# Meeting Report
# Regional Dialogue on Housing Rights
## 27-29 June 2004 - Bangkok, Thailand

*Organized jointly by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), the United Nations Human Settlements Programme (UN-HABITAT) and the Office of the High Commissioner for Human Rights (OHCHR), with the Centre on Housing Rights and Evictions (COHRE) and Community Organisations Development Institute (CODI) as collaborating partners*

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**Meeting Summary**

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**Meeting Summary**

1. There is a growing recognition that in addressing urban poverty and improving housing and living conditions within slums, rights-based approaches can assist in yielding the most effective results. Housing rights are widely recognized throughout international, regional and national laws, and all countries currently possess legal obligations (to varying degrees) to respect, protect and fulfil housing rights. A key aspect of a rights-based approach is its recognition of rights and responsibilities of all actors, including the individual, organized collectives, the State and the international community, and that all have both rights and responsibilities. Adopting a rights-based approach puts the poor, marginalized and vulnerable groups at the core of project design, implementation and policy. In identifying the practical support needed by all actors, a rights-based approach facilitates more effective and targeted interventions for all stakeholders. Governments often require capacity support to translate existing legal instruments and national policies into practice and pro-poor terms, including support of slum dwellers' own initiatives. At the same time, the capacity requirements of slum dwellers have to be better understood and met by policymakers, including information and education, and participatory planning that allows people to self-organize and to define their own priorities.

2. One of the challenges of rights-based approaches so far has been the translation of human rights concepts, often perceived as highly technical, into more practical and understandable terms and actions for all stakeholders. Furthermore, closer synergy is needed between the parallel processes working towards the progressive realization of certain rights. In the case of the right to adequate housing, as enshrined in several international instruments and elaborated in the Habitat Agenda, the difficulty of establishing practical links between the legal frameworks and actual housing development activities on the ground needs attention.

3. With a view to creating a clearer understanding of the practical steps needed to advance a rights-based approach as it relates to housing, and to facilitate coordination between stakeholders involved in housing rights activities, UNESCAP together with UN-HABITAT and OHCHR, within the framework of the United Nations Housing Rights Programme (UNHRP), convened a Regional Dialogue on Housing

Rights in Bangkok, Thailand, from 27-29 June 2004. The Centre on Housing Rights and Evictions (COHRE) and the Community Organisations Development Institute (CODI) also acted as collaborating partners for the meeting.

4. The underlying premise for the Dialogue was that the integration of a human rights perspective in addressing housing issues will ultimately improve the living conditions of slum dwellers, as outlined in MDG 7-11. Goal 7, Target 11 of the Millennium Development Goals (MDG 7-11) (http://www.unhabitat.org/mdg/) aims at a significant improvement in the lives of at least 100 million slum dwellers by 2020. By dealing with the people living in the most depressing physical conditions of the world's cities, Target 11 is a direct recognition that slums are a development issue that needs a response. Slums cannot simply be considered as an unfortunate consequence of urban poverty but needs to be treated as a major entry point for urban poverty reduction, with slum dwellers as active partners.

5. The Dialogue was also guided by the view that a variety of stakeholders need to be involved, as partners, in recognizing both their rights and responsibilities in the progressive realization of housing rights. Government and civil society participants (See annex 3) from the following countries attended the regional housing rights dialogue: Cambodia, India, Indonesia, Mongolia, Nepal, Pakistan, Philippines, Sri Lanka and Thailand. In addition, representatives from UN-Habitat, OHCHR, UNESCAP, the Centre on Housing Rights and Evictions (COHRE) and various universities also participated in the Dialogue. Future regional housing dialogues are tentatively planned for Africa (Addis Ababa) and Latin America (Santiago).

6. Up to one-third of the world's urban population lives in slums and more than 500 million people in the Asia-Pacific region live in slums and squatter settlements. In many cities, these "invisible" areas are growing faster than the "visible" ones.  Most slum dwellers experience multiple deprivations that are direct expressions of poverty. These include lack of security of tenure and access to infrastructure and services. Often, challenges also involve the need for respect and dignity, social belonging, organizational capacity and political representation. Addressing these problems and resolving them requires all relevant stakeholders to work together in a spirit of mutual respect, cooperation and with the shared objective and vision that everyone, everywhere must have a safe, secure and affordable place to live. The Regional Housing Rights Dialogue provided a forum for this vision to emerge.

