



# The Forum

promoting dialogue among Habitat for Humanity's worldwide partners

## Habitat for Humanity and housing rights

By Steven Weir

"I used to be a man without a permanent address. When I saw abuse and corruption at the school where I teach, I did not dare speak out for fear of being transferred to a remote part of the country where I could not care for my family. With this house, my family and I have a permanent address. We will never live in fear of speaking out again.

In 1823, my forefathers' family was forcibly relocated from southern India to Sri Lanka to work as laborers on the tea estates. After generations of savings, my grandfather purchased this small plot of land (approx. 5m x 10m), but our family did not have the money to build a home and move out of the inhuman living conditions of company line housing. As a teacher I should qualify for a government loan, but as a low-caste person, my application has never been processed. We have been refused help by the bank, our local temple, the school district and the government—we had nowhere to turn. Habitat for Humanity Hatton's assistance has changed the life of my family forever. We are now a family with a permanent address, and I will never be afraid to speak out again."

—Mr. S. Durairaj at the dedication of his family's new house in April 1995.

### Housing as the basis for human rights development

**T**ransformational community development is central to broad-based human rights development, and secure housing is the cornerstone for a family's participation in that process. The UN Fact Sheet on the Right of Adequate Housing expresses the connection and the scale of the need in this way: "*Adequate housing is universally viewed as one of the most basic human needs.*" [emphasis added] The United Nations Universal Declaration of Human Rights (1948) named housing as an integral part of the right to an adequate standard of living. (See page 11 for Article 25.)

A fact sheet from the United Nations High Commissioner for Human Rights (UNHCHR) adds that since the original 1948 declaration, "no less than 12 different texts adopted and proclaimed by the UN explicitly

Continued on page 2

### contents

Habitat for Humanity and housing rights . . . . .	1
From the editors . . . . .	2
Living out the love and teachings of Jesus . . . . .	5
Using human rights for human development . . . . .	6
The right to adequate housing: From law to practice . . . . .	8
The United Nations and housing as a human right . . . . .	10
Human rights . . . . .	11
A West African perspective: The case of Côte d'Ivoire . . . . .	12
A brief look at housing rights in the Asia/Pacific region . . . . .	14
Housing as a human right: A European view . . . . .	17
HFH Ecuador helps with advocacy efforts for housing as a human right . . . . .	19
Moving forward progressively . . . . .	20
Housing as a human right in the United States . . . . .	22



## From the editors

**W**elcome to this issue of “The Forum.” In this issue, we examine “housing as a human right,” and what it means in the different contexts in which Habitat works worldwide. Since this is a relatively new topic within the organization, our goal is to inform and provide a means of sharing information. While the articles here represent a broad spectrum of views, it is clear that access to housing is vital for every person on this planet and that poverty housing is morally unacceptable—something that Habitat for Humanity has been articulating clearly for 30 years. We hope that this information will strengthen our resolve to develop new methodologies to reach more families and deepen our desire to advocate on behalf of those who need decent, safe and adequate housing. Let us press on, knowing that what we are called to do is a task of vital importance.

We would like to remind you that this issue and previous issues of “The Forum” can be accessed online at: <http://beta.partnernet.habitat.org/OrganizationalLearning/TheForumEnglish>.

As always, we appreciate your feedback regarding this publication.

*Anita Mellott and Karan Kennedy*

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## Habitat for Humanity and housing rights

Continued from page 1

recognize the right to adequate housing. Interestingly, of these treaties the United States has ratified only one—the International Convention on the Elimination of All Forms of Racial Discrimination.”<sup>1</sup>

### Housing as a moral imperative—Habitat for Humanity’s response

In 1996 at the UN Habitat II conference, leaders from 171 nations met in Istanbul to reaffirm and review the progress made on the right to housing. Habitat for Humanity founder, Millard Fuller, has on many occasions stated Habitat for Humanity’s concurrence with the UN call to action stating, “Habitat for Humanity believes that it is politically, socially, morally and religiously unacceptable for people to live in substandard housing.”<sup>2</sup> As a plenary speaker at Istanbul, Fuller affirmed the universal concern for housing and offered a way forward: “The task at hand—namely to assure adequate shelter and livable, sustainable communities that nurture and enhance life rather than demeaning and destroying it—is too big, too daunting to leave any potential ally standing idly on the

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### Mission statement

“The Forum” exists to enable the worldwide partners of Habitat for Humanity International to accomplish its mission by providing a means to:

- Promote discussion, the exchange of ideas and best practices, and knowledge sharing;
- Share concerns and challenge our standard ways of doing things; and
- Explore different methodologies and issues relating to housing and poverty worldwide.



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## Habitat for Humanity and housing rights

Continued from page 2

sidelines. Every such potential ally from whatever realm, government or otherwise, should be encouraged to make the maximum contribution possible to help alleviate the suffering of our fellow human beings who are languishing in miserable living conditions. We can ill afford the luxury of leaving any of them on the sidelines of our noble struggle to provide adequate shelter for all.”<sup>3</sup>

It is clear from Fuller’s statements that while the legal right to adequate housing may be globally recognized, our personal and corporate obligations are broader. What

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IT IS CLEAR FROM FULLER’S STATEMENTS THAT WHILE THE LEGAL RIGHT TO ADEQUATE HOUSING MAY BE GLOBALLY RECOGNIZED, OUR PERSONAL AND CORPORATE OBLIGATIONS ARE BROADER.

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is needed is the political will or, more broadly, a social contract to eliminate subhuman living conditions in each of our communities.

Habitat for Humanity’s experience is that engaging citizens in direct community participation in areas more narrowly considered economic, social and cultural rights issues, has led to a higher awareness and improvement in the community’s norms in the area of civil and political rights. Like many international humanitarian aid organizations, Habitat’s focus on broad, holistic, transformational development leads to broad, holistic human rights improvement.

### **Koinonia Farm: The precursor to Habitat’s holistic community engagement strategy**

In 1942, 20 years before the civil rights movement, Clarence Jordan and Martin England started an experimental farm in rural Georgia. “Its purpose was twofold: to build a racially inclusive community in which (1) Christians would live in radical obedience to the teaching of Jesus; (2) in a way that that would help farmers—especially the poor.”<sup>4</sup>

During the 1950s, Jordan was excommunicated from the Baptist church, and members of the KKK (Ku Klux Klan) sought to drive him out of the county. Koinonia Farm was boycotted, bombed and their houses were riddled with bullets. Insurance was cancelled and merchants feared to do business with them. In 1968, when survival seemed in doubt, Clarence Jordan teamed up with an entrepreneurial businessman, Millard Fuller, and started a new program called Koinonia Partners through which programs like paralegal assistance, counseling, foster care,

## Transformational change

Transformation occurs in an imperfect system often complicated by cultural conflicts that require compromise as INGOs seek to implement their core philosophy and vision. In “Ethics in Action, The Ethical Challenges of International Human Rights NGOs,” Steven Weir has written a chapter, “Transformation as the Key to Human Rights”<sup>1</sup> where he outlines several such conflicts encountered by Habitat and describes both the compromises, failures and the long-term strategies that were eventually adopted. They are broadly grouped as:

- Discrimination and favoritism in homeowner selection: Human rights improvements—A vision not a reality
- Right to development and cultural governance norms: Human rights improvements in conflict with each other—Choose one
- Media, donors and human rights in complex disasters: Human rights improvement—Made for TV
- Related human rights abuses: Human rights improvements—The narrow view

<sup>1</sup> Cambridge University Press 2007; Chapter 3

prison visitation and a “Fund for Humanity” were begun.<sup>5</sup>

Koinonia Farm’s radical vision of a racially integrated community predates the civil rights movement and is a clear antecedent to Habitat’s strategy of holistic community engagement as the key to transformational change. This core principle continues to shape the normative

Continued on page 4



Volunteers at Koinonia Farm, a racially inclusive community, in Georgia

## Habitat for Humanity and housing rights

Continued from page 3

intervention framework as well as Habitat's approach to human rights issues.

### Human rights improvements

Several interesting observations on human rights improvements can be made from Mr. Durairaj's story. Interestingly, these are seldom understood or articulated in human rights language partly because neither the motivation nor the experiences originate from a human rights agenda.

