



Back the Bill Campaign Alternative White Paper

November 2024

The Right to Adequate Housing

We believe that everyone in Wales deserves a good home that is safe, suitable for their needs and one that they can afford.



Back the Bill statement on Welsh Government's White Paper on securing a path towards adequate housing, including fair rents and affordability



The publication of today's White Paper on securing a path towards adequate housing contains some positive steps forward. However, it falls short of fundamental change and ambition which can only be delivered through hard-wiring a legal commitment to providing housing as a human right.

The current housing emergency – with record numbers in temporary accommodation, on social housing waiting lists and in poor quality housing – necessitates a radical solution. We believe that a rights-based approach, underpinned by legislation, would act as a catalyst for positive change, bringing about additional resource and greater accountability.

As we continue to digest the detailed content of the White Paper in the coming days, we are committed to ongoing dialogue with partners and stakeholders, including Welsh Government, to help build a Wales where, over time, everyone can have a home that is safe, secure, suitable and one that they can afford.



More than three-quarters (77%) of people in Wales supported a legal right to housing in research carried out in 2020.

Over two-thirds of Registered Social Landlord CEOs in Wales have actively signed to support the right to a good home.



What makes this different?

As a campaign we recognise the current housing environment is a challenging environment in which to operate – in terms of demand, level of change and funding settlements. However, we wholeheartedly believe this makes incorporation more important - and different - from previous attempts to tackle our housing emergency.

Here's why:

Why legislate for housing as a human right?

- If we believe our fundamental starting point is that a home is a human right, together with the ambition to realise it in Wales, then legislation helps us by 'hardwiring' that commitment and ensuring governments think beyond political cycles. In practice, it means being held to account for long-term plans to realise that right - making housing less likely to fall victim to changing government priorities.

How will this ensure the funding housing requires?

- Under our proposed legislation, ensuring good quality housing will return to being a key mission of government. Our Draft Bill refers to government committing 'maximum available resources' to progressing the right over time.

What difference would our Bill make?

- A fundamental change to the way our housing system works – and our thinking behind it - means no more 'tinkering around the edges' or time consuming, costly, and unaligned policies. If we are to improve outcomes, the scale of change must be both radical and long-term.

What will happen if we don't legislate?

- Without committing to a relentless drive to realise the right for all, we will continue to feel the consequences of a lack of long-term planning and the concept of 'home' will not likely be a top investment and policy priority - we risk continued poor outcomes, in particular for the most vulnerable and disadvantaged in society.



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Since 2018, the Back the Bill coalition has campaigned to secure housing as a human right in Wales. A right supported by 77% of people in Wales surveyed in 2020.

We believe the only way to resolve our housing emergency is to fundamentally change how we think about homes, starting with seeing them as a **right** not an asset. We want to see the concept of 'good homes for all' consistently getting the attention it merits on the political agenda, driving a long-term strategy for the whole housing system in Wales, turbocharging the changes (including funding) to ensure everyone can find and keep a home that is safe and secure, suited to their needs and one that they can afford.

As a campaign, we've built the evidence base for incorporation in Wales, highlighting how it could happen, the difference it could make and what it could look like through the following research since 2019:

- **Feasibility study into the right to adequate housing**
- **Draft bill**
- **The right to adequate housing in Wales: The evidence base**
- **The right to adequate housing in Wales: Cost-benefit analysis**
- **Road Map**

The above evidence demonstrates that the Right to Adequate Housing is the strategic solution we need. The right would:

- Give focus to the international legal obligations which we have failed to acknowledge and deliver under current arrangements
- Drive a long term, whole population and whole housing system approach, which, given the depth and scale of housing. emergency is the only viable approach – recognising that the system is the sum of interdependent parts therefore 'sticking plaster' solutions don't work.



- Hard-wire Welsh Government's commitment to implementing the principles of the Wellbeing of Future Generations Act (WBFGA) in an area fundamental to the nation's wellbeing. This not only provides hope for a different housing future but gives all parts of the housing system the certainty needed to plan and invest in that better future. Making substantive contribution to delivering an anti-poverty strategy and health and economic goal.
- Provide a transformational solution to address one of the biggest emergencies and social injustices facing Wales.

