



Housing as a Human Right

Problem Description

Housing is a fundamental human need. Everyone needs somewhere to call home. The access to decent and affordable housing is essential for individual well-being, societal stability, and economic security. The concept of housing as a human right¹ however is disputed and subject to insufficient and inadequate solutions in many legal and policy frameworks². The 1948 United Nations Universal Declaration of Human Rights (UDHR)³, in Article 25 states:

“Everyone has the right to a standard of living adequate for health and well-being, including housing.”

Among the United Nation Member States there is a wide consensus that the declaration itself is non-binding and not part of customary international law. Consequently, the implementation and recognition of housing as a legally enforceable right face significant challenges, often translating into homelessness, unaffordable or inadequate or uncertain housing.

Challenges in Defining Housing as a Human Right

Lack of Binding Legal Frameworks

International instruments like the UDHR and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) acknowledge the right to adequate housing. However, as the declarations in question lack legal binding force, individual states are often not compelled to act. This often results in a gap between the recognition of housing as a human right and its enforcement.⁴

In the EU context the European Social Charter, overseen by the Council of Europe, recognizes the right to housing. However, the provisions contained in the Social Charter lack direct enforceability within member states. A concrete example can be found in France⁵, which has incorporated the “right to housing” in national law through the so-called “DALO”⁶ Act. The enforcement of the act however has been criticized for nevertheless failing to meet the housing needs of the population effectively, as evictions continue to occur, often impacting vulnerable groups and highlighting the gaps in legal protections.

¹ This paper offers an extended IUT position with its basis found in Point 1 of the *IUT Priorities for the European Parliament (2024-2029)*, also known as the Delft Declaration. <https://www.iut.nu/wp-content/uploads/2023/11/IUT-Priorities-for-the-European-Parliament-2024-2029-Final-Version-IUT-Board-.pdf>

² Many countries include references to housing in their constitutions or other national legislation, e.g. South Africa (constitution guarantees the right to access to adequate housing), Finland (legislative framework strongly supports housing as a human right through various policies), India (judicial interpretation relating to constitutional right to life), Portugal (constitution), Brazil (constitution includes housing as a social right), Spain (constitution states that citizens have the right to enjoy decent and adequate housing), Ecuador (constitution enshrines housing as a right), France (not in constitution, but the DALO law (Droit au Logement Opposable) affirms the right to housing, allowing citizens to claim this right through the courts), Sweden (constitution obliges public bodies to ensure the right of housing), the Netherlands (constitution stipulates that the government shall promote adequate housing), Venezuela (constitution guarantees the right to adequate housing), Colombia (constitution recognizes the right to live in dignity and obliges the state to ensure access to adequate housing).

³ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁴ Eurofound. (2021). Housing in Europe: Quality, affordability, and accessibility.

⁵ The Guardian. (2017). France’s DALO law: The right to housing remains elusive.

⁶ Droit au Logement Opposable.

Different Interpretations and Implementations

Different countries interpret the right to housing in a number of different ways⁷, and often national policies simply fall short in promoting housing as a human right. The effect being inconsistency in applications across different jurisdictions. Some nations have opted to viewing it as a state obligation to provide shelter. Such inconsistencies tend to make it excessively difficult to establish a truly universal standard. As a direct result many are left without adequate protection.

The Spanish constitution provides a right to decent and adequate housing. However, this has not prevented a widespread housing crises. In particular, this was the case in the aftermath of the 2008 financial crisis, leading to mass evictions. These evictions, often carried out without adequate safeguards, have been criticized as violations of the right to housing, as many people were left homeless without sufficient state intervention. Similarly, in Ireland, the ongoing housing crisis has led to rising rents and increased evictions, particularly affecting low-income families and single parents, demonstrating the need for stronger protections and a more robust interpretation of housing rights. A slightly different example is Finland which has adopted its "Housing First" policy. This has proven successful in reducing homelessness by treating housing as a right rather than a privilege.⁸

Market Forces and Human Rights

Housing tends to be treated as a commodity rather than a right. Thereby becoming subject to regular market dynamics and profitability being prioritized instead of accessibility and affordability. Commodifying housing tends to worsen inequality. It also tends to disproportionately affect vulnerable groups, including low-income tenants, who already often find themselves priced out of safe and stable housing.