- Motivated by faith-based obligations rather than human rights obligations, the local Habitat volunteer committee initiates a series of community improvements by helping a single family.
- Improvement in housing results in improvement in Mr. Durairaj's economic and social standing in the community. Cultural discrimination is overcome when

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PERHAPS MORE THOUGHT PROVOKING IS THE EFFICACY OF A METHODOLOGY THAT COMBINES PERSONAL ENGAGEMENT WITH FAITH-BASED MOTIVATION AND SEEMS TO RESULT IN A TRANSFORMATION FAR BEYOND THE NOTIONAL HUMAN RIGHTS IMPROVEMENT.

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neighbors of a different caste and ethnic background volunteer to assist Mr. Durairaj through their own labor. Mr. Durairaj's subsequent assistance to others further demonstrates the breaking down of cultural divisions. Civil and political improvements occur when a previously disenfranchised Mr. Durairaj now organizes a small minority community and successfully negotiates municipal approvals for their development project.

- Through a participatory engagement methodology, improvements occur in the areas of economic, social, cultural, civil and political human rights
- The personal transformation of Mr. Durairaj, and the individual participation by others in improving Mr. Durairaj's housing conditions, results not only in holistic community development, but also in transformed community motivation. Personal engagement is often the strongest motivation for continued change.

While the improvement in Mr. Durairaj's physical comfort and security was surely dramatic, this level of personal transformation is typically not seen in the lives of

the residents of government give-away housing schemes who experience similar improvements in their human rights through improved housing conditions. An improvement in housing alone is generally insufficient to sustain the ongoing development in a community needed to affect its human rights. The plethora of failed government relocation and mass housing schemes are evidence of the unique transformation experienced by Mr. Durairaj.

Perhaps more thought provoking is the efficacy of a methodology that combines personal engagement with

Continued on page 24

## Bibliography

Barnette, Henlee H., Jordan, Clarence, *Turning Dreams into Deeds* (Macon, GA: Smyth & Helwys Publishing Inc., 1992)

Carens, Joseph, Fiji paper

Chambers, Robert, *Whose Reality Counts?* Intermediate Technology Publications 104

Government of India, DEC evaluation report, *Shelter and the use of contractors*, 2001

Fuller, Millard, *More than Houses* (Nashville, TN: Word Publishing, 2000)

Fuller, Millard, *Bokotola* (Piscataway, NJ: Association Press, New Century Publishers Inc., 1977)

Hiebert, Paul, *The Flaw of the Excluded Middle* (1982) *Missiology* 10:1

*Human Rights in Development* Web page (<http://www.unhchr.ch/development/right-01.html>)

Lee, Dallas, *The Cotton Patch Evidence* (New York: Harper & Row, 1971)

Meyers, Bryant, *Walking with the Poor: Principles and Practices of Transformational Development* (Maryknoll, NY: Orbis Books, 1999)

Newbiggin, Leslie, *Foolishness to the Greeks: The Gospel and Western Culture* (Grand Rapids, MI: Eerdmans, 1986)

United Nations, Office of the High Commissioner for Human Rights, *Fact Sheet No. 21, The Human Rights to Adequate Housing* (<http://www.unhchr.ch>)

*Draft Community Impact Study*, MTTH project sponsored by USAID in Nepal and Sri Lanka, 2002

United Nations, *Universal Declaration of Human Rights* (1948) Article 25.1 (<http://www.unhchr.ch>)

# Living out the love and teachings of Jesus

by Jonathan Reckford

It's not difficult to find documents declaring adequate shelter a human right—Article 25 of the Universal Declaration of Human Rights, for example, clearly mentions this (see page 11).

Since 1948, there has been much debate as to whether families have a right to housing and whether governments are legally compelled to ensure shelter for all. I imagine the conversation will continue into the future as well.

Habitat for Humanity International's board of directors formally endorsed that article a few years ago, underscoring the fact that, "All people everywhere have a responsibility to work together to ensure that everyone has decent shelter on terms they can afford. Furthermore, we believe the provision of adequate housing for everyone is a religious, moral, social and political obligation to be fulfilled, not by any one organization, but through the commitment of all."

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AS A FAITH-BASED ORGANIZATION,  
WE UNDERTAKE OUR HOUSE-BUILDING  
WORK BECAUSE OF A HIGHER CALLING  
TO LIVE OUT THE LOVE AND  
TEACHINGS OF JESUS AND BECAUSE  
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NEIGHBORS—GOD'S CHILDREN—IN  
NEED OF A BETTER PLACE TO LIVE.

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As a faith-based organization, we undertake our house-building work because of a higher calling to live out the love and teachings of Jesus and because of a commitment to serve our neighbors—God's children—in need of a better place to live.



Jonathan Reckford (center) participates in a World Habitat Day panel discussion at the United Nations. Also pictured are panel members Zachary D. Mubiri-Muita, Ambassador of Kenya (far left), Ryan Galvin, Deputy Director for Policy for the Office of the Manhattan Borough President (left) and Professor Gautam Dasgupta from Columbia University (far right). World Habitat Day is intended to remind the world of the state of human settlements, and its collective responsibility for the future of human habitation.

ERA MILLSTEIN

Luke 10:30-35 provides the scriptural context. Having been asked to define neighbor, Jesus tells the story of the Good Samaritan. When finished, he asks, "Which one of the three became a neighbor to the man attacked by robbers?"

"The one who treated him kindly," comes the response. Then Jesus instructs, "Go and do the same."

We are called to serve the "least of these." This is manifested in the house-building, life-changing work that we're doing in direct relationship with God, with one another and with those in need of decent homes.

Let us commit ourselves to our shared mission—and to the kind of community Christ calls us to. There's no arguing our obligation to serve those in urgent need around us, to address this abhorrent wrong in our world.

And that is clearly the right thing to do. 🏠

*Jonathan Reckford is the CEO of Habitat for Humanity International.*



STEFAN HACKER

# Using human rights for human development

By Mary Engelking

### What is the human rights-based approach?

The core of a human rights-based approach is the existence of development-process ethical obligations in law. The ethical obligations of governments and individuals, as derived from agreed-upon human rights norms, are already codified in most countries' national laws. Existing national and international laws name what rights exist, who is entitled to claim each right, what are the obligations of those who hold a right, and who is obligated to ensure each right.

Charity is not enough to ensure and sustain human development—practitioners in the development field are aware of the relatively short-lived interest of donors to their charitable causes. It is frustrating because the availability of resources driven by the interest of donors can enable or prevent development programs. Charitable donors do not feel obligated to apply their resources, nor to apply them in a particular manner. Charity can raise many resources, but does not match the ability of governments and market structures to supply funding.

“It’s not just a good idea. It’s the law.” In human rights-

based development all people, regardless of their wealth and power, are due equal protection under the law and enjoyment of their rights. The mindset requires shifting from “charitable” provision for “worthy” causes to “obligatory” enabling of “rightful” conditions. “Things” are not “given” to the “underdeveloped” people, but rather “all people” have “equal access” to “legal rights.” Most people don’t need charity—they need the barriers removed that are preventing them from improving their own lives.

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The sustainability of development work is more easily achieved because it is not necessary to rely on the moral authority of the cause, nor on sustained charity, but instead to rely

on legal obligations. Legal obligations are longer lasting because they are more clearly defined than moral obligations. They outlive the people who set them in place, and the popularity of a particular cause. For most countries a rights-based approach is not about new laws and new obligations, but about use and enforcement of existing legal authority.

A classical human development approach focuses on identifying needs and programs that meet those needs. A

## Using human rights for human development

Continued from page 6

human rights-based approach holds that denial of human rights is the root cause of need and is the social structural barrier to human development.

### Habitat principles are human rights-based

Above all other organizational concepts, the “theology of the hammer” best encapsulates the universal nature of the right to housing and the need to act to eliminate the barriers to this fundamental right.

The idea of “faith in action” is echoed in Article 1 of the Universal Declaration of Human Rights (see page 11, Article 25). The difference of the human rights-based approach is that it uses international law formed around the concepts of legal rights as the basis of obligation.

Habitat for Humanity has always envisioned itself as providing a hand up, not a handout. The organization has asserted during various periods that it is not a charity. The world’s poor do not need “charity,” but only a little assistance to solve their housing problems by their own means. The rights-based approach agrees that people do not need charity, but only an equal opportunity and the removal of barriers so that they can acquire the things they need by their own efforts.

