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

Albania, Armenia,* Austria,* Belgium, Brazil, Chile, Costa Rica, Croatia,* Cyprus,* Denmark,* Ecuador,* Estonia,* Finland, Georgia, Germany, Iceland,* Ireland,* Latvia,* Lithuania, Luxembourg, Malta,* Marshall Islands,* Mexico,* Montenegro, Namibia,* Netherlands (Kingdom of the), North Macedonia,* Norway,* Paraguay, Peru,* Poland,* Portugal,* Romania, Slovenia,* Spain,* Sweden,* Ukraine* and Uruguay*: draft resolution

55/... 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,

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,

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 78/172 of 19 December 2023 on inclusive policies and programmes to address homelessness, including in the aftermath of the coronavirus disease (COVID-19),

Recalling further 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

* State not a member of the Human Rights Council.



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

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 United Nations Habitat Assembly resolution 2/7 of 9 June 2023 on adequate housing for all, including the decision to establish an open-ended intergovernmental expert working group to consider and make recommendations to the Assembly on the development and content of policies for accelerating progress towards the universal achievement of safe, sustainable, adequate and affordable housing,

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, older persons, internally displaced persons, refugees, migrants and Indigenous Peoples, 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 effects of racial discrimination and of systemic racism, including as they relate 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,

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,

Recognizing that, for persons with disabilities, choosing where and with whom to live, being part of a community and having access to adequate and accessible housing are central to a life that includes dignity, autonomy, participation, inclusion, equality and respect for diversity of persons with disabilities,

Deeply concerned that persons with disabilities 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 independently, to be included in the community and to participate fully in all aspects of life, including education and employment, on an equal basis with others,

Recalling that article 19 of the Convention on the Rights of Persons with Disabilities recognizes the equal right of all persons with disabilities to live in the community, with choices equal to others, and provides that, with a view to realizing this right without discrimination, States parties shall take effective and appropriate measures to facilitate the full enjoyment by persons with disabilities of this right, and their full inclusion and participation in the community, by, inter alia, ensuring that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others, and are not obliged to live in a particular living arrangement,

Recalling also that article 28 of the Convention on the Rights of Persons with Disabilities recognizes the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate housing, and to the continuous

improvement of living conditions, and provides that States parties shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability,

Emphasizing that access to the physical environment, transportation, information and communications, including information and communications technology, and other services and facilities provided to the public are essential to ensure that all aspects of the housing environment are accessible to persons with disabilities,

Noting that new and emerging digital technologies, including assistive technologies and artificial intelligence, can contribute to the full realization of the right to housing, including by improving disaster risk management, facilitating in-home, residential and other community support services, and improving accessibility of the housing environment, while also recognizing the need for appropriate human rights safeguards to mitigate its risks,

Emphasizing the importance of housing to the dignity and equal rights of persons with disabilities, who often face widespread and severe forms of discrimination in virtually all aspects of housing, from the inaccessible design of buildings to barriers, to finance or discriminatory tenant selection and various forms of stigmatization, and acknowledging in particular that persons with disabilities are at a greater risk of violence within and outside of their homes simply because of their disability,

Concerned at the mounting crisis of housing unaffordability, in particular in urban contexts, and its disproportionate impact on individuals and groups in vulnerable situations, including persons with disabilities, who are more likely to live in poverty and to have higher housing costs,

Expressing concern that persons with disabilities, including persons with psychosocial and intellectual disabilities, are disproportionately experiencing homelessness, which in turn may exacerbate impairments and additional barriers linked to stigma and isolation,

Expressing deep concern at the destruction of housing, arbitrary displacements and forced evictions in armed conflicts, and at the number and scale of disasters caused by natural or man-made hazards and their negative impact on the full enjoyment of 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 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,

Deeply concerned that investment in housing has often become primarily a financial instrument solely and exclusively focused on seeking high returns, disconnecting housing 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, including persons with disabilities, 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,¹ the basic principles and guidelines on development-based evictions and displacement,² and the Guidelines for the Implementation of the Right to Adequate Housing,³ 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 Rights of Persons with Disabilities, in the promotion of the rights relating to adequate housing as a component of

¹ See A/HRC/25/54.

² A/HRC/4/18, annex.

³ A/HRC/43/43.

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 or the Optional Protocol to the Convention on the Rights of Persons with Disabilities, 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 implement the 2030 Agenda, including target 11.1, and in this context urges States to adopt, in consultation with relevant stakeholders, including civil society, organizations of persons with disabilities, national human rights institutions and the private sector, inclusive and cross-sectoral strategies that are disability-inclusive and 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 rights and needs of persons who are in vulnerable situations, including persons with disabilities;

(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”, and to promote affordable housing for all;

(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, including persons with disabilities, 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, to prevent, avoid and reduce evictions;

(g) 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;

(h) To avoid and prevent the destruction of housing and civilian infrastructure in conflicts in a manner that is in compliance with international human rights law and international humanitarian law;

(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 guarantee the full, equal and meaningful participation of women, including women with disabilities, 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;

(k) 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, including women and girls with disabilities, 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;

(l) To ensure that the principles of equality and non-discrimination are respected when fulfilling the right to adequate housing, and in this respect to take measures to the maximum of available resources to address systemic homelessness and the deprivation of housing, which disproportionately affect persons with disabilities;

(m) 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 compliant with international human rights law;

(n) To ensure that persons with disabilities have access to community support services, including personal assistance, necessary to support living and inclusion in the community, and to ensure that access to adequate housing, appropriate and affordable services and appropriately trained support for persons with disabilities is provided in the community, with a view to achieving deinstitutionalization;

(o) To take measures to reduce spatial segregation and isolation or social exclusion of persons with disabilities from the community by ensuring the right of persons with disabilities to live independently within the community with persons of their choice;

(p) To design and implement data collection on the housing circumstances of persons with disabilities, disaggregated by relevant characteristics, such as race, ethnicity, disability, age and sex;

(q) To closely consult with and actively involve persons with disabilities and their representative organizations in all areas of housing policy and design;

(r) To undertake and promote measures that new objects, building environments, facilities, goods and products and services, including housing is designed in a way that makes them accessible for persons with disabilities, consistent with the principles of universal design;

(s) To adopt accessibility requirements that apply to new housing and implement a clear time frame for ensuring accessibility within existing housing stock;

(t) To ensure that local governments implement and adhere to the right to adequate housing in all municipal action, including when carrying out urban planning, zoning, planning of transportation and production and maintenance of housing, taking into account accessibility requirements, and seek to provide greater clarity in the distribution of responsibilities and strengthen institutional cooperation and coordination between national and local governments;

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

(v) 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;

(w) To ensure that reasonable accommodation measures for persons with disabilities are provided in relation to the right of adequate housing as a component of the right to an adequate standard of living in order to promote equality and eliminate discrimination;

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, including against persons with disabilities, 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 accessible technology platforms for credit scoring, tenant screening and mortgage loan applicants, and ensuring 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, including against persons with disabilities, in relation to housing, including spatial segregation, and adopting 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, disability-inclusive 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, including with a disability-inclusive perspective;

(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 and where applicable, to the Optional Protocols to the aforementioned conventions;

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 the reports of the Special Rapporteur, including the most recent reports on affordability and resettlement,⁴ and invites States and other relevant stakeholders to contribute to the development of the guidelines on resettlement by the Special Rapporteur;

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

⁴ A/78/192 and A/HRC/55/53.