



# Right to adequate housing

**Parallel report on the 'right to adequate housing' by Govan Law Centre's Public Interest Litigation Unit to inform the United Nations Committee on Economic, Social and Cultural Rights review of the United Kingdom during its 58th Session.**

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# Govan Law Centre



Govan Law Centre based in the south of Glasgow uses the law to fight poverty and tackle disadvantage and discrimination.

# GOVAN LAW CENTRE

It meets unmet legal needs in the community. It provides expert legal services including advice and assistance and court and tribunal representation.

It is one of the most successful campaigning community-based law centres in Scotland and the UK

## Public Interest Litigation Unit

A specialist unit set up within Govan Law Centre which aims to use the recommendations of human rights bodies such as the UN Committee on Economic, Social and Cultural Rights to guide our priorities in identifying cases of public interest.

Established in the summer of 2015 with a general mandate to take on test cases from across Scotland we believe we are uniquely placed to give a snapshot into how economic and social rights are being experienced on the ground.

Purpose

of our

Parallel Report

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This report will provide a brief overview of the priority housing issues affecting our clients and the community we serve. It is illustrative of the issues concerning the right to adequate housing within the right to an adequate standard of living and how gaps in implementation are impacting people. There are, of course, many additional problems facing communities and compromising living standards in Scotland, and indeed across the UK, and it is hoped that the ICESCR Committee will hear from a broad range of stakeholders. Nevertheless, it is our hope that this report offers a unique insight into some of the important issues impacting living standards in the area we work in.

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18% of people applying to their local authority as homeless have come from the private rented sector.

# Executive Summary

The right to housing derives from the right to an adequate standard of living in Article 11 of the International Covenant on Economic, Social and Cultural Rights. The interpretation of this right has been expanded by the ICESCR Committee's General Comments and these are referenced where relevant as defining the international standard.

Govan Law Centre, and the PILU, are able to provide the ICESCR Committee with an authentic account of some of the issues which are not discussed in the State report through the unique work we do concerning housing rights in Scotland.

*This report will cover the following issues:*

- Homelessness and rough sleeping in Glasgow.
- Experiences of tenants in the private rented sector.
- People with disabilities who are at threat of losing their home due to cuts to their care package.
- Asylum seeker housing rights

**In light of these we would ask the Committee to:**

Ask the State parties what they will do to enforce breaches of the homelessness legislation which leave people sleeping in a shelter or outside in the cold?

Ask the State parties what they will do to ensure that those refused accommodation have a right to review any decision in a way that is compatible with human rights standards?

Ask the State parties what they will do to reduce discrimination, stigmatization and negative stereotyping and ensure that people know their statutory rights to emergency accommodation?

Ask the State parties what they will do to better regulate the private sector so that it cannot continue to allow landlords to take advantage of those on low incomes?

Ask the State parties how they will ensure that landlords cannot evict tenants and make them homeless without proper safeguards as required by human rights standards?

Ask the State parties to advise how they will make private sector tenants, especially those on low incomes, more aware of their rights?

Ask the State parties how they will properly train police officers to understand their duties with regards the criminal offence of illegal eviction and ensure that more landlords are prosecuted for this crime?

Ask the State Party what it will do to prevent local authorities from cutting care packages for people with disabilities and prevent people having to move out of their homes?

Ask the State Party what they will do to prevent asylum seekers becoming homeless when they are between claims or awaiting judicial review of appeal decisions concerning their case?

Ask the State Party if it will be reviewing the operational management of housing support for asylum seekers to ensure they are in line with the international human rights standards?

Ask the State Party what measures it will put in place to reduce discrimination, stigmatization and negative stereotyping in ensuring asylum seekers' housing rights?

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# Acronyms

GCC	Glasgow City Council
PILU	Public Interest Litigation Unit
POHP	Prevention of Homelessness Project

# Glossary

## Judicial Review

A remedy whereby the Court of Session may review and if necessary set aside or rectify the decision of public officials or bodies where no other form of appeal is available.

