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I. Introduction: Why housing rights?

“Poverty has various manifestations, including lack of income...; homelessness and inadequate housing”.

“...individuals and households who lack safe, secure and healthy shelter with basic infrastructure such as piped water and adequate provision for sanitation, drainage and the removal of household wastes” suffer from ‘housing poverty’.

By the beginning of the third millennium, some 1.2 billion people worldwide are living in ‘income poverty,’ with incomes of less than one dollar per day. If other manifestations of poverty are included the number may be much higher. UNCHS (Habitat) has estimated that 1.1 billion people are living in inadequate housing conditions in urban areas alone. If rural areas are included, the number of people living in ‘housing poverty’ may well be twice as high. This housing poverty is best exemplified by the sprawling slums and informal settlements in the cities and towns of developing countries. In some cities, more than three quarters of the population live in informal settlements, without security of tenure, and in conditions that can be described as life-and health threatening homes and neighbourhoods. The poorest among these ‘housing poor’ are the estimated 100 million homeless persons in the world. Although specific data are unavailable, it is generally accepted that an increasing proportion of the people living in housing poverty are women and children.

Poverty is further exacerbated by the current urbanisation trend. As an increasing proportion of the world’s population live in urban areas, the pressure on already overloaded infrastructure and services becomes even more severe. UNCHS (Habitat) has estimated that some 21 million new housing units are required annually in developing countries to accommodate the growth in number of households during the 2000-2010 period. Moreover, some 14 million additional units are required each year for the next 20 years if the current housing deficit is to be replaced by 2020. Current trends, however, indicate that existing shelter delivery systems are unable to meet such a demand. Moreover, "few, if any, countries have entirely eliminated homelessness and in many nations this phenomenon is clearly increasing rather than declining, and further action is clearly required to eradicate homelessness." 

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...".

1. Programme of Action of the World Summit on Social Development, paragraph 19.
5. UNCHS (Habitat) 1999. “Guidelines on practical aspects in the realisation of the human right to adequate housing, including the formulation of the United Nations Housing Rights Programme”, Progress report of the Executive Director to the seventeenth session of the Commission on Human Settlements (HS/C/17/INF/6), Nairobi, paragraph 30.
7. UNCHS (Habitat) 1999. “Guidelines on practical aspects in the realisation of the human right to adequate housing, including the formulation of the United Nations Housing Rights Programme”, Progress report of the Executive Director to the seventeenth session of the Commission on Human Settlements (HS/C/17/INF/6), Nairobi, paragraph 30.
This increasing population of ‘housing poor’ are being denied one of the basic components of the right to an adequate standard of living as outlined in the Universal Declaration on Human Rights. From the data presented above, it is obvious that among all the components of basic human rights outlined in the Declaration and major international human rights instruments, the right to adequate housing is among the most frequently violated. Furthermore, many people are constantly threatened by deteriorating conditions with regard to housing. Some 14 million people are currently threatened by planned forced evictions. In many countries women are deprived of housing rights by having no or limited access to ownership and/or inheritance of land, housing or other property. Moreover, denial of housing rights to particular groups have often been used actively for political purposes. Recent cases of ethnic cleansing in the Balkans exemplifies this.

Despite the appalling conditions of the ‘housing poor,’ the practical realization of housing rights are yet to receive the recognition they deserve at both international and national levels. While there has been an increasing recognition by some States, and by many other stakeholders that the progressive realisation of housing rights is an essential component of any development policy, this has not yet been matched by adequate action to realise this distinct right universally. Regrettably, some States argue that national shelter policies should address shelter issues without a “human rights” context and without any specific focus on a housing rights framework.

The purpose of this paper is to provide a brief analysis of the current situation regarding the realisation process of housing rights globally, and elaborate on guidelines for action as well as suggest a framework for the United Nations Housing Rights Programme (UNHRP). The next section (II) outlines the legal context of housing rights, through a short summary of existing international instruments. Section III elaborates on the conceptual framework for housing rights, and its relationship to general shelter policies. Section IV presents the current focus of the housing rights realisation process, while section V presents guidelines for action. The Annex presents information on the proposed framework for the UNHRP.

