

Submission Dec.2020

## INPUT FROM FEANTSA FOR THE UN SPECIAL RAPporteur ON EXTREME POVERTY

### Introduction.

Homelessness may be both a cause and one of the more extreme outcomes of poverty. FEANTSA is the only NGO working exclusively on homelessness in the EU. Recent academic research conceptualises homelessness as the outcome of a dynamic interaction between individual causes and actions and structural change.<sup>1</sup> Since its creation, FEANTSA has mainly focused on the structural causes of homelessness, particularly housing but not exclusively.

FEANTSA and its members understand homelessness as a situation that deprives individuals of fundamental rights, including the right to housing. Reducing overall homelessness and increasing access to housing will help guarantee the right to housing, while the lack of stable housing prevents individuals from exercising other fundamental rights, as all rights are interdependent and indivisible.

In order to calculate the number of people experiencing homelessness, a definition is required. FEANTSA developed a European Typology of Homelessness and Housing Exclusion (ETHOS) as a means of improving the understanding and measurement of homelessness in Europe. The ETHOS categories cover all living situations which amount to forms of homelessness across Europe: rooflessness, houselessness, living in inadequate housing and living in insecure housing.<sup>2</sup> Unfortunately, definitions vary across the EU and that complicates calculations. This is why FEANTSA, in partnership with Fondation Abbe Pierre, publishes an annual Overview on Housing Exclusion in Europe which studies both homelessness *stricto sensu* and housing exclusion. According to the latest report, some 700,000 people face homelessness every night in the European Union, representing a 70% increase in ten years. However, during the health crisis, this number fell sharply thanks to emergency measures to provide shelter for the most vulnerable taken by all European countries. The health crisis made us realise that it is possible to end homelessness with political will and adequate resources.<sup>3</sup>

For the current European Commission, particularly for DG Employment Commissioner, Nicholas Schmitt, the fight against homelessness is a social policy priority<sup>4</sup>. A European Collaboration

<sup>1</sup> Busch-Geertsema et al. Homelessness and Homeless Policies in Europe: Lessons from Research A Report prepared for the Consensus Conference. <http://ec.europa.eu/social/BlobServlet?docId=6442&langId=en>

<sup>2</sup> ETHOS Typology on Homelessness and Housing Exclusion: Rooflessness (sleeping rough); houselessness (in temporary in institutions or shelter) ; living in insecure housing (insecure tenancies, eviction, domestic violence); living in inadequate housing (in caravans, in unfit housing, in extreme overcrowding) <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion?bcParent=27>;

<sup>3</sup> Fifth Overview of Housing Exclusion in Europe 2020, FEANTSA and Fondation Abbe Pierre. 2020. <https://www.feantsa.org/en/report/2020/07/23/fifth-overview-of-housing-exclusion-in-europe-2020?bcParent=27>; See [The Many Faces of Homelessness in Europe](#)

<sup>4</sup> Ana Mendes Godinho, Nicolas Schmitt and Yves Leterme. Homelessness cannot be just another 'Fact of Life' in the EU, <https://www.euractiv.com/section/economy-jobs/opinion/homelessness-cannot-be-just-another-fact-of-life-in-the-eu/>

Platform will be launched in June 2021 by the Commission in collaboration with the Portuguese Presidency. The present Commission gets strong backing from the European Parliament. In an ambitious resolution adopted on 24 November, MEPs call on the EU and its member states to stop homelessness by 2030<sup>5</sup>.

## 1. The challenges within the constitutional architecture of the European Union, particularly regarding social rights, for addressing poverty, inequality, and social exclusion.

In this context the EU has developed a range of policies around defining, implementing, and evaluating common objectives and indicators on eradication of poverty and social exclusion. In the absence of any EU law which harmonises measures for social protection, this has taken place mainly through the Open Method of Coordination.

### The EU Charter of Fundamental Rights (EUCFR)

The EUCFR has the same legal force as the treaties. However, it only binds EU institutions and Member States as far as they are applying EU law. As regards social rights in general, there are omissions and partial formulations that some authors have explained by the absence of any clear link to the competence attributed to the EU in the areas concerned. Many of the Articles of the EUCFR are linked in an interactive way with rights in other instruments and relate to social rights (hence housing rights) obligations of States.<sup>6</sup> The Explanations relating to the Charter of Fundamental Rights,<sup>7</sup> set out these links, especially with the European Social Charter, the Social Constitution of Europe.

