

# Housing as a Human Right: Legal and Ethical Considerations

*Recognizing the 50<sup>th</sup> anniversary of the Fair  
Housing Act*

*Universal Declaration of Human Rights,*

(1948) Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood....

*Convention Relating to the Status of Refugees*, (1951) Article 21

As regards housing, the ... States ... shall accord to refugees ... treatment as favourable as possible and ... not less favourable than that accorded to aliens generally in the same circumstances.

*Convention on the Elimination of All  
Forms of Racial Discrimination (CERD),*

**(1965) Article 5**

States Parties undertake to prohibit and to eliminate racial discrimination ... and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, ... in the enjoyment of ... **the right to housing....**



*Convention on the Elimination of All  
Forms of Discrimination Against Women*  
*(CEDAW), Article 14 \*\**

States Parties shall take all appropriate measures to eliminate discrimination against women... to ensure ... the right ... **to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications....**

**\*\*City of Pittsburgh CEDAW Ordinance, December 2016;** The U.S. Government has not ratified CEDAW

The right to housing is protected in the following international treaties to which the U.S. is not yet a party

- [\*International Covenant on Economic, Social and Cultural Rights \(1966\)\*](#), Article 11
- [\*Convention on the Rights of the Child \(1990\)\*](#), Article 27
- [\*International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families\*](#), Article 43
  - *Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to ... Access to housing, including social housing schemes, and protection against exploitation in respect of rents.*

# UN Human Rights Council Universal Periodic Review (2006)



# Other international mechanisms for Human Rights

- Sustainable Development Goals (2015) “2030 Agenda”
- New Urban Agenda (Habitat III, 2016)
  - Recognition of the **social function of land**
  - **progressive realization of the right to adequate housing for all;**
  - prevent arbitrary **forced evictions**
  - Centering needs of **vulnerable groups**
  - enabling the participation and **engagement of communities** and relevant stakeholders



# United Nations Special Rapporteurs

- **Special Rapporteur on the Right to Adequate Housing (Est. 2000)**
  - *Under international law, to be adequately housed means having secure tenure – not having to worry about being evicted or having your home or lands taken away. It means living somewhere that is in keeping with your culture, and having access to appropriate services, schools, and employment.*  
([OHCHR](#))
  - [UN Special Rapporteur visit to US](#) (2010)
- Special Rapporteur on Extreme Poverty (1998)
- Special Rapporteur on the Right to Health (2002)

# United Nations Special Rapporteur on the Right to Adequate Housing, *Leilani Farha*

## 2017 Report: *Housing is a RIGHT, not a commodity*

- Real estate is more than double the world's total GDP
- Calls for: “a *transformation of the relationship between the State and the financial sector, whereby human rights implementation becomes the overriding goal, not a subsidiary or neglected obligation.*”
- Calls for tax and welfare reforms to support **social housing**

See: UN Special Rapporteur on Housing 2018 Report to the UN Human Rights Council: [Human Rights Based National Housing Strategies](#); 2017 HRC Report, “[Financialization of housing and the right to adequate housing](#)”

# United Nations Special Rapporteur on the Right to Adequate Housing, *Leilani Farha*

- An **international high-level meeting** of States, international financial institutions, human rights bodies, civil society organizations and relevant experts be organized to design a strategy for engaging financial regulatory bodies and actors in the **realization of the goal of adequate housing for all by 2030**;
- Strategies ... should include a full range **of taxation, regulatory and planning measures in order to re-establish housing as a social good**, promote an inclusive housing system and **prevent speculation and excessive accumulation of wealth**;
- **Subordinate business** and trade law to human rights obligations

United Nations Special Rapporteur on the  
Right to Adequate Housing, *Leilani Farha*

