

# EVICION STANDARDS AND THE BEST PRACTICE

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Mariam Janiashvili

## INTRODUCTION

The right to adequate housing and its proper realization is substantively related to ensuring other human rights and freedoms. At the international level, the most relevant definition of the concept of this right belongs to The United Nations Committee on Economic, Social and Cultural Rights (hereinafter – “UN Committee). According to the Committee’s definition, in order to efficiently realize the right to adequate housing, the state must secure guaranteed accommodation for the citizens, which also implies their protection from eviction.

Despite the international treaties ratified by Georgia<sup>1</sup>, the protection and realization of the right to adequate housing has been considered to be less significant for many years. The issues concerning forced evictions, mostly on the premise of protecting the right to private property, were ignored in the legislation and practice [1]. Consequently, individual cases of eviction were irrelevantly regulated by the legislation, which in its turn was expressed with the absence of a standardized notion of eviction, the legislation ignoring the basic international standards, diversion of attention to the private property protection while eviction issues were discussed, ignoring the needs of individuals/family households after eviction [2].

The amendments in the Constitution of Georgia defined the principle of the social state, which for the first time in the history of the country, although only at the level of principles, determined the state’s obligation to provide the citizens with adequate housing. In November, 2018, this particular statute became the premise for ratification Open Government Partnership (OGP) action plan for 2018-2019, by which for the first time, the state took specific responsibilities in terms of ensuring the right to adequate housing. Namely, under

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<sup>1</sup> By ratification of UN Economic, Social and Cultural Rights International Treaty, Georgia recognized adequate housing right and took the obligation to provide it. (Art. 11, available at: <https://matsne.gov.ge/ka/document/view/1483577?publication=0> /Last visited on 10.12.2019

**Many families in Georgia have been afflicted by the problem of eviction. The loans taken from banks due to the lack of an adequate healthcare system, or many other urgent reasons are oftentimes secured by their sole accommodation and therefore they face the risk to become homeless. This policy brief will review the international standards that ensure that the government takes care of the citizens’ welfare during the process of eviction and prevents their homelessness.**

the supervision of the Ministry of Internally Displaced Persons From The Occupied Territories, Labour, Health and Social Affairs of Georgia, the specially designated interagency commission must elaborate the accommodation strategy and the action plan [4]. It must be noted that the special UN Rapporteur emphasizes the necessity to create human rights-centred national accommodation strategy [5]. Such a strategy must become the guideline for the fight against homelessness, its prevention and elimination for Georgia too. Herewith, taking into consideration that such kind of a document is elaborated for the first time in Georgia, in order to incorporate proper and efficient aspects into the strategy, it is particularly important to analyze the international standards regulating the housing and homelessness issues and the best practices of other states.

The provided policy brief is aimed to review the human rights-centred international eviction standards and the best practices of other countries. The document concerns such important issues as prevention of eviction, the basic principles of eviction procedures and the protection of the rights of people who are facing the threat of being evicted or have already been evicted.

## 1. GENERAL STANDARDS OF FORCED EVICTION

While reviewing the international standards and the best practices in terms of eviction, first of all, it is very important to analyze such issues as the essence of forced eviction and the determining causes, and also the elements, which define the legitimacy of forced eviction.

The UN Committee emphasizes the fact that forced eviction implies displacing the individuals, households or/and groups from their homes or lands against their will temporarily or eternally, without guaranteed, adequate legal or any other type of protection mechanisms [6]. The people facing the threat of being evicted, according to the international typology of the homeless, fall into the category of people having insecure/unreliable accommodation, which grants them the access to the services preventing homelessness [7]; as for the evicted persons, they are categorized as the homeless, which evokes the obligation to provide them with the responsive services [8].

The analysis of the UN Committee and other state's practices reveal that the reasons for eviction are diverse and this may be determined by the following situations: implementation of the projects (including development and infrastructure projects, urban renewal programs, holding large-scale events) [9], unpaid rent arrears, natural disasters, family violence, the absence of legal guarantees on the accommodation/land, armed conflicts etc. [10]. Despite the diversity of reasons, the eviction not conforming to the established international standards is classified as a violation of the human right [11].

