

**Response to Questionnaire from Special Rapporteur on the
Right to Adequate Housing**

1. What role will national and international human rights standards on the right to adequate housing play in informing your positions and proposals for Habitat III? Can you please provide concrete examples in this regard?

a. International human rights standards on the right to adequate housing

From Fact Sheet No 21 (rev.1) of UNHabitat, the right to adequate housing is not only about providing four walls and a roof but include

- (i) security of tenure, which guarantees legal protection against forced eviction;
- (ii) availability of safe drinking water, adequate sanitation, refuse disposal as well as energy for cooking, heating, lighting and food storage;
- (iii) affordability, whereby housing cost does not threaten enjoyment of other human rights;
- (iv) habitability, with provision of adequate space and protection against natural and structural hazards;
- (v) accessibility, considering special needs of marginalized groups;
- (vi) location, comprising healthcare services, schools and other social facilities;
- (vii) cultural adequacy, with the expression of cultural identity.

b. National human rights standards on the right to adequate housing

(i) Security of tenure

The forms of tenure protected by law are freehold ownership, either individual or collective i.e. copropriété, as well as leasehold rights and tenancy rights.

- (1) The Constitution: Sections 3 and 8 of the Constitution guarantee the right of individuals to protection for the privacy of their home and other property and from deprivation of property without compensation, which is a form of protection against forced eviction. No compulsory acquisition of property is allowed, unless it is in the interests of defence, public safety, public order, public morality, public health, town and country planning, or to promote the public benefit or the social and economic well-being of the people of Mauritius.
- (2) Land Acquisition Act. Whenever compulsory acquisition is carried out by the Government, the Act provides for the payment of adequate compensation as well as a right of access to the courts to any person having a right over the property, to challenge the legality of the acquisition of the property.

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- (3) Transcription and Mortgages Acts. The Act requires that deeds witnessing transfers of immovable property are transcribed, to guarantee a secure title to land owners.
 - (4) State Land Act. The Act provides for grant of long term leases to beneficiaries over State Land for residential purposes and has recently been amended to allow lessees to acquire these residential plots, thus improving security of tenure from lease to ownership. While the Act tends to discourage the illegal occupation of State Land, it also allows the regularization of squatters by the grant of a building site lease over the occupied site.
 - (5) Landlord and Tenant Act. The Act essentially regulates rights and obligations of landlords and tenants regarding rent and possession of tenement. The Act provides for recovery of possession of a dwelling by the landlord but ejection of a tenant is subject to a Possession order being made by a relevant court.
 - (6) Measures in Government Programme 2015-2019: to protect financially distressed people, legislation will be enacted to prohibit, for a period of two years, the sale by levy of the only house of a worker who has been made redundant on economic grounds. In the same vein, the overall procedure of sale by levy will be reviewed to prevent collusion between financial institutions, legal advisors and their agents.
- (ii) **Availability of facilities, accessibility and habitability:**
- (1) The Building Control Act provides for every building to be designed, constructed and maintained in a way that guarantees people's safety, society's well-being, the protection of the environment, and aesthetic value, and satisfy functional requirements of utility, accessibility, gender compliance, structural safety, fire safety and safety of use, as well as sustainability requirements.
- (iii) **Access to social housing and affordability:**
- (1) **National Budget 2015:** Government will increase housing supply and home ownership for the economically and socially disadvantaged. The construction of some 10,000 social housing units during this present mandate (years 2015-2019) has been planned.
 - (2) **Government contribution in Housing Schemes:-** Beneficiaries of social housing units constructed by the Government have to pay only one third of the total costs (building and infrastructure costs), with the remaining two-third costs being borne by Government.

c. Positions and proposals for Habitat III with concrete examples.

The international and national standards may be taken as benchmarks in comparing the targets achieved in the different sectors related to adequate housing.

2. One aspect for discussion in the context of Habitat III will likely be “social cohesion and housing”. What public policies, programmes or plans are being considered or have been put forward by national or subnational level governments related to “social cohesion” (for example: non-discrimination and equality) and the right to adequate housing? Please specifically reference any policies, programmes or plans aimed at ensuring inclusive housing for disadvantaged groups such as migrants and refugees, women, young people, older people, and people with disabilities in urban centres.

Public policies, programmes or plans put forward by Mauritian government related to “social cohesion”, aiming at ensuring inclusive housing for disadvantaged groups such as migrants and refugees, women, young people, older people, and people with disabilities in urban centres.

1. The existing social housing schemes

The social housing programme of the State comprises mixed housing development schemes consisting of the construction of concrete housing units and the provision of serviced plots of State Land. Social housing developments are planned in such a manner so as to encourage social integration of inhabitants in the region. As far as possible, the sites are identified near built up areas and close to recreational and social amenities.

