The Human Right to Housing in the 27 Member States of the European Union

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> **Abstract_** *This article examines access to housing for homeless people based on an analysis of 86 State Party reports under the International Covenant on Economic, Social and Cultural Rights (ICESCR). By exploring the states' consideration of homelessness, the article discusses housing, particularly homelessness, in the face of human rights and then conceptually differentiates between two basic forms of inadequate housing: homelessness and SPaces of Inadequate Housing (short: SPIH). The analysis is part of the author's PhD research with the working title "Land policy and the human right to housing". Thus, the present discussion is part of a wider global discourse analysis about the human right to adequate housing with the aim of drawing attention to land policy as social policy.*

> **Key words_** *Housing rights, homelessness, International Covenant on Economic, Social and Cultural Rights*

Introduction

The Universal Declaration of Human Rights (Article 25, para.1, UDHR) and the International Covenant on Economic, Social and Cultural Rights (Article 11, para.1, ICESCR) regard housing as one cornerstone of the right to an adequate standard of living. This paper explores access to housing as a human right in Europe. All 27 European Union (EU) member states have ratified the ICESCR. The ICESCR is a key document for understanding governments' responsibilities in housing rights (Tipple and Speak, 2009, p.22) because its monitoring mechanism works in the form of a reporting procedure. The member states of the ICESCR have to submit reports to the Committee on Economic, Social and Cultural Rights. This article focuses on the State Party reports under the ICESCR and analyses the perception of housing in the 27 EU member states.

Land policy explores the "framework of property relations" (Davy, 2012), which is essential for the right to adequate housing. Private property rights are often either the cause of or the solution for people living in inadequate housing. The uses of public spaces and other urban commons are essential for the poor (Davy, 2009), particularly for homeless people. The paper explores homelessness in the context of other forms of inadequate housing and argues that in both scholarly literature and the ICESCR State Party reports homeless people are often regarded as victims without economic potential. In contrast to that, solutions for other forms of inadequate housing are often discussed from a more economic perspective. This paper addresses the questions: how do the EU countries respond to their obligation to guarantee adequate housing in the ICESR State Party reports? What role does homelessness play in the self-descriptions of the State Party reports? How do the State Parties describe their policies in response to other forms of inadequate housing? Housing is a complex economic issue (Angel, 2000) of interest to developers, credit banks and many other market actors. This raises the question of how far homelessness gets onto the agenda of different stakeholders like market actors, NGOs, or the governments. However, it is important to state what this paper is not about. The paper does not attempt to evaluate the accuracy of the State Party reports. Nor does it examine EU policies rather than policies of 27 single states, which are, at present, members of the EU. The focus is on each country's self-description and its perception of the right to housing, not the realisation. Obviously, these self-descriptions of the states invite comparisons, for example with other investigations (Avramov, 1995; United Nations Economic Commission for Europe, 2009; Frazer and Marlier, 2009; Busch-Geertsema *et al*, 2010).

Housing and Human Rights

Housing is one of the "most prominent" rights of economic, social and cultural rights (Craven, 1995, p.329). From the perspective of law, every homeless person living in one of the 27 EU countries has many rights on different levels: The UDHR, the ICESCR, many other international covenants and conventions (Leckie, 2001; UN Habitat, 2009; Nevins, 2010), and the national law. In some countries, a housing clause has been included in the national constitution, for example in Portugal, Spain, the Netherlands and Belgium (Avramaov, 1995). Rights often only protect people "more in theory than in practice" (Frazer and Marlier, 2009, p.4). Human rights seem far away when we consider a homeless woman begging in front of a railway station. The existence of housing rights does not automatically mean that states have the obligation to eliminate homelessness immediately (Craven, 1995, p.330). The ICESCR is an excellent example that demonstrates the gap between human rights and everyday life. The main contents of the covenant are in Articles 6 to 15, ICESCR: labour rights (Articles 6 to 8), the right to social security (Article 9), family rights (Article 10), the right to health (Article 12), the right to free education (Articles 13 and 14), the right to participation in cultural rights (Article 15), and the right to an adequate standard of living including the right to housing:

> The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent (Article 11, para.1, ICESCR).

