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research

# Housing and Human Rights Framework

A summary of the right to adequate housing and human rights issues for landlords in Scotland

## Introduction

The purpose of this document is to provide a framework for Scotland's housing sector to ensure all tenants realise the right to adequate housing.

It is informed by the CIH and Newhaven Research report [Walking the Talk](#) and ultimately by the outcomes we believe that people should experience if housing is a recognised human right. It also includes a series of commitments for housing organisations to sign up to.

The framework is for social landlords but can for the most part be used by private landlords and letting agents.

## Context to housing and human rights in Scotland

Human rights and the right to adequate housing are guaranteed by various legally binding international standards. However, they are now gaining particular significance because the Scottish Government has embarked on an ambitious programme to incorporate the full spectrum of civil, political, economic, social, cultural and environmental human rights into Scots Law.

Housing providers will want to think about how the right to adequate housing could affect their business and ensure that they can influence the emerging Bill. This framework offers a starting point to assist housing providers to:

- Understand the United Nations Committee on Economic, Social and Cultural Rights (CESCR) definition of adequate housing and accompanying principles and how these fit within the Scottish housing context, including the Housing to 2040 agenda.
- Consider their potential role in progressing adequate housing and how it might shape their engagement with tenants and other rights holders in improving services.

## Human Rights characteristics

This section sets out the key characteristics of human rights as defined by the UN:

- **Security of tenure:** Legal protection from forced eviction, harassment by landlords and other threats to having a settled home
- **Habitability:** A dwelling in a decent state of repair that provides a dry, warm home and adequate living space
- **Availability of services:** A dwelling has the facilities that makes it habitable, such as sanitation and waste disposal facilities, washing facilities, cooking facilities, storage, heating and lighting
- **Affordability:** Housing costs are not so high that people struggle to pay for food, fuel and other basics
- **Accessibility:** Suitable housing is available to those who require it, including housing that maximises the capacity of individuals with a disability or limiting illness to live independently
- **Location:** Housing is situated in areas that allow access to services (e.g., education, health, shops), paid work and participation in civic society. Housing should not be in an environment that is hazardous to health.
- **Cultural adequacy:** Housing and its allocation should allow people to live in ways that express their cultural identity and does not disrupt their cultural affiliations.

## Self-Assessment Framework (also available as a separate document)

### Human Rights Culture Checklist

Commitment	Things to ask yourself	Evidence of progress	Improvements	Who/when
<b>Human rights culture is embedded within the organisation</b>	<p>Do staff understand human rights?</p> <p>Do tenants feel able to participate?</p> <p>How is human rights monitored and reported on?</p>			
<b>Tenants who fulfil their tenancy obligations are safe from eviction</b>	<p>Do you offer welfare advice or income max service?</p> <p>What prevention processes do you have in place?</p> <p>How are tenants views informing your policies and responses?</p> <p>Are evictions genuinely only used as a last resort? How d you work to keep someone in a tenancy?</p> <p>Do have a gendered approach to tenancy sustainment?</p>			
<b>Homes meet adequate quality standards</b>	<p>Do all homes meet all minimum legal standards?</p> <p>Do you go beyond the legal minimum standards?</p> <p>Are tenants aware of housing standards?</p> <p>Do tenants know how to raise concerns about housing standards and how quickly do you respond?</p>			
<b>Homes and services are affordable</b>	<p>Do you use a definition of affordable rent?</p> <p>Is tenants feedback used to determine rent levels?</p> <p>Do you have a policy to lessen financial hardship and how are they monitored for effectiveness?</p>			
<b>Homes are accessible or can be adapted to meet needs</b>	<p>Do you know how many and which of your properties are accessible?</p> <p>Does your development programme include homes that are accessible?</p> <p>How are tenants with accessibility issues involved in updating all relevant policies?</p> <p>How do you measure the success of your adaptations programme?</p>			
<b>Homes are in a location that meets tenants' needs</b>	<p>How do you involve tenants in estate management and building community cohesion? How is this insight then used and fed back?</p> <p>What do you do to ensure tenants have access to relevant local services?</p> <p>How do you help tenant stay connected to relevant local networks if re-housed</p>			
<b>Homes (and services?) are culturally adequate</b>	<p>How effectively do you engage with a diversity of tenants?</p> <p>Are the cultural needs of different local social groups set out in design briefs for new housing developments?</p> <p>Does your staff recruitment policy encourage applicants from a range of backgrounds? How effective is it?</p> <p>Is your organisation's commitment to diversity highly visible to all, so that people feel safe to approach or come out to your staff?</p> <p>What contribution does you organisation make to promote and deliver high quality open and green space and associated green infrastructure and other culturally adequate services?</p>			



To discuss any matters relating to the work of CIH Scotland and how we can support your organisation please contact:

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