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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Visit to France****Report of the Special Rapporteur on adequate housing as a component
of the right to an adequate standard of living and to non-discrimination
in that context^{*,**,***}***Summary*

In accordance to with Human Rights Council resolution 34/9 the Special Rapporteur on the right to adequate housing, Ms. Leilani Farha visited France in April 2019 to identify positive outcomes and challenges for the realization of the right to adequate housing.

The Special Rapporteur found that France has adopted several laws, policies and programmes intended to guarantee the right to adequate housing. The majority of individuals in France enjoy access to adequate housing. Furthermore, the country has a large social housing stock and has allocated substantial resources for housing benefits and emergency housing.

Despite these efforts, housing affordability has become a significant problem. In most metropolitan areas there is an insufficient supply of social housing for those most in need. While the right to housing can be claimed, applicants who do so, are often allocated housing only after several years. National law strictly prohibits discrimination in housing, but many persons perceived as coming from the Arab world or Africa experience discrimination when accessing housing.

Informal settlements inhabited by Roma, migrants and other groups in vulnerable situations, are often denied basic services and regularly subjected to forced evictions in violation of human rights standards. Homelessness is increasing at a significant pace and there are too few emergency shelters and longer-term housing options for this population. Refugees and migrants live in some of the most egregious conditions. There is a lack of units for independent living for persons with disabilities. The report concludes with a call for immediate action and several recommendations to ensure that the human right to adequate housing is fully enjoyed by all.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in English and French only.

** The present report was submitted after the deadline in order to reflect recent developments.

*** Annex II of the present report is not edited and reproduced in the language of submission.

Annex

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and to non-discrimination in that context on her visit to France

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I. Introduction

1. The Special Rapporteur on the right to housing and non-discrimination in this context, Leilani Farha, visited France from 2 to 12 April 2019 at the invitation of the Government. The purpose of her visit was to identify positive outcomes and existing challenges for the realisation of the right to adequate housing in the country.
2. The Special Rapporteur thanks France for its invitation and its cooperation during the visit. She also thanks all of the interlocutors including government officials, mayors, lawyers, and civil society representatives for the fruitful discussions and the sharing of information.¹ She warmly thanks those individuals and families she met living in various degrees of inadequate housing or in situations of homelessness who shared their personal experiences with her.
3. The Republic of France has in many ways embraced the right to adequate housing, having adopted a number of ambitious housing laws and policies. Most notable is the fact that the right to adequate housing is both enforceable and justiciable. Despite France's frontrunner in this regard, for a number of groups the right to adequate housing has become increasingly under threat.
4. In many metropolitan regions, for example, those who claim their right to housing in court have to wait for years before accessing adequate housing. The country has one of the largest social housing stocks, yet social housing is scant for those most in need, forcing the most vulnerable to turn to the lowest echelons of the private market often owned by 'slumlords'. Discrimination against marginalized groups is frequently reported in the private housing market. Homelessness is on the rise, and informal settlements with deplorable conditions are growing in size and number.
5. While living standards in France have drastically improved in the last 50 years for a majority of the population, the poverty rate has stalled at 14%, and extreme poverty is on the rise. While most people in France enjoy a high standard of living, approximately 6 percent of the population are estimated to live in substandard housing and about 18 percent of the population find themselves in a vulnerable situation due to increasing housing costs. An impressive and widely known national hotline - "115" – allows people in homelessness or dire housing conditions to call and seek immediate assistance, but due to the volume of calls in Paris, for example, less than a third of the calls are answered. There is an unconditional right to shelter, regardless of administrative status, but shelters are at capacity. Despite significant efforts to prevent and reduce homelessness, the number of people living on the streets, in shelters, social hotels or in substandard housing continue to rise. In light of these challenges, a number of those with whom the Rapporteur met were questioning whether the right to housing has become merely rhetoric.
6. As the 7th largest economy in the world, with a long tradition of social housing and human rights, it is difficult to justify the housing conditions experience by the most vulnerable in France. Although faced with a growing housing crisis which is as well a human rights crisis, France cut spending for the housing allowance of social housing tenants by 1.5 billion Euro in 2017, incentivized the selling off of social housing units, and increased taxes for social housing providers which may curb their ability to develop much needed housing. The Special Rapporteur encourages the Government of France to reverse this course and strengthen its commitment to the right to adequate housing.

II. Legal Framework

A. International Human Rights Law

5. France has ratified most international human rights treaties including the International Covenant on Economic, Social and Cultural Rights, which sets out the right to

¹ See Annex.

adequate housing in Article 11, and its Optional Protocol allowing individuals to submit complaints after the exhaustion of domestic remedies. According to the Covenant, France has the obligation to progressively realize the right to adequate housing through reasonable measures, using maximum available resources. The right to adequate housing should not be interpreted narrowly such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. The following characteristics are necessary for housing to be adequate: (a) legal security of tenure; (b) availability of services, materials and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; (g) cultural adequacy.² Furthermore, States are prohibited under international human rights law from taking retrogressive measures, meaning that France should not take backward steps with respect to the realization of the right to housing.

6. France has signed and ratified the European Social Charter, which guarantees the right to housing in Article 31 and in 1999 ratified the Additional Protocol to the European Social Charter which allows social partners and non-governmental organizations to lodge collective complaints.

7. France has committed to the Sustainable Development Goals, Target 11.1 of which requires France to end homelessness, and ensure access for all to adequate, safe and affordable housing and to upgrade informal settlements with basic services by 2030.³

B. Constitutional and national law

8. There is no explicit reference to the right to adequate housing in the Constitution. However, in a 1995 decision, the Constitutional Council of France confirmed that “the opportunity for everyone to have decent housing is an objective with the force of constitutional law” and “that it is for Parliament and the Government to determine, in accordance with their respective remits, arrangements for achieving this objective.”⁴

9. The right to adequate housing and its principles have been incorporated into several national laws. The 1989 Tenancy Act specifies that the right to housing is a fundamental right and specifies that property owners shall provide their tenants with decent housing that does not jeopardize physical safety and health and that meets minimum energy efficiency and habitability standards. The 1990 Right to Housing Act states that “[s]ecuring the right to housing is a duty of solidarity for the entire nation.”⁵ The 1998 Anti-Exclusion Act underlines that combating exclusion based on the principle of equal dignity for all human beings is a national policy priority and the Act is intended to ensure all levels and governments contribute to universal access to fundamental rights including housing.⁶

10. In 2007, France adopted a law establishing an enforceable right to housing known as the *Droit à un Logement Opposable* (DALO).⁷ The DALO law is a considerable achievement towards making the right to housing justiciable. According to the law, a right to housing claim can be initiated through an amicable procedure when an individual or family is living in homelessness, shelters or temporary accommodations; facing eviction; living in dangerous, sub-standard, or over crowded housing; of very low income; or where the household is considered ‘priority’ and has been on a waiting list for social housing for an unreasonable time. French nationals and all persons with a valid residency permit can file applications under the DALO law after having submitted a request for social housing. If the State is unable to offer them a social housing unit within six months, litigation can be initiated.

² General Comment No. 4 of the CESCR.

³ See A/HRC/34/51.

⁴ Decision No. 94-359 DC of 19 January 1995.

