FRAGMENTS OF THE EXAMINATION OF A POSSIBLE RELATIONSHIP BETWEEN THE RIGHT TO HOUSING AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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Abstract

Nowadays housing crisis appears as one of the major challenges all around the world. That's why creating an adequate legal framework on housing issues is also a topical concern. From our point of view, the foundation of this legal framework should be the protection of the right to housing. As a second-generation fundamental human right, the right to housing (or at least some elements of it) is protected by certain global and regional human rights documents. In this context one has to analyse the possible relationship between the European Convention on Human Rights and the right to housing. Even though Convention does not contain an explicit provision on this right, Article 8, Article 1 of Protocol No. 1 and Article 2 of Protocol No. 4 can serve as a basis for our analysis. When it comes to the right to respect for one's home (Article 8), the practice of demolition of illegally built settlements has to be reviewed in more depth. Secondly, one has to examine what happens if there is a "legitimate expectation" to acquire a property (Article 1 of Protocol No. 1). Lastly, the connection between the freedom of residence [Article 2 (1) of Protocol No. 4] and the right to housing is also worth considering.

Keywords: *right to housing, European Convention on Human Rights, right to respect for one's home, legitmate expectation, freedom of residence*

I. The right to housing in global and regional human rights documents

Housing crisis represents a pressing concern across Europe. Overcrowding in cities (around 17% of the population of the European Union lived in overcrowded houses in 2024[1]) and rising housing costs (in the European Union, between 2010 and

[1] https://ec.europa.eu/eurostat/web/interactive-publications/housing-2024#housing-cost (accessed: 02.06.2025).

2023, rents increased by 22% on average, while house prices rose by 48%[2]) pose a wide range of challenges. At the same time, the aim of this paper is not to explore the complex causes of the housing crisis, nor to look for possible solutions (as we believe that there is a relatively large literature on this subject, written by more qualified experts in housing issues than the author of this paper), but to approach the problem from a fundamental rights perspective, as in the current context, the protection of the right to housing as a second-generation fundamental human right has become a pivotal issue.[3]

The right to housing is enshrined in considerable number of national[4] and international documents. Already the Universal Declaration of Human Rights highlights in its Article 25 (1) that "*[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including […] housing*"[5]. A similar provision can be found in Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights as well. Based on this latter provision, the Committee on Economic, Social and Cultural Rights issued its General Comment No. 4, in which it emphasized that "*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*"[6]. Furthermore, the Committee pointed out that one has to take into account a number of factors when assessing adequacy, such as the legal security of tenure, availability of services, facilities and infrastructure or habitability[7]. In addition, the Committee examined the aspects of the right to housing in a relatively high number of communications[8].

[2] *Idem.*

[3] Nonetheless, one has to highlight that the recognition of the right to housing as a fundamental human right is a matter of debate in the legal literature, as "*a broader right to housing might impose a burden upon the state*" which is currently not the case. See Shelby D. Green: Imagining a right to housing, lying in the interstices, *Georgetown Journal on Poverty Law & Policy* 19(3), 393-444, 395.

[4] See for example the French and South African examples of detailed national protection of the right to housing. Ryan Burgess: "There is no medicine that can cure this": the right to housing in France and South Africa, *Columbia Undergraduate Law Review* 15(1), 1-39.; Laurence Gay: The right to housing in France and South Africa, *Law, Democracy and Development* 8(1), 119-138.

[5] Universal Declaration of Human Rights, Article 25 (1).

[6] Committee on Economic, Social and Cultural Rights General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), E/1992/23, Point 7. https://www.refworld.org/legal/general/cescr/1991/en/ 53157 (accessed: 02.06.2025).

[7] *Idem*., Point 8.

[8] See for example IDG v. Spain, Communication No. 2/2014. In the given Communication the Committee underlined that "*States parties should ensure that procedures in the context of forced evictions, or that might affect security of tenure and possibly result in eviction, apply the procedural protections that will guarantee, among other things, a real opportunity for consultation with those affected and adequate and reasonable notice for all affected persons prior to the scheduled date of eviction*" (Reasoning 11.2). Another example is Maribel Viviana López Albán v. Spain, Communication No. 37/2018. The Committee highlighted that "*[e]victions should not result in individuals becoming homeless or vulnerable to further human rights violations. […] The State party has a duty to take reasonable measures to provide alternative housing to persons who are left homeless as a result of eviction*" (Reasoning 9.1).

