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Rapport de la Rapporteuse spéciale sur le logement convenable en tant qu'élément du droit à un niveau de vie suffisant ainsi que sur le droit à la non-discrimination à cet égard, Raquel Rolnik*

Additif

Mission aux Maldives
(18-25 février 2009)**

* Soumission tardive.

** Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit, qui est joint en annexe au résumé, n'est distribué que dans la langue originale.

Résumé

À l'invitation du Gouvernement, la Rapporteuse spéciale sur le logement convenable en tant qu'élément du droit à un niveau de vie suffisant ainsi que sur le droit à la non-discrimination à cet égard a effectué une mission aux Maldives du 18 au 25 février 2009. Sa mission avait principalement pour objet d'examiner l'impact des changements climatiques sur le droit au logement convenable, ainsi que les avancées obtenues et les difficultés rencontrées dans le processus de reconstruction qui a suivi le tsunami.

Le rapport fait également le point sur le processus de reconstruction qui a suivi le tsunami. Le tsunami de 2004 a durement touché l'économie et eu de graves incidences sur certains progrès sociaux que le pays accomplissait. Au cours de sa mission, la Rapporteuse spéciale a noté que la plupart des nouvelles maisons fournies par l'aide internationale étaient de bonne qualité et d'un niveau élevé. Elle a également noté que les projets de reconstruction associant les communautés elles-mêmes donnaient de meilleurs résultats. La Rapporteuse spéciale a néanmoins relevé que, dans certains cas, ces projets n'étaient pas en harmonie avec la culture ou le mode de vie des communautés. Elle met par ailleurs en cause certaines décisions prises après le tsunami, telles que la réinstallation de communautés lorsque cela n'était pas absolument nécessaire. Bien que les initiatives visant à regrouper sur une île des communautés vivant sur différentes îles afin de leur fournir des services efficaces et au moindre coût puissent être nécessaires dans certains cas, dans d'autres, des solutions ne faisant pas appel à la réinstallation et des approches novatrices pourraient être envisagées.

La Rapporteuse spéciale examine également la question de la terre et son attribution traditionnelle aux Maldives. Elle salue le caractère très pragmatique de ce mode d'attribution, qui permet à tous d'avoir accès à la terre et de disposer ainsi d'un logement, quels que soient la classe sociale et le patrimoine. Malheureusement, étant donné la pénurie de terres et l'accroissement démographique, elle estime que l'attribution traditionnelle de parcelles n'est plus une solution viable. Bien qu'une réforme du système foncier et du logement soit nécessaire aux Maldives, la privatisation complète de ce secteur et la dépendance totale à l'égard des marchés privés seraient une erreur et, partant, priveraient un grand nombre de l'accès à un logement convenable.

En outre, le rapport indique que, en l'absence de politiques foncières et de politiques de logement adéquates, la croissance démographique et les migrations internes ont conduit au surpeuplement à Malé et sur certaines îles. Les conséquences sociales du surpeuplement sont nombreuses: risques sanitaires et violence familiale et sexuelle, entre autres.

Au cours de sa mission, la Rapporteuse spéciale a par ailleurs mis en évidence plusieurs autres problèmes affectant le droit au logement convenable, tels que: l'accessibilité financière, l'absence de législation en matière de logement (y compris une loi relative à la propriété et un code de la construction) et la mise en œuvre limitée des lois en vigueur, l'absence de données sur la répartition du revenu et un système d'imposition, l'absence de gestion efficace des déchets et des eaux usées et les conditions de logement et de vie des travailleurs migrants.

La Rapporteuse spéciale conclut son rapport en formulant un certain nombre de recommandations concernant les questions précitées. En outre, elle déclare que les programmes d'adaptation devraient accorder la priorité à des solutions respectueuses de l'environnement et évaluer soigneusement l'incidence de solutions faisant appel à l'ingénierie lourde. Il faudrait aussi accorder la priorité à l'élaboration de solutions locales novatrices. Toute politique de logement devrait tenir compte des diverses possibilités de logement visant à pallier les différences de revenus, de moyens de subsistance et de formules de logement qui existent dans le pays. Les autorités et les entrepreneurs privés devraient prendre des mesures d'urgence pour améliorer les conditions de vie et de logement des migrants.

Annexe

Report of 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 context, Raquel Rolnik, on her mission to Maldives (18 to 26 February 2009)

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur on adequate housing undertook an official visit to Maldives from 18 to 25 February 2009. The main purpose of the mission was to examine the impact of climate change on the right to adequate housing and the achievements and difficulties encountered in the post-tsunami reconstruction process. Over the course of her mission, the Special Rapporteur identified a number of additional issues affecting the right to adequate housing that will be detailed in the present report.

