

The Right to Adequate Housing in International Human Rights Law - Selected Bibliography

Terminski, Bogumil

Preprint / Preprint

Bibliographie / bibliography

Empfohlene Zitierung / Suggested Citation:

Terminski, B. (2013). *The Right to Adequate Housing in International Human Rights Law - Selected Bibliography*. Genf. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-328987>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY Lizenz (Namensnennung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier: <https://creativecommons.org/licenses/by/4.0/deed.de>

Terms of use:

This document is made available under a CC BY Licence (Attribution). For more information see: <https://creativecommons.org/licenses/by/4.0>

**The Right to Adequate Housing in International Human Rights Law -
Selected Bibliography**

prepared by Bogumil Terminski

An Occasional Paper (Draft Version)

Geneva, January 2013

TABLE OF CONTENTS

FOREWORD.....	3
BOOKS.....	4
CHAPTERS IN EDITED VOLUMES	4
ARTICLES IN SCIENTIFIC JOURNALS.....	7
WORKING PAPERS/ CONFERENCE PRESENTATIONS/ REPORTS... ..	10

FOREWORD

In the past few years housing rights have become a major locus of activity in the field of economic and social human rights. The growing importance of this particular area of human rights is reflected not only in a rapidly increasing number of professional publications, studies, and reports dealing with this subject, but primarily in significantly more distinct actions undertaken by international organizations and humanitarian institutions. Decisions made under the aegis of the United Nations system play a leading role in the protection of housing rights, especially in the form of discussions at the United Nations General Assembly, United Nations Economic and Social Council, Office of the High Commissioner for Human Rights, United Nations Housing Rights Programme (UNHRP), and the United Nations Human Settlement Program (UN-HABITAT), operating since 1976. In April 2000, the UN Commission on Human Rights established the mandate of a Special Rapporteur on adequate housing. Activities conducted for the purpose of strengthening housing rights are also related to regional intergovernmental organisations (e.g. Council of Europe, the African Union, and the Organisation of American States) and numerous non-governmental organizations (NGOs), including humanitarian profiles (such as the Centre for Housing Rights and Evictions-COHRE, the Asian Coalition for Housing Rights, and others).

Why have housing rights become in recent years such an important area under the rubric of the international protection of human rights? The answer to this question appears simple, but only at a superficial level. Without going into details, it is necessary to take into account several issues.

The most prominent catalyst for the development of housing rights in the last several decades was an increase in world population, and simultaneously the increased rate of urbanization. In the 70s of the twentieth century, the planet's population was a little over three billion people; this figure is now near 6.8 billion. The disparities in standards of living between different parts of the world have become significantly stronger, which translates to urbanization. Poverty clusters (also known as slums or favelas) are growing in certain nations, and the phenomenon of homelessness is more present than ever. Numerous national as well as international armed conflicts account for some violations of fundamental housing rights. Growing scale of social exclusion and marginalization of the poorest in many regions of the world is not unfortunately accompanied by attempts of solving systematically the problem of housing.

Secondly, housing rights are one of the most fundamental rights for the development of every human being. For each person on the planet, home is an essential space for the realization of social ties. Psychologists point out that adequate housing is a key component in the proper functioning of the family. Without adequate guarantees regarding this matter (as well as the will of state authorities to take care of the issue), it is very hard to implement not only social and cultural rights but also some basic civil and political rights. At the present time, we can consider homelessness or unacceptable housing conditions as the primary factor limiting proper human functioning in surrounding communities. The strong relationship between difficult

housing conditions and the increase of crime rate in many regions of the world is well-known.

This bibliography highlights works relating to right to adequate housing. The entries are divided by type: 1. books, 2. chapters in edited volumes; 3. journal articles and 4. research papers, conference papers, and reports. While not a comprehensive bibliography, the first two sections list approximately 100 references.

BOOKS

- Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Edgar, Bill, Doherty, Joe and Henk Meert, *Access to Housing: Homelessness and vulnerability in Europe*, The Policy Press, 2002.
- Leckie, Scott (ed.), *Housing and Property Restitution Rights of Refugees and Displaced Persons, Laws, Cases and Materials*, Cambridge University Press, 2007.
- Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Leckie, Scott, Huggins, Chris, *Conflict and Housing, Land and Property Rights: A Handbook on Issues, Frameworks and Solutions*, Cambridge University Press, 2011.
- Stone, Michael E., *Shelter Poverty: New Ideas on Housing Affordability*, Temple University Press, Philadelphia, 1993..

