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Statement to the General Assembly, presenting the report on "Right to life & right to housing: interconnected and indivisible"

25 October 2016

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STATEMENTS

[Statement by Ms. Leilani Farha, Special Rapporteur on Adequate Housing as a component of the right to and Adequate standard of living, and on the right to non-discrimination in this context at the 69th session of the General Assembly - Third Committee, Item 68 \(b & c\)](#)

New York, 25 October 2016

Distinguished delegates, and civil society representatives,

It is with great pleasure that I address the Third Committee of the General Assembly as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context.

The report I am presenting today concerns the right to life and its interconnection with the right to adequate housing. The fiftieth anniversary of the division of the Universal Declaration of Human Rights into the two foundational covenants of international human rights law provides us with an occasion to consider the deep connections between these two rights and a vantage point from which to survey what may have been lost by the separation of human rights in two covenants.

As is well known, the Vienna Declaration of Human Rights affirmed that "[a]ll human rights are universal, indivisible and interdependent and interrelated." However, this oft-cited principle has rarely been fully implemented so as to ensure that those living in poverty and homelessness are accorded the full and equal protection of their right to life.

My report considers the right to life and the right to housing through the lived experience of those who are homeless or living in dire circumstances and suggests that the divided architecture of international human rights has led to unequal protections and consideration of the dignity and rights of the most disadvantaged and marginalized communities. The report challenges us to move beyond the two categories of rights to retrieve a more unified understanding so as to ensure access to justice and remedies for the most widespread and

egregious violations of the right to life and the right to adequate housing.

Distinguished delegates,

The right to life has been described as “the supreme” human right. It embodies the commitment to the dignity, security and inherent worth of every human being that is the cornerstone of the entire human rights system and at the foundation of every human right. No specific mandate holder has been assigned responsibility for the right to life but it informs all rights and all mandates. That is particularly the case, I submit, for my mandate.

The link between inadequate housing and the right to life is obvious and deeply disturbing. An estimated one third of deaths worldwide are linked to poverty and inadequate housing. The death rate among homeless people ranges from two to ten times higher than for those who are not homeless. 100 million children are living in the streets, facing daily threats to life and security. Lack of clean water and sanitation leads to illnesses that kill over 840,000 each year. 26.4 million people lose their homes through natural disasters every year - 60% higher than it was four decades ago. And, as has been tragically demonstrated most recently in Haiti, inadequate housing dramatically increases risks to life and inadequate post-disaster housing conditions increase vulnerability to the next disaster.

In situations of conflict, homes and infrastructure have been increasingly targeted, at significant cost to life. The housing and financial crises worldwide have resulted in dramatic increases in evictions and foreclosures, irrevocably damaging family life and doubling the number of suicides linked to loss of housing in the United States of America. People with disabilities continue to be denied support for independent living, forced to live in overcrowded institutions without social or family relations, frequently in isolation cells for long periods. Migrants flee life-threatening circumstances only to find themselves confronting the risks associated with homelessness in destination countries.

On official missions and working visits, I have met people of all ages who are homeless or living in container settlements, institutions, relocation sites or informal settlements, forced to live without safe drinking water, or electricity, amidst excrement and garbage, without adequate protection from inclement weather, with no bed to lie on, no place to wash or defecate; threatened by violence, insecurity, discrimination and stigmatization and, worst of all, forced to watch children suffer and frequently die from prolonged diarrhoea. All are hanging by the thinnest thread, clinging to life, dignity and humanity.

I have been astonished at the resilience and inherent dignity of those who live in these circumstances and their ability to affirm their human rights. I have learned that they articulate their human rights claims not simply as a demand for housing with basic services and secure tenure, but more fundamentally as a claim to equal recognition of their right to live in dignity and security. They report that they are not treated as human beings and are called encroachers, vermin and criminals simply for attempting to survive. They experience being forgotten and neglected by governments as a sustained and systematic devaluing of their lives

Sadly, their human rights claims linking the right to life and the right to adequate housing have too often gone unheard. The urgency and outrage that should be provoked in response to the abhorrent conditions in which millions of people live seems to be absent. Many politicians, judges, and every day people are accustomed to ignoring, stigmatizing, excluding, and even criminalizing people for their poverty and lack of adequate housing. International human rights officials rarely identify widespread homelessness and intolerable living conditions as an egregious violation of the right to life constituting an urgent human rights crisis. The question is: how have we gotten to a point where such serious and widespread violations of the right to life are not identified and addressed as such?

At least part of the answer lies in the decision 50 years ago to separate the right to adequate housing and the right to life into separate categories of rights. Despite the fact that housing is recognized as a human right in the Covenant on Economic, Social and Cultural Rights, its separation from the right to life seems to have severed it from core human rights values to

the right to life seems to have severed it from core human rights values to recognize the dignity and inherent worth of all members of the human family.

