**20 years Special Rapporteur on the right to adequate housing:**

**Taking Stock and way forward**

On the occasion of the 20 year-anniversary of the mandate of the Special Rapporteur on the right to adequate housing, the Special Rapporteur, Mr. Balakrishnan Rajagopal, invites States, national and local Governments, National Human Rights Institutions, civil society organisations, UN agencies and inter-governmental entities, and others, to share their views on the achievements of the mandate since its establishment and on future challenges.

The survey will assist the Special Rapporteur in drafting his next thematic report to the Human Rights Council, which will be devoted to taking stock and identifying future priorities.

This stock-taking exercise looks at all areas covered by the [scope of the mandate](https://www.ohchr.org/EN/Issues/Housing/Pages/Mandate.aspx) and the various ‘means of action’ used by the Special Rapporteur during the past 20 years. The objective is to identify, in particular:

1. main contributions of the Special Rapporteur to the promotion and realization of the right to adequate housing at local, country, regional or global level;
2. core lessons learned;
3. aspects that could be strengthened, for example, with respect to working methods and collaboration with UN bodies, States, and regional and national human rights mechanisms, civil society, the business sector and other stakeholders; and the
4. challenges and positive developments concerning the realization of the right to adequate housing in in your country, at regional or global level.

The report of the Special Rapporteur will be presented to the Human Rights Council in March 2021, and will be available in all official UN languages. Due to limited capacity for translation, we kindly request that you submit your answers, if possible, in English (preferred), Spanish or French.

The report with not identify the submitting institution, organization or State, except if indicated otherwise at the end of this questionnaire. Please feel free to limit responses to particular questions, areas or priorities that you consider important.

The Special Rapporteur would in particular welcome any impact stories related to the work of the mandate. For ease of reference a word version of the survey has also been made available, but preference is to complete the [survey online](https://docs.google.com/forms/d/e/1FAIpQLSfVBIoJkNAXqOg_ExxYNIsZSZAgVBs2tHhQMKiuFqfCA_J3ng/viewform). In case you have difficulties accessing the online questionnaire, you can also return this document to [srhousing@ohchr.org](mailto:srhousing@ohchr.org) by **1 November 2020**.

You are also welcome to submit additional reports or documentation to the Special Rapporteur by writing to [srhousing@ohchr.org](mailto:srhousing@ohchr.org).

**Questions**

Basic information

1. Name of Individual, Organization, Institution, or Agency

     **Housing and Land Rights Network (India)**

Type of Entity\*

☐ National Government or federal governmental agency

☐ Inter-governmental organization or UN agency

☐ Local or regional government, agency, or mayor

☐ Association, tenant union or housing cooperative

☐x NGO network, umbrella organization

☐ Community-based NGO

☐ Academia

☐ Foundation

☐ National human rights organization, ombudsperson

☐ Real estate, urban planning or construction

☐ Real estate investor or investment fund

☐ Trade Union

☐ Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

☐Public administration

x☐Advocacy

☐Funding

x☐Legal Assistance

x☐Networking

x☐Policy

x☐Research

x☐Technical Assistance

x☐Training

☐N/A

☐Other:

3. City/Town

     New Delhi

4. State/Province

     -

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries)

     India

6. Contact e-mail (will remain confidential) in case we have questions:

Main contributions of the housing mandate

7. In your view, what are the main contributions and achievements that the UN Special Rapporteur on the right to adequate housing made for the protection and realization of the right to adequate housing during the last twenty years, alone or in collaboration with other stakeholders:

* at the international level?

1) The **establishment of global standards** on the right to housing have been an extremely important contribution of the mandate of the UN Special Rapporteur on the right to adequate housing (SRAH). In particular, the Basic Principles and Guidelines on Development-based Evictions and Displacement; the Guiding Principles on Security of Tenure for the Urban Poor; and the Guidelines for Implementation of the Right to Housing have established new grounds and greatly promoted the advancement of the right to housing at multiple levels, around the world.

2) The **thematic reports** of all SRAH have also been very useful in building awareness and understanding on key issues such as homelessness, forced evictions, women’s rights to housing and land, disasters, climate change, and financialization. Furthermore, focused reports on the right to housing of vulnerable groups such as indigenous peoples, persons with disabilities, residents of informal settlements as well as reports on the right to life and access to justice have been critical in building the movement for the right to housing for specific communities and groups and promoting the normative development and conceptual understanding of the human right to adequate housing.

