

## THE HUMAN RIGHT TO ADEQUATE HOUSING: A STUDY FROM THE PERSPECTIVE OF THE UNITED NATIONS

Dr. Rashida Ather

Assistant Professor, Department of Human Rights, School of Legal Studies,  
Babasaheb Bhimrao Ambedkar Central University, Lucknow

Email: [rashidaather.bbau@gmail.com](mailto:rashidaather.bbau@gmail.com), 9451070946

&

Dr. Rajit Ram Sonkar,

Assistant Professor, Dattopant Thengadi Law Institute,  
Veer Bahadur Singh Purvanchal University, Jaunpur

Email: [rajit.rm@gmail.com](mailto:rajit.rm@gmail.com), 9453136820

### Abstract

The right to adequate housing is a universal right, recognized both at the international level and in several national constitutions. The violation of right to adequate housing brings serious consequences to the exercise of other basic human rights such as employment, education, health, social ties, participation in decision-making and denial of various civil rights etc. Although the United Nations have provided an opportunity to sensitize public opinion to the seriousness of the situation and essentiality of this right through its world conferences, resolutions, adoption of declarations and conventions the position remains worrying and horrifying. There has been also no follow up to the declarations and actions plans adopted. Despite the universal recognition of right to adequate housing and need of a safe shelter the homelessness has become a global human right crisis that demands an urgent global response. The present paper explores the international provisions so that the essentiality of adequate housing and related rights can be better conceptualized and effectively implemented.

**Key words:** Adequate Housing, Human Rights, Non -discrimination, Affordability,  
Available resources.

### I. Introduction

The right to adequate housing is one of the fundamental needs of man. This essential element provides the place to reside, rest, educate, to store the things, develop the personality and creates additional employment opportunities and voluntary savings. It is not merely

having a roof over one's head; rather, it requires an accessible habitable space that fulfills the basic needs of humans to personal space, security, adequate lighting and ventilation, safe infrastructure, protection from weather, and adequate location with regard to work and basic facilities—all at a reasonable cost<sup>1</sup> like water supply, sanitation, and waste management facilities.<sup>2</sup> In spite of the fact that housing has several multiplier effects on the improvement of quality of life, it is one of the most neglected aspects and perhaps the weakest link in our planned development.<sup>3</sup> The denial of such right brings violations of other inevitable human rights in such as employment, education, health, social ties, participation in decision-making and dignified life of the individual etc.<sup>4</sup>

Affordable housing has, thus, become one of the biggest challenges of the present times. Planning for a home has become imperative for the younger generation today who are often forced to begin their career with the quest for a permanent home for themselves. Ever rising prices of land and rents, fleecing builders, unapproved land use, substandard building material etc. has all widened the gap between supply and demand. It is symptomatic of the failure of governments to address growing inequalities in income, wealth and access to land and property and to effectively respond to the challenges of migration and urbanization. Homelessness occurs when housing is treated as a commodity rather than as a human right<sup>5</sup>. The UN Special Rapporteur on adequate housing has defined the human right to adequate housing as the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity<sup>6</sup> that include, in particular; land and property speculation; expropriations and forced evictions; the rural exodus and the growth of slums; discrimination against vulnerable groups, including women, children, refugees, migrants, the elderly and the handicapped; the negative effects of the privatization of public services.<sup>7</sup> In other words, demanding the right to adequate housing implies fighting for the inclusion of the most vulnerable people in society and forcing governments to respect their legal obligation to guarantee a life of dignity.

<sup>1</sup> National Human Rights Commission, India, "Know Your Rights Series: Right to Adequate Shelter" (NHRC, 2011) available at: [https://www.ohchr.org/documents/publications/fs21\\_rev\\_1\\_housing\\_en.pdf](https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf) (last visited on September 6, 2020)

<sup>2</sup> Miloon Kothari, Sabrina Karmali & Shivani Chaudhry, *The Human Right to Adequate Housing and Land*, National Human Right Commission, 14(2006)

<sup>3</sup> Joseph P. John and N. Sridharan, *Shelter for the rural poor* 26 (Ashish Publishing House, Delhi, 1992)

<sup>4</sup> Millennium Summit of the United Nations, "The Right to Development", 6-8 September (New York, 2000) available at: <https://www.un.org/en/development/devagenda/millennium.shtml> (last visited on September 6, 2020)

<sup>5</sup> UN Report: "Homelessness is a human rights crisis that demands an urgent global response", (United Nation general assembly, 2016) available at: <https://www.gi-escr.org/latest-news/un-report-homelessness-is-a-human-rights-crisis-that-demands-an-urgent-global-response> (last visited on September 4, 2016)

<sup>6</sup> Miloon Kothari, "Adequate Housing as a Component of the Right to an Adequate Standard of Living", (Report of the Special Rapporteur, E/CN.4/2006/41, 21 March 2006) available at: <https://digitallibrary.un.org/record/600545?ln=en> (last visited on April, 25 2019)

<sup>7</sup> United Nations "Annual reports Special Rapporteur on the Right to Adequate Housing to the Commission on Human Rights" (2001 to 2005) and to the Human Rights Council (since 2006) E/CN.4/2001/51, E/CN.4/2002/59, E/CN.4/2003/5, E/CN.4/2004/48, E/CN.4/2005/48, E/CN.4/2006/41, A/HRC/4/18, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?m=98](http://ap.ohchr.org/documents/dpage_e.aspx?m=98). (Last visited on August 14, 2020)

Despite this right, the homeless, the inadequately housed, and the evicted are existing in a huge number across the world.<sup>8</sup> In today's world, some 100 million persons are homeless and more than a billion are inadequately housed. According to the estimate of the United Nations, 3 billion persons will be living in slums in 2050.<sup>9</sup> More than a billion persons throughout the world have no access to potable water, and 2.6 billion persons have no access to basic sanitary installations. These persons live in an unhealthy and unworthy conditions; millions among them die each year, including some 1.8 million children who die of diarrhea.<sup>10</sup> As important as they may be, sanitary conditions are not the only housing problem.

