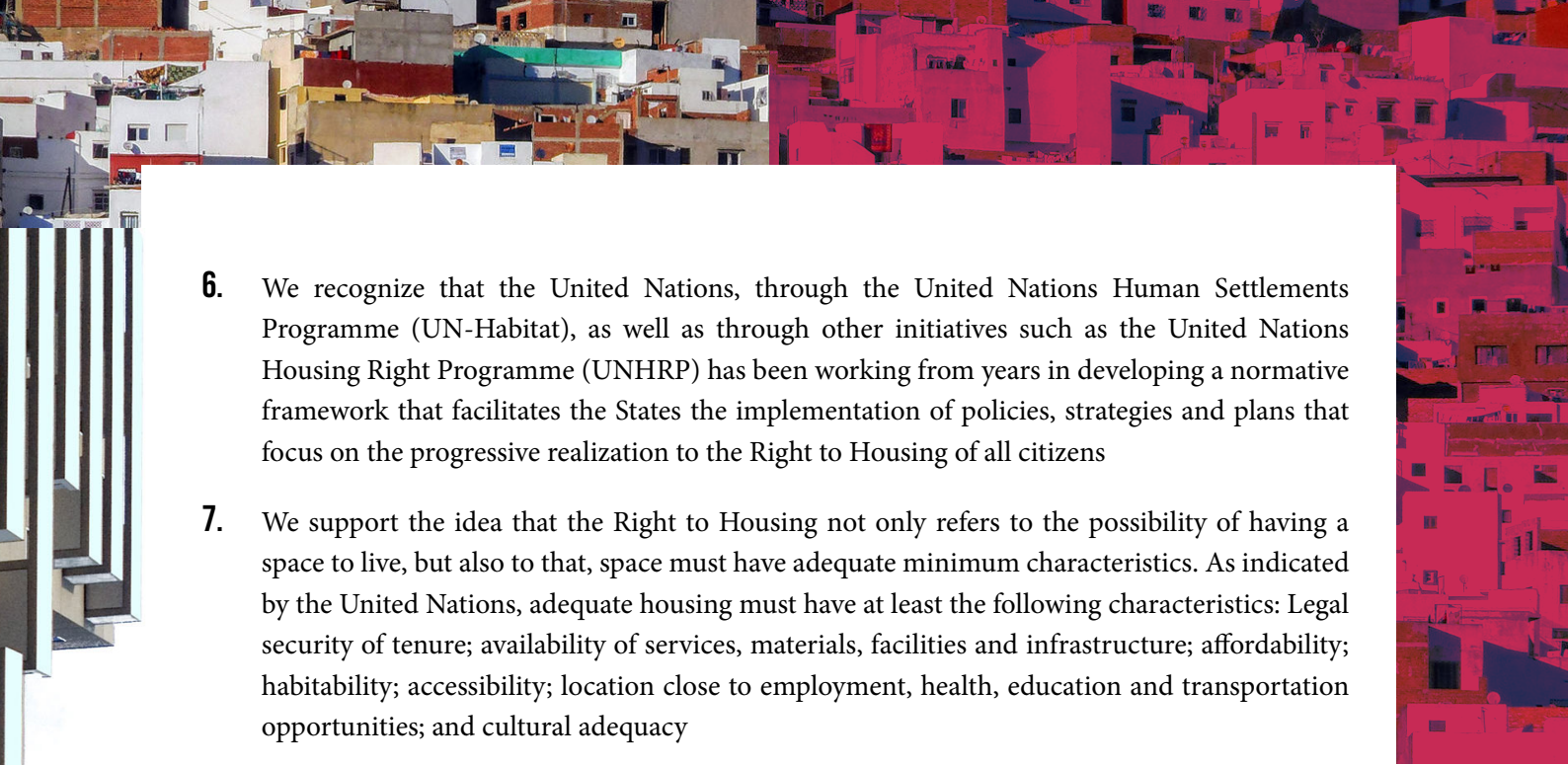





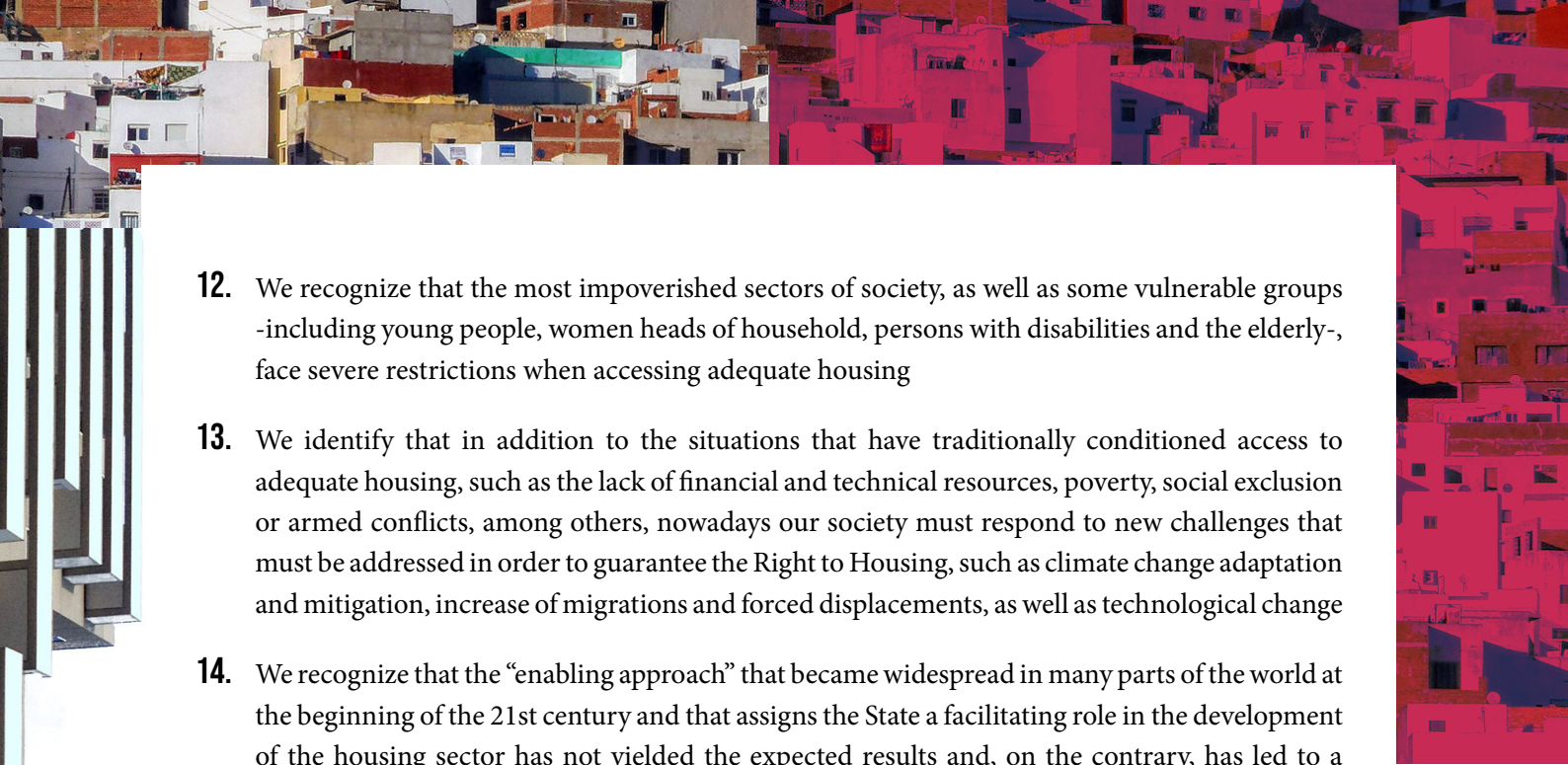

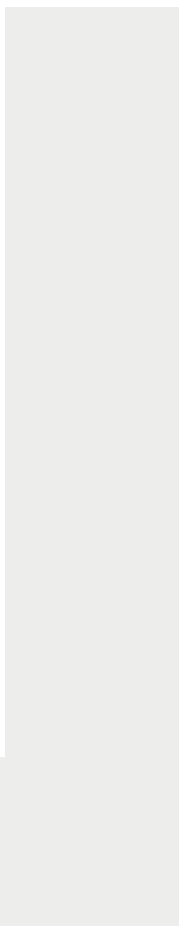
## PREAMBLE

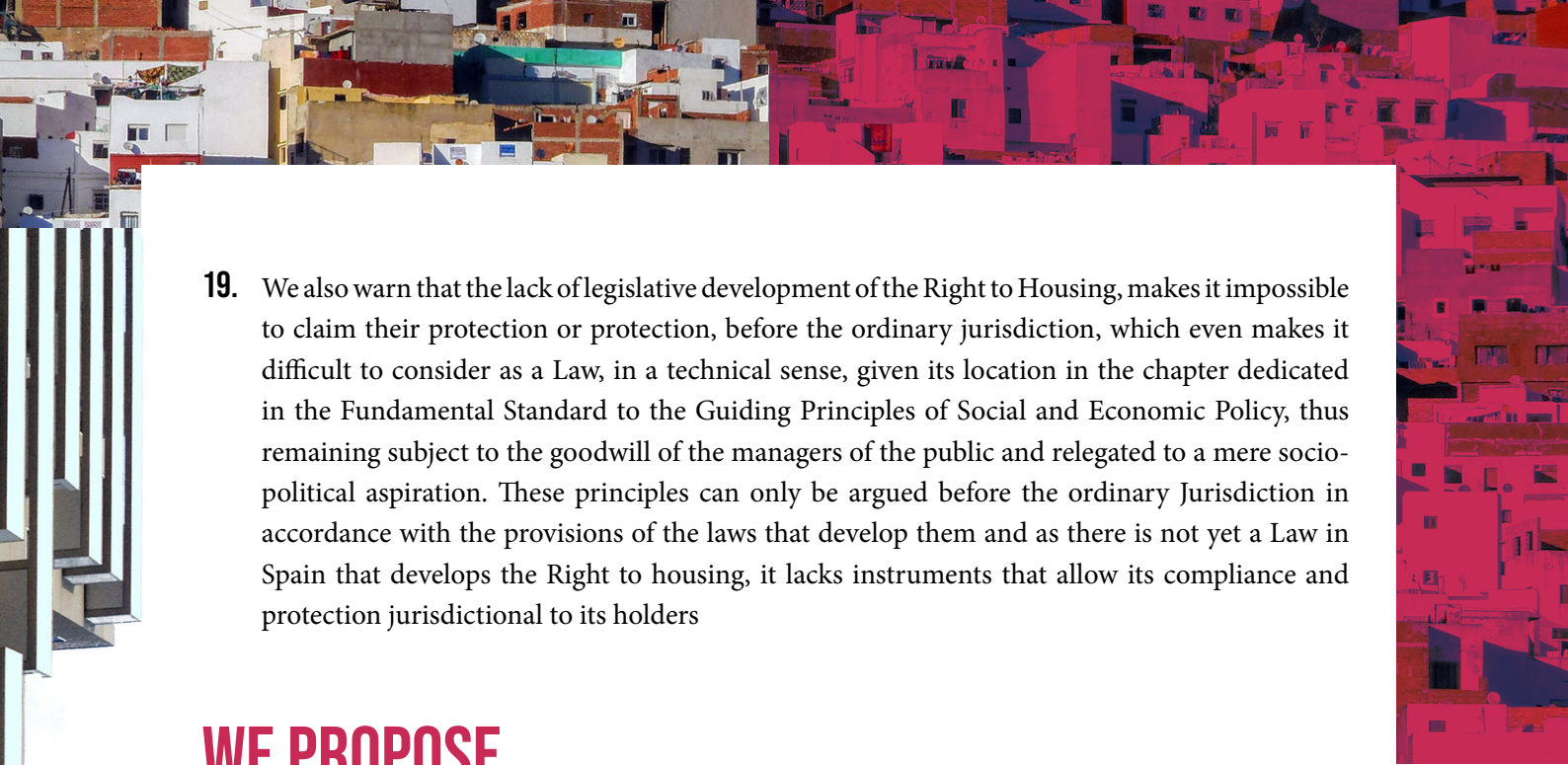
1. We believe that the right to decent housing, as a component of the right to an adequate standard of living, is enshrined in the main international instruments of Human Rights such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, signed and ratified by all countries of the United Nations
2. We note that most of the countries of the United Nations system include within their legal frameworks explicit mentions to the right to housing for its citizens, including the Spanish Constitution, which in Article 47 states that all Spaniards are entitled to enjoy of a decent and adequate housing
3. We consider that a large part of the international agreements signed within the framework of the United Nations ratify the fulfillment of the Right to Housing as an inseparable part of Human Development
4. We emphasize that the Sustainable Development Agenda (2030 Agenda) signed in New York (2015) within the framework of the United Nations establishes in goal number 11 the target of ensuring access for all to adequate, safe and affordable housing and basic services and upgrade slums by 2030
5. We recall that, in the New Urban Agenda, approved during the Habitat III conference in Quito (2016), the States of the United Nations committed to promote the progressive realization of the right to adequate housing as an integral element of the right to an adequate standard of living

