**Report of the UN Special Rapporteur on the right to adequate housing to the
52nd session of the Human Rights Council**

**The right to adequate housing and climate change**

**Questionnaire**

***Impact of climate change on the right to adequate housing***

*In real life*

1. In your country, what have been the main effects of the climate crisis, on the enjoyment of the right to adequate housing? Please specify whether there have been any climate-induced impacts on the security of tenure, availability, affordability, accessibility, habitability, location and cultural adequacy of housing, including climate crisis related displacement.[[1]](#footnote-1)

**Response: Climate crisis has varied and adverse impacts on the lives of most Ghanaians across several spheres. For example, during the Months of June, July and August which cover the raining season, flooding activities are severe, destroying houses, farming lands and activities as well as biodiversity. Besides these destructions, environmental pollution, illegal mining activities and pollution of water bodies occasioned by private and government-sponsored agents have contributed to harsh climatic conditions, coupled with high carbon emission activities.**

1. Are there differences how the climate crisis affects the right to adequate housing in urban and rural areas? If yes, is there an interrelationship between the two?

**Undoubtedly, there is interrelationship between climate crisis and urban-rural housing. For example, the current political leadership/president Nana Addo of Ghana’s lip-service to address the climate challenge confronting Ghana through failure to stem illegal lumbering operations in rural communities have exposed houses and traditional accommodation facilities within and without poor rural areas as well as city-centres; to severe wind storms which blow away these poor homes. Also, the fact that the trees are indiscriminately cut off to make way for mining activities without afforestation to reclaim the lands has left the areas exposed to high volumes of flooding through which houses, properties and accommodation facilities are destroyed and dragged away, rendering majority of Ghanaians homeless without little or no state support. The recent explosion at Appeatse in the western region of Ghana is a classic example illustrating the government’s failure to protect the vulnerable against a foreign mining company whose illegal activities have created have created acute housing and climatic problems for the people.**

1. Are there groups distinctly affected in the enjoyment of their right to adequate housing as a result of the climate crisis? Please describe in what way.

**There are several people who are prominently affected by the ensuing climate crisis.** **For example children, women, disabled people and the elderly. As in many developing and poor countries, the absence of substantive state support to provide the vulnerable with adequate housing in light of climate disasters implies that they are often unable to enjoy this right fully. Often, these groups of people are socio-economically marginalised due to their reliance on meagre financial means for livelihood as they live in poorer areas in the city-centres of Ghana. This is also due to the fact that they are poor and are unable to pay for the expensive rent being charged by the private landlords. Again, they are unable to enjoy the right to housing because they have no permanent accommodation due to the absence of government support systems to provide a healthy and decent accommodation facilities to support the poor in the Ghanaian society.**

**For example, in Accra, the capital city of Ghana and many major cities of the country, young girls between the ages of 10-15 who work as porters in the markets of these cities sleep in the open spaces, in-front of shops, make-shift accommodations such as abandoned kiosks and shipping containers. This is compounded by the fact that |Ghana has high temperatures due to climate activities coupled with deforestation across the country, these vulnerable young girls, unemployed young people as well as young adults are subjected to several inhumane treatments such as rape, beatings, robbery and intimidation which violate their dignity and human rights.**

1. How is the right to adequate housing ensured for persons that have been internally or internationally displaced by the climate crisis? How and under what conditions is their right to voluntarily return ensured?

**Although no state has been able to protect the right to adequate housing internationally and nationally, the problem is more acute in Ghana for a number of reasons particularly corruption among officialdom and failed political leadership. Given that the leadership is indifferent to the general wellbeing of the citizens so are the public institutions especially the judiciary, which to champion the right to adequate housing. Some examples here will suffice. As pointed out earlier in the above, the community at Appeatse in the western region of Ghana had their houses and means of subsistence destroyed by dynamite explosion, which was being transported by the mining company, called Maxam. This community has been displaced and destroyed by ensued rains including storm. In addition, the people and fishing communities in the Keta region of Ghana had also been destroyed by coastal erosion with little prospect of returning to their original homes. The prospect of returning to their original homes is non-existent because the government provides no housing scheme to support the poor with most of the area depleted.**

1. When housing has been damaged or lost due to climate-induced events, what has been the related impact on the lives, health and livelihoods of the affected populations?

