

**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 Indonesia

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

The climate crisis in Indonesia has become a significant threat and has a serious impact on the housing sector. Rising sea levels and higher tidal patterns have caused tidal flooding along the northern coast of Java Island (*Pantura*) and others beach cities (Semarang was hit by rob recently). Economic traffic and logistics are cut off and hampered. Residents' settlements were inundated for a long time with more intense and frequent flooding (case of massive flood in Majene, Malang, Jember, Singkawang, etc). Extreme weather and hydro meteorological disasters (heavy rains-floods, landslides, storms, hot temperatures) such as Cyclone Seroja in East Nusa Tenggara (NTT) have threatened the settlements of indigenous peoples who live in mountains, forests and watersheds. The normally simple construction of their houses can be destroyed by hurricanes, collapsed and lost due to landslides and flooded due to rising sea levels and river overflows along watersheds.

The direct impacts they experienced include; (a) house damage due to flooding, sea water intrusion and puddles, (b) loss of land and houses due to landslides, flash floods, sea water intrusion, (c) loss of legal evidence (land/house certificates) due to floods and landslides, (d) access / road to the house was cut off due to flooding, sea water intrusion and landslides, (e) the presence of Internally Displaced Persons (IDPs) since they are forced to leave their house that are temporary uninhabitable, (f) loss of livelihood and income due to fail in harvest season of plantation, (g) cut off and loss of natural spring and access to water resource, (h) change in pattern of growing season, (i) migration of various insect and animal that may contribute to disease.

Herewith are the impact of climate crisis as recorded from various news in 2020-2022 in Indonesia:

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://news.act.id/en/berita/rob-floods-inundate-thousands-of-semarang-coast-residents-homes>

<https://en.antaranews.com/news/231369/panturas-most-areas-affected-by-coastal-flooding-tidal-waves-bnpb>

<https://www.bbc.com/news/world-asia-44636934>

<https://www.reuters.com/article/us-indonesia-floods-climate-change-idUSKBN1Z305X>

<https://www.antaranews.com/berita/2701297/banjir-di-kota-singkawang-semakin-meluas>

<https://surabaya.kompas.com/read/2022/04/04/125037778/banjir-terjadi-di-beberapa-titik-di-surabaya-ini-curhat-warga-terdampak>

<https://www.bnpb.go.id/berita/banjir-bandang-kota-batu-dan-banjir-kota-malang-15-orang-hanyut>

<https://regional.kompas.com/read/2021/05/01/113300878/badai-seroja-lebih-dari-84-ribu-jiwa-masih-tinggal-di-puluhan-pengungsian?page=all>

<https://www.cnnindonesia.com/nasional/20220527203354-20-802020/banjir-majene-sulbar-rendam-1312-rumah-hewan-ternak-hanyut>

<https://www.bnpb.go.id/berita/sebanyak-45-rumah-warga-jember-di-tiga-desa-terendam-banjir>

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?

The climate crisis affecting the right to housing in urban and rural areas can be categorized as follows;

a. Right of recovery and compensation; In general, loss or damage to houses in urban areas, especially big cities or provincial capitals, will immediately get a quick response from the government and other parties. Apart from being the center of news for national and provincial media, the position of the state capital or provincial capital is an attraction and has strong news value. In general, various solidarity actions are easy and quick to collect. Although social media (fb, IG, twitter, you tube) has made every citizen a source of news (citizen journalism), news related to damage to houses in remote villages that is disseminated by local residents and circulated on social media is generally not covered comprehensively. massive by the mainstream mass media. Access to recovery assistance and compensation from the government is also quite long and time consuming. Villagers are often left behind and forgotten.

b. Legal rights (legality over land, house: SHM (land ownership letter), IMB (Building Permit) In general, the requirements for constructing buildings in urban areas are more stringent than in rural areas. The requirement to have SHM and IMB is an obligation for city residents who will build their houses. Meanwhile in the village, there are still many lands/land areas that have not been certified, even though they all know and have land/land boundaries which are usually marked by trees, rice fields, rivers, stakes, etc. IMB requirements are also not mandatory for villagers who build their houses. The absence of certificate ownership places villagers in a more vulnerable position if due to the climate crisis, for example, it causes the loss of part or all of their land so that they lose factual evidence of ownership of the property. Even though the cost of obtaining a certificate may be affordable, residents are still reluctant to take care of it because the certification process requires various requirements, is time-consuming and complicated.