2. During her visit, the Special Rapporteur met with high-ranking officials and representatives of the Government in Male and other islands, including Their Excellencies Dr. Mohamed Waheed, Vice-President; Mr. Ahmed Naseem, Minister of State for Foreign Affairs; Mr. Mohamed Aslam, Minister of Housing, Transport and Environment; Mr. Abdulla Shahid, Minister of State for Housing, Transport and Environment and Mr. Ali Hisham, Minister of Finance and Treasury. The Special Rapporteur also held meetings with parliamentarians, Maldivian citizens and members of civil society and non-governmental organizations (NGOs) and international agencies.

3. In addition to Male and the surrounding islands of Hulhumale and Villingili, the Special Rapporteur visited the islands of Naifaru, Hinnavaru, Dhuvaafaru, Kandhulhudhoo, and Madduvari, where she met with local authorities and communities.

4. She wishes to warmly express her gratitude to the Government of Maldives for the invitation, the constructive dialogue, its support throughout and after the visit and its commitment to progressing with the implementation of human rights.

II. General overview

5. Maldives is an archipelago composed of a chain of coral atolls with 1,192 islands covering an area of more than 90,000 km² and stretching 820 km in length. The islands were traditionally inhabited for more than 3,000 years by fishermen, sailors and their families. Of the islands, only 203 (59 per cent of the total land area) are inhabited, and those by approximately 300,000 individuals. Of all islands, 96 per cent are smaller than 1 km²¹.

6. The distinctive geography of Maldives plays an important role in political, economic and social issues. Around one third of the population of Maldives is concentrated in Male. The remaining population is dispersed among the islands, with only three islands aside from Male having a population greater than 5,000. Seventy-four islands have a population of less than 500. This dispersion contributes to difficulties in mobility and the provision of governmental services, as reflected in the wide disparities in income and access to social services and infrastructure between the capital and the outer atolls².

7. Demographic growth and the rise in consumption and internal migration associated with the development of the country in recent decades has put pressure on small inhabited islands, posing new challenges to the traditional practices of land use and allocation for community expansion.

¹ Maldives submission under Human Rights Council resolution 7/23, 25 September 2008, p. 15, available at http://www2.ohchr.org/english/issues/climatechange/docs/submissions/Maldives_Submission.pdf.

² Ibid.

8. Adding to these constraints and challenges, the situation of the Maldivian national territory makes the country particularly vulnerable to global phenomena such as potential climate change and its consequences, including the increasing number of natural disasters and the rising sea level. About eighty percent of the islands are less than 1 m above sea level. These factors have an important impact on both the fragile environment and the communities of the archipelago. The tsunami that hit the country in 2004 was the most manifest illustration of this vulnerability. Pushing many families into even more precarious living conditions, the tsunami contributed to bringing the issue of adequate housing to the forefront of political debates and general concern.

9. The traditional concept of receiving a plot of land and dividing it amongst new generations has resulted in families inheriting progressively smaller plots of land and houses, which adds tension to an already difficult situation with regard to accessing land and adequate housing. New trends such as high rates of population growth and increasing migration, combined with limited available land for construction, has increased pressure on housing³.

10. The Special Rapporteur notes with satisfaction that housing was declared one of the five priorities of the current Government. She also highly commends the new Constitution for its reference to the right to adequate housing and the legislative commitment to achieve this right for all.

III. Climate change and natural disasters

11. In her introductory report to the General Assembly, the Special Rapporteur declared her intention to investigate the link between climate change and the right to adequate housing and to take as full advantage as possible of her country visits to gather information and practical examples on the topic⁴.

12. In its third assessment report, the Intergovernmental Panel on Climate Change stated that climate change would increase the magnitude and frequency of weather extremes, such as heavy rainstorms, cyclones or hurricanes⁵. Such events would pose specific risks to small islands. The geographic and natural characteristics of Maldives make it particularly vulnerable to environmental changes, especially climate change and related problems such as rising sea levels and other natural disasters associated with changes in temperature and rainfall patterns.

13. The average height of Maldivian islands is 1.5 m above mean sea level⁶. Being a low-lying, small island archipelago State, a rise in sea level could lead to or exacerbate land loss from beach erosion and inundation, as well as damage human settlements and vital infrastructure.

³ Between 1900 and the 1960s, Maldives had a population of 70,000-80,000 inhabitants. From the 1960s to the 1980s, the population growth rate exceeded 3 per cent per year. From the 1980s until 2000, internal migrants represented around 20 per cent of the total population. In 2006, that figure rose to 33 per cent, half of them living in Male, the capital. See Maldives Population and Housing Census 2006.

⁴ The Special Rapporteur focused her 2009 thematic report to the General Assembly on the relation between climate change and the right to adequate housing (A/64/255).

⁵ Intergovernmental Panel on Climate Change, *Climate Change 2001* (GRID-Arendal, 2003).

