**A place to live in dignity for all: Making housing affordable**

**Report of the Special Rapporteur on the right to adequate housing to the
78th session of the UN General Assembly**

**Questionnaire**

For States: please share this questionnaire as well with your National Statistical Office and relevant Ministries to assist completing statistical sections relating to housing affordability.

Name of submitting entity, organization or individual: PLATFORM SITWAYEN:DRWA A ENN LAKAZ LTD

**National law, policies and jurisprudence relating to affordable housing**

1. Does your country’s national law, including constitutional, housing or social protection law, refer to affordability of housing or provide any other guarantees to ensure a minimum standard of living? Or in its absence, are there national policies that refer to affordable housing or minimum standard of living? Please provide references and links to the respective key laws or constitutional provisions as well as policies.

The legislative framework is sorely lacking. While sections 3 & 8 of the Constitution of Mauritius emphasizes heavily on the right of all individuals to protection from “deprivation of poverty without compensation”, there are no housing or social protection law which comprehensively regulates the affordability of housing whilst ensuring a minimum standard of living.

 There is a form of limited guarantee provided under the State Land Act whereby long-term lessees of State Land are under specific conditions allowed to acquire these residential plots, thus enhancing the security of tenure from lease to ownership.

Additionally, The State Land Act also allows for the regularization of squatters by the grant of a building site lease over the occupied site. However, recent reality has shown that political will is highly misaligned with the spirit of the law and tilts more towards a rigid and intolerant approach towards squatters as referenced by multiple cases of highly publicised evictions of squatters during the COVID-19 lockdown period.

Nonetheless, there are national policies overseen by governmental bodies which have been initiated with various laudable and lofty objectives but the implementation has unfortunately fallen below expectations.

The National Audit Office has noted in its Performance Audit Report of June 2021 on the Provision of Social Housing that there is “an absence of a clear and well-defined Social Housing Strategy” and no “long-term development perspective of social housing in Mauritius” for the time being.

**Constitution of Mauritius:** [https://attorneygeneral.govmu.org/Documents/Laws%20of%20Mauritius/A-Z%20Acts/C/Co/Constitution,%20GN%2054%20of%201968.pdf](https://attorneygeneral.govmu.org/Documents/Laws%20of%20Mauritius/A-Z%20Acts/C/Co/Constitution%2C%20GN%2054%20of%201968.pdf)

State Land Act:

1. Please explain if there is any official definition or criteria to assess whether a household faces housing costs above the level of affordability in your country.

There are no official definition or criteria to our knowledge to assess specifically the housing costs above the level of affordability.

However, the poverty thresholds based on salary income are often used as a proxy, though we strongly believe that it does not adequately capture the severity of the Mauritian housing crisis due to the significant increases in housing costs over the last decade.

Moreover the …. Noted alarmingly that the National Empowerment Foundation “did not keep proper record on demand for social housing units for the vulnerable group for the five financial years 2015 – 2016 to 2019 -2020, both for those who had a plot of land and those who were landless”.

1. Please share any important court decisions in your country that relate to the issue of affordable housing or enjoyment of a minimum standard of living, including important judgements on State policies or measures aimed at ensuring housing affordability. Please provide if possible a short summary of the decision and a link to its text.

(e.g. judgements by international, constitutional, supreme or high courts, to rent control measures or rent freezes, to access to housing subsidies, public or social housing, non-discrimination and equal access to affordable housing etc.)

 There are none to our knowledge.

**Data and trends on housing affordability**

1. Is housing affordability regularly measured in your country, region or city, by the national statistical office or other entities? Please explain how housing affordability is measured and tracked. Where is the data published?

Statistics Mauritius, falling under the aegis of the Ministry of Finance, Economic Planning and Development, is responsible for the collection, compilation, analysis and dissemination of official statistics relating to the local economic, demographic and social activities.

Whilst housing affordability is not measured and tracked per se, Statistics Mauritius follows periodically the trends on employment, poverty, household incomes, living conditions, construction and real estate price indexes. These are being used as proxies, wherever relevant and applicable, to gain a consolidated view of the situation.

However, some of these reports are not up-to-date, for example the Household Budget Survey and the Poverty Analysis Report have last been conducted in 2017 and the Living Conditions Survey in 2018 – 2019. This highly restrains the relevance of the data in a post-COVID 19 and highly volatile economic environment.

1. Has housing affordability increased or decreased in your country over the past 10 years? In which regions or cities has housing affordability changed and for whom?

