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Global Justice Academy Blog

Global Justice Academy, University of Edinburgh

UN Special Rapporteur on the Right to Adequate Housing, Queries the UK, and recommends suspending the bedroom tax

Posted on **February 6, 2014** by **Harriet Cornell**

Observations by **Christine Bell**, Professor of Constitutional Law at the University of Edinburgh, and Director of the Global Justice Academy. She is course organiser for the **new LLM in Human Rights degree**, available from **September 2013** at Edinburgh.



At the start of this week, the UN Special Rapporteur on the Right to Adequate Housing has released her report into the country visit she made to the UK which investigated the right to housing across the UK, and in particular considered it against the background of current welfare reform including on the bedroom tax.

The report can be accessed in English [here](#). Two matters are interesting to highlight.

Progressive Realisation and Austerity

First, the report makes a detailed assessment of the right to adequate housing in the UK. It notes the history of the UK of 'ensuring that low- and middle-income households have access to adequate housing and have been protected from insecure tenure forms and poor housing conditions', and that 'People in the United Kingdom have a deeply anchored trust in their right to housing, regardless of income or other status.' She notes that housing policy and practices in the UK 'serve as inspiration around the world.' (paragraphs 75 and 76).

She notes that it is against this background that the right to housing must be evaluated. In full:

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1. 76. It is against this background that the present situation ought to be assessed. According to the principle of progressive realization in the right to adequate housing, States are bound to provide an equal or better level of enjoyment of a particular right, taking special care to avoid unjustified retrogressive measures. This principle requires that States examine themselves against their own legislation and policies, including in times of austerity, and make every effort to ensure that available resources are distributed fairly, consistently and in a manner that protects the most vulnerable. This principle is not foreign to the United Kingdom, judging from its experience of targeted policies, including in the aftermath of two devastating wars.

In other words, the concept of 'progressive realisation' of rights that underpins the enforcement of socio-economic and cultural rights means that countries should move forward in ensuring such rights and not backward. This applies even in times of 'austerity', where choices as to resource allocation are still made, and issues such as fairness still apply.

Having just spent this week with the [Human Rights Honours](#) course students, examining the limitations of this formula for socio-economic rights, it is worth noting that in a context of austerity, the concept of progressive realisation is a powerful one.

Welfare Reform Criticism

Secondly, as regards recommendations the UN Special Rapporteur's first recommendation is for proper assessment of welfare reforms to see if their economic costs are marginal and outweighed by their costs to the most vulnerable. As to the 'bedroom tax' (or 'removal of the spare room subsidy!'), she is even more specific, recommending that:

In particular, the removal of the spare-room subsidy should be suspended immediately and be fully re-evaluated in light of the evidence of its negative impacts on the right to adequate housing and general well-being of many vulnerable individuals and households;

She also makes numerous recommendations aimed at improving access to social housing.

And finally. . .

Two other matters are worth mentioning.

First, the UN Special Rapporteur on Housing makes a specific recommendation as regards gypsy and traveller communities, that the government:

80 (h) Strengthen efforts to address stigma and discrimination for the Gypsy and Traveller communities in relation to the wider spectrum of rights, starting with the recognition that cultural adequacy in housing is a pillar for inclusion, and that legislation and policy are not enough to overcome local obstacles;

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And of particular personal interest to me as I used to live alongside a 'peace wall' in North Belfast, one recommendation provides that the government:

80 (i) Put in place additional efforts to address challenges to overcome persistent inequalities in housing in North Belfast. For this purpose, active, free and meaningful participation of all in decisions made about housing should be promoted, including in relation to the collection of official data, that should be disaggregated, open and accessible to all.



This is a peace process issue in what remains a divided and in places impoverished set of communities. The UN rapporteur's recommendation responds to the excellent work highlighting the equality issues in the area undertaken by the '[Participation and the Practice of Rights project](#)' established by the late Inez McCormick, a good personal friend and inspirational matriarch of the human rights community in Northern Ireland.



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This project is attempting to empower local communities in the language and practice of rights, as they seek to access the decisions that affect them, and serves as a wonderful example for other communities, as well as a powerful on-going testimony of Inez' life and work and how one person can make a difference.

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About Harriet Cornell

Global Justice Academy Development Officer, Visiting Lecturer and Tutor in History at the University of Edinburgh

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