Similarly, the Office of the United Nations High Commissioner for Human Rights has also issued a Fact Sheet on the right to adequate housing. In Fact Sheet No. 21 the High Commissioner lists the main obligations of the states, namely the obligation to respect ("*refrain from interfering directly or indirectly with the enjoyment of the right to adequate housing*"), the obligation to protect ("*prevent third parties from interfering with the right to adequate housing*") and the obligation to fulfil ("*adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to fully realize the right to adequate housing*")[9]. Based on these obligations "*states should withhold from developing measures, policies, or practices that would result in a deterioration of the current housing situation*"[10].

In examining the regional level of protection, one can observe that the right to housing is explicitly protected by the European Social Charter, adopted under the umbrella of the Council of Europe. Based on Article 31 of the Charter, State Parties have to (i) promote access to adequate housing, (ii) prevent, reduce and gradually eliminate homelessness and (iii) make the price of housing accessible for those without adequate resources[11]. In connection with this Article the European Committee of Social Rights issued relevant findings in its case law[12].

Although the regional convention that has the greatest impact on national law, i.e. the European Convention on Human Rights (hereinafter ECHR), does not contain explicit provisions on the right to housing, some of its provisions are closely linked to housing issues. In addition, the case law of the European Court of Human Rights (hereinafter ECtHR) has on several occasions addressed the relationship between the ECHR and the right to housing. On this basis, the aim of this paper is to explore in depth – through the analysis of the relevant case law – the relationship between the ECHR and the right to housing, essentially seeking to answer whether the protection of this right can be guaranteed under the ECHR.

II. The relationship between the right to housing and the ECHR

In our view, and considering the case law of the ECtHR, the relationship between the right to housing and ECHR has to be examined essentially in relation to Article 8 (on the right to respect for private and family life), Article 1 of Protocol No. 1 (on the protection of property) and Article 2 of Protocol No. 4 (on the freedom of movement).

[9] Office of the United Nations High Commissioner for Human Rights Fact Sheet No. 21, 33. https://unhabitat.org/sites/default/files/documents/2019-05/fact_sheet_21_adequate_housing_final_2010.pdf (accessed: 02.06.2025).

[10] J. H. S. van Tongeren: Housing ex-offenders in the Netherlands: balancing neighborhood safety and human rights, *European Journal of Criminal Policy* 28(1), 57-78, 64.

[11] European Social Charter, Article 31.

[12] See for example, European Federation of National Organisations working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006 or International Movement ATD Fourth World v. France, Collective Complaint No. 33/2006.

II.1. Article 8 – Right to family life

As one can notice, Article 8 (1) ECHR[13] guarantees – among others – the right to respect for home[14]. Moreover, according to some scholars, the right to respect for one's home is connected to the other rights protected by Article 8, since private and family life itself can only flourish if linked to the home.[15] The scope of protection covers "*houses, flats and apartments […] regardless of the legal nature or their use. Other buildings and parts of buildings (e.g. garages, cellars, terrace, attics) and certain outdoor areas (e.g. courtyards and gardens) may fall within the scope of protection*"[16]. In all cases, the protection depends on the actual use of the dwelling[17]. Concerning the right to respect for one's home, states have both negative and positive obligations to fulfil, namely an obligation of non-interference[18] and an obligation to establish the necessary legal and institutional framework for adequate protection[19].

As regards the relationship between the right to housing and the right to respect for one's home[20] one can mention that a possible violation of Article 8 has essentially arisen in the context of the demolition of certain illegally built settlements (see cases involving France[21], Bulgaria[22] or Poland[23])[24]. In these cases the ECtHR accentuated that "*Article 8 does not in terms give right to be provided with a home and, accordingly, any positive obligation to house the homeless must be limited. However, an obligation to secure shelter to particularly vulnerable may flow from Article 8 of the Convention in exceptional cases*"[25]. It goes without saying that it is legitimate for the state authorities "*to seek to regain possession of land from persons who did not have a right to occupy it*"[26]. Still, in every case authorities have to take into account the principle of proportionality as well. Whilst analysing the proportionality of an eviction,

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[13] European Convention on Human Rights, Article 8 (1): "*Everyone has the right to respect for his private and family life, his home and his correspondence.*"

[14] Cristoph Grabenwarter: *European Convention on Human Rights. Commentary*, C.H. Beck–Hart–Nomos–Helbing Lichtenhahn, München–Oxford–Baden-Baden–Basel, 2014, 196.

