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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Albania*, Austria, Belgium*, Bolivia*, Brazil, Bulgaria*, Cameroon*,
Chile*, Croatia, Cyprus*, Denmark*, Finland*, France, Georgia*,
Germany, Greece*, Iceland*, Italy, Luxembourg*, Mexico,
Nicaragua*, Poland*, Portugal*, Republic of Moldova*, Romania*,
Serbia and Montenegro*, Slovenia*, South Africa, Spain*,
Switzerland*, Thailand*, The former Yugoslav Republic of Macedonia*,
Timor-Leste*, Tunisia*: draft resolution**

**2004/... Adequate housing as a component of the right
to an adequate standard of living**

The Commission on Human Rights,

Recalling its resolution 2003/27 of 22 April 2003, as well as its resolution 2003/22 of 22 April 2003 on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also the human rights related to housing enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Noting the work of the United Nations treaty bodies, in particular of the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing,

Recognizing that adequate shelter is a vital element for achieving socially, economically and environmentally sustainable development, as stated in the Plan of Implementation of the World Summit on Sustainable Development and in the Istanbul Declaration on Human Settlements, and recalling the resolve of the heads of State and Government expressed in the Millennium Declaration to have achieved, by 2020, a significant improvement in the lives of at least 100 million slum dwellers,

Recognizing also that adequate housing is a key element for fostering family integration, contributing to social equity and strengthening of the feeling of belonging, security and human solidarity, as stated in the outcome document of the special session of the General Assembly on children, entitled “A world fit for children”, and welcoming the commitment stated in the document to attach high priority to overcoming the housing shortage and other infrastructure needs, particularly for children in marginalized peri-urban and remote rural areas,

Concerned that any deterioration in the general housing situation disproportionately affects the poor, as well as women and children, and members of groups requiring special protection,

Noting that persons with disabilities have particular needs in regard to, inter alia, the full and equal realization of adequate housing as a component of the right to an adequate standard of living, and welcoming in this respect the work of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities as a contribution to promoting and raising the visibility of the rights and dignity of persons with disabilities,

1. *Reaffirms* the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and special sessions of the General Assembly and their follow-up meetings, inter alia the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted at the second United Nations Conference on Human Settlements (Habitat II), as well as in the Declaration on Cities and other Human Settlements in the New Millennium adopted at the twenty-fifth special session of the General Assembly;

2. *Recognizes* that good governance within each country and at the international level, and democracy and respect for the rule of law and human rights are essential in order to achieve the progressive realization of the right to an adequate standard of living, including adequate housing, and reiterates in this regard the importance of, inter alia, infrastructure and services, particularly those related to water, sanitation, health, transportation and energy as well as security of tenure and the principle of non-discrimination in the context of housing;

3. *Calls upon* all States:

(a) To give full effect to housing rights, including through domestic development policies at the appropriate level of government and with international assistance and cooperation, giving particular attention to the individuals, most often women and children, and communities living in extreme poverty, and to security of tenure;

(b) To ensure the observance of all their legally binding national standards in the area of housing in accordance with their obligations under international human rights law;

(c) To protect all persons from forced evictions that are contrary to the law, taking human rights into consideration, and to provide legal protection and redress for such forced evictions;

(d) Without discrimination of any kind as to race, colour, sex, language, religion, disability, political or other opinion, national or social origin, property, birth or other status:

- (i) To counter social exclusion and marginalization of people who suffer from discrimination on multiple grounds, in particular by ensuring non-discriminatory access to adequate housing for indigenous people and persons belonging to minorities;
- (ii) To promote participation in decision-making processes and inclusion of relevant stakeholders in the planning stage of urban development, in particular at the local level, when developing an adequate standard of living and housing;
- (iii) To promote residential integration of all members of society at the planning stage of urban development schemes and other human settlements, as well as while renewing neglected areas of public housing, so as to counter social exclusion and marginalization;
- (iv) To pay appropriate attention to the rights and needs of persons with disabilities in the context of adequate housing, including the removal of barriers and obstacles, and to consider taking these issues into account in fulfilment of their reporting obligations under international human rights instruments;
- (v) To enable women to obtain affordable housing and access to land by, among other things, removing all obstacles to access, with special emphasis on meeting the needs of women, especially those living in poverty and female heads of household;

