***Check against delivery***



**Statement by Balakrishnan Rajagopal**

**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**

**47th session of the Human Rights Council, item 3**

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**Honourable President,**

**Distinguished delegates, representatives from civil society organizations and UN entities**

I am honoured to address for the first time the Human Rights Council, to present to you my report
**“20 years of the Special Rapporteur on the right to adequate housing: Tacking stock – moving forward”** ([A/HRC/47/43](http://www.undocs.org/HRC/47/43)) to you. On behalf of my predecessor, Leilani Farha, I will also briefly present her **country visit report** to **New Zealand** ([A/HRC/47/43/Add.1](http://www.undocs.org/HRC/47/43/Add.1))to you**.**

**Country visit to New Zealand**

Before I turn to my own main report, let me commend New Zealand for inviting in February 2000 my predecessor, Ms. Leilani Farha, to their country. I also want to inform you that New Zealand sent comments welcoming the report and providing information about additional measures the Government has taken since the visit ([A/HRC/47/43/Add.2](http://www.undocs.org/HRC/47/43/Add.2)).

The country visit report argues that the housing crisis confronting New Zealand is a human rights crisis. There is a persistent lack of affordable housing, and in her view consecutive Governments have failed to ensure that the housing market meets the needs of the entire population, particularly those who have low incomes.

Ms. Farha is concerned that the country has not yet enshrined the right to housing in its legal order in a manner that allows individuals to seek effective remedies for violations of this right through administrative, non-judicial and judicial mechanisms. She therefore recommends to recognize the right to adequate housing as an enforceable right in national legislation and in the New Zealand Bill of Rights Act.

Ms. Farha argues that housing policies must address historic injustices and displacement and the ongoing discrimination against Maori, Pacific peoples and persons with disabilities. Housing policies should therefore be informed by the Treaty of Waitangi, the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities.

**Dear delegates, let me now turn to my own report.**

My [stocktaking report](https://www.ohchr.org/EN/Issues/Housing/Pages/CFI_20years_SR_adequate_housing.aspx) provides an overview on the **achievements and contributions** made by the mandate of the Special Rapporteur since it was established in the year 2000. It also offers information **on my thematic priorities for the coming years**.

1. **Development of Guidance**

All my predecessors made an important contribution to clarify the normative content of the right to adequate housing by developing Guidelines to address particular issues such as **Development-based Evictions and Displacement,** ([A/HRC/4/18, Annex](http://www.undocs.org/A/HRC/4/18) I) **Security of tenure for the urban poor** ([A/HRC/25/54](http://www.undocs.org/A/HRC/25/54)), and **the implementation of the right to adequate housing** ([A/HRC/43/43](http://www.undocs.org/A/HRC/43/43)).

The ability of the Rapporteur to respond quickly to unforeseen and unprecedented developments became evident last year in her **response to the COVID-19 pandemic, for example, through the** COVID-19 Guidance Notes. Taking office, I took lead in developing jointly with fellow experts a questionnaire on the impact of the COVID-19 pandemic on human rights which informed my 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](http://www.undocs.org/A/75/148)).

1. **Thematic Reports**

This brings me to the important contribution of [thematic reports](https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx). The mandate has submitted 33 thematic reports 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, the right to housing of women and persons with disabilities, to the issue of financialization of housing. 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.

1. **Country visit reports**

The mandate has conducted 34 [country visits](https://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx) since it was established. These visits provided an opportunity to engage in a direct dialogue with States at various levels and other stakeholders, and assess the status of implementation of the right to adequate housing on the ground.

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.

I hope to resume country visits as soon as possible. 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.

1. **Communications and public statements**

Since 1 December 2010, the Special Rapporteur has sent more than 385 [communications](https://spcommreports.ohchr.org/TmSearch/Mandates?m=29), to States and other actors. Since assuming office I have devoted additional efforts to respond to information brought to my attention, as there has been a sharp increase of alleged housing rights violations during the COVID-19 pandemic. I have as well embarked on a more proactive approach to address housing rights issues related to business enterprises or internationally financed development projects.

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. In addition to communications, public statements remain essential to fulfil early warning capacities of the United Nations and my report highlights recent examples in which either communications or public statements have been successful in contributing to the prevention of imminent housing rights violations.