# Right to an adequate standard of living in the Covenant

*"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 cooperation based on free consent."*

Article 11(1) of International Covenant on Economic, Social and Cultural Rights

The right to an adequate standard of living is found in the International Covenant on Economic, Social and Cultural Rights. The Covenant requires the UK as the State Party to respect, protect and fulfil rights such as the right to adequate housing, to food, work and education and to the highest attainable standard of health. These rights include minimum obligations, such as to ensure non-discrimination and to prioritise the most vulnerable, to ensure the realisation of "minimum essential levels" of the rights, as well as to take effective measures to ensure use of the maximum available resources to progressively realise those rights. The UK ratified the Covenant in 1976 and therefore this right has been a feature of the legal system since then despite the fact it is not incorporated in the legal system in the same way that the rights from the European Convention on Human Rights are by virtue of the Human Rights Act 1998.

The progressive realisation of this right has not only not been achieved but rather there has been a definite regression in housing rights. The most vulnerable groups in society; disabled people, people on low incomes, women especially those with caring duties, and young people have been disproportionately impacted.

## In General Comment 4

of the ICESCR Committee on the right to adequate housing the ICESCR Committee tell us how they interpret Article 11 (1). They said 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. This is appropriate for at least two reasons. In the first place, the right to housing is integrally linked to other human rights and to the fundamental principles upon which the Covenant is premised. This "the inherent dignity of the human person" from which the rights in the Covenant are said to derive requires that the term "housing" be interpreted so as to take account of a variety of other considerations, most importantly that the right to housing should be ensured to all persons irrespective of income or access to economic resources.

General Comments are the ICESCR Committee's interpretation of the rights contained in the Covenant. They reveal exactly what the right means and what the extent of the State's duties are in relation to it.

The Committee also explains how the adequacy of housing should be determined with reference to the following standards:

**A. Legal security of tenure.**

Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;

**B. Availability of services, materials, facilities and infrastructure.**

An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;

**C. Affordability.**

Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials;

**D. Habitability.**

Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well.

**E. Accessibility.**

Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

**F. Location.**

Adequate housing must be in a location which allows access to employment options, health care services, schools, childcare centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

**G. Cultural adequacy.**

The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured.

## General Comment 7,

also provides interpretation of Article 11(1) focusing solely on the issue of forced evictions. The committee has found that the practice of forced evictions is widespread and affects persons in both developed and developing countries. Owing to the interrelationship and interdependency which exist among all human rights, forced evictions frequently violate other human rights. Therefore, while manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non interference with privacy, family and home and the right to the peaceful enjoyment of possessions. The Committee has held that 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. The ICESCR Committee has also tackled the issue of discrimination in the implementation of housing rights. General Comment 20 points out that a person's social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping which can lead to the refusal of, or unequal access to, the same quality of education and health care as others, as well as the denial of or unequal access to public places.

*Please provide concrete information on how current housing policies and welfare reform are contributing to addressing the housing deficit in the State party. Please provide statistical information on the supply of social and affordable housing, especially for the most disadvantaged and marginalized individuals and groups, including middle- and low income individuals and households, young people and persons with disabilities. Please also provide information on how security of tenure is guaranteed, particularly in the private rental sector, and on the measures adopted to protect tenants from forced eviction.<sup>5</sup>*

This parallel report will provide the ICESCR Committee with an authentic account of the issues affecting the people we serve.

Housing is an issue devolved to the Scottish Parliament and therefore many of the problems outlined in this report are within the legislative competence of the Scottish Parliament. Nevertheless, the UK Parliament and, in particular the current UK Government, are responsible for many of the issues impacting housing rights where we live and work. For example, Housing Benefit, an important feature of the welfare state which ensures that rent is paid in whole or in part for those who cannot afford it, is reserved to the UK Parliament. In particular, the 'austerity' measures which have been adopted in the last eight years since the ICESCR Committee last reviewed the UK's record have had a devastating impact on the realisation of human rights and social welfare across the board. We trust that the severe and devastating cuts made to the social safety net have been fully covered in other parallel reports for this review. It will suffice to say here that this has contributed to the numbers of people in the areas we work in becoming less well off, less secure, less able to access legal advice and therefore less able to agitate for their rights including their rights as tenants and homeowners.

