**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**

Name of submitting entity, organisation or individual: Paras Bhattarai, Council on Energy, Environment and Water (CEEW)

***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)**

When it comes to countries that are vulnerable to extreme climatic events, India is seventh most vulnerable country to extreme climate events (*GLOBAL CLIMATE RISK INDEX*, 2021). In the past decade alone, extreme events that occurred in the country caused more than INR 5,600 billion (5.6 lakh crore) in losses. Sectors like housing, transportation, and industry are significantly threatened by climate-induced extreme events(Mohanty, 2020).

After analysing the impact of extreme climatic events on housing, we found that 53 per cent of future affordable housing projects would be at the risk of floods, cyclones, and their compounding effects. Further,80 per cent of India's districts and 27 out of 35 states and UTs are vulnerable to extreme hydromet events like cyclones, floods and droughts (Mohanty & Wadhawan, 2021).

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?**

*Pucca* homes (made of bricks and concrete) are typically more resistant to climate changes. According to the [NSSO's (National Sample Survey) 76th round](http://microdata.gov.in/nada43/index.php/catalog/153) (2018), 4 per cent of homes in urban India are non-pucca homes. However, in rural India, this share is as high as 23.3 per cent. Therefore, people who live in rural areas are consequently more vulnerable to the extreme climate events, and this certainly calls for the right to adequate housing, especially in rural areas.

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.**

As per the study by Council on Energy, Environment and Water (CEEW), 27out of 35 states and UTs in India are vulnerable to extreme hydro met disasters. Further, despite being highly vulnerable to extreme flooding most of the north-eastern states like Assam, Manipur, Sikkim, and Arunachal Pradesh have a very high share of non- pucca houses (Mohanty & Wadhawan, 2021). Though non-pucca houses are at higher risk of extreme climate events, we also found that more than 50 per cent of pucca houses are also vulnerable to extreme climate events. As per the analysis based on NSSO 76th round data and the Climate Vulnerability Index (CVI), we found that 55 per cent of the current pucca homes are vulnerable to floods, cyclones, and their combined effects. Additionally, we found that 90 per cent of these pucca homes are in 10 Indian states: states: Maharashtra, Tamil Nadu, Karnataka, Madhya Pradesh, Andhra Pradesh, Odisha, Assam, Uttar Pradesh, Bihar, and West Bengal. Though extreme climate events pose a threat to all, some states/geographies are more affected by the different extreme climate events.

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?**

We have not researched the displacement aspect for this piece of research.

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?**

According to [estimates from the World Health Organisation (WHO)](http://www.who.int/news-room/fact-sheets/detail/climate-change-and-health), climate change has a direct impact on housing security, food security, drinking water quality, and air quality(*World Health Organisation*, 2021). Further, as per [WMO Atlas of Mortality and Economic Losses from Weather, Climate and Water Extremes (1970 – 2019)](https://public.wmo.int/en/media/press-release/weather-related-disasters-increase-over-past-50-years-causing-more-damage-fewer)(*World Meteorological Organisation*, 2021), there were more than 11,000 documented disasters worldwide resulting over 2 million fatalities and US$ 3.64 trillion in losses(1970-2019) because of the weather, climate or water related extreme events. According to the WHO, between 2030 and 2050, climate change is predicted to result in an additional 250,000 fatalities in a year from hunger, malaria, diarrhoea, and heat stress (*World Health Organisation*, 2021).

The poor households in India lack social security and adequate compensation for their losses, which can cause them to fall into debt trap(Patankar, 2019). One of the critical impacts of disasters like floods or cyclones is the incidence of plethora of vector borne and water borne diseases such as Typhoid, Malaria, Hepatitis B. Due to poor infrastructure of the government health care facilities—on which poorer households are mostly dependent—they cannot even access the necessary health care services.

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?**

According to data from the Economic Survey (2020-21), India's nonlife insurance penetration is only 0.94 percent, and the insurance density (per capita premium) is only $19 (~INR 1500), which is much lower than the global average of $439 (*BusinessToday*, 2021). In general, the lack of awareness about insurance is the major barrier for people to take benefits of insurance and social schemes. Due to this, people end up relying only on announcements for governments’ support after the disaster. Even this is not helpful as in many cases, we have seen beneficiaries eligible for immediate assistance of Rs 10,000 after the 2018 floods are yet to receive the assistance in Kozhikode taluk in Kerala (*Times of India*, 2021).

