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

QUESTIONNAIRE

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: **Habitat for Humanity Zambia**

Type of Entity\*

[ ]  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

[x]  **Community-based NGO**

[ ]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[x]  **Other: Global non-profit housing organization**

2. Categorization of your Work

Please select one or more responses, as appropriate.

[ ] Public administration

[x] **Advocacy**

[ ] Funding

[ ] Legal Assistance

[ ] Networking

[x] **Policy**

[x] **Research**

[ ] Technical Assistance

[ ] Training

[ ] N/A

[ ] Other:

3. City/Town: **Lusaka**

4. State/Province: **Lusaka**

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

**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

**In Zambia, 70 per cent of the urban population resides in slums characterised by poor dilapidated housing and other basic support infrastructure such as reticulated water and sewer. The urban housing deficit is estimated to be 1,539,000 units, that is expected to reach over 3.3 million by 2030 nationally (Centre for Affordable Housing in Africa, 2017).**

**Slum dwellers in Zambia to a greater extent represent the poorest echelons of the population, and since they live below the poverty datum line, they cannot afford to incrementally improve their housing conditions due to the relatively high construction costs. Even then, they are systematically marginalized from conventional micro finance because of their meagre financial resources, as well informal sources of income and informal tenure security which they cannot use as collateral from formal institutions.**

**The housing sector is grossly underfunded in national budgetary allocations, and this to a greater extent affects slum dwellers. The preceding award winning 1996 National Housing Policy recommended allocating at least 15% of the national budget towards housing. However, allocations towards housing over the years have never exceeded 6%, for instance, the 2020 allocation towards housing and community amenities is pegged at 3.3% (Government of the Republic of Zambia, 2020 Budget Address).**

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 mere existence of slums in Zambia, that constitute 70% of the urban fabric is an indication of the inherent systematic discrimination residents face. Slums are often regarded as illegal settlement by most municipalities, and as such, residents are not eligible to obtain occupancy licenses. The lack of security of tenure leaves slum dwellers susceptible to forced evictions and literal homelessness, a phenomenon that to a greater extent affects women and the differently abled.**

**Due to limited financial resources and personnel incapacity, there is an inadequate drive towards participatory slum upgrading programs in the country, and as such, slum dwellers live in squalid conditions such as overcrowding, and inadequate or total lack of basic support infrastructure such water, sanitation, solid waste collection and sustainable energy sources.**

**To exemplify, during the 2017/18 cholera pandemic, 4,833 innocent Zambians were infected by cholera, and 98 unfortunately lost their lives to the deadly disease. It is worth noting that of the 17 settlements that were affected by the cholera pandemic in Lusaka as reported by the World Health Organization and the Ministry of Health, 15 were informal settlements (MOH, ZNHPI and WHO Cholera Situational Report No. 154, 2018).**

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?

**Laws policies for the most part are supportive in Zambia to enable everyone to access land for housing. However, the biggest challenge is the implementation of the laws and policies e.g. in 2020, the government launched the 2020 Housing Policy, and in 2021 Cabinet approved the adoption of the Land Policy which are in essence pro-poor policies supporting the right to housing for the poorest of the poor. However, the practical implementation leaves much to be desired due to limited financial resources e.g. the 2020 budgetary allocation was a paltry 3.3%.**

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?

**There are no such provisions in the Zambian national laws. Everybody is treated as an equal, and there are no exclusive preferences.**

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?

**There is no differential treatment of particular groups in relation to housing per se in Zambia. Access to land and housing however is based on ones financial muscle, thus if one cannot afford the market rates, they are systematically excluded, and this of course disproportionately affects slum dwellers because they are at the bottom of the pyramid in terms of socio-economic status.**

**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?

**Slums in Zambia have traditionally established in the urban fringes and are largely constituted by the urban poor living below the poverty datum line. Ordinarily, when people migrate from the rural areas in search of economic opportunities in the urban areas, they often first settle in the slums because of the relatively cheap accommodations in these areas. Additionally, most illegal immigrants from neighbouring countries such as Zimbabwe settle in the congested slums.**

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).

**Residential segregation as seen by the proliferation of slum in Zambia limits the prosperity of slum dwellers in major spheres of life. Due to the unplanned nature of slums for instance, educational facilities are inadequate in view of the huge population, and as such, school going children are sentenced to walk very long distances to formal neighbourhoods in search of education. These long distances negatively affect slum dweller children performance in school because they get tired walking these gruesome distances, and when they get home, the cannot concentrate to do their homework because their homes are overcrowded, and some of them do not have electricity at their houses.**

**The grim reality of the built environment in slums does not inspire hope for younger generations as they are exposed to the various facets of poverty on a daily basis. Consequently, some resort to a life of crime, and for the girl child they resort to prostitution which has led to teenage and unwanted pregnancies, and since they are unable to adequately take care of these kids, this perpetuates the poverty cycle.**

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

**During the colonial area, residential segregation was prevalent as indigenous blacks were not allowed in white neighbourhoods. In present day, the residential areas that were a preserve for the poor black migrant labour force have continued to be home to the new generation poor families such as Kanyama in Lusaka, and the white neighbourhoods have now been occupied by the new generation black affluent families such as Nkana East in Kitwe.**

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?

