

RAPID ASSESSMENT OF THE HOUSING SITUATION IN THE MALDIVES



HUMAN RIGHTS COMMISSION OF THE MALDIVES



Rapid Assessment of the Housing Situation in the Maldives

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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

FORWARD

Our deepest gratitude is to Allah All Mighty for having bestowed upon us human beings the right to live in peace, prosperity and tranquillity.

Our blessings and prayers are upon Prophet Muhammad (PBUH) who decreed and facilitated the fair and equitable distribution of these rights.

As the basic right to adequate shelter is essential in enabling us all to live safely in peace and harmony, it is vital that this right be afforded to each and every individual. However, it is a widely known fact that with the continuously increasing population, the Maldives now faces serious problems with regards to land availability and the government needs to develop quick solutions in order to elevate the resulting housing situation within Male' and the Atolls.

It is my sincere hope that the recommendations included in this report on the 'Rapid Assessment of the Housing Situation in the Maldives' conducted by this Commission, prove useful to the stakeholders and is readily accepted by relevant authorities in their ongoing efforts to address the country's current housing problems.



Ahmed Saleem

President

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Executive Summary

Despite considerable economic and social progress during the past several decades, the Maldives continues to face severe challenges in ensuring that all Maldivians are able to enjoy their rights to adequate housing. This report seeks to provide an overview of the scale of the housing problems facing the country, why these have emerged, and most importantly, the possible steps required in overcoming them in a concrete, rights-based manner.

Following a brief introduction, the report contains three main sections. The first examines the right to adequate housing and outlines the precise obligations held by the State to respect, protect and fulfil this right; in conjunction with the various entitlements of individuals that together comprise the right to adequate housing. The next section

explores the types and sources of housing stress within the country, and examines in this regard

- the situation in Malé,
- causes and patterns of urban migration,
- housing stress in the atolls,
- housing finance,
- housing affordability and rental market
- programmes and plans to address housing rights, and legal and policy issues.

The report then concludes with a series of recommendations, which together are designed to kick-start a broader process leading to continuously improving housing conditions in the country. A summary of the recommendations are in table 1.1.

Table 1.1: Summary of the Recommendations

1. Reviewing land allocation policy
2. Expanding social housing schemes in Malé and other urban areas to relieve the pressure on vulnerable families and individuals;
3. Introduce a mechanism to monitor and regulate the rents of social housing schemes
4. Creating an enabling environment for Private Companies to develop social housing scheme
5. Reconsidering Hulhumalé development policies
6. Expanding and improving the social safety net
7. Strengthening the implementation of growth poles around Consolidation/Safe Islands to reduce the population density of Malé and to create incentives for healthy economic development of other atolls
8. Strengthening the implementation of the general policy of de-centralising official housing competencies
9. Implementing general standards for housing, including housing provided for migrant workers.
10. Exploring possible Government policy options in relation to rental market
11. Take immediate steps to protect and expand sanitation facilities and clean water supplies for everyone, in particular Atoll dwellers;
12. Establish a monitoring mechanism for the right to adequate housing

13. Develop capacity of relevant institutions

14. Improve access to, and availability of housing finance to all citizens despite their geographical location;

15. Incorporate information on the right to adequate housing into human rights awareness programs.

16. Ensure the finalized construction standards and housing codes incorporates the concept of right to adequate housing;

17. Review relevant tenancy legislation, and ensure that a system for receiving complaints and organizing adjudication of conflicts between landlords and tenants is established;

18. Convene a National Housing Rights Dialogue with key stakeholders to provide a forum for a nationwide discussion on housing concerns. Establishing a Committee on the Right to Adequate Housing representing the public and private sector, to formally and comprehensively examine the state of housing rights in the Maldives through the preparation of a *White Paper on Progress towards Respecting and Protecting Housing Rights*, emphasizing the importance of an Action Plan for the implementation of the National Housing Policy

The report emphasises that while the implementation of these and the additional steps that will be required to ensure the full enjoyment of the right to adequate housing by everyone

will not be achieved overnight, steps can be taken immediately to solve the present housing crisis affecting the Maldives.

1. Introduction to Housing in the Maldives

The 2007 Annual Report of the Human Rights Commission of the Maldives (HRCM) revealed that the third highest number of complaints concerning economic, social and cultural (ESC) rights received by the HRCM was related to housing matters. The second highest number of complaints concerning ESC rights was in relation to the 2004 Tsunami incidences, of which housing was the main concern. With a view to developing a deeper understanding of the origins of the housing situation in the country and to determine how - within a human rights framework - these issues can best be addressed, the HRCM decided to carry out a rapid assessment of the housing situation in Maldives as an initial concrete step.

To anyone who resides in or who is even vaguely familiar with the socio-economic situation in the Maldives, housing is almost universally seen as one of the most pressing problems both in the capital and in the atolls. The continuing concentration of the

population in Malé, the ongoing decline in land availability, threats of land loss due to climate change, the ongoing reluctance to fully embrace the idea of safe islands, problems associated with achieving population growth in Hulhumalé, increases in land values, ever-increasing rents and housing unaffordability, severe overcrowding, the growing difficulties in allocating land to young families, increasing shortage of clean water and effective sanitation systems and other housing-related challenges are at the core of the housing-related issues that dominate the social framework of the country, and which are widely known by the population as a whole.

These and related problems affect a large section of the population, including low- and middle-income Maldivians and migrant workers, and result in often very serious spin-off social problems which, in many respects, have as their origin problems within the housing sector.

When we place the entire question of housing within the larger context of climate change and the likely repercussions that rising sea levels will have, and already are having on the country, then it is clear that grappling successfully with the national housing crisis deserves renewed attention and commitment by all relevant actors. The time over which the impact of housing problems is felt and multiple social problems caused by extended exposure to them suggests that the efforts to respect, protect and fulfil the right to adequate housing have fallen well behind the rate of economic growth the country has experienced over the past quarter century.

As noted, the HRCM has received a large number of housing complaints. In most cases a housing complaint will reflect a problem affecting a household of several or more persons, rather than only a single individual. Therefore the multiplier effect is considerable in terms of the numbers of persons affected, and thus the number of persons affected by the

contents of the complaints is far larger than the number of complaints alone. In order to assist the HRCM in developing innovative recommendations designed to expand enjoyment of housing rights within the country, the HRCM contracted Displacement Solutions, land and property rights organisation, to assist HRCM research staff and the Commission as a whole on how best to address the housing situation in the country, through the initial step of undertaking a rapid housing assessment in various parts of the country.

In carrying out the assessment, the joint Displacement Solutions and HRCM research team reviewed a range of documents pertinent to the housing problem in the Maldives. These included reports such as CENSUS, the National Development Plan, the National Housing Policy and others issued by various Ministries of the Government (e.g. Ministry of Housing and Urban Development, Ministry of Planning and National Development, Ministry of Constructions and Public

Infrastructure, Ministry of Atolls Development, Ministry of Finance & Treasury, Male' Municipality); international organizations (UNDP, Unicef, and the Red Cross) and NGOs, architects and planners in private practice, and others working in the Maldives. The team also collected documents from other agencies not interviewed and from academic, professional and public journals. The team held consultations with various Ministries and agencies to attempt to understand the principal issues and approaches to the housing.

Following consultation with the Planning Ministry, the team carried out a number of field visits. Site visits included, in order, Kaafu Thulusdhoo, Seenu Hithadhoo, Haa Dhaalu Kulhudhufushi and each of the five Ward Offices in Malé, as well as the Hulhumalé Development Corporation. These sites were chosen to reflect the differing kinds of socio-economic conditions on different islands, but also to capture the most significant population groups. 'Safe Islands' were also included because

of their overall importance for existing consolidation efforts.



In each location the team interviewed Island Office Heads and Atoll Office Heads, and the newly elected Island Development Committees and Women's Committees. It was on these visits that the research team discovered wide variance in understanding of existing national policy, regulations and administrative practice and the expectations of the local population.

