I. Overview

The September 21, 2006 National Forum on the Human Right to Housing in Washington, DC drew over 100 participants from DC and 13 states across the country, representing over 75 organizations, including lawyers and housing service providers, students, local, state, and federal government agencies, and many homeless and low-income individuals. The event, sponsored by National Law Center on Homelessness & Poverty (NLCHP), the Centre on Housing Rights and Evictions (COHRE), and hosted by the Human Rights Clinic and Human Rights Law Society of the George Washington University Law School, was a daylong training and dialogue on the human rights framework and how to apply it to housing issues in the U.S., and was part of the global celebration of World Habitat Day.

This report summarizes the Forum’s activities and outcomes, including possible litigation on the separation of indigent families bridging from the state to international level, creating a human rights policy analysis tool and a resource guide on human rights success stories, and calls for greater collaboration, for example through the Housing Caucus of the US Human Rights Network.

II. Pre-Forum Rally and Media Coverage

On the eve of the Forum, residents of public housing and emergency shelters held a Rally for the Right to Housing on Capitol Hill, speaking about the importance of housing as a human right in their own lives and asking Congress to protect that right by increasing funding for affordable housing. Several speakers from the Forum also participated in the rally, including a representative from the New Orleans community who spoke about residents being locked out of their public housing in the wake of Hurricane Katrina. The Washington Legal Clinic for the Homeless, Empower DC, and the National Association of HUD Tenants provided key support in organizing the rally, and the event was part of the International Days of Housing Rights Action coordinated by the Habitat International Coalition.

On the morning of the Forum, NLCHP’s Human Rights Staff Attorney Eric Tars appeared on National Public Radio’s “News and Notes” to discuss the Forum and the use of human rights law as a tool in the U.S. to promote the right to housing. The following week, Eric also appeared on WBAI’s “Wake Up Call Radio” to discuss World Habitat Day and how the right to housing is being recognized (or not) in the U.S. Audio links to these interviews, along with additional resources from the conference, can be accessed at the Forum website: http://nlchp.org/FA_HUMANRIGHTS/forum.cfm.
III. Introduction to Human Rights

The day began with a welcome from Fred Lawrence, Dean of George Washington University Law School, who recognized the growing importance of human rights law in the U.S. Dean Lawrence was followed by Hilary Swab, a staffer for Rep. Julia Carson, who described the Congresswoman’s efforts in Congress to win federal recognition of the right to housing through the Bringing America Home Act.

Mayra Gomez of COHRE then introduced participants to the human right to housing, including the seven key elements of that right: Security of Tenure; Availability of Services, Materials, and Infrastructure; Affordability; Accessibility; Habitability; Location; and Cultural Adequacy. Participants learned of the core government obligations (not charity, but legal obligation) to respect, protect, and fulfill these rights.

Maria Foscarinis of NLCHP followed Mayra’s discussion with concrete examples of how each of the seven elements of the right to housing described above has been applied (or not) in the U.S., and detailed the growing efforts in this country to use human rights in advocating for housing rights. Mayra and Maria’s powerpoints, the housing rights manual, and, as mentioned above, news coverage of the Forum, are at the Forum website: http://nlchp.org/FA_HUMANRIGHTS/forum.cfm

IV. Success Stories

The Forum continued with advocates sharing past successful techniques and current challenges in fighting for the right to housing.

Nathalie Walker of Advocates for Environmental Human Rights told of her experience in post-Katrina New Orleans, using public advocacy, the media, and traveling to Geneva for the meetings of the UN Human Rights Committee to advocate for the use of the UN Guiding Principles on Internal Displacement in the government’s response to the disaster. The human rights framework resonates with the displaced people in New Orleans on the grassroots level and has been an effective tool in the media and in calling for government accountability.

Bruce Porter, of the Social Rights Advocacy Centre in Canada, began his talk warning not to expect everything is good north of the border, especially as Canadian cities and provinces import bad policies from the U.S. However, he also detailed Canadian groups’ approach using human rights, realizing that the housing crisis was not a result of lack of housing, but rather due to the attitudes toward poor and homeless people. This led them to take their local issues to the international bodies and then take the decisions of those bodies back to their local and national levels. This model of empowerment for the grassroots – getting their issues heard and seeing the pressure it could create on their officials – is currently being replicated in the U.S. coming out of this past summer’s hearings before the Human Rights Committee and looking forward to next year’s hearing before the Committee on the Elimination of Racial Discrimination.
Cheri Honkala, of the Poor People’s Economic Human Rights Campaign, talked about her experience in creating “human rights housing,” where she and others take over abandoned properties, taking direct action to house homeless families. She noted the importance of building an adequate support base before attempting such a take over by building good relationships with the community, utilities, and media. Maria Foscarinis of NLCHP also reminded the audience that under federal law when military bases are closed, or other federal properties are unused, they may be converted at no cost to serve homeless people. With all the recent base closures, NLCHP has had a good deal of success in obtaining land and buildings for use by homeless organizations.

