

Under the working methods concerning the Committee's follow-up to Views under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

MBD
v
SPAIN

Communication No. 5/2015

**CIVIL SOCIETY SUBMISSION ON THE IMPLEMENTATION OF GENERAL
RECOMMENDATIONS**

Submitted jointly by:

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Economic & Social Rights Centre – Hakijamii
Habitat International Coalition – Housing and Land Rights Network
International Women's Rights Action Watch Asia Pacific
Just Fair
Social Rights Advocacy Centre
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As coordinated by: The International Network for Economic, Social and Cultural Rights (ESCR-Net), in accordance with Rule 18(7) of the Provisional Rules of Procedure of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights



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INTEREST OF THE SUBMISSION DRAFTERS

1. Pursuant to Section 4 of the working methods concerning the Committee's follow-up to Views under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), this submission is presented by the following members of ESCR-Net's Strategic Litigation Working Group and Monitoring Working Group:
 - a. Center for Economic and Social Rights (CESR, international)
 - b. Dullah Omar Institute, University of the Western Cape (DOI, South Africa)
 - c. Economic & Social Rights Centre – Hakijamii (Kenya)
 - d. Habitat International Coalition – Housing and Land Rights Network (HIC-HRLN, Cairo)
 - e. International Women's Rights Action Watch Asia Pacific (IWRAW-AP, international)
 - f. Just Fair (United Kingdom)
 - g. Social Rights Advocacy Centre (SRAC, Canada)
 - h. Professor Jackie Dugard, University of the Witwatersrand (South Africa)
 - i. The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR, international)
2. Each participant has extensive experience in the monitoring and implementation of economic, social and cultural rights and/or housing rights generally and is able to offer relevant information from international and comparative perspectives concerning the implementation of the general recommendations in this case.
3. ESCR-Net is the largest global network of organisations, academics and advocates devoted to the realisation of human rights with a particular focus on economic and social rights. ESCR-Net is made up of over 280 organisational and individual members in 75 countries. Members work collectively to facilitate the enjoyment of economic, social and cultural rights through, among other activities, engagement with UN treaty monitoring bodies as well as regional human rights mechanisms and processes.
4. We warmly welcome the openness of CESCR to participation by civil society entities in connection with the follow up to Views issued under the OP-ICESCR, and recognise that effective and participatory implementation of UN treaty body decisions is essential in putting progressive jurisprudence into action at the national level. This submission aims to provide CESCR with relevant material grounded in international and comparative law and practice concerning the implementation of the general recommendations issued in this case.

I. General recommendation 1

1. In accordance with CESCR General Comment 4 and the protection of home and family under other provisions of international human rights law, Spain must protect security of tenure and strengthen tenants' ability to challenge evictions in court.

Protection of Security of Tenure

2. In Spain, landlords can explicitly decline to renew a lease, without giving any reason. Tenants are forced to leave their homes, losing their connection to community, schools, services and family.¹ However, housing contracts are not analogous to other contracts which may expire at an agreed time. The South African Constitutional Court noted, “[as] housing is one of the basic necessities of life, the state was forced to interfere in the market-place and to introduce legislation protecting the economically weaker party, the lessee, against exploitation by the lessor.”² Moreover, as expressed by the Special Rapporteur on the right to adequate housing (UN Special Rapporteur), “whether a failure to renew or continue a tenancy...is consistent with the right to adequate housing and other human rights must be subject to effective and independent review by a court or independent tribunal that is accessible, timely and able to give full consideration to the right to adequate housing”.³
3. Spain may consider practices from many other jurisdictions that provide for security of tenure at the expiration of lease terms, establishing the right to continue tenancies unless there are exceptional circumstances warranting the termination of the tenancy and the loss of homes. For example, in the province of Ontario in Canada, the Tenant Protection Act provides that a tenancy may not be terminated at the end of the lease by a landlord but rather is deemed to become an ongoing tenancy with security of tenure protection. The tenancy can only be terminated for grounds set out in the Act, such as non-payment of rent or if the landlord requires the property for her own use.⁴ Germany, Austria, the Netherlands and China, among other countries, provide for unlimited leases.⁵ In Germany, landlords may terminate tenancies with proper notice for personal occupancy, but if a court finds that the tenant is more in need than the landlord then their tenancy

¹ See generally, Amnistía Internacional, *La crisis de la vivienda no ha terminado: El derecho a la vivienda y el impacto de los desahucios de viviendas en alquiler sobre las mujeres en España*, 2017, available at: <http://bit.ly/2yNxOqt>.

