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**Activities of the United Nations Human Settlements
Programme**

Activities of the United Nations Human Settlements Programme

Report of the Executive Director

Addendum

**UN-Habitat commitment to the human rights-based approach to
development**

Summary

UN-Habitat has a history of promoting respect for human rights. This is most clearly reflected in the human rights orientation of the 1996 Habitat Agenda and the global campaigns on secure tenure and urban governance, its experience of dealing with major cases of forced eviction and its collaboration with the Office of the High Commissioner for Human Rights.

UN-Habitat has a responsibility to assist Governments to respect, fulfil and protect human rights and, in particular, the right to adequate housing and the right to safe water and sanitation. This is supplemented by the responsibility common to all United Nations entities to support the elimination of discrimination against women, which is particularly relevant to UN-Habitat in terms of endorsing women's housing, land and property rights. These specific rights, which are progressive in their realization, need to be backed by generalized rights primarily relating to the empowerment of vulnerable groups, non-discrimination, participation and accountability.

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I. Introduction

1. UN-Habitat has a history of promoting respect for human rights. This is most clearly reflected in the rights orientation of the 1996 Habitat Agenda and the global campaigns on secure tenure and urban governance, its experience of dealing with major cases of forced eviction and its collaboration with the Office of the High Commissioner for Human Rights.
2. UN-Habitat sought to give additional prominence to human rights in general, and forced evictions in particular, through the establishment of the Advisory Group on Forced Evictions in 2004. Unfortunately, the Group faced certain insurmountable challenges that affected its capacity to meet expectations. Once the Group's mandate expired, UN-Habitat seized the opportunity to review its stance on human rights. As a consequence, the Executive Director of UN-Habitat made a decision to introduce human rights as one of the four cross-cutting elements in the strategic plan for 2014 and beyond, and to reconsider arrangements for an advisory entity.
3. Human rights have been reaffirmed by the current and former Secretaries-General of the United Nations as central to the mandate and mission of the United Nations as a whole. Guidance has been prepared on a human rights-based approach in the form of a common understanding on human rights endorsed by all United Nations entities, and the Office of the High Commissioner for Human Rights has also published authoritative guidance on a human rights-based approach for the use of United Nations entities. Donor Governments, which fund human rights-based approach initiatives, have by and large made human rights the cornerstone of their development assistance policies.

II. Analysis of a human rights-based approach to development

4. Despite the legitimacy of a human rights-based approach having been affirmed within the United Nations system, there are a number of challenges for UN-Habitat in adopting such an approach. Remedies for breaches of human rights normally rest with the legal system, but not all failures are easily justiciable or legal remedies enforced. Furthermore, reliance on the legal system, besides being expensive and time-consuming, may have limited development possibilities in the sense of significantly expanding the enjoyment of human rights.
5. Nevertheless, the advantages of a human rights-based approach can outweigh the disadvantages, not least because the entrenching of urban human rights in international law gives them a status and authority that they would otherwise lack. Increasing levels of accountability of State parties to international review mechanisms serves to reinforce the persuasive power of rights.
6. Furthermore, a human rights-based approach, with its emphasis on empowering not only claimholders to assert their rights but also duty-bearers to fulfil their role, opens the door to additional levers of influence for UN-Habitat to make its development support to countries a success. It also equips UN-Habitat to address urban inequality and exclusion in a more fundamental way than previously by putting power relationships at the heart of its analyses and focusing its actions on the empowerment of marginalized groups. It provides an opportunity for UN-Habitat to participate more deeply in "Delivering as one" at the country level.

III. Strategy for the implementation of a human rights-based approach to development

7. For a human rights-based approach to be successful in UN-Habitat, it will have to be mainstreamed in all the Programme's activities. It will need to be given dedicated success criteria, networked through a system of focal points, subjected to consistent monitoring and evaluation, backed by suitable budgets and staffing, and above all receive consistent and unstinting support from senior management. A dedicated unit should spearhead mainstreaming.
8. The watchword for the application of a human rights-based approach should be implementation, which must be concretized at field level. The adoption of a human rights-based approach will entail the refashioning of relationships between UN-Habitat and certain governments and changes in its interactions with existing partners and ways of working with new partners.
9. Urban planning will be an important tool for implementing a human rights-based approach, as will modernized urban legislation and new approaches to land and land tenure. Urban human rights can be successfully pursued through national urban plans and policies and Habitat country programme documents. A thorough training programme for staff on a human rights-based approach will be essential, and it must accord high priority to the needs of field staff.

10. The further conceptual development of the “Right to the city” will be an important feature of a future work programme consisting of, at the very minimum, the codification of existing urban human rights, the further development of minimum essential levels for such urban rights, and possibly working with a view to establishing a legal basis for the right to land.

IV. Key initiatives

11. Given the complexity and novelty of a human rights-based approach within UN-Habitat, the establishment of a human rights advisory group is proposed. The advisory group would bring human rights issues to the attention of the Executive Director and senior management and provide advice thereon, including on human rights policies, strategies, programmes and projects, and facilitate relevant strategic alliances. The group would address human rights in general, while a subcommittee, or “intake group”, would tackle the specific issue of forced evictions. The membership of the advisory group would be selected by the Executive Director for a specific term with no security of tenure.

12. Other initiatives currently underway in the context of a human-rights approach include the preparation of a programme document, the elaboration of a public policy statement, the preparation of guidance notes for UN-Habitat staff and a catalogue of good practices. A training programme will need to be prepared as a matter of priority and the development of indicators, success criteria and human rights based-approach compliance procedures are a must. Lastly, UN-Habitat will deepen its engagement in the development of post-2015 development goals, which are likely to have a strong human rights component.
