**20 years Special Rapporteur on the right to adequate housing:**

**Taking Stock and way forward**

On the occasion of the 20 year-anniversary of the mandate of the Special Rapporteur on the right to adequate housing, the Special Rapporteur, Mr. Balakrishnan Rajagopal, invites States, national and local Governments, National Human Rights Institutions, civil society organisations, UN agencies and inter-governmental entities, and others, to share their views on the achievements of the mandate since its establishment and on future challenges.

The survey will assist the Special Rapporteur in drafting his next thematic report to the Human Rights Council, which will be devoted to taking stock and identifying future priorities.

This stock-taking exercise looks at all areas covered by the **Fehler! Linkreferenz ungültig.** and the various ‘means of action’ used by the Special Rapporteur during the past 20 years. The objective is to identify, in particular:

1. main contributions of the Special Rapporteur to the promotion and realization of the right to adequate housing at local, country, regional or global level;
2. core lessons learned;
3. aspects that could be strengthened, for example, with respect to working methods and collaboration with UN bodies, States, and regional and national human rights mechanisms, civil society, the business sector and other stakeholders; and the
4. challenges and positive developments concerning the realization of the right to adequate housing in in your country, at regional or global level.

The report of the Special Rapporteur will be presented to the Human Rights Council in March 2021, and will be available in all official UN languages. Due to limited capacity for translation, we kindly request that you submit your answers, if possible, in English (preferred), Spanish or French.

The report with not identify the submitting institution, organization or State, except if indicated otherwise at the end of this questionnaire. Please feel free to limit responses to particular questions, areas or priorities that you consider important.

The Special Rapporteur would in particular welcome any impact stories related to the work of the mandate. For ease of reference a word version of the survey has also been made available, but preference is to complete the **Fehler! Linkreferenz ungültig.**. In case you have difficulties accessing the online questionnaire, you can also return this document to **Fehler! Linkreferenz ungültig.** by **1 November 2020**.

You are also welcome to submit additional reports or documentation to the Special Rapporteur by writing to **Fehler! Linkreferenz ungültig.**.

**Questions**

Basic information

1. Name of Individual, Organization, Institution, or Agency

     Federal Foreign Office of Germany

Type of Entity\*

National Government or federal governmental agency

Inter-governmental organization or UN agency

Local or regional government, agency, or mayor

Association, tenant union or housing cooperative

NGO network, umbrella organization

Community-based NGO

Academia

Foundation

National human rights organization, ombudsperson

Real estate, urban planning or construction

Real estate investor or investment fund

Trade Union

Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

Public administration

Advocacy

Funding

Legal Assistance

Networking

Policy

Research

Technical Assistance

Training

N/A

Other:

3. City/Town

     Berlin

4. State/Province

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries)

     Germany

6. Contact e-mail (will remain confidential) in case we have questions:

Main contributions of the housing mandate

7. In your view, what are the main contributions and achievements that the UN Special Rapporteur on the right to adequate housing made for the protection and realization of the right to adequate housing during the last twenty years, alone or in collaboration with other stakeholders:

* at the international level?
* at the regional level?

* at the national or local level? (if reference is made to multiple States, please specify the countries concerned)

8. Please indicate any specific actions, working methods or approaches (*see list below for easy reference*) that, in your view, were particularly effective in in promoting, protecting or realizing the right to adequate housing. Wherever possible, please include illustrations of their impact and explain how the work of the UN Special Rapporteur contributed to housing rights struggles on the ground. Please tell us your story.

* **Fehler! Linkreferenz ungültig.** submitted to the General Assembly and the Human Rights Council and their recommendations, including the collection of information, good practices, and events related to their development or dissemination ;
* principles and guidelines developed to assist with the implementation of the right to housing, such as the:

1. **Fehler! Linkreferenz ungültig.**
2. **Fehler! Linkreferenz ungültig.**
3. **Fehler! Linkreferenz ungültig.**
4. **Fehler! Linkreferenz ungültig.**

* **Fehler! Linkreferenz ungültig.** and the recommendations formulated in the country visits reports;
* **Fehler! Linkreferenz ungültig.** sent to States and other stakeholders;
* **Fehler! Linkreferenz ungültig.**, media interviews, op-eds, social media, or other awareness raising such as participation in documentary films;
* Bilateral or other diplomatic engagement and advice or assistance provided to States for policy or law-making;
* collaboration with other international, regional or national human rights mechanism, including submitting briefs or amicus curiae submissions to national courts or international human rights bodies;
* work with regional and local governments, civil society organizations, business, financial institutions or other stakeholders;
* participation and engagement with other UN programmes and agencies, in international or national events, conferences or processes;
* Training activities and/or publication of handbooks, tools for monitoring the right to adequate housing, law or policy-making

