



UNITED NATIONS

Media Statement

**Press Statement by the United Nations Special Rapporteur
on adequate housing as a component of the right to an adequate standard
of living and to non-discrimination in this context
Ms. Raquel Rolnik**

**Mission to the United Kingdom of Great Britain and Northern Ireland
29 August to 11 September 2013**

London, 11 September 2013

Introduction

From 29 August to 11 September 2013, I undertook an official visit to the United Kingdom of Great Britain and Northern Ireland at the invitation of the Government. My visit included various cities in England, Scotland and Northern Ireland. I also had the opportunity to meet Government office from Wales in London.

The main objective of my visit was to assess the country's achievements and challenges in guaranteeing the right to adequate housing and non-discrimination in this context, in accordance with existing international human rights standards. The assessment includes legislation and policy frameworks as well as the consideration of concrete outcomes from those policies, examining how they respond to the housing needs of women, men and children, with a particular focus on those most vulnerable and disenfranchised.

I wish to start this statement by expressing my gratitude to the various Government Departments, for the cooperation and hospitality extended to us during the organization and throughout the development of this fact-finding visit. I have had the opportunity to meet with numerous Government officials, including some Ministers. In England I met with the Department for Communities and Local Government, the Department for Environment, Food and Rural Affairs, the Ministry of Justice, the Department of Work and Pensions, the Homes and Communities Agency, the Department for International Development and the Manchester City Council. I also met with officials from the Department of Housing and Regeneration from the Welsh Government. In Scotland, I

met with the Scottish Government, including the Housing Services and Regeneration, the Housing Supply, the Homelessness and Equality Policy Departments; and with the Scottish National Housing authorities and Planning and Architecture Division. In Northern Ireland, I had the opportunity to meet with the Department for Social Development, and with the Northern Ireland Housing Executive.

I am also grateful for the opportunity to meet with the Equality and Human Rights Commission, including a representative from Wales, the Scottish Human Rights Commission, the Northern Ireland Human Rights Commission and with a wide range of civil society organizations, including housing charities, human rights organizations, housing federations, housing associations, campaigners, researchers, litigators and academics.

Lastly, but most importantly, I am thankful for the opportunity to visit housing estates, local areas, Gypsy/Traveler sites and homeless centers, which took place in London, Basildon, Edinburgh, Glasgow, Belfast and Great Manchester. I was able to hear first-hand testimonies and insights from residents of all ages, and witness living conditions. I wish to thank all those who took the time to meet with me, to travel to join meetings and hearings, and to offer their personal experiences to help me better understand the situation. Without their involvement, support and cooperation this mission would not have been possible.

Preliminary remarks

As I have said throughout my visit, the United Kingdom has much to be proud of in the provision of affordable housing. It has had a history of ensuring that low-income households are not obliged to cope with insecure tenure and poor housing conditions, and can be well-housed. Some of the policies and practices that have played a role in providing social housing include the construction and further regeneration of a large social housing stock as well as a welfare system which covers housing as part of a social safety net. These can serve as an inspiration to other parts of the world. There are also specific efforts to prevent and address homelessness, and the Scottish Homelessness Act abolishing a priority needs test deserves mentioning. These, and others, must be commended and recognized as good human rights practices to be sustained for present and future generations, both by the Central Government as well as the devolved Governments in Wales, Scotland and Northern Ireland.

At the same time, I wish to suggest that the United Kingdom's Government revisits some policy decisions with direct and indirect impacts on housing as a human right. I will limit myself to a few preliminary and provisional remarks on some of the issues of special concern. These along with other topics will be explored in more detail in my official report to the United Nations Human Rights Council at its 25th session in March 2014.

In carrying out my assessment, I am guided by relevant international human rights law, in particular by the International Covenant on Economic, Social and Cultural Rights, articles 2 and 11. The United Kingdom ratified this binding instrument on 20 May 1976 without reservations. According to it, the United Kingdom has obligations to take steps to ensure and sustain the progressive realization of the right to adequate housing, making use of the maximum of its available resources. Progressive realization represents a strong presumption against retrogressive measures in the protection and promotion of human rights. State parties cannot move backward without offering a strict, evidence-based justification of the need to take such measures and without having weighted various alternatives. Most importantly, Governments must put in place effective safeguards to protect the most vulnerable sectors of society if such decisions are made.

Some of my main preliminary findings indicate signs of retrogression in the enjoyment of the right to adequate housing. It is not clear that every effort has been made to protect the most vulnerable from the impacts of retrogression, indeed much of the testimony I heard suggests they are bearing the brunt. Housing deprivation is worsening in the United Kingdom. Increasingly, people appear to be facing difficulties to accessing adequate, affordable, well located and secure housing. The numbers of people on waiting lists for social housing have risen, with reports indicating waits of several years to obtain a suitable house.

