**Consultation of the Special Rapporteur on Housing on "Housing Discrimination and Spatial Segregation"**

**UN-Habitat Submission**

1. **Introduction**

Discrimination in access to adequate housing and spatial segregation are direct consequences and causes of structural failures to respect, protect and fulfil the right to adequate housing.

The right to adequate housing is part of the right to an adequate standard of living, as recognised by art. 25(1) of Universal Declaration of Human Rights and art. 11 of the International Covenant on Economic, Social, and Cultural Rights, and other international, regional, and national human rights regulatory frameworks.

Failing to realise the right to adequate housing results in the violation of different fundamental rights including the right to work, education, health, and security. On the other hand, ensuring adequate housing for all facilitates the respect, protection, and fulfilment of a plethora of different socio-economic rights.

In line with other UN agencies, UN-Habitat respects, promotes, and protects all human rights, particularly as they relate to the right to adequate housing.

UN-Habitat is constantly monitoring patterns of housing discrimination and spatial segregation, including against specific groups and particular manifestations of discriminations including forced evictions and homelessness.

To this scope, UN-Habitat launched in October 2020 the Housing4All campaign to raise awareness on the extent and the importance of equal and indiscriminate access to adequate housing to achieve sustainable and adequate living standards for all.

Since 2019, UN-Habitat has also actively shaped the discussion around homelessness and homelessness prevention strategies. Homelessness is directly linked to systemic patterns of discrimination, and it disproportionately affects particular groups, including women, young people, indigenous peopless, people with disabilities, migrants and refugees, and LGBTQQ+ community. Building on the call to action contained in the June 2020 Economic and Social Council Resolution E/RES/2020/7 on “Affordable housing and social protection systems for all to address homelessness”, UN-Habitat is working with Governments and key NGOs (including FEANTSA and the Institute of Global Homelessness) to further raise the profile of homelessness in the agenda of governments worldwide.

UN-Habitat is also cooperating with the Special Rapporteur on Housing in the gathering and sharing of information on forced evictions worldwide. During the COVID19 pandemic, UN-Habitat is monitoring evictions to ensure that these are not carried out during the emergency period and that international human rights standards and obligations are constantly upheld by Member States.

While patterns of housing discrimination affect many different groups in vulnerable situations, the following sections address those groups which have been observed more closely by UN-Habitat over recent months, namely indigenous peoples and migrants.

1. **Housing Discrimination of Indigenous Peoples**

Regardless the formal recognition ofthe right to adequate housing for all in many human rights treaties and declarations including Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights, indigenous peoples still face inadequate living and housing standards that fails to meet the fundamental requirements of the human right to adequate housing.

Indigenous peoples are increasingly migrating to urban areas as part of the global dynamics of migration. Their migration is driven by the complex interplay of a range of factors including land dispossession, poverty, disasters, lack of employment opportunities, the deterioration of traditional livelihoods combined with the lack of viable economic alternatives, and the prospect of better opportunities. In urban areas they face additional challenges, including limited access to services and adequate housing, while often experiencing discrimination and facing challenges in sustaining their language, identity and culture. The difficulties they face in educating future generations, results in a loss of their indigenous heritage, customs and values over time.

Urban indigenous peoples also experience homelessness and other severe violations of their right to adequate housing at a disproportionate rate compared to the non-indigenous population due to social, economic and cultural discriminations. For example, indigenous peoples are nearly three times as likely to be living in extreme poverty as their non-indigenous counterparts[[1]](#footnote-1). Indigenous peoples are also more likely to live in overcrowded houses and dwelling that needed major repairs, to lack access to basic services and secure tenure over their houses and lands. This situation is further exacerbated in the intersectionality of indigenous peoples who are women, children, youth and older persons and people with disabilities.

Ensuring access to adequate housing for indigenous peoples is a precondition for meeting the pledge to leave no one behind and make progresses in the realization of Agenda 2030. This requires consideration of their relationship to lands, territories and resources, cultural integrity, and their ability to determine and develop their own path toward development as provided for by art. 26 of the United Nations Declaration on the Rights of Indigenous Peoples.

The right to adequate housing of indigenous peoples can only be realised through policies and measures that respect, protect and fulfil their right to free, prior and informed consent as enshrined in Article 19 of UNDRIP and Article 20 of the 1989 ILO Indigenous and Tribal Peoples Convention (No. 169).

Such policies should be based on meaningful and effective consultation and participation of indigenous peoples at all stages as well as on disaggregated data that reflects the needs and opportunities of different groups including indigenous women, youth and older persons among others.

