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Does the Right to Housing Constitute the Most Important Pillar of the Programs Dealing with Homelessness?

The Case of Finland

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1   Introduction

In 2017, the European Federation of National Organizations Working with the Homeless (FEANTSA) released a concerning report that emphasized the rise of homelessness and exclusion from housing in all EU countries except for Finland. Particularly many of the Union's largest cities have reached the crisis point; the big cities are however far from being the only ones to struggle with homelessness on a large scale.[1]

It is clear that the situation is getting increasingly worse as the numbers of people unfolding their sleeping bags on the streets of major cities all over Europe as well as around the world are rising significantly. But there is more to homelessness than just rooflessness.[2] Besides people sleeping rough on the streets that are almost considered a regular part of the life in a big city now and are ignored and frowned upon every day, there is also the hidden dimension of homelessness. This hidden dimension consists of people that lost their housing and now are living in provisional housing such as hostels, struggling pay check to pay check, not knowing whether tomorrow they won't have to leave even this unsuitable, uncertain and often unsafe kind of housing. It is ironic that such provisional housing is then both the very symptom of homelessness, as well as part of the intended solution as municipalities often try to deal with homelessness through building night shelters and other similar temporary kinds of housing.

The reasons why people find themselves in such provisional housing or on the streets can vary: from losing a job, being evicted, facing cuts in their housing and social benefits, becoming ill, ending a relationship or marriage or simply not being able to find housing due to the situation on the housing market and the demand that exceeds the supply etc. Even though there can be many reasons for becoming homeless and also more ways of being homeless, it is clear that the common denominator here is the lack of stable housing.

To tackle this issue more effectively, certain aspects surrounding housing need to be discussed first, if a viable solution is supposed to be found. First of all, the question what are

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[1] Europe and Homelessness: Alarming Trends. 2017. Feantsa.org. Available at: http://www.feantsa.org/download/europe-and-homelessness-alarming-trends3178124453170261721.pdf. [accessed 20 September 2017].

[2] Fazel, Seena, John R Geddes, and Margot Kushel. 2014. "The Health of Homeless People in High-Income Countries: Descriptive Epidemiology, Health Consequences, and Clinical and Policy Recommendations". *The Lancet* 384 (9953): 1529-1540. Pp. 1530.

the state responsibilities regarding housing needs to be asked. Are states responsible for dealing with homelessness in the first place? And if they are according to the international law, what can they do to make the homelessness programs more effective? Second of all, the integral role of housing must be explored. Why is stable housing so important? What are the different kinds of housing provided in the homelessness programs and how do the chosen kinds of housing affect the effectiveness of such programs? And why does the permanent supportive housing used in the Finnish Housing First program seem to be so far the most efficient, according to the FEANTSA data? All these questions should be answered in this Master's thesis.

1.1   Why Study Homelessness?

As mentioned above, homelessness across Europe is becoming a pressing social issue and states ought to take actions to fight this phenomenon and provide homeless people with adequate solutions. The issue however is that governments often don't choose the most efficient way of tackling homelessness, even though more efficient solutions such as the permanent supportive housing can in fact prove to be less expensive than various temporary solutions. Such temporary solutions can then in fact further contribute to the issue as they don't provide the necessary security.

The reason for this isn't necessarily that the policy makers don't care less about the increasing homeless population; but they might simply care more about their own re-election. Long-term policies and especially those that might be attacked by some as seemingly based on "handing out housing to those that don't contribute" simply aren't too popular in today's society, and as such, they can potentially pose a risk to those policy makers that care more about their own re-election than the effects of their policies. For that reason it sometimes might not even matter that in the long run, these policies prove to be less expensive and more efficient than policies that simply put a bandage over the wound instead of dealing with the causes. Yet, as the numbers of homeless populations continue to rise, it is clear that the current approaches of most states simply will not be sustainable; those approaches will have to change.

That is why homelessness needs to be studied carefully; for states to come up with efficient actions to combat homelessness, different models must be examined and the one that is best functioning should become widely implemented. For that reason, this thesis looks into the Finnish Housing First program; examines whether this was the main reason for the sole

Finnish success amongst the homelessness-failing European countries and attempts to determine whether this solution could potentially be replicated across Europe.

1.2 Basic Terms Regarding Homelessness

According to the European Typology of Homelessness and Housing Exclusion (ETHOS) that was created by FEANTSA, there are several categories of homelessness; and it is essential to distinguish between them as each comes with their own characteristic challenges. This conceptualization is extremely important not only when governments and NGOs deal with homelessness or for scholars that research this particular issue; ETHOS also provides us with these common definitions to facilitate the exchange of homelessness related knowledge between the European states. This common framework simply helps us to learn from the successful cases in other countries more easily.

According to ETHOS, the following categories can be distinguished:

- "Rooflessness, also called rough sleeping, which means living without a shelter of any kind;

- Houselessness, which means having a place to sleep but only temporarily in institutions or shelters;

- Living in insecure housing, which means being threatened with severe exclusion due to insecure tenancies, eviction, domestic violence etc.;

- Living in inadequate housing, which means living in unfit housing, in extreme overcrowding or in caravans or illegal campsites."[3]

Having a home can then be conceptualized as:

- "Having a decent dwelling or space adequate to meet the needs of the person and his / her family (physical domain);

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[3] ETHOS Typology on Homelessness and Housing Exclusion. 2005. Feantsa.org. Available at: http://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion [accessed 23 January 2018].

- Being able to maintain privacy and enjoy social relations (social domain);

- Having exclusive possessions, security of occupation and legal title (legal domain)".[4]

In this thesis, I will therefore adhere solely to the ETHOS terminology by FEANTSA as I consider it transparent and well-arranged.

1.3 Research Questions

In this Master's thesis, I have decided to concentrate on the three most important research questions regarding housing in homelessness programs. This way I should be able to deal with both the right to housing under the international law and the resulting state obligations, the importance and role of housing in the programs dealing with homelessness and the actual kind of housing that provided so far the apparently most impressive results; the permanent supportive housing as shown on the case of Finland and its Housing First program.

Firstly, to find out what the state responsibilities are here, I had to look into the particular provisions of international law that deal with the right to housing. For that reason, the first research question I sought to pose was the following:

- What are the obligations of states with regard to housing under the international law?

Secondly, it was essential to find out how important housing actually is as a component in the programs dealing with homelessness. Is it the most important part of such programs because it gives the person the necessary security of livelihood on which everything else can be than based? Or is it rather an equal part that must be dealt with alongside other aspects such as work, healthcare, support network etc.? To find out, I had to explore the second research question:

- What is the role of housing in the programs dealing with homelessness?

Thirdly, I concentrated on the specific kinds of housing used in homelessness programs in order to find out why some programs are more effective than others, as the data shows. To

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[4] Homelessness and Homeless Policies in Europe: Lessons from Research. 2010. Ec.europa.eu. P. 19. Available at: ec.europa.eu/social/BlobServlet?docId=6442&langId=en [accessed 25 January 2018].

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narrow this down, I compared the three main kinds of housing applied in the cases of homelessness, the emergency housing such as hostels and night shelters, the transitional housing and the permanent supportive housing. According to the National Health Care for the Homeless Council, permanent supportive housing is "a model that combines low-barrier affordable housing, health care, and supportive services to help individuals and families lead more stable lives"[5]. The third research question was therefore:

- Why does permanent supportive housing seem to tackle homelessness more effectively than provisional housing, with reference to the case of Finland?

1.4 Outline of the Thesis

In Section 2, the theoretical background will be examined. Here, the focus will be on some of the most prominent theories on homelessness. In addition to that, I will look into the main causes of homelessness, as well as the biggest challenges surrounding this phenomenon, as it is extremely important to understand these aspects first before proceeding to the proposed solutions. In Section 3, methodology and research design will be introduced.

In Section 4, I will look into the international law to find out what it says about the right to housing. Here the focus will be mainly on the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights but I will also inquire into the provisions of other international law treaties that could apply in case of the right to housing. Because of the particular interest in the European context, the relevant provisions of the European Convention on Human Rights - and particularly the Revised European Social Charter will be examined as well. This part is very important as it lays down the possible state responsibilities and therefore helps to answer my first research question aimed at the obligations of states in connection to housing under the international law.

In Section 5, the role of housing in the homelessness programs is explored. It is clear that there are several areas that must be dealt with in order to effectively rehabilitate homeless persons. Besides dealing with the housing situation, it is also important to ensure the possibility

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[5] Permanent Supportive Housing. National Health Care for the Homeless Council. Available at: https://www.nhchc.org/policy-advocacy/issue/permanent-supportive-housing/ [accessed 2 April 2018].

of return to work. In addition, health issues including mental health can hinder effective rehabilitation and therefore should be addressed, and last but not least, it is important to create some kind of support network that will ensure both emotional support and help the people deal with obstacles they might face when returning to regular life. In this part, my second research question is addressed, in terms of the role of housing in the programs dealing with homelessness.

In Section 6, I will concentrate on the case of Finland which will help me answer my third research question; why does permanent supportive housing appear to tackle homelessness more effectively than provisional housing? Another question that will be addressed in this part is whether this permanent supportive housing program is the main reason for the Finnish success. This is important to be able to determine whether this solution could and should potentially be replicated across Europe.

It is clear that this thesis will concentrate on the European context exclusively, in spite of the fact that homelessness clearly is a worldwide phenomenon. The reason for this is that every regional context is different, and it would be inefficient to make generalizations too big to fit every region; the very way of thinking is after all quite different in Europe, the USA or for example South-East Asia. Welfare regimes and lower inclination to incarceration are one of the most important components that make a difference when it comes to homelessness, and even though welfare systems are not spread evenly across Europe, it is clear that the European social model has a prominent position in comparison to the rest of the world. Therefore this Master's thesis will only deal with the European context in order to create understanding that might later contribute to improvement of homelessness programs across Europe.

2   Theoretical Background

Before concentrating on the aspect of housing itself, it is important to first of all look into homelessness as a whole to be able to begin to more fully understand it. In the first sub-section the theories of homelessness will be examined as they help us with better understanding of what is being studied in this thesis. After that in the second sub-section, the focus will be on the main causes of homelessness ("the route into homelessness"), in the third sub-section some of the current challenges surrounding it will be addressed and finally in the fourth sub-section I will look into the possible solutions ("the route out of homelessness").

2.1   Theories of Homelessness

In the past, homelessness has been mostly viewed as a result of individual pathology, such as substance abuse or ill-health. Since the 20th century, statistics and ethnographic studies were used to study people that were living rough and using emergency housing. Data from this research indicated a high prevalence of mental health issues and substance abuse mainly within the lone adult male population. When researching homeless families however, data showed the impact of extreme poverty and indicated spikes linked to economic recession, downwards shifts in affordable housing supply and welfare system cuts. Because of this, academics started concentrating more on the structural factors. The question whether it is mostly individual moral lapses or rather the structural factors that cause homelessness was however still on the table.

For that reason, in 1990s the "new orthodoxy" emerged and finally changed the theoretical debate on homelessness. According to this "new orthodoxy", the reasons for homelessness were neither purely individual nor purely structural; instead, homelessness was caused by the interaction of both individual and structural factors.[6]

According to Fitzpatrick, there are following key assertions of the "new orthodoxy": "structural factors create the conditions within which homelessness will occur, people with personal problems are more vulnerable to these adverse social and economic trends than others; and the high concentration of people with personal problems in the homeless population can be

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[6] Pleace, Nicholas. 2016. "Researching Homelessness in Europe: Theoretical Perspectives". *European Journal of Homelessness* 10 (3): 19-44. P. 20.

explained by their susceptibility to macro-structural forces, rather than necessitating an individual explanation of homelessness"[7].

