**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**Background and Objective of the report**

The thematic reports of the Special Rapporteur on the right to adequate housing,
Mr. Balakrishnan Rajagopal, to the General Assembly in 2021 and to the Human Rights Council in 2021 will focus on the issue of discrimination in relation to the right to adequate housing, including the impact of spatial segregation in urban or rural-urban environments on the enjoyment of human rights.

Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory by lines of race, caste, ethnicity, language, religion or income status. Spatial, including residential segregation can have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities.

Discrimination is understood as any formal or substantive distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination as to race, colour, sex, language, religion, national or social origin, political or other opinion, property, birth or other status - including disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social status - which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights.[[1]](#footnote-1)

The main objectives of the two interrelated reports will be to identify contemporary and historical forms of discrimination and segregation that affect the right to adequate housing, to highlight good practices in the prevention of discrimination and segregation and to provide guidance to States on how they can ensure their human rights obligations in relation to non-discrimination and the right to adequate housing.

To inform his reports Mr. Rajagopal welcomes contributions from States, local and regional governments, national human rights institutions, civil society organizations, academics, UN agencies and other stakeholders.

The questionnaire is detailed to allow for comprehensive collection of information covering all aspects of the right to adequate housing. However, responding to only those questions on which the responding organization, institution or entity has information, or expertise is much appreciated.

**BASIC INFORMATION**

**1. Name of Individual, Organization, Institution, Agency or State**: European network of equality bodies ([Equinet](https://equineteurope.org/2019/the-legal-standing-of-equality-bodies/))

Type of Entity\*

[ ]  National Government or federal governmental ministry/agency

[ ]  Inter-governmental organization or UN agency

[ ]  Local or regional government, agency, representative or mayor

[ ]  Association, tenant union or housing cooperative

[ ]  NGO network, umbrella organization

[ ]  Community-based NGO

[ ]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[x]  Other:

The European Network of Equality Bodies ([Equinet](https://equineteurope.org)), is an association registered in Belgium representing [national equality bodies](https://equineteurope.org/what-are-equality-bodies/european-directory-of-equality-bodies/) (NEBs) across Europe. Equinet membership comprises 49-member organisations from 37 jurisdictions (including all EU Member States).

Our mission involves promoting equality in Europe by supporting and enabling the work of national equality bodies, as well as supporting equality bodies to be independent and effective catalysts for more equal societies.

Like national human rights organizations (NHRIs) and ombudspersons mentioned above in the list of choices for a “type of entity”, equality bodies are independent, public institutions for the protection and promotion of human rights. Unlike NHRIs and ombudpersons, however, their expertise and powers are focused on “equality and non-discrimination” (understood as a horizontal principle enabling the enjoyment of all human rights and as a substantive human right in its own right).

Due to a [variety of different reasons](https://www.researchgate.net/publication/327432698_Equality_bodies_A_European_phenomenon) (including historical), within the European Union[, the mandate and powers of equality bodies](https://ec.europa.eu/info/sites/default/files/equality_bodies_making_a_difference.pdf) are distinctively different from those of national human rights institutions and ombudspersons in the following important ways: 1) they often cover both private and public sector; 2) they are founded upon (with some exceptions) and/or operate through a national non-discrimination legal framework, which is relatively more easily enforceable and has a stronger binding character than other types of national human rights law, thereby making social and economic rights more easily justiciable at the national level; 3) they have stronger enforcement powers, which include deciding on cases with legally binding decisions and imposing sanctions (around 10 states in Europe have set up such powerful, quasi-judicial equality institutions), [ability to bring cases to court](https://equineteurope.org/2019/the-legal-standing-of-equality-bodies/), intervening as third parties in legal cases and providing legal support to potential victims.

For more information, on the unique role of equality bodies and what sets them apart from other national public institutions for the implementation of human rights, please see also [here](https://www.coe.int/en/web/commissioner/-/tapping-the-full-potential-of-equality-bodies-for-a-fairer-europe) (testimony from the office of the Council of Europe Human Rights Commissioner on the role and importance of equality bodies) and also [here](https://equineteurope.org/2021/legislating-for-stronger-more-effective-equality-bodies-recommendations-for-future-eu-legislation/) (mentioning a list of strategic policy documents by the European Commission of the European Union that raise the possibility of a new biding legislation by the EU focused on strengthening European equality bodies).

