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## PRESS RELEASE

### **Disappointing news for renters from Strasbourg: Now more than ever we need the right to housing in the law**

The European Court of Human Rights has missed a key opportunity to enhance renters' rights, the **End Unfair Evictions** campaign and the human rights organisation **Just Fair** say today.

This morning the European Court of Human Rights [declared inadmissible](#) the case brought by a tenant with a mental health condition that had been evicted in application of Section 21 of the Housing Act 1988.

Section 21 allows landlords to evict tenants who are not at fault, without giving them a reason.

As [reported](#) by the National Audit Office, rental evictions are the primary reason of statutory homelessness in England.

The applicant argued that the eviction had violated her right to private and family life because, in application of Section 21, her personal circumstances had not been taken into account.

The Court has reached the unfortunate conclusion that “while the applicant’s particular circumstances are undoubtedly deserving of sympathy”, Article 8 of the European Convention on Human Rights does not protect tenants from private landlords (para. 41 and 45).

The Court speculates that, otherwise, “the resulting impact on the private rental sector would be wholly unpredictable and potentially very damaging” (para. 43). This ignores the fact that proportionality assessments in rental evictions are common practice in other countries, including Germany, The Netherlands and South Africa, as documented by Just Fair and Generation Rent in a [report](#) in September 2018.

Koldo Casla, policy director of Just Fair, said:

“This ruling is extremely disappointing, but it is also the reason why we need to protect our rights better in the UK. On 10 December we will celebrate the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights. We must seize this landmark to initiate a serious debate about how we can protect the right to adequate housing better in the law. The right to housing is proclaimed in Article 11 of the International Covenant on Economic, Social and Cultural Rights. This covenant has been signed and ratified by the UK, and Section 21 no-fault evictions undoubtedly breach Article 11. However, the covenant has not been incorporated into our legal system, which means that there is no effective remedy for renters. The ruling today brings to light the terrible consequences of the inadequate protection of social rights in the UK.”



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Dan Wilson Craw, spokesperson for the End Unfair Evictions campaign, said:

"It is disappointing that the Court has ruled today in favour of the status quo. But the movement to abolish Section 21 and deliver secure homes for all will continue. We may not have won in court today but we are already winning the case for secure homes, with the Government recognising that renters need more security of tenure. Support for the campaign continues to grow, with three local councils giving their support this week, and MPs will debate Section 21 evictions in Parliament next week. Political pressure will keep building until this outdated clause is scrapped."

#### **About us:**

The END UNFAIR EVICTIONS campaign is a coalition between Generation Rent, the London Renters Union, ACORN and the New Economics Foundation. For more info: [www.endunfairevictions.org](http://www.endunfairevictions.org)

JUST FAIR works to realise a fairer and more just society in the UK by monitoring and advocating for the protection of economic and social rights.

#### **Background of the case:**

F.J.M. v. the United Kingdom (Case no. 76202/16)

The applicant, F.J.M., is a British national who was born in 1970 and lives in Abingdon. She suffers from mental health problems.

The case concerns a possession order against the applicant after the landlords, her parents, defaulted on their mortgage payments.

In May 2005, the applicants' parents bought a house with a mortgage, pledging the house as security. The applicant lived there, paying rent to her parents under an assured shorthold tenancy.

However, the parents fell into arrears on the mortgage payments and in 2012 the mortgagee sought a possession order to bring the applicant's tenancy to an end.

The applicant challenged the possession order before the domestic courts, without success. Ultimately the [Supreme Court in 2016](#) found that she was not entitled to require the courts to carry out a balancing exercise with regard to the competing interests involved in her case.

Relying on Article 8 of the European Convention on Human Rights (right to respect for private and family life), the applicant complained in particular that the UK courts refused to carry out a balancing exercise between her rights as a tenant not to lose her home and the mortgagee's right to be repaid.



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Today the Court has declared the ruling inadmissible and the decision is final.

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