

# The Fight to Reclaim Housing Rights as European Human Rights

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## What use is a booming European economy if you cannot find a place to live?

In normal circumstances increased wages, rising employment, and higher growth would be cause for celebration. But in Ireland, economic growth has also brought pain. The country is experiencing its 13<sup>th</sup> consecutive quarter of record-high rental prices, now up to [an average of €1391 per month](#). Dublin is now the Eurozone's [most expensive city](#), in large part due to rents. Housing protests are an increasingly common occurrence and [homelessness is surging](#), especially among households with children.

Why are young people increasingly unable to rent or buy property in Europe's main cities? Why is there such a lack of affordable housing?

The UN special rapporteur for adequate housing, Leilani Farha, has highlighted one factor: the impact on rents and prices of the [global financialization of housing \[PDF\]](#), where international investment drives prices rather than local demand. In Ireland, alongside soaring rents, we have seen global investment funds buy up distressed home loans, "trophy" homes, and, more recently, blocks of rental housing. Farha also [recently criticized](#) the Irish government for facilitating this financialization with preferential tax laws and weak tenant protections—assertions that the government [sought to rebuff](#).

The transformation in the concept of housing from a human right to a globalized commodity raises questions about the influence of private equity firms on government housing priorities. State obligations to tenants—their housing rights as human rights—are getting harder to enforce as legislators try to keep up with the rapid pace of change.

Simply put: Housing is a human right. The right to adequate housing is enshrined in the Universal Declaration of Human Rights.

In the European Union there is one valuable, but underused, charter which homeowners and renters at risk of losing their homes can engage to assert their housing rights. The EU Charter for Fundamental Rights quietly became law 10 years ago, through the Lisbon Treaty, and [it stipulates](#): "In order to combat social exclusion and poverty, the Union recognizes and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources."

EU institutions and Member States must also respect and promote the Charter when they are implementing EU law. So, in effect, the Charter provides human and housing rights protection to EU citizens, yet most are unaware of its existence and its potential power.

EU institutions have been remiss in respecting the Charter rights. Indeed, the EU financial regulatory framework created after the financial crisis did not incorporate Charter rights protection

for EU citizens at all. That has implications for over 500 million people.

Failure to inform citizens of their right to protection under the Charter has real consequences. [A 2018 study \[PDF\]](#) by National University of Ireland, Galway, (part-funded by the Open Society Foundations) showed that 70 percent of mortgage possession cases had no legal representation despite their cases being directly supervised by the European Central Bank—a clear breach of the right to an effective remedy and fair trial—a fundamental human right contained in the Charter. As an EU institution, the European Central Bank needs to ensure that all its procedures are in line with all the requirements of the Charter.

We need to embed the language of housing rights as human rights within the EU financial regulatory framework. We also need to ensure that the regulators take into account the views of housing rights advocates, and adopt an approach that is more people-centered, and less about protecting bank assets. Financial stability requires balance. A balanced housing system in a long-term stable society means addressing everyone's housing needs, as part of their right to an adequate standard of living.

The Charter is the closest we have to European constitutional human rights.

As the new European Parliament assembles in September, its members should be asking why the Charter is not part of EU economic and financial governance arrangements. The former International Monetary Fund chief Christine Lagarde is about to assume leadership of the European Central Bank—the EU institution charged with managing Europe's finances. As a lawyer, she will understand the significance of the Charter and may be receptive to these ideas. Members of the European Parliament might well ask her:

Will you ensure that all the rights in the EU Charter of Fundamental Rights are fully respected and promoted in all the actions of your mandate? What will you do in your premiership to help remedy Europe's housing crisis?

A decade after the adoption of the EU Charter, with [growing homelessness in Europe's main cities](#), these questions need answers.

The National University of Ireland, Galway, is a grantee of the Open Society Foundations.

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