Legally ensuring the diverse forms of tenure (such as: rent, ownership, cooperative accommodation, informal settlements, urgent services etc.) is a significant component of the state's obligation to ban forced eviction [12]. The component of legal guarantee for tenure and the concept of the state's obligation based on it, protect the persons from the arbitrary eviction, or their displacement without relevant defensive mechanisms, forced by the state or individuals. The forced eviction by the state is usually justified by the fact that the evicted individual/household is not the legal owner of the property, however, it must be

noted that according to the international standards, protection of individuals from forced eviction is not directly adhered to the legal status of the estate tenure. The notion of the state's responsibility is not restricted to the formal recognition of legal rights to the property, but it also implies the legal obligation to ban the eviction without relevant defensive mechanisms, despite the status of the owner [13].

We have to note that the forced eviction does not necessarily mean only displacing the person from the property by the use of force, but also by threatening and harassment, by cutting the electrical power or water supply and other, indirect coercive actions [14]. While deliberating the state's obligation in these terms, the UN Committee clearly indicates that it is urgently necessary to ban the forced eviction, harassment and other types of coercion. Such generalization is made to protect people from the diverse forms of forced eviction.

## 2. THE ISSUES OF LEGITIMACY OF EVICTION

In the analysis of eviction legitimacy and human rights violations in such processes, every stage of eviction is taken into consideration. Human right violations may be related to: 1. The period for making the decision to evict (e.g. in case if the decision was made without consulting and involving the displaced persons or without them being notified); 2. Planning the eviction process (when this process does not involve provision of the evicted persons with alternative adequate accommodation/advance notification of the evicted person); 3. The process of the eviction itself (e.g. when the eviction is executed at night or/and in poor weather conditions, when the belongings of the person are not protected, and the force or/and threat is used in eviction); 4. The next stage of eviction (when the eviction causes homelessness or/and the lack of access to a range of services) [15].

In parallel with the analysis of the essence of forced eviction, it is important to review the state's general obligations and measures in terms of eviction regulation and human rights, the main aspects of which are:

The principle of legal eviction – according to this principle, eviction must be executed based on the legal standards. Its prime purpose is to prevent the eviction which does not conform to the human rights standards. The principle implies that the legal basis regulating the eviction process (or/and the decision made by the court or administrative body), which must be considered while eviction, should not only formally exist, but it must conform to the international human rights standards and the obligations taken by the state. Herewith, the state's obligation to implement a range of actions in order to regulate the eviction procedures

is defined. Particularly, it is important to strictly determine the cases, when the eviction is permissible [16]. Additionally, it is necessary to work out the legal regulations, which determine the procedures to be carried out in any type of eviction [17]. Besides, it is possible to use the liability to sentence in case of illegal eviction (Bulgaria, the United Kingdom, Poland).

The principle of informed eviction – this principle is directly related to the international human rights standards and implies the involvement of the displaced/potentially displaced person in the process of decision making about eviction. Particularly, the mentioned principle implies the right of the persons to be informed about the decisions, which will directly impact them or their household members. This principle, according to its essence, is divided into several categories. It is related to the decision making stage about eviction and includes the following components:

- The involvement of the displaced/potentially displaced persons in the process of decision making about eviction (before the decision is made) – this aspect implies the state's obligation to ensure the intensive consultations with the mentioned persons before any type of eviction takes place [18]. This process must be efficient, feasible and not just a formality. Such actions, most importantly, provide the potentially evicted persons with the opportunity to be involved in the decision making process, to suggest their own alternatives to the state and to have the potential to influence the nature of the decision. Such intervention creates the possibility to prevent eviction [19]. The examples of such involvement are the guideline principles regulating the eviction caused by the infrastructure projects, which implies informing the relevant groups, discussions with their participation and their direct involvement in the process of elaborating a detailed plan for relocation [20]. Ensuring the involvement of relevant persons/groups in the process of decision making is important to prevent the use of force in case of eviction or to reduce its necessity, which in its turn decreases the number of human rights violations in the process of eviction.
- Informing the persons about eviction (after the decision is made) – this aspect includes the state's obligation to inform the displaced persons about eviction. According to the international standards, in this part, the conditions of adequacy and reasonableness must be met. To do so, some requirements need to be met. First of all, it is important to notify the potentially displaced persons in advance, before a reasonable period of time (According to the international standard, 2 months prior to eviction. If the persons are informed 2 weeks before eviction it will not meet the mentioned

requirement [21]). The eviction notification must include such information as the planned date for eviction, the reasons for eviction, the absence of an alternative to eviction (proper argumentation for it), the chronology of the procedures, the offered assistance for property removals, and also the procedures for the appeal [22]. It is important that the mentioned information is provided in an adequate and intelligible manner.

