

HAKI ZETU

ESC rights in Practice

The Right to Adequate Housing

Haki Zetu is Swahili for Our Rights

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The programme aims to contribute to:

- The growth of human rights activism in Africa, with an emphasis on making human rights work in and for rural communities; and
- Innovation of strategies and methods as a means of increasing their effectiveness and making a meaningful contribution to promoting, protection, respect and fulfilment of human rights.

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For a list of acronyms: see Main Book.

The right to > adequate housing is “the right of every woman, man, youth and child to gain and sustain a secure home and community in which to live in peace and dignity.”¹

Terms with a > are defined in the Glossary.

Living in a secure home in peace and dignity is just a dream for many people. The housing situation in Africa is particularly difficult compared to other regions of the world. Poverty, no access to employment, no access to water or electricity make it a challenge for many people to live in dignity with an adequate standard of living. The problem is most obvious in urban areas, where slums are growing in size and number largely due to rural-urban migration.

People in rural areas also lack access to adequate housing. In particular, there is a dire shortage of affordable building materials and very little access to services.

While some governments have taken steps to improve housing standards in Africa, many have failed to plan properly or to provide low-cost housing and access to jobs and other services. Non-Governmental Organisations (NGOs) and Community-Based Organisations (CBOs) have made significant efforts to empower communities to enable them to take action to improve their housing conditions. In conjunction with the Main Book, this booklet explains how this can be done.

This booklet is divided into four sections and four appendices:

- **Section 1** gives a brief introduction to the right to adequate housing and the main issues facing those involved in defending housing rights. Information is presented in two ways:
 - **Basic info** provides the reader with general information on an element of the right to adequate housing. It is indicated by a Basic info box in the margin.
 - **In-depth info** provides the reader with additional information on the right to adequate housing. It is indicated by an In-depth info box in the margin.

basic info

in-depth info

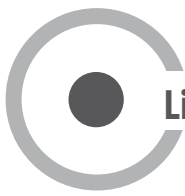
A reader wishing to understand the basic elements of the right to adequate housing can read only the Basic info parts and proceed to Section 2.

- **Section 2** gives advice on preparing to work on housing rights:
 - How to identify the State's housing rights obligations;
 - What the role of non-State actors is concerning the right to adequate housing;
 - How to identify violations of the right to adequate housing;
 - Where to find housing rights in national laws and policies; and
 - Working with the community to develop and carry out a strategy.

- **Section 3** is about realising rights in practice. It describes several activities to monitor and defend the housing rights described in Section 1.

- At the end of the book there are a Glossary and Endnotes.

- There are three **appendices**:
 - A glossary explaining the key terms used in this booklet;
 - Relevant extracts from international and African standards on the right to adequate housing;
 - A list of sources and resources on the right to adequate housing; and
 - A list of organisations working on the right to adequate housing.



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1

Understanding the right to adequate housing

This section briefly introduces the reader to the current situation of housing rights in Africa, what the right to adequate housing means, and the challenges that face civil society organisations (CSOs) working on housing rights.



1.1

The current situation of housing in Africa

As mentioned in the Introduction, living in a secure home in peace and dignity is just a dream for many people. The reality for many people living in rural Africa is to live in poorly-constructed houses without proper access to water or electricity. In rural areas there may be more space than in cities, but the low quality of houses due to poverty, lack of access to employment, affordable building materials, transport and other basic services often means people cannot live in dignity.

Many people living in urban areas fare no better. According to the United Nations Human Settlements Programme (UN HABITAT), there are currently about 1 billion people around the world living in > slums². In Africa alone, over 60% of people living in urban areas live in slums, and it is estimated that by 2030, more Africans will be living in cities than in rural areas.³

Living in > urban informal settlements usually means living in densely crowded shacks divided

by rough paths and trenches filled with filthy water and rotting garbage. The reality for these people is ill-health, poor sanitation, lack of privacy and lack of security. Residents live under constant threat of forced evictions, being separated from their friends and neighbours, and from access to jobs and schools. Some people have tried to express their human dignity by calling these areas “people's settlements”.

Urban land is becoming increasingly scarce and expensive. This has led to an alarming number of forced evictions affecting low income groups. In its 2003-2006 global survey on forced evictions, the Centre on Housing Rights and Evictions (COHRE) indicated that about two million people in Africa had been forcibly evicted⁴, that is, forcibly removed from their homes or lands against their will and without due process.

Refer to the booklets Haki Zetu - The Right to Health and Haki Zetu - The Right to Water and Sanitation for more information on housing situations in rural and urban settings.

Housing rights in rural areas are in many respects different from those in urban areas. With low costs, people can often build relatively good houses with locally available materials. However, related issues such as access to land, water supply, sanitation and health care that are dealt with in this booklet are as relevant in rural areas as in urban ones.

1.1.1 What governments, NGOs and CBOs are doing

Despite these conditions, communities, with the assistance of strong civil society movements, have used their skills and imagination to improve their situation.

Some governments are working to improve housing and living standards and, at local level, paying increasing attention to the participation of local people in developing housing policies. The African Commission on Human and Peoples' Rights (African Commission) and some national courts have also delivered judgements that advance housing rights.

Nonetheless, other governments may be ignorant about housing rights or perhaps they fail to recognise that improvements in housing generally lead to improvements in living standards. Some governments lack the political will to act. It is essential to press governments to live up to their obligations to realise the right to adequate housing. Government authorities, especially at the local level, may also be ignorant about their obligations regarding housing rights. More information on government obligations is given in Section 2 of this booklet.

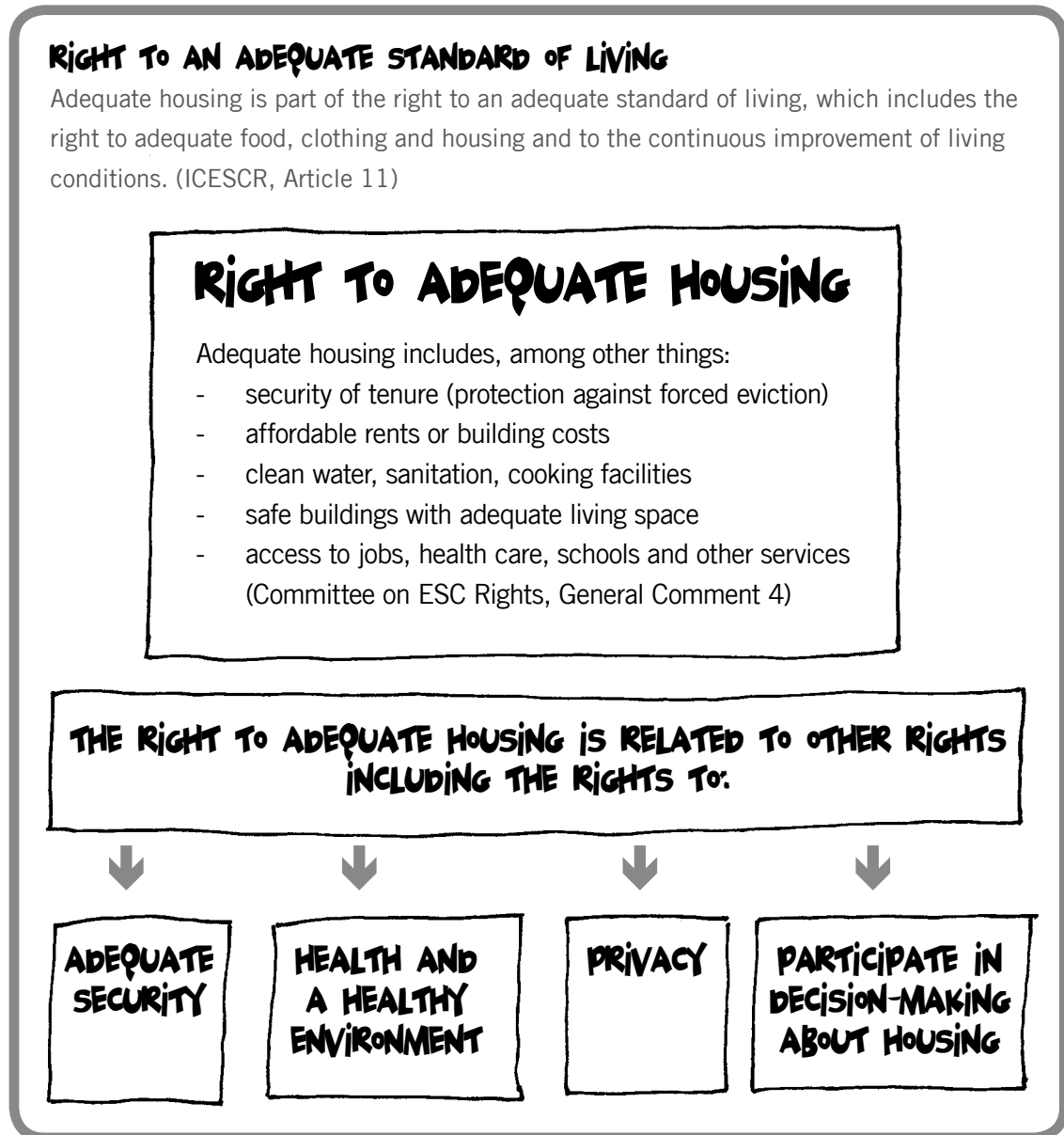
NGOs play a pivotal role in pressing governments on their housing rights obligations. Across the continent, NGOs and CBOs have developed strategies for influencing housing policies and claiming housing rights. As was mentioned in the Main Book, NGOs and CBOs have undertaken strategic actions to persuade governments to respect, protect, and fulfil housing rights. They have also assisted individuals and communities to understand their housing rights and helped to empower them to exercise these rights. More information on these roles is given in Section 3 of this booklet.

1.1.2 Linking the right to adequate housing to other rights

In order to empower communities to exercise or demand their rights, NGOs and CBOs need to have a good understanding not only of what the right to adequate housing means, but also how it relates to other rights.

The right to adequate housing is indivisible from and interdependent with other rights. Someone living in inadequate housing is prevented from feeling secure and living in dignity. Without adequate housing, the right to an adequate standard of living – such as having enough food, clothing, and medical care – is less likely to happen. The links between the right to adequate housing and other rights are illustrated in Figure 1.

Figure 1: The right to adequate housing linked to other rights



1.1.3 Main housing rights violations

As with any other right, if the right to adequate housing is not being respected, protected, or fulfilled by governments, then it is considered to be a human rights violation. Most housing rights violations fall under the following categories:

- Forced evictions, when people are thrown out of their homes unfairly;
- Lack of > security of tenure, when people have no clear right of occupation;
- Inadequate housing: homes that are overcrowded, badly constructed or in inappropriate places;
- Lack of access to > affordable housing;
- Badly managed > slum upgrading projects;
- Lack of access to services such as water and sanitation, schools, clinics, roads and other public facilities; and
- Lack of access to adequate housing and housing materials in rural areas.

1.2 The right to adequate housing

The right to adequate housing is part of the right to an adequate standard of living:⁵

- Access to clean and affordable drinking water;
- Energy for cooking, heating and lighting;
- Sanitation and washing facilities;
- Food storage;
- Refuse disposal;
- Site drainage; and
- Emergency services.

When one or more of these attributes of adequate housing are not available, the right to adequate housing is not fully in place.

The right to adequate housing does not mean that the government must build a good house for every family. It means that the government must, among other things:

- Take immediate steps to end discrimination in access to housing;
- Take immediate steps to stop forced evictions;
- Take progressive steps towards ensuring that everyone has a decent place to live in; and
- Provide housing for those in desperate need and who are unable to help themselves.



1.3 The right not to be forcibly evicted

1.3.1 The basics about forced evictions

basic info

The right not to be forcibly evicted is an element of the right to adequate housing. Forced eviction is a human rights violation. It is when one or more people are removed:

- Against their will;
- From homes or land that they occupy either permanently or temporarily;
- Without being provided with alternative housing, compensation, and resettlement or access to productive land;
- Whether or not they have legal title to the house or land (> informal settlers or > squatters may not be forcibly evicted even if they are illegally occupying land); or
- Without the provision of, and access to, appropriate forms of legal or other protection.

Box 1: Forced evictions in Luanda, Angola

Between July and November 2007, hundreds of families were forcibly evicted and had their homes demolished by a construction company in the neighbourhood of Iraque, in Luanda. The forced evictions were carried out to make way for a luxury housing complex. Those affected were not consulted or offered alternative accommodation or compensation. Two journalists reporting on the evictions were assaulted by members of a private security company and detained for over three hours by the military police.

Source: Amnesty International Report, 2008.

Forced evictions are often carried out by State officials. Sometimes non-State or private individuals or companies forcibly evict people, while the State either cooperates or fails to stop them. In these cases, the State is either directly or indirectly responsible.

However, it is sometimes legitimate to evict people, for example, if a family is illegally occupying someone else's home and refuses to move. Evictions are also legitimate or where there is a *clear* case of public interest, such as the need to build a hospital or to ensure environmental protection. However, public interest must be weighed against human rights and cannot be used as a blanket reason to justify evictions.

Evictions should only be carried out as a “last resort” after considering all other options. In addition, the authorities must show that the decision to evict is “unavoidable,” that it is consistent with human rights standards and that there is no other alternative.⁶

One of the main challenges facing communities and CSOs is to make government officials and the public in general understand and acknowledge that forced eviction is a human rights violation.

1.3.2 More in-depth about forced evictions

in-depth info

As mentioned in the Basic info section on forced evictions, it is sometimes legitimate to evict people. Legal evictions must be carried out under a process which is set out in law and includes safeguards (see Box 2). Evictions which are done under a lawful process which follows these safeguards are not considered forced evictions.

The Committee on Economic, Social and Cultural Rights (CESCR) is a body of independent experts that monitors implementation of the ICESCR by its States parties.

A particular type of forced eviction is a > constructive eviction. This is when a State or non-State actor constructs or causes, deliberately or through criminal negligence, a situation that forces one or more people to leave their homes. For example, a landlord may demand a much higher rent and therefore make renting unaffordable.

Box 2: Safeguards for ensuring legitimate evictions

According to the CESCR, all those affected by a decision to evict should have, as a minimum:

- An opportunity for genuine consultation with the authorities about:
 - How the eviction should be carried out;
 - What alternative accommodation or compensation may be claimed; and
 - The possibility of receiving legal advice.
- Adequate and reasonable notice, in writing and in appropriate languages, before the scheduled date of eviction;

> continued

- Information about the proposed evictions, and, where relevant, what use will be made of the land or housing from which they are being evicted;
- Access to effective legal remedies including compensation, sufficient alternative accommodation, or > restitution when feasible; and
- Access to free legal aid for those who wish to seek redress.

There are also requirements for how the evictions should be carried out, including:

- Government officials or their representatives should be present during an eviction;
- Those responsible for carrying out the eviction should be clearly identified;
- Law enforcement officials should not use excessive force (see Box 20);
- Evictions should not take place in particularly bad weather or at night unless the affected persons agree;
- Evictions of people involved in farming should not take place until after the harvest; and
- No one may be left homeless or vulnerable to other human rights violations as a result of an eviction.

For more on the right to a remedy, see the Main Book, Part I, Section 4.7

1.4 The right to “security of tenure”

1.4.1 The basics about security of tenure

basic info

The right to security of tenure⁷ is another element of the right to adequate housing. Basically, it is the right not to be forcibly evicted. People have security of tenure when they are protected, by law and in practice, against being unjustly or arbitrarily thrown out of their homes.

> Tenure refers to all kinds of housing arrangements including:

- Private ownership;
- Rented accommodation;
- Community ownership;
- Cooperative housing; and
- > Informal housing.

Lack of security of tenure undermines family life, health and economic welfare. It makes people insecure and vulnerable and increases poverty. Security of tenure provides stability and encourages people to improve their houses and environment.

As is the case with forced evictions, one of the main challenges related to security of tenure is to persuade government officials to recognise that everyone has a right to security of tenure. Lack of security of tenure typically affects marginalised or disadvantaged groups more severely such as those living in poverty, women, the elderly and minorities. Another challenge lies in

identifying the type and > degree of security of tenure which apply to specific situations; this is discussed in greater detail in Box 4.

Box 3: Security of tenure: Irene Grootboom and others

Security of tenure is protected by South Africa's Constitution (see Box 17). This right was upheld by the South African Constitutional Court in a case which has been referred to in court cases in many countries. Irene Grootboom and about 900 other homeless people were evicted after they set up a camp on private land. In October 2000, the Court said that the State had an obligation to not to undermine the right of access to housing. The Grootboom community were in desperate circumstances and had nowhere else to go.

Source: Government of the Republic of South Africa v Grootboom [2001] 4 SA 46 (CC).



1.4.2 More in-depth about security of tenure

Box 4 shows how a “degree of security of tenure” can be achieved for low income groups and traditional communities which are unable to buy or rent a formal house. People have a “degree of security of tenure” when they are guaranteed legal protection against forced eviction, harassment and other threats. Having a degree of security of tenure encourages people to invest in their homes and make them more habitable. All slum upgrading projects (see Section 1.6) should provide a degree of security of tenure.