In each set of interviews, the research team focused on five areas of concern:

- Reasons for housing stress and how it varies across the country;
- Causes and patterns of urban migration;
- Programs and/or plans to address rights to shelter/ legal and policy issues;
- Housing finance (funding agencies and mechanisms); and
- Housing affordability and the rental market

To assist in better understanding the scale and location of the many housing challenges facing the

country, and how they might best be addressed through rights-based approaches, this report aims to raise awareness about the kinds of shortfalls that exist in the promotion and protection of the right to adequate housing in the Maldives today.

In particular, the report examines some of the weaknesses of the policies that have been formulated and makes concrete and actionable recommendations to the authorities to overcome them. It is hoped that such proposals may stimulate a healthy debate on how the Government and residents can overcome deficiencies in the housing sector in a way that allows residents to live more comfortable lives consistent with their internationally recognised housing rights.

The Government has made significant efforts in the way of paving the road to improving the housing conditions by producing the first ever National Housing Policy document. It is important to ensure that the policies introduced under the document are translated to activities that can be implemented with sufficient funding

allocated in the government budget to address the concerns raised in the document. The laws and regulations need to be reviewed in line with the revised constitution, which has for the first time recognized the right to

adequate shelter¹. The table below is an abstract from the newly ratified Constitution. Rules and regulations need to be incorporated to implement the rights assured under the constitution.

Article 23 – Economic & Social Rights:

Every citizen the following rights pursuant to this Constitution, and the State undertakes to achieve the progressive realisation of these rights by reasonable measures within its ability and resources:

- (a) Adequate and nutritious food and clean water;
- (b) Clothing and housing;
- (c) Good standards of health care, physical and mental;
- (d) A healthy and ecologically balanced environment;
- (e) Equal access to means of communication, the State media, transportation facilities, and the natural resources of the country;
- (f) The establishment of a sewage system of a reasonably adequate standard on every inhabited island;
- (g) The establishment of an electricity system of a reasonably adequate standard on every inhabited island that is commensurate to that island.

2. The Right to Adequate Housing: A Brief Introduction

The basic rights of everyone to an adequate standard of living, including the right to adequate housing, have been enshrined for 60 years within the international human rights code. Since the inclusion of housing rights within Article 25(1) of the Universal Declaration of Human Rights in 1948, this norm has found recognition in scores of subsequent treaties, declarations, resolutions and other international and regional standards.

These include the International Covenant on Economic, Social and Cultural Rights (art. 11(1)), the Convention on the Elimination of All Forms of Racial Discrimination (art. 5(e)(iii)), the Convention on the Rights of the Child (art. 27(3)); the Convention on the Elimination of All Forms of Discrimination Against Women (art. 14(2)), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art.

43(1)(d)) and numerous others. It should be noted that Maldives is party to all, except for the International Convention on the Rights of All Migrant Workers and Members of Their Families, and thus the state is under an obligation to incorporate the above into local legislations.

While international human rights law widely recognises various manifestations of housing rights, article 11(1) of the International Covenant on Economic, Social and Cultural Rights contains perhaps the most significant international legal source of the right to adequate housing. The Government of the Maldives recently ratified the Covenant on 19 September 2006. Article 11(1), which, like the rest of the Covenant is legally binding on the Government and all other State parties thereto, provides:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international cooperation based on free consent.

The long struggle to define the components of housing rights and to delineate the corresponding Government obligations to secure these rights has resulted in a clear normative framework of what housing rights mean in terms of human rights. It is, for instance, widely agreed that States with housing rights obligations are not necessarily required to be the primary housing providers within a society, nor are Governments necessarily required to substantively provide a house to all citizens who claim to need a dwelling in which to live, although there are many countries that maintain legislation requiring Governments to provide dwellings to particular social groups. Ultimately, human rights laws suggest that States are expected to

concretely apply various levels of obligations that emerge from a recognition of housing rights, and that lead to the creation of conditions within a given society that are as facilitative as possible for everyone, within the shortest possible time-frame, to secure by various means, the full attributes of the right to adequate housing.

States are bound by obligations to respect, protect, promote and fulfil these rights. Human rights laws indicate that once such obligations have been formally accepted through the ratification of an international or regional treaty or promulgation of related domestic legislation, the State must endeavour by all appropriate means to ensure everyone has access to housing resources adequate for health, well-being and security, consistent with other human rights.ⁱⁱ

Governments must, therefore, adopt the policies, laws and programmes required - to the maximum of their available resources - to continually and progressively expand the enjoyment of these rights and simultaneously ensure

that whether in policy, legal or other terms, no 'deliberately retrogressive measures' are taken that lead to the decline in the enjoyment of these basic rights.

In 1991, the UN Committee on Economic, Social and Cultural Rights adopted 'General Comment No. 4 on the Right to Adequate Housing' which indicates that the following seven components form the core contents of the human right to adequate housing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) location; (d) habitability; (e) affordability; (f) accessibility; and (g) cultural adequacy.ⁱⁱⁱ

General Comment No. 4 also reiterates that the right to housing should not be interpreted in a narrow or restrictive sense which equates it with the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity, but that housing rights should be seen as rights to live somewhere in security, peace and dignity.

To achieve these rights, States - including the Maldives - need to

respect these rights by ensuring that no measures are taken which intentionally erode the legal and practical status of this right.

Governments need to comprehensively review relevant legislation, refrain from actively violating these rights by strictly regulating forced evictions and ensure that the housing, land and property sectors are free from all forms of discrimination. States must also assess national housing conditions, and accurately calculate, using statistical and other data and indicators, the true scale of non-enjoyment of these rights, and the precise measures required for their remedy. Governments need to *protect* the rights of slum dwellers by effectively preventing the denial of their rights by third parties such as landlords, property developers, social service providers and others capable of restricting these rights.

To *promote* housing rights, Governments should adopt targeted measures such as *national housing strategies* that explicitly define the objectives for the development of the housing sector, identify the resources

available to meet these goals, the most cost-effective way of using them and how the responsibilities and time-frame for the implementation will be applied. Such strategies should reflect extensive genuine consultation with, and participation by, all those affected, including the poor.

Finally, the obligation to *fulfil* these rights involves issues of public expenditure, the regulation of national economies and land markets, housing subsidy programmes, monitoring rent levels and other housing costs, the construction and financing of public housing, the provision of basic social services, taxation, redistributive economic measures and any other positive initiatives that are likely to result in the continually expanding enjoyment of the right to adequate housing.

All States have domestic legislation in place recognizing at least some of the

requirements associated with the right to adequate housing, including scores of the world's constitutions.^{iv} National constitutions from all regions of the world and representing every major legal system, culture, level of development, religion and economic system specifically address State obligations relating to housing. If human rights linked to and indispensable for the enjoyment of housing rights are considered (e.g. the right to freedom of movement and to choose one's residence, the right to privacy and respect for the home, the right to equal treatment under the law, the right to human dignity, the right to security of the person, certain formulations of the right to property or the peaceful enjoyment of possessions, etc.), the overwhelming majority of constitutions make reference, at least implicitly, to housing rights. In terms of targeted national laws designed to creatively promote housing rights.

3. Types and Sources of Housing Stress in the Maldives

Housing stress comes from a variety of sources, all of which can be ascribed to factors limiting residents from accessing adequate housing. At the national level, some 12,000 families do not have their own housing. While few if any of them are technically homeless in the sense of sleeping rough on the street, this means that the equivalent of 85 per cent of the households in Malé are either crowding in with other families or living in temporary/makeshift living space. At the same time, Government efforts to supply housing to the market will remain at approximately 500 units per year for

the foreseeable future, though none of this is intended to be constructed in Malé^v.

Problems in housing availability and access are considerably compounded by growing problems of housing unaffordability, which appears to be largely unregulated by the Government. And even when housing can be found which is affordable to residents concerned, many dwellers are forced to compromise in terms of convenience, size, surroundings or proximity to institutions that are important to the family (e.g. school, hospital, place of employment).



A roof top view of Male

3.1 Housing Stress in Malé

In interviews in Malé (the country's most urbanized settlements), ward officials, members of the Development and/or Women's Committees, and other interested local residents repeatedly described their housing situations as being nothing short of dire. The research team heard repeatedly about issues such as exorbitant rent levels, housing space, size, overcrowding, unaffordable access to clean drinking water, and many other problems. Here are just a few of the many examples described to the research team:

- **Unhealthy Living Conditions / Habitability:** A woman from Machangoalhi rents one 15sq ft room for herself and two sons. There is no ventilation, causing moisture to condense and then drips down the wall. To keep the water from pooling on the floor, they removed the linoleum flooring, leaving the cement floor bare.



