**Report of the UN Special Rapporteur on the right to adequate housing to the
52nd session of the Human Rights Council**

**The right to adequate housing and climate change**

**Questionnaire**

(<https://www.ohchr.org/en/calls-for-input/2022/call-input-right-adequate-housing-and-climate-change>)

**Important Note**: This submission may be published on the website of the Special Rapporteur.

Name of submitting entity, organization or individual:

Contact e-mail:

***Impact of climate change on the right to adequate housing***

*In real life*

1. In your country, what have been the main effects of the climate crisis, on the enjoyment of the right to adequate housing? Please specify whether there have been any climate-induced impacts on the security of tenure, availability, affordability, accessibility, habitability, location and cultural adequacy of housing, including climate crisis related displacement.[[1]](#footnote-1)

In India (the country I am located at), the climate crisis situation has compelled many people (especially those with comparatively income levels) to live in houses that are not environment friendly. Small housing units in mega cities (like Mumbai, Delhi, Chennai, and Kolkata) do not have adequate open space around. Global warming has made people in cities experience extreme weather conditions. Days during summer are extremely hotter than previous years,

1. Are there differences how the climate crisis affects the right to adequate housing in urban and rural areas? If yes, is there an interrelationship between the two?

There are no differences in how the climate crisis affects the right to adequate housing in urban and rural areas. People in both settings are affected by situations resulting from climate emergency (or crisis). With respect to adequate housing, global warming has impacted all regions of India. Rural parts also remain untouched because of global warming.

1. Are there groups distinctly affected in the enjoyment of their right to adequate housing as a result of the climate crisis? Please describe in what way.

I do not find any group that is distinctly affected in the enjoyment of their right to adequate housing as a result of the climate crisis. However, marginalised groups are likely to be more affected at they do not have adequate (or required) resources to access green housing units.

1. How is the right to adequate housing ensured for persons that have been internally or internationally displaced by the climate crisis? How and under what conditions is their right to voluntarily return ensured?

4.1 How is the right to adequate housing ensured for persons that have been internally or internationally displaced by the climate crisis?

Right to adequate housing for persons that have been internally or internationally displaced by the climate crisis can be ensured by offering resource support by national governments and agencies in the non-governmental sector. People affected by climate crisis need to be treated as special urgent group who require immediate and special attention/. However, this initiative involves several challenges, including constraints of financial resources on the part of implementing agencies.

4.2 How and under what conditions is their right to voluntarily return ensured?

In terms of measures needed to ensure conditions that are favourable for their right to voluntarily return, adequate housing infrastructure needs to be developed at places/locations of origin. This will require all involved stakeholders to join hands together.

1. When housing has been damaged or lost due to climate-induced events, what has been the related impact on the lives, health and livelihoods of the affected populations?

The devastating loss of homes is a major impact of the climate crisis. According to data published by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 2022, there has been an 83% increase in climate-related disasters across the last 20 years. These disasters have ripped up homes, destroyed food supplies and displaced millions of people. Human habitat loss is one of the major impacts of climate change and highlights that an average of nearly 42 million people per year face the loss of their homes due to climate change related extreme weather events in the next 20 years. By the year 2040 this figure could look as high as 54.9 million people in one year alone **[1]**.

1. How have people been able to access redress and compensation for damages to or loss of their housing as a result of the climate crisis and extreme weather events? What are the main obstacles to accessing timely redress and compensation, and what could be effective solutions?

6.1 How have people been able to access redress and compensation for damages to or loss of their housing as a result of the climate crisis and extreme weather events?

People have not been adequately compensated for damages to and loss of their housing as a result of the climate crisis and extreme weather events. It is because of the fact that there are massive damages and many countries do not have adequate and required funds. While loss and damage was discussed at the Paris climate talks in 2015, progress has been slow **[2]**.

6.2 What are the main obstacles to accessing timely redress and compensation, and what could be effective solutions?

To help compensate for that, developing countries are asking richer ones to contribute to a loss and damage fund. The money could offer payment for things that are irrevocably lost **[2]**.The character and severity of impacts from climate extremes depend not only on the extremes themselves but also on exposure and vulnerability. Climate extremes, exposure, and vulnerability are influenced by a wide range of factors, including anthropogenic climate change, natural climate variability, and socio-economic development **[3]**. Such events adversely and severely impact housing for countless number of people. Addressing compensation for losses due to such climate extreme conditions and finding out solutions require multi-sectoral collaboration.