According to the "new orthodoxy", there are three main factors that function in conjunction; personal capacity (resilience, coping skills and access to financial resources), access to informal support and access to formal support. Where personal capacity is limited, family, friends or partner can provide informal support and therefore balance the limited personal capacity. When this informal support is limited or non-existent, formal support, such as welfare, social housing system or homelessness services can balance that, as well as the limited personal capacity. Even the formal support could however be limited through cuts to welfare system, underresourcedness, discrimination and therefore limited access to the formal support for certain groups etc. Generally speaking, one of the three main factors in this system is allowed to fail if the other two work properly; once two of them fail, homelessness becomes much more probable. Should all three factors fail, homelessness is then almost unavoidable.[8]

Based on the conjunction of these three factors, it became apparent that countries with well-resourced and highly accessible welfare regimes that produce relatively low levels of poverty and inequality would suffer from homelessness less than countries where this formal support would be lacking. In addition to the influence of welfare states, there is however also the influence of housing markets; highly pressurized housing markets generally cause more homelessness than the slack ones, and so does lowered accessibility and affordability of housing.[9]

A close demonstration of the "new orthodoxy" is the Housing First program in general. Due to the emphasis on housing as a basic human right but also because of the emphasis on the individual factors, the individual needs of clients are met through services based on informed choice.[10] This way, both structural and individual factors are addressed.

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[7] Fitzpatrick, Suzanne. 2005. "Explaining Homelessness: A Critical Realist Perspective". *Housing, Theory and Society* 22 (1): 1-17. P. 4.
[8] Pleace, Nicholas. 2016. "Researching Homelessness in Europe: Theoretical Perspectives". *European Journal of Homelessness* 10 (3): 19-44. P. 21-22.
[9] Stephens, Mark, and Suzanne Fitzpatrick. 2007. "Welfare Regimes, Housing Systems and Homelessness. How Are They Linked?" *European Journal of Homelessness* 1 (1): 201–212. P. 208.
[10] Hansen Löfstrand, Cecilia, and Kirsi Juhila. 2012. "The Discourse of Consumer Choice in the Pathways Housing First Model". *European Journal of Homelessness* 6 (2): 47-68.

In this thesis, I have decided to accept Suzanne Fitzpatrick's premise that structural factors are the ones that create the conditions within which homelessness occurs, which is particularly visible at times of an increase due to changed economic climate, sudden lack of affordable housing, austerity measures etc. For that reason I have chosen to concentrate on the housing aspect.

As we can see, housing appears to be on both sides of this issue. At the starting point, there often is a situation where housing is inaccessible or unaffordable. That makes a person that's vulnerable due to individual factors lose their housing and become homeless. At the final point, there must be enough affordable housing and the housing market must be accessible in order for homeless people to successfully rehabilitate. Of course, other aspects matter to a large extent as well and must be taken care of, but in a way, housing is the alpha and omega of homelessness. For that reason housing became the main area of focus for this thesis.

2.2 Understanding Homelessness: Causes and Triggers

Homelessness is without doubt an extremely complex issue and there are many different causes and triggers that lead to it; we can name for example unemployment and poverty, lack of affordable housing, austerity measures and cuts to the welfare support, migration, substance abuse, mental illness and other health problems etc. Causes of homelessness used to be the main subjects of study in the past before the new and very important focus on routes out of homelessness appeared more recently. In my opinion it is however essential to look into both; what causes homelessness in the first place and what possible solutions there are.

According to Neale, there are two broad categories of explanations for homelessness, as suggested, structural and individualistic. As for the structural ones, those find the explanations for homelessness in social and economic structures and therefore talk about poverty, negative labour market forces, inadequate social service coverage, austerity measures and lack of accessible affordable housing. According to the individualistic set of explanations, the reasons for homelessness result from personal characteristics and behaviours of homeless people and consider homelessness a consequence of personal problems, such as addiction and substance abuse or mental illness. While the individualistic explanations were predominant before the 1980's, the structural explanations emerged a bit later. Today, homelessness is often viewed by

researchers as a "result of a complex interaction between adverse individual and structural events", even though the structural explanations became prevalent.[11]

In the following sub-sections, I will therefore look more closely into some of these causes, both individual and structural. It is however also important to mention that very often, some of these factors can be both causes and consequences of homelessness.

As Ippolito and Sánchez emphasize, sociological studies of poverty have highlighted the contributing effects of other kinds of deprivations on income poverty, demonstrating that poverty is not just the cause of homelessness but is often also its consequence.[12] The same can then go for other factors such as unemployment, mental health issues, substance abuse etc. as will be explained in the following subsections.

2.2.1 Unemployment, Low Paid Work and Poverty

The correlation between poverty and homelessness is hardly surprising. It is clear that people that are living most in poverty are in the largest risk of becoming homeless. Even though there are exceptions of higher-income people becoming homeless due to personal tragedy, harsh divorce etc., people that are living under the poverty line still face the greatest chance of losing the roof over their heads.

Unemployment and poverty are then not only the causes of homelessness but also the consequences. The majority of homeless population in the EU must live on very limited income as they are usually either unemployed or working inlow-income jobs with little or no security and stability. The logical consequence of this is that successful rehabilitation into an "ordinary life" without any kind of well-functioning safety net is extremely difficult under these circumstances. In addition to that, poverty – whether due to unemployment or low paid work – is also closely linked to the lack of affordable housing.

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[11] Homelessness and Homeless Policies in Europe: Lessons from Research. 2010. Ec.europa.eu. P. 9-10. Available at: ec.europa.eu/social/BlobServlet?docId=6442&langId=en [accessed 25 January 2018].

[12] Ippolito, Francesca, and Sara Iglesias Sanchez. 2015. *Protecting Vulnerable Groups: The European Human Rights Framework*. Oxford, United Kingdom: Hart Publishing. Pp. 403.

2.2.2 Lack of Affordable Housing

As mentioned in the previous sub-section, there is a clear link between poverty and the lack of affordable housing; the number and types of accommodation a person living in poverty can afford is in most places very limited and at the same time, disadvantaged people are often viewed as risky tenants that might cause problems to the landlord. The access to housing then becomes even more problematic in cities struck by housing crisis such as London where finding affordable housing is an urgent problem, which more and more people struggle with; and not only the poorest. Germany has however proven that where there is a political will, there is a policy way as it showed a positive effect of a slackening housing market and targeted prevention policies on reduction of homelessness, in spite of increasing poverty and unemployment.[13]

For that reason, it is clear that housing provision and housing policy play an important role in preventing homelessness, as well as helping people finding the way out of homelessness. Considering the fact that the right to housing is one of the most fundamental rights, government intervention to invest in social housing is critical given that is at its current state getting under more and more pressure with numbers of homeless people rising across Europe.

2.2.3 Migration

After getting hit by the refugee and migrant crisis in 2015, migration became an even more prominent cause of homelessness in Europe than before; the truth however is that migrants and migrant workers have been in significant risk of becoming homeless even before migration hit the front pages of newspapers.

Historically, homelessness amongst migrants concerned particularly the economic migrants from Central and Eastern Europe, as well as the Roma minority. The reasons causing homelessness amongst migrants are particularly their relative disadvantage in labour and housing markets, prejudice and discrimination and worse access to welfare services and social

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[13] Homelessness and Homeless Policies in Europe: Lessons from Research. 2010. Ec.europa.eu. P. 49. Available at: ec.europa.eu/social/BlobServlet?docId=6442&langId=en [accessed 25 January 2018].

housing.[14] Considering the often limited access to welfare services, the question of health care then comes into play, both in cases of mental illness and other health related issues.

2.2.4 Mental Illness and Other Health Problems

It is clear that mental illness and other health issues can be counted as both causes of homelessness and the end results. While mental illness and other health related issues often cause a person no longer to be able to take care of themselves and their responsibilities which results in them losing their homes, mental and other health issues can often also appear later as consequences of being homeless. After all, it is clear that homelessness is a strong stress factor that can provoke sharp deterioration of person's mental health.

Research shows that there is a large variety of psychological difficulties observed among the homeless population; their specific kinds often depend on ethnicity, gender and age to a certain extent. Personality and bipolar disorder, depression, schizophrenia, self-harm and attempted suicides are among the most common problems homeless people face in this area. Unfortunately, only less than one third of homeless people with mental health issues receive treatment.[15]

Besides mental health there are also physical health problems frequent among the homeless population, such as respiratory and cardiovascular conditions, wound infections, liver damage, epilepsy or cancer.[16] Those are extremely important to be addressed as well, yet homeless individuals, particularly those that are roofless or have been experiencing houselessness for a longer period of time, are not able to deal with them in a proper way due to various restrictions and obstacles.

In addition to that, for women, there is a significant risk of sexual abuse which causes profound psychological trauma and can lead to substance abuse, as alcohol or drugs have been proven to be more likely used by those with history of sexual abuse than those without.

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[14] Pleace, Nicholas. "Immigration and Homelessness". Centre for Housing Policy, University Of York, UK. P. 144.

[15] Homeless in Europe: Homelessness and Mental Health. 2013. Feantsa.org. Available at: http://www.feantsa.org/download/homeless_in_europe_summer_20138191538203323085145 .pdf [accessed 26 January 2018].

[16] Perry, Jennifer, and Tom K.J. Craig. 2016. "Homelessness and Mental Health". *Trends in Urology & Men's Health* 6 (2): 19-21. P. 19.

Homeless females are more likely to be affected by sexual abuse than homeless males.[17] Sadly, they can get into these kinds of situations not only on the street but also in many emergency shelters that simply do not offer enough protection for all homeless individuals.

Serious health issues also worsen vulnerability, for example, there are higher rates of HIV, hepatitis and some other illnesses among the homeless population, and other problems related to substance abuse.[18]

2.2.5 Substance Abuse

Similar to mental illness and other health related issues, substance abuse, one of the most prominent individualistic explanations, can be considered both a cause and a consequence of homelessness. According to FEANTSA, substance abuse can be a significant contributing or aggravating factor in situations of homelessness and housing exclusion, and as the reports show, the rates of substance abuse are higher among the homeless population than among the housed individuals.[19]

It is therefore clear that even in cases where substance abuse was not the primary cause of homelessness, it often constitutes one of the consequences due to the understandable urge to numb both mental and physical pain and escape from past and current traumas. During cold winter days, alcohol is often used as a way of getting warm, in spite of many homeless people being aware of the dangers and the fact that the warmth resulting from alcohol consumption is rather illusory.

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[17] Rew, L., Taylor-Seehafer M., and M. L Fitzgerald. 2009. "Sexual Abuse, Alcohol and Other Drug Use, and Suicidal Behaviors In Homeless Adolescents". *Issues in Comprehensive Pediatric Nursing* 24 (4): 225-240. P. 225-226.

[18] Homeless in Europe: Homelessness and Mental Health. 2013. Feantsa.org. Available at: http://www.feantsa.org/download/homeless_in_europe_summer_20138191538203323085145 .pdf [accessed 26 January 2018].

[19] FEANTSA's response to the Commission Green paper on the role of the Civil Society in Drugs Policy in the European Union: Making the most of the expertise of the homelessness sector on drugs and substance abuse issues. 2006. Ec.europa.eu. P. 19. Available at: http://ec.europa.eu/justice/anti-drugs/files/contribution-feantsa-belgium_en.pdf [accessed 29 January 2018].

2.2.6 Other Causes

As already mentioned, there are various aspects that can cause homelessness. Besides what has already been listed above, there are also the following events that can often lead to homelessness. One of the key triggers is, for example, leaving prison as people released from such institutions often find that they have nowhere to go back.[20] The reasons for this can be broken family ties, lack of social network or difficulties in finding a job with a criminal record. This is the case with other kinds of institutions as well, such as children's homes; young adolescents often leave children's homes without being prepared for living outside the institution. Without any kind of family support or social network, it is then very easy to end up in insecure or inadequate housing or in the worst cases, houseless or even roofless.

Other reasons can be for example divorce or end of relationship after which people can be caught in a situation where they are left without a place to live. Various forms of homelessness can also be a result of domestic abuse because of which people are forced to leave their homes without often having an alternative plan on where to resort. Those kinds of situations can easily become triggers for homelessness when there is no safety net available, either in the form of friends and family or emergency shelters and homes for women in need. And even if those family and social ties or emergency shelter possibilities are in place, they can easily turn into a long-term insecure housing or even a situation of houselessness as those can hardly be considered a stable and adequate homes.

As apparent from all the causes listed above, there are a large number of situations that can lead to homelessness and that is one of the reasons why homelessness is such a complex issue. It is clear that different causes for the "way in" require different solutions in order to find the "way out"; one common aspect for all is however always the need for housing. Hence, even though it is important to concentrate on the causes of homelessness, it is also vital to focus on what all those cases have in common in order to be able to solve this issue.