### Possible future steps for HFH

There is a strong concordance between human rights concepts and Habitat principles. Thousands of additional families a year can be helped out of poverty housing by adding policy action with legal authority to HFH’s theologically based traditional activities.

Habitat for Humanity is a powerful Christian ministry, which has strongly attacked the barriers of finance and affordability of housing in its 30-year history. Much of its popularity evolves from the tangible and easily enumerable outputs—houses. Eradicating poverty housing will require additional work aimed at addressing issues of human rights, most likely in the areas of politics and justice.

Habitat has the potential to do what many other organizations are not able to accomplish—mainstreaming human rights into development practice by promoting a rights-enabling environment. The organization’s concepts of the theology of the hammer and faith in action—concepts echoed repeatedly in human rights instruments—provide the opportunity to make critical strategic inroads that can multiply the numbers of families served through

rights-enabling activities at the institutional and socio-political levels.

HFH’s steadfast focus on eliminating poverty housing has shown the public that it has no hidden political or profit motive in its work. With this reputation and continued action in traditional, visible programs, Habitat is well placed to effect housing change off the construction site. Rights-based activities on the socio-political level and links to such activities by traditional programs could leverage the organization’s work. Instead of helping tens of thousands of families each year, HFH could be helping hundreds of thousands.

Habitat could position itself as a global leader in housing policy or support for housing policy, as well as housing construction. Affiliates worldwide struggle with poorly conceived and/or poorly executed housing policy. Universal themes are encountered such as difficult land registration procedures, onerous procedures for construction permits and unnecessary administrative procedures. If Habitat took action in these areas, not only would affiliates and Habitat homeowners reap the benefits, but so would all people. Removing these barriers will increase the numbers of people who build legally and encourage compliance with housing standards. It will also lower costs of construction—one of the primary goals of affordability.

There is potential to help larger numbers of families by researching barriers to capital flow through commercial banking mechanisms in a country. Habitat could be, or partner with, a housing finance think tank; could invest in building governmental capacity to make good laws and policy; and could encourage governments to invest appropriate percentages of public funds in mechanisms such as tax incentives or well-placed subsidies.

Habitat should be thinking of all governments as large donors, but not necessarily in terms of cash. Appropriate governmental policies and laws are equivalent to capital infusion—housing policy and finance are very large and desirable pieces of governmental infrastructure. Habitat could use its extensive organizational experience and knowledge in the techniques of major gift fund raising to approach government donors. Techniques such as how to find the right person to make the right proposal, the value of investing in major gift donors and appropriate investment ratios are transferable to this situation and activity.

As a grassroots movement, Habitat traditionally has been reluctant to see itself as a power player. But the organization is powerful and wealthy by many standards and has many influential supporters. The organization should

Continued on page 13

# From law to practice

By Claude Cahn

As a result of the efforts of many over the past two decades, the right to adequate housing is probably the most elaborated human right under the UN international law system. However, securing the right to adequate housing for all is difficult in a world of dramatic disparities between rich and poor, and in which governments flaunt their international human rights obligations.

The right to adequate housing is most frequently seen as derived from Article 11(1) of the International Covenant on Economic, Social and Cultural Rights, which lists “housing” among components of a guarantee of an adequate standard of living. In 1991, the UN Committee on Economic, Social and Cultural Rights adopted its General Comment 4 on the right to adequate housing, setting out a framework for the right to adequate housing. General Comment 4 names seven criteria, which it elaborated in detail, according to which housing is to be understood as adequate: legal security of tenure, avail-

ability of services, affordability, habitability, accessibility, location and cultural adequacy.<sup>1</sup> The committee supplemented General Comment 4 with General Comment 7, particularly on the relationship between the right to adequate housing and the issue of forced evictions. In General Comment 7 the committee held that “forced evictions are prima facie incompatible with the requirements of the Covenant,”<sup>2</sup> meaning that any eviction is highly questionable in light of a state’s covenant obligations, and its legality should be subject to strict scrutiny.

General Comments 4 and 7 have become the global standard on the content of the right to adequate housing. Regional bodies have, however, developed certain aspects of the human rights law regime as they have worked toward particular aspects of implementation. For example, the European Court of Human Rights, which applies the European Convention on Human Rights—a document lacking explicit guarantee of the right to adequate housing—has read aspects of housing rights into rights to



KIM MACDONALD

Rapid urbanization in some countries has resulted in the growth of mega-slums.

## The right to adequate housing: From law to practice

Continued from page 8

privacy, family life and the peaceful enjoyment of one's possessions, among other rights. By contrast, the African Commission on Human and Peoples Rights has expanded the right to adequate housing from an individual to a collective right.

In practice, while international law has expanded in this area, victories have been primarily in the breach. On the positive side, international law tribunals have weighed in to punish governments flagrantly abusing housing

THE UN COMMITTEE ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS...  
NAMES SEVEN CRITERIA... ACCORDING  
TO WHICH HOUSING IS TO BE  
UNDERSTOOD AS ADEQUATE: LEGAL  
SECURITY OF TENURE, AVAILABILITY  
OF SERVICES, AFFORDABILITY,  
HABITABILITY, ACCESSIBILITY,  
LOCATION AND CULTURAL ADEQUACY.

rights. Thus, for example, the European Committee of Social Rights has found three states—Bulgaria, Greece and Italy—guilty of systematically violating the rights of Roma to adequate housing. The European Court of Human Rights found Romania, Russia, Spain and Turkey in violation of the European Convention for allowing persons to be exposed to degrading environmental conditions near their housing. The African Commission found Nigeria in violation of the African Charter on Human and Peoples Rights for systemic environmental degradation in Ogoniland.

However, general global housing conditions have if anything worsened considerably in the past two decades as a result of forces beyond the reach of international tribunals. One issue has been the massive growth of slums on the margins of cities, among other things due to pressures for persons to leave rural areas to go to cities, where authorities fail to provide adequate conditions. Recent decades have seen the birth of mega-slums around cities such as Delhi, Rio de Janeiro, Abuja and elsewhere. The

collapse of communism has similarly triggered a massive retrogression in the field of housing throughout the post-communist space.

Closer scrutiny of conditions leading to housing rights abuse reveals that it is in many, if not most, cases due to policy failure. Although governments are able to ensure that housing rights are enjoyed by all, in many cases their priorities are elsewhere. However, there are positive developments in some countries. For example, Scotland has enshrined into law a positive obligation binding on the public authority to avoid homelessness. In Hungary, when local authorities began allocating scarce social housing according to arbitrary criteria, the Constitutional Court stepped in and ordered that “social housing must be allocated according to social criteria.” Unfortunately, Hungarian courts have not been able to prevent the sell-off of social housing—one major root cause of the problem of homelessness in Hungary.

One particular hindrance to progress is the widespread view that social and economic rights are “not real rights.” Until recently, major human rights organizations would not work on housing rights issues, and some still only do so only partially or reluctantly. For decades, states have affirmed commitments to upholding human rights, but those holding them accountable have focused on other priorities. It is time to change that state of affairs. 🏠

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<sup>1</sup> United Nations Committee on Economic, Social and Cultural Rights, General Comment 4, para. 7. Sixth Session, 1991.

<sup>2</sup> “General Comment No. 7 (1997), The Right to Adequate Housing (Art 11(1) of the Covenant): Forced Evictions,” adopted by the UN Committee on Economic, Social and Cultural Rights on 20 May 1997, contained in UN document E/1998/22, annex IV.

# The United Nations and housing as a human right

By Susan Cortis Hill

In 1945, after the end of World War II, the United Nations (UN) was formed to help the nations of the world cooperate, and ensure peace and security. The UN was officially formed when the UN Charter, created and signed by 50 countries, was ratified by the majority of these countries. This charter provided for the creation of a Commission on Human Rights (UNCHR), a committee created to protect and promote human rights.

Eleanor Roosevelt, the widow of U.S. President Franklin Roosevelt, was appointed chair of the commission which included leaders from China, France, Lebanon and several other countries. UNCHR's first task was to create an international declaration on human rights. The committee decided to create a declaration—a statement of importance and political significance but not binding law—rather than a treaty, which is binding international law. This allowed the declaration to avoid many of the difficult political questions that were later addressed by treaties.