1. Please indicate any key rulings of national courts and tribunals protecting tenants and home owners from the impact of the climate crisis or on their right to adequate housing or related to climate induced displacement? Please also describe their outcome and impact?

I do not find data on rulings of national courts and tribunals protecting tenants and home owners from the impact of the climate crisis or on their right to adequate housing or related to climate induced displacement.

*In measures*

1. Please explain how energy efficiency, green urban planning, climate mitigation and adaptation policies and programmes take into account the right to adequate housing. What measures have been taken to ensure that they do not have any (unintended) discriminatory impact on particular population groups?

8.1 Please explain how energy efficiency, green urban planning, climate mitigation and adaptation policies and programmes take into account the right to adequate housing.

Using energy efficiently can reduce the cost of heating, ventilating, and air-conditioning, which account for a significant part of the overall cost of housing. Energy costs recur month-to-month and are hard to reduce after a home has been designed and built. The development of an energy-efficient home or building must be thought through using a systems approach. Planning for energy efficiency involves considering where the air is coming from, how it is treated, and where it is desired in the home. Improper use or installation of sealing and insulating materials may lead to moisture saturation or retention, encouraging the growth of mold, bacteria, and viruses. In addition, toxic chemicals may be created or contained within the living environment **[4]**.

8.2 What measures have been taken to ensure that they do not have any (unintended) discriminatory impact on particular population groups?

I do not find published data which I can present in response to this question.

1. Please explain how natural disaster preparedness, response and recovery/reconstruction strategies and plans ensure non-discrimination?

I do not find published data which I can present in response to this question.

1. What are the main barriers to addressing and mitigating the adverse impacts of climate change on the realization of the right to adequate housing?

There are not well-designed strategies for addressing and mitigating the adverse impacts of climate change on the realization of the right to adequate housing. Most importantly, in view of climate change, the right to adequate housing cannot be ensured unless there is global agreement from national governments and all involved stakeholders.

***Impact of housing on climate change***

1. How does the housing sector in rural and urban areas contribute to climate change? It may be helpful to think in terms of:
* energy consumption for heating, cooling, cooking, lighting of housing;
* urban sprawl and related climate impacts (soil sealing, commuter traffic etc.);
* increase of average per capita living space;
* water use;
* emission of pollutants;
* climate impact of construction and used construction materials;
* deforestation, desertification and loss of biodiversity caused by housing development projects.

Climate change is a global phenomenon that largely impacts urban life. Rising global temperatures causes sea levels to rise, increases the number of extreme weather events such as floods, droughts and storms, and increases the spread of tropical diseases. All these have costly impacts on cities' basic services, infrastructure, housing, human livelihoods and health. At the same time, cities are a key contributor to climate change, as urban activities are major sources of greenhouse gas emissions. Estimates suggest that cities are responsible for 75% of global CO2 emissions, with transport and buildings being among the largest contributors **[5]**.

Only with a coordinated approach and action at the global, regional, national and local levels, can success be achieved. It is essential, therefore, to make cities an integral part of the solution in fighting climate change. Many cities are already doing a lot by using renewable energy sources, cleaner production techniques and regulations or incentives to limit industrial emissions. Cutting emissions will also reduce local pollution from industries and transport, thus improving urban air quality and the health of city dwellers **[5]**.

Please provide as well any statistical information on the climate impact of the housing sector compared to other sectors in your country.

I do not find published data which I can present in response to this question.

1. What measures are being implemented in rural and urban areas to reduce and eliminate the adverse impacts of the housing sector on the climate? How successful have been these programmes?

Many adaptation and mitigation options can help address climate change, but no single option is sufficient by itself. Effective implementation depends on policies and cooperation at all scales and can be enhanced through integrated responses that link mitigation and adaptation with other societal objectives **[6]**. Several measures are underway to reduce and eliminate the adverse impacts of the housing sector on the climate in urban and rural areas, globally. Such measures envisage the fact that one of the most significant changes has been the growth in the size and importance of cities whose economies increased and changed as a result of globalization. Another consideration is the number of large cities that are now centers of large extended metropolitan regions **[7]**.

