

## Everyone has the Right to Housing

“ 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, 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 circumstances beyond his control. ”

**Universal Declaration of Human Rights, 1948<sup>i</sup>  
Article 25(1)**

### What is the Human Right to Housing?

The human right to housing ensures that all people have the opportunity to live their lives in peace and dignity. Housing rights are much more than the right to a roof over one's head, rather, housing rights are part of a set of indivisible, interdependent and interrelated human rights that ensure the basic health, security, and dignity of every person.<sup>ii</sup> One has these rights by virtue of being human.

### Where does the Human Right to Housing come from?

The right to housing has its origins in President Franklin Roosevelt's famous "Economic Bill of Rights" speech in 1944.<sup>iii</sup> The human right to housing was first introduced internationally in the Universal Declaration of Human Rights (UDHR). Since then, the human right to housing has been included in many international legal agreements.

#### International Covenant on Economic, Social and Cultural Rights<sup>iv</sup>

##### Article 11(1)

The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing ...

#### International Covenant on Civil and Political Rights

##### Article 12(1)

Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

#### International Convention on the Elimination of All Forms of Racial Discrimination

##### Article 5

State Parties undertake to prohibit and eliminate racial discrimination in all forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin ... notably in the enjoyment of the following rights: ... in particular ... the right to housing.

## What does “adequate housing” look like?<sup>v</sup>

In 1991, a United Nations committee added a formal addendum to the International Covenant on Economic, Social and Cultural Rights (ICESCR), called **General Comment 4 (GC4)**, to further explain what the human right to adequate housing looked like. GC4 gives seven core components of adequate housing:

1. **Security of Tenure**  
Protection against arbitrary forced evictions, harassment, and other threats.
2. **Availability of Services, Materials, Facilities, and Infrastructure**  
Adequate housing must contain certain facilities essential for health, security, comfort and nutrition.
3. **Affordability**  
Housing costs must not be so high that it threatens or compromises the attainment and satisfaction of other basic needs such as food or health care.
4. **Habitability**  
Inhabitants must be ensured adequate space and protection against the cold, damp, heat, rain, wind or other threats to health like structural hazards.
5. **Accessibility**  
Housing must be accessible by all including the chronically ill, elderly and disabled.
6. **Location**  
For housing to be adequate it must be in a location that allows access to employment options, health-care services, schools, child-care centers and other social facilities.
7. **Cultural Adequacy**  
The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.

## What does government enforcement of the right to housing look like?<sup>vi</sup>

The right to housing does not mean governments must provide housing to every resident free of charge. Rather than an absolute entitlement, international law provides governments guidelines both in the ICESCR and elsewhere, addressing what their obligation is in fully realizing the human right to housing. To ensure adequate housing, governments must:

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| <input checked="" type="checkbox"/> <b>Take Steps</b><br>Take active steps that are deliberate, concrete and targeted toward meeting the elements of adequate housing.  | <input checked="" type="checkbox"/> <b>Respect</b><br>Show respect for the right to housing by preventing actions that hinders peoples' enjoyment of the right to housing such as state-sponsored forced or arbitrary evictions. |
| <input checked="" type="checkbox"/> <b>Achieve Progressively</b><br>Continuously improve access to adequate housing which requires that governments also ensure that there are no regressive developments.                  | <input checked="" type="checkbox"/> <b>Protect</b><br>Ensure that any possible violations of the right to housing, including by third parties such as landlords or developers, are prevented.                                    |
| <input checked="" type="checkbox"/> <b>Meet Minimum Obligations</b><br>Ensure that they use their resources to meet a country's particular minimum core obligations, including non-discrimination in both law and practice. | <input checked="" type="checkbox"/> <b>Fulfill</b><br>Take positive and interventionary steps to fulfill their residents' right to adequate housing.   |

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<sup>i</sup> Universal Declaration on Human Rights. [www.un.org/en/documents/udhr/](http://www.un.org/en/documents/udhr/) (last visited 7/29/09).

<sup>ii</sup> Housing Rights are Human Rights, 2007.

<http://www.nlchp.org/content/pubs/2007%20Forum%20Human%20Rights%20Manual%20FINAL1.pdf> (last visited 7/29/09).

<sup>iii</sup> Franklin D. Roosevelt: “The Economic Bill of Rights.” <http://www.worldpolicy.org/projects/globalrights/econrights/fdr-econbill.html> (last visited 7/29/09).

<sup>iv</sup> International Covenant on Economic, Social and Cultural Rights. [www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm) (last visited 7/29/09).

<sup>v</sup> UN Committee on Economic, Social and Cultural Rights. “General Comment 4: The Right to Adequate Housing (Art. 11, par. 1),” 13 December 1991. [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+4.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+4.En?OpenDocument) (last visited 7/30/09).

<sup>vi</sup> Office of the High Commissioner for Human Rights, “Fact Sheet No.21, The Human Right to Adequate Housing.”

<http://www.unhchr.ch/html/menu6/2/fs21.htm> (last visited 7/16/09). *See also* United Nations Committee on Economic, Social and Cultural Rights, “General Comment 3, The Nature of States Parties’ 50 obligations (Art. 2, par.1),” 14 December 1990.

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument) (last visited 7/29/09); Housing Rights are Human Rights, 2007.

<http://www.nlchp.org/content/pubs/2007%20Forum%20Human%20Rights%20Manual%20FINAL1.pdf> (last visited 7/29/09).