1. **New Opportunities**

The COVID-19 pandemic has brought death and despair, but new opportunities as well, for bilateral dialogue with diplomats and government representatives dealing with housing rights matters by virtual means. Such virtual meetings may particularly be called for when concerns indicate 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.

In order to ensure that they are effective, it is important that the Special Rapporteur can as well directly engage with Government officials responsible for housing policies at national or local levels. Consideration must also be given to ensure better IT-support, including platforms that allow for multi-lingual video conferencing with interpretation.

The digitalization push should however not lose sight of those that are excluded including many residents of informal settlements. 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.

**Dear delegates,**

Let me now turn to my future priorities.

My first thematic report to the General Assembly called attention to the disproportionate **impact of the COVID-19 pandemic** 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 ([A/75/148](http://www.undocs.org/A/75/148)).

The pandemic is far from over yet and will leave us with profound challenges for the realization of all economic, social and cultural rights in the years to come. Home has never been more central to health, and indeed life and death, as it has been during the pandemic. Yet, the rebuilding path ahead appears very fragile, and there must be a rededication to a human rights-oriented response to the pandemic, based on the SDGs, with housing at the heart of the recovery.

**Discrimination in relation to housing** is an important matter which has not lost its urgency since the mandate was established in the year 2000 with an explicit reference to non-discrimination in its official title. Taking this issue seriously, I have decided to focus my next reports to the General Assembly and the Human Rights Council on [discrimination and spatial segregation](https://www.ohchr.org/EN/Issues/Housing/Pages/CFI_Segregation.aspx). Discrimination is at the heart of the denial of the right to adequate housing, as racial and ethnic minorities, indigenous people, women, older persons, LGBTQ communities, and migrant workers, face tremendous barriers in accessing adequate 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 access to all public services, in security and policing are not uncommon in many cities and human settlements. Too often the degree of protection and access to water, electricity, education and health care depends on where one lives.

**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 legislation and policies.

The **climate crisis** is one of the most critical challenges facing the right to adequate housing, and all economic, social and cultural rights. The question is how these rights can be realized in a manner which does not worsen, but mitigates climate change. It is therefore essential to imagine housing in ways which do not depend on increasing material consumption, and increased appropriation of space and nature. Housing rights advocates have advocated for minimal floor sizes to avoid overcrowding and ensure decent living conditions. They have done so rightly, but it is also time to think about wasteful and unsustainable housing undermining the enjoyment of rights for others and contributing to the current climate crisis.

Another major focus of my work will revolve around the right to housing **and its nexus to humanitarian law and humanitarian response**. Under international criminal law some systematic or widespread violations the right to housing, such forced displacement and wanton destruction of housing may lead to state responsibility and individual criminal accountability. In addition, the increasingly urban character of displacement poses challenges to the relationship between displaced communities and host communities and to the provision of infrastructure and services. A search for durable solutions in respect to shelter and housing must therefore emphasize security of tenure and area-based approaches, be inclusive, and emphasize as well the broader needs of the wider host communities in which displaced persons live.

There is a need for more detailed **international guidelines on resettlement and relocation**. 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, consultation, participation and consent requirements for relocation and site selection, and benefit sharing arrangements. The result is that resettlement and relocation 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.

There is also a need to **rethink land governance** as it is central for the realization of the right to adequate housing. Land use in much of the world used to be based on plural, mutual understandings between neighbouring groups and those who lived together. This has been eliminated by key legal and planning tools deployed by States such as eminent domain, also known compulsory acquisition. The erasure of plural tenure arrangements by statist regimes and land-grabbing by agro- and other businesses has undermined security of tenure of land and contributes to forced evictions and displacement.

**Dear delegates,**

Let me conclude with my last area of focus: **the role of private and public actors in ensuring accessibility and affordable housing**. In many countries, renters find it difficult to afford housing at a reasonable cost. At the same time, the stock of social and public housing for low-income households has often decreased or was sold to private actors. Private actors – the developers, financiers, credit institutions, and intermediate market institutions that manage real estate transactions – must respect the right to housing. Similarly, the performance of public housing providers including specialized housing agencies, which assume, in many countries, semi-public/private forms, needs also to be closely assessed.

Thank you. I am looking forward to hear your views and comments.