**A place to live in dignity for all: Making housing affordable**

**Report of the Special Rapporteur on the right to adequate housing to the   
78th session of the UN General Assembly**

**Questionnaire**

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*Key Question: What obligations have States under international human rights law to ensure that housing is accessible and affordable to all without discrimination?*

**Türkiye**, being a party to ICESCR is bound by its articles 1, 6.1, 11, 12,13 vis-à-vis housing rights, corresponding reporting guidelines, CESCR’s relevant General Comments (particularly, Nos. 4 and 7) and housing-rights mechanisms (particularly the relevant SRs). Consequently, it is obliged to ensure that housing is accessible and affordable to all without discrimination.

Türkiye is also a party to the following UN treaties and is, thus, bound by their relevant articles on housing rights and non-discrimination as well:

* ICCPR (Articles 1, 2.3, 6.1, 7, 9.1, 12.1, 17, 25, 26)- Individual Complaints Procedure+ (UN Human Rights Committee)
* CaT (as forced eviction and demolition may constitute inhumane and degrading treatment and or punishment under Article 16) and the Individual Complaints Procedure
* CEDaW (Article 14) and the Individual Complaints Procedure+
* CERD (Article 5)
* CRC (Article 27)
* CRPD (Articles 22, 28) and the Individual Complaints Procedure

Türkiye, as a member of the Council of Europe, is bound by:

* European Convention of Human Rights (Articles 1.2, 2, 3, 5.1, 8 and Additional Protocols 1.1, 4.2, 12.1)
* Individual Complaints Procedure (European Court of Human Rights)
* The Revised European Social Charter (Part I: Article 31 Part II: Article 15.3, 16, 19, 4c, 23, 30, 31)

*Key question: What happens to you when you cannot afford anymore your home?*

In Türkiye, individuals, families and communities who cannot afford to pay rents, mortgages or housing credits are faced with evictions, foreclosures and expropriations.

Marginalized and vulnerable groups such as LGBTI+ individuals, migrants, refugees, lower-income groups and lower-middle-income classes are at particular risk, because unaffordable housing means homelessness, at worst, and being relegated to inadequate housing at risk of disasters, at best. Migration to districts in the periphery, or to small cities that have cheap housing stocks is another option. On the other hand, this not only means leaving one’s employment and livelihood, but also one’s past, memories, friends and community.

*Key question: Who is at particular risk of experiencing housing-cost overburden?*

See responses to question 7 below.

*Key question: What are the consequences of housing unaffordability for the enjoyment of human rights?*

Human rights are indivisible and interdependent; consequently, one set of rights cannot be fully enjoyed without the other. Violation of housing rights engenders a domino effect, impacting a set of fundamental rights such as the right to education, health, decent work, sanitation, food and water, civil and political rights, protection against inhumane treatment and torture, protection against forced evictions and, as Covid-19 has shown,[[1]](#footnote-1) even the violation of the right to life. Moreover, as the recent earthquakes in Türkiye have revealed, inadequate and uninhabitable housing that the low-income classes have been forced into is also a violation of the right to life.[[2]](#footnote-2)

Pertaining to **Türkiye**:

* Starting with the Justice and Development Party (AKP) governments (2002), the state has withdrawn from its responsibilities in the housing sector, terminating its support to housing cooperatives and affordable housing credits. Since 2002, with AKP rule, the government’s new housing policy has excluded housing cooperatives from state financial assistance and public land allocation for development. The Housing Development Administration stopped providing credit to cooperatives in 2005.
* AKP has restructured the Mass Housing Administration (TOKI), which was founded in 1984 to regulate the housing sector, prevent the expansion of unauthorized dwellings (*gecekondular*) and provide solutions to housing shortages in cities. AKP has turned TOKI into an instrument for intervening in urban space for market interests, rather than housing needs.
* The governance of housing is completely centralized under TOKI and the Ministry of Environment and Urban Affairs. The official housing policy is not one of providing affordable housing, but turning the gears of the economy via estates and construction sectors.
* By means of consecutive renewal and disaster renewal urban laws, starting from 2005, culminating with the hegemonic Disaster Law 6306 in 2012, the Ministry and TOKI have undertaken a series of urban renewal projects to "cleanse" informal neighborhoods through demolitions and forced evictions to regenerate their properties for luxurious housing projects.
* In the process, the renter populations are given no rights. These groups face either homelessness, or are forced to rent from the uninhabitable housing stock in the fringes.
* Those who are recognized as beneficiaries, on the other hand, are relocated to TOKI's mass housing projects in the peripheries of the cities. Affordability issues continue in their new houses as well because they cannot pay the installments of the credits for their new housing as these are not affordable and they are confronted with foreclosures. Hence, a second wave of forced evictions awaits them.
* Affordable housing loses its meaning in Türkiye. Under the guise of disaster-risk management, an ongoing process of evictions, dispossessions and displacements ensues as gentrified projects arise. The impacted populations who are taken under urban transformation either must become partners to the luxurious project by paying the difference, or face emergency expropriation. Most cannot pay the difference between the price of their current property and the luxurious project.
* The target areas are not those prone to earthquake, but those whose urban lands are profitable for regeneration.

*Key question: What have States, local Governments, development cooperation agencies, housing providers, town planners, architects and civil society organizations done to ensure that housing is affordable to all without any discrimination?*

Marginalized and vulnerable groups are not recognized in the Turkish system. There are no efforts to target the discriminatory implementations in the housing system, either by central or local governments even though discrimination is prohibited by law and by the international housing rights mechanisms Türkiye is a party to.

Development cooperation agencies, or the like do not exist in the Turkish housing system as explained above.

*Key question: What laws, policies, programmes and practices have been successful to reduce the unaffordability of housing?*

The Turkish case has no successful stories to tell!

On the contrary, laws, policies, programmes and practices in the Turkish context have exacerbated the housing crisis due to the factors and policies aforementioned. The law that grants Turkish citizenship to foreigners buying property from Türkiye has also deepened the housing crisis.

The housing laws and policies in general are based on property ownership and bank credits / mortgages system which are quite unaffordable. There are no social housing projects with affordable rentals. The system excludes the low and low-middle income groups.

**National law, policies and jurisprudence relating to affordable housing**

1. *Does your country’s national law, including constitutional, housing or social protection law, refer to affordability of housing or provide any other guarantees to ensure a minimum standard of living? Or in its absence, are there national policies that refer to affordable housing or minimum standard of living? Please provide references and links to the respective key laws or constitutional provisions as well as policies.*

The goal of **South Africa’s** housing policy, contained in the [*Housing White Paper*](https://www.dhs.gov.za/sites/default/files/legislation/Policies_Housing_White_Paper.pdf), is to improve the quality of life of all South Africans with an emphasis on the poor and those who cannot independently satisfy their basic housing needs. A national subsidy programme is contained in the Housing Code, which has the force of law. In it, a range of interventions target segmented income groups with varied grant amounts. The Constitution contains justiciable socio-economic rights and enshrines everyone’s right to have only “access to adequate housing” (Article 26). At present, very little jurisprudence exists giving effect to the actual definition of “adequate housing.” However, it remains clear that the right of access to adequate housing goes over and beyond the mere provision of bricks and mortar. As noted by the Constitutional Court in [*Government of the Republic of South Africa and Others v Grootboom and Others 2001* (1) SA 46 (CC](http://www.saflii.org/za/cases/ZACC/2000/19.pdf))[,](http://www.saflii.org/za/cases/ZACC/2000/19.pdf) access to adequate housing is intrinsically linked to several other cross cutting rights. These include rights such as the right to public participation, equality, human dignity, and access to information. The Constitution places a positive obligation on the state to ensure that it takes steps, within available resources, to fulfil the right of access to adequate housing.

In the case of **Kenya,** its[Constitution](http://kenyalaw.org/lex/actview.xql?actid=Const2010)(2010) doesn’t use the word affordable housing but references affordability with the word “the right to accessible: “Article 43 (1) (b) Every person has the right to accessible and adequate housing and to reasonable standards of sanitation”. Similarly, the country’s Housing Actdoes not refer to Affordable Housing. It can be interpreted that the attempt to Affordability is by Incentives via loans, as in section 4(a) of the act and section 11.

Mentions to affordability are included in Kenya’s Sessional Paper No. 3 of 2016 on[National Housing Policy.](https://www.housingandurban.go.ke/wp-content/uploads/2019/10/Updated-Sessional-Paper-No.3-of-2016-National-Housing-Policy.pdf)  The Policy defines Affordable Housing in its definition of terms as Housing that is adequate and costs not more than 30% of the household income per month to rent or acquire. The Executive Summary highlights that in its commitment to providing social and affordable housing, the Government has reviewed Sessional Paper No. 3 of 2004 on National Housing Policy to comprehensively address the shelter problem. On page 15 the specific objectives of the policy are stated as to “put in place mechanisms for the provision of adequate and affordable housing in order to facilitate progressive realization of the right to housing”.

Similarly, the Sessional Paper No. 02 of 2016 on [National Slum Upgrading and Prevention Policy](https://www.urbanagendaplatform.org/sites/default/files/2022-04/National%20Slum%20Upgrading%20%26%20Prevention%20Policy.pdf) also cites affordability. On p. 31, the policy highlights the housing affordability performance indicators for slum upgrading and prevention programmes, an indicator for success for the objective of “empowering and enabling poor households living in slums to access adequate housing within a clean, secure and healthy living environment”.

