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Portugal: UN expert welcomes new law protecting the right to housing

GENEVA (1 October 2019) – Portugal's new Basic Housing Law entering into force on 1 October is a milestone for the implementation of the right to housing in the country, said Leilani Farha, the UN's Special Rapporteur on the right to adequate housing.

The law implements a key recommendation put forward by the Special Rapporteur after her recent [fact-finding visit](#) to Portugal where she urged the adoption of a national housing law reflecting international human rights standards.

Portugal's [new housing law](#) emphasises that the State has to guarantee housing as a human right and that public housing policies must follow the principles of universality and citizen participation. It also includes protections against housing discrimination on a broad range of grounds.

"I am pleased that in keeping with international human rights obligations, the law targets those in particular need of adequate housing including families with children, youth, persons with disabilities and the elderly," said Farha.

"I welcome that it also provides additional protection for vulnerable groups, such as homeless people and victims of gender-based violence, another recommendation included in my report." For example, the Special Rapporteur said, the law ensures that homeless people will not be denied social or other services for lack of an address, as is sometimes the case.

In a crucial provision, the Basic Housing Law prohibits any eviction of vulnerable people unless the State is able to provide suitable alternative accommodation. It also provides protection measures for those at risk of evictions, such as consultation, information, legal aid and accompaniment, as well as the prohibition to conduct evictions at night.

"The Housing Law also requires that policies aimed to reduce informal settlements should be undertaken with full participation of their residents and that the feasibility of in-situ upgrading should be considered," Farha said.

It will be important that these provisions are interpreted and applied in a manner that is consistent with international human rights standards in the area of forced evictions, she said.

"In a country where the financialization of housing has taken hold, I am happy to see that the Basic Law includes a sanctioning provision for owners who leave properties empty," Farha said. "Though these measures may not be broad enough to ensure Portugal's housing remains affordable to those in need, this is a step in the right direction.

"I will be watching closely to ensure that the provisions relating to access to justice for violations of the right to housing, including complaints to the Ombudsman, are fully implemented, without which, the right to housing will not be ensured."

The world is witnessing an unprecedented housing crisis, with housing increasingly unaffordable in many cities in the global North and South, homelessness growing almost everywhere, and forced evictions and displacement continuing with impunity, the Special Rapporteur said.

"It is time for States to tackle this head-on," Farha said. "I am seeing a new wave of recognition by States of the right to housing in domestic law. Ahead of World Habitat day, I encourage other States to follow the example of Portugal."

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Ms Leilani Farha is the [UN Special Rapporteur on adequate housing](#) as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. She took up her mandate in June 2014. Farha is the Executive Director of the NGO Canada without Poverty, based in Ottawa. A lawyer by training, for the past 20 years Ms. Farha has worked both internationally and domestically on the implementation of the right to adequate housing for the most marginalized groups and on the situation of people living in poverty. In March 2017 she presented the [report on her visit to Portugal](#) to the Human Rights Council, her most recent [thematic report](#) focusses on access to justice for the right to housing.

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