

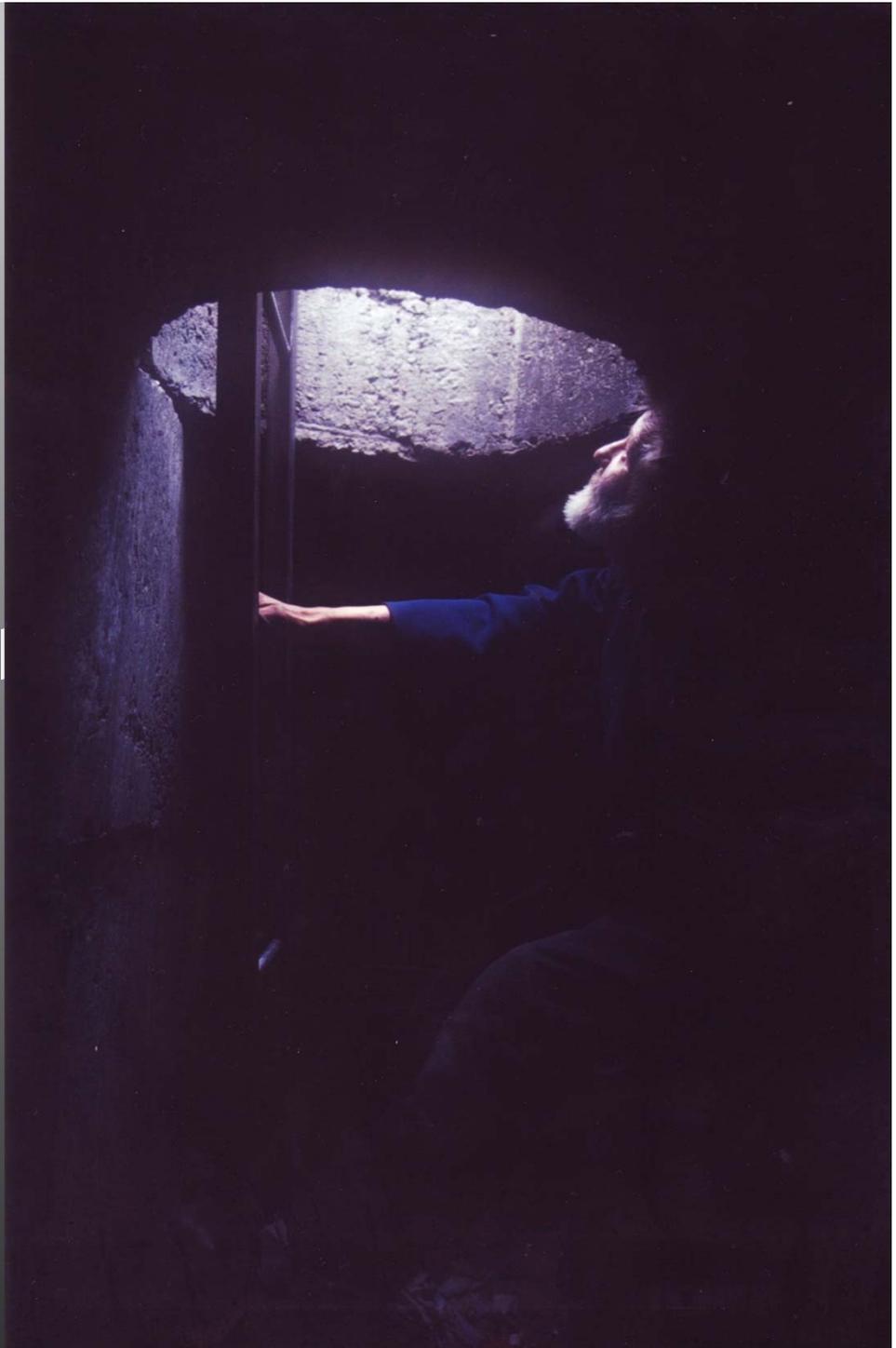


United Nations
Human Rights

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Human rights and social housing

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The right to adequate housing is a human right

The International Covenant on Economic, Social and Cultural Rights (Article 11.1) recognizes:

➤ **Right to adequate housing** as an integral part of the right to an adequate standard of living

Also see: General Comment No.4 of the Committee on Economic, Social and Cultural Rights: The right to adequate housing

This right and its various aspects are recognized in many other instruments, such as:

- ▶ **Universal Declaration of Human Rights (1948)**
- ▶ **Convention relating to the Status of Refugees (1951)**
- ▶ **Convention on the Elimination of All Forms of Racial Discrimination (1965)**
- ▶ **International Covenant on Civil and Political Rights (1966)**
- ▶ **Convention on the Elimination of All Forms of Discrimination against Women (1979)**
- ▶ **Convention on the Rights of the Child (1989)**
- ▶ **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)**
- ▶ **Declaration on the Rights of Indigenous Peoples (2007)**
- ▶ **Convention on the Rights of Persons with Disabilities (2008)**

How is adequacy in housing defined?

