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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

 20 Years Special Rapporteur on the right to adequate housing: Taking stock – moving forward

 Report of 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 context, Mr. Balakrishnan Rajagopal[[1]](#footnote-2)\*

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|  *Summary* |
|  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 context, submits the present report pursuant to Human Rights Council resolutions 15/8 and 43/14. The report contains an assessment of achievements and contributions made by the Special Rapporteur on the right to adequate housing at local, country and global level since the mandate was established in the year 2000 and offers a vision of his substantive priorities during the coming years.  |
|  Core contributions of the mandate were the development of guidelines; the awareness raising through more than 30 thematic reports, 34 country visits and the participation in numerous international events and other activities. More than 380 communications to States and non-state actors led to the prevention of some violations of the right to adequate housing or provided increased public scrutiny of forced evictions, homelessness, inadequate housing conditions and other violations of the right to adequate housing. |
| However, progress towards realizing the right to adequate housing globally has been limited. During recent decades, the percentage of the urban population living in informal settlements with insufficient security or tenure has grown. Homelessness has been on the increase and the COVID-19 pandemic has resulted in increasing housing insecurity for many. Many cities have become increasingly segregated along social, racial, ethnic and other lines, undermining equal access to the right to adequate housing, public services and other rights. Home ownership has become stronger concentrated, and housing has become increasingly a tool for investment and enrichment of large real estate investors, while more and more people struggle to find affordable housing in our cities. |
| Large-scale development projects, expansion of agribusiness, logging, natural conservation initiatives and climate change mitigation measures are increasingly resulting in forced evictions and displacements. Insecure land tenure remains a major challenge for the realization of the right to adequate housing for too many people, especially those relying on customary tenure systems in rural areas. |
| Moreover, the climate crisis has increased the ferocity of natural disasters, and resulted in climate induced conflict and displacement. Conflict, disaster/natural hazard and development-induced displacement and forced evictions have sharply increased. |
| Based on an analysis of mayor trends the Special Rapporteur identifies seven substantive priorities while offering clarifications of key definitions of terms such as standard of living. |
| The Special Rapporteur outlines in the present report how he would like to contribute to protect the right to adequate housing in collaboration with States, international organizations and UN agencies, local Governments, parliamentarians, the judiciary and national human rights institutions, the business community, civil society and housing rights defenders. |
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 Contents

 *Page*

 I. Introduction 4

 II. Contributions of the mandate of the Special Rapporteur 5

 A. Development of guidelines and standard setting 5

 B. Thematic reports 6

 C. Country visits 7

 D. Communications 9

 E. Public statements 10

 F. Making use of new opportunities 10

 III. Challenges for the realization of the right to adequate housing 12

 A. Clarifying definitions: evictions, displacement, access to land and standard of living 12

 B. The impact of the COVID-19 pandemic on the right to adequate housing 14

 C. Discrimination and spatial segregation 14

 D. Climate change and rights-compliant resilient housing 15

 E. Conflict, displacement, and the humanitarian response to housing 16

 F. Resettlement and relocation: the need for guidelines 16

 G. Rethinking land governance, eminent domain, and solidarity economy 17

 H. Affordable and accessible housing and the role of public and private actors 18

 IV. Way forward and conclusions 18

 I. Introduction

1. There were several factors contributing to the establishment of the mandate of the Special Rapporteur on the right to adequate housing at the turn of the last millennium. While the right to adequate housing was already enshrined in article 25 (1) of the Universal Declaration of Human Rights (1948) and in article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), the Committee on Economic, Social and Cultural Rights was the first international human rights mechanism which summarized the content of the right to adequate housing in its General Comment No. 4 (1991) and later in its General Comment no. 7 on forced evictions (1997). However, the human rights mechanisms of the United Nations continued to receive reports of serious violations of the right to adequate housing, including forced evictions and large-scale displacements caused by internal conflicts, natural disasters, development projects or mega-events.
2. Parallel to these efforts, the Sub-Commission for the Prevention of Discrimination and Protection of Minorities of the then Commission on Human Rights appointed in 1992 a Special Rapporteur on promoting the realization of the right to adequate housing to undertake thematic research on the right to adequate housing and present reports to it.
3. Mr. Rajindar Sachar held this function for four years (1992-1995). He submitted two progress reports (E/CN.4/Sub.2/1993/15 and E/CN.4/Sub.2/1994/20), proposing a draft international convention on housing rights and published his final report in 1995 (E/CN.4/Sub.2/1995/12). His final report stressed the need for rendering the right to adequate housing justiciable, proposed core indicators for the right to adequate housing and advocated for the further development of an international convention on housing rights. He also suggested to the then Commission of Human Rights to appoint a Special Rapporteur on the right to adequate housing that would regularly report to it.
4. Several years later, on 17 April 2000, the Commission on Human Rights adopted [resolution 2000/9](http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2000-9.doc) in which it decided to establish a Special Rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. One reason for the establishment of the mandate was the discrimination experienced by women, racial, religious, ethnic groups, minorities, persons with disabilities and other social groups in relation to the right to adequate housing. The establishment of the mandate and of others – such as the Special Rapporteurs on the rights to education, food, health, water and sanitation - contributed also to end the imbalance in the system of Special Procedures which appeared at that time to reflect a problematic preference for civil and political rights over economic, social and cultural rights.
5. The then Commission on Human Rights appointed Mr. [Miloon Kothari](https://www.ohchr.org/EN/Issues/Housing/Pages/MiloonKothari.aspx) as first Special Rapporteur. In May 2008, the Human Rights Council appointed Ms. Raquel Rolnik, followed by Ms. Leilani Farha in 2014. In April 2020 the Human Rights Council appointed Mr. Balakrishnan Rajagopal as Special Rapporteur.
6. The mandate has now been in existence for slightly more than 20 years. The present report takes stock of the ongoing challenges and achievements facing the realization of the right to adequate housing and the mandate of the Special Rapporteur. It also outlines seven priority areas of the current Special Rapporteur to address new and ongoing challenges for the realization of the right to adequate housing as well as a clarification of the meaning of key terms such as displacement and standard of living.
7. To inform the present report, the Special Rapporteur held two virtual consultations on 7 and 8 October 2020 with UN agencies, local governments and civil society organizations. The Special Rapporteur also participated in a joint event with all former Special Rapporteurs on the right to adequate housing to mark the 20th anniversary of the mandate. In addition, an online questionnaire was published. The Special Rapporteur would like to thank those States, national human rights institutions and civil society organizations that either replied to the online questionnaire or sent a written submission. All 31 submissions received have been made are available on the website of the Special Rapporteur.[[2]](#footnote-3)