Enter here your response(s):

Enhancing the impact of the housing mandate

9. Do you have any suggestions on how the UN Special Rapporteur could further improve his working methods, approach or collaboration in relation to:

* **Fehler! Linkreferenz ungültig.** submitted to the General Assembly and the Human Rights Council;
* Guidance and standard setting, such as the development of principles and guidelines for the implementation of the right to housing;
* **Fehler! Linkreferenz ungültig.**, and potential follow-up activities to them and to their recommendations;
* **Fehler! Linkreferenz ungültig.** sent to States and other stakeholders;
* **Fehler! Linkreferenz ungültig.**;, media interviews, op-eds, use of social media and other awareness raising activities;
* bilateral or other diplomatic meetings and advice or assistance provided to States for policy or law-making
* collaboration with other international, regional or national human rights mechanism, including amicus curiae submissions presented to national courts;
* participation and engagement with other UN bodies, in international processes or events;
* work with regional and local governments, civil society organization, business, financial institutions or other stakeholders;
* training activities and/or publication of handbooks, tools for monitoring the right to adequate housing or to assist law and policy-making;
* Other activities not listed above?

Enter here your response(s)

• Focus on the link between human rights and SDGs, among others the overarching principle of the 2030 Agenda Leave no one Behind.

• Foster increased implementation in order to combat the large backlog in creation of affordable housing by working closely with other UN bodies such as UN-Habitat or the Cities Alliance (hosted by UNOPS)

• Strengthen the narrative between housing, the building sector in general and the global climate goals, e.g. promote energy-efficient housing and low-carbon building materials

* Focus on the link between the right to housing and climate change, especially with a view to enhancing resilience of the most vulnerable parts of society.
* Enhance cooperation with related mandate holders, e.g. SR on environment or SR on water and sanitation.

Lessons learned

10. In your view, what are the main lessons learned that could be drawn from the first twenty years of the housing mandate in order to strengthen further the respect, protection and fulfilment of the right to adequate housing for all?

* Continue to address structural causes of the violation of the right to housing
* Right to housing still a topic that is underfinanced and not prioritized in international agenda, need to continue to work on issue and adress need for finance

Directions for the future

11. What are the main obstacles, in your country, to the realization of the right to adequate housing for all? Please cover urban and rural dwellers and any groups that may be at risk to face inadequate housing conditions due to their gender, age, disability, ethnic origin, housing status (homelessness), social or national origin, migration status, sexual orientation, religion, political or other opinion, or other grounds.

The realization to the right to housing is largely determined by the legal framework, but also depends on a sufficient supply of housing. In Germany, the right to housing is not guaranteed by the Basic Law, the German constitution. At the federal level, however, there is a general consensus that the principle of the social state in Article 20 (1) of the Basic Law includes the state’s obligation to ensure the provision of adequate housing for the population. In Germany, this provision is ensured through government subsidies for housing construction to increase the supply of affordable housing, and through social benefits and legal protection for tenants, among other measures. For example, for those in need of assistance who receive benefits from the basic income support systems, the costs of housing and heating (within reasonable limits) are taken into account as needs. Housing benefit for tenants and mortgage and home upkeep support for home-owners are linked to regional housing costs and reduce the burden of housing expenses for low-income households.

Access to adequate housing depends on a sufficient supply of housing. In general, the supply of housing in Germany is satisfactory. However, the housing market situation differs widely by region. The great demand for housing particularly in urban areas and regions with strong economic growth leads to a shortage of housing, higher rents and a larger share of household income spent on housing. At the same time, in rural or peripheral regions and those with weaker economies, rents and real estate prices are stagnant or even falling due to high vacancy rates. In general, the housing cost burden differs by region and income group. Viewed in aggregate, some 14% of people in Germany live in households which spend more than 40% of their disposable income on housing (source: EU-SILC). Recent federal policy measures are aimed at building more affordable housing and improving the housing supply for all levels of the population (see also no. 13).

With regard to access to housing, section 19 of Germany’s General Equal Treatment Act prohibits discrimination based on race or ethnic origin. This also applies to discrimination based on sex, religion, disability, age or sexual orientation in cases where the lease is conducted on a large scale by the landlord. A differing treatment with regard to access to housing is only permissible, if the parties to the lease agreement or their relatives are living on the same property.