1. **Please indicate any key rulings of national courts and tribunals protecting tenants and homeowners 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?**

We have not researched on the legal aspects for this piece of research.

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?**

During the last decadal period between 2009 and 2021, India has seen five of India's warmest years on record (IMD, 2021). As a result of the rising temperatures, the use of air conditioners (ACs) is growing, but only among households that can afford its adoption and use. According to the India Cooling Action Plan (ICAP, 2019), there were an estimated 39 million air conditioners in use in 2017; and this figure is predicted to rise to 350–400 million by 2037–2038. The energy needed for cooling (especially, for running these ACs) can be reduced by using thermally efficient building designs (PBBE, 2020).

In order to identify sustainable, environmentally friendly and disaster-resilient innovative technologies in the construction sector, the Ministry of Housing and Urban Affairs (MoHUA) has launched a number of programmes, including Construction Technology India - 2019 (CTI2019), Global Housing Technology Challenge - India (GHTC-India), and Accelerator Affordable Sustainable Housing Accelerators- India (ASHA-India). However, the development of these programs is still in their early phases(PMAY-U Portal, 2022).

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

During/after every natural disaster in India, the National Disaster Management Authority (NDMA) is responsible for preparing the response, recovery and reconstruction. The main objective of the NDMA is to provide and implement a responsive, holistic and integrated disaster management system. To ensure no discrimination,it is led by the Prime Minister and the respective Chief Ministers of the all State Disaster Management Authorities (SDMAs). Based on the mandate of the NDMA, all the states have their own disaster management framework. For example, in Odisha, a state very frequently and severely affected by cyclones, their State Disaster Management Authority (OSDMA), launched NCRMP ([National Cyclone Risk Mitigation Project](https://www.osdma.org/national-cyclone-risk-mitigation-project/#gsc.tab=0)) in March 2011 with the following components(*OSDMA Portal*, 2022):

1. Early Warning Dissemination System
2. Construction of multipurpose cyclone shelters, approach roads, saline embankments and shelter level equipment along with shelter level capacity building by NDMA and NIDM for providing safe living place during any disaster
3. Implementation assistance for project management and monitoring

Apart from that, it also includes a community based disaster risk reduction framework which ensures community participation at the local level and promotes a culture of mutual help in the process of disaster management (through mutual ownership and better identification of the local needs) .

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

As per the [OECD environment policy paper(*OECD*, 2018),](https://read.oecd-ilibrary.org/environment/climate-resilient-infrastructure_4fdf9eaf-en#page1) several challenges can restrict the construction and operation of new and existing infrastructure in a way that it is climate-resilient (*OECD*, 2018). Climate and other variables that affect infrastructure resilience will result in a future full of uncertainties. Therefore, we need to plan for all possible future scenarios (including the tail-end risks) in advance to actually realise the goal of climate resilient infrastructure. We also need to prepare a robust communication strategy to provide adequate information on the dangers arising from rising extreme climate events, so that future investment decisions can be planned accordingly. Policy misalignments have the potential to unintentionally distort incentives and limit the use of innovative, ecosystem-based solutions. This also needs to be addressed through establishing proper regulatory and policy frameworks.

**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.**

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

We have not researched on the impact of housing type on climate change

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?**

We have not researched the Impact of housing on climate change

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

We have not researched the Impact of housing on climate change

***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?**

We have not researched the just transition aspect of the housing

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?**

We have not researched the just transition aspect of the housing

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.)**

*We have not researched the just transition aspect of the housing*

1. **How are different interest groups, including marginalised 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 realisation 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.**

We have not researched the just transition aspect of the housing

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

We have not researched the just transition aspect of the housing

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

We have not researched the just transition aspect of the housing

***Other issues***

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

**Submission instructions**

**Deadline:** **31 July 2022**

**Email:** Please return this questionnaire to: [ohchr-srhousing@un.org](mailto:ohchr-srhousing@un.org); [ohchr-registry@un.org](mailto:ohchr-registry@un.org)

**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

# References

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*World Meteorological Organisation*. (2021). https://public.wmo.int/en/media/press-release/weather-related-disasters-increase-over-past-50-years-causing-more-damage-fewer

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)