II. Legal context of housing rights: International instruments


The issues related to housing rights have also received wide attention over the last half-century since the proclamation of the Universal Declaration of Human Rights in 1948, in a number of other international declaration and policy recommendations. These include the Declaration of the Rights of the Child (1959), International Labour Organisation Recommendation No. 115 concerning Worker’s Housing (1961), Declaration on Social Progress and Development (1969), Declaration on the Rights of Disabled Persons (1975), Vancouver Declaration on Human Settlements and Action Plan (1976), UNESCO Declaration on Race and Racial Prejudice (1978), ILO Recommendation No. 162 concerning Older

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The Habitat Agenda elaborates on steps and actions to be taken in the realisation process of the right to adequate housing. Thirty-three of the paragraphs in the Habitat Agenda make reference to and/or address human rights issues in relation to human settlements development. Several of these paragraphs\(^{10}\) stipulate the confirmation of the commitments of States to the full and progressive realisation of the right to housing. They also elaborate on the obligations by the States, i.e., actions related to respecting, protecting, promoting and fulfilling this right. Governments increasingly recognise their role as facilitators of the enabling environments where all stakeholders\(^{11}\) can contribute to housing development.

In this context, it is important to note that the right to adequate housing does not automatically imply that Governments are duty-bound to provide free housing to all citizens. It does, however, require Governments to take necessary measures in enabling them to have access to adequate, affordable and safe dwellings.

The Special Rapporteur on promoting the realisation of the right to adequate housing, who was appointed by the Sub-Commission on Promotion and Protection of Human Rights of the UN Commission on Human Rights during 1992-1995, elaborated on this issue and clarified that the obligations of States did not imply:\(^{12}\)

a) That the State is required to build housing for the entire population;

b) That housing is to be provided free of charge by the State to all who request it;

c) That the State must necessarily fulfil all aspects of this right immediately upon assuming duties to do so;

d) That the State should exclusively entrust either itself or the unregulated market to ensuring this right to all; or

e) That this right will manifest itself in precisely the same manner in all circumstances or locations.

Article 2.1 of the International Covenant on Economic, Social and Cultural Rights (1966) is of central importance for determining what governments must do and what they should refrain from doing in the process leading to the society-wide enjoyment of the rights found in the Covenant, including “right to adequate housing”.\(^{13}\) This article reads:

“Each state party to the present Covenant undertakes to take steps individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative means.”

\(^{10}\) Particularly paragraphs 26, 39 and 61.

\(^{11}\) Including the private sector, non-governmental organisations, communities and local authorities.


\(^{13}\) The Human Right to Adequate Housing, Fact Sheet 21, Centre for Human Rights, Geneva, December 1993.
Three phrases in this article are particularly important for understanding the obligations of Governments to realise fully the rights in the Covenant. The phrases indicate the following principles:  

a) Undertakes to take steps … by all appropriate means;  
b) To the maximum of its available resources; and  
c) To achieve progressively.

These principles comply with the universally adopted enablement concepts and strategies for housing development by many international instruments, declarations and strategies, notably the Habitat Agenda.

Furthermore, following the adoption of the International Covenant on Economic, Social and Cultural Rights, significant efforts have been made during the last two decades to further clarify the legal concept of the right to adequate housing contained in its article 11.1. The Committee on Economic, Social and Cultural Rights, which monitors the compliance by the State Parties to the Convention, adopted in 1991 General Comment No. 4 on the right to adequate housing. The Committee advises States parties not to interpret the right to housing narrowly or restrictively as “merely having a roof over one’s head or...as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity” (para. 7). Based on this broad interpretation, the General Comment identified seven aspects of the right to housing that determine “adequacy”: (a) legal security of tenure including legal protection against forced evictions; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility for disadvantaged groups; (f) location and (g) cultural adequacy (para. 8).

Furthermore, at its sixteenth session in 1997, the Committee adopted General Comment No. 7 on forced eviction, which defined the term as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection” (para. 4). General Comment No. 7 recalls that, in accordance with article 2.1 of the Covenant, States are obliged to use “all appropriate means”, including legislation, to protect the right recognised in the Covenant and that “legislation against forced evictions is an essential basis upon which to build a system of effective protection” (para. 10).

It is however a fact that these norms and principles contained in international instruments have not yet been sufficiently reflected in national legislative and institutional frameworks in the housing sector with operational measures. In some countries these instruments - given their legal systems and practices - are considered difficult to comply with. It is somewhat ironic, in this connection that some countries with comprehensive housing policies and strategies that include also practical measures required for the fulfilment of this distinct right argue about the legal existence of the right to adequate housing, whereas some other countries which do not have dispute in the interpretation of the legal context of this right can do little to actually implement it.