An overcrowded room occupied by 5 persons without proper ventilations

- **Social Problems:** Another woman lives with her family of six in one room. Three of her children are over 18 years old. She says the majority of families in the ward live in similar conditions. She and her husband force the children to leave the apartment frequently because the parents cannot cope with having so many people in such a small space at the same time. Other parents in similar situations have taken to renting rooms by the day when they need some privacy.

Many respondents indicated that these circumstances were very common place and identified these problems as the key causes of rising social problems such as gang warfare and drug abuse. Furthermore, several social problems are also faced within the household including child abuse, psychological impact in growing up in areas of overcrowding, breakdown of many families due to the hardship faced by them stimulating a ripple-effect of social disorder for the families, particularly the children caught in the situation.

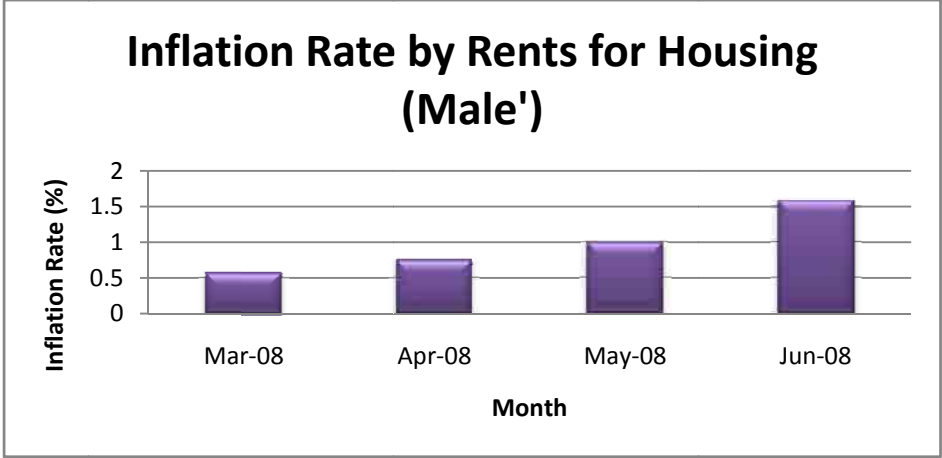
- **Migrant Workers:** Over 30,000^{vi} international migrant laborers now resident in Malé, typically live in even more crowded situations. Local residents reported as many as 30 men sharing 3m x 3m flats without running water or sanitation facilities. These workers have to queue at public water taps to access clean water and often have sleeping shifts as not all of them

are able to fit into the space they occupy at the same time.



Long queues at public water taps are a common sight

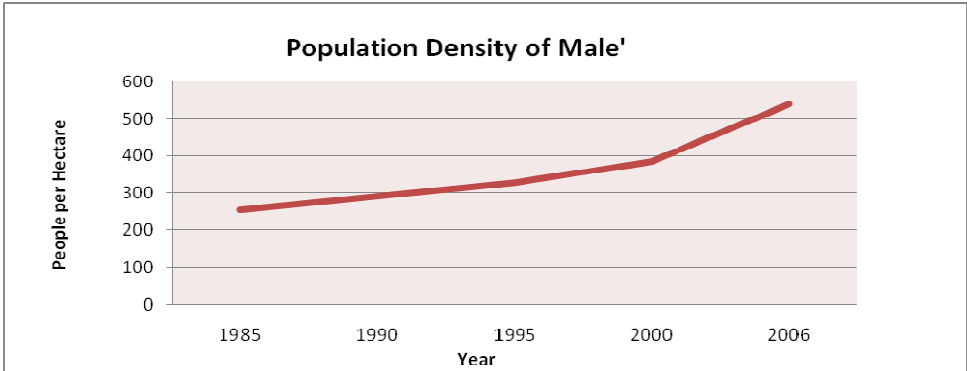
- **Affordability:** A Ward official with a wife and a 26 year old daughter has lived in 19 different apartments since he got married 30 years ago. With each move his family's quality of life has worsened. He started out with a salary of 70Rufiyaa per month, 30 years ago. He now receives Rufiyaa 3,000 per month, but feels it was easier to make ends meet when his salary was only 70 Rufiyaa.



Source: Data obtained from Male' CPI reports (monthly), MPND, 2008

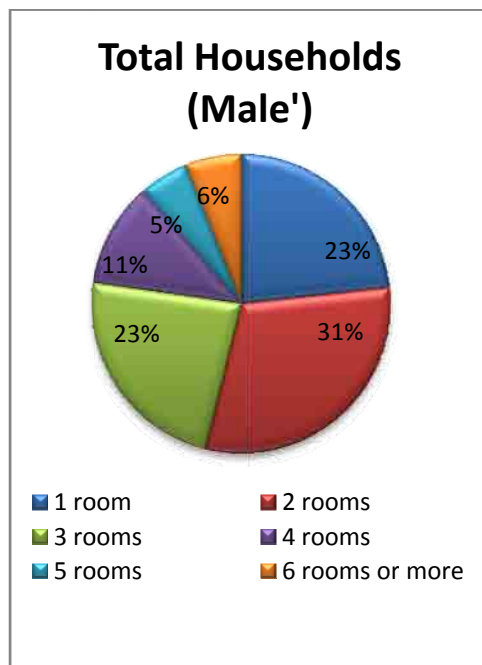
- Legal Security of Tenure:** One of the ward officials in Galolhu raised concerns of the lack of legal security in the tenure which they have secured. In a number of cases, the landowners have increased the rent at will and in the event tenants are unable to meet the demands, they have been forced to seek other places of accommodation. The leasing regulation is seen as inadequate to deal with such cases.

According to the focus group discussions, in Malé and Villingili, the new average number of persons sharing a room has reached 5-6 persons per room. In 1983, the subjective evaluation of crowding was reached when 2.5 or more persons shared one room^{vii}. Additionally, the 2006 Population and Housing Census indicates that by that year, the average number of people per sleeping room in Male' was 3.1 persons^{viii}.



Source: Data obtained from 'Is the Five Star Hotel the Solution?', 2007, p.3

The study found that in 2008, interviewees pay a staggering 85 per cent of their income on rent and utilities in Malé and Villingili. Such extreme housing unaffordability is dramatic, and the situation is exacerbated by the housing demand created by the migration to Male' where the population density increased by 40 per cent between the years 2000-2006^{ix}.



Source: Data obtained from 'Maldives Population and Housing Census 2006', MPND, 2006, p. 186

In such situations, families or groups of families sharing space have been forced to cook, eat, sleep and defecate

all in the same room. According to the 2006 Population and Housing Census, 23% of Malé households live in one room, 54% in two rooms or less and 77% in three rooms or less.

If the 1983 Maldivian standard of 2.5 persons per sleeping room for crowding is applied, then with the average household size of Malé in 2006 constituting 7.5 inhabitants^x, slightly less than 68 per cent of Malé families would be living in housing that fails to meet the criteria of "adequate" simply on the grounds of crowding. In these conditions it is highly probable that the ventilation, sanitation, degree of privacy and quality of cooking facilities are sorely deficient, easily qualifying these apartments as slums by the United Nations definition of slums.^{xi}

Malé is therefore likely to take the prize for having highest percentage of slums in a capital city of any Middle Income Country.^{xii} According to one commentator "The social fabric which has long provided a safety net for the Maldivian society is fading away in Malé... With limited social and welfare services, the urban poor

find themselves with hardly anyone to depend on, making them more vulnerable than the rural poor". This is clearly neither a sustainable

situation nor one that is fully in line with the manner by which housing rights are elaborated under human rights laws.