In the case of **Morocco,** the article 31 of the 2011 Constitution states that the State, public institutions and local authorities work to mobilize all available means to facilitate equal access for citizens to the conditions that allow them to enjoy the right to health care, to social protection, to a modern education and to decent housing among others.

In this case, the term “decent” can be understood as having some connection to affordability as an element of adequacy, while this one is not completely clear. However, the same cannot be said for the terms "facilitate" and "engage". Thus, the Moroccan Constitution grants the state and its organs the role of facilitator to allow citizens to access their fundamental rights. In this sense, the responsibility of the s tate is not engaged in any way, especially since no regulation, including the Constitution, ensures an adequate standard of living as provided for in Article 11 of ICESCR .

Moreover, the Moroccan general tax code presents various forms of subsidies, in order to encourage the promotion of affordable housing. Article 92-I-28 of the General Tax Code (CGI), in the context of encouraging the acquisition of social housing, provides for the exemption with the right to deduct value- added tax (VAT) for property developers on the transfer of housing with a surface area of between 50 and 80 m2 and not exceeding a value of 250,000 dirhams (dh) excluding taxes ($25,000). The purchaser is exempted from paying 20% VAT, provided that s/he does not have any other dwelling and undertakes to use the said dwelling as his/her main residence for a period of at least 4 years.

Likewise, A rticle 92-I-29 of the CGI grants an exemption with the right to deduct VAT to real estate promoters who build, within the framework of an agreement with the State, university residences and campuses of at least 50 rooms per project at a rate of 2 beds per room.

Also, within the same framework, the CGI’s Article 247-XVI-A of grants exemption from corporate tax or income tax and registration and stamp duties to real- estate developers, and A rticle 247-XVI-Bis authorises lessors who undertake to acquire social housing, within 10% of the total housing built, in order to rent them to people who do not have housing property, with a rental value not exceeding 2,000 due; i.e. about $200 per month,.

Within the framework of the fight against inadequate housing, CGI’s A rticle 247-XII-A grants real- estate developers who build 200 dwellings in urban areas and/or 50 dwellings in rural areas within the framework of an agreement concluded with the State, with a per unit value not exceeding 140,000 dh ($14,000) and with a covered surface area of between 50 and 60 m2 , the exemption from : corporate tax (IS), income tax (IR), VAT , and registration fees. In order to benefit from these advantages, the above-mentioned real estate developers are required to sell the housing built to individuals who do not own any personal dwelling anywhere in the state territory. Also, the legislator granted tax advantages to the lessors (e xemption from IS or IR and of the more value on the transfers beyond eight years of occupancy ) to acquire 20 residences and intended them for the rental within the monthly limit of 1 000 dh (100 $).

To encourage housing acquisition of the middle class, whose monthly income is less than 20,000 dh ($2,000), the state encourages real estate developers to build 150 housing units per project, with a surface area between 80 and 150 m2 per unit. CBI’s A rticle 247, paragraph XXII-A exempts purchasers from registration fees.

However, these incentives end up impacting mostly middle classes. M oreover, the reality and practice of the matter are quite different. The laws end up being exploited much more to the advantage of real- estate developers; the custom of paying part of the acquisition price in parallel, fraud in construction materials and corruption practices make the legislation benefit the contractors. In addition to these inappropriate practices, inaction on the judiciary’s part fails to prevent such practices.

In Mexico, the 1917 Constitution already recognized the right to housing for workers in agricultural, industrial, mining or any other types of work, and established the obligation of private companies to contribute to a national housing fund. Thus, a financing system was established (Article 123, section A of section XII). For this right not to be conditioned on having a formal job, it was necessary to wait till 1983 when the right to decent and decent housing for all families since 1983 was inserted in the Constitution’s Article 4.

Thanks to the 2011 constitutional human rights reform, Article 1 of the [Constitución](https://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf) currently establishes that any rule on the matter must be interpreted in light of both the Constitution and the international treaties ratified by Mexico, applying the broadest protection to the person (pro persona principle), so the right to adequate housing with its seven elements, including affordability, must be considered today when making jurisdictional decisions and developing policies. The law regulating the Constitution’s Article 4 is the 2006 [Ley de Vivienda](https://www.diputados.gob.mx/LeyesBiblio/pdf/LViv_140519.pdf) (Housing Law), which continues to refer to ‘decent housing’ and at the time of defining it, it takes up five of the seven characteristics of the right to adequate housing’ but does not contemplate affordability among them.

This Law establishes that the state will have a National Housing Program as the governing instrument of housing policies. The one currently in force [Programa Nacional de Vivienda 2021–24](https://www.gob.mx/cms/uploads/attachment/file/643644/PNV_28.05.2021.pdf) (National Housing Program 2021–24) was structured for the first time, based on all the elements of the human right to adequate housing. The Program recognizes that affordability is a serious problem, especially if it analyzes the situation of the most-impoverished population, which can allocate up to 61% of its income to housing and its services, for which reason it intends to serve at least two challenges: cost and access to financing.

In relation to the second topic, it is recognized that, for years, the financing instruments for the purchase of housing have only been allocated to people with formal jobs that correspond to 44% of the working , and that the subsidies have not been able to benefit either, as the most-vulnerable population lacks sufficient income. The Program establishes five priority objectives, and all of them refer more or less to affordability by offering alternative solutions to the purchase of housing, focusing on groups subject to historical discrimination, or offering subsidies that primarily serve the people who live in squalid housing conditions, those who lack housing, or who do not have access to financing for housing access.

The Law of the Institute of the [Ley del Instituto del Fondo Nacional de la Vivienda para los Trabajadores](https://portalmx.infonavit.org.mx/wps/wcm/connect/6be98ace-a396-4633-a2c6-e4af729458f3/LEY%2BINFONAVIT%2B19MAR2014.pdf?MOD=AJPERES&CVID=m8CNrai#:~:text=%2D%20Esta%20Ley%20es%20de%20utilidad,en%20la%20Ciudad%20de%20M%C3%A9xico) (National Housing Fund for Workers – INFONAVIT) establishes the Institute's objective in Article 3 to establish a financing system that allows workers access to affordable and sufficient credit.

In the [Constitución de la Ciudad de México](https://www.infocdmx.org.mx/documentospdf/constitucion_cdmx/Constitucion_%20Politica_CDMX.pdf) (2017), Article 9 recognizes the right to adequate housing and establishes that the authorities shall take measures so that housing meets affordability conditions and assures accessible financing plans, measures to ensure housing affordability and legal security of housing tenure. In addition, a series of articles favor social production of habitat (SPH), which continues to be the most-common way in which the population obtains a home both at the national level, and the highest percentage of households that purchased a home in the form of self-construction. Self-construction is an aspect of SPH, representing 57.3%.[[3]](#footnote-3) Those who buy a new home cover 20.8%, the proportion that the bought used is 14.6%, and those who obtained it in another way is 7.3%, because it is the one that best suits their income and other types of needs. The [Ley de Vivienda para la Ciudad de México](https://docs.google.com/spreadsheets/u/0/d/1wZ4b2kp9859lOw9CwwVkgmG9PmP6OnKkDR3jdbIHhXQ/edit) (2017), in the section dedicated to adequate and inclusive housing, article 53 establishes that "The Government of Mexico City, through the Secretariat and the Institute, within the Housing Programs Housing, must promote conditions of equality and equity that guarantee the right to housing for the various sectors of the population according to their socioeconomic, cultural and demographic characteristics, giving priority to the population with low economic resources.”

1. *Please explain if there is any official definition or criteria to assess whether a household faces housing costs above the level of affordability in your country.*

In **South Africa**, the housing subsidy interventions, contained in the Housing Code, are targeted at those who cannot independently satisfy their own housing needs. The subsidy quantum varies across programmes. The 1994 Reconstruction and Development Program targeted households earning less than ZAR 3. 500 (~US$ 192) a month, while the 2004 BNG program expanded income eligibility criteria to include those earning up to ZAR7 500 (~ US$ 412 monthly).

As per the Big Four Agenda Bluep rint, the **Kenyan Government** intends to offer affordable housing at Kshs 0.8 million (USD 5, 894) to Kshs 3.0 million (USD 22, 000) per unit, at lower interest rates of up to 5.0% and longer mortgage tenors of up to 30 years. Using the affordability method described above, the houses that the government is targeting, at Kshs. 0.8 million (US$ 5, 894) to Kshs. 3.0 million per unit (US$ 22, 000) , will, therefore, cater for individuals earning an income between Kshs 9,700 (US$ 71) and Kshs 36,600 (US$ 270) per month, at 5.0% interest and a 30-year tenure .  So, the unit prices, if they can be achieved, are clearly within the affordability bracket of below Kshs 50,000 (US$ 368) per month income, assuming two income earners, but assuming one income earner, the maximum house price would be Kshs. 1.8 million (US$ 13.000) .

In Mexico, the [Programa Nacional de Vivienda 2021–24](https://www.gob.mx/sedatu/documentos/programa-nacional-de-vivienda-2021-2024), citing the document UN-Habitat, 2019: Elements of adequate housing, establishes that housing is not affordable if the expenses associated with it and its related services exceed 30 % of family income. Furthermore, p. 75 of that document cites so-called "Well-being goals and parameters as tools for measuring progress toward priority objectives" and, within this framework, one of them seeks to measure the element of affordability, calculated based on the percentage of family spending that it is allocated to housing with special attention to the poorest population.