Box 4: Different types and degrees of security of tenure

Freehold systems provide strong security of tenure:

- **Full legal title or ownership**, sometimes called “freehold,” allows the holder to alter the buildings or use rooms or land for income generation.

Tenure systems that provide a “degree of security” are cheaper and more flexible. They include:

- **Formal recognition of informal settlements.** Residents are registered and given a formal guarantee that they will not be moved except after due process. They do not become owners. The process allows the provision of services such as health, education, water and sanitation;
- **Recognition of customary systems of tenure:** Customary systems often exist even where the government has nationalised all land. They also exist in cities, either brought by migrants from rural areas or swallowed up in urban expansion. This may cause conflict between traditional leaders and government officials. In Benin, the customary system is being integrated into State planning regulations⁸. In Uganda, customary occupation is a legal form of tenure⁹. Occupants receive a certificate of occupancy and can acquire full title;
- **Renewable occupancy licenses.** Zambia has a system of 30-year renewable occupancy licenses¹⁰. These may be formally transferred to another person through a local office;
- **Certificate of rights.** This Botswana system allows the certificate holder to build on land which remains the property of the State. The certificate can later be changed into a long-term lease-hold. However, the certificate can be traded, allowing richer people to take up low-cost housing originally meant for the poor¹¹;
- **Community land trusts.** The trust holds the title and leases sub-plots to residents;
- **Adverse possession.** In some legal systems, a person who occupies land for a certain time (specified by law) without legal challenge, becomes the effective owner of the land; and
- **Flexible tenure system (Namibia).** A “starter title” allows a set number of individuals, on behalf of their households, to live on a block of land which may be owned by the State, a private company or an NGO. It is regulated by the residents’ community association. The title may be sold or inherited. “Starter title” holders can eventually qualify for a “landhold” title¹².

1.5 “Adequate” housing

1.5.1 The basics about “adequate” housing

basic info

To be “adequate” or fit for habitation, housing must meet certain standards. CESCR’s General Comment No. 4, paragraph 8, lists the following requirements for housing policies in order for housing to be “adequate”:

- Legal security of tenure;
- Availability of services, materials, facilities including safe water and sanitation, and infrastructure such as roads and electricity;
- Affordability: the costs of low-cost housing, housing materials or rented accommodation should not prevent people from satisfying other basic needs;
- Habitability, including safe construction, enough space, lighting, protection from the weather, ventilation and privacy;
- Accessibility: disadvantaged or marginalised groups must be given full and sustainable access to adequate housing;
- Location: there must be access to health centres, schools, employment, emergency services and other services. Housing should not be located in dangerous or unhealthy places; and
- Cultural adequacy: the way houses are constructed should take cultural needs into account.

CESCR also noted other rights relevant to “adequate” housing including:

- Protection against all forms of discrimination;
- Freedom of movement; and
- The right to privacy and respect for the home.

The main challenge facing communities and CSOs when identifying adequate housing is to correctly assess the degree to which the requirements listed above are being met in order to be considered “adequate”.

1.5.2. More in-depth about adequate housing

in-depth info

In its General Comment No. 4, the CESCR described in more detail what the requirements are for adequate housing (see Box 5).

Box 5: Requirements for adequate housing

Availability of services, materials, facilities and infrastructure: People must have access to:

- Safe drinking water;
- Energy for cooking, heating and lighting;
- Sanitation including washing facilities and sewage;
- Means of food storage;
- Refuse disposal;
- Site drainage; and
- Emergency services.

Affordability: Housing should be available for all levels of income. High costs of housing often have the 'knock-on' effect of making people less able to pay for other basic essentials including food. The State should:

- Set up appropriate credit mechanisms and other financial arrangements to assist those with low income or no income;
- Protect tenants from unreasonable increases in rent; and
- Ensure that the main building materials are available and affordable.

Habitability: Housing should provide:

- Protection against bad weather;
- Adequate space, privacy and security; and
- Physical security including good construction, ventilation, lighting and sanitation.

Accessibility:

- Adequate housing must be accessible to all including women, children, the elderly, people who are mentally ill and those with severe illnesses;
- Housing should be accessible to those with special housing needs, including the disabled and victims of natural disasters; and
- Landless and poor people in rural areas should have access to land.

Location:

- Housing must be situated where people have access to job opportunities, health care, schools and other social facilities;
- People in rural areas should also have access to these facilities;
- Housing should not be situated near sources of pollution that might be a threat to health; and
- The security of the location and freedom of movement should be upheld by good policing.

> continued

Cultural adequacy. Some cultural groups have special housing requirements. For example, in some communities it is taboo for sons to share living quarters with their mothers and sisters. Other groups like to build houses using particular styles or materials.

The UN Special Rapporteur on the right to adequate housing, Raquel Rolnik, said in October 2009 that international efforts to address > climate change have paid very little attention to the most vulnerable: those living in the least developed countries and small island States. She noted that many informal settlements are on land that is prone to flooding or landslides and said: “This population does not have the means to get insurance or move to other places”. Raquel Rolnik said that these areas must be consolidated and better protected against climate-change related disasters. However, if relocation was absolutely necessary, States must observe human rights norms on evictions. see: www.youtube.com/watch?v=pPmiptKp4mE

1.6 Slum upgrading

1.6.1 The basics about slum upgrading

basic info

UN HABITAT defines a > slum household as one that lacks one or more of the following:

- Security of tenure;
- Proper construction;
- Access to safe water and sanitation facilities; and
- Sufficient living area¹³.



Apart from the term slum, there are also settlements known as informal settlements. Some informal settlements do not have the overcrowded and unhealthy conditions normally associated with slums. These may just require security of tenure or improved access to building materials and services.

Many slum clearance projects in Africa and elsewhere have uprooted the residents from the city, where most of them live and work, so that the land can be bought and developed for use by richer people. It is now increasingly recognised that it is better, for both the affected people and the country's economy, to upgrade informal or sub-standard settlements rather than to displace people. This is a process known as slum upgrading.

The term “slum upgrading” does not only mean upgrading houses. From a human rights perspective it means changing a slum into a settlement with adequate low-cost housing including water, sanitation and other services. There must be access to health care, education and jobs. It means dealing with crime and corruption. Projects must be fully participatory and adequately funded.

For a proper slum upgrading to take place, there need to be two essential steps:

- A well thought-out **plan** involving the participation of all actors, including the community; and
- A clear **process** for upgrading.

These steps are explained further in Box 6.

1.6.2 More in-depth about slum upgrading

in-depth info

In order to improve conditions and relieve overcrowding through slum upgrading, it is inevitable that some people will have to move either temporarily or permanently to allow for improvements. If there is a well-developed plan and process for this to happen, then the disruption to the lives of those being displaced can be kept to a minimum.

Box 6: Key aspects to a slum upgrading project

- **Planning and participation:** The community should be involved in the planning from the earliest possible moment. All community members, including disadvantaged or marginalised groups like the elderly, women and children, should be considered in the process and their participation valued. They must have full access to information about the planned project and must be involved in decisions on housing designs and ways to protect their access to livelihoods and jobs;
- **> Enumerations:** Enumeration is a process of registering residents (both tenants and landlords), recording details of their houses and mapping community assets. It helps to ensure that people do not lose their assets or make false claims. For more information on enumerations, see Box 21;

> continued

- **Temporary relocations.** While development is taking place, section by section, residents should be relocated to temporary sites (sometimes called > decanting sites) as close as possible to the site being upgraded. This will allow them to carry on with their lives with as little change as possible. People moved to decanting sites should not have to pay increased rent;
- **Permanent relocations.** If the site is very overcrowded it may not be possible to provide places for everyone. In this case, people should be able to apply for financial compensation to enable them to move to adequate permanent accommodation. As much as possible this should be a voluntary process;
- **Relocating vulnerable people.** Special arrangements should be made to ensure that the elderly, orphan children and other vulnerable or marginalised groups are properly cared for and disturbed as little as possible; and
- **Upgrading the costs:**
 - Upgrading will raise the value of the housing. To overcome this, the government could give people a sum of money, called a subsidy, to help them buy or build houses;
 - Building standards can be too high. They can make it impossible to build housing that low-income groups can afford to rent or maintain. The authorities could lower the building standards to increase affordability while maintaining safety;
 - It is vital that community members can afford to build, buy or rent upgraded or new houses. The management of the upgraded settlement should include representatives of the community. It should have powers to set regulations concerning rents and there should be an independent rent tribunal to deal with disputes; and
 - Upgrading can have a major impact on people's jobs. Residents who make a living from renting accommodation, working for the landlord or selling water will be affected by a restriction on rents and the connection of piped water. Those affected could be offered jobs on the upgrading projects or skills training.

Box 7: Enumerations, mapping and surveys

SPARC, an Indian NGO, carried out an enumeration of pavement dwellers in Pune in 1997. They gathered details of the migration histories and socio-economic data of 274 households in nine settlements. They also surveyed the pavement dwellers' identity documents so that the pavement dwellers could prove "residence" and receive alternative accommodation. The stories of two of the pavement dwellers were included in the SPARC report¹⁴.

In 1999, SPARC mapped the houses along the Mumbai urban railway. The houses were illegally demolished in 2000 to widen the tracks. The maps were used to force the railways to provide alternative housing to those left homeless.

Enumerations are described in Box 6 and Box 21. For information about mapping and surveys, see Main Book, Part II, Sections 4.2.2 and 6.5.

1.7.1 The basics about access to land, natural resources, infrastructure and other services

basic info

The right to adequate housing, which is part of the right to an adequate standard of living, is indivisible from many other rights. Apart from the right to adequate housing, the right to an adequate standard of living means that people should have access to other elements listed below. As is the case with all rights, people should have access to these elements without discrimination.

- **Land and natural resources:**

Access to land and natural resources is particularly important to people living in rural areas, since many of them will require land and natural resources to sustain themselves. People with low income and other marginalised groups should have equal access to land and natural resources, in both rural and urban areas.

- **Infrastructure:**

Infrastructure includes having enough roads and accessible public transport, access to enough safe drinking water, proper sewage facilities and electricity. It also includes access to markets for buying and selling necessities like food, and access to community facilities like schools, health facilities and emergency services.

Box 8: Gaining access to services

Some NGOs specialise in helping people to exercise their right to services. For example, Voluntary Action for Development (VAD), a Ugandan NGO, helps rural communities to build wells and trains community volunteers in good hygiene and sanitation.

See MRDF partner Voluntary Action for Development, and http://mrdp.org.uk/pages/search_results.php - insert "water" in the search engine. More in-depth about access to land, natural resources, infrastructure and other services.

1.7.2 More in-depth about access to land, natural resources, infrastructure and other services

in-depth info

Governments have the responsibility to fulfil obligations with respect to access to land, natural resources, infrastructure and other services. Box 9 lists things governments should do to fulfil their obligations.

Box 9: Key aspects about access to land, natural resources, infrastructure and other services

- **Access to land and natural resources.** To allow this, governments should:
 - Ensure that the land laws do not discriminate against marginalised or disadvantaged groups;
 - Adopt plans and budgets for making land available for present and future housing needs while also protecting the environment;
 - Develop infrastructure and provide basic services;
 - Ensure that women have equal access to land;
 - Ensure that farmers, pastoralists, fisher-folk and hunter-gatherers have access to the natural resources on which their livelihoods depend;
 - Make the procedures for gaining access to land transparent and accountable;
 - Publish information about land ownership, land transactions and current and planned land use;
 - Make empty land, particularly in urban areas, available for low-income groups; and
 - Develop programmes for land improvement and conservation of the environment.

- **Infrastructure.** Governments should provide:
 - Roads as well as affordable and physically accessible public transport;
 - Safe water supplies;
 - Sewerage and rain-water drains;
 - Access to sustainable sources of energy;
 - Access to markets for buying and selling basic necessities; and
 - Access to community facilities including schools and health facilities as well as sports areas and places of worship.

- **Materials.** Governments should:
 - Promote the availability of appropriate building materials;
 - Subsidise costs of materials;
 - Provide information and training in the use of these materials; and
 - Promote the use of labour-intensive construction and maintenance technologies, particularly where people are underemployed.

> continued

- **Safe water and sanitation**

Clean drinking water and safe sanitation are part of the right to an adequate standard of living and indivisible from the right to health. “Environmental health” is a broad term that covers:

- Access to safe drinking water (including through rain-water harvesting);
- Safe sanitation (sewerage);
- Proper waste management and good drainage; and
- The elimination of pollution.

For further information see the booklets on water and sanitation and health

- **Credit and other financial support**

- Government should increase access to affordable housing by:
- Giving housing its due priority in the national budget;
- Providing income-related financial subsidies to individuals;
- Initiating cooperative housing finance schemes;
- Encouraging the development of micro-credit systems that do not require > collateral;
- Promoting equal access to credit for all, with particular encouragement for women; and
- Providing legal and regulatory frameworks to ensure transparency, accountability and ethical practices in financial transactions. (For more information on credit, see the Main Book, Part II, Section 11.3 and Section 3.13 below.)

1.8

Vulnerable and marginalised groups and the right to adequate housing

1.8.1 The basics about marginalised groups' right to adequate housing

basic info

This section deals with the housing needs and rights of marginalised groups, focusing particularly on women, people with special needs and internally displaced persons. Readers working with other marginalised groups should adapt the information given below and also refer to the Main Book, Part I, Sections 4.3 and 4.4 which defines these groups and covers basic human rights protection for them.

Box 10: Recognising special needs of marginalised groups

“We recognise the particular needs of women, children and youth for safe, healthy and secure living conditions. We shall [...] provide for basic needs, such as [...] and, especially, adequate shelter for all.” (A promise made by governments that signed the Istanbul Declaration on Human Settlements in 1996.)

There are many marginalised groups which are unjustly discriminated against when it comes to exercising their rights, and this is no exception with the right to adequate housing. Such groups can include any of the following;

- Family members: women, children, (especially single women or orphaned children who are the main carers for others in their households) the elderly, people with disabilities and those living with HIV/AIDS;
- Those who require access to land for their livelihood: indigenous peoples, hunters and gatherers, the rural poor, marginalised or landless peasants;
- People living in poverty in both rural and urban areas;
- People on the move: refugees, internally displaced persons and migrants; and
- People in institutions, including prisons and mental hospitals; and
- Disabled people who need special features such as a wheel chair ramp.

Some marginalised people fall into several of these categories and suffer multiple forms of discrimination (see Main Book, Part I Section 4.4).

Marginalised groups each face different forms of discrimination. They may be marginalised due to customs, attitudes or traditional practices or because of a disability. But apart from this, marginalised groups also face discrimination due to government laws and policies which fail to take into consideration their particular needs. For example, governments may enact “gender neutral” laws which do not seem to discriminate against women but in practical terms do.

This is why any analysis of marginalised groups and housing rights must be done by examining their specific needs and ensuring that they actively participate in the realisation of their rights.

1.8.2 More in-depth about marginalised groups right to adequate housing in-depth info

While there are many marginalised groups when it comes to adequate housing, this booklet focuses specifically on women, people with special needs, and internally displaced persons, refugees and returnees.

● **Women**

Realising women’s housing and other ESC rights contributes to women’s equality and the alleviation of poverty. Women, who still play the major role in the home, and girls, are particularly vulnerable to housing rights violations. Those at particular risk are:

- Widowed, single, divorced or separated, and heads of households;
- Elderly or disabled;
- Domestic workers;
- Sex workers;
- Living with HIV/AIDS (or with partners affected by HIV/AIDS);
- Living in a conflict or post-conflict situation; and
- Members of minority groups.

Even where their rights are legally protected, women face discrimination in practice. Aspects of discrimination in access to housing include:

- Customs which prevent women from owning property, or forcing them either to marry, to be “inherited” or to live as dispossessed people;
- Discriminatory legislation regulating inheritance, marital property and divorce which affect women’s access to land;
- Vulnerability to harassment or attacks outside the home;
- Domestic violence, causing women to escape their homes and become homeless, or they remain in a violent home for the sake of the children or owing to financial dependence; and
- Discrimination against homeless women, or women headed households who are particularly vulnerable to acts of violence including rape and other sexual abuse.

“Gender neutral” laws are often applied in ways that discriminate against women. Housing laws should therefore include special protection for women’s equal rights to:

- Access, own, manage and control housing, land and property;
- Ensure security of tenure; and
- Participate in discussions about housing rights.

See Appendix 1 for further information on women’s rights to adequate housing.

The example in Box 11 shows how laws can specifically ensure non-discrimination towards women and access to housing.

Box 11: Uganda's 1998 Land Act (customary law and non-discrimination)

Sec. 32 (1) ... “[any] decision which denies women or children or persons with disability access to ownership, occupation or use of any land or imposes conditions which violate Articles 33, 34 or 35 of the Constitution [upholding the rights of these groups [...] shall be null and void.