In opposition to the International Covenant on Civil and Political Rights (ICCPR), the rights of the ICESCR are often not considered as individual rights rather than as the state's obligations (Henkin, 1979). Therefore, economic, social and cultural rights have had the status of "second generation rights" (Craven, 1995; Dean, 2007). On 5th May 2013, the Optional Protocol to the International Covenant on Economic Social and Cultural Rights (A/RES/63/17) came into force. Based on this Optional Protocol, individuals or groups of individuals can now claim a violation of their rights to the Committee on Economic, Social and Cultural Rights (Article 2, OP-ICESCR). However, the current mechanism works in the form of a reporting procedure. The ICESCR State Parties undertake to submit reports on the measures they have adopted and the progress made in achieving the observance of the rights recognised in this covenant (Article 16, para.1, ICESCR). Since 1986, the countries account for their policies by answering to reporting guidelines (CESCR, 1986). These guidelines have been modified twice (CESCR, 1991 and 2009). Their purpose is to advise State Parties on the form and content of their

reports, and to ensure that the reports are comprehensive and presented in a uniform manner (CESCR, 2009). The official United Nations monitoring body for the covenant is the Committee on Economic, Social, and Cultural Rights (hereafter: The Committee). The Committee collects the reports and responds to each State Party report with concluding observations. Different NGOs write parallel reports in which they claim the rights violation of special groups or discuss the violation of a special right. The Committee publishes general comments concerning single rights with the aim of reaching a better understanding of the contents of the treaty obligations: "In fact, the Committee […] has, in the absence of an official complaint procedure, developed its functions under the reporting procedure to something which is more and more resembling a quasi-judicial complaint procedure" (Rosas and Scheinin, 2001, p.427).

Since 1976, the number of the member states has been growing continually to 160. At time of writing the states have submitted almost 500 ICESCR State Party reports. The research project FLOOR (short for financial assistance, land policy, and global social rights; www.floorgroup.de), partly funded by Deutsche Forschungsgemeinschaft, is highly interested in social security as a human right. Ulrike Davy and her research team from FLOOR A (Social Law, University of Bielefeld) discovered the potential of the ICESCR reports for exploring global social policies and collected and prepared them for analysis. FLOOR A focuses on social rights, in particular the rights to social security and social assistance (Article 9, ICESCR) and the right to an adequate standard of living (Article 11, ICESCR) (Buschmann, 2011). FLOOR B (Social Policy, University of Bielefeld) explores the global diffusion of social cash transfers (financial assistance) as an instrument for social security (Leisering, 2009). The research for this article is a portion of FLOOR C, socio-ecological land policy. Analysing the State Party reports helps understand the different aspects of inadequate housing as well as the attempts to respond to them from a socio-ecological land policy perspective. From the perspective of FLOOR C, the question arises: is there a global social floor to housing and, if so, what role does land policy play to establish, maintain, and improve such a social floor to housing?

Figure 1: EU Member States: Submitting reports

Data: ESRI ArcGIS, FLOOR A
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Principal Investigators: B. Davy, U. Davy & L. Leisering

FLOOR

Figure 1[1] illustrates the periods in which EU countries have ratified the ICESCR and the number of submitted full[2] reports. State Party reports which fall in a period the country has not been EU member (for example an ICESCR report of Poland from 1996) are treated in the same way as reports of the period, as if the country was EU

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[1] Benjamin Davy invented the diffusion maps (figure 1 and figure 2), an idea I am drawing upon in this article.

[2] Until 1986 the States submitted their reports in three sections. In the first section, the states reported on rights covered by articles 6-9, in the second section on rights covered by articles 10-12 and in the third section on rights covered by articles 13-15. In this research these reports are summarised to one report, even if the country only finished one or two of the sections before switching to the system of submitting full reports. The Netherlands combined its fourth and fifth reports. This is counted as two reports.

member at this time[3]. Countries, which have submitted four or five reports, are also treated in the same way as countries, which have only submitted one report. The map illustrates the year of ratification and the number of submitted reports. Many European countries ratified the ICESCR very quickly after their independence. Slovakia, Czech Republic, Slovenia and the former socialist countries Estonia, Latvia and Lithuania are quite recent members, and have submitted one or two reports.