### Role of Fundamental Rights Agency (FRA)

Since its creation, the FRA has not covered social rights in their mandate, nor has it addressed homelessness as a human rights violation. We are aware that the multi-annual financial framework, MFF has limited FRA's ability to work on social rights, and on the issue of homelessness in particular. FEANTSA hopes that the discussions of the FRA's mandate will move in the direction of strengthening the Fundamental Rights Agency to work on social rights.

## 2. The potential of the various social protection tools under present or future EU competence to address poverty, inequality, and social exclusion.

Some EU policy developments in the last years have set the stage for greater ambition, action, and impact when it comes to social action in Europe:

- The proclamation of the **European Pillar of Social Rights** provides a new framework for the social dimension of the European Union by committing the EU and its Member States to 20 principles and rights in the areas of equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion.
- The adoption by the EU and Member States of **the UN Sustainable Development Agenda**. Delivering on the Sustainable Development Goals (SDGs) by 2030 needs to include progress on homelessness in Europe, most notably to eradicate extreme

<sup>5</sup> EU should set goal to end homelessness by 2030: <https://www.europarl.europa.eu/news/en/press-room/20201120IPR92124/eu-should-set-goal-to-end-homelessness-by-2030>

<sup>6</sup> See FEANTSA/ Fondation Abbe Pierre (2016) *Housing-related Positive obligations on States from European and international case law*. Brussels: FEANTSA.

<sup>7</sup> OJ 2007/C 303/02.

- poverty for all people everywhere (SDG1.1) and to ensure access for all to adequate, safe, and affordable housing and basic services and upgrade slums (SDG 11.1)
- The emergence of social issues, homelessness specifically, as a priority in the context of the **European Semester for economic and social policy coordination**. (see specific section below)

These build on prior initiatives taken at EU level to support Member States in the framework of the Social Investment Package and the Open Method of Coordination.

### European Pillar of Social Rights

Since the launch of the European Pillar of Social Rights, FEANTSA welcomed the inclusion of Priority 19 "housing and assistance for the homeless" and highlighted the opportunities and the limitations of the Pillar<sup>8</sup>. FEANTSA has contributed to the recent European Commission's consultation on its Action Plan to implement the European Pillar of Social Rights. In the submission, FEANTSA expresses its strong support for a European Collaboration Platform on Homelessness as a key element of the Action Plan. Such an initiative would be a new policy action at EU level to deliver progress on Priority 19 of the Pillar.

Unfortunately, the Pillar has proved to be yet another soft policy initiative and not so much of a real rights instrument. Therefore, at Housing Rights Watch we have done a separate submission calling for a rights-based approach to tackling poverty and homelessness in the future Action Plan. We would be pleased to see a more decisive effort to enforce social rights at EU level using the EPSR.<sup>9</sup>

### UN Sustainable Development Agenda

FEANTSA has called for the EU and its Member States to ensure that they do not leave homeless people behind in the framework of the Agenda 2030, making special efforts to reach the poorest and most vulnerable.<sup>10</sup> Although homelessness is a priority on the EU's social policy agenda, the global indicator framework for SDGs only includes an income-based definition of poverty (people living on less than \$1.25 a day), which is not appropriate for the European context. The commitment to end extreme poverty needs a rigorous SDG indicator framework<sup>11</sup>. FEANTSA has pushed for homelessness to be monitored in the scope of the SDGs, and has encouraged the EU's statistical office, Eurostat, to explore an indicator on homelessness in line with SDG 1 (ending extreme poverty) and SDG 11 (inclusive, safe, resilient, and sustainable cities). As the global indicator framework for SDGs does not establish any methodology or standards to measure homelessness, we believe that there is room for improvement at the national level. Many EU Member States have their own homelessness data collection systems and collect regular data. Some focus on homelessness in their national SDG monitoring could be the answer. Eurostat has also issued guidance on the systematic collection and comparability of data on material deprivation, well-being, and

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<sup>8</sup> 5 Key Principles for Implementing the Housing Priority of the European Pillar of Social Rights: <https://www.feantsa.org/download/5-key-principles-for-implementing-the-housing-priority-of-the-european-pillar-of-social-rights7956854877191432371.pdf>

<sup>9</sup> FEANTSA and Housing Rights Watch submit contributions to the European Commission's consultation on Action Plan for European Pillar of Social Rights <https://www.feantsa.org/en/news/2020/12/02/feantsa?bcParent=27>