Purpose

Purpose of campaign White Paper

We believe a White Paper on the right to adequate housing is a once in a generation 'golden opportunity' to ensure everyone has a good home now and in the future. Learning from the experience of the Green Paper, it's critical that the full range of relevant stakeholders have the opportunity to contribute and work together to grasp it. If we are to solve our housing emergency, **it will require us to all work together**, pooling our resources, expertise, and strengths. As a campaign we aim to be constructive and supportive to the Welsh Government and wider housing sector.

Building on the momentum of our 'Road Map,' this 'Campaign White Paper' outlines the themes and questions required to ensure the full, transformational potential of the right to adequate housing is realised in Wales. We hope doing so sets out a pathway to generate the evidence base for realistic and deliverable plans for legislation. Only by all stakeholders working together can we resolve Wales' housing emergency and set about bringing fundamental, positive change, including for the many thousands of people who are on the sharp end of housing precarity.



Boosting supply with the right to adequate housing



A key factor in our housing emergency is the lack of genuinely affordable and secure homes. For too long, we haven't built at a rate fast enough to resolve this. The Welsh Government plans to build 20,000 social homes over this current Senedd term are welcome but are not enough to rectify the emergency, not to mention future-proofing the system. We need a long-term commitment to ensure we build and continue to build the homes we need. This needs to be beyond any political cycle and give long term certainty to all stakeholders. The right to adequate housing requires governments to commit the **maximum available resources** to housing. This includes investment, skills, technology, and land. We recognise the construction industry currently faces challenges around building new homes – whether that's relating to environmental concerns about phosphates, high costs, labour, skills shortages or meeting new regulations. A right to adequate housing fundamentally changes how we perceive and plan homes – changing the emphasis on how we resolve these challenges. It puts a legal duty on government to build more homes and do everything within their powers to boost supply. These homes must also be the right type of homes needed and in the right place, as set out in the framework of incorporation.

Questions:



What will the Welsh Government need to do to ensure supply is progressively boosted until it meets need under the right to adequate housing?



What are the benefits and challenges to the construction and development sector around incorporation?



What additional challenges will a right to adequate housing require Wales to address in order to boost supply?

If we choose not to incorporate a right to adequate housing, what other options are there that provide greater assurance and accountability to ensure that the gap between housing need and suitable homes is reduced year on year and across Senedd terms?



Progressive realisation is a legal obligation adopted to incorporate rights, including the right to adequate housing. As the name suggests, the state can realise the right to adequate housing progressively, rather than immediately. It means using the maximum available resources over time based on a robust, long-term strategy – and, importantly, no regression. It's an internationally recognised obligation and means countries can plan their own pathway based on the resources available to them. Even the poorest countries can make progress. Resources include staff, money, land, and technology.

Progressive realisation means there is no expectation of overnight change in Welsh Government, local authorities, and housing associations responsibilities. Rather, it means there is a longer timeline for all stakeholders to work together and plan for change. It further requires a focus on those most vulnerable in the population first.

Progressive realisation requires a long-term commitment to change and its delivery incrementally by successive governments so that over time a right to adequate housing is fully realised for all, sustained and embedded. This promotes a more strategic joined up approach, as well as providing consistency and certainty for all stakeholders, including landlords and developers. **Progressive realisation does not mean however that Welsh Government could postpone realisation of the right indefinitely** – it requires governments to move as swiftly as practically possible, with the burden of justifying any delays falling to the government. The government must also take immediate steps towards the realisation, for example produce a housing rights strategy or plan to realise the right over time.

As long as the Welsh Government is following the process of committing the maximum available resources and not regressing, the likelihood of litigation is limited. The same principle applies for local authorities.