The principle of rationality and proportionality – according to the international standards, any type of eviction, in order to ensure eviction legitimacy and prevent human rights violation, must be based on the principles of rationality and proportionality, which in their turn must be legally exercised. The principle of rationality is related to the decision making stage about eviction and first of all, it implies that the eviction can be executed only when an alternative, less damaging option does not exist. The principle of rationality obliges the state to consider any possible alternatives in the process of making decisions and to use eviction as the measure of last resort, when other alternatives do not exist. The essence of the principle of proportionality is also related to the decision making stage and implies the evaluation of the impact of this decision (e.g. potential homelessness) and based on it, making a decision about eviction, if the proportionality is established [23].

The principle of preserving human dignity during eviction – it is important that the eviction procedures are conforming to the principles of preserving human dignity. This principle implies taking the rights and interests of the potentially displaced persons into consideration to the full extent, and also the exclusion of discrimination. The principle of dignity considers that the provision of the potentially displaced persons/households with alternative accommodation is a priority and it also includes the element of prevention of homelessness. Due to the complexity of this principle, we can designate some of its integral components:

- Banning the procedures violating human dignity – the essence of this component implies the regulation and execution of eviction procedures so that the possibility of human rights and dignity violations is excluded. First of all, according to the international standards, the methods used in the procedures must not put the persons in hard/susceptible conditions (eviction at night, in poor weather conditions or/and when the persons may become homeless) [24]. The mentioned approaches extend to not only eviction from the property owned by a person, but also to the eviction from the accommodation services, e.g. from the public housing [25]. The most important component of this principle is the prevention of the person's objectification during

the eviction procedures, the ban of punitive force against the potentially displaced persons [26], and also so-called 'actual eviction', which means creating such unbearable conditions, that the person cannot any longer stay at the accommodation (e.g. nailing the doors of the accommodation and cutting the electrical power etc.) [27].

- Securing the safety of the person during eviction – the eviction procedures should not be executed so that the potentially displaced persons' life and health are exposed to any dangers. [28]. For this purpose, first of all, it is important to incorporate the relevant procedures into the regulations and on the other hand, to plan the eviction process so that the violation of human rights are prevented. Firstly, the use of force must be prevented or reduced to the minimum level during eviction. Besides, the use of force must be regulated. Particularly, the force must be used only based on the inevitability and proportionality principles, in compliance with the international standards (including general principles about the use of force and weapons by the law-enforcement). The principle of inevitability means that the use of force must be proportional to the legitimate purpose of eviction.

### 3. EVICTION PREVENTION POLICY

To exercise an efficient eviction policy, it is extremely important that the state develops both preventive and responsive mechanisms and directions of this policy. In terms of its essence, every one of it is complex enough and context sensitive considering each country. Despite this, the prevention of eviction and homelessness caused by it based on the international standards and the past experience of the country is one of the integral parts of the national housing policy. According to the international standards, the states are obliged to establish special procedures/mechanism in order to reduce the risks of eviction [29]. Oftentimes, due to direct connection to homelessness and social and economical vulnerability of the potentially evicted persons, the state's strategies over accommodation/homelessness aim at preventing/reducing eviction [30]. Moreover, in this policy document, the decreasing number of eviction statistics in these strategies is taken as an indicator of efficient execution [31].

While reviewing the eviction and consequential homelessness policy, it is crucial to analyze such issues as: the principles of the mentioned policy, peculiarities related to identifying relevant groups and providing them with adequate services, relevant institutional framework and pertinent statistical data.

Based on the essence of eviction and homelessness prevention, it is important that the state responds in multiples forms (legislative, institutional,

administrational etc.). During the analysis of the county's practical experience in terms of specific strategies or other types of measures, a three-stage system of prevention of homelessness was identified [32]. Each stage encompasses the measures with different intentions and they have distinct target groups.