## Legal Framework for 'right to adequate housing'

On 3 November 2015 the ICESCR Committee, in its List of Issues, asked the UK to clarify the following in relation to its record on the right to progressively realise the right to an adequate standard of living:





The UK does not have any written constitution or Bill of Rights. Economic and social rights, as they are conceived in the Covenant, are not directly enforceable as part of any of the UK's legal systems."

Scottish Government has sought to deliberately set itself apart from the UK Government by fully endorsing human rights accountability and campaigning against the UK Government's plans to repeal the Human Rights Act 1998, the statute incorporating the European Convention on Human Rights. The Scottish Government have also made commitments specifically towards incorporating economic and social rights. In their March 2016 statement responding to the list of issues, Scottish Government repeatedly affirm their commitment to economic and social rights and point to examples which demonstrate this commitment." Nevertheless, this report reveals some of the real life stories behind the regulatory frameworks which show that, for many people, housing rights are not in line with the Covenant's standards.

*People were not aware of their legal rights.*

Many people staying in the shelter were unaware of their legal rights to be accommodated. As such they were more vulnerable to being turned away by Council staff.

*Glasgow City Council failing to take homeless applications.*

Instead of taking someone's application and investigating whether they have a right to be accommodated people were often simply given 'advice and assistance'. In a clear breach of statutory duty they were often not given a decision in writing therefore depriving them of a right of review.

*GCC did not fulfil statutory duty by taking homeless applications but thereafter did not accommodating the person.*

A variety of reasons were typically given to do with the person's mental health, their criminal history or because there was not enough accommodation available.

*GCC did not offer temporary accommodation to people and referred them back to other local authorities where they believed they had more of a connection.*

This is in breach of their statutory duty to accommodate them until the other local authority had accepted them.

*GCC refusing to accommodate temporarily when a review of a decision of 'intentionally homeless' or 'not homeless' or 'no local connection' is active.*

This is in breach of their statutory duty to provide accommodation while the review is being considered.

*Withdrawal of temporary accommodation.*

Temporary accommodation was often withdrawn for antisocial behaviour, drug or alcohol abuse or breaking rules or curfews in the temporary accommodation.

## Homelessness and rough sleeping in Glasgow

The State Party point to the legal duty with regards housing provision for anyone found to be unintentionally homeless and how it demonstrates compliance with the Covenant." They do not, however, make representations about how this is implemented on the ground.

The experience of our Prevention of Homelessness Project shows that, despite the law in this area being clear, local authorities routinely send people away who present as homeless leaving them to sleep rough on the street. This year a Winter Night Shelter ran from 3 December 2015 until 31 March 2016 in order to accommodate those who had presented as homeless to Glasgow City Council and were turned away to sleep rough in the cold Scottish winter. POHP set up a rights hub consisting of one solicitor and one housing case worker who attended the Winter Night Shelter twice weekly in order to advise and assist those who had slept in the shelter. They found that the same issues were emerging time and time again.

The numbers using the Winter Night Shelter are increasing year on year. The monitoring data is not yet available for this year however last year's figures show that 407 people used the shelter visiting over 1,501 times." This year POHP provided assistance to 203 clients, not everyone sleeping in the shelter engages with our advice team and we can assume, therefore, that the numbers are much greater. Due to funding shortages the shelter does not last all year and is only open during the winter months. There is no night in Scotland where one would not be freezing cold sleeping rough on the streets and certainly not an evening when one could be certain of being safe. Many people using the shelter are suffering from mental and physical health issues as well as complex addiction needs. Others are suffering family breakdown or trying to build their lives after leaving prison. Being turned away by the local authority exacerbates their feelings of hopelessness and has a severely detrimental impact on their ability to rebuild their lives.

