

LEARNING BRIEF 4

Housing Rights

December 2021

SUMMARY

- The human right to housing is a cornerstone for social justice and vital to eradicating homelessness and insecure shelter.
- Rights need to be activated at multiple levels. Individuals need to have an understanding of how existing laws protect them and groups need to know how to challenge authority to secure their rights.
- Lasting improvements to policy and laws require public and political engagement and may require legal challenge through the courts.
- Including people with a lived experience of homelessness in service delivery, campaigning and policy design is essential.

1. INTRODUCTION

This learning brief builds upon the CoP webinars on housing rights and approaches to addressing homelessness held on 6 May 2021 and 9 September 2021. It also draws upon information from funded partner annual reports. The brief focuses on applying the principles of housing rights in practice; drawing from the experience of CoP members. The 'In-Practice' points provide examples of the breadth of activity being delivered across the CoP and are included to share knowledge among members.

The learning brief is aimed at members of the CoP and other organisations working to address homelessness and insecure shelter.

This brief and other materials are available via the [CoP website](#).

2. HOUSING RIGHTS

2.1 Defining Rights

A human right to adequate housing is well established internationally, in the [Universal Declaration of Human Rights](#) and the [Sustainable Development Goals](#), as a vital pre-condition for health and wellbeing of individuals and their ability to exercise related rights, such as privacy and family life. Legal protection for housing rights however, vary considerably between nations. In the

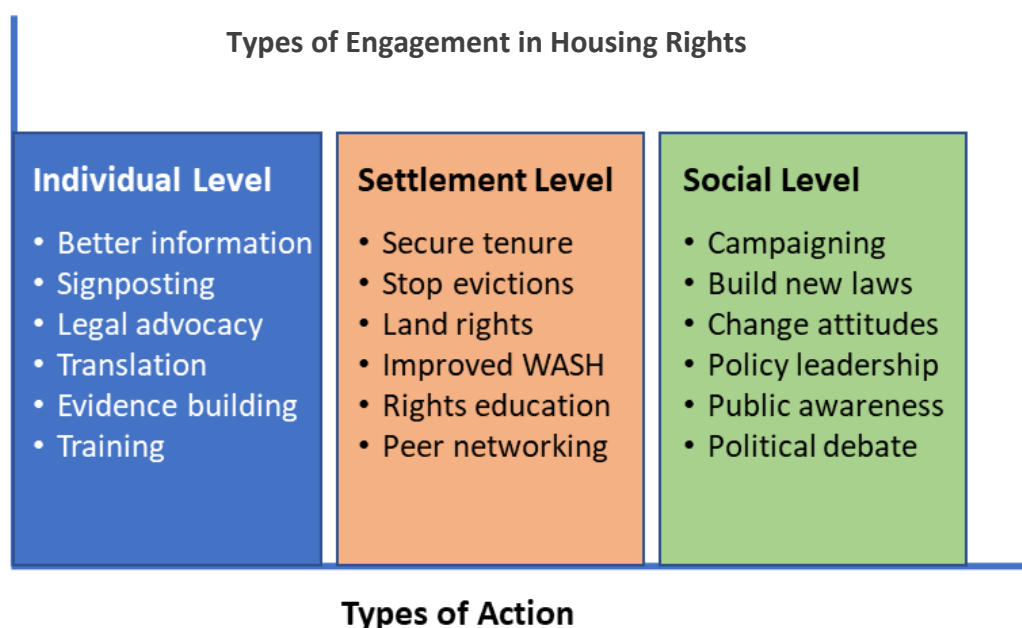
UK there is no overarching right to housing, with legal protections and duties on government and landlords present across a patchwork of laws. In India, the constitution does not allow a specific right to housing; a position that is being challenged through case law, as a key element of the right to life. In Zambia, there is no constitutional provision on the right to housing, with housing issues addressed through public policy. South Africa has a more direct statements of rights in the Constitution, which says: “everyone has a right to have access to adequate housing”. While delivery of this commitment is yet to be fully realised, it is a clear statement of principle.

Housing rights are not just about access to shelter, they have wider implications for creating places of safety, security and dignity. International standards highlight freedoms and entitlements that cover protection against forced eviction; security

of tenure; equal access to adequate housing; and rights to participate in decisions affecting an individual’s home. They also define adequacy in regard to basic services; affordability; habitability; and location in relation to employment and social services.

2.2 Approaches across the CoP

Members of the CoP share a common goal to help realise and protect the rights of individuals and groups to access adequate housing. But, as illustrated in the figure below, groups work in different ways and at different levels to support individuals and communities to obtain safe and secure housing. Across the CoP, members are actively engaged in helping people to secure their housing rights through advocacy, improving access to services, campaigning and legal challenge.