 II. Contributions of the Mandate of the Special Rapporteur

 A. Development of guidelines and standard setting

1. One of the core contributions of the mandate of the Special Rapporteur has been the development of human rights guidelines anchored in existing human rights treaty provisions and their interpretation by UN treaty bodies. They reflect legal obligations of States as well good practices to address human rights challenges. All previous Special Rapporteurs should be commended for developing these guidelines that were the product of intensive consultations with States, human rights experts, representatives of UN agencies, national human rights institutions and civil society.
2. While such guidelines do not have the status of treaty law, they make a meaningful and undisputed contribution to the protection and realization of human rights. The [**Basic Principles and Guidelines on Development-based Evictions and Displacement**](https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)(A/HRC/4/18, Annex I) developed by the first Special Rapporteur on the right to adequate housing, Miloon Kothari, have been essential in addressing the issue of forced evictions. They aim at reducing as much as possible development based evictions and set out core human rights standards prior, during and after any eviction, if they cannot be avoided.
3. While forced evictions violating international human rights standards continue to be reported to the Special Rapporteur nearly on a daily basis, the Basic Principles and Guidelines have been incorporated into national law in several countries, such as in Kenya and have also been referred to in the jurisprudence of some appellate courts. While adherence in practice remains a matter of concern, international development banks have been held to account using advocacy drawn upon the Guidelines. States, international financial and development institutions and business enterprises undertaking development projects need to ramp up their efforts to ensure that the Basic Principles and Guidelines are not only respected during the project development or approval, but during and after project implementation as well.
4. More efforts are needed in nearly all jurisdictions to ensure that national law governing eviction procedures is made fully compliant with international human rights standards, including the Basic Principles and Guidelines on Development-Based Evictions and Displacement. Furthermore, guidance to ensure that people and communities who have been relocated enjoy at least similar levels of enjoyment of the rights to adequate housing, water and sanitation, food, and work remains underdeveloped. Relocated communities and individuals are often not provided with effective legal remedies and fail to receive adequate compensation and redress.
5. Raquel Rolnik developed the [**Guiding Principles on security of tenure for the urban poor**](http://www.undocs.org/A/HRC/25/54) (A/HRC/25/54) which aim to assist States and other relevant actors in addressing the current tenure insecurity crisis faced by the urban poor in an increasingly urbanized world. The Guidelines encourage States to improve security of tenure through recognizing and ensuring diverse forms of tenure; to give priority to in-situ solutions and upgrading of housing as opposed to promoting large-scale evictions and demolitions under the guise of urban renewal, to promote the social function of property, strengthen security of tenure of women and ensure respect for security of tenure by business enterprises. The Guidelines have been instrumental in entrenching security of tenure as a key component of the right to adequate housing.
6. Leilani Farha developed the **Guidelines for the implementation of the right to adequate housing** (A/HRC/43/43) that set out for States and other actors a number of concrete and practical implementation measures. The Guidelines call upon States to recognize the right to adequate housing as a fundamental and enforceable human right in their jurisdictions; to take immediate steps to ensure the progressive realization of the right to adequate housing and the meaningful participation of individuals and communities in the design, implementation and monitoring of housing policies; to develop and implement right-based national housing strategies; to eliminate homelessness and stop the criminalization of persons living in homelessness; and to ensure effective monitoring and accountability mechanisms of the right to adequate housing, including access to justice.
7. The ability of the United Nations human rights experts to respond quickly to unforeseen and unprecedented developments became evident in their response to the COVID-19 pandemic. Through a series of virtual consultations with human rights and housing rights experts, the previous Special Rapporteur, Leilani Farha developed a set of COVID-19 Guidance Notes aimed at ensuring protection of the right to adequate housing during the pandemic as an essential element to combat the pandemic. The Guidance Notes called for a moratorium on evictions; the protection of residents in informal settlements; and for special measures to protect persons in situation of homelessness, renters and mortgage payers. Many Governments, housing experts and civil society organizations relied on the Guidelines to develop their own tailored response to the pandemic.
8. Taking office, the current Special Rapporteur took a lead in developing jointly with fellow experts a questionnaire on the impact of the COVID-19 pandemic on human rights. The questionnaire drew an unprecedented amount of responses and submissions and informed as well his first thematic report to the General Assembly, containing key recommendations to mitigate the impact of the pandemic on the right to adequate housing and to address long-standing housing exclusion and discrimination that became visible during the crisis (A/75/148).
9. The mandate of the Special Rapporteur has also contributed to the clarification of human rights law and standards by other human rights mechanisms. Previous Special Rapporteurs provided inputs to General Comments developed by treaty bodies, such as the General Comment No. 21 on the rights of children in street situations of the Committee on the Rights of the Child or General Comment No. 36 on the right to life of the Human Rights Committee.[[3]](#footnote-4) The current Special Rapporteur will continue to engage with United Nations and regional human rights mechanisms in the development and clarification of human rights standards. One of his next activities will be to contribute to the draft General Comment on the right to land, currently under consideration by the Committee on Economic, Social and Cultural Rights.[[4]](#footnote-5)
10. A core focus of the work of the current Special Rapporteur will be to enhance awareness of relevant human rights standards and to assist States in their implementation. As a first step the website of the Special Rapporteur was revamped and the listing of international and regional human rights standards related to the right to adequate housing updated, facilitating access to relevant treaty norms, general comments of UN human rights treaty bodies, UN declarations, ILO and WHO guidelines and guiding principles developed by UN human rights mechanism and the Special Rapporteur.[[5]](#footnote-6)

 B. Thematic reports

1. Since the mandate was established 33 thematic reports have been submitted to the General Assembly and the Human Rights Council addressing various aspects related to the realization of the right to adequate housing, ranging from forced evictions, homelessness and financialization of housing to Covid-19’s impact on the right to housing.[[6]](#footnote-7)
2. Many of these reports have been elaborated on the basis of engagement and consultation with States, CSOs and other stakeholders and have presented useful recommendations. The reports have contributed to raise awareness and bring to the attention of Governments, civil society and other stakeholders, obstacles and evolving challenges to the realization of the right to housing. They also highlighted good practices, laws and policies implemented by States to protect and fulfil the right to adequate housing and provide guidance for advocacy, law and policy-making.
3. For example, in collaboration with civil society groups and members of Parliament, the advocacy of the Special Rapporteur contributed in the adoption of a rights-based national housing strategy in Canada and a new national housing law in Portugal.[[7]](#footnote-8)
4. In his final report, the first mandate-holder, Miloon Kothari, noted that: “since the establishment of his mandate, the right to adequate housing has received increased attention - in national laws and policies, by courts and judges and in the work of United Nations bodies, national human rights institutions and civil society” while Leilani Farha highlighted in her first report to the UN General Assembly, that her predecessors had: “shed light on acute human rights situations in which the right to adequate housing was at stake and significantly advanced the understanding of that right by giving audience to groups previously unheard from and engaging with those living in diverse circumstances.”
5. The Special Rapporteur is cognizant that the impact of these thematic reports depends on several factors: (1) prior engagement with States, local Governments, national human rights institutions, UN entities and international organizations and civil society organizations on the topic in the development and drafting of the reports; (2) activities and public outreach accompanying their publication and presentation to the Human Rights Council and General Assembly of the United Nations; and (3) the actual implementation of key recommendations contained in the reports by States and public authorities; and (4) the follow-up by national, regional and international human rights institutions and mechanisms, UN entities, parliamentarians, civil society organizations and the Special Rapporteur.
6. In recent years significant efforts were made to raise awareness on the key recommendations contained in the thematic reports through side-events and public information materials including documentaries. Social media and virtual, hybrid or in-person events during the post-COVID-19 era provide new opportunities for human rights awareness raising, advocacy, human rights training and education. The Special Rapporteur will continue to explore new avenues for outreach and human rights education on the right to adequate housing with the limited resources available to him.