I have observed a stark contrast between the way the deprivation of adequate housing is described by those who live this reality and the way it is discussed by those responsible for addressing it. Government officials tend to consider inadequate housing and homelessness not as a human rights issue that demands timely rights-based responses and access to justice but rather as one of many complex programme and policy issues. At the international level, housing is more often associated with development and infrastructure programs than with fundamental human rights.

The right to life, in turn, has also been impoverished by its separation from the right to adequate housing and other social and economic rights. Because it was placed in the Covenant on Civil and Political Rights, the right to life has too often been interpreted narrowly as a negative right – as the right not to be deprived of life, ignoring the fact that human life requires a secure place in which to live and to have access to food, water, sanitation and a social existence.

The predominance of a negative rights framework has produced illogical results in both the adjudication of human rights claims and the political responses to the circumstances in which people are forced to live. If a person is rendered homeless as a result of state action such as deportation or eviction, the UN Human Rights Committee, for example, has been willing to find a violation of human rights – the right to be free from cruel and inhuman treatment, or from interference with the home. When deplorable living conditions are brought to light in the context of prisons and detention centres, they are considered critical human rights violations demanding remedies. And yet, where a person experiences the very same circumstances of homelessness or intolerable conditions in an informal settlement, but this time caused by state neglect and inaction, these have not been addressed as violations of the right to life demanding prompt remedies.

This unequal application of the right to life results in the denial of substantive human rights claims advanced by those who are homeless, people with disabilities, women experiencing violence and many others. These claimants do not see the fulfilment of their human rights merely as freedom from a form of treatment or punishment by the state, but more fundamentally as a positive right to a place to live in dignity, security and inclusion. It is critical that the international human rights system hear these claims and encourage domestic courts and human rights institutions to ensure access to justice.

A clear message is sent to states and the international community when claims to the right to life arising from systemic deprivations such as homelessness, are not heard by courts and human rights bodies. The message is that they are not serious human rights violations. Denials of access to justice are invariably accompanied by inadequate political and policy responses.

There is no excuse for the failure of the international community to address widespread homelessness and inadequate housing as urgent human rights crises. There is a solid basis in international human rights law to recognize and protect the right to life of those denied adequate housing. The UN Human Rights Committee explained in its General Comment 6 (adopted in 1982) that the right to life should not be interpreted narrowly, noting that it places not only negative obligations on states but also positive obligations to ensure access to what is necessary to sustain life. Similarly, the UN Committee on Economic Social and Cultural Rights cautioned in its General Comment 4 in 1991 that the right to adequate housing must not be interpreted narrowly as referring only to physical shelter. The Committee defined the right to adequate housing as “the right to live somewhere in security, peace and dignity.” – a definition which clearly recognizes the connection with the right to life.

Domestic courts in India and many other countries have affirmed the inherent connection between the right to life and the right to adequate housing and have on this basis ordered governments to ensure access to housing for those who are homeless or facing evictions. Similarly, the

Inter-American Court of Human Rights has developed the concept of “vida digna” to describe the content of the right to life, explaining in the famous Street Children’s case that “the fundamental right to life includes, not only the right of every human being not to be deprived of his life arbitrarily, but also the right that [s]he will not be prevented from having access to the conditions that guarantee a dignified existence.”

These critical advances in domestic and regional human rights law toward a more inclusive understanding of the right to life should be embraced and affirmed by international human rights bodies. Courts and governments in all countries should be promoting and adopting interpretations of the right to life which give equal recognition to the lives of those living in dire circumstances, lacking adequate housing and other necessities.

The Human Rights Committee is currently in the process of drafting a new general comment on the right to life. Numerous civil society organizations, human rights experts and former special procedures mandate holders have made submissions to the Committee urging that the new General Comment reaffirm and strengthen the inherent connection between the right to life and economic social and cultural rights, including the right to housing, food, health, water and sanitation. The new General Comment provides an important opportunity to reaffirm a commitment to a more inclusive understanding of the right to life that will recognize the equal rights of those who are homeless or living in dire circumstances.

Distinguished delegates,

The true reunification of the right to life and the right to adequate housing can only be accomplished by a global response, led by legislatures, courts, human rights institutions, local governments, ombudspersons and civil society. An historic paradigm shift is required whereby it is affirmed that deprivations of the right to adequate housing are not just programme failures or policy challenges but human rights violations of the highest order, depriving those affected of the most basic human right to dignity, security and life itself. Remedying these violations will require new commitment to ensuring the equal protection and enjoyment of the right to life by those who are currently living on the margins of society. Housing, land use, urban planning and social protection legislation must be re-envisioned and re-designed so as to become the vehicles through which the fundamental right to a dignified and secure life is ensured.

Last week, at Habitat III, a new joint initiative was launched by the Office of the High Commissioner for Human Rights and myself for exactly this kind of paradigm shift met an enthusiastic response from civil society, states and local governments. I look forward to working together in the coming months to further advancing a new commitment to the realization of the right to adequate housing and to a dignified and secure life for all.

Thank you for your attention and I look forward to answering your questions and engaging in further discussion on this issue.

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