⁶ Ministry of Home Affairs, Housing and Environment, *First National Communication of the Republic of Maldives to the United Nations Framework Convention on Climate Change*, 2001, p. 16.

14. The Special Rapporteur believes that climate change and its consequences impact significantly on the human rights of Maldivians. With regard to the right to adequate housing, such impact can be broadly divided into the following groups:

- a) Threat to life and health of persons and communities: this includes not only physical threats due to increase in temperatures and natural disasters, but also mental effects of insecurity and traumatizing experiences such as the 2004 tsunami;
- b) Loss of houses and property: total or partial destruction of houses and properties is happening in Maldives because of a rise in the sea level and natural disasters such as floods, cyclones, etc.;
- c) Loss of livelihood: in Maldives, the economy is concentrated in two sectors – tourism and fishing – both of which are affected by extreme weather and sea events. Tourism and fishing account for around 28 per cent and 8 per cent of gross domestic product, respectively. As many economic activities depend on the coastal ecosystem, climate change would affect communities' livelihoods, including through loss of land, environmental changes affecting fisheries and agriculture and other livelihood activities⁷;
- d) Loss or contamination of freshwater sources;
- e) Threat to security of persons and communities linked to their housing location;
- f) Threat to the very social fabric of Maldives due to displacement; and
- g) Impact on infrastructure and services.

15. Communities have sometimes expressed their demand for Government intervention through protests and other means⁸.

16. In some cases, a response to island vulnerability has been heavy engineering projects. The Special Rapporteur is concerned that some engineering projects have been carried out without proper environmental assessment. It seems quite clear that some infrastructure on islands has a significant impact on the island and the atoll environment. In some cases, coastal erosion has increased as the result of improper planning and design of harbours.

17. Soft engineering solutions, like the rehabilitation of mangroves or other natural barriers to flooding, can, in many cases, be sustainable and make islands more resilient to sea movements, without the need for costly and heavy building works.

18. The Special Rapporteur commends various initiatives taken by Maldives in relation to climate change and human rights. In this context, she welcomes the recent pledge made by the Government to become the world's first carbon neutral country in 10 years by fully switching to renewable sources of energy⁹.

19. The Special Rapporteur is also concerned that Maldives is becoming more and more dependent on carbon; patterns of consumption are increasing and the importation of goods, including the movement of all construction materials, is heavily dependent on transport by

⁷ See Ministry of Home Affairs, Housing and Environment, *First National Communication of the Republic of Maldives to the United Nations Framework Convention on Climate Change*, 2001.

⁸ See e.g. M. Omid, "Islanders Protest for Beach Erosion Action", *Minivan News*, 15 December 2008.

⁹ Through the United Nations Environment Programme initiative which promotes the global transition to low-carbon economies and societies. See United Nations News Centre, "Maldives joins UN emissions scheme in drive to be first carbon neutral country", 5 May 2009.

boat or by air. In the context of the National Adaptation Strategy Plan¹⁰, a consolidation programme to adapt Maldives to climate change was considered. The consolidation programme aimed to concentrate population levels on a number of so-called “safer” islands as a means of ensuring adequate housing in the context of climate change. The consolidation programme existed before the climate change agenda was raised both nationally and internationally and was justified as the only way to provide services to small and dispersed communities. After the 2004 tsunami, the policy was renamed as the “Safer Island” programme. This policy has raised tensions and provoked protests in the country and the Special Rapporteur welcomes a Government statement which notes that steps will be taken to review the policy and consider countermeasures for activities already implemented.

IV. Post-tsunami reconstruction

20. The second purpose of the mission was to look at the post-reconstruction processes. During her mission, the Special Rapporteur visited the northern atolls and some islands (Naifaru, Hinnavaru, Dhuvaaafaru, Kadhulhudhoo, and Madduvari) that had been hit by the tsunami of December 2004.

21. On 26 December 2004, Maldives was hit by a tsunami with tidal waves ranging from 1 to 4 metres throughout the country. More than 1,300 individuals were injured, 83 were confirmed dead and another 25 were missing, feared dead. According to the Maldivian authorities, 39 islands were significantly damaged and 14 islands completely devastated and evacuated. Nearly 12,000 individuals were displaced from their islands, and another 8,500 temporarily relocated on their own islands. The force of the waves caused widespread devastation of shelter and infrastructure in the atolls¹¹.

22. The tsunami affected the economy seriously and some of the social progress that was being achieved by the country. Total damages were estimated at US\$ 470 million, which represents 62 per cent of gross domestic product. Severe damage was caused to houses, infrastructure and equipment, agricultural crops and perennial trees. The physical damage led to severe human suffering inasmuch as large segments of the population lost their dwellings, lifetime assets, savings and sources of livelihood¹².