⁵ Article 1 of No. 89-462 of 6 July 1989 and Article 1 of Act No. 90-449 of 31 May 1990.

⁶ Article 1 of Anti-Exclusion Act, No. 98-657 of 29 July 1998, codifying Article L.115-2 of the Social and Family Action Code.

⁷ Law No. 2007-290 from 5 Mars 2007.

11. The DALO law also establishes an unconditional right to emergency accommodation for all persons in need, including those who do not have a valid residency permit. Article L.345-2-2 of the Social Action and Family Code, specifies that all persons in situation of homelessness who are in medical, psychological or social distress, should have access to emergency accommodation at any time. Such emergency accommodation must conform with the principle of human dignity and guarantee the security of the person and their personal effects. The law also states that those who receive emergency accommodation should benefit from personalized support to ensure long-term housing.⁸

12. The right to access emergency accommodation is also enforceable before national administrative courts. Persons without a valid immigration status are, however, excluded from the right to claim accommodation in institutions providing longer-term temporary housing.

III. Issues related to the right to adequate housing

A. Discrimination in accessing housing

13. The Tenant Law prohibits discrimination based on place of origin, sex, sexual orientation or gender identity, family situation, physical appearance, or age when requesting to rent an apartment or home.⁹ Landlords that use discriminatory criteria to disqualify prospective tenants can be sanctioned with a fine or imprisonment.¹⁰

14. The Defender of Rights carried out a survey in 2016 which identified clear patterns of discrimination in the private housing market. The study found that French nationals and those perceived as “white” were twice as likely to find a home within one year of commencing their search, as compared to immigrants and those perceived as “Arab” or “black”. Discrimination also affects larger families and single parent families, for whom it takes significantly longer to be able rent a home than it does for single couples.¹¹ Almost half of respondents in the study believed that there is “often” or “very often” discrimination in accessing housing. Of those who considered themselves victims of discrimination, only 11 per cent filed complaints. Among the reasons cited for not filing a complaint were that it would not serve any purpose, it was not worth the effort, there was a lack of proof, or they lacked trust in the justice system.¹²

16. Discrimination in housing is also experienced by persons with disabilities, many of whom are unable to access the psycho-social supports necessary for independent living or who cannot find an accessible unit to accommodate their physical disability. The Special Rapporteur regretfully observes that this situation will only deteriorate further under the amended ELAN law which reduced accessibility requirements for new build multi-storey houses from 100% to just 20%. The Special Rapporteur considers this a retrogressive measure, as it will decrease the supply of homes, built despite an existing shortage of adapted housing. This measure is also not in keeping with article 19 of the Convention of the Rights of Persons with Disabilities and as well articles 3 and 11 of the International Covenant on Economic, Social and Cultural Rights.

B. Housing quality and affordability

17. Housing quality has significantly improved since 1978. The average living space increased from 30.7 square meter per person in 1978 to 40.3 square meters per person in

⁸ Article L. 345-2-3.

⁹ Article 1 of the Law to improve tenancy arrangements, form 6 July 1989.

¹⁰ See Articles 225-1 and 225-2 of the Penal Code.

¹¹ Défenseur des Droits, Enquête sur l'accès aux droits, les discriminations dans l'accès au logement, volume 5.

¹² Ibid.

2013, and while over 25% of housing lacked sanitation facilities in the 1978, today this is under one per cent.¹³

18. Despite these gains, households in the lowest income bracket are more likely to suffer substandard housing conditions. Overcrowding affects 16.9 per cent of all residents living in social housing, 20 per cent of single parent household, and 25 per cent of all immigrant households.¹⁴ Energy Poverty increased between 2002 and 2013, reaching a rate of 20.4 percent of all households.¹⁵

19. The Special Rapporteur is particularly concerned about housing affordability. Between 2007 and 2017, housing costs for poor households adjusted per inflation increased by 33.3 percent, posing a serious burden, particularly for those without access to social housing. Low-income households renting in the private market already spend over 40 percent of their income on housing.¹⁶ 16.8 percent of all poor households face rent or mortgage payment arrears.¹⁷

20. In contrast, housing costs for the most affluent have increased only marginally. 85 percent of the richest quarter of society live in a dwelling which they own; and less than half pay mortgages. Those homeowners that have already paid their mortgage spend only 6.7 percent of their income on housing and are thus able to accumulate further wealth.¹⁸ In turn, despite France's long tradition of social housing, homeownership has become a leading determinant of inequality.

C. Social housing and housing benefit scheme

21. Social housing in France is not targeted solely at the lowest income earners. It has been estimated that one in every two citizens have lived in social housing once in their life. In 2018, 18 percent of the population lived in social housing, provided by 550 social housing organizations. Since 2000 municipalities with more than 3,500 inhabitants are legally obliged to ensure that at least 25% of all housing stock is social housing.¹⁹ This obligation, however, is often ignored by municipalities because the fine for non-compliance is low. To remedy this, the Government raised the penalty in 2013 with limited success.

22. One third of households living in social housing have an income below the official poverty line, and single parent families are overrepresented. Approximately 33 per cent of the social housing stock is located in 1,300 urban priority areas known as Quartier Prioritaire de la politique de la ville (QPVs). These areas are identified by their concentration of low-income households, as measured by the census.

23. Social housing rents are 40 percent lower than on the private market, creating high demand as private housing has become increasingly unaffordable. In 2017 there were over 2 million open requests. An applicant spends an average of nearly two years on a waiting list until they receive a housing unit, but waiting time varies drastically by region: in Paris, the average waiting time is 40 months.²⁰

24. Sixty-six per cent of applicants for social housing fall in the lowest income category, making them eligible only for units designated for low-income households. However, only 4 per cent of total units fall into this category.²¹ The Special Rapporteur welcomes that the Government has increased construction of social housing units for the most marginalized

¹³ INSEE, les conditions du logement, p. 141t

¹⁴ Ibid., p. 143-145.

¹⁵ Observatoire National de la Pauvreté Énergique, La précarité énergétique à la lumière de l'enquête nationale logement 2013. Novembre 2016, p.5-6.

¹⁶ INSEE, p. 161, low-income households refer to the quarter of all households with lowest income.

¹⁷ FAP and FEANTSA, Fourth overview of housing exclusion in Europe, 2019, p. 67-68.

¹⁸ INSEE, p. 161.

¹⁹ Loi n° 2000-1208 du 13 décembre 2000.

²⁰ Fondation Abbé Pierre, L'état du mal-logement en France 2019, p.217

²¹ According to information provided by the CNCDH to the Special Rapporteur.

(PLAI) to 32,727 units in 2018. While an important step, this increase will still not meet the current demand.

25. The shortage of social housing units for the most disadvantaged is undermining the right to housing law (DALO). Of the 950,000 applicants since the DALO law came into force on 1 January 2008, 270,000 households were identified as priority cases for accessing housing. As of 20 February 2019, 167,200 households (62 percent) have received a social housing unit, while 62,900 households (38 per cent) still require rehousing. Larger cities and metropolitan areas are experiencing this shortage more acutely. For example, one in two priority households identified in 2017 in Greater Paris had not been provided with adequate housing as of February 2019.