 C. Country Visits

1. The Special Rapporteur has conducted 34 [country visits](https://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx) since the mandate was established. These visits provided an opportunity to engage in a direct dialogue with States and other stakeholders to assess the status of implementation of the right to adequate housing in situ. Of the country visits undertaken, 28 percent concerned Asia and Pacific, 27 percent concerned Western European, 21 percent African countries, 15 percent Latin American and Caribbean and 9 percent Eastern European countries.[[8]](#footnote-9)
2. The visits have empowered local communities visited, amplified their voices, shed light on the situation on the ground, raised visibility of challenges and increased awareness about applicable human rights framework norms. They also opened channels of communication with the Government, at local or national level. In addition, country mission reports have also served the important function of bringing international human rights standards into the national and local contexts, by relating them to the national legal frameworks and the local contexts.
3. Country visits offer the opportunity to engage in direct dialogue with Government officials, national housing experts, civil society organizations, and to identify particular challenges and good practices for the realization of the right to adequate housing. They allow chance to assess housing and human rights laws, regulations, programmes and policies in a manner impossible through largely remote or report-based human rights monitoring undertaken by treaty bodies.
4. While many countries have cooperated with the Special Rapporteur closely in the preparation, implementation and follow-up to country visits, access to some countries has been an issue, with visits requests not responded to or delayed for a long time. His predecessors have for example in the past not been able to access Angola, China, Jamaica. Mozambique and Zimbabwe although they sent several visit requests and reminders during their respective tenure.[[9]](#footnote-10) The Special Rapporteur expresses his hope for continued and increased cooperation by States in responding to his visit requests.
5. Several States visited by the Special Rapporteur have used such visits as an opportunity to advance their own legal and policy reforms aimed at promoting and protecting the right to adequate housing, including Mexico, Kenya, Chile and most recently, New Zealand.
6. In 2019, Portugal adopted a Basic Housing Law that implemented a key recommendation put forward by the Special Rapporteur after the country visit to Portugal in December 2016 ([A/HRC/34/51/Add.2](https://undocs.org/en/A/HRC/34/51/Add.2)). The basic housing law guarantees housing as a human right and specifies that housing policies must follow the principles of universality and citizen participation.[[10]](#footnote-11)
7. During the consultations of the Special Rapporteur the country visit to the United States of America ([A/HRC/13/20/Add.4](https://undocs.org/en/A/HRC/13/20/Add.4)) and to Spain ([A/HRC/7/16/Add.2](https://undocs.org/en/A/HRC/7/16/Add.2)) were mentioned as particularly positive examples in increasing awareness on the right to adequate housing and to foster momentum for reform, especially by fostering a socialization of acceptance of housing as a right.
8. The recommendations made in country visit reports have informed the review of the right to adequate housing by Committee on Economic, Social and Cultural Rights and housing rights related recommendations made to States during the Universal Periodic Review of the Human Rights Council.
9. The Special Rapporteur has also reviewed the status of implementation of recommendations elaborated in country visit reports through follow-up reports (A/HRC/10/7/Add.2 and A/HRC/13/20/Add.2). Recently the Special Rapporteur on the human right to safe drinking water and sanitation, embarked on an ambitious project of follow-up reports on six previous country visits.[[11]](#footnote-12) However, with the limited capacities and staff support available to mandate holders, such very useful follow-up activities to their country visits are regrettably only possible in exceptional circumstances.
10. The Human Rights Council may therefore consider strengthening the capacity of all Special Rapporteurs and Independent Experts to carry out such important follow-up research and activities and ensure the provision of required funds under the regular budget of the United Nations. As already emphasized by the first Special Rapporteur on the right to adequate housing, Miloon Kothari, the need for a close and systematic follow-up mechanism to country visits and the implementation of their recommendations, has not changed (E/CN.4/2006/41).
11. The Special Rapporteur hopes to resume country visits as soon as possible, after COVID-19 related travel restrictions have been lifted. He is of the view that direct and personal engagement with public officials, civil society and local experts is essential for building trust and advancing the right to adequate housing. Virtual meetings can never replace the essential value of personal interaction during country visits and of seeing and properly understanding the realities and challenges public authorities and rights-holders face.

 D. Communications

1. Since 1 December 2010, the Special Rapporteur has sent more than 385 [communications](https://spcommreports.ohchr.org/TmSearch/Results), alone or in collaboration with other human rights experts to States and other actors which (1) addressed a wide range of violations of the right to adequate housing; and (2) provided comments on draft legislation and policies related to the right to adequate housing. Of all communications, 43 concerned countries from Africa, 90 Asia-Pacific, 40 Eastern Europe, 48 Latin America and the Caribbean, and 112 Western Europe Group of States and Others States. In addition, 52 communications were sent to private companies and other actors, including international institutions.[[12]](#footnote-13)
2. Since assuming his office the current Special Rapporteur sent 113 communications. This increase in communications during the last year highlights several trends: A sharp increase of alleged housing rights violations during the COVID-19 pandemic, especially given the centrality of a secure home as a shelter against the spread of the virus; additional efforts of the Special Rapporteur to address housing rights concerns through the communications procedure; and a more proactive approach to address housing rights issues related to the business enterprises or internationally financed development projects.
3. The type of violations addressed in the communications included forced evictions, home demolitions, homelessness, cuts to housing assistance programmes, development-based displacements, privatization public housing or water services, housing rights of indigenous peoples, refugees, migrants, women, Roma, religious minorities, and other groups, as well as environmental and health hazards affecting the adequacy of housing, among others.
4. Communications have also been used to follow-up on topics addressed in the thematic reports. For example, in a follow-up to the thematic report on homelessness ([A/HRC/31/54](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/54)), the Special Rapporteur started an initiative to address the global homelessness crisis, through communications asking States to share most recent official data on homelessness and their policies to tackle homelessness.
5. Of 385 communications sent by the Special Rapporteur, 226 received replies, yielding a response rate of about 59 per cent. The quality of replies varies greatly, from mere letters acknowledging receipt of the communication to detailed substantive replies. One of the few studies carried so far out on the effectiveness of the communications procedure of all Special Procedure mandates has indicated that only 8 percent of all replies received indicated steps by the concerned Government to address a violation. 42 percent of all replies where substantive, but incomplete, 26 percent of all replies merely rejected the allegation of a violation and 24 per cent of replies provided information that was not directly relevant to the alleged violation, for example information on general policies or laws, without relating them to the particular concern raised.[[13]](#footnote-14) These findings roughly mirror the observations of the current Special Rapporteur.
6. While such findings may sound disappointing, they are based on an analysis of the written replies only. It can be expected that States and other entities are strongly inclined to refrain in official replies to acknowledge possible human rights violations. However, States, business enterprises and other actors may still take communications very seriously and work behind the scenes towards addressing them. An analysis of to what extent communications by the Special Rapporteur on the right to adequate housing may have actually resulted in a positive change by ending or preventing housing rights violations in practice would require a separate research project of its own, but could provide additional insights.
7. In the view of most civil society organizations, the ability of the Special Rapporteur to raise concerns directly with States and other actors remains one of the mandate’s most effective features. The communications procedure of Special Procedures is one of the most accessible and fast international human rights complaint mechanisms. However, time and staffing capacities available to Special Rapporteurs allow them usually only to work on a fraction of communications received. It can be estimated that only around 10 percent of all complaints received from CSOs, UN entities and other actors that appear legitimate can be acted upon due to lack of capacity and time to undertake necessary research, corroboration or drafting of such communications. The Special Rapporteur is of the view that there is a continued need to enhance the capacity of his mandate to respond to requests for communications and for training, in particular for community based organizations, on how to submit information for consideration.