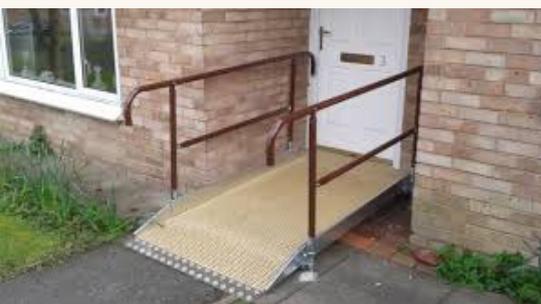
No country in the world could realise the right to adequate housing overnight.

Incorporation requires the Welsh Government to set out a long-term, cross government and cross tenure strategy on how it would achieve this, including milestones, targets, and commitments. Doing this will require focusing on priorities and having a pathway lasting beyond one Senedd term.



Questions:

-  What opportunities and challenges do a legal obligation of progressive realisation present to public bodies?
-  How can Welsh Government and others promote better understanding of progressive realisation amongst key delivery partners and communities?
-  What should Welsh Government consider in developing a long-term strategy to progressively realise the right to adequate housing for everyone in Wales?
-  Who are the main stakeholders the Welsh Government should involve in this process?
-  Who or what communities should the Welsh Government prioritise in delivering the right to adequate housing when enacted?
-  Progressive realisation requires the enablers of people finding and keeping a suitable home to be in place, as well as the bricks and mortar, what enablers must be considered in progressively realising the RTAH for everyone in Wales?



The cost of inadequate housing in Wales and increasing funding in the future



Poor housing conditions and homelessness have adverse effects on individuals' physical and mental health, increasing use of the NHS, worsening health, and reducing life expectancy. In a 2019 report, Public Health Wales estimated that poor housing costs the health service in Wales £95m per year. Staggeringly, the cost of poor housing across the Welsh economy is estimated at £1bn per annum. According to the authors, investing £1 in improving warmth in vulnerable households can generate £4 savings due to reduction in hospital admissions for circulation and lung conditions. Spending £1 in adaptations to make houses accessible for older and disabled people can also result in £7.50 savings due to reduction in tenants' falls. Repairing and renovating inadequate houses results in enhanced health.

Independent Cost-benefit analysis undertaken by Alma Economics, using HM Treasury guidelines, shows incorporating the right to adequate housing in Wales will save money for current and future generations.

£11.5bn of benefits will be realised across the public purse and society, against estimated costs of £5 billion over a 30-year period.

Boosting the supply of homes will clearly cost money. Currently on average since 2006, only 2.2 % of our budget has been spent on housing, despite the housing and homelessness emergency and the evidence that investment in housing produces big savings in other areas. Following incorporation, the Welsh Government would be duty bound to evidence how they have considered the impact of any budgetary decisions on the right to housing. This includes the duty to use maximum available resources, progressive realisation, no retrogression, and impact on any plans. This would make the cabinet more accountable for any decisions, including budgetary ones, it takes on housing, for instance, WHQS 2024, Housing Support Grant and the target to build 20,000 social homes, and how this supports progressive realisation of the right.



Our draft Bill proposes a Housing Impact Assessment on any proposal for legislation or policy or budgetary allocation which is likely to have a direct or indirect impact on people's access to a home. This would promote a stronger focus on preventative measures to help people remain in their homes and avoid homelessness in the first place.

Questions:

-  What are the opportunities for financing the right to adequate housing in Wales?
-  Are there any financial risks associated with legislating for a right to adequate housing? Are these mitigated by the provisions requiring use of 'maximum available resources'?
-  Investing in homes will lead to benefits for other areas of spending (i.e., health, criminal justice, education, welfare). In the short term, should any of these areas support the initial spending on the basis they will benefit in the future and, if so, how?
-  What other options are there to boost investment in homes in a sustained and transformative way if we choose not to incorporate a right to adequate housing?
-  How can a right to adequate housing deliver greater investment in housing for current and future generations?





The Benefits of Incorporation

The problems of our housing emergency are well understood. We don't have enough homes, and many of the homes we do have are either unsuitable or too expensive. Building new homes takes time, navigating the planning system can be challenging, while retrofitting existing properties for decarbonisation comes at a cost. These issues are structural in nature but personal in the way they affect the lives of people in Wales.