V. Keynote

Kenneth Saunders, Director of the DC Office of Human Rights, addressed the participants at lunch as the keynote speaker. He spoke of the successes of the Office in fighting discrimination in housing in the District, while acknowledging the work is never done. He invited everyone to contact him if they have any particular concerns or ideas for new communities to reach out to. More information on the Office of Human Rights is available at http://ohr.dc.gov.

VI. Workshops and Closing Plenary

The day then proceeded into four workshops, with panel presentations on Policy Advocacy, Litigation, Using International Bodies, and Community Organizing. The panels were followed by workshops in which the panelists discussed with the participants the application of the human rights framework to their particular concerns, and devised plans for action. Each panel elected a rapporteur who then reported on the groups’ discussions at the closing plenary, where we saw overlap between the panels in a few areas, suggesting directions for future collaborative work.

A. Policy Advocacy

A priority for this group was the need for examples of how human rights laws and strategies are being used in local context. This echoes a concern that has been raised in many other fora, and points again to the need for a case-based approach to human rights education, an area which NLCHP will be pursuing in the future. One source of examples of how human rights has been used successfully in the U.S. is the Ford Foundation’s “Close to Home” Report, at http://www.fordfound.org/publications/recent_articles/close_to_home.cfm

Participants also pointed out the need for work on messaging in several areas: 1) how to get buy-in from local governments, in particular how to message the long-term savings from using the human rights approach (increased prosperity, decreased litigation) as opposed to the short term savings of not investing in a human rights approach to housing; 2) using human rights to combat NIMBYism (not-in-my-back-yard); and 3) developing concrete measurables for policy analysis and tax money saved for the U.S. as a whole and states and localities to measure their policies against. Integrating the right to housing into
10-year-plans to end homelessness was also a topic of discussion – LA’s 10-year-plan was cited as an example: the LA plan can be found at [http://lahsa.org/](http://lahsa.org/), advocates model at [http://www.bringlahome.org/](http://www.bringlahome.org/). Finally, the importance of the use of the super-waiver clause for welfare policies was noted as an important tool to help advocates get around unwieldy federal guidelines.

**B. Litigation**

This panel discussed strategies for effectively using human rights law in litigation in the U.S. The priority need is judicial education, at all levels of the federal and state judiciaries. As with the other human rights education needs discussed above, this is something that has been mentioned in other fora, but needs a concrete plan for execution. The other key piece of creating conditions for human rights litigation is the integration of human rights standards into legislation (the Bringing America Home Act was discussed as a federal example). Technical assistance to lawyers in utilizing human rights language in their cases is also important – NLCHP and COHRE were suggested as resources, but the key is in connecting those resources to those who need them.

This panel also discussed prospective cases that could take advantage of the human rights framework. The panel noted that U.S. courts have looked to human rights standards to lend content and definition to vague or ambiguous constitutional or statutory language (such as the “evolving standards of decency” language of the eight amendment, due process clause language, or standard of need language in general assistance statutes). In addition, the panel discussed identifying cases with particularly compelling facts, such as the forced separation of children from their families based on the families’ homelessness—a case that had also come up in the Using International Bodies panel (see below). The Civil Gideon movement could be possible vehicle for indirectly enhancing ESC rights in the U.S. - in August, the ABA passed a resolution calling for expansion of the right to appointed counsel in cases involving shelter, sustenance, safety, health and child custody, and a case pending in Washington State, *King v. King*, raises the question of whether that state's constitution (due process and equal protection clauses) requires appointment of counsel for low income people in child custody cases (an international amicus brief is being submitted). Other prospective targets include: lack of housing resources for victims of domestic violence; and any case where there is a lack of a domestic remedy that could use the highlighting power of an international forum.

**C. Using International Bodies**

This first observation of this panel was that the relatively low attendance (6 or so people) reflected the need to integrate this topic into the other panels, as people see the international bodies as useful only insofar as they are helpful in their policy, litigation, or community organizing campaigns.

