



**HOUSING
RIGHTS
WATCH**

2010-2015

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What is Housing Rights Watch?

Housing Rights Watch is a network of experts and advocates on housing rights in Europe. Housing Rights Watch strives to monitor and promote the enjoyment of **housing rights** in Europe, particularly for people who are homeless or in a situation of housing exclusion. The network was created by [Fondation Abbe Pierre](#) and [FEANTSA](#) in 2008; over the past 8 years, HRW has become an important space for exchange and learning for advocates, lawyers, NGOs, professors, and students, as well as a voice for housing rights.

This report will assess the accomplishments and areas of improvement for Housing Rights Watch in its three streams of work:

1. **Knowledge sharing**
2. **Network building**
3. **Litigation and advocacy**

These three areas mutually support the others and, in the case of network building, the goal and the means are one in the same. Over the past several years, we have expanded HRW to include some of the most relevant experts on housing rights in Europe, and in so doing, we have been able to make an impact in terms of sharing knowledge and expertise on jurisprudence, as well as to support important advocacy and litigation.

Housing Rights Watch has grown to become an important voice for housing and human rights in Europe. In Brussels, there is a marked absence of organisations that seek to protect and promote social rights, including the right to housing. Whilst there are many *social* European NGOs and many *human rights* European NGOs, Housing Rights Watch is unique in taking an active role in litigating and advocating for the respect of rights for people who are living in extremely precarious housing situations in

Europe. By taking up this role, HRW has distinguished itself as rights-based network which is committed to actively monitoring the implementation of human and housing rights in Europe, and has developed important partnerships with both social NGOs and human rights organisations and institutions including the Council of Europe and the United Nations.

The success of HRW is due to its diverse membership, in depth analysis and expertise on housing rights, and its commitment to rights as the basis for effective housing policies. HRW is increasingly called up by both social and human rights NGOs in Brussels and beyond as a partner in advocacy, research and activism on human and housing rights.

The support of Fondation Abbe Pierre has made this success possible: the stable financial and expert support from FAP has allowed HRW to be nimble enough to tackle emerging housing rights topics, to create a space at EU to talk about issues including the criminalisation of poverty and homelessness, to challenge governments who fail to respect the Revised European Charter of Social Rights, and to become an important partner of the United Nations, working in cooperation with the Special Rapporteur on the Right to Housing, as well as UNECE and other UN bodies.

This report will look back at the past few years of HRW' s work and assess its accomplishments and those areas that should be further developed or reviewed for the future.

Part I – Knowledge sharing

Housing Rights Watch organised several major events which brought together experts from Europe and beyond to share information and knowledge on housing rights. These events also helped the network to grow, but their main goal was to illustrate how to use international jurisprudence in local litigation. The **HRW conference in Galway, Ireland in 2012**, for example, reached several hundred participants and covered a broad range of topics. It is important to note that the expert speakers who addressed the participants were always willing to return to speak at other HRW events. This is a clear indicator that people like Regis Brillat, Nicolas Bernard, Padraic Kenna, Jamie Burton, all experts in this field, found HRW events to be useful and effective for communicating their messages around the importance of litigation to promote human rights.

The Expert Seminar on Housing Solutions in 2014 in Madrid opened HRW to new perspective and ideas by asking the question: What can be done to ensure that there is housing for people who have rights? This question was put to over 80 experts who came together in a working session to look at innovative ways to access more affordable and adequate housing for people facing housing exclusion. This event had a significant impact for HRW and FEANTSA and has led to other work on Housing Solutions and very useful partnerships with other organisations (Building and Social Housing Foundation, UK) and foundations, as well as institutions like the OECD and the Council of Europe Development Bank. The HRW event kick started this work, which is now broader and carried out by FEANTSA in a different partnership with FAP, but still retains its foundation on a rights based approach.

HRW is the only network or organisation at EU level that works to raise awareness about the criminalisation of poverty and homelessness. Starting with the **Poverty is**

Not a Crime campaign in 2012, HRW has consistently raised this issue at EU level and supported organisations in sharing information at local and national level to challenge the criminalisation of homelessness. The campaign hoped to stimulate grass root organisations to take up the cause, but HRW discovered that there are very few organisations that had ever considered the impact of criminalising measures, let alone worked to challenge them at municipal or national level.