* at the regional level?

* at the national or local level? (if reference is made to multiple States, please specify the countries concerned)

All the global standards and thematic reports of SRAH have been extremely useful for work at the local and national levels too. In addition, country missions have greatly bolstered support for advocacy by national and local groups and social movements, and have served as a powerful force to hold states accountable to their international legal obligations.

These remain an enduring legacy of the mandate and its holders.

8. Please indicate any **specific actions, working methods or approaches** (*see list below for easy reference*) that, in your view, were particularly effective in in promoting, protecting or realizing the right to adequate housing. Wherever possible, please include illustrations of their impact and explain how the work of the UN Special Rapporteur contributed to housing rights struggles on the ground. Please tell us your story.

* [thematic reports](https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx) submitted to the General Assembly and the Human Rights Council and their recommendations, including the collection of information, good practices, and events related to their development or dissemination ;
* principles and guidelines developed to assist with the implementation of the right to housing, such as the:

1. [Basic principles and guidelines on development-based evictions and displacement](https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)
2. [Guiding Principles on security of tenure for the urban poor](http://www.undocs.org/A/HRC/25/54)
3. [Guidelines for the implementation of the right to adequate housing](http://www.undocs.org/A/HRC/43/43)
4. [Guidance notes on COVID-19 and the right to adequate housing](https://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx)

* [country visits](https://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx) and the recommendations formulated in the country visits reports;
* [communications](https://spcommreports.ohchr.org/TmSearch/Results) sent to States and other stakeholders;
* [press statements](https://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?SID=Adequate_Housing), media interviews, op-eds, social media, or other awareness raising such as participation in documentary films;
* Bilateral or other diplomatic engagement and advice or assistance provided to States for policy or law-making;
* collaboration with other international, regional or national human rights mechanism, including submitting briefs or amicus curiae submissions to national courts or international human rights bodies;
* work with regional and local governments, civil society organizations, business, financial institutions or other stakeholders;
* participation and engagement with other UN programmes and agencies, in international or national events, conferences or processes;
* Training activities and/or publication of handbooks, tools for monitoring the right to adequate housing, law or policy-making

**Enter here your response(s):**

All **global standards** developed by the previous Special Rapporteurs have been widely used in our work and are still being used and promoted by HLRN at the local, federal (state), and national levels, especially with regard to spreading awareness on international human rights standards and building state accountability.

We have widely used the standards in human rights education with local communities, government officials, independent institutions, and also in courts. We have advocated for their incorporation in local and national policies, laws, schemes, and guidelines. In the absence of strong national laws and policies on the right to housing in India, these standards have been effective in advocacy at various levels and in pursuing the right to remedy of affected persons. They have also been cited in certain court orders. For instance, the Basic Principles and Guidelines on Development-based Evictions and Displacement (‘Eviction Guidelines’) have been referred to in two judgments of the High Court of Delhi. A question on their implementation was also raised in a state legislature.

We have also developed popular education tools to deconstruct these global housing rights standards, and cite them extensively in our publications and communication with the government, at all levels. We have translated the Eviction Guidelines into ten Indian languages and also created handbooks on how to use them and to explain their significance to local communities. We are now working to develop handbooks and to promote translation of the Guiding Principles on Security of Tenure and the Guidelines to Implement the Right to Housing.

At Housing and Land Rights Network, we have used the requirement in the Eviction Guidelines for ‘eviction impact assessments’ to be conducted prior to eviction and developed a concrete human rights-based ‘**Eviction Impact Assessment Tool**’ to document the material and non-material impacts of forced evictions on different communities. The Tool has been used in several sites[[1]](#footnote-1) and the findings of the impact assessments have also been shared with courts in certain cases and are being used to advocate for restitution of the human rights of affected communities, including for compensation for losses and costs incurred as a result of the forced evictions.

All the **COVID-19 guidance notes** have proven of great use in our work on protecting the human rights of the most marginalized during the pandemic and related crisis in India.

We also appreciate the opportunity to have contributed to the development of these global standards that continue to have resonance with the ground realities we are dealing with and the struggle for improved housing for the most marginalized.

The **country mission of the Special Rapporteur to India** was extremely important for our work on the right to housing in the country. It helped reinforce our recommendations to the government while also bringing international visibility to the struggles of the most marginalized for adequate housing and decent living conditions. The report is still being widely used in advocacy for the right to housing across India by a range of actors, especially the key recommendations related to homelessness, forced evictions, smart cities, and the right to homestead.