[15] Corneliu Bîrsan: *Convenția europeană a drepturilor omului. Comentarii pe articole*, Ed. C.H. Beck, București, 2010, 685.

[16] Cristoph Grabenwarter: *op.cit.*, 196.

[17] *Idem*., 196. Corneliu Bîrsan: *op. cit.*, 686.

[18] See Cristoph Grabenwarter: *op. cit.*, 202.

[19] Corneliu Bîrsan: *op. cit.*, 598.

[20] It is interesting to note that there are scholars according to whom "*it is housing, rather than a home or a house, that should be the goal.*" For details see Kristen David Adams: Do we need a right to housing?, *Nevada Law Journal* 9(2), 275–324, 320.

[21] Case of Winterstein and others v. France, App. No. 27013/07.

[22] Case of Yordanova and others v. Bulgaria, App. No. 25446/06.

[23] Case of Caldarar and others v. Poland, App. No. 6142/16.

[24] One can also highlight that the demolition of these settlements in certain cases was extremely violent. In this sense see: Grád András, Weller Mónika: *A strasbourgi emberi jogi bíráskodás kézikönyve. Negyedik, bővített kiadás*, HVG-Orac Lap- és Könyvkiadó, Budapest, 2011, 514.

[25] Case of Yordanova and others v. Bulgaria. Reasoning 130.

[26] *Idem*. Reasoning 111. See also Cristoph Grabenwarter: *op. cit.*, 216.

state authorities have to consider (i) whether the establishment of home was lawful, (ii) whether alternative accommodation exists, (iii) the specific needs of the persons concerned and (iv) the local community's right to environmental protection[27].

Although states have a wide margin of appreciation as regards housing policies, this tends "*to be narrower where the right at stake is crucial to the individual's effective enjoyment of fundamental or 'intimate' rights*"[28]. At the same time, the loss of home represents a major interference with Article 8, thus the proportionality of the measure has to be determined by an independent court, which takes into account the relevant principles deriving from Article 8 as well[29]. Moreover, "*the scope of the margin of appreciation depends on the context of the case with particular significance attaching to the extent of the intrusion into the personal sphere of the applicant*"[30].

Based on these observations, the ECtHR concluded that in cases where a given community has lived in an area for a longer period of time, the consequence of removal and the possibility of that group becoming homeless should be taken into account, based on the principle of proportionality[31]. Furthermore, due account should also be taken of the fact that a community belongs to a socially disadvantaged group[32].

In another recent case the ECtHR concluded that the enforcement of demolition orders is disproportionate if they don't ensure the participation of the persons concerned in the procedure or if the authorities don't asess the proportionality of the orders[33]. Even though in the given case the demolition served a legitimate aim, namely the protection of public order (by *"ensuring the compliance with urban planning and combating unlawful construction*") and the rights of others (by "*ensuring personal safety of all those present on and in the vicinity of the site*")[34], the ECtHR found that the applicants could not present their arguments and the authorities could not take these arguments into account while examining the proportionality of the measure[35].

One can conclude that, although the right to housing does not fall within the scope of Article 8[36], many aspects of it have been addressed, and – where appropriate – protected by the ECtHR. It is evident that states have a wide margin of appreciation in housing policies, but this discretion should always take into account the protection

[27] Case of Winterstein and others v. France. Reasoning 76.
[28] *Idem*.
[29] *Idem*.
[30] Case of Yordanova and others v. Bulgaria. Reasoning 118.
[31] *Idem*. Reasoning 121, 126.
[32] *Idem*. Reasoning 134.
[33] Case of Caldarar and others v. Poland. Reasoning 158.
[34] *Idem*. Reasoning 149.
[35] *Idem*. Reasoning 153.
[36] Some scholars have highlighted that whilst Article 8 focuses mostly to the procedural aspects of eviction, Article 31 of the European Social Charter "could mould housing policies to make them more suitable to the right to housing of people without resources." Maribel Gonzalez Pascual: Social rights protection and financial crisis in Europe. The right to housing in Spain: a cautionary tale, *Inter-American and European Human Rights Journal* 9(1), 260-286, 263.

of private and family life as well as the principle of proportionality. If these aspects are completely ignored, the demolition or removal of illegally built settlements or dwellings can be considered a violation of Article 8 ECHR.