Over the course of the past five years, HRW has conducted research on criminalisation in several European countries, which culminated in the **publication of [Mean Streets – A Report on the Criminalisation of Homelessness](#)** in 2013 (In addition to the book, HRW organised a **seminar in the European Parliament** on criminalising homelessness, which had significant impact thanks to the support from the now Vice-President of the EP, Sylvie Guillaume.

HRW looked to its partner in the USA, the National Law Center on Homelessness and Poverty for both support and inspiration on this issue. The NLCHP has been working to advocate, litigate and educate on this issue for many years, and were happy to help HRW raise the issue here in Europe. This partnership led to other important joint-work, including the **HRW and FAP seminar in Paris in 2015**, which included two presentations from North America on the impact of criminalisation of homelessness and successful means to challenge and prevent such measures.

This event in Paris, consolidated HRW' s work on criminalisation. By bringing international speakers on the topic to this event in Paris, participants were able to engage with experts who have been working to challenge the criminalisation of homelessness at local, state and national level in Canada and the USA. This conference led to an invitation for a representative of Housing Rights Watch and Fondation Abbe Pierre to visit the USA and speak about the collective complaint against France as well as efforts to raise awareness about the criminalisation of poverty and homeless-

ness in Europe. Inspired by this collaboration with partners at the National Law Center on Homelessness and Poverty in the USA, HRW has since started working to promote the idea of a Homeless Bill of Rights in several European cities.

HRW organised many **smaller, very useful events** that supported local organisations in their work. For example, the **Budapest seminar on criminalisation of homelessness which HRW organised in 2013** had important impact in terms of building relations with the Hungarian Union for Civil Liberties, the City is for All, the European Roma Rights Centre and BMSZKI, because HRW was able to provide a forum for a discussion that the Hungarian government was trying to shut down through its oppressive law banning rough sleeping. These local actors were grateful to HRW for its support and the availability of expert advice. This seminar led to a long-lasting partnership with the Hungarian partners, and their work in turn, led to the ban on rough sleeping being overturned in part. The organisations are still monitoring the treatment of homeless people by the police and the state and are very active in HRW.

Thanks to this strong relationship, local actors in Hungary knew that they could call on HRW to help them with a new problem: forced evictions. In 2015, HRW met with BMSZKI and others including the ERRC to offer suggestions on how to challenge the illegal eviction of people in the town of Miskolc. HRW members from France and the UK have very valuable advice to offer on this topic because of their experience at local level in London and Lyon.

HRW organised meetings and local events like this in a number of cities (Genoa, Lyon, Madrid, London, etc.) to bring the expertise of the network directly to the organisations and individuals who needed it most. This approach was effective for growing the network, but also for supporting the sharing of knowledge across Europe. In many cases we were able to work with local universities as well as local bar associations to make the meetings relevant and often certified as training seminars.

HRW seminars and events always appealed to a broad audience including NGOs, legal experts, students, etc. There is potential to create more targeted events (see below), that meet the needs and expectations of specific groups of participants, e.g. social work students, lawyers, etc.

Events, both small and large, had an important impact in terms of sharing information. The participants were able to engage directly with the experts, and presentations were made available on the HRW website. Speakers and experts often contributed articles to the HRW newsletter which went out to a wide audience.

The personal contacts made during the events were key to sharing information and knowledge. After meeting in person, participants and experts often exchanged emails and information via HRW on cases, articles, research, etc. Though difficult to quantify, the quality and depth of these relationships has served HRW in helping to build the network and be effective in its work. Many of the people who are members of HRW first heard about the network thanks to a small or large seminar or conference.

One of the areas that we did not pursue as much as we could have is partnerships with local bar associations and law schools. We had hoped to develop a curriculum for training sessions on international jurisprudence, but we did not develop this fully with the potential partners. We considered applying for external funding (Erasmus +) for this, but have not yet been able to coordinate the application with appropriate partners. There is scope to build on the meetings and seminars that HRW organised in the past, and ample opportunity to continue reaching out to groups in the cities where HRW has strong contacts, for example in the cities where Housing Rights Expert Group members work.