We would ask the ICESCR Committee to:

Ask the State parties what they will do to enforce breaches of the homelessness legislation which leave people sleeping in a shelter or outside in the cold?

Ask the State parties what they will do to ensure that those refused accommodation have a right to review any decision in a way that is compatible with human rights standards?

Ask the State parties what they will do to reduce discrimination, stigmatization and negative stereotyping and ensure that people know their statutory rights to emergency accommodation?



## Experiences of tenants in the private rented sector

The private rented sector has almost doubled in the past 12 years and comprises 14.6% of all households in Scotland. Our research into the sector measured private tenants experience against what they could expect in the social rented sector in relation to the 'Scottish Housing Quality Standard' for social landlords." The findings of in-depth research investigating the lives of private sector tenants in Glasgow revealed that people were powerless with low expectations, little choice and no security." People were often being forced into renting in the private sector because the waiting lists for social rented housing were too long, because they could not afford to buy their own home or even conceive of a time in the future when they could or because they had suffered a relationship or family breakdown.

Rent in the private sector when compared to social rented sector is much more expensive and half of those consulted struggled to pay their rent each month. Moreover, many reported that rent was often increased at an unreasonable rate and without warning. Essential repairs are often ignored by landlords and tenants are afraid to complain for fear of being evicted.

Security of tenure is a massive issue for tenants in the private rented sector and many of those involved in the research stated that fear of eviction was "always in the back of your mind". Private landlords do not have the same obligations as registered social landlords and they are regulated by a separate statutory scheme (Housing (Scotland) Act 1988). The overwhelming majority of tenants in the private sector are in a Short Scottish Assured Tenancy. These have a tenure of 6 months after which the tenancy moves to a month by month basis. At this point the landlord can serve a notice and evict the tenant by securing a court order. This is in contrast to the type of tenancies used in the social rented sector which require a list of pre-action protocols to be followed before any eviction action is raised in court.

Scottish Parliament is currently considering a new bill to "modernise" the Private Rented sector.<sup>x</sup> The Bill is making its way through the legislative process however, as it stands, it proposes to add to the list of mandatory eviction grounds making it even easier for private landlords to evict tenants.<sup>x</sup>

Forced and illegal evictions are rife and often intimidation and harassment are used to remove a tenant. In Scotland both harassment and unlawful eviction are a criminal offence (Rent (Scotland) Act 1984) however in our experience no one has ever been charged.

When our clients report an unlawful eviction or harassment to the police, they are offered little or no assistance and are often they are told it is "a civil matter". Our solicitors dug deeper and discovered that an average of two people per year are convicted under this offence, a pretty shocking statistic as on one day alone 11 clients were illegally evicted and instructed us at our Govanhill Law Centre.<sup>6</sup>

18% of people applying to their local authority as homeless have come from the private rented sector.

Housing benefit in Scotland across the social rented and private sectors cost the public purse £1.9 billion.

27% of all housing benefit claims are from the private rented sector.

Typically a private rented home costs twice as much as one in the social rented sector.

Housing benefit costs per claim in the social rented sector averaged £3,645 per year compared to £5,130 in the private one.

Private rented homes are 3 times more likely to have a poor National Home Energy Rating.

Private Rented Sector properties comprise 25% of housing stock deemed to be Below Tolerable Standard Stock.

55% of all private rented stock failed the Scottish Housing Quality Standards.

37% of private rented sector tenants reported that their heating sometimes or never keeps them warm. 11% said their heating never kept them warm enough.<sup>7</sup>

We ask the Committee to:

Ask the State parties what they will do to better regulate the private sector so that it cannot continue to allow landlords to take advantage of those on low incomes?

Ask the State parties how they will ensure that landlords cannot evict tenants and make them homeless without proper safeguards as required by human rights standards?

