



COMBATING HOMELESSNESS

Institutional Framework and
Separation of Powers between the
Different Levels of Government

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Introduction

The exercise of the right to adequate housing is an important precondition for the enjoyment of number of rights and social benefits. Tangible results in terms of guaranteeing this right can only be achieved through systematic, well thought out and consistent policies.

Despite the commitments made under the 1994 International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the “UN Covenant”), the right to adequate housing in Georgia is yet to be properly recognized by law and exercised in practice. Efforts by the state to pursue effective policies in this direction have remained fruitless for years.¹ On the other hand, it is important that the definition of the social state in the Constitution of Georgia (as a result of the constitutional reform) has included the obligation to provide adequate housing. At the same time, based on the 2018-2019 Open Government Partnership Action Plan of Georgia, an inter-agency commission was set up² to develop a Housing Strategy and a corresponding Action Plan by December 2020.³

Among other aspects of housing policy, in the Georgian reality, over the years, the functioning of an effective institutional framework, including a proper understanding of the obligations of central and local governments and a clear distribution of responsibilities, as well as mechanisms for communication and cooperation between the relevant agencies has been a challenge. Given that the regulation of this area is a prerequisite for the effective implementation of housing policy, the National Housing Strategy should include issues related to the establishment and implementation of a sound institutional framework.

In the process of developing housing policy documents, the relevant agencies should employ the international standards, including recommendations from various relevant institutions, as blue prints for further actions. In this regard, guidelines on the human rights-based Housing Strategy developed by the UN Special Rapporteur on Adequate Housing are particularly noteworthy. The document emphasizes on the commitment of the states to separate the functions of central and local government and to ensure the establishment of inter-agency coordination mechanisms.⁴

The purpose of this document is to review the functions of the central and local government in the fight against homelessness and the issues of separation of powers. Considering the topic, it is divided

¹ In 2014, the Parliament of Georgia approved the National Strategy for Human Rights (2014-2020), which made fulfillment of obligations in relation to the right to adequate housing one of its strategic goals; however, the goals and objectives outlined in the document failed to be achieved since none of the human rights action plans adopted by the Government reflected the issue of housing, at the minimum. In August 2015, an inter-agency working group was set up within the Ministry of Labor, Health and Social Affairs of Georgia to develop a unified strategy for homelessness, however, the work in this group did not yield real results and the document was not approved.

² Resolution No. 190 of the Government of Georgia of April 12, 2019 "On the Establishment and Approval of the Statute of the Governmental Commission Contributing to the Development of the Housing Policy Document and its Action Plan".

³ Resolution N 537 of the Government of Georgia of November 12, 2018 "On the approval of the Open Government Partnership Action Plan 2018-2019".

⁴ 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, A/HRC/37/53, 2018, Paras. 52 – 53.

into several main parts. The first part discusses the basic principles on which the relevant institutional framework should be based. The second chapter discusses issues such as the functions of the central and local government, effective coordination mechanisms, as well as the benefits and challenges of decentralization. The third chapter analyzes the context and existing challenges in Georgia, and the fourth section provides relevant recommendations.

1. Basic Principles of Functioning of the Institutional Framework

Before analyzing specific responsibilities of the central and local government bodies, it is important to review the principles that should be considered by relevant institutions when tackling homelessness. In the course of the research, it became possible to identify such principles based on analyzing international standards, including the reports of the UN Special Rapporteur on Adequate Housing, the recommendations of the Committee on Economic, Social and Cultural Rights and the guidance documents compiled by the High Commissioner for Human Rights.

The principle of a clear separation of powers between the different levels of government - this principle involves the identification of obligations by the state when combatting homelessness, the identification of agencies responsible at both central and local levels and the imposition of relevant functions on them.⁵ The commitments set for state institutions should be clear and heterogeneous in order to exclude ambiguity, duplication⁶ and distortion of responsibilities between the different levels of government. One of the main goals of this principle is the active involvement of all levels of government in the fight against homelessness. Therefore, it is necessary to impose appropriate responsibilities on both the central and local authorities.

For the effective implementation of this principle, the issues of jurisdictional collision and separation of power in the branches of government should be regulated by both domestic law and the policy documents (e.g. Housing Strategy).⁷

⁵ Despite the diverse international regulations of the distribution of powers between the central and local authorities, it is essential that the functioning of the institutional framework is in line with the state's international legal obligation to ensure that the right to adequate housing is properly exercised; See 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, A/HRC/43/43, 2019, para. 62.

⁶ For example, the use of this principle is important in the production of statistical data. In particular, the clear separation of obligations of state agencies in this area and the redistribution of responsibilities play a major role in ensuring the production of correct data and preventing the duplication of data collection; For example, see Edgar B., Doherty J., Homelessness Research in Europe, 2010, p. 34.

⁷ 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, A/HRC/43/43, 2019, paras. 26, 63; Progress Report of the Advisory Committee on the Role of Local Government in the Promotion and Protection of Human Rights, including Human Rights Mainstreaming in Local Administration and Public Services, A/HRC/27/59, 2014, para. 31; 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, A/HRC/31/54, 2015, para. 49.

Principle of Effective Inter-Agency Coordination - The UN Special Rapporteur on Adequate Housing notes that all levels and branches of government are responsible for ensuring the right to housing;⁸ therefore, in the absence of inter-agency coordination, it is virtually impossible to plan and implement the uniform policy. The content of the above principle implies the existence of both formal coordination mechanisms,⁹ and other forms of inter-agency cooperation aimed at combating the challenges in the specific areas of housing policy.¹⁰ It should be noted, that the principle of cooperation is not limited to the coordination of relevant agencies in the field of homelessness and extends to adjacent areas such as urban planning, tax policy, social protection services, migration and forced displacement.¹¹

The implementation of this principle facilitates the exchange of experiences and information between agencies and enhances the quality of municipal support by the central government. All of this allows the local government to effectively implement a centrally planned housing policy.