 E. Public statements

1. While direct engagement with States is extremely important and has in some instances been very successful, human rights protection can regrettably not solely be achieved by relying exclusively on diplomatic dialogues with Governments behind closed doors. One of the key fundamental elements of human rights work is public human rights education and advocacy including through the engagement with the media on housing rights issues.
2. The mandate of the Special Rapporteur has issued, since its establishment, 312 press releases and public statements alone or with other UN human rights experts, including media summaries of annual reports, mission announcements and end of mission statements. Public statements are an important tool for welcoming positive developments in Member States or at international level. They are an essential part of highlighting good practices, an important contribution to the prevention of housing rights violations, and a key contribution to enhance the early warning capabilities of the United Nations in the field of human rights in line with the Call to Action for Human Rights of the Secretary-General of the United Nations.[[14]](#footnote-15)
3. Just a few weeks ago a communication and public statement by the Special Rapporteur contributed to halt an imminent eviction that threatened to render homeless up to 2.000 persons in the Bahamas.[[15]](#footnote-16) The Special Rapporteur strongly welcomes the ruling of the Supreme Court of the Bahamas which granted a temporarily suspension of the planned housing demolitions.[[16]](#footnote-17) He hopes that now a participatory, rights-based programme to regularize and upgrade existing informal settlements can be designed and implemented by the Government that would provide households living in informal settlements with access to essential public services, enhance resilience against future natural disasters, improve housing conditions, and ensure that no one is left behind.
4. There has been regrettably recently been a growing tendency, including among a number of States, to unduly narrow the independence of United Nations human rights experts and their ability to speak out effectively and in a timely manner, when it is appropriate. Human rights require respect worldwide 24 hours. It is important that all Special Procedures can raise serious concerns using all practicable means, in particular if human rights violations of a grave nature can still be prevented, for example by calling upon a Government to suspend a planned demolition of a settlement that would result in a mass eviction.

 F. Making use of new opportunities

1. The Special Rapporteur has not only been engaged in written dialogues with States. In his view the digitalization accelerated by the COVID-19 pandemic, offers new opportunities for bilateral dialogue with diplomats and government representatives dealing with housing rights matter. Virtual meetings offer prospects for thorough, constructive and more regular dialogue without the need for travel.
2. Due to the large volume of concerns brought nearly daily to the attention of the Special Rapporteur, it is impossible to set up, virtual face-to-face meetings in relation to all concerns received. However, they are an additional and effective method of raising concerns and conducting dialogues, beyond communications and press statements. Such virtual meetings may particularly be called for when concerns are brought to the attention of the Special Rapporteur indicating a grave breach or a pattern of housing rights violations. They may also be helpful to intervene in a constructive manner at an early stage before housing rights violations may actually take place.
3. Through virtual meetings the Special Rapporteur can also offer his good offices by encouraging direct dialogue between civil society representatives, UN country teams, NHRIs and other stakeholders with the national and local Government representatives to address housing rights concerns. A positive example that the Special Rapporteur would like to mention in this respect are several discussions he recently held with representatives from federal and local housing agencies and representatives of the judiciary and the legislative branch in Mexico on various measures to taken by the Government to prevent evictions during the pandemic, that were facilitated by the Mexican foreign ministry.
4. The Special Rapporteur is grateful to all States that have so far positively responded to such meeting requests. Virtual meetings with representatives from housing ministries, parliamentarians, judges and lawyers, civil society or other stakeholders are in his view an additional tool, that offer enhanced opportunities for constructive engagement besides country visits and communications.
5. In order to ensure that they are effective, it is important that the Special Rapporteur can directly engage with Government officials responsible for housing policies at national or local levels in addition to permanent representatives of States covering human rights issues in Geneva or New York. Consideration must also be given to ensure better IT-support, including platforms that allow for multi-lingual video conferencing with interpretation, to carry out such meetings by the Office of the High Commissioner for Human Rights when supporting Special Rapporteurs. Funds for holding a limited number of virtual meetings with States and other stakeholders with interpretation would be a reasonable and effective investment and should be included in the regular budget of the United Nations.
6. The same can be said for thematic consultations with States, UN entities, national human rights institutions, local governments, civil society and experts, which could now take advantage of in-person, hybrid and virtual meetings, which allow for a broader participation of experts at a lower cost, during a period extended global uncertainties about travel restrictions.
7. Since assuming his office, the Special Rapporteur has tried to make the best possible use of these opportunities and held many virtual consultations and meetings with relevant actors to inform his thematic reports or to speak on particular housing rights issues. For example for his forthcoming thematic reports on housing discrimination and spatial segregation, the Special Rapporteur held four virtual consultations, with States and UN entities, civil society organizations, lawyers, judges, anti-discrimination offices, national human rights institutions and a dedicated consultation with local governments, and each of these meetings had between 60-150 participants from different world regions. The quality of exchanges during these consultation was noteworthy. For example during the consultation with States and UN entities delegates engaged very seriously on the topic and some States nominated, in addition, experts within Ministries responsible for housing or urban planning or representatives of national non-discrimination bodies to take part in the consultation. All consultations have been as well documented with short summary reports.[[17]](#footnote-18)
8. The enhanced outreach through virtual meetings has resulted in an unprecedented number of replies to questionnaires published by the Special Rapporteur. For the current call for submission, already more the 120 written responses and submissions have been received. This very welcome development poses, of course, capacity challenges to the Special Rapporteur and his small, but dedicated support team to make best use of the valuable information received. It underlines the need to ensure sufficient financial and human resource support for UN human rights experts, who have usually a primary professional job besides their function for the UN human rights system which is unremunerated and supposed to be part-time only.
9. The digitalization push during Covid-19 should however not lose sight of those that are excluded from participating in such virtual meetings. Many residents of informal settlements do not have access to stable electricity supply, internet connections, nor to expensive computers. Older persons and those who lack formal schooling often lack technical knowledge to fully participate in the new virtual world. Persons living in street situation, in camps of internal displacement, have often little or insufficient access to digital communication or required equipment and facilities. The risk of surveillance, persecution and reprisals against victims, witnesses, human rights defenders or other persons collaborating with officials of the United Nations has regrettably increased as well.
10. Access to public services is one core component of the right to adequate housing. In the digital age this means also having access to an internet connection, as a public service, and being protected against arbitrary interference into privacy and the home as required by international human rights law. As broadband access is increasingly needed and relied on for accessing work, education, administrative services and for participating in social and cultural life, the pandemic has put a spotlight on a new fault line of inequality, resulting in discriminatory outcomes both at global levels, but as well within nations.