● **People with special needs**

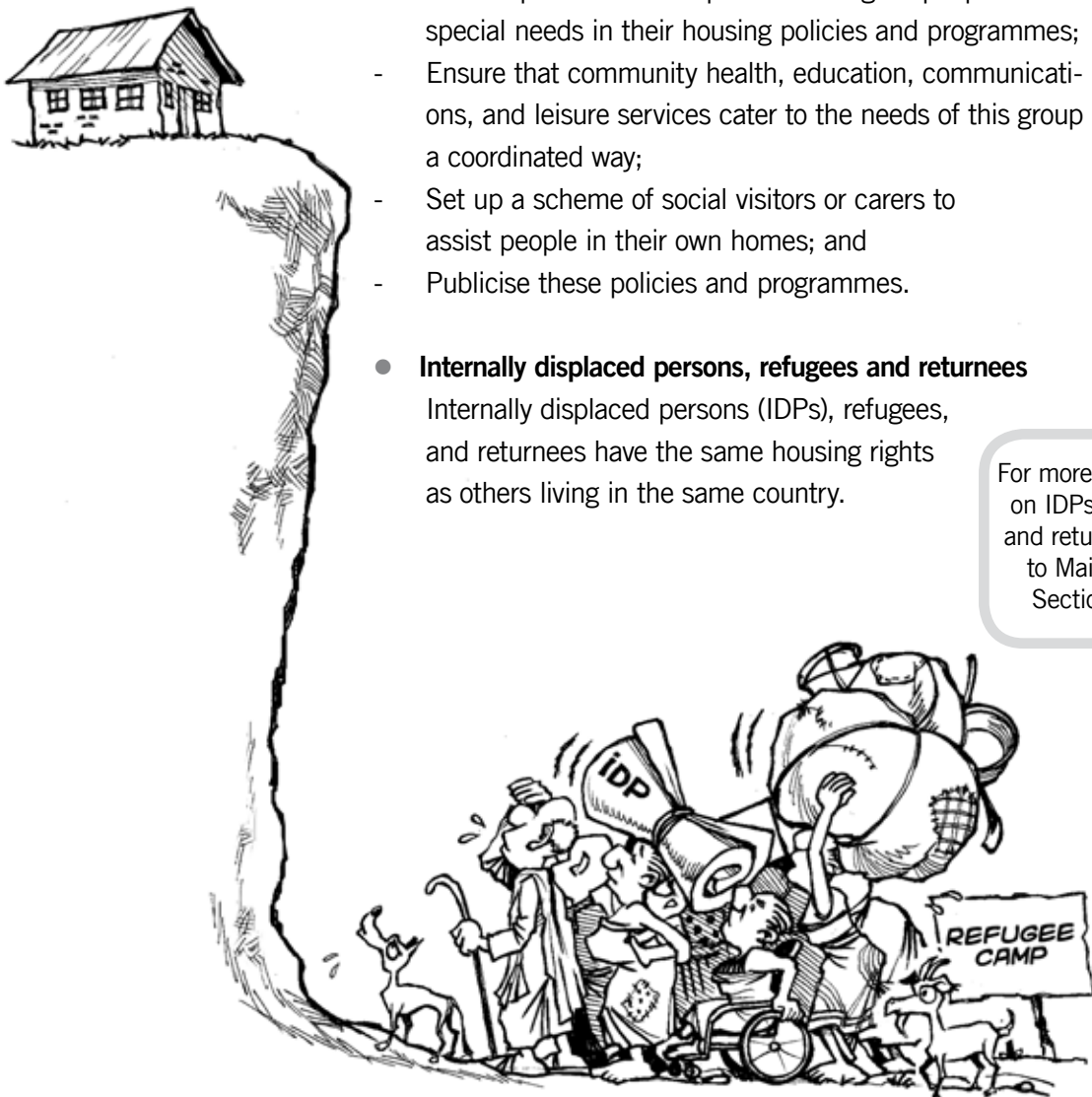
People with special needs can mean people who, owing to their physical or mental condition, require either special accommodation or special equipment in their homes to live in dignity. For example, they may need an extra room for an elderly relative or special toilet equipment or hand-rails. States should consider the following when providing housing for people with special needs. They should:

- Involve these groups as far as possible in planning community services;
- Include provisions for > public housing for people with special needs in their housing policies and programmes;
- Ensure that community health, education, communications, and leisure services cater to the needs of this group in a coordinated way;
- Set up a scheme of social visitors or carers to assist people in their own homes; and
- Publicise these policies and programmes.

● **Internally displaced persons, refugees and returnees**

Internally displaced persons (IDPs), refugees, and returnees have the same housing rights as others living in the same country.

For more information on IDPs, refugees, and returnees, refer to Main Book 1, Section 4.4.3.



Box 12: Shelter and medical treatment in an area of conflict (Democratic Republic of Congo)

The National Association of Mothers who Help the Dispossessed (Association nationale des mamans pour l'aide aux déshérités - ANAMAD) in Goma, DRC, has supplied medical treatment to hundreds of women who had been displaced, wounded, raped and often infected with HIV/AIDS. It also provided shelter for the most needy. ANAMAD was set up by Rachel Kembe, a doctor, and five other professional women who each donated between US\$20 – \$50 per month to ANAMAD. They obtained land from the authorities and were trying to raise money to build more shelters and provide schooling for the displaced women's children.

Source: Afrique Renouveau. (January 2007). Les Femmes du Congo face aux séquelles des viols, Vol. 20, #4.

People are not considered to have been arbitrarily displaced if they are:

- Evacuated for their own safety (in the case of conflict or disasters); or
- Moved to make way for large-scale development projects that are unavoidable in the interests of the public. An example of this would be to build a dam that is essential for the livelihoods of many people. In this case, they must be given all the rights of people facing eviction.

In the case of emergency situations, displaced people must be given proper accommodation and the > displacement must be carried out in satisfactory conditions of safety, nutrition, health and hygiene. Members of the same family may not be separated.

The State must have a system for dealing with emergencies in the country that includes:

- Monitoring weather and other conditions that could cause emergencies;
- Maintaining a system for receiving information and broadcasting warnings and advice if an emergency occurs; and
- Providing law enforcement officials with the necessary resources and training.

In all of these situations, women, children, the disabled and elderly people should be given appropriate protection.

For refugees, those who live in camps usually need to have food and other services specially delivered to them.

“Returnees” or refugees who have returned to their home country have the same housing rights as IDPs including the right to:

- Return to their original homes or a different part of the country;
- Have their property restored to them or receive compensation; and
- Adequate housing, privacy and respect for the home.

Box 13: The UN Convention on the Status of Refugees, Article 21, states:

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 to 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.

- **Other groups**

Other marginalised groups with specific housing needs include:

- Hunter-gatherers and pastoralists who either move their homes or build new ones after moving: governments should, in full consultation with the groups concerned, find ways to help them to improve their access to shelter that is adequate, hygienic and affordable.
- Some cultural or faith groups have particular housing needs, for example, a Muslim family may require separate housing for different wives.
- Informal market traders, who set up stalls along the roadsides, frequently suffer forced evictions and destruction of their property. As many sleep in their stalls their housing rights, as well as their right to work, are affected.

2

Preparing to take action

This Section describes what elements should be considered before taking action to realise housing rights. These elements reflect the basic principles of the human rights-based approach to development, or HRBA (see Main Book, Part I, Section 6.4). Central to this approach is an understanding of what human rights violations are and the obligations that governments have to respect, protect, and fulfil their obligations to realise these rights.

This section describes the following:

- Identifying government obligations to realise housing rights;
- Understanding the role of non-state actors;
- Identifying housing rights violations;
- Identifying relevant national laws and policies; and
- Developing strategies for action.

2.1

The right to adequate housing in national legislation and policies

Few constitutions specifically mention the right to adequate housing, but issues relating to housing rights may be found in other laws or policies.

Useful places to look are:

- A reference in the constitution to international instruments such as the UDHR or the African Charter. This shows that the State recognises the rights contained in these instruments;
- Laws on land, environment and housing and planning laws: these may lay out the procedure for acquisition of land and for evictions. They should also prevent excessive land > speculation;
- Ministries or departments that are responsible for aspects of housing and sanitation;
- Local government or municipalities that have powers to provide or regulate housing;
- Budget allocations for housing and sanitation;
- Constitutional provisions and laws concerning the right to life, privacy, property, health and protection of the family.¹⁵ Even if there is no specific right to adequate housing in national law, a lawyer may be able to argue, for example, that a family should be provided with adequate housing on health grounds;
- Traditions or customs governing construction and ownership of housing;
- Tribunals or other procedures set up to protect the rights of tenants;
- Population and housing reports; and

- Declarations and Statements by government officials. For example, the manifestos of political parties may include a provision on adequate housing – a good vote catcher.

Box 14 presents examples from Senegal and South Africa on addressing housing rights in constitutions.

Box 14: The right to adequate housing in the Constitutions of Senegal and South Africa

Senegal's Constitution of 2001 does not mention housing specifically but does affirm the country's adherence to the UDHR and the African Charter. It guarantees individual fundamental freedoms and economic and social rights including the right to health and a healthy environment, and the right to property (Article 8). According to the African Commission these rights are components of the right to adequate housing (see Appendix 1).

South Africa's Constitution of 1996, Section 26 states:

- (1) Everyone has the right to have access to adequate housing;
- (2) The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right; and
- (3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

South Africa's National Housing Act 107 of 1997 defined adequate housing as: “permanent residential structures with secure tenure, ensuring internal and external privacy and providing adequate protection against the elements with access to > potable water, adequate sanitary facilities and domestic energy supply.”



2.2 Identifying government obligations

Section 1.2 described some examples of government obligations related to the right to adequate housing, such as taking immediate steps to stop forced evictions. Government obligations with respect to international human rights standards are usually categorised as obligations to respect, to protect, and to fulfil. These types of obligations are briefly described below.

See also Main Book, Part I, Section 4 and Appendix 1.

For more information on government obligations related to the right to adequate housing, refer to the CESCR General Comments No. 4 and No. 7 and to the United Nations Office of the High Commissioner for Human Rights Fact Sheet No. 21 on the Human Right to Adequate Housing.¹⁶ See also the tables in Appendix 1.

2.2.1 Obligation to respect

The obligation to respect means that governments should:

- Not prevent people from trying to obtain adequate housing;
- Stop doing any actions which prevent people from having adequate housing, such as conducting forced evictions; and
- Respect people's right to participate in decisions about their housing rights and let them construct houses which suit their needs.

2.2.2 Obligation to protect

The obligation to protect means that governments should:

- Prevent housing rights violations by non-State actors such as landlords and property developers;
- Prohibit and work to eradicate any discrimination in access to adequate housing;
- Make sure that housing costs are affordable;
- Ensure that housing projects supported by international donors conform to human rights standards (see section 2.3); and
- Ensure that people have access to remedies, including through the courts, if their rights are violated (see section 2.2.4).

2.2.3 Obligation to fulfil

The obligation to fulfil the right to adequate housing means that governments should:

- Allocate maximum available resources towards meeting housing needs, particularly those of people living in poverty;
- Provide access to land for housing; and
- Ensure the provision and maintenance of public services such as health centres and related infrastructure such as roads and water and sanitation.

2.2.4 Seeking remedies for housing rights violations

International standards providing the right to a remedy include the International Covenant on

Civil and Political Rights, Article 2 (3), and the African Charter, Article 7.

Seeking a remedy for housing rights violations can be done through a country's court system. In addition to courts, there are other bodies that can receive complaints, help to resolve disputes and give advice (or in some cases binding rulings) to the authorities. They include:

- Human rights commissions;
- Anti-corruption agencies;
- Ombudsman offices;
- Citizens' advice offices (local offices where people can get advice); and
- Rent tribunals.

See also Main Book, Part I, 4.7.1

2.2.5 The role of the African Commission

The African Commission makes recommendations to States concerning government obligations under the right to adequate housing (see Box 15 for an example). This is part of its regular > monitoring of States under the reporting system or when NGOs and others submit individual complaints to these bodies (see Main Book, Part I, Section 3.5). For details of the African Commission's definition of the right to adequate housing, see Appendix 1.

Box 15: The Ogoni case

The African Commission, in a decision made against the Nigerian Government in October 2001, said that the government failed to respect the African Charter when it destroyed Ogoni people's homes and then obstructed their efforts to rebuild their homes. This important decision stressed the State's obligations to respect, protect and fulfil the right to adequate housing.

Source: Decision Regarding Communication 155/96 (Social and Economic Rights Action Center/Center for Economic and Social Rights v. Nigeria). Case No. ACHPR/COMM/AO44/1.

2.3 The role of non-State actors

Non-State actors play a significant role in housing rights. For example, businesses and transnational corporations are involved in the realisation of construction or property development projects and the provision of services such as water and electricity. These actions can result in:

- Mass evictions (including mass forced evictions); and
- Unjust increases in the costs of services.

While it is difficult to impose obligations on non-State actors, governments do have the obligation to make sure that non-State actors respect the right to adequate housing. As mentioned in section 2.2.4, this can be done by ensuring that there exist ways to address housing rights violations.

2.4

Case study: Identifying violations of housing rights

For more information on identifying human rights violations, see Main Book, Part I, Section 4.6.

Human rights violations take place when governments fail to respect, protect or fulfil rights because of:

- Unwillingness;
- Negligence; or
- Discrimination¹⁷.

The following case study explains the process of analysing a situation in order to determine:

- Whether the government has failed to meet a specific obligation and, if so;
- Whether this amounts to a human rights violation.

Box 16: Case study: Identifying housing rights violations

This case is roughly based on a news report: “A new kind of internally displaced people” IRIN, 7 February 2008.

1. Summarise the main points of the issue

In this case, a news report says:

- Thousands of residents are being evicted from an informal settlement in the capital to make way for a housing project to be built by an international company;
- Residents of the settlement have been told to move to a town over 40 km away;
- The Minister of Housing stated that the settlers had no legal title and there would be no compensation;
- The Minister added that municipal authorities were being encouraged to open up land for formal settlement by those without adequate housing;
- The lack of housing has led to the growth of squatter camps; and
- An NGO described the victims as internally displaced persons (IDPs).

2. Assess whether or not there have been housing rights violations

On the basis of this information, and with reference to the elements of the right to adequate housing (Section 1), assess whether the government may be accused of:

- Forced eviction;
- Internal (forced) displacement; and/or
- Failure to invest in housing, leading to the creation of squatter camps.

> continued

3. Identify the areas that need further research including documentary and first hand information

- What national laws apply?
- What regional and international standards apply?
- What exactly has the government said? (The newspaper may not have given a full or accurate report.)
- Which is the responsible ministry or government department?
- What are the elements of a forced eviction (see Section 1.3) and which of these apply to the case?
- What are the facts behind the report that settlers have been “told” to move to the town 40 km away?
- What actions has the government taken (in addition to asking municipalities to provide land for formal settlement) to respect, protect and fulfil its obligations related to the right to adequate housing? (See Section 2.1)

4. Identify the acts or omissions that may be violations

- Forced evictions: what are the components of a legal eviction (in national and international law) and which of these components have been disregarded or violated?
- Internal displacement: on what grounds could the settlers be considered IDPs and, if they do appear to be IDPs, what would the government’s obligations be? (For more information on internal displacement, refer to the Office of the High Commissioner for Human Rights Guiding Principles on Internal Displacement, www.unhcr.ch/html/menu2/7/b/principles.htm)
- Denial of access to adequate housing: what are the government’s obligations concerning the provision of adequate housing? Has it avoided or violated these obligations?

5. Explain the violation clearly

- What national law (if any) has been broken and how;
- Which human rights obligations the government has failed to carry out;
- The name and article of the law or treaty containing the obligation; and
- Referring, as appropriate, to the General Comments or to case law.

In this example, the eviction might be a forced eviction under:

- The African Charter as interpreted in the Ogoni case (see Box 15); or
- The ICESCR Article 11 as interpreted under General Comment No.7.

It is probably not:

- An “internal displacement” (see Section 1.8); or
- A violation of the right to freedom of movement – if people can choose whether or not to go to the land that has been made available.

There may also be a failure to devote adequate resources to progressively realising the right to access to adequate housing.

2.5

Identifying and planning strategies for action

The Planning Box at the end of Main Book II outlines the steps necessary for identifying and planning strategies for action. These steps are:

- Stage 1: Identifying the problem(s), setting goals and objectives;
- Stage 2: Gathering information;
- Stage 3: Analysing the information and identifying the strategy;
- Stage 4: Setting indicators and deciding on actions; and
- Stage 5: Evaluating the project.

Housing rights advocates can follow these steps when deciding on the types of actions to undertake to realise housing rights.

3

Actions to realise housing rights

This section suggests ways to work with communities to realise housing rights. See also Main Book II, Section 3.

Different types of action include:

- Increasing everyone's understanding of housing rights;
- Monitoring the implementation of policies and projects and identifying housing rights violations;
- Supporting community groups to advocate for appropriate policies and laws on housing;
- Working to exercise rights through practical, self-help actions;
- Participating in policy development; and
- Seeking to claim rights through appropriate national institutions or courts.