Principle of Monitoring and Accountability - One of the important preconditions for effective policy implementation in the housing sector is the existence of a monitoring and accountability mechanism that passes the tests of accessibility, transparency and efficiency.¹² The principle aims at assessing the steps taken by the state in the field of adequate housing and analyzing the current progress, both by the central government/coordination mechanisms and the Ombudsperson.¹³ It is important that both quantitative and qualitative data are collected and processed during the monitoring process, covering all elements of the right to adequate housing,¹⁴ data on housing programs, relevant expenditures, experiences of socially vulnerable groups, and more.¹⁵

Principle of Uniformity - for the effective implementation of housing policy, it is crucial to establish uniform approaches by the state agencies. One of the most common manifestations of disregard for this principle is the unequal development of housing services across the country. In particular, in such cases, the services are available in large cities, and persons living in the rest of the country are at risk of unequal treatment, without receiving effective support. In order to adhere to the above principle, the UN Committee emphasizes the need for effective implementation of housing (including, for example,

⁸ 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, A/HRC/43/43, 2019, para. 10.

⁹ For instance, interagency coordination councils.

¹⁰ For example, the functioning of effective cooperation and coordination mechanism among the various agencies, in order to prevent evictions and to persons subject to evictions from being homeless.

¹¹ 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, A/HRC/43/43, 2019, paras. 28, 58.

¹² Office of the United Nations High Commissioner for Human Rights, UN HABITAT, The Right to Adequate Housing, Fact Sheet No. 21/Rev.1, 2009, pp. 37-38.

¹³ Ibid., p. 37; 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, A/HRC/43/43, 2019, paras. 28, 79-79.

¹⁴ Legal guarantee of housing, access to services and infrastructure, financial access to housing, access to housing, adequacy of the living environment, location, cultural adequacy.

¹⁵ 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, A/HRC/43/43, 2019, para. 77.

social housing services) policies in every region of the country.¹⁶ To this end, it is important to establish criteria in the field of housing services that cover all vulnerable groups and prevent the exclusion of people in need from the system.¹⁷

Principle of Progressive Realization - the principle of progressive realization is one of the cornerstones of the exercise of the right to adequate housing. To implement this principle, both central and local authorities must take all possible measures within the resources at their disposal. The measures taken should serve to achieve the full realization of the right, and the use of regressive measures should be ruled out, except in exceptional circumstances.¹⁸ It is essential that the state effectively reflect this principle both in the legislative framework and in practice.

Principle of Inclusion - The realization of the right to adequate housing is closely linked to the principle of inclusion, the content of which concerns the involvement of members of the public, especially homeless groups, in planning, implementation and monitoring of housing policies at all levels of government.¹⁹

Given the content of the above principles, it is clear that their systematic and systematic usage by both the central and local governments is a necessary precondition for planning and implementing effective housing policies.

2. Functioning of the Institutional Framework - International Standards and Country Experiences

In parallel with analyzing the principles of functioning of the institutional framework, it is important to review the essence of the responsibilities of the central and local authorities in the fight against homelessness, both, in the light of international standards and the best practices of countries. Therefore, this chapter shall analyze issues such as, for example, the powers granted to different levels of government in the fight against homelessness, the mechanisms of inter-agency coordination and cooperation, as well as the role of decentralization and related challenges.

2.1. Analysis of the Role of the Central Government

Recognition and acceptance of responsibilities by the central government in the field of combating homelessness significantly contributes to the effectiveness of housing policy. The amount and the nature of liabilities imposed on the different levels of the government depends on many factors,

¹⁶ CESCR, Concluding Observations of the Committee on Economic, Social and Cultural Rights on Estonia, E/C.12/EST/CO/2, 2011, para. 22,

¹⁷ CESCR, Concluding Observations on the Second Periodic Report of the Czech Republic, E/C.12/CZE/CO/2, 2014.

¹⁸ When utilizing regressive measures, the state must prove that it has carefully studied all possible scenarios, considered the general impact of these measures on human rights, and made full use of the resources at its disposal; See Committee on Economic, Social and Cultural Rights, General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant), 1990, para. 9.

¹⁹ 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, A/HRC/43/43, 2019, paras. 12, 23, 26, 42.

including the degree of decentralization in a particular country. However, decentralization, in essence, does not mean the complete exclusion of the role of the central government from the process of creating and implementing housing policy and the delegation of the whole responsibility to the municipalities. Even under decentralized governance, the central government takes on a number of essential functions to combat homelessness.

Analysis of the country practices revealed that the institutions responsible at the central level are the agencies that are obliged to create and coordinate a general social protection system. In the Czech Republic and Bulgaria, for example, the Ministry of Labor and Social Policy is authorized with this task, in Greece responsible entity is the Ministry of Labor, Social Security and Social Solidarity, etc.²⁰ Analysis of the country practices shows that the obligations of such agencies are expressed in several main directions.

Development, regulation and coordination of the national policies

One of the most important functions of the central government is to create sustained policy and uniform standards in the field of housing, to define strategic directions and to coordinate its implementation (including the process of providing housing services).²¹ The central government creates appropriate mechanisms for the formation of both preventive and responsive policies against homelessness.²² This function unequivocally includes the development and implementation of policies aimed at the elimination of forced evictions.²³

One of the clearest illustrations of the central government's commitment to housing policy is the establishment of relevant regulations, including the definition of homelessness at the national level, as well as setting uniform standards for the provision of housing services.²⁴ Romania, for example, sets

²⁰ See Baptista I., Marlier E., *Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies*, European Social Policy Network (ESPN), 2019, pp. 102-103.