26. The High Committee for the Housing of Disadvantaged Persons has expressed concern that Commissions of Mediation, charged with the assessment of DALO claims, have tended to interpret the DALO law in an increasingly restrictive manner, accepting fewer claims based on the lack of available housing in their respective Department rather than based on the applicants' needs.²²

27. Applicants accorded priority status who are not granted a unit within six months are entitled to go to court to have their application enforced. At court, local governments are frequently ordered to provide social housing to the applicant and to pay a fine that goes into a fund for organizations providing social support to persons living in inadequate housing conditions. In many cases, the local authorities pay the fine, but do not accord the applicant a housing unit. The applicant's only recourse is to return to court for a one-time compensation of approximately 2,000 to 3,000 EUR. Ultimately, the effect is a denial of justice, where local governments pay to opt out of respecting the right to housing.

28. The Special Rapporteur welcomes that the Government offers means-tested housing benefits that can be accessed by households renting accommodation, including those in social housing. In total there are over 6 million beneficiary households. The different schemes are expected to cost 13 billion Euro in 2019.

29. Housing benefits in the form of rent subsidies for low-income households have however been insufficiently adjusted to offset rising housing costs. Between 2000 and 2010, rent levels of beneficiaries increased by 32 percent, while benefits were adjusted by only 15 percent. Today, 9 out of 10 beneficiaries renting on the private market pay a monthly rent that is higher than the rent upon which the benefit was calculated.²³

30. The Special Rapporteur is concerned that austerity measures have been imposed that may undermine the enjoyment of the right to housing. In October 2017, the personal housing benefit (APL) was cut by 5 Euros per month. One year later social housing associations were obliged to reduce their social rents to compensate for a further cut to housing benefits for persons living in social housing.²⁴ At the same time, the value added tax for construction and renovation of social housing almost doubled from 5.5 to 10 per cent. These measures are expected to reduce the annual revenues of social housing associations by 2 billion Euro²⁵ exacerbating the housing crisis and limiting their ability for the production of more social housing.

D. Financialization of housing

31. The Special Rapporteur is concerned that the financialization of housing – where housing is promoted and used as a financial instrument rather than as a social good thereby undermining the realization of the right to housing – will quickly evolve in France, particularly since the promulgation of the 2018 ELAN law.²⁶ This law incentivizes the sale

²² Haute Comité pour le Logement des Personnes Défavorisées. L'Effectivité du droit au logement opposable. Décembre 2016, p. 12.

²³ Fondation Abbé Pierre, L'état du mal-logement en France 2019, p. 280.

²⁴ Ibid. p. 278-279.

²⁵ www.union-habitat.org/actualites/pourquoi-les-organismes-hlm-sont-ils-legitimentement-inquiets.

²⁶ See the report of the Special Rapporteur on the financialization of housing, A/HRC/35/51.

of social housing units, with a yearly target of 40,000 units. This policy is well underway; in 2018, the state railway company SNCF auctioned 4,000 public housing units for 1.5 billion EUR to a group of domestic and foreign investment firms. While these units will remain classified as social housing, there are real concerns that these private owners will not be adequately regulated by the Government to meet international human rights standards and obligations related to the right to adequate housing.

32. Real estate speculation has had a tremendous impact on housing stock in Paris, where 7.5% of all residential dwellings, 107,000 homes, are vacant. The Special Rapporteur welcomes that in an attempt to curb speculation, Paris increased the tax on vacant homes to 60%.²⁷ Though regulated, Paris is Airbnb's largest market globally with approximately 65,000 housing units listed on the platform, which potentially erodes the availability of housing for local residents.²⁸

33. The Special Rapporteur would like to warn that the social housing stock in France could easily become prey to international private equity firms, judging by the interest shown in the SNCF portfolio. This could have a devastating impact on an already overburdened housing system.

E. Substandard housing and urban areas of concern

34. According to national law, owners face strict penalties if they rent units that are unfit for habitation and local governments have an obligation to inspect housing and ensure its safety and its compliance with international human rights law.²⁹ Despite this, there are an estimated 420,000 homes on the private market in France that are considered substandard, failing to meet minimum criteria for habitability.³⁰ In Marseille approximately 40,000 housing units are estimated to be substandard.³¹

35. In 2018, two buildings collapsed in the Noailles neighbourhood of Marseille resulting in 8 deaths and displacing over 100 residents. This incident triggered the emergency evacuation of 2,400 residents from over 300 buildings. Five months later, most of them were still living in hotels. Of particular concern is that local authorities disregarded calls from the residents who for years tried to alert them of the risks posed by the dilapidated state of their homes. Affected residents told the Special Rapporteur that they were being asked to return to their homes and pay rent despite ongoing concerns relating to health and safety.

36. The Special Rapporteur applauds the Government for implementing urban renewal programmes to improve living conditions, access to transportation, work and education in impoverished urban areas. Since 2014, these areas are known as *Quartier Prioritaires de la Politique de la Ville* (QPV), where 42.2% of residents live below the poverty line, compared to just 14.3% for the general population. 74% of QPV residents live in social housing, compared to just 16% elsewhere in France. Homes in QPVs suffer higher rates of defects, such as faulty wiring or crumbling exteriors, than those in other urban areas. 22 percent of households in QPV face overcrowding.³²

37. During her visit, the Special Rapporteur met with residents of Clichy-Sous-Bois, a suburb of Paris, who told her of their deplorable housing conditions and the isolation experienced from the rest of Paris. When visiting several housing blocks, the Special Rapporteur was able to see the appalling conditions for herself. Residing 10 kilometres from the centre of Paris, residents lack direct transportation to the city, but expressed hope that a new tramway will improve their situation. This isolation causes long commutes,

²⁷ https://betterdwelling.com/vacant-homes-global-epidemic-paris-fighting-60-tax/#_

²⁸ <https://shorttermrentalz.com/news/paris-family-exodus-airbnb/>

²⁹ Code of Construction, Articles L.521-1 to L.521-3.

³⁰ Exploration statistique sur le parc privé potentiellement indigène à l'échelle nationale (filocom 2015).

³¹ <http://www.hclpd.gouv.fr/parution-du-rapport-marseille-de-la-crise-du-a183.html>

³² Information provided by the Observatoire National de la Politique de la ville to the Special Rapporteur.

creating additional hardship in accessing employment and education. They also noted that at times in the evening, city buses stray from their routes and refuse to enter Clichy-Sous-Bois, forcing people to walk to their destinations, including persons with disabilities, women or those that are elderly. Residents also stated that they face discrimination when looking for employment based on their address.

F. Informal Settlements

38. Informal settlements in France are generally inhabited by the poorest, most marginalized groups who lack access to housing, including Roma from Eastern Europe (amounting to about two-thirds of the informal settlement population), traveller communities, and migrants and refugees.

39. According to Government data, 16,090 persons live in 497 informal settlements. One third of those settlements are in the Greater Paris region. More than one quarter of the residents are children.³³ The Office of the High Commissioner for Human Rights documented that conditions at these sites ranged from rough and unsafe to humble but decent living quarters. The worst conditions observed included rat infestations, extreme levels of poor sanitation and environmental degradation, and other serious health hazards. Sites were usually excluded from services like water, sanitation, electricity, and solid waste removal.³⁴

40. The Special Rapporteur was struck by the appalling conditions she observed in an informal settlement in Marseille, where she visited a Roma settlement of 120 people without any water and sanitary services provided by the Government – the community siphoned water from a fire hydrant; had no toilets, or showers on site, though healthcare services were available and children attended the local school.