Given this complexity, housing rights sustains itself as an actual topic subject to in-depth interpretation, evaluation and debate in relevant circles. The reports of the Special Rapporteur of the Sub-committee on promoting the realization of the “right to adequate housing” during 1992-1995 elaborated and helped clarification to a large extent, States’ responsibilities in the realisation process of this distinct right. The Habitat Agenda also elaborated extensively on

14. Ibid.  
responsibilities of stakeholders in this relation. The diversity of the housing sector in general and the difficulty in establishing operational links between legal frameworks and actual housing development activities on the ground however hinder progress in fulfilment of the right.

III. Conceptual framework: Housing development and realisation of housing rights

Since 1996, the conceptual framework of the human right to adequate housing has expanded to a more generic level and the terminology of “housing rights” is now more widely used. This development is taking place parallel to the wide consensus reached on the enabling concept as the fundamental element in policy formulation in the shelter field. The situation is a reflection of also the understanding and recognition that realisation of this right is a process in which many practical aspects of housing development interact with the legal context of this right. This expansion complies with the increasing focus of the international community on the rights-based approach where economic, social, cultural and other aspects of development are addressed in an integrated framework.

It is important to note the links between affordable housing policies at the national level and specific policy measures needed for addressing realisation of housing rights. Housing policies need to be comprehensive and include measures on economic, social, cultural and human rights aspects of human development. While general improvements in living and housing conditions and national actions towards achieving the goal of adequate shelter for all contribute to the realisation of housing rights in general, actions in four specific areas have a more direct and effective impact in this process.

III.A. Equal access to housing resources

“Equitable human settlements are those in which all people, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, have equal access to housing, infrastructure, health services, adequate food and water, education and open spaces….”

(Habitat Agenda, paragraph 27)

Equality of treatment and non-discrimination for all is a fundamental element of the realisation of housing rights. All individuals and groups must be protected by procedural and substantive equality. This equality must apply to all aspects of adequate shelter as defined in the Habitat Agenda. This implies that everyone must have equal access to housing resources such as building materials, credit, land, and basic infrastructure and services. Moreover, adequacy also implies that housing must be affordable, habitable and accessible.

Discrimination in the housing field is a severe impediment to the enjoyment of housing rights by all. Such discrimination has in the past been used for political purposes, as a tool in depriving specific population groups of their human rights.

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17. These areas with slightly different titles were defined by the EGM organized jointly by UNCHS (Habitat) and the OHCHR in March 1999.
18. See Habitat Agenda, paragraph 60 for the full definition of adequacy.
19. This has for instance occurred in some areas experiencing civil conflict (such as in Kosovo).
In many countries women suffer from discriminatory actions in the housing field. This occurs despite the obligations and commitments made by States to the international legal instruments concerning the rights of women to land, property and inheritance. Women headed households face problems of security of tenure more often than other households and more frequently subjected to eviction.

**III.B Security of tenure and forced evictions**

"Security of tenure describes an agreement between an individual or group to land and residential property which is governed and regulated by a legal and administrative framework. The security derives from the fact that the right of access to and use of the land and property is underwritten by a known set of rules, and that this right is justiciable.... In summary, a person or household can be said to have secure tenure when they are protected from involuntary removal from their land or residence, except in exceptional circumstances, and then only by means of a known and agreed legal procedure." (Global Campaign for Secure Tenure, 2000).

Security of tenure is a key element in the full and progressive realisation of housing rights. It applies to owner-occupied as well as to rental housing, and in formal as well as informal settlements. Countless examples reveal that as security of tenure increases so do the individual, household and community savings and investments in the improvement of homes and neighbourhoods. This in turn assist in improving standards of living and the prospects of the realisation of housing rights. In some countries the “urban citizenship” concept is progressing whereby governance process and procedures are moving towards being more participatory and transparent. Civil society and community organisations have important roles and contributions in this transformation. Good urban governance is the essential environment where human rights in general and housing rights in particular can be fully and progressively realised.

Besides homelessness, forced evictions are the most severe violations of housing rights. In many countries, forced evictions can be carried out with comparative ease against squatters, low-income renters, indigenous peoples and other vulnerable groups with inadequate or no legal security of tenure. Unfortunately, few governments monitor the practice of forced evictions. Furthermore, limited attention is paid to evictions carried out without due process of law.

Development-based displacements are the most common form of forced evictions carried out by public authorities in developed as well as in developing countries. In the cases where evictions are inevitable all affected persons should have access to all relevant information. Furthermore, they should be involved/participate in consultations throughout the process of project implementation. Relocation schemes should also consider accessibility and transportation possibilities which are vital to low-income groups. Relocation projects normally suffer from these aspects and low-income groups subjected to relocation tend to seek ways and means not to move to new locations (within the relocation schemes) and try to stay closer to their jobs/income generating activities.