Due to speculative investment and gentrification in Berlin, housing prices have surged, displacing long-term residents. As a response to this development, Berlin tried to implement a controversial rent freeze in 2020 to counterbalance market forces. However, this attempt was later overturned by the German Federal Constitutional Court. The example however highlights the tension between market regulations and housing as a right.⁹ Additionally, in Italy rents increasing in urban areas like Rome and Milan have led to evictions disproportionately affecting migrant communities and low-income families, raising concerns about the violation of their housing rights.

The Tenants' Perspective on Housing as a Human Right

The recognition and enforcement of housing as a human right are crucial for ensuring security, dignity, and equality. In the following, several arguments and examples supporting the claim that housing should be universally recognized and upheld as a human right has been collected:

Security of Tenure

Security of tenure is a cornerstone of the right to adequate housing. It ensures the tenant's right to have the lease renewed after the lease expires unless a court orders otherwise. Depending on which system, the right is attained differently, but the overall aim is to provide tenants with peace of mind, allowing them to build stable lives without the constant threat of losing their homes. Recognizing

⁷ Housing Europe. (2020). State of Housing in the EU.

⁸ Y-Foundation. (2020). The Housing First model in Finland: Success in reducing homelessness.

⁹ Der Spiegel. (2021). Berlin's Rent Freeze: A bold experiment in protecting tenants.

housing as a human right ensures that tenants have legal protection against arbitrary eviction and displacement.

For example in Denmark, security of tenure is guaranteed by indefinite leases and strict rent control.¹⁰ Such a legal framework provides tenants with the security needed to maintain stable living conditions, and contributes to high levels of tenant satisfaction.

Access to Basic Services and Livelihoods

Adequate housing is not limited to being a roof over one's head. Adequate housing is a foundation for accessing essential services like education, healthcare, and employment. Housing is no ordinary good. The benefits to society of consumption of the good is simply greater than individuals would be aware of or would prioritise. Unlike a private good, that has clear and immediate benefits to the individual consumer, the individual consumer will not be fully aware of the effects that housing has on their lives. For instance, very few individuals will be aware that their own chances of social mobility or health status, or those of their children, might be affected by where geographically they live or the quality of housing they live in. Nor will the individual be aware of, at the time of consumption, that their housing consumption will have external benefits to society. For instance, the fact that the closer the person lives to an active labour market and/or in the vicinity of public transport, the greater the chances are that they will find a job and thus contribute tax revenue to society instead of drawing on societal means through e.g. an unemployment benefit. Without secure housing, tenants may struggle to maintain jobs, access quality education for their children, or receive necessary medical care, perpetuating cycles of poverty and marginalization.

For example, in Greece, the economic crisis led to widespread housing insecurity, with many families losing access to healthcare and education as a result of homelessness. The crisis highlighted the critical role that housing plays in accessing basic social services.¹¹

Affordability and Prevention of Exploitation

Housing must also be affordable to ensure that tenants are not exploited by landlords or forced into substandard living conditions. Various types of rent control measures and/or subsidies can help achieve this, ensuring that all tenants have access to decent, affordable housing.

In Vienna, the government has successfully maintained and continuously developed a large stock of social housing. This ensures that a significant proportion of residents have access to affordable, high-quality housing. Consequently, public investment in housing can prevent exploitation and maintain affordability, even in a competitive urban market. Conversely, in Ireland, the lack of affordable housing has led to a surge in evictions, revealing the dire consequences of failing to implement robust affordability measures.

Equality and Non-Discrimination

The right to housing is intrinsically linked to the principle of non-discrimination. Marginalized groups, often face discrimination in the housing market. Recognizing housing as a human right would compel states to address these disparities, promoting inclusive policies and social cohesion.

¹⁰ European Commission. (2020). Country report: Denmark.

¹¹ WHO. (2019). Health and housing in Europe: A focus on marginalized communities.

In the Netherlands, the government has taken steps to address housing discrimination, particularly against ethnic minorities and low-income individuals¹². However, challenges remain, especially in the private rental market, where discrimination still persists.