²¹ *Ibid.*, p.103; Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, A/65/261, 2010, para. 83; Office of the United Nations High Commissioner for Human Rights, UN HABITAT, *The Right to Adequate Housing*, Fact Sheet No. 21/Rev.1, 2009, pp. 33-34; Council of Europe, Recommendation of the Commissioner for Human Rights on the implementation of the right to housing, CommDH(2009)5, 2009; 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, A/HRC/43/43, 2019, para. 63.

²² For example, Norway, where several ministries have an obligation to prevent homelessness; See CESCR, Fifth Periodic Reports Submitted by States Parties under Articles 16 and 17 of the Covenant, Norway, E/C.12/NOR/5, 2012. The central government has a particularly important role to play in implementing the so-called first-level preventive measures, which target the entire population and aimed at early prevention of homelessness. The functions of the central government include the implementation of such measures as, e.g. creating an effective social protection system, forming a healthy housing market, refining the monetary-credit system, etc; See Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, pp. 121- 122, 126 -132.

²³ Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mr. Miloon Kothari, E/CN.4/2004/48, 2004.

²⁴ See Baptista I., Marlier E., *Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies*, European Social Policy Network (ESPN), 2019, p. 103; European Observatory on Homelessness, *Homelessness Services in Europe*, “EOH Comparative Studies on Homelessness”, 2018, pp. 62 – 63; European Observatory on Homelessness, *The Regulation and Quality of Homelessness Services*, “EOH Comparative Studies on Homelessness”, 2019, p. 60.

quality standards for service providers at the local level. Italy's central level government defines national guidelines for combating homelessness, setting uniform standards for the local government in terms of service delivery. Poland has also created a uniform national guideline for the provision of housing services for municipalities.

The function of developing relevant policy documents - the National Homeless Strategy and Action Plans with the involvement of different actors, remains central.²⁵ It is in these documents that the state explicitly shows its readiness to recognize the obligation to ensure the right to adequate housing, set key strategic objectives, and take short-term and long-term measures to achieve these goals.

Policy Implementation Monitoring

When analyzing the functions of the central government in the field of combating homelessness, another direction - assessing and monitoring the implementation of housing policy - emerges. These activities include monitoring existing policies and housing services, including assessing the quality of service delivery.²⁶ At the same time, the obligation to collect and analyze relevant statistical data is practically inseparable from the function of monitoring and evaluating the implementation of housing policy. It should be noted that in many cases, the production of statistical data is a responsibility of both the central and local levels of government, which is subject to national legislation.²⁷

At the central level, statistics are administered in two main ways. On the one hand, the local government provides the center with information on the local situation in the field of homelessness (for example, in the case of Finland),²⁸ which is then unified. However, in the case of individual countries, painting a full picture is problematic due to the methodological differences in data collection in local units. To overcome this challenge, for example, Poland has made refining statistical data collection and research methodologies one of its priorities in its thematic policy document.²⁹ On the other hand, the central government periodically conducts national surveys. In addition to age, gender, marital status or other characteristics, such studies include the issue of homelessness duration,

²⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 1991, para. 12; 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, A/HRC/43/43, 2019, para. 26.

²⁶ For example, the Ministry of Labor and Social Affairs in the Czech Republic, the Ministry of Labor, Social Security and Social Solidarity in Greece; See Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, p. 103; 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, A/HRC/28/62, 2014, para. 12.

²⁷ Edgar B., Doherty J., Meert H., Review of Statistics on Homelessness in Europe, 2002, p. 4.

²⁸ For example, as in Finland; See, Edgar B., Doherty J., Homelessness Research in Europe, 2010, p. 32.

²⁹ Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, p. 61.

assessment of living space, and analysis of contact between the homeless persons and the relevant social protection and health services.³⁰

Allocating financial resources and effective support to municipalities

The provision of financial resources for the implementation of the housing strategy³¹ and the provision of services at the local level is one of the most common functions of the central government, although the direct service provider is usually a municipality or a private entity.³² At the same time, the activities of the central government go beyond funding provision and aim to support municipalities in various ways (technical, human resources, expert assistance provision). The performance of this function is essential especially when the obligation of the municipalities in the field of housing is imposed without the allocation of sufficient resources and expertise.³³

Ensuring compliance of adjacent policies with human rights standards

Although the obligation to implement the right to adequate housing rests with the state, in the context of individual countries, there are cases of states delegating the provision of housing and related services to the private sector. Reducing the role of the state and activating private actors leads to depriving the field of housing of its social dimension, as well as provokes significant challenges in terms of access to housing, especially for vulnerable groups.³⁴ Given the current situation, the UN Special Rapporteur on the Adequate Housing emphasizes the function of the central government, to ensure fair and equal access to services for the entire population, regulate the monetary and credit system, prevent the functioning of predatory lending systems, oversee the tax system and more.³⁵

Ultimately, the analysis of the country experiences shows that one of the main functions of the central government is to create, regulate, finance, coordinate and monitor the implementation of the unified

³⁰ CESCR, Fifth Periodic Reports Submitted by States Parties under Articles 16 and 17 of the Covenant, Norway, E/C.12/NOR/5, 2012.

³¹ For example, the allocation of funds for the implementation of housing strategies by the central agencies of Finland; See FEANTSA, Third Overview of Housing Exclusion in Europe, 2018, p. 26.

³² For example, the United Kingdom, Turkey, Slovenia, Malta and Bulgaria; See, Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, pp. 102-103.

³³ 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, A/HRC/43/43, 2019, paras. 12, 60, 63.

³⁴ Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mr. Miloon Kothari, E/CN.4/2005/48, 2005, para. 25; 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, Raquel Rolnik, A/HRC/10/7, 2009, paras. 27-28, 38; 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, Raquel Rolnik, A/HRC/19/53, 2011, para. 17; J. Doherty and others, The Changing Role of the State: Welfare Delivery in the Neoliberal Era, 2005.