² *Maphango v Aengus Lifestyle Properties*, 2012 (3) SA 531 (CC), para. 30, available at: <http://bit.ly/2tJDTWK>. At para. 35, the judgment references the Rental Housing Act which notes “a need to balance the rights of tenants and landlords and to create mechanisms to protect both tenants and landlords against unfair practices and exploitation”, and to “introduce mechanisms through which conflicts between tenants and landlords can be resolved speedily at minimum cost to the parties.”

³ Third-party submission by the Special Rapporteur on Adequate Housing, *MBD v Spain*, Communication 5/2015, UN Doc. E/C.12/61/D/5/2015, 20 June 2017, para. 29, available at: <http://bit.ly/2FLVp1b>.

⁴ Tenant Protection Act, 1997, S.O. 1997, c. 24, s. 53.

⁵ Kathleen Scanlon, *Private Renting in Other Countries*, in Kath Scanlon and Ben Kochan (eds.), *Towards a Sustainable Private Rented Sector: The Lessons from Other Countries*, LSE London, 2011, pp. 31, 34-35, available at: <http://bit.ly/2zLtw7t>. For information on China: Ira Gary Peppercorn and Claude Taffin, *Rental Housing: Lessons from International Experience and Policies for Emerging Markets*, The World Bank, 2013, p. 81, available at: <http://bit.ly/2pcv2rf>.

may be protected.⁶ In France, tenants have an automatic right to renew their lease upon expiry and a landlord may only terminate the lease if she decides to live in or sell the house or satisfies a court of a “serious or legitimate” reason not to renew a lease.⁷

4. Although South Africa lacks similar security of tenure statutory protection, the Constitutional Court rejected the idea that the common law right to terminate a lease with notice relieves the landlord of an obligation to justify the termination of tenancy. The court stated that a landlord’s application for termination must be assessed in accordance with the constitutional protection of the right to housing and the obligation of the court to consider relevant circumstances and protect against arbitrary evictions.⁸

Determining the proportionality and reasonableness of the eviction

5. CESCR has clarified that evictions, even when justified, must be carried out in accordance with the principles of reasonableness and proportionality. However, the Spanish Code of Civil Procedure 2000 does not provide the means for judges to examine cases carefully and determine the proportionality and reasonableness of the eviction, considering the degree of vulnerability of the tenant and the material and procedural inequality between the petitioning landlord and the defending tenant.
6. As a proportionality assessment in eviction procedures is perfectly compatible with respecting the right to private property, Spain may consider best practices from other jurisdictions. For example, the Private Housing (Tenancies) (Scotland) Act 2016 distinguishes between “mandatory” and “discretionary” grounds of eviction; with the latter, landlords must prove that relevant circumstances exist but the court will only grant recovery of possession orders if it considers it is reasonable to do so.⁹ In South Africa, an eviction can only be ordered if the court deems it just and equitable to evict, having considered all relevant circumstances. The court usually requires public authorities to report on their capacity to provide alternative accommodation to those in need and/or who would otherwise be rendered homeless by the eviction. This requires the authorities to determine occupants’ needs by engaging with them meaningfully regarding their circumstances, particularly whether they can afford alternative private housing options. Where occupants cannot afford the available private housing options and their eviction would lead to homelessness, it will not be just and equitable for a judge to grant an eviction order. In these circumstances, the court will make any eviction order contingent on the state providing alternative accommodation. Where the state is not immediately able to do so, some degree of tolerance is expected of private

⁶ Peppercorn & Taffin, 2013, *ibid*, p. 92; German Civil Code, Sec. 575, available at: <http://bit.ly/2DmlZrm>.

⁷ Law no. 89-462 of July 6, 1989, Art. 15, available at: <http://bit.ly/2p7sDP6>; See also, Fanny Cornette, Tenant’s Rights Brochure for France, TENLAW: Tenancy Law and Housing Policy in Multi-Level Europe, European Union’s Seventh Framework Programme, pp. 29-30, available at: <http://bit.ly/2FJ4hVs>.