**Opening Presentations**

7. Mr. Selman Ergüden (Co-ordinator, UN Housing Rights Programme) and Mr. Raj Kumar (Chief, Poverty and Development Division, UNESCAP) jointly opened the Dialogue. In his remarks, Mr. Ergüden outlined the work and activities of the United Nations Housing Rights Programme (UNHRP) and provided an overview of the progress made in the recognition of housing rights during the past decade. He also noted plans for convening future regional housing rights dialogues in Africa and Latin America. Mr. Kumar spoke of the significance of the Regional Housing Rights Dialogue as part of larger processes to reduce poverty in the Asia and Pacific region, to improve housing conditions in conjunction with the Millennium Development Goals and as a means for helping to mainstream human rights in the work of UNESCAP. He emphasised the importance of the multi-level approach taken at the Dialogue by involving Governments, UN Agencies and civil society actors, and the positive collaboration between UNESCAP, UN-Habitat and OHCHR that made the meeting possible.

8. Ms. Wan-Hea Lee (Acting Regional Representative, Asia Pacific, OHCHR) then provided a detailed presentation on Rights-Based Approaches (RBAs) to development. Some of the key human rights issues identified as <u>guiding principles</u> in any RBA included:

- The universality and inalienability of human rights;
- The indivisibility, interdependence and inter-relatedness of all human rights;
- equality and non-discrimination; participation, self-determination and inclusion; and
- Accountability and the rule of law.

She emphasised that the value added by taking a rights-based approach to development included the view that development programming is framed by international human rights law and informed at all stages by recommendations of international human rights bodies and mechanisms.

9. The expectations of the Dialogue were then outlined by Ms. Åsa Jonsson, Associate Economic Affairs Officer, (UNESCAP). She identified the <u>underlying premises</u> of the meeting to include:

- The integration of human rights perspectives in addressing housing issues will ultimately improve the conditions of slum dwellers;
- A variety of stakeholders need to be involved as partners; and
- In order to catalyze interventions, approaches need to be identified and shared on how this can be done in practice.

Ms. Jonsson then outlined the <u>objectives</u> of the meeting to:

(a) Facilitate a dialogue between multiple actors on operationalising housing rights;
(b) Improve understanding of the practical use of a rights-based approach, through sharing practices in the Asia-Pacific region; and
(c) Seek guidance from the participants on UNESCAP's and UNHRP's work on housing rights issues.

She concluded by identifying some of the <u>main focus areas</u> of the meeting, including:

- Clarification of the concept of 'right to adequate housing';
- measures that can be taken to translate human rights concepts into practice;
- The beneficiaries of a rights-based approach; and
- How to localize interventions.

10. Mr. Scott Leckie (Centre on Housing Rights and Evictions (COHRE) then presented the background paper for the Dialogue – *The Housing Rights Dialogues: Finding New Ways to Protect and Promote Housing Rights in Asia and the Pacific*. The paper outlined a range of issues, including legal obligations to secure housing rights for all (obligations to respect, protect and fulfil, progressive realisation, maximum of available resources, refraining from housing rights violations, no deliberately retrogressive measures, effective remedies, monitoring the status of housing rights and the concept of housing adequacy). The paper also discussed other central housing rights themes, including: legislating for housing rights, financing housing rights, democratising the housing policy process, security of tenure, special housing rights measures for vulnerable groups, women's housing

rights, effective prevention of housing rights violations, planning considerations, post-conflict and post-disaster housing rights issues, public services and housing rights (water, sanitation, electricity, etc), getting the institutional framework right and eviction prevention.

## Panel 1 - *Creating synergy in the implementation of housing rights: Actions by Government and civil society*

11.   The meeting was addressed by Panel 1, moderated by Ms. Wardah Hafidz (Urban Poor Consortium, Indonesia). Presentations were made by Mr. Tasneem A. Siddiqui (Saiban Action Research for Shelter, Pakistan), Mr. Muhammed Younus (Urban Resource Centre, Pakistan), Ms. Lucille P. Ortile (Office of the President, Housing and Urban Development Coordinating Council, Philippines) and Ms. Fides Bagasao (Community Organizers Multiversity, Philippines).

12. In the presentations concerning housing rights in Pakistan, several key issues emerged. The Constitution provided for some recognition of housing rights, however, these rights remained difficult to implement. As a result, a large part of the population has no access to affordable, decent housing and is forced by circumstance to live in squatter settlements. Informal settlements are the only way to access housing, and that these settlements are a growing reality is now being recognized. The main problems concerning these settlements include:

   1) Their technically 'illegal' status;
   2) Lack of access to infrastructure (water supply, sanitation and solid waste management), and
   3) The exploitation of illegal dwellers by local government and police.

The cornerstone of the Government's housing policy remains the regularisation of informal settlements, subject to certain conditions being met. Ninety-nine year leasehold rights are provided to residents of *katchi abadis* if they meet the standard criteria. Despite this policy, however, the slum population remains considerable. For instance, some 50 percent of the total population of Karachi live in *katchi abadis* (squatter/informal settlements). More than 179,000 households are under immediate threat of forced eviction due to Government development projects. A range of reasons for eviction were identified, including: eviction instigated by builders, bad planning (often on intentionally to promote corruption), ignorance of residents, development projects, redevelopment projects, demolition in *katchi abadis*, railway settlements and evictions on agricultural lands. The main problems that required attention in attempting to prevent evictions was the creation of space for interaction and dialogue, the need to empower the poor and developing feasible alternatives to eviction plans.