These actions are described in this section by making reference to many of the housing rights issues explained in Section 1 (such as forced evictions, lack of security of tenure, and slum upgrading). Throughout this section there are five practical checklists on how to monitor and > investigate specific types of housing rights violations.



3.1 Promoting housing rights

Increasing understanding of housing rights includes:

- Activities to ensure that NGOs, CBOs, government agencies, development partners and the general public have a better understanding of housing rights;
- Persuading the government authorities to realise their obligations; and
- Working with communities or specific marginalised groups to exercise housing rights directly.

In situations where CBOs are improving their housing through self-help actions, they may not know that they are exercising their rights. Knowing about government obligations under national and international law could empower them to defend their actions and/or claim additional rights. For more information on how to do this, see Main Book, Part II, Section 3.

3.2 Monitoring and investigating housing rights

This booklet includes five checklists for monitoring and investigating aspects of the right to adequate housing. By monitoring we mean to observe over a period of time the actions the government or non-State actors are doing to either realise or violate housing rights. By investigating we mean to gather facts about a specific situation, such as a problem like forced evictions.

Monitoring and investigating are often grouped together because they can happen at the same time. Monitoring and investigating also play a key role in analysing a housing rights situation and enabling communities and CSOs to identify other actions to help realise rights.

Box 17: How to use checklists

Checklists should be used in collaboration with members of the community, following the advice in Main Book II, Sections 4-6.

Note that:

- The checklists do not cover every situation nor do they cover every aspect of a situation; and
- Sometimes you may need to use two or more checklists to suit a specific situation: for example, to monitor the rights of women with disabilities during a slum upgrading project, use checklists 4 and 5. Remember that the same situation might affect women and men in different ways and adjust the questions accordingly.

Use Appendix 1 to find relevant extracts from regional or international human rights standards.

Before carrying out monitoring activities, check the State has submitted periodic reports to the African Commission and the CESCR. These are summarised in Section 3.13.7.



Checklist 1. Monitoring access to adequate housing

Note: This checklist contains many tasks. These may be carried out in stages. They do not have to be carried out in any particular order.



Objectives

To identify:

- Patterns of violations;
- Immediate obligations that are not being met;
- How and where community/NGO work could make a difference; and
- To make communities and the authorities more aware of housing rights.



Tasks

1. Initial preparations – finding out about the law and policies

Note: Keeping knowledge up to date is an ongoing task.

- Obtain and read copies of:
 - The Constitution, relevant laws, policies and budget.....
 - The poverty reduction strategy
 - Reports: news articles, academic research, NGO publications, websites
- Identify aspects to monitor, for example:
 - Security of tenure and evictions
 - Increasing access to adequate housing and to land
 - Slum upgrading slums or provision of services
- Find out what powers local governments have in relation to housing, and ask:
 - What local housing policies exist?
 - What is the local housing budget and how is it being spent?
 - What opportunities are there for people to participate in local housing and related policies?

2. Participatory research – identifying patterns of discrimination and non-participation

(government obligation to end discrimination and encourage participation)

- Discrimination against marginalised groups:
 - Carry out mapping (see Main Book, Part II, Section 4.4.2) to identify marginalised, excluded and other groups suffering discrimination
 - Do in-depth interviews with individuals to determine the causes and short- and long-term effects
- Participation in developing housing policies:
 - What mechanisms and opportunities for participation exist? Are these effective?
 - What information is provided to enable people to participate meaningfully?
 - Do officials receive training in carrying out consultations?

3. Participatory research – monitoring obligations to respect and to protect the right to adequate housing are being met



- State officials (respect):
 - Is the right to security of tenure respected?
 - What are the factors that prevent people from access to a home or land (availability of land and housing, costs, corruption)?
 - Do officials cause difficulties for people who construct their own shelters?
 - Do forced evictions take place? (See Checklist No. 2)
 - What are the appropriate administrative, legislative or judicial officials doing about these violations?
 - Do people have access to remedies for housing rights violations?
- Non-State actors (protect):

Where housing projects are being carried out by private (national or international) companies, check whether there have been reports of:

 - forced evictions by either State or company officials
 - other interference with people's access to adequate housing
 - badly-built houses

If so, what is the government doing about this?

4. Participatory research – monitoring the State's obligations to respect and to protect the right to adequate housing

- Facilitate (promote): use the preparatory work to monitor or investigate:
 - How laws and policies fall short of the Constitution or international standards
 - How the authorities monitor access to adequate housing; do they collect disaggregated data in order to prioritise disadvantaged groups?
 - What low-cost housing is available and what is the State doing to increase the supply?
 - Is the money the State is spending on housing the maximum available amount?
 - What budget items could be dropped so that the money may be spent on more urgent needs?
 - What other (non-financial) resources are used? Are self-help groups encouraged and given support?
 - Whether the State provides adequate information about housing laws and policies. ..
- Provide (minimum core obligation): See Government Obligations in Section 2.
 - Note that providing a degree of security of tenure (see below) is a minimum core obligation
 - Carry out participatory research into lack of access to adequate housing suffered by low earners or other excluded groups. Investigate the causes and short and long-term effects of extreme housing insecurity
 - What are the communities doing to improve their own situation? What obstacles do they face and what strategies do they propose?
 - Are there a significant number of people who are in acute need of help? What is the State doing about this?

- Progressive realisation of the right to adequate housing (refer to Main Book, Part II, Section 6, table 5).

Monitoring progressive realisation is a medium- or long-term undertaking.

- Decide what aspect of the policy to monitor and what you hope to achieve.
For example: monitor access to housing by single parents as a way to reduce the number of children living in the streets ○
- Does the housing policy set indicators and benchmarks? (see Section 3.13.1), ○
- Set a base-line from which to start monitoring, and then set your own indicators and benchmarks to measure progressive realisation. ○

5. Analysing results and taking action

The results of this exercise will be useful for actions on aspects of housing rights set out in the following sub-sections of this booklet (see also Main Book II, Sections 1-3).

3.3

Actions related to forced evictions

Section 1.3 described what forced evictions are and how to identify them. The main actions communities and CSOs can undertake related to forced evictions are: 1) to raise awareness among all stakeholders that forced evictions are housing rights violations, 2) to prevent forced evictions from happening, and 3) monitoring the rights of people displaced by forced evictions. All these actions are described below along with a checklist for monitoring forced evictions.

3.3.1 Raising awareness that forced evictions violate human rights

It is often difficult to make government authorities or people who live in good houses understand that forced eviction is a human rights violation. It is important to take every opportunity to try to explain the difference between a legitimate eviction and a forced eviction. The principal difference is that a legitimate eviction is carried out according to the safeguards listed in Box 2. “Squatters”, informal traders, pavement dwellers and others without formal title to their land are no exception, contrary to what many believe.

Table 1: Characteristics of forced evictions and why they are human rights violations

Everyone has a right to:	Forced evictions violate
Security of tenure, privacy and family life	The right to security of tenure, adequate housing, privacy and family life.
Information, consultation and adequate notice	People’s right to participate in decisions that affect them.
Challenge official decisions	The right to challenge the decision, including in court.
Seek a remedy for damages for example to health or property, and to have legal aid if necessary	The right to physical security and to protection against excessive use of force by State agents (or non-State agents acting in the knowledge of the authorities) for damages (see Box 20).
Alternative accommodation	The State’s obligation to provide alternative accommodation when people are unable to help themselves.

The victims of forced evictions are often people who, because they have no other choice, live in informal housing and have no legal title to their homes. In the views of many they are just “illegal occupiers” of unhealthy and ugly houses who do not have a right to legal process or the offer of alternative accommodation.

3.3.2 Preventing forced evictions

The best way to prevent forced evictions is to persuade governments to ensure security of tenure. This needs both a long-term strategy to persuade the authorities to prohibit forced eviction and a short-term strategy when forced eviction is an immediate threat.

A long-term strategy could include the following four elements:

1. Raising awareness

- Raise awareness among community members and officials that forced eviction is a human rights violation;
- What mechanisms exist to receive complaints; and
- Evidence of women facing multiple layers of discrimination (eg divorced, disabled, lacks education).

2. Gathering and sharing information about alternatives to evictions

- Find information about how slums or informal settlements may be transformed into permanent settlements of low-cost housing with security of tenure and adequate infrastructure and services;
- Find information on enumerations and how to monitor them (see box 21);
- Organise meetings with community members and public hearings with the relevant authorities to inform them about alternatives to evictions;

3. Organising the community and building networks

- Organise strong community groups to act whenever a threat of evictions may arise to negotiate with local authorities. Use Box 2 in Section 1.3 and Table 1 in Section 3.3.1 to plan a negotiating strategy;
- Try to find out which State or non-State actors may be involved;
- Benefit from the experience of others including community leaders who have suffered or resisted forced evictions;
- Link up with persons or organisations that have knowledge and skills you may need but not have yourself, such as:
 - A lawyer who could help to explain the law and advise people on taking legal action, for example to claim a remedy;
 - A skilled negotiator to lead discussions with the authorities; and
 - Someone who knows about > enumerations (see Box 21).

4. Develop a plan of action

A strategy for prompt action could include:

- As soon as there is some confirmation of the eviction, start mobilising the community and develop a strategy either:
 - To oppose the evictions and persuade the authorities to find another site for their project; and

- To negotiate a way to manage the evictions that is best for the community, including ensuring adequate alternative accommodation for those who need it and compensation for any loss of property or other damages.
- If previous evictions have been violent:
 - Try to influence the authorities to prevent violence; and
 - Make preparations to help community members to protect each other.
- Some community members should be asked to be monitors and to take clear and impartial notes of any human rights violations (see Checklist No.2).

Box 18: Preventing Forced Evictions (Ghana and Kenya)

Ghana's Homeless Peoples' Federation (HPF), in collaboration with Shack/Slum Dwellers International (SDI), helped railway-line dwellers to form an organisation in order to prevent evictions and to explore negotiated solutions.

Kenyan communities and NGOs showed that well organised mobilisation can prevent forced evictions. Some 2,000 people in Raila settlement, Nairobi, were forcibly evicted in February 2004. The government suspended plans for further evictions after a campaign drew international attention. Pope John Paul II, through his representative in Kenya, urged President Mwai Kibaki, a Catholic, to: "treat the slum dwellers in a humane manner and to find them alternative land before evicting them." A court action was also filed and the judge gave a temporary reprieve. The former UN Special Rapporteur on Adequate Housing, Miloon Kothari, also denounced the demolitions.

Source: COHRE (June 2006). Listening to the Poor. Rasna Warah, Nairobi-based freelance journalist. Available online: www.begakwabega.com/articolo15-eng.html.



3.3.3 Monitoring rights during evictions

As indicated before, there are instances where evictions are legitimate¹⁸. In such cases, actions should focus on ensuring that the rights of those who may be or have been displaced are protected.

Mass evictions are evictions which affect several households or an entire community. These types of evictions are often carried out to make way for major construction projects including urban renewal programmes, tourist projects, dam building, mining or agricultural developments. They are sometimes called “development-induced displacements.” They could be national projects or projects supported by international actors.

In such cases, the authorities have additional responsibilities to ensure that the eviction is legitimate. States should:

- Show that the project for which the land is needed is justified by “compelling and overriding public interest”¹⁹ and that the plan is both necessary and proportional;
- Carry out a full > Social Impact Assessment; and
- Ensure that all those who may be affected have the right, and any assistance they need²⁰, to participate fully in the impact assessment; and that remedies are available to any whose rights are undermined.

Assistance could include interpreters, transport to attend meetings or legal aid for anyone wishing to challenge the eviction in court.

Box 19: Ancestral land rights

The Liberian Government granted land survey rights in Grand Bassa County to a multinational company but failed to consider ancestral land rights. The company extracted latex for export. Its activities led to the destruction of schools and farmland and the forced evictions of many people. In 2004 the communities tried to stop the company from taking more land. Police were called in and detained 98 residents including women, children and the elderly. Five human rights groups filed *habeas corpus* petitions and the detainees were released.

Box 20: Violent forced evictions

When municipal officials, police, security company personnel or soldiers carry out evictions they are acting as law enforcement officials. They must therefore uphold international standards including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. For a short summary, see Amnesty International’s 10 Basic Human Rights Standards for Law Enforcement Officials, AI Index POL 30/04/98.

For advice on monitoring patterns of violence see: *Ukweli: Monitoring and Documenting Human Rights Violations in Africa, a Handbook*, Amnesty International and CODESRIA.

Box 21: Enumerations

Enumeration is a process of registering residents (tenants and landlords, women, men and children), recording details of their houses and mapping community assets. It helps to ensure that people do not lose their assets or make false claims. The process should be decided in consultation with residents, who should also be involved in monitoring it. If it is done well, the enumerations process can build confidence and consensus among the residents.

Enumerations are necessary for planning slum upgrading projects or other improvements. They may be carried out and monitored by trained State officials and CSOs. Those wishing to carry out or monitor enumerations should seek advice from organisations with experience, such as Shack/Slum Dwellers International.

3.3.4 Monitoring evictions

This section contains a checklist for monitoring evictions. Monitoring evictions can be a challenging task for groups working on housing rights. They may face obstacles from government authorities or non-State actors carrying out the evictions. People being evicted may also be reluctant to offer information or assistance.

The tasks for monitoring evictions start as soon as there is any indication that an eviction may take place: early monitoring can help to prevent a forced eviction. The checklist also gives guidance for monitoring forced evictions.



Checklist 2. Monitoring evictions



Objectives

- To prevent forced evictions;
- Prevent violence during evictions; and
- Claim remedies for damages.



Tasks

1. Preliminary tasks – NGO preparations

- Gather documentary information: eviction orders or notices, plans for re-development, impact assessments, relevant laws and human rights standards
- Identify lessons that can be learned from previous evictions
- Take photographs before and after the evictions
- Reminder: record the different experiences of women and men

2. Participatory research – Before the eviction:

- If possible, carry out enumerations (see Box 21)
- Take testimonies from a range of households before the evictions to find out what preparations people are making and what their fears are
- Encourage those affected to make lists of their possessions and the value of these possessions so that they can claim compensation in the event of loss or damage
- Assess whether the requirements for legitimate evictions are being met. See In-depth info in Section 1.3 (Are the evictions: in the public interest; are they unavoidable? Has there been adequate information, notice, and consultation?)

3. Participatory research / monitoring – during the eviction:

- Are government officials present, are those carrying out the eviction clearly identified?
- Monitor the conduct of the officials carrying out the evictions
- What steps have the authorities taken to:
 - Protect vulnerable people: women with babies, disabled people etc.
 - Keep loss and damage to a minimum.
- What is the weather like? (Evictions should not take place bad weather or at night unless the affected persons consent otherwise)
- Take photos and testimonies

4. Participatory research/monitoring - After the eviction

Interview people who have been evicted to obtain information and case studies:

- Which rights appear to have been disregarded?
- How have the evictions affected specific marginalised groups?
- Is there adequate alternative accommodation for those in need or have some been left homeless?

- How have the evictions affected access to jobs, food, health care, schools, social networks and communities etc.? ○
- Do people have access to legal advice if they wish to seek redress for damages or losses? ○

5. Analysing results and taking action

- Record any human rights violations: description of events, statistical information, case-studies ○
- Note patterns of events and compare these evictions to previous ones ○
- Make recommendations for actions directed towards specific stakeholders. For example, reminding the authorities that the CESCR has asked States to supply information on evictions ○
- Send your own information to the CESCR and to the Special Rapporteur on the Right to Adequate Housing ○
- Make recommendations for practical actions that the evicted people can take, including finding alternative accommodation, taking court action (with the help of lawyers) ○

3.4 Actions to increase security of tenure

Human rights standards require that States guarantee all persons at least a minimum degree of security of tenure. This is when people have legal protection against forced eviction, harassment and other threats. It includes people living in informal housing.

Increasing security of tenure is an important part of any project involving slum upgrading or the construction of low-cost housing. Action should include lobbying to ensure community participation in the process; and that an appropriate system of secure tenure is included in the plans.

3.4.1 Identifying types and degrees of security of tenure

Owing to the complex forms of security of tenure, a first form of action an NGO can take to increase security of tenure is to identify the type and degree of security of tenure which applies to a particular housing situation.

3.4.2 Raising awareness about security of tenure

Actions to increase security of tenure can include:

- Arranging visits to communities where there is security of tenure to see how this works in practice;
- Developing strategies for advocacy and lobbying to encourage the authorities to adopt a suitable tenure system that ensures the rights of both women and men to security of tenure; and
- If appropriate, considering how money may be raised to buy aising money to buy parcels or blocks of land (see the Namibia example in Box 4).

3.5 Actions to upgrade slums and informal settlements

Section 1.6 described what slum upgrading means and what the key aspects are to a slum upgrading project. Actions to upgrade slums (and informal settlements) include: 1) awareness-raising among those in authority that slums should be upgraded in order for people to live in dignity and 2) monitoring of slum upgrading projects. These actions are described below along with a checklist for monitoring slum upgrade projects.

“Slum upgrading” is the usual term. Some informal communities prefer to avoid using the word “slum”.