³⁵ 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, A/HRC/28/62, 2014, para. 12; Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mr. Miloon Kothari, E/CN.4/2002/59, 2002, para. 54; 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, Raquel Rolnik, A/HRC/10/7, 2009, paras. 79, 86, 90.

housing policy. Other important functions also include supporting the local government and ensuring compliance of housing-related policies with human rights dimension. Given the importance of the commitments, it is clear that it is virtually impossible to implement a uniform and effective housing policy in the country without the central government taking into account its relevant functions and responsibilities in the fight against homelessness.

2.2. Analysis of the Role of Local Government

The role of local government in combating homelessness is essential. Municipalities have a better opportunity to explore the needs of the local population and are more aware of the existing local challenges. At the same time, the local government can effectively ensure the participatory decision-making process and develop tailored mechanisms to address those challenges.³⁶ When analyzing the country practices, several important functions of municipalities are highlighted.

Implementation of the housing policy on the local level

One of the primary functions of municipalities is to implement policies set by the central government. The local government works on specific mechanisms through which the priorities set by the central authorities are implemented at the local level. One of the important activities in this direction is the development of the local housing policy documents (including strategies) that form a specific vision of municipalities and determine specific measures in the field of combating homelessness.³⁷ In addition, when talking about the content of the implementation, the UN-Habitat emphasizes the importance of carrying out activities at the municipal level, such as revising existing legislation and regulations in the field of housing and mobilizing relevant actors.³⁸

Identification of vulnerable groups and study of their needs

Compared to other actors, municipalities have much more information about the challenges they face in the area, as they are usually responsible for identifying and registering vulnerable groups.³⁹ Local authorities also have an important role to play, on the one hand, in collecting information about the situation on their territory in terms of homelessness and providing it to the center, and on the other

³⁶ 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, A/HRC/43/43, 2019, para. 59.

³⁷ It should be noted that the implementation of housing strategies adopted at the national and local levels are not alternatives to each other and it is possible that the strategies operate at both levels in the country; See Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, p. 57; 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, A/HRC/37/53, 2018, para. 47.

³⁸ UN HABITAT, Global Housing Strategy Framework Document, para. 51.

³⁹ Including through proactive work, Baptista I., Benjaminsen L., Pleace N., Busch – Geertsema V., Counting Homeless People in the 2011 Housing and Population Census, “EOH Comparative Studies on Homelessness”, 2012; FEANTSA, Fourth Overview of Housing Exclusion in Europe, 2019, p. 85.

hand, in investigating the causes of homelessness (such as rental costs construction regulations, urban planning, market forces).⁴⁰

Providing housing for vulnerable groups

One of the main functions that municipalities usually are tasked to undertake is the provision of housing services to homeless groups. In the practice of countries, such as the United Kingdom, this obligation is enshrined in law⁴¹ and provides for short and/or long-term housing services for those in need.⁴² Short-term services include temporary shelters⁴³ and apartment rental services.⁴⁴ The development delivery, financial provision and management of long-term services (e.g. social housing) are also included in the functions of municipalities.⁴⁵ It should be noted that in the context of individual countries, certain groups are provided with housing services by the central authorities. Such groups include asylum seekers (e.g., Greece, Hungary, and Italy),⁴⁶ refugees (Hungary),⁴⁷ and women victims of domestic violence (Cyprus).⁴⁸

The function of providing housing for homeless groups is not limited to the provision of the above services. Municipalities have an obligation to improve the living conditions of people living in informal settlements/inadequate housing.⁴⁹ Another important function of the local government is to create a database of affordable housing options. To this end, the local government is resorting to a variety of

⁴⁰ Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, an on the right to non-discrimination in this context, Raquel Rolnik, A/HRC/25/54, 2013, para. 23.

⁴¹ In the United Kingdom (Scotland), the Housing Act clearly defines the obligations of the municipality in this regard and lists the target groups.

⁴² In some countries, municipalities develop housing services for specific groups, such as people with disabilities and the elderly, migrants without documents (provided they register or return to their country of origin) and so on; Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, A/65/261, 2010, para. 54; CESCR, Fifth Periodic Report Submitted by States Parties under Article 16 and 17 of the Covenant, Denmark, E/C.12/DNK/5, 2011, para. 226.

⁴³ For example, Germany, Sweden, Poland; Edgar B., Doherty J., Homelessness Research in Europe, 2010, p. 114; Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, pp. 78 – 79.

⁴⁴ For example, Spanish municipalities provide financial assistance to low-income households, including migrants, for the rental payment purposes; Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, A/65/261, 2010, para. 77.

⁴⁵ For example, the Czech Republic, Belgium, Germany, Portugal, Finland; See, Nicholas Pleace, Nora Teller and Deborah Quilgars, Social Housing Allocation and Homelessness, 2011, p. 42; Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019.

⁴⁶ See European Observatory on Homelessness, Asylum Seekers, Refugees and Homelessness, the Humanitarian Crisis and the Homelessness Sector in Europe, EOH Comparative Studies on Homelessness, 2016, p. 28, 30-32.

⁴⁷ Kiss A., Homeless Refugees in Hungary, “European Journal of Homelessness”, 2012, vol. 6, No. 2, p. 152.

⁴⁸ See National Report on the Twenty-fifth Anniversary of the Fourth World Conference on Women and Adoption of the Beijing Declaration and Platform for Action (1995) – Beijing + 25, Republic of Cyprus, 2019, p. 4; Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, p. 62.