 III. Challenges for the realization of the right to adequate housing

 A. Clarifying definitions: evictions, displacement, access to land and standard of living

1. The right to housing, in its narrow meaning, could mean the right to shelter, narrowly understood as physical security in the form of a ‘roof over one’s head’. However, this is not how the right to housing has been understood in international law and emerging comparative law, housing policy and practice. Instead, the right to housing has been understood to mean a broader entitlement to security and dignity of living and belonging, one that emphasises many elements from affordability and accessibility to cultural adequacy.
2. Despite this broader understanding of the right to housing, two elements need further clarification. First, the distinction between ‘eviction’ and ‘displacement’ needs to be developed analytically and second, the meaning of access to land as a critical and foundational element of the right to adequate housing should be clarified. The lack of adequate clarity on both of these issues has hindered the proper development and application of the right to adequate housing. In addition, there is a dire need to clarify the meaning and purpose of the right to an adequate standard of living, which is the umbrella right from which the right to housing is derived from, especially in the context of climate change.
3. While displacement refers to a broader phenomenon involving loss of land, security, habitat, livelihood and even identity, eviction is normally a narrower category of removals from shelter or physical security, and one that typically follows a legal or judicial process, and one that typically occurs in the urban context. The focus of the right to housing in the United Nations has thus far been more on forced evictions than on displacement. While there are other mechanisms in the United Nations which focus on displacement, especially the wider human rights challenges that internal displacement raises, more focus should be given to ensure that the right to housing contributes to the prevention of displacement as well as its consequences. One major reason why this is necessary is that factors like climate change and conflict have become primary reasons that drive displacement[[18]](#footnote-19), much more so than was the case when the mandate of the Special Rapporteur on the right to adequate housing was created in the year 2000. Another reason is that a narrower focus on eviction alone tends to spatially restrict itself to urban areas, while a displacement focus allows a broader approach to peri-urban, rural and urban areas equally including the so-called peripheral regions which urban geographers refer to as ‘desakota’ regions[[19]](#footnote-20). Such regions increasingly constitute the majority of most rapidly urbanizing countries. Thus, there is a need to deurbanize the meaning of housing and to broaden the focus rights-protection from eviction to encompass other forms of displacement as well.
4. Access to land is critical for the realization of the right to adequate housing. Despite this, access to land is often the most difficult bottleneck for most countries that face tremendous housing inadequacies including informal settlements. While public ownership of land has remained important in some countries, land has become a commodity, and often concentrated in the hands of a narrow landed elite, or is monopolized by a statist oligarchy which denies the majority of its population, access to land. It is important to recognize that at a definitional level, there is a need to clarify the status of access to land and distinguish it from a narrower right to private property. Land remains critical for building housing and for making it meaningful to live it, but it remains captured by these two extremes: a private commodity or a State monopoly. There is a dire need to move beyond these categories and reimagine access to land by decommodifying it[[20]](#footnote-21). Indeed, the need to integrate the right to land into the broader context of economic, social and cultural rights is recognized by the move to draft a General Comment on land by the Committee on Economic, Social and Cultural Rights. The Special rapporteur hopes to contribute to this, and highlight the close interdependence of this right with the right to adequate housing[[21]](#footnote-22).
5. The most critical challenge facing the right to adequate housing, and indeed all economic, social and cultural rights, is how these rights can be realized in a manner which does not worsen, but mitigates, the climate crisis. If realization of rights lead to greater consumption, to a valorization of the ‘culture-ideology of consumerism’[[22]](#footnote-23), to increasing material and resource use, we will then be undermining our very future in the name of protecting rights. Housing has a particularly central role in this dynamic because of its centrality to economic growth and development and because of its high material use. It is essential to imagine housing in ways which do not depend on increasing material consumption, and increased appropriation of space and nature. Indeed, the right to adequate housing is part of an adequate standard of living, as the title of the mandate reminds us, but we need to understand ‘adequacy’ of standard of living as not only a minimum floor to which all should be entitled (as it has been thus far), but also as a ceiling. This means that standard of living – and housing as a component of it - can be understood to be within ethical, biological and planetary limits. Technological innovation, democratic control and a reorientation of values are essential to bring about alternative futures where a more sustainable standard of living – including housing - within limits is possible.

 B. The impact of the COVID-19 pandemic on the right to adequate housing

1. The current Special Rapporteur took over the mandate as the Covid-19 crisis overwhelmed much of the world. His work, including his working methods, were fundamentally affected by the crisis. The first thematic report of the current Special Rapporteur on Covid-19 and the right to adequate housing called attention to the disproportionately negative impact of the virus on marginalized communities including racial, ethnic and other minorities, women and children; the fragility of temporary measures to secure right to housing including eviction moratoria; and the continuing evidence of a high number of forced evictions during the pandemic[[23]](#footnote-24). The report made a number of concrete recommendations from the need for disaggregated data to economic measures for renters and special measures for impoverished countries. The Special Rapporteur notes with regret that very few of his recommendations have so far been implemented by the majority of States.
2. After more than a year of Covid-19 this crisis of global proportions is far from over yet and will leave us with profound challenges for the realization of all economic, social and cultural rights, including the right to housing, in the years to come. The disparate and exceedingly uneven availability of vaccines for countries with lesser resources and power has resulted in not only greater mortality and infection rates. We have witnessed a crumbling of health infrastructure in several countries to which uneven access to vaccinations contributed - a vaccine ‘apartheid,’ as the head of the WHO has called it[[24]](#footnote-25). The pandemic has also resulted in more lockdowns, curfews and confinement, and increased economic and social losses. Home has never been more central to health as people have been forced to quarantine themselves and the lack of a decent home, including lack of security for women, lack of clean water, and lack of security of tenure against evictions, has been the most important element in the fight against Covid-19. Yet, the rebuilding path ahead appears very fragile, and the financial, political and social resources necessary to fully recover from this global crisis are not marshalled yet unless there is a rededication to a human rights-oriented response to the pandemic, based on SDGs, in which is housing is at the heart of the recovery[[25]](#footnote-26).

