

UN Special Rapporteur on adequate housing
Office of the High Commissioner for Human Rights
Special Procedures Branch, Palais Wilson
CH – 1211, Geneva
Switzerland

WILDERS PLADS 8K
DK-1403 COPENHAGEN K
PHONE +45 3269 8888
DIRECT +45 32 69 88 03
CBA@HUMANRIGHTS.DK
HUMANRIGHTS.DK

J. NO.
520.10/31952/CBA/EMKI/IDJE

Regarding the report of the Special Rapporteur on adequate housing for the General Assembly 70th session - questions on adequate housing

30 JUNE 2015

- **Regarding question 1:**

“What role will national and international human rights standards on the right to adequate housing play in informing your positions and proposals for Habitat III? Can you please provide concrete examples in this regard?”

Due to the Parliamentary elections 18 June 2015 and the change of government 28 June the Danish ministries have been unable to clarify political issues. A review of the publicly available policy papers (concept notes) from the Ministry of Foreign Affairs has not identified any documents on Danish positions for Habitat III.

- **Regarding question 2:**

”What public policies, programmes or plans are being considering or have been put forward by national or subnational level governments related to “social cohesion” and the right to adequate housing?”

Denmark has a relatively large social housing sector. The social housing sector account for approximately 20 % of the total housing sector in Denmark. The social housing sector is briefly described in Denmark’s twentieth and twenty-first periodic report to the Committee on the Elimination of All Forms of Racial Discrimination (CERD/C/DNK/20-21¹). See the following:

Social housing

¹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/DNK/20-21&Lang=en

133. The social housing sector is one of the cornerstones in the Danish welfare system since it guarantees low-income families, people with minority background, mental illness and other vulnerable groups a decent place to live. Social housing is a possibility for all persons irrespective of ethnical background or income. As a main rule social housing is let to tenants through seniority based waiting lists and every individual is entitled to be put on the waiting lists. As of 1 January 2012, 22 per cent of the people living in a social housing dwelling were immigrants and their descendants from non-western countries.

134. In order to ensure social housing for all kinds of vulnerable persons, the local authorities have an unconditioned right to dispose of 25 per cent of all vacant dwellings in social housing to solve a range of social housing problems. Thus, the local authority can place any person or family who needs a place to live, in vacant social housing dwellings in the municipality.

135. The rent in the social housing family dwellings is relatively low due to public subsidy. Furthermore, low income families are entitled to individual housing benefits. In 2008, approximately 50.000 households with children in social housing units had 42 per cent of the rent covered by housing benefits.

136. The social housing sector is administered by the non-profit housing associations, which are under inspection by the local authorities. The local authorities grant subsidy to the building of social housing according to the local needs and structures. The total number of social housing units in Denmark is approximately 590.000, which amounts to approximately 20 per cent of the total number of housing units. Approximately 490.000 of them are family dwellings. The majority of the social housing units provide popular dwellings of high quality with a strong community and a well-developed neighbourhood democracy, which gives residents an influence on their neighbourhood.

The current strategy of Denmark for homeless people appears from Denmark's fifth periodic report to the Committee on Economic, Social and Cultural Rights (E/c.12/DKN/5²). See the following:

Referring to concluding observation 21

The strategy for homeless people

156. To identify the scope of homelessness in Denmark and establish a better basis for developing future initiatives for homeless people, the government initiated a census of homeless people and a mapping of local authority demand for homes and residential homes for homeless people in spring 2007.

157. Denmark's first census of homeless people counted some 5,200 homeless people in week 6 of 2007. It also showed that homeless people are mainly centred in major urban areas, primarily in Copenhagen and the local authorities surrounding it. The next census is set for 2011. The Government has also

recently introduced a bill aimed at reducing the increasing number of evictions (please also see under art. 11 —"The right to adequate housing").

158. For the period 2008–11, around DKK 500 mio. (roughly the equivalent of EUR 70 mio.) have been allocated for initiatives aimed at helping the largest possible number of homeless people out of homelessness.

159. The goals of the strategy are as follows:

- To reduce the number of homeless people living in the street
- To find solutions for young people other than a place at a reception centre
- To limit the stay at reception centres to 3–4 months for residents ready to move to homes provided they are given the needed support
- To solve homeless people's housing problems before they are discharged from treatment institutions or released from prison

160. The allocated means will be distributed in negotiations with the local authorities, which have the greatest problems with homeless people as well as from a pool for housing assistance schemes.

161. The local councils from selected local authorities with major homelessness problems will set up targets for reducing homelessness; targets springing from the four strategy goals. All activities must be planned with these goals in mind. Monitoring the strategy will concurrently ensure that activities work as intended and allow intervention if this is not the case.

162. Another pivotal element of the strategy is that Denmark must develop and test methods at authority and supplier levels; methods set up on the basis of the activities realised in local authorities and the currently best available knowledge in the area. The aim is to develop methods in activities for homeless people, methods that have a documented effect and can therefore be communicated to other local authorities in Denmark.