As a result, the commission was able to produce a declaration that was relatively short and easy to read. Since its creation in 1948, the Universal Declaration of Human Rights has been considered a standard for human rights in countries around the world. The UN first recognized the right to adequate housing as a basic human right in this declaration. (See additional information to see what the declaration says.)

## **Has the UN created any other documents declaring housing as a human right?**

After adopting the declaration by the UN, UNCHR began the process of developing international treaties that incorporated the principles of the declaration, and could be adopted and ratified by individual nations. After nearly two decades of discussion, UNCHR created a treaty, the International Covenant of

Economic, Social and Cultural Rights, in 1966 which recognized the right to adequate housing for all. (This treaty was called a “covenant.” Sometimes treaties are also called “conventions” or “protocols.”) This treaty became law in 1976, once it had been ratified by 35 countries. In addition, the UN has included a right to housing in at least 10 additional treaties. (See additional information.)

## **What does the UN mean by “adequate housing”?**

The UN Committee on Economic, Social and Cultural Rights expounded on the right to housing in a document released in 1991. This document includes minimum standards for legal security of tenure, availability of services, facilities and infrastructure, affordability, habitability, accessibility, location, and cultural adequacy. In addition, the comment reiterates that the right to housing should apply to everyone regardless of age, economic status, or other factors, and explicitly forbids forced eviction. The full document is available on the United Nations Web site at the following address: [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+comment+4.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CESCR+General+comment+4.En?OpenDocument).

## **Does the UN actively work toward housing for all?**

The UN continues to promote housing as a right through the work of the United Nations Human Settlement Program (commonly referred to as UN-Habitat), whose mission includes the achievement of adequate shelter for all. 🏠

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## Additional information

### International Covenant of Economic, Social and Cultural Rights, Article 11.1 says:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

You can read the full document at [http://www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm).

To date, more than 150 countries have ratified this treaty. A few countries, including the United States, have signed the treaty but have not ratified it. To see a full list of countries, visit <http://www.ohchr.org/english/countries/ratification/3.htm>.

Other UN documents that have declared housing as a human right include:

- Declaration on Social Progress and Development (1969)
- Vancouver Declaration on Human Settlements (1976)
- International Convention on the Elimination of All Forms of Racial Discrimination (1969)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)



## Human rights

"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, 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"--*The Universal Declaration of Human Rights, Article 25 (1), Adopted by the the General Assembly of the United Nations on December 10, 1948.*  
<http://www.un.org/Overview/rights.html>

"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties 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"--*International Covenant on Economic, Social and Cultural Rights, Article 11 (1)* [http://www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm)

"We have chosen, as our means of manifesting God's love, to build adequate and durable homes with those in need of shelter, carrying out the belief that safe and affordable housing is a basic human right and a fundamental component of dignity and long-term well being for every person on earth". *Principle 3, Mission Focus of Habitat for Humanity International.*



Children in a "cour commune" in a slum in Boribana.

EVICTON REMAINS A COMMON OCCURRENCE IN ABIDJAN. PUBLIC AUTHORITIES JUSTIFY THEIR ACTIONS AS A MEANS OF DEFENDING TOWN PLANNING PRINCIPLES WHICH ARE BEING COMPROMISED BY UNPLANNED HOUSING.



The house that collapsed, killing an entire family in Boribana, a slum area in Abidjan.

THE NEED FOR AFFORDABLE HOUSING UNITS IN CÔTE D'IVOIRE IS ESTIMATED AT 40,000 UNITS PER YEAR INCLUDING 20,000 IN ABIDJAN ALONE. THIS TREMENDOUS NEED HAS RESULTED IN AN INCREASE IN PRECARIOUS SETTLEMENTS IN ABIDJAN.

## HOUSING AS A HUMAN RIGHT:

# A West African perspective: The case of Côte d'Ivoire

By Richard Yao

### The reality

In June 2007 a house in Boribana, a slum area in Abidjan, collapsed killing an entire family of nine. So the municipality of Attécoubé decided to evict all people living in the area "for their safety" without providing adequate alternative housing. The decision is yet to be carried out, but more than 30,000 low-income families are now living in constant fear of eviction.

The need for affordable housing units in Côte d'Ivoire is estimated at 40,000 units per year including 20,000 in Abidjan alone.<sup>1</sup> This tremendous need has resulted in an increase in precarious settlements in Abidjan. Precarious settlements are defined as those with illegal land occupation status, which range from houses in slums to family houses called *cours communes*—several families living in a compound.

Eviction remains a common occurrence in Abidjan. Public authorities justify their actions as a means of defending town planning principles, which are being compromised by unplanned housing. Because of the extensive time involved in getting legal land occupation status, people do not usually report to the Ministry of Housing to get proper occupation status before settling on a piece of land. In the suburbs of Abobo or Yopougon, people will settle on whatever land they find available, applying for proper occupation status only after their house is built. Town planning objectives are therefore compromised, and evictions carry on. The Ministry of Housing takes more than two years to issue legal occupation status for applicants. Sometimes people apply but do not get any response, resulting in frequent disregard of government regulations.

### Housing as a human right in the context of Côte d'Ivoire

This is the reality of poverty housing in urban areas in Côte d'Ivoire. So what does it mean when we talk about housing as a human right in Côte d'Ivoire?

Côte d'Ivoire, as with many other West African coun-

## Housing as a human right: A West African perspective: The Case of Côte d'Ivoire

Continued from page 12

tries, has ratified the International Declaration of Human Rights. This convention includes among others the Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the African Charter on Human and People's Rights. By ratifying the International Covenant on Economic, Social and Cultural rights, Côte d'Ivoire has agreed that adequate housing is a human right. Underlying this is the fact that adequate housing is expensive, and that time is required for everyone to enjoy that right. However, in the meantime, Côte d'Ivoire can ensure that people are not evicted for any reason and provide low-income families with legal land occupation status.

Adequate housing from the perspective of human rights means that a house:

- protects people from the weather, like rain or snow, heat or cold
- protects people from danger, like wild animals or other threats
- must be close enough to water and toilet facilities without harming people's health or the environment
- must be close enough to places like schools, clinics and jobs, so that people can safeguard their other human rights like their right to be healthy and their right to be educated.

People will also not be able to keep these other rights if their house is too expensive, so housing should be affordable.<sup>2</sup>

### Future steps

Through a SWOT analysis that HFH Côte d'Ivoire conducted with some officials from the housing ministry, as well as through a situational analysis on housing in urban areas, we believe that the following would make a difference and also be realistic next steps for the government:

- A clear commitment from the government to implement adequate town planning before large numbers of people move into an area
- The government should issue legal land occupation status in a timely way to encourage compliance with planning regulations
- The government should provide construction subsidies for low-income families in major cities where the population is continuously increasing
- Eviction without adequate alternative housing being provided should be stopped

- Slums should be upgraded to provide adequate housing for low-income dwellers

Finally, housing is a human right that needs to be nurtured and protected as any other human right. The protection of people with low income living in slums should be the priority of the government. Habitat for Humanity can play a key role by advocating for adequate housing on land secured by the government on time. Habitat can also encourage the government to move forward in a timely manner to implement policies that safeguard the rights of people to housing. 🏠

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<sup>1</sup> IMF, 1998.

<sup>2</sup> Centre on Housing Rights and Evictions (COHRE), "A Place to Live: Women's Inheritance Rights in Africa," page 7.

