



**Recommendations of the International Tribunal on Evictions 2014
Fourth Session (Milan, 9th October 2014)**

Recommendations to the Ministers for Social Affairs of the European Union

The International Tribunal on Evictions (TIE) met for its 4th Session in Milan on 9th October 2014. A Jury made up of four experts in housing rights, from the academic world, NGOs and activist organizations, has analysed the dossiers on 32 cases of eviction in 24 cities of 11 countries in Europe, Africa, Asia, Latin America and it has heard the inhabitants' testimonies regarding the violations of the Right to Housing.

Observation:

The TIE has found three typical situations:

- Those where the evictions have already taken place, involving the relocation of families, the eviction from people's homes, the demolition of houses, but also in several cases the destruction of whole neighbourhoods, the majority of which were old towns. [Half of the cases (16) belong to this category].
- Those where the process of eviction is under way and eviction is imminent [13 cases out of 32].
- Those involving threatened evictions [3 cases], represented by a first threatening letter due to unpaid rent or by an alleged landlord threatening the inhabitants of a neighbourhood by asserting a right which was acquired through dishonest means.

These three situations refer to questions and therefore to different possibilities for action and defence. When the evictions have taken place, requests and pieces of evidence are submitted for reparations which are often delayed for years, and for compensation which often goes unpaid. They are also submitted for subsequent evictions, and testify to the ordeal of thousands of households forced into vagrancy. Evictions following the first one aren't usually even taken into consideration in the rare statistics on evictions. But they are considered by the TIE.

The analysis of the evictions under way sheds light on the irregularities in the eviction proceedings by authorities, institutions or people. The violation of national and international legal frameworks on housing rights is frequent. Generally, the eviction proceedings violate the international right to adequate housing. The threats of eviction allow us to think about preventive measures that have a different nature from the possible solutions of the previous two cases.

The complexity of the work of the TIE is increased by the diversity of the eviction cases and by the relative recommendations.

The facts presented by witnesses reveal, to varying levels and degrees, violations of the legal obligations assumed by the States in question.

The Tribunal reveals that the cases examined show that the violation, de jure or de facto, of the right to housing brings about a series of dramatic consequences for the victims of eviction as well as for their loved ones. The eviction of inhabitants is the cause of several violations of human rights in the field of employment, education, health care, social relations and political rights.

Therefore, these evictions cause the violation, not only of the right to housing and the right to an adequate standard of living (art. 11 ICESCR), but also of the right of assuring health and wellbeing for oneself and one's family (Declaration of Human Rights).

Recommendations to the Ministers for Social Affairs of the European Union

Considering the Universal Declaration of Human Rights, especially article n. 25.

Considering the International Covenant on Economic, Social and Cultural Rights, especially article n. 11.

Considering article n. 27 of the International Convention on the Rights of the Child.

Considering article n. 28 of the Convention on the Rights of Persons with Disabilities.

Considering the European Convention on Human Rights, especially articles n. 3, 8 and 13.

Considering the additional Protocol n. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Considering the European Social Charter, revised by the Council of Europe, especially articles n. 30 and 31.

Considering the Charter of Fundamental Rights of the European Union, especially article n. 34.3.

Considering the Resolution of the EU Parliament on 16th January 2014 on the EU strategy for the homeless and the Resolution on 14th September 2011 for an EU strategy for the homeless.

Considering the general context of crisis in which the European Union finds itself and which is mainly affecting the poorest people. The ongoing challenges relating to employment, which leave a great number of people under 25 years old out of the labour market, and the continued existence of houses in poor conditions, which affects more than 30 million Europeans.

Considering that answers to the needs and expectations of the most vulnerable come under the jurisdiction of the States as a result of the commitments made.

Considering that in many member States of the European Union cases of eviction without any housing alternative have increased, mainly due to landlords' bankruptcy and the drastic fall in housing benefits which represented a security factor for tenants.

Considering that in many member States of the European Union migrant populations are relegated in structures (called camps or shanty towns), sometimes used for housing purposes, which are subject to systematic evictions together with destruction of goods or even acts of violence, and most of the time without any solution.

Considering that minorities, in particular Roma people, are often victims of eviction which have a clearly discriminatory nature.

