



Mandate of the Special Rapporteur on the right to adequate housing

Questionnaire: The right to housing of persons with disabilities

I. Background

For her next report to the United Nations General Assembly, 72nd session, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this regard, Ms Leilani Farha, intends to focus on the right to adequate housing of persons with disabilities.

The Special Rapporteur intends to further investigate the housing conditions of many people with disabilities that she has seen around the world, in institutions, in informal settlements, on the streets of cities and in rural settings. She hopes to enhance understandings of how housing circumstances are uniquely tied to the right to dignity, equality and social inclusion for people with disabilities as well as to protection from undermining their opportunities for choice and self-determination, severe health consequences and threats to life and to consider why these conditions have often remained hidden from view and unaddressed by governments.

The report aims to clarify the nature of state obligations to address systemic violations of the right to housing of persons with disabilities, and to understand the interdependence with the right to non-discrimination (including reasonable accommodation), the right to life, to liberty, to the highest attainable standard of physical and mental health, to freedom from cruel, inhuman and degrading treatment and to the right to live in the community. The report will also apply a disability lens to particular dimensions of the right to housing, including security of tenure; the obligation to provide adequate alternative housing in the community where displacement is unavoidable; meaningful engagement, and access to services including water, sanitation and support for community living.

Following up on previous thematic reports of the mandate, this report will also consider the obligation of different levels of government to co-ordinate policies and strategies, to eliminate homelessness, to ensure access to justice in relation to both individual and systemic violations of the right to adequate housing and to regulate private actors and housing markets.

The Special Rapporteur hopes to provide a clear and coherent framework to assist in guiding governments in the implementation of rights under articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights and articles 19 and 28 of the Convention on the Rights of Persons with Disabilities and other obligations under international human rights law.

The following questionnaire will assist the Special Rapporteur to better understand the housing circumstances of people, review how States, National Human Rights

Institutions, independent monitoring mechanisms as designated under article 33(2) of the Convention on the Rights of Persons with Disabilities, civil society organizations, including organizations of persons with disabilities, and other relevant stakeholders, have responded to these and learn from innovative approaches and successful programmatic and legislative initiatives.

II. Questionnaire

1. Please explain how the right to housing of persons with disabilities is guaranteed in domestic law, including constitutional provisions and human rights legislation.
2. Please provide any useful statistical indicators, analysis or reports regarding housing condition of persons with disabilities, the extent of homelessness and discrimination, (including failure to provide reasonable accommodation) in the private or public sectors. Please also provide references to any documentation (written, visual or otherwise) of the lived experiences of the housing conditions of people with disabilities.
3. Please provide data on the number of persons with disabilities living in residential institutions and relevant information on the progress towards developing or implementing deinstitutionalisation strategies to facilitate a sustained transition from institutions to community based living arrangements.
4. Please provide information on relevant legislation, policies or programmes that are intended to ensure equal access to and enjoyment of the right to adequate housing by persons with disabilities and provide an assessment of their effectiveness and shortcomings.
5. Please indicate what programmes, policies and strategies are in place to: i/ progressively close institutions; ii/ protect the human rights of people with disabilities still living in institutions; iii/ to ensure that persons with disabilities can challenge their placement in institutions; and iv/ to ensure that upon leaving institutions persons with disabilities can access adequate housing and support services in the community. Please also provide any information on policies or programs concerning reasonable accommodation and accessibility for persons with disabilities in relation to housing in both the formal and informal housing sectors. What measures have been taken to increase the number of “universally designed” flats or houses in communities?
6. Please indicate what national and sub-national institutions are primarily responsible for overseeing compliance with the right to housing of persons with disabilities, such as the National Human Rights Institutions; an office on disability issues; an ombudsperson or commissioner.
7. Please explain whether and in what ways courts, national human rights bodies and/or independent monitoring mechanisms have recognized the right to housing of people with disabilities, including those who remain institutionalized. Please also indicate what judicial or other appropriate remedies have been required where violations have been identified and describe the extent to which these

have been successfully implemented. Please provide links or documents relating to relevant jurisprudence.

8. Please refer to any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the right to housing of people with disabilities and identify lessons learned from these. Please also identify ways in which your Government or organization considers that the Special Rapporteur on the right to housing and other international human rights bodies or procedures could play a role in ensuring the right to adequate housing of people with disabilities.

Thank you for your responses and contributions

III. Submission of responses

Due to limited capacity for translation, we kindly request that you submit your answers, if possible, **in English, Spanish or French and, no later than 15 May 2016**. Kindly identify links or provide copies of any laws, documents or cases, related to your answers. **All responses will be posted in the official web page of the Rapporteur unless you indicate otherwise at:**

<http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

Please keep your responses to a maximum of 5 pages (or 3,000 words). Kindly send your responses preferably via email to: srhousing@ohchr.org, copying registry@ohchr.org; or to:

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For any question, please contact the Special Rapporteur through Ms. Juana Sotomayor, human rights officer and her assistant at Special Procedures Branch- OHCHR: email: jsotomayor@ohchr.org; phone: +41 22 917 94 45; or Ms Patricia Varela, human rights officer at Special Procedures Branch- OHCHR: email: pvarela@ohchr.org, phone +41 22 928 92 34.