Ask the State parties to advise how they will make private sector tenants, especially those on low incomes, more aware of their rights?

Ask the State parties how they will properly train police officers to understand their duties with regards the criminal offence of illegal eviction and ensure that more landlords are prosecuted for this crime?

## Test cases through the Public Interest Litigation Unit

The PILU is currently following two definitive strands of work in relation to this issue: The housing rights of people with disabilities who are being threatened with eviction to satisfy local authority budget cuts and the housing conditions endured by asylum seekers.

PILU is also pursuing other cases for people with learning disabilities who, while not being threatened with eviction are seeing their income drop and experiencing a great deal of stress as a result. The care packages that disabled people receive from local authorities are being cut on an unprecedented scale. Public sector cuts, welfare reform and the disproportionate impact they are having on disabled people has been well documented. The PILU is pursuing test cases to address a number of concerns affecting the economic and social rights of disabled people.



## People with disabilities who are at threat of losing their home due to cuts to their care package

### People with disabilities who are at threat of losing their home due to cuts to their care package

The major success of the disability rights movement has been the move towards independent living. The UN Convention for the Rights of Persons with Disabilities made the right to independent living an established human right.<sup>41</sup> Recent test cases being taken forward by the PILU are demonstrative of how this right is being significantly compromised. Disabled People's Organisations across Glasgow are very concerned about the number of service users who are coming to them because they have been reassessed by social work services and told they must move out of their homes to fund the dramatic cuts being made to their care packages. New Scottish legislation has paved the way for these reassessments by way a new policy designed to promote autonomy for disabled people relying on social care support from their local authority.

Self-Directed Support or "Personalisation" for disabled people under the Social Care (Self-directed Support) (Scotland) Act 2013 is a move away from "gift and service based models" towards person centred support. It aims to provide autonomy to people receiving care packages, allowing them to use the money allocated to them to best suit their needs. Self Directed Support itself has been largely welcomed by disabled people and is a welcome measure.<sup>42</sup>

Nevertheless In implementing this legislation however the local authority, in our clients' cases Glasgow City Council, are seeing fit to significantly reduce the value of some disabled people's care packages, cutting some of them almost by half and requiring people to move out of their specially adapted homes where they have been living independently for years.



Our client, Scott, was the victim of a vicious knife attack when he was 16 years old and became paralysed from the neck down. He steadily rebuilt his life throughout his twenties not least because he was given his own home with the assistance of a team of carers working round the clock. Scott, at the age of 30, is now a full time student and enjoys an active social life. He came to meet with the PILU soon after he had been re-assessed. He had just learned that his package was to be cut by over half and he was to be moved into shared accommodation to help save the local authority money. He was, and still is, extremely distressed at the idea of losing his care team and losing his home. His father, who is also disabled, and his sister and her children with whom he is very close all live locally. His own words best describe the situation:

*"I feel my care meets my psychological, emotional, social, and cognitive needs. This procedure of personalisation I am going through is having 'detrimental effects' in every aspect of my life. I cannot sleep, eat, and am in a constant state of worry so much so my care staff had to make an emergency appointment at the doctors as I was exhibiting signs of psychological breakdown, with suicidal thoughts. This makes me feel like I am a taint on society, draining resources and not worthwhile, who has nothing to offer, particularly in reading how social work view my life.*

*Disabled and anti-austerity groups see these cuts as an attack on the poor, the vulnerable and the disabled. Personalisation is justification is rolling back the state. Many groups have already found a correlation between cuts and suicide, and I do not wish to be one of these statistics."*

The local authority maintains that his care will not be compromised by these cuts and see him moving into shared accommodation as an ideal way to save the money while sharing his care needs with someone with similar care needs. At the Committee Hearing, the last stage in the local authority's internal complaints procedure, it was even suggested that Scott could stay in the area he lives in and they would find someone with the exact same care needs as him who would be happy to move into his area. Optimistic at best, disingenuous at worst. Scott's case is still being pursued by the PILU who will attempt to judicially review the Council's decision regarding Scott's care package on the grounds that forcing him to move out of his home violates Article 8 of the Human Rights Act 1998. This case, incidentally, also demonstrates the need to incorporate the right to an adequate standard of living as currently the only human rights based remedy available to those experiencing such situations is the Human Rights Act.