 C. Discrimination and spatial segregation

1. Discrimination in relation to housing is an important matter which has not lost its urgency since the mandate was established in the year 2000. States have underlined this concern when creating the mandate, as its official title includes explicitly the notion that the mandate should not only focus on the right to adequate housing, but also on “non-discrimination in this context.” It is one of the few Special Procedure mandates that has such an explicit reference in its title. Despite this centrality, neither discrimination nor spatial segregation have received adequate and full attention, neither by States nor in my view by the mandate itself.
2. Taking this issue seriously, I have decided to focus my next two reports to the General Assembly and the Human Rights Council of the United Nations to discrimination and spatial segregation as they impact on the right to adequate housing. The work by my predecessors provides important foundation for this, including the early work of Justice Rajinder Sachar during the 1990s, extending to the Guidelines for the Implementation of the Right to adequate housing, issued by my predecessor, Leilani Farha. Discrimination in relation to the right to adequate housing has also been a topic in many country visit reports, or reports that focussed on discrimination in the field of housing against particular groups, such as women, persons with disabilities or indigenous peoples.
3. Discrimination is at the heart of the denial of the right to adequate housing, as racial and ethnic minorities, indigenous people, women, older persons, LGBTIQ communities, and migrant workers, face tremendous barriers in accessing housing. Spatial segregation often exists in parallel with highly unequal, discriminatory access to a range of human rights, including for e.g., the rights to water, sanitation, work, education, health care, physical integrity and movement. Disparities in security, policing and in access to all public services are not uncommon in many cities and human settlements. Too often the degree of protection and degree of access to rights enjoyed by marginalized individuals and groups depends on where they live.
4. The issue of spatial segregation has, in my view, not received sufficient attention. It is not only an important issue in countries with a legacy of racial discrimination such as the United States and apartheid, as in South Africa. As urbanization has rapidly progressed around the world, patterns of spatial segregation have emerged in many locations around the world, while evidence of new forms of apartheid have become obvious in Israel and the occupied territories. Current policies, laws and regulations which produce and entrench such segregation, whether intended or unintended, need to be studied, understood and addressed.
5. Discrimination and segregation are entrenching divisions between communities and making it more difficult to make meaningful progress to towards the achievement of the right to adequate housing and other human rights. The rise of global movements for racial justice during the last decade clearly illustrate the need to tackle the vast disparities between poor communities and the very wealthy, and between racial, ethnic and religious groups. States have an important role in curbing housing discrimination and addressing spatial segregation through policies and legislation. Intentional discrimination and segregation are serious violations of human rights and often humanitarian law, while States have clear legal obligations to address the effects of discrimination and segregation even if they themselves do not intend to discriminate, but result from acts or omissions by other actors under their influence or control. States have also an important role in ensuring access to justice and effective remedies against discrimination and spatial segregation, and to ensure that their policies and laws do not result in or lead to segregation and discrimination, including in the area of zoning, spatial planning and project implementation.

 D. Climate change and rights-compliant resilient housing

1. Perhaps the most important challenge at a global level for the right to housing is climate change. The rise in sea level, the degradation and non-usabilty of land, the weakening of food and water security, and increased migration within and across frontiers, are all major challenges which will raise immediate and long lasting questions about how and where to house the many millions of people affected. A related and central issue is also climate change induced displacement of entire communities which can occur either involuntarily through forced resettlement or through voluntary relocation. In either case, the availability of land and housing, along with the services that are necessary for human survival, such as water and energy, are critical. While my predecessor Rachel Rolnik has already written a report on climate change and the right to adequate housing many years ago, we know about the climate crisis and its impacts much more now, as well as the urgency of dealing with them now in the light of more recent evolving norms of international law. We also know a lot more about secondary displacement for instance, which affects those who are displaced previously due to disasters, more disproportionately.
2. Housing rights advocates have often tried to advocate for minimal floor sizes to avoid overcrowding and ensure decent living condition. They have done so rightly, but it is time to think about wasteful and unsustainable housing undermining the enjoyment of decent housing for others and contributing to the current climate crisis. The question of what is a decent standard of living in the context of the climate crisis is going to be a central focus of my work and what that in turn means for the right to adequate housing to be realized. Many natural disasters to which the humanitarian community responds, have also in their frequency and force been related to the ongoing crisis of climate change – in fact the largest number of people displaced are now not due to conflict (narrowly defined) but due to disasters as data shows[[26]](#footnote-27).
3. It is obvious that housing must be resilient to cope with the challenges of climate change. Any resilient housing must be human rights-compliant to ensure that communities fully participate in relocation and resettlement plans, any adverse consequences that flow from the building of housing itself are mitigated without discrimination, and the benefits and burdens that flow from climate change are equally shared. How to build and sustain communities in a manner that creates jobs, and ensures economic, environmental and social well-being, while avoiding political polarization, is a major concern of all States. From questions of economic geography and urban design, to the use of more sustainable materials for the construction of buildings, housing will be central to how we will adapt to the challenges of climate change.

 E. Conflict, displacement, and the humanitarian response to housing

1. A major focus of my work will revolve around the right to housing and its nexus to humanitarian law and humanitarian response. There are multiple overlaps and intersections between humanitarian, human rights and development fields, especially in the context of conflict-induced displacement and humanitarian responses to violent conflict. There are also emerging directions of international law, including international criminal law, which indicate that systematic or widespread violations of economic, social and cultural rights such as the right to housing, forced displacement and housing destruction may lead to state responsibility and individual criminal accountability. Key areas of focus should therefore be these areas as well as the challenges that result from the increasingly urban character of internal displacement which poses challenges to the relationship between displaced communities and host communities and to the provision of infrastructure and services. It is essential to focus on housing practices and tools which support durable solutions for urban IDPs. It is also essential to emphasize approaches, as many have done[[27]](#footnote-28) since the World Humanitarian summit, which stress that - given the increasingly urban settlement and dispersal of IDPs - a search for durable solutions to the problem of shelter and housing, must reframe resilience, emphasize a continuum of tenure security and area-based approaches which bring together humanitarian and development actors with local governments. Such approaches must be informed by the right to adequate housing, be inclusive, and emphasize the broader needs of the wider host communities in which displaced persons live.
2. There are some welcome indicators for example, that major development agencies are now willing to look at issues of displacement as part of a broader economic rebuilding and recovery agenda, which pays attention to IDPs and the wider host communities[[28]](#footnote-29). But they remain the exception and are frequently contradicted by the neoliberal policies of the very same institutions. An additional key challenge in this context is not only ensuring in humanitarian response non-discrimination and minimum standards in relation to the right to adequate housing and other human rights, but to guarantee that people housed in emergency housing are not caught up in it for many years. Reparative strategies must proactively address the right to housing in situations of post-conflict rebuilding. In addition to prevention of displacement, we need to find better rights-based solutions for displaced persons to access decent long-term housing solutions that are affordable.

