



Programme Document

Project Number:

Project Title:

United Nations Housing Rights Programme (First phase):
“Contributions to the Full and Progressive Realization of the
Human Right to Adequate Housing”

Starting Date:

1 June 2002

Completion Date:

31 May 2004

Executing Agency:

UN-HABITAT in co-operation with OHCHR

Summary: The United Nations Housing Rights Programme (UNHRP) is a joint initiative of UN-HABITAT and OHCHR mandated by their respective legislative bodies, with an objective to support the efforts by governments, the civil society and the national human rights institutions towards realization of the right to adequate housing as provided for in international human rights instruments and reaffirmed in the Habitat Agenda. UNHRP aims to mobilize the potential and capacity of the stakeholders within the housing rights field at regional, national, and local levels. During this first phase of the programme, a process will be initiated whereby networks and mechanisms for monitoring and supporting the progressive realization of housing rights will be established and/or strengthened at the national and regional levels. UNHRP will be a major effort under the UN-HABITAT Global Campaign for Secure Tenure to address normative and operational issues contributing to the implementation of one of the two principal goals of the Habitat Agenda: adequate shelter for all. The activities under the first phase are designed to consolidate and build upon the ongoing activities of the two United Nations agencies in the area of housing rights, and further strengthen the link with treaty bodies and technical co-operation programmes.



Table of Contents

Section A. Introduction	4
Section B. Background and justification	5
B.I. Developmental context: Why housing rights?	5
B.II. The international legal context of housing rights.....	6
1. International instruments.....	6
2. The Habitat Agenda: Commitments to Housing Rights.....	8
3. Clarifying the content of housing rights: Work of United Nations treaty bodies	9
4. Legislative background to UNHRP: History of resolutions adopted by the Commission on Human Settlements and the Commission on Human Rights	10
B.III. Developing conceptual framework for operationalization of housing rights.....	12
1. Equal access to housing resources	12
2. Security of tenure and forced evictions.....	13
3. Combating homelessness and protecting the rights of homeless people.....	13
4. Access to legal and other remedies	14
B.IV. Focus of the realization process: Steps for transforming concepts into actions.....	15
1. National human rights institutions	15
2. Civil society organizations.....	15
3. More developed countries	16
4. Developing countries	17
Section C. Ongoing activities of UN-HABITAT and OHCHR	17
Section D. Programme objectives and implementation strategies.....	19
D.I. Development objective.....	19
D.II. Implementation strategy.....	20
1. General guidelines for action	20
2. Key considerations in implementation.....	22
D.III. Beneficiaries.....	23
D.IV. Mobilization of national resources.....	23
Section E. Immediate objectives, outputs, activities and indicators.....	23
E.I. Overall programme objectives	24
E.II. Programme areas, activities and outputs.....	24
E.III. Priorities for the First Phase (1 June 2002 – 31 May 2004).....	26
E.IV. Indicators for programme monitoring/evaluation	28
Section F. Inputs (First Phase, 1 June 2002 - 31 May 2004).....	28
Section G. Risks and prior obligations	28
Section H. Management and implementation arrangements	28
H.I. Roles and responsibilities of organizations	28
H.II. UN-HABITAT Team	29
H.III. OHCHR Team.....	29



Section I. Monitoring and evaluation	29
Section J. Work Plan	29
Section K. Budget.....	30
K.I. UNHRP First Phase budget for XB funds (1 June 2002 – 31 May 2004).....	30
Annex I: Mandates and related past and present activities of UN-HABITAT and OHCHR	31
Annex II: Matrix of programme objectives and outputs (First Phase) (to supplement Section E.III)..	34



Section A. Introduction

1. Since the launch of the Secretary-General's reform in 1997, mainstreaming of human rights within the United Nations system has become one of the major priorities of the Organization. Simultaneously, increasing development challenges across the globe have culminated in a renewed commitment to the fundamental principles and duties enshrined in the United Nations Charter, and to the promotion and protection of human rights throughout the United Nations system. In the field of housing rights, the Habitat Agenda adopted at the second United Nations Conference on Human Settlements explicitly reaffirmed the commitments of Governments towards progressive realization of the right to adequate housing as referred to in various international human rights instruments, and outlined strategies and actions needed for their realization.

2. The purpose of this programme document is to outline a common strategy between UN-HABITAT and OHCHR, towards the full and progressive realization of housing rights, in response to the directives given by the Commission on Human Settlements in 1997 and most recently, by the Commission on Human Rights in 2001. This programme document thus presents the rationale, objectives, strategy and activities for the establishment of the United Nations Housing Rights Programme (UNHRP) as mandated by these Commissions.

3. This First Phase of the UNHRP contained in this document focuses on the initiation of the programme, establishment of networks at local, national and regional levels, and development of a global monitoring system for the progressive realization of the human right to adequate housing. During this First Phase, priorities will also be accorded to consolidating the ongoing work of UN-HABITAT and OHCHR in the field of housing rights, with a view to creating a greater synergy between the two agencies in supporting the efforts of governments and the civil society in securing these rights.

4. Capitalizing on the synergies created, the Programme will also aim at enhancing support to the United Nations human rights mechanisms and in particular, the advocacy role played by the Special Rapporteur on adequate housing appointed by the Commission on Human Rights in 2000. Moreover, the Programme will support the work of the United Nations treaty bodies established to monitor the implementation of international human rights treaties, particularly in the area of housing rights.

5. The Programme is being launched as a major component of the UN-HABITAT Global Campaign for Secure Tenure. As promotion of housing rights is one of the major issues addressed by the Campaign,¹ the activities of the Programme will provide substantive inputs to the Campaign. The normative and operational activities undertaken by the Programme will provide the Campaign with practical tools and guidelines for integrating human rights perspectives and offers examples of best practices and lessons learned, on which future advocacy and awareness-raising activities can be based.

6. The Programme will also contribute to and draw on the experiences of the Global Campaign on Urban Governance. This collaboration is particularly important as regards the introduction/reform of national legislation in the areas of housing rights, and in particular with reference to the establishment of mechanisms to ensure access to legal and other remedies in cases of violations and/or non-fulfilment of housing rights.

7. Moreover, the Programme will serve as an important contribution towards achieving one of the Millennium Development goals by 2020 to “*have achieved a significant improvement in the lives of at least 100 million slum dwellers as proposed in the ‘Cities Without Slums’ initiative.*”² The

¹ See “Global Campaign for Secure Tenure. Implementing the Habitat Agenda: Adequate shelter for all”, on URL: <http://www.unchsh.org/tenure/tenure.htm>.

² United Nations Millennium Declaration, paragraph 19.



progressive realization of the right to adequate housing is an important component of the eradication of slums. In fact, the definition of ‘slums’ is very much linked to adequacy, both in terms of structural stability/durability of the dwelling itself, and access to services, but also in terms of security of tenure.³

Section B. Background and justification

B.I. Developmental context: Why housing rights?

8. 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.⁴ If other manifestations of poverty are included the number may be much higher. UN-HABITAT has estimated that 1.1 billion people are living in inadequate housing conditions in urban areas alone.⁵ 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.⁶ Although specific data are unavailable, it is generally accepted that an increasing proportion of the people living in housing poverty are women and children.

9. Poverty is further exacerbated by the current urbanization 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. UN-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 2020.⁷ Current trends, however, indicate that existing shelter delivery systems are unable to meet such a demand.

“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.”

– UN-HABITAT

10. 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 (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). 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 such as ICESCR, the human right to adequate housing is among the most frequently violated. Many people are constantly threatened by deteriorating conditions with regard to housing. Among them, some 14 million people were reported to be under threat by planned forced evictions.⁸ 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 exemplify this.

³ See UN-HABITAT, forthcoming April 2002, “Cities without slums” (HS/UF/1/10).

⁴ World Bank, 2000. *World Development Report*, Washington, Table 1.1.

⁵ UNCHS (Habitat), 1999, *Basic Facts on Urbanization*, Nairobi, p. 9.

⁶ UNCHS (Habitat), 1999, “Guidelines on practical aspects in the realization 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, *Basic Facts on Urbanization*, Nairobi, table 9.

⁸ Centre on Housing Rights and Evictions (COHRE), 1998, “Forced Evictions”, September.



11. Non-discrimination and equality are integral elements of the international human rights framework. At the World Conference against Racism, Racial Discrimination, Xenophobia and Other Related Intolerances held in Durban, South Africa in September 2001, issues of discrimination in access to housing and related services came to the fore. The Declaration recognized the existence of discrimination in access to housing, along with other economic, social and cultural rights (para. 33) and recommended special measures for victims, including appropriate representation in housing (para. 108). The Programme of Action further recommended developing programme for people of African descent allocating additional investments to housing, along with other services (para. 8). With regard to migrants, it recommended host countries consider the provision of adequate social services, in particular, in the areas of health, education and adequate housing, as a matter of priority (para. 33) and urged all States to prohibit discriminatory treatment against foreigners and migrant workers, including in granting of housing (para. 81). The States were urged to recognize the effect of discrimination and to take appropriate measures to prevent racial discrimination against persons belonging to minorities, in respect of employment, housing, social services and education and in this context forms of multiple discrimination should be taken into account (paras. 48 and 49).

12. Under the section “Action-oriented policies and action plans”, the issue of housing was particularly highlighted along with other social services. The Programme of Action urged States to promote residential integration of all members of the society at the planning stage of urban development schemes and other human settlements, as well as, while renewing neglected areas of public housing so as to counter social exclusion and marginalization (para. 102). It further urged States to collect reliable statistical data on housing (para. 92) and to establish national programmes and measures to promote the access of groups of individuals who are or may have been the victims of discrimination, to social services, including adequate housing (para. 100).