⁸ *Molusi and Others v Voges N.O. and Others*, 2016 (3) SA 370 (CC), paras. 30-36, available at: <http://bit.ly/2tIXeas>.

⁹ Private Housing (Tenancies) (Scotland) Act 2016, Schedule 3, available at: <http://bit.ly/2p2oqwf>.

landowners until the state is able to provide alternative accommodation.¹⁰ In the Netherlands and Germany, a proportionality assessment is available in ordinary termination procedures in the form of a defense right. Courts are entitled to take tenants' personal circumstances into account, to balance the interests of landlords and tenants, and assess the proportionality of the lease termination.¹¹

II. Second general recommendation

7. Since 2013, municipalities, Spanish regional governments and judicial authorities have signed local and regional protocols, whereby courts are expected to inform social services when they receive an eviction petition affecting children, persons with disabilities, and people with mental health problems, among others. However, while some stakeholders reported that these protocols allowed social services to look for housing alternatives before the execution of the eviction, others complained that judges were sometimes reluctant to inform social services.¹²
8. Spain may consider best practices from other countries regarding legislation that requires public authorities – at national, regional and local levels – to ensure that nobody is rendered homeless due to eviction. For example, in the UK, the Housing (Wales) Act 2014 and the Homelessness Reduction Act 2017 place legal duties on local housing authorities to facilitate access to meaningful help for everyone who is homeless or at risk of homelessness, irrespective of their priority need status, as long as they are eligible for assistance. Housing authorities also have the duty to address any support needs of such individuals and their family members, including by coordinating with relevant agencies and departments.¹³

III. Third general recommendation

9. Spain may consider best practices in other countries to address the current lack of clear domestic legal or procedural mechanisms or guidance on genuine and effective consultation with tenants at risk of evictions. For example, in South Africa the state is required to engage with occupants in a “proactive and honest” way to “find mutually acceptable solutions” to evictions; where possible, “respectful face-to-face engagement or mediation through a third party should replace arms-length combat by intransigent opponents.”¹⁴ Where an eviction might lead to homelessness the

¹⁰ See generally, *Molusi and Others v Voges N.O. and Others*, footnote 8 above; *City of Johannesburg Metropolitan Municipality v. Blue Moonlight Properties 39 (Pty) Ltd and Another*, 2012 (2) SA 104 (CC), available at: <http://bit.ly/2Do3gNi>; *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg v City of Johannesburg* 2008 (3) 208 (CC), available at: <http://bit.ly/2tJlgCp>; *Port Elizabeth Municipality v Various Occupiers* 2005 (1) SA 217 (CC), available at: <http://bit.ly/2FvAAIc>.

¹¹ Michel Vols, Marvin Kiehl and Julian Sidoli del Ceno, *Human Rights and Protection against Eviction in Anti-social Behaviour Cases in the Netherlands and Germany*, *European Journal of Comparative Law and Governance*, Vol. 2, No. (2015), pp. 167-168, 172-175, 180, available at: <http://bit.ly/2FJ8Mzk>.

¹² Amnistía Internacional, 2017, footnote 1 above, ch. 4.2.

¹³ Housing (Wales) Act 2014, Ch. 2, available at: <http://bit.ly/2FyGJ6B>; Homelessness Reduction Act 2017 (entry into force in April 2018), available at: <http://bit.ly/2ImqirP>.

¹⁴ *Port Elizabeth Municipality v Various Occupiers*, footnote 10 above, para. 39.

state must make reasonable efforts to engage meaningfully with the occupiers “to determine what the consequence of the eviction might be” and whether the state could “assist in alleviating the dire circumstances”. Ejection without meaningful engagement is regarded as “broadly at odds” with the state’s human rights obligations.¹⁵ Meaningful engagement entitles “unlawful occupiers to participate in the process of finding a just solution to what often appears as the intractable conflict between their housing rights and the property rights of landowners”.¹⁶

10. Measures to ensure the availability of alternative housing in *all* cases of eviction of vulnerable persons include, among others, increased public housing stock, social use of vacant housing, expropriation of housing from speculative entities, establishment of percentage of new housing for social use, and an inclusive and comprehensive assessment of vulnerability throughout the population (including migrants and refugees).