⁴⁹ 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, A/HRC/43/43, 2019, para. 59; 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, A/HRC/28/62, 2014, para. 13.

means, such as cooperating with real estate developers, making a certain percentage of newly built houses financial accessible.⁵⁰

Providing housing-related services

The study of different country experiences revealed the functions of municipalities in terms of providing housing-related services. First of all, such a function is manifested in the provision of support services to people at risk of homelessness/eviction, which aims to prevent them from becoming homeless. Such support mainly involves the provision of financial assistance (full or partial payment of an apartment rental costs or loans) and/or non-monetary (mainly legal advice, mediation between a lending entity and a person at risk of eviction, etc.) services to persons at risk of homelessness.⁵¹

In addition to the above services, the analysis has shown that municipalities in different countries are actively involved in the development and implementation of a variety of services that are essentially linked to the implementation of the right to adequate housing. Such practices include, for example, the provision of health care services to the homeless,⁵² ensuring access to water and electricity, as well as the provision of social protection services, the development of a transportation system, and many more.⁵³

In view of all the above, it is clear that the functions of municipalities are crucial in the implementation of the right to adequate housing. Taking into account international standards and the country practices, the main function of the local government in this area is to implement the centrally determined priorities at the local level, to study the needs of the population, as well as to provide housing and related services.

2.3. The role of Decentralization in the Implementation of Housing Policy

As noted in previous chapters, the redistribution of responsibilities between levels of government depends on many factors, including the degree of decentralization. Decentralization involves the

⁵⁰ For example, for 2018, the minimum access rate in Canada, Montreal is 15%, in London - 25%, and in Paris - 40%; See, 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, A/HRC/37/53, 2018, para. 129.

⁵¹ Pilot Project – Promoting Protection of the Right of Housing – Homelessness Prevention in the Context of Evictions, Full Report – Final Version, European Commission, 2016, pp. 149 – 151; Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, p. 93; CESCR, Fifth Periodic Reports Submitted by States Parties under Articles 16 and 17 of the Covenant, Norway, E/C.12/NOR/5, 2012; European Observatory on Homelessness, Homelessness Services in Europe, “EOH Comparative Studies on Homelessness”, 2018, vol. 8, p. 53.

⁵² Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mr. Miloon Kothari, E/CN.4/2002/59, 2002, para. 63; 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, A/HRC/28/62, 2014, para. 13.

⁵³ For example, in the Netherlands and Denmark, see, Baptista I., Marlier E., Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies, European Social Policy Network (ESPN), 2019, p. 87; European Observatory on Homelessness, Homelessness Services in Europe, “EOH Comparative Studies on Homelessness”, 2018, p. 49.

transfer of a number of competencies and powers from the central government to the local government. It is threefold and means allocating political, fiscal and administrative powers to municipalities.⁵⁴ Decentralization, given its nature, has substantially changed the role of local government in a number of issues, including housing.

Decentralization creates the potential to create democratic, participatory and transparent processes in the implementation of housing policy,⁵⁵ and to accumulate financial resources in the hands of those actors who are closest to the local population, and have access to information and sensitivity about the challenges they face.⁵⁶

On the other hand, improper implementation of the decentralization process poses significant challenges. These include the failure of the central government to meet its obligations in the field of housing and the transfer of all the key functions to the municipalities, which is clearly contrary to the international standards.⁵⁷ A significant challenge for municipalities, in addition to the imposed obligations, is that the financial and human resources at their disposal are inadequate.⁵⁸ It is also problematic to focus only on the economic and political dimensions in the process of decentralization and completely or partially ignore the rights-based content of adequate housing.⁵⁹

As noted above, decentralization has significant potential for housing policy implementation, although there are risks, inconsideration of which may lead to failures in the functioning of the institutional mechanisms, fragmentation of various programs, challenges in producing unified statistics, lack of coordination between agencies, and lack of access to adequate housing for different vulnerable groups.⁶⁰ Therefore, when deciding on decentralization, one of the mechanisms for responding to the above-

⁵⁴ 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, A/HRC/28/62, 2014, para. 18; For effective implementation of the decentralization process, it is necessary to conduct all three types of processes. See, International Council on Human Rights Policy, *Local Rule: Decentralization and Human Rights*, 2002, p. 6.

⁵⁵ Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mr. Miloon Kothari, E/CN.4/2002/59, 2002, para. 52.

⁵⁶ *Ibid.*; 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, A/HRC/28/62, 2014, para. 17 – 19.

⁵⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 9 on the Domestic Application of the Covenant, 1998, para. 9; European Committee of Social Rights, *ERRC v. Italy*, 2005; *FEANTSA v. France*, 2007; *FEANTSA v. Netherlands*, 2014.

⁵⁸ Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mr. Miloon Kothari, E/CN.4/2002/59, 2002, para. 52.

⁵⁹ For example, in the case of Romania, there is a particularly big challenge in terms of the establishment of institutional mechanisms and financial decentralization; In particular, funding for service delivery depends largely on the discretion of local authorities (both on the political will and the financial and administrative capacity). Baptista I., Marlier E., *Fighting Homelessness and Housing Exclusion in Europe, A Study of National Policies*, European Social Policy Network (ESPN), 2019, pp. 66- 67; 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, A/HRC/28/62, 2014, para. 20.

⁶⁰ 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, A/HRC/28/62, 2014, para. 26; Edgar B., Doherty J., Meert H., *Review of Statistics on Homelessness in Europe*, 2003, p 47.

mentioned challenges should be the development of the uniform housing strategy, which should play a bridging role, harmonizing the existing policies in the municipalities.⁶¹

2.4. Inter-agency Coordination - the Essence and Mechanisms of Implementation

For the effective implementation of housing policy, it is essential that governmental agencies take appropriate steps in terms of inter-agency coordination and accountability.⁶² The process of inter-agency coordination helps both the central and local authorities to fulfill their obligations more effectively. Relying on coordination mechanisms, municipalities are better able to cooperate, while the central government receives information about challenges at the local level and supports local authorities in overcoming the identified problems. The country practices revealed that the mechanisms of inter-agency cooperation exist, on the one hand, in the form of general coordination councils/committees, and, on the other hand, in different thematic formats of cooperation.