CHAPTERS IN EDITED VOLUMES

- Achtenberg, Emily Paradise, "Federally-Assisted Housing in Conflict: Privatization or Preservation?" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Bodewes, Christine and Ndaïse Kwinga, "The Kenyan Perspective on Housing Rights" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Bratt, Rachel G., "Community Development Corporations: Challenges in Supporting a Right to Housing" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Bratt, Rachel G., "Housing and Economic Security" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Bryson, David B., "The Role of the Courts and a Right to Housing" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Budlender, Geoff, "Justiciability of the Right to Housing - the South African Experience" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Craven, Matthew, "History, Pre-history and the Right to Housing in International Law" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Craven, Mathew C.R., "The Right to Housing" Chapter 8th [In] Craven, Matthew C.R., *The International Covenant on Economic, Social, and Cultural Rights A Perspective on Its Development*, Clarendon

Press, 1998, pp. 329-349.

- Davis, John Emmeus, "Between Devolution and the Deep Blue Sea: What's a City or State to Do" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Denton, Nancy A., "Segregation and Discrimination in Housing" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Devereux, Anne Marie, "The Right to Housing in Australia" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Dorsen Norman, "Project on Social Welfare Law, Housing for the Poor: Right and Remedies", 1967.
- Dreier, Peter, "Federal Housing Subsidies: Who Benefits and Why?" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Fitzpatrick, Suzanne, Watts, Beth, "The Right to Housing' for Homeless People" [In] E. O'Sullivan (ed.), *Homelessness Research in Europe*, Brussels: FEANTSA, 2011.
- Hartman, Chester, "The case for a Right to Housing" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Hartman, Chester, "The Case for a Right to Housing in the United States" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Junior, Nelson Saule, Rodriguez, Maria Elena, "Housing Rights in Brazil" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Leckie, Scott, "Where It Matters Most: Making International Housing Rights Meaningful at the National Level" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Kenna, Padraic, "Housing Rights in Ireland" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Marcuse, Peter, Keating Dennis W., "The Permanent Housing Crisis: The Failures of Conservatism and the Limitations of Liberalism" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Mendoza, Jose, "The Right to Adequate Housing in the Philippines" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Misfud-Bonnici, Ugo, "Housing Rights in Malta" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Porter, Bruce, "The Right to Adequate Housing in Canada" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Pynoos, Jon, Nishita, Christy M., "The Elderly and a Right to Housing" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple

University Press, 2006.

- Romero, Sean, "Mass Forced Evictions and the Human Right to Adequate Housing in Zimbabwe", *Northwestern Journal of International Human Rights*, Volume 5, Issue 2, Spring 2007, pp. 275-297.
- Rosenthal, Rob and Maria Foscarinis, "Responses to Homelessness: Past Policies, Future Directions and a Right to Housing" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Russell, Grahame, "Housing Rights in Honduras: Plenty of Rights, No Housing" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Saegert, Susan, Clark, Helene, "Opening Doors: What a Right to Housing Means for Women" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Saule Junior, Nelson and Maria Elena Rodriguez, "Housing Rights in Brazil" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Scheinin, Martin, "Protection of the Right to Housing in Finland" [In] Leckie, Scott (ed.), *National Perspectives on Housing Rights*, Martinus Nijhoff Publishers, The Hague, 2003.
- Stone, Michael E., "Housing Affordability: One-Third of a Nation Shelter Poor" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Stone, Michael E., "Pernicious Problems and Housing Finance" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Stone, Michael E., "Social Ownership" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Swack, Michael, "Social Financing" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Tilly, Chris, "The Economic Environment of Housing: Income Inequality and Insecurity" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Wiener, Robert, "Privatizing Rural Rental Housing" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.
- Yates, Larry Yamar, "Housing Organizing for the Long Haul: Building on Experience" [In] Bratt, Rachel G., Stone, Michael E. and Chester Hartman, (eds.), *A Right to Housing: Foundation for a New Social Agenda*, Temple University Press, 2006.