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6. We recognize that the United Nations, through the United Nations Human Settlements Programme (UN-Habitat), as well as through other initiatives such as the United Nations Housing Right Programme (UNHRP) has been working from years in developing a normative framework that facilitates the States the implementation of policies, strategies and plans that focus on the progressive realization to the Right to Housing of all citizens
  7. We support the idea that the Right to Housing not only refers to the possibility of having a space to live, but also to that, space must have adequate minimum characteristics. As indicated by the United Nations, adequate housing must have at least the following characteristics: Legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location close to employment, health, education and transportation opportunities; and cultural adequacy
  8. We are aware that the constitutional and legal frameworks of many countries, including those in which the Right to Housing is expressly established, establish it as a diffuse right, whose strict judicial applicability is complex and sometimes limited. For this reason, we reaffirm that the guarantee of the right to adequate housing includes, above all, the definition of necessary measures to prevent the lack of a roof, prohibit forced evictions, fight against discrimination, focus on the most vulnerable and marginalized groups , ensure security of tenure for all and guarantee that the housing of all people is adequate

## CURRENT SITUATION

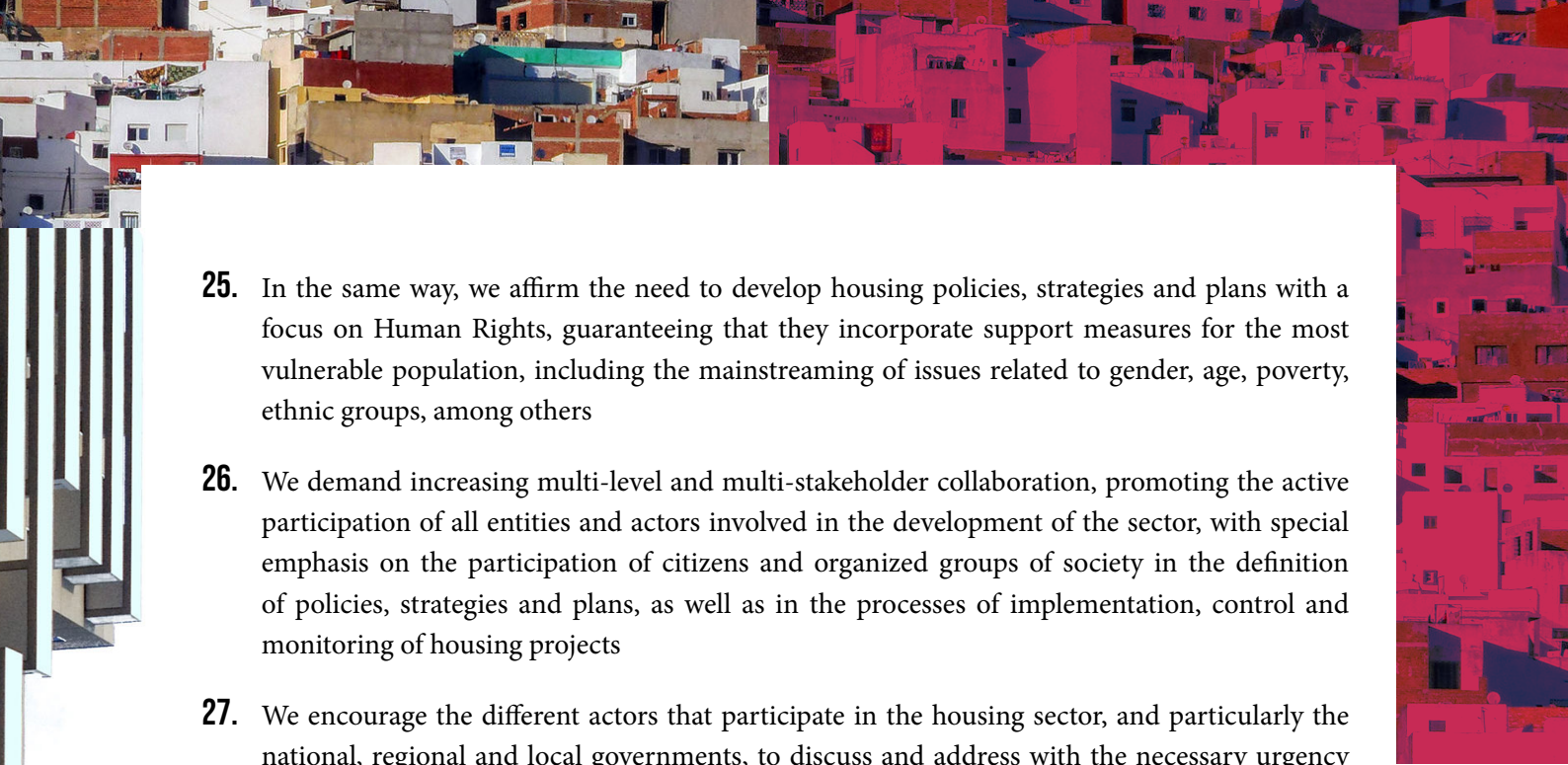

9. We note that, despite the progress made in recent decades, the right to housing is not effectively guaranteed yet on broad sectors of the population in most parts of the world, including some citizens living in developed countries. Therefore, guaranteeing the Right to Housing remains one of the great challenges that humanity still facing
10. We see with extreme concern that the idea of using housing as a commodity is progressively taking shape in the international context. This conception somehow submits housing under the market rules, and therefore under its speculative forces, contradicting its conception as a Human Right, and making it inaccessible for large disadvantaged sectors of society
11. We recognize that the last global financial crisis at the end of the last decade has had a negative impact on the housing situation of large sectors of the population, particularly in some developed countries, among which is Spain. As a result of the crisis, a significant number of families, particularly those in a greater socio-economic vulnerability situation, have been evicted from the homes they inhabited. Although the situation has improved in recent years, this negative impact has not been reversed yet

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12. We recognize that the most impoverished sectors of society, as well as some vulnerable groups -including young people, women heads of household, persons with disabilities and the elderly-, face severe restrictions when accessing adequate housing