Communications

HRW launched its www.housingrightswatch.org in 2012 to provide a space for information and exchange on housing rights and jurisprudence. The website clearly illustrates how countries treat the right to housing, provides a forum for analysis on housing rights, and includes a jurisprudence database with case law from the United Nations, the European Union, the Council of Europe, and national courts. The jurisprudence is available in English and French, and has been summarized to make it easily available to users.

Feedback on the website has been consistently positive regarding the quality of the content and usability of the site. The site fills a gap: there is no other site that gathers information on housing rights and includes jurisprudence and legal analysis for lawyers, researchers and advocates.

The Housing Rights Watch newsletter was relaunched in a new, more modern format at the end of 2015 to make it easier to send current, relevant articles to our growing list of subscribers, as well as to allow us to integrate the content more easily as analysis on www.housingrightswatch.org. The newsletter provides HRW with a means to publish its own content and get it out to interested groups, and the new format allows us to be more visible on social media, including Twitter and Facebook.

All of HRW' s communications have been in both English and French, which means that we have been able to reach an interested and engaged audience in France and Belgium, as well as those countries where English is spoken either as a first or second language.

Maintaining the content of the website and ensuring that all content is translated has been a challenge for staff. With only one full-time staff and support from an intern, it has often not been possible to coordinate and attract more content to the site. In particular, it is very difficult to find local or national jurisprudence to add to the database. The members of HRW cannot always be relied upon to provide this information, either spontaneously, or with persistent reminders.

We have tried a variety of methods to increase the flow of information to HRW including appointing national correspondents, working with students, working with interns in various organisations, using HRW/FEANTSA interns, etc. A combination of these tactics is needed, as is dedicated time to reach out to new partners and contacts to continue to monitor jurisprudence.

It has also been difficult to ensure that everything is available in both French and English. This can certainly be improved in new sections on the website and as new jurisprudence is added.

The newsletter subscriber list is growing, but it remains a challenge to find and motivate people to write articles for the newsletter. This is an area in which we can continue to improve and grow.

Part II –Network building

Guided by a steering group of Experts on Housing Rights, HRW is based in FEANTSA's office in Brussels. Coordination has been provided by Samara Jones for the past 5 years. In addition to the 6 members of the Expert Group, Housing Rights Watch involves experts on an ongoing basis. Building the network has been both a primary goal of HRW as well as a means of reaching our objectives.

One of the original ideas was to recruit a correspondent for Housing Rights Watch to represent EU Member States. In the first few years of HRW's existence, we were able to expand the network and find helpful contacts in over 10 countries. Thanks to these contacts, HRW could provide an overview of the state of housing rights in these countries, which is available on the HRW website. This approach to recruiting members was difficult to maintain, however, and we shifted our working methods to be more targeted. This means that we have very good, strong partnerships in some countries where we work closely on housing rights issues, but we cannot claim to have the same level and depth of contacts in all countries.

HRW allies and partners are very reliable and have been helpful in all of our streams of work. This flexible 'membership' system has also meant that HRW can be nimble and responsive to new partners who might be expert in different areas of housing rights. For example, Professor Nicolas Bernard, while not a member of the Housing Rights Expert Group, regularly attends the meetings and is always available to write articles for the HRW newsletter or make presentations to conferences, etc.

HRW has been able to establish mutually beneficial partnerships which help to promote the goals of HRW, as well as to support legal experts in their work.

The following countries have been consistently closely involved in HRW work:

France – based on a very good relationship with Fondation Abbe Pierre, of course, and including Jusislogement, and other legal experts in Paris and Lyon;

UK – Jamie Burton (Doughty Street Chambers, and Just Fair) and Adrian Berry (Garden Court Chambers and the European Network of Migration Lawyers) are excellent examples of Expert Group Members who are both lawyers and actively involved in housing rights issues through their work at EU or international level. Adrian is involved with the European Court of Justice and Jamie's NGO, Just Fair, is a strong advocate for social rights, and has been working with the UN Human Rights Committee.