This situation seems to be the result of a combination of structural measures taken during the last decades, such as the reduction in funding for subsidized schemes to provide new social housing. Interestingly, the state of the social housing stock in England has been significantly improved thanks to a Government programme known as “Decent Homes”. However, the pressing need for new and more social housing is not being met, and the social housing stock that was transferred to residents through the Right to Buy scheme appears not to have been proportionally replaced.

The trend has been to give priority to home ownership in detriment of other forms of tenure and to encourage a private renting sector with flexible tenure arrangements. Today, in England, approximately 17.4% of the population is renting in the private market and social housing renters provides for 17.3%. Figures of social renters are slightly higher in Scotland and Northern Ireland, but considerably lower than two decades ago everywhere in the UK. Furthermore, private tenancies can be as short-lived as six months and significantly more expensive than the social rental sector.

Home ownership has provided housing for more than one generation and it is deemed a common aspiration for many. However, the takeover of the housing sector by the financial sector has exposed many households to a highly volatile market, with skyrocketing prices during the boom years and, since 2008, a credit crunch that has

essentially paralyzed access to credit. Various stakeholders have warned of potential risks once the interest rate on mortgages starts to claim back. In Northern Ireland, repossessions due to mortgage default continue to be one of the issues of concern.

In England the Government and most stakeholders report that there is a clear shortage of housing due to a mismatch between supply and demand. For example, estimations range around 221,000 new homes needed in England per year, with less than 50% of this need actually being met (approximately 110,000). In view of the Government, this shortage is due to two main factors: the lack of available financing for the housing sector and planning constraints which lead to lack of available land for housing development.

In order to respond to this critical situation, the current Government has launched several initiatives contained in its 2012 Housing Strategy in England, and has created various schemes for investment such as “Help to buy equity loan” and the “Build to Rent” to support private house buyers and developers. A smaller funding allocation is provided for grants for affordable housing under this same package of initiatives. In devolved Governments, various schemes have also been created. For example, in Wales, the “Houses to Homes” initiative aims at bringing long term empty homes back into use.

A second element of this strategy is a significant reform to the planning system which, among other aspects, aims at reducing long and cumbersome administrative processes, by eliminating the regional level planning and pre-defined benchmarks for local councils to provide housing. In turn, this means that local authorities have more responsibilities as well as more direct and autonomous decision-making power. In Scotland, regional level planning has been retained in the four largest cities. A third aspect of the strategy involves the unlocking and selling of public land for housing development, through auctions in the private market without any conditionality.

Simultaneously, the Government has also taken fiscal austerity measures in the context of the economic downturn in efforts to curve spending. The Welfare Reform Act of 2012 which applies UK-wide, includes some measures that have particular impact on the housing benefits, including the housing benefit cap, reductions in legal aid, and in council tax benefit.

Especially worrisome in this package is the so-called “bedroom tax”, or the spare bedroom under occupancy penalty. It came into force on 1 April 2013, without having been previously piloted. It essentially means a reduction in the amount of benefit paid to claimants if the property they are renting from the social housing sector is considered

under occupied. The Government has argued that this policy reduces dependency and will make available a stock of under occupied homes.

Fiscal austerity measures include budget cuts in local Government expenditure, as well as significant reduction on the grants available for housing associations to provide social and affordable homes. This implies that social landlords will be required to reach out to the private financial markets in order to fund their building activities. As a consequence they will be pressured to increase their profit-making activities, potentially being forced to increase rent and reduce the stock made available to social renters.

Let me briefly examine how these measures are in line with the right to adequate housing and their impact on the lives of individual people. Allow me to explain.

It is true and I fully share the view of many stakeholders that house building is essential for the economy and for creating much needed jobs. I also fully share the view that there is a shortage on the supply side of the equation, especially in some high demand areas like London or other main cities. However the right to adequate housing compels Governments to look beyond aggregated general figures of supply and demand in order to place housing needs - and not housing markets - at the center of the decision-making.

The right to housing is not about a roof anywhere, at any cost, without any social ties. It is not about reshuffling people according to a snapshot of the number of bedrooms at a given night. It is about enabling environments for people to maintain their family and community bonds, their local schools, work places and health services allowing them to exercise all other rights, like education, work, food or health.

Some researchers argue that the "Help to Buy" scheme can intensify the pressure on prices, which are already high in a number of places. Also, according to recent trends in the housing market and taking into account the high prices of land, market builders have moved towards the higher end of the market. This will not increase the supply for the ones who are struggling to pay their rents or who linger for years in the social housing waiting lists.