1. *Please share any important court decisions in your country that relate to the issue of affordable housing or enjoyment of a minimum standard of living, including important judgements on State policies or measures aimed at ensuring housing affordability. Please provide if possible a short summary of the decision and a link to its text.*

*(e.g., judgments by international, constitutional, supreme or high courts, to rent control measures or rent freezes, to access to housing subsidies, public or social housing, non-discrimination and equal access to affordable housing etc.)*

The right of “access” to adequate housing has been the most-often litigated socio- economic right in the **South African** context. This has led to the development of a wealth of jurisprudence in respect of housing and eviction law. In its second ever socio-economic rights case, [*Government of the Republic of South Africa v Grootboom and Others* 2001 (1) SA 46 (CC](http://www.saflii.org/za/cases/ZACC/2000/19.pdf)) (Grootboom), the Constitutional Court set out the parameters of a “reasonable policy.” Among other things, the policy must have sufficient regard for the social, historic and economic context of poverty and deprivation, take into account the availability of resources and respond with care and concern to the needs of the most desperate. The Constitutional Court has, thus far, been hesitant to prescribe the exact content of the right to housing, or what individuals would be able to claim from the state based on this right. Instead, the courts have opted to evaluate the reasonableness of the measures adopted by the state to realiz e the right to housing. The measures are contained in the above-mentioned Housing Code .

The **Kenyan High Court**, in *Satrose Ayuma & 11 others v Registered Trustees of the Kenya Railways Staff Retirement Benefits Scheme & 3 others, Petition 65 of 2010* seemed to adopt the international definition of adequate housing by the United Nations of ‘adequate housing’ at para. 71:

“(i) security of tenure to guarantee against forced eviction; (ii) Availability of services, materials, facilities and infrastructure; (iii) affordability such that housing costs are commensurate with income levels and do not imperil other basic needs; (iv) accessibility including to disadvantaged groups; (v) habitability in terms of being free from rain, dampness, wind, cold or other discomforts; (vi) in a location which allows access to employment and other amenities; (vii) cultural adequacy than enables the inhabitants to express their cultural identity and diversity of housing .”

T he Supreme Court of Kenya, in [*MituBell Welfare Society vs Kenya Airports Authority & 2 others; Initiative for Strategic Litigation in Africa (Amicus Curiae) (Petition 3 of 2018) [2021] KESC 34 (KLR)*](http://kenyalaw.org/caselaw/cases/view/205900/)***,***  held that such landless people occupying public land must be allocated such land, or be compensated if any eviction were to occur. The Supreme Court, in this case, held that it is the duty of the state to provide housing to its citizens, but this right could only be realiz ed progressively (para. 146). The apex court at para. 153 stated “The right to housing in its base form (shelter) need not be predicated upon ‘ title to land .’ Indeed, it is the inability of many citizens to acquire private title to land, that condemns them to the indignity of ‘ informal settlement .’ Where the Government fails to provide accessible and adequate housing to protect the rights and dignity to all the people, the very least it must do, is to protect the rights and dignity of those in informal settlements. The courts are there to ensure that such protection is realized, otherwise these citizens would have to forever wander their country in grim reality as ‘ the wretched of the earth’.”

In Mexico, the Supreme Court of Justice of the Nation (SCJN) has ruled on the content of the right to housing and its scope in only five sentences, and none is related to the issue of affordability. Even so, in each of them the Court has referred to the CESCR’s General Comments to give content to Article 4 of the Constitution.

**Data and trends on housing affordability**

1. *Is housing affordability regularly measured in your country, region or city, by the national statistical office or other entities? Please explain how housing affordability is measured and tracked. Where is the data published?*

Housing affordability in **South Africa** is not directly and regularly measured by StatsSA, the national statistical office. Various large-scale surveys run by StatsSA capture information in areas such as employment and income, household size and composition, type of dwelling, tenure status, whether the dwelling is subsidised by government, etc. but do not measure housing affordability directly. See for example the [2011 Census](https://www.statssa.gov.za/census/census_2011/census_products/Census_2011_Methodology_and_Highlights_of_key_results.pdf) conducted every ten years (the results of the 2022 census have not yet been released). The census provides data disaggregated by ward (municipal units for the purpose of governance and regulating elections). This means that income levels can be used to calculate what would constitute affordable housing for a particular area; the Community Survey, which is a large-scale survey that takes place between censuses,[[4]](#footnote-4) - ; and the General Household Survey (GHS), which is an annual household survey that measures living circumstances – see for example the [2021 GHS](https://www.statssa.gov.za/publications/P0318/P03182021.pdf).

* StatsSA also recently developed a residential property price index (RPPI) in partnership with the South African Reserve Bank (SARB) and with the support of the International Monetary Fund (IMF). The RRPI aims to measure the changes in the price of residential properties both nationally and for each of South Africa’s nine provinces. The first [report](https://www.statssa.gov.za/publications/D0160/D0160October2022.pdf), for October 2022 and including a 10-year overview, was published in March 2023. Although monitoring price increases, it does not speak directly to affordability, and focuses on properties sold and bought, not the rental market.
* Other entities have released reports on Housing Affordability, but this has been intermittent. An example of this is a 2014 report by the Centre for Housing Finance in Africa and the South African Cities Network entitled [Understanding Housing Markets in South Africa: Expanding Affordable Housing Market Opportunities](http://sacitiesnetwork.co.za/wp-content/uploads/2014/08/File-1-Overview.pdf), again focusing on property sales.
* A 2013 research report by SERI, [*Minding the Gap: An Analysis of the Supply of and Demand for Low-Income Rental Accommodation in Inner City Johannesbur*](https://seri-sa.org/images/Minding_the_Gap.pdf)*g* highlights the gap in the demand for and supply of low-income rental accommodation in inner city Johannesburg. From research into the supply of formal rental accommodation in the inner city, it is clear that there are no permanent options available to those earning below R3 200 per month (~ US$180). This comprises almost 50% of all households in the inner city, who can afford rent of R900 (~ US$50) or less per month. While there are a few institutions providing state-subsidised social housing at lower rentals, these institutions are extremely oversubscribed and there is almost no social housing actually available or affordable to people.
* A more- recent example of an enquiry into housing affordability is a 2018 Master’s degree dissertation “ [Housing for the poor: A case study of the Johannesburg inner city](https://open.uct.ac.za/handle/11427/29689).”

H ousing affordability in **Kenya** is not regularly measured by the government agencies Kenya National Bureau of Statistics (KNBS), nor is the research comprehensively conducted by the Kenya Institute of Public Policy Research and Analysis (KIPPRA). The data provided by KNBS are mainly statistics of Kenyans renting housing units vis- a - vis those that are homeowners, the amounts of rents paid against a certain percentage of the population and the poverty status in the country.[[5]](#footnote-5) However, the Centre of Affordable Housing Finance (CAHF) has tried to assess Kenya’s affordable housing market [[6]](#footnote-6) and has analysed i ndicative house costs and household affordability, assuming full land and infrastructure subsidy. CAHF measures housing affordability by leveraging on CAHF Online Housing Affordability Calculator (2016) and Housing Cost Benchmarking data.

In **Morocco**, no data on affordability exists, but data can be found on living conditions. For example, a study conducted in 2014 by the state’s High Commission for Planning shows that 34.70% of Moroccan households live in 1- 2 bedroom housing; 306,864 households live in informal settlements (230,312 in urban areas, and 76,552 in rural areas). The number of unoccupied housing units increased between 2004 and 2014 from less than one million (818,227 units) to more than one and a half million (1,793,267 units), with 25.2% (1,561,274 units) in urban areas and 8.7% (231993 units) in rural areas.[[7]](#footnote-7)

In Mexico, the [National Household Expenditure Survey (ENIGH)](https://www.inegi.org.mx/programas/enigh/nc/2020/#Microdatos) provides a statistical overview of household income and expenditure by amount, origin, and distribution. Additionally, it offers information on the occupational and sociodemographic characteristics and access to food of the members of the household, as well as the characteristics of the housing infrastructure and household equipment. Thanks to this survey, which offers results by income levels and socio-economic stratum, by federal entity, by locality (urban or rural) and by gender of the head of the family, it is then possible to know the expenses allocated to housing according to the homes.

Thanks to this survey, which offers results by income levels and socio-economic stratum, by federal entity, by locality (urban or rural) and by gender of the head of the family, it is then possible to know the expenses allocated to housing according to the homes. ENIGH publishes the survey every two years.

1. *Has housing affordability increased or decreased in your country over the past 10 years? In which regions or cities has housing affordability changed and for whom?*

In **South Africa,** housing affordability does not appear to be consistently and directly measured over time, but we can gauge from other proxies, such as evictions, and data on poverty and unemployment, that low-income households struggle to access affordable housing. The 2021 General Household Survey by StatsSA indicated that 11,7% of households in South Africa live in informal dwellings, and in the Gauteng Province that number stands at 17% (p. 29).

Housing affordability has decreased over the years in **Kenya**[[8]](#footnote-8) especially in the urban areas because of the increased cost of housing production attributed to cost of building materials and land values, internal infrastructure provision and labour[[9]](#footnote-9)

In Mexico, cross-referencing [official data](https://labrujula.nexos.com.mx/la-inalcanzable-vivienda-las-nuevas-generaciones-no-tienen-vivienda-porque-no-quieren/) registered through the National Occupation and Employment Survey and the Federal Mortgage Society shows that, in the last 16 years, housing prices have risen 42% in real terms (after inflation), while average salary remunerations have decreased 21%. This cost increase can be broken down by type of housing: 53% increase in medium-residential housing and 26% in economic-social housing (after average inflation), according to the [Federal Mortgage Society](https://doc.shf.gob.mx/Transparencia/TranspFocalizada/Documents/I%CC%81ndice%20SHF%20descripcio%CC%81n%202018.pdf). In summary, the average home in Mexico in 2022 was 98% more expensive, compared to average wages, compared to 2005.

