



Der Menschenrechtsbeirat
der Stadt Graz

2021 Human Rights Report of the City of Graz

Recommendations on the right to adequate housing and urban resilience – a summary

The present English version of the comprised 2021 Human Rights Report of the *Menschenrechtsbeirat* (en. Human Rights Council) of the City of Graz is based on the easy-to-read German 2021 Report version, but has been slightly adapted in register to fit the broader target group of English-speaking readers both as mother tongue and working language.

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1. Introduction

Human rights are fundamental rights for every human being. The Human Rights City of Graz respects and promotes this principle. Consequently, the City founded a Human Rights Council (*Menschenrechtsbeirat der Stadt Graz*) in 2007. Its core aim is to advise the local governance level, namely the Mayor and City Council, on human rights issues. Every year, the Human Rights Council publishes a Human Rights Report, monitoring the City's human rights situation by focusing on relevant human rights-related topics and challenges. The Report identifies and investigates human rights-related good practice examples and deficits in the City in a given year.

The 2021 Human Rights Report is the 14th Human Rights Report of the Human Rights Council of the City of Graz. The Report's main focus is put on the Right to Adequate Housing. It is not implemented in an equal and non-discriminatory manner for all citizens.

The 2020 Human Rights Report has already identified several challenges referring to the realisation of the Right to Adequate Housing. Therefore, the 2021 Report aims to examine whether these identified issues are still pertinent. Important local institutions of the City of Graz were consulted to provide their respective expertise and assessment. Moreover, conversations with local housing experts were conducted, leading to the identification of additional issues in this area.

The 2021 Human Rights Report elaborates the identified issues and provides respective recommendations from a human rights perspective. These recommendations were developed based on the results on the Right to Adequate Housing in the City of Graz. They are addressed to the City Government and Council. Their aim is to support the local policy level in fostering the implementation of the Right to Adequate Housing in an equal and non-discriminatory manner for all citizens. The realisation of these recommendations would lead to a major improvement of the housing situation for a significant number of citizens in Graz.

2. The Right to Adequate Housing and the COVID-19 Pandemic

The COVID-19 Pandemic majorly disrupted the lives of all people living in the City of Graz. Citizens had to adapt to several restrictive measures in order to deal with the threatening health crisis. Social contacts had to be kept at a bare minimum. Leisure time activities were radically restricted. Time and time again, schools had to be closed for several weeks, leading to home schooling. Also, working from home became the standard procedure for many people. The daily life of citizens was considerably limited to their housing space. As a consequence, the importance of the Right to Adequate Housing increased significantly.

The Right to Adequate Housing is a vital human right. A great number of other human rights are directly related to it, covering areas like family life, leisure time, education, violence, or social security. In particular in times of a global pandemic, where staying at home might save lives, it is of utmost importance to have an adequate housing space. Therefore, the Right to Adequate Housing has to be protected.

In general, the Right to Adequate housing comprises of seven vital aspects which need to be fulfilled to ensure its equal and non-discriminatory implementation for all citizens:

- 1. Legal security of tenure**
- 2. Availability of services, materials, facilities and infrastructure**
- 3. Affordability**
- 4. Habitability**
- 5. Accessibility**
- 6. Location**
- 7. Cultural adequacy**

The following chapter describes the results identified for each point, except for cultural adequacy as no issues were raised regarding this topic.

3. Results on the Right to Adequate Housing

3.1. Legal security of tenure

The citizens of Graz live in varying housing spaces. Whereas some people own their own flat, others rent an accommodation. Some people also live in community housing or share a flat with somebody else for economic reasons. Unfortunately, others need to draw on emergency shelters due to their precarious living situation. No matter the particular housing situation, all citizens require sufficient protection of their Right to Adequate Housing. They need to be protected against any kind of threat, e.g. losing their flat for no reason or having to leave their flat without enough time to find a new one.

Results:

There are so-called *Beherbergungsbetriebe* in the City of Graz, which are certain types of accommodation facilities that offer an overnight stay for a certain amount of money. In particular, seasonal workers or people who cannot find or afford a proper flat live in this type of accommodation. However, these accommodation facilities are considered as highly problematic. Regular tenancy law cannot be applied to these accommodation facilities, meaning that people living there are not protected against eviction, for example. They can be evicted at any point without further ado. Moreover, these accommodation facilities tend to be in a desolate state.

3.2. Availability of services, materials, facilities, and infrastructure

Each flat must contain certain facilities, including running potable water, a toilet, and washing facilities, and provide energy for cooking, heating, and light. Further, it must be possible to store supplies and dispose of garbage. It is vital that inhabitants of flats have good access to emergency services, where they can seek support. All of these facilities ensure good health and the security of inhabitants.

Results:

There are many reasons why people lose their housing space. A substantial number of people lose their flats due to suffering from a psychological/psychiatric disease or alcohol/drug dependence. As a last resort, they can find a place to stay in emergency shelters. These accommodations prevent people from sleeping in the streets. Unfortunately, due to the COVID-19 Pandemic more people now suffer from psychological problems.