c. Right of access to financial institutions; the absence of land/building certificates for urban and rural residents causes them to lose access to financial institutions where usually ownership certificates can be used as collateral to obtain financial loans.

d. The different type of hazards, Urban cities may be threatened by floods, fire, tidal flooding, abrasion, typhoon, while rural villages may threaten by landslide, forest fire, typhons, flash flood.

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.

There are 6 groups of people/communities whose rights to adequate housing are directly affected by the climate crisis. They can be categorized as low-income family;

(a) Indigenous peoples. In general, they live in remote locations (in the forest, along the riverbanks, in a slope of mountain, etc.). Their homes and lives are threatened by forest fires due to rising earth temperatures and the scorching dry season. If there is access to their location it usually takes time. This results in the delay or time required to provide the assistance they need. Most of them also do not have KTP (ID cards) so that it becomes a challenge for the process of collecting data on beneficiaries. At the level of local wisdom, the design, structure and raw materials of their houses usually use the natural resources available around their villages. Sometimes this is different from the structural design perspective and building materials that are considered as "modern". Introducing modern building materials to indigenous communities requires certain strategies and approaches. However, their building material can be considering as sustainable materials.

(b) Urban and Poor Communities. They are residents who live in cities with dense settlements and shared communal WASH (water, sanitation, hygiene, latrines) facilities. This group can easily be reached by various aids but is very difficult to be "relocated". Relocation and livability programs, for example the construction of flats for them will require an approach and because they are usually crowded together. The reason why they are insisting to live as it is, is because they want and need to stay close with the city. They need quick and closer access to city to support their livelihoods. Their occupancy usually are related to informal sector such as food vendors, construction workers, low-level employees, scavengers, SMEs owner, cleaner, security guider, driver, parking attendants, street seller, etc.

(c) Fishermen communities along the coastline. The frequency and level of higher sea tides, abrasion and sea water intrusion clearly threaten the homes and lands of fishermen around the coast. Hurricanes and typhoon have already and can tear down their humble wooden houses which do not stand firmly on proper and secure foundations. Loss and damage to houses pose a serious threat to fishermen. In Indonesia, fishing villages and settlements are categorized as poor and very vulnerable to the threat of the climate crisis. Unfortunately, not many parties focus on assistance to fishermen villages, except in the event of a disaster like tsunami. Fishermen villages in Indonesia have felt the impact of the climate crisis in their daily lives.

(d) Communities of farmers and farm laborers who cultivate land. This group will experience crop failure and decreased income when floods or high tides hit their farms and plantations. Extreme weather and hot temperatures have also resulted in decreased yields and crop failure. In general, farmers are very loyal to their work so that looking for an alternative job replacement is not the right choice for them.

(e) Community of citizens living in slums and dense settlements along watersheds. The main problem for residents in dense and slum settlements along riverbanks is the unavailability of sufficient livable space, access to clean water and WASH facilities as well as pollution and waste. Their houses are very narrow and space is usually used for many things at once; beds, cooking, storage and study/play areas for their children. The climate crisis that increases the earth's temperature has an impact on the emergence of various viruses or diseases, epidemics that can quickly attack slums. River water that has been polluted by garbage, household waste, industrial waste, etc. becomes unfit for consumption.

(f) Community of villagers in mountains and valleys that are prone to erosions and landslide.

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?

The fulfillment of the right to housing can be guaranteed if there are laws, government regulations, policies, conventions that have been ratified or issued by the country of origin or destination of refugees. Legal sources of the right to adequate housing under international human rights law as referred to the Fact Sheet No.21, The Human Right to Adequate Housing consist of, for example:

- The Universal Declaration of Human Rights (1948);
- The International Covenant on Economic, Social and Cultural Rights (1966);
- The International Covenant on Civil and Political Rights (1966).