13. Concerning housing rights in the Philippines, it was noted by both speakers that the Government of the Philippines very strongly supports housing rights. This is evidenced by the inclusion of housing rights within the Constitution and other national laws in the country, such as the Urban Development and Housing Act (1992) and by a series of Government policies and programmes supporting these rights. One area where more work was required centred on expanding access to credit for housing. There is no formal private sector in housing finance, and the Government has tried to provide subsidized housing loans, but these do not work sufficiently, and repayment rates are very low. Current policy is focusing on adopting a scheme of targeted subsidies for the poor to repay loans taken on the larger financial market.

## Panel 2 - *Innovative practices in housing rights*

14. Panel 2 was moderated by Ms. Tsedev Unurtsetseg (Deputy Director, Department of Population and Social Welfare, Ministry of Social Welfare and Labour, Mongolia). Presentations were made by Mr. Minar Pimple (Youth for Unity & Voluntary Action (YUVA), India) and Ms. Somsook Boonyabancha (Asian Coalition for Housing Rights (ACHR/CODI), Thailand).

15. A detailed presentation entitled 'The Sum of All Actions – Dynamic Responses to the Housing Challenges of the Poor' was presented outlining key housing rights issues in India. India's housing policy was completed in 1994 after several years of discussion. Within India's National Slum Policy (1999) the need to integrate informal settlements into the city was reflected, as was the importance of ensuring the right of citizens to participate in decision-making. A range of new housing challenges in India were identified, including: The growing commodification of land; deregulation of labour, markets and services; the new homeless (AIDS/HIV, Street children, elderly, evictees, etc). Community action planning was emphasised as a positive means of improving housing conditions. Human rights education was considered essential in an effective response to these housing challenges.

16. In the presentation on Thailand, a view was put forth that rights-based approaches to housing will not, in and of themselves, lead to positive changes in the enjoyment of housing rights. Rather, it is felt that in a stable, democratic country such as Thailand, only through political and economic power can real change come about. In her presentation on 'Innovative practices in Housing Rights', Ms. Boonyabancha addressed several key points, including:

- Housing rights battles need to be well prepared, long-term community processes;
- Housing rights initiatives should take place within city-wide processes;
- Housing rights struggles should be localized;
- Community finance needs to be strengthened; and
- There needs to be a strong focus on building community.

### Discussion Groups

17. The participants were invited to join two of four break-our discussion groups on the themes of (i) Equal Access to Housing Resources, (ii) Access to Legal and Other Remedies, (iii) Combating Homelessness and the Right of Homeless People and (iv) Security of Tenure and Forced Evictions. These themes were selected based on four specific areas identified by UNHABITAT and OHCHR (at an EGM in 1999) as having direct impact on the realization of housing rights.

## Group 1:  Equal Access to Housing Resources

18. Group 1 discussed a range of issues, including:

- Principles of equity of treatment and non-discrimination in the housing sector;
- Defining adequate shelter, including that housing must be affordable, habitable and accessible (Habitat Agenda paragraph 60);
- Equal access to housing resources including building materials, credit, land, and basic infrastructure and services;

- Combating discrimination in the housing sector (e.g. fighting inequalities in access to housing related resources, including water, sanitation, other services and information); and
- Ensuring gender equality in access to housing and related resources (including special concerns of women-headed households).

The group also addressed specific actions that can be taken at the national and local levels, which are included in the recommendations below.

19. Drawing from the four presentations made on the first day of the meeting (Pakistan, Philippines, India and Thailand) and from the experience of representatives that had not yet presented housing conditions in their countries (Mongolia, Indonesia, Nepal), the group focused on housing in informal settlements, where people do not have security of tenure.

20. Mongolia has a relatively recent history dealing with housing rights – the Centre for Human Rights and Development has only been running since 1998. Housing needs in Mongolia have evolved with the change from a rural, nomadic society to an urban and sedentary one in which people had to change housing practices (first settlements in 1940s and 1950s, and large housing projects in 1960s and 1970s). From living in relatively affordable *Ger* (tents of animal skins on wooden frames costing USD 500-700), people were encouraged to move into concrete houses, beyond the means of much of the population (at USD15,000-20,000 per unit.) This, coupled with rising poverty linked to the opening to a market economy, has promoted inequality in the access to decent housing. Although most the population now live in houses, there are many *Ger* settlements in peri-urban areas that do not provide adequate urban housing to people. These settlements have no access to transportation, and services (including heating, necessary during the eight month winter with temperature of 40 degrees below zero). Poor living conditions in informal urban settlements are exacerbated by the influx of rural migrants fleeing poverty. As they arrive in illegal settlements, they are not officially recognized as city residents, have thus no security of tenure, and are denied access to land and to government services. Neither can they obtain the 0.07 hectare of land the Government is distributing to families with legal residency. There are also increasing numbers of homeless people, including children. Both people and government officials need training about basic rights of access to decent housing and public services. People also need to know how to use information and to be given an active voice, through community development.

