Brussels, 23 May 2000

CHARTE 4292/00

CONTRIB 164

COVER NOTE

Subject: Draft Charter of Fundamental Rights of the European Union

Please find hereafter an open letter to the Convention and the intervention by the Federation of National Organisations Working with the Homeless (FEANTSA) given at the hearing on 27 April 2000. ¹

¹ This text has been submitted in French and English languages.
Open letter to the members of the Convention responsible for drafting
the proposed European Union Charter of Fundamental Rights

Dear Madam / Sir,

I am writing to you on behalf of FEANTSA - the European Federation of National Organisations Working with the Homeless. FEANTSA brings together some 60 not-for-profit organisations in the social or community sector that provide a wide range of services to homeless people in all the EU member states, and in a number of the accession countries.

We have been very interested to hear about the work being carried out by the Convention with responsibility for drafting the proposed European Union Charter of Fundamental Rights. We are convinced that the proposed EU Charter should also enshrine those rights which are most important to the most disadvantaged members of our societies - including the right to housing.

Decent housing and living conditions are among the most basic needs of each individual. Gaining secure access to adequate accommodation is often a pre-condition for exercising many of the fundamental rights which form the foundations of all decent societies, and should be enjoyed by everyone. These include the right of access to education, the right to work, the right to social protection, the right to healthcare services, the right to personal privacy and family life, as well as access to basic services such as water and electricity.

The European Observatory on Homelessness (which has conducted research on homelessness in the Member States on behalf of FEANTSA since 1991) has compiled an overview of the situation in the fifteen EU member states. Approximately three million people have no fixed home of their own, while a further 15 million people live in sub-standard or overcrowded accommodation. On this basis, we can estimate that across the European Union, one person in 20 is denied access to decent housing.

Since 1948, the Universal Declaration on Human Rights has proclaimed that: "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services" (Article 25.1). More than 100 states are committed to taking appropriate steps to ensure the realisation of the right to housing, under article 11.1 of the International Covenant on Economic, Social and Cultural Rights (1966).
At the level of the Council of Europe, the European Social Charter was adopted in 1961, and the revised European Social Charter (RESC) was opened for signature in 1996. The right to housing is enshrined in Article 31 of the RESC, which sets out a series of three objectives:

"With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:
1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources".

The Revised European Social Charter officially entered into force on 1 July 1999. But the current situation is that only five countries have completed the ratification process: France, Italy, Sweden, Romania and Slovenia. Most of the EU countries have signed but not yet ratified the RESC: Austria, Belgium, Denmark, Finland, Greece, Luxembourg, Portugal and the United Kingdom. FEANTSA strongly advocates that every European country should sign and ratify the Revised European Social Charter. This will provide us with a common foundation, upon which we can develop and implement effective policy solutions at all levels, in order to tackle social exclusion and homelessness.

In relation to the proposed European Union Charter of Fundamental Rights, we must ask the following question: Will the proposed Charter represent a step forward in terms of protecting the fundamental rights of the most disadvantaged members of our societies?

We welcome the fact that the Convention is willing to consider all the main dimensions of fundamental human rights, including civil, political, legal, social and economic rights. However, we are extremely concerned that the right to housing was not included in the draft list of fundamental rights which was presented at the most recent meeting of the Convention.

As civilised and democratic societies, we have a collective responsibility to ensure that all citizens and residents are able to gain access to adequate accommodation. The prevention and elimination of homelessness can only be achieved through the recognition and realisation of the right to housing. This conviction is enshrined in the revised European Social Charter, and in also reflected in numerous texts of national constitutions and laws that have been enacted in the member states of the European Union.

We fear that the adoption of an EU Charter of Fundamental Rights which excludes the right to housing would send out a negative signal to the citizens of Europe and to the national governments of the member states and of the accession countries. It would suggest that the right to housing is somehow less important than other fundamental human rights. It would imply that our societies are willing to tolerate that thousands of people become homeless every year. It could undermine the efforts of those of us who are working to protect the fundamental rights of the most disadvantaged members of our societies.
We respectfully appeal to you to ensure that the full range of social rights - including the right to housing - are included in the proposed EU Charter of Fundamental Rights.