ARTICLES IN SCIENTIFIC JOURNALS

- Adams, Kristen David, "Do We Need a Right to Housing", *Nevada Law Journal*, Vol. 9, No. 2, 2009.
- Bengtsson, Bo, "Housing as a Social Right: Implications for Welfare State Theory", *Scandinavian Political Studies*, Vol. 24, Issue 4, December 2001, pp. 255-275.
- Breen, Claire, "The Policy of Direct Provision in Ireland: A Violation of Asylum Seekers' Right to an Adequate Standard of Housing", *International Journal of Refugee Law*, Vol. 20, Issue 4, 2008, pp. 611-636.
- Cahn, Claude, "Slums, The Right to Adequate Housing and the Ban on Discrimination", *The Equal Rights Review*, Vol. 1, 2008, pp. 60-64.
- Chenwi, Lilian, "Advancing the Right to Adequate Housing of Desperately Poor People: City of Johannesburg v. Rand Properties", *Human Rights Brief*, Vol. 14, No.1, 2006, pp. 13-16.
- Chenwi, Lilian, "Putting Flesh on the Skeleton: South African Judicial Enforcement of the Right to Adequate Housing of Those Subject to Evictions", *Human Rights Law Review*, Vol. 8, No. 1, 2008, pp. 105-137.
- Connell, John C., "Right to Emergency Shelter for the Homeless under the New Jersey Constitution", *Rutgers Law Journal*, Vol. 18, 1987, pp. 765-820.
- De Visser, Jaap, "A perspective on local government's role in realising the right to housing and the answer of the Grootboom judgment", *Law, Democracy & Development*, Vol. 7, Issue 2, 2003.
- Devereux, Annemarie, "Australia and the Right to Adequate Housing", *Federal Law Review*, Vol. 20, Issue 2, 1991, pp. 232-234.
- Farha, Leilani, "Is There a Woman in the House-Re/conceiving the Human Right to Housing", *Canadian Journal of Women and the Law*, Vol. 14, 2002, pp. 118-141.
- Foscarinis, Maria, "Advocating for the Human Right to Housing: Notes from the United States", *New York University Review of Law & Social Change*, 2006.
- Foscarinis, Maria, Paul, Brad, Porter, Bruce, Scherer, Andrew, "Human Right to Housing: Making the Case in U.S. Advocacy", *Clearinghouse Review: Journal of Poverty Law And Policy*, July-August 2004.
- Foscarinis, Maria, "The Growth of a Movement for a Human Right to Housing in the United States", *Harvard Human Rights Journal*, Vol. 20, 2007, pp. 35-40.
- Gerdner, Tiffany M., Irwin, Alec, and Curtis W. Peterson, "No shelter from the storm: reclaiming the right to housing and protecting the health of vulnerable communities in post-Katrina New Orleans", *Health and Human Rights*, Vol. 11, No.2, 2009, pp. 101-114.
- Gonsalves, Colin, "The right to housing: The preserve of the rich", *Housing & ESC Rights Litigation Quarterly*, Vol. 1, No. 2 (2005), pp.1-3.
- Gould, Charles W., "The Right to Housing Recovery After Natural Disasters", *Harvard Human Rights Journal*, Vol. 22, 2009, pp. 169-204.
- Hartman, Chester, "The case for a right to housing", *Housing Policy Debate*, Vol. 9, Issue 2, 1998, pp. 223-246.
- Hayes, Robert, "Litigating on behalf of shelter for the poor", *Harvard Civil Rights - Civil Liberties Law Review*, Vol. 22, Issue 1, 1987, pp. 79-89.
- Henderson, Emma, "The Case for Decent Housing, An Inherent Right", *Detroit College of Law Review*, Vol.

4, 1983, pp. 1297-1301.

Hulchanski, David J., "Rebuilding Canada: Property Rights, No; Housing Rights, Yes", *Policy Options Politiques*, Vol. 13, No. 8, October 1992, pp. 21-23.

Kabir, Abul Hasnat Monjurul, "Development and Human Rights: Litigating the Right to Adequate Housing", *Asia-Pacific Journal on Human Rights and the Law*, Vol. 1, 2002, pp. 97-119.

Kucs, Arturs, Sedlova, Zane and Liene Pierhurovica, "The Right to Housing: International, European and National Perspectives", *Cuadernos Constitucionales de la Cátedra Fadrique Furió Ceriol*, No. 64/65, pp. 101-123.

Ladd, Christine Robitscher, "A Right to Shelter for the Homeless in New York State", *New York University Law Review*, Vol. 61, 1986, pp. 272-299.

Leckie, Scott, "The UN Committee on Economic, Social and Cultural Rights and the Right to Adequate Housing: Towards an Appropriate Approach", *Human Rights Quarterly*, Vol. 11, No. 4, November 1989, pp. 522-560.

Loison, Marie, "The Implementation of an Enforceable Right to Housing in France", *European Journal of Homelessness*, Vol. 1, December 2007, pp. 185-198.