Recommendations:

- Expanding social housing schemes in Male' (pg 40)
- Creating an enabling environment for private companies to develop social housing (pg 38)
- Implementing general standards for housing (pg 43)
- Exploring government policies in relation to rental market (pg 43)
- Establishing monitoring mechanism for the right to adequate housing (pg 44)
- Introduce a mechanism to monitor and regulate the rents of social housing schemes (pg 37)

Case Study: Situation in Hulhumale'

Hulhumale was designed with a mission “to relieve the urban congestion in the capital region of Maldives”. Though admirable in its mission, the project has been surrounded by much controversy since its conception in the mid-1990s. Even today, it seems everyone consulted during the assessment, still has an opinion about Hulhumale', whether supportive or critical. With an initial government investment of Rf 442 million, expectations were high for the government to deliver on its ambitious mission. Hulhumale' Development Corporation was set up to oversee the implementation of this project.



Satellite Picture of Hulhumale'

At present, there simply does not exist any other land areas of comparable size or proximity to the capital that could be developed as new population centre. In their second round of social housing allocation in February 2006, Hulhumale' Development Corporation received 5,180 applications for 100 one-bedroom apartments, which clearly indicates the extensive demand there is for housing schemes in Hulhumale'^{xiii}. In addition, the above figures demonstrate the recognition by the applicants of Hulhumale' as a possible future urban center and the potential investment possibilities in Hulhumale'. However as identified by some of the successful applicants, their hesitancy to move to Hulhumale' and the willingness to sublease (even though it is against their contractual obligations) is due to the lack of resources and facilities in Hulhumale' and the over-reliance on the facilities that are

available in Male'. One of the objectives in providing social housing schemes in Hulhumale' is to indirectly control the rental market by injecting subsidized competition. However, due to the lenient monitoring mechanism, many Hulhumale' flat owners are able to sublease their apartments at increasingly higher rates, in violation of their contractual obligations or without taking the necessary permits. Subsequently, this has not had the expected impact on the rental market.

Furthermore, without a stringent monitoring mechanism, Hulhumale' has served as a stepping stone for the outer island migrants coming into Male', which has exacerbated the housing stress in the capital, as well creating a greater demand causing a hike in prices in the rental market.

Although the project is currently in its first phase, which is expected to reach completion in 2020, the assessment finds that much can be learnt from the progress so far, and through immediate action to address these current difficulties, Hulhumale' could still serve the purpose for which it was designed.

Recommendations:

- Expanding social housing schemes in Male' (pg 40)
- Creating an enabling environment for private companies to develop social housing (pg 38)
- Reconsider Hulhumale' Development Policies (pg 38)
- Introduce a mechanism to monitor and regulate the rents of social housing schemes (pg 37)

3.2 Causes and Patterns of Urban Migration

The sources of such housing stress are many, but their impact operates principally by raising the demand for housing in Malé, Hulhumalé and Villingili. Survey interviewees attributed most of the crowding in Malé to increased migration of Maldivians and foreigners to the capital.

The most frequent causes for migration to Malé were found to be:

- better educational opportunities
- accompanying a family member to receive long-term medical care,
- Better employment / business opportunities;
- finding replacements to homes or employment that were destroyed in the tsunami
- due to pull factors for international migrants wishing to take-up long term employment in Malé/Maldives.

There were few surprises among respondents in the outer islands and in Malé concerning reasons for migration. Most replied that public services in Malé and to a lesser extent Hithadhoo, Thulusdhoo and Kulhudhufushi were significantly

better than the services they could receive at home or urban centers closer to them. The most commonly mentioned services were hospitals, secondary schools and higher education.



Harbour area where dhoani (boats) from across the country come into Male'

Other important factors for individual and family migration included the availability of employment opportunities and higher wages in Malé and better prospects for developing one's own business from the capital.

Not surprisingly, because of the stressful nature of being separated from one's family, long-term migrants in Male' often remarked that they would gladly go back to their home islands if the regional centres near them could provide similar services at competitive prices.

Recommendation:

Strengthening the implementation of growth poles around consolidation / safe-islands to reduce the population density of Male' and to create incentives for healthy economic development of other Atolls. (pg 41)

3.3 Housing Stress in the Atolls

The sources of housing stress in the Atolls are more varied than they are in and around Malé. Residents of the islands visited expressed a high degree of dissatisfaction with many aspects of their living conditions. Some of these complaints point directly to the non-fulfilment of the right to adequate housing, including:

- Grievous **overcrowding** of the extended family home (no less crowded than the most crowded family flats in Malé, though in most of the outer islands the family land is larger than that in the capital)^{xiv};
- Inadequate (traditional) household and community **sanitation**, including open pit latrines within the small plot of newly allocated land the house occupies;^{xv}



Extended family of over 10 persons are at times seen to share the same room

- The **high cost** of electricity and building materials;^{xvi}



High cost of material forces the public to use coral and sand from the beaches for construction

- **Environmental concerns:** Due to the high cost of regular store bought building materials, many of the local residences in islands such as Hithadhoo now use sand and coral from the beaches as building materials. Local administrations, together with the central government, have passed several regulations to outlaw such activities but this has only created a ‘black market’ for such building materials. This has further added to erosion of these islands and could cause significant long term damages to the islands.



Beach erosion is an alarming side effect of excavating the beaches for construction material

- The low or poor local **infrastructure** (e.g. roads, ports) **and public services** (e.g. schools, hospitals);

- The lack of **housing finance** appropriate to the persons with average and higher than average incomes on the islands^{xvii};

- Shortages of **clean water** for drinking, cooking and cleaning because of salt water or waste seepage into well water,^{xviii}

- The long wait for assistance **repairing homes** damaged by the 2004 tsunami;



Lack of adequate land has resulted in marshy areas being allocated for housing

- **Allocation of unsuitable land:** In some islands, land has been allocated in marsh land which is unsuitable for the construction of housing. Such land requires remediation that most residents cannot afford. In other cases plots are eroding with the coastline. In some residents voiced concerns that some of the allocated

land – in addition to requiring remediation – was situated at such a distance from the rest of the community and basic facilities that it was problematic for even people who may be able to afford remediation.

Despite the urgency of the matters just listed, the issues residents raised most frequently and urgently were those linked to land allocation, land shortages and official malfeasance in the handling of land. Many Maldivians perceive allocation of land to individuals as a birthright, and so to forego that right causes a sense of loss both psychologically and in monetary terms, even if no actual housing stress has been experienced.



Government assistance is needed to remediate the marshy plots of allocated land before construction is possible

At the same time, it appears that both at present and in the future, the birthright to a plot of land may remain a fiction to the majority of Maldivians who might never receive a plot of land upon which they may build a home. Discussions with local and national officials, as well as residents in the outer islands suggest that due to the limited availability of land, many plots that are allocated now are unsuitable for construction of housing, or require remediation well beyond the means of all but the wealthiest citizens.

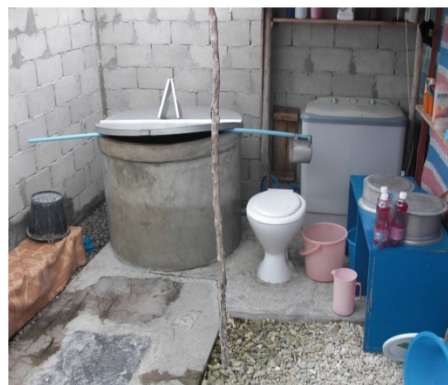
In other cases, the plots are too small for construction or are eroding with the coastline, or will be assessed as invalid for purposes of obtaining an improvement loan. Indeed, the concern with land allocation to individuals may impede the individual's family and many other families' ability to realize their right to adequate housing in both the near and long run. The reduction of the plot size of land to be allocated to 2,000 sq ft will in many cases be inadequate for ensuring that

subsurface brown waters do not contaminate on site well water. In houses built on recently allocated land that were inspected during the research, toilet facilities were located extremely close to the well of the household. It was also noticed that such well water was often discoloured, indicating it might not be the safest to use.

The reason for the reduction of plot size and resultant contamination of water is because as both population and economic activity expand in the coming years, safe land for housing will become extraordinarily scarce. This will necessitate densification of settlements throughout the islands on the safest land. By then, the outcome of customary land allocation practices may become a hindrance to effective settlement planning.

Following the devastating Tsunami of 2004, several aid agencies as well as the government has initiated various projects to improve the water and sanitation facilities across the country. According to respondents there is high demand to expedite these

projects in order to provide adequate housing.