<sup>10</sup> To Deliver on the 2030 Agenda, Let's Leave Homelessness Behind, Not Homeless People: <https://www.feantsa.org/download/feantsa-sdg-final5902006649287983435.pdf>

<sup>11</sup> [Bruegel analysis on limitations of poverty target and indicators](#), showing scope for introduction of new indicators

housing difficulties.<sup>12</sup>

### **3. The role of EU socio-economic governance concerning member State budgetary discipline, public finances, and taxation policy, and their impact in relation to poverty, inequality, and social exclusion.**

#### **The European Semester**

The European Semester is the annual cycle of economic and social policy coordination in the EU and focuses primarily on budgetary discipline and macroeconomic stability. However, attention to social issues including homelessness and housing exclusion has gradually increased over time.

In the 2019 Semester, FEANTSA found improved analysis of the housing situation in Member States, including more frequent and detailed attention to homelessness and housing exclusion. For the first time, this fed through to Country Specific Recommendations in a couple of cases. There was also a strong focus on investment, in relation to cohesion policy programming for 2021 – 2027. Priorities put forward by the Commission include investing in social and affordable housing, as well as in relevant social and health services.<sup>13</sup>

The social scoreboard remains incomplete from a housing perspective and is unfit for monitoring progress on Priority 19 of the EPSR. The only housing indicator is severe housing deprivation. This misses housing affordability, which could easily be captured through the housing cost overburden rate (EUSILC). The scoreboard is unable to capture the reality of growing homelessness and extreme poverty because it relies entirely on EUSILC, a household survey.

In February 2020, The European Commission presented its “European Semester winter package”<sup>14</sup> which assesses Member States' progress on economic and social priorities. Half of EU Member States reports do cover the topic, with assessments ranging from crisis management (for example in Bulgaria) to lack of social and affordable housing (Ireland, Czech Republic, Greece, France, Italy, Latvia, Luxembourg, Hungary, Romania, Sweden), weak implementation or lack of a national strategy (Spain, France, Italy, Latvia, Poland, Romania, Slovakia), lack of data (Germany, Luxembourg), criminalisation (Hungary), mass evictions (France, Romania), to specific issues such as health inequalities (Czech Republic).

In the Autumn package 2020, the context of the COVID19 pandemic and the link to the Recovery Plan have fundamentally changed the Semester. Firstly, the unprecedented 672.5 billion Euros Recovery and Resilience Facility (RRF) is available to support investment and reforms in MS. This is the first time that the reform agenda underpinning the Semester has involved such an incentive. At the same time, the general escape clause of the Stability and Growth pact means much more fiscal flexibility.

Operationally, the Semester process has largely been rolled into the Recovery Plan. Member

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<sup>12</sup> Getting the right indicators to measure extreme poverty: homelessness and the SDGs. <http://ennhri.org/news-and-blog/getting-the-right-indicators-to-measure-extreme-poverty-homelessness-and-the-sdgs/>

<sup>13</sup> 2019 Semester: Homelessness and Housing Exclusion on the European Commission's Radar <https://www.feantsa.org/en/feantsa-position/2019/08/07/2019-semester-homelessness-and-housing-exclusion-on-the-european-commissions-radar?bcParent=27>

<sup>14</sup> [https://ec.europa.eu/info/publications/2020-european-semester-country-reports\\_en](https://ec.europa.eu/info/publications/2020-european-semester-country-reports_en)

States are encouraged to submit National Reform Programmes and RRP as a single document detailing the reforms and investments that they will undertake. The Commission's assessments of the RRP will replace the European Semester country reports in 2021. There will be no country-specific recommendations in 2021 for MS having submitted RRP.

The part of the Autumn Package focused on social issues is the proposal for a **Joint Employment Report**, which analyses the impact of the COVID-19 pandemic on the employment and social situation in Europe. In this report, homelessness is highlighted as a serious concern. It highlights significant increases in most MS over the past decade, the broadening profile of people affected by homelessness, the emergency measures taken to manage homeless people, and the need to invest in solutions going forward. Such attention to the issue could help MS recognise homelessness as a priority for reforms and investment to be included in their RRP, against the background of the Employment Guidelines.