3.5.1 Awareness-raising about slums

Communities and CSOs could promote awareness of the Cities without Slums Action Plan, according to which governments, citizens, community groups, businesses and local authorities should work together to:

- Regularise security of tenure;
- Install or improve services and infrastructure;
- Remove or reduce environmental hazards such as open sewers;
- Promote systems for community management and maintenance;

- Construct or rehabilitate community facilities including nurseries and health posts;
- Improve access to health care, education, and social programmes;
- Address issues of security²¹, violence, and substance abuse; and
- Enhance job opportunities through training and micro-credit.

“Risk: If slum upgrading is not properly planned and carried out, people will move, leading to the creation of more informal settlements.”

Slum upgrading involves all of the following steps:

- A plan, made with community participation, which includes:
 - Provision of services;
 - A management system which includes community representatives, including women;
 - Regulations on the type and quality of building;
 - A fair and affordable purchase or rent system;
 - Projects to increase access to employment, including training and employing members of the community in construction projects; and
 - Access to a remedy for anyone complaining of unfair treatment.
- An agreed process which includes:
 - Carrying out a Social Impact Assessment;
 - Recognising residents, CBOs and their NGO partners as central actors;
 - Ensuring community representatives are chosen through a fair and transparent process;
 - Providing information and training to enable residents, including women, disabled people and other disadvantaged groups, to participate fully in planning the project and monitoring its implementation.
 - Information about the slum upgrading project and how it is being implemented should be full, clear and regularly updated;
 - Carrying out enumerations;
 - Temporary or permanent relocation; and
 - Evaluating the project and dealing with outstanding problems.

Box 22: Be aware of corrupt practices

- Corrupt administrative officials who keep some of the money allocated to upgrading;
- Land allocated for new or upgraded housing may be illegally-held, leaving those who are re-housed with no security of tenure; and
- Corrupt landlords can provide false information to those planning slum upgrading projects.

3.5.2 Monitoring slum upgrading projects

This section contains a checklist for monitoring the planning of slum upgrading projects.

Monitors will need the information contained in Section 1.6, Section 2.4 and Section 3.5.1 of this booklet. Section 3.6 is about monitoring how the building or upgrading is carried out.



Checklist 3. Monitoring slum upgrading projects



Objectives

Monitoring slum upgrading projects can:

- Provide support to those affected;
- Help to prevent corruption;
- Allow identification of practical actions to assist those affected; and
- Contribute to good practice.



Tasks

1. Preliminary tasks

- In collaboration with members of the community obtain relevant information including:
 - Who made the decision to upgrade and why?
 - Which government or other agency is responsible for planning the project?
 - Will there be a social impact assessment?
 - Will those affected participate in planning and monitoring the project?
 - What is the time-frame?
- Identify stakeholders: government officials, international agencies, local NGOs, State or private companies
- Review available information about previous upgrading projects to find out how these have been carried out
- Try to obtain copies of the plans and budget
- Identify the skills needed and arrange any necessary training
- Find out about the enumerations process: was it developed in consultation with the community and other stakeholders?
- Who will carry out the enumerations? Who will monitor the process?
- As soon as the relocation site has been identified, visit it and note any potential problems, such as distance from jobs, health posts or schools, high rents, or any health hazards

Complaints procedures

Will there be a formal procedure for people to make any complaints? How will it work? What remedies are available? Is there free legal aid?

2. Ongoing tasks

- At each stage of the process:
 - Carry out interviews with those affected to find out whether they are participating in the decision-making and to get information about how the process is working (good and bad aspects)
 - Bring any significant incidents to the attention of the appropriate authorities, including the human rights commission or ombudsman if appropriate.

3. Participatory research – Monitoring the right to participate

- Information
 - What is the information policy of the responsible agency: open or secretive?
 - Are the media agencies (printed press, radio etc) interested and informed?
 - What information has the responsible agency provided to members of the community? Is the information accessible to community members? Is it timely?
- Participation
 - Are members of the community organising a response, either to cooperate with or oppose the plan?
 - What is the responsible agency doing to promote participation?
 - Is any training being given to government officials to facilitate participation? Is the community receiving any training or other assistance to enable them to participate fully? What will be done to ensure that women and other disadvantaged groups are able to participate fully?
- Budget
 - How much of the budget is allocated to providing information and supporting participation? Is this being well spent?

4. Participatory research – Monitoring the relocations

- Are the relocations to take place sector by sector?
- How much money is being allocated to relocation? Is it being well spent?
- How far away is the “decanting” or relocation site? What facilities are available there?
- Have there been assessments of the potential impact of the temporary removal, for example on schooling and jobs?
- Have those affected been given the opportunity to see the site, ask questions and make recommendations?
- Have they been informed of the date of return to the upgraded site? Will they receive compensation for any delay?

5. Analysing results and taking action

- Make detailed notes of any unfair or criminal practices and any human rights violations ...
- Help people to take complaints to the appropriate authorities, to a lawyer or to relevant NGOs
- Make regular visits to relocation sites to interview different groups of people about their situation
- Identify any other actions that may help people adjust to their changing circumstances, particularly community actions to help those less able to help themselves

Box 23: Protecting the rights of slum dwellers

The Dakar Association of Inter-slum Committees (Senegal) (*L'Association des Comités Inter-bidonvilles de Dakar - ACIDAK*) has grown into a large movement working for the rights of slum-dwellers to participate in the policies of slum upgrading, and also for the protection of those who face eviction.

Enda Third World (Enda Tiers Monde), an international NGO, provides capacity-building. It also helps women to run micro-credit funds. (Fonds roulent mutuel de bidonvilles - FOROMBI).

Source: Enda: *Alternatives pour le développement durable, Rapport annuel, 2006*.

3.6 Actions to monitor the adequacy of new or upgraded housing

New or upgraded housing must conform to the standards of adequacy mentioned in Section 1.5. This section contains a checklist for monitoring the adequacy of new or upgraded housing.



Checklist 4. Monitoring the building or upgrading of housing



Objectives

- To ensure that projects to upgrade houses or build new ones conform to standards of adequacy;
- To prevent negligence, which can lead to unsafe or inadequate houses; and
- To deter corruption.



Tasks

1. Initial preparations – information-gathering

Obtain as much official information about the project as possible. This may involve interviewing administrative officials and contractors. Try to obtain a copy of the project document and find out which government authority is responsible. Additional points:

- Does the funding come from the national/local budget or any international contributions?
- Who are the intended residents, how will the houses be allocated and how will the project ensure that those most in need, such as single mothers, are prioritised?
- What form of security of tenure will they have? (See Kothari Principle 16)
- What services will be provided and at what cost?
- Is there a consultation process and a mechanism for encouraging full participation?
- Will the new houses conform to the “adequacy” criteria? Will the rents and other costs be affordable?

2. Participatory research – interviewing intended residents and talking to workers

If possible, interview intended residents to find out whether:

- They have received adequate information about the project
- They are able to participate in decision making
- What, in their view are the advantages/disadvantages of the location

Talking to workers:

- Determine whether or not you should talk to the workers, and if you should do so informally or with the contractor’s permission
- If possible, tell the workers what you are doing and why
- Build a relationship that will allow them to come to you if their rights are not upheld

Note 1: Interviews with the above could take place throughout the project

Note 2: If people have been evicted to make way for this development, talk to them and use the Checklist 2 to identify any previous or on-going human rights violations.

3. Participatory monitoring of the > procurement process

The procurement process involves engaging contractors and buying materials. The authorities may place > tenders in newspapers or elsewhere to invite companies to bid for the contract.

- To whom have the contracts been awarded? Try to obtain copies and examine the process for awarding the contracts ○
- Are there sub-contractors? (For example a builder might sub-contract a company to supply water and sanitation.) ○

4. Participatory monitoring of the building process

- How is the foreperson managing and monitoring the project? ○
- How is the money being spent? What quantities of materials are ordered? (Specifications for the necessary materials and other services should be in the contract.)
- Have the materials been delivered according to the specification? (A corrupt contractor might keep some of the materials and sell them for profit.) ○
- How much are the workers being paid, and how are they treated? ○
- Are the building specifications being followed (seek professional advice)? ○
- Take photographs at different stages, particularly of anything you consider to be wrong or badly done ○

5. Participatory monitoring of the allocation of houses

- Monitor how the houses are allocated and keep visiting the project for several months afterwards to detect any signs of negligence or corruption, for example illegal sub-letting or sale of houses, or officials allocating houses to their friends ○

6. Analysing results and taking action

In collaboration with members of the community/intended residents:

- Identify any shortcomings including suspected acts of corruption and human rights violations and make appropriate recommendations to key stakeholders ○
- Develop an advocacy and lobbying strategy ○
- Take complaints to the appropriate authorities, such as the human rights commission, or take legal action, with the help of a lawyer ○

3.7

Actions to increase access to land, natural resources, infrastructure and other services

Section 1.7 described the key aspects related to access to land, natural resources, infrastructure and other services (such as schools, health facilities, human-rights compliant policing and emergency services).

Actions to increase access to these elements include raising awareness of the issues, especially among vulnerable and marginalised groups, and making use of a survey tool (see Section 3.7.3) to identify the lack of access to resources and services in a particular situation.

3.7.1 Raising awareness about access to land, natural resources, infrastructure and services

Access to land, natural resources, infrastructure and services should be made available to everyone without discrimination.

With respect to the services such as schools and health facilities, it should be noted that they can be delivered by:

- Adequately trained local government authorities;
- NGOs, who can participate in providing services in cooperation with government agencies and in accordance with defined standards; and
- Private companies.

These should be regulated and there should be strict control to ensure adherence to standards. Any fee structure must not exclude the vulnerable and marginalised. Those delivering services may not be aware of human rights standards related to services. Therefore informing them about housing rights is a key activity.

Box 24: Examples of factors affecting access to services

- **User fees/metered services:**
Fees for services such as water and electricity penalise the most vulnerable. Service-providers, particularly private companies, may refuse to service lower-income areas;
- **Informal settlements:**
Many informal settlements are not on service networks. In Luanda, Angola, where water was supplied by mobile tankers, the cost was much higher than the fees for piped water. In Nairobi, Kenya, water vendors in Kibera charged 10-30 times the cost per litre of piped water; and
- **Subsidies or minimum provisions:**
Measures intended to ensure the basic minimum services maybe inadequate. In Johannesburg, South Africa, the provision of 200 litres per household per day free of charge was insufficient for meeting the basic needs of larger households. This system was inflexible, and failed to prioritise the most vulnerable.

Activities can include raising awareness about accountability and ensuring greater participation among community members by:

- Involving local communities, including vulnerable groups, in:
 - Helping decision-making;
 - Creating priorities for the provision of services; and
 - Setting standards for the community facilities and for their operation and maintenance;
- Helping in the creation of support mechanisms to enable disadvantaged people and those living in poverty to have access to basic facilities and services; and
- Creating, where appropriate, partnerships between local authorities and the community for the construction, operation and maintenance of infrastructure and services.

3.7.2 Promoting safer neighbourhoods

People living in poverty are easy targets for criminals. Poverty and overcrowded environments increase the potential for conflict. Lack of physical security and inadequate policing is common in informal settlements. People regard police with suspicion and may therefore take justice into their own hands. Police also face obstacles in informal settlements, because they may be reluctant to patrol such settlements on foot and it may be difficult or impossible to use vehicles. Police working in these conditions can sometimes resort to excessive use of force or become involved in corruption.

The best way to improve this situation is for governments to upgrade slums and informal settlements. Police should be involved, together with residents and other stakeholders, in the design of projects to improve living conditions and policing. The authorities should take the opportunity to ensure that police are given better working conditions and are forced to follow professional policing standards and respect human rights.

Those working on housing rights can promote greater security in communities by raising awareness among authorities and community members about the following crime prevention measures:

- Include open spaces for community activities that are accessible and well lit;
- Set up forums where police and members of the community can meet on a regular basis to discuss problems and solutions;
- Promote police accountability, for example by encouraging them to:
 - Produce regular reports on crime and police response – these could be tabled in the local assembly;
 - Set up offices or desks in police stations where people can report crimes, including desks staffed with officers who have received special training in dealing with and protecting women and children; and
 - Provide systems that deal fairly and effectively with reports of abuses by police;
- Promote crime-prevention and conflict-resolution initiatives;
- Promote sports and other programmes for youth; and
- Encourage activities that provide job opportunities.

Note: In areas where police are weak or corrupt these schemes may not work.

3.7.3 Using a survey tool to identify housing and services needs

The survey tool in Table 2 is a tool used to find out how many people have, or lack, housing and services.

Prior to using this tool:

- Decide on a target community, or two communities in different areas for the purpose of comparison; and
- Refer to Main Book, Part II, Section 6.5 for advice on doing surveys.

Analysing the results:

- “% with access”: Once the survey is completed, work out the percentage of households with access to services (the third column in the tool). To do this, multiply the number of households with access by 100 and divide the result by the number of households surveyed.
- “% satisfied with life”: During the survey, ask members of each household whether or not they are generally satisfied with life and record “yes” or “no” according to the balance of the answer (the last column in the tool); and
- Use the results as a base-line. After you undertake actions to improve services (advocacy, lobbying, practical/self-help action), carry out the same survey with the same people to check progress.

This survey tool is meant to be flexible and should be adapted according to different situations. Additional items could be added to the list according to the specific needs of the community, for example access to health care, schools, markets, and transport within a specified distance.

Table 2: Survey tool

Housing Service Access	Availability	% with access	% satisfied
Housing	Living in a formal house		
	No electricity		
Water	Access to a communal tap		
	Piped water		
Refuse	Refuse removal		
	No refuse removal		
Sanitation	Public toilets		
	Toilets in the household		
	No toilets		

Adapted from: *Urban Slums Reports: Case Studies for the Global Report on Human Settlements, 2003, The case of Durban, South Africa*, by Colin Marx and Sarah Charlton, www.ucl.ac.uk/dpu-projects/Global_Report/pdfs/Durban.pdf.

3.8 Actions related to the right to adequate housing of vulnerable and marginalised groups

This section deals with the housing needs and rights of marginalised groups, focusing particularly on women. Readers working with other marginalised or discriminated groups should adapt the information given below and also refer to the Main Book, Part I, Section 4.4 which covers basic human rights protection for these groups and to Section 1.8 above.

As a first step towards meeting their housing rights obligations, States must identify the vulnerable groups whose housing needs are not being met. However, few countries collect the necessary information. Data should be > disaggregated according to sex, region, economic situation etc. It should also be made public. CSO can play a crucial role in calling attention to this obligation.

As indicated earlier in this booklet, one of the main challenges for CSO's is to make people realise that actions such as forced evictions are human rights violations. It is an even greater challenge to raise awareness of housing rights for marginalised groups because they may face multiple types of discrimination. Raising awareness about the situation of marginalised groups and how they are discriminated due to policies and practices is a positive step towards realisation of their housing rights and other interrelated rights such as the right to education and the right to health.

On the next page is a checklist for monitoring women's equal rights to adequate housing. Monitors will need the information contained in Sections 1.8 and 2.4 of this booklet.



Checklist 5. Monitoring women’s equal rights to adequate housing

Note: This checklist may be adapted to monitor discrimination against other marginalised or vulnerable groups.



Objectives

- To make both the community and the authorities aware of their obligations to realise women’s rights to adequate housing;
- To promote greater understanding of women’s special housing needs; and
- To identify gender gaps and promote positive changes in relevant laws and policies.



Tasks

1. Initial preparations

- Look for documentary information about:
 - Discrimination against women including reports by governments, NGOs, academics, relevant international standards (see Appendix 1) ○
 - Discrimination in law and in practice concerning women’s ability to own, inherit, and manage housing land and property ○
 - Government plans and policies on 1) housing and 2) promoting gender equality. Are there gender-disaggregated statistics? ○
- Obtain information from the relevant policy documents and the budget about access to services for specific vulnerable groups ○

2. Participatory research on whether housing fulfils the “equality” criteria

- Decide on who should be interviewed: either women in a single group or in contrasting groups, such as: women from two different localities; married women, single women and widows; or households “headed” by women and men ○
- Gather first-hand information about women’s housing problems, noting differences between their problems and those of the males in the family concerning security of tenure, location, materials, facilities and infrastructure²². ○
- ..
- If possible, find out about the roles of men and women in the home and whether women are able to make decisions about housing matters and have access to credit and to legal or other advice about housing issues ○
- Note any specific needs, for example special difficulties of disabled women ○
- Also find out: ○
 - What women see as their most pressing problems and needs ○
 - What they have they done to improve their situation or any ideas about how to improve their situation ○
 - Whether they have been able to participate in official decisions about their housing problems ○

- whether they know where to seek advice or make a complaint about housing issues
 - Interview women and other key informants to find out about domestic violence and its effects ○
 - Take particular note how multiple layers of discrimination affect women's access to adequate housing (for example a disabled woman who is divorced and has had little education) ○
- 3. Participatory research on whether housing fulfils the “adequate” criteria.**
- Is the housing “adequate” for the needs of women and girls in terms of: habitability; accessibility; cultural adequacy; and safe access to washing and toilet facilities?²² ○
 - Do single women suffer particular problems in access to adequate housing? ○
 - For women victims of domestic violence, are there options such as: ○
 - court orders to ban violent husbands from the home; and ○
 - shelters for women who leave violent homes? ○
- 4. Participatory research on access to services, particularly water, sanitation, health and transport (mobility assistance)**
- Map the provision of the service or services in the target area or community and identify the providers ○
 - Interview/survey the users and ask about the accessibility, affordability and quality of the service/s and how deficiencies impact on women in particular, but also other family/ community members ○
 - Obtain expert advice on any technical aspects (for example, whether the piped water is safe to drink) ○
 - Find out whether and to what extent those affected participate in decision making about services ○
- 5. Analysing results and taking action**
- Analyse the problems and needs of women ○
 - Draw conclusions about what the government is doing, is not doing, or should do to address discrimination against this group ○
 - Meet local officials to discuss your findings and seek their reactions ○

Box 25: Participatory mapping of discrimination

The technique of mapping was briefly described in the Main Book, Part II, Section 4.2.2. For further advice, consult “Mapping for Human Rights” (www.amnesty.nl/spa).