Incorporation offers the opportunity of a systems change approach, looking at all the challenges with housing holistically, presenting joined up and a long-term, sustainable solution.

Incorporation gives a sharp focus to our international legal obligations which we have failed to acknowledge and deliver under current arrangements. It drives a long term, whole population and system-wide change in our approach to the ensuring people can find and keep a home. Incorporation provides a clear demonstration of the Welsh Government's hard-wired commitment to it and future governments systematically tackling housing injustice and inequality. It enacts the principles of the Future Generations Act in an area fundamental to the nation's wellbeing. Providing hope for a different housing future housing system and making a substantive contribution to our anti-poverty strategy.

Questions:



Are there any legal challenges of concern, or risks to incorporation? If so, what are they and how can they be satisfactorily mitigated?



Are there any elements of the right to adequate housing that you do not agree should be incorporated into law in Wales? If so, why, and what are these?



If we do not incorporate housing as a right, what is the alternative pathway to current and future governments? Demonstrably committing to meeting our existing international obligations, and being effectively held to account for doing so?



The UN Committee on Economic Social and Cultural Rights, responsible for monitoring the right to housing internationally, commented on the '*persistent critical situation*' of housing in the UK and consistently recommended incorporation of international social rights including housing.

The loss of rights guaranteed by the Charter of Fundamental Rights of the European Union following Brexit has given new impetus to calls for further incorporation of human rights in Wales. Social rights are the human rights that relate most closely to the competencies of the Senedd and the Welsh Government, with potential to provide a guiding framework for the conduct of policy and legislation in devolved areas. Importantly, although Senedd Cymru doesn't have competency to enter international human rights treaties (this is done at a UK level), it does have the power to observe and implement them, including the International Covenant on Economic, Social and Cultural rights and the right to adequate housing.

When considering how best to implement human rights in Wales, the Back the Bill feasibility study considers three options of incorporation – indirect via due regard duty (Option A), direct via compliance duty (Option B) or the adoption of a dual approach. Option A and B both offer distinct advantages but also challenges. Combining both into a dual approach may offer both advantages – a strong proactive framework for policy making and strong enforcement if the right to housing is breached.

Model A can promote an initiative-taking approach to the right to adequate housing in policy development (including legislation). Where this is insufficient to ensure right-compliant implementation of housing policy Model B could be deployed to provide redress for individuals or groups adversely affected. It's also important to recognise that any future legislation on the right to housing wouldn't sit in isolation from other policy and legislation. Indeed, it would serve to enhance and widen existing provisions under, for example, the Human Rights Act 1998 and legislation such as the Rights of Children and Young Persons (Wales) Measure, Equality Act 2010, Social Services and Well-being Act and the Well-being of Future Generations Act.

Recognising the scale of change required and to provide assurance to bodies such as local authorities and the Welsh Government, there are additional potential options to consider such as a 'sunrise clause' which provides an extended timeframe before compliance duty (Option B) is introduced, giving individuals the right to legal redress.



Questions:

-  Should the Welsh Government adopt an approach of direct, or indirect or dual incorporation?
-  What lessons can be learned from wider incorporation of human rights in Wales, the rest of the UK and globally?
-  How can incorporation help support other existing legal and policy provisions?
-  What legal risks and mitigations need exploration?
-  Do you support a sunrise clause?

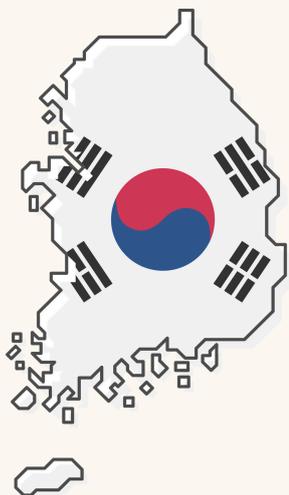
Monitoring of the right to adequate housing

Monitoring will be necessary to ensure that the right to adequate housing is enforced. UN Guidance provides examples of how rights can be monitored, but this is down to each individual country, however "at a minimum, all accountability mechanisms must be accessible, transparent, and effective."