Yours sincerely,

John Evans
President of FEANTSA
Mr Chairman, Ladies and Gentlemen members of the Convention, the following address is made on behalf of FEANTSA, the European Federation of National Organisations Working with the Homeless.

FEANTSA currently brings together some seventy national and regional associations working to provide a broad range of services for the homeless in the Member States of the EU as well as in a number of candidates for EU membership. FEANTSA is also responsible for running a research structure, the European Observatory on Homelessness, which works in cooperation with 15 universities and research organizations throughout the Member States.

The wish we express today is for recognition by the members of the Convention of a right to decent and affordable housing for all, even for those on low incomes.

1. The context

At present, 18 million Europeans (or one person in twenty) in the 15 countries of the European Union are denied access to reasonable housing. Of these, 3 million are actually homeless, and 15 million are living in sub-standard and overcrowded housing.

The European housing market is characterized by rising costs, particularly in the private rented sector, while insecurity in the labour market means that the resources households are able to devote to housing are increasingly under pressure.

In these conditions there is an urgent need for the right to decent housing to be placed at the centre of the political agenda at all levels, and consequently also therefore at the centre of the Charter of Fundamental Rights.

2. Housing and the other Fundamental Rights

Adequate housing and reasonable living conditions are among the most basic needs of each individual. Housing is the first and last line of defence against social exclusion.

The access to decent, stable housing is frequently also the indispensable precondition for the exercise of most of the other fundamental rights currently under discussion in this forum and whose inclusion in the Charter appears not to pose a problem.
What real relevance for homeless people have any of the following rights: the right to privacy? the right to personal dignity? the right to lifelong education? the right to maternity care? the right to social protection? the right to protection of children? the right to the integration of the handicapped? the right to the protection of family life? the right to health care? the right to education for children? the right to personal security? the right to work? the right to a normal working week? The right to vote?

These rights are all devoid of meaning for people who have lost their homes. It is no exaggeration to describe homelessness as a negation of citizenship.

3. Integrating the right to housing in the Charter

Housing is too important and too expensive an item to be decided by the law of the market with no public regulation. Recognition of a right to adequate and affordable housing by the public authorities at all levels constitutes the best long-term guarantee for the implementation of general policies designed to address this fundamental and universal need.

I would like to remind you (and on this subject the document drawn up by the European Housing Forum can be consulted on the websites of the Convention and of the Forum) that the need for recognition of the right to housing has received backing at the community level from several sources, including:

- the European Parliament: three Resolutions (87, 96 and 97) and the Bertel Haarder report in March 2000 of the Commission on the freedom and rights of the citizens;
- the Committee of the Regions: Own Initiative report, 1999, Opinion on housing and the homeless;
- the European Commission, in its March 2000 Communication Building an inclusive Europe, points out that 'Homelessness is one of the most severe expressions of poverty and social exclusion'.

It is relevant to mention here that the European political calendar over the next two years contains a unique combination of initiatives for promoting adequate housing provision for everyone:

- the examination in the annual meetings of housing ministers under four successive presidencies - Portugal, France, Sweden and Belgium - of the role of public policy in facilitating access to housing;
- the work of the group of specialists on access to housing of the Council of Europe and the publication by this group in 2001 of a report on housing among disadvantaged groups in Europe, plus recommendations to the Committee of Ministers of the Member States;
The European Union must include these ideas and efforts in its action.

Access to decent and affordable housing for all is an absolute precondition for the social cohesion which was identified at the Lisbon Summit as one of the main objectives for the Union.

Ladies and Gentlemen of the Convention, I submit that if the Charter of Fundamental Rights is to be a truly coherent document, forming the basis of a project for European society, with the aim defined by the committee of experts on Fundamental Rights of informing the action of the European Union in all areas and at all times, then the right to housing must be included. This is a priority.

Thank you.
New .eu Domain

Changed Web and E-Mail Addresses

The introduction of the .eu domain also required the web and e-mail addresses of the European institutions to be adapted. Below please find a list of addresses found in the document at hand which have been changed after the document was created. The list shows the old and new address, a reference to the page where the address was found and the type of address: http: and https: for web addresses, mailto: for e-mail addresses etc.

| Page  | Type     | Old: mailto:fundamental.rights@consilium.eu.int | New: mailto:fundamental.rights@consilium.europa.eu |