It may be possible to map discrimination within a community, and with community participation, by either:

- Focusing on one vulnerable group and mapping the causes, effects, perpetrators, sustainers, situations and interventions, etc., or
- Mapping different types of discrimination within a broader community.

Alternatively, the Problem and Strategy Trees, also described in the Main Book, Part II, Section 4.2.1 could be used.



3.9 Actions to reduce homelessness

Actions to reduce homelessness could include carrying out surveys and interviews to monitor the situation of homeless people; raising awareness of their conditions; and lobbying the authorities to take action to reduce homelessness. The situation of homeless people can only be improved by actions such as slum upgrading or the provision of low-cost housing.

Other groups of people may be described as “houseless”, including individuals or families who:

- Sleep in the streets;
- Live in short-term accommodation such as a shelter for homeless people; and
- Live in insecure accommodation, for example in their market stall.

Many “houseless” people have lost their close connections with their families or communities, such as women who have fled from domestic violence or rural people who have migrated to the city to work.

Provision for these groups is usually the least developed part of a country’s housing policy. Some governments take the attitude that certain groups, such as asylum seekers or drug addicts, have “chosen” homelessness and do not deserve to be helped.

A human rights-based approach to housing policy for homeless people includes:

- A clear definition of homelessness consistent with human rights standards. It should cover both those who don’t have accommodation to which they are entitled and people whose accommodation is grossly inadequate;
- The collection of disaggregated data leading to an understanding of the causes and effects of homelessness for the different groups;
- Regulations, based on the results of the research that set out:
 - Minimum standards as well as benchmarks for progress; and
 - Policies for coordinating the services provided by governments and by NGOs;
- The development of temporary shelters; and
- Services to help people solve the problems that have contributed to their homelessness, including access to counselling, health care, legal services, skills development, projects to create employment and assistance with rent payment (for example, for families whose bread-winners are unable to work owing to illness).

Box 26: Shelters for homeless people

South Africa’s Ministry of Housing developed a pilot project in Johannesburg to assist NGOs providing shelter by adapting existing unoccupied buildings. These shelters also offered meals and services such as laundry and skills development. Source: *The Transitional Housing Programme for the Inner City Homeless Community of Johannesburg*. Lone Poulsen, Johannesburg 14 July 2000.

3.10 Actions to improve landlord and tenant relations

States have an obligation to ensure the availability of affordable housing. This includes the obligation to protect people against unreasonable rents and abusive landlords.

For example, in the informal settlement of Kibera, Nairobi, about 80% of residents are tenants, paying high rents for one-room shacks²³, while the landlords often live in middle or high-income accommodation in other parts of the city.

Landlords of houses or shacks in informal settlements often operate outside the law and disregard regulations on building standards or providing services. They may also employ rent-collectors and security guards to carry out evictions or seize property if the tenants do not pay the rent.

Landlords sometimes cut off access to services such as water if a tenant fails to pay rent. This is never acceptable. Some have been known to offer women the option of exchanging rent for sex. The State has an obligation to protect people against arbitrary rent increases and other abuses by landlords.

Ending this unfair system may be impossible without a slum upgrading process that provides: good management, a degree of security of tenure, access to credit, incentives to improve housing, and access to employment. A management system which includes community representatives could be given the power to set a scale of affordable rents. A first step could be to extend rent control and tenancy legislation to informal settlements.

Action by community groups could include:

- Actions against malpractices of landlords;
- Carrying out surveys to gather statistics including the average number of tenants in a house, the condition of the house and the amount of rent;
- Interviewing people to find out how they support themselves and gathering case studies to draw attention to the problem; and
- Encouraging NGOs to set up not-for-profit rented accommodation as an example of good practice²⁴.

3.11 Actions to improve access to land and adequate housing in rural areas

Most people living in rural areas build their own houses, using traditional techniques and natural materials. Others may be workers on commercial farms or in extractive industries who live in company accommodation. Some may be fisher folk living beside a lake or the sea.

While it is usually recognised that rural dwellers need access to land for their homes and livelihoods, it is sometimes assumed that they have no specific housing needs. This is not true:

- In some areas, repeated felling of trees or climate change has made traditional materials scarce;
- Traditionally-built houses made of earth or clay, tin or paper are easily damaged by floods and storms and the maintenance and repair work is usually left to women, who already have a heavy task-load²⁵; and
- Supplying services like water, sanitation, electricity, health care and roads is more expensive in rural areas, so many rural dwellers have very limited access to them.

Rural housing is often a neglected area of government policy. Officials may also face many obstacles, such as:

- Inappropriate land and property laws inherited from colonial times;
- Droughts or floods, which may increase with climate change;
- A budget that is only targeted at those with formal tenancy rights;
- Lack of funding and lack of reliable data and statistics;
- Lack of building materials and equipment; and
- Government failure to fulfil its obligation to develop new, cheap but adequate materials and methods of building houses: this is part of its obligation to provide adequate and affordable housing.

Actions to improve access to adequate housing in rural areas begin with finding out the needs of the different groups. The next step, with the participation of community members, is to develop advocacy, lobbying and practical strategies for, among other things:

- Enhancing the level of security of tenure (where appropriate);
- Extending access to subsidies and to credit;
- Valuing and preserving traditional knowledge and skills of men and women;
- Preserving the environment to protect natural resources and building materials;
- Increasing the capacity of local authorities to maintain and extend services; and
- Developing or adjusting a regulatory framework to ensure that housing built for workers or others and services meet standards of “adequacy”.

3.12 Actions to promote good governance and access to adequate housing

Good governance is essential to improving access to adequate housing. Good governance requires, among other things, accountability on the part of governments, participation, and transparency. These key characteristics lead towards better development of housing policies which reflect the needs of communities.

Actions could include working with local government associations to improve their ability to adapt good governance practices. African local government associations²⁶ have recommended

steps including:

- Decentralising authority, functions and responsibilities to the level of government where people's needs can be addressed most effectively and increasing accountability;
- Creating efficient and transparent systems for gathering, analysing and publishing disaggregated data and using the data to develop housing policies and monitor their implementation; and
- Introducing or amending laws to:
 - Provide a clear definition of property rights;
 - Ensure that property transactions are transparent and accountable;
 - Protect women's rights to full and equal access to land and housing, including the right to own property and to inherit it and to access credit and other facilities; and
 - Ensure that people can participate in decision-making regarding their homes, neighbourhoods and cities.

A common challenge faced is related to funding: local government authorities may not always receive sufficient funding from central government to respond to people's housing needs. As a result, their capacity to act may be limited.

3.13 Other actions to realise housing rights

This section adds to the actions in the previous sections. Before taking action, readers should refer to Main Book, Part II for advice on how to analyse problems and develop strategies for action.

Any action on housing rights should come through participatory activities in the community including workshops and participatory monitoring or research. For more information on involving the community, refer to Main Book, Part II, Sections 4-6.

3.13.1 Using housing rights indicators

The UN Housing Rights Project (UNHRP) has developed indicators that States can use to monitor the different elements of housing rights described in Section 1. These indicators may be found on the following websites:

- www.cohre.org/store/attachments/Erguden.ppt
- www.unhabitat.org

Or by going to Google and typing in: "*Housing Rights Indicators*" + *Erguden*

An adapted and simplified version of these indicators is provided in Table 3. There is some advice on using indicators in Main Book, Part I, Section 4.2, Box 8 and Part II, Section 7.3, Box 30.

Community groups and NGOs can use indicators for various purposes including, for example, to:

- Encourage the authorities to use human rights indicators (if appropriate, provide them with a copy of the UNHRP indicators);

- Carry out surveys, such as the survey tool presented in Section 3.7.3, which covers indicators 3 and 4 in Table 3; and
- Gather yearly statistics in a target community to identify trends. For example the rise (or fall) in rents, using indicator 5.

Table 3. Housing rights indicators²⁷

No.	Human rights obligation	Indicator
1	Habitability (<i>Crowding</i>)	Average number of persons per room
2	Habitability (<i>Durability/quality</i>)	Proportion of households living in permanent structures that are safe and healthy
3	Accessibility of services (<i>Water</i>)	Proportion of households with access to potable water
4	Accessibility of services (<i>Sanitation</i>)	Proportion of households with access to adequate sanitation
5	Affordability	Proportion of monthly household average housing expenditure to total monthly household income, e.g. Income = \$50; Housing (rent, repairs) = \$10
6	Security of tenure	<ul style="list-style-type: none"> - Proportion of households with people who have documents to show that they own or are renting the house OR Proportion of households with people who feel sure that they will not be evicted. - Proportion of women-headed households with security of tenure
7	State assisted housing	Proportion of people in households living below poverty line that receive assistance related to housing
8	Homeless population	Current number of people in a community who do not have a home (people living in the street or in shacks on private land)
9	Forced eviction	Number of people in the community or target area who have been subjected to forced evictions. If possible this should be expressed as a percentage of the number of people in the target area
10	Legal framework (<i>International norms</i>)	<ul style="list-style-type: none"> - What can people do if their housing rights are violated? - Is there a dispute-settlement tribunal? - Can people take cases to court? - Is there any legal aid for this? (see the right to a remedy in Section 2.1).

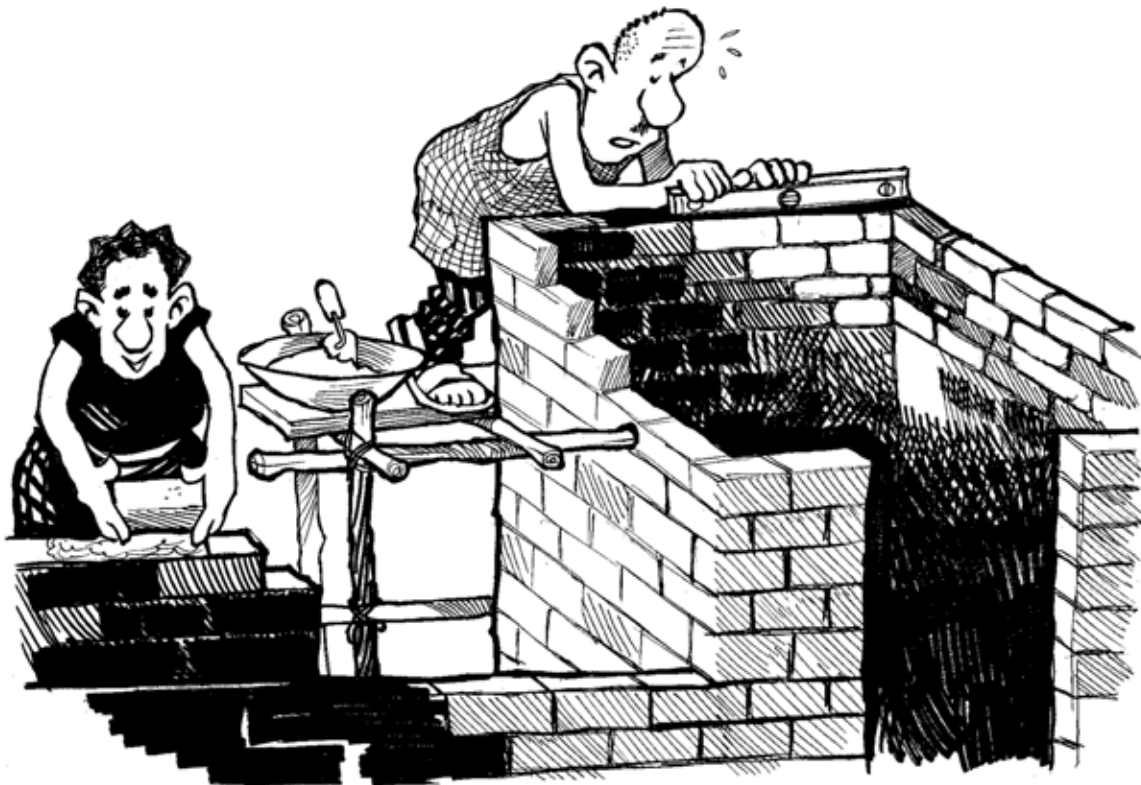
Note that many of the indicators in the table above can be further disaggregated by criteria such as gender (men and women or male and female) or age (adults and children).

3.13.2 Self-help actions and service delivery

Organisations working on housing rights have shown that one of the most effective ways to improve lives is for people to organise and empower themselves. Self-help activities aim at claiming rights directly, without relying on the government. Using the human rights-based approach (HRBA), or claiming rights as human rights, could add value to this approach. See Main Book, Part II, Section 11.2.

Some examples of self-help activities are presented in Box 27.

Other activities are listed in Table 4. Readers needing further advice or support could contact the organisations listed in the table. Their contact details are given in Appendix 2.



Box 27: Examples of self-help activities

Namibia – savings schemes

Slum/Shack Dwellers International (SDI), a civil society network, works with the urban poor, encouraging them to organise themselves to improve their lives, including by setting up saving schemes. These can build mutual trust and provide experience in working with money in a democratic and accountable way. The Namibian SDI Federation helped members to obtain land tenure for about 1,500 families. They loaned money to over 20 groups for the construction of houses. They helped people to obtain funds from the government's Build Together Program.

Source: UN-HABITAT Best Practices Database, 2002.

India – House building

SPARC, an Indian NGO, and its allies believe that State housing policies have not worked for the poor. Community members have building skills, so the alliance started a non-profit company to build houses. Community members provide their time and labour. The alliance only obtains loans and grants for things that the community cannot provide. The projects have a good chance of being adopted as State policy.

Source: Constructing Houses: Understanding how the alliance of SPARC Mahila Milan and NSDF manage construction. Undated: www.sparcindia.org.

Tanzania – Brick making

The Mwanza Rural Housing Programme (MRHP) in Tanzania won a place on the UN HABITAT Scroll of Honour Award Winners, 2007. Led by Ms Ashililya E. Nyanda, MRHP trained villagers in northern Tanzania to make high-quality bricks. They used agricultural waste instead of wood to fire the clay. The award was for “helping bring shelter, employment and healthier living and environmental conditions to hundreds of thousands of Tanzanian households.”

Source: UN-HABITAT, Timbuktu Chronicles, 25 October 2006; World Resources Institute, www.nextbillion.net.

Table 4: Activities of self-help groups

Activity	Brief summary	Sources
Micro-finance	<ul style="list-style-type: none"> - Setting up small-group savings schemes and providing centres where groups meet, pool savings, pay loans and receive credit. Women play a major role; - Helping people to obtain government subsidies; and - Income generation activities through skills training. 	SDI SPARC (India) CORC (S.Africa) SERAC (Nigeria) MRHP
Enumerations, mapping and surveys	Conducting surveys to obtain various kinds of information, such as the numbers of home owners, tenants and landlords or gathering data to ensure rights are respected within slum upgrading or resettlement projects. These systems allow communities to negotiate with the authorities from a strong position.	SDI SPARC CORC
Housing plans, tenure systems	Developing and implementing systems to increase access to adequate housing and secure tenure, for example community landholding.	SDI, SPARC CORC
Establishing housing cooperatives	Setting up housing cooperatives as a coordinating mechanism for target communities' ownership of, and participation in housing developments.	SERAC
Engagement of multiple stakeholders	Promoting engagement among community members; policy and legislative officials; professional and trade bodies; civil society groups; the organised and informal private sector; and the media to develop a national policy for social housing.	SERAC
Constructing houses, drains and toilets	<ul style="list-style-type: none"> - Building storm drains; - Producing building materials; - Constructing toilets; and - Housing and toilet exhibitions: models that work for people living in poverty and can be scaled up substantially. 	SPARC SDI CORC
Developing construction and engineering skills	<ul style="list-style-type: none"> - Developing construction and engineering skills - Training people to construct healthier and safer houses and sanitation; - Training people to produce building materials; and - Alternative (environmentally friendly) housing technology. 	SDI SPARC CORC MRHP
Sustainable land use	Support specifically for rural communities. Eco-tourism, sustainable land use, land claims and sustainable rural development.	Porini CORC
Exchange of ideas & skills	Community to community visits to exchange ideas, build confidence and strengthen networks.	SDI, SPARC, IIED, CORC, HIC
Safe social and physical space	Health, HIV/AIDS, safe space for women, children and concerned men.	CORC
Court cases	Advice on taking housing rights cases to court.	Interights, HIC

3.13.3 Micro-finance schemes

Micro-finance schemes enable communities to carry out housing and related projects. They are based on trust and joint decision-making. People who know each other well can make a realistic assessment of how much borrowers need and whether the money is likely to be repaid. Before setting up a micro-finance scheme, it is important to get advice from someone with experience. For further information about micro-finance schemes, see Main Book, Part II, Section 11.2

Box 28: Micro-finance schemes

A well known scheme is the Grameen Bank in Bangladesh. Systems include one or more of the following:

- Small groups collect savings and make loans to each other;
- Credit is based on the group's assessment of the borrower's character rather than on collateral;
- Loans are made to set up small businesses, improve homes or, at short notice, for emergencies;
- Savings are pooled and members have "shares" based on the percentage of their contribution; and
- Loans are available according to the amount of savings, for example two or three times the value of the person's savings.