## **II. International framework on Right to Adequate Housing**

While it has been declared that access to adequate and secure housing as a basic human right, the United Nation has put obligation on the States to take steps towards the realization of the right to adequate housing for all and make laws and policies in their jurisdiction in accordance to international legally binding human rights instruments.

### **A. General Provisions**

In these international instruments one can include the provisions which are general in nature and universally applicable to all that we can discussed as follows:

#### **Universal Declaration of Human Rights, 1948**

The Universal Declaration of Human Rights, 1948 the first clear articulation of all rights, such as civil and political, as well as socio-economic and cultural rights provided by this declaration. The story of that historical breakthrough, where henceforth human rights would become the currency of international standards and comparisons, offered an inspiration for all the people of the world, regardless of the political regime in place or the level of industrial or political development. Indeed, at the time the US was a major promoter of the development of all these rights.<sup>11</sup> The adoption by the UN General Assembly in 1948 of the

---

<sup>8</sup>Center on Housing Rights and Evictions (COHRE), "Forced Evictions: Violations of Human Rights", (Center on Housing Rights and Evictions December, 2006) *available at*: [www.cohre.org/store7attachments/Global%20survey%202003-2006.pdf](http://www.cohre.org/store7attachments/Global%20survey%202003-2006.pdf). (Last visited on August 12, 2020)

<sup>9</sup>UN-Habitat, "A Safe City is a Just City". (World Habitat Day 2007), *available at*: <http://www.unhabitat.org/categories.asp?catid=534>(last visited on August 14, 2020)

<sup>10</sup> United Nations Development Programmes, "Beyond Scarcity: Power, Poverty and the Global Water Crisis", (Human Development Report, 2006) *available at*: <http://hdr.undp.org/hdr2006/pdfs/report/HDR06-complete.pdf> (last visited on August 14, 2020).

<sup>11</sup>Eide, A. et al. (ed.), *Economic, Social and Cultural Rights: a Textbook* (Dordrecht: Martinus Nijhoff Publishers 2<sup>nd</sup> edn., 2001)

UDHR<sup>12</sup> marked a milestone in the development of human rights and fundamental freedoms.<sup>13</sup> Article 25 of this declaration states: 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, and 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.

### **International Convention on the Elimination of All Forms of Racial Discrimination, 1965**

This convention is based on the principles of the dignity and equality inherent in all human beings. According to this principles , all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.<sup>14</sup> Article 5 clause e (iii) of this Convention provided the right to housing under Economic, social and cultural rights.<sup>15</sup> In addition Article 5 stated that in compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law.<sup>16</sup>

### **International Covenant on Civil and Political Rights, 1966**

This covenant recognized the right to life under Article 6, the right not to be subjected to subject to torture or to cruel, inhuman or degrading treatment or punishment under Article and the right not to be subjected to arbitrary or unlawful interference in one's privacy, family or home under Article 17. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights are treaties. They are legally binding on all states parties that have ratified them.<sup>17</sup>

<sup>12</sup> Universal Declaration of Human Rights UNGA Resolution 2200A (XXI) UN Doc A/810 (1948)

<sup>13</sup> Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

<sup>14</sup> The International Convention on the Elimination of All Forms of Racial Discrimination, 1965, *available at*: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx> (last visited on August, 14 2020)

<sup>15</sup> The International Convention on the Elimination of All Forms of Racial Discrimination, 1965, art. 5 e(iii)

<sup>16</sup> The International Convention on the Elimination of All Forms of Racial Discrimination, 1965, art. 5

<sup>17</sup> The list of countries is available on the internet site of Office of the U.N. High Commissioner for Human Rights, *available at*: <http://www.ohchr.org/english/countries/ratification/index.htm>. (Last visited on August, 14 2020)

## The International Covenant on Economic, Social and Cultural Rights, 1966

The States Parties to present convention will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent. This obligation of States to recognize the right to housing manifests itself in several key areas.<sup>18</sup> When a State ratifies one of the Covenants, it becomes accountable to the international community, to other States which have ratified the same texts, and to their own citizens and others resident in their territories.<sup>19</sup> States obligations translate to a requirement to meet a minimum core obligation, without discrimination. In terms of housing rights, the minimum core obligations of States would involve a guarantee that everyone enjoyed a right to adequate shelter and a minimum level of housing services, without discrimination.<sup>20</sup>

If a State claims that it is unable to meet even its minimum obligations because of a lack of resources, it must at least be able to demonstrate that every effort has been made to use all resources that are at its disposal to satisfy, as a matter of priority, those minimum obligations. International assistance should be sought if a State is not in a position to meet this minimum core obligation. However, lack of resources can never be used to justify failure of a State to fulfill its obligation to monitor non-enjoyment of the rights set out in the Covenant.<sup>21</sup> Progressive realization involves meeting the rights obligations to a higher standard to the maximum of its available resources. The term ‘to the maximum of its available resources’ has been interpreted to mean that both the resources within a State, and those provided by other States or the international community must be utilized for the fulfillment of each of the rights found in the Covenant.<sup>22</sup> The term has been interpreted to include money, natural resources, human resources, technology, and information.<sup>23</sup>

The term ‘to achieve progressively’,<sup>24</sup> imposes an obligation on States to move as quickly and effectively as possible towards the goal of realizing fully each of the rights contained in the Covenant, rather than any indefinite postponement. The concept of

<sup>18</sup> P. Alston, & G. Quinn, ‘The Nature and Scope of States Parties Obligations under ICESCR,’ 9 HRQ 156-229 (1987)

<sup>19</sup> Committee on Economic, Social and Cultural Rights (CESCR), *available at*: <http://www.unhcr.ch/html/menu6/2/fs16.htm> (last visited on August 14, 2020)

<sup>20</sup> S. Skogly, ‘Human Rights Reporting: The “Nordic” Experience,’ 12 HRQ 513-528 (1990)

<sup>21</sup> P. Alston, & G. Quinn, ‘The Nature and Scope of States Parties Obligations under ICESCR,’ 9 HRQ 156-229 (1987), p.180.

