**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**Background and Objective of the report**

The thematic reports of the Special Rapporteur on the right to adequate housing,
Mr. Balakrishnan Rajagopal, to the General Assembly in 2021 and to the Human Rights Council in 2021 will focus on the issue of discrimination in relation to the right to adequate housing, including the impact of spatial segregation in urban or rural-urban environments on the enjoyment of human rights.

Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory by lines of race, caste, ethnicity, language, religion or income status. Spatial, including residential segregation can have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities.

Discrimination is understood as any formal or substantive distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination as to race, colour, sex, language, religion, national or social origin, political or other opinion, property, birth or other status - including disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social status - which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights.[[1]](#footnote-1)

The main objectives of the two interrelated reports will be to identify contemporary and historical forms of discrimination and segregation that affect the right to adequate housing, to highlight good practices in the prevention of discrimination and segregation and to provide guidance to States on how they can ensure their human rights obligations in relation to non-discrimination and the right to adequate housing.

To inform his reports Mr. Rajagopal welcomes contributions from States, local and regional governments, national human rights institutions, civil society organizations, academics, UN agencies and other stakeholders.

The questionnaire is detailed to allow for comprehensive collection of information covering all aspects of the right to adequate housing. However, responding to only those questions on which the responding organization, institution or entity has information, or expertise is much appreciated.

**BASIC INFORMATION**

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

Dr. Mercy Denedo, Assistant Professor in Accounting, Durham University Business School, Durham University, United Kingdom.

Dr. Amanze Ejiogu, Associate Professor of Accounting, School of Business, University of Leicester, United Kingdom.

Type of Entity\*

[ ]  National Government or federal governmental ministry/agency

[ ]  Inter-governmental organization or UN agency

[ ]  Local or regional government, agency, representative or mayor

[ ]  Association, tenant union or housing cooperative

[ ]  NGO network, umbrella organization

[ ]  Community-based NGO

[x]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[ ]  Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

[ ] Public administration

[ ] Advocacy

[ ] Funding

[ ] Legal Assistance

[ ] Networking

[ ] Policy

[x] Research

[ ] Technical Assistance

[ ] Training

[ ] N/A

[ ] Other:

3. City/Town: Durham, and Leicester respectively

4. State/Province: England

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

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

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* People of African Descent, or Roma
* Racial, caste, ethnic, religious groups/minorities or other groups
* Migrants, foreigners, refugees, internally displaced persons
* Women, children or older persons
* Indigenous peoples
* Persons with disabilities
* LGBTQ persons
* Low income persons, including people living in poverty
* Residents of informal settlements; persons experiencing homelessness
* Other social groups, please specify

**Low-income persons, including people living in poverty:**

Social housing/public housing discriminations/stigmatization. This has racial, education, work-related, territorial, economic and social status, access to essential services, differential policing and mental health implications for the social housing residents, who are often classified as “underclass” and “workless class”.

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

Government policy to promote home ownership and view social housing as an inferior tenure.

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

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11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

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**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

Social housing/public housing is segregated from owner-occupier or private rented property. In some instances, this segregation takes the form of different entrances and facilities for owners-occupiers and social housing residents/tenants. It segregation has resulted in prohibiting social housing tenants/residents from accessing common areas and recreational spaces. Particularly in the London area, this has come to be known as the “poor door phenomenon”.

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

**Impacts of social housing stigmatization/discriminations**

Our comment is based on our forthcoming report *(see the attached document*) titled “Stigma and Social Housing in England by Ejiogu, A. and Denedo, M. Stigma has practical consequences for social housing/public housing residents because it affects their right to adequate housing, human dignity, education and others. It intrudes into social housing/public housing residents’ everyday lives. It affects their quality of life and life chances. Our participants highlighted the following impacts from social housing discriminations/stigmatizations

* Poor and inadequate services provided by social housing providers and professionals to support social/public housing residents.
* Several of our participants had dealings with their local councils either as their residents or to access other council services. In many cases, they felt stigmatized in their dealings with the local councils, particularly in relation to inadequate access to public services provided by their local councils to social housing/public housing residents.
* Social housing/public housing residents revealed that GP practices, which served social housing estates, were usually dilapidated and under resourced/funded.
* Differential policing of social housing/public housing estates. Our findings revealed that the police are usually slower to respond to calls from social housing/public housing residents than they are to respond to calls from private homeowners/renters.
* Social housing/public housing postcode discrimination resulting in high cost of services such as high insurance premium. In addition, job opportunities and life chances were limited based on their postcode.
* Social housing/public housing residents revealed that social housing/public housing stigma affected/followed them to their workplace because they were perceived as “rough” as a result of being social housing/public housing residents.
* Negative social housing/public housing stigma impact on children and their education. Under funding of schools serving social housing estates than those in mostly owner-occupied areas, thereby limiting the life chances of children living in social housing/public housing estates.

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

**Discriminatory policies**

Our comment is based on our forthcoming report *(see the attached document*) titled “Stigma and Social Housing in England by Ejiogu, A. and Denedo, M. Our findings revealed the following discriminatory policies that facilitate the stigmatization of social/public housing residents, which in-turns affect their rights to adequate housing

* Previous pursuit of policies of austerity brought an intense form of stigmatisation of social housing tenants. Social housing residents/tenants were regarded as an ‘underclass’. These policies underpinned the Victorian narrative of the deserving poor and the undeserving poor.
* Ongoing government policies have consistently approached social housing stigma/discriminations as an issue to be tackled through the planning system. However, the approach of encouraging mixed tenure developments and housing regeneration schemes have not been effective in combating stigma/discrimination. Instead, these planning policies through regenerations and mixed tenure system have resulted in a more directed stigma towards the social housing/public housing elements of estates.