21. Indonesia: The Government is officially formalizing access to housing by denying the existence of informal settlements (although they are a reality and provide most of the housing for the poor) and promoting the development of private housing supply in which developers are supposed to build six low-income housing units and three medium-income unit for every expensive unit they produce. However, this government approach does not work, and formal housing remains inaccessible to the poor. A main problem is the lack of transparency in the system. Recently, the President announced the creation of the one million houses programme for the poor, but this remains a political statement without implementation plans so far. There is a need to change the housing policy from one that aims to provide housing to one that would enable people to produce adequate housing on their own. This is what pro-poor groups (NGOs, academia) are doing through promoting community-led development. The Urban Poverty Project issued by the Directorate General of Housing and Settlements was also discussed.

22. <u>Nepal</u>: The question of how to define homelessness continued to confront policy makers in Nepal. Lack of access to land is not a major issue in Nepal, where each citizen legally has the right to access formal housing, but migration due to natural disasters (e.g., floods) has made securing this right increasingly difficult. The approach to house incoming migrants in cities is to use natural and local building materials. Even in squatter areas, the Government supplies basic services (water, sanitation, telephone and power.) The Government has the political vision of providing housing for all in 2020, but they have no concrete means to reach this goal.

23. The group also discussed several themes relevant to all countries represented at the Dialogue. The group discussed terms, such as "formalizing the informal", which sounded threatening to some as it seems to refer to physical upgrading rather than to obtaining an inalienable entitlement. They preferred "legalizing", because of the clear implication that this term gives to acquiring formal, legal rights. The group agreed that as early as the 1970s, the housing rights approach was a logical companion to John Turner's idea of enabling self-help housing. Without recognized basic rights to decent housing, however, the poor still have had little leverage and voice and remain exploited by developers, 'mafia', loan sharks, regulators and civil servants.

24. The group also discussed the role of gender in access to secure housing. While participants agreed that there is no open discrimination against women accessing property in the legal framework of most countries, there remain traditional cultural practices that may limit their rights to ownership in case of marriage or divorce. The following country situations were cited:

- In the Philippines there is conjugal property, but because most poor are not legally married, there are problems as properties are often registered under the man's name;
- In Indonesia marital law does not discriminate, but in part of the country land still belongs to men;
- In Pakistan housing scheme plots are most often registered under the wife's name;
- In Nepal women have equal rights to own property, but are still under the dependence of their father or husband. There is a law in discussion so that women can own land even if they are not married;
- In Mongolia land goes to the wife directly in case of inheritance, and courts decide in the event of divorce.

25. The question of access to economic opportunities was also considered. Formal systems of land recognition (e.g., master plans) deny the legal existence of informal settlements. Authorities present informal settlements as ugly, without cultural values or history, and force them to be eradicated under the guise of urban planning/renewal. By denying them recognition and access to tenure, authorities keep the urban poor vulnerable to eviction and prevent them from developing economically and incrementally improving their living conditions. To have equal access in practice (i.e., avoiding discrimination), one first needs to have basic rights recognized.

## Group 2: Access to Legal and Other Remedies

26. Group 2 discussed a range of issues, including: the existence of legal and other appropriate remedies in cases of violations and/or non-fulfilment of housing rights; the significance of judicial remedies, particularly for those whose rights have been

violated and for accountability/transparency of the State); Gaps between existing legislation and the legal remedies in practice; Forced evictions; Existence/capacity building of governmental offices and national human rights institutions that can address housing rights; and access and affordability of legal aid. The group also addressed specific actions that can be taken at the national and local levels, which are included in the recommendations below.

27. The group focused on a variety of problems in accessing legal remedies and some of the solutions have been attempted in some of the countries active in the Dialogue.

28.  In Cambodia, it was emphasised that forced evictions carried out against communities occupying private land were invariably sanctioned by courts, and rarely formally opposed by communities living on private land. On the other hand, large-scale titling efforts were underway throughout the country for selected informal settlements and communities occupying State land. A clear policy preference for upgrading slums in situ, rather than relocation seemed to be emerging. A land dispute committee had recently been established to provide some sort of remedial framework for such conflicts. Recently, a Housing Rights Task Force was established in the country which brings together UN agencies, local Government and civil society groups to discuss housing rights themes in the country and to develop plans of action to more intensively secure and enforce housing rights.