1. **Housing Discrimination of Migrants and Displaced People**

Migrants relocating in urban areas face several constraints and discriminations in accessing adequate housing[[2]](#footnote-2):

* **Spatial Segregation:** Migrant influxes into urban areas often meet inadequate planning processes leading to long-term social and spatial segregation. When lacking options, migrant populations, will use available land to settle, usually areas that lack proper tenure and ownership. Often, such places are in areas prone to natural hazards, or on unsuitable land for housing, lacking in services, adjacent to roads, railways, riverbeds, slopes, etc[[3]](#footnote-3).
* **Exclusion from accessing limited local resources.** Migration towards urban areas can result in increased pressure and difficulties in accessing land, housing, and basic services. This in turn can cause increased social tension between migrant and host populations. Additionally, migrants often face difficulties when trying to access subsidies and social benefits that they may be entitled to and which also contribute to adequate housing.
* **Lack of consideration in decision making and participatory processes.** Local and national authorities are often lacking financial resources and technical skills to facilitate meaningful migrant inclusion in planning and decision-making processes.
* **Difficulties in affording adequate housing.** Migrants may experience marginalization in the labour market and difficulties in securing stable jobs with reasonable pay. Such challenges, coupled with an increasingly unaffordable housing market, make affording adequate housing especially difficult for migrant groups.
* **Migrants are prone to living in overcrowded situations.** Unaffordable rents, labour market marginalization, practical obstacles relating to documentation are all factors which contribute to situations of overcrowding in migrant households[[4]](#footnote-4).
* **Migrants are prone to forced evictions and homelessness**. Migrants are often more vulnerable to homelessness because of the challenges that they face in the labour market which make both accessing and affording adequate housing difficult. Even when they can secure housing, low, irregular, and uncertain incomes increase their risk of eviction. Other challenges lie in the smaller social support system compared to the long-term population. Undocumented migrants, who (feel) they cannot rely on social services for fear of being reported to immigration authorities etc, tend to be the majority among the homeless.
* **Migrants often face discrimination.** Several barriers exist which hinder migrants from accessing their right to housing with freedom from discrimination. Such discrimination may be direct and based on factors including but not limited to nationality, race, religion, poverty and socio-economic status. They also may be indirect in cases where certain criteria for accessing housing, particularly rental housing, may have a disproportionate impact on them. Such as for example, where landlords demand rental, credit or employment history records as part of applications for housing, newly arrived migrants are at disadvantage as they do not have such records in the host State. The use of such criteria may constitute discrimination where they have a disproportionate impact on individuals on the grounds of citizenship or immigration status. Irregular immigration status and their criminalisation in many countries means that that most will be unable or unwilling to challenge discriminatory or otherwise abusive rental practices and thus seek informal housing remedies

Migratory patterns pose social, cultural, and economic challenges for migrants as well as the communities, cities and governments that host them, but they also pose great opportunities. It is increasingly recognized that through the design and implementation of policy interventions, which recognise the positive social, cultural, and economic contributions migrants can make to the city, host communities can capitalise on the inevitable mobility of people. Only by making housing equally accessible to migrants and national citizens, as well as stimulating intercultural living environments that provide for opportunities of positive interaction, will integration succeed and the right to adequate housing be fully realised for migrants.

Spatial injustices and segregation is also a prominent feature in many cities that deal with influxes of **internally displaced persons**. Our understanding and approach to durable solutions has evolved, we now know that many of the root causes of temporary migration and displacement can be predicted. This requires an innovative approach and change to how we engage with informal settlements. With the backdrop of urbanisation, cities have to become more resilient and prepared for influxes of populations. Informal settlements or camps have led to increased spatial segregation and inequalities. This needs to be completely eradicated, moving forward, there is no reason for families and individuals to be subjected to living in such conditions for years and decades.

1. ILO. Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future. (2020) <https://www.ilo.org/global/publications/books/WCMS_735607/lang--en/index.htm>. [↑](#footnote-ref-1)
2. ICMPD, UN-Habitat, UCLG. Mediterranean City-to-City Migration Project. Social housing and urban planning: inclusive

cities for migrants. <https://www.uclg.org/sites/default/files/mc2cm_p2p_amman_thematic_paper_en.pdf> [↑](#footnote-ref-2)
3. OHCHR. Migration and the Right to Housing. <https://www.ohchr.org/EN/Issues/Housing/Pages/Migration.aspx> [↑](#footnote-ref-3)
4. Report of the Special Rapporteur on the human rights of migrants. (2010) <https://undocs.org/A/HRC/14/30> [↑](#footnote-ref-4)