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**Statement by Balakrishnan Rajagopal**

**SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, AND ON THE RIGHT TO NON-DISCRIMINATION IN THIS CONTEXT**

**78th session of the General Assembly,
Third Committee**

**20 October 2023**

**Honourable President,**

**Distinguished delegates,**

Before introducing to you my report entitled “A place to live in dignity for all: make housing affordable” ([A/78/](http://www.undocs.org/A/78/192)192), let me with deep regret state that what I said last year here before you, has unfortunately not lost any urgency. To the contrary.

One year ago I called here upon UN Member States to recognize systematic or widespread violations of the right to adequate housing during violent conflicts – such as indiscriminate shelling and bombing or rockets on populated areas, houses, apartment buildings not only as a war crime, but as an international crime of its own standing ([A/77/190).](http://www.undocs.org/A/77/190)

Today we need to recognize **domicide** as an international crime of its own standing.

It is necessary to ban the use of bombing, rockets and explosives with wide-area effects in any populated areas, that maim and kill in unprecedented fashion, civilians and turn human settlements essential for survival and security into rubble in seconds.

Gross and systematic violations of economic, social and cultural rights like housing must not be treated as secondary but must be investigated and prosecuted by national and international tribunals in a similar fashion as any other gross violation of human rights, wherever they take place.

This applies equally to indiscriminatory rocket attacks by Hamas on many communities in Israel as well as to the massive attacks on and destruction of apartment buildings and civilian infrastructure in Gaza by Israeli bombing that we witness every day – killing, injuring and displacing thousands of people. In the latter case, it is especially egregious as it comes in the context of occupation of Palestinian territories and the siege of Gazan people which is unprecedented in modern history, and which raise ever more serious questions about the gravity of violations of international law.

As I noted last year, this also applies to the shelling or launching of rockets, bombs and drones on apartment buildings, homes, railway stations and power plants in Ukraine.

It applies to scorched earth policies in Myanmar, in which entire villages are attacked and burned down in a systematic manner.

Destroyed in these conflicts are not only homes. Destroyed are the savings of entire families, destroyed are memories, destroyed is the comfort of belonging, and the ever-receding hope of a right to return to their homes. Domicide causes social and psychological trauma that is difficult for me to describe or even to imagine.

**Domicide needs to be identified and acted upon -**  the massive and deliberate destruction of homes directed against any civilian population to cause human death and human suffering cannot go without answer.

Distinguished delegates: my appeal to your Member States is: please take this seriously, please act. The world depends on it.

Before turning to housing affordability, let me quickly say a few words on some other key activities I have undertaken this year.

In March 2023 I presented to the Human Rights Council a report “Towards a just transformation: **climate crisis and the right to housing**” ([A/HRC/52/28](http://www.undocs.org/A/52/28))..

In this report I called upon member states to invest in the development of new carbon-neutral, climate-resilient social housing that is affordable for all, highlighting the displacement cased by the climate crisis and that the housing sector alone contributes to more than one third of all carbon dioxide emissions.

My focus for next year will be on resettlement as a human rights issue. Climate-, conflict- and development-based displacement has significantly increased and the record and impact of past resettlement – with some exceptions – is far from satisfactory. I have requested States to share their national laws and good practices related to resettlement in a public call for inputs, but not received many responses so far. I would kindly ask you to inform after this session your capitals about this and encourage them to submit relevant information.

This year I also participated in a scientific advisory committee to provide inputs to the Secretary-General’s report on preventing and addressing **homelessness**. His report ([A/78/236](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.undocs.org%2FA%2F78%2F236&data=05%7C01%7Cmariya.stoyanova%40un.org%7Ce92e140741ba41ae587508dba490fcf3%7C0f9e35db544f4f60bdcc5ea416e6dc70%7C0%7C0%7C638284714841881436%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=uArLCFHxbWiWZEPbpfsewg4WuHwaeBo%2BLCVEEn9jw50%3D&reserved=0)) has already been presented to this Committee and makes the important case that homelessness is a human rights violation in itself, a state in which the affected people are robbed of the most essential protections needed for a life with dignity.

