



General Assembly

Distr.: Limited

17 April 2020

Original: English

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda item 3

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

**Albania,* Austria, Belgium,* Brazil, Canada,* Croatia,* Cyprus,* Denmark,
Estonia,* Fiji, Finland,* Germany, Greece,* Iceland,* Italy, Latvia,* Lithuania,*
Luxembourg,* Maldives,* Mexico, Montenegro,* Namibia, Netherlands, Norway,*
Paraguay,* Peru, Philippines, Portugal,* Romania,* Sweden,* Switzerland,*
Thailand,* Turkey* and Ukraine: draft resolution**

43/... 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 and the International Covenant on Civil and Political Rights, entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

Reaffirming also that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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 Human Rights Council and the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living,

Recalling further all previous 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

* State not a member of the Human Rights Council.



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

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures 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,

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 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,

Expressing deep concern at the number and scale of natural disasters and their negative impact on the right to adequate housing, 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 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,

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, and of the basic principles and guidelines on development-based evictions and displacement, 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, in the promotion of the rights relating to adequate housing as a component of the right to an adequate standard of living, including all its 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 in the implementation of the New Urban Agenda and the 2030 Agenda for Sustainable Development;

(b) To take urgent measures to address inadequate housing and to improve the living circumstances of persons residing in informal settlements, 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”;¹

¹ See A/HRC/34/51.

(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 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;

(g) 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;

(h) 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;

(i) 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;

(j) 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;

(k) To ensure that construction companies work in accordance with building regulations and in compliance with safety standards;

2. *Also 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 of the right to adequate housing 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 the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, if not yet ratified;

3. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context, including the undertaking of country visits, and takes note of her reports, including her most recent report containing guidelines for the implementation of the right to adequate housing;²

4. *Decides* to extend, for a period of three years, the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living,

² A/HRC/43/43.

and on the right to non-discrimination in this context, as set out by the Human Rights Council in previous resolutions, in particular Council resolution 15/8 of 30 September 2010;

5. *Requests* the Special Rapporteur, in fulfilling the mandate, to continue to engage with States in the implementation of the right to adequate housing, the New Urban Agenda and housing-related Sustainable Development Goals and targets, and to consult with civil society and other stakeholders, in accordance with Human Rights Council resolution 37/4 of 22 March 2018;

6. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(a) To continue to cooperate with the Special Rapporteur in the discharge of his or her mandate, and to respond favourably to his or her requests for information and visits;

(b) To enter into a constructive dialogue with the Special Rapporteur with respect to follow-up to and implementation of his or her recommendations;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the resources and assistance necessary for the Special Rapporteur to fulfil the mandate effectively;

8. *Requests* the Special Rapporteur to submit an annual report on the implementation of the mandate to the Human Rights Council and to the General Assembly in accordance with their annual programme of work;

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