13. Given the appalling living conditions of the ‘housing poor’ worldwide, the urgent need for practical realization of housing rights should receive due attention at both international and national levels. While there has been an increasing recognition by some States, and by many other stakeholders that the progressive realization of housing rights is an essential component of any development policy, this has not yet been matched by adequate action to realize this distinct right universally. The United Nations Housing Rights Programme thus aims to assist the efforts of States and other stakeholders in addressing human settlements issues from human rights perspectives and to apply housing rights framework into national and local housing policies, with particular attention to the needs of the poor and the most vulnerable.

B.II. The international legal context of housing rights

14. The following sections provide the international legal background to the Programme. The first section is a brief summary of the most relevant international instruments dealing with housing rights. The second section presents the issue of housing rights as elaborated upon in the Habitat Agenda. The third section elaborates on the progress achieved through the work of United Nations treaty bodies, and the final section provides the link between these instruments and the UNHRP, e.g. it presents the guidelines provided by the Commission on Human Settlements and the Commission on Human Rights on how UN-HABITAT and OHCHR should progress towards supporting the achievement of the full and progressive realization of the human right to adequate housing.

1. International instruments

15. Since the proclamation of the Universal Declaration of Human Rights (UDHR) in 1948, the right to adequate housing has found explicit recognition as a basic

“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

– UDHR, art. 25.1



human right among a wide range of international instruments. These include the International Covenant on Economic, Social and Cultural Rights (1966), International Convention on the Elimination of All Forms of Racial Discrimination (1965), International Convention on the Elimination of All Forms of Discrimination Against Women (1979), Convention on the Rights of the Child (1989), Convention relating to the Status of Refugees (1951), and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

16. The most overarching provision for the right to adequate housing is stipulated in article 11, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights (1966), which states:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent”.

17. The right to adequate housing is also recognized in several other international instruments that have focused on the need to protect the rights of particular groups. Article 14.2 (h) of the Convention on the Elimination of All Forms of Discrimination against Women (1979) states that:

“States Parties shall undertake all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right...(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications”.

18. Article 16.1 of the Convention on the Rights of the Child (1989) states that: *“No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation”.* Article 27.3 further states that:

“States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in the case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing”.

19. Article 21 of the Convention relating to the Status of Refugees (1951) provides that:

“As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances”.

20. Article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (1965) obliges States:

“to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of...(e)...(iii) the right to housing”.

21. Article 17.1 of the International Convention on Civil and Political Rights (1966) states that:

“No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation”.

22. Article 43.1 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990, currently not yet in force) states that:



“Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to... (d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents”.

23. The issues related to housing rights have also received wide attention over the last half-century 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 Workers (1980), Declaration on the Right to Development (1986), the Global Strategy for Shelter to the Year 2000 (1988), Agenda 21 (1992), Vienna Declaration and Programme of Action (1993), Copenhagen Declaration and Programme of Action (1995), Beijing Declaration and Platform for Action (1995), and most importantly, the Istanbul Declaration on Human Settlements and the Habitat Agenda (1996), the Declaration on Cities and other Human Settlements in the New Millennium (2001) and the Declaration and the Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Other Related Intolerances (2001).

2. The Habitat Agenda: Commitments to Housing Rights

24. Among the global conferences of 1990s, of utmost significance to the realization of housing rights was the convening of the second United Nations Conference on Human Settlements (Habitat II) at Istanbul in June 1996. The Habitat Agenda and the Plan of Action reconfirmed the legal status of the human right to adequate housing, as well as suggesting in this context ways to prevent homelessness; prevent discrimination in housing; promote security of tenure; prevent illegal evictions and promote access to information, land, services and finance for affordable housing. The Conference also recognized the vital role of non-governmental organizations and community-based organizations (CBOs) in the process of realizing the right to adequate housing.

“We reaffirm our commitment to ensuring the full realization of the human rights set out in international instruments and in particular, in this context, the right to adequate housing.”

– Habitat Agenda, para.. 26

25. With more than one billion inadequately housed people in the world and with an estimated figure of one hundred million people homeless, the Habitat Agenda places strong emphasis not only on the human right to adequate housing, but also considers human rights as an indivisible and fundamental component of the economic and social development process, placing human beings at the centre of the implementation of development policies and strategies. 33 of the 241 paragraphs in the Habitat Agenda address human rights issues and detailed elaboration on the different aspects of the human right to adequate housing takes place in several paragraphs, most importantly in paragraphs 26, 39 and 61.

26. In paragraph 26, the Habitat Agenda reaffirms the commitment of States to the full and progressive realization of human right to adequate housing as set for in the Universal Declaration on Human Rights and as provided for in other international instruments. Paragraph 39 of the Habitat Agenda cites the reaffirmation of the enabling role of governments in obtaining shelter and to protect and improve dwellings and neighbourhoods on an equitable and sustainable basis, and elaborates on the adequacy of housing:

“... so that everyone will have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities, and will enjoy freedom from discrimination in housing and legal security of tenure”.



27. Furthermore, paragraph 61 clarifies governmental responsibilities in the full and progressive realization of the human right to adequate housing by elaborating:

“all Governments without exception have a responsibility in the shelter sector, as exemplified by their creation of ministries of housing or agencies, by the allocation of funds for the housing sector and by their policies, programmes and projects. The provision of adequate housing for everyone requires action not only by Governments, but by all sectors of society, including the private sector, non-governmental organizations, communities and local authorities, as well as by partner organizations and entities of the international community. Within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing.”

3. Clarifying the content of housing rights: Work of United Nations treaty bodies

28. Following the adoption of ICESCR, significant efforts have been made during the last two decades, both within and outside of the United Nations human rights mechanisms, in further clarifying and expanding 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 Covenant, adopted in 1991 General Comment No. 4 on the right to adequate housing.⁹ 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”* (paragraph 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 (paragraph 8).

29. Furthermore, at its sixteenth session in 1997, the Committee adopted General Comment No. 7 on forced eviction,¹⁰ 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”* (paragraph 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 recognized in the Covenant and that *“legislation against forced evictions is an essential basis upon which to build a system of effective protection”* (paragraph 10).

30. 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 practical measures required for the fulfilment of this distinct right argue about the legal existence of the right to adequate housing, whereas other countries which do not dispute the interpretation of the legal context of this right can do little to actually implement it.

31. Given this complexity, the issue of housing rights has been under in-depth interpretation, evaluation and debate in relevant circles. The reports of the Special Rapporteur of the Sub-commission on promoting the realization of the right to adequate housing, who was appointed by the Sub-Commission on Promotion and Protection of Human Rights of the United Nations Commission on

⁹ E/1992/23 – E/C.12/1991/4, annex. III.

¹⁰ E/1998/22 – E/C.12/1997/10, annex IV.



Human Rights during 1992-1995 elaborated and helped clarify to a large extent, the responsibilities of States in the realization process of this distinct right.

32. In this context, it is important to note that the human 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 of the Sub-commission elaborated on this issue and clarified that the obligations of States did not imply:¹¹

- That the State is required to build housing for the entire population;
- That housing is to be provided free of charge by the State to all who request it;
- That the State must necessarily fulfil all aspects of this right immediately upon assuming duties to do so;
- That the State should exclusively entrust either itself or the unregulated market to ensuring this right to all; or
- That this right will manifest itself in precisely the same manner in all circumstances or locations.

33. 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. 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 the ‘right to adequate housing.’¹² 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 realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative means.”

34. Three phrases in this article are particularly important for understanding the obligations of Governments to realize fully the rights in the Covenant. The phrases indicate the following principles:¹²

- Undertakes to take steps ... by all appropriate means;
- To the maximum of its available resources; and
- To achieve progressively.

35. 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.

4. Legislative background to UNHRP: History of resolutions adopted by the Commission on Human Settlements and the Commission on Human Rights

36. Starting in its 14th session, held in 1993, the Commission on Human Settlements have thoroughly deliberated the ‘housing rights’ topic. As follow-up to the Habitat II Conference decisions and in the context of the implementation of the Habitat Agenda, the Commission on Human

¹¹ Commission on Human Rights, “The Right to Adequate Housing: Final report submitted by Mr. Rajindar Sachar, Special Rapporteur,” E/CN.4/Sub.2/1995/12, paragraph 11.

¹² The Human Right to Adequate Housing, Fact Sheet 21, Centre for Human Rights, Geneva, December 1993.



Settlements adopted resolution 16/7 entitled “*The realization of the human right to adequate housing*” in May 1997, in which it recommended that:

“in addition to existing approved elements of their work programmes, a joint programme be elaborated between the United Nations Centre for Human Settlements (Habitat) and the United Nations Centre for Human Rights, in order to assist States with the implementation of their commitments to ensure the full and progressive realization of the right to adequate housing, as provided for in international instruments and in accordance with paragraphs 26 and 39 of the Habitat Agenda, taking into account the proposed housing rights strategy of the United Nations Centre for Human Settlements (Habitat) and relevant parts of the Habitat Agenda, to be coordinated with their respective Commissions.”

37. This Resolution, while requesting “*all States within the overall context of an enabling approach to take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing, as outlined in paragraphs 61 of the Habitat Agenda,*” also requested “*United Nations Centre for Human Settlements (Habitat) together with the United Nations Centre for Human Rights to cooperate and coordinate with other relevant United Nations agencies consistent with established mandates and available funding, and international housing organizations in order to promote the full and progressive realization of the right to adequate housing*”.

38. Most recently, the Commission on Human Rights in April 2001 adopted by consensus resolution 2001/28 on “*adequate housing as a component of the right to an adequate standard of living,*” which requested “*the Office of the High Commissioner for Human Rights and United Nations Centre for Human Settlements (Habitat) to strengthen their cooperation and to consider developing a joint housing rights programme*” (para. 9). The resolution also invited the two agencies to “*further explore possibilities to support*” the Special Rapporteur on adequate housing (para. 11).