<sup>22</sup> UN Doc. E/C.12/1991/4. United Nation Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 4. The Human Right to Adequate Housing, Geneva

<sup>23</sup> Robertson, ‘Measuring State Compliance with the Obligation to Devote the Maximum Resources to Realizing Economic, Social and Cultural Rights,’ 16 HRQ 693-714 (1994)

<sup>24</sup> UN Doc. E/C.12/1771/4. United Nation Committee on Economic, Social and Cultural Rights (UNCESCR) General Comment No. 4. The Human Right to Adequate Housing, Geneva

progressive achievement is ‘in many ways the linchpin of the Covenant’.<sup>25</sup> The UN Special Rapporteur has pointed out that; this principle imposes an obligation on States to move as expeditiously and effectively as possible towards the goal of realizing fully each of the rights found in the Covenant. This obligation must be read in the light of Article 11(1) of the Covenant the phrases ‘an adequate standard of living’ and the ‘continuous improvement of living conditions.’<sup>26</sup>

The UNCESCR, through its periodic monitoring of States Parties has established a corpus of jurisprudential principles in relation to the implementation of the ICESCR and the right to housing.<sup>27</sup> In 1996, the UNCESCR<sup>28</sup> proposed a draft optional protocol for individual complaints under the ICESCR to be made.<sup>29</sup> This would allow any individual to make a complaint directly to the UNCESCR in relation to an area of socio-economic rights violation.

### **Declaration on Social Progress and Development, 1969**

According to this declaration<sup>30</sup> all peoples and all human beings, without distinction as to race, colour, sex, language, religion, nationality, ethnic origin, family or social status, or political or other conviction, shall have the right to live in dignity and freedom and to enjoy the fruits of social progress and should, on their part, contribute to it.<sup>31</sup> Further its says that, Social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice<sup>32</sup> which includes the continuous raising of the material and spiritual standards of living of all members of society, with respect for and in compliance with human rights and fundamental freedoms, through the attainment of the goal of adequate housing and community services along with the elimination of hunger, poverty, achievement of the highest standards of health and eradication of illiteracy etc.<sup>33</sup>

### **The Vancouver Declaration on Human Settlements, 1976**

<sup>25</sup>P. Alston, & G. Quinn, ‘The Nature and Scope of States Parties Obligations under ICESCR,’ 9 HRQ 156-229 (1987), p. 172.

<sup>26</sup> UN Doc. E/CN.4/Sub.2/1993/15, paras. 58-60.

<sup>27</sup> UN Doc. E/C.12/1994/20. Dominican Republic.

<sup>28</sup> UN Doc. E/C.12/1996/SR. para 44-49 and 54

<sup>29</sup> UN Doc. E/CN.4/1997/105. 18 December 1996 Commission on Human Rights Fifty-third sessions, Draft optional protocol to the ICESCR.

<sup>30</sup>Declaration on Social Progress and Development, *available at*: [https://fsu.digital.flvc.org/islandora/object/fsu%3A547394/datastream/OBJ/view/Declaration\\_on\\_Social\\_Progress\\_and\\_Development.pdf](https://fsu.digital.flvc.org/islandora/object/fsu%3A547394/datastream/OBJ/view/Declaration_on_Social_Progress_and_Development.pdf) (last visited on August 14, 2020)

<sup>31</sup>Declaration on Social Progress and Development, 1969, art. 1

<sup>32</sup>Declaration on Social Progress and Development, 1969, art. 2

<sup>33</sup> Declaration on Social Progress and Development, 1969, art. 10

This declaration has been recognized that international co-operation, based on the principles of the United Nations Charter has to be developed and strengthened in order to provide solutions for world problems and to create an international community based on equity, justice and solidarity.<sup>34</sup> Section III (8) and preamble stated, respectively: “Adequate shelter and services are a basic human right which places an obligation on governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavor to remove all impediments hindering attainment of these goals.”<sup>35</sup> “The ideologies of States are reflected in their human settlement policies. The human settlement policies must be in conformity with the declaration of principles and the Universal Declaration of Human Rights.”<sup>36</sup>

### **United Nations Declaration on the Right to Development, 1986**

The declaration seeks to ensure people’s right to personal and financial improvement and progress.<sup>37</sup> The declaration aims to put people at the center of development; ensure their free, active and meaningful participation in society; secure non-discrimination; fairly distribute the benefits of development; and respect self-determination, and sovereignty over natural resources in a process that advances other civil, political, economic, social and cultural rights.<sup>38</sup> Article 8(1) of this declaration states: "States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter-alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income aiming to end social injustices."<sup>39</sup>

### **Rio Declaration, 1992**

Agenda 21 is a comprehensive plan of action to be taken globally, nationally and locally by organizations of the United Nations System, Governments, and Major Groups in every area in which human impacts on the environment. The full implementation of Agenda 21 was strongly reaffirmed at the World Summit on Sustainable Development (WSSD) held

<sup>34</sup> The Vancouver Declaration on Human Settlements From the report of Habitat: United Nations Conference on Human Settlements, Vancouver, Canada, 31 May to 11 June 1976, available at: <https://mirror.unhabitat.org/downloads/docs/TheVancouverDeclarationOnHumanSettlements.pdf> (last visited on August 14, 2020)