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[20] Homelessness and Homeless Policies in Europe: Lessons from Research. 2010. Ec.europa.eu. P. 4. Available at: ec.europa.eu/social/BlobServlet?docId=6442&langId=en [accessed 25 January 2018].

2.3 Main Challenges Regarding Homelessness

It is clear that with an issue as complex as homelessness, there will be many challenges surrounding it. For that reason, I believe it is important to mention at least three of the important challenges that were also emphasized by the European Commission; rising numbers of homeless people, changing profile of their population and high costs (both financial and social) related to not dealing with homelessness.[21]

2.3.1 Rising Numbers

As already mentioned above, the numbers of homeless population and people affected by housing exclusion have been rising significantly all over Europe, with only Finland being the exception. With these rising numbers, homelessness is becoming an even more prominent problem that needs to be dealt with; however at the same time, it becomes significantly harder to solve as the numbers of the homeless population increase.

The most alarming situation can be observed particularly in many of the capitals in Western Europe such as London or Brussels but also in Eastern Europe such as Poland or Lithuania and due to the financial crisis that hit Southern Europe hard - also in Greece or Italy.

Just to illustrate, in London there has been reported a 7 % increase in rough-sleeping in a single year between 2015 and 2016. In England, the number of people sleeping rough increased by 30 % between autumn 2014 and autumn 2015, which marks the highest increase among all the parts of the UK. This trend of rising number of homeless people is not a recent thing though as we were able to observe it over a longer period of time. According to the 2017 FEANTSA report, in London the number of families living in temporary housing has risen by 50 % since 2010. In the past 4 years, the number of homeless people in Brussels rose 34 % and in France the number of homeless people doubled between 2001 and 2012. The only country

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[21] Homelessness: Challenges. European Commission: Employment, Social Affairs and Inclusion. Available at: http://ec.europa.eu/social/main.jsp?catId=1061&langId=en. [accessed 5 March 2018].

appearing in "green numbers" has been Finland that managed to reduce single homelessness by 10 % in the past 3 years.[22]

HOMELESSNESS IN EUROPE: AN ALARMING PICTURE

LOCATION – NON-COMPARABLE – NON-EXHAUSTIVE OF ALARMING TRENDS IN HOMELESSNESS IN EUROPE

GREAT-BRITAIN — LONDON
+7% — people sleeping rough in 1 year

IRELAND — DUBLIN
+59% — families in homeless accommodation in 1 year

THE NETHERLANDS
+50% — young homeless in 1 year

BELGIUM — BRUSSELS
+34% — homeless people in 4 years

LUXEMBOURG
+61% — people in adult homeless accommodation in 4 years

SPAIN
+5% — homeless people in 7 years

SPAIN — BARCELONA
+8% — homeless people in 2 years

FRANCE
+50% — homeless people in 11 years

FINLAND
-10% — single homeless in 3 years

DENMARK
+85% — young homeless in 6 years

LITHUANIA
+32% — people in shelters for mothers and children in 8 years

POLAND
+17% — homeless people in 2 years

GERMANY
+35% — homeless people estimated in 2 years

AUSTRIA
+28% — registered homeless people in 6 years

ITALY
+6% — homeless people in 6 years

GREECE — ATHENS
71% — 9,000 estimated homeless people were forced to live on the streets in the past 5 years

Evidence from across Europe points to a worsening homelessness situation. Finland is the only exception, showing the effectiveness of implementing a long-term homelessness strategy.

WARNING: These statistics are not comparable. The situations described, the sources (official as far as possible), the periods of time and the methodologies are different and specific to each of the countries concerned. Details and explanations regarding the data are available in the following pages.

[Source: INSP[23]]

[22] Europe and Homelessness: Alarming Trends. 2017. Feantsa.org. Available at: http://www.feantsa.org/download/europe-and-homelessness-alarming-trends3178124453170261721.pdf. [accessed 20 September 2017].

[23] Alarming Trend Shows Homelessness Crisis Across Europe. International Network of Street Papers. Available at: https://insp.ngo/alarming-trend-shows-homelessness-crisis-across-europe/. [accessed 5 March 2018].

2.3.2 Changing Profile of the Homeless Population

In addition to the rising numbers of homeless people from all four categories we can observe all over Europe except for Finland, there is another challenge upon us; the changing profile of the homeless population.

According to FEANTSA, this has been largely happening since the beginning of the recession in late 2007 as more and more people started being priced out of the housing market due to rising costs of accommodation. Not only people living below the poverty threshold but also young people, those with dependent family members or migrants now became much more susceptible to housing exclusion.[24]

Even though the predominant homeless person would still be a middle-aged single man, the numbers of women, younger people and families with children have been increasing. Besides the phenomenon of people being priced out of the housing market, another reason for this changing profile is, as suggested, migration, both from Eastern Europe and from outside the EU.[25]

2.3.3 High Costs of not Dealing with Homelessness

While there are without doubt high costs of dealing with homelessness, it is becoming clear that there are even higher costs, both financial and social, of not dealing with it. Homelessness and particularly rooflessness is often linked to mental illness and / or substance abuse, which affects not only the homeless people in question but the whole society as well because substance abuse can then be further linked to criminal activity.

Also from the economical point of view it is better to deal with homelessness, particularly if the programs in place are efficient and deal with homelessness in a way that brings good results, such as in the case of Finland. According to the Finnish Y-Foundation's

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[24] Homeless in Europe: Increases in Homelessness. 2017. Feantsa.org. Available at: http://www.feantsa.org/download/increases-in-homelessness4974810376875636190.pdf [accessed 25 January 2018].
[25] Homelessness and Homeless Policies in Europe: Lessons from Research. 2010. Ec.europa.eu. P. 4. Available at: ec.europa.eu/social/BlobServlet?docId=6442&langId=en [accessed 25 January 2018].

CEO Juha Kaakinen, providing stable living conditions is in the end cheaper as it allows the use of mainstream services instead of using much more costly emergency services.[26]

2.4   Routes out of Homelessness

As mentioned above, while the causes of homelessness have been the most prominent subjects of study in this field for a long time, the concentration on the possible routes out of homelessness only appeared a few years ago. Because of the diversity of the homeless population, it is clear that there cannot be a single universal solution to get people out of homelessness. While additional support services such as mental health treatment, drug and substance rehabilitation etc. can vary based on individual needs, there is one common denominator for all; housing. Every person affected by homelessness is in need of a stable, sustainable and affordable housing. For that reason, enabling access to adequate housing is vital when trying to deal with homelessness effectively.[27]

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[26] What can the UK learn from how Finland solved homelessness? 2017. The Guardian. https://www.theguardian.com/housing-network/2017/mar/22/finland-solved-homelessness-eu-crisis-housing-first [accessed 26 January 2018].
[27] Homelessness and Homeless Policies in Europe: Lessons from Research. 2010. Ec.europa.eu. P. 5. Available at: ec.europa.eu/social/BlobServlet?docId=6442&langId=en [accessed 25 January 2018].

3 Methodology

In Section 4, I will look at this specific component of homelessness programs first from the legal point of view by examining the responsibilities of states regarding housing. The right to housing is protected in multiple international legal documents and treaties. The most important conventions to be looked into in this particular section will be the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the three related General Comments (General Comment no. 4, General Comment no. 7 and General Comment no. 20). For that reason, in this part I shall employ the method of close reading of the relevant legal texts.

In addition to the aforementioned conventions and General Comments, I will examine other international legal documents as well, such as the Convention on the Rights of the Child, Convention on the Elimination of All Forms of Racial Discrimination and Convention on the Elimination of All Forms of Discrimination against Women. In addition to this, since this thesis concentrates on the European context of homelessness, I will also look into the relevant European legal documents, the European Convention on Human Rights and more importantly the Revised European Social Charter. In this section, a thorough legal analysis shall therefore be conducted and state obligations regarding the right to housing shall be identified, both through the reading of relevant legal provisions and through textual analysis of sources by influential experts such as Asbjørn Eide.

After establishing the responsibilities of states regarding the right to housing, I will look into different kinds of housing used in the homelessness programs in Section 5. This is particularly important as it became apparent that the temporary housing might not be the most efficient, secure and even economically favourable way of dealing with housing for homeless population. Being objective in my approach, I find it necessary to look into all three ways (emergency shelters, transitional housing and permanent supportive housing) and compare their advantages and flaws. In addition to this, Section 5 will also look into the relationship between housing and other aspects of the programs dealing with homelessness. In this section, a thorough textual analysis shall therefore be conducted. In the first step, relevant literature on homelessness will be gathered, with particular interest in those books and articles that look into the role of housing and various types of shelters that are being used in the homelessness

programs. After that, the findings of relevant researchers will be carefully studied in order to be later built on.

In Section 6 of this thesis, a country case study will be conducted, focusing more closely on Finland and its Housing First program. In this part, an analysis of the homelessness statistics shall be conducted to see the difference between the situation before and after the Finnish Housing First program. After that I will conduct a qualitative analysis of the Housing First program to find out whether this was the sole reason for Finland to become the only European country that managed to reduce the homelessness numbers and what particular components of this program made it so successful and innovatory. Understanding this, it will be easier to identify how this program could potentially be replicated elsewhere, which is exactly what shall be done in the last sub-section of Section 6. In this sub-section a set of recommendation for other countries that aim to tackle homelessness shall be prepared, based both on the case study of Finland and on the existing textual knowledge.

4 The Right to Housing under the International Law

In this following section, a thorough legal analysis shall be conducted. The main output should be establishing the state responsibilities regarding the right to housing, which will also answer the first research question aimed at the state obligations in connection to housing under the international law. That is particularly important because states often act in violation to these obligations or don't act at all.

4.1 The Right to Housing in the Universal Declaration of Human Rights

The first international legal document to be considered here is the Universal Declaration of Human Rights (UDHR). While at the time of its adoption in 1948 it was not viewed as a legally binding treaty imposing legal obligations of states, later it became part of customary international law, as it constitutes the key source of global agreement on human rights.[28]

Measures that are relevant in case of homelessness can be found in several of the UDHR's provisions. The most important one is however the one directly related to the right to housing which is entrenched in Article 25 of the UDHR. According to Article 25 (1), "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control". Article 25 (2) then establishes special protection on the matter for mothers and children.[29]

The human right to housing can then be derived from the right to an adequate living standard, and from this particular provision, the obligations of states seem to be relatively clear.

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[28] Hurst, Hannum. 1998. "The Status of the Universal Declaration of Human Rights in National and International Law". *Interights Bulletin* 12 (1): 287–397. P. 317-353.
[29] UN General Assembly: Universal Declaration of Human Rights. 10 October 1948. United Nations. Available at: http://www.un.org/en/universal-declaration-human-rights/ [accessed 7 April 2018].

State Parties must ensure that everyone's right to an adequate standard of living is being adhered to, and not solving the issue of thousands of people living on the streets certainly does not ensure such thing.

There are however also other provisions relevant in the case of homelessness besides the right to housing as such, for example the Article 21 that talks about the right to equal access to public services. This is often a substantial issue as homeless people often face difficulties in accessing public services. This then also applies to homeless migrants. In the EU, problems in accessing public services is often something that even the EU migrants face, is spite of the fact that their EU citizenship guarantees them the same rights as the country citizens enjoy.[30]

4.2   The Right to Housing in the International Covenant on Economic, Social and Cultural Rights

4.2.1 International Covenant on Economic, Social and Cultural Rights

Important provisions regarding the human right to housing can then be found also in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The most significant would surely be Article 11. According to Article 11 (1), "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 co-operation based on free consent."[31]

This part is absolutely vital for establishing the state obligations regarding the right to housing as it implicitly mentions the need for appropriate measures to be taken by the State Party and therefore lays it down as a state responsibility. Considering that the vast majority of

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[30]   9.2.   EU   citizens'   rights   and   freedoms.   Europedia.moussis.eu. http://www.europedia.moussis.eu/books/Book_2/4/09/02/index.tkl?all=1&pos=112. [accessed 7 April 2018].

[31] UN General Assembly: International Covenant on Economic, Social and Cultural Rights. 16 December 1966. United Nations Human Rights, Office of the High Commissioner. Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx [accessed 7 April 2018].

the world (specifically 167 countries) is a State Party to this particular covenant, with only 26 countries that haven't signed this treaty[32], it is a highly significant document for the cause.