**The Annual Sustainable Growth Strategy (ASGS)**, had already emphasised "fairness" as a key priority, including supporting those hit hardest by the pandemic. In terms of solutions, the Recovery offers the opportunity to "build back better" by investing more in prevention, rehousing, and supportive services to progressively end homelessness. Whilst the attention paid to homelessness in the Joint Employment Report is undoubtedly to be welcomed, it is one of many competing concerns and likely to be overlooked. There is an overwhelming emphasis on the part of the Commission on the digital transition and the Green Deal. The reality is that the most vulnerable are at risk of being "left behind" in the recovery unless concerted efforts are made to address their situations.<sup>15</sup>

Overall, there has been a gradual "socialisation" of the European Semester over the past 10 years. However, this has been highly fragmented and partial. The perspective on social issues in the Semester is not a rights-based one. For example, in housing, the Commission struggles to balance concern about housing as a basic right with concern about its role as a driver of economic growth. The Semester has contributed to austerity agendas in various MS. FEANTSA has strongly welcomed the increased attention to homelessness and housing exclusion as social policy priorities in several MS but the Semester still falls significantly short of an effective mechanism to monitor and improve the social situation in Europe, especially from an extreme poverty perspective. The entire Semester process has been fundamentally altered by the Covid19 pandemic and the Recovery imperative. It remains to be seen what its role in the social area will be going forward.

### **Multiannual Financial Framework (MFF)**

The European Union is at a point of transition between two seven-year budgets (MFF). This creates an opportunity to boost investment in tackling homelessness and other forms of extreme poverty. Some EU instruments make an important contribution to the fight against homelessness. However, there is potential to do much more.

FEANTSA believes that the EU budget should prioritise social inclusion and people in the most deprived situations. The reach of EU funding to people living in extreme poverty, like those experiencing homelessness, is limited. To overcome "creaming effects" and leverage maximum impact on poverty, the new MFF should maintain at least the current thematic

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<sup>15</sup> FEANTSA Reaction to the Autumn Package 2021: Homelessness on the Radar for Recovery & Resilience Planning: <https://www.feantsa.org/en/feantsa-position/2020/12/07/?bcParent=27>



concentration on social inclusion and the fight against poverty. Furthermore, a specific focus on the most deprived or those living in extreme poverty, including homeless people, is required. In the future, this should not be limited primarily to food and material assistance as is currently the case for the FEAD<sup>16</sup>.

In the coronavirus context, the European Commission proposed changes to the FEAD (Fund for European Aid to the most Deprived), such as a 100% financing rate (instead of 85%), eligibility of the expenditure for FEAD operations that are fostering crisis response capacities to the Coronavirus outbreak, eligibility of expenditure related to protective equipment for partner organisations, the possibility of amending programmes distributing food/basic material assistance as a response to the COVID-19 outbreak, and their possibility of delivering food aid and basic material assistance through electronic vouchers (lower risk of contamination).<sup>17</sup>

The European Social Fund (ESF), the European Regional Development Fund (ERDF) and the Fund for European Aid to the Most Deprived (FEAD) finance targeted actions for the benefit of homeless people in the Member States. However, it does not mean that MS make use of it. FEANTSA considers there that the European Commission could have a stronger role in encouraging MS to use the funds for more vulnerable populations, such as homeless people.

#### **4. The opening up to competition of the electricity sector: impact on people living in poverty.**

##### **Energy poverty in Europe**

Opening up the European markets to competition did not lead to the lowering of prices, as had been hoped<sup>18</sup>. Since the liberalisation that was part of the Electricity and Gas Directives of 1996 and 1998<sup>19</sup>, prices have increased.<sup>20</sup> In the United Kingdom, the state has pushed for liberalisation in order to disengage from the management of tariffs, which has led to an increase in regional inequalities due to price increases varying from one region to another<sup>21</sup>. Energy prices vary according to region for reasons such as the number of clients that the energy company has in a region, or the charges the energy supplier must pay to the regional distribution network. For example, the cost of electricity distribution is among the highest in Europe in the north of Scotland.