 F. Resettlement and relocation: The need for guidelines

1. Evictions have been a major cause of violation of the right to adequate housing. How to prevent evictions and displacement, safeguarding the right to remain in place and the right to be consulted before eviction, are well-established as a matter of policy and law even if ignored in practice too often. Yet, most negative consequences of evictions follow the act of eviction, in the form of lack of resettlement and rehabilitation (R&R). Much of the R&R policy work by leading development agencies such as the World Bank, focus on the standards and policies to be followed after evictions to ensure that the people who are evicted do not slip into poverty and do not become worse off than before. In the context of climate change, resettlement assumes a major role, as many communities affected by rising sea levels or uninhabitable land, seek to be relocated. These relocations are also based on national or local policies and laws which seek to ensure parity in living and treatment between the pre and post relocation scenarios.
2. Although there is substantial jurisprudence and national laws and policies on resettlement and relocation, there has never been a set of clear guidelines on them at the global level, within the human rights framework. The absence of such international guidelines results in wildly varying approaches to eligibility criteria for project-affected people, compensation for loss of land and housing rights, due process requirements in evictions, consultation, participation and consent requirements for relocation and site selection, and benefit sharing arrangements, among others. The result is that resettlement, relocation and upgrading records of too many countries are in serious breach of human rights law and defeat the development objectives, including the Sustainable Development Goals, which States have set for themselves. Despite the use of R&R standards by some agencies such as the World Bank, most projects which involve bilateral or multilateral funders, do not appear to have an admirable record when it comes to compliance of their resettlement and relocation policies with international human rights standards. There is an urgent need to develop a set of guidelines which can guide resettlement and relocation to ensure that it is not only consistent with the Sustainable Development Goals, but as well with international human rights law.

 G. Rethinking land governance, eminent domain, and solidarity economy

1. Land use in much of the world used to be based on plural, mutual understandings between neighbouring groups and those who lived together, until the consolidation of colonial and post-colonial regimes eliminated plural land use arrangements, plural land tenures and co-living arrangements in favour of mutually exclusive tenure systems. In much of sub-Saharan Africa, for example, State centred regimes consolidated their control over land and eliminated plural tenure arrangements starting in the mid-1970s[[29]](#footnote-30). The key legal and planning tool deployed by States for this purpose is eminent domain, also known ‘taking’, compulsory acquisition or simply as an exercise of regulatory authority to abridge or abolish private property. While the exercise of public power to regulate private property is critical to ensure its distribution and prevent its abuse, the erasure of plural tenurial arrangements by statist regimes has also gone too far in the opposite direction. Similarly land-grabbing by agro- and other businesses has undermined security of tenure of land and contributes to displacement and forced evictions.
2. Most large-scale evictions of communities, especially those of rural and indigenous ones as well as those of urban poor who live in informal settlements, occurs due to the exercise of eminent domain in one form or another. The push back against evictions by social movements has led to the creation of new norms of international law at the global level which seek to vest collective rights for indigenous communities and peasants, and the recovery of collective control over land the resources that sustain them[[30]](#footnote-31).
3. The struggle against forced evictions, which are a major source of violation of the right to adequate housing, will not make real headway unless we are willing to rethink land governance. This involves a critical re-evaluation of eminent domain as legal doctrine and practice, expansion of the collective rights of communities in urban and rural areas who have been marginalized, and through such empowerment, lay the basis for a new solidarity economy which values people and planet over profits. The basis for such collective movements already exist in the form of urban cooperatives, community land trusts and co-governance arrangements for managing land and resources[[31]](#footnote-32). They involve social production of housing as well as communal forms of tenure. What is needed is a way to anchor these experiments more soundly in evolving norms of international law, especially the strong foundation that economic, social and cultural rights offer, including the right to adequate housing.

 H. Affordable and accessible housing and the role of public and private actors

1. The work of my predecessors Raquel Rolnik and Leilani Farha have laid the foundation for a critical evaluation of the financialization of housing, and the role of played by large global private firms such as Blackstone in causing evictions as well as an affordability crisis in cities[[32]](#footnote-33). The Guiding Principles on Business and Human Rights and evolving norms on private, corporate conduct under international law, have also begun laying the foundation for accountability of public and private actors for harm caused by private acts. Building on this important work, the current Special Rapporteur believes that the time is ripe for a re-evaluation of the role of public and private actors to make sure that housing remains affordable and accessible.
2. In most of the wealthy and middle-income countries, there is a crisis of affordability in housing and renters in most major cities find it difficult to afford housing at a reasonable cost. The initiatives to combat the unaffordability crisis has led, in recent years, to measures at the local level which seeks to impose constraints on market-based determination of rents, as for example the temporary rent increase freeze in Berlin[[33]](#footnote-34). At the same time in many countries, the stock of social and public housing for low-income households has decreased or was sold to private actors, turning debt crises of local and regional Governments into housing crises. And even counties with a large social housing stock, such as France, lack social housing for those in most need.
3. The circle of private actors – the developers, financiers, bankers/credit institutions, and the myriad set of intermediate market institutions that manage real estate transactions – must all be reevaluated for their human rights compliance, in the light of emerging norms of international law. Similarly, the performance of public housing providers including specialized housing agencies, which assume the form of parastatal or semi-public/private forms in many countries, also need to be closely assessed to determine if they fulfil their obligations under international human rights law to ensure affordable and accessible housing.

 IV. Way forward and conclusions

1. **In the present report the Special Rapporteur underlines the need to elaborate further on some key terms related to the right to housing, such as the meaning of an adequate standard of living. He lists seven priorities that will guide his work: (1) The impact of COVID-19 pandemic on the right to adequate housing; (2) discrimination and spatial segregation; (3) climate change and rights-compliant resilient housing; (4) conflict, displacement, and the humanitarian response to housing; (5) the development of guidelines on resettlement and relocation; (6) land governance, eminent domain, and solidarity economy; and (7) the role of public and private actors in ensuring affordable and accessible housing.**
2. **The report takes stock of the accomplishments of the mandate of the Special Rapporteur since its establishment, notably the development of guiding principles and guidelines on development-based evictions, security of tenure and for the implementation of the right to adequate housing, as well as its contribution to the protection and realization of human rights through thematic reports, country visits, communications, public advocacy and human rights diplomacy. The Special Rapporteur emphasizes the continued need for implementation and follow-up on recommendations by States, United Nations agencies and other actors, and the ongoing financial and other limitations Special Procedure mandate holders experience in this respect.**
3. **Underscoring the importance of personal dialogue and the need to resume as soon as possible country visits, the Special Rapporteur highlights the additional opportunities for human rights diplomacy, constructive dialogue, human rights awareness raising and advocacy that virtual and hybrid meetings offer. He shares his experience of more inclusive consultations with civil society, Government officials at national or local level, human rights bodies, and other stakeholders through virtual meetings. Acknowledging the limitations of virtual dialogues and digital exclusion, the Special Rapporteur shares good practices of using virtual meetings for deeper and more inclusive dialogue.**
4. **The Special Rapporteur notes that it remains essential that Special Procedures can raise situations of grave concern in public to prevent human rights in a timely manner and to fulfil their early warning function.**
5. **The Special Rapporteur recommends:**
6. **to enhance the capacity available to the Special Rapporteur and other UN human rights experts to respond to communications, and to provide training and awareness raising around their thematic work, thus enabling them to engage in more sustained follow-up activities;**
7. **that States facilitate the participation of national governmental experts working at federal, regional and local level alongside Geneva-based human rights diplomats in thematic consultations or bilateral meetings making use of new virtual opportunities;**
8. **to improve the IT support for Special Procedure Mandate holders, including the provision of a platform for multi-lingual, virtual meetings of an informal nature;**
9. **to ensure interpretation services for virtual consultations and meetings with UN human rights experts to allow them to make full use of new digital opportunities when engaging with national and local actors in human rights diplomacy, awareness raising, consultations, or responding to requests for technical advice.**