**With majority of the farm lands and means of livelihood decimated in the affected communities through climate-induced conditions, the people’s livelihood, health and lives were seriously suppressed. For example, the right to water in the affected communities was stifled because rivers, streams and bore-holes which constitute the main sources of drinking-water were polluted with untreated run-offs containing faecal matter. Also, with soil- nutrient and top-soils eroded off farmlands the people cannot grow food and other commercial products to sell so as to earn a living or gain income to cater for their dependent families. Furthermore, the people’s health was threatened because of the poor environmental conditions which contributed to inducing malaria, dysentery and typhoid in the community. The nexus between poor environmental condition and health is instructive as basic means of hygiene is compromised.**

1. How have people been able to access redress and compensation for damages to or loss of their housing as a result of the climate crisis and extreme weather events? What are the main obstacles to accessing timely redress and compensation, and what could be effective solutions?

**Unfortunately, majority of Ghanaians especially those in the Western, Volta, Ashanti and Eastern regions of Ghana have had little or no access to redress and compensation for the varied damages suffered as a result of climate-change conditions in the country. First, the people in the area of Appeatse were temporarily re-settled in classrooms and other government facilities by the national disaster management organization (NADMO); whilst some provisions and beddings were offered to help the displaced people. Second, the regions of Ashanti, Volta and Eastern which had and continue to experience acute climate challenges receive no financial compensation for their losses. Third, the option of redress is non-existent because of the prevalence of corruption among public institutions- judicial systems and Environmental Protection Agency (EPA), coupled with the fact that issues bordering on environmental and climate threats are treated with little respect and indifference.**

**One of the major obstacles militating against timely redress and compensation is lack of political-will to pass clearly defined legislation to enforce compensation of victims of climate wrongs. Another view is that is in most developing states including Ghana, the leadership of Ghana and its ruling elites are often steeply engaged or complicit in crimes regarding climate and environmental crimes, as transpired in illegal climate and environmental crimes in parts of the Ashanti region in Ghana. In that case, the minister responsible for the environment was reported to have condone illegal mining operations by political party affiliates so as to earn money to sponsor party political programmes. These attitudes of self-seeking in pursuance of political expediency render the people unprotected thereby defacing their dignity. Moreover, the minister responsible for Lands and Mineral Resources whose sector conducted an investigation into the Appeatse explosion, is reported to have withhold the police report from the public particularly the affected without any legitimate reasons.**

**Lastly, to improve effective access to remedy/compensation as a solution to stemming climate and environmental threats requires that people in the affected communities are educated to know their rights to seek redress/compensation; whilst adequate resources are invested to train the judiciary in newly espoused human rights instruments as well as international environmental law, earmarked to sensitise them to promote the people’s right. Civil society and respective NGO’s committed to environmental and climate challenges should be trained in similar treaty provisions so that they can work to defend the rights of the people against climate violations.**

1. Please indicate any key rulings of national courts and tribunals protecting tenants and home owners from the impact of the climate crisis or on their right to adequate housing or related to climate induced displacement? Please also describe their outcome and impact?

**Although there are legislations and cases regulating rent agreements and the relationship between landlord and tenants in Ghana, I cannot recall any key judicial decisions from the national courts/tribunals seeking to solely protect the tenants who might have suffered climate-impact disaster except for cases involving corporate tenants and their landlords. For example in -*Mensah v. Ahenfie Cloth Sellers Association (2010) Supreme Court of Law Report 680-*  the Court decided that “… such contracts were voidable and might be enforced in the wake of certain satisfaction of certain conditions…” ; whilst in *Andrew v. African Automobile (22/12/2004) Suit No. L249/98,* it held that “that the power to interfere with a term of a lease was not with the rent officer but with the courts.” The above cases which originated in Ghanaian courts focused mainly on dealing with rent issues between private business enterprises without recourse to protecting vulnerable citizens’ right to adequate housing. This indicates that rulings in Ghana’s jurisdiction did not seek to protect nor advance the right to adequate housing.**

*In measures*

1. Please explain how energy efficiency, green urban planning, climate mitigation and adaptation policies and programmes take into account the right to adequate housing. What measures have been taken to ensure that they do not have any (unintended) discriminatory impact on particular population groups?