41. In Toulouse, she visited a former office building occupied by more than 300 migrants and refugees, including women and single parent families. Though the complex had running water and electricity, there were persistent sewage problems due to insufficient sanitation facilities. The building had no showers, cooking facilities and was severely overcrowded with up to 15 people sharing former office rooms while others in corridors. Mattresses and furniture were salvaged from garbage dumps and there was a bed bug infestation. The city had not intervened to improve the conditions or to ensure security of tenure for the residents. Since the visit, this residence has been shut down and the Rapporteur was told that most of the residents moved to another building with worse conditions, housing approximately 700 people.

42. In both cases, residents were under threat of eviction and alternative accommodation had not been proposed by the State. While successful examples to develop long-term housing solutions in close collaboration with residents of informal settlements have been reported to the Special Rapporteur, such as those in Strasbourg, the residents she interviewed indicated not having been meaningfully consulted.³⁵ The Special Rapporteur reminds the Government that participation is a human right and residents of informal settlements must be given the opportunity to meaningfully participate in decision-making that affects their housing.

43. When alternative sites are offered to Roma, municipalities often fail to ensure social integration, forcing them to live in enclosed or desolate, former industrial areas. Some are under video or physical surveillance.³⁶

44. The Government's programme of 'reabsorption' to reduce informal settlements stresses the need to provide access to water, sanitation, adequate housing, education and work. The Special Rapporteur's visit, however, revealed a different story. Policies denying

³³ DIHAL, *Etat des Lieux des Bidonvilles en France Métropolitaine au 1^{er} Juillet 2018*, p.3

³⁴ OHCHR, *No one Left behind: Mission Report on the Right to Housing and related human rights of Rome in France*, June 2018, p.8.

³⁵ *Ibid.*, p. ii.

³⁶ *Ibid.*, p. 9.

access to core elements of the right to adequate housing including the right to water and sanitation, health and to live in security, are in violation of international human rights law. The Special Rapporteur reminds the Government that it is obliged by international human rights law to ensure human dignity.

G. Forced Evictions

46. Forced evictions are a *prima facie* violation of the right to adequate housing.³⁷ Such evictions in France have been the subject of several reports and recommendations by the United Nations human rights system and human rights organizations.³⁸ In 2018, approximately 65 percent of all of those living in informal settlements and originating from Eastern Europe experienced a forced eviction. 9,688 of these persons were evicted from 171 informal settlements and squats, most of which were constructed on public property.³⁹

47. The Special Rapporteur is concerned that during the course of her visit she learned of several imminent evictions: she toured an encampment in Porte de la Chapelle, Paris, scheduled for eviction the following day; visited a squat in Toulouse scheduled for eviction on 15 April 2019; and a Roma informal settlement in Marseille scheduled for eviction in July 2019.

48. The 2017 law on equality and citizenship provides additional procedural protection for persons living in informality as it recognises that a judicial order is required before evicting any “inhabited place”, which should include tents or informal structures including motor vehicles.⁴⁰ Most evictions of informal settlements are carried out after judicial orders, but national courts do not always implement international human rights standards, as they frequently authorize evictions without ensuring alternative housing rendering the evictees homeless.

49. It is estimated that less than 5 percent of all persons evicted are relocated to new long-term housing options in compliance with international human rights standards.⁴¹ A 2018 study conducted by Romeurope found that only 12.7 percent of evicted households were provided with temporary accommodation, often in social hotels. The study also found that long-term housing solutions with social support were only offered to 2.5 percent of all households evicted, while only 18 persons (0.2 percent) were accommodated in classical housing units.⁴²

50. The Special Rapporteur welcomes that since 1954 France has implemented a winter moratorium on evictions, except in cases posing threats to security or health. However, these exceptions have proved too broad as over 1,800 persons were still evicted during the winter period of 2017-18.

51. The Special Rapporteur is similarly concerned about the rise of eviction procedures initiated against tenants in rental accommodation, a majority due to arrears. In 2017, 65,828 eviction orders were approved by the courts. While most tenants leave their home before enforcement measures are ordered or implemented, evictions that were enforced by police doubled from 6,337 evictions in 2001 to 15,547 in 2017.⁴³ As a consequence, many of those evicted spent several months in emergency accommodation, financed or subsidised by the State. These high costs could be avoided if households were offered alternative and affordable long-term housing prior to their eviction.

³⁷ CESCR, General Comment No. 7.

³⁸ See for example Communications FRA 3/2014, FRA 3/2016, FRA 1/2018 and responses to them of the French Government available at: <https://spcommreports.ohchr.org/>; Amnesty international, Forced evictions of Rome in Ile de France, 2012, Amnesty International, Told to move on: Forced evictions in France 2013.

³⁹ Collectif National Droits de L’Homme Romeurope, Note d’analyse : Expulsions de bidonvilles et squats habités par des personnes originaires d’Europe de l’Est en France métropolitaine.

⁴⁰ Loi No.2017-86.

⁴¹ DIHAL, Resorption des Bidonvilles, Bilan 2017, Panorama 2018, p.7,

⁴² Collectif National Droits de L’Homme Romeurope (fn. 36 above.)

⁴³ Fondation Abbé Pierre, L’état du mal-logement en France 2019, p.244.

52. Despite official regulations prohibiting the eviction of households that have received priority status under the DALO law, in 2018, more than 140 of these households were evicted.⁴⁴

53. International human rights law strictly prohibits evictions into homelessness, which constitute severe violations of the right to housing. Evictions can only be justifiable if all feasible alternatives have been explored in consultation with the resident and once alternative accommodation that is proximate has been secured and agreed upon by the residents.⁴⁵ National legislation on eviction must ensure protection from forced evictions in accordance with international human rights law.

IV. Groups at risk of discrimination and social exclusion

A. Persons living in homelessness

54. According to the most recent official data, homelessness increased by 58% from 2001 to 2012 (93,000 to 141,500 persons), with the number of children living in homelessness increasing by 85%.⁴⁶ A further rise is expected in the upcoming 2020 census. More than one person living on the street dies every day.⁴⁷ The Government of France expressed their concern to the Special Rapporteur regarding this alarming statistic.

55. France has adopted a national plan to combat homelessness, with the following pillars: increase affordable housing units by 40,000 yearly; establish 10,000 additional housing units for persons experiencing homelessness - under the management of social welfare organizations - adapted to the needs of families, isolated persons, or persons requiring therapeutic support; collect better data in order to understand the needs of persons living in homelessness; and provide long term housing to persons living in homelessness.⁴⁸

56. In its review of the plan, the Haut Comité pour le logement des personnes défavorisées recommends that in order to significantly reduce homelessness, the following measures must also be included: effective and unconditional access to emergency accommodation for all persons in need, addressing the backlog of persons requiring rehousing under the DALO law, and sufficient financial resources and qualified personnel to provide the necessary social, medical, psychological and legal support to implement a housing-first approach.⁴⁹

57. France has increased the annual budget devoted to emergency shelters (hébergement d'urgence) from 305 million EUR in 2012 to 820 million EUR in 2017 and also significantly increased investment into housing with social supports (logement adapté). In total, more than 2 billion EUR have been included in the 2018 national budget for combatting homelessness.⁵⁰

58. While the Special Rapporteur commends the Government for its efforts, she is concerned that the plan fails to meaningfully address the systemic causes of homelessness and inadequate housing necessary to prevent and eliminate homelessness..