29. In Sri Lanka impact of the Land Ceiling Act upon the enjoyment of housing rights was discussed, as was the conversion of public/social housing into condominiums.

30. In Indonesia, a six million house backlog was being addressed through a variety of housing programmes, including the Urban Poverty Programme. The right to housing has been enshrined within the new Constitution of the country, but has yet to be tested by the judicial system.

31. In Australia much progress remained in terms of ensuring access to judicial remedies to all homeless and inadequately housed persons, in particular aboriginal peoples.

32. In India, the Supreme Court was international renowned for a series of excellent, pro-housing rights judgments, but these had only made a small dent in addressing the still massive scale of housing rights problems facing the country.

33. Some of the more general themes that tended to affect all countries participating in the Dialogue that were discussed, included: The need to treat the rights of those occupying private land the same as the rights of those occupying State land; The need for all Asian and Pacific nations to ratify all human rights treaties and the various individual complaint procedures attached to these treaties; The importance of ensuring that civil society groups are invited to participate in the State reporting process linked to human rights treaties; The vital point that all judicial and other remedies must be equitable and accessible to all income groups, not exclusively those able to pay; Additional training on how to best invoke housing rights remedies is required throughout the region; and that countries should consider establishing housing rights courts and tribunals to address all housing rights claims.

## Group 3:  Combating Homelessness and the Rights of Homeless People

34. Group 3 discussed the following topics: Defining homelessness (a status where all aspects of universally accepted human rights are open to abuse, violation and non-fulfilment); Danger of creating unrealistic and non-enforceable expectations (i.e. that the State has to provide housing directly for everyone); Administrative capacities to monitor assist and ensure that housing rights of chronically ill-housed people and those with special housing requirements are accorded a measure of priority; Affirmative action measures; special attention on homeless women; and Street children/Youth/Child Rights Programming. The group did not have an opportunity to list specific actions, but some were taken up in discussions later on.

35. It was pointed out that there is no global definition of homelessness.  In developed countries a broad definition includes substandard and temporary housing.  In developing countries such a definition is unworkable.

36. In Nepal, homelessness is defined as having no land and no house anywhere in the country.  In addition there are internally displaced people whose housing has been destroyed by insurrection.  In responding to these issues, the national government has transferred responsibility to the local level where the resources where the resources and the administrative and planning capacity are inadequate to respond effectively to these challenges.  This lack of resources affects the ability of local administrations to implement programs.  This is a particular problem for the most vulnerable – homeless women and street youth.

37. In Mongolia there is increasing migration to the capital city.  Programs have been developed for street youth (30 shelters) and for the elderly and disabled (9 facilities) but there is inadequate funding to implement these programs.  Similarly, in the Philippines funding is a fundamental obstacle to addressing the demand for housing which far outstrips the annual production.  Further, in defining the problem, *vulnerability* is often seen as a social welfare issue and not especially a housing problem.  As a result responses to the problem tend to be piecemeal and inadequate.

38. In Indonesia, the issue of homelessness has an urban focus and concerned the occupation of illegal land and non-habitable land.  In addition there is a focus on substandard conditions, mainly overcrowding and lack of infrastructure such as drinking water.  From India a further point was raised.  There is a large group of people that remain outside the system.  They have no access to shelter, no access to services, and no social, economic or political base.  They are simply not seen at all.   Any response to this statistically invisible problem of the most vulnerable requires a staging:  first food and shelter (basic needs) and then capacity building.

39. The country examples illustrated some of the basic problems in addressing homelessness:

- Defining the term – if we make the definition too broad we can make 60 to 70% of a city's population homeless.  In terms of resource allocation that is not helpful.
- Standards – if we apply international standards to all housing, we define a problem into existence.  The people living is such housing may well disagree with such a standard, as may the local authorities charged with the resource allocation to improve those standards to some international level.

40. The title of this discussion implied two distinct issues:

- Combating homelessness – people facing evictions, migrant and bonded labour, natural and social disasters as well as people in substandard housing (however that is defined).  In that, a definition of homelessness is a step towards addressing the rights of the homeless.
- Rights of the homeless – here the greatest concern was for those who are most vulnerable.  There are people outside the system entirely, outside the social safety net.  In considering the levels of vulnerability and resource allocation, another concern was for meeting immediate needs versus long range needs.

While there were no specific recommendations for actions that could be taken, there were three issues that seemed central to the discussion:

1. Defining homelessness – we can define a problem into existence through too broad definitions.  We can also define it out of existence (a social welfare problem and not a housing problem; making the most vulnerable statistically invisible by defining homelessness through selective data collection.)
2. Standards – we cannot force the universalization of international standards.
3. Vulnerability – there is a whole segment of the population that remains outside the system entirely.