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## Using human rights for human development

Continued from page 7

choose to use itself to be the voice of people living in sub-standard housing at public policy levels while staying true to its mission principles. 🏠

*Mary Engelking is a consultant in nonprofit management and organizational development. Mary holds degrees in aerospace engineering from Georgia Tech, and in human rights and conflict management from Scuola Superiore Sant'Anna in Pisa, Italy. She served for 12 years in the U.S. Air Force, and has worked with Habitat for Humanity since 1992. She was originally a construction volunteer with local Habitat affiliates and joined the HFHI International Partner program in January 1997. Mary served as an IP in Kyrgyzstan, Great Britain and Bulgaria before becoming the program director for E/CA. In 2002 she left HFHI to start an independent consultant firm.*

*Her recent thesis, "The Human Right to Housing: Using Human Rights and Peace Practices for Innovation in a Christian NGO" can be found on "The Forum's" Web site on PartnerNet. She can be contacted at Mary\_Engelking@attglobal.net.*

# A brief look at housing rights in the Asia/Pacific region

By Wong Hiew Peng

## The reality

While the right to housing is recognized in most Asian constitutions, the lack of an enabling law means that housing rights remain unrealized in the face of well-defined property laws. In countries where enabling laws have been legislated, implementation is quite poor, according to a paper by the coordinator of Eviction Watch, a regional program of the Asian Coalition for Housing Rights.<sup>1</sup> This was the conclusion drawn by a group of housing activists and development workers in 2003 when they assessed the Philippines' Urban Development and Housing Act of 1992.

An individual's ability to realize his/her housing right continues to depend largely on household income, political connections, gender, and ethnic or religious identification. It is also largely dependent on government policy and political will.<sup>2</sup>

In countries where governments have made a con-

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AN INDIVIDUAL'S ABILITY TO REALIZE HIS/HER HOUSING RIGHT CONTINUES TO DEPEND LARGELY ON HOUSEHOLD INCOME, POLITICAL CONNECTIONS, GENDER, AND ETHNIC OR RELIGIOUS IDENTIFICATION. IT IS ALSO LARGELY DEPENDENT ON GOVERNMENT POLICY AND POLITICAL WILL.

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certed effort to improve housing conditions, great inroads are made. All too often, however, any commitment to adequate housing is sacrificed in favor of other goals, such as urban redevelopment or beautification projects.<sup>3</sup>

Mega projects also lead to eviction, as can be seen in the Three Gorges Dam project (China), the Bakun Dam project (Malaysia), the Mekong River development programs (Cambodia, Laos, Thailand, Vietnam), the Manila Northrail and Southrail projects (the Philippines), the Kolkata Environmental Improvement Project (India), and the Jakarta Bay Reclamation Project (Indonesia).

When the urban poor communities being evicted

sought legal recourse, courts generally would rule in favor of the landowners, whether government or private persons. The right of the urban poor to due process and alternate housing was seldom recognized, except in rare cases in Pakistan, Bangladesh and Indonesia.<sup>4</sup>

Rapid urbanization in Asia also affects the people's right to adequate housing by limiting their access to land and basic services and security of tenure. Most of the urban growth in the world over the next 25 years will occur in East and South Asia. By 2030, 2.65 billion people, more than half the world's projected 5 billion urban population, will live in Asian cities, based on United Nations estimates. As a large part of future urban growth will be driven by the poor<sup>5</sup>, it is worthwhile to examine their experiences in the arena of adequate housing.

## India

Take India, for example, which is home to 22 percent of the world's poor. This South Asian country needs some 50 million to 60 million new housing units to meet the total shortage. In its latest five-year plan that covers 2002 to 2007, the India government acknowledged that about 90 percent of the housing shortage pertains to the economically weaker population. Hence, there is a need to increase the supply of affordable housing to this group of people through allocation of land, extension of funding assistance and provision of support services.



India's rapid urbanization has resulted in a slum population the size of Great Britain's population.

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## A brief look at housing rights in the Asia/Pacific region

Continued from page 14

In addition to government policies, Indian courts have supported the relation between the right to housing and the right to life as guaranteed by Article 21<sup>6</sup> of the Constitution of India. For instance, in 1996, the Supreme Court stated in a ruling that “shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation.”

But judicial support seems to have weakened in later years. In a 2000 ruling against slum dwellers being given alternative sites, the Supreme Court stated: “Rewarding an encroacher on public land with free alternate site is like giving a reward to a pickpocket.”<sup>7</sup>

Evictions also threaten the people’s right to adequate housing. Estimates from Hazards Centre, a professional support group and resource center for urban housing issues in New Delhi, show that between the years 2000 and 2006, more than 100,000 families were forcibly evicted from their homes in Delhi.<sup>8</sup>

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In addition, rapid urban growth resulted in India having a slum population that now exceeds the entire population of Britain. The Indian government announced in May 2007 that the country’s slum-dwelling population had risen from 27.9 million in 1981 to 61.8 million in 2001, when the last census was done.<sup>9</sup>

Given the immense need for decent housing in India, Habitat’s approach goes beyond just undertaking its own building programs. It also acts as a catalyst for improving housing conditions by offering Habitat’s support, expertise and experience to other groups and partners. Habitat’s work in India comes under the umbrella of IndiaBUILDS, a strategic initiative to serve 250,000 people with improved housing and related sanitation over



The Philippine urban landscape includes large squatter settlements where people live in constant fear of eviction.

KIM McDONALD

five years, as well as mobilizing 1 million volunteers in the process and raising capital toward this goal.

### The Philippines

In Southeast Asia, the Philippines offers interesting insight into the provision of adequate housing. In contrast to the less urbanized India, the Philippines has more than half of its population living in urban areas. The Philippine capital, Manila, with its population of more than 10 million people, is among the world’s megacities. Nearly 60 percent of metro Manila’s residents are squatters, who often live on low-lying floodplains, precarious slopes, exposed riverbanks, and within highly toxic zones close to highways and railways. They also face fire hazards.<sup>10</sup>

Although housing rights are protected legally by both the Philippines’ Constitution and the Urban Development and Housing Act of 1992 (UDHA), the reality is less comforting.

According to the Geneva-based Centre on Housing Rights and Evictions (COHRE), there has been a significant increase in the number of evictions in metro Manila since early 2005 due to the rehabilitation of the Philippines National Railway system, known as the Northrail and Southrail projects.

A COHRE report in 2006 revealed that the Northrail-Southern Linkage Project would be responsible for the forced eviction of 400,000 people (80,000 families) — the largest planned displacement of people in the history of the Philippines. To date, nearly 29,000 families (145,000 people) have been moved to several relocation sites, about 40 km from metro Manila. COHRE’s research reveals that dwellers at most of the relocation sites are plagued by a lack of potable water, electricity and sanitation facilities.

While the adverse impact of mega projects such as the Northrail-Southern project cannot be denied, the govern-

Continued on page 16

## A brief look at housing rights in the Asia/Pacific region

Continued from page 15

ment provides for shelter improvement for low-income people in some ways. For instance, several state agencies provide or support housing finance, with the National Housing Authority being concerned with socialized housing.<sup>11</sup>

In housing finance, the state's role is that of a primary lender. Many of the government's efforts to address poverty housing have reportedly become decentralized, encouraging participation at the community level.<sup>12</sup> Between 1993 and 2001, nearly 1 million people became homeowners through the National Shelter Program that assists with resettlement, core housing and proclamations of government-owned lands for housing the poor. The government also set up the national Community Mortgage Program to provide low-income financing to individuals and communities facing eviction or lack of tenure security to acquire an undivided tract of land. Between 1989 and 2003, the mortgage program helped more than 140,600 low-income households to secure housing and tenure rights.<sup>13</sup>

In the Philippines, Habitat is also taking an active role in providing urban housing solutions by building medium-rise units in Taguig City, easing the need for houses amid a scarce land supply and a growing urban population.

Both India and the Philippines represent the diverse challenges that Habitat faces in providing adequate housing in the Asia/Pacific region. While the need remains great, Habitat continues to create opportunities for its home partners to grow physically, intellectually and spiritually, thus fulfilling what is proclaimed in Article 25 of the Universal Declaration of Human Rights. 🏠

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<sup>1</sup> Struggling for Housing Rights in Asian Cities, Ted Anana, Eviction Watch, published in Vol. 34 of FOCUS Asia-Pacific Newsletter, December 2003, available on the HURIGHTS OSAKA Web site at [http://www.hurights.or.jp/asia-pacific/no\\_34/02.htm](http://www.hurights.or.jp/asia-pacific/no_34/02.htm).



**The Malabon community, 30 kilometers from metro Manila, is a new Habitat community that provides 409 houses for people who were evicted from a squatter settlement along the rail tracks nearby.**

<sup>2</sup> A Right to A Decent Home – Mapping Poverty Housing In The Asia/Pacific Region by Jennifer Duncan, published by Habitat for Humanity International, Asia/Pacific Office, 2007.

