



20 YEARS OF THE SPECIAL RAPPOREUR ON THE RIGHT TO ADEQUATE HOUSING

TAKING STOCK - MOVING FORWARD

SUMMARY A/HRC/47/43

*Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,
Mr. Balakrishnan Rajagopal*

TAKING STOCK

Since it was established, the mandate of the Special Rapporteur on the right to adequate housing has contributed to the development of important guidelines on forced evictions, security of tenure and for the implementation of the right to adequate housing.

The Basic Principles and **Guidelines on Development-based Evictions and Displacement** (A/HRC/4/18, Annex I) developed by the first Special Rapporteur on the right to adequate housing, Miloon Kothari, have been essential in addressing the issue of forced evictions.

Raquel Rolnik developed the **Guiding Principles on security of tenure for the urban poor** (A/HRC/25/54) which aim to assist States and other relevant actors in addressing the current tenure insecurity crisis faced by the urban poor in an increasingly urbanized world.

Leilani Farha developed the **Guidelines for the implementation of the right to adequate housing** (A/HRC/43/43) that set out for States and other actors a number of concrete and practical implementation measures.

However, progress towards realizing the right to adequate housing globally has been limited. During recent years, the percentage of the urban population living in informal settlements with insufficient security or tenure has grown. Homelessness has been on the increase and the COVID-19 pandemic has resulted in increasing housing insecurity for many (see as well his report to the General Assembly A/75/148). Many cities have become increasingly segregated along social, racial, ethnic and other lines, undermining equal access to the right to adequate housing, public services and other rights. Home ownership has become stronger concentrated, and housing has become increasingly a tool for investment and enrichment of large real estate investors, while more and more people struggle to find affordable housing in our cities.

In addition the mandate contributed to awareness raising through:



30 thematic reports



34 country visits



participation in numerous international events

More than 380 communications to States and non-state actors led to the prevention of some violations of the right to adequate housing or provided increased public scrutiny of:



forced evictions



homelessness



inadequate housing



other housing rights violations



MOVING FORWARD

THE ROLE OF PUBLIC AND PRIVATE ACTORS TO ENSURE ACCESSIBILITY AND AFFORDABLE HOUSING

There is a crisis of affordability and renters in most major cities find it difficult to afford housing at a reasonable cost. The stock of social and public housing for low-income households decreased or was sold to private actors. The State, but as well public housing providers and private actors – the developers, financiers, credit institutions, and intermediate market institutions managing real estate transactions – must therefore ensure that housing becomes again accessible and affordable. They also must respect the right to housing in their business practices.

THE IMPACT OF THE COVID-19 PANDEMIC ON THE RIGHT TO ADEQUATE HOUSING

The first thematic report of the current Special Rapporteur on Covid-19 and the right to adequate housing called attention to the disproportionately negative impact of the virus on marginalized communities including racial, ethnic and other minorities, women and children; the fragility of temporary measures to secure right to housing including eviction moratoria; and the continuing evidence of a high number of forced evictions during the pandemic.

DISCRIMINATION AND SPATIAL SEGREGATION

Discrimination is at the heart of the denial of the right to adequate housing, as racial and ethnic minorities, indigenous people, women, older persons, LGBTQ communities, and migrant workers, face tremendous barriers in accessing housing. Spatial segregation often exists in parallel with highly unequal, discriminatory access to a range of human rights.

CLIMATE CHANGE AND RIGHTS-COMPLIANT RESILIENT HOUSING

It is time to think about wasteful and unsustainable housing undermining the enjoyment of decent housing for others and contributing to the current climate crisis. From questions of economic geography and urban design, to the use of more sustainable materials for the construction of buildings, housing will be central to how we will adapt to the challenges of climate change.

CONFLICT, DISPLACEMENT, AND THE HUMANITARIAN RESPONSE TO HOUSING

A search for durable solutions to the problem of shelter and housing must be informed by the right to adequate housing, be inclusive, and emphasize the broader needs of the wider host communities in which displaced persons live.

RESETTLEMENT AND RELOCATION: THE NEED FOR GUIDELINES

Although there is substantial jurisprudence and national laws and policies on resettlement and relocation, there has never been a set of clear guidelines on them at the global level, within the human rights framework.

RETHINKING LAND GOVERNANCE, EMINENT DOMAIN, AND SOLIDARITY ECONOMY

The struggle against forced evictions, which are a major source of violation of the right to adequate housing, will not make real headway unless we are willing to rethink land governance. This involves a critical re-evaluation of eminent domain as legal doctrine and practice. It also requires the expansion of the collective rights of communities in urban and rural areas who have been marginalized to lay the basis for a new solidarity economy which values people and planet over profits.