IV. Fourth general recommendation

The current social housing context

11. According to the latest official estimates, Spain had about 23,000 homeless in 2012¹⁷ and more than 300,000 applicants to social housing in 2013.¹⁸ Yet more than 3.4 million residential properties were empty,¹⁹ and 9752 of those were social houses in conditions to be inhabited immediately.²⁰ Social housing currently accounts for only slightly over 1% of the total housing stock.²¹ This number is far below comparable EU countries. For example, social housing makes up 32% of total stock in the Netherlands, 23% in Austria, 18% in the UK and 17% in France.²² In addition, housing affordability has worsened considerably over the last decade; the rate of housing overburden (population whose housing costs exceeded 40% of their disposable income) doubled among the total population from about 5% to 10.3% between 2005 and 2016.²³ The increase is even higher among those at risk of poverty, from 16.6% to 36.4% over the same years.²⁴ In the period 2014-2016, 197,360 foreclosures took place in Spain. Loss of housing also affects those living in rented

¹⁵ *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg v City of Johannesburg*, footnote 10 above, paras. 14-15.

¹⁶ Sandra Liebenberg, *Engaging the paradoxes of the universal and particular in human rights adjudication: The possibilities and pitfalls of meaningful engagement*, African Human Rights Law Journal, Volume 12, 2012, p. 14.

¹⁷ Instituto Nacional de Estadística, *Encuesta a las personas sin hogar: Año 2012*, available at: <http://www.ine.es/jaxi/Datos.htm?path=/t25/p454/e02/a2012/l0/&file=04001.px>.

¹⁸ Defensor del Pueblo, *Estudio sobre viviendas protegidas vacías*, March 2013, p. 24, available at: <http://bit.ly/2DmozPx>.

¹⁹ Instituto Nacional de Estadística, *Censo de Población y Viviendas 2011*, 18 April 2013, p.8, available at: <http://bit.ly/1MD4VOF>.

²⁰ Defensor del Pueblo, 2013, footnote 18 above, p. 30.

²¹ Koldo Casla, *The rights we live in: protecting the right to housing in Spain through fair trial, private and family life and non-retrogressive measures*, The International Journal of Human Rights, Volume 20, Issue 3, 2016, p. 290.

²² *Ibid.*

²³ *Housing Europe, The State of Housing in the EU*, 2017, p. 98, available at: <http://bit.ly/2ypCANX>.

²⁴ *Ibid.*

housing. In 2017, there were 22,330 (36.8%) evictions due to foreclosures, and 35,666 (58.7%) due to the Urban Leases Law (Law 29/1994).²⁵

12. Since 2009, public spending on housing in Spain had halved. Between 2009 and 2016, public expenditure on housing and community amenities fell from 1.3% to 0.5% of GDP, a level below EU28 average.²⁶ There was also a substantial reduction in housing benefits between 2009 and 2015 from €46.19 per person to €22.25 (at constant 2010 prices).²⁷ Meanwhile, the EU15 average in 2014 was nearly eight times higher at €181.81 per person.²⁸ In 2012, CESCR issued a recommendation to Spain to “work in coordination with the autonomous communities to invest more resources in increasing the social housing stock in order to meet demand”.²⁹ However, in spite of economic recovery, budget cuts to social programs continue. In fact, allocation to housing programs has seen the most sizable reductions of all public-sector expenditure in the past years. While the overall national government’s budget increased by 10% in real value from 2011-2016, allocations to the housing sector decreased by 52% over the same period.³⁰ The 2017 budget diminished the housing allocation 20% more.³¹
13. The Spanish government has just adopted a new housing plan (Plan Estatal de Vivienda 2018-2021), which establishes an ambitious set of measures such as subsidised mortgage loans, rent allowances and support for vulnerable persons evicted from their primary residence. However, to be successful it requires a significant increase in budget allocation to housing, particularly to expand the social housing stock, measures to ensure adequate regulation of the private market, enhanced accountability and monitoring mechanisms, and commitments to clear goals and timelines.

Recommendations for the development of a comprehensive housing plan

14. In developing a comprehensive plan to guarantee the right to adequate housing for low income persons, we make the following recommendations:

(1) Progressive realisation of rights within the maximum of available resources: Several policy alternatives could increase Spain’s fiscal space for housing and other social schemes in an

²⁵ Poder Judicial de España, Serie sobre el efecto de la crisis en los órganos judiciales, hasta Cuarto Trimestre 2017, available at: <http://bit.ly/2DILRF2>.