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Even among lawful eviction cases, far too many are carried out without full conformity with international standards. This implies that many such lawful cases result in evictees becoming homeless, or that they are denied their rights to due resettlement, relocation or compensation. There are exemplary cases demonstrating such situations.\(^22\)

**III.C Combating homelessness and protecting the rights of homeless people**

“In implementing these commitments, special attention should be given to the circumstances and needs of people living in poverty, people who are homeless, women, older people, indigenous people, refugees, displaced persons, persons with disabilities and those belonging to vulnerable and disadvantaged groups...” (Habitat Agenda, paragraph 38).

Homelessness is not only the most severe violation of housing rights, it also reflects a status where all aspects of universally accepted human rights are open to abuse, violation and unfulfilment. Whichever definition of homelessness is used,\(^23\) persons suffering from this status are, to a large extent, excluded from the opportunities enjoyed by most other members of society. Furthermore, they are also often unable to properly integrate in their societies.

It was noted above that States are not obliged, except in special circumstances and specific cases,\(^24\) to directly provide housing to residents. The Habitat Agenda records the commitments of national and local governments and partner groups to promote an enabling environment to improve the shelter conditions of the world’s poorest people. While placing this objective within a human rights framework, the Habitat Agenda is also very careful not to create expectations that are neither realistic nor enforceable. Whereas paragraph 61 refers to the “progressive realisation to the right to adequate housing” this cannot be read as a requirement on the State to satisfy directly all housing needs. The Habitat Agenda does, however, create an obligation on Governments to create conditions in terms of which this objective can realistically be achieved.\(^25\)

States are required to establish and improve administrative capacities to monitor, assist and ensure that the housing rights of chronically ill-housed groups and those with special housing requirements shall be accorded a measure of priority. This priority should refer to legislative frameworks as well as to housing policy implementation. This also implies that public expenditure on housing (including subsidies) should effectively benefit the lowest income groups and the most vulnerable households. Given the frequent lack of equal access for women to land, housing and property, homeless women should receive particular attention.

\(^22\) UNCHS (Habitat) will be preparing a “Legislative Casebook on Housing Rights: Learning from Experience” which will elaborate such cases.

\(^23\) See UNCHS (Habitat) 2000. "Strategies to Combat Homelessness", Nairobi, for details on various types of definitions.

\(^24\) Such as after disasters, in public relocation initiatives, etc.

III.D Access to legal and other remedies

“We further commit ourselves to the objectives of...protecting all people from and providing legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided.” (Habitat Agenda, paragraph 40 (n)).

An important aspect of the realisation of housing rights is the existence of legal and other remedies in cases of violations and/or non-fulfilment of housing rights. It is essential that these remedies accorded in national legislation be in harmony with internationally accepted norms and standards. Judicial remedies are crucial not only for those whose rights have been violated but also for the accountability, as well as transparent and effective actions of States.

Numerous examples indicate that existing legal remedies are not sufficient, despite the fact that many elements of housing rights are already addressed within existing legislation in many countries. This applies in particular to those forced evictions that are carried out without due process (despite being legal), and to cases of discrimination and protection of tenants’ rights. Although legislation addressing such issues exists in many countries, the rights of many people are still violated. It is thus important that people have access to courts, tribunals, administrative bodies or to any other mechanism (such as an ombudsman for housing rights) which guarantees an impartial and objective review of the case or complaint in question.

The existence of governmental offices that work specifically on housing rights is thus vitally important. Such offices can promote understanding and awareness on housing rights in general. They can also monitor the realisation process, facilitate information exchange and respond to complaints. It is essential that they work closely with relevant professional associations, civil society and community organisations. Furthermore, the provision of legal aid for the lowest income and other vulnerable groups is a fundamental aspect of the progressive realisation of housing rights.

IV. Current focus of the “realisation process”

The work of civil society organisations provides substantial contributions to the realisation process of housing rights at all levels. Their capacity in shaping public opinion and in mobilising the potential of other relevant actors make them increasingly important. A number of NGOs engaged in human rights and development issues have documented and advocated for housing rights with increased focus since the Habitat II Conference.26 Furthermore, in a more general sense, many other civil society organisations have focused on human rights violations, the vicious circle of poverty and social injustice (i.e. including evictions and social exclusion). The main focus areas of such civil society organisations regarding housing rights can be summarised as:

- combating forced evictions;
- avoiding or reducing the impact of development-based displacements;
- combating homelessness;

26. Such as Oxfam, Human Rights Watch, Asian Coalition for Housing Rights, Habitat International Coalition (HIC), Centre on Housing Rights and Evictions (COHRE). Some of these organisations have also contributed to the formulation and initiation of the Global Campaign for Secure Tenure.
• improving security of tenure;
• ensuring gender equality with regard to access to housing and related resources
• combating discrimination in the housing sector, e.g. fighting inequalities in access to housing related resources, including *inter alia*, water, sanitation, other services, and information.

