

# The Right to Housing in Practice

## GLOBAL EXPERIENCES

---

An overview of international approaches to legislating and implementing the right to adequate housing.

## CASE STUDIES

**Canada**

**Finland**

**Spain**

What works, what doesn't,  
and what the world can learn.

# Global Recognition

## THE RIGHT TO HOUSING

International human rights law enshrines the right to adequate housing for all. The vast majority of UN Member States have formally committed to this right through international instruments.

Sources: Parliament of Canada (2019); NYU GlobalLex; Housing Rights Watch

## How widely is the right to housing recognised?



173/193

UN Member States

ratified the ICESCR



185/193

UN Member States

ratified the CRPD



192/193

UN Member States

ratified the CRC

### Constitutional Right

40  
%

Around 40% of countries have a constitutional right to housing. Of these, 22 including Belgium and Spain have a justiciable right, while Finland, Italy and Poland constitutionally commit to its realisation.



### Legislated Right

A smaller but growing number, including Canada, have legislated the right to housing. Some take a dual approach — constitutional recognition plus domestic legislation that gives direct legal effect to that right.

# Challenges

## WHAT TO EXPECT

International experience highlights common challenges. Awareness is the first step to navigating them successfully — and the right to housing provides tools to address each one.

## Common challenges in legislating and implementing the right to housing



### Capacity

Implementation requires skill & coordination. Build capacity through engagement, support, & progressive resourcing.



### NIMBYism

Misinformation often fuels local opposition. Broad, honest community engagement is the most effective counter.



### Jurisdictional Barriers

Overlapping responsibilities can slow progress. Clear legislative assignment of duties is essential.



### Misinformation

Mischaracterisation of the right is common. Clear communication on what it actually means — and doesn't mean — is vital.



### Failed Attempts

No government has done this perfectly. Failure must be acknowledged and learned from — not used to abandon the effort.



### Corporate Lobbying

Those profiting from speculative markets will resist. Legislation and transparency are the strongest protections.



### Electoral Cycles

The international legal obligation persists regardless of who is in power — a key safeguard for continuity.

CASE STUDIES

# Implementing the Right to Housing

Global examples: Canada · Finland · Spain

01 Canada

02 Finland

03 Spain

# CA

# Canada

## CASE STUDY 01

### National Housing Strategy Act, 2019

Canada's first domestic recognition of its international human rights obligations on housing — stating that housing is a human right, essential to human dignity, wellbeing, and sustainable communities. The Act establishes the National Housing Council and Federal Housing Advocate as accountability mechanisms, and is implemented through the National Housing Strategy.

Source: National Housing Strategy Act (2019)

## Canada — Overview & Assessment



### What is Positive?

- ▶ Direct legislative recognition of the right to housing as set out in international law.
- ▶ Creation of two accountability mechanisms: the National Housing Council and Federal Housing Advocate.
- ▶ New analysis on how the right operates in specific areas, including the financialization of housing.
- ▶ A dedicated national housing strategy to operationalize the right across Canada.



### What Needs Improving?

- ▶ Too little progress on progressive realization — jurisdictional ambiguity remains a major bottleneck leaving vulnerable people in precarious situations.
- ▶ The National Housing Council and Federal Housing Advocate currently lack the powers and, in some cases, expertise to be fully effective.
- ▶ The National Housing Strategy has not been updated to reflect the NHSA, and therefore the commitments made are not tethered to housing need.

# FI

# Finland

## CASE STUDY 02

### Constitutional Right + Social Welfare Act

Finland's Constitution guarantees the right of everyone to housing and the opportunity to arrange their own housing, without discrimination. The Social Welfare Act gives effect to this right, regulating affordable housing provision by municipalities. Finland's Housing First approach has become a global model.

Source: Finnish Constitution; Social Welfare Act (Finland)

## Finland — Overview & Assessment



### What is Positive?

- ▶ Dramatic reduction in homelessness through Housing First — achieving results far beyond comparable countries.
- ▶ Around 40% of all rental housing is subsidised, accessible to a wide range of households.
- ▶ Generally better housing affordability compared to other European nations.
- ▶ Strong eviction protections: valid grounds required, 3–6 month notice periods, social services intervention before eviction.



### What Needs Improving?

- ▶ Austerity measures since 2023 are undermining progress: income limits on subsidised housing, reduced funding for social security and affordable supply.
- ▶ Inadequate data on certain groups — such as undocumented migrants — means they are invisible in statistics and in policy responses.
- ▶ Legislation does not directly and explicitly protect the full constitutional right to housing — more comprehensive law is needed.

# ES

# Spain

## CASE STUDY 03

### Constitution (1978) + Ley Vivienda (2023)

Spain's Constitution guarantees everyone the right to decent and adequate housing and requires public authorities to make this right effective. The Ley Vivienda (2023) gives legal force to this guarantee — capping rents in stressed markets, strengthening eviction protections, empowering municipalities to tax empty homes, and targeting speculative private-sector practices.

Source: Spanish Constitution (1978); Ley Vivienda (2023)

## Spain — Overview & Assessment



### What is Positive?

- ▶ Strong tenant protections: rent caps in stressed markets, enhanced eviction protections for vulnerable households.
- ▶ Empowers regional and municipal governments to designate stressed markets, restrict landlord practices, and tax empty homes.
- ▶ Holds the private sector accountable to human rights standards — targeting rent gouging, speculative renovation, and short-term rental conversion.
- ▶ National legislation was itself driven by regional policy and civil society advocacy — demonstrating that local action creates national change.



### What Needs Improving?

- ▶ The constitutional right to housing is framed as a 'guiding principle', making it less justiciable than civil and political rights.
- ▶ Loopholes: the rent cap excludes tenancies under 11 months, driving a shift to short-term rentals — reducing housing supply by an estimated 14%.
- ▶ Accountability gaps persist — local authorities often lack capacity to inspect and sanction landlords in breach of the law.