

# Right to Adequate Housing

**DEFINITION:** *Not 4 walls and a roof but....*

*THE RIGHT TO LIVE SOMEWHERE IN SECURITY, PEACE AND DIGNITY*

Main elements:

- **Security of tenure**
- **Availability** of services, materials, facilities and infrastructure
- **Affordability** that doesn't threaten or compromises the occupants' enjoyment of other human rights
- **Habitability** that guarantees physical safety, provides adequate space and protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards
- **Accessibility** for disadvantaged and marginalized groups
- **Location** close to employment opportunities, health-care services, schools, childcare centers and other social facilities and not located in polluted or dangerous areas
- **Cultural adequacy** that enables the expression of cultural identity

(OHCHR/UN HABITAT FACT SHEET 21)

# Right To Adequate Housing

**James C. Hathaway**



## **Right To Adequate Housing:**

*The Right to Adequate Housing* Rajindar Sachar, United Nations Centre for Human Rights, 1996 A new timely publication made all the more urgent by the enormity by the global housing crisis with inadequate housing threatening the health safety dignity of so many An invaluable addition to the already successful Human Rights Study Series **Indigenous Peoples' Right to Adequate Housing**, 2005 **Older Persons' Right to Adequate Housing** Alan Gutterman, 2022 The right to adequate housing was first recognized in Article 25 1 of the Universal Declaration of Human Rights as a component of the right to an adequate standard of living and has since been acknowledged and described in a number of international human rights instruments including Article 11 1 of the International Covenant on Economic Social and Cultural Rights which calls on States to recognize the right of everyone to an adequate standard of living for himself and his family including adequate food clothing and housing and to the continuous improvement of living conditions In its General Comment 4 on the right to adequate housing released in 1991 the Committee on Economic Social and Cultural Rights CESCR declared that the right to adequate housing applies to everyone regardless of age economic status group or other affiliation or status and other such factors and enjoyment of this right must not be subject to any form of discrimination The CESCR has emphasized that the human right to adequate housing is of central importance for the enjoyment of all economic social and cultural rights and the Office of the UN High Commissioner for Human Rights OHCHR has explained that access to adequate housing can be a precondition for the enjoyment of several human rights including the rights to work health social security vote privacy or education All States have ratified at least one international human rights treaty that refers to the right to adequate housing and have also committed themselves to the right in their affirmations of international declarations plans of action and conference outcome document However in its General Comment 4 the CESCR was critical of the efforts of States to secure and maintain the right to adequate housing noting that despite the fact that the international community has frequently reaffirmed the importance of full respect for the right to adequate housing there remains a disturbingly large gap between the standards set in article 11 1 of the Covenant and the situation prevailing in many parts of the world In fact UN estimates as of the time General Comment 4 was written pegged the number of homeless persons worldwide at over 100 million and the number of persons inadequately housed was likely over 1 billion and by 2020 the UN Department of Economic and Social Affairs reported that 1.6 billion people worldwide were living in inadequate housing conditions The provisions in the main international human rights instruments relating to the right to adequate housing mentioned above do not explicitly refer to older persons however it has been argued that older persons are covered since those same instruments provide that the right must be guaranteed without discrimination regardless of age gender disability or other grounds Nonetheless the UN Independent Expert on the Enjoyment of All Human Rights by Older Persons has argued that ageism is a significant barrier to the full enjoyment of human rights by older persons and one of the main reasons why older persons cannot fully exercise

their right to housing The Independent Expert has noted that older persons tend to be disadvantaged with respect to housing policies supporting home ownership that tend to be focused on younger persons and families based on the ageist assumption that older persons already own a home and that older persons often have trouble obtaining bank loans to maintain or adapt their homes due to age limits Ageist stereotypes associating age the loss of physical strength and cognitive abilities lead to older persons being assigned lower social status and lower value which means that their needs for autonomy and independence are ignored As a result society has developed expectations that older persons will and should be consigned to institutional settings ignoring their desire to live in their own homes as they age and blocking efforts to develop effective and innovative solutions that provide older persons with the opportunity to live independently as participating members of supportive age friendly communities

The Rights of Refugees under International Law James C. Hathaway, 2005-09-15 This book presents the first comprehensive analysis of the human rights of refugees as set by the UN Refugee Convention In an era where States are increasingly challenging the logic of simply assimilating refugees to their own citizens questions are now being raised about whether refugees should be allowed to enjoy freedom of movement to work to access public welfare programs or to be reunited with family members Doubts have been expressed about the propriety of exempting refugees from visa and other immigration rules and whether there is a duty to admit refugees at all Hathaway links the standards of the UN Refugee Convention to key norms of international human rights law and applies his analysis to the world's most difficult protection challenges This is a critical resource for advocates judges and policymakers It will also be a pioneering scholarly work for graduate students of international and human rights law

Women and the Right to Adequate Housing United Nations. Office of the High Commissioner for Human Rights, 2012 Provides an overview of the meaning intent and implications of the right to adequate housing and illustrates legal and practical obstacles to women worldwide enjoying this right

The Affordable Housing Reader Elizabeth Mueller, J. Rosie Tighe, 2022-07-14 This second edition of The Affordable Housing Reader provides context for current discussions surrounding housing policy emphasizing the values and assumptions underlying debates over strategies for ameliorating housing problems experienced by low income residents and communities of color The authors highlighted in this updated volume address themes central to housing as an area of social policy and to understanding its particular meaning in the United States These include the long history of racial exclusion and the role that public policy has played in racializing access to decent housing and well serviced neighborhoods the tension between the economic and social goals of housing policy and the role that housing plays in various aspects of the lives of low and moderate income residents Scholarship and the COVID 19 pandemic are raising awareness of the link between access to adequate housing and other rights and opportunities This timely reader focuses attention on the results of past efforts and on the urgency of reframing the conversation It is both an exciting time to teach students about the evolution of United States housing policy and a challenging time to discuss what policymakers or practitioners can do to effect positive change This

reader is aimed at students professors researchers and professionals of housing policy public policy and city planning