We ask the Committee to:

Ask the State Party what it will do to prevent local authorities from cutting care packages for people with disabilities and prevent people having to move out of their homes?



# Housing rights for Asylum Seekers

Asylum seekers' housing support is provided throughout Scotland and Northern Ireland by a private company who won this lucrative UK Government contract and make a considerable profit paid for by public money.<sup>xx</sup> This company, Serco, have sub-contracted another company Orchard & Shipman, who are now the subject of intense political and media scrutiny.<sup>xx</sup> Orchard & Shipman are responsible for the operational management of the contract and procure accommodation, manage maintenance, orient asylum seekers to the area, register them with health services and enrol children in schools. According to the Asylum Seekers Housing Project approximately 400 of the properties leased in Glasgow are leased from registered social landlords.

Asylum applicants in the UK do not have the right to mainstream welfare benefits and are not permitted to undertake paid work.<sup>xxi</sup> As such the vast majority are heavily reliant on the housing support they receive by whomever has the contract. The PILU is contacted approximately twice a week by asylum applicants at risk of homelessness because they are in between asylum claims, or awaiting a judicial review of their appeal. Orchard & Shipman do not respond to any letters sent to them asking them to provide a written undertaking that they will not evict. Even in the case of women who are pregnant or who have children. There are repeated cases of overcrowding and severe disrepair. The PILU lawyers are unable to argue that the asylum seekers in such situations have any of the usual tenants' rights under common law and statute enjoyed by the general community. The PILU has instead taken a novel approach and argues that those receiving housing support through Orchard & Shipman enjoy contractual rights by virtue of their tenancy agreement.



The Asylum Seeker Housing Project summarises the "poor standard of housing" as follows:

- ❶ Properties that are badly maintained with dilapidated heating and hot water systems which are inefficient and break down regularly.
- ❷ Flats that are inadequately decorated with cheap, second hand poor quality furniture provided.
- ❸ Intimidation, bullying and harassment of service users by staff.
- ❹ Required repairs to properties are either not recorded or completed on time.
- ❺ Single parent families frequently forced to share self-contained accommodation.

## Wadzanayi Zvanyanya's Story

My name is Wadzanayi Zvanyanya and am 55. I have been living in the Home Office accommodation which is managed by Orchard and Shipman. When my section 95 HO support was terminated, O&S sent me a letter giving me 3 days notice to vacate the property. Shafiq from Asylum Housing Project wrote on my behalf challenging that they had not given me the required 7 days notice.

Another letter was immediately delivered by hand to myself by a member of their staff to vacate the property in 7 days. Yet another letter was delivered the following day by hand to myself.

Following that my housing officer phoned me on the same day to emphasise that I had to leave on the date stipulated in the letters. I explained to him that I was trying to sort things out and he insisted to say that my contract specifically stated that I had to leave after the termination of the HO support.

I struggled to get him off the phone because he was going on and on about the need to vacate the property. When I eventually got him off the phone I was really upset and could not concentrate with what I was doing at College. Even when I phoned my solicitor I was crying on the phone. A couple of days later I missed his call and he left a voice message asking for an update of when I would be leaving. The next 2 times he came to do the flat inspection he kept on about the same issue and I said to him to speak to my housing lawyer from Govan Law Centre. GLC had written to O&S requesting for an undertaking that they would not evict but did not get a response as far as I know.

I know of a number of female friends of mine who are homeless after having been evicted by O&S. The majority of them are over 60's and are having to move from house to house living with friends. It appears it is not only refused asylum seekers who experience these problems with O&S but even those who are granted refugee status if they do not leave within the 28 day period of the end of their HO support. My previous flatmate was forced into the O&S car and was dumped outside the Glasgow City Council Hamish Alan housing centre.