Psychological and Physical Well-being

Stable housing is essential for mental and physical health. Insecure housing conditions or outright homelessness is often associated with stress, anxiety, and increased vulnerability to illnesses. A further example of shortage of housing can be found in the so called “delayed lives” of young people, meaning due to scarcity and high costs of housing the possibility of starting a life, family and so forth becomes limited.¹³

Research conducted in the United Kingdom, has shown that poor-quality housing and insecure tenancies have significant negative impacts on mental health. However, the introduction of “Housing First” styled initiatives in cities like Glasgow aims to address these challenges by providing secure, permanent housing as a foundation for improving health and well-being.

Social Stability and Economic Participation

Housing stability enables tenants to participate fully in society and the economy. Not having to fear the loss of ones home, individuals are often capable of contributing more effectively to their communities and the economy. This stability also reduces the need for expensive emergency interventions, such as shelters or medical care for the homeless, benefiting society as a whole.

The Swedish model on the housing market is known for its relatively high level of public housing, which ensures that a large portion of the population has access to stable and affordable housing, enabling broader economic and social participation.

Objections and Rebuttals

Despite the compelling arguments for recognizing housing as a human right, opposition persists from various groups. These objections often stem from differing views on the role of housing in society and the implications of such a policy shift. Below, some of the most common objections are explored, along with responses that address their concerns.

One objection is the view that housing is fundamentally a **commodity governed by market forces**, and recognizing it as a human right could disrupt the housing market, leading to inefficiencies and reduced investment in development. While housing is indeed a commodity, it is above all a basic necessity. Treating it solely as an economic good overlooks the social and ethical responsibilities associated with ensuring adequate housing for all. The concept of housing as a human right does not eliminate market dynamics, but seeks to ensure they operate in the public's best interest. For instance, Vienna's successful social housing model highlights that public investment in affordable housing can coexist with a thriving market, demonstrating that balancing market interests with the need for secure and affordable housing is achievable.

Another concern revolves around the fear of **government overreach**. Critics argue that declaring housing a human right would lead to excessive government intervention, infringing on property

¹² On the other hand, the so called “Rotterdamwet” tends to enclose neighbourhoods with mostly lower income inhabitants. In other words, the Dutch legal framework is not entirely a positive example.

¹³ Carla Huisman (PhD), e.g. <https://cypers.nl/thesisfinalweb.pdf>

rights and creating inefficiencies through bureaucracy. However, the right to housing does not imply free housing for everyone. Instead, it entails establishing a framework that ensures access to adequate housing, prevents discrimination, and protects against arbitrary eviction. Policies such as rent control, housing subsidies, and incentives for affordable housing development can achieve fairness and stability without veering into overreach. Sweden's balanced approach, combining public housing initiatives with regulations that support both tenant rights and property interests, serves as a compelling example.

Financial feasibility is another frequently cited concern. Critics worry that the financial burden of ensuring housing as a human right could be prohibitively high, particularly in economically struggling nations. However, neglecting housing as a human right incurs even greater costs, including higher healthcare expenses, diminished productivity, and increased crime rates resulting from insecure housing conditions. Preventive measures, such as affordable housing initiatives and tenant protections, are ultimately more cost-effective and foster long-term stability and prosperity. Finland's "Housing First" model, which prioritizes providing permanent housing to those in need, has proven to reduce long-term costs in healthcare and social services, enhancing both individual well-being and societal stability.

Lastly, some argue that recognizing housing as a human right may lead to **moral hazard**, fostering dependency on the state and discouraging personal responsibility. However, the right to housing is not about removing individual accountability, but about providing a safety net that ensures no one is left without shelter. It establishes a baseline standard of living while promoting both personal and collective responsibility. In France, public housing programs exemplify this balance by incorporating opportunities for tenants to eventually own their homes, fostering accountability and empowerment alongside support.

Through these rebuttals, it becomes clear that recognizing housing as a human right is not only ethically necessary but also economically and socially beneficial. The examples provided illustrate how nations can navigate these concerns to create systems that prioritize human dignity without compromising efficiency or fairness.

Conclusion

The recognition of housing as a human right is not merely a theoretical ideal but a practical necessity. It is essential for safeguarding the dignity, security, and well-being of tenants worldwide. As the International Tenants Union, we must advocate for policies ensuring everyone having access to safe, affordable, and adequate housing, irrespective of their economic status or background. By framing housing as a human right, we take a crucial step toward a more just and equitable society, where everyone has the opportunity to live in dignity and security.