

Mandate of the Special Rapporteur on the right to adequate housing

Request for contributions: Designing and implementing effective human rights-based housing strategies

For her next thematic report to the Human Rights Council, 37th session, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this regard, Leilani Farha, intends to focus on how States can design and implement effective human rights-based housing strategies to realize the right to housing and to fulfil commitments made in the 2030 Agenda for Sustainable Development and the New Urban Agenda.

In preparation of her report, the Special Rapporteur is requesting contributions from States reflecting on their experiences with human rights-based housing strategies and offering suggestions for effective and innovative approaches to this critical area of legislation and policy.

I. Background

In its resolution 34/09 the Human Rights Council encouraged the Special Rapporteur on the right to adequate housing to submit proposals that could support States in the implementation of the housing-related Sustainable Development Goals and targets and the New Urban Agenda.

Human rights-based housing strategies are essential to realize target 11.1 of the SDGs, to “ensure access for all to adequate, safe and affordable housing and basic services” by 2030. The New Urban Agenda, paragraph 31, similarly recognizes the importance of housing policies “that support the progressive realization of the right to adequate housing for all; that address all forms of discrimination and violence and prevent arbitrary forced evictions; and that focus on the needs of the homeless, persons in vulnerable situations, low-income groups and persons with disabilities, while enabling the participation and engagement of communities and relevant stakeholders.”

In considering how best to support States in implementing these commitments, and reflecting on what she has learned in her country visits, previous research, through communications and in other aspects of her mandate the Special Rapporteur has identified a need for guidance on how to design and implement effective human rights-based housing strategies.

II. Request for contributions

The Committee on Economic, Social and Cultural Rights has noted in general comment No. 4 that States’ obligations with respect to realizing the right to housing “will almost invariably require the adoption of a national housing strategy.” Accordingly, the Committee has described a number of requirements of human rights-based housing strategies: a) they should be implemented through legislation; b) provide for meaningful engagement with and participation of those affected; c) set out clear goals and reasonable timelines to eliminate homelessness and ensure access to adequate housing for all; d) identify and allocate needed resources; e) set out responsibilities of both public and private actors; f) establish effective and independent accountability mechanisms; g) ensure access to justice

for claimants of the right to housing and h) ensure co-ordination of relevant ministries, authorities and different levels of government.

In keeping with the elements of human rights-based housing strategies identified by the Committee, the Special Rapporteur wishes to provide concrete and practical guidance to Governments, both at the national and subnational levels, on how to meet these requirements. She welcomes information from States about housing strategies with at least some of the characteristics of a human rights-based approach, their assessments of the most effective means of implementing these requirements and suggestions for how existing approaches might be improved. The Rapporteur would also consider experiences on human –rights based approaches strategies on other economic, social and cultural rights if available. Concrete examples of challenges faced and suggestions about how these can be addressed would be particularly helpful. Hence, the Special Rapporteur would welcome information, for example, on:

- How those who are homeless and other stakeholders have been included in the design and implementation of housing strategies;
- How the various needs and situations of different population groups, especially the most marginalized and excluded, are considered, consulted on and incorporated in the strategies
- How the roles of multiple levels of government and other authorities are coordinated or incorporated;
- What goals and timelines have been set and whether these have been met;
- What independent accountability mechanisms have been put in place;
- What roles have been assigned to independent authorities such as National Human Rights Institutions or Ombudspersons;
- How access to justice for claimants of the right to housing [or other economic, social and cultural rights] has been ensured in legislation or otherwise; and
- What new initiatives or approaches are being considered in plans for implementation of the x the New Urban Agenda and Goal 11 of the SDGs, particularly target 11.1

Rather than seeking answers to specific questions, for this report, the Special Rapporteur would be grateful to receive information or general contributions that States themselves consider the most helpful. She requests that, where possible, responses provide links to relevant legislation, strategies or documentation.

III. Submission of responses

Due to limited capacity for translation, it is kindly requested that responses be submitted, if possible, in English, Spanish or French and, no later than 30 October 2017. All responses will be posted on the official webpage of the Special Rapporteur unless responses indicate otherwise; link available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

Kindly keep responses to a maximum of 3 pages (or 2,000 words), preferably sent via email to: srhousing@ohchr.org, copying registry@ohchr.org. Alternatively, responses may be sent to:

Special Rapporteur on adequate housing
 Office of the High Commissioner for Human Rights
 Special Procedures Branch
 CH – 1211, Geneva, Switzerland.

For any question, please contact the Special Rapporteur through Ms. Juana Sotomayor, human rights officer at Special Procedures Branch- OHCHR: email: jsotomayor@ohchr.org; phone: +41 22 917 94 45.