

## EUROPEAN RESOURCES ON HOUSING RIGHTS



Several regional organizations also possess human rights law-making capacities. We have included excerpts on housing rights from legal standards of the Council of Europe, the European Union and the Organization of American States. For excerpts from other regional bodies go to the COHRE Library and download our [Sources 4 publication](#).

## Council of Europe

### European Convention on Human Rights and Fundamental Freedoms

There are 41 States parties to the Convention. 38 countries have ratified Protocol No.1. 31 countries have ratified Protocol No. 4. Individual and group complaints alleging violations of the ECHR can be submitted to the European Court of Human Rights and Fundamental Freedoms.

#### **Article 8(1) states:**

*Everyone has the right to respect for his private and family life, his **home** and his correspondence.*

#### **Article 1 of Protocol No. 1 of the ECHR states:**

*1(1) Every natural or legal person is entitled to the **peaceful enjoyment of his possessions**. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.*

*1(2) The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.*

#### **Article 2(1) of Protocol No. 4 of the ECHR states:**

*2(1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and **freedom to choose his residence**.*

The [European Social Charter](#) was adopted in 1961 and then revised and amended in 1996 to include article 31 which enshrines the right to housing. State compliance with this Charter is monitored by the European Committee of Independent Experts. Housing rights provisions are also found in articles 16 and 19(4) of the Charter and within article 4 of the Additional Protocol to the Charter.

#### **Article 31 – The right to housing**

*With a view to ensuring the effective exercise of **the right to housing**, the Parties undertake 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*

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

*With a view to ensuring the necessary conditions for the full development of the family which is the fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, **provision of family housing**, benefits for the newly married, and other appropriate means.*

#### **Article 19 – The right of migrant workers and their families to protection and assistance**

*With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting States undertake ... (4) to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters ... (c) **accommodation**.*

#### **Article 23 – The right of elderly persons to social protection**

*With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co- operation with public or private organisations, appropriate measures designed in particular: to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of: (a) **provision of housing suited to their needs and their state of health or of adequate support for adapting their housing**.*

#### **Article 30 – The right to protection against poverty and social exclusion**

## **European Union**

### **Community Charter of Fundamental Social Rights (1989)**

#### **Article 29:**

*All disabled persons, whatever be the origin and nature of their disablement, must be entitled to additional concrete measures aiming at improving their social and professional integration. These measures must concern, in particular, according to the capacities of the beneficiaries, vocational training, ergonomics, accessibility, mobility, means of transport and **housing**.*

#### **Related Links**

**Activities of the European Union: Human Rights ( [Link](#) )**

International Alliance of Inhabitants, 2005



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