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The right to adequate shelter in international instruments

THE RIGHT TO ADEQUATE HOUSING AS A component of the right to an adequate standard of living is enshrined in many international instruments. Most notable among these are the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. During the 1990s, the right to adequate housing gained increasing recognition. Since 1996, many Governments have adopted or revised housing policies to include various dimensions of human rights.

The Second United Nations Conference on Human Settlements (Habitat II) in 1996 harnessed this momentum. The outcomes of the Conference – the Istanbul Declaration and the Habitat Agenda – constitute a framework where human settlements development is linked to the process of realizing human rights in general and housing rights in particular. A total of 33 of the 241 paragraphs in the Habitat Agenda refer to human and/or housing rights. The Habitat Agenda clarifies actions and commitments of Governments and other stakeholders regarding realization of these rights. Paragraph 39 in the Habitat Agenda states, “We [the Governments] reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments.”

Paragraph 61 elaborates on actions to be taken by Governments and other stakeholders in order to promote, protect and ensure the full and progressive realization of the right to

adequate housing. This framework guides the United Nations Centre on Human Settlements (Habitat) to assist Governments and other stakeholders to place human rights in the centre of policy formulation and implementation in the housing sector. In this context, it is important to clarify that the ‘housing rights framework’ does not in any way mean or imply an obligation for Governments to provide free housing to all their citizens and/or residents. Yet, as is clearly articulated in the Habitat Agenda, Governments are responsible for establishing and facilitating an enabling environment where the potential and capacity of individual households and all other stakeholders in the housing development process are supported.

Role of the Special Rapporteur on Adequate Housing

The mandate and activities of the Special Rapporteur on Adequate Housing (appointed by the Commission on Human Rights in April 2000) are complementary to the implementation of the United Nations Housing Rights Programme. UNCHS (Habitat) supports the work of the Special Rapporteur.


The collaboration among the Special Rapporteur, the United Nations Housing Rights Programme and relevant stakeholders provides a basis for successful steps in the achievement of the progressive realization of



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the right to adequate housing as elaborated in the Habitat Agenda. Together, this co-operation may indeed succeed in making a significant contribution to building, as the

Istanbul Declaration asserts, “a world where everyone can live in a safe home with the promise of a decent life of dignity, good health, safety, happiness and hope”.

Background

The right to adequate housing as a human right is set out in the following international human rights covenants and conventions:

Article 25 (1), Universal Declaration of Human Rights;
Article 11 (1), International Covenant on Economic, Social and Cultural Rights;
Article 27 (3), Convention on the Rights of the Child;
Article 14 (h), Convention on the Elimination of All Forms of Discrimination against Women;
Article 5 (c), International Convention on the Elimination of All Forms of Racial Discrimination;
Paragraph 61, Habitat Agenda (Second United Nations Conference on Human Settlements, Habitat II).

Clauses relating to women and property rights are contained in the following:

Universal Declaration of Human Rights;
International Covenant on Economic, Social and Cultural Rights;
International Covenant on Civil and Political Rights;
Convention on the Elimination of All Forms of Discrimination against Women;
Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights;
Beijing Declaration and Platform for Action of the Fourth World Conference on Women;
Copenhagen Declaration on Social Development;
Programme of Action of the World Summit for Social Development;
Habitat Agenda of the Second United Nations Conference on Human Settlements (Habitat II).

RESOLUTIONS ADOPTED BY UN BODIES:

Commission on Human Rights

Resolution 2000/13 (E/CN.4/2000/13, 17 April 2000) on “Women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing”.

Sub-Commission on Prevention of Discrimination and Protection of Minorities (now the Sub-Commission on Promotion and Protection of Human Rights)

Resolution 1997/19 (E/CN.4/Sub.2/RES/1997/19) on
“Women and the right to adequate housing and to land, housing and property”;
Resolution 1998/15 (E/CN.4/Sub.2/RES/1998/15) on
“Women and the right to land, housing and property and adequate housing”;
Resolution 1999/15 (E/CN.4/Sub.2/RES/1999/15) on “Women and the right to development”.

Commission on the Status of Women

Resolution 42/1 (E/CN.6/1998/12) on “Human rights and land rights discrimination”.