



Complaint around social housing being reserved for Orthodox Jewish community in Hackney rejected

In its decision in the case of [L.F. v. the United Kingdom](#) (application no. 19839/21) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

L.F. is a single mother with four children, two of whom have been diagnosed with autism spectrum disorder. The case concerned her attempt to access suitable social housing from the Agudas Israel Housing Association – an Orthodox Jewish housing charity who, in line with an agreement, made some of its stock available for individuals seeking housing in the London Borough of Hackney.

The Court held that the arrangement between Hackney Borough and Agudas Israel was objectively and reasonably justified given in particular the difficulties that the Orthodox Jewish community had in accessing accommodation, and concluded that the application was manifestly ill-founded.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

Principal facts

The applicant, L.F., is a British national who was born in 1991 and lives in London. She is a single mother of two sons born in 2011 and 2015 and twin daughters born in 2018.

In 2017 her accommodation was assessed as posing a risk to her children, two of whom had been diagnosed with autism spectrum disorder. The High Court ordered that she be rehoused in "accommodation which provide[d] a safe environment" for her children.

While in temporary accommodation L.F. became aware that the Agudas Israel Housing Association owned six four-bedroom houses in Hackney, which would have been suitable for her family's needs. However, in practice, such houses were only awarded to members of the Orthodox Jewish community. The borough did not forward her application to the housing association as she was not a member.

L.F. brought judicial review proceedings in the domestic courts, challenging the arrangements between Agudas Israel and Hackney Borough on the basis that they gave rise to discrimination under the Convention based on her non-membership of the Jewish community. That claim was dismissed by the Divisional Court, which cited the difficulties faced by the Orthodox Jewish community in accessing housing; the exponential rise in anti-Semitism, giving rise to a need to live close together for security purposes; and their large family sizes which meant they had a particular requirement for properties which reduced the intensified risk of eviction from overcrowded accommodation. It determined that the scheme accounted for only 1% of the available units in the borough and so any discrimination suffered by individuals not falling within its remit was proportionate to the aim of meeting the housing needs of the orthodox Jewish community.

That decision was upheld on appeal by the Court of Appeal and the Supreme Court, which both agreed that the Divisional Court had made appropriate findings on the basis of the evidence before it and that the proportionality of the measure had been correctly assessed.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 9 April 2021.

Relying on Article 14 (prohibition of discrimination), taken in conjunction with Article 8 (right to respect for private and family life), the applicant alleged that she had been discriminated against in terms of housing on the basis of her non-membership of the Orthodox Jewish community.

The decision was given by a Chamber of seven judges, composed as follows:

Gabriele **Kucsko-Stadlmayer** (Austria), *President*,
 Tim **Eicke** (the United Kingdom),
 Faris **Vehabović** (Bosnia and Herzegovina),
 Iulia Antoanella **Motoc** (Romania),
 Yonko **Grozev** (Bulgaria),
 Armen **Harutyunyan** (Armenia),
 Ana Maria **Guerra Martins** (Portugal),

and also Ilse **Freiwirth**, *Deputy Section Registrar*.

Decision of the Court

The Court reiterated that Article 14 of the Convention did not prohibit treating groups differently in order to correct “factual inequalities” between them. Such a pressing need was clearly the case in respect of the Orthodox Jewish community owing to the significant hardship they faced in accessing housing in the private rental sector.

Furthermore, the Court noted the domestic authorities had a wide discretion (“margin of appreciation”) in economic and social matters and that the national authorities were better placed than the international judge to assess the public interest. In the current case, the domestic courts had carefully considered the proportionality of Agudas Israel’s allocation policy with full reference to the Court’s case-law.

They had addressed at length the significant disadvantages suffered by the Orthodox Jewish Community; the “miniscule,” impact that Hackney Borough’s policy had had on the overall housing stock available in the local area; and the fact that members of the Orthodox Jewish community had constituted a substantial portion of those seeking larger housing in the area. In view of these considerations, the Court saw no reason to substitute its own assessment for that of the domestic courts’ and held that the State’s margin of appreciation had not been exceeded in this case. Accordingly, the application was rejected as manifestly ill-founded.

The decision is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.