## Guideline No. 4 - Address discrimination and ensure equality

Singapore’s comments: We have proposed edits to bring the language closer to Articles 9 and 19 of the UN Convention on the Rights of Persons with Disabilities (extracted below). The CRPD does not require that all housing be based on universal design, nor that States provide “all housing and supports” for independent living.

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| *Article 19 (independent living): States Parties… recognize the equal right of all persons with disabilities to live in the community…. and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community…*  *Article 9 (Accessibility): To enable persons with disabilities to live independently … States Parties shall take appropriate measures to ensure to persons with disabilities access… These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;* |

**Implementation Measures:**

1. States must prohibit all forms of discrimination in housing by public or private actors. Discrimination exists if policy or law, action or inaction, has either the intention or effect of denying or impairing the equal enjoyment of the right to housing, whether directly or indirectly based on a prohibited ground of discrimination.[[1]](#footnote-1)
2. States must guarantee not only formal but also substantive equality, requiring positive measures to address housing disadvantage, where applicable. This means, for example, that States must prevent landlords from refusing to rent to single mothers based on their sex or family status. To ensure substantive equality, the State may also be required to provide housing subsidy to single mothers whose income is insufficient to pay for the housing they need.[[2]](#footnote-2)
3. States should provide both individual and systemic remedies to discrimination, including measures to address structural causes of inequality in housing. So, for example, the State should be required to implement a program to ensure that supports for living in the community are provided to all persons with disabilities, and at the same time, ensure there are channels through which individuals denied access to housing on grounds of their disabilities can seek redress (see also guideline 16).
4. States should undertake on a regular basis equality analysis of housing policies be undertaken jointly with stakeholders, with a view to identifying and remedying measures that fail to promote equality.
5. Special measures and programs designed to meet different circumstances faced by marginalized and disadvantaged groups should be identified and implemented through engagement with and participation of those groups (see also guideline no. 10). [[3]](#footnote-3)
6. States must guarantee the right to adequate housing of children and the best interests of the child in all housing related laws, programs and decision-making. Wherever a lack of housing threatens the ability of a parent to remain with their children, appropriate housing must be provided by the State to avoid family separation.[[4]](#footnote-4)
7. States should apply the principles of the UN Declaration on the Rights of Indigenous Peoples in the design, implementation and regular assessment of measures directed at ensuring substantive equality of indigenous peoples in housing, so as to recognize and address the ongoing consequences of colonization, forced assimilation, dispossession of lands, territories and resources.[[5]](#footnote-5)
8. States should require accessible design in all housing, ensure reasonable accommodation of disabilities in all housing, whether public or private, and take effective and appropriate measures to ensure persons with disabilities are supported for independent living in the community in line with the UN Convention on the Rights of Persons with Disabilities.[[6]](#footnote-6)
9. Qualitative and quantitative information on homelessness and housing adequacy, should be collected for all groups at risk of discrimination or social exclusion in order to monitor progress and inform policy-making (see also guideline no. 15).
10. Enforcement authorities, including courts and tribunals, should receive training on equality issues in housing to avoid stigmatizing stereotypes regarding, for instance, people living in homelessness, grossly inadequate housing including informal settlements and encampments, and subsidized or social housing.
11. States must address the potentially discriminatory impact on marginalized groups of renovation and redevelopment of affordable housing communities. Marginalized groups must be included in planning processes to ensure that their housing needs are fully considered. They must also be guaranteed the equal benefit of any redevelopment, including a right to adequate, affordable housing in the redeveloped community, in keeping with the Development Based Displacement Guidelines.

**Guideline No. 5 -** **Ensure gender equality in housing**

Singapore’s comments: We have proposed the insertion of a line in Implementation Measure 5(b) to emphasise that perpetrators should only be removed where this is necessary for the safety of the victim of domestic violence.

