

**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

Name of submitting entity, organization or individual: Habitat for Humanity Cambodia (HFHC)

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

In Cambodia, climate crisis is increasing in its likelihood. Cambodia is considered one of the most disaster-prone countries in Southeast Asia, with 4.6 on the INFORM 2015 Index. The World Risk Report 2016 classifies Cambodia as the 9th most at risk and the 15th most exposed country due to significant exposure to natural hazards and minimal coping capacities of its population and national and local structures to prevent and mitigate the effects of disasters. Below describes the effect of climate crisis on different elements of adequate housing based on HFHC's experience and other research:

Accessibility

- Discrimination about access to land, including water and natural resources essential for habitation;
- Discrimination to housing for rental or for acquisition or in accessing public or social housing;
- Access to emergency and transitional housing after the disaster, conflict-related displacement or in case of homelessness, family or domestic violence;
- Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
- data collection or requirements to furnish specific certifications resulting in the exclusion of particular persons from accessing housing;

Habitability

- discrimination about housing conditions, overcrowding, or housing maintenance;
- Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
- Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;

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](#).

- Discrimination in relation to housing renovation or permission of housing extension;

Affordability

- Discrimination in relation to access to public benefits related to housing;
- Lack of equal access to affordable housing;
- Discrimination in public and private housing financing;
- Discrimination related to housing and service costs, housing related fees, litigation or taxation;

Security of tenure

- Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
- Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
- Differential treatment in land or title registration, permission of housing construction;

Availability of services, materials, facilities and infrastructure

- Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
- Public transportation services and transportation costs;
- Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
- spatial disparities in access to health care, education, child care, cultural and recreational facilities;

Location

- Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
- Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
- Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
- Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

Cultural adequacy

- Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
- Prohibition of accessing, maintaining, or constructing culturally adequate housing;
- Lack of recognition of mobile forms of residency.

2. 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?

Yes, and the differences are regarding the level of impact as well as the areas of the impact. In Cambodia, rural areas see higher level of negative effects of climate crisis than in urban areas. In rural areas, there are more reports of house and infrastructure damages, loss of property, and loss of lives due to the crisis. However, in urban area, the issue is more with waste and hygiene during flooding. The systems of housing, water and sanitation, and waste management are interrelated both in cases of rural and urban areas. Disaster-resilient structure of housing is an example of the interrelationship of the adequate housing solution.

3. 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.

Yes, and those are basically categorized into the most vulnerable groups by government, development and NGO agencies. They can be, but limited to, families with inadequate housing, the landless, poor, indigenous and minority groups, people living with disability, and older persons.

4. 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?

Habitat for Humanity is ensuring adequate housing through supporting housing as a product and housing as a service. We believe that everyone deserves a place they can call home – a decent place to live. As a product, we address this issue by supporting vulnerable families with a housing construction and building skills. As a service, we provide supports around basic services and settlements by working to systematically and collaboratively with the people, public and private partners.

5. 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?

The key immediate related issues include shelter issue, food insecurity, water, sanitation, and hygiene (WASH) issues, mental problem, education for children, loss of livestock and income, and damage of agriculture crops.

6. 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?

There are no structured or promised forms of redress and compensation by the government or other agencies. Basically, there are assistances from governments who allocate limited budget but therefore mobilize resources from across the country to support the needs. UN agencies and NGOs would also implement response projects. There could be an issue of unfair distribution of assistance at local level, but if it is conducted through consultation with NGO partners or community based groups, the issues can be reduced.

7. Please indicate any key rulings of national courts and tribunals protecting tenants and homeowners 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?

There is no specific national courts and key rulings of national courts and tribunals protecting tenants and homeowners from the impact of the climate crisis or on their right to adequate housing or related to climate induced displacement. There is an outline of the State's general responsibility to ensure adequate housing and living conditions for all.

In measures

8. 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?

In Cambodia, this is still limited. There is however no analysis of such measure at HFHC. We integrate the elements of energy efficiency, green urban planning, climate mitigation and adaptation into adequate housing through many of our projects, especially those funded by DFAT Australia.

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

HFHC's strategies and plans on natural disaster preparedness, response and recovery/reconstruction are developed using a People-Centre Approach, meaning that communities will be engaged to define and select target groups. From consultation with communities and authorities, HFHC develops its own beneficiary selection criteria to assist in ensuring transparent selection and non-discrimination.