In addition to the general violations of housing and other rights occurring all over the world every day, some regions confronted with civil conflicts and ethnic clashes have witnessed gross violations of human rights in general and housing rights in particular. The housing needs of victims of such clashes and restitution of property rights in such regions have been a challenge to the international community. While new institutions have been established, the importance of people’s own initiatives is increasingly being recognised. In fact, support for such initiatives in the reconstruction process may be the most critical factor in peace building and restoration of rights under new rules of law in such regions.

Further to the global issues outlined above, there are a number of issues that are specific to developed or developing countries. Some of these are outlined below:

### IV.A. More developed countries

Housing rights are more prominent in legislation and policy implementation in developed countries than in other parts of the world. This does not necessarily imply that the right to housing *per se* has been part of national legislation. Instead, housing rights have been addressed in most cases by general legislation, covering areas such as real estate, property, housing loans and tenant protection. Furthermore, most developed countries have a strong history of social housing where the needs of the poorest and most disadvantaged groups are addressed through subsidies, allowances and the provision of affordable rental units.

The housing rights context in developed countries mostly refers to issues and problems of homelessness, effects of evictions and discrimination in the housing sector and policies/measures for addressing these topics/issues. Many such countries are currently undertaking legislative reforms to strengthen their approaches towards prevention of homelessness and discrimination in the housing sector. These reforms have a particular focus on addressing issues and problems related to immigration, including but not limited to refugees and asylum seekers.

### IV.B Developing countries

The realisation of housing rights in developing countries is very much related to interventions of turning the urbanisation process into opportunities for economic and social development. The scale of housing shortages in most developing countries is the main reason for the different focus of housing rights taken by their governments. Homelessness and inadequate housing conditions have quite different contexts in these countries compared to developed regions. When more than half of urban populations live in informal settlements without sufficient access to basic services and a considerable group of homeless people exist, the shelter policy needs to be formulated around such realities. Many developing countries thus focus their housing rights activities on attempts at planning future developments of their sprawling informal settlements, and on efforts at upgrading and regularisation of such

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27. In Kosovo for example, the Housing and Property Directorate and the Housing and Property Claims Commission have recently been established to address such issues.
settlements. Promoting security of tenure to hundreds of millions of urban residents can greatly contribute to the full and progressive realisation of housing rights.

As part of current policy measures in most countries, improved access to urban services, affordable building materials, building technologies and housing credit mechanisms are practical and important elements of a human rights-based approach to development. Another very important element in the promotion of housing rights in developing countries is the eradication of gender inequalities and equalisation of opportunities for women. Many governments in these countries are focussing on gender inequalities in addressing human rights issues with particular emphasis on property and inheritance rights, and initiating action on legislative reviews.

V. Guidelines for action

It is generally observed that activities related to the progressive realisation of housing rights since the Habitat II Conference have developed along the lines of three processes which need to converge, gain momentum and strength. These three processes are:

i) Promotion of an international legal framework within the activities of United Nations bodies such as the Commission on Human Rights and the Commission on Human Settlements. The effect of the implementation and enforcement of these instruments at national and local levels is still limited or undocumented.

ii) Contributions to the realisation of housing rights at the national and local level, by governments, local authorities and other relevant institutions and civil society organisations.

iii) Struggle of people and their organisations at the community level:
- to avoid evictions;
- to live in decent shelter conditions;
- to be treated equitably and without discrimination;
- to be able to voice their problems; and
- to build coalitions.

The realisation of housing rights is not an automatic consequence of improved housing conditions in general. A broad housing development policy, leading to increased housing delivery, improved standards, etc., contribute only indirectly to the progressive realisation of housing rights. There is no guarantee that a “trickle-down” effect from such general policies will contribute to the improvement of living and housing conditions of the lowest income and most vulnerable groups. To ensure that policies address the needs of these groups, housing rights issues must be addressed specifically, at the policy level. Focussing on the issues of gender equality where needed, key areas for priority action that directly address the progressive realisation of housing rights is outlined below.\(^{28}\) While global and regional level actions can be addressed by intergovernmental mechanisms and approaches and by the UN programmes/activities, most notably by the UN Housing Rights Programme, the full and progressive realisation of housing rights is to be facilitated by national and local level actions. A wide variety of stakeholders such as governments, local authorities, related civil society

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28. These areas for action are compiled from the recommendations in HS/C/17 Inf.6; HS/C/16/2/Add.2; HS/C/15/Inf.7 and the Habitat Agenda.
organisations and research institutes have roles to play in these areas in relation to their respective focus and functions.\(^{29}\)

**Global and regional levels**

a) Formulation and adoption of norms, standard rules and guidelines;
b) Elaboration on the existing international legal instruments and enhancing compliance by the States;
c) Establishment of a mechanism for exchange of information and experience; and
d) Development of a system to monitor and evaluate the realisation of housing rights.

