Rights Centre (ERRC) v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §29.



7. *Housing strategies operate at a higher level than housing policy and programmes and are based on a vision of structural change that is required over time. A strategy coordinates a wide range of laws, programmes, policies and decisions to address housing needs that, when taken together, create a housing system. The aim of a housing strategy is not only to provide housing, but also to address gaps and inequalities in existing systems. It provides opportunities to review and change policies and programmes to ensure their efficacy and challenges the stigmatization, marginalization and discrimination that lies behind failures of housing systems. A housing strategy must engage a multiplicity of allocated responsibilities and jurisdictions of various levels of government and departments.*

8. *To meet the commitments of the 2030 Agenda, a housing strategy must ensure that no one is left behind. In other words, it must aim to change societies in which significant numbers of people are deprived of the right to adequate housing, into societies in which everyone has access to adequate housing and in which housing is a means to ensure dignity, security and inclusion in sustainable communities.*<sup>81</sup>

The UN Committee on Economic, Social and Cultural Rights has emphasized that the obligation to progressively realize the right to housing will almost invariably require the adoption of a national housing strategy. Strategies should be developed in consultation with affected groups, include clearly defined goals, identify the resources to be allocated and clarify responsibilities and a time frame for implementation.

The UN Special Rapporteur on adequate housing *Guidelines for the Implementation of the Right to Adequate Housing* issued *Guideline No. 4. on implementing comprehensive strategies for the realization of the right to housing*. This states that the realization of the right to housing requires that housing strategies must identify the State's obligations to be realized progressively, based on clear goals and timelines for achieving specific outcomes and the right to adequate housing for all in the shortest possible time. Strategies should provide coherence and coordination in all relevant policy areas, particularly urban planning, land regulation, taxation and finance, social benefits and services.<sup>82</sup>

- a. Housing strategies must identify the State's obligations to be realized progressively, based on clear goals and timelines for achieving specific outcomes and the right to adequate housing for all in the shortest possible time;
- b. Strategies should provide coherence and coordination in all relevant policy areas, particularly urban planning, land regulation, taxation and finance, social benefits and services;
- c. States should establish specific strategies to address obstacles to the right to housing such as discrimination, financialization, speculation, predatory lending, land-grabbing, conflict, forced evictions, environmental degradation and vulnerability to disasters. Strategies adopted should be responsive to persistent and emerging challenges in urban and rural areas, such as spatial injustice and climate change;
- d. States should provide for independent monitoring of progress in meeting goals and timelines, establish procedures through which affected communities can identify systemic issues affecting the realization of the right to housing and ensure effective responses.<sup>83</sup>

The concluding observations on the seventh periodic report of the UN Committee on Economic, Social and Cultural Rights (2020) recommended that Ukraine "develop and effectively implement a human-rights based national strategy on housing, and, to this end, collect disaggregated statistics, especially on the housing situation of vulnerable groups and individuals; increase the housing subsidy to make it commensurate with living costs"<sup>84</sup>

<sup>81</sup> UN Doc. A/HRC/37/53, 15 January 2018.

<sup>82</sup> UN Doc. A/HRC/43/43. 26 December 2019. <https://www.ohchr.org/en/special-procedures/sr-housing/guidelines-implementation-right-adequate-housing>

<sup>83</sup> UN Doc. A/HRC/43/43. 26 December 2019, para 28.

<sup>84</sup> UN Doc. E/C.12/UKR/CO/7 Committee on Economic, Social and Cultural Rights, *Concluding observations on the seventh periodic report of Ukraine* (2 April 2020), para 36.

Perhaps the most comprehensive policy development tools available today for developing a social housing strategy (and indeed a housing strategy as whole) is that set out in the UNECE (2021) *#Housing2030 Effective policies for affordable housing in the UNECE region Report*.<sup>85</sup> This Report set out in the *#Housing2030 website*<sup>86</sup> detailed policy guidance for effective governance, strategic land policy, housing investment and active promotion of climate neutral and affordable housing and neighbourhoods. The Report outlines the range of policy tools which can be marshalled in a housing strategy.