**2. Categorization of your Work**

Please select one or more responses, as appropriate.

[ ] Public administration

[ ] Advocacy

[ ] Funding

[ ] Legal Assistance

[ ] Networking

[ ] Policy

[ ] Research

[ ] Technical Assistance

[ ] Training

[ ] N/A

[x] Other:

Equinet is a membership organization, whose mission is to support the work of national public institutions specialized in equality and non-discrimination. As explained in [Equinet’s Strategic Plan 2019 – 2022](https://equineteurope.org/equinet-at-a-glance/work-and-strategic-plans/), Equinet achieves this mission through a mix of activities for its members, which involves (from the above options) training, research, policy work as well as broader representation (of members and of their interests) and engagement activities at the European and, if applicable, international level, which could be partially linked to the above category “Advocacy.”

**3. City/Town: Brussels**

**4. State/Province: Brussels City**

**5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries)**

 Europe (37 European jurisdictions)

**6. Contact e-mail** (will remain confidential) in case we have questions:

**HOUSING DISCRIMINATION**

**7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):**

* People of African Descent, or Roma – Equinet publication [“Roma And Traveller Inclusion: Towards A New EU Framework Learning from the Work Of Equality Bodies”](https://equineteurope.org/2020/roma-and-traveller-inclusion-towards-a-new-eu-framework/) – for specific housing related examples of discrimination, including good practices by equality bodies, please see the following pages: p. 5 Slovenian case (bottom of the page), p. 12 (Albanian housing discrimination case), p. 18 – French two legal cases related to housing discrimination and one good practice by the Belgian equality bodies to engaging Roma and Travellers’ communities in finding an solution to their housing situation. Equinet’s publication ‘[Fighting Discrimination on the Ground of Race and Ethnic Origin](https://equineteurope.org/wp-content/uploads/2017/02/equinet_discussion_paper_final_-_web-2.pdf)’ includes a dedicated chapter on discrimination against Roma and Travellers in the field of housing (Chapter 3, p. 19-23). In 2016, Equinet was a co-signatory of a [joint statement on evictions of Roma and Travellers in Europe](https://equineteurope.org/wp-content/uploads/2016/06/opre_joint_statement_on_evictions_of_roma_and_travellers_in_europe_29_06_2016.pdf).
* Racial, caste, ethnic, religious groups/minorities or other groups - N/A
* Migrants, foreigners, refugees, internally displaced persons - N/A
* Women, children or older persons – for **women**, please see [Equinet Discussion Paper “Women in Poverty: Breaking the Cycle”](https://equineteurope.org/publications/women-in-poverty-breaking-the-cycle/). This discussion paper examines the effects of the COVID-19 crisis on women in poverty in four areas: the labour market, access to health and social services, **housing,** and access to education. For **older persons**, please see [Equinet’s submission to the European Commission’s Public Consultation ‘Demographic change in Europe – green paper on ageing’](https://equineteurope.org/wp-content/uploads/2021/04/Equinet-Submission-green-paper-on-ageing.pdf), under Question 17 “Which role can multigenerational living and housing play in urban and rural planning in addressing the challenges of an ageing population?”
* Indigenous peoples - N/A
* Persons with disabilities – in its submission to the recently released new [Disability Strategy of the EU](https://equineteurope.org/2021/summary-strategy-for-the-rights-of-persons-with-disabilities-2021-2030-a-view-from-equality-bodies/), Equinet has commented on the links between poverty and discrimination, specifically as it affects the access of disabled persons to affordable housing. For a practically useful discussion of national case law and experiences with “differentiating reasonable accommodation and accessibility”, including with respect to housing (for example, see p. 15 and p.17), please see the recently published [Equinet Discussion Paper on Reasonable Accommodation.](https://equineteurope.org/publications/reasonable-accommodation-for-persons-with-disabilities/)
* LGBTQ persons – lack of legal recognition and lack of legal protection for intersex and trans-persons means also lack of access to the right to adequate housing. [Equinet has discussed housing](https://equineteurope.org/2021/historic-ambitious-and-a-great-signal-for-equality-bodies-discussing-the-first-ever-eu-lgbtiq-strategy/), as one of several social rights and poverty-related areas that might be negatively affected for LGBTQI persons.
* Low income persons, including people living in poverty - [Under the CoE-FRA-ENNHRI- EQUINET Cooperation Platform on economic and social rights](https://www.coe.int/en/web/european-social-charter/coe-fra-ennhri-equinet-about):  Equinet has co-organized **two meetings** in 2018, which were dedicated to the right to housing under the consolidated European Social Charter: spring 2018 meeting (focus on national practices, mention of discrimination; see report with [conclusions here](https://rm.coe.int/report-of-the-6th-meeting-of-the-coe-fra-ennhri-equinet-collaborative-/16808f231a)) and fall 2018 meeting (focus on European & international good practices related to housing; see report with [conclusions here](https://rm.coe.int/report-of-the-7th-meeting-of-the-coe-fra-ennhri-equinet-platform-on-so/168093d0da)). All of Equinet contributions within the framework of the above Cooperation Platform on economic and social rights aim to explore and highlight the links between poverty and discrimination, thus always seeking to bring into focus the experiences of people living in poverty.
* Residents of informal settlements; persons experiencing homelessness – N/A
* Other social groups, please specify – Equinet was extensively consulted and met with the European Parliament Rapporteur Kim Van Sparrentak for a key recent report on homelessness during the outgoing COVID crisis, which led to a resolution by the EP, which call for [access to adequate housing to be recognized as a fundamental European right](https://www.europarl.europa.eu/news/en/press-room/20210114IPR95632/meps-access-to-adequate-housing-should-be-a-fundamental-european-right).

