



Mandate of the Special Rapporteur on the right to adequate housing

I. Background and questionnaire

For her next report to the United Nations General Assembly, 71st session, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this regard, Ms Leilani Farha, intends to focus on the intimate link between the right to life and the right to adequate housing.

The fiftieth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) provides an occasion to assess the effect of the division of the unified rights in the Universal Declaration of Human Rights into two categories, placing the right to life within the ICCPR and the right to adequate housing in the ICESCR.

While it is well recognized that the right to life belongs “at the same time to the domain of civil and political rights as well as economic, social and cultural rights” the Special Rapporteur is concerned that violations of the right to life linked to homelessness and inadequate housing have too often been ignored. The report will consider whether a pattern of neglect of issues of inadequate housing and homelessness in relation to the protection of the right to life can be traced to false divisions between categories of rights, or to the misunderstanding that the right to life imposes primarily negative obligations on states, rather than positive obligations.

The report will review data on health, mortality and morbidity rates linked to inadequate housing and homelessness as well as considering the lived experiences that lie behind the statistics. It will explore the nature of state obligations to take positive measures to protect the right to life in this context and examine responses of courts, human rights bodies and governments to violations of the right to life linked to inadequate housing and homelessness. The report will consider whether particular groups such as women, indigenous peoples, people with disabilities, migrants, and others are disproportionately affected by violations of the right to life linked to inadequate housing and homelessness.

In the context of preparing her report, the Special Rapporteur would like to receive contributions and views from states and/or national human rights institutions addressing the following issues:

1. Please provide any statistical indicators regarding the health, mortality and morbidity consequences of inadequate housing and homelessness in your country, disaggregated by sex, race, immigration status, age and disability, or other grounds, if and where possible. Please also provide references to any documentation (written, visual or otherwise) of the lived experiences that lie behind these statistics.

2. Please refer to the provisions of your state's constitution or human rights legislation which guarantee the right to life and explain whether these apply to circumstances where homelessness or inadequate housing place health, security or life at risk and whether positive obligations of governments have been recognized in this context. Please provide references to any relevant cases or other examples, if available.
3. Please explain whether and in what ways courts or human rights bodies in your state have recognized the disproportionate effect of homelessness and inadequate housing on particular groups (such as persons with disabilities, Indigenous peoples, women experiencing violence, etc.) as an issue of discrimination. Please provide references to any relevant cases or other examples, if available.

II. Submission of responses

Due to limited capacity for translation, we kindly request that you submit your answers, if possible, **in English, Spanish or French and, no later than 23 June 2016**. Kindly identify links or provide copies of any laws, documents or cases, related to your answers. **All responses will be posted in the official web page of the Rapporteur unless you indicate otherwise at:**

<http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

Please keep your responses to a maximum of 4 pages (or 2,000 words). Kindly send your responses preferably via email to: srhousing@ohchr.org, copying registry@ohchr.org; or to:

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