<sup>35</sup> The Vancouver Declaration on Human Settlements, 1976, section III (8)

<sup>36</sup> The Vancouver Declaration on Human Settlements, 1976, preamble A. (3)

<sup>37</sup> UN Declaration on the Right to Development, available at: <https://www-facing-finance.org/en/database/norms-and-standards/un-erklarung-ueber-das-recht-auf-entwicklungun-declaration-on-the-right-to-development/> (last visited on August 14, 2020)

<sup>38</sup> *Ibid.*

<sup>39</sup> UN Declaration on the Right to Development, 1986 art. 8(1)



in Johannesburg, South Africa from 26 August to 4 September 2002 that also include adequate shelter for all in in chapter one, para 7.5.<sup>40</sup>

### **Vienna Declaration and Programme of Action, 1993**

The adoption of the Vienna Declaration and Programme of Action advanced our efforts to uphold the principles of the UN Charter and the Universal Declaration of Human Rights. The paragraph 31 stated that the World Conference on Human Rights calls upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services.<sup>41</sup>

### **Millennium Declaration, 2000**

The United Nations Millennium Declaration, signed in September 2000 commits world leaders to combat poverty, hunger, disease, illiteracy, environmental degradation, to develop a global partnership for development and discrimination against women. The MDGs are derived from this Declaration, and all have specific targets and indicators.<sup>42</sup>

### **Sustainable Development Goal, 2015**

The Sustainable Development Goals are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including those related to poverty, inequality, climate change, environmental degradation, peace, and justice. The 17 Goals are all interconnected, and in order to leave no one behind, that must achieve all by 2030.<sup>43</sup> Sustainable Development Goal 11, make cities and human settlements inclusive, safe, resilient, and sustainable. There is also recognition of the cross-cutting nature of urban issues, which have an impact on several other Sustainable Development Goals. Sustainable human settlements development was also discussed at the second and third

---

<sup>40</sup> United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992 Agenda,21, available at: <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf> (last visited on August 14, 2020)

<sup>41</sup> Vienna Declaration and Programme of Action, available at: [https://www.ohchr.org/Documents/Events/OHCHR20/VDPA\\_booklet\\_English.pdf](https://www.ohchr.org/Documents/Events/OHCHR20/VDPA_booklet_English.pdf) (last visited on August 14, 2020)

<sup>42</sup> Millennium Development Goals (MDGs) available at: [https://www.who.int/topics/millennium\\_development\\_goals/about/en/](https://www.who.int/topics/millennium_development_goals/about/en/) (last visited on August 14, 2020)

<sup>43</sup> United Nations: Sustainable Development Goal, available at: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> (last visited on August 14, 2020)



sessions of the Commission on Sustainable Development. “Promoting sustainable human settlements development” is the subject of Chapter 7 of Agenda 21, which calls for providing adequate shelter for all.<sup>44</sup>

## **B. Provision of Human Right to Adequate Housing for Specific Groups**

The adequate housing is everyone’s right, without discrimination. The fundamental right was established in the International Convention on the Elimination of All forms of Racial Discrimination, 1965 in which the states parties committed themselves “to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to housing,” article 5, e, iii. However, to protect particularly vulnerable groups, such as women, children, the elderly, indigenous and tribal peoples, refugees or stateless persons, other treaties have been accepted by countries at the international level.

### **Refugees**

The right of refugees to adequate housing is recognized in the 1951 Convention Relating to the Status of Refugees. Its Article 21 provides that: “As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances.”<sup>45</sup>

### **Stateless Persons**

The United Nation Convention relating to the Status of Stateless persons which adopted in 1954, article 21 of aforesaid convention protected very basic human right to housing and stated that As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and,

---

<sup>44</sup> United Nations: Department of Economic and Social Affairs Sustainable Development, *available at*: <https://sdgs.un.org/topics/sustainable-cities-and-human-settlements>(last visited on August 14, 2020)

<sup>45</sup> Convention relating to the Status of Refugees ,Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950 Entry into force: 22 April 1954, in accordance with article 43 available at; [https:// www. ohchr.org/en/professionalinterest/pages/statusofrefugees.aspx](https://www.ohchr.org/en/professionalinterest/pages/statusofrefugees.aspx) (last visited on august 5/7/2019)

in any event, not less favourable than that accorded to aliens generally in the same circumstances<sup>46</sup>.

### **Tribal and Indigenous Peoples**

Common Article 1, 2, of the 1966 International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights, which applies to tribal and indigenous peoples, provides that: “In no case may a people be deprived of its own means of subsistence.” The right of tribal and indigenous peoples to adequate housing is also recognized, through their right to land, by the ILO Convention 169, Article 16, regarding tribal and indigenous peoples.

### **Persons with Disability**

The Declaration on the rights of disabled persons, 1975 has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged.<sup>47</sup> Further these calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of disabled rights.<sup>48</sup> This declaration has been indirectly stated about the rights to shelter of disabled person under article 9. This article stated that, Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities and not be the subject to differential treatment other than that required by his or her condition as concerned with their residence.<sup>49</sup>

The right to shelter of disabled person has been also mentioned in Committee on Economic, Social and Cultural Rights, General Comment No. 5 by saying that “disability is closely linked to economic and social factors” and that “conditions of living in large parts of the world are so desperate that the provision of basic needs for all – food, water, shelter, health protection and education – must form the cornerstone of national programmes”. Even in countries which have a relatively high standard of living, persons with disabilities are very often denied the opportunity to enjoy the full range of economic, social and cultural rights

---

<sup>46</sup>Convention relating to stateless person available at adopted by United Nation in 1954, available at: [https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons\\_ENG.pdf](https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf) (last visited on august 5/7/2019)

<sup>47</sup> Declaration on the Rights of Disabled Persons Proclaimed by General Assembly resolution 3447 (XXX) of 9 December 1975, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightsOfDisabledPersons.aspx> (last visited on August 14, 2020)

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

recognized in the Covenant.<sup>50</sup> The Convention on the Rights of Persons with Disabilities (CRPD), 2006 provides a new understanding of this complex right by giving it a human rights-based approach to development of human settlements that offer equal opportunities to persons with disabilities.<sup>51</sup>

## **Women**

The Convention on the Elimination of all Forms of Discrimination against Women, 1979 says that the states parties commit themselves to: “To eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”<sup>52</sup>

## **Children**

The Article 27 (3) of UNCRC, 1989 provides that: “States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case need provide material assistance and support programs, particularly about nutrition, clothing and housing.