The second paragraph of Article 11 is then again relevant to homelessness, albeit not so much to the right to housing itself. According to Article 11 (2), "the States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources. … The problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need are taken into account."[33]

In addition to these provisions, also the two General Comments (GC 4 and GC 7) issued by the Committee on Economic, Social and Cultural Rights are especially relevant in relation to the right to housing and resulting state responsibilities.

4.2.2 General Comment no. 4

As the General Comment no. 4 mentions, "despite the fact that the international community has frequently reaffirmed the importance of full respect for the right to adequate housing, there remains a disturbingly large gap between the standards set in article 11 (1) of the Covenant and the situation prevailing in many parts of the world. While the problems are often particularly acute in some developing countries which confront major resource and other constraints, the Committee observes that significant problems of homelessness and inadequate housing also exist in some of the most economically developed societies."[34] This only reaffirms

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[32] Status of Ratification. United Nations, Office of the High Commissioner. Available at: http://indicators.ohchr.org. [accessed 4 April 2018].
[33] UN General Assembly: International Covenant on Economic, Social and Cultural Rights. 16 December 1966. United Nations Human Rights, Office of the High Commissioner. Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx [accessed 7 April 2018].
[34] General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant). 13 December 1991. UN Committee on Economic, Social and Cultural Rights (CESCR). Available at: http://www.refworld.org/pdfid/47a7079a1.pdf [accessed 7 April 2018].

the fact that even highly developed societies, such as the European community, struggle with homelessness as well, and in most places, the numbers don't seem to decrease.

The Committee also established the extent of the right to housing in this General Comment. "In the Committee's view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity." As the general measures of adequacy, the Committee suggested the following: legal security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.[35]

It is however clear that for many State Parties, the "roof over one's head" has on a long term basis been the main understanding of their obligations in relation to the right to housing. Many states have been dealing with the symptoms of homelessness by simply offering night shelters to the homeless population, in spite of the fact that those were unsatisfactory and sometimes even unsafe and clearly in violation of this particular provision of the ICESCR.

The General Comment no. 4 then reaffirms the obligations of State Parties in general, as it states that "while the most appropriate means of achieving the full realization of the right to adequate housing will inevitably vary significantly from one State party to another, the Covenant clearly requires that each State party take whatever steps are necessary for that purpose". The language in this particular section is absolutely clear; states must act and they must act now, at least when it comes to measures that don't require too much from the State Party. The Committee emphasizes that "regardless of the state of development of any country, there are certain steps which must be taken immediately; as recognized in the Global Strategy for Shelter and in other international analyses, many of the measures required to promote the right to housing would only require the abstention by the Government from certain practices and a commitment to facilitating "self-help" by affected groups."[36] In spite of the alleged

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[35] General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant). 13 December 1991. UN Committee on Economic, Social and Cultural Rights (CESCR). Available at: http://www.refworld.org/pdfid/47a7079a1.pdf [accessed 7 April 2018].
[36] General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant). 13 December 1991. UN Committe on Economic, Social and Cultural Rights (CESCR). Available at: http://www.refworld.org/pdfid/47a7079a1.pdf [accessed 7 April 2018].

inability of some states to take costly measures at the time being, as the Committee mentions, many steps don't require such financial commitments and would help substantially.

4.2.3 General Comment no. 7

General Comment no. 7 then concentrates primarily on the issue of forced evictions and state obligations in relation to them. Forced evictions can be considered a rather significant cause and contributing factor to homelessness and for that reason, this General Comment is very relevant, albeit it only relates to the right of housing rather indirectly.

According to the committee, "evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights; where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available".[37] This is particularly important precisely because of the grave implications evictions can have.

4.2.4 General Comment no. 20

According to Ippolito and Sánchez, the General Comment no. 20 relates to the issue homelessness in a way as well. The Committee on Economic, Social and Cultural Rights here deals with the non-discrimination obligation regarding to those who are in a 'certain economic or social strata within society'. The reason for this emphasis on non-discrimination is important because when an individual is homeless or impoverished, the Committee stresses that 'discrimination, stigmatization and negative stereotyping' can very often result in denial of various social or civil rights.[38] This can frequently include the denial of the right to housing.

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[37] General Comment No. 7: The Right to Adequate Housing (Art. 11.1): Forced Evictions. 20 May 1997. UN Committee on Economic, Social and Cultural Rights (CESCR). Available at http://www.refworld.org/docid/47a70799d.html [accessed 8 April 2018].
[38] Ippolito, Francesca, and Sara Iglesias Sánchez. 2015. *Protecting Vulnerable Groups: The European Human Rights Framework*. Oxford, United Kingdom: Hart Publishing. Pp. 420.

4.3　The Right to Housing in Other UN Conventions

In addition to the UDHR and the ICESCR, there are also other provisions in the other UN human rights treaties that are relevant for the issue of homelessness and that are related, directly or indirectly, to the right to housing. This is particularly important in case of persons that are in need for a special protections (such as children) or groups of people that have historically been often discriminated against and that might be especially vulnerable to having their human rights violated and for that reason their rights are specifically emphasized (such as women or ethnic minorities).

Hence, I shall look into the relevant provisions in the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

4.3.1 Convention on the Rights of the Child

In the Convention on the Rights of the Child (CRC), the most important provision regarding the right to adequate housing is most certainly Article 27. In Article 27 (1), "States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development." Article 27 (2) then emphasizes that "the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development."[39]

At the same time, Article 27 (3) emphasizes the state obligations as well, as it lays down that "States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this

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[39] UN General Assembly: Convention on the Rights of the Child. 20 November 1989. United Nations Human Rights, Office of the High Commissioner. Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx [accessed 8 April 2018].

right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."[40]

It is therefore clear that according to the CRC, every child is guaranteed its right to adequate housing. The parent(s) or other persons responsible for the child have the primary obligation to ensure this; there are, however, also responsibilities for the state arising from this provision. These state obligations are particularly based on assisting the parent(s) or other persons responsible for the child, and if the need arises, they ought to provide material assistance and support, such as social housing for the affected families etc.

4.3.2 Convention on the Elimination of All Forms of Racial Discrimination

Besides children that certainly require special protection, there are also other groups of people that have been on a long term basis rather vulnerable to the violations of their human rights. Ethnic minorities certainly constitute such group. In many countries, ethnic minorities still experience hardships in most areas of their lives, including housing.

An example of this can be the Roma minority in Central and Eastern Europe which often faces problems accessing the affordable housing as they regularly face discrimination on the side of the majority.[41] Even if the national laws forbid such conduct, private landlords that in the vast majority of cases belong to the majority very often prefer for the tenants to belong to the majority as well. This leaves the Roma people (but also other ethnic minorities) in the precarious situation of not being able to fully access the housing market.

According to the Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to

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[40] UN General Assembly: Convention on the Rights of the Child. 20 November 1989. United Nations Human Rights, Office of the High Commissioner. Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx [accessed 8 April 2018].
[41] Housing Conditions of Roma and Travellers in the European Union - Comparative Report. European Union Agency for Fundamental Rights. http://fra.europa.eu/en/publication/2011/housing-conditions-roma-and-travellers-european-union-comparative-report [accessed 9 April 2018].

race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ..., the right to housing, ...".[42]

This provision therefore clearly establishes the state obligations for the elimination of discrimination in relation to housing. That is extremely important as in the most serious cases, ethnic minorities can end up homeless simply because they are not able to access the housing market the way the majority can. Even though all the European countries are State Parties to the CERD and provisions related to the eradication of the racial discrimination have been incorporated in their national laws, it is sadly significantly easier to pass new laws or amend old laws than it is to change the usual societal practices and erase deep-rooted animosity.

4.3.3 Convention on the Elimination of All Forms of Discrimination against Women

Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women then relates to the right to adequate housing of the women in rural areas. It lays down once again the obligations for the states, as it emphasizes that "States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications".[43]

It is important to mention this provision as well as it certainly contributes to laying down basis for state obligations in regard to the right to housing; on the other hand, considering the focus on the European context here, this particular provision might be less relevant in Europe than in other places. For that reason, it has been referred to rather briefly.

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[42] UN General Assembly: International Convention on the Elimination of All Forms of Racial Discrimination. 21 December 1965. United Nations Human Rights, Office of the High Commissioner. Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx [accessed 9 April 2018].
[43] UN General Assembly: Convention on the Elimination of All Forms of Discrimination against Women. 3 September 1981. United Nations Human Rights, Office of the High Commissioner. Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx [accessed 9 April 2018].

4.4 European Level of Protection

It is therefore clear that the regional context must be properly examined and the regional legal instruments must be carefully considered when looking into how a certain right is protected. Because this thesis concentrates primarily on the European countries, the European legal instruments and their provisions that are relevant in the fight against homelessness simply cannot be forgotten.

In the two following subsections, I will therefore look into the European Convention on Human Rights (ECHR) and the Revised European Social Charter (RESC) to find out how is the right to housing protected in these treaties and what do they say about the obligations of states.

4.4.1 European Convention on Human Rights

Even though the right to adequate housing is not specifically mentioned in the European Convention of Human Rights, it is inherently enshrined in a number of provisions; for example the right to life (Article 2), prohibition of torture or inhumane or degrading treatment (Article 3), right to respect for private and family life (Article 8) or the prohibition of discrimination (Article 14) can be named here.[44]

As Ippolito and Sanchez emphasize, "according to established case law, the European Convention on Human Rights neither obliges member states to provide everyone within their jurisdiction with a home, nor does it entail any general obligation to guarantee asylum-seekers a minimum standard of living".[45] This particular fact is then not only relevant to the asylum-seekers, even though it affects them negatively to a very large extent, but also to the general homeless population.

While theoretically the right to housing is somehow incorporated in these particular rights that are mentioned above, the specific reference to the right to housing and the state obligations in regard to this right is lacking in this convention. Also the case law does not

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[44]   Council of Europe Housing Rights. Housing Rights Watch. http://www.housingrightswatch.org/page/council-europe-housing-rights [accessed 9 April 2018].

[45] Ippolito, Francesca, and Sara Iglesias Sánchez. 2015. *Protecting Vulnerable Groups: The European Human Rights Framework*. Oxford, United Kingdom: Hart Publishing. Pp. 256.

provide much protection to vulnerable groups regarding the state obligation to the right to housing. On the other hand, while the European Convention on Human Rights does not offer much clarity on the state obligations regarding the right to housing, there are other documents that can offer exactly this, such as the Revised European Social Charter.

4.4.2 Revised European Social Charter

The right to housing and other provisions related to the fight against homelessness are much more elaborated on and therefore better protected in the European Social Charter and the newer version, the Revised European Social Charter. Because the Charter was revised more than twenty years ago in 1996, the space shall be given solely to the revised version.

Article 31 of the Revised European Social Charter is entirely dedicated to the right to housing. According to it, "the Parties undertake to take measures designed with a view to ensuring the effective exercise of the right to housing; (1) to promote access to housing of an adequate standard; (2) to prevent and reduce homelessness with a view to its gradual elimination; (3) to make the price of housing accessible to those without adequate resources."[46]

As de Búrca and de Witte emphasize, the European Committee of Social Rights has also added to the Article 31 the following interpretation regarding evictions: "(1) states must establish procedures to limit the risk of evictions and ensure that when these do take place, they are carried out under conditions which respect the dignity of the persons concerned; and (2) legal protection for persons threatened by eviction must include, in particular, an obligation to consult with the affected parties in order to find alternative solutions to eviction and the obligation to fix a reasonable notice period before eviction. The law must also prohibit evictions from being carried out at night or during winter and provide legal remedies and offer legal aid to those who are in need to seek redress from the courts. Compensation for illegal evictions must be also provided. When an eviction is justifies by the public interest, authorities must adopt measures to re-house and financially assist the persons concerned."[47]

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[46] European Social Charter (Revised). 3 May 1996. Council of Europe. https://rm.coe.int/168007cf93 [accessed 9 April 2018].
[47] De Búrca, Gráinne, and Bruno de Witte. 2005. *Social Rights In Europe*. New York: Oxford University Press. Pp. 38.

