

**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 International Nepal

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
 - a. The effects of the climate crisis have been a shift in monsoon seasons and magnified disasters such as floods and landslides. The increased and often out of season natural disasters result in the damage or destruction of houses and land and crops for many families (Bank, 2022).. It is often families who are low-income and marginalised families who end up living in ditches or near rivers because they cannot afford to own safe land nor adequate housing. The repeated damage or destruction results in regular need for repair and eventually traps these families in the cycle of poverty and in inadequate housing. Loss of land, displacement from habitable locations due to loss of land, damage or destruction of houses, damage or destruction of WASH facilities are some key effects of climate crisis on the right to adequate housing.

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?
 - a. One key difference in the enjoyment of right to adequate housing in rural to urban areas are that in rural areas families primarily occupy individual housing whilst in urban areas many families rent their housing. The urban to rural renters are approximately 40% to 4% (Nepal, National Population and Housing Census 2011, 2012). The loss or damage of housing due to climate crisis impacts both renters and non-renters in varied ways; owners of housing have the responsibility to maintain or reconstruct housing whilst renters have to relocate and relook at affordable housing options. In addition, nearly double the houses in urban areas are permanent as compared to rural areas (Nepal, Population Census 2001, 2002). The decreased permanence of housing the rural areas leads to higher damage/destruction of the houses. Thus, climate crisis affects the right to adequate housing in rural areas more than in urban areas.

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](#).

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.
 - a. Often marginalised groups such as Dalits in Nepal are particularly affected in their enjoyment of right to adequate housing as a result of the climate crisis. Dalits are considered an untouchable caste and are segregated to areas on the outskirts of villages which are often disaster prone such as the banks of rivers. Approximately 75% of Dalits are functionally landless and without tenure security cannot enjoy adequate housing (Holden, 2013). As climate crisis often heighten the impact in disasters such as floods or landslides, Dalits' houses are frequently damaged/destroyed hampering their enjoyment of their right to adequate housing.
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?
 - a. In the case that people are internally displaced due to climate crisis, temporary shelters and basic needs such as food or safety requirements are supported by the government and supporting I/NGOs. The temporary shelters Habitat for Humanity Nepal support are often intended for a short duration of upto 6 months and take into account requirements for minimum space and privacy, WASH and open space. The original settlement area is inspected and if seen to be safe from a DRR perspective, the families are supported for safe shelter in their original location. If the original settlement is seen to be unsafe from a DRR perspective, the families are supported for a relocation to a safer location with adequate housing and basic services and infrastructure.
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. The housing damage related impact on lives of populations Habitat for Humanity Nepal have found at the field level are displacement, loss of liveable or cultivable land, loss of cattle, loss of proper drinking water and WASH facilities. This can lead to reduced health due to poorer living conditions and also decreased mental health due to losses incurred. Many a times displacement, decreased health or loss of land also lead to decreased ability to carry on livelihoods. Many of these insights are further corroborated by IFRC's Climate Change Impacts on Health and Livelihood Report (IFRC, 2021).
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?
 - a. The Government of Nepal supports with fiscal support for families in the case of loss of housing as a result of climate crisis induced disasters such as floods or landslides. However, many a time the amount is not enough. A study conducted by DanChurchAid in 3 municipalities show approximately 82% families affected by climate induced disasters were forced to take loans to resettle (DanChurchAid, Climate induced loss and damage is a harsh reality in Nepal, 2021). Main obstacles are few local actors, none international, working for people's housing affected by climate crisis and low amounts by the Government provided to people who are affected.
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 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?
 - a. Habitat for Humanity Nepal has taken measures such as abiding by by-laws ensuring settlements are minimum distance away from rivers and outside of the minimum slopes required for adequate housing to ensure habitability. Open green spaces are ensured and minimum distances between houses are maintained to allow reduced fire spread risk and to also act as collection points in the case of disasters. Families are provided safe shelter and DRR training to create inclusive local adaptation plans where they are encouraged for initiatives such as planting plants and trees in their plots to improve soil quality, and to improve the environment. Families are encouraged for energy efficiency such as being provided subsidised loans through MFI partners for solar lighting or smokeless stoves.