1. *Please describe which households, persons or groups are at particular risk of being exposed to housing affordability in your country, region or city.*

*(Please provide data on housing affordability disaggregated on the basis of household size, form of tenure (living in self-owned housing, rental, or other), type and quality of housing (e.g., living in formal or informal housing); location (region: urban or rural), type of household (with or without children, single parent households), income, employment status, gender, disability, age, nationality, ethnicity, religious affiliation or immigration status.)*

**In South Africa:**

* It is particularly poor or low-income households that are vulnerable and unable to access safe and affordable housing.
* As indicated in SERI’s own 2013 publication on inner city rental affordability, *Minding the Gap* “According to Census 2011, 51.8% of households in Johannesburg earn less than R3 200 per month (~ US$180) . In the inner city 33 861 households ( approximately 121 899 people) earn below R3 200 per month. This means that over 49% of households in the inner city earn less than R3 200 per month.”
* A 2017 [presentation](https://www.jicp.org.za/wp-content/uploads/2021/10/20171108-JHC-TUHF-NASHO_Inner-City-Forum-8-November-2017.pdf) on the State of the Johannesburg Inner City Rental Market that included interviews with some inner city landlords and a review of their portfolios indicated that there is very little limited to no delivery by the private sector of rental units for those in the lower income brackets outlined above.
* The Census 2022 results are yet to be released, but the most recent (2020- 21) [Quality of Life Survey](https://cdn.gcro.ac.za/media/documents/GCRO_QoL_6_2021_Municipal_report_Johannesburg.pdf), a biennial large-scale random household survey that is representative at a ward level, by the Gauteng City-Region Observatory (GCRO) reflects persistent income vulnerability. M ore than half (53%) of respondents in Johannesburg and Gauteng live in households with a total monthly income of less than R3 201 (~ US $180).

In Mexico, the poorest people are those who face the greatest housing-affordability challenges, so much so that [investigations](https://economia.nexos.com.mx/desigualdad-en-el-ingreso-y-asequibilidad-de-vivienda-en-mexico/) of official data from 2020 show that people in decile I (the lowest 10% of income) should allocate practically 100% of their salary to in order to have adequate housing, while people in decile X (the highest 10% of income) dedicate only 6.18% of their income to housing. In general, the indigenous population in the country is the one that suffers from higher levels of poverty and more precarious wages than the non-indigenous population.

In 2021, HIC-AL published [The rental situation in Mexico in the context of the COVID 19 health contingency](https://hic-al.org/wp-content/uploads/2019/03/informe_desca.pdf), verifying that the percentage of rental expense of total household income varies significantly by state, from 11%, in Coahuila, to 22%, in Mexico City (CDMX). Meanwhile, as a national average, renters dedicate 18% of their income to rent. In general, the lower the household income, the greater the proportion of rent. Thus, among households in decile I, 16% of them pay rent nationwide, and 49% in Mexico City. This percentage is slightly reduced at the national level (12%), and up to 20% in Mexico City for those in decile X.

Similarly, when observing the percentage of rent to total household income by deciles, we find that, while households in decile I at the national level allocate 33% of their income to rent, that percentage shoots up to 44% in Mexico City. In fact, even households in decile X in Mexico City spend 13% of their income on rent, higher than the 7% nationwide for the same income decile. This is where inequality in real rent in CDMX becomes clear: Especially from low-income strata, a significant number of households are forced to allocate almost half of their income to rent.

In addition to severely affecting low-income households, inequality in rent payments is greater for households headed by youth (under 30 years of age) and women. Thus, 36% of households with young people headed the household nationwide are forced to pay rent. But this percentage rises to 65% for young people in Mexico City. In contrast, among households headed by older adults, only 5% and 8% pay rent, nationally and CDMX, respectively.

This situation is aggravated when households are considered according to whether they are headed by women or men. For example, at the national level, while 34% of households headed by young men pay rent, this happens with up to 45% of those headed by women in the household. Similarly, the percentage of households that pay rent in Mexico City is 60% for those headed by men, but increases to 80% for those headed by women.

When observing the different age ranges, the greatest difference by sex is found among young households. Among the poorest 80% of the population (from deciles I to VIII), less than 1% of these households receive property income from rental payments. This indicator rises to 30% in households in decile X. In addition, 99% of rental income accrues to the richest 10% of the country and, in fact, 62% of these (i.e., 6 out of every 10 pesos) go only to the 1% richest in the country.

1. *May certain specific groups or persons, such as persons experiencing homelessness, living in informal settlements, students, asylum seekers or refugees, potentially be left out in data collection in relation to housing affordability?*

As in many of the Arab cities across the **Middle East/North Africa** (MENA), conflict and wide-scale displacement to urban areas have contributed to growth in informal settlements and the informal sector. That has increased income poverty and absolute poverty since 2010, rising from 22.7%, in 1990, to 23.4%, in 2012.[[10]](#footnote-10) Since 2010, 7.4 million refugees and 9.8 million internally displaced people were registered in Arab countries. That led to some Arab countries affected by war and conflict to adopt policies to manage internal displacement. Yemen was the second country after Iraq (2018), in the Arab region to adopt such a policy in June 2013, where its main achievement has been the creation of a legal framework that promotes volunteerism in relation to integration, resettlement or repatriation.

**Yemen:** Although 60.8% of the Yemeni urban population is living in slums and informal settlements, Yemen has the least extensive social housing policies. Recent armed conflicts forced people to move from the main cities, such as Sana’a’, Aden and Ta`iz to flee to the rural areas. Internally displaced persons (IDPs), strain existing services and infrastructure that are already depleted or damaged.

Before the war in Yemen, the overall provision of social housing was inadequate, because programs were fragmented, or insufficiently scaled to meet the housing needs of low-income families. Given the continuing absence of a national public-housing policy, informal settlements are common, and destruction amid armed conflict will only further exacerbate the lack of adequate housing.

By the beginning of 2023, the political transformation in Yemen was supposed to push the solution of many crises faced by the Yemeni citizen in all fields, but the crises are still accumulating on the Yemeni people, especially since the beginning of the year coincides with a continuous increase in rents of the houses in light of accelerated collapse in the economic situation due to the war, blockade, salary cuts and increasing conflict situations due to the desire of some real estate owners to raise rents in breach of the law and the absence of the state institution for its role in the application of the law and its sovereignty over everyone, disregarding the law.

In all Yemen's governorates, daily disputes between landlords and tenants break out as result of the government's inaction to apply the law and the refusal to determine the rental value, taking into account the exceptional circumstances of Yemen.

The determination of the rental value of the violators requires the procedures for receiving citizens' complaints against tenants who refuse to abide by the Government's established rental values, as well as any lessor who harasses the tenant for any reason, even if the tenant does not pay the rent, prohibits harassment of the tenant if he submits a sane guarantee or guarantees the lessor's place of residence or a written undertaking to the police department that he will pay it after the end of the war and in accordance with the law. However, unfortunately, this decision has not been implemented and that the rise continues in all governorates in Yemen. Those most affected by high prices are women, children, the elderly, low-income people and displaced people fleeing their areas in search of security and safety.

In the province of Marib, which did not fall into the quagmire of war, the city remained a haven for those seeking safety and fleeing death from neighboring governorates, but rents have risen crazily, and the greed of property owners has increased, while the daily or monthly wage for individuals in that area or in any governorates of Yemen is not enough to meet their daily needs with the high house prices, which makes them give up most of their daily needs in order to get shelter , or go to displaced camps that lack the minimum requirements of a decent life. That led to This led to a sit-in by displaced women in front of the governorate building, in mid-January 2023, and demanded a solution to the issue of high rents, but did not receive a response from the authorities in Marib.

Generally, the lack of affordable housing reducing the IDPs’ choices for temporary and durable displacement solutions. while returnees do not have durable solutions for restoring HLP ownership, livelihood opportunities, and access to services. In Sana’a’ the internal migration and the increase of IDPs from other regions, increased the population, from 2.9 million in 2015 to over 7 million in 2021, resulted a huge demand and raise the prices of land, real estate, the rent and the demand for services and accommodation.

Also, the 3.5 million Muhamashin (marginalized), or “Akhdam” (servants), face discrimination in accessing affordable housing and services, denying them their housing rights, they were among the first conflict-displaced groups amid worsening discrimination. Even other IDPs have prevented Muhamashin from accessing IDP camps or shelter in collection centers and vacant buildings, excluding them from the efforts of host communities and local authorities to support them. They also regularly face threats of eviction from the land where they take refuge.[[11]](#footnote-11)

In Mexico, the census that the National Institute of Geography and Statistics (INEGI) carries out every 10 years does not adequately register precarious settlements, so much so that, in 2019, the Supreme Court of Justice of the Nation (SCJN) was called to decide on a case in which it was argued that INEGI violated the rights to adequate housing, equality and non-discrimination by failing to collect data on the number, location, characteristics and population of the informal settlements (including those who live in informal rentals) in the United States of Mexico. Without these data, it was impossible to formulate public policies that faced the multiple human rights violations suffered there.