**National Perspectives on Housing Rights** Scott Leckie, 2003-01-01 Asia and the Pacific *The Human Right to Adequate Housing*, 2007 *The Right to Adequate Housing*, 2009 **Governance in the New South Africa** Guy C. Z. Mhone, Omano Edigheji, 2003 The major challenges confronting South Africa since the advent of non racial multiparty democracy have been the need to promote democratic governance economic growth global competitiveness and to improve the standard of living of its people especially the previously disadvantaged majority Black population These challenges have coincided with the ascendancy of globalisation with its attendant social economic and political imperatives all of which have consequences for governance and development at the national level not least in emerging economies like South Africa This important book assesses the implications of global imperatives for the nature capacity character and scope of democratic governance and the pursuit of equitable development in the new South Africa A major conclusion is that the implementation of domestic economic reforms predicated on market fundamentalism with its dominant logic and paradigm of globalisation and economic management is incompatible and irreconcilable with the quest for democratic governance and equitable development The contributors contend that such an approach reproduces a substantively undemocratic and inequitable society Governance in the New South Africa concludes by offering some considerations related to how substantive democracy and equitable development may be promoted in South Africa on the basis of democratic governance and developmentalism

**Conflict and Housing, Land and Property Rights** Scott Leckie, Chris Huggins, 2011-02-21 Housing land and property HLP rights as rights are widely recognized throughout international human rights and humanitarian law and provide a clear and consistent legal normative framework for developing better approaches to the HLP challenges faced by the UN and others seeking to build long term peace This book analyses the ubiquitous HLP challenges present in all conflict and post conflict settings It will bridge the worlds of the practitioner and the theorist by combining an overview of the international legal and policy frameworks on HLP rights with dozens of detailed case studies demonstrating country experiences from around the world The book will be of particular interest to professors and students of international relations law human rights and peace and conflict studies but will have a wider readership among practitioners working for international institutions such as the United Nations and the World Bank non governmental organizations and national agencies in the developing world *The Human Right to Adequate Housing* Naciones Unidas Centro de Derechos Humanos, 1993

**Women and the Right to Adequate Housing** Nazioni Unite, 2012 Despite the right to adequate housing being recognized in international human rights law over a billion people live in precarious conditions many of them women This publication aims to shed some light on the main underlying reasons for their plight and offer guidance on measures to prevent and eradicate discrimination against women with respect to housing rights The first chapter describes the international legal and policy frameworks for the implementation of womens right to adequate housing human rights treaties

the principle of non discrimination and the progressive realization of all rights Chapter II outlines the main underlying causes from discriminatory statutory laws to customary laws and practices and lack of access to legal and other remedies Finally Chapter III elaborates on selected issues such as forced evictions degraded living conditions and cultural and religious recognition of womens rights

**The Human Right to Adequate Housing** ,1993 "The" Human Right to Adequate Housing ,1993

**The Human Rights Fundaments of Conservation in the Context of the Extraction of Energy Resources** María Augusta León Moreta,2015-06-17 Energy is the driving force of human development and economic growth The ceaseless demand for energy resources has triggered the development of extraction projects around the world This in turn has exerted a significant pressure on natural resources as well as on the environment Since the performance of human rights depends on the environment and on access to natural resources this Study aims to show the extent to which the negative environmental impact arising from extraction operations prevents the effective realization of human rights The analysis of substantive and procedural human rights in the light of the case law of international human rights courts provides all stakeholders involved in an energy extraction project with the tools and mechanisms to prevent environmental damage and to ensure the protection of human rights

**Research Handbook on Economic, Social and Cultural Rights as Human Rights** Jackie Dugard,Bruce Porter,Daniela Ikawa,Lilian Chenwi,2020-10-30 This exciting Research Handbook combines practitioner and academic perspectives to provide a comprehensive cutting edge analysis of economic social and cultural rights ESCR as well as the connection between ESCR and other rights Offering an authoritative analysis of standards and jurisprudence it argues for an expansive and inclusive approach to ESCR as human rights

**Human Rights and Standard of Living in Sub-Saharan Africa** Augustine Edobor Arimoro,2025-02-18 This book offers a comprehensive and nuanced examination of the right to an adequate standard of living in Sub Saharan Africa SSA shedding light on the multifaceted challenges opportunities and imperatives for action The right to an adequate standard of living is a fundamental human right essential for the dignity and well being of all individuals Yet in SSA the realisation of this right remains a complex and elusive goal with millions of people facing poverty inequality and limited access to basic services Through a series of in depth chapters the book explores the various dimensions of the right to an adequate standard of living from the pervasive impacts of poverty and inequality to the critical importance of access to healthcare education housing and justice Drawing on a rich array of case studies data and expert analysis the work provides a compelling and evidence based assessment of the current state of affairs in SSA highlighting the urgent need for comprehensive and context specific approaches to advancing this fundamental right Providing a roadmap for promoting sustainable and inclusive development reducing poverty and inequality and ensuring access to basic services for all the volume offers a set of actionable recommendations for policymakers practitioners and researchers working in the areas of Human Rights Law Development Law and in particular those focused on the United Nations Sustainable Development Goals At the same time it identifies key

areas for further research and investigation underscoring the importance of ongoing knowledge generation and exchange in support of evidence based policy and practice      Encyclopedia of Human Rights Edward H. Lawson, 1996 Preface to the first edition      **The Right to Adequate Housing** , 2012

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