**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**Background and Objective of the report**

The thematic reports of the Special Rapporteur on the right to adequate housing,
Mr. Balakrishnan Rajagopal, to the General Assembly in 2021 and to the Human Rights Council in 2021 will focus on the issue of discrimination in relation to the right to adequate housing, including the impact of spatial segregation in urban or rural-urban environments on the enjoyment of human rights.

Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory by lines of race, caste, ethnicity, language, and religion or income status. Spatial, including residential segregation can have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities.

Discrimination is understood as any formal or substantive distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination as to race, colour, sex, language, religion, national or social origin, political or other opinion, property, birth or other status - including disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social status - which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights.[[1]](#footnote-1)

The main objectives of the two interrelated reports will be to identify contemporary and historical forms of discrimination and segregation that affect the right to adequate housing, to highlight good practices in the prevention of discrimination and segregation and to provide guidance to States on how they can ensure their human rights obligations in relation to non-discrimination and the right to adequate housing.

To inform his reports Mr. Rajagopal welcomes contributions from States, local and regional governments, national human rights institutions, civil society organizations, academics, UN agencies and other stakeholders.

The questionnaire is detailed to allow for comprehensive collection of information covering all aspects of the right to adequate housing. However, responding to only those questions on which the responding organization, institution or entity has information, or expertise is much appreciated.

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: **Ministry of Housing**

Type of Entity\*

[x]  **National Government or federal governmental ministry/agency**

[ ]  Inter-governmental organization or UN agency

[ ]  Local or regional government, agency, representative or mayor

[ ]  Association, tenant union or housing cooperative

[ ]  NGO network, umbrella organization

[ ]  Community-based NGO

[ ]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[ ]  Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

[ ] Public administration

[ ] Advocacy

[ ] Funding

[ ] Legal Assistance

[ ] Networking

[x] **Policy**

[x] **Research**

[ ] Technical Assistance

[ ] Training

[ ] N/A

[ ] Other: **Housing Policies & Strategic Planning Directorate**

3. City/Town: **Manama, Capital of Bahrain**

4. State/Province: Click here to enter text.

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); **Kingdom of Bahrain**

6. Contact e-mail (will remain confidential) in case we have questions: **hpspd@housing.gov.bh**

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* People of African Descent, or Roma
* Racial, caste, ethnic, religious groups/minorities or other groups
* Migrants, foreigners, refugees, internally displaced persons
* Women, children or older persons
* Indigenous peoples
* Persons with disabilities
* LGBTQ persons
* Low income persons, including people living in poverty
* Residents of informal settlements; persons experiencing homelessness
* Other social groups, please specify

**The Constitution of the Kingdom of Bahrain forms the basis for guaranteeing all rights related to housing and adequate housing, as it guarantees the principle of equality and equal opportunities and prohibits discrimination related to housing, as stipulated in Article 9, Paragraph “F” of the Bahraini Constitution: “The State shall endeavour to provide housing for citizens with limited income”. The Ministry is also working to implement the various controls** **and provisions that govern the provision of this service in accordance with the provisions of Legislative Decree No.(10) of 1976 with respect to Housing and Ministerial Order No.(909) for the year 2015 with respect to housing.**

**Perhaps the entirety of these legislations, published in accordance with the applicable systems - are characterized by a great deal of justice that ensures access to housing services to citizens in accordance with clear controls and standards applied among all citizens without discrimination on the basis of ethnic, national, lineage, cultural, or any other grounds.**

**In addition, the Ministry follows multiple internal supervisory administrative systems that work to monitor the implementation of these controls, and the follow-up and review imposed on the Ministry by other oversight bodies- like other government departments in accordance with the laws - ensures that the Ministry is not deviated from these systems and that the required legal goals are achieved.**

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

The Kingdom of Bahrain represented by the Ministry of Housing also offers a variety of housing services Bahraini citizen can choose from according to personal preference and suitability, which includes the service of housing units; houses or apartments, in addition to land plots and housing loans of all kinds.

Moreover, to develop more options for housing services and expedite serving applicants on the waiting lists, in recent years the Government of Bahrain, represented by the Ministry of Housing, has introduced a number of new housing financial solutions, in partnership with the private sector. The Ministry of Housing regulates the process between the beneficiaries, banks & developers, to provide social housing services. One of these housing financial solutions is the “Mazaya” Programme, which enables the beneficiaries to choose the suitable housing units in the area they desire, provided they obtain financing to purchase it from one of the certified local banks in cooperation with the Ministry in accordance with certain controls. The ministry also provides a monthly housing allowance to applicants on the waiting lists as financial support to enable them to obtain suitable temporary housing up to the time they benefit from the housing units service.