  13. We identify that in addition to the situations that have traditionally conditioned access to adequate housing, such as the lack of financial and technical resources, poverty, social exclusion or armed conflicts, among others, nowadays our society must respond to new challenges that must be addressed in order to guarantee the Right to Housing, such as climate change adaptation and mitigation, increase of migrations and forced displacements, as well as technological change
  14. We recognize that the “enabling approach” that became widespread in many parts of the world at the beginning of the 21st century and that assigns the State a facilitating role in the development of the housing sector has not yielded the expected results and, on the contrary, has led to a greater lack of protection of socially vulnerable groups in relation to the Right to Housing. And that the generalized policies of “deregulation” of the sector have increased the speculative, inequity and exclusion trends regularly founded in the housing market
  15. We affirm that policies, strategies and plans focused on guaranteeing the Right to Housing cannot and should not be only conceived from a development perspective, and that they must instead address a comprehensive approach: the Right to Housing is also guaranteed through the definition of clear sectorial legal framework; the improvement of urban environment and the conditions of the existing buildings; the facilitation of a stable and healthy housing market, including rental; the increase of employment opportunities and economic and financial possibilities of families; the intervention in the resolution of conflicts derived from the breach of the financial obligations contracted to access a house, among others
  16. We affirm that the development of an efficient and sustainable housing sector is a collective responsibility of society, which can only be achieved through agreement among its different actors, giving prominence to the expression of different citizen voices, under the coordination and strategic direction of governments in their different levels
  17. We observe that during the last few years some practices linked to speculative factors have been gaining prominence within the housing sector, which have led to widespread processes of rising housing prices and/or gentrification processes with the expulsion of low-income population from certain areas of the city. Likewise, we see the emergence of some practices linked to short-term housing rentals that, supported by new technological platforms, have had equally serious consequences for local populations. We observe that, faced with these new scenarios, national, regional and local governments have not had tools to allow them face these practices that contradict the general interest of nations and cities
  18. We warn that the Right to Housing is not justiciable or enforceable by itself, as it is not recognized as a Fundamental Right, so it does not have the procedural and substantive guarantees that it deserves, which makes it impossible to claim its protection or protection before the Constitutional Court, through the path exclusively provided for fundamental rights