Considering that it is far more expensive for States to develop receptive structures – which hardly allow people to live in a decent way – rather than to prevent evictions or to pay the entire lease of the house or part of it. The prevention of evictions is a less costly approach to find sustainable and satisfactory solutions in the long run (return to work, access to education, familiar cohesion).

Considering that the loss of the home for a person or a family in difficulties often marks the beginning of a long period of wandering, from receptive structures to temporary accommodation, to staying in hotels, in friends' houses or in the streets. When people lose their home because of eviction, it is difficult or even rare for them to go back to having "traditional" accommodation without going back to work. All these solutions of temporary accommodation are highly expensive, ineffective in terms of return to a permanent accommodation and destructive for their occupants. These solutions cannot satisfy the necessary conditions for real accommodation, as defined by the European classification ETHOS: a physical space, a social space (including its direct link to employment) and a space provided for by Law.

Considering the urgency of rethinking other ways of using and investing resources, keeping human rights as a benchmark, and not the budget constraints of the fiscal compact. Interesting experiments and pilot projects have been carried out throughout Europe, the results of an approach of permanent housing adapted to the local level ("Housing First") are very positive.

We ask the EU Ministers for Social Affairs, gathered in Milan on 9th and 10th October 2014, to include these concerns in their working programmes, in order to give the Right to Housing the importance that it deserves in the policies on social cohesion.

In order to fight against the increase in evictions due to landlords' debt

- To establish a commission to reflect on the redemption of those houses by social housing corporations, in order to allow the continuity of the tenure and the measuring of credits.
- To establish a commission to reflect on the juridical possibilities for States / Regions / Cities to "have pre-emptive purchase rights" on accommodations where tenants received a notice of eviction for sale, in order to transform them into social housing.

In order to fight against the increase in evictions due to the loss of purchasing power

- To introduce a European moratorium on evictions, with the State taking on the duty to compensate landlords in difficulties. This moratorium should be implemented with the view of a European directive, which makes effective the allocation of new decent and adequate accommodation before the eviction.
- In the States concerned by the restitution of old properties: to strictly enforce the Recommendations of the European Committee of Social Rights, stated in the Collective Complaint 53/2008, *FEANTSA c/Slovenia* on the Rights of tenants whose homes were returned to their former owners.

In order to fight against the evictions of shanty towns without any alternatives

- To subordinate each public intervention to a real and actual social diagnosis to implement decent and adequate solutions.
- To apply tools for the assessment of damage suffered with the creation of ad hoc committees.

In order to fight against the increase in the number of homeless people and against "permanent accommodation"

- To encourage the States to find solutions to increase the supply of affordable housing.
- To develop a European strategy of struggle against the phenomenon of homeless people, as recommended by the resolutions of the European Parliament.
- In order to play an effective role as to employment and reduction of poverty, to make compulsory the inclusion of possibilities for the use of structural funds for initiatives supporting the most vulnerable (OT 9) in the partnership agreements among states and in the operational programmes of the Regions.

In order to fight against the consequences of the crisis of the European Union on poor housing conditions

- To encourage the supply of affordable social housing through the use of structural funds and by excluding public investments from the budget constraints of the "fiscal compact".
- The State must assure that the "restitutions" to original landlords dismissed during the Soviet period take place respecting rigorously and above-all the principle of allocation of an equivalent accommodation, above all in terms of housing, rent and proximity, and that allows to maintain the same social and economic links.

Plan

To conclude, the Tribunal invites all parties concerned, in particular the member States of the European Union, the national and international organizations, the associations and the network of inhabitants, to implement these recommendations without delay.

The Tribunal also asks the organizations which presented the cases discussed during this session to submit their monitoring reports in view of the Fifth Session of the Tribunal (October 2015).

Jury Members

- André Gachet, technical advisor of ALPIL, managing director on Europe for the FAPIL, Vice-president of FEANTSA, local councillor of the City and Metropolis of Lyon, France
- Bruno Fortunato, lawyer defender for evicted people, Tenants' Union, Milan, Italy
- Cesare Ottolini, global coordinator of the International Alliance of Inhabitants, former member of the UN Habitat Advisory Group on Forced Evictions, Italy
- Yves Cabannes, professor at the University of London DPU, former chair of the Advisory Group on Forced Evictions of the UN-Habitat, UnTIEd Kingdom

Milan, 9th October 2014

Contacts:

tie2014@habitants.org

www.tribunal-evictions.org