The first-stage preventive measures are related to general public and their main purpose is to prevent eviction and homelessness at an early stage. It intends to create the systems which will efficiently prevent eviction and consequential homelessness. Due to the diversity of eviction and consequential homelessness, the first-stage preventive measures are multifaceted. Considering the targets of these measures and the set goal, this stage supports the socially vulnerable/indigent persons/households and takes efficient measures to socially secure the population. While reaching these goals, the first stage mechanisms extend to social security systems, housing policy and monetary/credit systems [33]. In its turn, to illustrate the effects of these mechanisms, such measures can be used as development of the housing fund and ensuring that the housing market works properly [34]. Herewith, the first-stage preventive measures in monetary/credit systems imply financial stability and prevention of over-indebtedness. The measures taken in this direction are aimed at protecting the mortgager and they imply responsible leasing policies and ensuring fair terms in the credit settlements (fair bank interests, informing the customers by the creditors) [35].

The second-stage preventive measures particularly focus on the groups facing the threat of eviction/homelessness and is related to different stages of eviction process (before the obligation is imposed, before the application is sent to the court and the period after it, when the court has already made a decision for eviction). Based on its essence, it implies the early interventional measures to be taken and providing the relevant target groups with adequate services. The second-stage preventive measures can be divided into two thematic parts. The first type of services implies the financial support, which is generally provided by the municipalities and its main goal is to prevent building up the targets' financial obligations and avoid potential eviction/homelessness through one-time or multiple financial support. Such measures may mean supporting an extremely vulnerable person/household in order to pay off their arrears/mortgage debts. Besides, it can imply giving urgent municipal loans to such persons, or restructuring the debt, or the regulations about the suspension of the obligation to pay the debt etc. [36]. The second type of services is basically related to supporting the groups at risk of eviction/homelessness by the municipalities and/or social service agencies, through consultations over legislative

and housing issues and mediation [37]. Such measures are intended to provide these persons/households with the information about their rights and the aid mechanisms utilized in the country. Such measures also imply reaching the agreement between the potentially evicted persons/households and the parties claiming their interest over their accommodation.

Additionally, it must be noted that there exist the mechanisms/services which do not fit into the conventional typology of the mentioned preventive measures. For instance, an interesting case is the so-called mortgage-to-rent measure, which is primarily aimed at preventing the eviction of the person/household. In this case, the right to tenure is transferred to a third party (e.g. municipality), which sets reasonable rent rates and allows the person/household to stay in the accommodation [38].

The third-stage preventive measures imply supporting the persons left without accommodation and providing them with housing and different types of relevant services. The essence of the third-stage preventive measures clearly indicates that it is actually a part of the state's response policy.

Besides, there are measures which are not related to one particular stage of eviction and they exist separately [39]. For instance, we have to mention the eviction moratoriums, which are present in many countries in forms of general or specific mechanisms and are incorporated into relevant legal norms or court decisions [40].

#### **4. THE ROLE OF THE CENTRAL AND LOCAL GOVERNMENTS IN THE EVICTION PROCESS**

When the policy of preventing eviction and consequential homelessness is carried out, it is extremely important that there are not only legal records in terms of realization of the particular right, or executing diverse preventive measures/services, but also the institutional framework is created. In the housing policy, generally and in the preventive part as well, the role of central and local governments is crucial. As it was noted above, the central government's responsibilities are mainly limited to formulating and coordinating the policies for the prevention of eviction and the fight against it, which are incorporated into the housing strategies or other types of policy documents.

On the other hand, while taking the eviction/homelessness preventive measures, the role of the municipality is crucial. As it was already mentioned, they function in terms of financial, legal support, housing consultations and mediation towards the persons/households facing the threat of eviction. It must be noted that particular municipalities designate jobs for the people whose duty is to collaborate

with the households, renters and accommodation companies and to identify the problems allegedly causing the eviction [41]. The United Kingdom can serve as the best example in this case where the municipalities are legally obliged to ensure the prevention of eviction for those persons who may face this problem in the nearest 56 days and to direct them to a range of services (such as: housing consultation and legal services, aid services for substance addicts, mental health services, social benefits etc.) [42].

In order to efficiently execute the eviction policy it is necessary that the responsible bodies work not separately but in coordination. For better coordination, particular countries have developed the mechanisms to identify eviction, which is intended to detect the challenges faced by persons/households at an early stage and take interagency measures against these problems. In terms of preventing eviction, it is particularly important to coordinate, since it implies supporting the persons by integrating a wide range of measures in the process. France created the Coordination Commission for Eviction Prevention which ensures that all the relevant bodies coordinate and intervene immediately, if the household is in debt [43].