The use of inter-agency mechanisms is essential in coordinating the planning and implementation of state policy in the field of housing and its priority areas.⁶³ As a result of the use of such formats, all actors have the opportunity to exchange important information about the challenges and progress in the field of housing, which shall form the basis for future housing policy documents/new measures. It should be noted that in addition to the effective involvement of various actors, the coordination mechanism should ensure the inclusion of representatives of various homeless groups in the process.⁶⁴ The central government is usually responsible for creating such mechanisms, chairing them and ensuring their proper functioning.⁶⁵

As for the thematic formats of inter-agency cooperation, the case of Norway is noteworthy, where housing strategy in relation to various groups (including migrants and individuals reintegrating in the community after leaving institutions and penitentiary establishments) directly addresses the mechanisms of inter-agency cooperation.⁶⁶

⁶¹ 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, A/HRC/37/53, 2018, para. 77; 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, A/HRC/28/62, 2014, para. 10; Committee on Economic, Social and Cultural Rights, General Comment No. 4 on the Right to Adequate Housing, 1991, para. 12.

⁶² Committee on Economic, Social and Cultural Rights, General Comment No. 4 on the Right to Adequate Housing, 1991, para. 12.

⁶³ 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, A/HRC/43/43, 2019, para. 59.

⁶⁴ For example, as in Canada. Canada's National Housing Strategy, pp. 30 – 31; See also 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, A/HRC/37/53, 2018, para. 63.

⁶⁵ As in Ireland and Czechia; Rebuilding Ireland, Action Plan for Housing and Homelessness, 2016. It is noteworthy that a number of representatives of the central government play an important role in policy implementation measures within their competence. See FEANTSA Country Fiche – Finland, 2019, p. 2

⁶⁶ Housing for Welfare, Norwegian National Strategy for Housing and Support Services (2014 – 2020), pp. 17 – 19.

At the same time, in some countries, analysis shows that important aspects of inter-agency coordination are included in the policy of combating eviction. In particular, in some states, the court or the agency responsible for enforcement shall provide information on eviction to municipalities and/or local social services as soon as possible so that they can take all appropriate measures to support persons subject to the threat of eviction and prevent eviction, or, if this is not possible, provide alternative housing in a timely manner.⁶⁷

Overall, an overview of the essence of inter-agency co-operation mechanisms demonstrates the need for active use of both general co-ordination formats and thematic co-operation mechanisms for the effective implementation of housing policies. Inter-agency coordination is essential in the process of developing and implementing housing policy, during which there is cooperation and an active exchange of information between different levels of government, and policies are changed or formed based on the existing experiences.

3. Institutional framework and Issues of Separation of Powers in the Context of Georgia

In parallel with the review of international standards and best practices of countries, the institutional framework for combating homelessness in the context of Georgia was also analyzed during this research. The following chapter shall review, both, the functions of the central and local government and the mandate of the coordination mechanism.

3.1. The Authority of the Central Government in the National Context

The powers of the central government in the field of combating homelessness are improperly regulated. In particular, there is no clear provision in the legislation that would provide a specific agency with the functions of guaranteeing the right to adequate housing, developing and coordinating policies in this area, and planning preventive measures for homelessness. Nevertheless, in the Georgian context, several institutions have separate thematic responsibilities.

Among the institutions operating at the central level, first of all, the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia should be noted. The legislation imposes on the Ministry the function of regulating, coordinating and monitoring the social assistance system;⁶⁸ however, there are no specific regulations in the field of housing. At the same time, the only thematic function of the LEPL the Social Service Agency is to maintain a unified registry of homeless people registered with local governments.⁶⁹ Due to a number of legislative, practical or methodological

⁶⁷ E.g. Austria, Germany, the Netherlands; See 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, pp. 144 – 145; Edgar B., Doherty J., Homelessness Research in Europe, 2010, p. 203.

⁶⁸ Law of Georgia on Social Assistance, art. 16.

⁶⁹ Ibid., art. 17.

challenges, this function of the Agency is being implemented with significant shortcomings, and the Registry of Homeless People currently covers only three municipalities.⁷⁰

Beyond insufficient legislative regulation, specific functions for the Ministry were taken into account by the Open Government Partnership Action Plan 2018-2019. In particular, the document gave the entity the status of a leading agency in the process of drafting housing policy documents, which is the first case of imposing a specific obligation on the central office of the Ministry in this field.⁷¹

However, although the provision of housing services is largely the responsibility of municipalities, the legislation provides for the function of meeting the housing needs of individual groups by the central government. In particular, the Ministry provides housing for groups (for example, IDPs, eco-migrants, asylum seekers, people with disabilities, victims of violence, the elderly) who are considered to be a homeless or at risk of homelessness by international standards or country practices.⁷²

In addition to the Ministry, other agencies at the central level are authorized to work towards ensuring the right to adequate housing. One such agency is the LEPL National Bureau of Enforcement, which is responsible for evicting people from their living spaces. Despite the correlation between the concept of eviction and homelessness, the function of the Agency is only limited to the enforcement of court decisions and for persons subject to eviction, preventive or response measures are not provided.⁷³ The Ministry of Economy and Sustainable Development of Georgia has certain important functions. In particular, the Construction Policy Department works on the development of proposals and recommendations based on research to improve the condition of the dwelling.⁷⁴ However, this feature is not tangible in practice and does not imply the development of appropriate housing standards and the establishment of housing policy. In parallel with these agencies, the Ministry of Regional

⁷⁰ See the Human Rights Education and Monitoring Center (EMC), “state has no information on the number of homeless people in the country”, <https://bit.ly/2yzFDFn>. At the same time, a similar challenge is faced by the relevant services of Abkhazia and the Autonomous Republic of Adjara in the collection of statistics, which is regulated by Article 19 of the Law of Georgia on Social Assistance.

⁷¹ Resolution No. 537 of the Government of Georgia of November 12, 2018 “On the approval of the 2018-2019 Open Government Partnership Action Plan”.