In addition to that, the Committee of the European Social Charter has imposed the additional obligations on the state parties to grant certain rights to children as they constitute an especially vulnerable group. One of the rights specifically mentioned here was then the right to shelter.[48]

It is therefore clear that the right to housing is protected quite well in this particular charter. Also the state obligations regarding the right to housing are well elaborated on, with specific emphasis on three basic measures to be taken. At the same time, just like in the case of the previous international treaties, the formulation regarding the adequate standard of living might be a little vague. What does an adequate standard of living actually look like? To what extent does the level of an adequate standard of living actually depend on the particular state and its level of development? And even though basic measures are being outlined here, what concrete measures should be taken in order to prevent and reduce homelessness and eventually eradicate it completely? Those questions are rarely answered in such documents. Nevertheless, the Revised European Social Charter does offer an insight into state obligations.

In addition to this, the Revised European Social Charter also deals with the right to housing for more vulnerable social groups, such as the persons with disabilities (Article 15) and the elderly (Article 23).

As Ippolito and Sanchez emphasize though, there are many instances of measures violating human rights that specifically target and affect the most vulnerable groups. While the state authorities often do not take appropriate action against the perpetrators of such violations, sometimes they even contribute to this. The ESC therefore identifies an aggravated violation of the European Social Charter and for that reason it enlarged the scope of application *ratione personae* of the European Social Charter also to children that are irregularly present in the state party's territory. This measure is to prevent the negative impact that the refusal of the right to shelter and other rights by the state authorities would necessarily have.[49]

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[48] Ippolito, Francesca, and Sara Iglesias Sanchez. 2015. *Protecting Vulnerable Groups: The European Human Rights Framework*. Oxford, United Kingdom: Hart Publishing. Pp. 34.

[49] Ippolito, Francesca, and Sara Iglesias Sanchez. 2015. *Protecting Vulnerable Groups: The European Human Rights Framework*. Oxford, United Kingdom: Hart Publishing. Pp. 38.

4.5 Summary of the Legal Obligations

Analysing the above mentioned provisions, it is clear that while they offer some level of protection and outline the state obligations in regard to the right to housing (although some more than others), the wording is often rather vague. To be able to discuss the right to housing (a right to an adequate standard of living), it should first and foremost be tangibly defined and specified.

An interesting and important insight into the definition of the term "adequate standard of living" and the obligations of states under the international law regarding the right to housing is offered by Asbjørn Eide. As he re-emphasizes, adequate standard of living has not been specified and defined too closely in the relevant human rights conventions. According to Asbjørn Eide, an adequate standard of living can in purely material terms mean living above the poverty line of that particular country. That consists of two elements: "(1) the expenditure necessary to buy a minimum standard of nutrition and other basic necessities and (2) a further amount that varies from country to country, reflecting the cost of participating in the everyday life of society".[50]

Independent of the level of the state's economic development, states are obliged to make sure minimum subsistence rights for all are being respected. Asbjørn Eide further notes that the main provision regarding the obligations of states is Article 2 of the ICESCR which mentions that "a state shall take steps to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized".[51] That concerns the right to housing entailed in the Article 11 of the ICESCR as well and therefore sets the obligations of states on this matter.

Furthermore, Asbjørn Eide lists several instances of the state obligations regarding the right to housing. First of all, it is the duty to assess. That means that states must regularly assess the situation and identify the groups that do not enjoy an adequate standard of living in order to be able to take the necessary measures to rectify the situation. Second of all, states are obliged

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[50] Eide, Asbjørn. 1995. "The Right to an Adequate Standard Of Living Including the Right to Food". In *Economic, Social, And Cultural Rights: A Textbook*, 133-148. Norwell, MA: Kluwer Academic Publishers. P. 133.

[51] Eide, Asbjørn. 1995. "The Right to an Adequate Standard Of Living Including the Right to Food". In *Economic, Social, And Cultural Rights: A Textbook*, 133-148. Norwell, MA: Kluwer Academic Publishers. P. 139.

to respect the freedom of all individuals and groups to preserve and use their existing entitlements. This is to prevent dispossessions of vulnerable individuals and groups which has repeatedly happened both along the ethnic lines for example in South Africa and along the poverty line where the livelihood of the weakest groups have been destroyed based on the "higher goals" of the majority, such as building dams on the ground where the poorest used to live. By respecting this and not removing parts of the populations unnecessarily and without proper resettlement the states ought to make sure they themselves don't add fuel to the fire and worsen the situation through their own doing. Third of all, states are also obliged to protect entitlements against third parties, typically companies trying to make profit and disregarding groups of people living in their "area of business". Moreover, states have to provide conditions for effective entitlements, assisting particularly those that live in poverty or are in danger of living in poverty to make better use of their entitlements. In addition to these above mentioned obligations of states that surely help many, there is also the obligation to provide. The obligation to provide can have many forms, from providing a basic safety net that makes sure everybody lives above the poverty line in that particular country, to a full welfare state model such as in the case of Scandinavian countries.[52]

It is therefore clear that there are several layers of the state obligations regarding the right to housing. It is also clear that the right to housing is a positive right; it is not enough for the states to purely refrain from doing something, such as refraining from dispossessions and forced evictions. Instead, they must also take active steps in order to guarantee this the full realization of this right and they have to both actively prevent measures that lead to violations of the right to housing and create measures that will result in enhanced protection of this right.

What should those active steps actually entail though? There are several concrete measures and steps the states should be undertaking in order to protect the right to housing that can be mentioned here. As part of the solution, it is for example very important to build more social housing as it is rather difficult to ensure the adherence to the right to housing when there are simply no available flats to allocate those people to. That can be a simple example of the obligation to provide.

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[52] Eide, Asbjørn. 1995. "The Right to an Adequate Standard Of Living Including the Right to Food". In *Economic, Social, And Cultural Rights: A Textbook*, 133-148. Norwell, MA: Kluwer Academic Publishers. P. 140-145.

Not directing austerity measures at the poorest would also help quite significantly as sudden cuts in various benefits can cause people losing their housing. Here it is even possible to re-emphasize the efficiency argument; dealing with homelessness in a proper manner and particularly not largely contributing to it through careless austerity measures is in the end less expensive than having thousands of homeless people using the emergency services instead of much cheaper regular ones.

Trying to patch the pipe instead of simply stopping the water from running is not only inefficient and in the long run more expensive but as can be seen from the aforementioned provisions it can also mean the states are violating the international human rights law. State obligations might not be elaborated too specifically and in a very sophisticated way but nevertheless, they are certainly present in the relevant and applicable international human rights law provisions.

5 Housing and its Role in Programs Dealing with Homelessness

In order to find out whether the right to housing indeed constitutes the most important pillar of the programs dealing with homelessness, it is vital to first look into the housing itself. Can housing be considered the most prominent part of these programs based on the fact that it provides people with the necessary security of livelihood from which everything else is then derived? Or should it rather be considered an equal part that should be taken care of alongside other components such as work, healthcare, support network etc.?

To find this out, in this particular section the second research question is being examined: what is the role of housing in the programs dealing with homelessness? In the first sub-section, I will briefly look into the three main types of shelters for the homeless people that the states usually provide. In the second sub-section, the importance of housing is then being explained and the relationship between housing and other aspects of the homelessness programs are being examined.

5.1 Types of Shelters for the Homeless

Various authors recognize different types of state funded shelters and housing assistance programs for the homeless people. Fisher et al. talk about five types of official shelters: emergency shelters, transitional housing programs, temporary subsidies, permanent subsidies and permanent supportive housing.[53] Wolch et al. on the other hand recognize three types of shelter: emergency shelters, transitional living arrangements and permanent housing.[54] Hart-Shegos's report then also mentions these three types.[55]

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[53] Fisher, Benjamin W., Lindsay S. Mayberry, Marybeth Shinn, and Jill Khadduri. 2013. "Leaving Homelessness Behind: Housing Decisions Among Families Exiting Shelter". *Housing Policy Debate* 24 (2): 364-386. Pp. 365.
[54] Wolch, Jennifer R., Michael Dear, and Andrea Akita. 1988. "Explaining Homelessness". *Journal Of The American Planning Association* 54 (4): 443-453. Pp. 451.
[55] Hart-Shegos, Ellen. 1999. "The Supportive Housing Continuum: A Model For Housing Homeless Families". Online. A Report Prepared for the Family Housing Fund, 1-28. Pp. 2. http://www.fhfund.org/wp-content/uploads/2014/10/Supportive_Continuum_Report.pdf.

In this thesis, I have therefore decided to use three categories of state funded shelters and housing assistance programs. First of all, it is the emergency shelters as the first tier assistance that offers least protection and in the long run does not solve homelessness; instead, it only treats the symptoms. Second of all, it is the temporary and transitional housing which covers various types of temporary assistance and provide more protection than the emergency shelters. Third of all, it is the permanent supportive housing which offers the most protection and stability and as will be argued in this thesis, it can (in conjunction with other measures) be used to efficiently reduce the numbers of homeless people through their successful integration back into regular life. In addition to that, it can also help the states to fulfil their obligations regarding the right to housing as the permanent supportive housing actually corresponds much better with the general understanding of "an adequate standard of living" than the emergency shelters.

5.1.1 Emergency Shelters

As mentioned above, emergency shelters generally constitute the first tier type of housing; the type that generally functions as an entry point to the system of homelessness services. [56] The main aim of these emergency shelters is to provide a person with a temporary place to stay that generally offers no stability but rather only means a roof over one's head. However in some cases, there can be additional assistance provided for the homeless persons to move on to either transitional or permanent housing.

The main issues with this particular type of housing are particularly the often unsuitable living conditions and in some cases even low level of personal safety. According to Wolch, living conditions in emergency shelters can often be so low that many homeless people actually prefer to avoid them. In addition to this, some shelters can even be the centers of crime and places where substance abuse and personal violence happen very often. Sometimes there can also be humiliating procedures in place in order to even gain access to these services; an example of this could be mandatory gynecological examinations for women.[57]

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[56] Fisher, Benjamin W., Lindsay S. Mayberry, Marybeth Shinn, and Jill Khadduri. 2013. "Leaving Homelessness Behind: Housing Decisions Among Families Exiting Shelter". *Housing Policy Debate* 24 (2): 364-386. Pp. 365.
[57] Wolch, Jennifer R., Michael Dear, and Andrea Akita. 1988. "Explaining Homelessness". *Journal Of The American Planning Association* 54 (4): 443-453. Pp. 447.

In addition to these problems, staying in an emergency shelter for a period longer than the necessary minimum can have a rather negative impact on the newly-homeless person's morale.[58] The experts even speak about the phenomenon of "shelterization"; because many of the large shelters suffer from crime and violence, some residents develop coping strategies in order to "survive" in such environment. These strategies can include a lowered interpersonal responsiveness and increasing passivity, a neglect of personal hygiene and increasing dependency on others.[59] While these strategies help homeless people to cope with the situation in the shelter, they certainly don't facilitate their return into regular life, quite on the contrary.

Besides these grave issues with this kind of housing, emergency shelters do not help to resolve the situation as they only function as a bandage for the real issue. Because they do not help in the long run, using them instead of an actual solution is seriously inefficient. The aforementioned issue of homeless people using more state funds by having to rely on emergency services is not solved by this either; for that reason states should take into account also the financial aspect which usually can provide more motivation for states to act anyway.

5.1.2 Transitional Housing

Transitional housing is certainly more secure and at least slightly more long term option than the emergency shelter but still they don't rank anywhere near the permanent supportive housing which certainly is the best option out of these three types. Generally, it is often used to facilitate the relocation of homeless persons from the streets or from emergency shelters to permanent housing, if that is available and accessible.

