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Analysis and guidelines to guarantee the right to housing

Committee Opinion¹

Committee on Migration, Refugees and Displaced Persons

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A. Conclusions of the committee

1. The Committee on Migration, Refugees and Displaced Persons welcomes the draft resolution adopted by the Committee on Social Affairs, Health and Sustainable Development and the opportunity to contribute with its own views.
2. International human rights law protects the right to adequate housing for all persons without discrimination. The committee therefore strongly supports the recommendation made in the draft resolution to extend the implementation of the European Social Charter (revised) (ETS No. 163) to all persons present on the territory of member States.
3. Migrants, including refugees and asylum seekers, are disproportionately deprived of the right to adequate housing. In practice, they often encounter discrimination on the private housing market and are sometimes excluded from social housing if they do not hold long-term residence status. Limited but available data indicates that migrants are over-represented among the homeless population within the OECD region,² while administrative requirements can prevent them from accessing emergency shelters.
4. The committee is particularly concerned about the situation in several member States, where homelessness affects the most vulnerable groups, notably asylum seekers and unaccompanied minors, as well as about reports of forced evictions, including of unaccompanied minors and families with children. Equally alarming are instances where individuals and organisations providing humanitarian assistance and shelter to those affected, face criminalisation or administrative sanctions.
5. More than just an obligation, ensuring access of migrants to adequate housing should be viewed as an investment in the future of our societies. It improves social inclusion and cohesion, facilitates access to employment, has a positive impact on health, and enables children to attend school. In this light, the committee wishes to propose amendments addressing the particular challenges faced by migrants in securing the right to adequate housing.

1. Reference to committee: Reference 4670 of 10 October 2022, modified on 4 October 2024. Reporting committee: Committee on Social Affairs, Health and Sustainable Development. See [Doc. 16244](#). Opinion approved by the committee on 29 September 2025.

2. Organisation for Economic Co-operation and Development (OECD), 28 June 2024, "[Policy Brief: Challenges to measuring homelessness among migrants in OECD and EU countries](#)".



B. Proposed amendments

Amendment A (to the draft resolution)

In the draft resolution, at the end of paragraph 6.3., insert the following sentence:

“The prevention of homelessness should also be considered when designing migration and asylum policies;”

Amendment B (to the draft resolution)

In the draft resolution, in paragraph 6.4., after the words “ensure legal safeguards against forced evictions and homelessness” insert the following words:

“enforced in all contexts, irrespective of the residents’ administrative status,”

Amendment C (to the draft resolution)

In the draft resolution, after paragraph 6.4, insert the following paragraph:

“remove all administrative barriers to accessing emergency shelters;”

Amendment D (to the draft resolution)

In the draft resolution, at the end of paragraph 7.3, insert the following words:

“and support young refugees and asylum seekers in their transition to adulthood by extending access to adequate housing and support services beyond the age of 18, in line with CM/Rec(2019)4 of the Committee of Ministers to member States on supporting young refugees in transition to adulthood;”

Amendment E (to the draft resolution)

In the draft resolution, before paragraph 9, insert the following paragraph:

“The Assembly reminds member States of their obligations under the European Social Charter (revised) to provide adequate housing to all persons regularly residing on their territory, and at the very least to provide shelter for all others. To fulfil these obligations in practice, it urgently calls on member States to:

- increase the number of available places in reception accommodation and include contingency planning, so that every person seeking asylum and every unaccompanied minor can be adequately housed;*
- refrain from accommodating asylum seekers and unaccompanied minors in unsuitable facilities such as (de facto) detention sites and military facilities;*
- ensure independent monitoring of reception facilities, with accessible complaint procedures, as recommended in Resolution 2613 (2025) “The challenges and needs of public and private actors involved in migration management”;*
- support refugees leaving reception centres, people leaving immigration detention centres, and unaccompanied minors leaving care facilities, in moving into independent housing within the local community. This should be accompanied by sufficient timeframes for leaving institutional settings;*
- ensure that housing support services are not required to report persons in an irregular situation to immigration enforcement authorities, and that information collected to support access to adequate housing is not used for immigration control.”*

Amendment F (to the draft resolution)

In the draft resolution, after paragraph 10, insert the following paragraph:

“The Assembly encourages member States to guarantee that humanitarian organisations and individuals providing shelter or aid to migrants experiencing homelessness are not criminalised or faced with administrative sanctions, including under laws to combat migrant smuggling, as recommended in Resolution 2568 (2024) “A shared European approach to address migrant smuggling”. ”