²⁶ Eurostat, Government expenditure on housing and community amenities, 2018, available at: <http://bit.ly/2loDpZl> (EU28 denotes the 28 member countries of the EU).

²⁷ Eurostat, Tables by benefits – housing function, Euro per inhabitant (at constant 2010 prices) 2018, available at: <http://bit.ly/2Do65On>.

²⁸ Ibid. (EU 15 refers to the group of countries in the EU prior to the accession of ten candidate countries on 1 May 2004.)

²⁹ CESCR, *Concluding Observations: Spain*, UN Doc. E/C.12/ESP/CO/5, 18 May 2012, para. 21, available at: <http://bit.ly/2Hrk9Jo>.

³⁰ See ¿Dónde van mis impuestos?, available at: <https://dondevanmisimpuestos.es/>.

³¹ Koldo Casla, *Evicted rights: no room of one's own*, OpenGlobalRights, 7 June 2017, available at: <http://bit.ly/2p92FKv>.

equitable manner and do away with the imposition of austerity measures.³² Spain's tax system's contribution to reduce inequality is currently negligible and places disproportionate burdens on the poor.³³ If Spain were to increase its tax-to-GDP ratio to the average EU levels through progressive taxation schemes, it would raise €93 billion in additional tax revenue, exceeding almost twice its fiscal deficit.³⁴ According to the GESTHA National Union of Tax Inspectors, Spain could implement a medium term plan to raise up to €40 billion in tax revenue loss due to evasion.³⁵ It is also estimated that tax avoidance through the biggest 15 tax havens accounts to losses around €1.5 billion in Spain, nearly equivalent to three times the 2016 housing budget.³⁶ Additionally, losses due to reduced rates on personal income taxation amount to 1.4% of GDP in 2016.³⁷ Corruption involves annual losses of between 0.08% and 9.58% of GDP depending on the methodology used, but higher than the European average in most cases.³⁸

(2) Collection of disaggregated data: Spain must gather qualitative and quantitative information on the housing needs of the population, paying close attention to the impact public policies have on different persons and groups, particularly on the most disadvantaged, and ensure that its policies, particularly those targeting vulnerable groups, are informed by data.³⁹ Public statistics must also be gender-aware according to the 2007 Men and Women Equality Act.⁴⁰ Spain should request the National Statistics Institute to compile disaggregated information (by gender, age, nationality, etc.) about vulnerable and disadvantaged groups within society with regard to housing, including but not limited to the number of homeless persons and families, number of inadequately housed, number of people living in "illegal" or informal settlements, number of persons evicted and at risk of eviction and number of low income people and families. To date, Spain has failed to comply with CESCR's 2012 recommendation to compile disaggregated statistical information with a view to identifying the individuals and groups

³² CESR, Oxfam Intermón, Observatori DESC et al., *Joint submission to CESCR on the occasion of the review of Spain's 6th Periodic Report at the 63rd Session*, 15 February 2018, available at: <http://bit.ly/2pdzOo2>.

³³ Julio López Laborda, Carmen Marín González and Jorge Onrubia, *Observatorio sobre el reparto de los impuestos entre los hogares españoles*, Segundo informe, FEDEA, February 2017, p. 20, available at: <http://bit.ly/2lpQHf8>.

³⁴ Violeta Muñoz, *España podría saldar dos veces su déficit si recaudara como el resto de países del euro*, El Boletín, 24 October 2017, available at: <http://bit.ly/2tJNddk>.

³⁵ GESTHA, *Gestha denuncia que más del 90% de la evasión fiscal no fue detectada por Hacienda en 2015*, 12 January 2012, available at: <http://bit.ly/2DnUMWG>.

³⁶ Oxfam Intermon, *Una Economía para el 99%*, January 2017, pp. 25-26, available at: <http://bit.ly/2HvrVSK>.

³⁷ Julio López Laborda et al., 2017, footnote 33 above, p. 20.