**Communications and press releases** of SRAH on egregious incidents of housing rights violations are also very useful and much appreciated. Even though the state may not respond to these, they draw attention to crucial issues and serve as a potential tool for promoting access to justice and prevention of the violation in certain cases, where they also serve as ‘early warning mechanisms.’ Over the years, communications of the Rapporteurs on issues of forced evictions, arbitrary arrests of housing and land rights defenders, and the plight of homeless persons have helped in bringing relief to these affected populations.

We greatly welcome these initiatives of the mandate holders.

Enhancing the impact of the housing mandate

9. Do you have any suggestions on how the UN Special Rapporteur could further improve his working methods, approach or collaboration in relation to:

* [thematic reports](https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx) submitted to the General Assembly and the Human Rights Council;
* Guidance and standard setting, such as the development of principles and guidelines for the implementation of the right to housing;
* [country visits](https://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx), and potential follow-up activities to them and to their recommendations;
* [communications](https://spcommreports.ohchr.org/TmSearch/Results) sent to States and other stakeholders;
* [press statements](https://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?SID=Adequate_Housing);, media interviews, op-eds, use of social media and other awareness raising activities;
* bilateral or other diplomatic meetings and advice or assistance provided to States for policy or law-making
* collaboration with other international, regional or national human rights mechanism, including amicus curiae submissions presented to national courts;
* participation and engagement with other UN bodies, in international processes or events;
* work with regional and local governments, civil society organization, business, financial institutions or other stakeholders;
* training activities and/or publication of handbooks, tools for monitoring the right to adequate housing or to assist law and policy-making;
* Other activities not listed above?

Enter here your response(s)

     We greatly appreciate the work of the Housing Rapporteur Mandate and extend our warm congratulations on the completion of 20 years. As an organization committed to promoting the realization of the human right to adequate housing, the mandate is of utmost importance to our mission. We understand the restrictions of the Special Rapporteur and the overwhelming nature of work required to fulfil this mandate.

In addition to what the Special Rapporteur has already prioritized for his term, we have a few suggestions for future work:

* Greater focus on developing the normative understanding and integral link between the **right to land** and the right to housing. Also targeted work/guidance/thematic report related to promoting the right to land as a human right would be very significant, especially in the context of rising land grabbing and displacement around the world.
* Developing guidance on the right to land could be explored further in collaboration with other Special Rapporteurs, in particular the Special Rapporteurs on extreme poverty and human rights, indigenous peoples, food, and internal displacement as well as the UN Committee on Economic, Social and Cultural Rights (that is working on a General Comment on land).
* **Homelessness and forced evictions** continue to be major violations of the human right to adequate housing and present severe challenges to millions across the world. We hope the Special Rapporteur will continue to focus on these issues, even though they have been addressed by past Rapporteurs.
* Enhanced work on developing **indicators** to monitor the realization of the **right to housing**.
* Developing a guidance note for states on the **progressive realization** of the right to housing and the state’s obligation to devote ‘**maximum available resources**’ for the fulfilment of this right. Given the persistent confusion among governments that the right to housing is not about building houses for everyone, the progressive realization of this right at the national level is very challenging. Some guidance on how states should work towards fulfilment of this international human rights principle and what it means in the context of the right to housing could be useful.
* Guidance note/standards on the issue of ***in-situ* upgrading** **of housing** and settlements. This term is widely used around the world with large projects underway in many countries but without a shared understanding of what it means from a human rights perspective. In the name of *in-situ* upgrading, ironically, housing rights violations often take place.
* **Following up on country mission** recommendations is very useful, but given the large number of missions, it may not be possible for the Rapporteur to pursue this with all countries. Perhaps this could be done where serious housing rights violations are reported or continued non-implementation of recommendations and contraventions of international human rights law are observed.
* Maintaining a **strong link with the work of the past Rapporteurs** is also important, not just in ensuring historical continuity but also in promoting the significant body of work that exists, and enhancing it where required.

In terms of **collaboration with global institutions**, we believe that interacting on a more formal basis with international financial institutions and assessing the implications of their activities on the right to housing would be useful. The mission of the SRAH on the World Bank was ground-breaking and could be followed up with other financial institutions too. In the past, some work was done by SRAH with international sporting institutions such as FIFA to ensure that mega events do not result in forced evictions and that the Eviction Guidelines are complied with for all sporting events. This could be pursued as well. Establishing closer working connections with other UN agencies, especially those working on humanitarian relief, disaster response, climate change, and labour could help mainstream the human right to adequate housing across these agencies and thematic areas.