## Group 4:  Security of Tenure and Forced Evictions

41. Group 4 examined four issues:

1. Key aspects of tenure: private, public, legal/illegal, mixed, renters; rights to land vary; what is working and why?;
2. Innovative approaches/solutions to tenure; land sharing, negotiation, tenure can act to increase/decrease people's rights and citizenship. How?
3. Eviction: in what ways does eviction threaten or weaken people's rights or access to rights?; and
4. Innovations/alternatives to eviction or when eviction is necessary, how people's rights to housing can be assured – what needs to be done?

The group also addressed specific actions that can be taken at the national and local levels, which are included in the recommendations below.

42. The group devoted most of its time to this issue of slum regularisation and the different ways that this was being undertaken in the countries represented.

43. In Pakistan, there was a progressive approach to regularisation, but only insofar as occupied State land was concerned. Regularisation could take place subject to certain conditions being met, including that the community was on State land, had been there for more than 15 years, was comprised of at least 40 households, that it was not in a dangerous area or blocking a footpath. Regularised communities were given 99 year leasehold rights which enabled them to get loans and to improve the physical conditions in the settlements. It was also emphasised, that security of tenure is invariably linked to land rights, and that information on land use, ownership and plans needed to be made far more transparent.

44. In Sri Lanka, two examples of housing rights 'paradoxes' were cited. The first, was the late 1990s decision by the Government to offer ownership of condominium apartments to the residents at nominal prices, which would have provide securer

tenure. However, many residents preferred to continue renting, as the Apartment Ownership Law would have meant that the responsibility for maintenance would then be transferred from the municipality (which the residents were used to) to the Management Corporation, which is a body formed by residents themselves. The second example related to evictions. According to a recently introduced Involuntary Eviction Policy in Sri Lanka, attractive compensation packages had been introduced offering affected families either direct cash or cash plus alternative housing. It was cited that many residents found these packages so attractive that they were keen to get on the eviction list.

45.  In Cambodia, the Phnom Penh Government has agreed to upgrade 100 slums a year, with roughly 70% of these getting title to the land.

46. In India, the recognition of slums within the gazette is often perceived by dwellers as the equivalent of tenure security, and as a result land values increase dramatically following such recognition, often by as much as a factor of ten. It was stressed that when formal regularisation does take place, that any new title or rights over the land in question must be held jointly by the man and woman of the household concerned. The problems of growing homelessness amongst the elderly were addressed. It was stressed that appropriate forms of tenure security need to be provided and that formal titling systems are often highly inappropriate and can lead to future eviction by market forces.

**Concluding Plenary Session**

47. The meeting then reconvened in plenary session. This began with a presentation by KMUTT lecturer, Graeme Bristol on the emerging Centre on Architecture and Human Rights the focus of which is human rights education in the development sector, particularly architects and planners.  This was followed by the presentation of a set of detailed recommendations which were discussed and approved. These are contained in Annex 1. During the discussion a range of issues were raised, including:

- The important role to be played by rental housing as one means of assisting in the realization of housing rights;
- Clarity was still required on the legal meaning of the term 'housing rights' and the 'right to adequate housing';
- Given that people working in the housing sector often did not have a legal or human rights background and, conversely, that those working in the legal and human rights fields did not always have direct experience working in the housing sector, it was stressed by several speakers that ways still needed to be found to bridge some of the misunderstandings and different views held by both sectors, even though both sectors clearly have the same aims and objectives;
- The changing nature of the State and the emergence of the market also needs further attention in terms of identifying the best methodologies for securing housing rights for everyone;
- All participants emphasised that all policy- and law-makers needed to learn from the people themselves;
- Many participants felt that human rights needed to pervade society and guide the decisions of society much in the same way that religion or culture has influenced decision-making;
- The need to integrate community plans into local government plans was addressed as an important means of securing real popular participation;

- There was a need to stress that forced evictions did not violate only housing rights or economic and social rights, but a wide range of civil and political rights, as well;
- The need for linking the rights of evictees to the right and institutions working on behalf of internally displaced persons was also highlighted;
- The importance of human rights education in spreading knowledge of housing rights issues was addressed;
- The need to network more extensively throughout the region on housing rights issues was stressed by all participants; and, finally,
- The need to integrate three different views of housing (1) the traditional State-driven view; (2) the housing activist/development view; and (3) the housing rights view.

48. Finding a way to achieve this last point was seen by many to be the next important step in developing and expanding the housing rights dialogue process, both throughout other regions and within individual countries.

