Human Rights Lawyering: Establishing a Human Right to Housing in the U.S.
Who we are

• The mission of the Law Center is to prevent and end homelessness by serving as the legal arm of the nationwide movement to end homelessness. To achieve its mission, the organization pursues three main strategies:
  – impact litigation
  – policy advocacy
  – public education
Who we are
Road map

1. What is the human right to housing?
2. How are advocates using human rights?
3. What difference does it make?
1. What is the human right to housing?

We have adopted a second Bill of Rights among these are … the right of every family to a decent home.

– Franklin Delano Roosevelt, State of the Union Address (1944)
1. What is the human right to housing?

Universal Declaration of Human Rights

Art. 25(1):

Everyone has the right to a standard of living adequate for the health and well-being of himself [/herself] and of his [/her] family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of … circumstances beyond his [or her] control.
1. What is the human right to housing?

International Covenant on Economic, Social & Cultural Rights

Article 11(1):

The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for him[her]self and his[her] family, including adequate food, clothing and housing and to the continuous improvement of living conditions.
1. What is the human right to housing?

• General Comment 4
  – Legal security of tenure
  – Services and infrastructure available
  – Affordability
  – Habitability
  – Accessibility
  – Location (work, school, child care)
  – Cultural adequacy
2. How are advocates using human rights?

- Policy advocacy

7. Reaffirm that housing is one of the basic human rights

By reaffirming that housing is one of the basic human rights, the County of Los Angeles and cities have the opportunity to demonstrate true leadership on a national scale. By committing to the development of strategies and resources necessary to end homelessness in 10 years, the County of Los Angeles and cities commit to progressively realize this right.

Organization of this Document

12. City agrees to work with existing local healthcare organizations access to healthcare, including providing organizational or staff support.

13. Encourage peer-support mental health services specific to the needs of young people.

14. The city of Eugene/the Task Force agrees that housing is a basic human right in the Universal Declaration of Human Rights, adopted by the United Nations in 1948. This right to housing is to be progressively realized within the resources available. Because basic affordable shelter for all who need it is a requirement of this right, the City should constantly strive to address such needs to freedom from cruel, inhuman, and degrading treatment should be implemented, including immediately ceasing punishing homeless people like sleeping or eating in public when they have nowhere else to go.

RESOLUTION

Expressing the sense of the House of Representatives that children have a right to adequate housing.

Whereas the House of Representatives is concerned about the depth of the economic recession and the growing number of homeless families and youth;

Whereas children who are without adequate housing may be placed in unsafe and hazardous environments;
2. How are advocates using human rights?

• Policy advocacy

'Homeless Bill Of Rights' In California Proposed By Assemblyman Tom Ammiano

Rhode Island Homeless Bill Of Rights Praised As U.S.
2. How are advocates using human rights?

• Shining an international spotlight

In 2009, they caught Oprah Winfrey’s attention.

Last year, they were featured in a lengthy article in Harper’s magazine.

Now a small but vocal band of homeless people fighting for the right to camp in Sacramento has scored an international coup. A special investigator for the United Nations, following a visit last year with Sacramento’s homeless campers, is appealing to Mayor Kevin Johnson to provide them with proper sanitation and drinking water.

Johnson had yet to formally reply to the investigator’s letter as of late.

“Sacramento is now being judged by the entire community of nations failed its human rights obligations to its own citizens,” said Colin Bahl, a partner at Legal Services of Northern California, which has represented scores of homeless people who are active in the Safe Ground movement.
2. How are advocates using human rights?

- To help advance domestic law
New rights for the homeless cor force

The deputy first minister called it a "landmark" day in the fight against homelessness.

Legislation which aims to effectively end homelessness in Scotland has come into force.

The change entitles anyone finding themselves homeless through no fault of their own to settled accommodation.

Previously, only those classed as being in priority need - often families with children - had that right.

Constitutional Court upholds Schubart Park residents’ appeal

BY ERNEST MABUZA, 09 OCTOBER 2012, 14:32 | 0 COMMENTS

The Constitutional Court on Tuesday upheld an appeal by residents of Schubart Park who wanted to return to the building they were removed from without a court order.

The City of Tshwane removed more than 1,000 residents from the building in September last year following a protest sparked by the disconnection of water and electricity supply. An application by the residents for an order to return to the building was dismissed by the North Gauteng High Court on September 22 last year.

The high court also issued two other orders, the first of which directed the city and the residents to take further steps to try to reach agreement on unresolved issues. The final order on October 3 was a tender by the city to provide temporary dwellings to residents who were forced to vacate the Schubart Park block of flats.

The Constitutional Court, in a decision issued by Justice Johan Froneman in which all judges concurred, set aside the high court orders and ruled that those orders did not constitute an order for the eviction of residents. The court also declared that the residents were entitled to occupation of their homes as soon
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