**National and local levels\(^{30}\)**

**General Actions**

1. Establishment/development of appropriate legislative frameworks and/or reforms of current frameworks;
2. Building effective institutional structures/arrangements which also ensures linkages with other services including health, education, food and water;
3. Organisation of national monitoring and evaluation systems to liaise with the global level monitoring.

a) **Equal access to housing resources**

1. Eradication of all forms of discrimination in the housing sector;
2. Promotion of access to land, credit and other housing resources, particularly for the poor and other vulnerable groups;
3. Promotion of property and inheritance rights particularly for women;
4. Upgrading and regularisation of informal settlements.\(^{31}\)

b) **Security of tenure and forced evictions**

1. Promotion of measures to increase security in different forms of tenure;
2. Prevention of forced and illegal evictions;
3. Development of alternatives to evictions (legal), including development-based evictions and establishment of procedures/mechanisms to minimise impacts;
4. Safeguarding residential stability by institutionalisation/improvement of existing systems for tenant/landlord relations.

c) **Combating homelessness and protecting the rights of homeless people\(^{32}\)**

1. Development of better data on homelessness;
2. Organisation of emergency shelters;
3. Formulation and coordination of measures to increase inclusiveness in society, community development and outreach;
4. Promotion of specific measures to prevent homelessness including increased affordability

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\(^{29}\) These roles will be elaborated in the “Programmatic approach to housing rights” document under preparation.

\(^{30}\) National and local level actions are grouped within the four specific areas elaborated in Section II. In addition actions that have a general character are also specified.

\(^{31}\) This action has in fact a general character. It is placed in this group with regard to enabling strategies to be employed during these upgrading, regularisation processes where access to housing resources can be enhanced with active involvement of residents.

\(^{32}\) Actions in this area will be further suggested/formulated by a separate position paper on “homelessness”.
d) **Access to legal and other remedies**

1. Initiation of awareness campaigns, public education, training and capacity building activities;
2. Establishment of specific governmental offices for housing rights;
3. Development of a system for remedies in cases of housing rights violations;
4. Promotion of access to legal aid and information.
The involvement of United Nations agencies in the area of human rights has expanded considerably in recent years, creating a situation whereby most agencies have incorporated human rights issues within their work programmes. The reform report of the United Nations Secretary General in 1997, placed human rights as a fundamental element for peace and security, development, humanitarian issues and economic and social affairs, and appointed the Office of the High Commissioner for Human Rights (OHCHR) as the focal point for mainstreaming human rights in the UN system-wide activities. Likewise, UNDP's 2000 Human Development Report is dedicated to the issue of human rights. It highlights the role of human rights in development and states that "human rights are not ...a reward of development. Rather they are critical to achieving it." It is thus appropriate to note that housing rights constitute a focus area within the activities of the United Nations system. Housing rights is acknowledged both as an important component of the right to development, a necessary condition of development, as well as a basic indicator of an adequate standard of living.

A number of United Nations agencies contribute to the realisation process of housing rights from their respective areas.** OHCHR and UNCHS (Habitat), however, have specific roles and responsibilities. OHCHR addresses the legal aspects of housing rights, focusing on the establishment of global norms, guidelines, conventions and other instruments. It also addresses the compliance by States to these instruments, as well as the violations of this distinct right.

UNCHS (Habitat) addresses housing right focusing on the practical aspects of its realisation process. These specific activities are undertaken in addition to the general work related to shelter development. The main mandate for UNCHS (Habitat)'s work on housing rights is the Habitat Agenda and directives from the Commission on Human Settlements.

In order to co-ordinate the activities of the two agencies, OHCHR and UNCHS (Habitat) are mandated to formulate a joint United Nations Housing Rights Programme (UNHRP) by the Commission on Human Settlements resolution 16/7 and other subsequent resolutions adopted both by the Commission on Human Settlements and the Commission on Human Rights. Within this programme, housing rights is addressed in a comprehensive and programmatic manner. It is envisaged that the programme will be able to mobilise the potential and capacities of all relevant stakeholders.