**Make the Shift Campaign:**

**Housing is a RIGHT, not a commodity:**

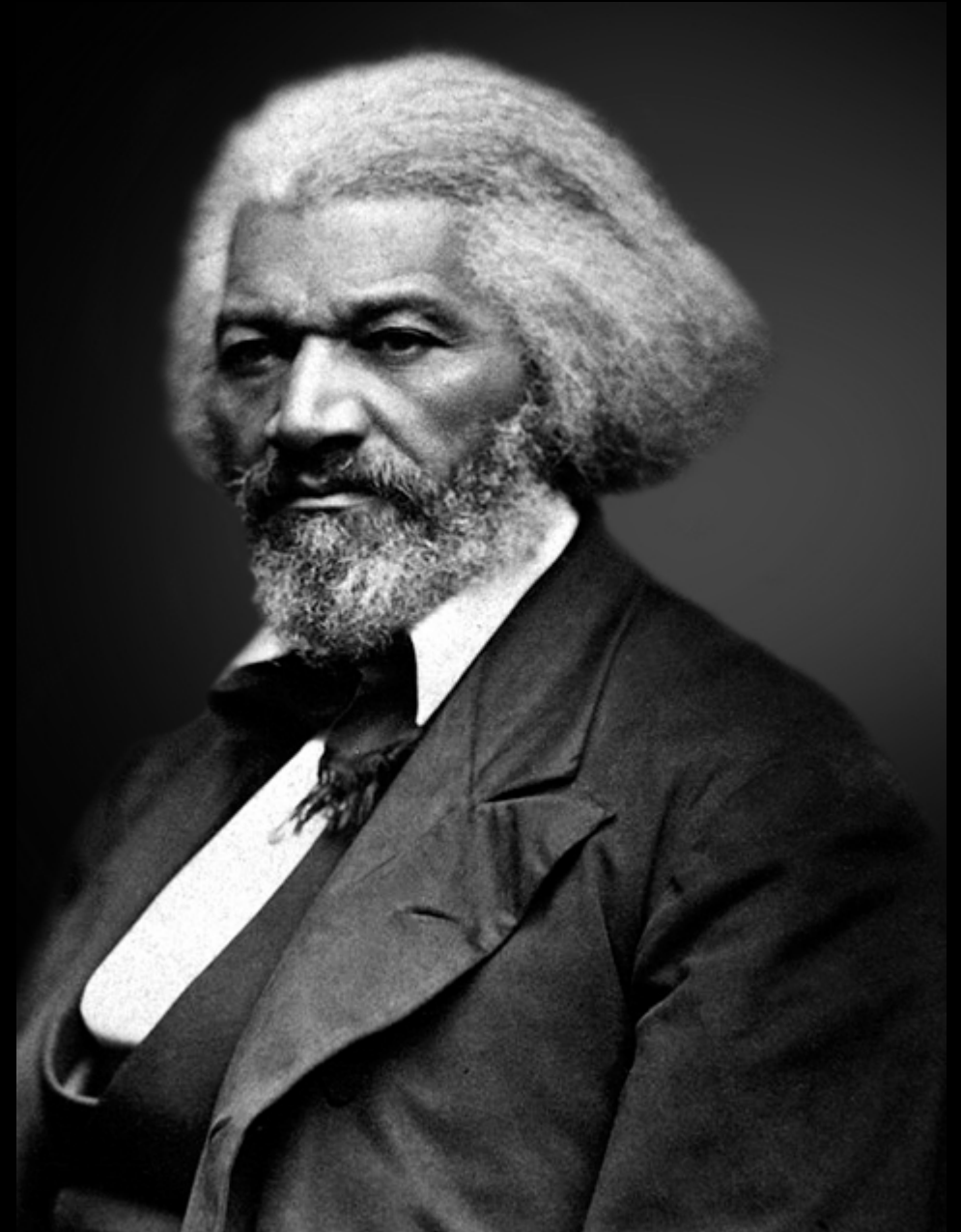
**#MaketheShift**

**#HousingisaHumanRight**

- TedX Talk: [https://www.youtube.com/watch?v=ve\\_-FbNvy0w](https://www.youtube.com/watch?v=ve_-FbNvy0w)

Power and those in control concede nothing...without a demand. They never have and never will.... Each and every one of us must keep demanding, must keep fighting, must keep thundering, must keep plowing, must keep on keeping things struggling, must speak out and speak up until justice is served because where there is no justice there is no peace.

—Frederick Douglass





Human rights don't trickle down...  
They RISE UP!