Beside the above presented cases, another striking judgment from the case law of the ECtHR can be pointed out when examining Article 8, which however is not connected to the demolition of illegally built settlements. In case of *Bah v. The United Kingdom*[37] the applicant a Sierra Leonean woman, who was granted indefinite leave to remain in the UK. Subsequently, her minor son followed her to the UK. Later on, they had to leave their previous place as the landlord did not allow the son to stay in the room rented by the applicant. The authorities assured the applicant of their assistance but were unable to grant her priority for social housing as her son was subject to immigration control. Notwithstanding, with the help of the authorities they managed to find private-sector accommodation. Finally, after several months, the applicant was allocated social tenancy for a one-bedroom flat[38].

In its judgment the ECtHR emphasized that "*there is no right under Article 8 of the Convention to be provided with housing*"[39]. As regards the alleged violation of prohibition of discrimination (Article 14), the ECtHR stressed that "*it is legitimate to put in place criteria according to which a benefit such as social housing can be allocated, when there is insufficient supply available to satisfy demand, so long as such criteria are not arbitrary or discriminatory*"[40]. All in all, the ECtHR found that in the given case there was no discrimination, "*the differential treatment to which the applicant was subject was reasonably and objectively justified by the need to allocate, as fairly as possible, the scarce stock of social housing available in the United Kingdom*"[41].

Thus, when it comes to social housing, states can determine different criteria based on which social housing is allocated. In this sense they have a wide margin of appreciation. Nonetheless, these criteria have to respect the prohibition of discrimination.

II.2. Article 1 of Protocol No. 1 – Protection of property

According to the first sentence of Article 1 of Protocol No. 1 "*[e]very natural or legal person is entitled to the peaceful enjoyment of his possessions*"[42]. Deprivation of property can occur only if it's in the public interest and is subject "*to the conditions provided for by law and by the general principles of international law*"[43]. Moreover, the protection of peaceful possessions "*shall not […] in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in*

[37] Case of Bah v. The United Kingdom, App. No. 56328/07.
[38] *Idem*. Reasoning 5-9.
[39] *Idem*. Reasoning 40.
[40] *Idem*. Reasoning 49.
[41] *Idem*. Reasoning 52.
[42] European Convention on Human Rights, Article 1 of Protocol No. 1.
[43] *Idem*.

accordance with the general interest or to secure the payment of taxes or other contributions or penalties"[44].

As it was correctly noted in the relevant legal literature, this Article contains three main rules concerning the right to property, namely "*the general principle of peaceful enjoyment of property, […] protection against deprivation of possessions and […] a guarantee concerning the control of the use of property*"[45]. The material scope of the right to property covers not only the property as defined in civil law, but also other components, such as legitimate claims[46]. It is therefore necessary to examine in particular what is meant by "*legitimate expectation*". In considering the case law of the ECtHR, Corneliu Bîrsan indicated that a "*legitimate expectation*" includes, among others, the issuance of an urban planning certificate or the guarantee for contract renewal[47]. Yet, the existence of a "*legitimate expectation*" is also a key consideration in relation to various issues concerning the right to housing, as will be seen below.

At the same time, one has to point out that the protection of property is not an absolute right. According to some scholars, interferences can be categorised in three main groups: "*(a) deprivation of possessions [...], (b) control of the use of property [...] and (c) other interferences with the right to property*"[48].

In examining the relationship between Article 1 of Protocol No. 1 and the right to housing, I intend to reflect on two salient judgments of the ECtHR. In the case of *Teteriny v. Russia*[49]*,* the applicant (a former judge) was allocated a flat for use and possession by national courts[50]. Yet, the town council – which was responsible for enforcing the court decision – did not have sufficient material resources, thus could not provide the applicant with a flat[51]. With regard to a possible violation of Article 1 of Protocol No. 1, the ECtHR underlined that "*a 'claim' – even to a particular social benefit – can constitute a 'possession' […] if it is sufficiently established to be enforceable*"[52]. Since the expectation of the applicant to acquire a flat ("*acquire a pecuniary asset*"[53]) was legitimate, the ECtHR concluded that the "*claim to a 'social tenancy agreement' was sufficiently established to constitute a 'possession'*"[54]. Based on these, Article 1 of Protocol No. 1 has been violated in the given case.