The social housing programme is classified under 3 schemes as shown in table below:-

Housing scheme	Size of housing units/ plot of land	Targeted Monthly Income Range	Implementing Agency
Scheme 1	Housing units of approx.39m ²	less than Rs 6,200	Housing Development Trust (Ministry of Finance and Economic Development) / Ministry of Social Integration (National Empowerment Foundation).
Scheme 2	Housing units of approx.50m ²	between Rs 6,200 and Rs 10,000	Ministry of Housing and Lands /National Housing Development Company Ltd (NHDC).
Scheme 3	Serviced lots of approx. 65 Toises (250m ²)	between Rs 10,000 and Rs 25,000	

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1.1 Scheme 1

This scheme is for families earning less than Rs. 6,200 and it is the mandate of the Ministry of Social Integration and Economic Empowerment to implement housing projects for these income earners.

1.2 Scheme 2

This scheme is for households with a monthly income of Rs6200 – Rs 10,000 and it is the mandate of the Ministry of Housing and Lands and the NHDC Ltd to implement such projects. The beneficiaries are eligible of a housing unit of about 50m². The house consists of two bedrooms, one living room, one kitchen, a toilet and a bathroom.

The housing units are built and sold to beneficiaries by the National Housing Development Company Ltd (NHDC). Beneficiaries have to pay one third of the total costs (building and infrastructure costs) as the remaining two-third is subsidized by Government. Beneficiaries can settle the cost of the houses either by cash or through Government sponsored loans from financial institution such as the Mauritius Housing Company or from other lending institutions.

Also, all beneficiaries are granted a long term residential lease on the plot of land to expire on 30 June 2060. Annual rentals for leases regarding sites built up with a housing unit are at a nominal rate based on the beneficiaries' income.

Household Income	Annual Rental	Remarks
<Rs 7,500	Re 1	
Rs7501 – Rs 10,000	Rs 1000	50% increase for each subsequent period of 10 years.

1.3 Scheme 3

This scheme is for households with a monthly income of Rs 10,001 - Rs 25,000 and are eligible for a serviced plot only. It is the mandate of the Ministry of Housing and Lands and the NHDC Ltd to implement such projects through mixed housing development. Hence scheme 2 and 3 forms part of a single housing project.

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Beneficiaries are granted a long term residential lease on the plot of land to expire on 30 June 2060 at an annual rental of Rs.3,000 with a 50% increase for each subsequent period of 10 years up to the year 2060. Beneficiaries of serviced lots will have to construct their own houses within prescribed delay.

2. Eligibility Criteria for allocation of housing units/serviced plots

The applicant should

- (i) not be owner of a house (including NHDC or CHA house);
- (ii) not own a residential plot of land;
- (iii) not hold a residential plot of State Land by lease;
- (iv) not have been granted any Government sponsored loan by MHC Ltd;
- (v) not have benefited from any Government grant for the casting of a roof slab; and
- (vi) not have received any financial assistance from Government for the purchase of construction materials.

3 Other forms of housing assistance

3.1 Roof Slab Grants and purchase of building materials

It is worth mentioning that in Mauritius almost 89% of the population is an owner of a residential property, be it a housing unit or a residential plot of land. Hence, Government encourages self-help construction of housing units by very low to low income families who already own a plot of land. These families are financially assisted through a grant scheme either for the casting of roof slabs to complete their construction or for the purchase of building materials to start their construction.

Details of the scheme that has been reviewed in the Budget 2015/2016 are as follows:-

Existing Housing Schemes	Household Income Eligibility	Amount	Details of Scheme
Roof Slab Grant	≤Rs10,000	Maximum One-off cash grant of Rs 75, 000.	Households who own a plot of land but cannot afford to complete construction of their house and has reached up to the beam level. The grant is for casting of the roof slab for an area up to 110m ² .
	>Rs10,000- ≤Rs 15,000	Maximum One-off cash grant of Rs 40, 000.	
Purchase of Building Materials	≤Rs10,000	Maximum One-off cash grant of Rs 65, 000.	Households who own a plot of land but cannot afford to start construction of a housing unit of up to 110m ² . The grant is for purchase of building materials to start construction.

3.2 Financial assistance for purchase of State Land within ex-CHA Housing Estates

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Government intervention in social housing in Mauritius dates as far as 1955, with the construction of the first housing estates comprising 1000 houses and the creation of the Ministry of Housing and Lands, responsible for matters relating to social housing management, in addition to, some years later, the setting up of a Central Housing Authority (CHA) for the construction of some 19300 low cost houses. These houses, and the land on which they had been built, were leased to the tenants by the CHA.

In order to empower families to take full responsibility of their assets, Government introduced the "Right to Buy" policy in 1989 for beneficiaries of CHA houses to become owner of their housing unit, against payment of around Rs 500-1000 per unit. As at date, almost all the CHA beneficiaries have become owners of their housing unit.