1. What are the main barriers to reducing and eliminating the adverse impacts of the housing sector on the climate?

Global climate change has profound implications for human societies. The present---ecologically unsustainable--trajectory of human development fails to provide for the basic needs of a substantial fraction of the global population, while diminishing the prospects for future generations. Human-caused climate change has already begun to affect weather patterns, physical and biological phenomena, and vulnerable human communities. Because the social processes of production and consumption have their own momentum, and because carbon dioxide has a long atmospheric lifetime, further climate change is inevitable over the coming century, even allowing for the adoption of mitigation measures. This situation implies that all stakeholders should try to reduce, and where possible to prevent, the adverse effects of climate changes by planned adaptation **[8]**. One of the main barriers in reducing and eliminating the adverse impacts of the housing sector on the climate is lack of commitment on the part of national governments.

***Towards*** ***a just transition to a rights-compliant, climate-resilient and carbon-neutral housing***

1. What specific legislation, policies, or programmes have been adopted to put in place and finance a just transition to a rights-compliant, climate-resilient and carbon-neutral housing for all, without discrimination?

I do not find (scientific) published data which I can present in response to this question.

1. What measures have been taken to ensure that the costs of green transition in the housing sector are fairly shared between public authorities, taxpayers, homeowners, and tenants/renters or other affected interest groups, and to ensure the continued affordability of housing?

I do not find (scientific) published data which I can present in response to this question.

1. What adaptation strategies are needed to ensure the continued habitability of housing in the face of the climate crisis? (protection from e.g. heat, flooding, extreme weather, etc.)
2. How are different interest groups, including marginalized communities, homeowners and tenants, being consulted, and able to participate in the design, implementation, monitoring and evaluation of:
* legislation, policies, or programmes been adopted that provide for specific measures to ensure the realization of the right to adequate housing in the face of the climate crisis;
* natural disaster preparedness, response and reconstruction, as well as in mitigation and adaptation efforts;
* measures to reduce and eliminate the adverse impacts of the housing sector on climate.

I do not find (scientific) published data which I can present in response to this question.

1. What is the role of international cooperation, technology transfer and development assistance of States and multilateral agencies to ensure a just transition?

I do not find (scientific) published data which I can present in response to this question.

1. What are the main barriers to achieving such a just transition?

I do not find (scientific) published data which I can present in response to this question.

***Other issues***

1. Please use this space to indicate any issue that should be considered for this report.

In response to this question, I present below the information under following two sections:

**Section-1:** Right to Adequate Housing:

The Universal Declaration of Human Rights establishes in Article 25 that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, **housing,** and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control” **[9]**.

The right to adequate housing has also been recognised in Article 11 of the International Covenant on Economic, Social and Cultural Rights, which establishes that “The States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and **housing**, and to the continuous improvement of living conditions”. The Committee on Economic, Social and Cultural Rights, the treaty body in charge of monitoring State compliance with the ICESCR, has further explained that the right to adequate housing goes beyond the right to merely have a roof over one’s head. Rather, adequate housing means “adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities – all at a reasonable cost” **[9]**.

This Committee has also affirmed that housing facilities need to fulfil certain criteria in order to be considered adequate. These include: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities; and must be culturally adequate, meaning that “the way housing is constructed, the building materials used, and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing” **[9]**.

Some regional human rights conventions and treaties recognize the right to adequate housing. The treaties’ monitoring bodies and courts, in particular the African Charter on Human and Peoples´ Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the European Committee of Social Rights, play an important role in protecting the right to adequate housing and have developed specific jurisprudence related to it. This right is also recognized in the Arab Charter on Human Rights and the ASEAN Human Rights Declaration **[9].**

**Section-2:** Right to Adequate Housing and Climate Change (with Focus on Right to Healthy Environment):

The right to adequate housing is related to the right to a healthy environment as housing depends on, and can be affected by, environmental circumstances. Availability of resources, services, materials, facilities and infrastructure, as well as habitability can be affected by environmental harm, such as land and water pollution, or the improper disposal of toxic and hazardous waste **[9]**.

The Special Rapporteur on adequate housing has pointed out the present and anticipated effects of climate change indicate serious risks for the right to adequate housing. Flooding and landslides, caused by increases in rainfall intensity, sea-level rise and storm surges in coastal areas can severely impact housing and service infrastructure, such as drainage and sanitation systems. She has also affirmed that the poorest people are most likely to suffer the negative effects of climate change, including when it comes to the right to adequate housing. Moreover, a 2009 report from the Special Rapporteur on adequate housing stated: “the most vulnerable to the impacts of intense storms, floods and droughts are frequently those who already live in poverty and whose human rights are less well protected. Hundreds of millions of urban dwellers live in slums, which are usually located in the most hazardous sites within cities. People living in such situations are at increased risk from the direct and indirect impacts of climate change” **[9]**.