In Indonesia, the fulfillment of the right to adequate housing is also stated in a number of laws such as:

- PP Number 12 of 2021 dated February 2, 2021, concerning Amendments to Government Regulation Number 14 of 2016 concerning the Implementation of Housing and Settlement Areas.
- UU no. 24 of 2007 concerning Disaster Management.

The provisions of Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia clearly guarantees that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment. Likewise, in the preamble to letter b of Law no. 1 of 2011 concerning Housing and Settlement Areas (UU-PKP) states that the state is responsible for protecting the entire Indonesian nation through the implementation of housing and settlement areas so that people are able to live and live in decent and affordable houses in healthy, safe, harmonious, and healthy housing, and sustainable throughout Indonesia. Furthermore, in Article 40 of Law Number 39 of 1999 concerning Human Rights, it is stated that everyone has the right to live and have a decent life. The fulfillment of the right to housing as a basic right comes from survival and maintaining the dignity of human life.

In developing countries such as Indonesia, minimum basic needs are theoretically constructed as the right to food, clothing and housing. In addition, to maintain the dignity of life, it is still necessary to guarantee the right to health services, education, work, and so on. The right to housing is a human right, therefore it creates an obligation on the state to protect, respect and implement it. The state's obligations have been clearly stated in Article 8 of Law no. 39 of 1999 concerning Human Rights, namely "The protection, promotion, enforcement and fulfillment of human rights are primarily the responsibility of the state."

The right of refugees to return to their place of origin when (a) the situation at the place of origin has met the requirements for a decent and normal life. (b) Aspects of security, the availability of houses and WASH facilities as a means of supporting basic needs are available. These legal instruments and policies will be effective if the government also implements the orders of the law or regulation. For this reason, multi-stakeholder advocacy, monitoring, pressure and coordination are needed so that the mandates of these laws and regulations are actually implemented.

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?

A number of impacts that arise related to the loss or destruction of houses due to climate related disasters, can be categorized into several sectors:

Residential sector:

- Loss of home
- Loss of access and WASH facilities

Economic sector:

- Loss of job/income/livelihood
- Loss of access to economic and financial resources
- Poverty level increases
- Purchasing power goes down
- Unemployment rate is increasing

Health sector:

- Emergence of disease and health problems
- Increased life pressure / stress and other psychological effects, suicide, etc.

Education sector:

- Low, declining, loss of decent educational opportunities
- The decrease in children's motivation to learn / study

Sector of family life:

- Increase in domestic violence cases (KDRT)
- Increasing divorce cases

Social sector:

- Increase in crime and crime rates
- Increase in migrant workers / urbanization
- Increasing number of homeless

6. How have people been able to access redress and compensation for damage 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?

How the community accesses compensation:

- There is a decree related to the emergency / disaster status issued by the government. According to Disaster Management Law No. 24 of 2007, without a disaster status, the government cannot issue special funds to respond to it.
- Availability of a database / list of communities affected by the disaster / climate crisis according to the criteria for damage and loss (damage and loss assessment).
- High public awareness regarding citizens' rights in crisis/emergency/disaster situations.

The main obstacles that can arise:

- There is no clear policy regarding crisis/emergency/disaster status.
- Unavailability of data accuracy of beneficiaries and damage / impact that occurs.
- There are differences in the criteria for house damage from various relevant government agencies, making it difficult to determine the level of damage to the affected survivor's house.
- The lack of modalities provided by the government due to the top down approach, not participatory.
- Lack of coordination between the parties.
- Closed access to assistance due to road conditions, nature or inappropriate policies.

Possible solutions:

- The government immediately determines the status of the crisis / emergency / disaster (2 x 24 hours)
- Using technology such as GIS to strengthen data accuracy to support rapid need assessment, damage and loss assessment, selection of beneficiaries, affected locations, etc.
- Opening opportunities for cooperation in emergency response, rehabilitation and reconstruction phase with the widest possible parties; INGOs, foreign governments, financial institutions, corporations, etc.
- Provide stock of emergency relief items available in proper warehouses so that they can be immediately sent and distributed to affected locations at any time.
- The government will immediately determine the criteria for definitive house damage that will be applied in the affected location.
- Carry out the mandate of CHS (Core Humanitarian Standard) where affected communities are placed as subjects so that they have space to participate and have their rights fulfilled.
- Forming a coordination cluster, central and local governments need to work together, to allocate resources (human and financial) appropriately.

