**QUESTIONNAIRE ON THE RESPONSIBILITIES OF SUB NATIONAL GOVERNMENTS ON THE RIGHT TO ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING AND THE RIGHT TO NON DISCRIMINATION IN THIS CONTEXT**

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

1. 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 NOTE |
| --- | --- | --- | --- | --- |
| HOUSING PROGRAMME |  |  |  |  |
| Income support (eg transfer payments to individuals, welfare, social security and /or rent subsidies/supplements | x |  |  |  |
| tenancy and security of tenure legislation | x |  |  |  |
| infrastructure (eg water /sanitation, electricity | x |  |  |  |
| prohibition of discrimination in housing | x |  |  |  |

2. what are the primary bases for the allocation of responsibility among different levels of government? please identify the appropriate provisions and provide a copy or link if possible:

***Constitution***

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 level? If possible please kindly provide concrete examples of how these roles and compliance mechanism are operationalized.

***National level government formulates policies, set standards and monitors the delivery of housing. The Department of physical planning at the district level is mandated by law to manage the activities of the Department of Town and Country Planning and among others advise District Assemblies on national policies on physical planning, land use and development, advise on conditions for the construction of public and private buildings and structures. they also assist to provide the layout for the buildings for improved housing layout and settlement.***

***4.*** Where sub national government 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 the national level institutions.

***The physical processes of planning on housing is very much a local community activity. As principal actors at the local level, Metropolitan, Municipal and District Assemblies (MMDAs) have subcommittees for i infrastructure and social services. However no department within the MMDAs has direct responsibility for housing apart from the passive function of land use, planning and development control.***

***The national level institutions mainstream housing into the national development planning process and implement housing policies and strategies as well as advice on land acquisition and management.***

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?

Government finances housing and related programs by mobilizing the capital cost which is the cost of construction of housing units and operational cost. The Ministries of Local Government and Rural Development and Water Resources, Works and Housing and other MDAs also mobilize financial resources to enable the MMDAs execute Projects. Banks are also used to provide mortgage Schemes for the target beneficiaries.

**B. ACCOUNTABILITY OF SUB-NATIONAL GOVERNMENTS**

1. Are sub-national governments legally accountable to the right to adequate housing.

* International human rights law No
* Constitution National Bill of Rights No
* National or sub-national legislation No
* State level or municipal level Bills of Rights/Charter N/A
* Inter-governmental agreements No
* conditional funding (eg budget transfers from national to sub-national Yes

2. With respect to the above and where applicable please identify:

***i the relevant provisions***

***Town and Country Planning Ordinance (CAP 84) of 1945:***

***The Administration of Lands Act (Act 123), 1962***

***The State Lands Act (Act 125), 1962***

***Local Government Act (Act 462), 1993***

***National Development Planning Commission Act (Act 479), 1994***

***National Planning Systems Act (Act 480), 1994***

***Home Mortgage Finance Law, 2008 (Act, 770);***

***The National Building Regulations (LI 1630) 1996***

***Zoning Guidelines and Planning Standards (2011)***

***Rent Act (Act 220) of 1963***

***Conveyancing Decree 1973 (Act 175)***

***Local government (Departments of District Assemblies (Commencement) Instrument 2009***

***ii. Metropolitan, Municipal and District Assemblies***

*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.

***National Human Rights Institution***

*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.

***yes , by participating as members of the Committee that drafted the reports eg in drafting the last UPR report for Ghana sub- national government bodies were consulted and made inputs especially in the field of education.***

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.

***Government review procedures like Regional Coordinating Councils of the various Regional Administrations in Ghana.***

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.

***The three most significant challenges are:***

* ***land cost and accessibility***
* ***lack of access to credit***
* ***outdated building codes and standards and lack of effective regulatory and monitoring mechanisms***

***strategies:***

***a) Sustainability and resilience: Utilise sustainability principles to guide shelter and human settlement development:***

***The state shall ensure that all housing construction are based on principles of sustainability. All new housing shall utilise durable materials in their construction without jeopardising the environment or the viability of the base resources used in their production New communities shall be developed to also withstand the vagaries of climate change and disasters.***

***Furthermore all human settlements, aggregating residential, commercial, social and other functions shall be built on principles of sustainability. Existing communities that have degraded due to poor maintenance of housing and infrastructure will be upgraded to attain the goal of resilience.***

***b) Equity: Assuring fairness in allocation of public resources and prioritising the protection of vulnerable groups:***

***The state shall ensure that public resources, including funds, technical knowledge and policy leverage shall be deployed taking into account the different income levels of households within society. The needs of vulnerable groups shall be prioritised and effectively targeted in all interventions. To this extent, the state shall monitor activities in the housing sector as well as activities in allied sectors that have influence over and I or impact the housing sector such that the interests of vulnerable groups are not jeopardised taking appropriate intervention measures to mitigate adverse outcomes affecting the vulnerable groups.***

***c) Security: Ensure security of tenure and safety of life and property:***

***The state shall promote a progressive engagement approach to ensure that tenure conditions are improved for all, irrespective of income or social cIass. This shall form the basis of the guarantee of the fundamental rights to adequate housing by which all persons are protected from arbitrary evictions without recourse to legal rules. Additionally the government commits to working with other social partners in providing shelter with security of tenure aimed at the least endowed segment of society. Security shall also manifest in the form of personal safety of households from criminal and physical endangerment through appropriate and communal measures.***

***d) Inclusivity: Compel inclusiveness in the planning, design, implementation, management, monitoring, evaluation and scaling up:***

***The state shall give recognition to interests, prospects and resources of all parties — be it needs, ideas, financial capacity, time, networks and any other — irrespective of income, ethnicity, education, gender, and social standing. The state pledges to give opportunity for the incorporation of these interests in the design and implementation of the policy and take into account of (and mitigating where necessary) the variable impacts this may have on all groups. Dialogue, debate and consensus will be the basis of all decision-making in the formulation of housing solutions***

***e) Scale and diversity: Increase the scale and diversity in shelter production and access to cater for all segments of society:***

***All activities emanating from the implementation of the housing policy shall not be limited to a particular geographic region or locality or end at a pilot or demonstration phase. Efforts shall be made to ensure that benefits of all interventions are extended to the entire country as much as possible. The Housing Directorate of the MWRWH working in partnership with all MMDAs and other Stakeholders will bear the responsibility for ensuring that all housing policy interventions are expanded to the entire country.***

***Furthermore, the recognition of the diverse needs within society will underpin the design of all public, private and community initiatives in the formulation of housing solutions. In accommodating these diverse needs in housing programmes however, the state will promote and compel social harmony by encouraging social integration.***

***f) Economic Empowerment and Family Self Sufficiency:***

***Housing does not only fulfil the basic need of shelter, but also plays a vital role in the economic health of the Nation. Economic growth and prosperity enhances the creation of integrated communities and foster a sense of pride, which could encourage family self-sufficiency. The greater the ability of the household to be self-sufficient, the less the anticipated input or responsibility of Government to support that household.***