



General Assembly

Distr.: Limited
28 March 2022

Original: English

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Armenia, Austria,* Belgium,* Brazil, Cabo Verde,* Croatia,* Djibouti,* Ecuador,* Fiji,* Finland, Germany,* Greece,* Kenya,* Latvia,* Luxembourg, Marshall Islands, Mexico, Montenegro, Namibia, Netherlands, Paraguay, Peru,* Philippines,* Portugal,* Romania,* Sierra Leone,* Slovakia,* South Africa,* Thailand,* Turkey,* Ukraine, United States of America and Zimbabwe*: draft resolution

49/... Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Reaffirming that international human rights law instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities, entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Recalling also all previous resolutions adopted by the Commission on Human Rights and the Human Rights Council on the issue of the right to adequate housing as a component of the right to an adequate standard of living and General Assembly resolution 76/133 on inclusive policies and programmes to address homelessness, including in the aftermath of the coronavirus disease (COVID-19) of 16 December 2021,

Recalling further that the effects of racial discrimination on housing have been recognized in the Vienna Declaration and Programme of Action, in the International Convention on the Elimination of All Forms of Racial Discrimination and in the Durban Declaration and Programme of Action,

Recalling all resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights

* State not a member of the Human Rights Council.



to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge her or his duties in accordance with those resolutions and the annexes thereto,

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits, inter alia, the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), and underlining the importance of the implementation of the 2030 Agenda for Sustainable Development, including target 11.1,

Recalling the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

Concerned that the right to adequate housing is not realized for many throughout the world and that millions continue to live in substandard housing, and millions more are homeless or at immediate risk of homelessness, and that especially those facing multiple and intersecting forms of discrimination, particularly women and girls, persons with disabilities and internally displaced persons, are in a vulnerable situation in this regard, and recognizing that this situation should be addressed by urgent and immediate measures by States, in accordance with existing international human rights commitments and obligations and with the support, where necessary, of the international community,

Deeply concerned about the negative impact of the COVID-19 pandemic on the enjoyment of all human rights around the world by all, including, inter alia, on the right to adequate housing as a component of the right to an adequate standard of living, and emphasizing the importance of human rights obligations in shaping the response to the pandemic, both in terms of the public health emergency and the broader impact on persons' lives and livelihoods, recognizing in that regard the importance of the right to adequate housing as a component of the right to an adequate standard of living for protecting and realizing the right to the highest attainable standard of physical and mental health,

Deeply concerned also that the COVID-19 pandemic perpetuates and exacerbates existing inequalities, and that those disproportionately at risk are women, children, in particular girls, persons with disabilities, older persons, migrants, as well as other persons in a vulnerable situation, and expressing deep concern about the increased risk of eviction, homelessness and the increased occurrence of domestic violence as a consequence of the pandemic,

Recalling its deep concern at the lack of progress regarding discrimination in the enjoyment of the right to adequate housing affecting women, and underlining the need to urgently act to ensure their security of tenure, irrespective of their family or relationship status, their equal access to credit, low-cost housing, mortgages, home ownership and rental housing, including through subsidies, to ensure in situations of domestic violence immediate access to emergency shelters, including through legislative measures, and to guarantee women's full, equal and meaningful participation in all aspects of housing-related policymaking, including housing design and construction, community development and planning, and transportation and infrastructure among others,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination,

Deeply concerned in that regard about the effects of racial discrimination and of systemic racism, including as it relates to structural and institutional racism, on the enjoyment of human rights for all, including, inter alia, on the right to adequate housing as a component of the right to an adequate standard of living, and emphasizing in this regard the need to ensure the universal ratification of or accession to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

Encouraging States to examine the extent and impact of systemic racism on the enjoyment of all human rights for all, including, inter alia, on the right to adequate housing, and to adopt effective legal, policy and institutional measures that address racism beyond a summation of individualized acts that promote housing choice and economic opportunity and achieve diverse, inclusive, integrated and representative communities, and recommending that progress be measured according to indicators grounded in impact rather than intent,

Deeply concerned that persons with disabilities, especially children and older persons, often lack equal access to adequate housing and infrastructure facilities that are accessible and appropriate to their needs, which has an impact on their equal right to live in the community, including their equal opportunity to live independently and participate fully in all aspects of life, including education and employment,

Expressing deep concern that climate change increases the frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights, including the right to adequate housing as a component of the right to an adequate standard of living, and recalling the need to accelerate action on mitigation, enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change, including through resilient urban planning and housing design, and in this regard affirming the need for the continued implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030,

Emphasizing that the adverse effects of climate change have a range of negative implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living,

Recognizing that, while the implications of climate change-related impacts and environmental damage for the enjoyment of the right to adequate housing as a component of the right to an adequate standard of living affect individuals and communities around the world, the consequences are felt most acutely by those that are already in vulnerable situations or are most sensitive to impacts of climate change, such as children, persons living in informal settlements, people living in least developed countries, small island States and rural and local communities, and indigenous peoples,

Deeply concerned that investment in housing has often become primarily a financial instrument solely and exclusively focused on seeking high returns, disconnecting it from its social function as a place to live in security and dignity,

Recognizing that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Recalling the guiding principles on security of tenure for the urban poor, the basic principles and guidelines on development-based evictions and displacement, and the Guidelines for the Implementation of the Right to Adequate Housing, submitted to the Human Rights Council by previous mandate holders,

Noting with appreciation the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, in the promotion of the rights relating to adequate housing as a component of the right to an adequate standard of living, including all relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

