



UN-HABITAT

GLOBAL REPORT ON HUMAN SETTLEMENTS 2007



SOLUTIONS³
at a glance

Solutions³ : Securing tenure and ending forced evictions

As the main agency within the UN system working on human settlements issues, UN-HABITAT is committed to the goals of enhancing tenure security and ending forced evictions. To this end UN-HABITAT is involved in a number of initiatives to influence actors at international, national and local levels.

- **The Global Campaign for Secure Tenure** focuses on achieving slum upgrading through negotiation, not eviction; and monitoring forced evictions and advancing tenure rights.
- **The Advisory Group on Forced Evictions** reports directly to the executive director of UN-HABITAT and provides advice on alternatives to forced evictions.
- **The United Nations Housing Rights Programme** seeks to support efforts by governments, civil society and national human rights institutions towards the full and progressive realization of the right to adequate housing. Since its inception, the programme has focused on developing a set of housing rights indicators to facilitate monitoring and evaluating progress in achieving housing rights.
- **The Global Land Tool Network** seeks to increase global knowledge, awareness and tools to support pro-poor and gender-sensitive land management.
- **The Development Partners Group on Land in Kenya** brings together the government, bilateral donors, and a range of United Nations and civil society organizations for the purpose of developing a common approach to some of the most challenging land-related issues in Kenya.

Enhancing Urban Security and Safety: Global Report on Human Settlements 2007 reviews these and a number of other initiatives on how to achieve the goal of security of tenure for all. The main recommendations of the report are that:

- **Evictions should be avoided wherever possible.** When evictions are being considered, it is essential that all alternatives are considered before any action is taken. Such evictions should only be carried out in accordance with the law, and should never result in individuals being rendered homeless or vulnerable to the violation of other human rights. Under no circumstance should evictions be undertaken without acceptable relocation sites being identified in close cooperation with the evictees.
- **A global moratorium on forced evictions.** Under international law, forced evictions are regarded as *prima facie* violations of human rights. Despite this, the vast majority of forced evictions carried out in the world are in breach of international law. The declaration of a global moratorium on forced evictions could be an effective first step towards addressing this recurrent violation of human rights.
- **Apply international criminal law to violations of housing, land and property rights.** If such rights are to be taken seriously, there should be strong legal grounds on which to discourage the impunity almost invariably enjoyed by violators of these rights. All of those who advocate ethnic cleansing, those who sanction violent and illegal forced evictions, those who call for laws and policies that clearly result in homelessness, or those who fail to end systematic discrimination against women in the land and housing sphere – and all of those promoting such violations – should be held accountable.

- **Collect and disseminate relevant data.** States must fulfil their obligations under international law with respect to the collection and dissemination of information regarding the scale and scope of tenure insecurity, forced evictions and homelessness.
- **Avoid all forms of discrimination.** Interventions addressing the issue of security of tenure should always ensure that the requirements of all groups are adequately addressed. In essence, it is essential to prevent any detrimental discrimination with respect to housing, land and property. For example, land titles should be issued equally to both men and women. Similarly, slum upgrading programmes should consult with and consider the needs of both ‘owners’, tenants and sub-tenants.
- **Housing and urban policies should be based on international law.** When developing housing and urban policies, it is essential that governments adopt a framework based on housing, land and property rights, as elaborated in international law. Such a framework should take cognisance of the fact that there is a whole range of tenure types which may offer increased security of tenure to the urban poor. In some cases, perceived security of tenure may even be improved simply through the provision of basic services and infrastructure. Perhaps the most important component of improving the security of tenure in informal settlements and slums is that governments at all levels should accept the residents of such settlements as equal citizens, with the same rights and responsibilities as other urban dwellers.

A framework for developing housing, land and property (HLP) rights-based housing and urban policies

Goal	Steps
1 Prevent any detrimental discrimination with respect to housing	<ul style="list-style-type: none"> ■ Prohibit all forms of housing discrimination in law. ■ Strictly enforce such provisions with respect to tenancy and sale agreements. ■ Prevent any actual or perceived attempt at neighbourhood segregation.
2 Increase the scale of enjoyment of the right to security of tenure	<ul style="list-style-type: none"> ■ Develop quick and affordable measures for conferring title to slums and popular settlements currently without security of tenure. ■ Make public commitments to allow existing communities to continue to exist. ■ Expand national land and housing registration systems to allow for the inclusion of new tenure rights of the poor.
3 Ensure affordable housing to all	<ul style="list-style-type: none"> ■ Introduce or expand housing subsidy programmes to ensure that low-income groups are not forced to spend a disproportionate percentage of their income on satisfying housing requirements. ■ Develop rent regulation policies to protect low-income groups against unreasonable rent increases that they cannot afford.
4 Increase public expenditure on low-income housing programmes	<ul style="list-style-type: none"> ■ Ensure that public expenditure is commensurate to national housing requirements. ■ Ensure that a reasonable portion of international development assistance, as appropriate, is earmarked for housing construction or improvements.
5 Identify and allocate affordable land for low-income housing settlements	<ul style="list-style-type: none"> ■ Set annual benchmarks for identifying land for eventual use and/or allocation to low-income groups. ■ Develop longer-term plans for land allocation and distribution (particularly of state land) with a view to accurately addressing future housing needs.
6 Cease arbitrary forced evictions and other displacements	<ul style="list-style-type: none"> ■ Prohibit, in law, the practice of arbitrary forced evictions and other displacement. ■ Rescind any existing eviction plans. ■ Provide restitution and/or compensation to individuals subjected to arbitrary forced evictions or displacement in the past.
7 Provide infrastructure to existing low-income settlements	<ul style="list-style-type: none"> ■ Allocate sufficient public funds to providing infrastructure, including roads, water and sanitation systems, drainage, lighting and emergency life-saving systems. ■ Provide subsidies and/or incentives to the private sector to provide relevant infrastructure and services.
8 Encourage the formation of community-based organizations	<ul style="list-style-type: none"> ■ Promote community organizing as a key means of neighbourhood and housing improvement. ■ Protect the rights of community-based organizations to act in a manner that they deem fit to achieve improvements in housing and neighbourhood living conditions.
9 Promote housing finance programmes for the poor	<ul style="list-style-type: none"> ■ Provide assistance to low-income groups and encourage them to develop self-controlled housing finance and savings programmes.
10 Ensure the protection of all women's rights	<ul style="list-style-type: none"> ■ Ensure that women's rights to inherit housing, land and property are fully respected.
11 Promote special programmes for groups with special needs	<ul style="list-style-type: none"> ■ Develop special housing policies for vulnerable and other groups with particular housing needs, including the disabled, the elderly, minorities, indigenous peoples, children and others.
12 Provide stimulants to the private sector to construct low-income housing	<ul style="list-style-type: none"> ■ Develop tax credit programmes and other stimulants for the private sector to encourage the construction of low-income housing.

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