For more information on housing discrimination during COVID, please consult the [dedicated Equinet database for COVID-related work by European equality bodies](https://equineteurope.org/covid-19-response/#data).

**8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:**

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

All of the above aspects of the right to adequate housing seem to be affected by the housing discrimination practices, which European equality bodies report to Equinet, as they are often closely inter-linked. The dimension “cultural adequacy” is perhaps the only one that tends to be affected only in cases concerning Roma and Traveller communities, as well as certain minorities, who are set apart from the majority population of a given European state by virtue of a distinct linguistic, religious and/or cultural identity. “Security of tenure” also seems to be a component that affects disproportionately heavily Roma and Traveller communities and national minorities, but also undocumented and “irregular” immigrants, including persons with no nationality, and with respect to inheritance (from a partnership), also LGBQI persons.

**9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?**

Eviction laws in Europe, whether issued by local or central governments, which have the effect of unjustly targeting and disadvantaging Roma people, as well as homeless people, contributing to exacerbating discrimination with respect to the right to adequate housing. For an overview of EU laws and practices that deepen housing inequalities in the EU and deprive individuals and whole communities of their rightful access to decent and affordable housing, please see [the following report on homelessness by the European Parliament t](https://www.europarl.europa.eu/doceo/document/A-9-2020-0247_EN.html)o which Equinet has contributed.

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

Click here to enter text.

**SPATIAL AND RESIDENTIAL SEGREGATION**

**12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?**

 For examples of special segregation along several intersecting lines of disadvantage (i.e. ethnicity, income, heritage and in some cases, also religion and gender), please see Equinet’s publication [“Roma And Traveller Inclusion: Towards A New EU Framework Learning from the Work Of Equality Bodies”](https://equineteurope.org/2020/roma-and-traveller-inclusion-towards-a-new-eu-framework/)

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

Click here to enter text.

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

Click here to enter text.

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

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16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

Click here to enter text.

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

Click here to enter text.

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

Click here to enter text.

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

Click here to enter text.

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

Click here to enter text.