**Figure 2. Tools which can be used in housing policy.**<sup>87</sup>

GOVERNANCE TOOLS	Strategic frameworks		Institutions and capacity-building	
	Multi-level governance		Setting and monitoring housing standards	
	Evidence		Supervision	
	Dedicated social and affordable housing providers		Tenant and owner-occupier involvement frameworks	
FINANCE AND INVESTMENT TOOLS	Regulating financial institutions	Non-profit provision of social and affordable housing		Subsidizing rents
	Rent setting, indexation and regulation	Microfinancing		Using household savings
	Public loan, grants and purposeful investment	Interest rate subsidies		Loan guarantees and insurance
	Special-purpose intermediaries	Shared equity and costs schemes		Revolving funds for investment in affordable housing
	Taxation to guide investment			
LAND POLICY TOOLS	Public land banking		Public land leasing	
	Land readjustment		Land value capture	
	City and neighbourhood planning			
	Land-use regulation and inclusionary zoning			
	Land value taxation			
CLIMATE-NEUTRALITY TOOLS	Energy performance-related building regulations		Regulating the urban environment for energy efficiency	
	Non-regulatory climate policy initiatives		Financial incentives	
	Awareness-raising and training			

Since the right to housing is also recognised in the Constitution of Ukraine, there is an opportunity to integrate the right to housing into a new housing strategy and housing law, as well as into any good practice models of housing policy.<sup>88</sup>

<sup>85</sup> [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>86</sup> <https://www.housing2030.org>

<sup>87</sup> UNECE (2021) *#Housing2030 Effective policies for affordable housing in the UNECE region*. P. xvii. [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>88</sup> Article 47 states: Everyone has the right to housing. The State creates conditions that enable every citizen to build, purchase as property, or to rent housing. Citizens in need of social protection are provided with housing by the State and bodies of local self-government, free of charge or at a price affordable for them, in accordance with the law. No one shall be forcibly deprived of housing other than on the basis of the law pursuant to a court decision. Article 48 states: Everyone has the right to a standard of living sufficient for himself or herself and his or her family that includes adequate nutrition, clothing and housing.

In relation Article 31.1. the ECSR Conclusions 2023 raised issues in relation to the adequacy of the legal protection for persons threatened by eviction, and whether the right to shelter was adequately guaranteed. While data was available on the numbers of homeless in 2021, more detailed information is required on

- the measures taken to prevent categories of vulnerable people from becoming homeless and to reduce the number of persons in a situation of homelessness, and on the number of homeless persons;
- the availability and adequacy of shelters/emergency accommodation;
- whether the law prohibits eviction from shelters/emergency accommodation without the provision of alternative accommodation.

While there was a draft action plan to prevent and reduce homelessness this had not been adopted by the Government.

In relation to forced evictions, information is required on the notice period applying in cases of eviction without provision of alternative accommodation, on whether the law prohibited evictions at night or during winter, and on the access to legal remedies against eviction and compensation in the event of illegal eviction.

In relation to the right to shelter the ECSR had previously found that the right to shelter had not been adequately guaranteed, and the lack of information on whether shelters/emergency accommodation satisfied security requirements and health and hygiene standards, and whether the law prohibited eviction from shelters or emergency accommodation without the provision of alternative accommodation. Indeed the Conclusions in 2023 found that Ukraine was not in conformity with Article 31.2 on the ground that the legal protection for persons threatened by eviction is insufficient.