**On Ghana’s front, some domestic policies such as installation of solar panels on public institution buildings including private accommodations are being implemented to secure the energy efficiency thereby reducing over-reliance on conventional sources of power such as hydro-electricity and thermal power. Notwithstanding the minimal achievements of solar panel usages, there are a range of climate mitigation and adaptation policies such as tree planting exercises across the country in order to minimise the carbon-emission and related challenges. Conversely there is little prospect of achieving the desired climate change outcome of reducing green gas emissions. This is because national policies are not effectively being implemented with majority support due to politicisation of the current government’s policy on housing. For example, a housing project at Saglame, which was built up by the previous government (NDC) to near completion stage had been abandoned by the current government (NPP). This housing project was earmarked to provide decent accommodation for public workers such as the police service, custom employees and military personnel. Despite the fact that the housing project was built to promote decent housing accommodation as a strategy to promote decent living houses to the people, the abandonment connotes little political-will to advance the right to adequate housing generally. For example, from the period of Ghana’s independence till now (2022), there has not been any national policy intended to provide sustainable and decent accommodation for the vulnerable in the country, either in the cities, towns or community level. The final point on this issue is that majority of citizens especially girls, women, elderly and the disabled people are flagrantly discriminated against with respect to the housing.**

1. Please explain how natural disaster preparedness, response and recovery/reconstruction strategies and plans ensure non-discrimination?

**Notwithstanding the supportive roles played by natural disaster management strategies in curbing discriminatory tendencies in providing accommodation/housing to people in emergencies, the situation in Ghana is very dismal. This is because the National Disaster Management Organisation (NADMO) is a national response unit, dealing with emergencies and disasters in the country, but lacks the requisite expertise and logistical resources to provide assistance to those facing climate crisis. Over the years, operations by the NADMO towards the affected communities in cities, regions, towns and villages of Ghana had achieved little; because it is poorly resourced by the central government as the only remedy provided are mainly blankets and some ready-made provisions. Giving a blanket and partially-made provisions to people during emergencies occasioned by climate conditions resolves no problem of discrimination in housing/accommodation.**

1. What are the main barriers to addressing and mitigating the adverse impacts of climate change on the realization of the right to adequate housing?

**There are several obstacles to addressing/mitigating the adverse impacts of climate change however in Ghana, leadership, in my opinion, is the single most barrier to realizing climate change. This is because preceding and present heads of governments of the Ghanaian society have not shown political-will to implement policies designed to advance the right to housing. For example, these leaders/leaderships engage in corruptible practices by sponsoring their cronies to siphon monies earmarked to implement strategies dedicated to promoting the right to adequate housing without punishing those caught in such illegal activities. Another example is that the leadership in Ghana care most about securing favourable public opinion statistics which advances their political expediencies rather than implementing creative national domestic strategies that ensures that the vulnerable gain access to adequate housing. As a developing country with several natural resources at its disposal with a small population of 31 million people, only failed leadership drives a country and its citizens into misfortune, including inadequate housing.**

***Impact of housing on climate change***

1. How does the housing sector in rural and urban areas contribute to climate change? It may be helpful to think in terms of:
* energy consumption for heating, cooling, cooking, lighting of housing;
* urban sprawl and related climate impacts (soil sealing, commuter traffic etc.);
* increase of average per capita living space;
* water use;
* emission of pollutants;
* climate impact of construction and used construction materials;
* deforestation, desertification and loss of biodiversity caused by housing development projects.

Please provide as well any statistical information on the climate impact of the housing sector compared to other sectors in your country.

 **The housing sector in the rural and urban sectors of the country contribute actively towards climate change. For example, in the rural communities the people’s main source of subsistence is farming which means that they cultivate the land as well as cut the trees in the forest to build their homes for shelter and accommodation. Additionally, they also use the trees for several activities such as firewood for cooking, lighting, heating during the rainy season and for drying crops. Some other farming activities such as bush burning after clearing the land for farming and hunting all conspire to degrade the forest which in turn quicken the pace of carbon emission, compromising climate change sporadically. As a means to further augment their traditional standard of livelihood they engage in crude means of mining gold by cutting trees and digging pits which also contribute to climate and environmental degradations. Furthermore, these traditional activities have been expanded by illegal mining activities by foreign corporations which are often co-sponsored by both local leaders and government agencies to destroy swathes of land and forests through lumbering, mining and deforestation. On the contrary, there are actions/activities being performed by city-dwellers in Ghana which are similarly complicit in climate change such as fumes emission from vehicular movements, destruction of public spaces destined for recreation, incessant fumes from industrial chimneys in Tema, an industrial hub of Ghana. Coupled with this fact is the destruction of the Achimota Forest which is being tempered with by the Government Executive Instrument (E.I) 144. The Achimota is specifically grown to serve as forest cover with a view to regulate and control the carbon emissions in Accra, the city of Ghana. By issuing the E. I. 144 the current Ghanaian Government attempts to allocate part of the forest to his political cronies with the argument that the fringes of the forest’s edge are no longer part of the forest. Together with industrialisation and urbanisation within city-centres of Ghana, the above listed activities had conspired to expedite climate change with little government response to abate the crisis.**