Elements defined by the Committee on Economic, Social and Cultural Rights in General Comment n° 4 (1991)

Elements of the right to housing

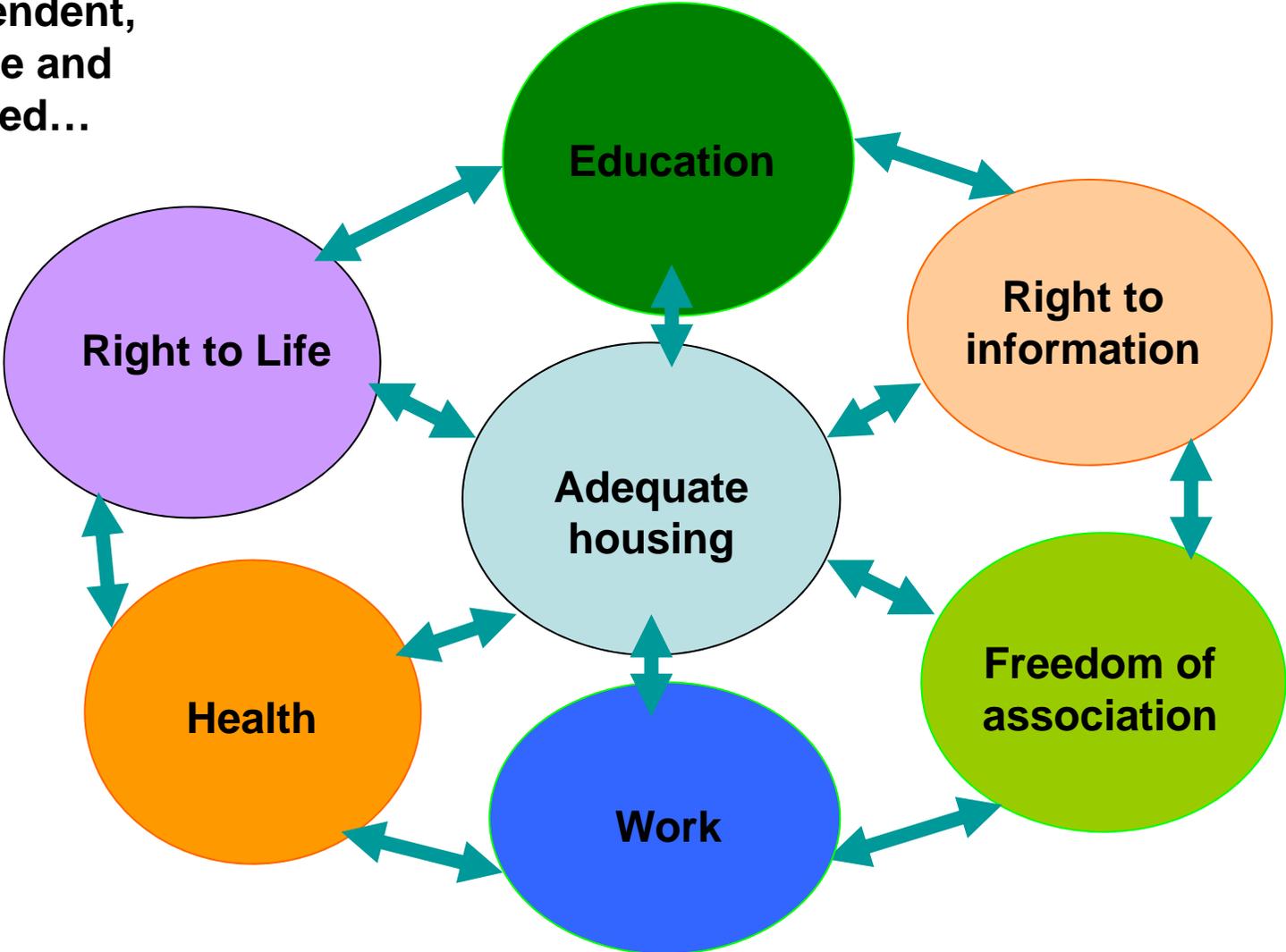
- Security of tenure
- Affordability
- Habitability
- Accessibility
- Availability of services, materials, facilities and infrastructure
- Location
- Cultural adequacy