Toilet facilities are commonly located near the wells used for bathing, which could be contaminated as there is no proper sewerage system in the outer islands

Persons with title to land in virtually all countries will be reluctant to give it up for the common good in a land shortage crisis, and this reality exists in the Maldives as well. This could have negative ramifications for large groups of residents. Even if traditional extended family living arrangements continue, the materials, design and construction methods of these new communities are likely to be very different from those in current use. It will be important to begin encouraging residents to think creatively about transitioning to new forms of housing and settlements that

are safe, healthy and compatible with more unstable weather patterns, new forms of employment and economic activity.

Similarly it is important to encourage wider policies in overcoming the housing difficulties particularly as allocation of land plots is perceived by the public as the only housing policy adopted by the Government for the outer islands. This might have been a sustainable option in the past, however with the growing population and the rapidly declining land that is available for land allocation, urgent action is required.

Among the questions that were posed, the least agreement among responses came when interviewees were asked to appraise the acceptability of offering housing in the form of flats to residents rather than a plot of land. A number of Atoll and Island office officials stated categorically that residents in their community would

not want to move to an apartment under any circumstances. Others thought flats might be readily accepted.

Discussions with residents revealed that many supported the idea of living in apartments if such apartments were offered on rent-to-buy schemes. In addition, many respondents felt that being assigned land could take as long as 5 years or more and knew that owning a piece of land did not guarantee the financial capacity to build a house on the land.

Public officials and residents recognized that because of this, there would always be a speculative element attracting people to apply for land. Others also stated that their low salaries did not permit any savings so very little could be done with the land. Some residents felt that rent to buy schemes would work for those who could set aside 20 per cent of their salary.

Recommendations:

- Establish a monitoring mechanism for the right to adequate housing (pg 44)
- Expanding social housing schemes in urban islands (pg 40)
- Creating an enabling environment for private companies to develop social housing (pg 38)
- Expanding and improving the social safety net (pg 40)
- Strengthening the implementation of growth poles around consolidation / safe-islands to create incentives for healthy economic development of Atolls. (pg 41)
- Protect and expand sanitation facilities and clean water supplies for everyone (pg 44)

3.4 Housing Finance (Funding Agencies and Mechanisms)

The Maldives is only just beginning to establish a modern real estate market. Traditional methods of financing home construction were quite simple; land was allotted to a married man of at least 18 years of age who was then expected to enlist the help of his extended family to clear the land, prepare it for construction and to raise the resources for building a house. Until such time as the house was ready for occupancy, the young family lived with their relatives.

In Malé construction in recent years has become much more complex and requires the services of professional builders, engineers and equipment adapted for constructing tall buildings. Government grants and loans have funded the large bulk of housing constructed in this fashion for citizens of average or lower incomes. Wealthier citizens have funded their own construction projects on land granted to them by the government. As a result of the

complex and high standards required in the upcoming buildings, as well as the increasing cost of construction, several families who has acquired land are also forced to live in extended families as they are unable to build their own land. The establishment of the Housing Development Finance Corporation (HDFC) is intended to help families of modest means to borrow money to purchase or build housing for themselves. To date interest rates, term lengths and credit requirements have put standard loans out of reach for families of modest means.

A new financing scheme, supported by a grant of Rf 1.4 million from the national Government, will have a lower interest rate and more flexible repayment requirements than earlier schemes. However, as commented by residents of outer islands who had seen copies of the loan agreement, the requirement to make a 20% down payment or to have a legal guarantor for the housing loan will again restrict

access to the funds by medium and low income families.

At present, there does not appear to be other forms of financing for low-cost housing. In addition to difficulties in attaining the 20% down payment or the guarantor for the loan, many of the locals particularly those in the islands voiced their concerns with regard to the access to these

loans. The loan applications are sold to those interested in applying for the loan and these are only sold in Malé. The Officials respond that many of the island inhabitants would have access to someone in Malé who may be able to buy the forms for them back in the Island, and so this might not be a practical problem – though it is a rights concern.

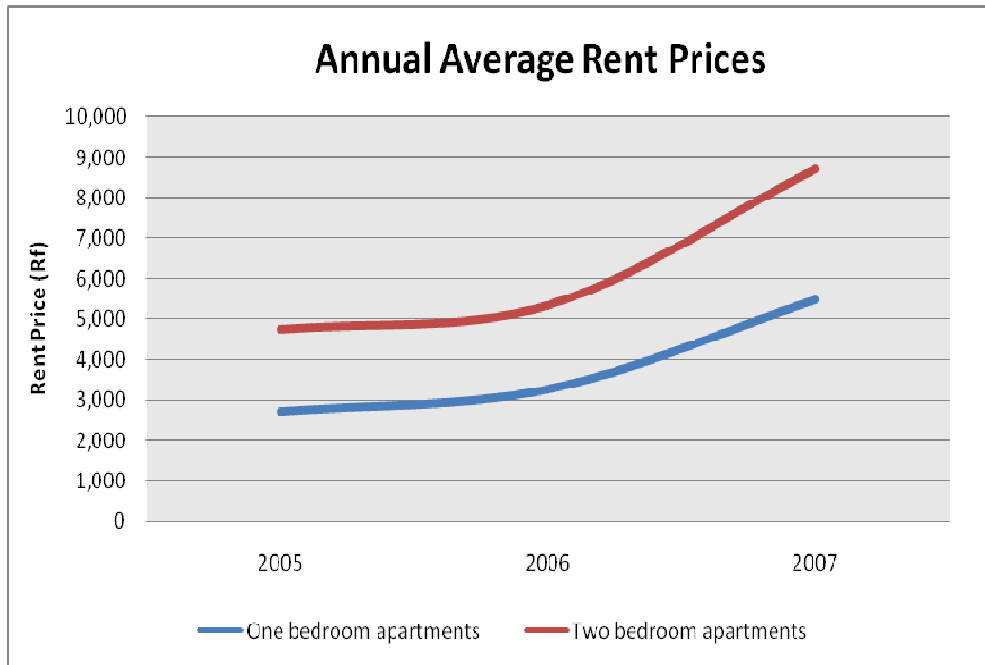
Recommendation:

- Improve access to and availability of housing finance to all citizens despite their geographical location (pg 46)

3.5 Housing Affordability and the Rental Market

As already noted, the rental market in Malé is over-heated. In most other areas of the country, the rental market barely exists. In the larger population centers, local officials reported that small numbers of houses had been rented out to visitors for longer stays, and that equally small numbers of

families rented out rooms on a daily basis. These trends have increased the demand for housing in Malé, Hulhumalé and Villingili during a period in which very little affordable housing has been built in Malé or elsewhere in the country.^{xix}



Source: Data obtained from *Consumer Price Index, Maldives – 2007*, MPND, 2007, p.4

Newly constructed flats in Hulhumalé were intended to relieve some of the pressure on housing in Malé. Similarly, the Sinamale' housing complex, was intended to be affordable to low-income residents. However, this has not supplied a significant injection of affordable housing in the market.



Sinamale' Apartment Blocks in Male'

Additionally, the practice of residents who obtain these flats at low rates from the government subsequently subleasing them at exceptionally higher rates, has resulted in the prices of the rental market further increasing. Many believe that the current problems exist mainly because of the lack of an established mechanism that would monitor the situation

At the same time, the price of new housing constructed with either domestic or international construction materials continues to grow strongly. Several of the interviewees at the Ward Office discussions noted that construction prices have gone up by 30-40% since the 2004 Tsunami, contributing to the increasing prices in the rental market.

Recommendations:

- Implementing general standards for housing (pg. 43)
- Exploring possible government policy options in relation to rental market (pg. 43)
- Establishing monitoring mechanism for the right to adequate housing (pg. 44)
- Introduce a mechanism to monitor and regulate the rents of social housing schemes (pg. 37)
- Review relevant tenancy legislations, and ensure that a system of receiving complaints and organizing adjudication of conflicts between landlords and tenants is established (pg. 48)

3.6 Programmes and Plans to Address Housing Rights and Legal and Policy Issues

In conversations with residents, public officials, members of Island Development Committees and Women's Committees, the assessment team did not encounter people who were familiar with the concept of the right to adequate housing constituting a fundamental human right. At the same time, almost everyone interviewed during the assessment was aware of at least some aspects of policy, programmes and legal developments intended to improve the quality of home life through better housing for residents of the Maldives.