Homelessness in the Context of Inadequate Housing

Being homeless means living in a situation of inadequate housing, although home-lessness is only one form of inadequate housing. Other recognised forms are slums, informal settlements, illegal settlements, shanty settlements, irregular settlements, pirate settlements, unauthorized communities, emergency shelters, refugee camps, night shelters, and many more. Some countries have their own terms, like *barrio* (Spanish), *bidonville* (French), *favela* (Portuguese), *gececondu* (Turkish), *Elendsviertel* (German), *trushchobi* (Russian) or *hood* and *ghetto* (American English) (UN Habitat, 2003, pp.9–10). For simplification, the author's term to summarize these inadequate housing forms is SPIH: SPaces of Inadequate Housing (Kolocek, 2012). The Committee identifies seven basic aspects of adequate housing: Legal security of tenure; affordability; location; habitability; cultural adequacy; accessibility and availability of resources (CESCR, 1991, para.9). The term SPIH is used as an umbrella term for the mentioned forms and for circum-stances in which one or more of the identified aspects are significantly violated, for example in situations of overcrowding, or by the lack of tenure security.

Most of the forms falling under the term SPIH are often only linked with countries of the Global South. In comparative statistics about the proportion of urban dwellers living in slums, the UN-Habitat (2008, p.90) differentiated between the eight regions Northern Africa, Sub-Saharan Africa, Latin America and the Caribbean, Eastern Asia, Southern Asia, South-Eastern Asia, Western Asia and Oceania but did not give any statistical information about Europe (or Northern America). This does not mean, however, that there are no slums in Europe. In other statistical data, the slum population of urban dwellers in European cities was estimated at 33 000 (6.2 percent) for 2001 (UN Habitat, 2003, p.14). In its first publication about informal settlements for the Europe Region (ECE, 2009), the United Nations Economic

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3   Until 1990/1991, the countries Latvia, Lithuania and Estonia were in the Union of Soviet Socialist Republic. Slovenia was part of the Socialist Federal Republic of Yugoslavia until 1991. The reports of the Union of Soviet Socialist Republic and the Socialist Federal Republic of Yugoslavia have not been taken into account. This also applies for the reports of Czechoslovakia, the German Democratic Republic and the reports of the British Crown Dependencies and Dependent Territories of the United Kingdom, the Netherlands, and Portugal.

Commission for Europe (ECE) suggested that in over twenty countries of the UNECE region more than 50 million people live in informal settlements (ECE, 2009, p.xv). The statistics differ because of the differences in the underlying time, the European countries included and definitions of slums and informal settlements. The conclusion is that there are a considerable number of people living in SPIH in Europe or in other words that absolute homelessness is not the only form of inadequate housing in European countries.

Homelessness and Land Policy

Land policy examines the allocation of land rights and the distribution of the benefits and losses of land uses (Davy, 2005) and is, therefore, essential for planning decisions (Ploeger and Groetelaers, 2007). While the allocation aspect deals with questions of efficiency, the distribution aspect is closely connected to questions of justice. Socio-ecological land policy (FLOOR C) highlights the question of social justice and focuses on the relationship between the poor and the land (Davy, 2009). The combination of land policy and social policy has a long tradition. Since the 18th century, land reforms have been well known instruments of land policy to obtain social justice (Davy, 2000; 2012). In 1902, Damaschke (1918) investigated the housing situation of working-class families living in Berlin. Fast growing land and rent prices led to overcrowded and unhygienic housing situations. Damaschke demanded a land reform to distribute the benefits of industrialisation to all people, not only the landowners. "The housing question is particularly a land question" (Damaschke, 1918, p.87, *author's translation).*