On 17 June 2020, the SCJN issued [a ruling](https://www.scjn.gob.mx/derechos-humanos/sites/default/files/sentencias-emblematicas/sentencia/2022-02/AR635-2019.pdf), ordering INEGI to generate disaggregated statistical information on the population in informal or precarious settlements throughout the national territory to make possible the evaluation of the results of the measurement studies of the poverty to enable budget-allocation priorities and elaboration of public policies that improve the living conditions of the people. Nonetheless, no significant progress has yet been made to implement the ruling. Despite interdisciplinary work groups having been organized to support the development of needed methodologies, INEGI has not demonstrated the will to participate in them. No clear official data exist for internally displaced persons due to violence or climate issues, among other factors.

**Causes and Consequences of housing unaffordability**

1. *What are main reasons why housing is unaffordable to certain persons or groups in your country? Please provide, if possible, as well, links to (scientific) studies that have analysed such reasons.*

Although the Arab region is urbanizing at a fast pace, the adequate and affordable housing has always been a major challenge as result of inequality and poverty, as well as the social and political unrest for Arab developing countries, it has expanded slums and peri urban areas lacking basic services (education, health, clean water and proper sanitation services).

Informal urban development accommodates at least half the resident population in Arab developing countries, and accounts for a sizeable minority of people overall in the oil-producing Arab countries. Urbanization has increased from 25.3% of the total population, in 1950, to 58%, in 2015, and is projected to reach 62.3%, in 2030. In 2018, the proportion of the MENA urban population living in slums reached 25.6%, exceeding the world’s average 23.9%.

Slum dwellers will continue to increase in most developing countries in MENA region, unless all spheres of government take coordinated action, working with civil society and development partners.

Informal settlements are the place of residence for both vulnerable communities of rural migrants and lower-income households living in poor conditions in the city centers with lower standards of infrastructure and basic services.

**Egypt** has the most-extensive informal urban development of any Arab country. A shortage of the State's formal housing areas and the lack of adequate housing have adversely affected Egyptian urbanization. The people who do not own land, or are unable to afford housing, have faced high prices and limited income to occupy some of the city's open places and build simple housing without basic services. Unplanned housing has become a major dilemma facing Egyptian society and has created a urban distortions: burgeoning population growth, rural people's migration to cities, urban sprawl on agricultural land, rising prices of land allocated for construction, increasing rents in residential buildings, household density, imbalances in the supply and demand of residential buildings and houses. The government has been slow at implementing relevant laws and regulations, produced erroneous population projections, and failed to plan sufficient land provision for the expected increase. Planning and servicing of new cities on desert lands have been insufficient, as has been infrastructure development for some areas within the cities, favoring some urban areas and neglecting rural areas.

This neglect of development the rural communities, and increased the focus and the investment in the big capital and cities, has led to the migration of rural communities to the big cities in looking for better life, and more opportunity for work, that resulting in an increase in the population burden on the major cities, and led to the inflation of the housing issue, while successive Governments have been unable to solve that issue by limiting such solutions in the arable land in Delta and the Nile Valley coincide with the calls for moving to the desert areas.

Governments have resorted to establishing a new cities and urban agglomerations by providing housing supplies of facilities and services, and limited social housing programs, have increased the cost and the inability of the targeted groups to obtain the housing units established for them, and the emergence of the speculative policies on housing units by the most capable groups, and the provision of the attached land by the Governments (as an official alternative to unplanned extensions) and what are called “The core housing projects”, to increase the opportunity to provide housing in a way suitable for the ability of low-income groups, However, it has not prevented the continuation of the speculation policies, by the most high-income groups.

The successive government has begun to establish new cities with a view to reducing the population density of the capital by established 30 new cities in addition to the new administrative capital under the construction.

**State as real estate investor**

The policy of the Egyptian government to engage with the real estate investment process, is the most important impediment in providing the adequate housing for the law income- and the vulnerable communities. in the recent years, the state-owned sectors have dominated the real estate market, and generated about 90 billion pounds in revenue during the year 2019/2020 as “The New Urban Communities Authority” accounted for nearly half of these revenues by about 41 billion pounds, due to its ownership of city development projects, the revenues of the social housing project came to account for 26% of the revenues of about 23 billion pounds, the share of the social housing fund, and each of the housing projects “Egypt Residence, Egypt House, Jinnah” about 18% of the revenues, therefore, the State's housing policies are geared towards profitable policies, which precludes raising the interest of citizens with limited incomes and providing them with adequate housing.[[12]](#footnote-12)

The most of the social housing programs in Egypt, are lack of the efficient management plan based on community participation, and taking inconsideration the resident’s perspective for achieving successful low-income projects, lack of the sufficient studies about the liability of the site for the construction, the failure to estimate the change in the price of building materials from the time of project's announcement to the implementation period. Therefore, the terms of references have been contradicted, in designing the public site, the changing in the agreed spaces of the units, the delivery each single phase in several phases, the contradictions of the statement of conditions, for the internal finishes, and the lack of public services to be established.[[13]](#footnote-13)

**Tunisia**’s new 2022 constitution did not provide specific articles on the public policies of the housing, as expressly stipulated in the right to health and the right to water.[[14]](#footnote-14) Since the independence in 1956, three main public entities played a key role in improve access to housing, Created in 1957, the state-owned Société Nationale Immobilière de Tunisie (Tunisia National Property Company – SNIT), the Housing Land Agency (Agence Foncière d’Habitation – AFH) was established to supply land plots and foster urbanization established in 1973, and Société de Promotion des Logements Sociaux (SPROLS), was created in 1977, to promote the development of social housing options for those within the social security system.

The state-owned Banque de l'Habitat is still the main mortgage lender, making specific loans to licensed developers, paying up to 80% of the total cost of social housing projects at an annual rate of 6.78% and up to 70% financing commercial or high-end projects - 7.28% and 8.28% respectively.[[15]](#footnote-15)

Since 1988, the public policy of housing transformed to profitability policies based on the private sector and real estate investment, with limiting the role of the state and provide more space for the developers and converting the national housing savings fund to the Housing Bank. Despite what has been achieved over the years in the housing sector, The sector has become suffering from a decline and the inability to provide land for construction, its high cost, and the inability to keep up with rapid urban development, and the major urban areas are witnessing urban pressure in the increase of unplanned construction, within urban estates and at the expense of agricultural land adjacent to those estates, rising land prices and increasing real estate speculation, and the direction of real estate emitters to medium and investment housing projects and reluctance to build social housing. While the available financing mechanisms are lacking to meet the needs of low-income or low-income social groups and their inability to access borrowing programmes to finance them in the acquisition of adequate housing.

SNIT has confirmed that, due to building costs increases, the per-meter cost of residential units has risen by up to 125% since 2011, and the requirements of the cheapest FOPROLOS (Housing Support Fund for Employees), loan are unaffordable for 30% of Tunisian households. Furthermore households with irregular incomes are unable to benefit from the schemes.[[16]](#footnote-16)

The highest priority given to economic projects without reference to urban development plans has generated chaotic settlements and the formation of belts of popular neighborhoods that have become much more burdensome for infrastructure such as roads, sewage and many infrastructure facilities such as hospitals, schools and public transport. On other hand, the housing programs that constructed around, the industrial areas in the coastal cities and in the cities of the mining basin around the factories of the *Gafsa* phosphate company, they were completed without consideration to the local specificities, and without taking into account the heritage and social characteristics of the place and the population, as housing transformations, from their economic and social aspects, require greater intervention from the state, through the development of urban policies that reconsider the results of real estate investment to avoid a possible crisis, and so that social housing does not become extinct to sprout random housing.[[17]](#footnote-17)

Migration to main cities and industrial hubs for job opportunities it was one of the demographic and economic changes contribute to the formation of chaotic settlements, The majority of informal settlements inhabitants were migrant farmers from agricultural areas, as they are affected by the changes in the environment, land tenure issues, and decreasing employment opportunities, in their place of origin. according to official estimates, urban sprawl arose in a chaotic and unregulated manner, from urban management planning ranging from 30% to 40% of the city.[[18]](#footnote-18)

Despite the discrepancy in comparison the condition of the affordable housing between Egypt and Tunisia, **common challenges** affecting the availability of the affordable housing include the following:

* Lack of urban rehabilitation programs within public housing policies.
* Ineffective programs to ensure adequate housing for low-income and medium social groups.
* Absence of plans and mechanisms enabling community participation in housing and habitat management.
* A decrease in public housing units for low-income households.
* Poor planning overlooks provision of job opportunities for residents.

**South Africa**’s cities are exclusionary spaces where the combined influences of unchallenged market forces and an Apartheid past mean poor people are confined to urban peripheries. In 2016, SERI released a report, [*Edged Out: Spatial Mismatch and Spatial Justice in South Africa's Main Urban Centres*](https://seri-sa.org/images/SERI_Edged_out_report_Final.pdf) This report uses statistical analysis and national spatial data on local unemployment rates and the distribution of jobs to investigate spatial mismatch in South Africa’s major urban centres. It finds a significant relationship between physical proximity to jobs and local unemployment rates, which implies that housing located far away from job opportunities acts as a poverty trap.

