



UN-HABITAT



United Nations Human Settlements Programme

Programme des Nations Unies pour les établissements humains - Programa de las Naciones Unidas para los Asentamientos Humanos

REPORT OF THE BRIEFING ON THE UNITED NATIONS HOUSING RIGHTS PROGRAMME (UNHRP)

during the 1st session of the World Urban Forum
2 May 2002, 13:00 - 14:30, Conference room 3

Introduction

The Briefing was organized by UN-HABITAT and the Office of the High Commissioner for Human Rights (OHCHR). It was chaired by Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari.

Opening remarks

The Chairperson, in his introductory remarks, emphasized the importance of a human rights based approach, and praised the UNHRP as one of the few such programmes within the United Nations system that takes a human rights based approach to development, and is grounded in international human rights instruments. He noted that the issue of human rights had been marginalized in the ongoing World Urban Forum. He also noted that very few, if any, speakers during the first three days of dialogues had addressed issues such as land and wealth distribution, women's right to land and property, marginalization of the poor, globalization and water privatization.

He also called for an examination of the relationship between security of tenure and forced evictions. In particular, he called for reviews to understand the market implications of secure tenure. In particular, he noted that there is a need to assess whether secure tenure leads to more market transactions, rather than residential stability and improvements of living conditions and the housing stock.

Briefing on the UNHRP

Mr. Selman Ergüden, Co-ordinator of the United Nations Housing Rights Programme, UN-HABITAT and Mr. Rio Hada, Human Rights Officer, OHCHR delivered a joint presentation outlining the background and rationale of the UNHRP, as well as of ongoing activities of OHCHR and UN-HABITAT in the field of housing rights. Mr. Hada noted that OHCHR had worked with other United Nations Agencies since 1997 to mainstream and promote a human rights based approach to development. He noted that the UNHRP is an important step in the right direction to operationalize such an approach.

Following this introduction they presented the five focus areas of the Programme: (a) advocacy, outreach and learning from partners; (b) support for UN human rights mechanism; (c) monitoring

and evaluation on progress of realisation on housing rights; (d) research and analysis on housing rights; and (e) capacity-building and technical co-operation. The presentation concluded by an overview of the priorities for the First Phase of the Programme (2002-2004), as outlined in the project document.

The presenters noted that, in a situation where the number of slum dwellers in many cities is increasing at a faster pace than that of the urban population in general, it is essential to incorporate the issues of human rights in general and housing rights in particular into operational activities. In concluding, the presenters stressed that the Programme did not seek to develop new international instruments. Rather, the issue is to ensure that international commitments are being adhered to and that international accepted legal principles are being incorporated into national legislation, and even more importantly that such national legislation can be used by people themselves to realise their human rights.

Comments by panellists

Following the briefing representatives of Governments, NGOs and researchers had been invited to comment on the programme from the perspective of their respective partner categories.

Ms. Anne Margrethe Kaltenborn Lunde, Senior Advisor, Housing and Building Department, Ministry of Local Government and Regional Development, Norway, spoke on behalf of the Norwegian delegation. She noted that the joint development of UNHRP by UN-HABITAT and the OHCHR is an essential step towards the realization of the right to adequate housing. She stated that the programme would hopefully initiate activities, establish examples of good practices and raise awareness of the problems. She noted that all four components of the conceptual framework for operationalizing housing rights as elaborated in the programme are vital elements for improving the housing conditions and living standards of the poor and disadvantaged groups, e.g.: equal access to housing resources; (b) security of tenure and forced evictions; (c) combating homelessness and protecting the rights of homeless people; and (d) access to legal and other remedies.

She stressed that the gender issue should be given particular emphasis in the programme: “their access to property rights, to financial means, etc., e.g. their empowerment to participate in human settlements development should be a main issue of the programme”.

She noted that local conditions in each country would imply that many different approaches would have to be adopted by the Programme to reach its objectives. In this connection, she noted the importance for the Programme of collaborating with all stakeholders, national governments, local authorities, NGOs, CBOs the disadvantaged groups themselves and other stakeholders to find local solutions.

She advised that the Programme should contact selected countries in the various regions to find national authorities that are willing to participate on one or more selected parts of the Programme. The Programme would then need to summarize the experiences of the projects in these countries and publish these experiences, as part of the Programme’s awareness campaign.