**Implementation Measures:**

1. States should ensure gender equality in housing throughout the entire life cycle, taking into consideration women’s multiple roles as parents, caregivers and workers, the diverse challenges they face in terms of water provision, sanitation, and child care and work, both inside and outside the home.
2. States should recognize the important role that access to adequate housing plays in preventing domestic violence. Immediate access to emergency shelters and prompt access to adequate permanent housing should be available to all women and girls experiencing or at risk of domestic violence.[[7]](#footnote-7) Legislation should ensure that women who are victims of domestic violence are able to reside in their own homes – regardless of title or formal ownership – and where necessary for their safety, and have perpetrators removed.[[8]](#footnote-8)
3. Allocation of public or social housing should prioritize women escaping violence.
4. States should ensure that women are able to assume leadership roles, and meaningfully participate in design, and implementation of housing programmes.
5. The independent right of women to security of tenure, irrespective of their family or relationship status should be recognized in national housing law, policy and programming.[[9]](#footnote-9)In this regard, States should review and amend or repeal, as appropriate, provisions in family, inheritance and other relevant laws that restrict women’s access to housing and land title. Customary law provisions that discriminate against women and contravene international human rights norms should not be recognized and applied.[[10]](#footnote-10)
6. Women should be guaranteed equal access to credit, mortgages, home ownership, and rental housing, including subsidies to make up for their lower incomes.[[11]](#footnote-11)
7. The differential impact on women of evictions and displacement, including vulnerability to violence and loss of access to child-care, services and other supports, must be recognized and addressed through engagement with women regarding any planned relocation or development plans.[[12]](#footnote-12)
8. Gender disaggregated data and information on housing should be collected and adequate indicators should be developed, in collaboration with women’s organizations, to monitor progress in the realization of women’s equal right to adequate housing.

## Guideline No. 6 - Eliminate homelessness in the shortest possible time

Singapore’s comments: We propose listing mental health and addiction under the broader category of “health” instead to cover other possible conditions.

**Implementation Measures:**

1. All levels of government, must adopt concrete multi-pronged strategies to respond to the immediate needs of those who are currently homeless while simultaneously implementing concrete plans to reduce and eliminate homelessness “in the shortest possible time in accordance with the maximum of available resources“ with clear timelines and accountability mechanisms.[[13]](#footnote-13)
2. Homelessness should be recognized as a prima facie violation of human rights.[[14]](#footnote-14) States must be held accountable by courts and human rights institutions for failing to address it with the highest priority, and those affected must have access to effective remedies, both immediate and longer term.
3. States must ensure that individuals and families in situations of homelessness are not forced to rely on emergency accommodation for extended periods and are instead provided access to secure and suitable permanent housing.
4. States should recognize diverse experiences of homelessness among different groups[[15]](#footnote-15) and provide to all persons in situation of homelessness access to emergency accommodation without discrimination on any grounds, including their migration status, nationality, ethnicity, gender, sexual orientation, disability, health or other status.
5. States should prevent and eliminate homelessness among children and protect the rights of children in street situation as set by the Committee on the Rights of the Child in its General Comment no. 21.[[16]](#footnote-16)
6. Those who are homeless must be enabled to define their housing needs and participate in shaping the appropriate responses and strategies
7. “Housing first” approaches, that centre on quickly moving people experiencing homelessness into independent and permanent housing and then providing additional supports and services as needed, must be inclusive of all who are affected by homelessness, and accompanied by all necessary supports for as long as required for independent living.
8. States should regularly collect and publish disaggregated data on the number of persons living in different situations of homelessness including not only rough sleeping but also less visible forms of homelessness, such as staying temporarily with friends or family. States should investigate factors leading to homelessness in order to design affective strategies for its prevention and elimination.
9. Any evictions that may result in homelessness must be prohibited and recognized under domestic law as a gross violation of human rights.
10. States should establish preventive mechanism to avoid and reduce evictions of persons who are unable to pay their rent or their mortgages payments, which should include legal and debt counselling, provision of temporary housing benefits to make up for short term liquidity problems, debt rescheduling, and if required relocation support to more affordable housing units meeting adequacy standards.

## Guideline No. 9 - Ensure the right to housing for regular migrants

Singapore’s comments: Singapore supports the safe, orderly and legal movement of people through national borders. There should also be clear distinctions between migrants, refugees, and trafficked persons. Legal migration ensures that national domestic resources are properly channelled to enable documented migrants to have access to basic services like healthcare, housing, education and employment. We are of the view that this pragmatic and practical approach has benefited both documented migrants and their host countries.