Alongside with the formal coordination mechanisms, the issue related to the collaboration of the relevant actors in the eviction process is also important. In these terms, the recommendation by the UN Committee must be noted which concerned the necessity to impose a special eviction protocol, which will take into consideration on one hand the court system and the local social services and on the other hand, the proper coordination of these services in order to provide the potentially homeless persons with adequate protection [44]. It is important that the court, while deliberating the case of eviction, considers the impact of its decision on the prospects of potential homelessness, based on the human rights standards and it ensures that before the trial starts, the violation of the right to housing is avoided. In such terms, the courts (also, in some cases executors, accommodation associations, renters) of particular countries (e.g. Belgium, Germany, Austria) are obliged to inform the local municipalities/social agencies (in particular cases, information is provided as soon as the case proceeds or/and when the eviction date is set) about the case proceedings, in order to, on one hand, give them the opportunity to support the person/s in terms of eviction prevention or immediate eviction (which in particular cases is the legal responsibility of the municipality) and on the other hand to allow the social workers to evaluate the conditions of the household and include them in the relevant social services [45].

## 5. THE IMPORTANCE OF PRODUCING STATISTICS ABOUT EVICTION

Producing statistics on eviction is an important tool in state housing policies, alongside with the institutional mechanisms. It helps, on one hand, to identify the challenges in the policy against eviction and consequential homelessness and to create the relevant indicators for the future policy and on the other hand, to monitor the extant eviction policy and evaluate the efficiency of the relevant mechanisms/measures. The focus on the prevention of eviction and homelessness created the need for more diverse statistical data collection and the active involvement of the state institutions in this direction [46].

As the analysis of the best practices of different countries reveals, it is important to collect the data in every stage of eviction, including the periods before the trial starts and during the process [47]. The information is gathered based on the type of the accommodation, and one of its purposes is to identify those types of housing (e.g. owned house, social shelter, rented accommodation etc.), which are in the most urgent need for the implementation of the efficient housing policy. Moreover, some countries even go far beyond this – for example, in the United Kingdom the reasons for the debt of the household are identified [48], and in other countries (e.g. Denmark, France, Netherlands, Finland) the information about the evicted/potentially evicted households is recorded. In these terms, it is important to collect the data about the types of ownerships of accommodation of the mentioned households, and also about the members of the household, their characteristics – the number of members, the number of children, the status of a single parent, gender belonging, age categories, and the social status (e.g. employment, income) [49]. It is also important to produce statistics about the evicted persons, which gives the details about the number of executed evictions (both forced and voluntary), the indicators of the use of eviction methods, the number of those households, which were physically forced to leave the accommodation and the data about the persons who had left the accommodation before the process of evictions were initiated [50].

## 6. THE STATE'S RESPONSIVE MECHANISMS IN CASE OF EVICTION

As soon as the decision about eviction of persons/groups is executed, the state is obliged to take responsive measures. The main goal of the state's responsive policy is to prevent homelessness of the persons/groups who have been evicted, to reduce the potential damage and to accommodate the evicted persons immediately. It is important that such measures include the provision of not only the housing but also to ensure the availability of other necessary services [51].

## 6.1. The Essence of the Responsive Mechanisms During the Process of Eviction

The essence of the responsive mechanisms used during the process of eviction actually coincides with the issues and principles of eviction legitimacy and related state obligations. Therefore, in the following sub-section, we will review those characteristics and standards of mentioned mechanism, which have not been analyzed so far in this document.

One important mechanism/service that the evicted persons/households must be provided with is legal assistance. It implies ensuring the fair trial and procedures and the availability of a lawyer/legal consultation, if necessary – free of charge [52]. This measure gives a possibility that the case is ruled by independent bodies, based on legal standards, which reduces the chance of illegal evictions, or/and the kinds of eviction that ignore the needs of the evicted person/household.

Furthermore, during the process of eviction, the state must take particular care of vulnerable groups (e.g. women, children, elderly people, indigenous population etc.), since eviction may have irreversible impact on such groups [53]. The measures that ensure protection of such groups from discrimination and violence must be taken and on the other hand, such measures must take their interests into account in the part of planning and executing eviction and the follow-up processes (including the guarantee of their access to important services, e.g. education and healthcare) [54].

