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**Submission from Children’s Rights Alliance for England (CRAE), part of Just for Kids Law,**

**to the United Nations Special Rapporteur on the right to adequate housing, Ms. Leilani Farha, on the draft Guidelines for the implementation of the right to adequate housing**

*November 2019*

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CRAE welcomes the opportunity to submit input to the UN Special Rapporteur on the right to adequate housing – Ms Leilani Farha – for her forthcoming final report to the Human Rights Council focused on Guidelines for the implementation of the right to adequate housing.

The Children’s Rights Alliance for England (CRAE), part of Just for Kids Law, works with over 100 members to promote children’s rights and monitor government implementation of the UN Convention on the Rights of the Child. Just for Kids Law (JfKL) is an award winning UK charity working with and for children and young people to hold those with power to account, and fighting for wider reform by providing legal representation and advice, direct advocacy and support, and campaigning. The Children’s Rights Alliance for England (CRAE) merged into Just for Kids Law in 2015.

Since 2015 CRAE has been working with a steering group of young activists to speak out and campaign on children’s rights and housing issues. The group is made up of children and young people from across England, aged 11 to 22. Many of them have direct experience of their rights not being met and have experienced homelessness. The group set up the *Change it!* campaign which seeks to stop children being housed in bed and breakfast accommodation (B&Bs) for longer than the six-week legal limit. In 2018 CRAE worked with the children and young people to publish a report on their experiences of living in temporary accommodation and the impact on their rights: <http://crae.org.uk/media/125719/462614-CRAE_CHANGE-IT-REPORT-Digital-final.pdf>

Our submission is based on this work with children as well as on the casework of JfKL and the support that our advocates provide to young people facing difficulties with housing and other forms of statutory service provision.

## *Guideline No. 1*

*Recognize the right to housing as a fundamental human right in national law and practice*

We welcome the reference to housing policies and programmes that support a life of dignity and that see people as rights holders entitled to enjoy the right to adequate housing (para. 14). Recognising the interdependence and indivisibility of the right to adequate housing with other human rights, we suggest that implementation measures should include a recognition of, and a commitment to, ensure that housing strategies, policies and programmes take into account other human rights obligations undertaken by states, such as the rights enshrined in the Convention on the Rights of the Child. This would require states to proactively and explicitly pay due regard to the ways in which housing impacts directly and indirectly on children’s wellbeing and development and on their rights, including the right to safety, security, health, education, nutrition and play.

Huge numbers of children in England are living in homeless families, and continue to be housed in temporary accommodation and illegally accommodated in B&Bs for prolonged periods, despite regulation that prohibits this accommodation in private B&Bs beyond 6-weeks. Shockingly, council-owned B&Bs or other hotel-style accommodation are not subject to the regulation preventing families from being held there beyond six weeks. Information obtained by CRAE through- Freedom of Information (FOI) requests showed that 1,641 families with children were held in council-owned B&Bs and hotel style accommodation in 2017, with almost two thirds (1,056) for longer than six weeks. Almost half (46%) of councils were using such accommodation. The true figure is likely to be much higher as we only received information from 58% of all councils

Despite Guidance from the Department for Education and the Ministry of Housing, Communities and Local Government which says that B&B accommodation (including hotels and similar accommodation with shared facilities) is not suitable for 16 and 17-year-olds, vulnerable teenagers continue to be housed in these conditions and are often not given the support due to them by children’s services.

Children and young people in our Steering Group have told us that living in unsafe, unsuitable, dirty and overcrowded temporary accommodation (including hostels shared by strangers and adults with drug and alcohol problems) significantly affected their ability to study and to realise their potential in school. It also affected their mental health, their ability to socialise with their peers and their ability to prepare and eat their own food.

*Guideline No. 4*

### *Address discrimination and ensure equality*

We welcome the focus on groups who are disproportionately affected by violations of the right to adequate housing, and the intersectional nature of the discrimination they face. Among the implementation measures needed, we recommend including a duty on states and public bodies to also ensure compliance with other statutory requirements which are affected by housing policy and practice. This includes statutory duties to support and promote equality and non-discrimination (such as the Equality Act 2010 in the UK),as well as statutory obligations to ensure the safeguarding of vulnerable individuals and groups such as children, women escaping domestic violence, children and young people in care or leaving care, and those living in independent or semi-independent accommodation (such as the Children Act 1989 and the Homelessness (Suitability of Accommodation) (England) Order in the UK).