No country has incorporated the right to adequate housing in the same way, therefore we would highlight the opportunities to gain experience from international practice and where Wales could lead the way in developing a rights-based approach that is specific to the challenges we face. Factors to consider could include the introduction of specific bodies which would make the right to adequate housing implementable, ensuring a monitoring and compliance framework are adhered to.



South Korea – Informal justice systems



In South Korea, the municipal government of Seoul established a committee against human rights violations to enable communities and individuals to raise human rights complaints before a diverse panel of experts that includes city officials, human rights lawyers, people with lived experience and social workers. The committee investigates and makes recommendations on human rights violations at the city level. It works in tandem with a city ombudsperson who, once a violation has been established, can make an official complaint, and trigger formal proceedings.

Housing Rights Advocate - Canada

The Federal Housing Advocate is an independent, nonpartisan watchdog, empowered to drive meaningful action to address housing need and homelessness in Canada. The Advocate is responsible for making recommendations to improve Canada's housing laws, policies, and programs so that they enable people and families in Canada to have access to adequate, affordable, and safe housing that meets their needs. The Advocate's mandate is guided by a human rights-based approach, which values participation, accountability, non-discrimination, equity, transparency, empowerment, and respect for human rights laws and obligations.



Our Draft Bill

Increased accountability for housing decisions would offer more opportunity for scrutiny, public debate, and housing advocacy. Mechanisms could include a published housing rights impact assessments of key decisions, three yearly progress and compliance reporting against published indicators to the Senedd for scrutiny, requirements to fully involve those with lived experience of housing issues.



Questions:

-  What are the key considerations in designing effective monitoring arrangements in Wales to ensure a right to adequate housing is implemented?
-  What lessons can be learnt internationally from monitoring and systems to hold duty holders to account?
-  How can we ensure community participation in legal mechanisms to promote visibility and accountability?
-  Should duty holders be responsible from day one or should a sunrise clause be included? If so, over what period of time should this last?

Local Authorities

The Housing Act (Wales) 2014 radically changed housing policy landscape in Wales placing greater duties on LAs to prevent homelessness. The Welsh Government has ambitious plans to end homelessness.

Experiences of homelessness should be rare, brief, and unrepeated. The right to adequate housing provides opportunities to do this, and support existing commitments, notably around Housing First and Rapid Rehousing.

Welsh Government strategy has increasingly moved towards prevention, and it has made a commitment to end homelessness and build on its, and the wider housing and homelessness sector's response to the Covid-19 pandemic. Housing First and Rapid Rehousing are elements of approaches to meet this goal, but the post-pandemic world has presented challenges around cost-of-living, construction, and availability of suitable homes and persistently high numbers of households who are homeless. While **Progressive Realisation** means there will be **no expectation to house all people from day one**, Welsh Government and local authorities will need to develop plans towards doing so in the long-term. This will present challenges as well as opportunities.



Local authorities have housing responsibilities beyond homelessness – in relation to planning, environmental health, strategy and some still function as a landlord. While a right to adequate housing will require increased investment to ensure everyone can find and keep a home, it will also result in increased expectations.

Questions:



How can the requirements a Right to Adequate Housing places on governments to progressively realise that right by using maximum available resources enable local authorities to fulfil existing housing and homelessness duties and ambitions?



How should LAs be supported during the period from the introduction of the right to be it being progressively realised over time?



Are there any risks to be considered, to whom and how might they be mitigated?

Existing Commitments on Housing

Over the last decade, the Welsh Government has sought to transform housing legislation and policy. The Housing (Wales) Act 2014, Renting Homes Act and WHQS2023 have been enacted in a challenging environment and have presented real opportunities to improve our homes. The housing sector seeks to rise to the challenges yet there are clearly concerns for some stakeholders that further ambitions place a stretch that cannot be fulfilled. Without appropriate resources or fully committed cross-government political prioritisation the risk is that the benefits of well-intentioned policy initiatives are not felt by communities in Wales. A whole system approach to progressively transforming our housing system will drive a more joined up approach to policy, strategy and legislation and the Welsh Government's approach to its budget.



