



Republic of Namibia

## Ministry of Urban and Rural Development

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Our Ref.: 27/1

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Ms. Leilani Farha  
United Nations Special Rapporteur on adequate Housing  
Office of the High Commissioner for Human Rights  
Special Procedures Branch, Palais Wilson  
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Switzerland  
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Dear Ms Farha,

**SUBJECT: RESPONSES ON ADEQUATE HOUSING: THE RIGHT TO HOUSING OF PERSONS WITH DISABILITIES**

Reference is made to your letter dated 13 April 2017, in which you were conveying the questionnaire on the abovementioned subject matter.

In response thereto, herewith kindly find Namibian responses to the questionnaire. Please accept our highest apologies for the belated response.

Yours Sincerely,

  
Nghidinua Daniel  
PERMANENT SECRETARY



Cc: Ms. Selma Ashipala-Musavyi – Permanent Secretary  
Ministry of International Relations and Cooperation: Namibia

## THE RIGHT TO HOUSING OF PERSONS WITH DISABILITIES

### 1. Please explain how the right to housing of persons with disabilities is guaranteed in domestic law, including constitutional provisions and human rights legislation.

- **Article 16 of the Namibian Constitution** that protects the right of all persons to acquire, own and dispose of all forms of immovable and moveable property in any part of Namibia; as well as Article 144, which makes the rights of international laws and agreements binding upon Namibia and therefore enforceable domestically. The right to housing for all is recognized through the following instruments to which Namibia is party:
  - **Habitat Agenda** that reaffirms the commitment to the right to 'adequate shelter for all'. Article 31 of the 'New Urban Agenda' (Habitat III) commits by promoting national, subnational and local housing policies that support the progressive realization of the right to adequate housing for all as a component of the right to an adequate standard of living; that address all forms of discrimination and violence and prevent arbitrary forced evictions; and that focus on the needs of the homeless, persons in vulnerable situations, low-income groups and persons with disabilities, while enabling the participation and engagement of communities and relevant stakeholders in the planning and implementation of these policies, including supporting the social production of habitat, according to national legislation and standards.
  - **Convention on the Rights of Persons with Disabilities:** Article 28(1) and 28(2) (d) 'To ensure access by persons with disabilities to public housing Programmes'
- **Namibia National Housing Policy**, Cabinet approved July 1991 and reviewed July 2009. This Policy reiterates the declaration of housing as one of the development priorities of government. The role of government therefore, is to ensure that the housing development process is inclusive for all and that those households excluded from the market and conventional housing development mechanism are given the opportunity to access land, housing and services as well as creating an enabling environment for a vibrant housing market. The policy also contains a number of strategies, relating to the provision of housing of which one is the provision of subsidies and grants by government and development partners to support social housing.
- **National Housing Development Act of 2000 (Act No. 28 of 2000)** that makes provision for the establishment of a National Housing Advisory Committee, which advises the Minister of housing on any aspect of national housing, including the formulation and implementation of specific policies and programmes relating to low cost residential accommodation. The Act also makes provision of Housing Revolving Funds by Regional Councils and Local Authorities.
- **National Policy on Disability**, adopted by the National Assembly in July, 1997. Section 3.8.4, 'Social Welfare and Housing' states that in the planning and development of public housing schemes, the state will ensure that provision of and access to housing for persons with disabilities are made.
- **National Disability Council Act, 2004 (Act No. 26 of 2004)** that makes provision for the National Disability Council, which amongst others is task to monitor the implementation of the aforementioned National Policy on Disability.

**2. Please provide any useful statistical indicators, analysis or reports regarding housing condition of persons with disabilities, the extent of homelessness and discrimination, (including failure to provide reasonable accommodation) in the private or public sectors. Please also provide references to any documentation (written, visual or otherwise) of the lived experiences of the housing conditions or people with disabilities.**

- *Please refer to the Namibia 2011 Census Disability Report (Namibia Statistics Agency 2016)<sup>1</sup>*
- *In summary, Chapter 5 of the mentioned report focuses on characteristics of housing units which are occupied by households with persons with disabilities, specifically information on type of tenure, type of housing unit, material used for construction, source of energy for cooking and lighting, water supply and sanitation.*