The 2004 Tsunami forced the government to re-address the country's housing situation, and given the vast number of households effected by the tragedy, it had to face the possibility that only a tiny percentage of the population lived in what could be considered, under international human rights law, to constitute "adequate housing". The state and many international experts have been engaged in developing new frameworks for improving the

country's readiness for erratic and dangerous conditions due to rising sea levels and climate change. Many others have joined efforts to improve the quality of housing and human settlements as the Maldives grows increasingly urban. Others, still, are devising new ways to pay for the social welfare systems that a modern country needs.

The recent adoption of the Maldives National Housing Policy by the Ministry of Housing and Urban Development in May 2008 is a welcome and significant first step in the broader process of ensuring that everyone is assured access to a safe, habitable and affordable home. Combined with the recent inclusion of the right to shelter within the revised constitutional framework, existing international human rights obligations entered into by the Government of the Maldives and existing statutory and customary rules governing the housing, land and property sectors, the new National Housing Policy forms a key cornerstone of the integral

approach required over the coming years to build the foundations for adequate housing for all. The overview within the policy of previous National Development Plans, Maldives Vision 2020, the Population Policy and the Regional Development Policy reveal that housing has been on the political agenda for many years, but that considerable work remains to bridge the gap between good policy and the difficult housing realities facing many people in the country today. The key policy statement within the National Housing Policy is short and to the point:

"The Government is committed to ensure that all Maldivians can enjoy a decent standard of housing, now and in the future".

Like the other elements of the policy, this admirable commitment is a very important first step towards developing the laws, programmes and financial resources required to build a society where everyone has their housing rights met in full. It is hoped that the implementation of the National Housing Policy together with the recommendations contained at the end of this report, will together form the basis for renewed long-term commitments to building a rights-based approach into housing policy, housing law and housing practice. A range of both the most urgent and important initiatives with respect to improving the enjoyment of the right to adequate housing are discussed in the recommendations which follows.

Related Recommendations:

- Reviewing land allocation policy (pg. 36)
- Creating an enabling environment for private companies to develop social housing (pg. 38)
- Reconsidering Hulhumale' development policies (pg. 38)
- Strengthening the implementation of the general policy of de-centralising official housing competencies (pg. 42)
- Implementing general standards for housing and exploring government policies in relation to rental market (pg. 43)
- Develop the capacity of relevant institutions (pg. 45)
- Create awareness on the right to adequate housing as stated in the laws and regulations (pg. 47)
- Ensure the finalized construction standards and housing codes incorporates the concepts of right to adequate housing (pg. 47)
- Review relevant tenancy legislations and ensure that a system for receiving complaints and organizing adjudication of conflicts between landlords and tenants is established (pg. 48)
- Establishing a Committee on the right to adequate housing representing public and private sector, to examine the state of housing rights in the Maldives (pg. 48)

4. Recommendations

Through the ratification of various human rights treaties, the Government of the Maldives has agreed to undertake steps, to the maximum of its available resources, to secure for everyone, the full enjoyment of the right to adequate housing. For housing to be adequate, it must be consistent with the seven components of adequacy outlined by the United Nations. These are listed below.

Components of Adequate Housing:

- (a) Legal security of tenure;
- (b) Availability of services, materials, facilities and infrastructure;
- (c) Location;
- (d) Habitability;
- (e) Affordability;
- (f) Accessibility; and
- (g) Cultural adequacy.

Many Government policies and programmes have been developed in recent years to improve the housing, and by inference at least, the housing rights situation in the country, but these have yet to achieve their aims. As a result, it is clear that a far too large proportion of those living in the Maldives, Maldivians and legal non-Maldivian residents, are forced by circumstance to reside in conditions which are not consistent with the rights they are meant to enjoy according to human rights law and the Constitution.

With a view towards improving the housing rights prospects in the country and to building the legal, policy, budgetary and institutional frameworks required to ensure the full and sustainable enjoyment of housing for everyone, everywhere in the country, the assessment puts forth the following practical recommendations for consideration by the Government.

Recommendation 1: Review land allocation policies

Maldivian national identity is closely tied to traditional practices regarding land allocation and the expectation that all new families - as a matter of right - are entitled to a land parcel. However, this generous and highly popular approach to land in the country is coming under increasing threat due to climate change, increasing populations and simply the non-availability of surplus land in many locations. It is possible that methods of land allocation which have worked fairly and successfully

for centuries may no longer be appropriate given the growing scarcity of land in the Maldives. One could argue that the land allocation process may work better if future land allocations and reallocations are guided by land policies based on broad societal needs. The principles for allocating land should be a matter of public debate and eventually be decided by Parliament. Equity and transparency in decision-making concerning land allocations should be the aim of such legislation.

Recommendation 2: Expanding affordable social housing schemes

Affordable social housing schemes need to be further expanded in Malé and other urban areas to relieve the pressure on vulnerable families and individuals. Social housing resources in the Maldives do exist, but as a proportion of total housing stock, are extremely limited and certainly come nowhere near the number of housing units required to house low-income families who are unable to find other

affordable housing within the private rental sector. Developing and promulgating land use plans for the entire country that reflect social priorities established through well-informed debates between local and national authorities and residents will assist in identifying land on which social housing could be constructed.

Though there was disagreement amongst the government authorities on the effectiveness of such a scheme in areas outside of Male', the Assessment found through its discussions with the Island Development Committees and Women's Development Committees that the general public would readily accept such a housing scheme, particularly if they were under a rent-to-buy programme.



Male' Hiya – A new wing of Sinamale'

Recommendation 3: Rents of Social Housing

Introduce a mechanism to monitor and regulate the rents of social housing. One of the state intervention mechanisms in place to indirectly affect the rental market is the creation of social housing schemes, where rents are marginalised and set by the government authorities at a non-profit basis. However, for the effects to be a fruitful, an efficient monitoring system is vital. One of the key factors that led to such a drastic increase in the inflation rate in the Maldives has been the boom in the rental market. In the capital, social

housing schemes in Male', Villingili and Hulhumale' are rented at subsidized rates, with contractual limitations whereby the tenants are unable to sublease the apartments without prior permits from the authorities.

Even though there is a system to monitor such activities, without stringent penalties, many tenants have been able to sublease the apartment to a third party at significantly higher rates whereby further contributing to the boom in the rental market. The

government authorities' needs to revise the penalties in place for such breach of contract and further, be willing to carry through with such penalties in order to ensure the end results are achieved. A more stringent monitoring mechanism with regular field monitoring needs to be in place in order to guarantee compliance with the original tenancy agreement.



Social Housing Schemes in Hulhumale'

Recommendation 4: Creating an enabling environment for Private Companies to develop social housing schemes

Currently, private companies are not allowed to develop social housing schemes; only public limited companies are allowed to engage in such projects. Consideration should be given to possibly expanding access

to allow private companies into the market as a means of encouraging subsidized apartment construction which increases the social housing stock.

Recommendation 5: Reconsidering Hulhumale' development policies

The history of Hulhumalé and public sentiments about this reclaimed island near the capital, are widely known and discussed throughout Maldivian society. While in many respects

controversial or perhaps less ideal than it may have been originally envisaged to be, it is clear that Hulhumalé could still serve the purpose for which it was designed,

that is, as a means of reducing population pressures in Malé.

With appropriate new investment and the development of a new incentive scheme, particularly in terms of job creation, people can be encouraged to voluntarily move to Hulhumalé, and thus reduce the housing problems that plague Malé. This will require resources and resolve by Government, and may take time to bear fruit. At the same time, failing to make Hulhumalé a more attractive

place to live and gain a livelihood will ensure that housing conditions in the capital continue to worsen. Although the project is currently in its first phase which is expected to reach completion in 2020, the assessment indicates that the current problems that have already arisen in these initial stages do not bode well for the future of the project. Appropriate action needs to be taken to counter these problems right now so that the goals set for this first stage are achieved as targeted.