How can incorporation support and enable existing housing commitments?



Housing is a fundamental part of people's lives. It can be a symptom as well as a driver of poverty and inequality.

Without a good home as a solid base, challenges exist for people to thrive in other areas of their lives such as school, work, health and contributing to the economy and their community.

Because of this, it has an impact on so many areas of Welsh Government's responsibilities. If we are to tackle child poverty - and poverty as a whole - it will not be possible without improving access to homes people can afford.

A cost-benefit [analysis by Alma Economics](#) (September, 2022) systematically sets out the benefits incorporation will bring socially and economically in Wales, including around health, wellbeing, local government, and the economy. Addressing antiracism in housing is recognised by the Anti-Racist Wales Action Plan as key in addressing racism across society.

Total benefits to Wales of ending homelessness and improving housing adequacy of £11.5bn



Questions:



How can the progressive realisation of the right to adequate housing enable the current and future Welsh Governments make progress towards its policy ambitions in other areas? How can the right to adequate housing support Wales plans to decarbonise its economy by 2050.



Will there be any changes required to other policy areas as a result of introducing a right to adequate housing, to enable the right to be effectively, and progressively, realised?



Housing and inequality in Wales

The Welsh Government's equality duty means it must consider the impact on equality of all its proposals and policies on the ability to advance equality for all. In relation to the right to adequate housing, Article 2.2 of the International Covenant on Economic, Social and Cultural Rights obliges all States "to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Further, incorporation requires a focus on the most vulnerable individuals and communities first.

In May 2024, the Welsh Government reported there were 11,591 people in temporary accommodation. This has increased from 9,410 since the start of 2023 and 6,383 in May 2021. Spiralling upward trends in homelessness suggest that current policies aren't working – particularly worrying when these figures don't account for 'hidden homelessness.'

We know certain groups and communities are more at risk of housing inequality. Black, Asian, and Minority Ethnic people who are disproportionately likely to live in overcrowded houses and have a higher risk of homelessness.

Refugees, migrants, and asylum seekers also face housing inequalities including difficulties accessing adequate housing due to racism, discrimination, inequality, or structural factors. Similar challenges also face the Gypsy, Roma, and Traveller communities, including around provision of sites and culturally adequate homes.

Individuals from the LGBTQ+ community are four times more likely to be in homelessness compared to their peers.



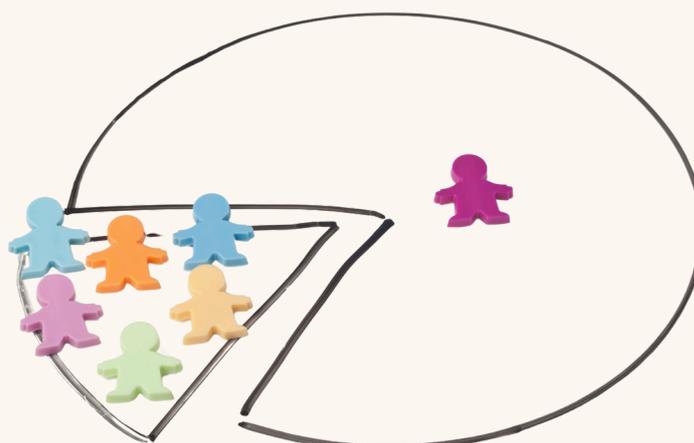
Another population group facing housing inequality is disabled people who need to live in accessible houses that support their safety and independence in daily living. Evidence suggests that 26% of people in Wales have some form of impairment and more than 10% have a mobility impairment. The numbers of older people with physical impairments are estimated to rise by 50% between 2015 and 2035 (Auditor General for Wales 2018) but they are faced with a Hidden Housing Crisis (EHRC, 2019) – shortage of accessible housing and inadequate adaptation and allocation system.