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

**21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?**

In the member states of the European Union, housing discrimination is explicitly prohibited by the so-called [Racial Equality Directive of 2000](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0043). The material scope of the Directive limits the anti-discrimination prohibition only to the grounds race and ethnicity and only to housing, which is in the form of a “service available to the public.” Despite these limitations, as noted in [an analytical report](https://www.migpolgroup.com/wp-content/uploads/2020/09/MINDSET-Handbook-on-the-Racial-Equality-Directive-003-final.pdf) published last year on the occasion of the twenty year anniversary of the Directive, the Racial Equality Directive has been interpreted by courts to cover all aspects of housing: sale and letting of properties, allocation of tenancies and management of rented accommodation in the public and private sectors, housing loans, and residential care institutions. The same report also notes that a relatively frequent form of direct discrimination under the Racial Equality Directive is racially segregated social housing.

In a similar way, going beyond the minimal standards for protection against housing discrimination set by the Racial Equality Directive, [more than half of the member states of the EU chose](https://www.equalitylaw.eu/downloads/5349-a-comparative-analysis-of-non-discrimination-law-in-europe-2020-1-31-mb) to offer protection against housing discrimination to both the public and private sectors, and again, [over half of the EU members states](https://www.equalitylaw.eu/downloads/5349-a-comparative-analysis-of-non-discrimination-law-in-europe-2020-1-31-mb) have chosen to broaden the scope of the relevant Directive to broader anti-discrimination protection in the housing sector to a number of grounds beyond “race and ethnicity.” Protection on an open-ended list of grounds in not infrequent. Furthermore, Ireland has included “housing assistance” as a ground of discrimination protected in its general anti-discrimination legislation.

In some cases positive duties with respect to promoting equality, existing in national legislation across EU member states, have been used to prevent housing discrimination and segregation. A dedicated [Equinet Report on Positive Action Measures](https://equineteurope.org/2015/positive-action-measures/) in the experience of equality bodies gives the following relevant example. In Slovakia, a total of 126.000 euros was provided by the Office of the Plenipotentiary for Roma Communities to promote their social and cultural needs in 2013. It is a self-help programme for the construction of houses for the Roma community. Funds for the construction of houses were obtained by three local authorities after approval by the Commission. The maximum grant for the construction of one house is 14.000 euros, and

only activities for the purchase of materials and construction supervision will be supported. The local authority provides the land and funds for building materials. People of Roma origin, as future tenants, must build the houses themselves. The house is owned by the local authority and the tenant must abide by the duties of tenancy.

An important conclusion of the above Equinet Report on Positive Action Measures, which is based on existing good practices among member states (for example, the UK and Ireland), is the usefulness and effectiveness of introducing mandatory equality duties (i.e. positive obligations) for public authorities to eliminate discrimination and advance equality relating to specific protected characteristics. Such public sector equality duties would oblige public authorities to consider whether positive action is required to remove disadvantages and meet the needs of or address under-representation in public life of people who share the protected characteristics, which could include all situations of housing and spatial segregation that entrusted to or otherwise managed by public authorities. Such a duty could potentially provide a driver for public authorities to use positive action measures when procuring goods and

services from the private sector.

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

Click here to enter text.

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

Click here to enter text.

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

Click here to enter text.

**25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?**

 **Equality bodies are the only specialized public institutional mechanism for reporting, redressing and monitoring discrimination cases** in the European Union and in European states from the broader EU neighborhood (i.e. CoE member states), including discrimination with regard to the right to adequate housing. Equality bodies are public institutions set up across Europe to promote equality and tackle discrimination on grounds of gender, race, age, sexual orientation, religion and belief, disability or other grounds. They play a fundamental role in the non-discrimination architecture of the EU. Their role is defined in accordance with EU equal treatment legislation requiring Member States to set up equality bodies to combat discrimination based on race and ethnic origin, as well as gender. Many Member States have gone beyond these requirements and ensured that equality bodies can also deal with discrimination based on other grounds. These bodies have a distinct role from national governments and civil society organisations. There is a considerable diversity **among national equality bodies in terms of size, mandate, grounds, resources, structure and experience.** Equality bodies play an important role in both protecting **the equal access to and equal enjoyment of the right to adequate housing**, but also in **preventing discrimination** with respect to the right to adequate housing and promoting **substantive equality vis-à-vis this right**. The main activities through which they do this and thus enable access to the right to adequate housing are the following: **- Investigating, monitoring and reporting** cases of discrimination – housing-related example: [the Belgian equality body UNIA](https://equineteurope.org/author/belgium_ceoor/) has conducting situational testing to monitor the private housing; - **Building a culture** that values equality, diversity and non-discrimination – through organizational capacity-building (both private and public sectors) and broader communication campaigns; housing-related example: [Finnish Non-Discrimination Ombudsman](https://equineteurope.org/author/finland_om/) has introduced mandatory non-discrimination training as part of the certification of real estate agents in Finland; - **Supporting potential victims** through information and often also legal advice; - Conducting **research** and providing **policy and legal recommendations** - **Engaging with public bodies, employers and NGOs** to foster non-discriminatory practices and ensure awareness and compliance with equal treatment legislation: housing – related example: Since the onset of the COVID crisis, [the National Centre for Human Rights in Slovakia](https://equineteurope.org/wp-content/uploads/2021/04/equinet_covid19-factsheet-A4_DEF.pdf) has organised online public consultations with organisations working with homeless people and low threshold community centers to monitor the situation of homeless people and people at risk of homelessness and build awareness on their rights.