1. \* The present document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B. [↑](#footnote-ref-2)
2. <https://www.ohchr.org/EN/Issues/Housing/Pages/CFI_20years_SR_adequate_housing.aspx>. [↑](#footnote-ref-3)
3. See <https://www.ohchr.org/EN/Issues/Housing/Pages/Activities.aspx>. [↑](#footnote-ref-4)
4. See <https://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCR-draft-GC-land.aspx>. [↑](#footnote-ref-5)
5. See <https://www.ohchr.org/EN/Issues/Housing/Pages/InternationalStandards.aspx>. [↑](#footnote-ref-6)
6. For easy access to all thematic reports, consult https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx. [↑](#footnote-ref-7)
7. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24728&LangID=E>; https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25083&LangID=E. [↑](#footnote-ref-8)
8. For a all country visits conducted, see <https://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx>. [↑](#footnote-ref-9)
9. See the country visit database available at: https://spinternet.ohchr.org/Search.aspx?Lang=en. [↑](#footnote-ref-10)
10. For more information, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25083&LangID=E>. [↑](#footnote-ref-11)
11. See reports: [A/HRC/42/47/Add.4](https://undocs.org/A/HRC/42/47/Add.4)**;** [A/HRC/42/47/Add.5](https://undocs.org/A/HRC/42/47/Add.5)**;** [A/HRC/42/47/Add.6](https://undocs.org/A/HRC/42/47/Add.6)**;** [A/HRC/45/10/Add.1](https://undocs.org/es/A/HRC/45/10/Add.1)**;** [A/HRC/45/10/Add.2](https://undocs.org/A/HRC/45/10/Add.2)**;** [A/HRC/45/10/Add.3](https://undocs.org/A/HRC/45/10/Add.3)**.** [↑](#footnote-ref-12)
12. Communications sent since 1 December 2010 are accessible at: https://spcommreports.ohchr.org/TmSearch/Mandates?m=29. [↑](#footnote-ref-13)
13. See Marc Linon, Reform of the UN Human Rights Petitions System: An Assessment of the UN human rights communications procedures and a proposal for a single integrated system. Universal Rights Group, January 2018, p. 36, available at: [file:///C:/Users/theissen/Downloads/URG\_Policy\_report\_Reform\_Human\_rights\_petition\_system\_22\_12\_17\_spread\_High-resolution.pdf](file:///C%3A/Users/theissen/Downloads/URG_Policy_report_Reform_Human_rights_petition_system_22_12_17_spread_High-resolution.pdf). [↑](#footnote-ref-14)
14. https://www.un.org/en/content/action-for-human-rights/index.shtml. [↑](#footnote-ref-15)
15. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27066&LangID=E>. [↑](#footnote-ref-16)
16. Commonwealth of the Bahamas, Supreme Court*, Respect our Homes Ltd. vs. The Prime Minister et al.*, Order by Justice Grant-Thompson, 7 June 2021, para.44-46. [↑](#footnote-ref-17)
17. See the meeting reports and submissions available at: https://www.ohchr.org/EN/Issues/Housing/Pages/CFI\_Segregation.aspx. [↑](#footnote-ref-18)
18. See analysis of internal displacement by the IDMC at <https://www.internal-displacement.org/database>. The proportion of displacement due to conflict or disasters and natural hazards has been increasing over recent decades. [↑](#footnote-ref-19)
19. See McGee, T. G. (1991). The emergence of desakota regions in Asia: Expanding a hypothesis. In N. Ginsburg, B. Koppel, & T. G. McGee (Eds.), The extended metropolis: Settlement transition in Asia. Honolulu: University of Hawaii Press. [↑](#footnote-ref-20)
20. For recent scholarship calling for decommodification of property in land, see Property from Below: Commodification of Land and the Counter-Movement (Olivier de Schutter and Balakrishnan Rajagopal eds, 2019: Routledge). [↑](#footnote-ref-21)
21. See the call at <https://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCR-draft-GC-land.aspx>. [↑](#footnote-ref-22)
22. See Leslie Sklair, Culture-Ideology of Consumerism in The Wiley‐Blackwell Encyclopedia of Globalization, 2012. [↑](#footnote-ref-23)
23. A/75/148. [↑](#footnote-ref-24)
24. <https://www.reuters.com/business/healthcare-pharmaceuticals/world-has-entered-stage-vaccine-apartheid-who->head-2021-05-17/. [↑](#footnote-ref-25)
25. See Maimunah Mohd Sharif and Balakrishnan Rajagopal, ‘Housing must be at the heart of the Covid-19 response and recovery’, DevEx, available at <https://www.devex.com/news/opinion-housing-must-be-at-the-heart-of-the-covid->19-response-and-recovery-98448. [↑](#footnote-ref-26)
26. See IDMC data, cited above. supra n.19. [↑](#footnote-ref-27)
27. See MIT-DRAN Statement to the Global Consultation of the 2016 World Humanitarian Summit – 14-16 October, 2015 Geneva, 14 October 2015, https://static1.squarespace.com/static/56340b91e4b017e2546998c0/t/582a852b9de4bb86345bb0c3/1479181612469/WHSummit\_DranStatement\_Final.pdf. [↑](#footnote-ref-28)
28. See e.g., World Bank, Forced Displacement as a Development issue (2016). [↑](#footnote-ref-29)
29. See Liz Alden Wily, ‘Looking back to see forward: the legal niceties of land theft in land rushes’, *The Journal of Peasant Studies*, 39:3-4, 751-775 (2012). [↑](#footnote-ref-30)
30. Examples include the UN Declaration on the Rights of Indigenous People (A/RES/61/295) and the UN Declaration on the Rights of Peasants and other Persons working in Rural Areas (A/RES/73/165). [↑](#footnote-ref-31)
31. See Sheila R. Foster, *Urban Commons, Property and the Right to the City*,*in* Property Rights from Below: Commodification of Land and the Counter-Movement (Olivier De Schutter & Balakrishnan Rajagopal eds., New York: Routledge 2020). [↑](#footnote-ref-32)
32. See [A/HRC/10/7](http://www.undocs.org/A/HRC/10/7); [A/67/286](http://undocs.org/A/67/286) and [A/HRC/34/51](http://undocs.org/A/HRC/34/51) as well as Raquel Rolnik, Urban Warfare: Housing under the empire of finance (Verso, 2019). [↑](#footnote-ref-33)
33. On Berlin rent cap, see <https://www.theguardian.com/commentisfree/2021/apr/23/berlin-rent-cap-defeated->landlords-empty. [↑](#footnote-ref-34)