Loison-Leruste, Marie and Deborah Quilgars, "Increasing Access to Housing: Implementing the Right to Housing in England and France", *European Journal of Homelessness*, Vol. 3, 2009, pp. 75-100.

McRae, Rowan and Dan Nicholson, "No Place like home: homelessness in Australia and the right to adequate housing", *Australian Journal of Human Rights*, Vol. 10, Issue 2, 2004.

Michelman, Frank I., "The Advent of a Right to Housing: A Current Appraisal", *Harvard Civil Rights-Civil Liberties Law Review*, 1970.

Morris, Alan, "The Lack of a Right to Housing and Its Implications in Australia", *Journal of Australian Political Economy*, Issue 65, 2010, pp. 28-57.

Mort, Goeffrey, "Establishing a Right to Shelter for the Homeless", *Brooklyn Law Review*, Vol. 50, 1984, pp. 939-994.

O'Leary, Sheila, "Constitutional Right to Housing in the Russian Federation: Rethinking the Guarantee in Light of Economic and Political Reform", *American University International Law Review*, Vol. 9, No. 3, 1994, pp. 1015-1069.

Paglione, Giulia, "Domestic Violence and Housing Rights: A Reinterpretation of the Right to Housing", *Human Rights Quarterly*, Vol. 28, No. 1, February 2006, pp. 120-147.

Ray, Brian, "Occupiers of 51 Olivia Road v City of Johannesburg: Enforcing the Right to Adequate Housing through 'Engagement'", *Human Rights Law Review*, Vol. 8, Issue 4, 2008, pp. 703-713.

Robinson, Kim, "False Hope or a Realizable Right? The Implementation of the Right to Shelter Under the African National Congress' Proposed Bill of Rights for South Africa", *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 28, 1993, pp. 505-532.

Roisman, Florence, "The Right to Public Housing", *George Washington Law Review*, Vol. 39, 1971, pp. 691-733.

Roisman, Florence Wagman, "Establishing a Right to Housing: A General guide", *Clearinghouse Review*,

Vol. 25, 1991.

Rotunno, Norma, "State Constitutional Social Welfare Provisions and the Right to Housing", *Hofstra Law and Policy Symposium*, Vol. 1, 1996, pp. 111-148.

Ryan, Philip Scott, "Decent Housing as a Constitutional Right", *Howard Law Journal*, Vol. 14, 1968, pp. 338-360.

Steinberg, Marc I., "Adequate Housing for All: Myth or Reality", *University of Pittsburgh Law Review*, 1975.

Terminski, Bogumil, "The Right to Adequate Housing in International Human Rights Law: Polish Transformation Experiences", *Revista Latinoamericana de Derechos Humanos*, Vol. 22, 2011, pp. 219-241.

Thiele, Bret, "The Human Right to Adequate Housing: A Tool for Promoting and Protecting Individual and Community Health", *American Journal of Public Health*, Vol. 92, No. 5, pp. 712-715.

Wolf, Ralph, "Participation in the Right of Access to Adequate Housing", *Tulsa Journal of Comparative and International Law*, 2006-2007.

WORKING PAPERS/ CONFERENCE PRESENTATIONS/ REPORTS

Golay, Christophe and Melik Özden, *The Right to Housing*, Part of a series of the Human Rights Programme of the Europe-Third World Centre (CETIM),

Leckie, Scott, *From Housing Needs to Housing Rights: An analysis of the right to adequate housing under international human rights law*, International Institute for Environment and Development (IIED), 1992.

Das Gupta, Shangon, Bharati, Ali, *Children and right to adequate housing: a guide to international legal resources*, The Centre, 2002.

Housing Rights Legislation, United Nations Housing Rights Programme Report No. 1, United Nations Human Settlements Programme (UN-HABITAT), Office of the High Commissioner for Human Rights (OHCHR), Nairobi 2002.

Hulchanski, David J., and Scott Leckie, *The Human Right to Adequate Housing 1945 to 1999: Chronology of United Nations Activity*, Centre on Housing Rights & Evictions (COHRE), April 2000.

Indigenous peoples` right to adequate housing. A global overview, United Nations Housing Rights Programme Report No. 7, United Nations Human Settlements Programme (UN-HABITAT), Office of the High Commissioner for Human Rights (OHCHR), Nairobi 2005.

Onoria, Henry, *Guaranteeing the right to adequate housing and shelter in Uganda: The case of women and people with disabilities (PWDs)*, Human Rights & Peace Centre, 2007.

Sachar, Rajindar, *The right to adequate housing*, United Nations, New York, 1996.