7. 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?

In Indonesia, so far there have been no refugees across national borders due to the climate crisis. What happens is refugees across national borders as a result of war or conflict. Those who come or are stranded in Indonesia usually come from the Middle East or Arab countries.

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?

HFH Indonesia has 8 guiding steps in implementing its community-based program, which aims to ensure that all parties are involved, nothing is forgotten and in an effort to maximize the fulfillment of the rights of affected communities.

By implementing the principles of openness, accountability and equality in every program targeting affected communities related to energy efficiency, green urban planning, climate mitigation and adaptation

By providing socialization, education and knowledge transfer regarding the use, maintenance and impact of energy efficiency, green urban planning, climate mitigation and adaptation policy.

By mainstreaming GEDSI (Gender Equality, Disability and Social Inclusion) in the process of using energy efficiency, green urban planning, climate mitigation and adaptation.

Make access to input through hotline services, contact persons, complaint boxes and other possible means of communication.

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

We can ensure the non-discrimination plans and strategies through various implementation of these protocol:

- Implement the Sphere standard.
- Use CHS (Core Humanitarian Standard) as a guide in responding.
- Align our program with Sendai Framework
- Implement GEDSI (Gender Equality, Disability and Social Inclusion) mainstreaming in every stage of the disaster management cycle.
- Implement the child protection and safeguarding protocol.
- Implement 'do no harm' principle in our programming
- Implement the cluster coordination system.
- Perform 5W mapping (who, where, what, when, whom) to avoid overlapping and reach all existing needs.
- Using technology-based data collection; GIS.

- Improving the capacity of survivors / villagers / communities through various activities such as; holding DRR training and increasing the role of DRR forums, designing contingency plans, conducting first aid training, search and rescue training, making evacuation routes, making emergency gathering points, determining safe locations for IDP's, practice emergency drill / simulation.

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?

- There is no clear rule of law / policy
- Lack of Building Code enforcement to ensure good construction quality especially in rural areas
- Lack of guideline to make non-engineered houses become more resilient
- Financial capacity for build back better
- Increased urbanization
- There is no legality of property owned by the community (SHM, IMB).
- Population data, there are still many residents who do not have ID cards (KTP).
- The RTRW (Spatial and Regional Planning) policy does not consider the mitigation aspects and local disaster threats.
- Character and culture of local residents who do not support the mitigation plan.
- If forced to relocate, the government generally takes a long time to determine the location of new land for housing for the affected residents.
- There is no new land available for relocation of affected residents.
- Access to housing loan for informal workers
- The lack of transparency of information and participatory policies taken by the government.
- Long-winded bureaucracy, procedures and high sectoral ego between ministries
- Corruption.

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.

Housing development has contributed to greenhouse gas emissions, especially CO₂ gas in a fairly large amount. CO₂ emissions generated directly or indirectly, among others, come from energy used for various activities that can be grouped into domestic activities, transportation, solid and liquid waste and building materials for housing and environmental facilities and infrastructure. Changes in land use also affect the generation of CO₂ gas. Trees, green areas and water bodies have a negative function on CO₂ because they function as zinc gas. The development of houses exceeding the Basic Building Coefficient (KDB: Koefisien Dasar Bangunan) reduces environmental comfort and increases CO₂ emissions. The more houses that are developed, the more gas will be emitted. The largest CO₂ emission comes from electrical energy used for domestic activities. The comfort of the residential environment will be achieved if there can be a balance between the gases that arise and the absorption of the environment. One of the efforts to reduce CO₂ emissions can be done through planning and designing green buildings and areas.

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?