39. Moreover, the resolution encouraged the Special Rapporteur to “*strengthen the integration of the rights relevant to his mandate into the Global Campaign for Secure Tenure launched by the United Nations Centre for Human Settlements (Habitat) and into other operational activities of the United Nations system, notably into processes and initiatives that are oriented towards poverty reduction, and to develop to this effect a dialogue with Governments, relevant United Nations bodies, in particular the United Nations Centre for Human Settlements (Habitat) and the Office of the United Nations High Commissioner for Refugees, specialized agencies, international organizations, non-governmental organizations and international financial institutions*” (para. 3).

40. At the same session, the Commission on Human Rights also adopted by consensus resolution 2001/34 entitled “*Women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing*”. In paragraph 10 of this resolution, the Commission invited “*the Secretary-General, as Chairman of the Administrative Committee on Coordination, to encourage all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Development Programme, United Nations Centre for Human Settlements (Habitat) and the United Nations Development Fund for Women, to undertake further initiatives that promote women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, and allocate further resources for studying and documenting the impact of complex emergency situations, particularly with respect to women’s equal rights to own land, property and adequate housing*”.

41. Moreover, the resolution invited “*the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees and other relevant international organizations, within their respective mandates, to address discrimination against women with respect to land, property and adequate housing in their technical cooperation programmes and field activities*” (para. 11).



42. Finally, and with specific reference to the development of the UNHRP, the resolution encouraged the Office of the High Commissioner for Human Rights and UN-HABITAT to “take into account the contents of the present resolution in the development of the mandate of the United Nations housing rights programme” (para. 13).

43. The present document has been prepared taking into consideration all the above guidance and considerations.

B.III. Developing conceptual framework for operationalization of housing rights

44. Over the past decade, there has been significant advancement in the development of the conceptual framework of the human right to adequate housing, owing to the consistent work of the United Nations agencies, United Nations human rights mechanism and the civil society. “Housing rights” has thus become a widely accepted terminology among the international community. This development has taken place in parallel to the wide consensus reached on the enabling concept as the fundamental element in policy formulation in the shelter field. The situation is also a reflection of the understanding and recognition that realization 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 which integrates the norms, standards, and principles of the international human rights system into the plans, policies and processes of development.

45. It is important to note the links between affordable housing policies at the national level and specific policy measures needed for addressing the realization 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 realization of housing rights in general, actions in four specific areas have a more direct and effective impact in this process, which are outlined below.¹³

1. Equal access to housing resources

46. Equality of treatment and non-discrimination for all is a fundamental element of the realization 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.¹⁴

47. 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.¹⁵

48. In many countries women suffer from discriminatory actions in the housing field. This occurs despite the obligations and commitments made by States in international legal instruments concerning the elimination of discrimination against women and the rights of women to land, property and inheritance. Women headed households face problems of security of tenure more often than other households and are more frequently subjected to (forced) evictions.

¹³ These areas (with slightly different titles) were defined by the expert group meeting organized jointly by UNCHS (Habitat) and the OHCHR in March 1999.

¹⁴ See Habitat Agenda, paragraph 60 for a full definition of adequacy. For a specific discussion of adequacy with respect to the right to adequate housing, see General Comment No. 4 (1991) The Right To Adequate Housing (Art. 11(1) of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights on 12 December 1991.

¹⁵ This has for instance occurred in some areas experiencing civil conflict (such as in Kosovo).



2. Security of tenure and forced evictions

49. Security of tenure is a key element in the full and progressive realization of housing rights.¹⁶ 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 assists in improving standards of living and the prospects of the realization 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 organizations 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 realized.

50. 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.

51. 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 persons¹⁷ 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 do not sufficiently fulfil these requirements 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.

52. 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.¹⁸

3. Combating homelessness and protecting the rights of homeless people

53. 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,¹⁹ 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.

54. States are not obliged, except in special circumstances and specific cases,²⁰ to directly provide housing to residents. The Habitat Agenda records the commitments of national and local

¹⁶ “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...” Cited in the document “Global Campaign for Secure Tenure. Implementing the Habitat Agenda: Adequate shelter for all”, on URL: <http://www.unchs.org/tenure/tenure.htm> (on 19 October 2000).

¹⁷ Including women, children and indigenous peoples.

¹⁸ UN-HABITAT is preparing a report entitled *Housing Rights Legislation: Review of international and national legal instruments and selected adjudication*, which will elaborate such cases, as part of the Inception Phase of the UNHRP (see activity 4.1.1.a, in annex II).

¹⁹ See UNCHS (Habitat), 2000, *Strategies to Combat Homelessness*, Nairobi, for details on various types of definitions.

²⁰ Such as after disasters, in public relocation initiatives, etc.



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 realization 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.²¹

55. 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. The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights in paragraph 39 state that —

“... special measures taken for the sole purpose of securing adequate advancement of certain groups or individuals requiring such protection as may be necessary in order to ensure to such groups or individuals equal enjoyment of economic, social and cultural rights shall not be deemed discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate right for different groups and that such measures shall not be continued after their intended objectives have been achieved.”²²

Affirmative action measures, e.g. giving women priority when applying for the allocation of land or housing or credit, should therefore be encouraged.

4. Access to legal and other remedies

56. An important aspect of the realization of housing rights is the existence of legal and other appropriate remedies in cases of violations and/or non-fulfilment of housing rights. It is essential that these remedies laid down 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.

57. 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, and to cases of discrimination and protection of tenants' rights. Although legislation addressing such issues exists in many countries, in practice such laws are often not abided by and 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 ombudsperson for housing rights) which guarantees an impartial and objective review of the case or complaint in question.

58. The existence of governmental offices and national human rights institutions that can specifically address housing rights issues is thus very important. Such offices and institutions can promote understanding and awareness on housing rights in general. They can also monitor the realization process, facilitate information exchange and respond to complaints. It is essential that they work closely with relevant professional associations, civil society and community organizations. Furthermore, the provision of legal aid for the lowest income and other vulnerable groups is a

²¹ UNCHS (Habitat), 2000, “Secure Tenure: A Normative Framework,” Global Campaign for Secure Tenure.

²² Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 1987.



fundamental aspect of the progressive realization of housing rights. Linked to such legal aid centres, grassroots level paralegals could assist in raising awareness on housing rights and assist the work of legal aid centres where they would not be able to reach all persons at grassroots level.

B.IV. Focus of the realization process: Steps for transforming concepts into actions

1. National human rights institutions

59. The 1998 Maastricht Guidelines on Violations of Economic, Social and Cultural Rights emphasise that “*Promotional and monitoring bodies, such as national ombudsman institutions and human rights commissions, should address violations of economic, social and cultural rights as vigorously as they address violations of civil and political rights*” (Guideline 25). National human rights institutions have many functions for the protection and promotion of human rights, including handling complaints, investigations, monitoring the performance of obligations under human rights treaties, advising the state on domestic application of international treaty obligations, recommending policy changes, training and public education. They can exercise these functions for the protection and promotion of economic, social and cultural rights, including housing rights, as effectively as for civil and political rights. In this regard national institutions can provide redress to housing rights complaints, including through the provision of legal aid, raising awareness, and assisting in finding remedies for such complaints nationally and internationally. However, in order to do so some national institutions will need a comprehensive understanding of the legal nature of housing rights and relevant state obligations under international and domestic law. They will also need to explore the breadth of their mandates, review their internal and external resources and the address the challenges of initiatives to implement housing rights.

2. Civil society organizations

60. The work of civil society organizations provides substantial contributions to the realization process of housing rights at all levels. Their capacity in shaping public opinion and in mobilizing 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.²³ Furthermore, in a more general sense, many other civil society organizations 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 organizations regarding housing rights can be summarized as:

- i)** Combating forced evictions;
- ii)** Avoiding or reducing the impact of development-based displacements;
- iii)** Combating homelessness;
- iv)** Improving security of tenure;
- v)** Ensuring gender equality with regard to access to housing and related resources; and
- vi)** 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).

61. 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

²³ 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 organizations have also contributed to the formulation and initiation of the Global Campaign for Secure Tenure.



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 recognized. 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.

62. Many categories of vulnerable and disadvantaged groups are actively discriminated against in law. Others suffer from various forms of discrimination based on the NIMBY (not-in-my-backyard) principle. Although most urban residents may endorse active support for various categories of such groups²⁴ they would very much like to see that they are supported 'elsewhere'. If the 'Cities Without Slums' goal is to be achieved (see paragraph 7 above), efforts to increase incomes and construct more houses are not sufficient. Specific interventions are required to significantly improve the conditions of vulnerable and disadvantaged groups. The Habitat Agenda presents three main thrusts for the improvement of the conditions of vulnerable and disadvantaged groups, namely to –

- i) remove barriers and eradicate discrimination against such groups (including reviews of legal, fiscal and regulatory frameworks);²⁵
- ii) provide more directly for their shelter needs (including targeted and transparent subsidies);²⁷ and
- iii) reduce the vulnerability of such groups (including improved information flows and participation in decision-making).²⁸

63. A primary focus on alleviating the specific conditions and concerns of vulnerable and disadvantaged groups was highlighted by the leaders of the world in the Millennium Declaration: "*We recognize that ... we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. As leaders we have a duty therefore to all the world's people, especially the most vulnerable....*"²⁹

64. 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:

3. More developed countries

65. 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* laid down in specific national housing 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.

66. 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 issues. Many such countries are currently undertaking legislative reforms to strengthen their approaches towards prevention of homelessness and discrimination in the housing

²⁴ Such as refugees, people with disabilities, people suffering from substance abuse, etc.

²⁵ Habitat Agenda, paragraph 96.

²⁶ Habitat Agenda, paragraph 96.

²⁷ Habitat Agenda, paragraph 97.

²⁸ Habitat Agenda, paragraph 98.

²⁹ Millennium Declaration, Article 2.



sector. These reforms have a particular focus on addressing issues and problems related to immigration, including but not limited to refugees and asylum seekers.