## APPENDIX 1. HOUSING SPACES IN NINE EUROPEAN COUNTRIES — APPOLLONI & D'ALESSANDRO (2021) EXTRACT

**Table 3. Dimensional parameters of housing and living space in housing in the examined standards.**

Countries	Living Space (m <sup>2</sup> )	Habitable Volume (m <sup>3</sup> )	Studio Apartment Area (m <sup>2</sup> )	Living Room (m <sup>2</sup> )	Bathroom (m <sup>2</sup> per Inh.)	Single Bedroom (m <sup>2</sup> )	Room Side Length (m)	Minimum Height (m)
Germany	-	-	-	-(1) Net floor area, living rooms: 10 m <sup>2</sup> ; For houses with several bedrooms and living rooms, one room can be 6 m <sup>2</sup> .	-	-(1) Net floor area, living rooms; 10 m <sup>2</sup> . For houses with several bedrooms and living rooms, one room can be 6 m <sup>2</sup> .	-	2.40 Germany minimum height for attic and basement 2,20 m.
France	14 The minimum living area/inh is: 14 m <sup>2</sup> for the first 4 people, 10 m <sup>2</sup> from the fifth on for each additional one. The minimum volume/inh is: 33 m <sup>3</sup> for the first 4 occupants, 23 m <sup>3</sup> from the fifth on for each additional one.	33 The minimum living area/inh is: 14 m <sup>2</sup> for the first 4 people, 10 m <sup>2</sup> from the fifth on for each additional one. The minimum volume/inh is: 33 m <sup>3</sup> for the first 4 occupants, 23 m <sup>3</sup> from the fifth on for each additional one.	-	-	-	9 The minimum surface area is 9 m <sup>2</sup> and, in any case, not less than 7 m <sup>2</sup> .	-	2.20
Italy	14 The minimum living area/inh. is 14 m <sup>2</sup> for the first 4 inh.; 10 m <sup>2</sup> from the fifth on for each more inhabitant,	-	28 In case of a studio apartment the minimum area is 28 m <sup>2</sup> for a single occupant and 38 m <sup>2</sup> for 2 occupants	14	-	9 The minimum single bedroom area is 9 m <sup>2</sup> , 14 m <sup>2</sup> for the double room	-	2.70 Minimum height 2.40 m for service rooms
Spain	20 The minimum living space/ inh is 20 m <sup>2</sup> , including common areas (living room, living room and kitchen).	-	20 The minimum usable floor area of dwellings is 20 m <sup>2</sup> for buildings existing prior to the Decree 141/2012 (Cataluña)	-	-	6 In dwellings ≥3 rooms, one of them must be inscribed in a square of 2.60 m of side. In the other rooms and In dwellings ≤2 rooms, these can be inscribed in a square of 2.00 m on the side, The single bedroom must have a minimum area of 6 m <sup>2</sup> for new buildings, 5 m <sup>2</sup> for existing buildings. The double bedroom must have a minimum surface area of 8 m <sup>2</sup> , the triple of 12 m <sup>2</sup> .	-	2.50 Minimum height for service rooms 2.20 m
The Netherlands	18(2) The minimum floor area/inh is 18 m <sup>2</sup> for new buildings, specifying that the living area used as a sleeping and living area is > 55% of the total surface area of the accommodation (including accessory areas), 10 m <sup>2</sup> in the case of existing buildings.	-	-	11 The minimum area is 11 m <sup>2</sup> for new buildings, 7.5 m <sup>2</sup> for existing buildings.	2.2 For new buildings (NB) the toilet must have an accessible space with an area of at least 1.65 m x 2.2 m; the fully accessible toilet must have an area of 1.6 m x 1.8 m. For existing buildings (EE) the Toilet must have a minimum surface area of 0.9 m x 1.2 m, with a minimum height of 2 m. A bathroom combined with toilets must have an area of at least 2.2 m <sup>2</sup> and a width of 0.9 m. A fully accessible integrated bathroom must be at least 2.2 m x 2.2 m.	-	3 The minimum size of the room side must be 3 m for new buildings and 2.4 m for existing buildings.	2.60 The minimum height for service rooms 2.20 m