With a land size of only 2,040 km2 and a population density of 637.5 persons per sq. km, Mauritius was historically already one of the highest population densities of any sovereign territory in the world.

Worryingly, housing affordability has dramatically decreased over the past 10 years. Since 2001, for its economic development, Mauritius has aggressively promoted the integrated Resort Scheme (IRS) to encourage foreign investment into Mauritius. Under this legislation, foreigners have access and full ownership to high-end property coupled with a favourable tax regime and a residence permit. Further relaxations around the regulations have ensured a consistent real estate boom which whilst being economical beneficial has pushed ownership of premium land (notably the coastal regions) beyond the reach of a significant segment of the population.

As per a leading real estate company, “from 2005 to 2018, it was estimated that foreign investors spent MUR73,7 billion on [real estate transactions](https://www.globalpropertyguide.com/Africa/Mauritius/Price-History) under the schemes. In the first nine months of 2019, foreigners invested close to [MUR13,6 billion](https://www.bom.mu/sites/default/files/di_2019q3_website.pdf) in island property schemes. This represented a hefty 92,5 percent year-on-year gain in real estate sales to overseas buyers”.

As for the urban areas, the Smart City Scheme, launched in 2015, is a large-scale mixed-use property development programme in cosmopolitan conurbations with technology and innovation at its heart. Up to now, 13 projects have been issued with a Smart City Certification and are all prominent, high-end concepts centred around a holistic & attractive lifestyle. Whist extremely promising for the country, we strongly lament the fact that social or affordable housing have not been included as a component of these projects.

The following figures also show strongly how the lack of affordability is slowly devolving into a real housing crisis:

* the latest Residential Property Price Index for the 4th Quarter of 2022 shows a 38% increase compared to the corresponding quarter of 2021,
* during the period 2015 – 2016 to 2019 – 2020, the outstanding demand for social housing increased by some 54%.
1. Please describe which households, persons or groups are at particular risk of being exposed to housing affordability in your country, region or city.

As a proxy for housing affordability, we suggest using the Poverty Index. Based on the official Poverty Analysis Report of 2017, the following segments are identified as being at high risk:

-  Households with 3 or more children (30.2%)

-  Households headed by divorced / separated persons (25.1%)

-  Households with one parent and unmarried children only (19.2%)

-  Female headed households (16.1%)

-  Households with 5 or more members (13.2%)

-  Households headed by persons who did not have at least an SC2 qualification (13.0%)

In addition, from first-hand experience on the ground, we believe that the following statement from the 2015 Report from the United Nations Independent Expert Report on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, contains elements of truth that need to be addressed conclusively if Mauritius wants to successfully address the housing crisis: “The Independent Expert was informed that many neighbourhoods in Mauritius are de facto ethnically segregated with low-status Creoles, including many from Rodrigues, living in the poorest housing, particularly in informal urban dwellings, which are spaces of vulnerability and exclusion, There is a need to ensure that social housing programmes do not reinforce such residential de facto segregation of poor and marginalized populations”.

(Please provide data on housing affordability disaggregated on the basis of household size, form of tenure (living in self-owned housing, rental, other), type and quality of housing (e.g. living in formal or informal housing); location (region, urban, rural), type of household (with or without children, single parent households), income, employment status, gender, disability, age, nationality, ethnicity, religious affiliation or immigration status.)

1. May certain specific groups or persons, such as persons experiencing homelessness, living in informal settlements, students, asylum seekers or refugees, potentially be left out in data collection in relation to housing affordability?

There is a worrying lack of adequate information and data on homeless people or others living in informal settlements. Other than one-off counts of homeless persons living on the streets conducted by the Police without any proper framework or methodology, there is no comprehensive assessment on the issue.

To compound the issue, the reports on critical subjects such as Poverty or Household Budget are now dated and do not contribute meaningfully in assisting us in having a clear overview understanding of the situation across the island.

**Causes and Consequences of housing unaffordability**

1. What are main reasons why housing is unaffordable to certain persons or groups in your country? Please provide if possible as well links to (scientific) studies that have analysed such reasons.

The unaffordability of housing in Mauritius in the recent years boils down primarily to a severe imbalance between supply and demand.

The country is one of the smallest countries in Africa by area and is also one of the most densely populated. Land and housing are prime assets which are highly desirable and in high and consistently increasing demand, supported by foreign investments into Integrated Resort Scheme and the Smart City Scheme (please refer to our answer to question 5).