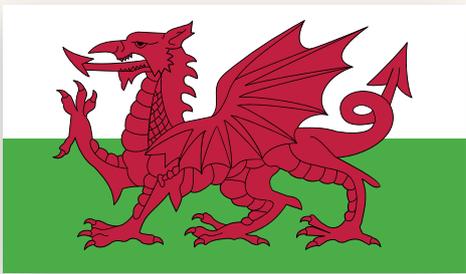
Older people are more likely than any other demographic to own their own home, but isolation, the rising cost-of-living and a shortage of contractors have contributed to the deterioration and disrepair of many properties. Every £1 spent on Care & Repair's Rapid Response Adaptation Programme saves £7.50 for health and social budgets.

Housing and homelessness are also gendered issues impacted by the persistent gender income gap, gender differences in caring responsibilities and women's experiences of domestic violence and other forms of harassment, abuse, and exploitation, including 'sex for rent' (WEN Wales, 2021).

Questions:

-  What mechanisms are required to ensure the right to adequate housing promotes a more equal and inclusive society?
-  What are the priorities from an EDI perspective in introducing a right to adequate housing?
-  Are there any areas of concern where EDI concerns in one area may impact negatively on another?





Welsh Speaking Communities

The Welsh Government has published proposals for an Act to ensure 1 million Welsh speakers by 2050. In August 2024, the Commission for Welsh published its recommendations on how to secure the future of Welsh speaking communities. While all of Wales has experienced a Housing emergency in recent years, the issues have been particularly felt in Welsh speaking communities due to the growth of holiday homes, lack of social homes and failure to build enough homes in communities for people who needed them. To meet this target, it will be essential that Welsh speaking communities survive and thrive. Housing is essential to this. The UN definition of the right to adequate housing has provision that location and cultural adequacy are essential parts of adequate housing, as is the need for community participation in the planning and policy process. Consequently, there is considerable alignment between incorporation, meeting housing needs and wider policy goals to promote and sustain the Welsh Language and its community heartlands.

Questions:

-  How can legislation help protect and enable Welsh speaking communities to thrive?
-  What specific considerations will be needed to support the Welsh Government's plans for Welsh speaking communities through incorporation?
-  How can the right to adequate housing support the wider strategy and approach of the Welsh Government towards the Welsh Language?
-  How can the right to adequate housing support the plans and priorities of the Welsh Language Commissioner?

Wider impact of the right to adequate housing



Wellbeing of Future Generations

The right to adequate housing is well aligned to the Well-being of Future Generations Act. The UN Committee has published guidance on the relationship between international Social Development Goals (SDGs) and human rights in the ICESCR.⁶³ This guidance makes it clear that human rights underpin sustainable development and can provide a framework for working toward achievement of SDGs in practice. The obligations that accompany the right to adequate housing would provide a framework for achievement, measurement, and accountability for the well-being goals through housing policy.

Questions:



What would the impact of right to adequate housing be on the wellbeing of future generations?



How can incorporation support (or hinder) the work of the Future Generations Commissioner in discharging their duties?



Older People's Commissioner

The Older People's Commissioner was established to ensure that the interests of older people are safeguarded and promoted when public bodies discharge their function. A key area of the work of the Older People's Commissioner is "enabling everyone to age well." Having a good home that is safe, warm, and affordable is essential to this.



Questions:

-  How can a right to adequate housing support (or hinder) the wider work of the Older People's Commissioner?
-  Are there any priorities or challenges that need to be addressed to deliver a right to adequate housing for older people?

Children's Commissioner

The Children's Commissioner has a 3-year strategy to make lives in Wales for children better. This includes how the Commissioner needs to be a 'rights realiser' for children across Wales. A right to adequate housing could clearly deliver on the rights of children – across a number of areas. If we are to ensure children don't live in poverty, have access to opportunities and live fulfilled lives – providing them with a home that is safe, suitable, and affordable to them is essential.

Questions:

-  What are the opportunities for the right to adequate housing to advance (or hinder) the rights of children and the work of the Children's Commissioner.





Appendix

Back the Bill

Our campaign began officially 18 months following the tragedy at Grenfell Tower in London. In our view, that tragedy has come to represent how we have failed people in most need in our society – those in need of that most basic of human requirements: a safe place to call home.