Additional important factors

- (a) Freedom from dispossession, damage and destruction to land, property, homes and resources and livelihood;**
- (b) Access to information that can impact the right to adequate housing such as potential industrial and natural hazards, infrastructure, planning design or availability of services and natural resources;**
- (c) Effective participation of individuals and communities in decision-making on issues that affect their right to adequate housing;**
- (d) Resettlement arrangements that, whatever the cause of displacement, are consensual, fair and adequate to meet individual and collective needs;**
- (e) Access to domestic legal protection and other remedies.**

INTERDEPENDENCE OF RIGHTS

Human rights are interdependent, indivisible and interrelated...



Many other arrows could be added!

Human rights obligations

The Government has to:



Respect

Protect

Fulfil



Refrain from interfering with the enjoyment of the right

Prevent others from interfering with the enjoyment of the right

Adopt appropriate measures towards the full realization of the right

According to Article 2 (1) of ICESCR:

“Each State Party to the present Covenant undertakes **to take steps, individually and through international assistance and cooperation, especially economic and technical, **to the maximum of its available resources**, with a view to **achieving progressively the full realization of the rights** recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”**

1. ESC rights may be hampered by a lack of resources and may be achieved only over a period of time. State compliance with the obligation to take appropriate measures is assessed in the light of the resources—financial and others—available to it.
2. The obligation of progressive realization requires States to demonstrate that they are **constantly making every possible effort** to improve the enjoyment of ESCR using **maximum available resources**, even where these are scarce.

1. Prohibition of discrimination
2. Obligations not subject to resource availability and progressive realization
3. Undertake steps to achieve progressive realization of right to adequate housing through all appropriate means including social housing
4. Non-retrogressive measures
5. Produce information about housing situation and needs (insecurity of tenure, homelessness) and adopt a plan of action
6. Legislative measures are encouraged
7. Provide remedies in case of violation

What does all this mean?

The right to adequate housing does not mean that people can demand a house from the State.



The right to adequate housing means that each and every person has the right to live somewhere in security, peace and dignity.

In specific cases, States may have to provide direct assistance, including housing or housing allowances, notably to people affected by disasters (natural or man-made) and to the most vulnerable groups in society.

Social Housing Today

- The SR on the right to adequate housing has observed a general decline in the availability of social housing and the affordability of market-supplied housing
- This poses a threat to the right to adequate housing for poor, low-income and even middle-class families
- Various subsidies designed to promote home-ownership such as capital grants, subsidized mortgage loans, interest rate tax exemptions, etc. may disproportionately benefit middle and upper-class families without helping those truly in need (e.g. according to the SR's report, the federal governments spends more than three times as much on tax breaks for homeowners as it spends on low-income housing assistance)
- The profligate availability of easy credit also contributed to the financial crisis and widespread foreclosures in many States
- For more information see the reports of the Special Rapporteur <http://www.ohchr.org/en/issues/housing/pages/housingindex.aspx>

Social Housing in the EU

- On 11 June 2013, the Plenary Session of the European Parliament (EP) voted in favour of an initiative report on social housing in the European Union
- The report observes that housing is not simply a commodity and is “a fundamental right in the European Union”.
- According to the report, the market is increasingly incapable of meeting the need for affordable homes and rising housing and energy costs are aggravating the risks of disease, poverty and social exclusion.
- The Parliament calls for the establishment of a European Social Housing Action Framework

Key Issues Going Forward

- Enhanced justiciability of the right to adequate housing
- Recognition, promotion and protection of multiple forms of secure tenure (see SR's Guiding Principles on Security of Tenure)
- Protection of the most vulnerable

Recent work by OHCHR

- The OHCHR Regional Office in Central Asia with support from the EU has undertaken assessments of the right to adequate housing, including social housing, in Tajikistan, Kazakhstan, and Kyrgyzstan.
- Common threads in each of these assessments have been the significant impact of the rapid privatization of public housing on poor, low-income and middle-class persons, particularly those belonging to vulnerable groups, the resulting increases in housing costs, and both scarcity and allegations of corrupt management of remaining social housing. The full reports will be available shortly and include detailed recommendations.

Learning more on the right to adequate housing

Fact Sheet n° 21

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