Moreover, the insufficiency of subsidised housing units constructed, which have consistently fallen short of governmental targets has not helped the situation for low-income households (please refer to our answer for question 14).

1. What percentage of land is owned or otherwise controlled by the State or other public entities, as contrasted with private entities (both for profit and not for profit)? Please explain if there are any policies or laws which seeks to control the price of land, prevent land speculation including its supply and finance?

We unfortunately do not have the data regarding land under State control. As far as we know, there are no policies or laws that seek to control the price of land and prevent land speculation.

1. How many households have, during the last ten years been evicted because of their non-payment of housing costs? Please provide, if possible, more information on the socio-economic profile of the concerned households.

We unfortunately do not have the data to be able to address this question.

1. How many individuals, households or groups have, during the last ten years, been rendered homeless because of inability to afford housing? Please provide a breakdown of the socio-economic characteristics of such individuals.

We unfortunately do not have the data to be able to address this question.

1. Please describe how housing unaffordability impacts the capacity of individuals and families to enjoy their other human rights including rights to work, health, education, and access to personal security in all its dimensions.

**Laws, policies, programmes and practices aiming to ensure that housing is affordable to all without discrimination**

1. Please share an overview of the laws, policies, programmes and practices adopted in your country/region/city to ensure that housing is affordable for all without any discrimination, Please, provide links to relevant official texts.

(e.g. affordable housing, social and energy cost subsidies, preferential mortgage, building support schemes, provision of social and public housing, of serviced land for self-construction, rent containment and rent control measures, taxation, measures to reduce housing vacancy, multi-stakeholder initiatives by State, local Governments, construction industry, housing providers, tenant unions etc).

The National Housing Development Company Ltd (“NHDC”) has been set up in 1991 by the Government of Mauritius with the mandate to construct decent housing for low-income households. A Special Purpose Vehicle (SPV) has been specially incorporated under the aegis of the NHDC to oversee the construction of 12,000 residential units by 2024 – in line with the pledge taken by the Mauritius Government in its June 2020 budgetary speech.

1. Please share an assessment of the success, limitations or potential failures of the above mentioned laws and policies in your country/region/city, including any studies or independent evaluation reports related to them. Who has benefited from them, who has not? What has worked well, what - less? What lessons can be learned? What could potentially be replicable in other countries/regions/cities?

The NHDC has had very mitigated results till now. Between 2001 and 2012, instead of the 1,000 housing units targeted annually, only an average of 473 units has been achieved and that too with a rate of completion for each housing project ranging between 2 to 3 years.

This situation has led to a severe mismatch between supply and demand for social housing. While the yearly demand has increased by more than 50% between 2015-2016 to 2019-2020, allocation has decreased by some 77% (Performance Audit Report 2021 on the Provision of Social Housing).

Thereafter, a substantial budget has had to be allocated to waterproofing works, treatment of cracks, rehabilitation of water reticulation networks and site cleaning, raising serious questions about the quality of the housing units initially built.

As of June 2020, more than 25,500 households were waiting for social housing units. Some 3,400 households had been waiting for more than 20 years,

In the June 2020 budgetary speech, the Mauritian government pledged to build 12,000 housing units over the next 3 years to address the housing crisis. This was an ambitious target set given the previous production levels but nonetheless fell significantly short of the estimated 27,000 households in dire need of housing (estimate shared by the Minister of Housing & Land Use Planning in 2021).

Regrettably, the output has been dismal with only 2,188 units delivered between November 2019 to January 2023. 708 units shall be delivered in 2023 and 463 have been planned for 2024.

There is also substantial opacity around the budget needed and allocated for this project. A total of Rs. 12 billion were initially earmarked but as per the Minister of Housing & land Use Planning in 2022, approximately Rs. 1.9m is needed to complete each unit. Hence the total project budget required to complete the 12,000 housing units is estimated to be around Rs. 22.8 billion contrasted to the Rs. 12 billion earmarked.

**Submission instructions**

**Deadline:** **30 April 2023**

**Email:** Please return this questionnaire to: hrc-sr-housing@un.org; ohchr-registry@un.org

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

**Accepted File formats:** Word (supporting documents may 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 or attach them to your submission (please respect total file size limit of 20 MB per email to ensure that it can be received)

**Publication:** Submissions of States and public authorities will be published. For other stakeholders, submissions will be published, except confidentiality is explicitly requested.

**Expected presentation** of the report of the Special Rapporteur to the General Assembly: October 2023.