- Using environmentally friendly materials; eco bricks.
- Utilize environmentally friendly energy (solar panels for household electricity).
- Take advantage of environmentally friendly designs regarding air ventilation and lighting.
- Use energy-saving stoves from biogas for household cooking purposes.
- Implement 1 house 1 tree program
- Do not use electronic equipment without a converter
- Utilize wastewater (water reused)
- Make a bio porous hole in the yard as absorption well
- Harvesting rainwater in the reservoir.
- Use electricity-saving lamps (LED).
- Make compost from household waste.
- Do not burn household waste.
- Build a self-contained septic tank in every house.
- Securing and managing natural water sources in a sustainable manner (water conservation).
- Planting trees in open spaces and critical land.
- For some locations, reduce / prohibit the use of building materials from wood (fresh cut), asbestos and other materials that reflect heat.

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

- There are no rules, policies, laws related to the use of environmentally friendly building materials and legal sanctions.
- There are no rules, policies, laws regarding the production of green building materials in Indonesia.
- Because the price of environmentally friendly building materials is still higher (if any), developers and homeowners are reluctant to build houses made of green building materials (high cost).
- The RTRW (Rencana Tata Ruang dan Wilayah: Spatial Planning and Territory) policy is still not in accordance with the principles of being climate friendly and low emission, it needs to be reviewed.

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?

- Sendai Framework for DRR 2015 - 2030
- UNFCCC - Paris Agreement 2015
- SDGs
- PUPR Ministerial Decree no. 2 of 2015 about Green Buildings
- MEMR Regulation 50 / 2017
- Law Number 16 of 2016 : Ratification of GHG emission reductions in 2030: 29% of BaU (National Efforts) 41% of BaU (International Support)
- Reducing GHG emissions by 314 - 398 Million Tons CO₂ in 2030. PP 79/2014 National Energy Policy & Presidential Decree No 22/2017 General National Energy Plan: Target 23% RE in Primary Energy Mix & 17% Final Energy Savings from the BaU Scenario.

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?

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.)

At macro level:

- Advocating for policies, regulations, laws and aligning them with a low emission approach.

- Stick and carrot mechanism aka law enforcement.
- Campaigns related to green building and low emission.

At micro level:

- Implement the low emission lifestyle.
- Conducting low emission campaign for housing sector.
- Building – energy – trash.
- Socialization, dissemination related to the impact of climate change and low emission building design.
- Production of media social content related with the low emission housing.
- Practice 3R: Reduce – Recycled – Reused.

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.
- Put the community at the center of the process, involving them in every cycle from assessment, planning, implementation to evaluation.
 - Create custom programs.
 - Produce creative content for social media platform.
 - Interactive campaigns and outreach through seminars, workshops (hybrid).
 - Conduct surveys.
 - Creating various creative events (competitions, festivals, fairs) based on volunteerism and targeting young people.
 - Conducting special research related to low-emission and energy-efficient homes.
 - Providing a kind of award for “low emission development” targeting corporations, organizations, individuals.

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

- Equal partnership and cooperation.
- Support programs related to low emission development in the form of funding commitments, technology transfer, technical assistance and the like.
- The cooperation commitment of the parties is formulated in the form of an MoU with the parties.
- Ensuring support is available in pre and post crisis/disaster times.
- Act as working groups to solve the problems and monitor progress of implementation.
- Resources center, knowledge sharing, and common lesson learnt.

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

- Sectoral ego related to the perspectives of developed countries (north) and developing countries (south).
- Coordination, capacity and responsibility, political will.
- Inconsistency between laws/policies and their implementation.
- Regional politics and foreign policy of each country.
- There is resistance from parties (state, corporations, investors) who do not believe in the climate crisis (climate denial groups).
- The adaptive capacity of each country is different.
- Policies and strategies for implementing low carbon emissions on a global scale are implemented differently for each country.
- Implementation of cross cutting issues (gender, disability, child projection) in the design of low emission development for each country.
- A fair transition requires large funds, not all countries are willing to contribute to the required funding according to capacity.
- Low carbon emission data/baseline is not accurate enough.
- There is no contingency plan related to this low emission fair transition.

Other issues

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

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