Countries	Living Space (m <sup>2</sup> )	Habitable Volume (m <sup>3</sup> )	Studio Apartment Area (m <sup>2</sup> )	Living Room (m <sup>2</sup> )	Bathroom (m <sup>2</sup> per Inh.)	Single Bedroom (m <sup>2</sup> )	Room Side Length (m)	Minimum Height (m)
Portugal	-	-	35 The gross floor area is referred to as the gross floor area for single occupancy accommodation.	10 In addition to the 10 m <sup>2</sup> of living room there are 6 m <sup>2</sup> of kitchen.	3.5	10.5 (3) Each flat must have at least one bedroom of 10.5 m <sup>2</sup> for 2 people, the second bedroom may have a surface area of 9 m <sup>2</sup> for two people, in case of an additional room this may be a single bedroom of 6 m <sup>2</sup> .	2.1	2.70 Minimum height for service rooms 2.20 m
Sweden	Dwellings with a residential area (> 55 m <sup>2</sup> ; 35-55 m <sup>2</sup> ; <35 m <sup>2</sup> ) must be designed according to the number of people for which they are intended.	-	-	Dwellings must be designed according to the number of people for whom they are intended.	-	Dwellings must be designed according to the number of people for whom they are intended.	-	2.40 Minimum height for attic and basement 2.30 m.

Inh = inhabitants. (1) With reference to Hesse 1993. (2) The building code in the Netherlands is the only one that also shows minimum linear surfaces in terms of room width and depth. (3) In Portugal accommodation is divided according to the number of rooms available: TO is a studio flat, T1 is a 1-bedroom flat, T2 with 2 rooms, etc. This logic is also present in the building code, divided by type of accommodation.

## APPENDIX 2. REQUIRED MINIMUM FLOOR AREAS AND STANDARDS — IRELAND<sup>89</sup>

### Minimum overall apartment floor areas

Studio	37 sq. m.
One bedroom	45 sq. m.
Two bedrooms (3 persons)	63 sq.m.
Two bedrooms (4 persons)	73 sq.m.
Three bedrooms	90 sq.m.

### Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum width for main living/dining rooms

<b>Apartment type</b>	<b>Width of living/dining room</b>	<b>Aggregate floor area of living/dining room</b>
Studio	4 m.	30 sq. m.
One bedroom	3.3 m.	23 sq. m.
Two bedrooms (3 persons)	3.6 m.	28 sq. m.
Two bedrooms (4 persons)	3.6 m.	30 sq. m.
Three bedrooms	3.8 m.	34 sq. m.

<sup>89</sup> Government of Ireland (2022) *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities*, Department of Housing, Local Government and Heritage. <https://www.gov.ie/en/publication/16edd-sustainable-urban-housing-design-standards-for-new-apartments-guidelines-for-planning-authorities-2022/>

## Minimum bedroom floor areas/widths

<b>Type</b>	<b>Minimum width</b>	<b>Minimum floor area</b>
Studio	4 m. (combined living/dining/bedspace)	30 sq. m.
Single bedroom	2.1 m.	7.1 sq. m.
Double bedroom	2.8 m.	11.4 sq. m.
Twin bedroom	2.8 m.	13 sq. m.

## Minimum aggregate bedroom floor areas

One bedroom	11.4. sq. m.
Two bedrooms (3 persons)	13 + 7.1. sq. m. = 20.1 sq. m.
Two bedrooms (4 persons)	11.4 + 13 sq. m. = 24.4. sq. m.
Three bedrooms	11.4 + 13 + 7.1.sq. m. = 31.5 sq. m.

## Minimum storage space requirements

Studio	3 sq. m.
One bedroom	3 sq. m.
Two bedrooms (3 persons)	5 sq. m.
Two bedrooms (4 persons)	6 sq. m.
Three or more bedrooms	9 sq. m.

## Minimum floor area for private amenity space

Studio	4 sq. m.
One bedroom	5 sq. m.
Two bedrooms (3 persons)	6 sq.m.
Two bedrooms (4 persons)	7 sq.m.
Three bedrooms	9 sq.m.

## Minimum floor areas for communal amenity space

Studio	4 sq. m.
One bedroom	5 sq. m.
Two bedrooms (3 persons)	6 sq.m.
Two bedrooms (4 persons)	7 sq.m.
Three bedrooms	9 sq.m.