Another mechanism to protect the evicted persons' interests may be ensuring that the possessions in the accommodation are not confiscated, destroyed, arbitrarily and illegally appropriated or utilized [55]. A good illustration of this principle is the obligation of the renter or the executor not to damage the possessions and keep them for a certain period of time (for instance, in Sweden this period is 3 months, and in the Netherlands – 6 months) [56]. On the other hand, according to the international standards, the evicted persons must have the right to get an adequate compensation in case their possessions are damaged during the process of eviction [57].

At the level of institutions and services, it is important to identify the parties participating in the eviction process and to describe the work they are going to do. Besides regulating the use of force, which was analyzed in legitimating the purposes of the forced eviction, it is important, on one hand to reduce the damage during eviction, and on the other hand to carry out the eviction process transparently (e.g. with the supervision of the local NGOs, independent supervisors, and international organizations) [58].

The noteworthy part of the responsive mechanisms is to clearly identify the state executive agencies [59]. It is important that the eviction process is managed by municipal bodies, whereas the involvement of the law enforcement units is minimized and limited to only specially urgent cases with no other alternatives left, when despite all the measures (including the warning about the fine) taken by the municipality, the voluntary eviction is not possible [60].

## 6.2. The Essence of the Responsive Mechanisms after the Eviction

Based on the category of an adequate housing right, it is extremely important that the evicted persons are not left without homes or/and any support. Accordingly, the state is obliged to take the responsive measures towards the evicted persons/deprived of their accommodation. According to the international standards, the state must take every necessary step to provide the evicted persons with adequate alternative housing, to relocate them or ensure that productive farmland is available for them [61]. In case of the eviction due to development or infrastructure projects, additional measures must be taken. In such cases, it is important that the state ensures a fair compensation or restitution alongside with the alternative accommodation [62].

## CONCLUSION

The research reveals that the issues encompassing the eviction policy are complex and diverse. Therefore, implementing the eviction policy only in one direction (e.g. imposing strict regulations on forced evictions) is not sufficient. It is important that the state develops such mechanisms which ensure the prevention of eviction and consequential homelessness, or an efficient response towards homelessness, processing diverse statistical data, creating mechanisms of efficient coordination between the relevant agencies etc. [63].

In Georgia, due to the absence of housing policies, many of groups (e.g. victims of mortgage, people living in the public buildings for self-care) are left homeless or live at risk of eviction and homelessness. Based on the obligation to protect their human rights, it is important that the state's housing strategy and the action plan encompass all the issues related to eviction. It is significant that the obligation to incorporate the international standards into the strategy and to refine the legislation regulating eviction. It is imperative that adequate housing and relevant services are offered to the evicted persons.

The international standards and the best practices of other countries reveal the necessity to implement the preventive policy of eviction and consequential homelessness, alongside with the responsive measures,

which must be done by enhancing the possibilities of the municipalities, the interagency collaboration and creating the system to identify the risks of eviction at an early stage.

## RECOMMENDATIONS:

To efficiently implement the state policy of eviction, the following steps are recommended to be taken:

- The state must recognize the right to adequate housing in the legislation framework, considering all its elements (including legal guarantees to housing);
- In a reasonable period, the housing policy document must be elaborated – housing strategy and action plan;
- The housing policy documents must be based on the needs of the evicted groups or the groups at risk of eviction;
- The prevention, reduction and elimination of eviction must become one of the strategic directions in the housing policy documents;
- Large-scale amendments must be carried out in the national court system with the intention to have the international standards of eviction incorporated;
- The responsibilities of the state agencies towards implementation of the policy of homelessness must be clearly demarcated and the coordination systems must be created;
- In the frames of the united court reforms, while deliberating the issues of eviction, the norms regulating the obligation to consider the defensive mechanism on the housing right must be taken into account.
- The housing policy documents must include the first, second and third-stage (id. responsive measures) preventive measures about eviction and consequential homelessness and with this intention, relevant services must be created;
- The national legislation and policy should consider eviction as an extreme measure, and if it is inevitable the state must provide the evicted persons with stable housing and relevant supporting services;
- The state must produce the detailed statistics about the evicted/potentially evicted persons/groups/households and update it regularly (with reasonable intervals) and use it as a source for the implementation of the state housing policy.