The level of tax on energy is also an issue, in the sense that taxes impact all final users equally. In France, tax on energy amounts to about 30% of the total energy bill. In Denmark, tax on

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<sup>16</sup> FEANTSA MFF position: <https://www.feantsa.org/en/feantsa-position/2018/01/05/feantsa-position-post-2020-multiannual-financial-framework-feantsa-calls-on-the-eu-to-stand-up-for-homeless-people>

<sup>17</sup> <https://ec.europa.eu/social/main.jsp?catId=1089&furtherNews=yes&langId=en&newsId=9638>

<sup>18</sup> The content of this section has been drafted using a recent report: Energy poverty: what are the foundations for a green and social pact for Europe? Overview of the European framework and national tools for combating energy poverty, Fondation Abbé Pierre-FEANTSA, December 2019

[https://docs.wixstatic.com/ugd/bcd9b3\\_cc7b5a6969bb4573badef485726ea30a.pdf](https://docs.wixstatic.com/ugd/bcd9b3_cc7b5a6969bb4573badef485726ea30a.pdf)

<sup>19</sup> [https://www.europarl.europa.eu/ftu/pdf/en/FTU\\_2.1.9.pdf](https://www.europarl.europa.eu/ftu/pdf/en/FTU_2.1.9.pdf)

<sup>20</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0001&from=EN>

[https://ec.europa.eu/energy/sites/ener/files/documents/energy\\_prices\\_and\\_costs\\_final\\_report-v12.3.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/energy_prices_and_costs_final_report-v12.3.pdf)

<sup>21</sup> <https://www.uswitch.com/gas-electricity/guides/regional-energy-prices/#step1>

electricity amounts to 70% of the final bill, which is the highest rate in Europe<sup>22</sup>. In Germany and Portugal, taxes and duties amount to more than 50% of the price of energy. A report carried out by the European Commission highlights the fact that financing the energy transition has led to a clear increase in the cost of electricity for the majority of consumers<sup>23</sup>. The mechanisms determining prices are nonetheless complex, insofar as the taxes are used to finance subsidies to energy producers which in turn allows the price level to be contained and social tariffs to be introduced.

### **Consumer protection vs. EU competition rules: the battle of social tariffs**

In Romania, the government intervened in the energy market by imposing price regulations. In December 2018, there was a governmental decree to freeze electricity and gas tariffs for the subsequent three years (emergency order (GEO) 114/2018). The emergency order stipulates in particular that electricity prices for residential consumers must be capped for the following three years (i.e. from 1 March 2019 to 28 February 2022). This measure, which goes against European regulations on liberalising markets, led the European Commission to start infringement proceedings against Romania. While social tariffs do in effect reduce financial pressure related to energy expenditure for the most vulnerable households, the discounts are generally too small to enable recipient households to sustainably exit energy poverty. Households therefore continue to suffer from price rises. In Bulgaria in 2013, the prime minister was forced to resign in response to protests against the increase in electricity tariffs.

Since energy markets were liberalised, France has regulated tariffs for the sale of energy with the TRV (Regulated Tariffs for Sale of Electricity), established at the proposal of the Commission de Régulation de l'Énergie (Energy Regulation Commission), an independent public body. In this way, France has contained electricity price hikes (in Belgium, Italy and Spain, electricity is at least 15% more expensive than in France and it is 75% more expensive for German consumers<sup>24</sup>). The regulated tariff (known as the 'blue tariff') has however received some criticism at European Union level as it is seen as anti-competitive. Price regulation had long been threatened with removal but was provisionally agreed in the framework of adopting the Clean Energy for All Europeans package, in December 2018<sup>25</sup>, which confirms that Member States regulating tariffs applied to households can continue to do so. They will have to present an assessment report of the progress made to end price regulation and by 2025, the Commission itself will have to present an EU-wide report on the overall progress made towards phasing out regulation of tariffs<sup>26</sup>. The question of electricity price hikes and the gradual removal of regulated tariffs is of concern to several countries and was one of the key issues in the negotiation of the Energy Package.

Unfortunately, it is finally important to note the insertion of recommendations 1 and 11 for the liberalisation of energy markets into the European Commission recommendation on energy poverty<sup>27</sup>. The text states that market liberalisation allows for the benefits to be shared across

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<sup>22</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:%C3%89lectricit%C3%A9%20%94%20part%20des%20taxes%20et%20imp%C3%B4ts%20par%20les%20ménages,%20second%20semestre%202017%20\(en%20FR\).png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:%C3%89lectricit%C3%A9%20%94%20part%20des%20taxes%20et%20imp%C3%B4ts%20par%20les%20ménages,%20second%20semestre%202017%20(en%20FR).png)

<sup>23</sup> [https://ec.europa.eu/energy/sites/ener/files/documents/energy\\_prices\\_and\\_costs\\_final\\_report-v12.3.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/energy_prices_and_costs_final_report-v12.3.pdf)