**The key driver for spatial and residential segregation in Zambia is income level. The new neighbourhoods that have been coming up in the past and in present day have largely been driven by the financial muscle of the prospective land purchaser. As such, various income groups (low, middle and high) have a tendency to reside in the same neighbourhoods. It is interesting to note that as incomes increase, the low income earners will upgrade to middle income neighbourhoods, middle income earners upgrade to high income neighbourhoods and the high income earners are establishing homes in the farmlands.**

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?

**This tendency is common among the Indians and Chinese who often favour clustered housing. There have been instances where they buy out people in a particular street so that they can live as neighbours in these respective streets. In mining towns, they often build gated communities that are strictly occupied by themselves.**

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.?

**N/A in Zambian context because of cross pollination of cultures.**

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).

**Voluntary clustering is mostly exhibited by foreign nationals such as Indians and Chinese who often live in gated communities. This is also true for expatriates and diplomats who also live in such clusters. In Zambia, such voluntary clustering is permissible and is largely driven by the financial muscle of the individuals e.g. the Chinese can afford to buy expensive land and develop it for their residential needs. Additionally, rentals in neighbourhoods where expatriates and diplomats reside are super expensive, thus whoever can afford such exorbitant rentals is at liberty to do so.**

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)?

**There are no laws or policies guiding this. However, it is common for civil servants such as teachers and nurses to have housing provided for them by their respective ministries.**

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

**The principal barrier may be attributed to income disparities, the growing divide between the rich and the poor. Due to this phenomenon, there will be an inherent organic residential segregation because as the more ones income increases, the more the need to reside in an area that reflects their economic status.**

**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?

**Some of the key guiding principles of the 2020 National Housing Policy include: (i) Human Rights Approach; (ii) Inclusivity; (iii) Equity; and (iv) Equality and non- discrimination all bent to prevent or prohibit discrimination in relation to the right to adequate housing.**

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?

**These measures are enshrined in the 2020 National Housing Policy as indicated in question 21. However, this policy is less than a year old, and the impact of this policy is still yet to be seen as it was launched in September 2020.**

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?

**Linked to Q21, the 2020 National Housing Policy was recently launched, and the results are yet to be realized.**

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?

**The media and NGOs play an advocacy role to raise awareness on housing issues and to bring key stakeholders together to collectively discuss remedial measures on how to promote integrated development planning, more especially at the local level where neighbourhood planning is implemented at this level.**

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?

**There are 3 levels of reporting in Zambia namely: (i) National level – this level involves the responsible line ministries such as the Ministry of Housing and Infrastructure Development. At this level, NGOs such as Habitat for Humanity present evidence-based policy papers that are technically interrogated as a drive towards redressing the various aspects of the right to housing. (ii) Municipal level – this level involves the city councils, municipalities and district councils. They coordinate the District Development Coordination Committee and the Provincial Development Coordination Committee meetings, which are a platform for cordially discussing and mediating on urban development issues. (iii) Local level – this is basically the community/grassroots level presided over by the ward councillors, MPs, and Ward Development Committees where community meetings and held to address issues.**

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

**The major barrier relates to gross income disparities between the haves and have nots. The unfortunate reality is that the housing construction process, from land access to building the actual house has inevitable associated costs attached to it. Servicing of land, i.e., surveying, provision of access roads, reticulated water and sewer, are fixed development costs that need to be borne by the prospective land owner. For the most part, the urban poor cannot afford such costs, and as such resort to settling in slums. Additionally, the cost of construction in Zambia is relatively high, and even if government were to provide subsidies, the bottom of the pyramid would still struggle to afford building themselves decent housing.**

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.

**In Zambia, such cases can be submitted to the respective municipalities and presented in full council meetings. Additionally, the cases can be brought to the attention of the respective ministries through the Permanent Secretary, specifically the Minister of Housing and Infrastructure Development and the Minister of Local Government.**

 **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?

**The issue of availability of reliable and up to date has been a topical debate over the past years but has not yielded much results as the mechanisms to collect data from the responsible authorities has been disjointed and poor. There have been calls by civil society to have the housing data collected during the census, because it is actually called a census of population and housing, but this has not materialized as the focus has been skewed towards population.**

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).

**Centre for Affordable Housing in Africa (2017). *2017 Year Book. Housing Finance in Africa. A review of some of Africa’s housing finance markets*. Retrieved from** [**http://housingfinanceafrica.org/app/uploads/V18-Zambia-profile-final-18-Nov-2019.pdf**](http://housingfinanceafrica.org/app/uploads/V18-Zambia-profile-final-18-Nov-2019.pdf)

**Government of the Republic of Zambia (2020). *National Housing Policy 2020-2024*.**

**UN-Habitat (2012). *Zambia Urban Housing Sector Profile*. Retrieved from** [**https://unhabitat.org/sites/default/files/documents/2019-07/zambia\_urban\_housing\_sector\_profile.pdf**](https://unhabitat.org/sites/default/files/documents/2019-07/zambia_urban_housing_sector_profile.pdf)

**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?**

**There is no information on this from our end.**