23. In her various visits, the Special Rapporteur noted that most of the new houses provided by international assistance were of good quality and a high standard. However, the Special Rapporteur also observed that reconstruction projects involving communities themselves had better outcomes¹³. In some cases, the design of houses does not correspond to the needs of Maldivians, for whom the house is also a basic livelihood asset. For example, traditional homes in the atolls have a kitchen outside the house, used to cook or dry fish outdoors. In some newly built houses, the kitchen was located inside the house, making it inconvenient, particularly for those who rely on cooking or the fishing industry for their livelihood.

24. In some cases, infrastructure and donated equipment, particularly garbage and waste disposal facilities, was abandoned and is now unused because of its inadequacy or the lack

¹⁰ Available at <http://unfccc.int/resource/docs/napa/mdv01.pdf>.

¹¹ World Bank, Asian Development Bank and the United Nations system, “Maldives Tsunami: Impact and Recovery, Joint Needs Assessment”, 2005, para. 3.

¹² Ibid., p. 3.

¹³ Tsunami Recovery Programme of the United Nations Development Programme, “Beneficiary Satisfaction Survey”.

of local capacity for their maintenance and use. Therefore, money and energy have been spent achieving limited results.

25. One side effect of the post-disaster reconstruction process has reportedly been an increase in the price of construction materials. The process competed with the construction boom leading to increases in prices by suppliers and construction companies.

26. The dispersion of islands and communities always posed serious challenges to the State. For a number of decades, the central Government tried in various ways and with a variety of programmes to regroup communities living on different islands onto one island, in order to be able to provide services in a more cost-efficient way. These initiatives – such as the consolidation programme – have not been very successful, mainly because of the resistance of communities to leave the island of their birth.

27. While the rationale for that approach is clear and was discussed in various meetings with the Special Rapporteur, she is of the opinion that, in some cases, alternatives could be envisaged to relocation of communities against their will, which would entail increased mobility between islands and provision of services, including health care and education. For example, in Santarem, in the Brazilian Amazon, a “health-boat” provides medical services to communities dispersed along the river, an approach that could also be used in Maldives.

28. The Special Rapporteur’s attention was brought to concerns that, in some cases, the tsunami may have been used by the authorities as an opportunity to relocate communities when not absolutely necessary. In the case of Kandhulhudhoo, an island which was declared “totally destroyed by the tsunami”, the inhabitants were relocated to the island of Dhuvaaafaru. The Special Rapporteur visited Kandhulhudhoo during the mission and, while she noted that the damage was great, there were also considerable possibilities for reconstruction. The mosque and the school were virtually intact and, in most cases, doors, windows and roofs had been removed from houses after the tsunami. In this case, it seems that a decision to relocate inhabitants may not have been entirely necessary and may have been a means of addressing other issues and concerns.

29. In some cases, the relocation of communities to inhabited islands has led conflict and rivalry between communities. The provision to relocated communities of expensive and high-quality new housing has provoked a number of conflicts with local inhabitants, as the latter were not considered as eligible for similar improvements. Service providers reported that, in some cases, the construction of new housing units was greatly delayed because of these events.

30. The Special Rapporteur commended the achievements and the immediate response from international donors and agencies, which mobilized more than US\$ 400 million in aid after the disaster. She was informed of efforts by Red Cross and Red Crescent societies and other agencies involved in reconstruction to design high-quality and disaster-resistant housing and facilities¹⁴.

31. The Special Rapporteur also noted that, four years on, 5,071 out of 8,327 individuals displaced by the tsunami were still living in temporary shelters¹⁵. The Special Rapporteur notes with satisfaction that this issue is considered as a priority for the Government’s action.

¹⁴ See, for instance, United Nations Development Programme report, “Design of Safe Shelters in Maldives”, November 2005.

¹⁵ Data from President’s Office, *The Other Maldives: Manifesto of the Maldivian Democratic Party – Alliance 2008-2013*, 1 February 2009.

V. Land

A. Land scarcity

32. Land scarcity is perceived in Maldives as the main obstacle to the realization of the right to adequate housing. It manifests itself as overcrowding in Male and on certain islands and the non-availability of land for community expansion on others. Rising sea levels, one of the apparent results of climate change, reinforces this perception, as very low islands are most exposed and subject to flooding and land erosion. The usual response to this problem has been land reclamation; however, the lack of land results in division of existing plots to accommodate household extension, creation of vertical additions to existing houses, subdivision of existing dwellings into smaller units, including for rental, and the redevelopment of plots.

33. While land reclamation may be considered as a possible solution to land scarcity it may also have a negative impact on the reefs and other natural features of the islands, thus reducing their natural resilience and increasing their vulnerability to natural disasters. The Special Rapporteur believes that there is a need to promote short- and long-term research into the unique geography of Maldives. These approaches can save investments from being directed into non-suitable solutions. For instance, this could help Maldivians become less dependent on imported goods, such as cement and other construction materials.