<sup>24</sup> <https://www.ecologique-solidaire.gouv.fr/tarifs-reglementes-vente-lelectricite-gouvernement-prend-acte-deliberation-cre-et-confirme-quil>

<sup>25</sup> <https://www.hopenergie.com/actu-energie/politique-energetique/tarifs-reglementes-electricite-bruxelles>

<sup>26</sup> <https://www.europarl.europa.eu/news/en/press-room/20181217IPR21949/eu-deal-on-electricity-market-rules-to-benefit-both-consumers-and-environment>

<sup>27</sup> [https://ec.europa.eu/energy/sites/ener/files/recommendation\\_on\\_energy\\_poverty\\_c2020\\_9600.pdf](https://ec.europa.eu/energy/sites/ener/files/recommendation_on_energy_poverty_c2020_9600.pdf)

all sections of society. However, just because it is stated does not make it true. Member States should be granted the independence to establish the necessary framework for such liberalisation to remain just on lowest incomes groups. FEANTSA believes such a debate has no place in a recommendation which is supposed to address the issue of energy poverty.

On a different note, the European Commission proposal for the **Renovation Wave Strategy** aims to trigger massive public and private buildings renovation in Europe to improve energy performance and thus contribute toward achieving climate neutrality. For FEANTSA this initiative could provide an opportunity to support lowest-income groups in the energy transition and address housing exclusion in the process. However, in its current form, the strategy does not clearly establish the necessary instruments and safeguards to ensure this renovation wave will benefit lowest-income groups, address housing exclusion, and avoid becoming an instrument of urban segregation (gentrification).<sup>28</sup>

### **5. The expected impacts of the EU's COVID-19 response on the rights of people living in poverty and on improving socioeconomic equality within and between Member States.**

In the context of the public health emergency, governments have taken bold measures to protect homeless people.<sup>29</sup> Many public authorities - in collaboration with the NGO sector - were able to find temporary crisis accommodation and guaranteed social and health support for a large part of their homeless population. Certain elements proved essential to keeping homeless people safe: political will and additional resources, access to safe and dignified accommodation, access to social support and healthcare.

The challenge is to maintain the urgency and try to make COVID19 a turning point. The pandemic is confirming what we knew already: that housing is a social determinant of health, that the traditional night shelter is an inadequate response to homelessness and, therefore, housing is required for dignified, safe and sustainable exits from homelessness. As well as adequate housing, some of the homeless people need additional social and health support, some of them for a long time.

Taking into account that the pandemic is not over, governments should maintain and expand protective measures that have worked so far. There is a real risk that homeless people will be even more vulnerable in oncoming waves. In this respect, there are two tests of public policy responses going forward: their ability to provide sustainable solutions to people temporarily accommodated during lockdown, and their ability to address new inflow into homelessness (evictions).

The economic and social impact of the crisis means homelessness is likely to increase in Europe in the future. The health crisis is an opportunity to build back better. In this respect, the EU recovery programmes offer an opportunity to invest in better homelessness policies with specific attention to prevention policies, rapid response in the form of affordable housing with accompanying health and social support measures, and also the mobilisation of health budgets to tackle homelessness as a public health issue.

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<sup>28</sup> A Renovation Wave for Europe: Energy Efficiency for Whom?

<sup>29</sup> Homeless in Europe magazine autumn 2020 - the impact of covid19. FEANTSA 2020:

<https://www.feantsa.org/en/newsletter/2020/10/20/homeless-in-europe-magazine-autumn-2020-the-impact-of-covid19?bcParent=27>



## 6. Other thematic issues:

### Migration and Homelessness

Migration undoubtedly has an impact on homelessness. A substantial share of some homeless populations are migrants. They include undocumented migrants, mobile EU citizens, economic migrants, asylum seekers and beneficiaries of international protection. In several EU member states, the last decade has seen the number of homeless migrants rapidly increase. Homeless services have been impacted as existing national systems for processing asylum seekers and refugees struggled to process mass migration and sometimes have come under unprecedented strain.<sup>30</sup>