49. The meeting was closed by Mr. Yap Kioe Sheng, Chief, Poverty Reduction Section, Poverty and Development Division (UNESCAP). During his closing remarks, he noted the importance of housing rights as a tool in poverty reduction and indicated the commitment of UNESCAP to continue to support housing rights initiatives throughout the Asia and Pacific region.

50. A list of recommendations were developed, which are attached in summary form in Appendix 1.

| **Recommendations of the UNESCAP/UN-HABITAT/OHCHR Regional Dialogue on Housing Rights Bangkok, 27-29 June 2004** | |
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| | **Countries should....** |
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| **Advocacy** | 1. Proclaim a Decade Against Forced Evictions |
| | 2. Convene national housing rights dialogues to enhance understanding that human rights protection and pragmatic actions are mutually reinforcing |
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| **Accountability** | 1. Promote an optional protocol to the International Covenant on Economic, Social and Cultural Rights |
| | 2. Ratify and implement all human rights standards on housing rights, bring national laws into full conformity with international human rights law and ensure that national and local laws, regulations etc. are fully consistent with national and international housing rights standards |
| | 3. Establish national housing rights offices and housing rights courts/tribunals, and strengthen existing housing rights enforcement mechanisms and implementation processes |
| | 4. Invoke national and international human rights remedial procedures when relevant and useful |
| | 5. Expand and ensure access to effective judicial and non-judicial remedies for alleged housing rights violations by:<br>§ the development of legal aid programmes;<br>§ increased access to courts, including through mobile courts, community-based processes; etc;<br>§ strengthening of courts to ensure their independence, impartiality, fairness, accessibility, freedom fro corruption, etc<br>§ promoting accountability of non-state actors accountable (MNC's, private landlords, etc) |
| | 6. Analyze the adequacy of national and local budgets for the protection of housing rights |
| | 7. Clarify and institutionalize rights and responsibilities in the rental sector and protect the rights of tenants |
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| **Protection of vulnerable groups** | 1. Protect the housing rights of vulnerable groups (the poor, the elderly, children, people with disabilities, displaced persons, people living with HIV/AIDS, indigenous peoples, etc. |
| | 2. Ensure full rights to homeless persons, including through official registration to ensure status, etc., and protect the rights of the homeless (including the 'new' homeless), through such measures as temporary shelters |
| | |
| **Policy Development** | 1. Develop comprehensive multi-ministerial, multi-sectoral rights-based land, housing and infrastructure policies, taking into account all relevant housing rights laws, standards, guidelines and recommendations |
| | 2. Ensure full citizen participation in all aspects of the housing policy development process, with a focus on housing rights |
| | 3. Balance policies on housing rights and property rights fairly and equitably |
| | 4. Apply rights-based approaches to urban management, planning and housing development |

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| **Land tenure** | 1. Pursue innovative schemes to expand access by the informal sector to land and credit |
| | 2. To strengthen security of tenure, take actions including:<br>§ mainstreaming regularization models and identifying best practices;<br>§ ensuring universal access to appropriate forms of tenure;<br>§ developing innovative forms of secure tenure<br>§ developing practical standards on security of tenure rights |
| | |
| **Evictions** | 1. Refrain from arbitrary and avoidable forced evictions |
| | 2. Identify and engage groups that can assist in preparing alternative plans to prevent eviction |
| | 3. Develop temporary occupancy/ negotiated resettlement policies |
| | 4. Develop a system of 'eviction impact assessments and processes' – costing of resettlement in cases of development-based displacement |
| | 5. Ensure full respect for human rights, including due process, participation, compensation and other rights, when evictions cannot be avoided |
| | |
| **Capacity Building** | 1. Promote housing rights exchange programmes |
| | 2. Support innovative housing rights research, identify and document best practices and prepare guidelines and training material on housing rights |
| | 3. Develop a national human rights education curriculum, with a housing rights focus, and provide training and capacity building to judges and lawyers and to rights-holders and duty-bearers |
| | 4. Raise awareness of housing rights among relevant professional organizations, e.g. architects, planners, engineers, urban managers, accountants, etc. |
| | 5. Develop a roster of experts in housing rights |
| | 6. Establish effective and innovative collaboration and partnerships among relevant groups (planners, architects, human rights groups, donors, etc) |
| | |
| **Monitoring** | 1. Establish national and global housing rights monitoring systems with indicators on housing rights |
| | 2. Promote indicators on housing rights |
| | 3. Ensure transparency and access to information about land use, land transactions, planning, zoning, etc. |
| **International assistance** | 1. Seek assistance from the UN and other regional and international organizations in the implementation of these recommendations, as necessary |