Currently, the spatial consequences of property (Davy, 2012) can be either the cause or the solution for people living in situations of inadequate housing. For solutions relevant to land policy, the differences between SPIH and homelessness are of essential significance. Nowadays, the land titling approach by de Soto (2000) is the most well known concept to respond to the informality of slums and many other (certainly not all) SPIH, particularly in the Global South. The key message that emerges from de Soto's work is formalisation. This means giving the people a land title – a property right – to the place where they live in hope of improving the housing situation. De Soto calls this process waking up the dead capital through capitalisation process (de Soto 2000, pp.160-161). De Soto's approach was hotly debated and criticised by many researchers (for example Payne, 2001; Gilbert, 2002; Roy, 2005; Davis, 2006; Payne *et al*, 2009; Neuwirth, 2011). Nevertheless, from the perspectives of spatial planning and land policy, de Soto's position is remarkable because it connects social (housing) policy with land policy and highlights spatial

solutions as a response to inadequate housing. Even though many homeless people live in situations of informality and simultaneously occupy spaces of high economic value, de Soto does not mention homelessness at all.

Homelessness and Responsibilities

Homelessness and other forms of inadequate housing raise questions of responsibility: should the state, the market, the family, or other institutions and actors deal with inadequate housing? Or, are all of the mentioned groups responsible? If so, then to what extent? By analysing the welfare policies of 18 OECD countries, Esping-Andersen (2011) identified three models of welfare states: the liberal, the social-democratic and the corporatist. His key indicators to differentiate between the welfare states are the rate of de-commodification (of labour) (2011, p.35–54), the effect upon stratification (2011, p.55–78), and the qualitatively different arrangements between the state, the market and the family (2011, p.26). While commodification can be understood as the action of turning something into a commodity, which can be negotiated on the market, de-commodification means the emancipation of individuals from the (labour) market (Esping-Andersen, 2011). De-commodification is a process with different roots and "refers to the degree to which individuals, or families, can uphold a socially acceptable standard of living independently of market participation" (Esping-Andersen, 2011, p.37).

With reference to housing, a typical form of commodification is the privatisation of the housing stock. Privatisation, liberalisation and deregulation are often regarded as a double-edged sword, sometimes the solution and sometimes the cause for situations of inadequate housing. However, the transition of former public housing to the market (Edgar *et al*, 2007) had essential impacts on the housing situation of many people in Europe. The land titling approach is also a form of commodification because the land beneath the peoples' feet is turned into an asset on the formal land market.

This article examines housing as a human right. Hence, the question of responsibility seems to be clear. The states have ratified the ICESCR and many other housing related covenants; the states have written the right to housing into their constitution or other national law. Accordingly, the states are responsible for guaranteeing adequate housing. When investigating homelessness and other forms of inadequate housing, it is clear that many different sectors, on global, national, regional and local levels, appear involved. The "multi-causality" and the broad scale of solutions underline the existence and the necessity of many stakeholders. As Angel argues, "housing policy in its broadest sense can no longer be restricted to issues of government housing assistance, be it to the masses, the poor, or the homeless. It must be

broadened to managing the housing sector as a whole, including the formal and informal sector; the rich and the poor; the private, the voluntary, and the public sectors; the inner city and the suburb" (Angel, 2000, p.27-28).

Table 1 illustrates different stakeholders and sectors that have been identified in ICESCR State Party reports. They are sorted into five groups. The differentiation is based on their obligations and interests in relation to adequate housing.

Table 1: Stakeholders in the ICESCR State Party reports

Actor Group	Differentiation	Examples
Governmental organisations	**Obligation** to help people in situations of inadequate housing	The EU, Governments, ministries, regional planning, local authorities, municipalities, burgomasters
NGO+	**Interest** to help people in situations of inadequate housing	Voluntary sector, non profit organisations, the church, religious institutions, welfare organisations, charitable associations
Market sector	**Interest** to maximise profit (**no obligation** to help people in situations of inadequate housing)	Private building sector, private owners, banks, business associations, housing cooperatives
Complex bodies	**Obligation and interest** to help people in situations of inadequate housing	The Cities Alliance, World Bank, working groups, round tables, networks
Other stakeholders	**No obligation** and **varying or no interest** in helping people in situations of inadequate housing	Experts, media, society, friends, relatives