## **Migrants**

The right to adequate housing of the ever-growing number of migrants and their families<sup>53</sup> has been recognized in Article 43, 1(d), of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families where it says that the “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.” All the above-mentioned treaties are legally binding on the states that have ratified them.<sup>54</sup>

## **Internally Displaced Persons**

---

<sup>50</sup> CESCR General Comment No. 5: Persons with Disabilities, *available at*: <https://www.globalhealthrights.org/instrument/cescr-general-comment-no-5-persons-with-disabilities/> (last visited on August 14, 2020)

<sup>51</sup>

<sup>52</sup> Article 14 (2) (h) of Convention on the Elimination of all Forms of Discrimination against Women, 1979

<sup>53</sup> According to United Nations figures, there were 191 million migrant persons in 2005 - 115 million in the industrialized countries and 75 million in the countries of the South. U.N. Habitat, A Safe City is a Just City. World Habitat Day 2007

<sup>54</sup> The list of states parties to these international treaties is available on the internet site of the Office of the U.N. High Commissioner for Human Right, *available at*: <http://www.ohchr.org/english/law/index.htm>. (Last visited on August 14, 2020)

The principle 18(2) (b) of the Guiding Principles reflects the need to respect IDPs' rights to adequate housing through the provision of safe, habitable emergency and transitional shelter during displacement and assistance that meets their own housing needs in the context of durable solutions. All internally displaced persons have the right to an adequate standard of living. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to Basic shelter and housing<sup>55</sup>.

### C. United Nations Bodies/Commissions and Committees on Adequate Housing

The various United Nations bodies/ commissions and committees which have work for right to shelter and adequate housing. The United Nations Commission on Human Rights was established in 1946 to weave the international legal fabric that protects our fundamental rights and freedoms. Composed of 53 States members, its brief expanded over time to allow it to respond to the whole range of human rights problems and it set standards to govern the conduct of States. It also acted as a forum where countries large and small, non-governmental groups and human rights defenders from around the world voiced their concerns.<sup>56</sup>

#### United Nation Commission on Human Rights

UN Commission on human rights passed many resolutions related to adequate housing like **Resolution No. 2000/9** talks about the realization of the economic, social and cultural rights contained in the UDHR and in the ICESCR and study of special problems which the developing countries face in their efforts to achieve the right to adequate housing, which recommended, *inter alia*, the appointment of a special rapporteur on housing rights.<sup>57</sup> In **Resolution No.2001/28**<sup>58</sup> and **Resolution No. 2002/21** the Commission on Human Rights 'Adequate housing as a component of the right to an adequate standard of living'.<sup>59</sup> In the **Resolution No 2003/27**,<sup>60</sup> And **Resolution No.2004/21** it recognized that adequate shelter is a vital element for achieving socially, economically and environmentally sustainable development in the lives of at least 100 million slum dweller'.

<sup>55</sup>Protecting Internally Displaced Persons: A Manual for Law and Policy Makers October 2008, available at: <https://www.unhcr.org/50f955599.pdf> (last visited on august 5/7/2019)

<sup>56</sup> United Nations Human Rights Council, available at: <https://www.ohchr.org/EN/HRBodies/CHR/Pages/CommissionOnHumanRights.aspx> (last visited on August 14, 2020)

<sup>57</sup> Resolutions of the Commission on Human Rights, available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/Resolutions.aspx>(last visited on August 14, 2020)

<sup>58</sup>Resolutions, available at:<https://www.ohchr.org/EN/Issues/Housing/Pages/Resolutions.aspx> (last visited on August 14, 2020)

<sup>59</sup> Office of the High Commissioner for Human Rights, Commission on Human Rights resolution 2002/21, available at:<https://www.ohchr.org/EN/Issues/Housing/Pages/Resolutions.aspx>(last visited on August 14, 2020)

<sup>60</sup> *Ibid.*

## **United Nations Special Rapporteur on Right to Adequate Housing**

At its fifty-sixth session, the Commission on Human Rights adopted resolution 2000/9 of 17 April 2000 and decided the appointment of a Special Rapporteur for a period of three years whose mandate will focus on adequate housing<sup>61</sup> to identify the best practices, challenges, obstacles, and protection gaps related to this right.<sup>62</sup> The Special Rapporteur on adequate housing had to apply a gender perspective in the realization of the right to adequate housing while preparing the status report.<sup>63</sup> In fulfilling the obligations of this special procedure he might hold country visits, consider individual complaints, submit allegation letters and urgent appeals to States concerning specific situations, engage in dialogue with relevant stakeholders, and submit activity reports to the UN General Assembly.<sup>64</sup>