As explored during the [webinar on approaches to addressing homelessness](#), the political, economic and institutional context shapes the type of engagement and actions of CoP members to secure housing rights.

- In India, South Africa, and Zambia there is a greater emphasis on collective action than seen among CoP members in the UK. The scale of housing need in cities of the global South and the requirement to campaign to establish rights to live in cities, are important drivers of action.
- The capacity of the public sector and the ability of NGOs to engage the state, shape the interventions of CoP members. Among UK groups, individual support and advocacy is vital to help vulnerable people to navigate complex regulations and access their rights.
- CoP members in both global South and North contexts are campaigning for rights to address the worst aspects of the housing market. Common challenges are: to build safeguards against illegal eviction; address the lack of affordable housing for people with unstable incomes; improve the quality of housing and increase the availability of decent homes; and to raise public and political awareness of the impact of homelessness on individuals and families.

3. LEARNING POINTS

The experiences of the CoP members, working in different contexts and focusing on a variety of homelessness issues, provides a basis to explore how housing rights are articulated and used in practice. A right to housing is employed both as a foundational

principle, shaping the activity of some CoP members and as an aspiration, setting the bar for laws and public policies that determine access to adequate housing for all. The following section unpacks the application of housing rights to explore how rights are activated at an individual and collective level and how CoP members aim to make a lasting impact to change laws and public policy.

Case Study

Housing First

United Kingdom

Housing First is a housing and support model founded on a first principle that people have a right to a home. The values of Housing First shows how rights-based approach to housing can shape service delivery. It is targeted at people with multiple and complex needs and histories of repeat homelessness and prioritises access to housing, as quickly as possible and without pre-conditions, other than a willingness to maintain a tenancy. This principle frames the delivery of services, where individuals have choice and control how they access support, including the assigned Housing First caseworker. The model began in the USA but has been adopted widely across Europe and in the global South, including Chile.

3.1 Activating Rights

Across the CoP country contexts, national laws and regulations governing housing can be complex and difficult to navigate. In order for people to access their rights, they need to know what their rights are and have the

means to ensure protections are enforced: holding authorities and landlords to account.

The CoP members help to activate rights – using laws and public policy for the benefit of people at risk of homelessness. Among the CoP members, action takes place at an individual level, providing information and support to give people a voice within legal systems, to challenge for their rights. It also takes place at a collective level, mobilising tenants to jointly argue for rights to land and housing and changes in law and public sector policy.

- **Communicating rights** – CoP members work to raise awareness of housing rights, educating and connecting people to specialist legal support in areas such as asylum laws and private sector tenancy. This helps people to be more aware of their rights and strengthens their ability to get the support and protections they need.
- **Building evidence** – working with individuals to gather and present evidence to submit to tribunals, improves the success rates of legal challenges. Using lived experience of homelessness to evidence need and argue for change is an important strategy for CoP members. Community-based research allows collective groups to track the actions of local government; empowering communities to challenge authority.
- **Providing advocacy support** – representing members of excluded or vulnerable groups through legal proceedings, negotiations with landlords and challenges to government helps balance out unequal power relationships and secure rights.
- **Collective action** – creating community level structures through savings groups and peer networks brings people together to share experiences, demonstrate their needs and challenge for rights.
- **Build new solutions** – the experience of coping with everyday problems of poverty and inadequate housing provides unique insights into the practical solutions and protections needed by people vulnerable to homelessness.

In-Practice



The Booth Centre

United Kingdom

The Booth Centre recruits peer mentors, with experience of homelessness, to welcome clients into their centre to support service users and input into the production of information materials. Embedding the lived experience of peer mentors in delivery ensures that services remain true to client needs and focused on helping clients understand their rights.

In-Practice**Positive Action in Housing*****United Kingdom***

Positive Action in Housing provides emergency support to refugees and members of BAME communities, offering pre-legal advice to prevent homelessness. They offer practical help and support with identifying trusted solicitors to assist with tribunal appeals and navigating asylum seeker regulations.

In-Practice**MHT and Habitat for Humanity*****India and Zambia***

Both the Mahila Housing Trust (MHT) in India and Habitat for Humanity in Zambia are supporting communities to obtain formal rights of tenure. Through activating legal processes, communities can gain rights of occupancy that stabilise their housing situation.

Often legal rights and protections are present in statute, but these rights are inaccessible or badly applied in practice.