34. The absence of building regulations, rent regulation and unified and clear building standards has a negative impact on the affordability, quality and security of tenure of the housing stock.

35. Since only 192 of more than 1,000 islands are inhabited today, the issue of scarcity of land is not related to land per se, but to developed or urbanized land, i.e., land serviced by basic infrastructure (such as harbours and energy supply) and social services (such as schools and medical facilities).

B. Traditional land allocation system

36. All Maldivian land is public and all Maldivian citizens have the right to receive a plot as a birthright. The Special Rapporteur believes that the traditional allocation of plots is no longer viable. The social achievements in the last years – the fall in infant mortality, the increase of life expectancy and the changing patterns of consumption and migration – requires a new approach to land and territorial planning. The Special Rapporteur was pleased to hear about the decisions adopted by the Maldivian authorities and looks forward to seeing the results of their efforts. She would like to point out the very positive aspects of the traditional land allocation in Maldives, for example, that it gives access to land for housing to all, regardless of social class and wealth. She believes that the spirit of this approach should be retained in any future legislation and policies.

C. Proposal for new land reform and transition to a private market system

37. Maldives passed its new Land Act and Regulations in 2002 and there were major amendments to both in 2004. The Land Act is scheduled to be amended further in the near future. It is envisaged that fundamental changes will soon be made in the present Act,

facilitating a freer exchange of land¹⁶. Following the enactment of the Land Law Act in 2002, a World Bank consultancy recommended that the Government introduce a private market system, providing land that could be rented in order to develop real estate investment.

38. As the root causes of the financial crisis show, land privatization in Maldives may not be feasible; rather, it may be better to reform the current system in order to increase availability and access to adequate housing. A private market would certainly increase the number of certain types of dwelling, attract foreign investors and create a real estate market. However, it would not necessarily fulfil the needs of the majority of Maldivian citizens.

39. International experience shows that it is possible to maintain public land and develop a lease system for high-income, housing-generating economic resources to develop additional land. Community development agencies, with the support of infrastructure and affordable community loans, can provide adequate public housing. Decentralizing housing and land competencies to atolls and islands – with the direct participation of communities – is crucial.

40. In the case of Male, where half of the capital's inhabitants rent their homes, public and private companies could develop social housing schemes offering subsidized rents. The island of Hulhumale could be considered as an alternative to overcrowded Male, as long as clear, transparent procedures for accessing adequate housing are respected and priority is given to the most vulnerable groups in society.

VI. Overcrowding

41. Demographic growth and internal migration not coupled to proper land and housing policies to accommodate sociodemographic changes have led to overcrowding in the capital Male and some islands, like Hulhumale and Villingili. The city of Male is built on an island of 2 km², which makes expansion very difficult or impossible. The housing situation in Male is characterized by overcrowding and land scarcity and the absence of an adequate State land management policy or any regulation of rents and building standards. Moreover, the lack of educational and basic services or employment opportunities encourages people to migrate to Male, which offers better educational and economic opportunities¹⁷.

42. Various reports attribute most of the overcrowding in Male to increased migration of Maldivians and foreigners to the capital. Male has always been the centre of all development in the country. This has led many people from the islands to migrate to the capital, looking for employment opportunities, higher wages and better living conditions. Between 1967 and 2000, the population in the capital rose from 10 to 25 per cent of the total national population. For the period 2005–2010, the urban population growth rate is estimated at 5.3 per cent annually, while the atoll population growth rate is estimated at -0.3 per cent annually¹⁸. Between 1995 and 2006, the population of Male increased by 40 per cent. In addition to internal migration, over 80,000 migrants from Bangladesh and other South Asian countries live in Maldives, with half of them working in the construction sector, which is flourishing owing to post-tsunami reconstruction.

¹⁶ From <http://www.globalpropertyguide.com/Asia/Maldives/Landlord-and-Tenant>.

¹⁷ See Ministry of National Planning and Development, *Analytical report: Maldives Population and Housing Census 2006*, 2008.

¹⁸ See United Nations Statistics Division, *World Statistics Pocketbook 2008* (United Nations, Department of Economic and Social Affairs, 2009).

43. It is also important to underline that overcrowding does not characterize Male and the largest islands alone. Residents of the atolls also face housing stress, with extended family homes no less crowded than those of families in Male, even though rural families often possess larger plots of land¹⁹.

44. At the national level, the Human Rights Commission of the Maldives estimates that 12,000 families do not have their own housing. Thus, around 85 per cent of the households in Male are either sharing a small flat with other families or living in temporary/makeshift living space. Sixty per cent of Male households live with 2.5 persons or more per room and are considered as living in an overcrowded environment²⁰. In 2006, according to the Maldives Population and Housing Census, the average number of individuals per bedroom in Male was 3.1²¹.