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23. Kay and Others v. the United Kingdom App. no. 37341/06 (ECtHR, 2010), par. 68; Orlic V. Croatia App. no. 48833/07 (ECtHR, 2011), par. 65
24. E.g. France and Hungary; See: Bence R., Udvarhelyi E., The Growing Criminalization of Homelessness in Hungary – A Brief Overview, “European Journal of Homelessness”, 2013, vol. 7, no. 2, p. 136; Gerull S., Evictions due to Rent Arrears: A Comparative Analysis of Evictions in Fourteen Countries, “European Journal of Homelessness”, 2014, vol. 8, no. 2, p. 144; Committee on Economic, Social and Cultural Rights, Concluding Observations on the Sixth Periodic Report of Bulgaria, E/C.12/BGR/CO/6, 2019, par. 36; Besides, based on the principles regulating the eviction due to development and infrastructure projects, the eviction must not be initiated during the festivals, religious festivals, before the elections, during the school exams or before the exams start. See: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, 2007, A/HCR/4/18, Appendix N 1, par. 48 – 49.
25. Council of Europe, Digest of the Case Law of the European Committee of Social Rights, 2018, p. 229.
26. General Comment No. 7: The Right to Adequate Housing: Forced Evictions (art.11 (1)), Committee on Economic, Social and Cultural Rights, 1997, par. 12; Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, 2007, A/HCR/4/18, Appendix N 1, par. 51.
27. Stenberg S., Doorn L., Gerull S., Locked out in Europe: A Comparative Analysis of Evictions Due to Rent Arrears in Germany, the Netherlands and Sweden, “European Journal of Homelessness”, 2011, vol. 5, no. 2, p. 40.
28. Forced Evictions, Fact Sheet No. 25/Rev.1, United Nations, 2014, p. 34; Council of Europe, Digest of the Case Law of the European Committee of Social Rights, 2008, p. 172.
29. Council of Europe, Digest of the Case Law of the European Committee of Social Rights, 2008, p. 171.
30. E.g. The strategies of Sweden, Norway, Belgium (Flandria) and Portugal, See: Benjaminsen L., Dyb E., The Effectiveness of Homeless Policies – Variations among the Scandinavian Countries, “European Journal of Homelessness”, 2008, vol. 2, p. 52; Baptista I., The First Portuguese Homelessness Strategy: Progress and Obstacles, “European Journal of Homelessness”, 2013, vol. 7, no. 2, p. 92; Hermans K., A Flemish Strategy to Combat Homelessness, “European Journal of Homelessness”, 2017, vol. 11, no. 2, p. 135.
31. E.g. in the long-term strategy of the Netherlands (2006-2013 years), the indicators included on the one hand the total annual number of evictions and on the other hand, the number of evictions that caused homelessness. See: Edgar B., Meert H. and European Observatory of Homelessness, Fifth Review of Statistics on Homelessness in Europe, 2006, p. 19, 45; Hermans K., The Dutch Strategy to Combat Homelessness: from Ambition to Window Dressing? “European Journal of Homelessness”, 2012, vol. 6, no. 2, p. 104-105.
32. It is noteworthy that a significant number of the first and second-stage preventive measures is incorporated into the strategic/action plans, including The Housing and Homelessness Action Plan of Ireland, The Conception of Prevention and Elimination of Homelessness in the Czech Republic, National Homelessness Strategy of Spain (2015-2020 years), Homelessness Prevention Action Plan of Finland (2016-2019).
33. Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 110.
34. Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 121.
35. See: Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on Credit Agreements for Consumers relating to Residential Immovable Property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010; Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 121 – 122, 126-132.
36. See: European Observatory on Homelessness, Family Homelessness in Europe, “EOH Comparative Studies on Homelessness”, vol. 7, 2017, p. 43-44; The special Rapporteur on adequate housing, in 2005 report, indicated the example of Hungary, as a good role-model. See: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, 2005, E/CN.4/2005/48, Par. 34; European Observatory on Homelessness, Homelessness Services in Europe, “EOH Comparative Studies on Homelessness”, 2018, vol. 8, p. 53; Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 149 – 151.
37. European Observatory on Homelessness, Homelessness Services in Europe, “EOH Comparative Studies on Homelessness”, 2018, vol. 8, p. 53.

