

## The right to adequate housing and climate change

### Questionnaire

Name of submitting entity, organization or individual: Habitat for Humanity Malawi

#### *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.<sup>1</sup>

In Malawi the main effects of climate crisis, among others, includes flooding. In recent years Malawi has experienced 3 tropical storms: Tropical Cyclone Idai in 2019, Tropical Storm Ana in January 2022 and Tropical Storm Gombe in March 2022. Tropical Cyclone Idai affected 975,600 people and displaced 90,000 whereas Tropical Storm Ana affected 48,216 households out of which 22,364 households were displaced. And Tropical Storm Gombe affected 35,383 households out of which 11,008 were displaced.

2. 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 on how the climate crisis affects the right to adequate housing in urban and rural areas. In both rural and urban areas, housing remains the most affected social sector.

3. Are there groups distinctly affected in the enjoyment of their right to adequate housing because of the climate crisis? Please describe in what way.

The right to housing contains some entitlements which include access of the security of tenure, housing, land and property restitution, equal and non-discriminatory access to housing and participation in housing-related decision-making at the national and community levels. When people are displaced, are staying in camps, and other families' houses, they are deprived of all these entitlements.

---

<sup>1</sup> 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](#).

4. 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?

For the people who have been displaced and are living in camps, different stakeholders under the Malawi Camp Coordination and Management Cluster mobilise resources to assist the survivors with family tents and Emergency Shelter Kits (ESKs). This ensures that the survivors of the emergencies at least have transitional shelters for their families and those close to their families so that the family's dignity is restored.

5. 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?

There are many effects of these climate induced events on the lives, health, and general livelihood of the survivors in Malawi. When disasters strike in addition to the homelessness that is caused there is also a lot of disruption to water, sanitation, and hygiene services. This leaves the survivors more exposed to water borne diseases like cholera and diarrhoea. Also, in Malawi, most farming households are engaged in subsistence, rain fed agriculture which is destroyed when disasters strike. With this form of agriculture, most of the survivors lose their source of income and livelihood and live an impoverished life thereafter.

6. 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?

In Malawi, people are not compensated for their loss of their housing because of climate crisis weather events. However, humanitarian NGOs and Department of Disaster Management Affairs (DoDMA) assist the most vulnerable families with Emergency Shelter Kits during the response period and permanent homes during the recovery period of the disasters. The families are also assisted with non-food items.

7. 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?

Malawi courts have not handled such kind of cases.

### *In measures*

8. 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?
9. Not much has been done so far.

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

The strategies have been packed into simple languages and in vernacular and aired on national radio stations to forewarn every individual of the potential disasters and preparedness. They also provide daily updates on weather forecast on every radio station during news hours.

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

Most of the houses affected by floods in Malawi are privately owned houses that did not comply with the building standards. Some of the factors that influence or bar Malawians from having resilient houses that can withstand the effects of the climate change on the realisation of the adequate housing include the following.

- Lack of dissemination of the Safer Housing Construction Guidelines. Although Malawi recently approved the Safer Housing Construction guidelines, the guidelines have not been disseminated to the communities and local artisans.
- High cost of construction materials. Malawi has about 52% of the population still living below the poverty line. As such, most of the households cannot afford to procure construction materials to build for themselves a resilient house. Malawi has about 4.8 million housing units of which 58.9% are sub-standards homes. These houses are characterized by mud walls and grass thatched roofs and the families in these housing units live with little hope of ever being able to afford a decent house.

### *Impact of housing on climate change*

12. 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.

The housing sector in Malawi continues to contribute to climate change. Although Malawi gazetted the Use of Sustainable Construction Materials Regulations in 2018 and banned the use of fire cured bricks in all construction projects, its enforcement is not effectively done. Malawi

continues to construct using the banned bricks which heavily contribute to deforestation. And with the increased urbanisation, the rate of deforestation has worsened over the years.

13. 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?

There are some efforts which are being implemented to reduce and eliminate the adverse impact of housing sector in Malawi as follows:

- In urban areas, there is an introduction of the use of the sustainable construction materials such as cement blocks and soil stabilised blocks which are on the increase in the recent years.
- In rural areas, there is introduction of community forests associated with each village.

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

- Lack of alternative energy sources. Trees remain the source of energy particularly among the rural masses which are in majority.
- High cost of gas as compared to use of trees and its products which affect the climate changes.

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

15. 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?

- Gazetting of the Use of Sustainable Construction Materials Regulations of 2018
- DRRR Act 1991
- National Disaster Risk Management Policy
- National Urban Policy

16. 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?  
Nothing has happened so far.

17. 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.)

- Making policies work for the masses - National Disaster Risk Management Policy

18.

19. 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.

20. What is the role of international cooperation, technology transfer and development assistance of States and multilateral agencies to ensure a just transition?
21. What are the main barriers to achieving such a just transition?  
Land tenure rights, poverty which curtails communities' access to safer land.

*Other issues*

22. Please use this space to indicate any issue that should be considered for this report.  
Timely action in support of recovery after disasters.

## **Submission instructions**

**Deadline:** 8 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