<sup>3</sup> Ibid.

<sup>4</sup> Struggling for Housing Rights in Asian Cities, Ted Anana, Eviction Watch, published in Vol. 34 of FOCUS Asia-Pacific Newsletter, December 2003, available on the HURIGHTS OSAKA Web site at [http://www.hurights.or.jp/asia-pacific/no\\_34/02.htm](http://www.hurights.or.jp/asia-pacific/no_34/02.htm).

<sup>5</sup> State of the World's Population, 2007, United Nations Population Fund.

<sup>6</sup> Article 21 of the Constitution of India states that no person shall be deprived of his life or personal liberty except according to procedure established by law.

<sup>7</sup> Almitra H. Patel v Union of India, case quoted in The Human Right to Adequate Housing and Land, by Miloon Kothari, Sabrina Karmali, Shivani Chaudhry, 2006, National Human Rights Commission (New Delhi, India) <http://nhrc.nic.in/publications/housing.pdf>.

<sup>8</sup> The Human Right to Adequate Housing and Land, by Miloon Kothari, Sabrina Karmali, Shivani Chaudhry, 2006, National Human Rights Commission (New Delhi, India) <http://nhrc.nic.in/publications/housing.pdf>.

<sup>9</sup> Indian slum population doubles in two decades, The Times Online, 18 May 2007. <http://www.timesonline.co.uk/tol/news/world/asia/article1805596.ece>.

<sup>10</sup> Understanding Asian Cities: A Synthesis of the Findings from the City Case Studies, D. Satterthwaite, October 2005 (Asian Coalition Housing Rights) available at [www.achr.org](http://www.achr.org).

<sup>11</sup> Under the Urban Development and Housing Act (UDHA) of 1992, socialized housing is the state's primary strategy for addressing homelessness through programs and projects providing either house and lot packages or home lots for underprivileged people nationwide. Under UDHA, developers may comply with the 20 percent socialized housing requirement through developing new settlements, undertaking slum upgrading, renewing areas for priority development, joint ventures with either local government units or government housing agencies, or participating in the community mortgage program (CMP).

<sup>12</sup> A Right to A Decent Home – Mapping Poverty Housing In The Asia/Pacific Region by Jennifer Duncan, p. 94, published by Habitat for Humanity International, Asia/Pacific Office, 2007.

<sup>13</sup> Ibid.

# A European view

By Maria Koutatzi and Don Haszczyn

Habitat's principle of the dignity of each human being, and the organization's focus on the poor and marginalized, is not an original human rights idea. Everyone who prays, "Your kingdom come, Your will be done on earth as in heaven," has a duty to work toward the goal implied in the prayer, love being the motive for action and love for one's neighbor being the essence of a human rights agenda.

The idea of rights and entitlements, however, is a controversial subject. Since the UN passed the convention on human rights in 1948, which included the right to housing, Europe has been one of the few continents that has put a framework into place to apply these rights in its 48 member states that comprise the "Council of Europe." Applying a human rights framework is important because it guarantees, in law, that every citizen has

a right to enforce his/her minimum requirements or entitlements: "Once a State accepts the obligations attached to the right to housing, it agrees to ensure that everyone has access to housing resources adequate for health, well-being and security."<sup>1</sup> In the case that the state does not fulfill its obligations, then citizens can claim state provision and can use mechanisms in place, including the European Court of Human Rights, to force change of policy and national legislation.

Housing is a right recognized by law in all 48 European member states of the Council of Europe that signed the European Social Charter.<sup>2</sup> The European Social Charter guarantees, among other rights and freedoms, the right to housing by providing a supervisory mechanism for the following housing rights:

- access to adequate and affordable housing
- reduction of homelessness
- housing policy targeted at all disadvantaged categories
- procedures to limit forced eviction
- equal access for non-nationals to social housing and housing benefits, housing construction, and housing benefits related to family needs

The interpretation of the law by means of housing policy and legislation has varied enormously in Europe: from extensive to minimal social housing, from housing subsidies and allowances to subsidized mortgages and loans. Yet, inadequate housing and non-accessible housing is a problem that all European states are facing, albeit in vastly diverse contexts. One common theme, however, emerges—the most vulnerable and typically excluded members of European society suffer most in the housing sector (as in other sectors). This is another reason why it is worth looking at housing from a human rights perspective, because it makes it imperative for governments and citizens alike to guarantee the protection of this right.

In the European Union, housing policy has long been considered a national issue to be tackled solely by each member state. The fact that inadequate housing and

homelessness have a bigger impact on citizens' lives and overall welfare; the fact that improving housing is imperative to the alleviation of poverty and social exclusion; and the expansion of the European Union to include some of

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HOUSING IS A RIGHT RECOGNIZED  
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the transition economies of the East has put housing on the European agenda and, in the last few years, there has been increasing political will to create a European Housing policy. On May 10, 2007, the European Parliament adopted a promising resolution on Housing and Regional Policy (2006/2108(INI),<sup>3</sup> including the following excerpt:

1. Considers that the right to adequate and good-quality housing at reasonable prices is an important fundamental right that is recognized in a number of international charters and constitutions of the Member States;
2. Hopes that the Member States will adopt the legislative provisions necessary in order to make this right to adequate, good-quality, affordable housing effective.

Habitat for Humanity in Europe is only now emerging as an actor in the housing sector of this region. Habitat's growing experience in 15 countries in Europe, together with the organization's action-oriented solutions in work-

Continued on page 18

## Housing as a human right: A European view

Continued from page 17

ing with low-income and marginalized groups such as the Roma of Central and Eastern Europe, means that HFH is well-placed to contribute in the housing sector. (See “Helping the Roma” by Lucija Popovska in “The Forum” Volume 13:4 for more information on HFH’s work with the Roma communities.) Habitat has already begun working with other social and low-income groups and alliances on housing in Poland and Romania, not only sharing its experience of bringing solutions, but also urging the necessary change of legislation and mentality to make the vision come true: A world where everyone has a decent place to live in human dignity. 🏠

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<sup>1</sup> COHRE (Centre on Housing Rights and Evictions), Training material

<sup>2</sup> For more details, visit: [http://www.coe.int/t/e/human\\_rights/esc/1\\_general\\_presentation/SocialCharterBrochure2007\\_en.pdf](http://www.coe.int/t/e/human_rights/esc/1_general_presentation/SocialCharterBrochure2007_en.pdf)

<sup>3</sup> For more information, see: <http://www.europarl.eu.int/oeil/FindByProcnum.do?lang=2&procnum=INI/2006/2108>



STEFAN HACKER

Viewing housing as a human right makes it imperative for governments to guarantee the protection of this right even to the most vulnerable communities. Habitat for Humanity is working to provide access to housing solutions to marginalized communities such as the Roma.

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ONE COMMON THEME, HOWEVER, EMERGES—THE MOST VULNERABLE AND TYPICALLY EXCLUDED MEMBERS OF EUROPEAN SOCIETY SUFFER MOST IN THE HOUSING SECTOR (AS IN OTHER SECTORS). THIS IS ANOTHER REASON WHY IT IS WORTH LOOKING AT HOUSING FROM A HUMAN RIGHTS PERSPECTIVE, BECAUSE IT MAKES IT IMPERATIVE FOR BOTH GOVERNMENTS AND CITIZENS TO GUARANTEE THE PROTECTION OF THIS RIGHT.

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# HFH Ecuador helps with advocacy efforts for housing as a human right

By Colleen Fitzgerald

In 2005, Habitat for Humanity Ecuador helped form an advocacy coalition that worked to reinstate funding for a vital national housing subsidy. This coalition, called *Contrato Social Por La Vivienda* or Social Contract for Housing, centered their advocacy efforts on the concept of housing as a human right.

The history of the effort dates back to 1998, when Ecuador entered into an agreement with the Inter-American Development Bank (IDB) to receive US\$62 million in loans to improve housing. The primary goal of the loans was to set up a system of direct subsidies to benefit low-income Ecuadorians. The result was the subsidy system, *Sistema de Incentivos para la Vivienda* (SIV). SIV provided grants for housing improvements and construction of new homes.

To create the program, IDB agreed to provide partial funding on a decreasing scale (80 percent in the first year, 60 percent in the second year, etc.), with the government of Ecuador eventually taking over responsibility. However, in 2005, when the time came for Ecuador to fully fund the SIV, the program was eliminated from the national budget.