## **The United Nations Committee on Economic, Social and Cultural Rights**

The United Nations Committee on Economic, Social and Cultural Rights is the treaty body mandated to work under Article 11(1) of the Covenant that guarantees for everyone the right to adequate housing.<sup>65</sup> In 1991, the Committee adopted General Comment No. 4 on the right to adequate housing, which brings legal clarity to the content of the right and viewed that the right to housing should not be interpreted in a narrow or restrictive sense which equates with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather, it should be seen as the right to live somewhere in security, peace, and dignity. Significantly, General Comment No. 4 points out to the importance of the concept of adequacy in relation to the right to housing and identifies seven aspects that form integral components of the right: legal security of tenure; availability of services, materials, facilities, and infrastructure; affordability; habitability; accessibility; location; and · cultural adequacy.<sup>66</sup> Further in 1997, in the General Comment No. 7 the Committee defined the term 'forced eviction' and reaffirms that forced evictions are prima facie violations of the right to adequate housing. The Committee also viewed that any States should be strictly prohibited – in all cases – from intentionally making a person, family, or community homeless following an eviction, whether forced or lawful. This General

---

<sup>61</sup> History of the mandate, *available at*: <https://www.ohchr.org/EN/Issues/Housing/Pages/OverviewMandate.aspx> (last visited on August 14, 2020)

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> Housing rights legislation Review of international and national legal instruments, *available at*: <https://www.ohchr.org/Documents/Publications/HousingRightsen.pdf> (last visited on August 14, 2020)

<sup>66</sup> Housing rights legislation Review of international and national legal instruments, *available at*: <https://www.ohchr.org/Documents/Publications/HousingRightsen.pdf> (last visited on August 14, 2020)

Comment also outlined a series of procedural steps that must be taken in any instance where eviction cannot be avoided.<sup>67</sup>

### **The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities**

In 1991, the Sub-Commission adopted resolution 1991/12 which provides guidance in determining the legal responsibilities of those who evict. It stated that – “forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a number of factors, including, but not limited to, occupation authorities, national governments, local governments, developers, planners, landlords, property speculators and bilateral and international financial institutions and aid agencies.” The resolution also emphasized that the ultimate responsibility for preventing evictions rests with Governments.<sup>68</sup>

### **United Nations Commission on Human Settlements, 1978**

The United Nations Centre for Human Settlements (Habitat), including the United Nations Habitat and Human Settlements Foundation, into the United Nations Human Settlements Programme, or UN-Habitat. UN-Habitat is the lead United Nations agency responsible for human settlements.<sup>69</sup> The Commission on Human Settlements acts as the governing body of the United Nations Centre for Human Settlements (Habitat) and is composed of 58 States,<sup>70</sup> and contained in the Centre's Work Programme of Shelter and social services; urban management; environment and infrastructure; and Assessment, information, and monitoring.<sup>71</sup>

### **United Nations Human Rights Council**

The Human Rights Council has passed many resolutions related to the adequate Housing. It adopted a Resolution 6/27, title on ‘Adequate housing as a component of the right to an adequate standard of living.’<sup>72</sup> Through its resolutions the council recalled the rights related to housing enshrined in the Universal Declaration of Human Rights and elaborated in

<sup>67</sup> *Ibid.*

<sup>68</sup> Housing rights legislation Review of international and national legal instruments, available at: <https://www.ohchr.org/Documents/Publications/HousingRightsen.pdf> (last visited on August 14, 2020)

<sup>69</sup> United Nations Human Settlements Programme Evaluation Office, available at: <http://uneval.org/about/memberagencies/detail/30> (last visited on August 14, 2020)

<sup>70</sup> United Nations Commission on Human Settlements Concludes Eighteenth Session Endorses Executive Director’s Call To Strengthen Centre, available at:

<https://www.un.org/press/en/2001/hab169.doc.htm#:~:text=The%20Commission%20on%20Human%20Settlements,is%20composed%20of%2058%20States.&text=awareness%20of%20human%20settlements%20issues,and%20trends%20around%20the%20world.> (last visited on August 14, 2020)

<sup>71</sup> UNCHS (UN-Habitat): The United Nations Human Settlements Programme, available at: <http://web.mit.edu/urbanupgrading/upgrading/resources/organizations/UNCHS.html> (last visited on August 14, 2020)

<sup>72</sup> Human Rights Council Resolution 6/27, “Adequate Housing as a Component of the Right to an Adequate Standard of Living”, available at: [https://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_6\\_27.pdf](https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_27.pdf) (last visited on August 14, 2020)

other international human rights treaties and instruments.<sup>73</sup> It further concerned that any deterioration in the general housing situation disproportionately affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to minorities and indigenous peoples, migrants, the elderly and persons with disabilities, while organizing ‘mega-events’ and large-scale events in host countries.<sup>74</sup> And calls upon States, in the context of mega-events, to promote the right to adequate housing and to create a sustainable, development-oriented housing legacy, and to strive in this regard.<sup>75</sup>

Through its various resolution it addresses the several other issues related to adequate housing like the identification of gender specific challenges of the right to adequate housing in 2007<sup>76</sup>, of disaster settings in 2012<sup>77</sup> especially by respecting the principles of nondiscrimination,<sup>78</sup> recognition of the need to promote, protect and strengthen a variety of tenure forms as part of mainstreaming human rights, in particular in urban development, including in housing and slum upgrading, urban planning, land management and land administration policies, to ensure social integration, with the full participation of all relevant stakeholders in 2014.<sup>79</sup> The Human Rights Council on 23 March 2016 adopted a resolution 31/9, emphasizing on the adverse effects of climate change to adequate standard of living, and welcomed the adoption of the Paris Agreement under the United Nations Framework Convention on Climate Change and the adoption of the Sendai Framework for Disaster Risk Reduction 2015- 2030.<sup>80</sup>

<sup>73</sup> *Ibid.*

<sup>74</sup> Resolution adopted by the Human Rights Council 13/10 “Adequate Housing as a Component of the Right to an Adequate Standard of Living”, in the context of mega-events, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/128/45/PDF/G1012845.pdf?OpenElement> (last visited on August 14, 2020).