Apartment blocks in Hulhumalé'

Particular emphasis needs to be placed on the important role of the Hulhumalé Development Corporation in carrying out such activities as

strengthening their current monitoring mechanism to ensure that the tenants who have been awarded the apartments are in fact living in them

and further imposing severe fines on those that do break the tenancy agreement – possibly taking back the apartment if need be; encouraging the private sector – perhaps through other benefits & grants – to move their

businesses to Hulhumalé; and moving selected Government offices to Hulhumalé. As the significant proportion of the workforce is civil servants, this would encourage the outward movement.

Recommendation 6: Expanding and improving the social safety net

The findings of the assessment reveal that one of the main reasons for the urban migration into Male' is the lack of an appropriate social welfare system and the inadequate resources and facilities in the outer islands. Measures should be developed to ensure that national and international businesses operating in the Maldives assist in financing a social welfare system and developing a system of corporate responsibility, as well. Such a system will help Maldivians save and invest more in the country. As the largest industry in the country,

tourism should take the lead in this effort. As one element of the system, labour standards should be developed that require living wages for workers that would enable housing costs to be covered in a more affordable manner. Similarly, with the growth of tourism in outer regions of the Maldives, the industry can play a more significant role in the development of these areas whether it may be through developing housing schemes for the employees families in nearby islands to the resorts.

Recommendation 7: Growth poles around Consolidation/Safe Islands

Strengthening the implementation of growth poles around Consolidation/Safe Islands to reduce the population density of Malé and to create incentives for healthy economic development of other atolls. The scale, planning and implementation of a properly formulated Safe Islands Plan should not only be designed to assist in securing adequate housing for everyone, but also to propel the Maldives into a position as a high social development country within two decades.

It was widely debated and accepted during the focus group discussions that citizens from other islands would return to their home islands if the services and/or income available in Malé were comparable to those available in their own islands. As long as the services of other urban centres in the country remain inadequate and/or more expensive than the capital, outer island residents will continue to migrate to Malé in large numbers and the disparities

between the capital region and the rest of the country will continue to grow.

One noted difficulty with the Consolidation Policy is the necessity that all residence of an island is to unanimously approve the decision to abandon their island and move to a Safe-Island. This has received much criticism particularly in relation to islands where a minority may be preventing the majority from receiving the needed financial assistance and compensation in following the Consolidation Policy.

The original ideas behind consolidation and Safe Islands remain sound, and they need to be developed and implemented for the safety of the island populations at risk. This can be achieved by limiting new investment in Malé, and simultaneously ensuring that new investments in consolidation/safe islands achieve economies of scale such that costs of construction, technologies leased or

bought, transport, transactions and other costs will gradually reach or drop below those prevailing in the capital region. Ideally, local island residents would be offered the bulk of jobs that would pay adequate wages, as well as offering a welfare package including health, disability, unemployment and retirement

benefits. A housing provident fund for workers would help kick start housing construction and housing improvements in nearby islands. Additional income in consolidation/safe islands should also help improve the amount of money that island families are able and willing to spend.

Recommendation 8: General policy of de-centralising

Strengthening the implementation of the general policy of de-centralising official housing competencies. In this regard, Ward Officers can be given more authority in monitoring the housing situation in their area, while, Island Officers and Atoll Officers can be more involved in the formulation of the housing policies that affect them as their familiarity with the housing situation of their own areas

would prove a valuable asset during the planning. Most of the island and atoll officers consulted often voiced their frustration at the lack of their own involvement in these matters and ward officers voiced concerns over the lack of the responsibility given to them and revealed a ready willingness to take up more responsibilities in this arena.

Recommendation 9: Implementing general standards of housing

With the escalating demand for housing and the rising cost of construction, many landowners are increasingly renting out individual rooms or dividing the original apartment space into smaller blocks in order to maximise revenue. In addition to the already set standards for initial construction of a building, new standards need to be introduced in order to administer individual areas that are being rented.

Recent years have seen a large influx of migrant workers into the capital island, and with this has broadened the dimension of the housing problems in Male'. Focus group discussions with the public revealed concerns for the welfare of these

workers, who often live in overcrowded housing with inadequate basic facilities. This report recommends the set up of a system specifically aimed at monitoring migrant worker housing. At the same time, the situation needs further discussions at a national level to outline long-term solutions to reducing the housing stress of the migrant workers, in particular identifying the roles of employment agencies that bring down the migrant workers.

The Government should also take measures in order to sign and ratify the International Convention on the Protection of Rights of All Migrant Workers and the Members of Their Families.

Recommendation 10: Government policy in relation to lower rental market

The government policies in relation to rental market need to be explored in more detail. One principal finding of the assessment was the gravity of the

problem that rent prices posed for many people, especially within the capital region. The crisis of housing affordability is visible by the fact that rents in Male' increased by 66% in

just the year 2007^{xx} and many interviewees in Male' and Villingili stated that they paid as much as 80% of their household income on rent. The assessment team believes not enough attention has been paid to this particular problem by relevant authorities, especially considering the extent of the problem, and this needs

to be addressed. The national housing dialogue could serve as a forum where reasons for the rent problem are fully explored and possible solutions discussed in detail. The dialogue can act as a first step in an ongoing and suitable process of countering the problems.

Recommendation 11: Sanitation facilities & Clean Water Supplies

Take immediate steps to protect and expand sanitation facilities – particularly sewerage systems – and clean water supplies for everyone, in particular Atoll dwellers. Unclean water supply was a commonly heard grievance in all the islands that were visited during the assessment and seems a significant problem. Local authorities should be provided with the resources required to test and install sanitation systems appropriate

to local geological, climatic and population needs and conditions. Failure to undertake such steps will lead to the continuous use of tainted water for drinking, cooking and other household uses that will take a toll even on the healthiest of families, and may lead to the spread of communicable diseases within the family and to others in the community.

Recommendation 12: Monitoring Mechanism

Establish a monitoring mechanism for the right to adequate housing. Currently, there is little monitoring of

housing carried out throughout the country, especially within the atolls. This state of affairs allows existing

housing problems to remain largely unchecked and worsen over time. The establishment of a monitoring mechanism for the right to adequate housing would prove an essential primary step in efforts to counter this problem and immediate action needs

to be taken in order to establish such a mechanism throughout the country. This system would examine whether established housing regulations and policies are effectively implemented to ensure that all citizens are able to enjoy their right to adequate housing.



Expatriate workers in Male' gather at public spaces during their holiday

Recommendation 13: Capacity Development

The capacity of the relevant authorities in relation to right to adequate housing needs to be developed. In order for the relevant institutions to be able to implement the recommendations stated here, appropriate resources are essential. However in many cases, the capacity of these institutions remains

inadequate in terms of both financial resources and technical expertise and need to be further developed. Capacity development of these institutions should include training programmes and facilitate the implementation and monitoring of the adequate housing.

Recommendation 14: Housing Finance

Improve access to, and the availability of, housing finance to all citizens regardless of their geographical location. HDFC and other financing mechanisms need to be tested to verify the percentage of the population that can actually take advantage of the housing financing on offer. It was noted during the assessment that the concept of housing finance schemes was a welcomed step in comparison to the commercial banking loans. However, it was also noted that only a small proportion of population are able to avail themselves of this financing due to the set eligibility conditions for applicants and the difficulties involved in obtaining an application form. Hence, focus needs to be given to producing a wider range of schemes to incorporate financing solutions for low-income households.

At present, HDFC application forms can only be accessed in Malé, and have to be bought. Travel to Male' and paying for the forms are expenses that many in the islands can ill afford and this needs to be addressed by the relevant authorities. Although this may not be a hurdle in practice given the close-knit society that is present in Maldives where most living in the outer islands would have a connection in Male', it is still a rights based concern.

In addition, a national campaign to raise awareness of the importance of saving and the development of Government policies to encourage saving – whether through providing more attractive interest rates or establishing a housing fund (similar to the providence fund) – would assist in improving the availability of finances in developing adequate housing.

