

Consultation on the draft guidelines for the implementation of the right to adequate housing

(November 2019)

The Portuguese Ombudsman institution, in its capacity of national human rights institution fully in line with the Paris Principles and accredited with “A” status since 1999, hereby replies to the call for input received from the United Nations Special Rapporteur Ms. Leilani Farha to comment the draft guidelines for the implementation of the right to adequate housing. The current mandate holder is Maria Lúcia Amaral.

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The Portuguese Ombudsman cooperated with the United Nations Special Rapporteur on the right to adequate housing on many different occasions by sharing contributions to the reports to the General Assembly on “Responsibilities of sub-national governments with respect to the right to adequate housing” (2014), on “Habitat III and the New Urban Agenda from the perspective of the right to adequate housing” (2015), on “The right to life and the right to adequate housing” (2016) and on “Informal settlements and human rights” (2018). The Portuguese Ombudsman also contributed to the report on “Homelessness and the right to housing” to the Human Rights Council (2015).

In December 2016, the Portuguese Ombudsman met with the Special Rapporteur during her country visit to Portugal. In March 2017, the Portuguese Ombudsman was represented at the thirty-fourth session of the Human Rights Council and delivered a statement following the presentation of the report on the mission to Portugal.



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The Portuguese Ombudsman acknowledges the important labor carried out by Ms. Leilani Fahra on mainstreaming the human right to housing. Her reports and statements are a key contribution to a holistic approach to the dimensions of the human right to adequate housing and of its connections, for instance, with the United Nations Guiding Principles on Business and Human Rights and climate changes.

The draft guidelines, systematizing the main conclusions of the Special Rapporteur and presenting concrete measures, provide comprehensive and important information in regard to the implementation of the right to adequate housing. They also refer to the contributions of the United Nations treaty bodies and agencies for the development and consolidation of the human right to housing, in the form of general comments, reports, communications, guiding principles and recommendations.

The considerations and proposals contained in the draft guidelines represent valuable material to be taken into account by States, national human rights institutions and other stakeholders when looking at current challenges regarding the human right to housing, either in the specific context of a country or region.

Within the scope of Guideline 2 (Design, implement and regularly monitor comprehensive strategies for the realization of the right to housing) a note on the circumstance that, in rural areas, the realization of the right to adequate housing faces specific challenges, many of them as a result of rural-to-urban internal migration.

The concentration of services in cities impacts on the quality of life in rural areas, where access to health care, childcare, schools, employment options, public and



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private services (post offices, banks) is increasingly limited. The enjoyment of the right to adequate housing may be impaired by the lack of services.

On the other hand, some studies indicate that in rural areas housing conditions are poorer than in urban areas^{1 2}. Also, the percentage of the population with access to piped drinking water and sanitation networks seems to be lower than in urban areas.

Positives measures may be necessary in order to ensure the right to adequate housing to those living in rural areas and alongside to prevent social exclusion.

¹ <https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/03/bertolini-Overview-rural-poverty-developed-countries-1.pdf>

² "Poverty and Social Exclusion in Rural Areas – Final Study Report" European Commission"
<https://ec.europa.eu/social/BlobServlet>