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- 19.** We also warn that the lack of legislative development of the Right to Housing, makes it impossible to claim their protection or protection, before the ordinary jurisdiction, which even makes it difficult to consider as a Law, in a technical sense, given its location in the chapter dedicated in the Fundamental Standard to the Guiding Principles of Social and Economic Policy, thus remaining subject to the goodwill of the managers of the public and relegated to a mere socio-political aspiration. These principles can only be argued before the ordinary Jurisdiction in accordance with the provisions of the laws that develop them and as there is not yet a Law in Spain that develops the Right to housing, it lacks instruments that allow its compliance and protection jurisdictional to its holders

## WE PROPOSE

- 20.** We commit ourselves to promote the positioning of housing at the center of the political debate, as indicated in the New Urban Agenda, emphasizing that the state must assume a more active role that facilitates the harmonious development of the sector, promoting values of equity, sustainability and inclusion
- 21.** We reiterate the call made by the New Urban Agenda in relation to recognizing the social function of housing and the role of housing production within national and local economies “recognizing that housing increases capital formation, income, the generation of employment and savings and can contribute to sustainable and inclusive economic transformation at the national, subnational and local levels”
- 22.** We postulate the opportunities derived from urban development as an instrument to guarantee the affordability of housing, promoting the implementation of integral urban operations, the intensive use of urban land, and the capture by the States of the value generated by the processes of urban development. Urbanization, for reinvestment in affordable housing opportunities
- 23.** We urge you to take advantage of the definition of national, sub-national and local agendas and strategies for implementing the Sustainable Development Goals to promote the Right to Housing as a structuring element of sustainable development worldwide
- 24.** We affirm the need to ensure that housing policies, strategies and plans, including directly linked elements of urban development, transversally incorporate variables of environmental, economic and social sustainability that allow progress towards integral models of sustainable development. Likewise, we call for legislative frameworks that regulate the design, construction and maintenance of buildings to address clear provisions to ensure greater energy efficiency, lower water and energy consumption, the reuse of building materials and the promotion of circular economies in the building processes

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- 25.** In the same way, we affirm the need to develop housing policies, strategies and plans with a focus on Human Rights, guaranteeing that they incorporate support measures for the most vulnerable population, including the mainstreaming of issues related to gender, age, poverty, ethnic groups, among others
  - 26.** We demand increasing multi-level and multi-stakeholder collaboration, promoting the active participation of all entities and actors involved in the development of the sector, with special emphasis on the participation of citizens and organized groups of society in the definition of policies, strategies and plans, as well as in the processes of implementation, control and monitoring of housing projects
  - 27.** We encourage the different actors that participate in the housing sector, and particularly the national, regional and local governments, to discuss and address with the necessary urgency the consequences derived from the irruption within the housing market of speculative practices that distort that market, both of the acquisition homes and rental housing
  - 28.** We encourage all actors involved, particularly governments at all levels, to promote innovative practices that make progress in guaranteeing housing accessibility, particularly among the most vulnerable sectors of the population. In particular, we encourage the use of new technologies, including new technological platforms to explore and implement new ways of accessing housing, new forms of production, financing, acquisition and use of housing, as a way to expand access to housing. Housing, particularly in relation to the most vulnerable sectors of society
  - 29.** Likewise, we appeal to the different actors grouped in the private sector, the academic world, international agencies and civil society in general, to participate actively in the search for solutions associated with the housing sector that allow the identification of innovative practices that can serve as inspiration for both global level as well as at the local level
  - 30.** Finally, we conclude by proposing, to the different actors that participate in the housing sector, and particularly to the national, regional and local governments, urgently urge the pertinent normative modifications to strengthen the Right to Housing and reconsider its suitability as Fundamental Right or, at least, as an Individual Right, more protected and, consequently, with the possibility of claiming it before the Courts

**Cáceres, 28 of March, 2019**