Lessons learned

10. In your view, what are the main lessons learned that could be drawn from the first twenty years of the housing mandate in order to strengthen further the respect, protection and fulfilment of the right to adequate housing for all?

     We believe the two greatest lessons have been:

a) This is an extremely important mandate of the UN Special Procedures mechanism and has been vital to the promotion of housing rights globally, in multiple ways, and at multiple levels. Its importance and value need to be celebrated.

b) Despite 20 years of persistent work, the challenges with regard to promoting the conceptual understanding and acceptance by states of the right to adequate housing as a human right are still immense. This challenge is also seen within the UN system. It calls for more strategic and creative interventions at different levels to overcome the barriers that exist at both the conceptual/normative and practical realms.

Directions for the future

11. What are the main obstacles, in your country, to the realization of the right to adequate housing for all? Please cover urban and rural dwellers and any groups that may be at risk to face inadequate housing conditions due to their gender, age, disability, ethnic origin, housing status (homelessness), social or national origin, migration status, sexual orientation, religion, political or other opinion, or other grounds.

     The greatest challenge is the continued refusal of the state to accept housing as a human right. The absence of right to housing legislation at both the national and federal levels also continues to be a challenge in establishing justiciability for this right. While the Supreme Court of India and several state High Courts have upheld the right to housing as an integral component of the fundamental right to life[[2]](#footnote-2) and also passed orders related to prevention of violation of this right and state accountability in fulfilling it, these orders are largely not implemented. Furthermore, it is a matter of great concern that several courts have ordered evictions of the poor, including the most recent Supreme Court order calling for the removal of 48,000 dwellings along railway tracks in Delhi.

The continued occurrence of forced evictions across India, with complete impunity and a glaring lack of accountability, is a very serious issue of concern.[[3]](#footnote-3) The absence of a human rights approach to resolving the crisis of homelessness is also a major obstacle.

12. Have, in your view, certain regions, countries, situations or particular issues not received adequate attention? If so, please indicate how, this could be addressed, taken into consideration the limited resources available to the UN Special Rapporteur.

     In terms of areas, **rural areas** (and the issue of housing and homelessness in rural areas) have not received the attention they deserve, and could form the focus of a thematic report (on rural housing) in the future.

In terms of issues, **land rights** need more focus (as proposed above).

13. What are, in your view, major developments occurring in your country and/or geographical region that may contribute to strengthening the respect, protection and fulfilment of the right to adequate housing? Are there ways, in your view, in which the Special Rapporteur on the right to adequate housing could support the unfolding of these positive developments?

     [*Will share the response to this question separately*]

Other issues

14. Please indicate here any other recommendation or issue that you would like to bring to the attention of the Special Rapporteur.

     The recommendation of the Special Rapporteur to ensure that housing is central to the COVID-19 recovery process is very important. We hope this can be further detailed and pursued with states to ensure that it translates into adequate policy response at the national level.

Confidentiality

15. Please indicate: \*

x☐The information submitted can be made public on the OHCHR website or referred to in his official report indicating my institution/organization and/or country. (YES)

☐The information submitted in this questionnaire should only be used in anonymous form to inform the forthcoming report of the Special Rapporteur.

Thank you for your feedback!

1. Studies using Housing and Land Rights Network’s ‘Eviction Impact Assessment Tool’ at sites of forced eviction in Bengaluru: <http://hlrn.org.in/documents/EvIA_Ejipura_Bengaluru.pdf>; and in Kolkata:

   <http://hlrn.org.in/documents/Deprivation_to_Destitution_Topsia_Eviction.pdf> [↑](#footnote-ref-1)
2. See, *Adjudicating the Human Right to Adequate Housing: Analysis of Important Judgments from Indian High Courts,* Housing and Land Rights Network, New Delhi, 2019. Available at: <https://hlrn.org.in/documents/Housing_Judgments_India.pdf> [↑](#footnote-ref-2)
3. See, *Forced Evictions in India in 2019: An Unrelenting National Crisis*, Housing and Land Rights Network, New Delhi, 2020. Available at: <http://hlrn.org.in/documents/Forced_Evictions_2019.pdf> [↑](#footnote-ref-3)