The Special Rapporteur on adequate housing has also affirmed that indigenous peoples’ right to adequate housing has been violated when they are “subject to forced evictions and land-grabbing for the sake of resource extraction, agribusiness, nature conservation initiatives and development projects, including pipeline and dam construction”. Accordingly, Principle 8 of the Framework Principles On Human Rights And The Environment affirms that ‘To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.’ The Special Rapporteur on human rights and the environment has confirmed that assessments should take into account the impacts those actions might have on housing **[9]**.

**References:**

**[1]** Reliefweb (2022). ***“****Climate crisis to destroy 167 million homes in next 20 years”*. United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Accessed on July 7, 2022 from: [**https://reliefweb.int/report/world/climate-crisis-destroy-167-million-homes-next-20-years**](https://reliefweb.int/report/world/climate-crisis-destroy-167-million-homes-next-20-years)**.**

**[2]** NPR (Year of publication not mentioned). *“Special Series: The COP26 Summit”*. NPR. Accessed on July 8, 2022 from: <https://www.npr.org/2021/11/11/1054809644/climate-change-cop26-loss-and-damage>.

**[3]** Intergovernmental Panel on Climate Change (IPCC) (2012). “Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation“. New York, USA: Cambridge University Press. Accessed on July 8, 2022 from: <https://www.ipcc.ch/site/assets/uploads/2018/03/SREX_Full_Report-1.pdf>.

**[4]** Centers for Disease Control and Prevention (CDC). (2009). *“Chapter 13: Energy Efficiency”*. CDC. Accessed on July 6, 2022 from: [**https://www.cdc.gov/contact/accessibility.html**](https://www.cdc.gov/contact/accessibility.html).

**[5]** **UN Environment Programme (UNEP) (Year of publication not mentioned). *“Cities and climate change”*.** Nairobi, Kenya: UNEP. Accessed on July 5, 2022 from: <https://www.unep.org/explore-topics/resource-efficiency/what-we-do/cities/cities-and-climate-change>.

**[6]** Intergovernmental Panel on Climate Change (IPCC). (2022). *“Topic 4: Adaptation and Mitigation”*. IPCC. Accessed on July 6, 2022 from: <https://ar5-syr.ipcc.ch/topic_adaptation.php>.

**[7]** Revi, Aromar; and E. Satterthwaite, David (Coordinating Lead Authors). (2014). *“Urban Areas”*. Cambridge, United Kingdom (UK): Cambridge University Press. Accessed on July 6, 2022 from: <https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-Chap8_FINAL.pdf>.

**[8]** Hales, Simon; Baker, Michael; Howden-Chapman, Philippa; and Menne, Bettina (2007). *“Implications of Global Climate Change for Housing, Human Settlements and Public Health”*. Freund Publishing House Limited. Accessed on July 6, 2022 from: <https://www.researchgate.net/publication/5501670_Implications_of_Global_Climate_Change_for_Housing_Human_Settlements_and_Public_Health>.

**[9]** Universal Rights Group (Year of publication not mentioned). *“Right to Adequate Housing”*. Universal Rights Group. Accessed on July 8, 2022 from: <https://environment-rights.org/rights/right-to-adequate-housing/#:~:text=The%20right%20to%20adequate%20housing,and%20his%20family%2C%20including%20adequate>.

**Submission instructions**

**Email subject line:** Input for SR housing - report on climate change

**Accepted File formats:** Word only (supporting documents may as well be submitted in PDF)

**Accepted languages:** English, French and Spanish

Please include references to reports, academic articles, policy documents, text of legislation and, judgements, statistical information with hyperlinks to their full text or source or attach them to your submission (please respect total file size limit of 20 MB to ensure that it can be received)

**Potential confidentiality:** Please indicate on top of this questionnaire and in your e-mail if you want to have this submission or any particular attachment not to be published on the website of the Special Rapporteur and treated as confidential.

**Expected presentation** of the report of the Special Rapporteur: February/March 2023

1. Under international law, the right to adequate housing is more than having four walls and a roof. It is essentially the right to live in a place in peace, security and dignity. Housing adequacy covers the following seven essential elements: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. For organizations and stakeholders that may not be as familiar with the right to adequate housing in international human rights law, please consult General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights, available [here](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en). [↑](#footnote-ref-1)