Transitional housing usually offers subsidised housing, supportive additional services and case management for up to two years. Various types of transitional housing can be identified; either it can be scattered throughout the community (the so called scattered-site transitional housing, SSTH) or it can be project-based housing located centrally with additional services on site (the so called project-based transitional housing, PBTH). Sometimes in cases of the SSTH, people and families are allowed to transition in that particular place and assume

[58] Wolch, Jennifer R., Michael Dear, and Andrea Akita. 1988. "Explaining Homelessness". *Journal Of The American Planning Association* 54 (4): 443-453. Pp. 447.
[59] Grunberg, Jeffrey, and Paula F. Eagle. 1990. "Shelterization: How The Homeless Adapt To Shelter Living". *Psychiatric Services* 41 (5): 521-525. Pp. 521.

the lease for the unit they currently occupy once they go through the program; in PBTH on the other hand they have to leave and find permanent housing elsewhere.[60]

According to Tsemberis, the main purpose of transitional housing is to improve the person's "housing readiness" by encouraging sobriety and compliance with mental health treatment that is by many programs considered crucial in order to successfully transition to permanent housing. This approach basically aims to stabilize the clinical status before the person transfers to independent housing. That can sometimes be needed, even though certainly not in all cases. However, this model also presumes that the skills the homeless person needs in order to live independently can be learned or re-gained in transitional housing. This assumption is somewhat problematic as the research in psychiatric rehabilitation shows that the most efficient place to acquire the necessary skills for a certain environment is actually within that particular setting.[61]

However, that is not to say that skills gained in the transitional setting cannot be useful; according to Washington, the transitional programs aim to empower the homeless individuals through a wide range of services such as education, leadership skills, job development, resources and referrals. Washington's study showed that these services have in large been beneficial to those that successfully went through the transitional program.[62]   Generally, it however depends on the needs of every individual person. These services can then of course be offered in the permanent supportive housing programs, which for many would constitute a better option.

5.1.3 Permanent Supportive Housing

As housing became increasingly more recognized as a crucial part of homelessness programs that is both consistent with human rights and cost effective, many countries shifted

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[60] Fisher, Benjamin W., Lindsay S. Mayberry, Marybeth Shinn, and Jill Khadduri. 2013. "Leaving Homelessness Behind: Housing Decisions Among Families Exiting Shelter". *Housing Policy Debate* 24 (2): 364-386. Pp. 365.

[61] Tsemberis, Sam, Leyla Gulcur, and Maria Nakae. 2004. "Housing First, Consumer Choice, And Harm Reduction For Homeless Individuals With A Dual Diagnosis". *American Journal Of Public Health* 94 (4): 651-656. Pp. 651.

[62] Washington, Thomas Alex. 2002. "The Homeless Need More Than Just A Pillow, They Need A Pillar: An Evaluation Of A Transitional Housing Program". *Families In Society: The Journal Of Contemporary Social Services* 83 (2): 183-188.

from emergency shelters and transitional housing to permanent supportive housing in their policies. Permanent supportive housing is certainly the better option as access to affordable community-based housing is provided together with flexible support services that are supposed to meet a broad range of physical and mental health needs.[63]

According to Fisher et al., permanent supportive housing is the alternative that provides people with social services on a continuing basis in subsidised housing. As such, it has been successfully used mainly for single adults and families suffering from mental illness or from some form of disability. The reason for this is that the families usually don't have too much experience with the life on the street or in the shelter and because of that, most of them don't need an intensive (and expensive) intervention in order to be able to maintain housing in the community.[64]

As Henwood et al. explain, there are various types of permanent supportive housing, similar to those in the case of transitional housing. Usually, it can be a congregate residence that has other services provided on site (the so called single-site model) or it could be an apartment rented out from a private landlord that has the additional services provided by mobile community treatment (the so called scatter site).[65]

Housing First, the program that is behind the Finnish case but that has been used in smaller scale elsewhere as well can be considered a program working with permanent supportive housing as well. According to the Housing First website, it is "an approach to ending homelessness that centers on providing people experiencing homelessness with housing as quickly as possible – and then providing services as needed".[66] Stable and permanent housing is the key strategy of the program; in addition to this, other services are then provided. At the same time, the program can vary based on the needs of the target homeless population,

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[63] Henwood, Benjamin F., Leopoldo J. Cabassa, Catherine M. Craig, and Deborah K. Padgett. 2013. "Permanent Supportive Housing: Addressing Homelessness And Health Disparities?". *American Journal Of Public Health* 103 (S2): S188-S192. Pp. S188.

[64] Fisher, Benjamin W., Lindsay S. Mayberry, Marybeth Shinn, and Jill Khadduri. 2013. "Leaving Homelessness Behind: Housing Decisions Among Families Exiting Shelter". *Housing Policy Debate* 24 (2): 364-386. Pp. 365.

[65] Henwood, Benjamin F., Leopoldo J. Cabassa, Catherine M. Craig, and Deborah K. Padgett. 2013. "Permanent Supportive Housing: Addressing Homelessness And Health Disparities?". *American Journal Of Public Health* 103 (S2): S188-S192. Pp. S188.

[66] What is Housing First Approach? Housing First. Available at: http://www.hfal.org/about-us-2/our-mission/. [accessed 22 April 2018].

depending on whether it is a young family with limited experience with homelessness or a chronically homeless person. More about this program will however be dealt with in the next section, namely in subsection 6.2.

5.1.4 Analysis of the Three Types of Shelters

By taking all the aspects of these three types into consideration, it seems clear that states should work on more efficient ways of dealing with homelessness such as the permanent supportive housing or at least the transitional housing. Emergency shelters should then be only used for their primary purpose, which is to provide a temporary roof over one's head in case of emergency.

What should then constitute a case of emergency under these circumstances? I would argue that the use of emergency shelters should be limited to those that suddenly lose their living arrangements and become homeless, in order for them not to sleep rough. Emergency shelters however cannot substitute for a long term solution and states therefore must in my opinion make sure that immediately after the emergency services such as emergency shelters are used by a person that just became homeless, other services become available and the person can move to either transitional housing, or even better to permanent supported housing if that is possible in that particular case. This way, the concerned person does not use the emergency services on a long-term basis which actually facilitates their rehabilitation.

According to Tsemberis et al., the predominant model that was created to address the needs and struggles of the chronically homeless population is called the Continuum of Care. The Continuum of Care, as the name suggests, consists of several components, beginning with outreach, including treatment and transitional housing, and ending with permanent supportive housing.[67] This model seems to be quite efficient if all components function as they should; the transition of a homeless person should be smooth and swift. Outreach is the most basic part, making sure that homeless people do not spend more time on the street or in emergency shelters than necessary. After that, if that is needed (particularly in the case of chronic homelessness), transitional housing with additional services should be used, followed by the transfer into

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[67] Tsemberis, Sam, Leyla Gulcur, and Maria Nakae. 2004. "Housing First, Consumer Choice, And Harm Reduction For Homeless Individuals With A Dual Diagnosis". *American Journal Of Public Health* 94 (4): 651-656. Pp. 651.

permanent supportive housing. For homeless persons that have not been affected by a long-lasting homelessness or a longer or repeated stay in emergency shelters, second step can be easily skipped and such person can transition straight into the permanent supportive housing.

As of now, only a rather low number of emergency shelters actually have an outreach program though[68], and this is something that must change. After all, the longer a person stays homeless, the harder it is for them to integrate back into regular life. All this must be taken into serious consideration by the states and more resources must be allocated to the homelessness programs in order for them to be able to satisfy the housing needs and provide additional services.

5.2 The Role of Housing and its Relation to Other Aspects of the Homelessness Programs

As mentioned above, housing has a prominent place in the programs dealing with homelessness for obvious reasons. Housing provides every person with the necessary security of livelihood on which everything else can then build; without having a safe place to stay, all of the other aspects of life (health, work, social life and relationships etc.) are put under an increased amount of pressure and when this pressure lasts long, it is only a matter of time until another aspect breaks.

At the same time, as established in the Section 4, housing is not a privilege but instead it is a basic human right. For that reason, housing should constitute the very basis of the homelessness programs, and once this aspect is taken care of, other services should be added to it. Considering the legal status of housing as a human right, it is clear that it should not be conditioned in any way but instead, the additional services should be provided on a voluntary basis.

Of course, housing is far from being the only component in homelessness programs that needs to be resolved though; in conjunction with housing, other aspects must be taken care of as well. As Bassuk and Geller emphasize, studies show that programs that combine housing subsidies and additional services are significantly more effective in safeguarding residential

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[68] Burt, Martha R. 2001. *Helping America's Homeless: Emergency Shelter Or Affordable Housing?*. Washington, D.C.: Urban Institute Press, 363. Pp. 293.

stability for homeless people suffering from mental illness; this is however in the end true for all homeless people.[69]

The legal status of the right to housing also does not mean that the additional services are somehow inferior to housing; housing however works in a way as an important prerequisite for the other services to successfully meet their goals. It is after all quite difficult to work on a person's mental health issues or problems with substance abuse without them having a stable, safe and adequate place to live.

From all the sorts of additional services that are needed and should be offered financial planning, mental health counseling, substance abuse counseling, education, parenting classes and physical health treatment can be mentioned. It is clear that without these, successful rehabilitation could face serious issues and the risk of relapse would increase. At the same time though, without housing the objectives of these services might not be met and they could result in a failure.

For that reason, while all these aspects are important on the journey of rehabilitating a homeless person, I argue that housing must be considered the stepping stone; the very foundation on which everything else is then built. Only then can the other services come into play.

It is however extremely important to mention that the role of housing and the role of additional services, or perhaps more precisely the actual ratio of those two, can vary quite significantly between different groups of homeless people. As we can see in the previous sub-section, there are substantial differences between the needs of homeless families that did not spend much time in emergency shelters and were only affected by a short-term homelessness and those that have experienced a long-lasting homelessness and have countless experiences with the emergency shelters or have been sleeping rough for a long time.

Coming back to the ETHOS categorization that was outlined in Section 1.2, individuals and families that live in insecure or inadequate housing and those that were only affected by houselessness temporarily and in a short-term manner can be considered to have been struck by homelessness in a somewhat milder way, in spite of their experiences still being difficult and

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[69] Bassuk, Ellen L., and Stephanie Geller. 2006. "The Role Of Housing And Services In Ending Family Homelessness". *Housing Policy Debate* 17 (4): 781-806. Pp. 784.

appalling. For that reason, they are less likely to become "shelterized" as Jeffrey and Eagle put it and they are in a way less affected than those that were struck by homelessness much harder. It is clear that those that suffer from rooflessness or repeated houselessness and experienced either life on the street or countless stays in emergency shelters are affected to a much larger degree. As such, they are much more likely to develop those coping mechanisms that on one hand make their lives in shelters or on the street easier but on the other hand effectively prevent them from successfully integrating back into "normal" life.

For that exact reason, the need for housing and additional services cannot be exactly the same for all. While for the first group, homeless individuals and particularly families that have not been affected by a long-lasting homelessness or a longer or repeated stay in emergency shelters, transitional housing could be easily skipped and they should be able to transition straight into the permanent supportive housing if that is available. The most important component for them would then be housing.

On the other hand, for those that have been roofless for a long time or experienced multiple emergency shelters and became "shelterized", housing is still the most important aspect but the importance of additional services such as mental health services or counseling and later education, leadership skills, job development etc. is significantly higher than in the first group.

Of course, this is a broad generalization and this ratio and level of additional services required can vary very much case to case. The equation of "lighter forms" of homelessness such as living in insecure or inadequate housing or being affected by short-term houselessness equaling to more pressing need for housing and perhaps comparably smaller need for additional services can however be made. "Harder forms" of homelessness then generally equal more pressing need for additional services, while housing is still the most basic component.

This in a way answers my second research question that asked what the role of housing in the programs dealing with homelessness actually is. The truth is, housing indeed does hold a special importance in the homelessness programs. No matter what the seriousness of the situation is, housing is the central part of every program that aims to deal with homelessness. What differs between the various groups within the homeless population and the different degrees of homelessness is generally the need for additional services.

We could say that in the case of severe homelessness, the need for housing and additional services are somehow in balance. On the other hand with "lighter" forms of homelessness, the need for additional services becomes somewhat less pressing while housing represents the most important point. In all the cases, housing is however vital; without it, dealing with homelessness is extremely difficult.

What is therefore important is to examine how this ratio of housing and additional services is being dealt with in the successful programs and whether they are so successful perhaps also because they use tailored approach depending on the needs of that particular individual or family. For that reason, in the next section the Finnish Housing First Program will be addressed.

6 Case Study: Finland

In this part, the case study of Finland shall be conducted. First of all, it is important to look into the numbers before and after the Housing First Program in order to see how successful it really was. This shall be addressed in the Section 6.1. Section 6.2 will then be dedicated fully to the analysis of the Finnish Housing First Program. In this subsection, the third research question shall be addressed: why does permanent supportive housing seem to tackle homelessness more effectively than provisional housing, as we can suppose from the case of Finland? Very important to look into are then also the possibilities and ways of replicating the Finnish success elsewhere. For that reason, Section 6.3 will bring up a set of recommendations based on the case study and the existing knowledge.