Providing support and access to expert advice for people vulnerable to becoming homeless, allows rights to be activated. Advocacy is important across all of the CoP contexts, recognising the operation of the housing market, legal systems and the engagement of government varies significantly by country.

Case Study**Cambridge House*****United Kingdom***

Through the Safer Renting programme, Cambridge House aims to protect tenants and strengthen rights and access to justice for people exploited by criminal landlords. Through providing support to individuals being illegally evicted and living in dangerous and unhealthy privately rented properties, Cambridge House works to improve standards in the private rented housing sector and prevent homelessness. They offer advocacy for tenants, defending rights and negotiating for compensation settlements. They also seek to influence local and central government to tighten legal protections and influence policy and statute through the Renters Reform Coalition and Reform Bill.

3.2 Impacting Laws and Public Policy

In addition to challenging for and claiming rights on a case-by-case basis, CoP members

are also active in changing laws and policies to improve the protections for people experiencing homelessness and insecure shelter. Better laws and better implementation of laws can help to reduce unequal access to housing and homelessness.

CoP members work at a number of levels to produce evidence of need, to increase the effectiveness of policy and engage law-makers to improve the safeguards that secure housing and tenure for people unable to influence authority on their own.

The key approaches to making an impact include the following.

- **Raising public awareness** – through publicity campaigns to improve the visibility of homelessness as a social issue and the shortcomings of legal rights. This is intended to influence public perceptions and increase pressure on politicians and public authorities to improve the protections available to people vulnerable to homelessness.
- **Strategic litigation** – through the courts, challenge laws that discriminate against or provide inadequate protections for people at risk of homelessness. The use of judicial review and legal precedent can fundamentally shift the duties of public agencies and the responsibilities of private landlords to provide secure housing.

In-Practice



Asylum Support Appeals Project United Kingdom

At the height of Covid-19, the Asylum Support Appeals Project was able to influence government policy to protect asylum seekers unable to give oral evidence to Tribunals. This had a significant impact of allowing asylum seekers to continue to receive financial aid during the pandemic, thereby reducing the risk of destitution and homelessness.

- **Knowledge sharing** – using networks of activist and service NGOs to share information, techniques and approaches to challenging for rights. Producing written materials, running meetings and opening-up webinars builds the collective knowledge and capacity of organisations challenging for housing rights.
- **Including experience of homelessness** – bringing together politicians and policy makers with people that have lived experience of homelessness can break down barriers and drive home the impact of insecure housing on individual lives and wellbeing.
- **Engagement and lobbying** – maintaining a dialogue with public agencies and professionals involved in housing issues.

These relationships provide avenues for ‘soft influence’ on policy, through the use of evidence on housing need, specialist skills and user insights into the experiences of homelessness.

In-Practice

Exeter Homeless

Partnership

United Kingdom

Exeter Homeless Partnership have based their approach upon the effective co-ordination of public and private agencies to address homelessness. This was particularly important during Covid-19 to join-up city-level services for homeless people. Multi-stakeholder engagement, which includes people with lived experience of homelessness, helps to shape a common narrative and collective actions to improve service delivery for people at risk of homelessness.



Case Study

Ndifuna Ukwazi

South Africa

An activist organisation and law centre tackling the unequal distribution of land and housing – securing rights for low income and excluded residents of Cape Town. Ndifuna

Ukwazi combines community organising, research, advocacy and the use of the law to challenge evictions and secure land in the city for affordable housing development. They use strategic litigation to test constitutional law and set precedents on the use and distribution of urban land. To support action through the courts, Ndifuna Ukwazi actively promote the need for social justice through press, broadcast and social media, drawing attention to unequal treatment and the needs of residents of informal settlements in the city.

5. IMPLICATIONS FOR POLICY AND PRACTICE

- **For practitioners** – rights, laws and public policy must be continually updated in-line with changing economic and social conditions, if they are to meet the needs of the people they are intended to protect. Practitioners need to develop a range of strategies, such as those highlighted above, to ensure that rights and legal protections remain relevant.
- **For partnerships** – working collaboratively across sectors and involving people with lived experiences of homelessness, landlessness, tenure insecurity and housing vulnerabilities in campaigning and policy design is essential. Co-productive approaches that bring together public, private and

community sectors in advancing land and housing justice is key.

- **For policy** – a right to housing is a cornerstone of fair social policy. Establishing and realising legal rights

within a robust legal and policy framework is essential to addressing homelessness, insecure shelter and the realities of structural land and housing inequality.

5. FURTHER INFORMATION

Additional information and case studies on co-production and how it has been used in practice is available on the [Community of Practice website](#).