Note: In some countries there are laws governing micro-finance schemes.

3.13.4 Promoting good practice

Government planning processes are usually complex and busy officials may have little time to do adequate research and consultation concerning housing projects. Communities and NGOs can help the authorities by providing well-researched information about problems in the delivery of adequate housing and ideas about what might work better. Some of the actions can be to:

- Organise meetings where community members can discuss their problems with people outside the community with relevant experience. Send a report to the authorities, making suggestions for tackling the problems. People with experience might include:
 - A member of a community that has had similar problems; or
 - An expert such as a town planner, a water engineer or a police officer, depending on the nature of the problem;
- Identify cases of good practice, where the local authorities have done a good job and write a letter to praise them – this may make them more ready to react to complaints about things done badly; and
- Draw up a set of good-practice guidelines such as the People's Declaration on Eviction Guidelines (see Table 5), and share this with other organisations for comment. Then submit the final guidelines to the authorities and lobby for its adoption.

(See also UN HABITAT's Best Practices Database which contains learning tools on many housing-related problems: www.bestpractices.org/blpnet/BLP/learning/learning.htm.)

Table 5. People's Declaration on Eviction Guidelines²⁸

Principles	Description
Justification	Evictions should be avoided as far as possible and any eviction must be substantively justified and only occur in exceptional circumstances.
Consultation over alternatives	There must be effective and genuine participation of the affected group before an eviction together with exploration of alternatives to the proposed eviction.
Adequate and reasonable notice	People are to be given adequate notice so that they can explore other options including challenging the notice before a court of law.
Proper information on the proposed eviction	Affected people are to be provided with the real and convincing reasons for the intended eviction. Through this the people will be in a position to understand and appreciate why they have to be moved.
Presence of government officials during the eviction	Government officials should be present during the actual eviction in order to enhance accountability and transparency.
Prevent violation of other rights	Any eviction must not lead to the violation of other human rights, e.g. food, health or education. Demolishing a school, for instance, is destroying the livelihood of the children.
Effective remedy against illegal evictions	Affected persons are to be given adequate opportunity to seek and obtain legal remedies. For instance, a week's notice is a violation of this requirement and remedies must be available for breaches. Due process must be followed, a cardinal obligation of all governments.
No eviction that leads to homelessness	Evictions must not lead to homelessness, making people sleep out in the cold or live in refugee-like camps, which is cruel and degrading treatment.
The most needy and most vulnerable	Special attention must be paid to the sick, the elderly, children, and people with disability, refugees and women. They always suffer more than the others.
Relocation	Find suitable and adequate resettlement for those who must be evicted. A detailed plan with a clear timetable and allocation of resources must be developed in each particular case.
No eviction to take place at night, when it is raining or in bad weather	Why evict at night, or when it is raining? It is inhuman and totally unjustifiable.

> continued

Principles	Description
Seek court order	Where there is no agreement with the affected persons on the intended eviction, the government must go to court and justify its case and obtain a court order.
Non-discrimination	No evictions should be undertaken in a manner that discriminates people on the basis of class, religion, race or political affiliation.

3.13.5 Participating in the development of policies and budgets

This process was discussed in Main Book, Part II, Sections 7.3 and 7.4. Communities and NGOs could develop a strategy for including housing needs and housing indicators in this process.

3.13.6 Building alliances, mobilising communities and lobbying the government

This topic is covered in Main Book, Part II, Sections 4.1 and 11.3. NGO approaches include:

- The “self-help” approach: marginalised communities in different areas have similar housing problems. The communities link up to help and empower each other. They can then engage the State from a position of strength;
- Mobilising communities: a good example is given in Table 5;
- The “empowerment, research and lobbying” approach: an NGO works with a local community, and together they carry out research, produce publications and lobby the government; and
- Allies could include communities or NGOs engaged in any aspect of housing rights, regional and international NGOs, religious communities, environmental groups, friendly professionals including town-planners, architects and building contractors.

3.13.7 Reporting to the African Commission and to CESCR

Information about submitting reports to these bodies is given in Main Book, Part II, Section 10.1. Organisations interested in providing information to these bodies should refer to the guidelines for reporting to the CESCR (www.unhchr.ch/tbs/doc.nsf/t).

The African Commission uses a similar process. For more information, refer to their website at www.achpr.org/english/_info/state_procedure_en.html.

3.13.8 The international arena

It is difficult for local groups to participate in international meetings or campaigns, but it is important to know about them, particularly in countries where the government or national civil society is participating in these arenas. Addresses and websites are included in Appendix 2.

- **MDG Goal 7** to ensure environmental sustainability. Target 11: by 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers²⁹;
- **The Global Campaign for Secure Tenure** is linked to the UN’s Habitat Agenda – “adequate

shelter for all” and the MDG “cities without slums” goal to improve the lives of at least 100 million slum dwellers by 2020;

- **The Global Campaign on Urban Governance** promotes the concept of “urban citizenship,” an inclusive city where everyone is able to participate effectively and aims at increasing the capacity of local government and other stakeholders at grass-roots level to practise good governance, with emphasis on the needs of excluded groups;
- **World Habitat Day** is the first Monday in October; and
- **World Social Forum (WSF):** Housing rights groups including the Nairobi People’s Settlement Network (NPSN), with partner NGOs, Hakijamii (Kenya) and Dignity International, participated in the 2007 WSF in Nairobi. Achievements included:
 - People from the poorest areas speaking out to the world;
 - Taking delegates to visit settlements; and
 - Sharing of struggles across national and international borders.

A

Adequate housing

Adequate housing must provide residents with: privacy; enough space, lighting and ventilation; access to safe water and sanitation; access to services such as health posts and schools and to job opportunities. Also, it must be affordable.

Affordable housing

To be affordable, housing must be available at a price or rent that low-income groups can afford. The State has a duty to develop cheaper building techniques and materials and to ensure that low-cost housing is adequate and adaptable to people's cultural preferences.

C

Climate change

Changes in climate that reflect global processes including rising sea levels and extremes of hot and cold weather (See the fuller definition in the Main Book Glossary).

Collateral

Another asset which could be sold if the person does not pay back the loan.

Constructive eviction

It is a human rights violation/abuse when a State/non-State actor constructs or causes, deliberately or through criminal negligence, a situation that forces one or more people to leave their homes.

D

Decanting sites

Temporary sites where people move to while upgrading is taking place. These sites should be as close as possible to the area being upgraded.

Degree of security of tenure

People have a degree of security of tenure when they have legal protection against forced eviction, harassment and other threats. Legal protection includes the conditions described in Box 2 in this booklet. Also see Box 4.

Disaggregated information or data

information that gives separate figures for different categories, such as sex, age, socio-economic situation, geographical area and ethnic group.

Displacement

Displacement involves the relocating of individuals or groups away from their place of residence. Displacement can have a number of causes including natural disasters such as floods and earthquakes, development projects such as the construction of dams, armed conflicts, ethnic cleansing, and urban renewal/development projects.

E**Enumeration**

An “enumeration” process is used to gather data that is necessary for planning slum upgrading. The data include the number of houses, type of house, number of people in each house, whether they are owners or tenants, and other relevant data such as access to jobs and services.

I**Informal housing or informal settlements**

Any form of shelter occupied or built in open spaces in cities or rural areas by people unable to afford formal housing.

Informal settlers

Persons living in informal settlements.

Investigating

Doing research to increase understanding of a problem.

M**Monitoring**

Watching what the government or non-State actors are doing to deter and detect violations.

P**Potable**

Safe to drink

Procurement process

Engaging contractors and obtaining materials.

Public housing

Housing provided or subsidised by the State for those in need.

R

Restitution

Returning something that has been taken away

S

Slum

A slum is an area where more than half of the households have the characteristics of a slum household.

Slum household

A “slum household” is one that lacks more than one of the following conditions: security of tenure; properly constructed; access to safe water and sanitation facilities and sufficient living area.³⁰

Slum upgrading

The upgrading of informal or sub-standard settlements.

Social Impact Assessment (SIA)

This is a study to analyse, monitor and manage the intended and unintended social effects or consequences, both positive and negative, of planned policies, programs or projects on those affected. It should consider impacts on cost of living, family life, social networks, access to jobs and services etc. In a major project Environmental Impact Assessments (EIAs) may be carried out to identify the impact on the environment.

Speculation

Buying cheaply to sell later at a profit. In the case of housing, this usually raises the cost of land and housing.

Squatters

A term often used for “informal settlers.”

T

Tender

An invitation to companies to offer their goods or services for a project.

Tenure

- **Tenure:** All kinds of housing arrangements including: private ownership, rented accommodation, cooperative housing or informal housing.
- **Full legal security of tenure:** when there is an official agreement such as a bill of sale, or a lease.
- **Degree or measure of security of tenure:** when there is legal protection against forced eviction, harassment and other threats. Everyone, including people in informal settlements has a right to a degree of security of tenure.

1. UN Special Rapporteur on the Right to Adequate Housing (E/CN.4/2001/51, para. 8). United Nations Settlements Programme. Global Report on Human Settlements 2007.
2. Available online: www.unhabitat.org/content.asp?typeid=19&catid=555&cid=5359.
3. Ibid.
4. Centre on Housing Rights and Evictions. Forced Evictions: Violations of Human Rights 2003-2006. Available online: www.cohre.org/store/attachments/Global_Survey_10.pdf
5. See Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in Appendix 1 and the African Commission decision on the right to adequate housing in Appendix 1.
6. Kothari Principles 40 and 41, see Appendix 1.
7. See the CESCR's General Comment No. 4, para. 8(a).
8. Benin: *Land, Rights and Innovation: improving tenure security for the poor*, Geoffrey Payne (Ed.), Chapter 7, page 122
9. Uganda: *Land, Rights and Innovation: improving tenure security for the poor*, Geoffrey Payne (Ed.), Chapter 2, page 35
10. Zambia: COHRE: *Listening to the Poor? Housing Rights in Nairobi, Kenya*, Consultation Report
Fact-Finding Mission to Nairobi, Kenya, 3 March 2005, page 90
11. Botswana: *From certificate of rights to long-term leaseholds in Botswana*, Boipuso Nkwae, Dixon Dumba, Habitat International, 20 January 2010
12. Namibia: *Land tenure policy adopted*, Lindsay Dentlinger, The Namibian, 17 February 2005
13. Indicators for Monitoring the Millennium Development Goals: http://devdata.worldbank.org/gmis/mdg/UNDG%20document_final.pdf.
14. Pune's Invisible People: A Study of Pavement Dwellers in Pune, 1997
(www.sparcindia.org/docs.html)
15. These rights are the basis for the African Commission's decision that the right to adequate housing could be "read into" the African Charter even though this does not specifically mention housing. See Appendix 1.
16. OHCHR website: www.unhchr.ch/html/menu6/2/fs21.htm.
17. *Human rights for human dignity*, a primer on economic, social and cultural rights, Amnesty International, 2005, AI Index: POL 34/00/2005
18. Refer to General Comment No. 7, para. 14 and 20; and the Kothari Principles.
19. Guiding Principles on Internal Displacement, Principle 6.
20. Assistance could include interpreters, transport to attend meetings or legal aid for anyone wishing to challenge the eviction in court.
21. See the Habitat Agenda, Chapter III A (40) f.
22. These are general requirements. Different groups may have additional needs.
23. IRIN, 6 August 2002.
24. Slum upgrading initiatives in Kenya within the basic services and wider housing market: A housing rights concern. Marie Huchzermeyer, Discussion Paper No. 1, 2006, COHRE, Geneva.

25. In many areas repairing the roof is a man's task.
26. Decentralisation was strongly emphasised both at the Africities Summit in September 2006 and the UN-HABITAT General Council meeting in April 2007, both held in Nairobi, Kenya.
27. Adapted from UNHRP's 12 Housing Rights Indicators (HRIs) 2002-2006; and UNHRP's Indicators for Monitoring Compliance with International Human Rights Indicators: 17 Indicators on the right to adequate housing (art. 11(1) ICESCR).
28. In September 2006 a symposium of over 1,000 representatives of communities and settlements in Kenya met to draft a People's Declaration on Eviction Guidelines. The declaration included 13 principles. It urged the Ministry of Lands to include these in the proposed National Eviction Guidelines.
By the time of publication, the Ministry of Lands had not completed its draft Eviction Guidelines, although it had established a Task Force to commence the work. Meanwhile, many more people continue to be forcibly evicted.
29. This target is high, but even if it is achieved, it has been calculated that by 2020 1.4 billion more people will be living in slums than the current numbers. Geoffrey Payne & Associates, Housing and urban development consultants: www.gpa.org.uk.
30. Indicators for Monitoring the Millennium Development Goals: http://devdata.worldbank.org/gmis/mdg/UNDG%20document_final.pdf.
31. CESCR General Comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights.
32. Basic Principles and Guidelines on Development-based evictions and Displacement – the “Kothari Principles” (EC/N.4/2006/41, 14 March 2006) Note: the Kothari Principles refer to displacement and evictions resulting from (among other things): environmental destruction or degradation, public disturbances or unrest, natural or human-induced disasters, public emergencies, and domestic violence.



Appendices

- Appendix 1 International and African human rights laws and standards
- Appendix 2 Sources and resources on the right to adequate housing
- Appendix 3 NGOs and IGOs



Appendix 1: International and regional human rights laws and standards

This tool consists of a set of tables to enable readers to select appropriate quotations on housing rights from international and regional human rights standards that may be used in reports or recommendations to governments.

Quoting the national law and regional or international standards shows that human rights workers are aware of State obligations and increases the impact of their work.

For further information about using regional and international standards see Main Book, Part I, Section 3.3.

The tables are:

- Table 1 The right to adequate housing
- Table 2 The rights to security of tenure and not to be forcibly evicted

For international and regional human rights and standards on rights related to the right to adequate housing, including the right to food, safe water and sanitation, please refer to the relevant booklet in this series.

How to use the tables

Look for the topic of interest in Column 1. Column 2 contains relevant articles. It is best to look at the complete texts whenever possible: websites are given for this purpose.

