

A Human Rights-Based Approach to Housing

A Resource for Tenant Leaders



About us

The Canadian Centre for Housing Rights (CCHR) is Canada's leading non-profit organization working to advance the right to housing. Founded in 1987, CCHR has worked tirelessly for 35 years at the intersection of human rights and housing. We advance the right to housing by serving renters to help them stay housed, providing education and training about housing rights, and advancing rights-based housing policy through research, policy development, advocacy and strategic litigation.

About this resource

This resource provides an overview of a human rights-based approach to housing. It is designed to help tenant leaders identify the root causes of housing challenges, the groups whose rights are most impacted by those challenges, and the institutions that have an obligation to resolve them. It provides guiding tools to develop rights-based housing solutions and to hold institutions accountable for implementing the right to housing.

Table of contents

4	The Definition of a Human Rights-based Approach
4	Rights-Holders and Duty-Bearers
4	Rights-holders
5	Duty-bearers
5	The Necessity for a Rights-based Approach in Housing Policy
6	PANEL principles
7	Rights-based Housing Policy Development
9	Community-based Policy Advocacy
10	Using the PANEL principles

THE DEFINITION OF A HUMAN RIGHTS-BASED APPROACH

A human rights-based approach (HRBA), or a rights-based approach, is a conceptual framework adopted as a global standard by the United Nations in 2003, which is directed at protecting and promoting human rights by aligning development processes with international human rights standards and principles.

A rights-based approach is a process tool that can help identify the root causes of housing challenges in order to determine priority actions that can be taken to improve people's living conditions, with the most impacted groups at the centre of the process.

RIGHTS-HOLDERS AND DUTY-BEARERS

The goal of a rights-based approach is always the realization of human rights. This means that for every unmet development need, such as safe shelter or sufficient food, there is a corresponding human right to be claimed by individuals or groups and enforced by institutions. In a rights-based approach, the individuals and groups whose rights are denied are considered rights-holders, and the individuals and institutions who have an obligation to act are the duty-bearers.

Rights-holders

Rights-holders are comprised of every human being on the planet. A rights-based approach requires that special attention be paid to supporting members of groups subjected to discrimination and suffering from disadvantage or exclusion, such as women, LGBTQIA groups, people with disabilities, seniors, children, immigrants, Indigenous people and racialized groups.

Duty-bearers

The primary duty-bearer is the state (i.e. the government), which holds the highest level of accountability. Human rights obligations can also attach to individuals and non-government actors: at a minimum, individuals have a general responsibility towards the community to respect the human rights of others. Usually, the more power and agency an individual or institution holds, the more obligations they have as duty-bearers.

In some cases, individuals and groups have the obligations to respect, protect and fulfill a given human right, while also holding claims to this right. **In short, every person is a rights-holder, at any given time, but not every person is a duty-bearer all the time.**

THE NECESSITY FOR A RIGHTS-BASED APPROACH IN HOUSING POLICY

With the use of a rights-based approach, human rights claims always have a corresponding duty-bearer. The goal of a rights-based approach is to prioritize groups that have been marginalized through the development process, and to hold duty-bearers accountable with regard to their human rights obligations. Any housing policy that truly seeks to improve the living conditions of those most in need of adequate housing should be systematically designed using a rights-based approach.

It is the responsibility of all levels of government to create legal and policy frameworks that can help with the creation and implementation of a rights-based housing policy. To do so, the PANEL principles can be used as a guiding process.

PANEL principles



Participation

People have the right to participate in decisions that affect their right to adequate housing. Participation must be free and meaningful, and special attention must be given to people with accessibility needs.



Accountability

There must be laws, institutions, and mechanisms in place to hold governments accountable to meet their obligations.



Non-discrimination and equality

Discrimination in housing must be prevented, and communities facing accessibility barriers to housing must be prioritized.



Empowerment

Communities and individuals must be supported while participating in the development of housing policies that affect their lives.



Legality

Human rights must be enforceable and reflect the legal frameworks developed in national and international human rights law.

Using these five interrelated principles, governments can better identify systemic housing issues and adopt policies that address inequities and discrimination in housing. These principles ultimately anchor the goals of government housing strategies, programs, and policies in creating equal outcomes for all residents.

