

# Right to housing

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The **right to housing** is the [economic, social and cultural right](#) to adequate [housing](#) and shelter. It is recognised in many [national constitutions](#) and in the [Universal Declaration of Human Rights](#) and [International Covenant on Economic, Social and Cultural Rights](#).

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## Definition

The right to housing is recognised in a number of [international human rights instruments](#). Article 25 of the [Universal Declaration of Human Rights](#) recognises the right to housing as part of the [right to an adequate standard of living](#).<sup>[1]</sup> It states that:

“ Everyone has the right to a standard of living adequate for the health and well-being of himself and of 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 in circumstances beyond his control. ”

Article 11(1) of the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) also guarantees the right to housing as part of the [right to an adequate standard of living](#).<sup>[1]</sup>

In [international human rights law](#) the right to housing is regarded as a freestanding right. This was clarified in the 1991 General Comment no 4 on Adequate Housing by the [UN Committee on Economic, Social and Cultural Rights](#).<sup>[2]</sup> The general comment provides an authoritative interpretation of the right to housing in legal terms under international law.<sup>[1]</sup>

[The Yogyakarta Principles](#) on the application of [international human rights law](#) in relation to [sexual orientation](#) and [gender identity](#) affirm that "everyone has the right to adequate housing, including protection from [eviction](#), without discrimination and that States shall a) take all necessary legislative, administrative and other measures to ensure security of tenure and access to [affordable](#), habitable, accessible, culturally appropriate and safe housing, including [shelters](#) and other emergency accommodation, without discrimination on the basis of sexual orientation, gender identity or material or family status; b) take all necessary legislative, administrative and other measures to prohibit the execution of evictions that are not in conformity with their international human rights obligations, and ensure that adequate and effective legal or other appropriate remedies are available to any person claiming that a right to protection against forced evictions has been violated or is under threat of violation, including the right to resettlement, which includes the right to alternative land of better or equal quality and to adequate housing, without discrimination."<sup>[3]</sup>

The right to housing is also enshrined in Article 28 of the [Convention on the Rights of Persons with Disabilities](#), Article 16 of the [European Social Charter](#) (Article 31 of the Revised European Social charter) and

in the [African Charter on Human and Peoples' Rights](#).<sup>[4]</sup> According to UN Committee on Economic, Social and Cultural Rights, aspects of right to housing under ICESCR include: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location and cultural adequacy.<sup>[5]</sup> As a political goal, right to housing was declared in F. D. Roosevelt's 1944 speech on the [Second Bill of Rights](#).

## UN Habitat

The right to adequate housing was a key issue at the 1996 Habitat meeting in Istanbul and a main theme in the [Istanbul Agreement and Habitat Agenda](#). Paragraph 61 of the agenda identifies the steps required by governments to "promote, protect and ensure the full and progressive realisation of the right to adequate housing". The 2001 Habitat meeting, known as Istanbul +5, reaffirmed the 1996 Istanbul Agreement and Habitat Agenda and established the [UN Human Settlement Programme](#) to promote the right to housing in cooperation with the [Office of the High Commissioner for Human Rights](#). Known as [UN-HABITAT](#), the programme is the most important international forum for the right to housing. It is tasked with promoting housing rights through awareness campaigns, and to develop benchmarks and monitoring systems.<sup>[1]</sup>

## Implementations

### South Africa

In [South Africa](#), section 26 of [Chapter Two of the Constitution](#) establishes that "everyone has the right to have access to adequate housing". The [Department of Human Settlements](#) is tasked with implementing this mandate.

## See also

- [Affordable housing](#)
- [Economic, social and cultural rights](#)
- [Slums](#)
- [Homelessness](#)
- [Housing Benefit](#)
- [Public housing](#)
- [Constitution of Mexico](#)

## References

1. Edgar, Bill; Doherty, Joe; Meert, Henk (2002). *[Access to housing: homelessness and vulnerability in Europe](#)*. [The Policy Press](#). p. 17. ISBN 978-1-86134-482-3.
2. Terminski, Bogumil (2011). "[The right to adequate housing in international human rights law: Polish transformation experiences](#)" (PDF). *Revista Latinoamericana de Derechos Humanos*. 22(2) (241). ISSN 1659-4304. Retrieved December 20, 2014.
3. The Yogyakarta Principles, Principle 15. The Right to Adequate Housing
4. [ACHR decision in case SERAC v. Nigeria - see para. 60 \(p. 25\)](#)
5. [The right to adequate housing \(Art.11 \(1\)\). CESCR General comment 4 - see para. 8](#)

## External links

- [Special Rapporteur on adequate housing as a component of the right to an adequate standard of living](#), UN
  - [Report to UN HRC, 2008. A/HRC/7/16](#)

Report to UN HRC, 2009. A/HRC/13/20

- [International standards of the right to housing](#)
- [Housing Rights Legislation: Review of International and National Legal Instruments](#)
- CESCR General comments:
  - [The right to adequate housing \(Art.11 \(1\)\). CESCR General comment 4](#), 1991
  - [The right to adequate housing \(Art.11.1\): forced evictions. CESCR General comment 7](#), 1997
- [Factsheet on right to housing](#), UN
- CoE Commissioner for Human Rights:
  - [Recommendation on the implementation of the right to housing](#), 2009
  - [Housing Rights: The Duty to Ensure Housing for All](#), 2008
  - ["No one should have to be homeless – adequate housing is a right"](#), 2007
- [Interpretation and application of Article 31 of RESC](#)//Digest of the Case Law of the European Committee on Social Rights, 2008 — pp. 169–173, 349—355
- [Right to Housing](#) Geneva: CETIM, 2007.