The cost of construction materials[[19]](#footnote-19) contributes largely to lack of affordability in **Kenya.** The National Housing Survey of 2012 notes that building materials account for 40 percent of housing costs. Construction in Kenya is heavily dependent on the use of stone and cement, which means that any price movements, or increase in taxation on these traditional materials will have a significant impact on the provision of affordable housing. R elated construction costs such as permit fees are constraining factors.[[20]](#footnote-20)

The majority of Kenyans have informal incomes and few can afford homes built by formal developers.[[21]](#footnote-21) Land costs are extremely high in Kenya, especially in Nairobi . Speculation has triggered rapid price increases since 2009. Cumbersome property titling/registration processes often have been a main constraint to providing urban land for housing. The responsibility for providing infrastructure for serviced lands is then transferred to developers, who, in turn, pass the related cost on to buyers through higher prices. Reliance on private developers to provide infrastructure also results in inefficiencies and more- costly solutions.[[22]](#footnote-22)

In Mexico, for years, only people who earned more than five minimum wages could afford to buy a new home, which meant that, according to 2015 data, 73.6% of Mexicans could not access the formal housing market, neither through credit nor subsidies. That population, therefore, fulfills its housing needs through the social production of the habitat, of which self-construction is one of its aspects.

Although some measures have been taken currently to address this situation and facilitate access to subsidies for the most-vulnerable people, one of the main problems persists in the fact that the population does not receive sufficient income to buy or rent a home, despite the current government increasing the minimum wage. That has allowed a slight wage recovery between 2019 and 2021, but the increase was limited by the economic crisis and the insufficiency of social policies to deal with it. In 2022, the purchasing power of salaries was 21% below that of 2005. Even so, the economic crisis derived from the pandemic has not mitigated the rise in house prices since 2014, largely due to the financialization of housing.[[23]](#footnote-23)

1. *What percentage of land is owned or otherwise controlled by the State or other public entities, as contrasted with private entities (both for profit and not for profit)? Please explain if there are any policies or laws that seek to control the price of land, prevent land speculation, including its supply and finance?*

In 2013, the **South Africa**n Department of Rural Development and Land Reform published a [Land Audit on State-o](https://static.pmg.org.za/140515state_land_audit.pdf) [wned Land](https://static.pmg.org.za/140515state_land_audit.pdf), indicating that 14% of land in South Africa is registered s tate land, 4% recently surveyed state land (land belonging to the state that has been surveyed, but not registered with the Deeds Office, and 79% is privately owned by individuals, companies and trusts .

In 2017 the same Department released its [Land Audit Report on Private Land Ownership](https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf), where it disaggregated data by race, gender and nationality. This a udit reflects the continuing inequality in land access and holding, and found that individual white males still own 72% of farms and agricultural holdings . The 49% of land held by whites and 46% owned by men highlights the historical and current dependence of women on men for residential rights.

In Mexico, according to official data, 39.56% of the total national area is privately owned; 59.37% is ejidal, or communal (even though there are sources that maintain that this percentage is now 52%), and 0.28% belongs to state organs. The 0.28% held by Mexican state institutions (federal or local) is the equivalent of 492,579.58 hectares.

1. *How many households have, during the last ten years been evicted because of their non-payment of housing costs? Please provide, if possible, more information on the socio-economic profile of the concerned households.*

Information on the number of evictions in **South Africa** is scarce. Distinction should also be made between (1) unlawful evictions (that do not follow a court process), of which constructive evictions[[24]](#footnote-24) are a subset and (2) lawful evictions, where the relevant legislation has been followed and a court has ordered an eviction. Section 26(3) of the 1996 Constitution of the Republic of South Africa states that evictions can take place only with a court order . The legislation that gives effect to this right, the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (the PIE Act), sets out the procedure that must be followed in an eviction application, as well as the substantive grounds to be considered before an eviction order is issued . In South Africa, eviction without an order of court is unlawful.

Even information on the number of court-ordered evictions is difficult to come by as this information is not collated at the courts, and access to court files is often difficult to obtain.

Nevertheless, SERI has aimed to collect some of this information in its evictions research series which is concerned with the way in which the courts have adjudicated evictions and further aims to maps the spatial distribution of evictions to highlight any areas that face particular vulnerability.

In March 2022 SERI launched the first research [report](https://seri-sa.org/images/SERI_Mag_Court_Evictions_report_FINAL_HIGH_RES_FOR_WEB_UPLOAD.pdf) in this series reviewing eviction applications made to the Johannesburg Central Magistrate’s Court between 2013 and 2018 for 12 wards in the Johannesburg inner city and its immediate periphery.

Our investigation of court documents found, for 41 of the 47 eviction applications, all resulted in an eviction order, the reason for the eviction was non-payment of monthly rent .

It is not possible to provide detail on the socio-economic profile of the concerned households as the personal circumstances of the households at the time of the eviction application was not present in the court files, despite the court’s legal obligation to engage with the personal circumstances of those being evicted, in order to prevent eviction into homelessness, which is unlawful.

In the case of Mexico, although, since 1999, CESCR has recommended that the state create a registry of evictions and their causes, and reporting such cases and their impacts every five years is a treaty obligation,[[25]](#footnote-25) no progress has been made in this regard. The only court that makes such data public is the Superior Court of Justice of Mexico City (TSJCDMX), distinguishing only between tenants and non-tenants, however, without identifying the causes.

Another way to get closer to the eviction data is to request it through access to public information from the police, which indicates how many evictions they have intervened in during the year. In the case of Mexico City, HIC-AL has requested information from the city's Citizen Security Secretariat about the number of judicial orders and authorizations received between January 2014 and January 2021 by the city's judiciary to that the public force carry out an eviction. This has revealed that the average is 3,000 evictions a year. In this case, it is also not possible to know the type of evictions or the reasons, and these data also do not coincide with those offered by the TSJCDMX.

In any case, non-judicial evictions are excluded from these numbers, which are very frequent in the city due to pressure from crime or from companies or owners that use various forms of pressure. In addition, in Mexico, 59% of the population that rents do not have a rental contract, which puts them in a situation of greater vulnerability in the face of requests from owners to leave their properties.

The city’s civil code also provides that, unless the parties do not establish a different term, a rental contract lasts only 1 year. This makes it easier for owners at the end of the contract to simply decide not to renew it, in order to raise the rent well above what they could have done with the previous tenant. (Each year the rental price should be adjusted by a maximum of 10% above the previous year.)

According to the Planning Institute’s [Project of the general land use program of Mexico City](https://www.tjacdmx.gob.mx/images/convocatoria-indigena-2022/7.%20Proyecto%20Programa%20General%20de%20Ordenamiento%20Territorial%202020-2035.pdf), every year the city evicts 20,000 people from decile I to V (those who earn the least) due to lack of affordable housing options, even when these people continue working and consuming services in the capital of the country.

1. *How many individuals, households or groups have, during the last ten years, been rendered homeless because of inability to afford housing? Please provide a breakdown of the socio-economic characteristics of such individuals.*

As discussed above, this information is not systematically collected and aggregated in **South Africa.** In **Kenya** it is hard to also get an overall number, but one can point to eviction records during the pandemic, such as when 8,000 people were evicted in Kariobangi.[[26]](#footnote-26) The socio-economic characteristics of those evicted included: individuals residing in the informal settlements, individuals living in high- poverty levels, individuals who rely on informal businesses for their livelihoods, and unemployed groups of people

In the case of Mexico, for the first time in its last census of 2020, the National Institute of Geography and Statistics (INEGI) incorporated the population living on the street, but the exercise does not allow us to know the reasons why this happens.

1. *Please describe how housing unaffordability impacts the capacity of individuals and families to enjoy their other human rights including rights to work, health, education, and access to personal security in all its dimensions.*

In Mexico, during the pandemic, HIC-AL carried out an exercise entitled “[Survey on the situation of people residing in rented, mortgaged or borrowed homes in the CDMX before and during the pandemic](https://www.iis.unam.mx/wp-content/uploads/2022/01/Reporte-Viviendas-Rentadas-Rev2-131221.pdf)” in conjunction with the Institute for Social Research of the National Autonomous University of Mexico (UNAM). It highlighted that 55% of the people interviewed have faced difficulties in paying the rent or mortgage on their home due to the loss of employment, the decrease in income, health problems, or the death of a family member due to complications of COVID-19. Finally, 32% of people had to move (18% did so within CDMX, and 14% moved to the State of Mexico or another entity). At the time the survey was applied, 29% were living in the houses of friends or relatives.

The survey clarified the deterioration of current housing solutions, a reflection of the deterioration in living conditions due to the pandemic-induced health, economic and social crisis. Before March 2020, practically all homes had spaces for kitchen, bathroom and bedroom, and around 80% had a living room and dining room. After the pandemic, the responses of the participants indicate a decrease in the homes that had space for the kitchen, dining room, and bedroom (8, 7, and 4 percentage points, respectively). The percentage of those enjoying internet service, an exclusive toilet, garbage collection and public lighting also declined.

Moreover, the conditions for renting or renting a property have fallen considerably into informality. Although, in 2020, 66% of survey respondents had a written contract, this percentage dropped to 46% in 2021. In addition, 15% of the people were evicted, mainly by the owners of their old dwellings, in some cases in a violent way, without having any other housing alternative to go to.