## 6.1 Statistics of Homelessness in Finland

Even though the Finnish government has been focusing on tackling homelessness already since the mid-1980s, the Housing First Program has only been introduced in Finland in 2007.[70] There have however been significant successes in homelessness policy even before this program was implemented, as we can identify from the statistics provided below by ARA.

As can be seen from this statistics, sadly it does not fully adhere to the ETHOS categorization and recognizes four different categories: homeless families, homeless people living in institutions, homeless people living outside (roofless and living in temporary shelters and hostels) and those temporarily living with their friends and relatives. According to the ARA statistics, there has been a substantial decrease in homelessness between 2002 and 2003, particularly among those that were temporarily living with their friends and relatives. This decrease was also significant among homeless families.

After the introduction of the Housing First Program in Finland, the numbers of homeless people that have been slowly decreasing since 2003 began increasing again; this however coincides with the financial crisis of 2007/2008 that hit Europe and which likely led to this increase. This would also coincide with the trends in the growth of Finnish economy that started

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[70] Finland: Overview. Housing First Europe Hub. Available at: http://housingfirsteurope.eu/countries/finland/. [accessed 28 April 2018].

modestly increasing in 2010 and 2011 (where the numbers of homeless people declined according to ARA) but then dropped again in 2012[71] which led to an increase in homelessness as well. It is therefore clear that the major trends in global and European economy shape the Finnish economy to a very large extent, which then further affects various phenomena such as homelessness. The situation within the homeless population has been documented to reflect how it may deteriorate and then improve as the economy falls and grows.
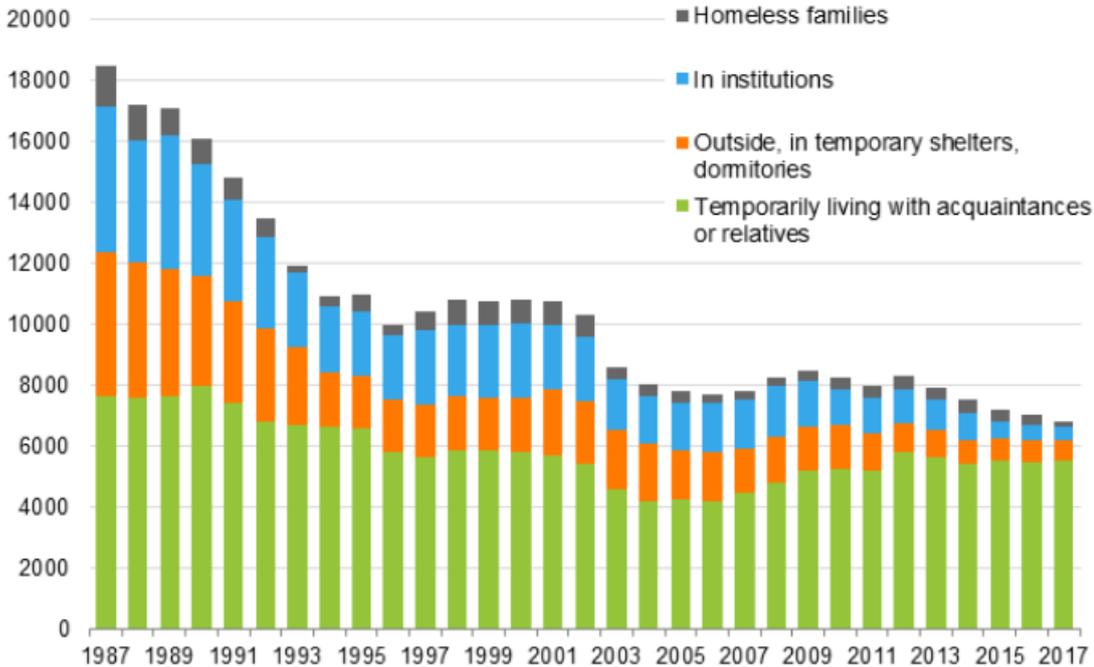
Homelessness in Finland from 1987 to 2017

[Source: ARA[72]]

From 2007 to 2016, the number of people living rough or in emergency shelters and hostels declined twofold, and even bigger decrease can be identified within the pool of people living in institutions during this period. On the other hand, the number of people temporarily living with friends and relatives increased between 2007 and 2016.

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[71] Bengt Holmström, Sixten Korkman, and Matti Pohjola, "The Nature Of Finland'S Economic Crisis And The Prerequisites For Growth", 2014, 1-30.
[72] Homelessness in Finland 2017. ARA: The Housing Finance and Development Centre of Finland.   Available   at: http://www.ara.fi/en-US/Materials/Homelessness_reports/Homelessness_in_Finland_2017(46471). [accessed 28 April 2018].

It is therefore obvious that decreasing homelessness is not so easy; with various kinds of homelessness and subsequent diverse needs those particular groups of homelessness have, some approaches might be able to tackle some kind of homelessness while not dealing properly with others.

Proper analysis of the recent trends in homelessness is somewhat difficult to conduct, considering the financial crisis creating significant deviations in the general tendencies. For that reason, it might be more useful to look how then numbers have changed between 2013 and 2017 since in 2013, the economy finally began to recover, even though it was still affected by the previous crisis and therefore quite vulnerable.

From 2013 onwards, we can identify the decline in absolute numbers of homelessness, as well as in the numbers of the first three categories: homeless families, homeless people living in institutions and homeless people living outside (roofless individuals and those living in temporary shelters and hostels). While these are generally the more affected groups, particularly those that are roofless or houseless, their absolute numbers compared to the fourth group of people that are temporarily living with friends or relatives are actually quite low; it is clear that the last group is the most numerous one. At the same time, the numbers of the last group don't seem to be as easily decreasable as in the case of the first three groups. The reason for this could be both the numerosity of those in this group and the fact that the most important aspect of their rehabilitation is accessible housing, which is in these large numbers currently unavailable.

In sum, between 2013 and 2017, the numbers of homeless population have undoubtedly decreased with the Housing First Program being in place, particularly among certain groups, namely the roofless and the houseless. There are still however areas that must be tackled better, particularly concerning those living in temporary arrangements with family or friends. Considering their numbers, this might prove a tough proposition as it would require significantly more accessible housing and therefore more resources designated to solving this issue. Considering that the Finnish government have been trying to tackle homelessness for a long time now and the recent successes in other areas of homelessness have been significant, it is clear that if enough resources are allocated and functioning policies are employed, we might see the decline among this group as well.

6.2   Housing First Program

As already mentioned in the previous sub-section, Housing First came to Finland in 2007 and has made some valuable progress in tackling homelessness. It is however important to note that the Housing First Program is not originally Finnish; the program was first developed by the Pathways organization in New York. Various forms of Housing First have then migrated beyond New York, to Finland, Denmark, France, Ireland, UK and other countries.[73]

For that reason, the focus should first be on the program and its philosophy in general before looking into the particular form that Finland decided to adopt and that proved to be quite successful under the Finnish conditions.

6.2.1 Housing First Philosophy

The main component of the Housing First Program is already in its name; homeless people are first of all provided with housing, either in secure independent or communal accommodation. Housing and support through additional services are therefore separated in this program which allows homeless people to access housing without being conditioned by entering mental health treatment or becoming abstinent of various substances such as alcohol or drugs. Instead, mental health issues and substance abuse are being worked with through "harm reduction" and "recovery orientation" which aim to discourage homeless individuals from practices and behaviour that cause them serious harm but at the same time don't force them into anything they would not be ready for or that they would not personally choose at that time.[74]

A study of 99 participants in the Housing First Program in the US showed a housing retention rate of full 80 % which disproved the previous assumptions of some in the clinical community that chronically homeless individuals are somehow not housing ready. It also strongly challenged the assumptions that mental illness means low ability to maintain a housing

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[73]   Nicholas   Pleace: Housing   First.   FEANTSA.   Available   at: http://www.feantsaresearch.org/download/housing_first_pleace3790695452176551843.pdf. [accessed 28 April 2018]. Pp. 3.
[74]   Nicholas   Pleace: Housing   First.   FEANTSA.   Available   at: http://www.feantsaresearch.org/download/housing_first_pleace3790695452176551843.pdf. [accessed 28 April 2018]. Pp. 3.

of one's own as all the participants have been mentally ill. In addition to that, this study also proved that the harm reduction and recovery orientation components might work much better than the previous practice of conditioning housing by mental health treatment and substance abuse counselling as there actually is no empirical support for this practice.[75]

As mentioned above, Housing First has been introduced in many countries. It is however important to note that it is not a homogenous program; instead, three distinct types of Housing First services can be identified. First of all, it is the Pathways Housing First (PHF), second type is the Communal Housing First (CHF) and third type is the Housing First Light Services (HFL).[76]

The PHF type works with chronically homeless people, who often suffer from mental illness or substance abuse, are unemployed on a long term basis and have a long history of houselessness or rooflessness. This particular type of program provides them with independent housing with secure tenure as soon as possible and in addition to that it offers low-level support designated to promote housing stability and connect the clients with other essential services. Mental health, drug and alcohol abuse related counselling, social work and medical care are then provided directly.[77]

The CHF model differs from the PHF type particularly in regard to housing; instead of independent housing it provides chronically homeless people with single rooms or apartments in communal housing. The building is only inhabited by the homeless and additional services are provided directly on site or in a close proximity to it.[78]

As for the last type, the HFL, the accommodation provided is usually private rented or social housing and is accompanied by a mobile team of support personnel. Unlike the first two

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[75] Sam Tsemberis, Leyla Gulcur, and Maria Nakae, "Housing First, Consumer Choice, And Harm Reduction For Homeless Individuals With A Dual Diagnosis", *American Journal Of Public Health* 94, no. 4 (2004): 651-656. Pp. 654.
[76] Nicholas Pleace: Housing First. FEANTSA. Available at: http://www.feantsaresearch.org/download/housing_first_pleace3790695452176551843.pdf. [accessed 28 April 2018]. Pp. 3.
[77] Nicholas Pleace: Housing First. FEANTSA. Available at: http://www.feantsaresearch.org/download/housing_first_pleace3790695452176551843.pdf. [accessed 28 April 2018]. Pp. 3.
[78] Nicholas Pleace: Housing First. FEANTSA. Available at: http://www.feantsaresearch.org/download/housing_first_pleace3790695452176551843.pdf. [accessed 28 April 2018]. Pp. 4.

types that are primarily targeting the chronically homeless, the HFL can be used for individuals or families that have never been homeless before but now are in acute risk of becoming homeless. Low-level mobile support is then being provided to promote housing stability.[79]

The differences between PHF, CHF and HFL are then easily seen from the following table which shows not only the different approach to housing but also the services that are offered. What all three types have in common is the fact that clients are not forced to stop using alcohol or drugs are have to use mental health services. Also the service brokerage is universal to all three types.

Service offered	Pathways Housing First	Communal Housing First	Housing First Light
Housing with security of tenure in private rented sector or in social housing provided immediately or as soon as possible	Yes	No	Yes
Offers communal housing (single rooms or apartments) with security of tenure provided immediately in a building only lived in by homeless people using the service	No	Yes	No
Homeless people have to stop using drugs	No	No	No
Homeless people have to stop drinking alcohol	No	No	No
Homeless people have to use mental health services	No	No	No
Harm reduction approach	Yes	Yes	Yes
Uses mobile teams to provide services	Yes	No	Yes
Directly provides drug and alcohol services	Yes	Yes	No
Directly provides psychiatric and medical services	Yes	Yes	No
Uses service brokerage	Yes	Yes	Yes
Provides support to promote housing stability	Yes	No	Yes

[Source: FEANTSA[80]]

It is therefore clear that the Housing First Program can be very flexible, not only because of the three different types that can be employed but also thanks to the harm reduction and recovery orientation components that offer a way to recovery but do not force the clients to undergo treatment in exchange for housing. The flexibility of Housing First can then also be seen in the self-determination and consumer choice-based approach to other services which are

[79] Nicholas Pleace: Housing First. FEANTSA. Available at: http://www.feantsaresearch.org/download/housing_first_pleace3790695452176551843.pdf. [accessed 28 April 2018]. Pp. 4.
[80] Nicholas Pleace: Housing First. FEANTSA. Available at: http://www.feantsaresearch.org/download/housing_first_pleace3790695452176551843.pdf. [accessed 28 April 2018]. Pp. 5.

being offered and every homeless individual or family can choose what they find most useful for themselves.