4. Developing countries

67. The realization of housing rights in developing countries is very much related to interventions of turning the urbanization 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 regularization of such settlements. Promoting security of tenure to hundreds of millions of urban residents can greatly contribute to the full and progressive realization of housing rights.

68. 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 equalization 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 (to a lesser extent) inheritance rights, and initiating action on legislative reviews. Inheritance rights in many countries are still seen as belonging in the realm of personal law, while the lack of these rights is the main cause for women's exclusion from land and housing.

69. When addressing the goal of 'Cities Without Slums' (see paragraph 7 above) it is important to note that the bulk of people living in 'slums' do so because they have no other choice. This lack of choice – and the fact that they live in slum conditions – may, however, be the main characteristic they have in common. Behind the category of 'slum' dwellers is a wide range of people with very different conditions and concerns. Despite the absence of specific global data, it is not farfetched to assume that people belonging to various vulnerable and disadvantaged groups³⁰ are over-represented in the 'slums'. Moreover, these and other categories of people³¹ may be subject to a wide range of disadvantages compared to other 'slum' dwellers. This situation make it more difficult for them to improve their housing and living conditions than what is the case for the population at large.

Section C. Ongoing activities of UN-HABITAT and OHCHR

70. UN-HABITAT and OHCHR have been engaged in activities related to the topic of the full and progressive realization of the human right to adequate housing for about a decade, and particularly since the 14th session of the Commission on Human Settlements in 1993. Annex I provides a summary of the main mandates as well as the main past and present activities/outputs of UN-HABITAT and OHCHR. In addition to its specific activities on housing rights and its initiation of United Nations Housing Rights Programme, jointly with OHCHR, UN-HABITAT has been undertaking major initiatives which provide considerable contributions to the housing rights field. These are summarized below:

³⁰ Such as ethnic, religious and other minorities; refugees, other displaced persons in need of international protection, and internally displaced persons; persons with mental or physical disabilities; people suffering from substance abuse, HIV/AIDS and other diseases; etc.

³¹ Such as older persons, youth and children, as well as women.



71. UN-HABITAT has launched the **Global Campaign on Urban Governance** with a strategic focus on urban poverty reduction. The campaign is the product of an emerging consensus that the quality of urban governance has a tremendous impact on poverty reduction efforts. Many local authorities, for example, control issues related to the access, cost and regulation of land-use, housing, infrastructure and basic services. They also are responsible for local economic development, including the informal sector. Moreover, the ability of the urban poor especially women to participate effectively in local decision-making processes has a tremendous impact on whether strategic plans are designed and implemented to address their needs especially their rights to land, housing and property. The Global Campaign on Urban Governance has developed a policy paper on Women and Urban Governance. The Inclusive Cities initiative – particularly its activities in the Balkans, in terms of building institution management systems and legal instruments to meet the needs of local people in terms of good governance, housing and security of tenure by strengthening regional co-operation – is also an important activity in this field.³²

72. **The Cities Alliance** was jointly launched by UN-HABITAT and the World Bank in May 1999 as an expanding partnership of organizations committed to developing innovative approaches to urban poverty reduction. With membership of the World Bank, UN-HABITAT and 12 bilateral agencies, the Cities Alliance is a facility for co-ordinating development co-operation and investment in the areas of slum upgrading and city development. The Cities Alliance has two principle operational components. First, city development strategies (CDS) component which is an action-plan for equitable growth in cities, developed and sustained through broad-based participation to improve the quality of life for all citizens. Second, the Cities Alliance is engaged in slum upgrading that consists of a range of physical, social, economic, organizational and environmental improvements undertaken co-operatively to improve the quality of life of the urban poor which is constituted to a large extent by women. The Cities Alliance, in its ‘Cities Without Slum Action Plan,’ has set the ambitious target of making a significant improvement in the lives of at least 100 million urban poor by 2020. Governments in the ‘Millennium Declaration’ recently endorsed this target.

73. **The Global Campaign for Secure Tenure (GCST)** which was launched in July 2000, is an advocacy instrument of the United Nations designed to promote the rights of the urban poor to participate in processes of settlement upgrading and urban development. The Global Campaign on secure tenure recognises the need to have a specific rights-based focus on women based on the principle of gender equality and the recognition of women's rights to land, housing and property as human rights. UN-HABITAT recognises the central role of the urban poor especially women in the success of the GCST. The first global launch of the Secure Tenure Campaign was undertaken in partnership with civil society with the involvement of an India-based NGO that works in partnership with a large federation of grassroots women slum dwellers. The Centre has also supported advocacy efforts of women's organizations and NGOs working on this issue, including support to a one day workshop in the Grassroots Women's International Academy held in New York during Istanbul+5. A policy paper on Women and Secure Tenure is being developed.

74. OHCHR's current activities related to housing rights are centred around activities to **support the mandate of the Special Rapporteur on adequate housing**, Mr. Miloon Kothari, who was appointed in September 2000 by the Commission on Human Rights resolution 2000/9. OHCHR supports the mandate of the Special Rapporteur by organizing regular consultations with United Nations and other agencies, treaty bodies and the civil society. OHCHR also conducts research and analytical activities for the Special Rapporteur, including on issues such as discrimination in access to housing and land, impact of globalization on the realization of housing rights, children and housing rights and gender dimension of housing rights.

75. OHCHR has also organized several workshops and expert meetings at the regional level focusing on the elaboration of strategies for the promotion of **economic, social and cultural rights**.

³² See <http://unhabitat.org/conference/flyer-final.pdf>



Most recently, in November 2001, OHCHR and the International Commission for Jurists (ICJ) organized a workshop for judges and lawyers in South Asia on the justiciability of economic, social and cultural rights which examined, inter alia, justiciability of housing rights and included exchange of experience with South Africa.

76. At a more general level of **mainstreaming human rights**, since the launch of the Secretary-General's reform programme in 1997, designating human rights as a cross-cutting theme in all activities, OHCHR has been active in assisting the Organization's operational agencies and programmes to integrate human rights into development planning, policy and projects. The principal vehicle for this has been mainstreaming human rights and rights-based approach in the UNDAF/CCA process. OHCHR has helped train United Nations country teams, as well as Resident Co-ordinators in rights-based development, and has worked with the United Nations Staff College both to integrate a rights-based approach in the general UNDAF/CCA curriculum for country teams, and to prepare a separate, specialized human rights curriculum and training package for country teams which would include an element on housing rights.

77. OHCHR has also been implementing a joint project with the United Nations Development Programme (UNDP) on **human rights strengthening (HURIST)** since 1999. The project, which currently involves activities in over 30 countries, has among its priorities the development of national human rights plans of action and the promotion of ratification of human rights treaties as a means of integrating human rights into sustainable human development. The next phase of the project will focus on clarifying in practical terms what is meant by mainstreaming, identifying good practices and lessons learned, and understanding how practitioners should integrate human rights in their work.

78. **The Special Advisor on National Institutions and the National Institutions Team** of OHCHR has been engaging with national human rights institutions internationally to better their knowledge of economic, social and cultural rights, including housing rights. This is evidenced in particular through workshops held in Manila (November 2000) and Hong Kong, China (July 2001) as well as a soon to be released publication on national institutions and economic, social and cultural rights. Other training sessions on economic, social and cultural rights are envisaged at other regional and national levels.

79. The main lessons from these past activities is that there is a considerable interest in the field of housing rights among legislators, practitioners, academicians, and other civil society actors alike. There is generally a strong call for institutionalizing a joint United Nations effort and adopting rights-based approaches into efforts aimed at alleviating the conditions of the millions of people worldwide living in inadequate shelter conditions and progressive realization of their rights. The UNHRP will draw from, build upon and complement these past activities. Addressing relevant activities in a co-ordinated manner within this programme will increase effectiveness and facilitate efficient use of resources in both organizations.

Section D. Programme objectives and implementation strategies

D.I. Development objective

80. The development objective of this initiative is to assist States and other stakeholders with the implementation of their commitments in the Habitat Agenda to ensure the full and progressive realization of the right to adequate housing as provided for in international instruments.³³

81. Achievement of this objective will contribute to the decreasing number of homeless people in the world; promotion of security of tenure, particularly for women and other vulnerable groups living in informal settlements in cities of developing countries and in inadequate conditions in urban

³³ As recommended by Resolution 16/7 of the United Nations Commission on Human Settlements.



areas all around the world; promotion of residential stability; protection against forced evictions and discrimination in the housing sectors; and, promotion of access to housing resources and remedies in cases of violations of housing rights.

D.II. Implementation strategy

1. General guidelines for action

82. It is generally observed that activities related to the progressive realization 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:

- (a).** Promotion of existing international legislation on housing rights 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.
- (b).** Contributions to the realization of housing rights at the national and local level, by governments, local authorities and other relevant institutions including national human rights institutions and civil society organizations.
- (c).** Struggle of people and their organizations at the community level to:
 - i)** Avoid evictions;
 - ii)** Live in decent shelter conditions;
 - iii)** Be treated equitably and without discrimination;
 - iv)** Be able to voice their problems; and
 - v)** Build coalitions.

83. The realization 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., contributes only indirectly to the progressive realization 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 and disadvantaged 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 appropriate, is one example of key areas for priority action that directly address the progressive realization of housing rights, as outlined below.³⁴ While global and regional level actions can be addressed by intergovernmental mechanisms and approaches, and directly by the United Nations through the UNHRP, the full and progressive realization 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 organizations and research institutes have roles to play in these areas in relation to their respective focus and functions. The main challenge of the UNHRP is to facilitate and encourage the progressive action of these actors at the national and local levels.³⁵

1.a. Global and regional levels:

- (a).** Formulation and adoption of norms, standard rules and guidelines;

³⁴ 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, and were presented in the UNCHS (Habitat) document entitled “Housing Rights Policy Paper”, finalized in March 2001 (<http://www.unchs.org/hpu/housing.PDF>).