**Laws, policies, programmes and practices aiming to ensure that housing is affordable to all without discrimination**

1. *Please share an overview of the laws, policies, programmes and practices adopted in your country/region/city to ensure that housing is affordable for all without any discrimination, Please, provide links to relevant official texts (e.g. affordable housing, social and energy cost subsidies, preferential mortgage, building support schemes, provision of social and public housing, of serviced land for self-construction, rent containment and rent control measures, taxation, measures to reduce housing vacancy, multi-stakeholder initiatives by State, local Governments, construction industry, housing providers, tenant unions etc).*

A selection of key programmes **in South Africa** follows. Please note that the subsidy quantum and income target groups vary:

* Integrated Residential Development Programme – includes land, services and township proclamation in the first phase and a second phase involves housing construction with individual ownership registered in the national Deeds Registry.
* Informal Settlement Upgrading Programme – envisages community consultation and participation, emergency basic services provision, permanent services provision and security of tenure.
* Social Housing Programme – rental accommodation for the upper end of the affordable housing sector in restructuring zones (which are intended to be areas where spatial inequality can be overcome).
* Finance linked individual subsidy programme – a once off subsidy towards paying off a loan for those who qualify neither for a fully subsidised house nor mortgage loan finance. Not attached to a property. Household income between R3 501 (~ US$192) and R1 5000 (~US$823) per month.
* Regarding practice, it is SERI’s experience that the first two programmes target people who are excluded from the housing market completely due to affordability constraints and historical discrimination. The first is where public investment into “rapid land delivery” would go, while the second is for *in situ* informal settlement upgrading with relocation as an option of last resort. These programmes can be seen, in theory, as two sides of the same coin. However, the subsidy administration system is inefficient and allegedly corrupt, and the era of fiscal austerity does not bode well for the scale and reach of these programmes. In the meantime, people self-provide services and do what they can in the absence of state support. They must contend with a backlash against the post- apartheid constitutional and legal framework, which puts them on the receiving end of unlawful eviction and demolition and a pervasive discriminatory public sentiment.[[27]](#footnote-27) The social housing programme is a significant programme regarding social rental housing development and urban restructuring, but it delivers a limited amount of new or redeveloped housing stock relative to fiscal cost. It does not target the poor in the way that the first two programmes are intended to. The finance linked subsidy has a clear income target in mind and a housing market support intention, which while important, does not address the impact of affordability discrimination directly. It is underpinned by a neo-liberal logic that by making the formal residential property market work better over time and intergenerationally, more and more households will be able to afford entry into the market. The need and discrimination are so great that an austerity environment requires a renewed commitment to equality with an investment focus on the first two programmes. Prioritisation in this way has limited traction because it is not politically popular.

The [Big 4 Agenda](https://monitoring.planning.go.ke/wp-content/uploads/2020/10/Big-Four-Agenda-Report-2018_19.pdf) is an economic blueprint developed by **Kenyan**  governments drawn from the Country’s Vision 2030 to foster economic development and provide a solution to the various socio-economic problems facing Kenyans. B ig 4 identifies 4 priority initiatives/pillar. On the Affordable Housing pillar, the government’s aspiration is to deliver 500,000 affordable homes across 47 c ounties toward reducing the cost of ownership by 50%, reduce the low-income housing gap by 60 %, m ake mortgages more accessible to Kenyans, start special housing schemes to provide police officers and prison wardens with access to better housing.

To support development and uptake of affordable housing, the Kenyan government has offered various subsidies, such as exemption from the payment of stamp duty for first-time homeowners under affordable housing, affordable housing relief at 15% of employee’s contribution, and developers’ exemption from VAT on import and local purchase of goods for the construction of affordable houses. Though intended to bridge the demand and supply of low-cost housing, subsidy incentives to developers have not yet been realised, and accessibility continues to be a challenge.

To reduce the cost of housing construction, the Government has established Appropriate Building Materials and Technology (ABMT) centers to disseminate and train on all existing and new technologies that enhance housing affordability. So far, 92 appropriate ABMT centers have been constructed across the country to promote local building materials compatible with the local socio-cultural, economic and physical, and ecological environment of an area. The sector promotes the use of low-cost building materials, including Interlocking Stabilized Soil Blocks technology, Interlocking Concrete Blocks (ICB), and Expanded Polystyrene Panels (EPS), and Precast Concrete Panels.

In Mexico, the public institutions responsible for housing in the federal sphere have recently made an effort to focus attention on the population that had not been satisfactorily served in previous administrations. Currently, for example, the National Housing Commission (CONAVI) has the mission to ensure that people exercise their human right to adequate housing through the design, coordination and execution of the programs of the Government of Mexico, with the accompaniment of qualified specialists, prioritizing the population in situations of poverty, marginalization, risk and vulnerability, under principles of transparency, effectiveness and efficiency. Never before has the country's public housing policies considered dedicating so many resources directly from the State ($12,768.38 million pesos in 2020 through CONAVI) to the social production of housing (SPH) on which it is based. the bulk of current public programs. SPH operates through six subsidy application modalities: (a) Acquisition of housing; (b) Self-production of housing; (c) Relocation; (d) Reconstruction of housing (e) Comprehensive sustainable improvement (f) Improvement of housing units. Despite the limitations due to the health contingency, in this difficult scenario, the Secretariat of Agrarian, Territorial and Urban Development (SEDATU) April, September and December 2020 [reports](https://www.gob.mx/cms/uploads/attachment/file/575562/2_INFORME_DE_LABORES_de_la_SFP.pdf) indicate 37,104 SPH 2019 subsidies, among which 9,316 correspond to the Social Production of Assisted Housing, and 17,025 subsidies from the 2020 Social Housing Program, among which 1,623 correspond to the PSVA. Even so, this change presents different challenges and obstacles.

In Mexico City, since the 1985 earthquake, social mobilization achieved adoption of the Popular Housing Renovation Program. Through expropriations and other measures, the Program managed to ensure that more than 40,000 families who rented rooms and deteriorated neighborhoods became owners of consolidated homes and were able to keep their central location, their neighborhoods and their ways of life. The possibility of expropriating buildings in favor of vulnerable groups that occupy them remains with serious structural problems. However, over the years, the processes to achieve this have even been extended up to 10 years, since the budget dedicated to them has been reduced in addition to the risk that the people who live there run the risk of being victims of landslides in a city that is also highly seismic.

On the other hand, currently no specific measures control rental prices. In fact, the tenant relationship is found in a very specific way in the civil codes of the different states and normally provides no balance between the rights of tenants and landlords. In addition, no specific and sufficiently broad rental laws deal with the different aspects of the phenomenon, or curb speculation and the effects of financialization. Mexico has also not provided housing policies or support during the health crisis. The [National Land Policy](https://www.gob.mx/insus/documentos/politica-nacional-de-suelo), operating for the first time in 2021, does not have the instruments to make it enforceable.

1. *Please share an assessment of the success, limitations or potential failures of the above-mentioned laws and policies in your country/region/city, including any studies or independent evaluation reports related to them. Who has benefited from them, who has not? What has worked well, what - less? What lessons can be learned? What could potentially be replicable in other countries/regions/cities?*

SERI’s assessment on the **South African** case is contained in the preceding paragraph, with our response to “practice.” In our view the implementation of both programmes is a priority for non-discrimination and housing affordability. Simultaneously however, a state that is more supportive of social production is required, so that people are not entirely dependent on entry into the two programmes for improving their quality of life, and that the legacy of apartheid and contemporary discrimination is overturned. Priority in this regard is that the state remains committed to the implementation of the PIE Act in its current form, in order to give effect to the Constitutional right to housing.

In **Kenya**’s Big 4 Agenda, the government had planned to deliver 500,000 by 2022. In the Big-4 report FY28/19 its reported that following was achieved, 228 Affordable housing units, 462 Social Housing, 1230 National Police and Kenya Prisons units 250 units in Kisumu County and 496 mortgages disbursed to civil servants. During this Financial Year 270,000 Kenyans registered BOMA Yang with 15,000 members contributing over 100 million voluntarily as deposits for purchase of homes under Affordable Housing Program

In the [Third Annual Progress Report on Implementation of Third Medium-t](https://www.planning.go.ke/wp-content/uploads/2022/02/APR-III_FINAL-REPORT.pdf) [erm Plan](https://www.planning.go.ke/wp-content/uploads/2022/02/APR-III_FINAL-REPORT.pdf) (2018-2022) reported the achievement under affordable housing was as follows: 882 units in Park Road, Nairobi were completed; 220 units were completed in Embu under the Civil Servants Housing Scheme; 300 units for disciplined forces/services were completed (60 units each in Narok Police Station, Eldama Ravine Police Station, Border patrol unit in Kitui, Kakamega Prisons and Kapenguria Prisons) A total of 1402 affordable housing units were constructed.

In the 2022- 23 budget plan read in April, the exchequer allocated Sh4.6 billion of Sh27.2 billion of the affordable housing budget to the Kenya Mortgage Refinance Company for enhancement of the company's capital, as well as for lending to primary mortgage lenders. While consensus prevails that the government has covered some ground in getting the Big 4 Agenda going, the view remains that it has fallen behind on many targets, while entirely missing the mark on others.

Some of the c hallenges as reported by government in various M&E reports include: The shift of donor priorities resulted in less funding of population activities, including family planning and reproductive health programmes; Socio-cultural barriers; myths and misconceptions regarding family planning and reproductive health issues in some communities; and i nadequate funding for delivery of the Affordable Housing Program, due to suspension of the housing levy fund; and low private- sector participation in provision of affordable housing units.