Historically, access to affordable housing has been sustained by two main policies, namely, development of social housing with public funding and a needs-tested welfare system including housing benefits and other services that have been directly or indirectly been linked to housing for low income households.

I would like to refer now to the package of welfare reform and its impact on a number of human rights, but especially on the right to adequate housing, such as for those seeking to live independent and dignified lives with physical and mental disabilities. The so-called bedroom tax is possibly the most visible of the measures. In only a few months of its implementation the serious impacts on very vulnerable people have already been felt and the fear of future impacts are a source of great stress and anxiety.

Of the many testimonies I have heard, let me say that I have been deeply touched by persons with physical and mental disabilities who have felt targeted instead of protected; of the grandmothers who are carers of their children and grandchildren but are now feeling they are forced to move away from their life-long homes due to a spare bedroom or to run the risk of facing arrears; of the single parents who will not have space for their children when they come to visit; of the many people who are increasingly having to choose between food and paying the penalty. Those who are impacted by this policy were not necessarily the most vulnerable a few months ago, but they were on the margins, facing fragility and housing stress, with little extra income to respond to this situation and already barely coping with their expenses.

Another aspect that deserves some comments is the reform of planning policies in England, gives local level authorities expanded responsibilities. The power dynamics of a particular local council may not allow for a forceful negotiation with developers, to speed up delivery, and this situation may last for years despite the urgent need for additional housing stock. In fact, several documents and assessments acknowledge that land with permits has increasingly become the asset in itself, rather than an asset for the social well-being of the community. Similarly, it is also of concern that there is no property tax on land, including dormant or vacant land for years. Land value, including in the financial circuits, has escalated in the last decades, yet it is still mostly regarded as a private matter, hence for-profit. I would recommend that the Government sets a regulatory framework to avoid this kind of speculation.

Similarly, on the land and planning strategies let me say that selling public land to private developers for the best price can mean that a valuable public resource is not being used as a means to increase the availability of housing for those who need it, in times of housing stress. A significant part of the existing social housing stock in UK was built on local council and other public land. In times of pressure on affordable housing, the mobilization of public land can be an important tool, so I recommend that the Government releases public sector land only for social and affordable housing to be built.

Planning systems reforms are also being considered in Northern Ireland, devolving powers to Local Councils, which will also be territorially redefined. In this context, I want

to express my concern at the potential that this decentralization may have for increased sectarianism and discrimination.

In closing, let me also mention that during my visit I have also received multiple testimonies on the shortage of sufficient, adequate and safe sites for Gypsy and Traveller communities across the United Kingdom, many of whom feel this is part of the stigma and discrimination they regularly face from Governments and society as a whole. Despite multiple efforts and policies put in place to address this situation, it is fair to say that leaving local authorities to make their own decisions with no accountability and national process to reconcile the Gypsy and Traveller communities with settled communities remains a source of concern. Gypsy and Traveller communities too should engage more in the political debate and make efforts to ensure that their situation effectively changes.

Other population groups, highlighted by the Committee on Economic, Social and Cultural Rights in 2009, which continue to face inadequate access to affordable housing are Catholics in Northern Ireland, specifically in North Belfast. The current allocation scheme was created to be fair and open, and to allocate accommodation on the basis of meeting the housing need of people. Despite the efforts of the Northern Ireland Housing Executive, I remain concerned that full equality has not been achieved yet.

I also received information and testimonies about discrimination in access to housing by EU citizens, migrant workers and their families, refugees and asylum seekers. I am especially concerned with the policy which places the responsibility (backed by the threat of a fine) on landlords to check residence status of tenants, which I have heard often pushes undocumented people into the most insecure, worst quality and poorest located housing.

Summary of recommendation

As a brief summary of my preliminary remarks, I would like to highlight three recommendations:

First, and foremost, I would suggest that the so-called bedroom tax be suspended immediately and be fully re-evaluated in light of the evidence of its impacts on the right to adequate housing and general well-being of many vulnerable individuals.

Secondly, I would recommend that the Government puts in place a system of regulation for the private rent sector, including clear criteria about affordability, access to information and security of tenure.

Thirdly, I would encourage a renewal of the Government's commitment to significantly increasing the social housing stock and a more balanced public funding for the stimulation of supply of social and affordable housing which responds to the needs.

I hope that my visit and subsequent report will be able to assist the Governments in England, Scotland, Northern Ireland and Wales in these efforts and I look forward to continuing the constructive dialogue established during my visit.

I thank you for your attention and I look forward to your questions.

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