The different uses of the Inter-American Commission on Human Rights (IACHR) was discussed, including Thematic Hearings (such as that held by NLCHP, COHRE and other groups in 2005), on-site visits, General comments and Declaration of Principles, and
Cases. As mentioned above, the forced separation of families seems a good target for a case, as it is a glaring issue that separates the U.S. from most of the rest of the international community and the current U.S. rapporteur on the Commission, Sergio Pinheiro, is also the rapporteur on children’s rights.

Panelists also discussed the use of UN Treaty Bodies, including the recent success at the Human Rights Committee (HRC) using a coordinated approach to leverage the force of over 140 members of the non-governmental community. As a result of the advocacy of U.S. groups, in its Concluding Observations the HRC specifically found the racial disparities in homelessness, the lingering effects of housing segregation, and the racially disparate impact of Hurricane Katrina to be human rights violations and directed the government to address these problems. Groups are already using these Concluding Observations from the HRC in public advocacy (for Katrina victims, as highlighted in the “Success Stories” above), in litigation (the HRC’s comment on segregation in housing and schooling was targeted for use in an amicus brief on the Kentucky and Seattle voluntary desegregation cases before the Supreme Court this term), and policy (a broad campaign to implement the Concluding Observations is being developed for Congress, administrative agencies, and at the state level). The success of the HRC effort is flowing into upcoming work planned when the government submits its report to the Committee on the Elimination of Racial Discrimination (CERD), which ideally will include more outreach to local groups and to state and local governments to become part of the effort. The Housing Caucus will be a hub of activity for this involvement.

D. Community Organizing

Due to the immense amount of information and techniques that need to be shared, the primary recommendation of the Community Organizing workshop was that coalitions – both local and national – need to be fostered to facilitate this sharing and organizing. The Housing Caucus of the US Human Rights Network will be the primary hub of information coming out of this Forum, but other alliances, including a rebuilt national public housing coalition, can and should continue to arise as needed.

Some topics for further discussion include the creation of an inclusionary zoning critique, immigrant housing, identifying large developers and focusing on their impacts, revealing corruption, and gentrification. Privatization was also a major topic – and the need for decommmodifying housing and counter-organizing against the market/ownership model. Participants noted special care should be used where “mixed-income” housing is replacing low-income housing – these situations call for a demand for 1-for-1 replacement of low-income units.

Linking the local to the global, participants discussed the October Days of Housing Rights Action, centered on the 1st Monday in October, where local groups can link their events to the Habitat International Coalition’s campaign. More information is available at [www.hic-net.org](http://www.hic-net.org).
Finally, organizers talked about using the principles of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) to develop local plans and working on strategies to get national ratification of the ICESCR starting with the local and moving towards the national goal.

VII. Conclusions and Next Steps

From these workshops, several clear next steps arise:

A. Building the US Human Rights Network Housing Caucus to Facilitate Future Work in Messaging, Policy Analysis, and Shadow Reporting

Based on numerous calls for a national network to support the exchange of ideas and coordination of efforts, participants should join the US Human Rights Network Housing Caucus. By joining the Caucus, participants from the Forum can access a network of litigators and organizers who have used human rights in their work, and can work to develop joint strategies to build the movement for a right to housing. Many of the suggestions from the workshops, such as development of human rights messaging techniques, creation of a policy analysis tool, coordination with the “Civil Gideon” movement, and organizing for involvement in the CERD shadow reporting process can be facilitated through the Caucus. To join, visit the US Human Rights Network’s website, click on “Join a Caucus,” and select the Housing Caucus (amongst any others you may be interested in).

http://www.ushrnetwork.org

B. Litigation/International Advocacy Around Separation of Children from Poor or Homeless Families

Based on an invitation from the Inter-American Commission on Human Rights at a previous hearing, the globally isolated position the U.S. takes on this issue, and the morally compelling nature of the case, NLCHP is interested in working with partners to bring a case on the separation of children from impoverished families who cannot provide a stable housing environment to the Commission. Please contact NLCHP if you want to get involved in the advocacy around this case.

C. More Trainings

Already, NLCHP has received requests for additional regional trainings in Florida, Texas, California and Hawaii. Clearly the need is strong for continued education efforts around the country. If you are interested in working on a regional training, please contact us.

NLCHP and COHRE look forward to supporting the ongoing efforts of the participants through the US Human Rights Network’s Housing Caucus, and hope to continue our contact through that venue. Our tentative focus for next year’s National Forum is Racial Discrimination in Housing and Homelessness, building on the anticipated advocacy around the upcoming U.S. report to the CERD. We hope to see you there.