Recommendation 15: Create Awareness on the Right to Adequate Housing as stated in the laws and regulations

Create awareness on the right to adequate housing as per the laws and regulations that created under the Revised Constitutions and the various other documents. Considering the present state of housing in the Maldives it is vital that the general public be made aware of their right as per the revised Constitution and the International Conventions which

Maldives is party to, which outlines the states obligation in facilitating adequate housing to all people living in the Maldives. The responsibility for creating awareness needs to be extended to all functional levels of government authority including, ministerial levels as well as island & atoll administrative levels, in addition the wards of Male’.

Recommendation 16: Construction Standards & Housing Codes

Ensure the finalised construction standards and housing codes incorporate the right to adequate housing. The code should then be implemented vigorously following an extensive public education campaign, so that tenants will both know their

rights and feel that they have the right to hold their landlords responsible for maintaining healthy housing conditions which are consistent with the norms of international human rights law.

Recommendation 17: Tenancy Legislations & Adjudication of Conflicts

Review and revise relevant tenancy legislation, and ensure that a system for receiving complaints and organizing adjudication of conflicts between landlords and tenants is established. This should be a professional/civil service function in which the Government's costs of management are fully recovered from parties adjudged to have acted in bad faith, and causing damages to another. Legally binding leases and other agreements between landlords and tenants should be made mandatory and registered with local authorities in a professional manner. The current lease law, provides little

legal security of tenure for tenants, and should be amended to protect the legitimate rights and interests of both the tenant and the landlord. Furthermore, it should include penalties for non-compliance which should be high enough to ensure positive changes in behaviour by both tenants and landlords. Many of the citizens are unable to avail themselves of the legal assistance that may be required in drafting contractual agreements and thus Standard Leasing Contracts should be made available at Housing Ministry for the benefit of all citizens.

Recommendation 18: National Housing Rights Dialogue – Committee on the Right to Adequate Housing

Establishing a Committee on the Right to Adequate Housing, representing the private and public sector, to formally and comprehensively examine the state of housing rights in the Maldives through a National Housing Rights Dialogue. The Committee should

prepare a *White Paper on Progress Towards Respecting and Protecting Housing Rights* which would emphasize the importance of an Action Plan for implementing the Housing Policy and discuss the issues raised in this document. In addition, the White Paper should include an in-

depth legal survey of the current domestic legislative framework as it relates to all aspects of the right to adequate housing, including a detailed comparison between domestic statutes and policy and the terms of the international human rights conventions which Maldives is party to, and how that legal regime treats the right to adequate housing. The paper should result in a concrete plan of action designed to secure the full realization of the right to adequate housing for everyone within the shortest possible time-frame.

This report is surely not the last word on the right to adequate housing in the Maldives. Rather, it is our sincere hope that this report will be simply

the first step of many that will be required to ensure that this right is accessible to everyone in the country. This preliminary housing assessment and the recommendations we have carefully formulated and put forward are designed to instigate debate and lead to eventual decisions which are advantageous to the increased protection and promotion of housing rights in the Maldives. Many additional analyses, measures and activities will be required, and the HRCM and Displacement Solutions look forward to assisting in any way possible to secure greater attention to and action on resolving the national housing crisis through creative and innovative rights-based approaches to housing questions.

End Notes

ⁱ The constitution was ratified on 7th August 2008.

ⁱⁱ See, for instance, Scott Leckie, 'Where It Matters Most: Enforcing International Housing Rights Nationally' in *National Perspectives on Housing Rights*, The Hague: Kluwer International Publishers (2003).

ⁱⁱⁱ Paragraph 8 of General Comment No. 4 states: Thus the concept of adequacy is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to constitute "adequate housing" for the purposes of the Covenant. While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the following: (a) Legal Security of Tenure: Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups; (b) Availability of Services, Materials, Facilities and Infrastructure: An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, potable drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, food storage, refuse disposal, site drainage and emergency services; (c) Affordable: Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability tenants should be protected from unreasonable rent levels or rent increases by appropriate means. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials; (d) Habitable: Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the "Health Principles of Housing" prepared by the World Health Organization (WHO) which view housing as the environmental factor most frequently associated with disease conditions in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates; (e) Accessibility: Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the

mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernable governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement; (f) Location: Adequate housing must be in a location which allows access to employment options, health care services, schools, child care centers and other social facilities. This is both true in large cities and in rural areas where the temporal and financial costs of getting to and from places of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants; (g) Culturally Adequate: The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed and that they should ensure, inter alia, modern technological facilities, as appropriate.

^{iv} Constitutional clauses from a cross-section of countries reveal that national laws can and often do recognise and enshrine housing rights: Everyone has the right to have access to adequate housing. The state must take reasonable progressive legislative and other measures to secure this right.(art. 26(1), South Africa); The State shall by law, and for the common good, undertake, in co-operation with the private sector, a continuing programme of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas.(art. 13(9), Philippines); All Spaniards have the right to enjoy decent and adequate housing.(art. 47, Spain); Everyone has the right to enjoy a life in conformity with human dignity...These rights include, in particular, the right to adequate housing.(art. 23(3), Belgium); All Hondurans have the right to decent housing. The State shall design and implement housing programmes of social interest. (art. 178, Honduras); Every family has the right to enjoy decent and proper housing. The law shall establish the instruments and necessary supports to reach the said goal.(art. 4, Mexico); Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy. The State shall promote the fulfillment of this right.(art. 64, Nicaragua); Everyone shall have the right for himself and his family to a dwelling of adequate size satisfying standards of hygiene and comfort and preserving personal and family privacy.(art. 65(1), Portugal). See also: UN Habitat and UN-OHCHR, *Housing Rights Legislation*, Nairobi, 2002.

^v The estimate of the number of families in need of housing was obtained during an interview with Ministry of Housing in April 2008. Number of Households in the Malé is taken from the Population and Housing Census of the Maldives 2006, Ministry of Planning and National Development, 2006

^{vi} According to the Monthly Statistics for June 2008 available on the Ministry of Higher Education, Employment and Social Security website, there are currently 76, 755 international migrant workers in the country, 31, 905 of whom work in the construction industry.

^{vii} See: Fathmath Rasheed et al, *Is the five star hotel the solution?*, September 2007, 4.

^{viii} Figure calculated by dividing total population of Male' by number of sleeping rooms as stated in 'Population and Housing Census, 2006', 2006

^{ix} See: *Population and Housing Census of the Maldives*, Ministry of Planning and National Development, 2006

^x Figure calculated by dividing total population of Male' by number of households in Male' as stated in 'Population and Housing Census, 2006', 2006

^{xi} The United Nations has formally defined slums to be communities dominated by "overcrowding, poor or informal housing, inadequate access to safe water and sanitation and insecurity of tenure". (See: UN Habitat, *The Challenge of Slums - Global Report on Human Settlements 2003*, Earthscan, London, 2003.

^{xii} See: Fathmath Rasheed et al, *Is the five star hotel the solution?*, September 2007, 4.

^{xiii} Information obtained from the Hulhumale' Development Corporation

^{xiv} In Thulusdhoo some 80 nuclear families are sharing houses with two or three other families. (Interview with Island Chief). This island, also hosts persons displaced by the tsunami in temporary accommodation.

^{xv} This would appear to be a considerable risk in places like Kulhudhufushi where flooding can be serious during the rainy season.

^{xvi} In Hithadhoo the monthly electricity bill is one third of an average worker's salary: RF 1300 /4000.

^{xvii} Only two people interviewed during the housing assessment said they had been able to borrow money from the HDFC. All others had been rejected or had not tried to obtain a loan because they presumed it would not be possible to find a guarantor for the loan. As a rule, persons attending meetings with the assessment team felt that persons with average or even better incomes would find it nearly impossible to find a guarantor for HDFC mortgages.

^{xviii} In Kulhudhufushi, water quality has worsened since the Tsunami. A sewage system installed by the Asian Development Bank for 70 families doesn't work properly; it overflows and no one on the island can fix it. The city is encouraging rainwater collection, but they do not have collection tanks for any new houses that are built.

^{xix} For an up-to-date characterization of Malé's housing situation, see: *Maldives National Housing Policy*, prepared by the Ministry of Housing and Urban Development, May 2008.

^{xx} Information obtained from the CPI Annual Report, 2007 released by the Ministry of Planning and National Development.

Produced by:

**HUMAN RIGHTS COMMISSION OF THE MALDIVES, in consultation with
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