1. What measures are being implemented in rural and urban areas to reduce and eliminate the adverse impacts of the housing sector on the climate? How successful have been these programmes?

**Over the years, successive governments have/had proposed measures to redress the harmful effects of climate change in Ghana, however, recent developments suggest the measures are not realising the intended results. For example, under the government’s initiative of National Tree Planting Day (‘Green Ghana Day’) which aims to plant 20 million trees in fulfilment of SDG 13 (climate Action), has drawn some private institutions to partner with the government in that respect. One such institution is the Republic Bank PLC (Ghana) which on June 10, 2022 sponsored the tree planting exercise. The tree planting is an ambitious programme conceived under the African Forest Landscape Restoration Initiative (AFR100) and the Bonn Challenge with a common objective of reducing carbon and greenhouse emissions.**

**With respect to the success of the measures, the view is that Ghana’s climate change programme has not been successful because the policies and programmes designated to achieve that objective lacked governmental, logistical and state-wide backing as little resources are devoted to implementing the scheme. Despite the fact that the current president of Ghana was once a co-Chair of the UNSDG agenda, Ghana’s climate initiatives are largely confined to documents with foreign companies, public agencies, traditional leaders and some citizens intently and aggressively engaging in exploitative activities detrimental to the climate thereby degrading the ecosystem and climatic wellbeing of the country.**

1. What are the main barriers to reducing and eliminating the adverse impacts of the housing sector on the climate?

 **Several factors conspire to thwart climate efforts in Ghana, prominent among them are:**

* **Lack of political leadership/political-will to implement creative international and domestic measures to address climate-friendly initiatives**
* **Failure to utilise expertise of domestic academics, professionals and public agents with the prowess to implement climate programmes**
* **Lack of information and knowledge among indigenous communities regarding climate change**
* **Prevalence of entrenched corruption among public, private and some local leaders in misappropriating state funds, donor funds and other resources earmarked toward fighting climate change without punitive sanctions**
* **The persistent use of military and police service personnel in providing security and protection to foreign and private individuals who engage in unfriendly climate activities such as deforestation, logging, illegal mining, pollution of river bodies, and degradation of heritage sites**
* **Weak public institutions’ inability to supervise, enforce, challenge and sanction crimes affecting climate and environmental disasters**

***Towards*** ***a just transition to a rights-compliant, climate-resilient and carbon-neutral housing***

1. What specific legislation, policies, or programmes have been adopted to put in place and finance a just transition to a rights-compliant, climate-resilient and carbon-neutral housing for all, without discrimination? **In Ghana’s context, the National Climate Change Policy (NCCP) outlines the vision and objectives regarding effective adaptation, social development and mitigation measures by seeking to introduce climate-resilient, climate compliant- economy while endeavouring to achieve sustainable development goals (SDG) and low-carbon economic growth.**
2. What measures have been taken to ensure that the costs of green transition in the housing sector are fairly shared between public authorities, taxpayers, homeowners, and tenants/renters or other affected interest groups, and to ensure the continued affordability of housing?

**Despite policies designed in light of the National Climate Change Adaptation Strategy- a joint UNEP programme funded by the Danish Ministry of Foreign Affairs- proposing climate-resilient measures such as conversing energy usages at public institutions across the country, educating indigenous farmers about climate change, introducing climate adaptive crops among others, no specific measures have been proposed nor implemented to finance rights-compliant measures to support tenants affected by climate change disasters.**

1. What adaptation strategies are needed to ensure the continued habitability of housing in the face of the climate crisis? (Protection from e.g. heat, flooding, extreme weather, etc.)