³⁸ Marco Hafner et al., *The Cost of Non-Europe in the Area of Organized Crime and Corruption: Annex II- Corruption*, European Parliamentary Research Service, March 2016, pp. 42-43, available at: <http://bit.ly/1Sgcfmy>.

³⁹ CESCR, *General Comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights)*, UN Doc. E/C.12/2005/4, 13 May 2005, para. 39, available at: <http://bit.ly/2lwzRNw>; CESCR, *General Comment No. 20 on Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, UN Doc. E/C.12/GC/20, 18 May 2009, para. 41, available at: <http://bit.ly/2yY6lpg>; CEDAW, *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 19 October 2010, paras. 10 & 28, available at: <http://bit.ly/2cvxZOP>; European Committee of Social Rights, *Feantsa v. France, Complaint No. 39/2006*, Decision on the merits, 5 December 2007, para. 56, available at: <http://bit.ly/2FEdPxW>.

⁴⁰ Article 20 of the Organic Law 3/2007, of 22 March, on effective equality between men and women.

affected by austerity measures.⁴¹ More specifically, in its submission to CESCR, the state failed to disclose comprehensive data to map evictions, the impact of the housing crisis, and housing needs more generally. In its 2017 response to the UN Special Rapporteur, a document it relied on heavily when reporting on implementation of these general recommendations, Spain provided partial, out-of-date and decontextualized data. For instance, the submission presented data on the total number of families that benefitted under the Code of Good Practices (Código de Buenas Prácticas) but did not provide data on the total number of families that lost their homes, crucial to assess whether current policies are adequate and effective. Publicly available data shows only the territorial distribution of evictions (and of foreclosure procedures, in the case of mortgage evictions), but no information about the number of people affected, and also lacks differentiation between homes and other properties, such as parking lots or businesses.⁴² Nor is there any breakdown of the numbers evicted, by gender, age, ethnicity, disability or any other characteristic. Consequently, the actual number of women, men and children who have been evicted is unknown, as is the number of people who have become homeless as a result of evictions.⁴³

- (1) **A human rights-based housing strategy:** Spain should incorporate all key principles and requirements of an effective rights-based housing strategy as outlined in the recent report of the UN Special Rapporteur.⁴⁴ Among other steps, this will require access to justice, measures to ensure affordability of housing, and the regulation of the real estate market and associated financial actors, emphasising the human right to housing rather than the treatment of housing as an economic commodity within a property model.⁴⁵

Date: 14 March 2018

⁴¹ CESCR, *Concluding Observations: Spain*, 2012, footnote 29 above, para. 8; UN General Assembly, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, Miloon Kothari, *Addendum on the Mission to Spain*, UN Doc. A/HRC/7/16/Add.2, 7 February 2008, para. 88, available at: <http://bit.ly/2Hu9vI5>.

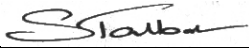
⁴² Amnistía Internacional, *Derechos desalojados: El derecho a la vivienda y los desalojos hipotecarios en España*, 19 June 2015, ch. 4.3, available at: <http://bit.ly/2FOZZvD>; Amnistía Internacional, 2017, footnote 1 above, p. 11.

⁴³ Human European Consultancy School of Law, National University of Ireland Galway and Feantsa, *Promoting protection of the right to housing: Homelessness prevention in the context of evictions*, European Commission, VT/2013/056, 2016, p. 98, available at: <http://bit.ly/2lpg3fg>; European Commission, *Country Report Spain 2016 Including an In-Depth Review on the prevention and correction of macroeconomic imbalances*, Commission Staff Working Document, 22 February 2016, p. 61, available at: <http://bit.ly/2qSAW2l>.

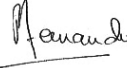
⁴⁴ UN General Assembly, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, Leilani Farha, *on effective rights-based housing strategies*, UN Doc. A/HRC/37/53, 15 January 2018, available at: <http://bit.ly/2BErdmj>.

⁴⁵ CESCR, *General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities*, 23 June 2017, UN Doc: E/C.12/GC/24 paras. 7, 18 and 19, available at: <http://bit.ly/2t3WNpA>.

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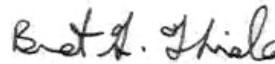
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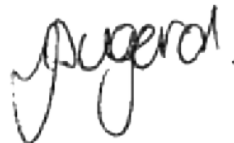
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