<sup>75</sup> Resolution adopted by the Human Rights Council 13/10 “Adequate Housing as a Component of the Right to an Adequate Standard of Living”, in the context of mega-events, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/128/45/PDF/G1012845.pdf?OpenElement> (last visited on August 14, 2020)

<sup>76</sup> Resolution adopted by the Human Rights Council 15/8 “Adequate Housing as a Component of the Right to an Adequate Standard of Living”, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/166/26/PDF/G1016626.pdf?OpenElement> (last visited on August 14, 2020)

<sup>77</sup> Resolution adopted by the Human Rights Council 19/4 , 3 “Adequate Housing as a Component of the Right to an Adequate Standard of Living in the Context of Disaster Settings”,( April 2012) available at: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/126/85/PDF/G1212685.pdf?OpenElement> (last visited on August 14, 2020)

<sup>78</sup> Resolution adopted by the Human Rights Council 19/4 , 3, Adequate Housing as a Component of the Right to an Adequate Standard of Living in the Context of Disaster Settings”,( April 2012) available at: <https://documents-dds-ny.un.org/doc/Resolution/GEN/G12/126/85/PDF/G1212685.pdf?OpenElement> (last visited on August 14, 2020)

<sup>79</sup> Resolution adopted by the Human Rights Council 25/17, , “Adequate Housing as a Component of the Right to an Adequate Standard of Living”, ( 14 April 2014) available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/135/33/PDF/G1413533.pdf?OpenElement> (last visited on August 14, 2020)

<sup>80</sup> Resolution adopted by the Human Rights Council on 31/9, 19, “Adequate Housing as a Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in this Context”, (April, 2016) available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/081/55/PDF/G1608155.pdf?OpenElement> (last visited on August 14, 2020)



**In 2017** emphasized on the importance of the implementation of the 2030 Agenda for Sustainable Development, including target 11.1.<sup>81</sup> **The Resolution No.37/4, 2018** focused upon the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III),<sup>82</sup> emphasized the importance of housing to dignity and equal rights for persons with disabilities, who often face widespread and severe forms of discrimination in virtually all aspects of housing, within and outside of their homes simply because of their disability,<sup>83</sup>

### **United Nations Housing Rights Programme (UNHRP), 2002**

The substantive focus of the programme is grounded in the Habitat Agenda which states that “Within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing”. The development objective of the UNHRP is to assist States and other stakeholders with the implementation of their commitments in the Habitat Agenda to ensure the full and progressive realization of the right to adequate housing as provided for in international instruments<sup>84</sup> with measure of standards and guidelines, legal instrument and strong system of monitoring.<sup>85</sup> The Commission on Human Rights in April 2001 adopted resolutions 2001/34 and 2001/28. The latter, on adequate housing as a component of the right to an adequate standard of living, requested the two agencies to strengthen their cooperation and to consider developing a joint housing rights programme. These resolutions constitute the main mandate for the establishment of the United Nations Housing Rights Programme.<sup>86</sup>

### **Observance of International Year for the Adequate Housing**

These are the international years currently observed by the United Nations. The United Nations designates specific days, weeks, years, and decades as occasions to mark events or topics in order to promote, through awareness and action, the objectives of the Organization. The United Nations General Assembly has declared 1987 the International Year of Shelter

<sup>81</sup> Resolution adopted by the Human Rights Council on 23 March 2017, 34/9, “Adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context”, (11 April 2017) *available at*: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/090/20/PDF/G1709020.pdf?OpenElement>(last visited on August 14, 2020)

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> UN Habitat: For a better urban future, *available at*: <https://mirror.unhabitat.org/categories.asp?catid=282> (last visited on August 14, 2020)

<sup>85</sup> UN Habitat: For a better urban future, *available at*: <https://mirror.unhabitat.org/content.asp?typeid=19&catid=282&cid=10126>(last visited on August 14, 2020)

<sup>86</sup>Mandate, *available at*: <https://mirror.unhabitat.org/content.asp?typeid=19&catid=282&cid=10370> (last visited on August 14, 2020)

for the Homeless<sup>87</sup> by its resolution 37/221 of 20 December 1982.<sup>88</sup> International Year of Shelter for the Homeless (IYSH) launched a new major initiative to stimulate effective action at the national and international levels to improve the shelter conditions of the homeless, the poor and the disadvantaged throughout the world<sup>89</sup> to the population does not have adequate shelter and lives in extremely unhealthy and unsanitary conditions and the lack of adequate housing for millions of people constitutes a serious social problem requiring urgent action at both the national and international levels.<sup>90</sup>

### III. Statistics on World's Homelessness

Beyond the problems of housing, strictly speaking (having a roof over one's head), what is most worrying is the condition that housing may be in. More than a billion persons throughout the world have no access to potable water, and 2.6 billion persons have no access to basic sanitary installations. These persons live in unhealthy and unworthy conditions; millions among them die each year, including some 1.8 million children who die of diarrhea.<sup>91</sup> As important as they may be, sanitary conditions are not the only housing problem. The right to adequate housing brings in its wake dramatic consequences and causes numerous violations of human rights in such areas as employment, education, health, social ties, participation in decision-making etc. Although two world conferences specifically devoted to questions of housing and related summits, all organized by the United Nations during the three preceding decades, have provided an opportunity to sensitize public opinion to the seriousness of the situation, there has been no follow up to the declarations and actions plans adopted. The Millennium Declaration, adopted 13 September 2000 by the U.N. General Assembly is no exception to this. Moreover, it does not deal with structural causes of poverty in the world,<sup>92</sup> and the two Millennium Goals related to the question of housing are timid, indeed: considerably improve the life of at least 100 million slum dwellers by 2020, and reduce by half the proportion of persons who have no access to potable water by 2015.<sup>93</sup> The number of unsheltered people in families with children increased for the first time since data