Persons with disabilities require flats equipped for their specific needs. However, not all flats are equipped accordingly.

Often, support for children and adolescents in crisis situations is not available in an adequate amount. There are not enough housing possibilities for children and adolescents who cannot live with their birth parents. It is particularly noteworthy that

there are not enough housing possibilities for children displaying very aggressive behaviour or for children with disabilities. Sometimes, children or adolescents need to be accommodated very far away from their birth parents for their own good. This leads to children and adolescents not being able to see their birth parents very often.

Support provided by the City of Graz should be employed at a very early stage. This would benefit children/adolescents and their respective families because they might be able to stay together. At the moment, there are not enough early support offers in the City.

In the City of Graz, there is a lack of employees working full-time in day nurseries and nursery schools. In addition, there are not enough spots for all children who would need them. Also, a substantial lack of spots available in after-school care centres and afternoon childcare facilities is identified. In particular, older children and adolescents cannot be looked after adequately. However, high-quality childcare is extremely important for the safe and appropriate development of children.

3.3. Affordability

All housing spaces available in the City of Graz have to be affordable for citizens. This means that rents must not be too expensive. People who cannot afford a housing space should be supported financially by the City.

Further, tenants should be protected against unqualified rent increases.

Results:

Many people move to Graz each year. They all require a housing space. At the moment, there are not enough flats available in Graz, especially not affordable ones. Since having a place to live is a fundamental need of people, citizens having to live in expensive flats often do not have enough financial means left for other aspects of life, like food or leisure activities. The groups most affected by too expensive rents are women, single parents, the elderly, and young families.

A lot of people cannot afford flats offered on the private housing market. The City of Graz has the possibility to allocate a total of 11,000 subsidised flats to these citizens. Rents for these flats are comparatively cheap.

Until July 2021, people in crisis situations could apply for a “needs-based minimum benefit” (*Bedarfsorientierte Mindestsicherung*), a financial aid adapted to the needs of the individual person. However, a tenancy agreement was a prerequisite for the application. Further, the waiting period for the actual allocated aid was very long. In July 2021, the needs-based minimum benefit system was replaced by the new system of “social assistance” (*Sozialunterstützung*). People can apply for social assistance also without a tenancy agreement. It remains to be seen if this new system improves the situation of applicants.

3.4. Habitability

Housing space in the City of Graz has to be habitable. This means that flats need to offer sufficient space for all inhabitants, and protect them against cold, heat, humidity, rain, or wind. Flats must also be built safely so that inhabitants do not face dangers caused by building deficits or diseases.

Results:

Traffic produced by cars is constantly increasing in the City of Graz. This leads to an increase of noise pollution in flats. Also, particulate matter and nitrogen oxides can penetrate flats, which might lead to health issues.

Increased traffic endangers children. They cannot move freely in the streets and have less space to play.

In the City of Graz, a continuous increase in flat construction is identified, in particular in the City Districts which already host a high number of flats. This leads to more noise pollution and neighbourhood conflicts as so many people live closely to each other. The number of conflicts increased especially with the outbreak of the COVID-19 Pandemic because many people had to spend more time at home.

The increased construction of flats results in less green spaces. This leads to temperatures rising in the City which is particularly problematic for children and the elderly.

The habitability of emergency shelters is not guaranteed for all people. In particular, transgender persons often do not know where to go when they find themselves in crisis situations.

High pressure was put on families during the Pandemic. They often live in flats with not enough living space. Due to the health crisis, children and adolescents could not physically go to their schools because they were closed and had to follow their classes and write exams from home. Their parents had to work from home and simultaneously look after their children. This led to tensions.

The many prevailing insecurities provoked by the Pandemic, not enough living space available at home, disputes in families, and the lack of social interactions with friends led to an increase in psychological problems for children and adolescents. At the moment, there is not enough support available for children and adolescents suffering from psychological problems in the City of Graz.

Due to the Pandemic, women are more afraid of experiencing physical or psychological violence at home. In most instances, violence is exercised by the woman's partner. Due to the acute health crisis and many prevailing uncertainties, women do not dare to separate from their partners and, therefore, often remain in these relationships, even though they suffer from violence.

3.5. Accessibility

Flats need to be accessible. This means that each citizen in need of a housing space must be able to properly live in a flat, e.g. people with disabilities or with a history of migration need to have non-discriminatory access to flats.

Results:

The City of Graz disposes of a substantial number of community housing facilities. These flats can be allocated to people in precarious living situations. In 2017, the allocation regulations were substantially changed: Only persons who have had their primary residence registered in the City of Graz for at least five years could apply for community housing. Refugees according to the Geneva Convention of 28 July 1951 were denied access to community housing.

A significant number of citizens struggles to find a flat in the private housing sector due to high costs. A deposit has to be paid to the landlord/landlady; the flat needs to be furnished by the tenant; sometimes a realtor's commission must be paid. For many, in particular people who are unemployed, these (cumulative) costs are too expensive.