## *Guideline No. 5*

### *Ensure gender equality in housing*

We welcome the focus on the ways in which inadequate housing has specific impacts on women. We recommend that this is expanded to the impacts on girls under the age of 18 and the ways in which poor and unsafe housing puts them at risk of harassment and other forms of gender-based violence. Placing teenage girls in B&Bs and other hostel-type shared accommodation, with no safeguarding checks or measures, puts them at additional risk of gender-based harassment, intimidation and harm. We recommend that the Guidelines include specific measures to ensure that the rights of women and girls who are pregnant or have young children are fully upheld in housing policy and decisions.

## *Guideline No. 6*

### *Eliminate homelessness in the shortest possible time*

We recommend including an understanding of homelessness that includes individuals or families who are living in temporary or emergency accommodation often for protracted periods of time (such as hostels, B&Bs) and those who are ‘sofa-surfing’ and in need of housing.

As part of the preventive mechanisms to reduce the numbers of those evicted because they are unable to pay the rent, we recommend that the text on the implementation measures includes states’ obligation to ensure that housing benefits and other social security provision is sufficient to enable households to meet the actual costs of housing.

## *Guideline No. 8*

### *Clarify the obligations of businesses in relation to the right to housing and address financialization of housing*

Planners, developers and contractors play an important role in the design and construction of housing (whether private or public housing or a mixture of both). We recommend that the Guidelines include implementation measures regarding the necessary oversight and regulation, by states, to ensure that the right to adequate housing and other human rights are not negatively affected by their activities. Examples of this include segregated playgrounds in housing developments which attempted to have separate play areas for homeowners and for social renters, of differing quality and size.[[1]](#footnote-1)

In addition, where private developers have permission to convert existing buildings into housing units, states and public authorities have a duty to ensure that any housing that is created is compliant with the right to adequate housing. In England, an example of where this is not the case is the phenomenon of ‘permitted development’, whereby developers are able to bypass normal planning processes and convert ex office blocks and warehouses into housing, often without compliance with minimum space and other quality standards. The Children’s Commissioner for England has highlighted this, and its effects on children, in a report[[2]](#footnote-2) published in August 2019. Another report has also documented the negative effects of this type of development on living conditions and on social housing[[3]](#footnote-3).

## *Guideline No. 10*

### *Ensure meaningful participation of all those affected in the design, implementation and monitoring of housing policies, programs and strategies*

We welcome the emphasis on participation in decisions on housing and the need to engage diverse groups in housing issues that affect them (paragraphs d) and e)). We recommend explicitly including children, including very young children, in this context, as they are often left out of discussions and their views are not considered. This requires child-friendly and adolescent-friendly ways of engaging children and enabling them to voice their views in ways that suit them, as well as the provision of information in accessible and suitable formats.

Finally, in addition to the above, we recommend including and additional Guideline on *Ensuring quality and suitability of housing.* Specific guidance on ensuring compliance with the habitability aspects of the right to adequate housing would be helpful, given the poor quality, dangerous and overcrowded housing conditions faced by many families and households. While reference to General Comment N. 4 (1991) is made on p. 5, Para. c), it would be useful to outline some implementation measures on this aspect of the right to adequate housing.

Such measures would include:

* mechanisms to ensure that public bodies do not house individuals and households, including pregnant women and households with children, in poor quality, dangerous, overcrowded conditions that put their health, wellbeing and safety at risk;
* mechanisms to ensure that emergency and temporary accommodation used for homeless families and for 16 and 17 year olds and young people living independently is child friendly, clean and safe and that there are regular inspections and safeguarding checks.
* clear quality standards for housing used to house homeless individuals and families, with effective monitoring and enforcement mechanisms
* a requirement for states to regulate private housing being used by local authorities to house statutorily homeless families and young people so that it complies with the right to adequate housing and with statutory duties incumbent on public bodies

1. <https://www.theguardian.com/cities/2019/mar/25/too-poor-to-play-children-in-social-housing-blocked-from-communal-playground> [↑](#footnote-ref-1)
2. <https://www.childrenscommissioner.gov.uk/publication/bleak-houses/> [↑](#footnote-ref-2)
3. <https://www.london.gov.uk/sites/default/files/slums-of-the-future-permitted-development-conversions-in-london-by-tom-copley-am.pdf> [↑](#footnote-ref-3)