

# Foreword

**Leilani Farha**

*United Nations Special Rapporteur on Adequate Housing*

I am sorry I am unable to be with you in Namibia, but I am very pleased to be able to offer you this message. I think the Urban Forum is coming at the right time and I do hope your deliberations include a full spectrum of the right to adequate housing and what it means in the urban context in Namibia.

Let me begin by saying Namibia is a party to a number of international human rights treaties which include the right to adequate housing included in the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>1</sup> and the Convention on the Rights of Persons with Disabilities<sup>2</sup>. Namibia also made commitments to the New Urban Agenda<sup>3</sup> at Habitat III<sup>4</sup> as well as to the Sustainable Development Goals<sup>5</sup>. This therefore has a direct impact on how Namibia moves forward in the area of housing and suggests that the right to adequate housing has to be taken quite seriously in order to meet Namibia's obligations and commitments.

So, the question is, what does the right to adequate housing mean? Most people would say it is access to four walls and a roof, and while that is true, the right to adequate housing also has a much broader definition. It means the right to live in peace and security and with dignity, and it identifies some key characteristics that inform what adequate actually means: characteristics like security of tenure and freedom from forced evictions, and access to basic services like potable water and electricity. One of the things that those of us who are close to the issue of adequate housing note is the way in which housing has 'tentacles' to any other socio-economic rights and many civil and political rights. Adequate housing is related to the right to health and/or the right to education as well as, of course, the right to life.

One of the misconceptions about the right to adequate housing that many government officials have is that, if we embrace the right to adequate housing, it means that we need to provide a home immediately to everybody. Under international human rights law, the right to adequate housing is a progressive right: it can be realised progressively. That means states need to take steps immediately and continuously through time to ensure that everyone, particularly vulnerable groups, have access to adequate housing. There are of course some immediate obligations on states, namely in those situations where there are violations of rights, for example, and a state is required to immediately address homelessness or to ensure access to basic services in informal settlements. One of the things that I have been discussing with states on an ongoing basis is the need for states to adopt national housing strategies that are based in human rights and I think now is the right time for states to start trying to draft those strategies if they do not have them already in place, because those strategies will be essential to meeting the commitments under

the New Urban Agenda and Target 11<sup>6</sup> of the Sustainable Development Goals, which deals with adequate housing for all. I think that, in the development of national strategies, a key component will be ensuring the meaningful participation of affected communities, particularly communities that are living in vulnerable situations, those in informal settlements, and those that might be subject to forced evictions. It would make sense to include these communities if you want to ensure an effective strategy going forward.

I would also say that, in moving forward in the area of housing, it is important that all decisions taken with respect to housing are run through the human rights framework, in other words, ensuring that every decision taken with respect to the strategy and with respect to financing the strategy are made in ways that further the right to adequate housing and do not undermine it. For example, I have been working quite recently on the issue of financing of housing<sup>7</sup> and it appears that, in many developing countries, there is a new push to have a financialised housing market that involves, for example, mortgage financing in order to enable sections of the population to buy housing. In Namibia we need to think carefully if that is actually realistic and a viable option. I think there are many creative housing solutions that could be considered, that go beyond just building new housing and that includes measures like developing forms of security of tenure for tenants and residents.

I would like to say that, as Special Rapporteur, I am available going forward if you need assistance on more information and knowledge on the right to adequate housing. I would like to visit Namibia at any time. I wish you all the success in the next two days and I do hope that the right to adequate housing remains central in your deliberations.

<sup>6</sup> "Make cities and human settlements inclusive, safe, resilient and sustainable"; <https://sustainabledevelopment.un.org/sdg11>, last accessed 10 August 2019.

<sup>7</sup> UN/United Nations. 2017. Report of the Special Rapporteur on adequate housing as a component on the right to an adequate standard of living, and on the right to non-discrimination in this context Human Rights Council, Thirty-fourth Session No. A/HRC/34/51. United Nations General Assembly. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/009/56/PDF/G1700956.pdf?OpenElement>, last accessed 10 August 2019.

<sup>1</sup> A multilateral treaty adopted by the United Nations (UN) in 1966 and enforced in 1976, it includes the right to an adequate standard of living. The Covenant is part of the International Bill of Human Rights, a 1948 UN General Assembly Resolution on human rights. Available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>, last accessed 10 August 2019.

<sup>2</sup> Available at <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>, last accessed 10 August 2019.

<sup>3</sup> Available at <http://habitat3.org/the-new-urban-agenda>, last accessed 10 August 2019.

<sup>4</sup> The United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held in Quito, Ecuador, on 20 October 2016.

<sup>5</sup> Available at <https://sustainabledevelopment.un.org/sdgs>, last accessed 10 August 2019.