59. The French shelter system is guided by the principle of unconditional (universal) access to shelter for “any person who is homeless and in a medical, mental health or social

⁴⁴ Ibid.

⁴⁵ CSECR, General Comments Nos. 4 and 7.

⁴⁶ Bénédicte Mordier, “Introduction de cadrage: Les sans-domicile en France : caractéristiques et principales évolutions entre 201 et 2012”, in: Economie et Statistique, no. 488-489, 2016.

⁴⁷ Collectif de la Morts de la Rue, Mortalité des personnes non-domicile 2018, Paris, October 2019, <http://www.mortsdelarue.org>

⁴⁸ Plan Quinquennal pour le logement d'abord et la lutte contre le sans-abrisme, 2018-2022, https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2018/07/plan_lda_vf.pdf

⁴⁹ See Haute comité pour le logement des personnes défavorisées, “5 conditions nécessaires à la mise en oeuvre du “logement d'abord”, November 2018, <https://www.vie-publique.fr/sites/default/files/rapport/pdf/184000759.pdf>

⁵⁰ Plan Quinquennal, p. 7.

emergency.” The point of entry to the system is to call the emergency hotline “115”. Since 1997, those seeking information regarding services, emergency accommodation and day centres, as well as healthcare, food, and showers can call 115, toll free, 24 hours a day, 7 days a week, 365 days a year.

60. Today, the 115 service is overwhelmed by the increasing demand, despite the Government doubling the number of emergency accommodation spaces in a 5-year period from 75,347 in 2012 to 136,889 in 2017. During the winter of 2016-17, only half of requests for emergency accommodation were satisfied. In Paris, 64 percent of requests were unanswered, including half of the requests placed by families.⁵¹ In Toulouse the Special Rapporteur was told that only 10% of 115 calls placed were answered by an operator, and of the calls responded to only 29% resulted in the provision of accommodation.

61. The Special Rapporteur called 115 several times during her visit. She waited for more than 20 minutes on each call, and finally managed to speak to an operator on her fourth attempt, only to be told that there was no emergency accommodation available in Paris that night. Despite being widely known, those in need have stopped calling 115. In 2017, 67 percent of persons living on the street had never even tried to call or had given up.⁵² 80% of those who do access emergency accommodation receive a place for only one night, forcing them to repeat the 115 process all over again in the morning.⁵³ The system not only creates intense instability for those in homelessness, but also consumes their days as they spend hours calling 115 with, at best, only a sliver of hope that they will sleep in a warm bed two nights in a row.

62. The lack of sufficient emergency accommodation has undermined the unconditional right to emergency accommodation. The Special Rapporteur spoke to women fleeing domestic violence, LGBTI youth no longer welcome in their family homes, migrant and refugee families sleeping on pavements, and many others who had called for days and even months before having their call answered and who expressed their desperation that while knowing they had an ‘unconditional’ right to shelter they were incapable of securing that right.

63. The Special Rapporteur is concerned that the Government is more focused on short-term ‘solutions’ (gymnasiums and hotels), rather than long-term housing with necessary social supports. These shelters are poorly equipped to substitute for housing and at times families are forced to separate in order to be sheltered. Moreover, many who find accommodation over the winter must return to the streets by April. At the end of 2017-2018 winter period, 36% of those who were sheltered were not provided with any alternative durable housing solution in contravention of article L. 345-2-3 of the Code for Social Action and Families and the right to adequate housing under international law.

64. The Special Rapporteur is also deeply concerned by the use of hotel rooms as a longer-term solution for people in homelessness, a view shared by the Government, though the policy remains in place. She visited several families living in hotels, including a woman from Guinea in the asylum process living in a hotel-room with her infant child. She had been provided a small, damp windowless room, on the ground floor adjacent to the hotel bar’s common-use toilets. As a survivor of sexual violence during her harrowing journey to France, the noise of men walking to and from the toilets exacerbated her trauma.

65. The Special Rapporteur also met a young family of five sheltered in two non-adjointing hotel rooms for over a year. The children were too young to sleep alone, so the entire family had to sleep in one small room. They had access to shared bathrooms, but lacked access to a kitchen or laundry room. As one resident said plainly, “how can a hotel room feel like a home?” Frequently residents have to move from one hotel to another,

⁵¹ Fédération des acteurs de la solidarité, “Barometre du 115, Synthèse hivernale 2016-2017”, <https://federationsolidarite.org/9/images/stories/presse/communiqu/Barometre115-2016-2017-synthese-hivernale.pdf>.

⁵² Ibid, p. 9.

⁵³ E/C.12/FRA/CO/4, para 35.

disrupting education and contributing to tension within the family.⁵⁴ In extreme cases, children are placed in childcare institutions due to the inadequate housing situation of their parents. This possibility causes parents extreme stress and anxiety.

66. The Special Rapporteur was pleased to learn that with support of the national government, social service associations in eight cities including Bordeaux, Dijon, Lyon, and Grenoble are embarking on Housing First programs modelled after the “Chez Soi d’Abord” pilot program, which had an 85 percent housing retention success rate. She also welcomes that homeless persons or residents of informal settlements have a right to a formal address (domiciliation) to be able to access social benefits and exercise other rights.⁵⁵ She is however concerned that Social Action Centres have occasionally refused to provide a certificate of residency to homeless persons or residents of informal settlements, thus excluding them from accessing social supports.⁵⁶

B. Refugees and migrants

67. The Special Rapporteur is deeply concerned about the housing and living conditions of refugees and migrants in the Hauts-de-France near Calais, and in other informal encampments such as at Porte de la Chapelle in Paris. She is not alone. Similar concerns have been repeatedly raised by the Defender of Rights, the National Consultative Commission for Human Rights, other Special Rapporteurs of the United Nations and NGOs.⁵⁷ The Special Rapporteur notes the particular challenges authorities face in responding to migrants that are in the region with the aim to secure passage to the United Kingdom. Nonetheless she wishes to underline that the right to adequate housing and the protection against forced evictions must be extended to all, including migrants.

68. The Government has employed several tactics that have led to a vicious cycle of forced evictions, increased homelessness and short-term encampments in places like Calais or Porte de la Chapelle. Dismantling the large informal settlement near Calais in October 2016 affected up to 8,000 migrants who were forced to disperse into smaller encampments which are subject to eviction (sometimes every 48 hours). While the government utilizes these tactics to deter the growth of informal settlements, they are making already completely unacceptable living conditions even worse. Urgent State action is required to bring the situation in conformity with international human rights norms.