Ali Turel, Professor, Middle East Technical University, Ankara, Turkey, presented a more historical perspective on housing rights. He noted that the issue of housing rights have been addressed for more than one hundred years, when in the 19th Century legislation on social housing was being enacted in some countries. Since 1948 and the proclamation of the Universal Declaration of Human Rights, housing has been officially regarded as a part of the right to an adequate standard of living. He stressed, however, that during the last few years it has become increasingly evident that the old tools are inadequate. In many situations, the right to housing seems to stand is in direct

conflict with property rights. There is an urgent need to stress that unlawful evictions should be abolished and that forced evictions should be minimized. In cases where evictions are unavoidable it is essential that alternatives are being provided. He also stressed that, the means of providing alternatives should be further investigated.

Mr. Joseph Schechla, Middle East/North Africa Regional Coordinator, Habitat International Coalition, focused on the provision of ‘menus of solutions’. National Plans of Action for Human Rights are another mechanism for implementing the UNHRP. He put forward the example of Palestine, where many United Nations agencies have been working together to build on their respective expertise to develop tools and capitalize on their synergies to develop a National Plans of Action for Human Rights. He stressed the need to build on existing international legal instruments, and facilitate the operationalisation of human and housing rights within the United Nations implementation bodies, including UN-HABITAT. He noted the need to identify existing norms as well as the rights and duties of stakeholders. Furthermore, it is important to identify what adequacy means in the local context.

Discussion

In the discussion that followed the briefing and the comments by panellists several speakers took the floor, in a lively and useful debate.

Most of the speakers had very favourable comments on the Programme, which was termed as both ambitious and realistic at the same time. The quality and comprehensiveness of the project document was noted by several speakers.

One of the main issues raised by several speakers, however, was the internalization of a human rights based approach within UN-HABITAT and among the panellists at the World Urban Forum. As the Chairperson had noted in his opening statement, several speakers noted that the human rights based approach was, with very few exceptions, notable in its absence from the dialogues of the Forum. Despite the qualities of the UNHRP itself, a considerable effort is still required to mainstream human rights within UN-HABITAT and within the housing and human settlements debate. For example, it was noted by speakers that the Nairobi Initiative, under the Global Campaign for Secure Tenure, does not refer to human rights (nor does it call for a moratorium on forced evictions), nor does most other documents presented to the Forum. Several speakers urged UN-HABITAT to build human rights into all its work, not only as a separate programme, but as a ‘cross-cutting imperative’. As one speaker noted, this internalization process will have a major impact on the perceived legitimacy of UN-HABITAT towards the civil society in the future.

In response to this, the Chairperson noted that he will monitor the progress of the internalization of housing rights within UN-HABITAT. He sees this as an important part of his mandate. Moreover, Mr. Ergüden informed the participants that guidelines for how to integrate human rights within UN-HABITAT’s operational activities are among the planned outputs of the first phase of the Programme. Mr. Hada, noted that the UNHRP have the potential to serve as the vehicle for institutionalizing a human rights based approach to development within UN-HABITAT.

The relationship between the UNHRP and activists in the area of human rights was also queried. The UNHRP presenters noted that this formed an important component of the programme, within the areas of networking and information exchange. It was noted that one of the major activity areas of the Programme would be to disseminate knowledge about the right to adequate housing. This right is already there, as a total of 145 countries have ratified the International Covenant on Social, Economic and Cultural Rights. In collaboration with national human rights institutions, the

Programme will seek to facilitate knowledge about the currently not well known mechanisms related to the monitoring of this Covenant.

It was noted that the Programme has a limited capacity to implement its planned activities. The UNHRP was established at the request of Governments through the Commission on Human Rights and the Commission on Human Settlements. Now, there is a need for Governments to follow up with funding that can enable the two agencies to implement the Programme. Without contributions from Governments the Programme will have little impact.

It was also noted by participants that work is already being done by other actors within the housing rights field. Work currently underway in the Council of Europe was noted as an example of this.

Background material

An information pamphlet on the briefing was disseminated to World Urban Forum participants in 400 copies before the briefing. It identified the following background material for the briefing (available from <<http://www.unhabitat.org/hpu/unhrp-pub.htm>>):

- UN-HABITAT Position Paper on Housing Rights; and
- Project Document for the first phase of the UNHRP.

In addition, the following material was disseminated at the briefing:

- Information pamphlet of the UNHRP;
- Commission on Human Rights resolution 2002/21 on “Adequate housing as a component of the right to an adequate standard of living”;
- Commission on Human Rights resolution 2002/49 on “Women’s equal ownership, access to and control over land and the equal rights to own property and to adequate housing”;
- Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (E/CN.4/2002/59).