I would like to commend Madagascar, the African Group, and other countries for having put homelessness on the agenda of the UN General Assembly two years ago. In order to implement the very valuable recommendations contained in the report of the Secretary-General, I would welcome a resolution again on the issue by the UN General Assembly. Homelessness should be systematically and regularly measured in all countries. Preventing and ending homelessness should an integral part of progress towards sustainable development goals which do not currently explicitly seek to end homelessness.

Related to this, I am currently working in collaboration with the UN Special Rapporteur on extreme poverty on a joint study on policies, laws, and regulations that criminalize conduct associated with extreme poverty and homelessness. Many States still have outdated vagrancy laws and regulations in force, often inherited from the colonial past. Laws and regulations that prohibit begging, street vending, sleeping, cooking in public places and subject such offences to fines or imprisonment can be found in nearly all countries. Essentially homeless persons continue to be fined and imprisoned for being homeless.

We will propose ideas to assist States to implement legal and policy reforms to break this cycle, and identify good practices on how homelessness and poverty can be addressed through other more effective means, that do not rely on criminal law. I urge the UN General Assembly to explicitly encourage countries to decriminalize homelessness in any forthcoming resolution on that matter.

**Dear delegates,**

This brings me to my report on housing affordability. The world is grappling with a cost of living crisis compounded by inflation where more and more people are unable to afford their housing costs. Millions lack the financial means to access safe, secure and habitable housing.

Every day thousands of people are evicted because they cannot pay their housing costs, contributing to rising homelessness.

A staggering 1.6 billion people around the world lack adequate housing and basic services, with projections that this could rise to 3 billion by 2030. It is estimated that 100 million people worldwide are homeless.

States, intergovernmental organisations and institutions should make more concerted efforts to address the underlying causes of housing unaffordability.

The affordable housing crisis does not affect everyone equally but falls again disproportionately on vulnerable groups who already face discrimination.

In many countries, including in wealthy and low-income countries alike, the cost of adequate housing is far out of reach of average income. This forces millions to live in informal settlements, informal or substandard housing, often without adequate access to water and sanitation, energy, health services or schooling, reinforcing spatial segregation. We need to address this and ensure that informal settlements are regularized and upgraded with the active participation of their residents and provided access to essential public services, and that evictions are prevented.

There are many reasons that have contributed to the housing affordability crisis. The Financialization of housing, the retreat of many States from public and social housing policies which has reduced the percentage of housing offered below market prices. Increased displacement caused by extreme weather or slow onset effects of climate change, large development projects or violent conflict have all contributed to homelessness and the affordability crisis. At the same time there is a lack of affordable land for self-construction, or even public or private construction. The current food price crisis, stagnating wages, inflation and interest hikes have in addition made housing unaffordable and discouraged dramatically new housing construction.

Often local governments lack authority to regulate adequately rents or land use or lack financial resources to ensure that everyone living in their jurisdiction has address to affordable housing. Tax policies often privilege those already well-housed while at the same time leaving insufficient fiscal space for the State to make housing affordable and overcome homelessness.

There is no one-size-fits-all approach to ensuring affordable housing for all, and States should choose options that best suit their specific needs and circumstances. But there are many proven measures which States can and should take.

My report highlights several policy and institutional options that hold the promise of better outcomes. Let me mention a few:

* States should recognise affordability as an integral part of the right to adequate housing in their national or constitutional law. Only few States have so far done this explicitly.
* States should invest resources in developing alternative models for affordable housing, transcending the sole paradigm of homeownership, including community land trusts and cooperative housing.
* States should ensure that local governments have adequate legal, regulatory and fiscal authority to ensure affordable housing through measures such as rent regulation. This may in many cases call for changes at the constitutional level.
* States should enact legislation to shield tenants from evictions due to non-payment of rent.
* States must reverse the reduction of public and social housing stocks designed for vulnerable individuals and households. Measures should include improved maintenance, anti-corruption initiatives and halting privatization of public housing.
* States should proactively regulate land ownership and land use, curb the role of speculation and explore the use of public land banks.

It is my belief that the housing affordability can be addressed, not overnight, but through necessary legal reforms, sound tax, land, housing and social policies and through more international cooperation. The right to adequate housing which includes affordability, is not just a nice vision to guide governmental policy. It’s a human right, and an obligation of States.

To ensure that everyone has access to a home that is affordable is possible. It needs commitment, political will, and a vision to ensure this.

Thank you for your attention. I look forward to hearing your views and comments.