The situation of destitute mobile EU citizens has become a source of concern in the past years as accounts of people living in poverty and homelessness have increased across the EU<sup>31</sup>. Mobile EU citizens are often the working poor who can only access jobs with atypical contracts and irregular working hours. Consequently, they cannot access their residence rights, they have very poor access to health services and social benefits and often resort to sleeping rough as they cannot afford to pay rent or are prevented from accessing social housing. Breaches of their rights are also common, while people are exposed to exploitation and poverty. Situations of rights violations, abuse and criminalisation of mobile EU citizens have also been reported, e.g.: deporting EU citizens for reasons such as sleeping rough or begging (in the UK<sup>32</sup> or Denmark<sup>33</sup>) or when collective expulsions happened (the case of the Roma in France).<sup>34</sup>

There is a clear problem with the way in which Member States transpose the EU Directive 2004/38/EC regulating free movement, at national level<sup>35</sup> and infringement proceedings have been forwarded against several MS for this reason. A restrictive interpretation of concepts from the Directive which prevents mobile EU citizens from fully enjoying their right to free movement is one of the issues. This creates challenges and instability for mobile EU citizens and their family members. The gaps in the design and implementation of the Directive 2004/38/EC allow for people to fall through the cracks and to be pushed to destitution and homelessness.

The main problems that lead mobile EU citizens to poverty are related to difficulties in obtaining recognition of their worker status and limited access to the labour market. They struggle to have their worker status recognised as they often take precarious or informal jobs,

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<sup>30</sup> Various Authors. Asylum Seekers, refugees, and homelessness. The Humanitarian Crisis and the Homelessness Sector in Europe. Comparative Studies on Homelessness: Number 6 – 2016 Asylum Seekers, Refugees and Homelessness Brussels – December 2016: [https://www.feantsaresearch.org/download/feantsa-studies\\_06\\_web1893761109777125727.pdf](https://www.feantsaresearch.org/download/feantsa-studies_06_web1893761109777125727.pdf)

<sup>31</sup> FEANTSA, [Homelessness among Mobile EU Citizens](#), and FEANTSA [Effectively Tackling Homelessness Amongst Mobile EU Citizens](#)

<sup>32</sup> FEANTSA [Welcomes UK High Court Judgement that Deporting EU Rough Sleepers is Unlawful](#)

<sup>33</sup> The Danish Government's Policies on Homeless Migrants' Rights to Public Space and Public Facilities and Services for Homeless People: An Example of the Criminalisation of Homelessness in Copenhagen, Jeanette Schmidt, projekt UDENFOR, Denmark [http://udenfor.dk/wp-content/uploads/2015/10/fea\\_010-12\\_magazine\\_en\\_v3-2-jeanett.pdf](http://udenfor.dk/wp-content/uploads/2015/10/fea_010-12_magazine_en_v3-2-jeanett.pdf)

<sup>34</sup> Bernard Rorke, [The French Recipe: Evict, Demolish And "Deliver Them Back To The Borders](#), January 2020, ERRC

<sup>35</sup> This has been highlighted by European Commission and European Parliament reports and studies: [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/571375/IPOL\\_STU\(2016\)571375\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/571375/IPOL_STU(2016)571375_EN.pdf) [https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL\\_STU\(2016\)556964](https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2016)556964) [https://www.europarl.europa.eu/cmsdata/109222/pe%20556%20954%20en\\_All\\_Online\\_Poland.pdf](https://www.europarl.europa.eu/cmsdata/109222/pe%20556%20954%20en_All_Online_Poland.pdf)

and their limited access to the labour market means they are often left with little choice other than to accept these insecure jobs. This all amounts to a very vulnerable and unstable living situation. Low wages, contracts where their accommodation is provided by the employer, or where they are not being offered social protection in the host state are conditions that are often accepted by mobile EU citizens. There is a lack of support, so very often people reach out to the national homeless service providers for basic needs or for counselling on legal matters.

FEANTSA, together with its partners working on defending the rights of mobile EU citizens, underlines the need to clarify several aspects of the Directive, including: “comprehensive sickness insurance” requirement, the concept of “sufficient resources”; the initial three months of unconditional residence; requirements to obtain permanent residence documents; the notion of “worker”; the concept of a “genuine chance of obtaining employment”; the notion of “public policy”. For this purpose, there is a need for a new Communication which should aim to provide Member States with updated guidelines for a better implementation of the Directive at national level which should lead to the benefit of EU citizens and their family members.<sup>36</sup>