**Several measures are needed to achieve the above, prominent among them are: permanent and durable sea-defence walls to protect erosion of coastal lines as well as save human lives and properties in all communities affected by rising sea levels; implement measures to stem illegal tree-cutting and rampant pollution of water bodies in rural and mining regions in Ghana; show political-will to impose appropriate punitive sanctions to rid the country of illegal foreign and private miners; stem corruption in all facets of the Ghanaian society especially among public servants charged with the responsibility to protect and promote climate and environmental wellbeing, and lastly empower indigenous communities to resist and challenges illegal climate and environmental degrading activities.**

1. How are different interest groups, including marginalized communities, homeowners and tenants, being consulted, and able to participate in the design, implementation, monitoring and evaluation of:
* legislation, policies, or programmes been adopted that provide for specific measures to ensure the realization of the right to adequate housing in the face of the climate crisis;
* natural disaster preparedness, response and reconstruction, as well as in mitigation and adaptation efforts;
* measures to reduce and eliminate the adverse impacts of the housing sector on climate.

**Overall, very limited consultation is promoted to elicit, engage and involve affected communities in issues relating to climate, environment and related developments. Where they are contacted, the policies, legislations or programmes may have been far advanced. In addition, they may be provided with volumes of documents of which they are unable to read so as to make any effective meaning out of them.**

1. What is the role of international cooperation, technology transfer and development assistance of States and multilateral agencies to ensure a just transition?

**Some support have been trickling into Ghana by means of education, consultancy and donations by UNEP, Danish and Germany governments to help her prepare a national policy/document in mitigating the challenges of climate change. However, I am unable to pinpoint any substantive technological transfer to help Ghana expedite her climate change measures as desired. Like many multilateral agreements like the WTO’s TRIPS and Doha Declaration of 2001, very limited access to technology is given to developing countries of which Ghana is a member. This challenge is one area where several global initiatives fail to achieve their objective; and, I am certain that climate change might suffer similar fate unless the developed states together with multinational corporations are committed to offering substantive technology assistance this time.**

1. What are the main barriers to achieving such a just transition?

**One major barrier is that most countries in the global-south lack the resources- technology, expertise, funding, and political-leadership regionally and nationally- to address the challenges of climate change and environmental degradations on their own. Added to this problem is the lukewarm attitude of developed states, multinational corporations and the governing body’s failure to implement substantive provisions by releasing or sponsoring technological transfer and expertise to advance the scheme.**

***Other issues***

1. Please use this space to indicate any issue that should be considered for this report.

**As pointed out at number 3 above, the plight of the vulnerable groups- poor girls, unemployed women, elderly women, disabled people- who are exploited across the globe, and particularly as potters carrying shopping goods/loads for people in market centres of Ghana, should be protected and supported to realise their right to adequate housing. The Ghanaian government must stem corruption at state and private level, to invest substantively and creatively in housing schemes to advance the welfare of the marginalized in society. Also, criminal climate activities such as illegal limbering/logging, illegal mining, pollution of river bodies, indiscriminate use of chemicals, fossil fuel coupled with other destructive activities that give rise to the sea over-flooding its banks should be stopped immediately with punitive sanctions nationally.**

**Submission instructions**

**Deadline:** **8 July 2022**

**Email:** Please return this questionnaire to: ohchr-srhousing@un.org; ohchr-registry@un.org

**Email subject line:** Input for SR housing - report on climate change

**Accepted File formats:** Word only (supporting documents may as well be submitted in PDF)

**Accepted languages:** English, French and Spanish

Please include references to reports, academic articles, policy documents, text of legislation and, judgements, statistical information with hyperlinks to their full text or source or attach them to your submission (please respect total file size limit of 20 MB to ensure that it can be received)

**Potential confidentiality:** Please indicate on top of this questionnaire and in your e-mail if you want to have this submission or any particular attachment not to be published on the website of the Special Rapporteur and treated as confidential.

**Expected presentation** of the report of the Special Rapporteur: February/March 2023

1. Under international law, the right to adequate housing is more than having four walls and a roof. It is essentially the right to live in a place in peace, security and dignity. Housing adequacy covers the following seven essential elements: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. For organizations and stakeholders that may not be as familiar with the right to adequate housing in international human rights law, please consult General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights, available [here](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en). [↑](#footnote-ref-1)