The development objective (goal) of the UNHRP is to promote and contribute to the global process of the full and progressive realisation of housing rights. To achieve this goal UNHRP will assist States and other stakeholders in undertaking activities elaborated above (section V). All activities of the programme will have a special focus on the issues and needs of women, low income, vulnerable and disadvantaged groups as specified in paragraph 38 of the Habitat

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** Such as UNDP, UNICEF, UNEP and UNIFEM.
Agenda (citation in III.C). The two agencies will also strive to incorporate the housing rights issue in their field operations. Post conflict regions are locations where co-operation between OHCHR and UNCHS (Habitat) can yield fruitful results and make a significant difference in realisation of housing rights for people/families who have suffered/are suffering from extraordinary/appalling conditions such as abuse, violence and displacement. The two major initiatives of UNCHS (Habitat) namely, the Global Campaign for Secure Tenure and the Cities Alliance (jointly initiated by the World Bank and UNDP), have close relations and joint activities with the UNHRP.

Priority actions of the Housing Rights Programme are to be identified/based on the framework of objectives and action areas outlined in Table II where an open ended list is presented. Table III presents a framework where the objectives of the UNHRP and the priority action areas at the national and local levels are evaluated together so that interaction between these two platforms can best be identified and addressed. Table IV presents information and views on how a Housing Rights Indicator Matrix/Index can be developed.

This programmatic approach needs to be advanced as urgently as possible and concrete modalities for co-operation between OHCHR and UNCHS (Habitat) as well as with other actors/stakeholders can be defined with tasks indicating responsibilities, resources (particularly financial), time frame for completion, etc. The UNHRP needs to have a continuous character/structure. There should however be phases for two/three year periods and a process for periodical reviews should be established. All these steps are envisaged to be set in motion in 2001.
**Table I**

**UNCHS (Habitat) publications and activities on Housing Rights**
(to be continuously updated)

**Resolutions of the Commission on Human Settlements**
- CHS 18/3 “Global campaign for secure tenure and urban governance”
- CHS 18/6 “Work programme and budget of UNCHS for the biennium 2002-2003” making reference to housing rights
- CHS 17/20 “Work Programme and Budget of UNCHS for the Biennium 2000-2001” making reference and expressing appreciation on ongoing work on housing rights
- CHS 16/7 on “The realisation of the human right to adequate housing”, 7 May 1997
- CHS 15/2 on “Report on housing rights strategy”, 1 May 1995
- CHS 14/6 on “The human right to adequate housing”, 5 May 1993

**Documents submitted to the Commission on Human Settlements**
- Security of tenure: Report of the Executive Director (HS/C/18/6)
- Guidelines on practical aspects in the realisation of the human right to adequate housing, including the formulation of the United Nations Housing Rights Programme (HS/C/17/INF.6)
- Strategy for the progressive realisation of the right to adequate housing (HC/C/16/2/Add.2)
- Towards a housing rights strategy: practical contributions by UNCHS (Habitat) on promoting, ensuring and protecting the full realisation of the human right to adequate housing (HS/C/15/INF.7)

**Documents of the Global Campaign for Secure Tenure**
- Secure Tenure: A Normative Framework (HS/C/PC.1/CRP.8)

**Thematic research reports**
- Strategies to combat homelessness (HS/599/00E)
- Women’s rights to land, housing and property in post-conflict situations and during reconstruction: A global overview (HS/589/99E)
- Evaluation of relocation experience (HS/240/91E)
• Review of rental systems and rental stability: Recommendations for public policy (HS/171/89E)

Field Activities
• Activities in post conflict regions (Angola, Bosnia, East Timor, Guatemala, Kosovo, Mozambique, Rwanda)
• Cities Alliance activities
• Water in Africa programme activities
• Technical co-operation projects

EGM, Panels, Meetings and other similar activities
• Roundtable discussion on housing rights, parallel event at CHS 18, Nairobi, February 2001
• Interagency consultative meeting on housing rights, Geneva, November 2000
• Presentation on innovative tenure systems, parallel event at PrepCom I, Nairobi, May 2000
• Security of tenure in post conflict environments, parallel event at PrepCom I, Nairobi, May 2000
• Housing rights and security of tenure, parallel event at CHS 17, Nairobi, May 1999
• EGM jointly organized with OHCHR, Geneva, March 1999
• Panel discussion, parallel event at CHS 16, Nairobi, May 1997
• EGM jointly organized with OHCHR, Geneva, January 1996
• Advisory panel, New York, January 1996
UNITED NATIONS HOUSING RIGHTS PROGRAMME

(goals, objectives and open list of activities/outputs)

Development Objective

To promote and contribute to the global process of the full and progressive realisation of housing rights.