45. The Maldives' housing market is characterized by growing inflation as a result of increasing demand and a surge in the price of construction materials. From March to June 2008, the inflation rate in the housing sector was 10 per cent²². Exorbitant rental prices leave families – particularly poor families migrating from rural islands – with no choice but to live in overcrowded housing units. It is reported that, in some cases, households in Male and Villingili pay 80 per cent of their income on rent²³. This leads to extreme situations with more than 15 individuals sharing one room. Similarly, migrant workers who cannot afford adequate housing conditions are forced to share small spaces with many others.

46. Overcrowding has many adverse consequences for individuals and families. Inadequate housing and living conditions exacerbate social problems. Inactivity resulting from unemployment, added to the lack of privacy and space, causes considerable tension within households. In an attempt to achieve some degree of privacy, parents frequently ask their children to spend their free time outside the family home. However, there is a lack of public spaces where children can gather and play and children are thus, in some cases, exposed to criminality and drugs.

47. Such hardship also creates conditions conducive to domestic violence. In overcrowded houses, women and children are particularly vulnerable to violence and sexual abuse²⁴. According to a survey conducted by the Ministry of Health and Family in 2006, one in three women aged 15–49 years have experienced physical or sexual abuse, while one in six women reported having been sexually abused before the age of 15.

48. Reports indicate that overcrowding increases drug use. For instance, when one family member uses drugs, the confined housing situation makes it more likely that other family members will also fall prey to addiction. Recovery is also very difficult in such circumstances because of the proximity of drug users. This explains the very high – around 90 per cent – relapse rate in the capital. In addition, the proximity of drug users increases the use of shared needles and has implications for the spread of infectious diseases and HIV/AIDS.

¹⁹ See Human rights Commission of the Maldives, *Rapid Assessment of the Housing Situation in the Maldives*, October 2008, p. 22.

²⁰ See *Dhivehi Observer*, “Living in capital Male: What it means for the average Maldivian, consequences and solutions”, 1 May 2005.

²¹ See footnote 19, p. 16.

²² See Ministry of Planning and National Development, Male Consumer Price Index reports (monthly), 2008.

²³ See footnote 19, p.44.

²⁴ See, for instance, Ministry of Gender, Family Development and Social Security, “Gender Based Violence in the Maldives: What we know so far”, September 2004.

49. Children suffer greatly from drug consumption in households. For example, when a child's parents or siblings are drug addicts, worsened housing conditions increase the child's risk of being affected by the breakdown of family ties and physical or sexual abuse. Such a situation also has the potential to push children into the cycle of drug abuse.

50. Overcrowding entails a number of other health consequences²⁵. Overcrowded environments adversely affect those suffering from recurrent or serious diseases. They also affect persons with disabilities. Life in close proximity to other people gives rise to poor hygiene conditions, increases the transmission of diseases and causes stress²⁶. Health authorities see a correlation between the increase in the type of construction in the capital and the increase in some diseases, such as dengue fever²⁷. In addition, the impossibility of privacy may prevent good recovery.

Alternatives: affordability of private market apartments

51. Given the challenges posed by housing stress in Maldives, the Government is considering developing a scheme to attract private investors to build flats on several islands.

52. As indicated above in the section on land scarcity, the Special Rapporteur has serious concerns about the impact of handing housing over to the private-market and financial spheres. Markets alone cannot provide housing for all, particularly when the majority of the population does not have the means to buy property.

53. Private mortgage and ownership-based housing systems may increase the supply of housing throughout the country, which could be very positive. Yet, given the fact that land is the most crucial public asset in the country and the income inequality that currently prevails in Maldives, such a system will only be affordable for a minority and large public subsidies would be required to house the poor, a system that cannot be sustained. In this context, the Special Rapporteur would strongly recommend that any housing policy should consider several options to cope with the differences in incomes and livelihood and households arrangements that exist in the country. For example, rent regulations and subsidies can be combined with microfinance schemes and different tenure arrangements. Regulations should be established to ensure security of tenure and basic quality standards, and to favour collective profits.

54. Maldives has gaps in pieces of legislation that relates to the right to adequate housing. There is a void concerning relations between tenants and owners; nor is there a building code or standards. A common registration system is also lacking.

55. In the absence of data on income distribution and a taxation system, any clear and coherent housing policy, especially to address the need of the most vulnerable, is very difficult to put in place.

²⁵ See, for instance, details of the World Health Organization's work on housing and health found at the following websites: <http://www.euro.who.int/Housing>
http://www.who.int/water_sanitation_health/hygiene/settings/hvchap7.pdf
http://www.who.int/water_sanitation_health/emergencies/qa/emergencies_qa9/en

²⁶ G. Howard et al., *Healthy villages: A guide for communities and community health* (World Health Organization, 2002), ch. 7.