9. Please explain how natural disaster preparedness, response and recovery/reconstruction strategies and plans ensure non-discrimination?
 - a. Habitat for Humanity Nepal attempts non-discrimination for preparedness, response and recovery/reconstruction strategies and plans by including voices of various groups such as women, youth, persons with disabilities, marginalised castes whilst making these plans. Further, projects implemented are led by the communities with developmental organisations as facilitators and capacity builders. The presence of local level actors are a mandate for ownership and sustainability as well as for empowerment of communities.

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?
 - a. The main barriers to addressing and mitigating the adverse impacts of climate change on the realization of the right to adequate housing are
 - i. Low support to local actors for local response, rehabilitation and reconstruction efforts.
 - ii. Low research on the loss and damage impacts of climate crisis induced damage/destruction of houses.
 - iii. Low finance access for climate-induced loss and damage.
 - iv. Lack of digital innovation to support mitigating the adverse impacts of climate change.
 - v. A lack of coordination amongst the actors who work for climate change and adequate housing.
(DanChurchAid, WHEN THE CLIMATE BECOMES A THREAT , 2021)

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.

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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?
 - a. Local level have the responsibility to make local adaptation plans to reduce and eliminate the adverse impacts of the housing sector on the climate. Habitat for Humanity Nepal has a project in place with USAID where the priority is capacity building and technical support to create these plans. Specifically the program builds the capacity of local level actors for the importance of DRR and climate focused housing technologies.
13. What are the main barriers to reducing and eliminating the adverse impacts of the housing sector on the climate?
 - a. Some key barriers Habitat for Humanity Nepal identifies from the field to reducing the adverse impacts of the housing sector on the climate are
 - i. few green materials building technologies
 - ii. low acceptance of existing green building materials and technologies
 - iii. low financing options for green building materials and technologies
 - iv. lack of localisation of building materials and labour for construction

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?
 - a. The Environment Protection Act, 2019 (2019, 2019)
Adaptation plan may be made:
 - (1) In order to avoid adverse impacts and risks of climate change, the Ministry, Provincial Ministry and Local Level may make and implement an adaptation plan at the national, Provincial and Local levels, respectively.
 - (2) In making the adaptation place referred to in sub-section (1), special priority shall be accorded to the women, persons with disabilities, children, senior citizens and economically indigent communities who are more vulnerable to effects of climate change and the inhabitants of those geographical areas that have become more vulnerable to climate change.
 - (3) Local communities may make and implement an adaptation plan at the local level, and the concerned body shall make necessary assistance and facilitation in the implementation of such a plan.
 - b. 15th Periodic Plan by the National Planning Commission (Commission, 2020)
4.4.4. To develop environmentally balanced, financially viable, technically suitable safe, and well-managed integrated settlements.

(1) While developing new lands for settlements, the application of appropriate technologies and design will be encouraged to complete the construction and distribution of infrastructure services at the lowest possible cost.

(2) Low-cost housing units will be constructed using low-cost technologies and local construction materials by identifying alternative sources of investment including under public-private partnerships.

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?

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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.)

- a. Key adaptation strategies needed to ensure the continued habitability of housing in the face of the climate crisis through field experience are:
 - i. Verification of DRR safe land for housing
 - ii. Plantation of bamboo along soil eroded land such as near rivers or on steep slopes to improve soil quality
 - iii. Safe house designs to protect people from external weather and disasters.
 - iv. Ensure minimum criteria for WASH for habitability

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.

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

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

- a. Main barriers to achieving a just transition in relation to adequate housing in Nepal are:
 - i. Lack of a building energy code or standard in Nepal
 - ii. Code is conditional upon international support; a lack of internal capacity.
 - iii. Lack of incentive or strategy for renovation of old buildings
 - iv. Lack of proper management of forest areas (eg. curtailing illegal encroachment of settlements)
 - v. Increasing trend of building emissions (95% increase in past 5 years) (TRANSPARENCY, 2020)

Other issues

20. Please use this space to indicate any issue that should be considered for this report.
 - a. Nepal ranked 9th most affected country on the Climate Risk Index for 1999-2018 (TRANSPARENCY, 2020).

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

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