Governmental organisations have a legal obligation to guarantee adequate housing. Their organisational structure is hierarchical. The distribution of responsibilities between national, regional and local levels depends on each country. The author's term to summarize those groups that are neither governmental nor market actors is *NGO+ (*spoken: NGO plus). NGO+ are, for instance, different global and non-global NGOs, non-profit organisations, charitable associations and religious institutions. Their basic motivation to deal with inadequate housing does not fulfil a legal obligation, but is a voluntary act of solidarity. The housing *market sector* has an interest in maximising profits. It has no direct obligation or interest in guaranteeing adequate housing, as long as involvement is profitable. *Complex bodies* are heterogeneous groups in which those from two or more of the other four groups are involved. The Cities Alliance (Cities without Slums), for example, is a coalition of local authorities of mega cities, governments of welfare states and developing countries, the European Union, UN Habitat, and the World Bank. The World Bank by itself is a complex actor. On a smaller scale, cooperation groups between local authorities, local NGO+ and market actors are examples of complex groups. Stakeholders who have many different interests and obligations that are only seldom directly connected to inadequate housing, form the last group: *other stakeholders.*

Table 1 indicates strict boundaries between the five groups which everyday life does not always reflect. Obviously, governmental organisations are complex, and they often act in the market sector, for example in the field of social housing. Housing cooperatives are nowadays often market actors but having their roots in solidarity and voluntarism. In the next section, the analysis of the ICESCR State Party reports will demonstrate the diversity of many stakeholders. Table 1 should be understood as an initial research result but also as an analysing instrument to answer the research question: which organisations and sectors are, from the perspective of the states, responsible for helping homeless people get access to housing? The State Party reports' answers to this question will be evaluated in the following section.

## Analysing the ICESCR State Party Reports: Homelessness and SPIH

The following discussion will address the question of if and how the State Parties respond to their obligation to guarantee adequate housing, with a special focus on homelessness, underlying policies and the differences to SPIH. The differences between homelessness and SPIH will be evaluated in detail, particularly by comparing the stakeholder groups. The states differ in the attention they pay to homelessness.

Figure 2 illustrates the EU member countries categorised by their level of attention. Slovenia and Romania do not mention homelessness at all. The other 25 states talk about homelessness with different connotations like statistics, causes, or different measures. Four countries only mention homelessness in a few words or sentences. These countries often discuss homelessness in connection with simple statistical information (Austria, Bulgaria, and Italy). Latvia, a country which has submitted only one report yet, mentions homeless people one time and as part of a larger group while talking about the right to health (Latvia, 2005, para.452).

Figure 2: EU Member States: Reporting Homelessness

Level of attention
- Reporting in detail
- Reporting
- Partly reporting
- Only mentioning
- Not mentioning
- Not EU Member
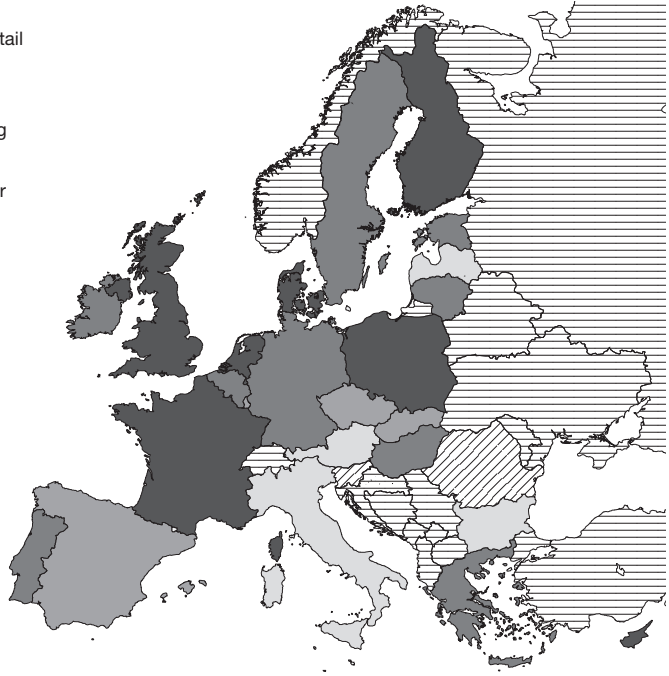
Data: ESRI ArcGIS, FLOOR A
Author: M. Kolocek
Principal Investigators: B. Davy, U. Davy & L. Leisering

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Other states (five including Malta and Luxembourg which are too small to be illustrated on the map) partly report about homelessness; they mention the topic only a few times. Nine European countries report about homelessness in slightly more detail, with more than five paragraphs describing various measures. Seven countries speak about homelessness in detail.