²⁷ The Special Rapporteur's meeting with the Ministry of Health.

VII. Other issues

56. In addition to the issues mentioned above, in the course of her mission, the Special Rapporteur identified a number of other issues affecting the right to adequate housing in Maldives.

57. During her visit, the Special Rapporteur noted the lack of efficient waste management and sewage systems. One third of the households in the country dispose of their waste either by depositing it by the sea, burning it near residential areas or throwing their garbage into the undergrowth²⁸. In some cases, on islands where waste management systems have been established, they are not in use due to a lack of expertise on the use of the machinery. As a result, piles of garbage are scattered on the beach front, causing a health hazard for the population and serious environmental problems.

58. The Maldivian authorities are considering privatizing utilities as a means of providing services to all, and intend to put forward a strategy to attract foreign investors. It is estimated that 30,000–50,000 persons constitute the critical mass necessary to attract investors²⁹. This has been one of the main arguments in favour of concentrating populations on a few islands, offering opportunities in some central locations in the atolls.

59. The Special Rapporteur recommends that the authorities carefully consider all aspects of such a proposal, particularly given the fact that many off-putting examples of its application can be found throughout the world. Unfortunately, Maldives does not possess statistics on the level of income or poverty. During the Special Rapporteur's visit, officials stated that 90 per cent of the country's wealth belongs to 10 per cent of the population and that 40 per cent of Maldivians live below the poverty line. If this estimate is accurate, utilities fees will be affordable for a few only and, in order to ensure a sustainable business model, the State would be required to provide considerable public subsidies.

60. On the other hand, conventional infrastructure – especially for sewage and waste disposal – also has serious environmental impact and costs, and can affect the quality and the availability of safe water.

61. Small-scale, decentralized utilities could be a more suitable response to the particularity of Maldivian social and physical geography. Technologies exist to supply small, dispersed communities with energy, waste disposal, water supply and sanitation. Some tourist resorts already employ such methods.

62. Tourism has been one of the main sources of revenue for Maldives. The Government adopted a system to lease uninhabited islands for the development of tourist resorts and also developed a tax system whereby tax must be paid per bed per night. The system has had a positive impact on public revenue and, at the same time, has prevented some problems which often plague tourist resorts, such as criminality and prostitution. Tourist resorts have a very high standard of infrastructure, which often contrasts with nearby inhabited islands that frequently lack basic utilities. In addition, the presence of nearby resorts does not always offer additional economic opportunities to the surrounding inhabited islands. The current system could have more redistributive impact on the right to adequate housing for Maldivians, while preserving its characteristics.

²⁸ Maldives Population and Housing Census 2006.

²⁹ The Special Rapporteur's meeting with the Vice-President.

A. The housing conditions of international migrant workers

63. The housing and living conditions of migrant workers were a recurrent issue throughout the mission of the Special Rapporteur. Not only did she receive many reports and testimonies on this issue, but she also visited various sites, including in Hulhumale, where she witnessed the hardship endured by migrant workers. The large number of migrant workers (more than 80,000) poses serious problems, including discrimination³⁰. It is estimated that an additional 25,000 illegal migrant workers support the Maldivian economy in construction sites, resorts or as domestic aids³¹.

B. Public participation and involvement of communities

64. Maldives has successfully started a process of democratization. In this context, it is important that civil society and communities are integral parts of decision-making and planning in relation to the right to adequate housing. This requires a number of efforts. First of all, there is a need to develop and support the creation of NGOs and civil society initiatives. This development should be encouraged by the State and international organizations present in Maldives. Secondly, participation goes beyond mere consultation. It requires investment from the State through providing information, building community capacity to deal with issues related to adequate housing and creating public mobilization and awareness.

65. It seems that in some cases, the traditional paternalistic approach of the State to communities has negatively impacted their capacity for self-organization and initiative. While in many cases the reconstruction effort has tried to involve communities themselves, the Special Rapporteur was informed that it has been a difficult process. Some service providers stated that communities have, in some cases, been passive in the reconstruction efforts or have been reluctant to cooperate with humanitarian agencies. Thus, there is a need for communities to take responsibility and collectively commit themselves to the realization of their rights.

66. Another concern of the Special Rapporteur is the lack of local capacity, especially with regard to technical issues. This means that Maldives sometimes relies heavily on foreign technical cooperation, which, in some cases, may lead to solutions that are not in line with the reality of the country. The Special Rapporteur believes that there is a need for the authorities and the international community to invest in the creation of local capacity.