[44] *Idem*.
[45] Cristoph Grabenwarter: *op.cit.*, 366.
[46] *Idem*., 367. The material scope of the right to property is similar in the Romanian constitutional system as well. See for details: Nagy Gellért: A tulajdonjog és tulajdonvédelem alkotmányos garanciarendszere Romániában, *Alkotmánybírósági Szemle* 2024(1), 45-52, 47.
[47] Corneliu Bîrsan: *op. cit.*, 1667-1668.
[48] Cristoph Grabenwarter: *op.cit.*, 371.
[49] Case of Teteriny v. Russia, App. No. 11931/03.
[50] *Idem*. Reasoning 4-6.
[51] *Idem*. Reasoning 7.
[52] *Idem*. Reasoning 47.
[53] *Idem*. Reasoning 49.
[54] *Idem*. Reasoning 50.

In the second pivotal case[55], the applicant was granted priority for urgent rehousing status by the Paris mediation commission under the so-called DALO Act, as she was living in indecent conditions with her brother and daughter[56]. Still, the rehousing failed to take place due to a lack of available flats in the region (*Île-de-France*)[57]. The ECtHR concluded that – although "*assets, including claims […] may also fall within the notion of 'possession' contained in Article 1 of Protocol No. 1*"[58] – in the given case the decision to grant priority for urgent rehousing "*did not require the authorities to grant the applicant ownership of a flat but to make one available to her*"[59]. It is true that, under certain conditions, the applicant could have bought the flat, but this was not a right, but merely an option. Based on these, "*the applicant did not have any 'legitimate expectation' of acquiring a property*"[60]. Thus, Article 1 of Protocol No. 1 was not violated, as the applicant's right to a social housing tenancy cannot be considered a possession[61].

Based on these two judgments of the ECtHR one can notice that a link between the right to housing and Article 1 of Protocol No. 1 can be sought where a given person has a "*legitimate expectation*" of acquiring the right to property over a particular dwelling. Exploiting this connection between the two rights could take the protection of the right to housing to a higher level.

II.3. Article 2 of Protocol No. 4 – Freedom of movement

According to paragraph (1) of Article 2 of Protocol No. 4 "*[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence*"[62].

As one can notice, the scope of protection of this Article covers the freedom to choose one's residence as well. Residence is a particular space where a person stays for a certain (longer) period of time[63]. Nonetheless, we have to accentuate that this freedom is protected only if a given person "*is lawfully on the territory of the Member State*"[64]. The freedom of residence is not limited to a single dwelling, secondary residence is also protected[65]. A limitation of the freedom to choose one's residence occurs when the state obliges a person to live in a particular residence (e.g. in the case

[55] Case of Tchokontio Happi v. France, App. No. 65829/12. For more on the French national legislation and the judgment see Rocco Alessio Albanese: Within the public-private divide. Right to housing and consumer law in recent European Private Law trends, *Global Jurist* 19(2), 1-15, 9-11.

[56] *Idem*. Reasoning 6.

[57] *Idem*. Reasoning 7-9, 22.

[58] *Idem*. Reasoning 58.

[59] *Idem*. Reasoning 59.

[60] *Idem*.

[61] *Idem*. Reasoning 60.

[62] European Convention on Human Rights, Article 2 of Protocol No. 4.

[63] Cristoph Grabenwarter: *op. cit.,* 413.

[64] *Idem.*, 412.

[65] *Idem*.

of civil servants) or prohibits a person from residing in a particular place[66]. Morever, freedom of residence can be also restricted by requiring special authorisations[67].

The relationship between the freedom of movement, and within the freedom of residence, and the right to housing can be best illustrated in the light of the case of *Garib v. The Netherlands*[68]. The applicant, together with her two children, lived in a rented flat in the southern part of Rotterdam. The landlord asked the applicant to move out as he wanted to renovate the flat and then use it for own purpose. In exchange, he offered to rent another property in the Tarwewijk area of the city, which the applicant thought would be even more suitable (as it had three rooms and a garden as well). In the meantime, the Inner City Problems (Special Measures) Act had been passed. Based on this Act the city council of Rotterdam adopted a bye-law under which if a person had no income from work, independent profession or business, early retirement pension, old age pension or student grant he or she could only be allowed to reside in the area after six years of residence in Rotterdam. As the six years had not expired in the applicant's case, and as she was dependent on social benefit (thus was not exempt from the six-year time requirement), her application for housing permit was refused[69].