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

From HFHC's experience, limited skills and understanding of disaster-resilient construction/housing – a concept of a house that is built to be resilient to disaster – is one of the main barriers. Limited understanding of climate change impact and actions and limited interventions and budget allocation to climate change actions.

Impact of housing on climate change

11. 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.

In the context of Cambodia, all seven elements above are the impact of housing towards climate change. From many reports, deforestation is considered to be the biggest contributor to climate change. However, this is in form of large scale deforestation. Household based housing may not have this huge impact. The report estimated that climate change could reduce Cambodia's GDP by 2.5 percent by 2030 and by almost 10 percent by 2050. The fall is largely the result of reduced worker productivity following temperature increases, extreme events impacting on infrastructure and loss of crops. (2018 report of the Cambodian Ministry of Economy and Finance)

12. 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?

HFHC has been implementing climate change mitigation interventions, integrated with housing. A approach called disaster-resilient housing provides design and construction of a house resilient to disaster risks as well as causing low impact to the climate. There has not been a measure of level of impact of this housing model to the environment or climate.

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

From HFHC's experience, limited skills and understanding of disaster-resilient construction/housing is one of the main barriers. Technical support from government and integrating environmentally sustainably concepts into adequate housing programmes are other main barriers. Lack of policy enforcement and lack of coordination at local level are also the challenges.

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

14. 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?

Article 31 of the Constitution of the Kingdom of Cambodia (1993) incorporates the Covenant rights into Cambodian domestic law, including the right to adequate housing.

Article 44 of the Constitution and Article 5 of the Land Law (2001) provide legislative protections against the arbitrary expropriation of property, which can only be carried out in the public interest with the prior provision of fair and just compensation. In recognition of the absence of widespread land registration and titling in Cambodia, the Land Law recognizes possession rights for possession commencing before 2001, which can be converted into full ownership rights through the issuance of title.

The Land Law also recognizes collective ownership rights of indigenous communities over their land, including all of the rights and protections of ownership enjoyed by private owners. These legislative provisions provide a basis for securing tenure for legal possessors and owners as required by the Covenant.

However, there is a notable absence of legal guarantees for secure tenure for renters, informal settlements, and other groups.

15. 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?

There are housing policies and laws that are aimed to reduce inequality in housing. However, resources to implement these laws are too small to make a massive impact on housing needs.

In our experience, local Government institutions in Cambodia have little knowledge and experience in such measures or action due to capacity and resource limitation, including land. All social land concessions to the poor or needed people are handled by the central Government. Locally, we observe social housing programs by charity only, which is minimal compared to the need.

At the national level, we observe the following measure regarding addressing inequality in the housing sector, In Article 31 of The Constitution of the Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of

Human Rights and covenants and conventions related to human rights. The Cambodian Government is committed to implementing the principle of human rights, especially the right to "adequate housing" for all citizens, to ensure adequate housing for all Cambodian citizens, impoverished and vulnerable groups. To address the complex issues that vulnerable groups face on housing conflict, the Government has issued Circular No. 03 for tools for Resolution for temporary urban settlements

- This Circular is intended to provide Resolution for only temporary settlements on state land illegally occupied.

- Squatter settlements developed from several factors such as population growth, repatriation of refugee's family and families fleeing battlegrounds before 1998 when the country had not fully achieved peace, land loss caused by natural disasters, and other factors, mainly rural to urban migration for finding jobs in the later which has experienced rapid industrial, service and urbanization growths.

- Mechanism: Participation from community representatives and relevant NGOs.

- Goal: Only one consensus data list for all stakeholders will be used for solution-finding.

16. 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.)

Those adaptation strategies can be disaster-resilient condition of housing (protection from flood and storm), sustainable construction materials preventing extreme heat, and context-based design (e.g. protection from unhygienic condition caused by flooding).

17. 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.

People Centre approach of HFH is an effective tool to consult relevant stakeholders, especially communities. Feedback mechanism platform and P4 (people, public, and private partnership) are also used and found effective by HFHC.

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

They have a role to advocate for the enforcement the relevant laws and policies, providing technical and technological support, and financial assistance.

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

Lack of interest and coordination of development stakeholders, lack of capacity and commitment from the Cambodian Government, and lack of budget for implementation.

Other issues

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

This report may consider looking deeper at the interrelationships between housing ecosystem and climate change impact.

Submission instructions

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