France stands out as the country with the most intensive level of reporting. France does not only discuss homelessness in detail, but also highlights many other forms of inadequate housing. In its second periodic report, France illustrates different spatial measures such as emergency accommodation and temporary housing programmes (France 2000, para.536); emergency reception arrangements; reception centres; hostels; residential homes; hotels (para.537); 24-hour reception and advice centres (para.538). The report describes its emergency plan in detail (para.540-545), explains how it tries to prevent homelessness with financial measures (para.547-549) and emphasises the significance of housing policies as part of social policy, arguing

that housing is the first step towards reintegration. "Housing provides access to neighbours, an address, public services and the opportunity for employment. This is why, in the face of mounting exclusion, housing policy is one of the key facets of France's policy on preventing exclusion" (France, 2000, para.548).

Ten states try to define homelessness. The countries reflect the academic homelessness discourse, which is characterised by a huge amount of different, sometimes contradictory, understandings (see, for example Springer, 2000; Amore *et al*, 2011; Fitzpatrick, 2012). By reporting on the causes of homelessness the states give attention to individual causes such as financial or health problems and to structural causes such as unemployment or shortages on the housing market, or family and relationship breakdowns. Estonia, Denmark, the Netherlands, Portugal and Spain make references to street children. Lithuania reports only that "there are no problems with children living in the street" (Lithuania, 2010, para.775).

Statistics and measures are the most frequent topic; 21 states present statistics concerning homelessness in their reports and 21 countries (not the same ones) discuss different measures. The measures mentioned are listed in Table 2. Only those measures that the states directly connect with inadequate housing are listed. Lots of other instruments homeless people could profit from (for example unemployment benefits or social housing in general) are only taken into account when the states connected them directly to homelessness.

Table 2: Measures in the ICESCR State Party reports

Measure group	Examples
Spatial measures	Small homes programmes, night shelters, temporary shelters, renovation, repair and improvement, reconstruction
Social support measures	Integration into society, health care programmes, nutrition programmes, drug rehabilitation
Financial measures	Assistance with living costs, credits, donations, housing subsidies, low cost housing
Other measures	Field studies, research, street magazines, self help

Access to housing for homeless people can be reached through financial measures or some spatial measures, for example small homes programmes. In the most frequently mentioned measure group, spatial measures, countries discuss different existing or new shelters. In all, 17 countries report on different forms of social support to respond to homelessness and eleven countries report on financial measures.

The second basic form of inadequate housing has been summarised under the term SPIH (see above). Since SPIH stands for a lot of different (spatial) forms of inadequate housing, the results of the analysis can only be summarised here,

focusing on the most essential results. Seven states of the EU do not mention any form of SPIH. The other countries talk about different forms. Spain, the United Kingdom and Portugal point out that slums exist in their country; Hungary reports on isolated slum-like neighbourhoods. Denmark, Greece, Lithuania and Sweden talk about illegal settlements; the Czech Republic, Malta and the Netherlands discuss squatters. No country mentions informal settlements. In most cases, when the EU member countries broach SPIH, they do not give the spaces a special term like *slum* or *informal settlement* but describe a housing situation, which they regard as inadequate.

"In 1995, 6.3 percent of all households were overcrowded (which means more than one person per room). Based on data from 1996, 12.6 percent of all households were living in substandard dwellings, that is, there was not ready access to one of the following amenities: piped water supply, sewer, hot water, flush toilet, or washing facilities (shower/bathroom or sauna)" (Finland, 1999, para.288). Only Cyprus, France and the Netherlands talk about the causes for the existence of SPIH. The Netherlands points out housing shortage as a reason for places, which are illegally occupied (The Netherlands, 2005, para.347), and in Cyprus (2007, para.306), temporary accommodation became necessary for the displaced families as a result of "the Turkish invasion". France explains that insecure and inadequate housing situations emerge as a result of increasing rental costs (France, 2007, para.121). Overall, 14 countries mention different measures to respond to SPIH, mostly spatial ones like housing construction, housing improvement and urban renewal. Similar to homelessness, spatial measures are often combined with measures from other groups, for example financial measures or social support.