⁷² See for example, Resolution No. 473 of the Government of Georgia of September 14, 2018 “On the Approval of the Statute of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia”; Ordinance of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor and Social Affairs of Georgia of 31 October 2019 “on the Approval of the Statute of the Agency for the Legal Entity of Public Law - Agency of IDPs, eco-migrants and livelihood provision”, Minister of Internally Displaced Persons from the Occupied Territories Ordinance No. 80 of January 2009 on the “Rule of Placement in Reception Center or Accommodation in another Place”, Resolution No. 58 of the Government of Georgia of January 29, 2020 “On the Approval of the Statute of the LEPL Agency for State Care And Assistance for the (Statutory) Victims of Human trafficking”.

⁷³ See the Human Rights Education and Monitoring Center (EMC), *The Right to Adequate Housing – Analysis of the Major Challenges*, 2018.

⁷⁴ According to the regulations of the Ministry, the function of the Department of Construction Policy include the development of proposals and recommendations on the basis of appropriate research in order to improve the housing conditions; See. Resolution No. 70 of the Government of Georgia of February 11, 2016 on the Approval of the Statute of the Ministry of Economy and Sustainable Development of Georgia.

Development and Infrastructure of Georgia, despite the fact that homelessness is an acute issue in various municipalities, has not made specific commitments to address these challenges.⁷⁵

In view of the above, it is clear that the obligations of the central government in the fight against homelessness are not clearly defined and are insufficient. The individual functions found in the normative base are impractical. Consequently, there are significant challenges in terms of development and effective implementation of housing policies.

3.2. The Powers of Municipalities in the National Context

Against the background of improper regulation of the functions of the central government in the fight against homelessness, a significant part of the responsibility lies with the local government, which poses serious challenges. The functions of municipalities under the legislative framework include the registration of the homeless,⁷⁶ the provision of statistical data to the LEPL Social Services Agency, and the provision of shelter for the homeless.⁷⁷ The Local Self-Government Code considers the registration of homeless people and the provision of shelter under the own powers of the municipalities.⁷⁸

As noted in the previous chapter, the function of delivering statistical data to the central government is virtually non-existent. In addition, the issue of performing other activities is also problematic. In particular, the registration of homeless people⁷⁹ takes place only in certain parts of the municipalities. In the municipalities that engage in such activities, the criteria for homeless registration differ significantly, which ultimately leads to fragmentation and heterogeneity of policy in the country.⁸⁰ All these creates, on the one hand, the basis for unequal treatment for people with similar needs living in different municipalities and, on the other hand, hinders the creation of a uniform picture of the situation in the field of homelessness.

At the same time, there are challenges in providing housing services to homeless groups in municipalities. An important barrier in this direction is the insufficiency of financial resources allocated to the local level and/or the lack/scarcity of housing services to solve the problem of

⁷⁵ Except for IDPs. See. Resolution No. 385 of the Government of Georgia of July 30, 2018 “On Approval of the Statute of the Ministry of Regional Development and Infrastructure of Georgia”.

⁷⁶ The fact of registration by municipalities is one of the main components of the concept of homelessness defined at the central level.

⁷⁷ Law of Georgia on Social Assistance, art. 18.

⁷⁸ According to the Local Self-Government Code of Georgia, the own municipal authority is established by law and is exercised by municipalities independently and at their own responsibility.

⁷⁹ At the official website of the Legislative Herald of Georgia methodologies of registration of the homeless persons approved by 13 municipalities (Municipalities of Sagarejo, Kutaisi, Senaki, Samtredia, Tetrtskaro, Gori, Zugdidi, Rustavi, Vani, Tbilisi, Ambrolauri, Mestia and Kharagauli) are available. At the same time, the Public Defender of Georgia points out that only 10 municipalities in Georgia have regulated issues related to the homeless, 26 municipalities have partially regulated, and the issues are completely unregulated in 19 municipalities; See. Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2019, p. 296.

⁸⁰ The Human Rights Education and Monitoring Center (EMC), The Notion of the Homeless Person and the Criteria for Determining the Status of the Homeless, 2020.

homelessness. The only services available in individual municipalities (mostly shelter, social housing, apartment rental services) are disharmonious and inefficient.⁸¹

Against the background of the existing challenges, the current developments in the field of decentralization are important. In 2019, the Georgian government approved a Decentralization Strategy for 2020-2025 and 2020-2021 Action Plan.⁸² These documents provide for an increase in the powers of municipalities in the field of social protection. In order to establish a uniform practice in the service delivery sector, the strategy emphasizes the need to set uniform, minimum standards, the necessity to take into account the needs of vulnerable groups and the importance of developing different types of inter-municipal cooperation.

In parallel with the development of the decentralization strategy and action plan, it should be noted that from January 2021, the provision of the Law of Georgia on Social Work, which imposes responsibility on municipalities to carry out social work on their territory, will come into force. In particular, municipalities will have an obligation to actively identify people at social risk, identify and assess their needs, pinpoint their problems, and provide information to relevant thematic organs. According to the same Law, the implementation of these activities by the municipalities is their delegated authority, which shall be monitored by the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia.⁸³

To sum up, the study of the functions of local government makes it clear that in the face of improper regulation of the responsibilities on the central level, the issue of homelessness, with all its severity, is faced by municipalities. Despite legislative regulations, the functions are improperly implemented, the nature of activities in municipalities are varied, and this precludes the possibility of creating a uniform, consistent policy at the local level. At the same time, since the normative and policy documents plan to increase the role of municipalities in terms of social protection, it is especially important to support them properly and actively provide them with various resources, as well as to achieve mutual coordination between municipalities and share experiences in combating homelessness.