³⁵ See paragraph 85 below regarding the specific focus of the UNHRP regarding civil society participation, networking, gender issues, vulnerable and disadvantaged groups, and the progressive nature of the realization process.



- (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;
- (d). Establishment of links to the work of relevant treaty bodies, e.g. the Committee on Economic, Social and Cultural Rights,³⁶ the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of All Forms of Discrimination against Women;
- (e). Development of a system to monitor and evaluate the realization of housing rights.

1.b. National and local levels³⁷

General Actions:

- (i). Establishment/development of appropriate legislative frameworks and/or reforms of current frameworks;
 - (ii). Building effective institutional structures/arrangements which also ensures linkages with other services including health, education, food and water;
 - (iii). Organization of national monitoring and evaluation systems to liaise with the global level monitoring, including by strengthening appropriate national human rights institutions and the civil society organizations.
- (a). **Equal access to housing resources:**
- (i). Eradication of all forms of discrimination in the housing sector;
 - (ii). Promotion of access to land, credit and other housing resources, particularly for the poor and other vulnerable groups;
 - (iii). Promotion of equal property and inheritance rights, particularly for women;
 - (iv). Upgrading and regularization of informal settlements.³⁸
- (b). **Security of tenure and forced evictions:**
- (i). Promotion of measures to increase security in different forms of tenure (including legalization of innovative forms of tenure);
 - (ii). Prevention of forced and illegal evictions;
 - (iii). Development of alternatives to evictions (legal), including development-based evictions and establishment of procedures/mechanisms to minimize impacts;
 - (iv). Safeguarding residential stability by institutionalization/improvement of existing systems for tenant/landlord relations.
- (c). **Combating homelessness and protecting the rights of homeless people:**
- (i). Development of better data on homelessness;
 - (ii). Organization of emergency shelters;
 - (iii). Formulation and co-ordination of measures to increase inclusiveness in society, community development and outreach;

³⁶ Paragraph 86 of the Limburg Principles states: “*The Committee should, pursuant to articles 22 and 23 of the Covenant, explore with other organs of the United Nations, specialized agencies and other concerned organizations, the possibilities of taking additional international measures likely to contribute to the progressive implementation of the Covenant.*”

³⁷ National and local level actions are grouped within the four specific areas elaborated in section B.III. In addition actions that have a general character are also specified.

³⁸ 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, regularization processes where access to housing resources can be enhanced with active involvement of residents.



- (iv). Promotion of specific measures to prevent homelessness including increased affordability

(d). Access to legal and other remedies:

- (i). Initiation of awareness campaigns, public education, training and capacity building activities;
- (ii). Establishment of specific governmental offices for housing rights;
- (iii). Development of a system for remedies in cases of housing rights violations;
- (iv). Promotion of equal access to legal aid and information.

2. Key considerations in implementation

84. The UNHRP is a global programme. It is a collaborative effort between UN-HABITAT and OHCHR, initiated in response to requests from the Commission on Human Settlements and the Commission on Human Rights (see section B.II.4). The programme provides a mechanism for guiding and assisting the efforts of governments and civil society actors towards the full and progressive realization of the human right to adequate housing as identified in international instruments (see section B.II.1).

85. As mentioned above, the progressive realization of the human right to adequate housing has to be implemented at the national and local levels. The main purpose of the programme is thus to collaborate with and assist all stakeholders working within the field of housing rights at the regional, national, and local levels, based on the following principles:

- i) **Rights-based approach:** UNHRP will adopt and promote rights-based approaches – which are normatively based on international human rights standards, and emphasizing accountability, equality, empowerment and participation – in the design and implementation of its activities.
- ii) **Civil society and national human rights institutions involvement:** In addition to working with national and local authorities, the programme will aim at mobilizing the capacity and potential of all stakeholders, particularly NGOs, national human rights institutions and other civil society actors/actors. Through this process the programme aims at harnessing synergetic efforts towards the overall goal of adequate shelter for all.
- iii) **Networking:** The First Phase of the UNHRP aims at — in collaboration with relevant partners and authorities in the field of housing rights — establishing networks and mechanisms for monitoring and supporting the full and progressive realization of the human right to adequate housing at the local, national, regional and global levels (see paragraph 92 below).
- iv) **Gender issues:** The Programme will place specific attention to gender dimensions in all of its activities within the context of housing rights. At the same time, the Programme will also have specific outputs addressing gender issues, inter alia, activities and research that promote women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing.³⁹
- v) **Vulnerable and disadvantaged groups:** As was noted above (paragraph 83) there is no automatic link between improved housing conditions in general, and the realization of housing rights. This holds particularly true for many among the most vulnerable and disadvantaged groups, who just like the case of women, may be excluded from the full realization of the right to adequate housing by national legislation or customary practices.

³⁹ As suggested in the United Nations Commission on Human Rights Resolution 2001/34 entitled “Women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing”.



The programme thus aims at addressing the conditions of specific groups (such as poor, children, indigenous people, refugees and the internally displaced persons) to ensure that such obstacles are removed/alleviated.

- vi) **Progressiveness:** The issue of progressiveness plays a major role within the framework of the UNHRP. As the title of the programme implies, the fulfilment of the right to adequate housing is a gradual process. In order to monitor the progressiveness of the implementation of this right, it is thus important to establish mechanisms to monitor the implementation of housing rights. The establishment of a housing rights composite index/matrix plays an important part in this regard. This will enable comparisons between countries, and more importantly, it will allow monitoring of the progressive implementation of the right to housing within individual countries (see also paragraph 54 above).

86. While pursuing the activities identified above,⁴⁰ the programme will keep reference to the wider context of development, urban management and housing sector activities. The Habitat Agenda goal of adequate shelter for all cannot be realized unless there are well functioning national housing markets, and an adequate balance between housing supply and demand. Likewise, it is unlikely that poor people can maintain their access to adequate housing unless other basic necessities are taken care of. Put simply, if people living in poverty should have to choose between starvation and adequate housing, it is quite likely that the housing unit will be sold to raise funds for food. General economic and social factors in each country will have major consequences for the ability of individual households to progressively realize their housing rights.

D.III. Beneficiaries

87. Government officials, both at the national and local levels, engaged in the process of the full and progressive realization of the human right to adequate housing, parliamentarians, national human rights institutions, civil society organizations working to promote, protect and implement the human right to adequate housing, and research institutions dealing with the subject matter will benefit from the processes and outputs generated/produced by this initiative. The ultimate beneficiaries of this approach will be the lowest income groups and other vulnerable and disadvantaged groups (including women and children) particularly the homeless, whose living and housing conditions will be improved.

D.IV. Mobilization of national resources

88. The financial resources of the UNHRP will be used primarily for the global activities as outlined in section D.II.1.a above. The bulk of the activities worldwide towards the full and progressive realization of the human right to adequate housing are however, to be taken at national and local levels. These activities, as outlined in section D.II.1.b above, will have to be funded predominantly from resources raised at the national and local level. A significant part of the activities of the Programme will thus be geared towards encouragement of such local level mobilization of funds. The programme will provide guidelines and substantive support for such national level actions. It may also, in particular cases, provide funds to initiate activities.

Section E. Immediate objectives, outputs, activities and indicators

89. The following sub-sections outline the objectives and related activities and outputs of the UNHRP. The first of these sections outlines the five overall objectives of the Programme. The second section links these five overall objectives to five corresponding programme areas and general activities

⁴⁰ For more details see Section E.



and outputs through which these objectives will be addressed. The third section elaborates on the immediate objectives and priorities that will be addressed in the First Phase of the Programme, with related activities and outputs. The fourth section includes indicators on which programme performance will be evaluated during the First Phase of the Programme. An overview of outputs and activities of the first phase of the UNHRP can be found in Annex II.

E.I. Overall programme objectives

90. The immediate objectives and main activities of the UNHRP are guided by the Habitat Agenda and formulated in line with the new strategic vision of UN-HABITAT and the mission statement of OHCHR. The five main objectives of the UNHRP – not only for the First Phase, but for future Phases of the Programme as well – are outlined below:

- (a). To promote awareness, information and experience exchange on housing rights, learning among partners
- (b). To support the United Nations human rights mechanisms relevant to housing rights (particularly the Special Rapporteur on adequate housing and works of the treaty bodies) and to promote co-ordination among the relevant organizations/agencies of the United Nations system
- (c). To establish a global monitoring and evaluation system on housing rights practices (good practices, violations and lessons learned)
- (d). To promote development of relevant norms, standards, guidelines and thematic research on housing rights
- (e). To assist States and other stakeholders in building and improving technical capacities for implementation and monitoring of housing rights

E.II. Programme areas, activities and outputs

91. Each of the five overall objectives will – throughout the first and future phases of the Programme – be centred around five **programme areas**, namely: (a) advocacy, outreach and learning from partners; (b) support for United Nations human rights mechanisms on housing rights; (c) monitoring and evaluation of progress of realization of housing rights; (d) research and analysis on housing rights; and (e) capacity-building and technical co-operation. The immediate objectives and main activities to achieve these objectives are outlined below.⁴¹ Additional activities may be added, should funds be made available. In this context, the initiation of field projects is a particular area where expanded activities may be appropriate.

- (a). **Advocacy, outreach and learning from partners**: (Related to objective (a): To promote awareness, information and experience exchange on housing rights, learning among partners).
 - (i). Organization of conferences, seminars, expert group meetings etc.
 - (ii). Provision of education/training material such as guidelines, press briefings, etc.
 - (iii). Organization of training courses/activities.
 - (iv). Preparation of information material on central issues for central and local authorities, relevant NHRIs, NGOs, CBOs.
 - (v). Development of a UNHRP web-site.
 - (vi). Updating resource/reference database.

⁴¹ These objectives and activities are derived from the UNCHS (Habitat) “Housing Rights Policy Paper”, finalized in March 2001 (<http://www.unchs.org/hpu/housing.PDF>). Objectives are identified by lowercase letters (a); activities/outputs with lowercase Roman numerals (i).