The Kingdom of Bahrain also pays great attention to the construction of housing projects, and perhaps the most important of which is the modern and integrated housing cities, which has amounted to five new housing cities that meet the diverse societal needs by containing all basic facilities and services in addition to infrastructure, green spaces, schools and hospitals, which all citizens, wishing to obtain the housing unit service, are entitled to benefit from.

The Ministry of Housing is keen on ensuring that all housing projects meet all basic needs, including the availability of comprehensive infrastructure that provides different main services related to water, electricity and sanitation, and even surpassed that, as the new housing cities meet the requirements of sustainable green cities that provide green spaces, bicycle paths, waterfronts, in addition to public coasts, public transport stations and others.

Recently, it was considered to include private and government shelters as part of future housing projects in preparation to meet any future conditions, and implement safety and protection measures.

In addition to the services provided by the ministry, it also gave special attention to applicants with special needs and special groups in the society such as single women, widows, abandoned and divorced women who are without children and have no shelter. For that “Masaken”, a unique housing project, in cooperation with the Supreme Council for Women, was designated to provide adequate housing for women in this category to ensure a feeling of safety and stability among them.

As for the people of determination and special needs category, a number of housing units are allocated in the various housing projects that are equipped with the special requirements that the owners of this category need in their homes. These units are allocated to them in order to assist them to achieve a sense of equality and non-discrimination.

In the interest of preserving the societal and cultural heritage in the old neighbourhoods, the Kingdom of Bahrain, through the Dilapidated Homes Rehabilitation and Restoration Project, has provided Bahraini citizens the right to have their old homes restored or rebuilt in order to ensure adequate housing and to create healthy and appropriate residential conditions for its citizens of all categories.

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

**There are no laws or policies in the Kingdom of Bahrain that prevent any eligible Bahraini citizen from their right to obtain a housing service, as the Bahraini constitution guarantees the right to obtain adequate housing for low-income citizens of the Kingdom of Bahrain.**

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

**Not Applicable (NA)**

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

**NA**

**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

**Housing projects in the Kingdom of Bahrain are considered projects with integrated utilities and are constructed in urban areas, as well as being distinguished by their presence in different locations to meet the needs of citizens in the various governorates in the Kingdom of Bahrain, and all citizens who benefit from housing units have the right to live in them regardless of any religious, ethnic, cultural, racial or any other differences. Therefore, there are no grounds for, nor are there any types of spatial segregation.**

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

**NA**

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

Click here to enter text.

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

**NA**

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

**NA**

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

**NA**

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

**Housing projects provide the right to live in them for all Bahraini citizens without any discrimination. The Ministry also gives the right to citizens in the event that they do not want to live in a specific area or in a specific project to have the choice to live in another suitable project according to the citizen’s desire to ensure his freedom to live in the appropriate location as per his choice. The Ministry of Housing is also working on developing housing finance services and providing new options for financing methods that allow Bahraini citizens the freedom to appropriate financing for them, in addition to granting the possibility of increasing the amount of financing voluntarily and based on the citizen’s desire. This comes in addition to continuing to offering the Mazaya Programme, which gives Bahraini citizens access to government-subsidized financing to purchase the right property of their choice. These options and programmes allow the Bahraini citizen to choose the location, design and size of the housing unit he desires, while obtaining government support to facilitate the process of obtaining adequate housing.**

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

**NA**

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

**The existence of policies that pursue non-discrimination on any religious, ethnic or other basis in the right to obtain adequate housing, and the approach of dealing with all citizens equally, guarantees that there are no phenomena of spatial or residential separation, and this approach is what the Kingdom of Bahrain adopted in its constitution to ensure the absence of Spatial or residential discrimination in all its forms.**

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

**NA**

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

**NA**

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

**NA**

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

**NA**

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

**NA**

26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

**NA**

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

**NA**

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

**NA**

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

**NA**

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

**NA**

1. See article 2.1 of International Covenant on Economic, Social and Cultural Rights and the related General Comment No. 20 of the Committee on Economic, Social and Cultural Rights. [↑](#footnote-ref-1)