Spain – HRW has a strong base in Spain thanks to work with Guillem Fernandez on criminalisation of homelessness and the publication of Mean Streets: A Report on the Criminalisation of Homelessness in Europe, as well as with Sonia Olea Ferraras of Caritas Spain.

Hungary – we have many allies in Hungary, particularly among social workers and advocates for those who are victims of the criminalisation of homelessness and Hungary's ban on rough sleeping. HRW works with The City is For All, and a major social service provider in Budapest (BMSZKI).

Ireland – Dr. Padraic Kenna, is a national and European expert on housing rights, and was the key author of the Irish collective complaint on housing rights.

The Netherlands – HRW worked closely with Joris Sprakel and Pim Fischer throughout the process of writing, submitting and follow up of the collective complaint against The Netherlands.

Lithuania – Dr Dovile Gailiute is a young professor and expert on the jurisprudence of the European Court of Human Rights on housing rights and homelessness

Slovenia – we worked closely with Slovenian experts to prepare, submit and follow up the collective complaint against Slovenia

Italy – Paolo Pezzana was an active member of the Housing Rights Expert Group for several years

HRW has also developed very important, mutually supporting relationships with partner organisations. For example, we work closely with the [National Law Center on Homelessness and Poverty](#) on a range of topics including the criminalisation of homelessness, a homeless bill of rights, education on rights, etc. We meet regularly by Skype to exchange ideas and update each other on developments.

We have also developed a close relationship with the current [UN Special Rapporteur on the Right to Housing, Leilani Farha](#), who approached Housing Rights Watch to suggest contacts for her first report on sub-national governments and the right to housing. We have supported her work on the report on homelessness published in 2016, and will continue to partner with her throughout her mandate. She is a keen supporter of strategic litigation and an important ally for HRW.

We also work closely with the Council of Europe's secretariat for the European Social Charter. This relationship is one of mutual support: HRW is a recognized source of information and expertise on submitting collective complaints and engaging with the jurisprudence of the European Committee of Social Rights. The Council of Europe often refers organisations to HRW when they have questions about an NGO's perspective on taking collective complaints. HRW provides the secretariat with opportunities to

talk about how the Social Charter and the complaints mechanism work, and to engage with interested and expert audiences on international jurisprudence.

Over the past few years, HRW has also worked with the Youth Department of the Council of Europe on the **Study Sessions for FEANTSA Youth** in Budapest and Strasbourg. These sessions have given HRW the opportunity to reach out to young workers in NGOs, students, lawyers, etc., and talk about the importance of instilling a rights-based approach in all work with homeless people, particularly young people. This work has led to the launch of a new network, FEANTSA Youth which is committed to preventing and ending youth homelessness in Europe, by focusing on housing rights for young people. HRW's membership includes many exceptional individuals who are part of FEANTSA Youth. These members are ambassadors for HRW and the rights based approach across Europe and are helping HRW tap into new countries and types of networks (young lawyers, human rights NGOs, governments and cities, etc.).

There is opportunity to building more and stronger contacts with the research community. We work with some researchers in Belgium, Ireland, and France, but have not specifically reached out to the research community since the Galway conference in 2012.

Follow up after conferences or initial contact can also be improved. We have good personal contacts with many people, but it is important to reinforce these by involving people in events, writing articles for the newsletter, sharing jurisprudence, etc.

HRW developed contacts and relationships with **pro bono lawyers**, which have led to useful research tools including the country reports on the criminalisation of homelessness in over 15 countries, ongoing work on housing rights of EU migrants, rights of young people leaving care institutions, etc. Adrian Berry joined the Expert Group following a contact via an organisation that links pro bono lawyers with NGOs. There is

scope for deeper collaboration, however. Because lawyers are keen to actually take on litigation, it has always been a burden for HRW to come up with topics that either fit within the scope of EU law, where most of the pro bono lawyers are expert and active, or to find a local issue on which the lawyers could support other organisations.

Lawyers in Brussels and other major cities who work with large American/international law firms are keen to work with HRW, but it is not always easy to create a useful project.