69. The Government of France has acknowledged that the housing of refugees and asylum seekers remains a priority in 2019 and the Special Rapporteur commends France for having doubled the places of accommodation for asylum seekers and refugees - from 50,548 in 2014 to 107,183 in 2019.⁵⁸ Despite this step forward, approximately 38,000 refugees remain in emergency shelters.⁵⁹ Currently, only half of all asylum seekers who request shelter will receive it.⁶⁰ An increasing number of asylum seekers are forced to live in hiding due to their immigration status and often endure the most deplorable conditions without the hope of accessing housing or other social supports.

70. The Special Rapporteur learned that Social Service Centers (SIAOs) responsible for managing emergency accommodation have been instructed to share information with the

⁵⁴ See also Défenseur des Droits, *Adolescents sans logement. Grandir en famille dans une chambre d’hôtel*. Février 2019.

⁵⁵ Code de l’action sociale et des familles, Article L264-1.

⁵⁶ CNCDH, *Avis relative au suivi des recommandations du Comité des Nations unies sur les droits économiques, sociaux et culturels adressées à la France concernant le droit au logement*, para 24.

⁵⁷ Défenseur des Droits, *Exilés et droit fondamentaux, trois ans après le rapport Calais*, December 2018; Human Rights Watch, “Like living in Hell, Police abuses against Child and adult migrants in Calais”, July 2017;

⁵⁸ Statistics provided by the Ministry of Interior to the Special Rapporteur.

⁵⁹ Instruction of the Ministry of Interior and the Ministry for territorial cohesion from 4 March 2019, INTV1904604J.

⁶⁰ CNCDH, *Avis sur l’instruction ministérielle relative à la coopération entre les SIAO et l’office français de l’immigration et l’intégration*, 24 septembre 2019, p. 6

Office for Immigration and Insertion.⁶¹ This instruction has the potential to drive migrants and refugees fearing deportation further into hiding. Moreover, it does not comply with international guidelines that require effective and binding firewalls between data held by social services on one the hand, and immigration enforcement authorities on the other.⁶²

71. On 7 November 2019, after the Special Rapporteur's visit, an encampment of migrants in Porte de la Chapelle was forcibly evicted. Approximately 1,600 migrants were transported in buses to various gyms and emergency accommodation centres, in most cases against their will.⁶³ It was the 59th eviction of an informal encampment of migrants in Paris since 2015. Despite the frequency of these evictions, it is commonplace that after a few weeks encampments start to form again – because of new arrivals and because alternatives accommodation are unsuitable or provided only for short periods. A month after the November 2019 eviction, only half of the migrants were in long-term accommodation. Over 600 were still housed in emergency shelters, while 156 persons were reported to have voluntarily left the shelters.⁶⁴

72. As of April 2019, near Calais and Grande-Synthe an estimated 600 to 700 migrants and refugees were living in tents and small encampments, suffering the harsh weather conditions with extremely limited access to emergency shelter. For example, in Calais there was only one emergency shelter open for 20 days during the Winter Period when the weather was expected to drop below 2° Celsius.

73. Since the spring of 2017, a deliberate and systematic policy has been implemented involving the regular eviction of persons camping on private and public lands in this area. From 1 January to 31 March 2019, over 200 evictions of encampments were documented by local human rights organisations. These evictions usually take place in the morning, without the provision of prior notice and on occasion tear gas is employed.⁶⁵ The Special Rapporteur heard from individuals who told her that they were being evicted every 48 hours. They also reported that, when evicted, they were not permitted to pack up their tents or collect personal belongings. In fact, tents, sleeping bags and personal items are often destroyed or confiscated.

74. Migrants and asylum seekers evicted from their encampments in Calais are normally only offered accommodation in reception centres located more than 75 km away from Calais, while international human rights standards require relocation in proximity to the site of eviction. The systematic nature of repeated evictions by police forces is a source of extreme stress, anxiety and sleep deprivation – on an already traumatized population.

75. On 28 February 2018 the European Court of Human Rights ruled in *Kahn v. France* (no. 12267) that the failure to provide care for an unaccompanied minor after the dismantling of the makeshift camps set up in the southern section of the “lande de Calais” which led to the demolition of his hut was in violation of Article 3 of the European Convention on Human Rights prohibiting inhuman and degrading treatment.

76. The practices reported to the Special Rapporteur by residents of the encampments around Calais are a gross violation of the right to adequate housing and other human rights, such as the rights to water, sanitation, health, food, and to physical integrity. The systematic and repeated nature of these forced evictions suggest they also constitute cruel, inhuman or degrading treatment of one of the most vulnerable populations in France.

⁶¹ Instruction interministérielle N° DGCS/SD1A/DGEF/2019/143 du 4 juillet 2019.

⁶² A/HRC/37/34/Add.1, Principle 13 (4), see as well Defender of Rights, decision No. 2019-259 and CNCDH, Avis sur l'instruction ministérielle relative à la coopération entre les SIAO et l'Office français de l'immigration et l'intégration from 24 September 2019, https://www.cncdh.fr/sites/default/files/19.09.24_avis_sur_linstruction_ministerielle_siao_et_ofii_-_site_internet_0.pdf.

⁶³ www.theguardian.com/world/2019/nov/07/french-police-begin-clearing-makeshift-migrant-camp-paris

⁶⁴ www.lemonde.fr/societe/article/2019/12/09/campements-que-deviennent-les-migrants-mis-a-l-abri_6022141_3224.html

⁶⁵ Human Rights Observers, Les expulsions de terrain à Calais et Grande-Synthe, 1er août 2018- 1er juin 2019.

C. Travellers

77. Travellers or *gens du voyage* is a French administrative term for various itinerant populations with French nationality. Travellers often face stigmatization and discrimination similar to Roma with foreign nationality. In total around 206,000 persons are estimated to live in caravans.⁶⁶

78. While Special Rapporteur welcomes the law on Equality and Citizenship from 27 January 2017, which abolishes the requirement for travellers to carry a special travel pass, she is concerned about several policies that undermine their right to housing.

79. The law “Besson” from 5 July 2000 requires that French municipalities with more than 5,000 inhabitants create a temporary caravan site (*aires permanentes d’accueil*) in which travellers can stay with their motor vehicles. To date, not all communities have established such sites. In the Greater Paris region only 3,104 parking places of the 5,471 required have been created. Municipalities claim they are constrained by financial difficulties and public resistance to the creation of caravan sites.⁶⁷ The law, even when enforced, is problematic as it requires travellers to stay in the dedicated sites thereby cementing spatial segregation and reducing the development of permanent housing. Due to a lack in alternatives, these caravan sites become permanent solutions, although they were never intended for long term stays. Often they are located far from public services and educational institutions, near highways or industrial zones, are poorly serviced, often posing environmental or health risks.⁶⁸

80. Most traveller communities are moving towards an increasingly sedentary life. However, even if they own or have access to land, they often face difficulties receiving water and electricity, in particular if the spot is located outside an official residential zone. Only a small number of municipalities have established so called “family terrains” allowing for a mix of standard housing, structures and caravans. In addition, French law does not recognise caravans as housing, so residents cannot benefit from housing benefits and legal protections afforded to other households for example a prohibition on cutting electricity and water supply during the winter period.⁶⁹

81. The Special Rapporteur welcomes the culturally appropriate, social housing initiatives developed by several municipalities in consultation with traveller communities and calls for their expansion, as only 514 such housing units were realised between 2005 and 2014.⁷⁰

V. Access to Justice

82. The ability to claim the right to housing through an accessible mechanism is a core component of the right as the Special Rapporteur details in her thematic report (A/HRC/40/61).