**3. Please provide data on the number of persons with disabilities living in residential institutions and relevant information on the progress towards developing or implementing deinstitutionalisation strategies to facilitate a sustained transition from institutions to community based living arrangements.**

- *Namibia does not have persons with disabilities living in residential institutions, since the country's housing policies do not discriminate on any grounds. Therefore all persons are equal irrespective of their status in society.*

**4. Please provide information on relevant legislations, policies or programmes that are intended to ensure equal access to and enjoyment of the right to adequate housing by persons with disabilities and provide an assessment of their effectiveness and shortcomings.**

- *Legislation and policies as indicated in no. 1 herein.*
- ***Build Together Programme (BTP):** Self-help programme initiated during 1992/ 1993 to house the low and ultra-low income households. This programme was implemented during 1992/1993 financial year, countrywide. The programme is an umbrella body of four (4) sub-programmes namely: urban/ rural housing loans (individual loans); social housing (for welfare cases such as people living with disabilities, pensioners and destitute); single quarters transformations; and informal settlement upgrading programme. Nevertheless, although there is a specific component of social housing under this programme, all Namibians (specifically people living with disabilities) have access to the other sub-programmes mentioned herein. With the formulation of the Decentralization Policy, the programme was transferred to Regional Councils and Local Authorities from 1998/1999 fiscal year.*
- ***Mass Housing Development Programme (MHDP):** This programme was initiated during 2013 to address the housing backlog in Namibia. One component of this programme is the 'Social/ Housing Subsidy', which aims at providing housing to the low and ultra-low income groups, indigent/ welfare cases and the unemployed. The other components of the programme (namely, access to affordable serviced land; credit linked housing (affordable*

<sup>1</sup> [http://cms.my.na/assets/documents/Namibia\\_2011\\_Disability\\_Report.pdf](http://cms.my.na/assets/documents/Namibia_2011_Disability_Report.pdf)

*houses for sale); informal settlement upgrading; people housing processes (community self-help housing); rural housing and sanitation, are also equally accessible to all Namibians.*

**5. Please indicate what programmes, policies and strategies are in place to:**

**(i) Progressively close institutions; (ii) Protect the human rights or people with disabilities still living in institutions; (iii) To ensure that persons with disabilities can challenge their placement in institutions; and (iv) To ensure that upon leaving institutions persons with disabilities can access adequate housing and support services in the community. Please also provide any information on policies or programs concerning reasonable accommodation and accessibility for persons with disabilities in relation to housing in both the formal and informal housing sectors. What measures have been taken to increase the number of “universally designed” flats or houses in communities?**

- *As indicated in no. 3 above, Namibia does not have persons with disabilities living in residential institutions*

**6. Please indicate what national and sub-national institutions are primarily responsible for overseeing compliance with the right to housing of persons with disabilities, such as the National Human Rights Institutions; an office on disability issues; an ombudsperson or commissioner.**

- *Office of the Ombudsperson as the National Human Rights Institution in Namibia*
- *National Disability Council (as per National Disability Council Act, 2004)*
- *Division of Disability Affairs, under the auspices of the Office of the Vice-President*

**7. Please explain whether and in what ways courts, national human rights bodies and/or independent monitoring mechanisms have recognized the right to housing of people with disabilities, including those who remain institutionalized. Please also indicate what judicial or other appropriate remedies have been required where violations have been identified and describe the extent to which these have been successfully implemented. Please provide links or documents relating to relevant jurisprudence.**

- *The right to adequate housing for all is embedded and recognized in the Constitution of the Republic of Namibia, as well as other legislation and policies indicated herein.*

**8. Please refer to any innovative initiative that have been taken at the local, regional or national level to promote and ensure the right to housing of people with disabilities and identify lessons learned from these. Please also identify ways in which your Government or organization considers that the Special Rapporteur on the right to housing and other international human rights bodies or procedures could play a role in ensuring the right to adequate housing of people with disabilities.**

- *The Build Together and the Mass Housing Development Programmes as indicated in no. 4 above are implemented both at national, regional and local level for all Namibians, inclusive of people living with disabilities.*