**Implementation Measures:**

1. The right to housing should be explicitly recognized in migration laws and policies and be implemented consistently with international human rights law.[[17]](#footnote-17)States must ensure interdepartmental coordination between migration and housing programmes, and consistency with the right to adequate housing.
2. States should repeal or amend as necessary any law, policy, regulation or practice which denies the equal enjoyment of the right to adequate housing of migrants, ensuring that housing agencies refrain from engaging in discriminatory practices.[[18]](#footnote-18) This means, for example, ensuring access for migrants to emergency housing for homeless persons or women escaping violence.
3. Multiple housing alternatives should be explored to address the growing inflow of migrants and ensuring immediate access to humanitarian shelter and adequate temporary accommodation, and access to longer-term housing as soon as possible.
4. States should monitor the housing conditions of migrant workers and impose sanctions on employers who have housed workers in inadequate conditions.
5. Migrant women workers dealing with abuse, harassment and violence, must be provided with access to a hotline, advocate or ombudsperson and immediate access to programmes for relocation, support, counselling and re-employment, including the provision of alternative housing accommodation.[[19]](#footnote-19)
6. States should prioritize non-custodial alternatives to detention that respect migrants’ right to housing, in line with the UN Principles and Guidelines on the human rights protection of migrants in vulnerable situations and the Global Compact for Safe, Orderly and Regular Migration.[[20]](#footnote-20)
7. Reception and other centres for migrants should provide separate housing for migrant women and girls who prefer such arrangements. Safe and private water, sanitation and hygiene facilities for women and girls must also be made available. [[21]](#footnote-21)
8. Innovative initiatives to promote migrants’ access to housing at the local level should be implemented such as when local authorities or housing associations act as guarantors to facilitate access to rental housing by migrants.[[22]](#footnote-22)

1. CESCR, General Comment no. 20, para. 7ff. [↑](#footnote-ref-1)
2. CESCR, general comment no. 20, para. 37. [↑](#footnote-ref-2)
3. See, for example, CERD, general recommendations nos. 34 and 27. [↑](#footnote-ref-3)
4. See, for example, ICRC, art. 27 and CRC, general comment no. 21. [↑](#footnote-ref-4)
5. See further A/74/183 [↑](#footnote-ref-5)
6. See ICRPD, arts 9, 19, 28. See further A/72/128. [↑](#footnote-ref-6)
7. CEDAW, general recommendation no. 35, para 24ff. See also A/HRC/35/30. [↑](#footnote-ref-7)
8. See for example, Istanbul Convention on Action against violence against women and domestic violence, art. 52. See further A/HRC/19/53, para. 36 and A/HRC/35/30. [↑](#footnote-ref-8)
9. See, for example, CESCR, general comment no. 16, para. 28; ICEDAW, arts 2(f); 15 and 16; CEDAW, general recommendations nos. 21, 29 and 34; CCPR, general comment no. 28, para.19; A/HRC/19/53, para. 68. [↑](#footnote-ref-9)
10. See, for example, CEDAW, general recommendation no. 34, paras. 58 and 77; general recommendation no. 21, paras 28, 33. [↑](#footnote-ref-10)
11. See, for example, ICEDAW, art. 13. [↑](#footnote-ref-11)
12. Basic principles and guidelines on development-based evictions and displacement, para. 47. [↑](#footnote-ref-12)
13. General Comment no. 4, paras.11ff. [↑](#footnote-ref-13)
14. General Comment no. 3, para. 10. [↑](#footnote-ref-14)
15. See the three-dimensional human rights definition of homelessness proposed by the Special Rapporteur in her report to the HRC, A/HRC/31/54. For indigenous peoples’ experience of homelessness, see A/74/183. [↑](#footnote-ref-15)
16. CRC/C/GC/21 [↑](#footnote-ref-16)
17. See ICMW, art. 43; and CERD, general recommendation no. 30. See also Global Compact for Safe, Orderly and Regular Migration, objective 15. [↑](#footnote-ref-17)
18. See, for example, CERD, general recommendation no. 30, para. 32. [↑](#footnote-ref-18)
19. See, for example, ILO Domestic Workers Recommendation, 2011 (No. 201), para. 7. [↑](#footnote-ref-19)
20. UN Principles and Guidelines on the human rights protection of migrants in vulnerable situations, principle 8; and Global Compact for Safe, Orderly and Regular Migration, objective 13. [↑](#footnote-ref-20)
21. See, for example, UN Principles and Guidelines on the human rights protection of migrants in vulnerable situations, principle 11. [↑](#footnote-ref-21)
22. A/HRC/14/30, para. 87. [↑](#footnote-ref-22)