In addition to using the PANEL principles as guidelines for policy development, governments should develop a clear framework of action that addresses the root causes of development challenges and prioritizes the groups most impacted by those challenges.

RIGHTS-BASED HOUSING POLICY DEVELOPMENT

The human rights-based approach to housing is rooted in an initial assessment that considers both the housing needs that are unmet and the corresponding human rights that are not realized. This assessment can help governments answer four critical questions:



Who has been left behind?

Who are the people most impacted by the issue at hand?

What causes them to be most impacted? This assessment will help identify patterns of discrimination and describe the situation of groups excluded and/or disproportionately impacted due to the non-realization of their rights.



Which rights are at stake?

For each unmet housing need, we can identify the standards of achievements expected. For housing, these are the human rights standards of security of tenure, availability of services, accessibility, affordability, habitability, location, and cultural adequacy.

**Who must do something about it?**

Who are the immediate duty-bearers responsible to protect and realize the human rights at stake? The accountability framework considers several levels of accountability, which depend on the individual, group or institution responsible for the enforcement of legal standards. These include landlords, municipalities, provinces and territories, and the federal government.

**What do they need to act?**

Because all individual duty-bearers are also rights-holders, sometimes their inability to fulfill their obligations can be the result of their rights being denied in upper levels of the chain of accountability. For duty-bearers to be able to fulfill their obligations, they need to be enabled to be more accountable, and provided with resources and mechanisms to that end.

National legislation and policies must detail how the government's human rights obligations will be delegated at federal, provincial, and local levels. For this process to efficiently target financial resources to create equal outcomes in housing, rights-holders must participate in housing policy development, and they need to be fully informed of their rights and empowered to make the decisions that will ultimately affect them.

COMMUNITY-BASED POLICY ADVOCACY

While governments bear the primary responsibility for the achievement of housing rights standards, tenant groups and impacted communities can bolster their participation and engagement in decision-making to ensure that the policy development process is inclusive, accessible, and non-discriminatory, and ultimately empowers disadvantaged groups at the grassroots level. At the same time, the collective power of communities can be harnessed to hold landlords, developers, and governments accountable, and demand enforcement mechanisms to that end.

As tenant leaders, the first step you can take is to collectively identify the most important and urgent housing issues to address in your community, and the groups that are the most affected by those issues. They will be the priority groups. You will then need to determine their ability to claim their rights and identify the barriers that could prevent them from doing so.

Once you know which capacities to improve, you can choose to implement the actions that are most likely to strengthen the capacity of priority groups to claim their rights, and ways to hold duty-bearers accountable. On the one hand, you will need to dedicate efforts and resources towards rights-holders, and on the other hand, increase engagement with all levels of government.

USING THE PANEL PRINCIPLES

Following the PANEL principles, below are some of the actions that tenant leaders can implement to advocate for rights-based housing policies:



Participation

Education about human rights.

Encouraging community feedback and participation.

Mobilizing communities to engage in public consultations.



Accountability

Requesting the creation of housing monitoring frameworks.

Representing impacted communities at City Council. Organizing communities to oppose initiatives that violate the right to housing.



Non-discrimination and equality

Demanding changes to policies and legal frameworks that are discriminatory in nature.

Providing equitable accommodations for people facing barriers to participating in community-based policy advocacy.



Empowerment

Training volunteer groups of advocates.

Mobilizing tenant communities through campaigns and coalitions.

Developing rights-based submissions on systemic housing issues.



Legality

Education about human rights.

Mainstreaming knowledge of existing protection systems.

Advocating for new legislation to recognize housing as an enforceable human right.

The goal of a rights-based approach is to improve the quality of life of every person through the realization of their rights. First it is important to look at the rights that are not realized: the standards that are not met will let tenants know which results and activities to prioritize. The principles that are not applied will inform tenants on the rights-holders to prioritize, to ensure everyone enjoys the same outcomes. Once it is clear who cannot participate, who is excluded, who is discriminated against and who doesn't enjoy equal status, tenant leaders can identify the groups and individuals that need the most support to meet their housing needs.



housingrightscanada.com