**United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)**

**United Nations Human Settlements Programme (UN-HABITAT)**

**Office of the High Commissioner for Human Rights (OHCHR)**

Regional Dialogue on Housing Rights

27-29 June 2004
Bangkok

# Programme

**Saturday 26 June 2004**

Arrival of participants and registration

**Sunday 27 June 2004**

*Venue: Rachadamnoen Hall, Royal Princess Hotel*

| | |
|---|---|
| 0900-0930 | Chair: Mr. Yap Kioe Sheng, Chief, Poverty Reduction Section, Poverty and Development Division, UNESCAP |
| | **Opening of the Dialogue**<br>Mr. Selman Ergüden, Coordinator, United Nations Housing Rights Programme (UNHRP), Shelter Branch, UN-HABITAT and Mr. Raj Kumar, Chief, Poverty and Development Division, UNESCAP |
| | **Introductory statement**<br>Ms. Wan-Hea Lee, Acting Regional Representative, Asia-Pacific, OHCHR |
| 0930-0945 | **Dialogue expectations**<br>Ms. Åsa Jonsson, Associate Economic Affairs Officer, Poverty Reduction Section, UNESCAP and Mr. Inge Jensen, Human Settlements Officer, UN-HABITAT |
| 0945-1030 | **Overview of a rights-based approach to development**<br>Ms. Wan-Hea Lee, OHCHR |
| 1030-1100 | *Coffee break* |
| 1100-1200 | **Overview of housing rights**<br>Mr. Scott Leckie, Executive Director, COHRE |
| 1200-1330 | *Lunch* |

| 1330-1530 | **Panel 1: Creating synergy in the implementation of housing rights: actions by government and civil society** |
|---|---|
| | Moderator: Ms. Wardah Hafidz, Director, Urban Poor Consortium, Indonesia |
| | *Panelists:* |
| | Mr. Tasneem A. Siddiqui, Chairman, Saiban Action Research for Shelter, Pakistan |
| | Mr Muhammad Younus, Coordinator, Urban Resource Centre, Pakistan |
| | Ms. Lucille P. Ortile, Deputy Secretary General, Office of the President, Housing and Urban Development Coordinating Council, Philippines |
| | Ms. Fides Bagasao, Executive Director, Community Organizers Multiversity, Philippines |
| 1530-1545 | *Coffee* |
| 1545-1700 | **Panel 2: Innovative practices in housing rights** |
| | Moderator: Ms. Tsedev Unurtsetseg, Deputy Director, Department of Population and Social Welfare, Ministry of Social Welfare and Labour, Mongolia |
| | *Advocacy work to protect the housing rights of the poor in India* Mr. Minar Pimple, Founder/Director, Youth for Unity & Voluntary Action (YUVA), India |
| | *Linking government policy statements and concrete actions to build partnerships between the poor and local governments in ensuring access to housing for the poor in Thailand* Ms. Somsook Boonyabancha, Asian Coalition for Housing Rights (ACHR), Thailand |
| 1900-2100 | Dinner (venue to be confirmed) |

**Monday 28 June 2004**

*Venue:  Meeting Room H, UNCC*

| 0830-0915 | **Feedback session/identification of key issues from previous day** Mr. Scott Leckie, Executive Director, COHRE |
|---|---|
| 0915-0930 | **Orientation for group sessions** (UNESCAP and UNHABITAT) |

| 0930-1145[1] | **Group sessions**[2] |
| --- | --- |
| | Group 1: Equal access to housing resources |
| | Group 2: Access to legal and other remedies |

| 1145-1300 | *Lunch* |
| --- | --- |

| 1300-1500 | **Group sessions** |
| --- | --- |
| | Group 3: Combating homelessness |
| | Group 4: Security of tenure and forced evictions |

| 1500-1800 | **Study visit organized by the Community Organizations Development Institute (CODI)** |
| --- | --- |
| | Visits to Patana Bon Kai community and Charoenchai Nimitmai Housing Cooperative, Bangkok |

**Tuesday 29 June 2004**

*Venue: Meeting Room H, UNCC*

| | Chair: Mr. Selman Ergüden, Coordinator, United Nations Housing Rights Programme (UNHRP), Shelter Branch, UN-HABITAT |
| --- | --- |

| 0900-1015 | **Feedback session from groups** (from previous day) |
| --- | --- |

| 1015-1030 | *Coffee* |
| --- | --- |

| 1030-1200 | **Group work**: **Regional/national/local follow-up and recommendations** |
| --- | --- |

| 1200-1330 | *Lunch break* |
| --- | --- |

| 1330-1430 | **Write up of recommendations** |
| --- | --- |

| 1430-1600 | **Presentation and open discussion in plenary** |
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| 1600 | **Closing** |
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[1] Includes a 15-minute coffee break to be decided by the group

[2] Participants to select one of two groups for the morning and afternoon sessions.

ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

Regional Dialogue on Housing Rights
27-29 June 2004
Bangkok, Thailand

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