Part III – Litigation and advocacy

One of the primary goals of HRW is to support strategic litigation on housing rights. HRW has been most successful in supporting FEANTSA' s collective complaints on the European Social Charter. The Expert Group and the HRW membership has provided invaluable advice to people in the process of writing a collective complaint and then helped FEANTSA to be active following the decisions by the Committee of Social Rights and the Council of Ministers.

The complaints have pushed governments to look at how they implement the right to housing for people who are homeless or face housing exclusion, and the Dutch case was particularly political and important.

HRW has also worked on collective complaints submitted by other organisations, for example the complaint against Ireland lodged by the Federation International Droits de l' Hommes. We have also worked with partners on *potential* collective complaints, like the National Centre for Human Rights in Norway, which has not yet resulted in a complaint.

HRW discusses other possible avenues for strategic litigation constantly. One option under examination in 2015-2016 is the possibility of taking the European Central Bank to task for not fulfilling its obligations under the European Union' s Charter of Fundamental Rights. This work has not resulted in a case, yet, but has stimulated discussion in HRW and elsewhere about how the EU Charter applies to its own institutions.

HRW could be more involved with local litigation; these links with local organisations

and lawyers could be strengthened. We respond when approached for help and support – for example by connecting people with experts in the network who can provide assistance – but we could do more to reach out to local lawyers.

Housing Rights Watch has been a successful advocate for housing rights over the past several years. As mentioned above, HRW is the along in effectively working on both rights and social issues, with most organisations based in Brussels working on *either* social issues or human rights. HRW has raised awareness about criminalisation of homelessness and poverty at EU level and supported national and local advocacy work on the topic. HRW has also helped to develop tools for local organisations including responses and contributions to the national reports for the European Committee of Social Rights, reports for the UN human rights review processes (e.g. universal periodic review, conventions against the use of torture, racism, etc.), and for the UN Special Rapporteurs on poverty and housing rights.

This work is less visible than strategic litigation, but has had significant impact in ensuring that housing rights are included when other rights are reviewed, and that housing exclusion and homelessness is seen as a violation of human rights. One of our main goals has been to promote a rights-based approach and we have succeeded in instilling this in many of the young people who have attended the events, Council of Europe study sessions and conferences HRW has organised.

Our current work on a Homeless Bill of Rights will further this advocacy agenda with a broader group of partners which now includes cities. One of the areas of potential growth for HRW is to continue to bring together ‘unusual’ allies (lawyers, NGOs, police, bureaucrats, elected officials, activists, homeless people, etc.) to understand the impact of local laws and administrative measures on homeless people and their rights.

One major achievement over the past year is co-publication with FAP of the analysis of existing binding obligations on States under international human rights treaties and other legal instruments. This project assesses binding obligations at the level of the United Nations, the Council of Europe (including the European Court of Human Rights) and the European Union (Court of Justice, legislation, etc.).

The results of this research will be used to develop useful tools for legal experts, NGOs and activists. This work will also point out gaps in research, which could be filled by other collaborative projects.

This work will link to the mandate of the UN' s Special Rapporteur on the Right to Adequate Housing, who wrote an important report on homelessness and housing rights in her first major report in 2015.

Over the past several years, HRW has taken on a wide range of subjects in an attempt to raise awareness about housing rights for people who are homeless or face housing exclusion. The fact that housing rights are not enshrined at EU level, nor in most Member States of the European Union has often made this a challenge. HRW' s work has centered around finding ways to bring rights to bear, often in contexts where there is no direct, easy route to do so. HRW has become a very creative and innovative network as a result. HRW has contributed to scholarship on housing rights, compiled the first (and growing) jurisprudence database on housing rights, served as a vocal and effective advocate for recognizing that homeless people and others are criminalised both intentionally and unintentionally by local and national governments, and most recently co-produced the first ever analysis of existing binding obligations on EU countries as regards housing rights.

The strength of HRW is in its ability to develop the ideas that arise from its motivated and hardworking members. HRW has always attracted exceptionally talented individuals who are willing to give time and effort to the pursuits of the network. There is still much work to be done, and happily, there are still passionate experts and advocates willing to continue.