The challenges described above clearly depicts that the government has made little or no attempts into exploring other financing models. The priority of the government has also been civil servants leaving out the larger population who of course do not have jobs and live in the informal settlements. The lack of definition of a ffordable housing and social h ousing in Kenya’s mother law could also be a contribution as to why there is focus on civil servant housing,

In Mexico, CONAVI asked HIC-AL for an analysis of the policy implemented in favor of SPH, but the document is not public. In general terms, it demonstrated profound ignorance on the part of actors involved in the various phases of the housing process of the characteristics of the SPH and its transformative and productive potential. It was found that such ignorance, especially among those who decide on sectorial and financing policies, has limited this form of production.

Among the obstacles we identify are:

1. Systemic, derived from the operational logic of the current development model, which cause the difficulty of access to land that the aforementioned efforts fail to address since most PSV projects are carried out only with families They already have the land.

2. Institutional and regulatory, alien to the logic and requirements of self-production.

3. Financial and fiscal, derived from the imposition of short times that limit the maturation of organized and participatory processes and regulations that ignore progressivity, diversity of options and the formative and social purpose of subsidies in self-production processes coupled with the lack of incentives for the mobilization of community resources and social financing.

4. Formative, frequent in the performance of the technical cadres that participate in the public administration and in the advisory institutions of self-production processes, due to ignorance and the lack of in-depth, systematic evaluation of a new approach; the absence of indicators and difficulties derived from the generational change.

5. Cultural, referring to the impacts of the market that in the rural environment affect the loss of knowledge, constructive traditions and solidarity practices and, in the urban environment, in the homogenization imposed on the wealth of a megadiverse country, also contributing, in both spaces, to the loss of autonomy and consequent increase in passivity and dependency.

**Affordability of resettlement housing**

Laws and policies concerned with resettlement housing, including *ex gratia* payments, compensation and other remedies in cases of mass eviction, slum resettlement, or displacement due to environmental hazard or climate change also should ensure that target housing is affordable.

Over three decades, HLRN has been an active local and international advocate of remedies that meet the challenges associated with displacement, conflict, occupation, war, sustainable development, environmental hazards, climate change, food sovereignty, and economic disparity. Spanning these fields, HLRN has developed multiple tools and techniques within its specialization for HIC Members and civil society allies to optimize their constructive roles. These include the encyclopedic [Housing and Land Rights Toolkit](http://www.hlrn.org/toolkit/) (in Arabic, English and Spanish), the only reference for monitoring implementation of the Habitat II Agenda in its entirety; the publicly accessible and constantly updated [Violation Database](https://hlrn.org/welcome_violation.php) (VDB), capturing global cases on forced evictions, dispossession and destruction of housing and land; an [Urgent Action System](http://www.hlrn.org/spage.php?id=ow==#.Y-6dbHZBxyw) that mobilizes and channels the practical solidarity of HIC Members and allies to prevent and/or remedy violations of housing and land rights. These methodologies and tools have identified and filled many gaps in housing and land rights monitoring and reporting.

One of the gaps identified in HLRN practice has been the need for data about the impacts that so many households and communities undergo from housing and land rights violations. In response, HLRN developed the all-purpose [Violation Impact-assessment Tool (VIAT)](http://hlrn.org/spagenew.php?id=qnE=), an impact-quantification method that guides users to gather, analyze and report the material and nonmaterial values at stake consistent with the [UN reparations framework](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F60%2F147&Language=E&DeviceType=Desktop&LangRequested=False).

In some 30 cases around the world, HLRN has applied the VIAT before, during and after forced eviction, displacement, dispossession, and destruction, producing data in cases ranging from the effects on a single household, to the violent razing of entire communities. This versatile tool can be:

1. *Adapted to multiple contexts and communities*, as in a study of [gentrification impacts](https://www.hlrn.org/img/documents/Boston%20EvIA%20case%20study.pdf) in Boston’s Chinatown and [punitive house demolitions](http://www.hlrn.org/img/documents/Isawiya%20Losses%20eng.pdf) in occupied Palestine.
2. *Scaled up* to capture larger patterns of displacement in a country, revealing the enormity of land dispossessions and forced evictions resulting from [Kenya’s 2008 post-election displacement](http://www.hlrn.org/img/violation/KenyaReport.aspx) and the [war in Yemen](http://www.hlrn.org/img/documents/Final_CaseStudy_2017.pdf);
3. *Genderized* to capture women’s expressed values at stake in what are often serial dispossessions in the course of a lifetime. (See “[Assessing Impacts of Women’s Dispossession from Land and Home project](http://hlrn.org/spangev.php?id=q28&fbclid=IwAR0TnG4hsZNZZae2szuQthV0WWy-FIIg2aiAt8cnuwpfP9KJT9uWWilf_z4#.Y1XQ5oLML9n)” in India, Kenya, Uganda, Zambia and Zimbabwe);
4. *Judiciable*, as in the [Muthurwa Estates case](http://www.hlrn.org/img/documents/Case%20study-%20Muthurwa.pdf) (Nairobi), invoking the state’s constitutional provisions and human rights treaty obligations toward court-ordered remedy.

This much-needed and underutilized quantitative-monitoring method can realize even greater potential.

***Adapting VIAT to Ensure Housing Affordability amid Climate Change***

Through 2022, HLRN also applied human rights and other international law criteria to develop a methodology for determining losses, costs and damage incurred as a result of an environmental disaster or climate event, with or without liable parties. That process involved HLRN updating VDB entries and compiling its evidence-informed 2022 World Habitat Day report: [*In Pursuit of Climate Justice: Housing and Land Rights Violations in the Context of Environmental Hazards and Climate Change*](https://www.hlrn.org/img/publications/In_Pursuit_of_Climate_Justice.pdf). This timely publication was developed just before CoP27 announced the decision to establish a loss-and-damage (L&D) fund, a monumental gain toward survival of the communities most-vulnerable to climate change and its effects.

Its findings reveal how duty-holder failures to take timely and adequate adaptation measures often exacerbate destructive and displacing climate events, forcing marginalized groups and communities to assume the greatest risks. They can constitute violations by omission. Maladaptation—i.e., without a rights-compliant, holistic, policy-coherent and long-term perspective design—can further risk adverse climate-related impacts or entrench inequalities. Additionally, destructive actions by individuals, institutions or corporations may create liability for violations by commission. When such violations amount to forced eviction, that gross violation triggers victims’ entitlements to full reparation.

HLRN welcomes, in principle, the CoP27 decision to establish the L&D fund, as it promises to institutionalize progress toward realizing the human right to adequate housing in the context of climate change. However, to ensure that the fund be relevant and align with human-centered climate action, human rights-based (HRB) methodologies are still needed to: (1) identify causal human factors of consequent costs, losses and damage, where possible; (2) support accountability for resulting human rights violations, particularly related to housing and land; and (3) ensure remedies are sufficient, properly targeted, transparently managed, affordable and sustainable. The HRB focus on victims compels all states to pursue remedies for those affected, applying the UN’s reparation framework in cases of gross violations. Moreover, contemporary standards recognize the indispensability of policy coherence, aligning short-term emergency relief with longer-term and institutional-building development, within the overarching framework of preventive and remedial human rights obligations.

Building on the VIAT’s development and use so far, HLRN proposes to work with partners to support remedy for the impacts associated with climate change where housing and land rights area at stake. HLRN proposes to develop and advocate the practical approaches needed to hit all these targets.

[HLRN fact finding](https://www.hlrn.org.in/documents/Battered_Islands.pdf) and the UN Special Rapporteur on adequate housing’s [most-recent report](https://undocs.org/A/HRC/52/28) recognize that post-disaster reconstruction often favors elite interests, arbitrarily discriminates, and promotes privatization or land grabs, flouting building-back-better principles. A high proportion of climate-change mitigation and adaptation funding already favors the private sector. The 2004 Asian tsunami resettlement and reconstruction have delivered lessons of ostensible relief works by private parties, including external NGOs and charities, having violated adequate-housing criteria and other human-rights principles.

So far, a state-to-state approach dominates L&D discourse. However, administrative, government-driven compensation schemes can lack relevance and coherence with the affected people’s values at stake. For relevant and effective human-centered climate action and climate-justice outcomes, democratic control and civil society participation are L&D implementation, management and oversight requirements. The question how L&D assistance would reach affected populations remains unanswered. Accordingly, HIC-HLRN seeks the following actions with partner support to:

* **Facilitate and prioritize community-based quantification of values at stake with local VIAT applications;**
* **Ensure maximum of available resources through cost-effective operations, including non-market-based solutions, promoting, facilitating and assisting social production of habitat with climate-responsible solutions;**
* **Advocate all public-private partnership phases involve concerned people’s meaningful participation (PPPP);**
* **Treat local and affected community data, including Indigenous Peoples’ knowledge, as crucial for assessing L&D values;**
* **Avoid narrowly conceived remedies that actually may violate HRAH and cross-cutting substantive or process rights;**
* **Advocate suspending or canceling sovereign debt as part of states’ L&D relief, especially during and after extreme climate events;**
* **Operationalize policy coherence, aligning emergency assistance to development approaches, with preventive and remedial human rights criteria;**
* **Respect, protect and fulfill the human rights of host communities in cases of resettlement;**
* **Ensure family unification throughout displacement and resettlement operations, including climate-change-related refugee processing;**
* **No climate justice without secure land tenure, and**
* **Document, present in relevant forums, and widely disseminate related developments on** [**hlrn.org**](http://hlrn.org/)**, and in the HLRN periodical** [***Land Times***](http://landtimes.landpedia.org/)***/***[***أحوال الأرض***](http://landtimes.landpedia.org/index_a.php) ***.***

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