The "Right to Buy" policy was extended in 2007 to enable the sale of State Land on which stood the CHA houses, against payment of a nominal amount of Rs.2000 to Government. Some 9,992 families have become full owners of their land under that scheme. Yet, in year 2012, it was found that a number of vulnerable families, particularly lone mothers, could not benefit from this policy due to financial difficulties. Such vulnerable lessees of ex-CHA Housing Estates are granted the land free of charge, through a waiving of the purchase price of Rs. 2000, and registration fees. Also fees for the Notary and for the survey of the plot of land are met by Government.

3.3 *Rehabilitation projects and setting up of syndics*

Rehabilitation projects as to waterproofing, water reticulation, wastewater disposal, repairs to cracks and structural remedial works are ongoing within the existing NHDC housing estates, with a view to improve the living environment of 6,247 families. Moreover, these families have been encouraged to set up syndics for the upkeep and maintenance of their common areas, and the Government contributes a monthly amount of Rs. 200 per family.

4 Future social housing projects

In its 2015-2019 Government Programme, the Mauritian Government has undertaken to increase housing supply and home ownership for the economically and socially disadvantaged. This measure is being implemented by the Ministry of Housing and Lands via the construction of 10,000 housing units during that period. Financial provision has thus been made in the Budget 2015 for an amount of Rs. 1.2Bn during the period 2015/2016 for projects to fulfill the said measure.

5 Social cohesion

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The social housing programme addresses the issue of social cohesion by reserving some housing units for hardship cases, which comprise disadvantaged and marginalized families such as single mothers with children, subject to their meeting the eligibility criteria and to confirmation from relevant institutions as to their disadvantaged socio-economic status. There is also focus on community outreach and development through strengthening of social and cultural integration via the provision of adequate space/plots of land for the implementation of appropriate social and recreational facilities in social housing development through relevant stakeholders.

3. In light of the fact that subnational and local governments play an essential role with respect to the implementation of the right to adequate housing, what plans and procedures does your Government intend to implement to ensure they are engaged in the lead up to Habitat III as well as with respect to the implementation of commitments coming out of Habitat III?

Local Government (i.e. Municipalities and District Council) in Mauritius are not involved in the provision of Housing. However, as the local authorities do provide some basic facilities which are related to the right to adequate housing such local roads, community facilities e.g social halls, libraries, sport grounds; open spaces, gardens, solid waste disposal, the central government will have work in partnership with the local government to implement the Habitat agenda.

All local authorities will form part of the Steering committee to be set up under the Ministry of Housing and lands.

4. What interesting or unique housing policies, programs or good practices consistent with the human right to housing does your Government intend to highlight through the Habitat III process? Please provide examples both from local, subnational or national levels of government, and, if applicable, from nongovernment actors as well.

The housing policies and programs have been highlighted in the answer to Question 3.

5. Please reflect on mechanisms used to monitor compliance with Habitat II (1996) at the national level that have proven effective and, if possible, provide examples. What kind of mechanisms would your Government envisage as part of the monitoring and implementation of Habitat III?

- (a) mechanisms used to monitor compliance with Habitat II (1996) at the national level that have proven effective:

Habitat II requirements: Adequate shelter for all

The effectiveness of existing policies and programmes towards meeting Habitat II requirements can be observed by a comparison of statistical data in the year 1990 and 2011.

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- a. **Security of tenure: The percentage of houses with ownership or clear title on their dwelling.**

Tenure	Number		%	
	1990	2011	1990	2011
Owner	179,700	303200	60.34	88.9

b. **Sanitation:**

- i. **The percentage of households with access to improved sanitation (including in rural areas)**

Sanitation		%	
		1990	2011
Piped Water	Inside the house	56.0	94.2
	Outside premises	34.0	5.2
Toilet	Flush toilet	62.8	96.4
	Pit latrines	36.5	3.4

- ii. **The percentage of population with access to electricity (including in rural areas)**

Electricity	%	
	1990	2011
	96.8	99.4

(b) **Mechanisms Government would envisage as part of the monitoring and implementation of Habitat III:**

a. *Through different Ministries*

The right to adequate housing is a cross cutting issue and will involve a number of ministries for its implementation. For example, the Ministry of Finance is responsible for budget allocation, the ministry of Housing and Lands is responsible for the construction of houses for the low income families, making provision of adequate private land for development including housing through the zoning systems and state land for housing for the very low income group. Ministry of Public Utilities is responsible for the provision of basic facilities such as water, electricity. There is also the Ministry of Social Integration who is responsible for the vulnerable group. Hence, there are a number of ministries that will be responsible for the implementation and monitoring of the habitat 3 agenda.

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b. Creation of a Steering Committee.

A Steering Committee may be set up to co-ordinate, monitor and facilitate in the implementation of the Habitat Agenda 3.

c. Focal Point

The Ministry of Housing and Lands may take the lead and chair the Steering Committee.

12 June 2015