### **Youth Guarantee:**

The EU Youth Guarantee was launched in 2014 to support young people to access education and employment opportunities. It aimed to address youth unemployment until 2020. In October 2021, the European Council adapted ‘*Reinforcing the Youth Guarantee*’, a measure designed to continue the Youth Guarantee. A report from the Court of Auditors in 2017 at the halfway point of implementing the initial guarantee noted that it was falling short of expectations and highlighted in particular that vulnerable and marginalised youth (arguably the group most in need of EU support) were excluded. The renewed Youth Guarantee commits to supporting vulnerable youth. While not specifically targeting young people experiencing homelessness, the guarantee notes the importance of individualised approaches to youth coming from diverse background with multiple and complex needs. While it is not a silver bullet for youth homelessness, the Youth Guarantee should present an opportunity to prevent homelessness for young people at risk of social exclusion and act as a steppingstone out of homelessness for those already in the system.

### **Child poverty and homelessness:**

Homelessness is a violation of children’s rights, the most extreme manifestation of child poverty and should not exist in the EU. FEANTSA as the housing expert for the feasibility study<sup>37</sup> on the child guarantee, welcomed the roadmap’s<sup>38</sup> recognition of the short and long-term negative impacts of poverty and deprivation in childhood, as well as its proposal for a Council Recommendation for a Child Guarantee set to support “children in need”. It is through targeted intervention that policy action can address the situation of children and families most in need.

As recalled by the roadmap, the goal of the Child Guarantee (CG) is to break the cycle of poverty. As shown in the feasibility study, housing is a cross-cutting social right particularly at

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<sup>36</sup> FEANTSA is part of a partnership called the Civic Observatory of the Rights of the EU Citizens. For more details on the partnership and the recommendations regarding free movement in the EU please [read here](#)

<sup>37</sup> <https://ec.europa.eu/social/main.jsp?catId=1428&langId=en>

<sup>38</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12565-European-Child-Guarantee->

risk for the 4 target groups that were identified for the CG to support. In most Member States (MS), suffering from income poverty, living in a single-adult household, or coming from a migrant background increases the risk of severe housing deprivation and overcrowding. Children leaving institutions, children with disabilities or special needs are also generally at risk of difficulty accessing adequate housing.<sup>39</sup>

Despite the lack of robust comparative data available, there is significant evidence of increasing family homelessness in Europe. Homelessness among families and women are often not captured by official homelessness statistics, which have a strong shelter service bias. These families may be elsewhere (e.g. sofa surfing, domestic violence services), facing hidden homelessness.

It is expected that the Child Guarantee Council Recommendation calls for multiannual national strategies on reducing child poverty, and national Child Guarantee Action Plans with details on target groups and financial resourcing. At the time of writing this report negotiations on the 2021-2027 European Social Fund Plus (ESF+) are not yet concluded, but it is expected that there will be an earmarking of ESF+ resources supporting the implementation of the Child Guarantee. These additional resources should be seen as triggering structural reforms – not replacing service provision of national/regional/local competence – and aim to reach children in vulnerable situations. See also EU Alliance for investing in children material on this, a coalition of NGO networks advocating in the area that FEANTSA is part of.<sup>40</sup>

### **LGBTIQ Strategy:**

LGBTIQ homelessness in Europe is an unknown entity, but studies consistently estimate that between 20-40% of young people identify as LGBTIQ. Earlier this year the Fundamental Rights Agency's survey on the quality of life of LGBTIQ people in Europe found that 1 in 5 young people (140,000 individuals) reported experiencing a form of homelessness defined in ETHOS, rising to 1 in 3 trans people and 40% of intersex people. The EU LGBTIQ Strategy 2020-2025<sup>41</sup> notes:

*LGBTI people suffer from high rates of homelessness 17. Being expelled from the family home and experiencing discrimination in access to housing are the main drivers for becoming homeless, in particular for young LGBTIQ people 18. An estimated 25-40% of young people experiencing homelessness are identified as LGBTI.*

As part of the implementation of the strategy, the Commission will support Member States to develop national LGBTI plans and will ensure EU funding programmes guarantee respect for LGBTIQ equality and rights. This LGBTI Strategy could be an important step in supporting EU Member States build their understanding of LGBTIQ homelessness & develop services to combat it.

Maria Jose Aldanas,  
Policy Officer at FEANTSA

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<sup>39</sup> Feedback on the European Commission roadmap "Council Recommendation for a Child Guarantee"  
FEANTSA. 30th September 2020

<sup>40</sup> [www.alliance4investinginchildren.eu](http://www.alliance4investinginchildren.eu)

<sup>41</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0698>