(e) To cooperate with the Special Rapporteur, and to submit to the Special Rapporteur information on different national experiences, notably on best practices, in areas related to his mandate;

4. *Takes note* of the report of the Special Rapporteur (E/CN.4/2004/48 and Add.1-3) and of relevant parts of the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2004/38);

5. *Encourages* the Special Rapporteur to strengthen the integration of the rights relevant to his mandate into the Global Campaign for Secure Tenure launched by the United Nations Human Settlements Programme (UN-Habitat) and into other operational activities of the United Nations system, notably into processes and initiatives that are oriented towards poverty reduction, and to develop to this effect a dialogue with Governments, relevant United Nations bodies, in particular the Programme and the Office of the United Nations High Commissioner for Refugees, specialized agencies, international organizations, non-governmental organizations and international financial institutions;

6. *Requests* the Special Rapporteur, in the fulfilment of his mandate:

(a) To give particular emphasis to practical solutions with regard to the implementation of the rights relevant to his mandate, on the basis of pertinent information, notably on best practices, including on domestic legal enforcement of these rights, from Governments, relevant United Nations agencies and non-governmental organizations;

(b) To facilitate the provision of technical assistance;

(c) To pay specific attention to the rights and needs of persons with disabilities in the context of housing, and encourages him to contribute to the work of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities by bringing to its attention the obstacles encountered by persons with disabilities in the context of housing;

7. *Also requests* the Special Rapporteur, within the limits of his mandate:

(a) To continue to review the interrelatedness of adequate housing as a component of the right to an adequate standard of living with other human rights;

(b) To continue to apply a gender perspective in his work;

(c) To submit reports to the Commission at its sixty-first and sixty-second sessions;

8. *Requests* the United Nations High Commissioner for Human Rights to support cooperation between the Special Rapporteur and other special procedures and members and chairpersons of working groups of the Commission and United Nations bodies, including human rights treaty bodies, that are relevant to the mandate of the Special Rapporteur;

9. *Welcomes* the joint work of the Office of the United Nations High Commissioner for Human Rights and the United Nations Human Settlements Programme in developing a joint United Nations Housing Rights Programme and invites States to provide support for its effective implementation, and takes note of the report of the expert group meeting on housing rights monitoring organized jointly under the United Nations Housing Rights Programme by the United Nations Human Settlements Programme and the Office of the High Commissioner for Human Rights in Geneva from 26 to 28 November 2003;

10. *Takes note* of the recommendation contained in the report of the Special Rapporteur (E/CN.4/2004/48, para. 92 (a)) to convene an expert seminar in order to develop guidelines on forced evictions;

11. *Requests* the Office of the High Commissioner and the United Nations Human Settlements Programme to strengthen their cooperation and to continue developing the joint United Nations Housing Rights Programme by increasing collaboration and cooperation with relevant treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, relevant United Nations specialized agencies and international organizations and non-governmental organizations, as well as by including in their work a compilation of indicative ideas and practices that can be consulted by States in order to assist them in promoting the full and progressive realization of adequate housing as a component of the right to an adequate standard of living;

12. *Invites* the United Nations Human Settlements Programme and the Office of the High Commissioner to further cooperate with the Special Rapporteur;

13. *Requests* the Secretary-General to provide the Special Rapporteur with the assistance necessary for the execution of his mandate;

14. *Notes* the invitation by the Commission on Human Rights, in its resolution 2003/18, to all special rapporteurs whose mandates deal with the realization of economic, social and cultural rights to individually share their views on an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

15. *Decides* to continue consideration of this subject at its sixty-second session under the same agenda item.