- (vii). Newsletters, directories, rosters of expertise.
- (b). **Support for United Nations human rights mechanisms on housing rights**: (Related to objective (b): To support the United Nations human rights mechanisms relevant to housing rights and to promote co-ordination among the relevant organizations/agencies of the United Nations system).
- (i). Collaboration with United Nations treaty body mechanisms.
 - (ii). Support to the United Nations Special Rapporteur on adequate housing
 - (iii). Organization of inter-agency and regional consultations and expert group meetings.
 - (iv). Developing joint mechanisms to respond to ‘urgent appeals’.
- (c). **Monitoring and evaluation of progressive realization of housing rights**: (Related to objective (c): To establish a global monitoring and evaluation system on housing rights practices).
- (i). Development of indicators, benchmarks and assessment tools.
 - (ii). Development of a housing rights composite matrix/index for use at the national level.
 - (iii). Development of a similar mechanism for the global/regional levels.
 - (iv). Co-operation and co-ordination with existing monitoring bodies, e.g. the Committee on Economic, Social and Cultural Rights.
 - (v). Preparation of reports on the implementation of the Programme.
- (d). **Research and analysis on housing rights**: (Related to objective (d): To promote development of relevant norms, standards, guidelines and thematic research on housing rights).
- (i). Elaboration on and development of norms and standards on housing rights.
 - (ii). Preparation of thematic research reports on subject areas of housing rights.
 - (iii). Guidelines for legislative reviews/reforms.
 - (iv). Facilitation of model legislative frameworks.
 - (v). Guidelines on development-based displacements.
 - (vi). Guidelines on property and housing restitution in the context of refugees and internally displaced persons.
 - (vii). Awareness and effective measures for gender dimension in housing rights.
 - (viii). Development/support to national and regional research capacities and activities.
- (e). **Capacity-building and technical co-operation**: (Related to objective (e): To assist States and other stakeholders in building and improving technical capacities for implementation and monitoring of housing rights)
- (i). Preparation of roster of experts, compendium of relevant field projects.
 - (ii). Preparation of guidelines on housing rights for United Nations organizations and the civil society.
 - (iii). Consultations, field missions and technical services on subject areas of housing rights to States and other stakeholders.
 - (iv). Assisting States and other stakeholders with building and strengthening institutions.
 - (v). Initiation of technical co-operation projects/programmes in interested countries upon request, particularly in emergency and post-conflict situations.
 - (vi). Liaison with informal settlements upgrading/upgrading programmes/ projects (particularly within Cities Alliance Initiative).



92. A major output/activity of UNHRP – which cuts across the programme areas outlined in paragraph 91 above – is the development of a global network on housing rights. A flexible network should be established among governmental focal points on housing rights, research and academic institutions working on housing rights issues, national human rights institutions and national and international NGOs. The network will have the following functions each of which relate to particular objective under UNHRP:

- (i). **Information collection and dissemination:** the network will facilitate exchange of information at the national/regional level and interaction with UN-HABITAT/OHCHR.
- (ii). **Research:** the network will have, among them, several centres of excellence identified which are engaged in research activities on housing rights issues. These research activities could further benefit from increased interactions with government institutions, NHRIs and NGOs under the UNHRP.
- (iii). **Monitoring and evaluation:** the network will assist in monitoring, evaluating and reporting of any significant development in the implementation of housing rights at the country level.

93. Similar networks should also be developed at the national level, where local monitoring and evaluation can be co-ordinated.

94. Moreover, in addition to the programme areas and immediate objectives outlined above, the programme will also (as outlined in paragraph 85 above) have a special focus on gender perspectives and the consideration of vulnerable and disadvantaged groups.

E.III. Priorities for the First Phase (1 June 2002 – 31 May 2004)

95. The First Phase of the Programme will include activities/outputs within the framework outlined in sections E.I and E.II above. Priority focus will be placed on fact-finding, establishing networks and developing tools and methodologies for capacity-building and technical support/advise. The justification for this focus is to build a solid substantive base within UN-HABITAT and OHCHR for application and further development in future Phases of the Programme and to feed into the advocacy and awareness-raising activities of the Global Campaign for Secure Tenure and the Global Campaign on Urban Governance. The capacity and knowledge built during the First Phase will facilitate the increased effectiveness of future UNHRP activities. Moreover, a considerable effort will be made in establishing global networks that can assist in the production and assessment of data on housing right related issues.

96. For each of the Programme's five overall objectives and related programme areas, more specific immediate objectives have been identified for the first phase of the UNHRP. Under these immediate objective a total of 13 priority activities have been identified. These are outlined below:



<u>Programme Areas</u>	<u>Immediate objectives</u>	<u>Priority activities</u>
1. Advocacy, outreach and learning from partners	1.1. To promote awareness on housing rights 1.2. To facilitate exchange of experience, information and learning among partners	● Establishment of UNHRP web-site, including links to all United Nations documents ● Updating of OHCHR Fact Sheet on right to adequate housing. ● Concept paper on the establishment of UNHRP network.
2. Support for United Nations Human Rights Mechanism on housing rights	2.1. To support the work of the United Nations treaty bodies in monitoring housing rights 2.2. To support the work of the United Nations Special Rapporteur on adequate housing	● Compilation of country information and analysis from UNHRP network participants. ● Preparation of evaluation report based on responses received, and SR's country missions. ● Organization of three regional consultations (Asia, Africa and LAC).
3. Monitoring and evaluation of progressive realization of housing rights	3.1. To develop indicators, benchmarks and assessment tools for monitoring housing rights	● Finalization of a working paper on development of housing rights composite index/matrix. ● Survey of existing training manuals for community-based assessment of monitoring housing rights.
4. Research and analysis on housing rights	4.1. To promote development of relevant norms, standards, guidelines on housing rights 4.2. To promote awareness and effective measures on gender dimensions 4.3. To develop research capacities of national and regional institutions on housing rights and to promote joint work/exchange of information on housing rights among them	● Finalization of report entitled "Housing rights legislation: Review of international and national legal instruments", and periodic updating on-line ● Study on the prevention of forced evictions and homelessness. ● Study on human rights perspectives on discrimination against women in respect of housing, land, property and inheritance rights. ● Preparation of report on indigenous women's equal right to housing, land and property.
5. Capacity-building and technical co-operation in the field of housing rights	5.1. To strengthen national human rights institutions and housing organizations with focus on housing rights 5.2. To protect and promote housing rights in emergency and post-conflict situations 5.3. To develop strategies and medium-term plan for capacity-building and technical co-operation in the area of housing rights	— ● Preparation of concept paper for field guidelines and country case studies. —



97. A full overview of the programmed activities and outputs of the First Phase — organized under each of the five programme objectives and immediate objectives outlined above — are outlined in **Annex II**.

E.IV. Indicators for programme monitoring/evaluation

98. Performance during the First Phase of the programme will be measured according to the criteria outlined below. Specific benchmarks for each output/activity are presented in Annex II.

- i) Feedback received from beneficiaries and partners;
- ii) Number of countries involved in the monitoring of various aspects of housing rights;
- iii) Improved access to housing rights related information by beneficiaries and other stakeholders;
- iv) Increased exchange of information and experience between stakeholders;
- v) Improved institutional and legislative framework on housing rights at country level.

Section F. Inputs (First Phase, 1 June 2002 - 31 May 2004)

[Paragraphs 99-103 has been removed in this public version of the Project Document].

Section G. Risks and prior obligations

104. There are no particular risks envisaged in the implementation of activities and utilization of funds under the Programme, which will be subject to United Nations financial regulations and rules. Terms of reference for the co-operation between UN-HABITAT and OHCHR for the implementation of the Programme will be established and formalized through an exchange of letters between the Heads of two agencies, to clarify the common goals and responsibilities of each parties in the implementation of the Programme.

Section H. Management and implementation arrangements

H.I. Roles and responsibilities of organizations

105. At the policy level, UN-HABITAT and OHCHR will establish a Steering Committee for major decisions and review and oversight of programme activities. The Steering Committee will comprise of senior representatives from both agencies, and will meet once a year or as may be required, to review progress of implementations towards the objectives of the UNHRP and to take major policy decisions regarding the programme. In evaluating the programme, the Steering Committee may invite, or consult with other partners and related organizations/authorities including the Special Rapporteur and representatives of the treaty bodies, as appropriate.

106. At the management level, UNHRP will be executed in principle by UN-HABITAT which will have the overall management responsibility for the programme and will designate Programme Co-ordinator. The specific responsibilities and activities that will fall under each organization will be defined in accordance with the above referenced terms of reference for co-operation between UN-HABITAT and OHCHR (see paragraph 104 above).

107. As programme develops, there may also be other arrangements in place with a number of civil society organizations, national human rights institutions, research institutes, etc., for the undertaking of specific functions/tasks. The Programme Co-ordinator will keep abreast of all such



activities and report regularly to the Steering Committee for their review and oversight both from policy and management perspectives.

H.II. UN-HABITAT Team

108. [Paragraph 108 has been removed in this public version of the Project Document.]

H.III. OHCHR Team

109. [Paragraph 109 has been removed in this public version of the Project Document.]

Section I. Monitoring and evaluation

110. Monitoring and evaluation activities within the Programme will focus on two dimensions, namely the monitoring and evaluation of the full and progressive realization of housing rights at the global, regional and national levels, and the monitoring and evaluation process of the implementation of the Programme itself.

111. Monitoring and evaluation of the progress as regards the full and progressive realization of housing rights will be facilitated amongst other tools (such as research findings on thematic issues, information exchange activities) mainly by the operationalization of the Housing Rights Composite Index. Through this initiative, information and data collected in a systematic manner at different levels, will be periodically evaluated and disseminated by specific report(s) of this particular initiative. Furthermore, the periodic general report(s) of the implementation of the Programme will elaborate on the status of the full and progressive realization of housing rights also assessing the impacts of the Programme on this process.