83. In France, the National Agency for Information on Housing (ANIL) maintains a network of offices in more than 1,000 locations throughout France where lawyers and civil society organizations provide legal advice, usually free of charge.⁷¹ ANIL also maintains two hotlines, one where residents can submit complaints related to insalubrious housing and

⁶⁶ European Committee of Social Rights, Follow-up to Decisions on the Merits of Collective Complaints, Findings 2018, para 232.

⁶⁷ Cour des comptes, Rapport public annuel 2017, p. 211.

⁶⁸ Foisneau, Louise, “Dedicated Caravan Sites for French Gens du Voyage: Public Health Policy or Construction of Health and Environmental Inequalities?” *Health and Human Rights Journal*, Vol. 19 (2017), no. 2, pp. 89-98.

⁶⁹ CNCDH, Avis sur le respect des droits des “gens du voyage” et des Roms migrants au réponse récents de la France aux instances internationales, 22 mars 2012, FNASAT, Habitat permanent en résidence mobile, 2016.

⁷⁰ Cour des comptes, p. 221. FNASAT, Ancrages et besoins des habitants permanents de résidence mobile, Février 2017, p. 29.

⁷¹ <http://www.lacnl.com>; www.clcv.org; www.la-csf.org; www.droitaulogement.org

another to assist tenants and home owners who fall into arrears with rent, mortgage or bill payments.⁷² Residents falling below a certain income threshold are entitled to free legal aid. While the support available is commendable, linguistic and cultural barriers can prevent migrants, Roma and persons living in homelessness from accessing these legal support structures.

84. In order to avoid flooding the judicial system, legal claims under the DALO law are first assessed by Commissions of Mediations and there is a right of appeal before an administrative tribunal. The Conseil d'Etat acts as a court of last instance for DALO claims and has so far made over 140 decisions related to its interpretation.⁷³

85. The Special Rapporteur is concerned that some decisions of the Administrative Tribunals and the Conseil d'Etat have limited the unconditional right to emergency accommodation and the right to housing. For example, living in homelessness, is not always considered sufficient to be granted emergency accommodation, as courts have occasionally required claimants to show proof of additional medical, psychological or social distress.⁷⁴ Some decisions argued that the State is incapable of ensuring emergency shelter or adequate housing due to a lack of financial means. The Special Rapporteur reminds authorities that human rights are generally not subject to derogation based on availability of funds or means. Homelessness threatens the right to life, health and physical integrity and must be accorded the utmost priority, even in times of fiscal pressures.

86. The Special Rapporteur applauds the Defender of Rights, who has the ability to receive claims related to the right to housing and provide support to victims whose right has been or is at risk of being violated. The Defender also submits their legal opinion to courts in judicial decisions, as well as issue recommendations on draft legislation. He also undertakes official inquiries in relation to alleged human rights violations, including the right to housing.⁷⁵

87. France enjoys functioning monitoring and advisory mechanisms for the implementation of the right to housing. Both the National Advisory Commission for Human Rights and the Haut comité pour le logement des personnes défavorisées have monitored the implementation of the right to housing.⁷⁶ Their work is complemented by civil society organizations like the Foundation Abbé Pierre which issues an annual report on housing.⁷⁷

88. The Special Rapporteur commends France for accepting collective complaints procedures before the European Committee of Social Rights. The Committee has heard several complaints made against France, regarding evictions, the allocation of social housing, and the insufficient progress made towards the elimination of homelessness and substandard housing in both quantitative and qualitative terms (decisions 33/2006, 39/2006, 61/2008, 63/2010, 64/2011 and 67/2011 and 119/2015). It also ruled (decision 114/2015) that leaving unaccompanied foreign minors on the street violates the rights of children and that accommodating unaccompanied foreign minors in hotels for weeks or even months cannot be considered appropriate accommodation. In December 2018 the European Committee of Social Rights reviewed France's implementation of its decisions and noted various efforts to improve the housing situation of homeless persons, Roma and travellers, but found that violations relating to the right to housing have not been adequately addressed.⁷⁸

⁷² www.anil.org

⁷³ Available under jurisprudence at droitaulogementopposable.org.

⁷⁴ HCLPD, 5 conditions nécessaires à la mise en oeuvre du "logement d'abord", pp.69-78.

⁷⁵ For example decisions No. 2019-259, 2019-068, No. 2015-291.

⁷⁶ See CNCDH, Avis "Logement; Un droit pour tous ? Permettre un accès effectif et non discriminatoire au logement, 16 Juin 2016; CNCDH, Avis sur le respect des droits fondamentaux des populations vivant en bidonvilles, 20 novembre 2014.

⁷⁷ www.fondation-abbepierre.fr

⁷⁸ European Committee of Social Rights, Follow-up to decisions on the merits of collective complaints, December 2018, para 244, 246 and 249.

89. In *Winterstein and Others v France*⁷⁹ the European Court of Human Rights held that eviction of a number of traveller families in Val d'Oise violated Article 8 (right to respect for private and family life) of the ECHR. In *Tchokontio Hapi v France*⁸⁰ the Court held that France had violated the claimant's right to a fair trial for failing to re-house her through the DALO system for over three years after she was deemed eligible. The Court concluded that the Government could not rely on a lack of resources to excuse the delay.

VI. Conclusion and Recommendations

90. The housing conditions experienced by vulnerable and marginalized persons in France stand in contradiction to a nation that has a long tradition of the promotion of human rights and is now the seventh wealthiest on the planet. Housing affordability has become a significant problem with housing prices and rental costs on the rise. There is an insufficient supply of social housing in metropolitan areas for those in need. Informal settlements are often denied basic services and regularly subjected to forced evictions. Homelessness is increasing at a significant pace as an acute shortage in emergency shelters and longer-term housing deepens. Migrants fleeing civil conflict or extreme poverty have put additional strain on national and local Governments to ensure adequate and affordable housing for all, and live in some of the most egregious conditions. All of this, including barriers to access to justice and the opening of the housing market to private investors has resulted in a housing sector under siege, despite Government efforts. This situation requires immediate Government attention to ensure that the human right to adequate housing is fully respected and enjoyed by all.

91. France must be commended for enshrining the right to housing in its national legal order. The Special Rapporteur welcomes that France has put in place laws, policies and programmes intended to guarantee the right to adequate housing, for example: the DALO law makes the right to housing justiciable; a national hotline has been established to assist in accessing emergency services; and substantial resources have traditionally been allocated toward social housing and housing benefits, making France one of the top spenders in the European Union. France must increase its efforts to ensure that its commitment to the right to adequate housing, reaches all people, in particularly the most vulnerable and marginalized groups.

92. In this regard, the Special Rapporteur recommends that the Government of France:

(a) Review its National Housing Strategy (2018-2022) and make any necessary amendments to ensure it is fully consistent with international human rights law and obligations as outlined in the report of the Special Rapporteur on this issue (A/HRC/37/53).