163. The local councils are responsible for and play key roles in implementing the means allocated to the homeless strategy through adopting local homeless plans with specific goals for reducing homelessness at local levels and are obliged to continue the activities beyond the period covered by the allocation.

(...)

The right to adequate housing

(...)

225. The total number of social housing units in Denmark is 550.000, which is 20 percent of the total number. Social housing is let to tenants through waiting lists. The government does not have information about the average length of waiting time, as the waiting list are administered by the non-profit housing organisations, who are under inspection by the local authorities. 42.000, 8 percent, of the social housing units are placed in rural and remote areas.

226. According to the Danish Act on Social Housing etc., the local council has the responsibility to provide the necessary amount of social housing for the

elderly and people with disabilities with a special need for such accommodation.

227. Please also see the fourth periodic report article 11 D, paragraphs 298–302, 306, 332, 340–344.

228. An analysis on forced evictions in Denmark was carried out by the Danish National Centre for Social Research in 2008. The report concludes that the main reasons for tenant evictions are low income, low disposable income, large debts, a relatively large proportion of income spent on rent, and poor financial management. Tenants with an ethnic background other than Danish have a slightly larger risk of being evicted, than tenants with a Danish background. Other groups with an increased risk of being evicted are recipients of cash assistance from their municipality, single men, single mothers, young people and tenants with a short education.

229. I.e. there are no specific groups, such as ethnic minorities who are particularly affected by forced evictions. And accordingly hereto there are no measures taken to prevent discrimination.

230. According to the records of the Danish Court Administration the total number of forced evictions in Denmark, as a result of payment default, increased from 2,614 evictions in 2004 to 3,762 in 2008.

Recorded number of forced evictions in Denmark during the period 2004 to 2008

<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
2 614	2 841	2 849	3 377	3 762

Source: Danish Court Administration.

231. As a consequence of double registrations, the records of the Danish Court Administration slightly overestimate the number of households being evicted. The Danish Ministry of Interior and Social Affairs estimates that the actual number of households being evicted is approximately 10–15 per cent lower than the figures above.

232. All tenants in non-profit as well as private housing are protected against eviction, which is regulated in the Rent Act. I.e. tenants basically have security of tenure as long as they comply with the terms of the lease.

233. Thus the letter or the housing association can only terminate the lease in the special circumstances, described in The Fourth Periodic Report article 11 D, paragraphs nr. 313–314.

234. Furthermore the lease can be terminated if the tenant fails to pay the required rent, and the people who suffer from forced eviction are in general people who do not pay their rents.

235. Most rental dwellings are subject to rent regulation see also The Fourth Periodic Report article 11 D, paragraph nr. 315.

Housing agreements

236. In the 2006 housing agreement and the 2007 housing agreement the Government agreed to expand the current investment facility for renovation in the most deprived areas by DKK 2.125bn in 2006 and by DKK 2.400bn in each of years 2007–2012.

237. Further DKK 2.200bn was allocated for social and preventive measures, as well as for local coordination and evaluation in social housing divisions where substantial problems of a financial, social or other nature have been found, including high rent, high rate of turnover, large share of occupants with social problems, violence, vandalism or run-down buildings and open spaces in the most deprived areas in the period 2006–2010.

The Danish Institute for Human Rights has in its annual status report on the human rights situation in Denmark published a thematic report on the right to housing in Denmark. The full report is available in Danish³ and a brief summary is available in English⁴. See the following from the English summary:

THE RIGHT TO HOUSING

Reference is seldom made directly to economic and social human rights in legislation, regulatory decisions and case law. This also applies to the right to housing. However, laws are often adopted, and authorities and courts make decisions, that can have importance for this area.

Many different factors influence developments in housing; for example, the society's general level of prosperity, the development of regulation of the welfare state and trends in housing prices can all impact the number of people able to manage their housing situation, as well as the kind of instruments the state can use to help those who are unable access appropriate housing.

The thematic report on 'Right to Housing' is new with the status 2014-15 report.

HUMAN RIGHTS IMPROVEMENTS

- The Appeals Board, as a result of the public debate on discrimination on the grounds of race and ethnic origin in the private rental sector, has mapped the

³ <http://menneskeret.dk/udgivelser/retten-bolig-status-2014-15>

⁴ http://menneskeret.dk/files/media/dokumenter/udgivelser/status/2014-15/status_uk_2015.pdf, p. 49-51.

extent and documented the discrimination that takes place. On this basis, the Appeals Board's Unit for Anti-discrimination, in 2015, initiated a number of measures designed to reduce discrimination in the private rental sector.