Reflecting specifically on the tragedy at Grenfell, Geraldine Van Bueren KC, Professor of International Human Rights Law in Queen Mary, University of London and Visiting Fellow, Kellogg College, Oxford, said:

“If there had been a right to adequate housing in the United Kingdom, the government and the local authority would have had a legal duty to consider seriously, and in a timely manner, the safety concerns raised by the Grenfell Tower residents, before the conditions became life-threatening”

During the COVID-19 pandemic - whereby the fundamental message from governments the globe over was 'stay at home' - a further spotlight was shone on our understanding of the concept of a home. It assumed that people had suitable and safe accommodation, the financial means to stay at home or even a home at all – the reality in too many cases was vastly different.

Leilani Farha, former UN Special Rapporteur on adequate housing, wrote in The Guardian in April 2020:

“It has taken a deadly global pandemic to shake governments to the core and trigger an understanding that having a safe home might be central to human survival.”

What is the right to adequate housing?

The right to adequate housing was recognised as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights. As the right to adequate housing is relevant to all states that have ratified these treaties (including the UK), the focus should be on delivering these rights.



The seven factors are as follows:

- Security of tenure
- Availability of services, materials, facilities, and infrastructure
- Affordability
- Habitability
- Accessibility
- Location
- Cultural adequacy

Sustainability has also recently been recognised by the UN Special Rapporteur on the right to housing but is not included in the definition under international human rights. In this context, sustainability may be seen to be “low or zero emission housing, that is built with regenerative and sustainable materials, and that adequately protects against climate-related disasters and weather”.

UN Guidance on the right to adequate housing provides much more detail than just these seven factors on what a right to adequate housing entails. These include freedoms and entitlements:

Freedoms -

- Protection against forced evictions and the arbitrary destruction and demolition of one's home.
- The right to be free from arbitrary interference with one's home, privacy, and family
- The right to choose one's residence, to determine where to live and to freedom of movement

Entitlements -

- Security of tenure
- Housing, land, and property restitution
- Equal and non-discriminatory access to adequate housing
- Participation in housing-related decision-making at the national and community levels

The UK has an obligation to respect, protect and fulfil this right to housing for its citizens, including the above freedoms and entitlements – yet its citizens are being failed. We believe recognising this in Wales, can help deliver the transformational change needed in our housing in the way the NHS transformed 20th Century health.



The Political context in Wales

Co-operation Agreement

In November 2021, the Co-operation Agreement between Welsh Labour and Plaid Cymru committed to a White Paper to develop proposals for 'a right to adequate housing, the role a system of fair rents (rent control) could have in making the private rental market affordable for local people on local incomes and new approaches to making homes affordable.'

A Green Paper

In June 2023, the Welsh Government published a Green Paper on 'Securing a path towards adequate housing including fair rents and affordability'. The purpose of this Green Paper was to build the evidence base across both incorporation of a right to adequate housing and rent control. Unfortunately, we believe this Green Paper was limited in scope and ambition. Combining the transformational concept of the right to adequate housing with the policy tool of rent control watered down the ability to engage a range of stakeholders, explain the right and explore the potential of incorporation (and indeed rent controls). The Back the Bill response to this Green paper consultation cited the need for a more ambitious approach to the right to adequate housing and a stronger foundation of human rights as an agent for change, recognising that the right is already an international obligation – something that the Green Paper failed to do. If we are to end the housing emergency, we need to be ambitious and think longer-term, and so the White Paper provides an opportunity for bold and radical thinking

Providing adequate housing – an existing obligation

In 1976, the UK Government signed up to an international obligation to provide its citizens with adequate housing under the International Covenant of Economic, Social and Cultural rights. Unfortunately, not only have we failed to deliver on this right, but this existing obligation was not recognised by the Welsh Government Green Paper. Internationally, guidance recognises that the best way to meet this obligation is through incorporation. We passionately believe that Wales needs to fulfil its existing commitments under international law to adequate housing – starting with incorporation and followed by progressive realisation



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