VIII. Conclusions and recommendations

67. **The Special Rapporteur recommends that the authorities carefully consider and implement the recommendations contained in the report of the Human Rights Commission of the Maldives³². For this purpose, a land and housing policy council should be established, with the participation of community representatives from the different atolls and members of the different governmental agencies and the private sector, to participate in the formulation of land and housing policies and monitor**

³⁰ See for instance N. Zafar, "Maldives: Inhumane Treatment of Migrant Workers", 3 September 2007, on <http://globalvoicesonline.org>. and I. Mohamed, "Expatriate protest ends in violence", *Minivan News*, 15 February 2009.

³¹ The Special Rapporteur's meeting with the Minister for Foreign Affairs.

³² See footnote 19.

reform implementation. This would strengthen the commitment of civil society to the reforms and create a system that ensures dialogue and responds to Maldivian needs.

68. The Special Rapporteur believes that climate change has aggravated and will further amplify some of the problems linked with characteristics of Maldives, including land scarcity and vulnerability of the islands to natural phenomena. The impact of climate change on the acceleration of coastal erosion, frequency of storms and flooding and the rise of the sea level would increasingly affect the housing and livelihood of many Maldivians. This places a responsibility on the international community to support adaptation strategies in Maldives.

69. Any adaptation programme should give priority to eco-friendly solutions, and the impact of hard engineering solutions should be carefully assessed.

70. Adaptation strategies need to draw lessons from post-disaster reconstruction processes and in particular the tsunami aftermath.

71. Disaster prevention and post-disaster reconstruction processes must be designed with a human rights-based approach. These processes must be carried out with consultation and participation of concerned communities, be gender-sensitive, draw upon local knowledge and be culturally appropriate. Special attention must be given to vulnerable groups and those who may face discrimination and exclusion.

72. Resettlement should be carried out after considering other potential alternatives and in full consultation with concerned communities. In cases where no other option is available, resettlement should be carried out in conformity with international human rights standards.

73. The Special Rapporteur believed that there is a need to rethink hard engineering projects, including construction of roads between islands and land reclamation, in order to minimize impact on the islands' environment and their innate protection from natural disasters.

74. Consultation and participation of communities is an essential part of reconstruction planning. This element should be systematically included in all reconstruction processes, to ensure they can really achieve long-term positive results.

75. Internationally funded studies, internal capacity-building and innovative approaches are required to allow adequate housing and infrastructure and climate change adaptation programmes and projects to be designed and innovative local solutions, focused on a human rights-based approach, to the very particular situation of Maldives to be developed.

76. Various factors including the growth of population and the scarcity in land make a new approach to land distribution and territorial planning unavoidable. Yet, the Special Rapporteur believes that any new approach should keep the very positive aspects of traditional land allocation, which provides access to land for housing purposes to all, regardless of social class and wealth.

77. The Special Rapporteur strongly recommends that any housing policy should examine various options to cope with the diversity in incomes, livelihood and household arrangements that exist in the country. For instance, rent regulations and subsidies could be combined with microfinance schemes, community loans and different tenure arrangements.

78. The Special Rapporteur commends the constitutional commitment to the right to adequate housing. This has now to be transcribed into all relevant programmes and policies which should fully take into account the various dimensions of the right to adequate housing.

79. There is an urgent need to address legislative gaps, such as the lack of tenancy regulation and basic building standards, in full accordance with the right to adequate housing. Adequate complaint mechanisms should be put in place to enforce that and other housing legislation.
80. Maldives should develop a taxation system in order to better finance its activities, including on housing and social issues, and diminish its reliance on external aid.
81. Maldives need to put in place a coherent and efficient system of land registration and administration.
82. While creating an environment that permits individuals to ask for credit to buy houses on the private market can be positive, priority should be placed on providing alternative housing options. In this context, the Special Rapporteur encourages the State authorities to consider her report on the impact of the financial crisis and the recommendations it contains³³.
83. The Special Rapporteur commends the joint project of the State and the United Nations Development Programme entitled “Affordable Housing for All” that was signed in March 2009. She hopes that the project will take into full account the various elements of the right to adequate housing and include issues that have been discussed in the present report³⁴.
84. There is a need to increase the number of social housing units and introduce rent regulation. This requires reliable data on income and an efficient monitoring system.
85. The Special Rapporteur urges the authorities and private contractors to take immediate measures to improve the housing and living conditions of international migrants.
86. The direct participation of the communities in all stages of housing and urban planning decision-making is crucial for them to be successful. The State must not only provide full access to, and information on, housing and infrastructure planning, it must also build capacity in communities through public awareness and mobilization. The communities themselves should engage and take responsibility for the implementation of their rights and collective decisions.
87. Local capacity-building should be supported by the international community and international organizations.
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³³ A/HRC/10/7.

³⁴ The Government and the United Nations Development Programme signed a project on housing on 8 March 2009.