(b) Improve cooperation and coordination between national, regional and local governments in addressing homelessness and other violations of the right to housing.

(c) With respect to social and subsidized housing, the Government should:

(i) Immediately reverse the decision to scale-back social housing expenditure which constitutes a retrogressive measure contrary to international human rights law.

(ii) Retain and upgrade where necessary social housing units, and ensure resources are available to increase the supply of social housing to meet demand.

⁷⁹ Case No. 27013/07, decided on 17 October 2013.

⁸⁰ Case No. 65829/12, decided on 9 April 2015.

- (iii) Prohibit the sale of social housing to financial entities such as private equity and asset management firms, particularly in areas identified as having a “tense” housing market.
 - (iv) Ensure housing benefits are set at levels that are commensurate with household income and regional housing costs, so that beneficiaries are not required to pay more than a reasonable percentage of their income on housing.
 - (d) The implementation of the DALO law must be improved to ensure that applicants identified as priority for social housing or rehousing are offered a decent and affordable home close to their current place of residence within six months. To this end, governments should:
 - (i) Further enhance investment in social housing, in particular for the most disadvantaged, on a priority basis;
 - (ii) Increase fines for sub-national Governments that fail to construct sufficient social housing so that they actually stipulate the construction of new social housing. In other words, payment of fines must not replace the effective implementation of the right to housing;
 - (iii) Develop creative options to enhance the efficacy of the DALO law, including for example, augmenting the renting or acquiring private market housing units to ensure that those who have been on the DALO priority list for an unreasonable amount of time are housed immediately.
 - (e) To address homelessness, France must:
 - (i) Adopt in domestic law, policies and programmes that have as a key goal the elimination of homelessness by 2030 in keeping with commitments under the Sustainable Development Goals, Target 11.1. This should include identifying and addressing the structural causes of homelessness and implementing a robust housing first approach in all Departments across the country.
93. The Government should also:
- (ii) Ensure within a reasonable time frame all requests for emergency accommodation through the 115 hotline are responded to immediately and that those using the service are provided with accommodation as needed. This will require increasing the number of short-term emergency shelters – with support services – to meet the needs of each jurisdiction. These shelters must remain open 12 months of the year. Those using shelters must be allowed to remain until longer term housing options are made available.
 - (iii) Ensure that emergency shelters are accessible to anyone who identifies as homeless, with no additional criteria required. Those using emergency shelters should be offered, within the shortest possible time, stable long-term housing options in public or private housing with appropriate supports. Hotels should not be used as long term housing as they do not meet adequacy requirements under international human rights law.
 - (iv) Ensure that homelessness, or having no fixed address, is not used to deny individuals or families access to social benefits and services.
 - (f) France must recognize in law, policy and practice that the right to adequate housing extends to all individuals regardless of their immigration status. This includes ensuring that emergency and temporary accommodation is available to all in need, irrespective of one’s immigration status. Binding and secure firewalls must be put in place to ensure that Service Centres do not share the data of their clients with immigration services. Failing to do so will only exacerbate the number of migrants and asylum seekers living in homelessness too afraid to seek shelter with social institutions for fear of deportation.
 - (g) Regulation of the private market should be implemented including through legislative measures which:

- (i) curb real estate speculation and the transformation of private accommodation into touristic rentals with a view to ensuring existing and new housing stock is predominantly occupied by local residents;
- (ii) review existing rent controls as to ensure rent levels cannot be increased beyond the rate of inflation annually;
- (iii) improve public inspection of housing and the enforcement of legislation requiring landlords to comply with housing, health and safety regulations. Where a landlord fails to consistently discharge this responsibility, placing at risk the well-being of their tenants, substantial penalties must be imposed and expropriation considered.
- (h) With respect to informal settlements, the government must:
 - (i) Immediately discontinue the practice of withholding basic services as a means of curbing the growth of informal settlements and recognize in law that caravans may be a form of housing.
 - (ii) Ensure security of tenure and access to basic services in all informal settlements in compliance with international human rights law, and in consultation with affected communities as set out in a recent report of the Special Rapporteur (A/73/310/Rev.1).
 - (iii) Impose a moratorium on all forced evictions – including of irregular migrants residing in abandoned buildings, in tents or makeshift structures on sidewalks or on public lands – until the national legal framework governing evictions is brought in full conformity with international human rights law and international guidelines concerning evictions.
- (i) Lawful evictions – including for rental or mortgage arrears – that will result in homelessness must be prohibited by law. Where an eviction cannot be prevented or avoided, it must be coupled with appropriate rehousing or resettlement solutions in compliance with the right to adequate housing under international human rights law. This means, offering sufficient and suitable emergency shelter followed by long-term housing options in reasonable proximity to the original site.
- (j) Financial subsidies and support should continue to be provided to improve housing conditions in QPVs while ensuring that improvements to these communities do not result in gentrification and the displacement of existing residents.
- (k) In compliance with rights to non-discrimination and equality, France must ensure that everyone, including migrants and asylum seekers, as well as Roma and traveller communities, and single parent families are protected against discrimination in all aspects of housing. France must also make greater efforts to ensure that those living in QPVs do not experience discrimination based on their place of residence.
- (l) Modify building regulations to ensure that a sufficient percentage of all newly built housing, private or public, is fully adapted to ensure independent living of persons with disabilities within their communities and expand schemes to make exiting housing stock accessible and adapted.
- (m) Implement the recommendations, decisions and judgements pertaining to the right to housing made by the Defender of Rights, the National Consultative Human Rights Commission, the Haut Comité pour le Logement des Personnes Défavorisées⁸¹, the United Nations Committee on Economic, Social and Cultural Rights, the Office of the High Commissioner for Human Rights⁸², the European

⁸¹ Defender of Rights, *Exilés et droit fondamentaux, trois ans après le rapport Calais*, pp.70-75; CNCDH, *Avis “Logement : Un droit Pour Tous?”*, 16 June 2016, pp 46-55 ; HCPLPD, “5 conditions nécessaires à la mise en oeuvre du “Logement d’abord”, November 2018.

⁸² E/C.12/FRA/CO/4, para 35-43, OHCHR, *No one left behind*, pp. 11, 14 and 16.

Committee of Social Rights and the European Court on Human Rights concerning the right to housing and related rights.

Annex II

Public institutions consulted during the visit of the Special Rapporteur:

Ministry for Territorial Cohesion

Ministry for Europe and Foreign Affairs

Ministry for Social Solidarity and Health

Ministry of Interior

Inter-ministerial Delegation for Accommodation and Access to Housing (DIHAL)

High Committee for the Housing of Marginalized Persons (HCLPD)

National Consultative Commission for Human Rights (CNCDH)

Defender of Rights (DDD)

National Statistical Office (INSEE)

National Observatory on Urban Policies (ONPV)

National Observatory Poverty and Social Exclusion (ONPES)

National Observatory on Energy Poverty (ONPE)

Mayor of Paris

Mayor of Clichy-sous-Bois,

City representatives of Grande-Synthe and Toulouse

Under-Prefecture of Calais,

Integrated Service of Reception and Orientation (SIAO) in Paris and Toulouse,

Paris Habitat

Representative of the United Nations High Commissioner for Refugees (UNHCR) to France.