Discrimination is identified in the private housing sector. There are certain groups which are particularly affected by discriminatory practices. For example, many landlords/landladies reject applications of multi-child families or of refugees according to the Geneva Convention.

People who cannot find access to flats can seek support in emergency shelters. For the past years, the number of nights which women with children spent in emergency shelters has risen continuously.

3.6. Location

Flats must be located in good and safe neighbourhoods. This means that inhabitants must be able to access their employment space, e.g. by bus or train. Furthermore, other important facilities like child-care or health services must be accessible. This holds true for both people living in urban and rural areas.

Results:

Young people want to use public spaces and parks. Due to COVID-19, usage possibilities were often restricted. Further, when using certain public spaces, conflicts arise between youth and other population groups, e.g. the elderly or residents living next to these spaces.

The City of Graz does not provide enough public spaces for young people. Such areas need to be conceptualised in a way that young people are allowed to be louder without disturbing others but are not required to purchase or consume anything to spend time there.

In the City of Graz, residential segregation due to exceedingly high rental costs in certain City Districts is identified as major issue. Consequently, people from a low socio-economic background, especially migrants, live in less expensive Districts. These Districts are disadvantaged compared to others. This problematic issue is reflected in child-care facilities and schools with a particular high percentage of migrant children with lower German proficiency. Many children in these institutions cannot be supported appropriately which has a significantly negative influence on their educational and personal development, and consequently on their future career chances.

3.7. Summary of the results

The results of the 2021 Human Rights Report can be summarised along four dimensions:

Economic dimension:

In the City of Graz, not all citizens can afford an adequate housing space. In particular, flats offered at the private housing market are too expensive and linked to several high costs, e.g. deposits or realtor's commissions.

There are often long waiting periods for community housing allocated by the City of Graz. Further, some population groups are legally excluded from the application process for these types of flats.

In some City Districts, a considerably high number of people in precarious living situations is identified.

Social dimension:

Many people are discriminated against when searching for adequate housing. The most affected groups are multi-child families, refugees, people who are unemployed or people suffering from a mental disorder. Many landlords/landladies do not rent out their flats to these groups due to prevailing stereotypes and prejudices.

Consequently, affected groups need to seek refuge in emergency shelters. However, these shelters are not always well-equipped or prepared to adequately fulfil the various needs of these people.

Ecological dimension:

In the City of Graz, the number of flats being constructed is steadily rising, even in green areas like parks or forests. Consequently, the amount of free spaces which can be used by citizens in their spare time is drastically limited which, in turn, leads to conflicts of interest between various population groups with regard to the usage of these free spaces.

Moreover, there are certain very densely populated areas where many people must live closely to each other. This leads to an increase in neighbourhood conflicts.

Finally, traffic levels are continuously increasing in Graz which significantly impacts the environment as well as health of citizens.

Institutional dimension:

The application for community housing of the City of Graz is regulated by law, which excludes some population groups.

Beherbergungsbetriebe as specific types of accommodation facilities are not regulated by tenancy law which means that people staying in the provided flats are not legally protected against discriminatory measures taken by the landlords/landladies.

4. Recommendations on the Right to Adequate Housing in the City of Graz

In the City of Graz, the Right to Adequate Housing is not guaranteed for all citizens in an equal and non-discriminatory manner. Therefore, the following recommendations were elaborated by the Human Rights Council of the City of Graz aiming at the improvement of the situation of many affected population groups regarding this human right. The recommendations tackle the issues identified in the aforementioned dimensions.

Economic Dimension

1. The City of Graz shall support people in search of a housing space by granting financial aids. These financial aids must be adapted to the needs of the citizens and allocated in a non-discriminatory manner.
2. There shall be no delays in the claim and time for these financial aids.

Social dimension

1. The City of Graz shall implement the housing first approach, which means that all people in precarious living situations shall be able to live in an appropriate flat.
2. The City of Graz shall refrain from evicting residents within the City's jurisdiction.
3. The City of Graz shall initiate measures to de-stigmatise homelessness within the administrative, political, and public spheres.

Economic dimension

1. The City of Graz shall provide more green areas for citizens.
2. The City of Graz shall install a "Representative for Pedestrians". This person shall advise the City.
3. The City of Graz shall provide mediation mechanisms for conflicts in the public space.

Institutional dimension

1. The City of Graz shall ensure that community housing flats are accessible for all citizens in an equal and non-discriminatory manner. People who have been granted asylum in Austria shall be able to access community housing flats.

Members of the Human Rights Council of the City of Graz

As of August 2021

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<p>Sigrid Binder Grüne Gemeinderätin a.D. (Local Councillor off-duty. – Political Party "Die Grünen")</p>	<p>Dr. Manfred Scaria Oberlandesgericht Graz (Higher Regional Court Graz) (member until June/2021)</p>
<p>Mag.^a Jutta Dier <i>Friedensbüro Graz</i> (Peace Office Graz)</p>	<p>Mag. Michael Schwanda <i>Oberlandesgericht Graz</i> (Higher Regional Court Graz) (member since July/2021)</p>
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