The land titling approach does not play an important role; only Greece highlights its potential for adequate housing; "special exemptions have been provided in planning law in order to facilitate the expansion, improvement or further develop-ment of housing in illegal properties and expedite the process of 'legalisation'. Needless to say, this often has a negative impact from the point of good planning and quality of the built environment, but it is considered necessary due to the particular social composition of former illegal housing areas. Overall, the regime for the 'integration' and 'legalisation' of illegal housing can be reasonably considered rather beneficial for past illegal settlers both from the point of housing and from the point of property gains" (Greece, 2002, para.323).

Comparing homelessness and SPIH, in summary, the EU member states give more attention to homelessness than to SPIH in their reports. Nevertheless, a number of similarities come up; descriptive statistics play a more important role than analysing causes, many different measures are mentioned, and some countries report inten-

sively, others not. Where there is little (if any) attention given to homelessness, there is often little (if any) attention to SPIH. On the other hand, countries, which report intensively on homelessness, also report on SPIH, albeit with less detail.

Actors Responding to Inadequate Housing

For the following discussion, the report sections addressing the policy response to SPIH and homelessness have been analysed in detail. The focus was on the stakeholders, that from the perspective of the State Parties, respond to homelessness and SPIH.

Figure 3 and 4: Stakeholders responding to inadequate housing
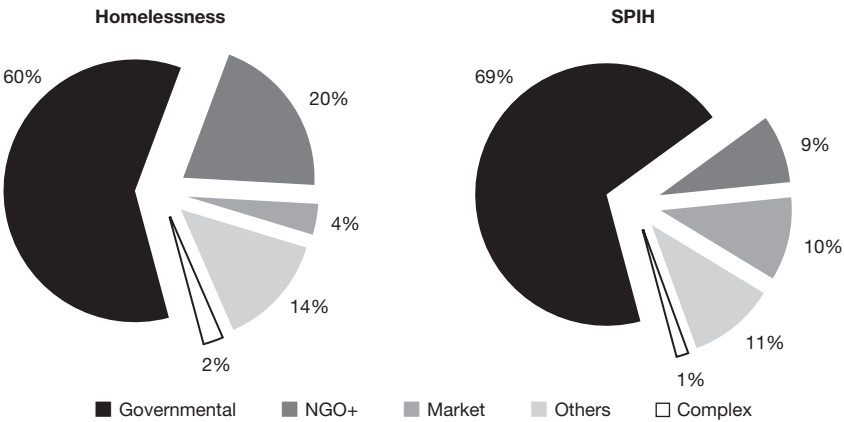
Source: 147 ICESCR State Party reports of the EU member states (FLOOR A)

As Figure 3 illustrates, 60 percent of the stakeholders mentioned are from the governmental group and 20 percent from the NGO+ group, while the market sector represents only four per cent of mentions when homelessness measures are discussed. Regarding SPIH, governmental stakeholders (69 percent) and the market sector (10 percent) play a more important role, with the effect that the NGO+ group is only mentioned by 9 percent. Concerning the fourth group, other stakeholders, the differences between homelessness and SPIH are small. Thus, the picture that emerges, underlines the fact that tackling inadequate housing is regarded as an obligation of the state. The proportion of governmental organisations mentioned is high, but not surprising. Thus, it is the states themselves who describe how they respond to inadequate housing. The analysis shows that it is

frequently more than one sector that responds to homelessness. The states often describe how they introduce laws and legislation, or they finance projects, which are then implemented by local authorities or NGO+ groups. For example:

> The Scottish Rough Sleepers Initiative was set up in 1997. Local authorities, in partnership with voluntary organizations and other bodies, were invited to assess the incidence of rough sleeping in their area, to establish a strategic approach to tackling the problem, and to submit bids to fund projects as part of this approach. The administration of the rough sleeper's initiative is supported by the Rough Sleepers Initiative Advisory Group, which includes representatives of the voluntary sector as well as statutory agencies. This group makes recommendations on which projects should be funded and more generally on the development of the initiative. The first round of Rough Sleepers Initiative was subject to evaluation in 1998/99. It was found that the initiative had played a crucial role in galvanising the efforts of participating local authorities and voluntary sector agencies to devise and implement strategies to tackle rough sleeping in their localities. A wide range of services is being provided to give rough sleepers routes into permanent accommodation, including specialist medical support and outreach work. (United Kingdom, 2001, para11.146)

The quote above is presented in full because it is both representative and unrepresentative to statements concerning inadequate housing in the State Party reports. The paragraph is unrepresentative because not many countries talk about permanent housing for homeless people. However, the quote displays a storyline that is shared with many other reports: firstly, many measures are combined with others. Secondly, from the perspective of the states, many sectors are responsible for dealing with homelessness and, thirdly, the cooperation of these sectors appears to be necessary. To sum up, homelessness requires different solutions and is a challenge for many organisations and sectors. Nevertheless, the market sector plays only a marginal role.

Conclusions

Most of the EU countries regard housing as a human right and respond to the challenge of the many aspects of inadequate housing. The countries report on homelessness to differing degrees. The solutions discussed to deal with homelessness are frequently spatial ones, often combined with social support. However, measures which support access to (permanent, not temporary) housing play a marginal role. As Busch-Geerstsema and Sahlin (2007, p.74) note, hostels are a key response to homelessness in many European countries and the ICESCR State Party reports from the 27 EU countries support their observation. Nevertheless, as

a resource for detailed investigation, the reports' value is limited given that it is not possible to value whether a hostel, temporary accommodation or night shelter mentioned in the report fulfils the required standards for temporary accommodation (Busch-Geertsema and Sahlin, 2007, p.85). If these standards are not met, speaking within the terms of this article, the shelters fall under the category SPIH.

In the 27 European states examined, homelessness is seldom discussed in connection with self-help. The market sector seems to have little interest in homeless people. Homelessness is often regarded as a problem of poverty rather than as a "property problem" (Baron, 2004). In opposition to that, SPIH dwellers in other regions, for instance in Latin American countries (Kolocek, 2012), are often discussed from a more economic perspective. Formalisation of informal housing and working structures shall release the dead capital of millions of people living in inadequate housing (de Soto, 2000). The land beneath those people's feet holds economic potential. Its commodification seems to be a solution to combat inadequate housing. In contrast, homeless people in the 27 EU member states are not regarded as people with economic potential. Commodification (in the form of privatisation of the housing market) seems more likely to be a cause of, rather than a solution to, homelessness. Furthermore, when discussing SPIH, EU countries are more likely to term the settlements *illegal* rather than *informal*. For a long time, particularly Western European countries have paid attention to informal housing structures in developing countries and seem to have failed to recognise the informality (including its potentials) in their own countries. Informality in the EU is often close to illegality and thus not perceived as connected to human rights, but regarded as a violation of law by those living in informal housing structures. Nevertheless, there are many informal housing and working structures in Europe, for example street newspapers. These magazines and newspapers are the homeless peoples' voices (Torck, 2001) and often, street newspaper agencies offer social support and help homeless people to find accommodation. Obviously, selling street newspapers is not the only solution for homeless people but it is a widely accepted form of self-help.

This article has dealt with the State Parties' consideration of inadequate housing and analysed the self-descriptions, not the concrete reality. Hence, practical suggestions for governments and other policy makers would not have a suitable empirical background. The ICESCR reporting procedure is an example that demonstrates the gap between human rights and everyday life. The ICESCR reporting system does not attract attention other than from some interested researchers and human rights experts. Adequate housing is a human right. The ICESCR State Party reports are a valuable resource to evaluate in how this human right is regarded. Perhaps, with more attention from the wider society, the ICESCR State Party reports could contribute more than this.

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4   The maps illustrate results of the analysis of 86 State Party reports from the EU member states. These reports have been collected and prepared by Ulrike Davy and her team from FLOOR A. The list shows the reports, which are quoted in this paper. Most of them are also available (as html, word, or pdf- files) on http://tb.ohchr.org/default.aspx and www.bayefsky.com.