In response to this elimination, *Contrato Social Por La Vivienda* (CSV) organized a national advocacy campaign to reinstate the funding for SIV. After completing initial research, it was determined that the Ecuadorian Constitution recognizes housing as a fundamental right. CSV leveraged this finding to argue that SIV was one of the few national policies that helped make this right to housing a reality; accordingly, it should be protected and expanded.

CSV continued to use the concept that housing is a human right to effectively frame their advocacy messages. For example, one tactic of the advocacy campaign was a series of marches held in key locations around Ecuador, includ-

ing in front of the National Congress and the Ministry of Urban Development and Housing. The marchers carried signs with messages such as “For the right to housing” and “We children have a right to housing.”

CSV was successful in restoring funding for the housing subsidy in 2005 and was even able to achieve the addition of a subsidy for land titling. Due in part to the advocacy work of CSV, the subsidies were increased and expanded in April 2007 to:

- **Land title**—up to US\$200 per family
- **Improvements to existing housing**—up to US\$1,500 per family
- **New housing construction**—up to US\$3,600 per family

Habitat for Humanity Ecuador utilizes all three subsidies in their work with families and continues to play a key role in CSV.

CSV is now working to capitalize on a unique opportunity in Ecuador—the chance to help craft housing language for the country’s new Constitution. Earlier this year, Ecuadorian voters passed a referendum to rewrite the Constitution and the process is expected to begin this fall. CSV is

advocating for the Constitution to go beyond declaring that housing is a human right by making a more specific, detailed statement about what that right means for the people of Ecuador. 🏠

*Colleen Fitzgerald has worked for HFHI for more than two years. She began her career with Habitat as associate director of Congress Building America, a program that links members of Congress with Habitat affiliates in their home district. Before coming to Habitat, she worked on Capitol Hill for a U.S. senator. She attended Penn State University where she was involved in the campus chapter of Habitat.*

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CSV WAS SUCCESSFUL IN RESTORING FUNDING FOR THE HOUSING SUBSIDY IN 2005 AND WAS EVEN ABLE TO ACHIEVE THE ADDITION OF A SUBSIDY FOR LAND TITLING.

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KIM MACDONALD

Substandard housing on the road from Paraiba do Sul to Rio de Janeiro, Brazil.

# Moving forward progressively

By Yolanda Hernandez

Most, if not all, countries in Latin America and the Caribbean have demonstrated their commitment to housing as a basic human right by signing the United Nations' Universal Declaration of Human Rights and similar agreements from the Organization of American States. Some have also incorporated the right to housing into their constitutions. But beyond putting pen to paper, what concrete steps have nations in the region taken to significantly back their word?

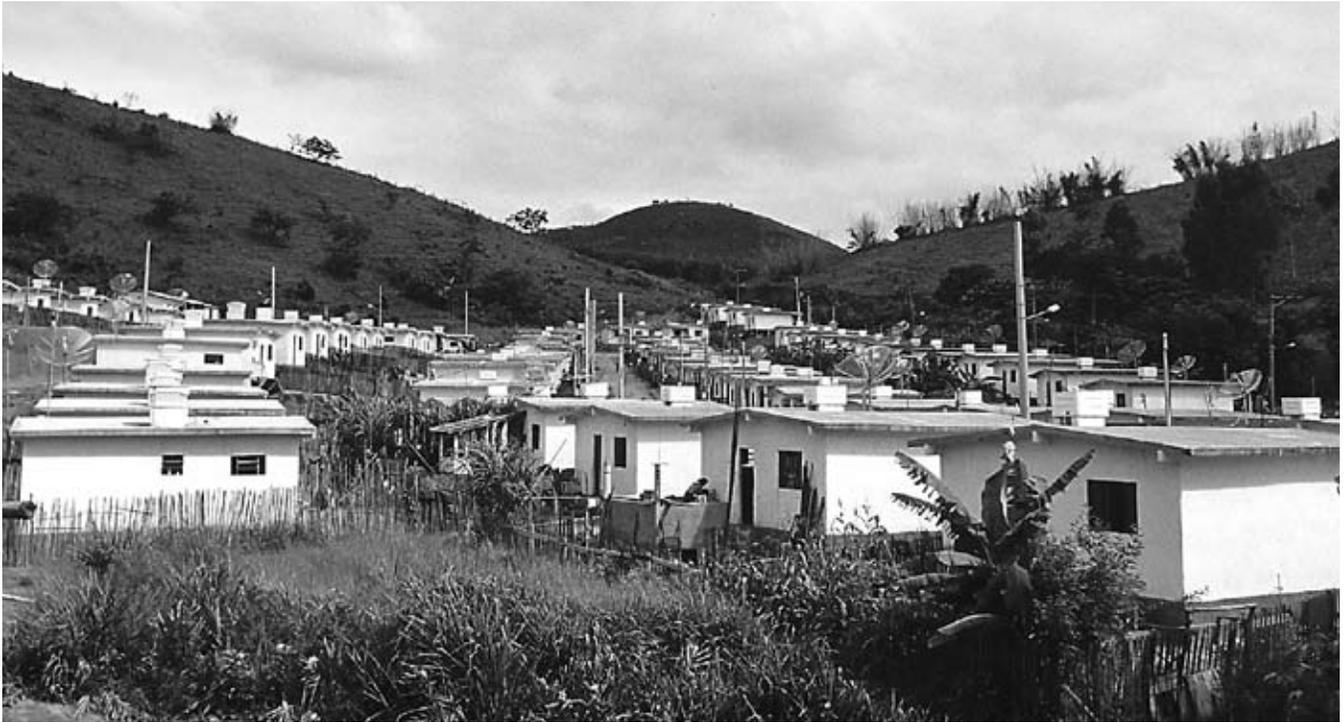
According to Rodolfo Ramirez Soto, Housing and Human Settlement director for HFH Latin America and the Caribbean, many countries have designed and implemented a wide range of policies to promote housing rights within their borders. However, he cautions, oftentimes these policies are designed to fit wide, general segments of the population. As a result, the specific conditions of certain communities, including those most in need, are overlooked.

Of those strategies adopted to reach the poorest communities, subsidy programs top the list and exist in

countries such as Chile, Costa Rica, Brazil and Colombia. "It's not a gift or a form of charity," states Ramirez. "It's a mechanism by which society recognizes that housing is a right. ... At the same time, it recognizes that there are members of the community that do not have access to this right by other means."

Perhaps the region's forerunner in defining and implementing effective housing policies is Brazil. Ramirez credits the South American nation's success in upholding housing rights to its unique decision-making structure, which includes the participation of all members of society. Representatives of marginalized communities, the business and finance sectors, nongovernmental organizations, and the government all convene to design strategies together. "As a result, the policies created are more suitable for Brazil's reality and, especially, for the most vulnerable," says the LA/C director. He also cites a higher degree of transparency and accountability as additional benefits of this participatory council.

Another reflection of Brazil's strong stance on housing rights is the volume of funds it allocates to the implemen-



KIM MACDONALD

A Habitat for Humanity community of 86 houses in Paraiba do Sul, Brazil.

### Moving forward progressively

Continued from page 20

tation of its housing policies. “It’s not enough to design mechanisms,” says Ramirez. Federal, state and municipal governments in Brazil each designate funds in their budgets to sustain their housing programs.

Ramirez also praises Brazil’s support of community participation in the building process, a key housing characteristic in Latin America and the Caribbean. He states that families who pull together their resources erect the vast majority of houses in the region, not the government or market. “It’s a reality that shouldn’t be stopped or limited. It should be permitted and promoted; Brazil is doing that,” says Ramirez.