The quotations have been selected from:

Human rights treaties

- The African Charter on Human and Peoples' Rights: www.achpr.org/english/_info/charter_en.html
- African Charter on Human and Peoples' Rights – Women's Protocol: www.achpr.org/english/_info/women_en.html
- African Charter on the Rights and Welfare of the Child: www.africa-union.org/child/home.htm
- The International Covenant on Economic, Social and Cultural Rights: <http://www2.ohchr.org/english/law/ccpr.htm>
- Convention on the Elimination of All Forms of Discrimination against Women: <http://www2.ohchr.org/english/law/cedaw.htm>
- Convention on the Rights of Persons with Disabilities: www.un.org/disabilities/convention/conventionfull.shtml
- International Convention Related to the Status of Refugees: <http://www1.umn.edu/humanrts/instreet/v1crs.htm>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: <http://www1.umn.edu/humanrts/instreet/n8icpmw.htm>
- AU Convention for the Protection and Assistance of Internally Displaced Peoples in Africa: [www.reliefweb.int/rw/lib.nsf/db900sid/SNAA-7X73KL/\\$file/au_oct2009.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/SNAA-7X73KL/$file/au_oct2009.pdf?openelement)

Human rights standards, advice and interpretations

- Universal Declaration of Human Rights:
www.unhchr.ch/udhr/lang/pcm.htm
- General Comments of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights:
<http://www2.ohchr.org/english/bodies/cescr/comments.htm>
- UN Guiding Principles on Internal Displacement:
www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html
- Principles on Housing and Property Restitution for Refugees and Displaced Persons:
www.ohchr.org/Documents/Publications/pinheiro_principles.pdf
- The Basic Principles and Guidelines on Development-based Evictions and Displacement (Kothari Principles):
<http://www2.ohchr.org/english/issues/housing/evictions.htm>
- Commission on Human Rights. Resolution 2003/22 Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing:
www.unhabitat.org/downloads/docs/1371_16562_WR7.htm

Decisions of international programmes

- Millennium Development Goals:
www.un.org/millenniumgoals/goals.html
- The Istanbul Declaration (Habitat II Summit 1996):
www.un.org/Conferences/habitat/eng-pres/3/habist25.htm
- The UN Human Settlements Programme (UN-HABITAT):
www.unhabitat.org/

Table 1. The right to adequate housing (including the housing rights of women, children and IDPs)

Topic	Relevant article(s)
Right to adequate housing	<p>Universal Declaration of Human Rights (UDHR), Article 25</p> <p>Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services ...</p>
	<p>African Charter on Human and Peoples' Rights, Articles 14, 16 & 18</p> <p>The African Charter does not specifically mention the right to adequate housing. However, the African Commission on Human and Peoples' Rights said, in the Ogoni decision (see Box 15), that this right is contained in the following articles, taken together.</p> <ul style="list-style-type: none"> - Article 14: "The right to property shall be guaranteed..." - Article 16 (1): "Every individual shall have the right to enjoy the best attainable state of physical and mental health." (2) States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick. - Article 18 (1): "The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical and moral health ..."
	<p>International Covenant on Economic Social and Cultural Rights (ICESCR), Article 11 (1) The States Parties to the present Covenant recognise 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.</p>
	<p>Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4 (summary of paragraph 8):</p> <ul style="list-style-type: none"> a. Legal security of tenure. [...] all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. b. Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. c. Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised [...]. d. Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from [...] threats to health, structural hazards, and disease vectors. [...] <p style="text-align: right;">> continued</p>

Topic	Relevant article(s)
	<p>e. Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. [...] increasing access to land by landless or impoverished segments of the society should constitute a central policy goal.</p> <p>f. Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities.</p> <p>g. Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.</p>
<p>Women's right to adequate housing</p>	<ul style="list-style-type: none"> - African Women's Protocol, Article 16: Right to Adequate Housing: Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing. - Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing. Commission on Human Rights Resolution 2003/22. www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.RES.2003.22.En?Opendocument - A Place To Live: Women's Inheritance Rights in Africa (2005) Centre on Housing Rights and Evictions (COHRE), www.cohre.org/view_page.php?page_id=180 - Women and adequate housing: Report by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination, Miloon Kothari, E/CN.4/2006/118.
<p>Rights of victims of domestic violence</p>	<p>CESCR General Comment No. 16, paragraph 23³¹</p> <p>States parties [must] provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage.</p>
<p>Rural women's housing rights</p>	<p>Convention on the Elimination of All Forms of Discrimination against Women, (CEDAW) Article 14</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure [...] the right [...]:</p> <p>h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications</p>

> continued

	Relevant article(s)
<p>Housing-related rights of persons with disabilities</p>	<p>Convention on the Rights of Persons with Disabilities</p> <p>Article 9</p> <p>1. [...] “States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to [...] inter alia:</p> <p>a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces ...</p> <p>Article 28</p> <p>1. States Parties recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing [...]</p> <p>2. States Parties [...] shall take appropriate steps to safeguard and promote the realisation of this right, including measures [...]:</p> <p>d. To ensure access by persons with disabilities to public housing programmes.</p>
<p>Housing rights of internally displaced persons (IDPs)</p>	<p>AU Convention for the Protection and Assistance of Internally Displaced Peoples in Africa</p> <ul style="list-style-type: none"> - Article 3.1 – States Parties shall: <ul style="list-style-type: none"> d. Ensure the accountability of non-State actors concerned, including multinational companies and private military or security companies, for acts of arbitrary displacement or complicity in such acts; e. Ensure the accountability of non-State actors involved in the exploration and exploitation of economic and natural resources leading to displacement; j. Ensure assistance to internally displaced persons by meeting their basic needs as well as allowing and facilitating rapid and unimpeded access by humanitarian organizations and personnel; - Article 9. 2 – States Parties shall <ul style="list-style-type: none"> b. Provide internally displaced persons to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities. <p>The Convention endorses the Guiding Principles on Internal Displacement.</p> <p style="text-align: right;">> continued</p>

Topic	Relevant article(s)
	<p>Guiding Principles on Internal Displacement</p> <ol style="list-style-type: none"> 1. All internally displaced persons have the right to an adequate standard of living. 2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: <ol style="list-style-type: none"> a. Essential food and potable water; b. Basic shelter and housing; c. Appropriate clothing; and d. Essential medical services and sanitation. 3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.
<p>Housing rights of refugees and internally displaced persons</p>	<p>Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles)</p> <ol style="list-style-type: none"> 2.1 All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal.
<p>Other rights related to the right to adequate housing</p>	<p>Other relevant rights in the ICCPR and the African Charter are the rights to:</p> <ul style="list-style-type: none"> - Choose where and how to live and to freedom of movement; - Be free from arbitrary interference with one's privacy, family or home; - Security against violence and threats; - Legal protection against forced eviction (“security of tenure”); and - A remedy if a right is denied.

Table 2. The rights to security of tenure and not to be forcibly evicted (these also apply to situations of slum up-grading)

Topic	Relevant article(s)
<p>Security of tenure</p>	<p>General Comment No. 4 on the Right to Adequate housing, paragraph 8: [...] all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.</p>
	<p>The African Charter, Article 21: (2): In case of spoliation (arbitrary removal) the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.</p>
	<p>The Habitat Agenda, paragraph 75 States that access to land and legal security of tenure are the essential foundation for providing adequate housing for all.</p>
	<p>MDG 7 (Target 11) Target 11: Achieve, by 2020, a significant improvement in the lives of at least 100 million slum dwellers. - Indicator 32 on Target 11 is: the “Proportion of households with access to secure tenure.” States must try to achieve a high target.</p>
	<p>The Kothari Principles, Principle 25 In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land.</p>
	<p>The UN Human Settlements Programme (UN-HABITAT) Security of tenure is “the right of all individuals and groups to effective protection by the State against forced eviction.” Households without tenure are defined as squatters (whether or not they pay rent), homeless and or households with no formal agreement.</p>
<p>Preventing forced evictions, effects of forced evictions</p>	<p>General Comment No. 7 on the Right to Adequate Housing: forced evictions, paragraphs 8 and 16: “The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions ...” General Comment No. 7 also notes that Article 17.1 of the ICCPR recognizes the right to be protected against “arbitrary or unlawful interference” with one’s home.</p> <p style="text-align: right;">> continued</p>

Topic	Relevant article(s)
	<p>The Kothari Principles³², Principles 40 and 41</p> <p>40. Prior to any decision to initiate an eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments protective of the general welfare.</p> <p>41. Any decision relating to evictions should be announced in writing in the local language [...] sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions.</p> <p>Kothari Principles, Principle 7</p> <p>Forced evictions intensify inequality, social conflict, segregation and “ghettoisation”, and invariably affect the poorest, most socially and economically vulnerable and marginalised sectors of society, especially women, children, minorities and indigenous peoples.</p>
Monitoring evictions	<p>Kothari Principles, Principle 46</p> <p>Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.</p>
Providing alternative housing and making legal remedies available	<p>General Comment No. 7, Paragraph 16</p> <p>Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.</p> <p>The Kothari Principles, Principles 16, 58, 68 and 69</p> <p>16. All persons, groups and communities have the right to resettlement, which includes the right to alternative land of better or equal quality and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education.</p> <p>58. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation.</p> <p>68. States should actively monitor and carry out quantitative and qualitative evaluations to determine the number, type and long-term consequences of evictions, including forced evictions [...] findings should be made available to the public.</p> <p style="text-align: right;">> continued</p>

Topic	Relevant article(s)
	<p>69. States should entrust an independent national body, such as a national human rights institution, to monitor and investigate forced evictions and State compliance with these guidelines and international human rights law.</p> <p>General Comment No. 4, Paragraph 17</p> <p>Legal remedies should be available. “Depending on the legal system, such areas might include, but are not limited to: (a) legal appeals aimed at preventing planned evictions or demolitions through the issuance of court-ordered injunctions; (b) legal procedures seeking compensation following an illegal eviction...”</p>



Appendix 2: Sources and resources on the right to adequate housing

Organisation	Resource	Where to find it
Centre On Housing Rights and Evictions (COHRE)	Fact sheets and training materials on housing rights including “What Are Housing Rights?”	The Library www.cohre.org/view_page.php?page_id=53
UN HABITAT	The Annual State of the African Cities Report	www.unhabitat.org/pmss/
UN HABITAT	Housing rights legislation – Review of international and national legal instruments	www.reliefweb.int/rw/lib.nsf/db900SID/PANA-7DGDDE?OpenDocument
UN HABITAT	Indigenous Peoples’ Rights to Adequate Housing – a global review	www.reliefweb.int/rw/lib.nsf/db900SID/AMMF-6RTDFN?OpenDocument
UN HABITAT	Best Practices Database	www.unhabitat.org/bestpractices/2008/bplist.asp
UN HABITAT	Housing for All: The Challenges of Affordability, Accessibility and Sustainability	www.unhabitat.org/pmss/
Office of the High Commissioner for Human Rights (OHCHR)	Fact Sheet No.21, The Human Right to Adequate Housing Fact sheet 25: Forced Evictions and Human Rights	www.ohchr.org/Documents/Publications/FactSheet21en.pdf http://www2.ohchr.org/english/issues/housing/documents.htm
OHCHR, UN HABITAT, UNHCR, iDMC, OCHA, and FAO	Housing and Property Restitution for Refugees and Displaced Persons – Implementing the “Pinheiro Principles” Handbook	www.ohchr.org/Documents/Publications/pinheiro_principles.pdf



Appendix 3: NGOs and IGOs

Name of organisation	Description and contact information
Centre on Housing Rights and Evictions (COHRE)	<p>“[...] works at all levels – from grassroots assistance to communities fighting forced eviction or slum conditions, to standard-setting at international institutions such as the United Nations – to resist and prevent forced evictions, strengthen the protection and promotion of housing rights [...]”</p> <p>E-mail: cohre@cohre.org Website: www.cohre.org/index.php</p>
Community Organisation Resource Centre (CORC)	<p>CORC has been operational since March 2002. It has worked mainly with communities affiliated to the Coalition of the Urban Poor (CUP), or the Alliance of Rural Communities (ARC), both of which are linked to the Federation of the Urban Poor (FEDUP).</p> <p>Address: Unit 7, Campground Centre, Durban Road, Mowbray 7705, Cape Town, South Africa Tel: 021 689 9408 Fax: 021 689 3912 E-mail: sdi@courc.co.za</p>
Development Workshop (DW) (Angola)	<p>Programmes include shelter, peri-urban upgrading, water supply and sanitation, microfinance and small enterprise development.</p> <p>Address: C. P. 3360 · Luanda, Rua Rei Katyavala 113 Luanda, Angola Tel: (+ 244 2) 44 83 66 / 71 / 77 Fax: (+244 2) 44 94 94 Email: dwang@angonet.org</p>
Enda Third World (Enda Tiers Monde)	<p>International organisation with diplomatic status based in Dakar, Senegal. The organisation consists of a group of teams and programmes working in synergy. Enda Third World is also a network of decentralised nodes worldwide.</p> <p>Address: B P 3370 DAKAR (Senegal) Tel: +221 822 21 25 / +221 822 42 29/ +221 842 82 50 Fax: +221 822 26 95 E-mail: se@enda.sn Website: www.enda.sn</p>

Name of organisation	Description and contact information
International Network for Economic and Social Rights (ESCR-Net)	<p>ESCR-Net seeks to strengthen economic, social and cultural rights by working with organisations and activists worldwide to facilitate mutual learning and strategy sharing, develop new tools and resources, engage in advocacy, and provide information-sharing and networking.</p> <p>Address: 211 East 43rd Street, #906 New York, NY 10017, USA Tel: +1 212.681.1236 Fax +1 212.681.1241 Email: info@escr-net.org Website: www.escr-net.org</p>
Global Campaign on Urban Governance, Global Campaign for Secure Tenure	<p>Address: Campaign Secretariat, UN-HABITAT P.O. Box 30030, Nairobi, Kenya Tel: +254-20-7624244 Fax: +254-20-7624265 E-mail: gcst@unhabitat.org Website: www.unhabitat.org/categories.asp?catid=24</p>
Habitat International Coalition (HIC)	<p>HIC is an independent, international, non-profit alliance of some 400 organisations and individuals working in the area of human settlements. A shared set of objectives bind and shape HIC's commitment to communities working to secure housing and improve their habitat conditions.</p> <p>Addresses: Mazingira Institute (Anglophone) P.O. Box 14550 Nairobi, Kenya Tel: 254 20 4443219 /26 /29, Fax: 254 20 4444 643 Environnement et Développement du Tiers-Monde (ENDA-RUP) (Francophone) Rue Carnot 54, B.P. 3370 Dakar, Senegal Tel: +22-1-822 0942 Fax: +22-1-823 5157</p>

Name of organisation	Description and contact information
<p>Hakijamii Trust</p>	<p>Hakijamii Trust has carried out extensive work on housing rights and evictions and facilitates participation of communities in urban and human rights projects. Hakijamii Trust is a member of ESCR-Net.</p> <p>Address: Economic and Social Rights Centre Golfcourse Commercial Centre Kenyatta Market, P.O.Box 11356,00100 Nairobi Tel: +254-020-2731667 Fax: +254-020-2726023 email: esrc@hakijamii.com</p>
<p>Homeless International</p>	<p>Homeless International is a UK charity that supports community-led housing and infrastructure related development in partnership with local partner organisations in Asia, Africa and Latin America. The initiatives are all led, developed and managed by the local community groups themselves. It supports partners through long term development initiatives, carries out research, provides technical support, shares information and seeks to influence policy. It also helps to increase access to finance for the poor through the Guarantee Fund, CLIFF and the Africa Bond. For partners in African countries: see website.</p> <p>Address: Queens House, 16 Queens Road Coventry, CV1 3DF, UK Tel: + 44 (0) 24 7663 2802 Fax: + 44 (0) 24 7663 2911 Website: www.homeless-international.org</p>
<p>Social and Economic Rights Action Center (SERAC), Nigeria</p>	<p>SERAC monitors a range of human rights issues and works with community members to understand and defend their rights as citizens in Nigeria. It has done extensive work on housing rights and evictions and operates a Social Housing Project.</p> <p>Address: 1A Ade Ajayi Street, Off Hakeem Ajala Street, Ogudu GRA Lagos, Nigeria Email: info@serac.org; seracnig@aol.com; serac@linkserve.com.ng Tel: +234.1.764.6299; +234.1.496.8605; +234.1.555.9457 Fax: +234.1.496.8606</p>

Name of organisation	Description and contact information
<p>International Institute for Environment and Development (IIED)</p>	<p>IIED is a non-governmental international policy research institute promoting more sustainable and equitable global development. It works with many key development actors including smallholder farmers, city slum-dwellers, national governments, NGOs, global institutions and international processes.</p> <p>Address:</p> <p>Head office: 3 Endsleigh Street London, England, WC1H 0DD Tel: +44 (0) 20 7388-2117 Fax: +44 (0)20 7388-2826 Email: info@iied.org Website: www.iied.org</p> <p>Senegal Office: BP 5579, Dakar, Senegal Tel: +221 867-10-58 Fax: + 221 221 867-10-59 Email: iiedsen@sentoo.sn Website: www.iiedsahel.org</p>
<p>Shack / Slum Dwellers International (SDI)</p>	<p>SDI started in about 1990 in India and South Africa. SDI helps local groups to develop their own housing solutions, including through savings schemes and skills sharing. By 2006 it was a network of 24 urban poor federations in India, Africa and South America. “The centrepiece of all these strategies is a commitment to engage formal institutions, especially the local State, in dialogue and negotiation. The objective has always been to broker deals in ways that secure tenure and provide decent housing for vulnerable and marginalised households and to do so in such a way that precedents are set, institutionalised, and scaled up.” (SDI website)</p> <p>Address: P.O. Box 14038, Mowbray 7705 Cape Town, South Africa Tel: + 27 21 689 9408 Fax: + 27 21 689 3912 Email: sdi@courc.oo.za</p>

Name of organisation	Description and contact information
<p>Society for the Promotion of Area Resource Centres (SPARC)</p>	<p>SPARC is an Indian NGO that supports two people's movements - the National Slum Dwellers Federation (NSDF) and Mahila Milan (MM). NSDF and MM organise hundreds of thousands of slum dwellers and pavement dwellers to address issues related to urban poverty, and collectively produce solutions for affordable housing and sanitation. SPARC's website contains detailed explanations of its activities.</p> <p>Address: 2nd floor, Khetwadi Municipal School Building, 1st Lane, Khetwadi, Near Alankar Cinema, Girgaum, Mumbai - 400004 Tel: +91 22 23865053/23858785 Fax: +91 22 23887566 Email: sparc@vsnl.in Website: www.sparcindia.org/</p>
<p>UN HABITAT'S Best Practices Database</p>	<p>This contains learning tools on many housing-related problems. Website: www.bestpractices.org/blpnet/BLP/learning/learning.htm</p>