

# ACCESS TO JUSTICE FOR HOUSING DISCRIMINATION AND SPATIAL SEGREGATION

Public consultation with lawyers, judges, legal advocacy organisations, National Human Rights Institutions, equality + non-discrimination bodies



FRIDAY 7 MAY,  
15:00-16:30 CEST

## OBJECTIVE

The purpose of this public consultation is to collect input and recommendations from members of the Judiciary, National Human Rights Institutions, Equality and Non-Discrimination Bodies, Lawyers and Legal Advocacy organizations in preparation for the Rapporteur's next report to the General Assembly. The report will focus on the issues discrimination in relation to the right to adequate housing on a wide range of grounds prohibited in terms of international human rights law, including discrimination resulting in spatial inequalities and segregation in urban, rural and urban-rural environments. This consultation will focus on the question of access to justice as it relates to housing discrimination and segregation.

*Additional webinars will be held by the UN Special Rapporteur with State representatives, local governments and civil society organizations during April and May 2021.*

## KEY TOPICS TO BE DISCUSSED

- *What institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing in your country and how effective have they been to addressing discrimination and segregation?*
- *What are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?*
- *What policies or measures do you consider most important to strengthen access to justice and remedies for individuals and communities facing housing discrimination and spatial segregation?*

## AGENDA

### Opening Remarks

### Speakers

- Mr. Balakrishnan Rajagopal, UN Special Rapporteur on the right to adequate housing
- Justice Zak Yacoob, retired Justice of the Constitutional Court of South Africa, author of the Grootboom decision
- Vrinda Grover, Advocate, Supreme Court of India
- Ms. Valérie Fontaine, Advisor, Défenseur des Droits (France), Board member of Equinet

### Discussion

### Closing Remarks

## REGISTRATION

Please register by 7 May 2021, 13:00 CEST at the following link:  
<https://docs.google.com/forms/d/1nsJ4PfJNLvfZhojamNOMu83SmTmIMT5BMfAsoEVvpOI>

The meeting link will be sent two hours before the start of the meeting to registered participants.

Spanish and English interpretation available.

## BACKGROUND

Discrimination, based on wide range of intersecting prohibited grounds in international law (including race, caste, gender, sexual orientation, disability, ethnicity) remains a major barrier to the equal enjoyment of the right to adequate housing across the globe. The right to non-discriminatory access to adequate housing is protected in a range of international treaties including the International Covenant on Economic, Social and Cultural Rights (ICESCR). The impact of discrimination on affected communities manifests not only at a household level but also drives patterns of segregation that shape inequalities at community and city-wide scales. These inequities in turn have a discriminatory impact that ultimately infringes the equal enjoyment of a wide range of human rights, including economic, social and cultural rights. The impact of such discrimination has been compounded by, and itself also compounds, the impact of the COVID-19 pandemic on the right to adequate housing.

In light of the urgency of these issues, the next two thematic reports of the Special Rapporteur on the right to adequate housing to the General Assembly in 2021 and to the Human Rights Council in 2022 will focus on the issue of discrimination in relation to the right to adequate housing, including the impact of spatial segregation in urban or rural-urban environments on the enjoyment of human rights. The lawyers, courts, equality and non-discrimination bodies, national human rights institutions and legal advice and advocacy organizations have an important role in curbing housing discrimination, addressing spatial segregation, and ensuring access to justice and effective remedies for violations of the right to adequate housing as is required by international human rights law.

Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory or geographical area on discriminatory grounds often including sexual orientation and gender identity, race, caste, ethnicity, language, religion, disability or income status. Spatial, including residential segregation, may have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities. The right to adequate housing requires States to pursue an agenda of securing both social and spatial justice, and therefore requires States to take all necessary measures to eliminate spatial injustices – including segregation – in access to housing.

Spatial segregation often exists in parallel with highly unequal, discriminatory access to a range of human rights, including as examples the rights to water, sanitation, work, education, health care, physical integrity and movement. Policing disparities and disparities in access to all public services are not uncommon in many cities and human settlements. Often the degree of protection and degree of access to rights enjoyed by marginalized individuals and groups depends on where they live. The event will discuss how judicial and non-judicial institutions should, in this context, support efforts to ensure non-discrimination and equal access to the right to adequate housing and a range of other human rights.

The main objective of the Special Rapporteurs two interrelated reports will be to: identify contemporary and historical forms of discrimination and segregation that affect the right to adequate housing; and to highlight good practices in the prevention of discrimination and segregation. The two interrelated reports will contain short, medium and long-term recommendations to States, local and regional Governments, but as well to other actors such as judicial and non-judicial bodies for eliminating housing discrimination and addressing spatial segregation and its adverse human rights impacts.

Judges, lawyers and representatives from national human rights institutions, equality and non-discrimination bodies and legal advocacy organizations are in addition strongly encouraged to submit information in writing.

More information, including a questionnaire in [English](#) | [Français](#) | [Español](#) | [العربية](#) to assist collecting information is available [here](#).

**DEADLINE FOR WRITTEN SUBMISSIONS TO BE CONSIDERED FOR THE REPORT TO THE GENERAL ASSEMBLY IS 14 MAY 2021.**

## BACKGROUND READING

- [Access to justice for the right to adequate housing](#), Report of the UN Special Rapporteur to the Human Rights Council, A/HRC/40/61
- [ICJ Guide on the Enforcement and Adjudication of Economic, Social and Cultural Rights \(ESCR\) in South Africa](#)
- [www.equineteurope.org](http://www.equineteurope.org)