While governments, like Brazil’s and others strive to uphold their commitment to adequate shelter as a human right, poverty-housing statistics soberly state the task’s enormity. Ramirez acknowledges governments’ limitations, including finite resources and competing interests. But, referring to a UN pamphlet, he notes that governments’ responsibilities, actions and results are meant to unfold “progressively,” not immediately. Though this process creates a lack of complete satisfaction, says Ramirez,

it also indicates that this commitment does not lie solely in government hands, but in society as a whole. “It is our responsibility to attend to and create the conditions that will enable the right to housing to reach its full potential,” says Ramirez. 🏠

*Rodolfo Ramirez is director of the Housing and Human Settlement department at Habitat for Humanity’s Latin America and the Caribbean office. He has a background in architecture and urban development.*

*In his more than 20 years of experience, he has served in various roles including director of planning, Counsel of Human Development; director of special projects; general director of coordination to the labor secretary, adviser to the president of the legislative assembly of the state of Pernambuco, Brazil. He was also general counsel of the Republic of Costa Rica in Pernambuco, and the coordinator and co-founder of the Community Movement and Urban Ecological Commission of Pernambuco.*

*Yolanda Hernandez is a freelance writer for HFH in Latin America and the Caribbean.*



STEFFAN HACKER

Two-year-old Tomas sits on the front porch of the house where he and his family lived before building their Habitat house in Thompsonville, Michigan, USA.

# Housing as a human right in the United States

By Marty Kooistra

The 20th century saw much public sector engagement in the affordable housing arena. The creation of supply through public housing units evolved into controversy as some dense neighborhoods had a rapidly declining quality of life. Vouchers to support individual capacity to rent were used to support the demand side.

The U.S. Housing Act, approved by Congress in 1949, stated that there should be “a decent home and suitable living environment for every American family.” This goal was never met, and while some contend that significant progress was made in the intervening years, the will to achieve such a state has never coalesced.

Today all across America, increasing numbers of families are finding it difficult to find housing they can afford near their place of employment. The plague of those who find themselves homeless persists, including large numbers of families with small children. Foreclosure rates of failed subprime mortgages are skyrocketing. Meanwhile, some activists continue to remind us that the United States, unlike many industrialized nations, has yet to declare a guaranteed right to housing.

Context aside, HFH continues to do its work in the United States through its local community-based affiliates. These entities of varying size and performance collectively built or renovated approximately 4,400 houses

## Housing as a human right in the United States

Continued from page 22

a year for the five years preceding 2006, which ended with a new benchmark of about 5,600 new HFH homeowners, making HFH the 16th largest homebuilder in the United States.

While several years and iterations of organizational design at HFH have swept by, some thousands more families have achieved fulfillment of a decent house. By and large the focus of the work remains:

1. How does Habitat, as a service provider, become sustainable and scale up significantly to create more housing opportunities?
2. How does Habitat, as a catalyst, cause the systems and processes to change that limit access to an affordable, durable place to live?

Debate ensues about which facet of need is the most critical to resolve to bring about individual and community transformation—is it education, healthcare, food or job training? We at HFH, of course, believe that housing is a basic cornerstone of transformation. More and more, though, we are becoming aware of the linkages between all of the sectors and the need to be mindfully holistic in our approach. This mindfulness deepens our respect for the individual, each individual, as God’s creation and the individual’s right to access an ample sufficiency of resources to achieve livelihood.

What tangible signs can we point to that provide evidence that we are making progress? Here are some examples:

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THE PLAGUE OF THOSE WHO FIND THEMSELVES HOMELESS PERSISTS, INCLUDING LARGE NUMBERS OF FAMILIES WITH SMALL CHILDREN.

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1. The Thrivent Builds Neighborhoods program has four Habitat affiliate locations—Baltimore, Detroit, Milwaukee and Des Moines—working in partnership with local coalitions to develop comprehensive Neighborhood Action Plans for holistic program design. (For more information about the Thrivent Builds Neighborhoods program, please refer to the article “Serving families through Thrivent Builds Neighborhoods,” which appeared in “The

Forum” Volume 14:3.)

2. The U.S. leadership team has developed a focused affiliate service delivery model that moves HFHI support resources toward helping affiliate communities go deeper in their work as catalysts.
3. An education and advocacy agenda is being shaped to bring awareness to all Americans that the lack of a safe and decent place to sleep at night anywhere in the world is unacceptable.
4. New strategic alliances with professional social service providers and housing counselors to assist families in becoming truly “buyer-ready” are breathing new life into holistic affiliate support of the community transformation.

While it seems that discussing “social justice” and “poverty alleviation” are not necessarily popular topics in political conversations, and “affordable housing” is being

Continued on page 23



STEFAN HACKER

Future homeowner Rhonda Savage and her children are living with a neighbor until their Habitat house is completed. Her son Jonathan has lead poisoning from the lead in the paint and plumbing in the old house.

## Housing as a human right in the United States

Continued from page 23

reframed into the more acceptable term of “workforce housing,”<sup>1</sup> one can sense a strengthened commitment to find innovative ways to realize our vision of a world where everyone has access to a decent place to live.

To this end, may we pray for boldness and courage! 🏠

*Marty Kooistra is the senior director of Global Program Design and Implementation for HFHI. He has served in various capacities with Habitat for Humanity for more than 16 years, including local affiliate leadership, field supervision and support, and headquarters program and*

*curriculum development.*

*In the fall of 2004, he was a fellow at the Joint Center for Housing Studies at Harvard University, where he conducted research and analysis positioning Habitat for Humanity in the context of affordable housing initiatives and, with professor Jane Wei-Skillern of the Harvard Business School, analyzed the role of networks in multi-site nonprofits. He holds a bachelor’s degree in social work from Dordt College.*

<sup>1</sup> According to Wikipedia, “‘workforce housing,’ is a relatively new term that is increasingly popular among planners, government administrators and housing activists, and is gaining cachet with home builders, developers and lenders. ‘Workforce housing’ can refer to almost any housing, but always refers to ‘affordable housing.’ ‘Workforce housing’ is defined by four principal factors: affordability, home ownership, critical workforce and proximity.” For more information, please see [http://en.wikipedia.org/wiki/Workforce\\_housing](http://en.wikipedia.org/wiki/Workforce_housing).

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## Habitat for Humanity and housing rights

Continued from page 4

faith-based motivation and seems to result in a transformation far beyond the notional human rights improvement.

### Conclusion

Habitat for Humanity supports the United Nations human rights concerns surrounding adequate and decent shelter

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HABITAT FOR HUMANITY SUPPORTS THE UNITED NATIONS HUMAN RIGHTS CONCERNS SURROUNDING ADEQUATE AND DECENT SHELTER FOR THE POOR, BUT BELIEVES THAT A RIGHTS-BASED APPROACH ALONE IS INEFFECTIVE.

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for the poor, but believes that a rights-based approach alone is ineffective. Habitat believes that it is politically, socially, morally and religiously unacceptable for people to live in substandard housing. It is only through constructive engagement of all the constituents in the broad community that a common vision can be forged that is inclusive enough to eliminate subhuman living conditions. This vision must then be transformed into concrete action.

Housing as a single sector intervention, using participatory methodology, can serve as a catalyst for broader human rights through its role in initiating and encouraging civil society and holistic community development. This approach must be holistic in nature to be transformational.

Transformational development is critical to the reversal of the power dynamics that allow human rights abuses to continue. This transformation is a journey that

must include the economic poor and non-poor, as well as the staff of the development and government agencies involved. It must include material, social and spiritual changes for the fullness of personal dignity and civil society to be developed. Both personal and community paradigm shifts are required.

We draw hope and encouragement each time we hear of a Mr. Durairaj who has not only been transformed but is now transforming his community. If we are to be successful at eliminating human rights abuses, it must start with Mr. Durairaj and his neighbors, one family and one community at a time. 🏠

*Steven Weir has worked with Habitat for Humanity for 14 years, and is currently the vice president of Global Program Development and Support. He and his family moved to Sri Lanka in 1993, where he served as an International Partner for two years. From 1995 to 2007, he worked as vice president of HFH’s programs in Asia and the Pacific. Prior to this he was a founding board member and active volunteer at East Bay HFH in Oakland, California, USA.*

*With a background in architecture, Weir worked for 16 years in that industry before joining HFH in 1993. Weir has published and presented several research papers on poverty housing and development issues.*

<sup>1</sup> Fuller, Millard “More than Houses”, Word Publishing, Nashville, Tennessee, p. 285

<sup>2</sup> Ibid., xi

<sup>3</sup> Ibid., 287

<sup>4</sup> Henlee H. Barnette, Clarence Jordan, “Turning Dreams into Deeds”, vii – viii

<sup>5</sup> Ibid.