1. *Calls upon* States:

(a) To give due consideration to integrating the human right to adequate housing into the implementation of the New Urban Agenda and the 2030 Agenda for Sustainable Development, with a particular view to the right to non-discrimination in this context;

(b) To take urgent measures to address inadequate housing, to promote the integration of all to counter social exclusion and marginalization, and to improve the living circumstances of persons residing in informal settlements, unplanned urban and peri-urban areas, and rural areas, in compliance with international human rights law;

- (c) To take the measures necessary to curb factors that result in a lack of affordable housing, such as housing speculation and the “financialization of housing”;
- (d) To take the right to adequate housing into account in strategies for adaptation to and mitigation of climate change;
- (e) To work with affected communities and individuals to develop and promote environmentally sustainable and sound housing design, construction and maintenance to address the effects of climate change while ensuring the right to adequate housing;
- (f) To enhance international cooperation and assistance, in particular capacity-building, for mitigation and adaptation measures to assist especially those countries that are particularly vulnerable to the adverse effects of climate change, to promote and protect human rights, in particular the right to adequate housing as a component of the right to an adequate standard of living;
- (g) To consider adopting national programmes and legislation compliant with human rights law and due process and with respect for human dignity and proportionality, to prevent, avoid and reduce evictions, and to promote affordable housing for all;
- (h) To ensure that evictions are consistent with the principles of legality, proportionality and necessity and comply with international human rights law and international humanitarian law, with full respect for due process and human dignity, and avoid disproportionate and unnecessary use of force;
- (i) To consider adopting or extending special measures to prevent and avoid evictions provoked by the economic impact of the COVID-19 pandemic, paying special attention to persons in vulnerable situations;
- (j) To implement the 2030 Agenda for Sustainable Development, including target 11.1, and in this context urges States to adopt, in consultation with relevant stakeholders, including civil society, national human rights institutions and the private sector, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines, and include appropriate mechanisms for regular monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;
- (k) To ensure women’s equal right to adequate housing as a component of the right to an adequate standard of living in all aspects of housing strategies, including through equal access to credit, mortgages, home ownership and rental housing, to take the safety of such housing properly into account, especially when women and children face any form of violence or threat of violence, and to undertake legislative and other reforms to realize equal rights for all with respect to property and inheritance;
- (l) To guarantee the full, effective and meaningful participation of women in all aspects of housing-related policymaking, including housing design and construction, community development and planning, and transportation and infrastructure, including women living in informal housing or in camps;
- (m) To undertake additional efforts to prevent and eliminate all forms of violence, both online and offline, including sexual and gender-based violence and domestic violence, especially against women and girls, in compliance with international human rights law, including through the use of restraining orders, the provision of alternative housing, crisis centres, shelters, hotlines and medical, psychological and counselling services;
- (n) To take all measures necessary to eliminate legislation that criminalizes homelessness, and to take positive measures with a view to prevent and eliminate homelessness by adopting and implementing laws, administrative orders, cross-sectional strategies and programmes at all levels that are, among others, gender-, age- and disability-responsive and based on international human rights law;
- (o) To ensure that construction companies work in accordance with building regulations and in compliance with safety and accessibility standards;

(p) To take appropriate measures to ensure that business enterprises, including financial entities, in the housing sector meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights;

2. *Also calls upon* States to ensure equality and non-discrimination when fulfilling the right to adequate housing, and to strive towards the full realization of the right to adequate housing for all, including by considering:

(a) Prohibiting all forms of discrimination, in particular racial discrimination as well as racism, in the context of the right to adequate housing as a component of the right to an adequate standard of living by public and private entities, including public and private housing and credit providers and home value appraisers, and through technology platforms for credit scoring, tenant screening and mortgage loan applicants, and ensure that housing and anti-discrimination legislation provides sufficiently dissuasive fines or other dissuasive sanctions for housing discrimination and leads to diverse, inclusive communities;

(b) Regularly monitoring and identifying any forms of systemic discrimination, in particular racial discrimination in relation to housing, including spatial segregation, and adopt special, positive measures and policies at the local, national and regional levels to eliminate such discrimination, in conformity with international human rights law;

(c) Establishing accessible and sufficiently resourced non-judicial mechanisms, such as equality bodies, ombudspersons and national human rights institutions, that have the competence to investigate individual and collective complaints of housing discrimination, including systemic forms of housing discrimination and spatial segregation, and that monitor discrimination in relation to housing through age-, disability- and sex-disaggregated statistical analysis, surveys and other means, make recommendations for eliminating housing discrimination and provide legal advice and effective remedies to victims of housing discrimination;

3. *Further calls upon* States to provide, in an accessible, affordable, timely and effective manner, an effective remedy and equal access to justice and administrative procedures in complementing judicial recourses for all for violations and abuses in the context of the realization of the right to adequate housing, including housing discrimination and spatial segregation, by considering:

(a) Adopting domestic legislation and administrative orders giving full effect to the right to adequate housing and redress for violations of that right;

(b) Making provisions for legal support and legal aid;

(c) Promoting the establishment of national human rights institutions, equality bodies, ombudspersons and civil society organizations supporting the interests of affected persons in accordance with their respective procedural law;

(d) Ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities, if not yet ratified or acceded to;

4. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and takes note of his reports, including his most recent report on discrimination, spatial segregation and the right to adequate housing;¹

5. *Decides* to continue its consideration of this matter under the same agenda item.

¹ A/HRC/49/48.