I hope the UK government will come up with a solution of stopping this destitution for refused asylum seekers.

## **We ask the Committee to:**

Ask the State Party what they will do to prevent asylum seekers becoming homeless when they are between claims or awaiting judicial review of appeal decisions concerning their case?

Ask the State Party if it will be reviewing the operational management of housing support for asylum seekers to ensure they are in line with the international human rights standards?

Ask the State Party what measures it will put in place to reduce discrimination, stigmatization and negative stereotyping in ensuring asylum seekers' housing rights?

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<sup>ii</sup> Committee on Economic, Social and Cultural Rights, List of issues in relation to the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, E/C.12/GBR/Q/6, November 2015.

<sup>iii</sup> For a discussion on the dualist system of incorporation see Anthony Aust, *Handbook of International Law*, 2<sup>nd</sup> Ed. (Cambridge University Press 2010), pp.75-76. An example of a non-incorporated treaty dealing with ESC rights is the International Covenant on Economic Social and Cultural Rights, UN General Assembly, 16 December 1966, United Nations, Treaty Series, vol. 993, 3

<sup>iv</sup> Scottish Government - International Covenant on Economic, Social and Cultural Rights - March 2016

<sup>v</sup> See "In Scotland, all those assessed as being homeless are legally entitled to temporary accommodation and all those assessed by local authorities as being homeless unintentionally are entitled to settled accommodation and possibly also to housing support to sustain tenancies where this need is identified by local authorities.149 150 Recorded homelessness in Scotland has been falling in recent years, with strong housing rights underpinned by a focus on prevention through the development of the person-centred 'housing options' approach." *Ibid.* p. 33.

<sup>vi</sup> Glasgow Homelessness Network, Glasgow City Mission 'Glasgow Winter Night Shelter 2014-2015 Monitoring Report' March 2015, available at

<http://www.glasgowcitymission.com/admin/resources/gwns-2014-2015-report-mar15.pdf>

<sup>vii</sup> See further <http://www.gov.scot/Topics/Built-Environment/Housing/16342/shqs> and

<http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/government/Tenancy-Review>

<sup>viii</sup> 'Powerless: No expectations, choice or security – the voices of tenants living in the private rented sector in Glasgow' Govan Law Centre, October 2015.

<sup>ix</sup> For Govan Law Centre's full response to the consultation see

<http://www.gov.scot/Resource/0046/00468349.pdf>

<sup>x</sup> See further <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/92310.aspx>

<sup>xi</sup> "'It's a civil matter" – Summary report on the unlawful eviction of private sector tenants', Govan Law Centre, June 2008.

<sup>xii</sup> Joseph Rowntree Foundation 'Monitoring poverty and social exclusion in Scotland' 2015.

<sup>xiii</sup> Article 19 – 'Living independently and being included in the community' of United Nations Convention on the Rights of Persons with Disabilities: "States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs"

<sup>xiv</sup> See Glasgow Disability Alliance booklet on Self Directed Support available at

<http://www.gdaonline.co.uk/showlog.php?weblogid=392>

<sup>xv</sup> Based on the 'House of Commons Home Affairs Committee', Seventh Report of Session 2013–14 (<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>) and the figures in the attached evidence submitted to HASC by SERCO which details the number of service user they accommodate

(Source: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/ho>



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[me-affairs-committee/asylum-accommodation/written/29809.html](#) ) the Asylum Seekers Housing Project estimate the total contract value to be £18,597,531.00 per year.

<sup>xvi</sup> See further Asylum Seekers Housing Project 'Various articles about the scandalous treatment of asylum seekers in Glasgow' available at <https://ashproject.org.uk/articles/various-articles-about-scandalous-treatment-of-asylum-seekers-in/>

<sup>xvii</sup> Nationality, Immigration and Asylum Act 2002, Section 54, Schedule 3