- The housing policy agreement of 2014 is aimed at improving conditions in the public housing sector, especially in disadvantaged areas. This agreement, however, contains no solutions to the fundamental problem, which is the lack of affordable rental housing to meet the needs of citizens receiving the lowest income transfers.
- The Ministry of Housing, Urban and Rural Affairs, in 2014, has calculated the number of disadvantaged residential districts. The ministry concluded that there has been a decline in the number of disadvantaged districts from 33 to 31, and at the same time, small improvements have been seen in the level of employment in these residential districts.
- The Court Administration's overview of eviction cases and actual evictions (i.e., evictions carried out by the bailiff's office) shows a decrease from 2012 to 2013. The figures for the first half of 2014 indicate that the number of eviction cases has stagnated, while the number of actual evictions has fallen slightly.
- On several occasions in 2014, Parliament has adopted regulations allowing young people who receive the lowest level of social benefits to also receive rent subsidies.
- In light of the significant increase in the number of homeless young people from 2007 to 2013, funds from the earmarked social reserve pool – the so called 'satspulje' – were allocated in 2013 and 2014 for the prevention of youth homelessness.
- In the fall of 2014, a fund was set up for the implementation of the Homelessness Strategy in further 26 municipalities. However, the size of the fund is limited, and fewer than half the Denmark's municipalities have received support for implementation of the strategy.
- The Ministry of Children, Gender Equality, Integration and Social Affairs, in December 2014, has finally resolved the issue over access of homeless EU citizens to shelters, reception centres and night cafés, from which they had previously been excluded. However, it is still uncertain how the municipalities will ensure this right in practice.

NEW CHALLENGES

- Surveys by the National Centre for Social Research (SFI) show that from 2009 to 2013, the number of homeless persons has increased by 17 percent. Youth homelessness has nearly doubled, and the number of 'street sleepers' has also increased.
- In 2014, the Danish Supreme Audit Institution (Rigsrevisionen) conducted a study on developments in the number of inexpensive rental apartments that persons receiving the lowest level of social benefits were able to afford. The study shows that from 2007 to 2013, there is a significant drop in the number of affordable apartments.

- The Appeals Board, in 2014, ruled that homeless people do not have the right to appeal refusal of access to or expulsion from a homeless shelter. This represents a significant limitation of homeless persons' access to effective legal remedies.
- Recent years have seen a marked increase in the use of the Criminal Code's anti-begging provisions used against (mainly foreign) homeless. Data for the first half of 2014 indicate a slight decrease in the number of warnings given to foreigners for begging, while the data indicates a minor increase in the number of convictions for begging involving foreign citizens.

AREAS WHERE HUMAN RIGHTS CAN BE STRENGTHENED IN DENMARK

Denmark has a number of challenges in terms of ensuring the right to housing and the rights of the homeless. In the thematic report on 'Right to Housing', you can read about the following topics:

- Access to housing
- Eviction of tenants
- Homelessness
- Criminalization of homelessness.

RECOMMENDATIONS

The Danish Institute for Human Rights recommends, among other things, that Denmark:

- set a specific goal for and continuously monitor developments in the supply of affordable public housing that people with the lowest incomes can pay;
- implement a systematic registration of the use of any of the alternative letting rules (udlejningsredskaber). It should be possible to aggregate the data collection by social and economic status, disability, gender, and immigrants/descendants;
- take initiatives to ensure that landlords in the private sector do not discriminate against ethnic minorities, particularly young men from ethnic minorities;
- develop a comprehensive policy for dealing with foreign homeless persons in accordance with human rights standards;
- register the application of the Administrative Act on Public Order (ordensbekendtgørelsen) separately from offenses related directly to homelessness, such as sleeping in a public space, in order to clarify the extent to which homeless persons are being punished for acts directly related to homelessness.

- **Regarding question 3:**

In light of the fact that subnational and local governments play an essential role with respect to the implementation of the right to adequate housing, what plans and procedures does your Government

intend to implement to ensure they are engaged in the lead up to Habitat III as well as with respect to the implementation of commitments coming out of Habitat III?

Due to the Parliamentary elections 18 June 2015 and the change of government 28 June the Danish ministries have been unable to clarify political issues. A review of the publicly available policy papers (concept notes) from the Ministry of Foreign Affairs has not identified any documents on Danish positions for Habitat III.

- **Regarding question 4:**

“What interesting or unique housing policies, programs or good practices consistent with the human right to housing does your Government intend to highlight through the Habitat III process? Please provide examples both from local, subnational or national levels of government, and, if applicable, from non-government actors as well”.

Due to the Parliamentary elections 18 June 2015 and the change of government 28 June the Danish ministries have been unable to clarify political issues. A review of the publicly available policy papers (concept notes) from the Ministry of Foreign Affairs has not identified any documents on Danish positions for Habitat III.

- **Regarding question 5:**

“Please reflect on mechanisms used to monitor compliance with Habitat II (1996) at the national level that have proven effective and, if possible, provide examples. What kind of mechanisms would your Government envisage as part of the monitoring and implementation of Habitat III?”

Due to the Parliamentary elections 18 June 2015 and the change of government 28 June the Danish ministries have been unable to clarify political issues. A review of the publicly available policy papers (concept notes) from the Ministry of Foreign Affairs has not identified any documents on Danish positions for Habitat III.

Kind regards,

Christoffer Badse

DEPARTMENT DIRECTOR