**26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?**

Among the barriers for seeking justice in cases of discrimination with respect to the right to adequate housing are the following institutional and structural factors: 1) need for greater **accessibility and visibility of national redress mechanisms for protecting equality**, such as equality bodies – adequate and secure resources should be devoted to equality bodies reaching out to and building the litigious capacities of communities, who have suffered a history of systemic and structural discrimination; for example, mobile “legal support” centres/offices within the community or the segregated neighbourhood are a good practice, which exists in some member states; especially important for enabling the access of equality public institutions to systemically isolated and segregated communities is the availability of **local offices**, so that access to justice is not limited to the capital; 2) underreporting because of lack of knowledge and awareness about one’s rights; 3) the existing national equality law framework is not sufficiently horizontal and cross-sectoral in its design and/or implementation (i.e. it focuses on specific areas and sectors, as well as, on specific grounds), whereas the root causes for violations of the right to adequate housing are broadly reaching and presuppose a horizontal approach. Equality mainstreaming approaches, applied through both national policy and law, such as mandatory equality duties hold the potential to be effective for both addressing and preventing discrimination in relation to the right to adequate housing.

**27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.**

 Under Question 5 above, most of the Equinet publications and events which were linked contain examples of legal case-work, initiated or other supported and led by European equality bodies. For example, publication [“Roma And Traveller Inclusion: Towards A New EU Framework Learning from the Work Of Equality Bodies”](https://equineteurope.org/2020/roma-and-traveller-inclusion-towards-a-new-eu-framework/) mentions that in Albania, the **Commissioner for Protection from Discrimination** handled a case in relation to the eviction of Roma families from their residence of over twenty years, in Tirana in 2013. The Commissioner found there was no documentation to prove that the obligatory legal actions, providing for the eviction, were followed. There was no information on the measures that responsible institutions had taken to avoid negative consequences for the Roma community. The equality body made a recommendation to Tirana Municipality to implement a programme to provide social housing for Roma families. During the eviction, Roma families raised concerns that the police did not react to the forced removal or the verbal abuse they experienced. The equality body made a recommendation to the District Police Directorate of Tirana, to take measures necessary to respond to the issue in a legal and non-discriminatory way.

Again the same recent publication gives the example of France where two opinions of the **Defender of Rights** contributed to the repeal and replacement of a 1969 Act, that laid down provisions relating to travel documents (special travel documents and travel books) and the commune of residence, which constituted a considerable obstacle to free movement and led to discrimination against Travellers. These were: the opinion 16-19 of 21 July 2016 on the draft law on Equality and Citizenship in favour of Travellers' rights, and the opinion 15-11 of 20 May 2015 on the status, reception and housing of Travellers: bill n° 1610 on the status of Travellers. The Law of 27 January
2017 in article 195 repealed the Act of 3 January 1969

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

Click here to enter text.

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

Click here to enter text.

1. See article 2.1 of International Covenant on Economic, Social and Cultural Rights and the related General Comment No. 20 of the Committee on Economic, Social and Cultural Rights. [↑](#footnote-ref-1)