3.3. Inter-agency Coordination in the National Context

As evidenced by the analysis of international standards and the experience of countries, one of the important preconditions for the effective implementation of housing policy is the introduction and development of inter-agency mechanisms. In the Georgian reality, the formats of such cooperation have not been presented for years.⁸⁴

⁸¹ See Open Society Foundation, *Municipal Housing Services in Georgia*, 2019.

⁸² Resolution No. 678 of the Government of Georgia of December 31, 2019 “On the Approval of the 2020-2025 Decentralization Strategy and the 2020-2021 Action Plan for the Implementation of the Decentralization Strategy”.

⁸³ See Law of Georgia on Social Work, art. 56.

⁸⁴ Over the years, the only precedent of policy coordination in the field of homelessness has been the Temporary Coordination Commission, which has been working on the challenges of homeless people in the winter of 2013-2014; See. Decree of the

The first important example of inter-agency coordination in the field of housing is the establishment of an intergovernmental commission based on the Open Government Partnership Action Plan.⁸⁵ The Commission is obliged to develop and submit to the Government of Georgia proposals, recommendations and/or draft legal acts on housing strategy and action plan, redistribution of powers of central and local government, as well as measures to be taken to fulfill the tasks set forth in the housing policy documents. The Commission is chaired by the Deputy Minister of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia and includes representatives of a number of state agencies.⁸⁶ In order to fulfill the tasks of the commission, the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia has set up a working group that includes representatives of various agencies and organizations.

Despite the importance of establishing the first long-term inter-agency coordination body in the field of housing, there are significant challenges to the functioning of the mechanism and working processes, which may jeopardize the development of housing documents by December 2020.⁸⁷ At the same time, although the commission's regulations outline the mechanisms for involving different types of actors in the working process,⁸⁸ there is no mention of the inclusion of homeless groups, which is contrary to the existing international standards.

In view of all the above, it is clear that the establishment of the first long-term coordination mechanism in the field of housing in the Georgian context is an important step. However, on the other hand, the challenges in the work process hinder the achievement of the goals set for the institution and obstruct the process of developing housing policy documents.

Conclusion and recommendations

The separation of powers between the central and local governments in the fight against homelessness is a complex issue. The regulation of this area largely depends on the internal arrangement of countries, the degree of decentralization and political decisions. Nonetheless, it is essential that the functioning of the institutional framework is based on relevant international standards, indicating the need for a clear separation of powers between levels of government, coordination of agencies and accountability, and inclusion of vulnerable groups.

Government of Georgia of December 13, 2013 N 1946 “On Emergency Measures to Assist Homeless Persons during the winter of 2013-2014”.

⁸⁵ Resolution No. 190 of the Government of Georgia of April 12, 2019 “On the Establishment of the Governmental Commission for the Development of Housing Policy Document and its Action Plan and Approval of its Statute”.

⁸⁶ The Deputy Chairperson of the Commission is the Deputy Minister of Regional Development and Infrastructure of Georgia. The commission includes representatives of agencies such as the Ministry of Economy and Sustainable Development of Georgia, the Ministry of Justice of Georgia, the Ministry of Finance of Georgia, the Administration of the Government of Georgia, etc.

⁸⁷ Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2019, pp. 294 - 295.

⁸⁸ For example, representatives of local and international organizations, experts working in the field, etc.

International standards and the experience of different countries clearly show that the central government has important functions in the field of housing, such as policy formation, coordination and monitoring, support of municipalities and allocation of financial resources. Municipalities, on the other hand, are usually responsible for the implementation of centrally defined priorities, the provision of housing and related services, and the detailed study of the needs of the population. Furthermore, it is impossible to implement an effective housing policy without the use of different types of inter-agency cooperation.

In parallel with the above-mentioned standards, the institutional framework in Georgian reality is significantly flawed. In the face of the vague regulation of the responsibilities of the central government, the challenges in the field of homelessness are faced by the municipalities with all the severity. However, despite the regulation of the functions of municipalities by the law, they are insufficiently implemented or not exercised at all. Due to the heterogeneity of practices in the field of homeless registration or the provision of housing services, it is impossible to establish effective policies at the local level.

In view of the above, it is essential for the state to take into account the following recommendations:

- Harmonize national legislation with international standards and properly reflect the basic functional principles of the institutional framework in the normative base, in particular, the principle of a clear separation of powers between different levels of government in the field of housing;
- Clearly define the obligations of the central government bodies in the legislative documents, concerning combatting homelessness and in line with the function of forming, coordinating and monitoring the housing policy (both in terms of preventive and responsive measures). Legislation should take into account the functions of the central government in the area of providing support to the local government;
- Regulate the role and functions of municipalities in the fight against homelessness, including the implementation of policies determined at the central level, provision of housing services, prevention of homelessness, the study of needs of the local population and administration of statistical data. It is important to consider the mechanisms for the effective implementation of those obligations and to identify the groups the municipalities shall provide housing to;
- Ensure the timely development of policy documents (strategy and action plan) in the field of housing, which shall prioritize the formation of the institutional framework and separation of powers between levels of government. To this end, it is important to eliminate the challenges associated with the working process of developing these documents and to ensure the involvement of socially vulnerable groups;

- Both the legislative base and the relevant policy documents should take into account different types of inter-agency coordination and cooperation mechanisms for combating homelessness and ensure their effective functioning. At the same time, the state’s efforts to utilize inter-agency coordination mechanism should not end with the development of housing policy documents and they continue even after the said documents are approved;
- In terms of increasing the role of municipalities, in the field of social protection, and ensuring the implementation of the decentralization strategy in the country, it is important to provide the local government with the necessary knowledge, adequate financial and human resources;
- In order to ensure uniformity of housing policy, it is essential to establish uniform standards for municipalities at the national level, including those that concern the provision of services. Additionally, it is important to establish a mechanism for inter-municipal cooperation, which shall help to harmonize the heterogeneous policies in different municipalities.