WHY HOUSING RIGHTS?

The question of housing as a human right is an increasingly urgent one as urban populations grow at an alarming rate, especially in developing countries. The migration of people from rural to urban areas in search for employment has a serious impact on living conditions, particularly those of the urban poor. In developing countries alone, more than 1 billion people currently live in substandard housing conditions. Increasing the number of dwellings and improving the existing ones is very important. However, this must happen within an overall human rights based approach, which focuses on:

- Empowering the poor and the homeless
- Advocating security of tenure, particularly for women and vulnerable groups
- Eliminating forced evictions and discrimination in the housing sectors, and
- Promoting equal access to housing and to reparation in cases of housing rights violations.

CONCEPTUAL AND LEGAL FRAMEWORK

The right to adequate housing, as an essential element of the right to an adequate standard of living, is enshrined in many international human rights instruments, most notably the Universal Declaration of Human Rights (art. 25.1) and the International Covenant on Economic, Social and Cultural Rights (art. 11.1). The Committee on Economic, Social and Cultural Rights – the treaty body monitoring compliance with the International Covenant on Economic, Social and Cultural Rights – has adopted General Comment No. 4, recognized as the most authoritative legal interpretation of the right to housing under international law. It identifies seven criteria of adequacy as the core contents of the right to adequate housing: Legal security of tenure; availability of services, materials, facilities and infrastructure; location; habitability; affordability; accessibility; and cultural adequacy. General Comment 4 also urges governments to give priority to the vulnerable and disadvantaged.

In addition to these instruments, the Habitat Agenda, the major outcome of the Second United Nations Conference on Human Settlements (Habitat II) in 1996, constitutes a framework linking human settlements development with the process of realizing human rights in general, and housing rights in particular. Within this framework governments and other stakeholders have committed themselves to undertake actions to promote, protect and ensure the full and progressive realization of the right to adequate housing.

PROGRAMME BACKGROUND AND MANDATE

The United Nations Housing Rights Programme (UNHRP) was launched in April 2002 by the Executive Director of UN-HABITAT and the United Nations High Commissioner for Human Rights, through their joint signing of the document for the first phase of the Programme. The programme which is a fundamental component of Global Campaign for Secure Tenure receives its mandate primarily from two United Nations resolutions:

- Commission on Human Settlements resolution 16/7, adopted in May 1997, recommended that UN-HABITAT and OHCHR elaborate a joint programme “to assist States with the implementation of their commitments to ensure the full and progressive realization of the right to adequate housing.”
- Commission on Human Rights resolution 2001/28, adopted in May 2001, requested the two agencies to “strengthen their cooperation and to consider developing a joint housing rights programme.”

PROGRAMME OBJECTIVE

The objective of the programme is to assist States and other stakeholders implement the Habitat Agenda and thus ensure full and progressive realization of the right to adequate housing.

PROGRAMME FOCUS

The first phase of UNHRP focuses on five areas, all of which are implemented in consultation with civil society and non-governmental organizations, women’s organizations, national human rights institutions, non-governmental organizations, women’s organizations, national human rights institutions, non-governmental organizations, women’s organizations, national human rights institutions, non-governmental organizations, women’s organizations, national human rights institutions, non-governmental organizations, women’s organizations, national human rights institutions, non-governmental organizations, women’s organizations.
Currently underway, the main activities of the first phase which are financially supported by the Government of Belgium are designed to consolidate and build upon ongoing activities of UN-HABITAT and OHCHR in the area of housing rights, and to further strengthen the link with United Nations human rights mechanisms. In the first phase the programme undertakes to:

- Establish networks among government institutions, national human rights institutions, NGOs and civil society groups, women’s organizations, and research and academic institutions working on housing rights issues.
- Develop a global monitoring and evaluation system as well as indicators to enable stakeholders to assess the progress made towards full and progressive realization of housing rights.
- Produce publications on legislative norms and standards, such as “Housing Rights Legislation”. Already, three supportive compilations have been completed and are available electronically on the website. These are: “International Instruments on Housing Rights”; “National Housing Rights Legislation”; and “Compilation of Selected Adjudication on Housing Rights”.
- Establish a UNHRP website to facilitate access to, exchange and dissemination of information (http://www.unhabitat.org/unhrp).
- Regional consultations mobilising and contributing to the capacity and functions of the Special Rapporteur on adequate housing.

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The United Nations Housing Rights Programme
A joint initiative of the United Nations Human Settlements Programme (UN-HABITAT) and the Office of the United Nations High Commissioner for Human Rights (OHCHR)

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The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself [herself] and his [her] family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. (Article 11.1)

Each State Party to the present Covenant undertakes to take steps, … 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. (Article 2.1)

research and academic institutions, associations of relevant professions and local authorities:

1. Advocacy, outreach and learning from partners 
Promoting awareness, information exchange and learning among partners on housing rights.

2. Support United Nations mechanisms on housing rights 
Supporting United Nations human rights mechanisms, in particular treaty bodies such as the United Nations Committee on Economic, Social and Cultural Rights, and the Special Rapporteur on adequate housing, and promoting co-ordination among relevant United Nations agencies.

3. Monitoring and evaluation of progress of realization of housing rights 
This will contribute to the work of treaty bodies and to the exchange of information on good practices and lessons learned among policy makers and development practitioners.

4. Research and analysis on housing rights 
Promoting development of relevant norms, standards, guidelines and thematic research on housing rights. This will contribute to better compliance with human rights requirements through a rights based approach to the formulation of housing policies.

5. Capacity-building and technical co-operation 
Assisting States and other stakeholders, including national human rights institutions and the civil society, to enhance the capacity of for implementing and monitoring of housing rights.

“All human rights are universal, indivisible and interdependent and interrelated. … It is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

Vienna Declaration and Programme of Action (paragraph 5).

“We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments.”

Istanbul Declaration (paragraph 8) and the Habitat Agenda (paragraph 39).