People with disabilities need housing in which they are able to take responsibility for themselves and live as independently as possible. They may apply for benefits under section 77 of Book Nine of the Social Code to acquire, remodel, equip and maintain housing which meets their specific needs. In this context, it is problematic that there is not yet enough affordable housing which is accessible to people with disabilities

Germany has an extensive system of assistance to prevent and overcome homelessness and to provide care and assistance to homeless people. Municipalities are obligated to provide housing for homeless people. This ensures a minimum level of emergency housing, usually in the form of collective accommodation.

12. Have, in your view, certain regions, countries, situations or particular issues not received adequate attention? If so, please indicate how, this could be addressed, taken into consideration the limited resources available to the UN Special Rapporteur.

• Important to stress the link to SDGs, especially SDG11 and overarching principle LNOB

• Focus on the link between climate change and right to housing

* Important to consider also informal settlements, especially during the Covid-19 pandemic

13. What are, in your view, major developments occurring in your country and/or geographical region that may contribute to strengthening the respect, protection and fulfilment of the right to adequate housing? Are there ways, in your view, in which the Special Rapporteur on the right to adequate housing could support the unfolding of these positive developments?

At the Housing Summit of 21/9/2018, the Federal Government adopted a joint Housing Campaign with the *Länder* and municipalities. Alongside stimulus for investment in new-build construction and steps to safeguard affordability, the broad package of measures also comprises actions to reduce construction costs and to secure the supply of skilled labour. The aim is to create more affordable housing. Implementation of the Housing Campaign has been extremely successful, with the Federal Government reporting that all central decisions of the Housing Summit have been implemented or initiated.

Public spending on housing has significantly increased with the Housing Campaign measures. According to the 27th Federal Subsidy Report, federal financial assistance and tax privileges at the Federal Government's expense in the area of housing and urban development more than doubled between 2017 and 2020 (government draft of federal budget). Financial assistance by the *Länder* for housing and urban development rose by roughly 60% between 2017 and 2019.

The Federal Government is providing over €13 billion in this legislative term for social housing, the home-buyers’ child benefit[[1]](#footnote-1), the housing allowance and urban development assistance alone.

In the 2018-2021 period, the Federal Government is providing the *Länder* with €5 billion in total to support the promotion of social housing. Furthermore, the discontinuation of unbundling funds from 2020 is offset in the context of the restructured Federation/*Länder* fiscal relations, including through additional *Länder* shares in VAT revenue. This will help households that are unable to independently provide themselves with suitable housing on the market.

The home-buyers’ child benefit of €1,200 per child and year, and provided for a 10-year period, supports homeownership among families and single parents with children retroactively in the period from 1/1/2018 to 31/3/2021 (subject to the federal budget decision 2021). With approx. 270,000 applications submitted by the end of September 2020, this instrument is very successful, and specifically reaches those families with children who genuinely need support to achieve homeownership. Analyses show that around 60% of recipient households so far have a taxable income of up to €40,000. This is an effective contribution to increasing the relatively low homeownership rate in Germany compared with other countries.

The housing allowance relieves the burden of accommodation expenses on low-income households. With effect from 1/1/2020, the housing allowance reform strengthened this important instrument to safeguard housing affordability by increasing the allowance amount and reach. Furthermore, the allowance will be adapted biennially to income and rent developments, thereby ensuring it continues to provide relief over time. Also, housing allowance expenditure will be increased by 10% from 2021 following the introduction of the carbon pricing mechanism to provide targeted relief towards heating costs for households receiving the allowance.

Other investment measures include urban development assistance of €790 million annually, or tax incentives for the privately-financed construction of rented accommodation and energy retrofitting. The KfW[[2]](#footnote-2) funding programmes for age-appropriate conversions, burglar-proofing and energy retrofitting have also been strengthened.

Other issues

14. Please indicate here any other recommendation or issue that you would like to bring to the attention of the Special Rapporteur.

* Continue to put the right to housing in the context of pandemics such as Covid 19 (e.g. people living in dense informal settlements are especially hit by pandemics due to a lack of access to water)

Confidentiality

15. Please indicate: \*

The information submitted can be made public on the OHCHR website or referred to in his official report indicating my institution/ organization and/or country.

The information submitted in this questionnaire should only be used in anonymous form to inform the forthcoming report of the Special Rapporteur.

Thank you for your feedback!

Please enter your responses in the **Fehler! Linkreferenz ungültig.** or submit this form back to: **Fehler! Linkreferenz ungültig.** before 1 November 2020.

1. German: Baukindergeld [↑](#footnote-ref-1)
2. KreditanstaltfürWiederaufbau, the German development bank [↑](#footnote-ref-2)