In its judgment the ECtHR indicated first of all that "*the domestic authorities found themselves called upon to address increasing social problems in particular inner-city areas of Rotterdam resulting from impoverishment caused by unemployment and a tendency for gainful economic activity transferred elsewhere*"[70]. Taking into account this aim of the state authorities and the detailed provisions of the domestic legislation, the ECtHR found that the given policy is not without "*reasonable foundation*"[71]. Moreover, it was highlighted that the Act contained special safeguards for those unable to find suitable housing[72].

Secondly, one has to take into account that, when it comes to the development of large cities, states have a wide margin of appreciation in implementing their policies on town-planning[73]. As a conclusion, "*it is not for the Court [i.e. ECtHR] to say whether the measure complained of represented the best solution for dealing with the problem or whether the State's discretion should have been exercised in another way*"[74]. Thus, no violation of Article 2 of Protocol No.4 was found.

It goes without saying that states indeed have a wide margin of appreciation in urban planning. Yet, we believe that in those cases where certain urban planning

[66] *Idem*., 413-414.
[67] *Idem*., 414.
[68] Case of Garib v. The Netherlands, App. No. 43494/09.
[69] *Idem*. Reasoning 5-15.
[70] *Idem*. Reasoning 121.
[71] *Idem*. Reasoning 127.
[72] *Idem*. Reasoning 125.
[73] *Idem*. Reasoning 116.
[74] *Idem*. Reasoning 128.

provisions lead to housing difficulties, this discretion is much narrower. This is particularly so where housing difficulties affect a disadvantaged or vulnerable group. Considering all of these aspects, it is precisely to guarantee the right to housing that the ECtHR should have acted much more emphatically in the above case, by protecting the freedom of residence as well.

III. Concluding thoughts

As a second-generation fundamental human right, the right to housing is protected primarily by international conventions focusing on social rights. Nevertheless, the present paper sought to shed light on a new aspect by analysing the possible link between the right to housing and the ECHR. In our view, such a connection would be beneficial as the ECHR is the international convention that has had the greatest impact on national legislation across Europe. In this way, the inclusion of certain elements of the right to housing in the case law of the ECtHR would also serve as a warning to national legislators.

Yet, this link between the right to housing and the ECHR is currently relatively marginal. While some of the fundamental human rights protected by the ECHR may have a housing dimension, this is only apparent in specific cases. In examining the possible violation of Article 8, the ECtHR found that states have a wide margin of appreciation in relation to housing policies, but the actions of state authorities must always take account of the principle of proportionality. Article 1 of Protocol No. 1 marginally concerns the right to housing in cases where a given person has a "*legitimate expectation*" of acquiring the right to property over a particular dwelling. Last but not least, ECtHR should pay more attention to housing issues when examining possible violations of Article 2 of Protocol No. 4. All these possible links between the ECHR and the right to housing are summarized in the table below.

	Relevant case law of the ECtHR	**Main findings, conclusions**
Article 8	Case of *Winterstein and others v. France*, case of *Yordanova and others v. Bulgaria*, case of *Caldarar and others v. Poland*	(i) states have a wide margin of appreciation in housing policies but, (ii) if the principle of proportionality is ignored, the demolition or removal of illegally built settlements or dwellings can violate the right to respect for home.
	Case of *Bah v. The United Kingdom*	States can determine different criteria based on which they allocate social housing.

Article 1 of Protocol No. 1	Case of *Teteriny v. Russia*, case of *Tchokontio Happi v. France*	A social tenancy agreement constitutes possession and thus has to be protected, if there is a "*legitimate expectation*" of acquiring a property.
Article 2 of Protocol No. 4	Case of *Garib v. The Netherlands*	(i) states have a wide margin of appreciation in implementing their policies on town-planning; (ii) it is not for the ECtHR to examine whether a concrete measure represents the best solution for dealing with increasing social problems in particular inner-city areas.

Table 1.: Possible links between the ECHR and the right to housing

The housing crisis is an extremely complex issue and the right to housing is protected still mainly by the European Social Charter and the International Covenant on Economic, Social and Cultural Rights. At the same time, solutions to the problem need to be developed that also raise the level of fundamental rights protection. Greater attention to the provisions of the ECHR would serve this purpose.

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