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

**Principal drivers of spatial and residential segregation**

Our forthcoming report *(see the attached document*) titled “Stigma and Social Housing in England by Ejiogu, A. and Denedo, M. revealed the following level of housing discriminations that affect the right to adequate housing of social/public housing residents. Although our comments is based on our research on social housing in England, findings from our ongoing projects on housing in other context also highlights the discriminations below

* Discrimination in relation to the nature of the housing provided (i.e. social housing/public housing residents are discriminated against because they rent their home from a social landlord.
* Government housing policy and investment prioritises home ownership as the tenure of choice while social housing/public housing is projected as being only for the neediest, unemployed and vulnerable group, and a waiting room for better things.
* Government/politicians rhetoric on social housing/public housing residents often depict social housing/public housing residents as “underclass” and “workless class”. Politicians often stigmatized social housing residents in a bid to justify reforms to their welfare policy(ies).
* Demonization or negative portrayals of social housing/public housing residents without any fear of being challenged by the media.
* Direct and indirect discriminations by social landlords, their staff and their contractors against social housing residents affect their rights to adequate housing. The adoption of a paternalistic attitude by social/public housing landlords towards their social housing residents.
* Depletion of the social housing stock through reduced investment in social/public housing further exacerbating the residualization of social housing/public housing.
* The absence of a strong and effective tenant voice at the local, national and supranational levels to drive transformative reforms in the housing sectors in developed and developing countries. For instance, social/public housing residents are often not involved in decision-making processes on the provision of adequate and affordable housing.
* Housing development discrimination stemming from “poor door phenomenon” resulting in segregated, inferior and inadequate communal entrances and play areas for social/public housing residents in urban areas.
* Social housing/public housing stigma intersecting with negative societal attitudes towards refugees’ migrants and racial identities/discriminations.
* Inadequate and ineffective complaint procedures and systems resulting in a culture of helplessness for social housing/public housing residents.

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

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17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

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18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

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19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

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20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

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**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

**Ongoing policies:**

In the UK, the government published “The Charter for Social Housing Residents: Social Housing White Paper” (White Paper) in 2020, which was a follow up on the earlier Green Paper “A new deal for social housing published post the Grenfell disaster in 2018.

The White Paper highlights the government's perception of stigma as being primarily related to the actions of front-line housing staff and to issues of separation and segregation of social housing in housing developments.

The Green paper proposed five areas of engagement to address social housing stigma. They include the followings:

* Tackling stigma and celebrating thriving communities.
* Expanding supply and supporting home ownership.
* Effective resolution of complaints.
* Empowering residents and strengthening the regulator.
* Ensuring homes are safe and decent.

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

Based on our forthcoming report and ongoing research on housing, these government policies to tackle social housing stigma have not been effective.

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

* Ongoing government policies have consistently approached social housing stigma/discriminations as an issue to be tackled through the planning system. However, the approach of encouraging mixed tenure developments and housing regeneration schemes have not been effective in combating stigma/discrimination. Instead, these planning policies through regenerations and mixed tenure system have resulted in a more directed stigma towards the social housing/public housing elements of estates.

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

Our study revealed that the media exacerbated the social housing/public housing stigma through the demonization and negative portrayals of social housing/public housing residents without any fear of being challenged.

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

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26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

* Lack of adequate and effective complaint procedures and systems resulting in a culture of helplessness for social housing/public housing residents.
* Government not adopting rights based approach to housing. Taking housing as a fundamental human right seriously would entail a complete rethink of the purpose of social housing/public housing.
* Acute shortage of safe, adequate and affordable housing being used as a tool to stigmatize social housing residents.

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

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**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

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29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

* Ejiogu, A. and Denedo, M. (forthcoming). Stigma and Social Housing in England. Refer to the attached report.
* Chartered Institute of Housing and See the Person campaign, (2020). It’s Not Okay -a guide to tackling stigma in social housing. [Online]. Available at: <https://www.cih.org/publications/its-not-okay-a-guide-to-tackling-stigma-in-social-housing>
* Chartered Institute of Housing, (2018). Rethinking Social Housing. [Online]. Available at: <https://www.cih.org/publications/rethinking-social-housing-final-report-1>
* Ministry of Housing, Communities and Local Government, (2018). A new deal for social housing. *Ministry of Housing, Communities and Local Government, London*. [Online]. Available at: <https://www.gov.uk/government/consultations/a-new-deal-for-social-housing>
* Ministry of Housing, Communities and Local Government, (2020). The Charter for Social Housing Residents: Social Housing White Paper. *Ministry of Housing, Communities and Local Government, London*. [Online]. Available at: <https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>
* Shelter (2018). Building for our future: a vision for social housing. *Shelter Commission on the future of Social Housing.* [Online]. Available at: <https://england.shelter.org.uk/support_us/campaigns/a_vision_for_social_housing>

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

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1. See article 2.1 of International Covenant on Economic, Social and Cultural Rights and the related General Comment No. 20 of the Committee on Economic, Social and Cultural Rights. [↑](#footnote-ref-1)