Immediate Objectives

1) To promote awareness campaigns, education, training and capacity building activities/programmes on housing rights
   • Organisation of conferences, seminars, expert group meetings etc.
   • Provision of education/training material such as guidelines, press briefings, etc.
   • Organisation of training courses/activities
   • Preparation of guidelines for the UN organisations, central and local authorities, relevant NGOs, CBOs

2) To promote norms, standard rules, guidelines and thematic research on housing rights and to enhance compliance by States to these frameworks
   • Guidelines for legislative reviews/reforms
   • Preparation of thematic research reports on subject areas of housing rights
   • Facilitation of model legislative frameworks
   • Guidelines on development-based displacements
   • Guidelines on property and housing restitution in the context of refugees and internally displaced persons
   • Guidelines on specific focus on women’s property and inheritance rights

3) To establish housing rights documentation centre
   • Organisation of a web-site
   • Updating resource/reference database
   • Country reports, NGO reports
4) **To facilitate/develop a network for information and experience exchange and coordination on housing rights**

- Newsletters
- Directories
- Rosters of expertise

5) **To organise/establish a global monitoring and evaluation system to record and disseminate information and data on housing rights developments/violations**

- Development of a housing rights composite matrix/index for use at the national level
- Development of a similar mechanism for the global/regional levels

6) **To facilitate an advisory mechanism to assist States and other stakeholders**

- Consultations and technical services on subject areas of housing rights
- Assisting institution-building

7) **To initiate effective field projects on housing rights**

- Post-conflict regions
- Liaison with informal settlements regularisation/upgrading programmes/projects (particularly within Cities Alliance Initiative)
- Joint initiatives with other UN organisations

8) **To liaise with and assist the Special Rapporteur on adequate housing and treaty bodies of the United Nations human rights mechanism**

- Organisation of joint consultations and field missions
- Developing mechanisms to respond to “urgent appeals” (also see 5) above)
### Framework for priority actions of the Housing Rights Programme

<table>
<thead>
<tr>
<th>ACTION AREAS</th>
<th>General</th>
<th>Equal access to housing resources</th>
<th>Security of tenure and forced evictions</th>
<th>Combating homelessness and protecting the rights of homeless people</th>
<th>Access to legal and other remedies</th>
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*** Compiled from HS/C/17/Inf.6, HS/C/16/2/Add.2, HS/C/15/Inf.7 and the Habitat Agenda. This table indicates the relation between the global/regional level objectives of the Housing Rights Programme with actions to be taken at national/local levels.
Governments could be assisted under the UNCHS (Habitat)/OHCHR Housing Rights Programme on the development of a National Housing Rights Indicator Matrix/Index which can/will then be an element of monitoring/evaluation at the global level. As a foundation, national matrixes/indexes could include consideration of the following issues, which do not exist in this form and explicitly, in any other indicators programme:

1. The extent of vulnerable and disadvantaged groups with regard to housing (their numbers and ratios to total households/population)

2. The number of homeless people and households (their ratio to total households/population)

3. The number of people/households currently classified as living in informal settlements and without recognised security of tenure

4. The tenurial structure in the housing stock (covering also informal settlements)

5. The cases of evictions and the number of households/people affected (within a given time frame), the status of compensation systems in the event of public relocation schemes

6. The legislation related to the practice of housing rights (whether the constitution addresses the issue, the laws and regulations relevant to aspects such as evictions, rent control, etc)

7. The experience of CBOs and NGOs operating in the field of housing rights

8. The status of public agencies in charge of appeals related to housing rights and the relevant procedures in practice

9. The status of national policies addressing the issues related to the realisation and practice of the rights to adequate housing, recent changes (within a time frame).

10. Status of the adoption of various relevant international instruments.

11. Compliance with reporting mechanisms in relation to such international instruments.
Steps to Develop this Matrix/Index

1. Review similar “indicators” and composite matrix/index approaches such as the “human
development index”

2. Prepare a draft on “housing rights composite matrix/index and monitoring system”

3. Organise an EGM to review and finalize this document

4. Present this to CHS/CHR

5. Start implementation/liaise with country focal points, governments etc.

6. Evaluate collected information, liaise with Housing Rights Documentation Centre

7. Make periodical review every 2 years and publish results/submit to CHS/CHR

8. Review feedbacks and continuously improve the system