112. Monitoring and evaluation activities will be an integral component of the UNHRP itself. The implementation of the Programme will be evaluated by both organizations and other relevant stakeholders through the above-mentioned Steering Committee mechanism, with regard to internal objective achievement criteria and in consideration of co-ordination with other related activities.

113. The two organizations will also undertake periodical (bi-annual) evaluation exercises to review past activities, if necessary with assistance from third-party evaluators, with a view to drawing major lessons learned and to improving efficiency and effectiveness for future activities. After each such meeting, necessary revisions will be undertaken to revise or further develop the programme document.

114. There will also be periodical evaluation exercises regarding joint activities with other partners, such as UNHRP network participants and organizations having consultancies and/or sub-contracts. These exercises may be undertaken in conjunction with the above-mentioned evaluation reports. All these activities will contribute to the preparation of the general review/evaluation, monitoring report(s) to be prepared as mentioned in paragraph 111 above.

115. Both UN-HABITAT and OHCHR will facilitate the involvement of key staff members in the review exercises. Expenses for the travel of staff members for this purpose should preferably be provided by general funds of the organizations. Funds allocated for missions in the budget of the programme may also be utilized for the realization of these reviews.

Section J. Work Plan

116. Work plans will be prepared jointly by UN-HABITAT and OHCHR according to the benchmarks established for each immediate objectives and outputs. Tasks specified for each organization will be carried out by that organization in accordance with the overall programmatic



approach. Specific work plans/terms of references will be prepared for activity groups cited under the immediate objectives of the programme and if need be, for each specific output.

Section K. Budget

K.I. UNHRP First Phase budget for XB funds (1 June 2002 – 31 May 2004)

117. [Paragraph 117 has been removed in this public version of the Project Document.]



Annex I: Mandates and related past and present activities of UN-HABITAT and OHCHR

- CHS 18/3 “Global campaign for secure tenure and urban governance” (February 2001);
- CHS 18/6 “Work programme and budget of UNCHS for the biennium 2002-2003” making reference to housing rights (February 2001);
- 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 (May 1999);
- CHS 16/7 “The realization of the human right to adequate housing” (May 1997);
- CHS 15/2 “Report on housing rights strategy” (May 1995);
- CHS 14/6 “The human right to adequate housing” (May 1993).

Resolutions of the Commission on Human Rights

- E/CN.4/RES/2001/28 “Adequate housing as a component of the right to an adequate standard of living”;
- E/CN.4/RES/2001/34 “Women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing”;
- E/CN.4/RES/2000/9 “Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights”;
- E/CN.4/RES/2000/13 “Women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing”;
- E/CN.4/RES/1988/24 “ The Realization of the Right to Adequate Housing”;
- E/CN.4/RES/1987/22 “ The Realization of the Right to Adequate Housing”;
- E/CN.4/RES/1986/36 “ The Realization of the Right to Adequate Housing”;

Resolutions of the Sub-Commission on Protection and Promotion of Human Rights under the Commission on Human Rights

- Sub-Commission resolution 1994/38 “Promoting the Realization of the Right to Housing”;
- Sub-Commission resolution 1993/36 “The Right to Adequate Housing”;
- Sub-Commission resolution 1992/26 “The Right to Adequate Housing”;
- Sub-Commission resolution 1991/26 “Promoting the Realization of the Right to Adequate Housing”;

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 realization 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 realization of the right to adequate housing” (HC/C/16/2/Add.2);



“Towards a housing rights strategy: practical contributions by UN-HABITAT on promoting, ensuring and protecting the full realization of the human right to adequate housing” (HS/C/15/INF.7).

Documents of the Commission on Human Rights

“Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, submitted pursuant to the Commission Resolution 2001/28 (E/CN.4/2002/59);

“Report of the Secretary-General on the implementation of resolution 2001/34 on women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing (E/CN.4/2002/53);

“Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, submitted pursuant to the Commission Resolution 2000/9 (E/CN.4/2001/51).

Documents of the Sub-Commission

“The Right to Adequate Housing: Final report submitted by Mr. Rajindar Sachar, Special Rapporteur” (E/CN.4/Sub.2/1995/12);

“The Right to Adequate Housing: Progress report submitted by Mr. Rajindar Sachar, Special Rapporteur” (E/CN.4/Sub.2/1994/20);

“The Right to Adequate Housing: First report submitted by Mr. Rajindar Sachar, Special Rapporteur” (E/CN.4/Sub.2/1993/15);

“The Right to Adequate Housing: Working Paper” (E/CN.4/Sub.2/1992/15).

Documents of the Global Campaign for Secure Tenure

“Secure Tenure: A Normative Framework” (HS/C/PC.1/CRP.8).

UN-HABITAT thematic research reports/publications

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).

Other documents

Pamphlet on “*The United Nations Housing Rights Programme: A joint initiative of UN-HABITAT and OHCHR*”, March 2002;

Pamphlet on “The right to adequate housing: A major commitment of the HABITAT Agenda”, May 2001;

“Position paper on housing rights”, March 2001 (<http://www.unchs.org/hpu/housing.PDF>).

UN-HABITAT 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.

Expert group meetings, panels, meetings and similar activities

Making Cities Inclusive. A Consultation on providing security of tenure and good local governance in South East Europe, joint UN-HABITAT, Council of Europe and Council of Europe Development Bank meeting of housing and governance experts, local government and civil society in support of South Eastern Europe, Belgrade, 25-26 February 2002;

Parallel event on housing rights at UNGASS for Istanbul+5, New York, 6 June 2001;

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;

Expert group meeting jointly organized by UN-HABITAT and OHCHR, Geneva, March 1999;

Panel discussion, parallel event at CHS 16, Nairobi, May 1997;

Advisory panel, New York, January 1996;

Expert group meeting jointly organized by UN-HABITAT and OHCHR, Geneva, January 1996.



Annex II: Matrix of programme objectives and outputs (First Phase) (to supplement Section E.III)
 (priority activities are marked in bold)

Programme Area 1:	Advocacy, outreach and learning from partners					
Immediate objective 1.1:	To promote awareness on housing rights					
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
1. 1. Advocacy and information materials on UNHRP developed and disseminated.	Feedback from users regarding coverage, quality, timeliness, user-friendliness and accessibility of information material produced and disseminated.	United Nations agencies, Governments, Local authorities, UN-HABITAT partners, Housing rights NGOs	a. Mapping exercise to survey available information from all partners.	UN-HABITAT/OHCHR	Mapping exercise completed.	
			b. Establishment of UNHRP web-site, including links to all United Nations documents	UN-HABITAT/OHCHR	UNHRP Web-site established.	UNHRP web-site updated.
			c. Preparation of Information kit on UNHRP.	UN-HABITAT/OHCHR	Basic Information kit produced and disseminated.	Information kit updated.
			d. Preparation of CD-ROM "Housing Rights Digital Library".	UN-HABITAT/OHCHR		CD-ROM produced and disseminated.
			e. Updating of OHCHR Fact Sheet on right to adequate housing.	OHCHR	Fact sheet updated and disseminated.	
			f. Dissemination of publications/studies produced under UNHRP.			Publications/studies disseminated.



Immediate objective 1.2:		To facilitate exchange of experience, information and learning among partners				
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
1. 2. Establishment of UNHRP 1 network	Networks established and operational. Increased flow of information exchange. Positive feedback from network participants.	Governments UN-HABITAT partners NGOs NHRIs	a. Concept paper on the establishment of UNHRP network.	UN-HABITAT/ OHCHR	Network concept developed.	
			b. Identification of focal point institutions.	UN-HABITAT/ OHCHR	Participating institutions, Govt focal points identified.	
			c. Convening of first UNHRP inception meeting.	UN-HABITAT/ OHCHR	Inception meeting convened.	
			d. Collection of inputs from network institutions to various activities under UNHRP.	UN-HABITAT/ OHCHR		Network's inputs provided.
			e. Identification of network activities by participants	UN-HABITAT/ OHCHR		Identified activities implemented.



Programme Area 2:		Support for United Nations Human Rights Mechanism on housing rights				
Immediate objective 2.1:		To support the work of the United Nations treaty bodies in monitoring housing rights				
Outputs	Indicators of success	Partners	Activities	Lead agency	1 st Year	2 nd Year
2. 1. Country profiles/briefs on 1 housing rights	Improved information exchange and analysis for consideration of country reports under review.	UNHRP network partners United Nations country teams Regional Commissions	a. Development of country database.	OHCHR	Database set up	
			b. Compilation of country information and analysis from UNHRP network participants.	OHCHR	5 country profiles/briefs prepared each for CESCR, CRC and CEDAW.	5 country profiles/briefs prepared each for CESCR, CRC and CEDAW.
2. 1. Monitoring follow-up to 2 concluding observations	Number of responses received. Usefulness and relevance of assessments.	UNHRP network partners United Nations country team SR on adequate housing	a. Impact assessment by UNHRP network participants and United Nations country teams.	OHCHR	Compilation of all concluding observations prepared.	
				OHCHR	Questionnaires sent and responses compiled	
2. 1. Case studies and lessons 3 learnt on the impacts and relevance of treaty body process in national housing policy	Quality of analysis presented. Usefulness of assessments and relevance of recommendations to country needs.	Treaty Body members	a. Preparation of evaluation report based on responses received, and SR's country missions.	OHCHR/ UN-HABITAT	Draft framework and TOR for report prepared.	Evaluation report prepared.
			b. Organization of workshop/consultation with Treaty Body members.	OHCHR/ UN-HABITAT		Workshop organized.
			c. Formulation of recommendations for possible further actions under Phase II of UNHRP.	OHCHR/ UN-HABITAT		Recommendations formulated.



