



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Mandate of the Special Rapporteur on the right to adequate housing

I. Background and objectives of this questionnaire

In her upcoming report to the General Assembly, 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 context, Ms Leilani Farha, outlines some of the priority themes that she intends to address during her mandate (A/69/274).¹

Among others, she identifies the increasingly important role of governments at the sub-national level (state, provincial and municipal) in the implementation of the right to adequate housing. In many countries sub-national levels of government hold key responsibilities for a range of programs and policies linked to adequate housing, including not only housing programs but also income assistance programs, provision of water, sanitation, electricity and other utilities, tenancy and security of tenure legislation, programs assisting particular marginalized and vulnerable groups (such as migrants, persons with disabilities, women, Indigenous peoples, among others) and implementation of housing strategies and strategies to address homelessness.

Since under international law, accountability to human rights norms and standards operates primarily through the national level government, there are often particular challenges facing countries in ensuring implementation of the right to adequate housing by sub-national levels of government. The Special Rapporteur notes that this issue has not attracted concentrated attention from special procedures mandate holders though often arising in the examination of the situation in many countries. Hence, she has decided to focus her first thematic report to the Human Rights Council, pursuant resolutions 15/08 and 25/17, on the question of enhancing accountability to international human rights norms and standards of sub-national governments in relation to adequate housing.

The Special Rapporteur is mindful of diverse domestic arrangements of responsibilities among various levels of government. She wishes to better understand those arrangements and existing mechanisms for monitoring and accountability for the implementation of binding international human rights treaties related to the right to adequate housing. This questionnaire is designed to invite Governments and other relevant stakeholders to share information and inputs for the report, which will be presented to the Human Rights Council at its 28th session in March 2015.

This questionnaire aims to identify key challenges facing States in relation to the implementation of the right to housing by subnational levels of government and the primary means through which accountability to international human rights can be ensured. It also aims to identify illustrative examples of the kinds of issues faced by countries in the implementation of the right to adequate housing through sub-national governments and new and innovative strategies that have been developed to address these issues, or other examples of good practices. The Special Rapporteur also hopes to learn of sub-national initiatives to ensure accountability to the right to adequate housing, in particular to those vulnerable to rights violations (eg. incorporating the right to adequate housing, non-discrimination and other housing-related rights into city, provincial/state Charters).

¹ The report is available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

II. Submission of Responses

Kindly bear in mind that the study does not intend to address the detailed distribution of responsibilities in each country, but aims to focus on an overview of challenges and examples of practices which will be of benefit to the Special Rapporteur in understanding the situation. Therefore, it is hoped that responses will provide a brief overview of how responsibilities are divided up and some concrete examples of challenges and how these have been addressed.

When possible, please identify links or provide copies of any law, regulation, policy or other document related to your answers. 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 Friday, 31 October 2014**.

Please send your responses preferably via email to: srhousing@ohchr.org, or to:

UN Special Rapporteur on adequate housing
Office of the High Commissioner for Human Rights
Special Procedures Branch, Palais Wilson, Room 3-077
CH – 1211, Geneva 10
Switzerland

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

III. Questionnaire

A. Distribution of responsibilities related to the right to adequate housing:

- Please identify the levels of government (national, provincial/state, municipal) primarily responsible for the following: (where primary responsibility is shared please check more than one):

	National/ Federal	Provincial/ state	Municipal	Explanatory Notes
Housing programme	✓			
Income support (eg: transfer payments to individuals, welfare, social security and/or rent subsidies/supplements)	✓			
Tenancy and security of tenure legislation	✓			
Infrastructure (eg: Water/sanitation, electricity)	✓			
Prohibition of discrimination in housing	✓			



2. What are the primary bases for the allocation of responsibilities among different levels of government? Please identify the appropriate provision(s) and provide a copy or link if possible:

- Constitutional
- National framework legislation or housing strategy
- Sub-national level legislation or housing strategy
- Inter-governmental agreement
- Other – Please explain

3. What role does the national level government play in relation to housing and related programs? How is compliance with the right to adequate housing structured between the national and sub-national levels? If possible please kindly provide concrete examples of how these roles and compliance mechanisms are operationalized.

4. Where sub-national governments hold key responsibilities in relation to the right to adequate housing, please describe how programs and policies are co-ordinated nationally and what responsibilities remain with national level institutions. *N/A*

5. Where housing and related programs are administered by sub-national level governments, by whom and how are these programs funded? Are conditions attached to the funding which seek to ensure the resources are spent in a way that protects the right to adequate housing? How is this monitored? *N/A*

B. Accountability of Sub-National Governments

1. Are sub-national governments legally accountable to the right to adequate housing on the basis of any of the following? *N/A*

- International human rights law? (Yes/No)
- Constitution/National Bill of Rights (Yes/No)
- National or sub-national legislation (Yes/No)
- State level or municipal level Bills of Rights/Charters (Yes/No)
- Inter-governmental agreements (Yes/No)
- Conditional financing (eg: budget transfers from national level to sub-national) (Yes/No)

2. With respect to the above and where applicable, please identify: *N/A*

- i. the relevant provision.
- ii. the sub-national levels of government to which the legal provision applies.



- iii. the means of enforcement (eg: courts, tribunals, national human rights institution, including ombudsmen, administrative mechanisms, etc.) and examples of how these means have been applied.
3. Are sub-national governments involved in State reporting to international human rights monitoring mechanisms and in implementing recommendations? (eg, UN treaty monitoring body, Universal Periodic Review). If so, how? Please kindly provide an example. *N/A*
4. Apart from the legal and international accountability described above, what political or institutional accountability mechanisms are in place in your country through which sub-national governments are held accountable to standards or requirements linked to the implementation of the right to adequate housing (eg, Government review procedures, ombudsman/national human rights institutions, local human rights councils). Please provide any useful examples of how these have been used and, if possible, assess the outcome. *N/A*
5. Please kindly identify what in your view may be the three most significant challenges in your country to effective accountability of sub-national governments to the right to adequate housing as guaranteed under international human rights law and identify key strategies or ideas for addressing these challenges. *N/A*

Thank you for your contribution