6.2.2 Housing First in Finland

The Finnish path to its Housing First Program became in 2007 with a report by four experts called "Name on the door". Their main aim was to tackle chronical homelessness and for that reason, this report proposed a national campaign to eliminate long-term homelessness by 2015.[81] As we know today, this unfortunately did not happen; the goal was way too ambitious to succeed. It did however lead to important changes in long-term homelessness and to reduction of the number of chronically homeless people living rough or in emergency shelters.

When Finland decided to introduce the Housing First Program as part of their fight against homelessness, they chose an approach involving a broad use of the CHF service model in order to reduce long-term homelessness. There were two main goals that could be identified in the Finnish efforts. First of all, it was vital to restructure and redesign the so called "residential homes", the institutional communal accommodation that features on-site services. Those were to be turned into "residential units" instead which would be more in line with the Housing First philosophy, using the additional services provided by the program. The second main goal was then to completely alter the way of work of the existing communal homelessness services. This meant an extensive refurbishment and the necessity to build new accommodations that would offer one person apartments, intended particularly for chronically homeless people.[82]

These two main goals were understood in terms of practical steps. (1) First of all, it was vital to provide secure permanent housing that would provide a tenancy agreement to chronically homeless people. (2) The decrease in the use of emergency housing such as conventional homelessness shelters was necessary; these were to be rebuilt and changed into blocks of supported, permanent housing with a tenancy agreement. (3) In addition to these

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[81] Y-Foundation. *A Home of Your Own: Housing First and Ending Homelessness in Finland*, Otava Book Printing Ltd, Keuruu, 2017.
[82] Nicholas Pleace: Housing First. FEANTSA. Available at: http://www.feantsaresearch.org/download/housing_first_pleace37906954521765551843.pdf. [accessed 28 April 2018]. Pp. 25-26.

measures, it was important to prevent eviction by providing housing advice services, and if necessary, also financial support. (4) Plans for rehabilitation and additional services were to be based on individual needs, providing individual approach and involving chronically homeless individuals in their planning (consumer choice). In addition to that, guidance in the use of regular social welfare and standard health services instead of emergency ones was to be provided. (5) And finally, the program aimed to promote social inclusion for those formerly homeless in order to prevent their relapse.[83]

As planned, the program was implemented in Finland and brought some success; beside others helping Finland to become the only European country appearing in "green numbers" in relation to the absolute numbers of homelessness. But can we presume from the Finnish case that permanent supportive housing tackles homelessness more effectively than temporary housing or other arrangements?

I would argue that this is the case. Permanent supportive housing gives people stability and security; something that emergency services or temporary housing simply cannot offer. The case of Finland is somewhat more complicated though. Finnish Housing First Program offers permanent supportive housing and it does so unconditionally, without requiring mental health treatment or substance abuse counselling in return. On the other hand, this does not make housing the only component of the program. It is the main element on which all the others are then building. However, even the additional services (while built on the principle of harm reduction and recovery orientation) constitute a very important part of Housing First's success in Finland. For that reason, it is possible to assume that the very nature of the Housing First Program is actually behind the recent success.

Nevertheless, while we certainly can speak about the victories of the Finnish Housing First, this program is not designated for all homeless people. As mentioned above, the target group is chronically homeless people that often suffer from mental illness or substance abuse. While the roofless and houseless individuals and families experience the arguably harshest forms of homelessness and this program deals with them quite successfully, it also answers the

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[83] Nicholas Pleace: Housing First. FEANTSA. Available at: http://www.feantsaresearch.org/download/housing_first_pleace3790695452176551843.pdf. [accessed 28 April 2018]. Pp. 25.

question why the large number of people in temporary insecure housing (staying with friends or family) has not been declining the way other groups were.

Those that are temporarily staying at their friends or family simply are not the target group for this program, and as flexible as this program is, it is not able to help them under the current circumstances. The reason for this is particularly their large number; since those people more than anything need accessible and stable housing, it is impossible to provide them with it, unless the capacities increase manifold. The Finnish state should therefore not only dedicate its resources to the Housing First Program in order to deal with the roofless and houseless but instead it should also try to regulate the housing market, boost job opportunities and be careful about welfare cuts that usually further aggravate the situation. Only that can help those individuals and families that "couchsurf" at relatives and friends and that have not been able to access the housing market in large numbers for various reasons. Those people are still homeless, after all, even though we don't see them unpacking their sleeping bags in the streets, and the state is obliged under international law to come up with policies that will aim to significantly improve their situation.

6.3   Replication of Finnish Success Elsewhere

Focusing on the chronical homelessness specifically, we can clearly speak about the success the Finnish Housing First program brought. Can this however be easily replicated elsewhere? Let us not forget that inhabitant-wise, Finland can be easily compared to Norway with only little over five million people living in the country. Can the same approach be used on a large scale and not only locally in countries with much larger population, such as the UK, France or Germany?

Generally, the answer is yes; there are however several prerequisites. First of all, there must be political will to introduce this program on a national scale and invest in it. Based on the clear state obligations regarding the adequate standard of housing, theoretically it should not be so hard to find this political will; it is clear that the Finnish government and the municipalities indeed found it. The pressure from ill-informed public and desire to be re-elected, however, in many cases seems to be stronger than the obligation imposed by international law.

One way of facilitating this would be keeping the public properly informed, particularly regarding the economic benefits of dealing with homelessness. Considering the wrong ideas the general public often has about these kinds of programs, seeing them as feeding money to those that do not want to work, it is extremely important to refute the hoaxes and wrong information surrounding them. In the ideal case, this shall be emphasized by the political leaders; given the rise of populism over the past years, there are however likely going to be significant pushbacks, unfortunately coming from the politicians as well as they try to gain some political points. For that reason, NGOs, as much as they already are under fire in contemporary Europe, must take on this task and get the message out there.

The second, extremely important prerequisite is somehow connected to the first one. These programs can never work on national scale unless there are enough accommodation capacities to work with in the first place. Building new capacities, particularly in countries and cities affected by austerity measures and already facing housing crises, necessarily requires political will. And as mentioned above, political will for these kinds of projects might be hard to get.

A third pre-requisite is then more technical; with much larger homeless population than the Finnish one, there will not only be much bigger need for accommodation capacities but also for experts and staff. In order to be able to provide the additional services which are an important, albeit voluntary part of Housing First Program, it will be necessary to have enough mental health professionals, substance abuse specialists, counsellors and other personnel vital for the program's services. This can on the other hand provide new job opportunities.

All things considered, there is no systemic obstacle that would hinder the replication of the Finnish success in other countries. With larger homeless population, there is however much bigger pressure on resources and capacities. While in the short run, this requires significant investments; in the long run rehabilitating homeless people into regular life will be more economical, as already mentioned in the previous sections. In addition to the economic argument, the legal obligations imposed on states by the international legal documents they signed and ratified should then also not be forgotten. And while it is important, for different reasons, to emphasize the legal and economic reasons why fight homelessness, we should not ignore the moral argument that emphasizes our common humanity and solidarity with one another. European states are generally based on the idea of welfare state and as such, the state should play the crucial role in the protection and promotion of the socio-economic welfare of all its citizens. Solidary is one of the central concepts of welfare states and certain social safety net is therefore in place in all of them; we must however work to make it more efficient in order to protect one of the most vulnerable groups as well, the homeless people.

7 Conclusion

"Home is a notion that only nations of the homeless fully appreciate and only the uprooted comprehend." – Wallace Stegner[84]

Homelessness is a devastating, dangerous and isolating phenomenon, as Crisis, a UK-based NGO puts it, with homeless individuals on average dying significantly sooner and those that sleep rough being almost 17 times more likely to become the victims of violence.[85] It is clear that states must make tackling homelessness one of their priorities and drastically reduce the number of homeless individuals and families. The question however is what form should these absolutely necessary policies take. In Europe, only one country managed to appear in "green numbers" in the past few years and reduced homelessness, particularly among the chronically homeless population; Finland. Since its adoption of the Housing First Program, the numbers of homeless families, homeless people living in institutions and homeless people living outside (roofless and houseless) have decreased, demonstrating that there must be something about the program based on unconditional access to permanent supportive housing and additional services that works.

For that reason in this Master's thesis, I have decided to concentrate on the role of housing in the programs that deal with homelessness, on the obligations of states under the international law regarding the right to housing and finally on the successful Finnish Housing First program that placed Finland on the first place in Europe on that matter as the only European country that managed to decrease its homelessness numbers.

In those three main parts, I answered three research questions that helped me understand why states should implement these programs in the first place, what role housing plays in those programs and what types of accommodation there actually are in those programs, and finally what made the Finnish Housing First Program so successful. First of all, I concluded that states are indeed bound by their obligations under the international law regarding the right to housing

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[84] Paris: Are We There Yet. The Wall Newspaper. Available at: https://thewall.pages.tcnj.edu/2013/05/29/paris-are-we-there-yet/. [accessed 29 April 2018].
[85] About Homelessness. Crisis. Available at: https://www.crisis.org.uk/ending-homelessness/about-homelessness/. [accessed 29 April 2018].

and as such, they are actually obliged to take steps in order to make sure the right of all their citizens to an adequate standard of living is being observed.

Second of all, I looked into the various types of housing and into the role housing actually plays or more importantly what role it should play in the homelessness programs. Here I distinguished three main categories: emergency shelters, transitional housing and permanent supportive housing. While it is clear that permanent supportive housing is the best option for everyone, the situation is not black and white and the truth is that even though particularly the emergency shelters often don't offer adequate and safe environment, they still play important role as the capacities in transitional housing and permanent supportive housing are far from sufficient at this point. It is however clear that multiple experience with emergency shelters are less then desired and those should therefore really be used as only the first-entry point that connects the streets and either transitional or permanent supportive housing. For that to happen, the capacities must however be drastically increased. In this part, I have also discussed the relation between housing and additional services and concluded that the need for additional services very much varies among the particular groups of homeless people but the need for housing is universal for all.

This also turned out to be one of the main components of the Finnish success; providing people with permanent supportive housing without conditioning this by requiring them to "get clean" or undergo psychiatric treatment first made quite the difference. Another key component of the Finnish Housing First (and Housing First in general) was then the offer of various additional services which were, as already emphasized, voluntary and based on the harm reduction and recovery orientation principles. The interplay of these components is in my opinion the reason for the Finnish success on this matter.

The question then was whether this success can be replicated elsewhere. Finland is after all is a rather small country population-wise; and with larger countries, much more pressure on capacities and resources comes along. First of all, I argue in this Master's thesis that this can indeed be repeated in other countries, not only on a local scale as it is happening already in many places but also nationwide. For that to happen there must however be enough political will and the necessary communication with the general public. Second important pre-requisite for this program to be successfully implemented on national scale in other countries as well is the increase in capacities; we simply must build more permanent supportive housing in order

to succeed. In addition to this, there will also be a pressing need for a larger number of mental health professionals, counsellors and other experts.

As of now, this program usually runs alongside other homelessness programs as it still is limited to a certain number of places, everywhere it is employed. Besides resources, capacities and political will, nothing however stops it from becoming the main program that eradicates homelessness once and for all; the potential is there. Political will should ideally be present considering the international legal obligations imposed on states by the very instruments they signed and ratified, yet the reality seems to be somewhat different. With enough pressure on the politicians, it should however be possible to lobby some of them in favour of this program. And in the long run, eliminating homelessness by providing homeless people with permanent supportive housing and helping them to a secure tenure will also be more economic as they stop accessing the much more expensive emergency services and become rehabilitated. The right to housing should therefore certainly constitute the most important pillar of the programs dealing with homelessness, not only based on legal and moral considerations but also from the economical point of view.

Eradicating homelessness completely surely sounds like an ambitious plan; perhaps too ambitious, some might say. Particularly in European countries this however should not be as challenging as it might seem, especially since we already have a successful program that managed to decrease chronic homelessness significantly as a model example. Perhaps Europe should then get into the "where there is a will, there is a way" mode and start working to achieve this ambitious goal.

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