<sup>87</sup> UN General Assembly, *International Year of Shelter for the Homeless*, A/RES/38/168, (19 December 1983) available at: <https://www.refworld.org/docid/3b00f0170.html> (last visited on August 22, 2020)

<sup>88</sup> International Year of Shelter for the Homeless, available at: [file:///E:/E\\_RES\\_1987\\_37-EN%20\(1\).pdf](file:///E:/E_RES_1987_37-EN%20(1).pdf) (last visited on August 14, 2020)

<sup>89</sup> Dr. Arcot Rama Chandran, "International year of shelter for the homeless: Activities and achievements", (1987) available at: <https://www.sciencedirect.com/science/article/abs/pii/0264275188900042#:~:text=The%20United%20Nations%20General%20Assembly,and%20the%20disadvantaged%20throughout%20the> (last visited on August 14, 2020)

<sup>90</sup> International Year of Shelter for the Homeless, available at: [file:///E:/E\\_RES\\_1987\\_37-EN%20\(1\).pdf](file:///E:/E_RES_1987_37-EN%20(1).pdf) (last visited on August 14, 2020)

<sup>91</sup> United Nations Development Programme, "Beyond scarcity: Power, Poverty and the Global Water Crisis", "Forward" (Human Development Report 2006) available at: <http://hdr.undp.org/hdr2006/pdfs/report/HDR06-complete.pdf> (last visited on August 14, 2020)

<sup>92</sup> CETIM "The Right to Development", (Geneva, June 2007) available at: <https://www.un.org/en/development/devagenda/millennium.shtml> (last visited on September 6, 2020).

<sup>93</sup> A/RES/55/2: <http://www.un.org/millennium/declaration/ares552e.htm> (last visited on August 14, 2020)

collection began. In 2020, just fewer than 172,000 people in families with children were experiencing homelessness. While most people in families with children were in sheltered locations, the number of unsheltered people in families increased by 13 percent. This increase offset a decline in sheltered people in families with children, so the overall level of family homelessness was essentially the same in 2020 as in 2019<sup>94</sup>. These statistics are increasing at an exponential rate, particularly within the global south, where situations are already at a grave risk. In the Indian context, according to the Census 2011, about 82 million of India's total urban population lives in slums and other low-income informal settlements. This means that about 30% of the country's urban population has little or no access to adequate housing and basic amenities. The situation in rural areas is even more miserable. It can be estimated that around 50% of India's population lives in conditions of extreme deprivation<sup>95</sup>.

#### IV. Conclusion

Adequate housing as a component of adequate standard of living, and as a part of right to non-discrimination should be essentially available to all people by the national governments to fulfill their commitments enshrined in the relevant provisions of declarations, conventions and programmes adopted at major United Nations conferences and summits and at special sessions of the General Assembly and their follow-up meetings. But the reality is not satisfactory, still many people in the world are forced to live like animals on the street without any shelter. The excuse of maximum of available resources are being continue given by the member states. In practice, States continue to exhibit an overarching tendency to rely on this principle in seeking to rationalize failures to ensure these rights.<sup>96</sup>

The states can take the example of European Union to provide housing rights to their people enjoyed at several levels, depending on the status of the person claiming such rights. These levels are becoming more stratified as the EU expands and deals with the influx of non-EU nationals like from the national housing rights of citizens of Member States to the housing rights of migrant workers, third country nationals, asylum seekers and illegal immigrants, there is a developing hierarchy of levels of housing rights protection. But the housing rights for those at the 'bottom of the ladder' is not free from risk even there as

---

<sup>94</sup>The Annual Homeless Assessment Report (AHAR) to Congress, (2020), available at: <https://www.huduser.gov/portal/sites/default/files/pdf/2020-AHAR-Part-1.pdf> (last visited on July 14, 2021)

<sup>95</sup>Miloon Kothari, Sabrina Karmali & Shivani Chaudhry, *The Human Right to Adequate Housing and Land*, National Human Rights Commission, 9(2006)

<sup>96</sup> UN Doc. E/CN.4/Sub.2/1993/15.paras. 54-57.

pointed out by Federation of National Organisations working with the Homeless in Europe in 2005. This is the situation of almost the whole world for poor people. The terrible pressure of the housing market increasingly leads to social exclusion and, in some cases, to a situation of social emergency, where people find themselves without resources, reduced to sleeping in the street. The figures speak for themselves: rough sleeping is increasing in major cities across the world. Increasing numbers of people sleep in doorways, squats, abandoned buildings and other places not meant for habitation. Nowadays, it is frequently women, families with children, migrants and young people who find themselves homeless or in a situation of social and housing emergency. The trigger of their plight is usually housing affordability, leading to a spiral of exclusion, affecting health, employment options, education of children etc. Housing exclusion due to lack of affordable housing also creates an extreme vulnerability to exploitation. This needs the serious attention of international community.

To overcome this firstly, all countries must recognize the human rights dimensions of housing, and ensure that no measures of any kind are taken with the intention of eroding the legal status of this right. Second, legislative measures, coupled with appropriate policies geared towards the progressive realization of housing rights. Any existing legislation or policy that clearly detracts from the legal entitlement to adequate housing would require repeal or amendment. Policies and legislation should not be designed to benefit already advantaged social groups at the expense of those in greater need. Specifically, housing rights issues should be incorporated into the overall development objectives of States. Thirdly, a genuine attempt must be made by States to target housing policies and laws towards attaining this right for everyone in the shortest possible time. In this respect, States must give due priority to those social groups who are living in unfavorable on and need prior consideration.<sup>97</sup>

---

<sup>97</sup> CETIM “The Right to Development,” (Geneva, June 2007) *available at*: <https://www.un.org/en/development/devagenda/millennium.shtml> (last visited on September 6, 2020).