Immediate objective 2.2:		To support the work of the United Nations Special Rapporteur on adequate housing				
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
2. 2. Strengthened collaboration 1 with United Nations system	Usefulness of feedback and information exchanged.	United Nations and international agencies	a. Organization of two inter-agency consultations.	OHCHR	One inter-agency consultation (Geneva).	One inter-agency consultation (New York).
2. 2. Effective dialogues with 2 Governments and stakeholders	Relevant experiences shared	Governments, Civil society, NHRIs, Regional Commissions, UNHRP network members	a. Organization of three regional consultations (Asia, Africa and LAC).	OHCHR/ UN-HABITAT	One regional consultation organized.	Two regional consultations organized.
2. 2. Expert group meetings on 3 selected priority themes	Better understanding of priority issues in the realization of housing rights.	Experts UNHRP network members	a. Identification of topics and finalization of EGM concepts.	OHCHR/ UN-HABITAT		
			b. Organization of two expert group meetings and preparation of papers.	OHCHR/ UN-HABITAT	One EGM organized & recommendations formulated.	One EGM organized & recommendations formulated.
2. 2. More efficient system in 4 responding to urgent appeals	Faster response time. No. of appeals processed. Feedback from the field and Govt.	UNHRP network members	a. Establishment of clear procedures for responding to urgent appeals.	OHCHR	Response mechanism established.	
			b. Development of database for receiving, responding and monitoring of cases.	OHCHR	Database established.	



Programme Area 3: Monitoring and evaluation of progressive realization of housing rights						
Immediate objective 3.1: To develop indicators, benchmarks and assessment tools for monitoring housing rights						
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
3. 1. Concept for housing rights 1 composite index/matrix developed	Usefulness and practicability of working paper and the concept developed (with focus on disaggregation of data on gender).	Housing rights NGOs UNHRP network members	a. Finalization of a working paper on development of housing rights composite index/matrix.	UN-HABITAT	Working paper finalized.	
			b. Organization of EGM to discuss the working paper and to recommend next steps to be taken	UN-HABITAT	EGM organized and recommendations formulated.	First draft composite index/matrix developed and tested.
3. 1. Training manual for 2 community-based assessment tools for monitoring housing rights developed	Usefulness and practicability of the manual based on feedback from users. Usefulness of information collected for SR and Treaty bodies. UNHRP network members and NGOs empowered with better monitoring tools and methodology.	Housing rights NGOs UNHRP network members NHRIs	a. Survey of existing training manuals.	OHCHR	Survey completed.	
			b. Development of concept and TOR for the manual.	OHCHR	Concept and TOR developed.	
			c. Development of training manual for community-based assessment tools for monitoring housing rights.	OHCHR	Draft manual prepared.	
			d. Organization of field workshop to test the draft manual.	OHCHR	Workshop organized.	Workshop organized.
			e. Training of trainers workshops organized by UNHRP network	OHCHR		Workshops organized.
3. 1. Evaluation report of the 3 first phase of the UNHRP.	Objectivity and practical recommendations	All relevant partners.	a. Preparation of “Report on the implementation of the United Nations Housing Rights Programme: Contributions to the full and progressive realization of the human right to adequate housing”	UN-HABITAT/ OHCHR		Report finalized.



Programme Area 4: Research and analysis on housing rights						
Immediate objective 4.1: To promote development of relevant norms, standards, guidelines on housing rights						
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
4. 1. Review of international and 1 national housing rights instruments and selected adjudication	Feedback received on usefulness of info & analysis presented.	COHRE	a. Finalization of report entitled “Housing rights legislation: Review of international and national legal instruments”, and periodic updating on-line	UN-HABITAT	Printed report finalized and published, electronic report posted on the UNHRP web-site	Periodic updating of on-line version.
			b. Preparation of electronic compilation of international instruments on housing rights	UN-HABITAT	Electronic report finalized and posted on the UNHRP web-site	Periodic updating of on-line version.
			c. Preparation of electronic compilation of constitutional sources of housing rights	UN-HABITAT	Electronic report finalized and posted on the UNHRP web-site	Periodic updating of on-line version.
			d. Preparation of electronic compilation of selected national housing rights legislation.	UN-HABITAT	Electronic report finalized and posted on the UNHRP web-site.	Periodic updating of on-line version.
			e. Preparation of electronic compilation of selected court cases on housing rights.	UN-HABITAT	Electronic report finalized and posted on the UNHRP web-site.	Periodic updating of on-line version.
			f. Preparation of guidelines for legislative reform to promote housing rights.	UN-HABITAT/OHCHR	Concept and TOR developed.	Guidelines prepared.
			g. Identification of areas for further research.	UN-HABITAT/OHCHR		Additional research studies to be identified.



4. 1. Review of forced evictions 2 and homelessness	Quality of analysis and recommendations	UNHRP network, NGOs and research institutions	a. Study on the prevention of forced evictions and homelessness.	UH-HABITAT	UN-HABITAT position paper on homelessness completed.	Tools for the prevention of forced evictions and homelessness finalized.
			b. Identification of areas for further research.	UN-HABITAT/ OHCHR		Additional research studies to be identified.



Immediate objective 4.2: To promote awareness and effective measures on gender dimensions						
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
4. 2. Gender-focused studies on 1 housing, land and property rights	Feedback received on usefulness of info & analysis presented.	UNHRP network members, women's organizations, NHRIs, research institutions, academics and practitioners.	a. Preparation of case studies on women facing forced eviction (ongoing).	UN-HABITAT	Case studies completed and published.	
			b. Preparation of report on women's equal right to land and housing in East Africa (ongoing).	UN-HABITAT	Report completed and published.	
			c. Study on human rights perspectives on discrimination against women in respect of housing, land, property and inheritance rights.	OHCHR	Concept and TOR developed.	Report completed and published.
			d. Report reviewing the experience in the field regarding women's equal right to land and housing in post-conflict situations and reconstruction.	OHCHR/ UN-HABITAT	Concept and TOR developed.	Report completed and published.
			e. Preparation of report on indigenous women's equal right to housing, land and property.	OHCHR/ UN-HABITAT	Concept and TOR developed.	Report completed and published.

Immediate objective 4.3: To develop research capacities of national and regional institutions on housing rights and to promote joint work/exchange of information on housing rights among them						
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
4. 3. Formulation of joint 1 research agenda and execution of studies under UNHRP network	Relevance of research topics identified. Quality of research outputs.	UNHRP network SR adequate housing	a. Formulation of joint research agenda and execution of studies under UNHRP network.	OHCHR/ UN-HABITAT	Research agenda formulated and priorities established.	5-7 joint research projects completed by UNHRP network members.



Programme Area 5:		Capacity-building and technical cooperation in the field of housing rights				
Immediate objective 5.1:		To strengthen national human rights institutions and housing organizations with focus on housing rights				
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
5. 1. Strengthened capacities of 1 NHRIs and housing development organizations in the area of housing rights	Increased interest and participation by NHRIs on housing rights. Increased capacity of housing development organizations to facilitate remedies for the violations. Volume of housing rights-related materials disseminated through NHRIs.	NHRIs UNHRP network members, Governmental authorities related to housing	a. Preparing Inventory/needs assessment of NHRIs in the field of housing rights.	OHCHR/ UN-HABITAT	Inventory/needs assessment completed.	
			b. Facilitating participation of NHRIs in UNHRP-related activities.	OHCHR/ UN-HABITAT	Participation of NHRIs in UNHRP activities.	
			c. Encouraging NHRIs to formulate strategies or plans of actions in the area of housing rights.	OHCHR/ UN-HABITAT		Formulation of strategy/plan of action for NHRIs in the field of housing
			d. Building capacities of human rights institutions and housing development organizations to address and facilitate remedies.	OHCHR/ UN-HABITAT		
5. 1. Tools to integrate rights-based 2 approaches to programme implementation and management.	Usefulness and relevance of tools based on user feedback	United Nations country teams	a. Development of guidelines on housing rights and integrating rights-based approaches to programming for Chief Technical Advisors and Project Managers.	UN-HABITAT/ OHCHR		Guidelines finalized.



Immediate objective 5.2:		To protect and promote housing rights in emergency and post-conflict situations				
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
5. 2. Evaluation of field experience 1 in protecting and promoting housing rights in emergency and post-conflict situation, particularly on property restitution	Quality and relevance of studies and field guidelines prepared.	UNHCR COHRE NHRIs	a. Preparation of concept paper for field guidelines and country case studies.	OHCHR/ UN-HABITAT	Concept paper and case studies prepared.	
			b. Convening of EGM to discuss lessons learned and draft guidelines.	OHCHR/ UN-HABITAT		EGM organized and field guideline finalized.
			c. Study on securing housing and land rights in flooded areas (Mozambique).	UN-HABITAT		
			d. Implementing operational programme on secure tenure in post-conflict countries in the Balkans.	UN-HABITAT		
			e. Development of legal and institutional framework to improve housing and land rights in Angola.	UN-HABITAT		



Immediate objective 5.3:		To develop strategies and medium-term plan for capacity-building and technical cooperation in the area of housing rights				
Outputs	Indicators of success	Partners	Activities	Lead agency	1st Year	2nd Year
5. 3. Strategies and medium-term 1 plan developed for consideration in Phase II of UNHRP	Realistic framework for the work of UNHRP in this area.	United Nations country team UN-HABITAT partners	a. Preparation of compendium of existing housing rights-related field projects.	OHCHR/ UN-HABITAT	Compendium of field projects completed.	
			b. Preparation of compendium of expertise available/roster of experts.	OHCHR/ UN-HABITAT	Compendium of experts completed.	
			c. Review of existing training materials on housing rights and ESCRs.	OHCHR/ UN-HABITAT		
			d. Evaluation of ongoing field projects and lessons learned.	OHCHR/ UN-HABITAT		Evaluation completed.
			e. Development of draft strategies and medium-term plan.	OHCHR/ UN-HABITAT		Draft strategies and M/T plan developed and discussed.