38. European Observatory on Homelessness, Family Homelessness in Europe, "EOH Comparative Studies on Homelessness", vol. 7, 2017, p. 44; Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 151.

39. Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 111.

40. European Observatory on Homelessness, Family Homelessness in Europe, "EOH Comparative Studies on Homelessness", vol. 7, 2017, p. 44; Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 171 – 177.

41. E.g. Sweden, Germany, UK, Austria, Czech Republic, France, Ireland; See: European Observatory on Homelessness, Family Homelessness in Europe, "EOH Comparative Studies on Homelessness", vol. 7, 2017, p. 43 – 44; European Observatory on Homelessness, Homelessness Services in Europe, "EOH Comparative Studies on Homelessness", 2018, vol. 8, p. 53; In terms of free legal support the Spain's (Barcelona) experience is interesting. See: FEANTSA Cities, Toolkit for Homelessness, 2018, p. 18.

42. FEANTSA, Fourth Overview of Housing Exclusion in Europe, 2019, p. 50.

43. European Observatory on Homelessness, Family Homelessness in Europe, "EOH Comparative Studies on Homelessness", vol. 7, 2017, p. 43.

44. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Sixth Periodic Report of Spain, E/C.12/ESP/CO/6, 2018, par. 38.

45. Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, p. 93; European Observatory on Homelessness, Homelessness Services in Europe, "EOH Comparative Studies on Homelessness", 2018, vol. 8, p. 79-80; Stenberg S., Doorn L., Gerull S., Locked out in Europe: A Comparative Analysis of Evictions Due to Rent Arrears in Germany, the Netherlands and Sweden, "European Journal of Homelessness", 2011, vol. 5, no. 2, p. 52; Gerull S., Evictions due to Rent Arrears: A Comparative Analysis of Evictions in Fourteen Countries, "European Journal of Homelessness", 2014, vol. 8, no. 2, p. 144 – 145.

46. See for instance: Edgar B., European Review of Statistics on Homelessness, 2009, p. 38 – 39.

47. Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 42.

48. Knutagard M., Homelessness and Housing Exclusion in Sweden, "European Journal of Homelessness", 2018, vol. 12, no. 2, p. 112; FEANTSA, Second Overview of Housing Exclusion in Europe, 2017, p. 95-98.

49. Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 71 – 75.

50. Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 43, 50.

51. Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, p. 111.

52. Forced Evictions, Fact Sheet No. 25/Rev.1, United Nations, 2014, p. 31.

53. General Comment No. 7: The Right to Adequate Housing: Forced Evictions (art.11 (1)), Committee on Economic, Social and Cultural Rights, 1997, par. 10.

54. Forced Evictions, Fact Sheet No. 25/Rev.1, United Nations, 2014, p. 33-34.

55. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, 2007, A/ HRC/4/18, Appendix N 1, par. 50.

56. Stenberg S., Doorn L., Gerull S., Locked out in Europe: A Comparative Analysis of Evictions Due to Rent Arrears in Germany, the Netherlands and Sweden, "European Journal of Homelessness", 2011, vol. 5, no. 2, p. 50.

57. General Comment No. 7: The Right to Adequate Housing: Forced Evictions (art.11 (1)), Committee on Economic, Social and Cultural Rights, 1997, par. 13.

58. Forced Evictions, Fact Sheet No. 25/Rev.1, United Nations, 2014, p. 34 – 35.

59. Stenberg S., Doorn L., Gerull S., Locked out in Europe: A Comparative Analysis of Evictions Due to Rent Arrears in Germany, the Netherlands and Sweden, "European Journal of Homelessness", 2011, vol. 5, no. 2, p. 51.

60. Gerull S., Evictions due to Rent Arrears: A Comparative Analysis of Evictions in Fourteen Countries, "European Journal of Homelessness", 2014, vol. 8, no. 2, p. 144.

61. General Comment No. 7: The Right to Adequate Housing: Forced Evictions (art.11 (1)), Committee on Economic, Social and Cultural Rights, 1997, par. 16.

62. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, 2007, A/ HCR/4/18, appendix N 1, par. 31, 44, 52, 60- 68.

63. Gerull S., Evictions due to Rent Arrears: A Comparative Analysis of Evictions in Fourteen Countries, "European Journal of Homelessness", 2014, vol. 8, no. 2, p. 149 – 150.