

Mandate of 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 in this context

Questionnaire

Informal settlements and human rights

The Special Rapporteur on the right to adequate housing has decided to devote her forthcoming report to the General Assembly to the issue of informal settlements and human rights.

A. Background

It is estimated that one quarter of the world's urban population lives in informal settlements.¹ Informal settlements exist in nearly all regions and countries, including in highly developed countries.

Informal settlements can be defined as residential areas where inhabitants have no formal ownership or lease agreement vis-à-vis the land and/or dwellings they inhabit. Modalities include homeless encampments, squatting in abandoned buildings, living in informal rental housing or in long established communities without formal title. Shelter is frequently constructed by hand out of any available materials, but may take many other forms, such as cars, boats, containers or other shelter. Some informal settlements have been built over many years in brick and mortar, but the actual neighbourhood is not fully legalised. Informal communities usually lack basic services such as water and sanitation, and infrastructure and the housing may not comply with current planning and building regulations.

Informal settlements often expose individuals to the most extreme and degrading living conditions and are often located in the most hazardous areas. At the same time, they often represent significant accomplishments in community empowerment and self-governance, fostering vibrant centres of culture, community and economies. This duality creates a space where survival and resilience dominate the daily experience.

Residents of informal settlements often belong to marginalized groups, having faced exclusion and discrimination compounded by their housing status. The failure of States to address living conditions in informal settlements creates multiple threats to life, dignity and security. Residents of informal settlements often live under a persistent threat of forced eviction.

States have committed under Goal 11 of Agenda 2030 for Sustainable Development to upgrade all informal settlements and ensure adequate housing for all by 2030. A human rights framework will be essential to meeting this commitment so as to both address the structural factors that force people into informality while recognizing and building on

¹ See UN Habitat III Issue Papers – 22 - Informal Settlements, New York, 31 May 2015, p. 3

the accomplishments and capacities of informal settlement communities. A human rights framework prevents forced evictions and ensures that where relocation to alternative land and housing is unavoidable or is the preferred option of residents, it is planned and implemented with genuine consultation and participation, ensuring the dignity and rights of those affected.

The report on the right to adequate housing and informal settlements will be the first of its kind by a Special Rapporteur of the United Nations. In her report the Special Rapporteur on the right to adequate housing will provide clear guidelines to States and other actors on the challenges that lead to informality, including migration, colonization, urbanization, financialization and social exclusion. It will explain how a human rights-based approach is fundamental to meeting the commitments made in the 2030 Agenda for Sustainable Development and the New Urban Agenda.

In her report, the Special Rapporteur will highlight creative uses of legal mechanisms, new approaches to ownership, tenure and planning as well as innovative legislative and programmatic initiatives. It will identify good practices in diverse settings.

B. Questions

For the elaboration of her report the Special Rapporteur would be grateful to receive responses to the following questions.

1. Please provide statistical data on the numbers of people living in informal settlements, clarifying the definitions used and including disaggregated data by relevant characteristics (gender, disability, age, etc.) where available. Provide estimates of the number of households renting within informal settlements.

The Office of the Commissioner for Fundamental Rights has no data on the number of inhabitants in informal settlements. No uniform database is available for the social care experts on the number of the clients of the homeless support organizations that are active in the capital city and in the individual regions, either. The explanation for this is that in Hungary, there are more than ten professional organizations that provide social care (mainly, civil society organizations and church organizations) that are responsible for this group of the needy and each organization uses their own client administration system.

At the same time, the Budapest-based Menhely Alapítvány (Shelter Foundation) has tried to assess the number of persons in informal settlements or those receiving homeless care for as many as 20 years now. This survey is done on February 3 every year, by using a questionnaire based on self-statements and by involving social workers. Several statistical data are recorded in this survey, which are processed each year by an expert group but these figures only include those persons who are in contact with shelters for the homeless or street care services. During the last data recording in 2018, some 10,000 persons were registered as ones living in homeless shelters and appr. 4,000 persons as citizens living in public space. 43% of these people have some kind of serious, chronic disease, every 5th of them was raised in state foster care and every 5th person has a kind of addiction that prevents them from living in housing circumstances accepted by society.

According to the findings of the survey, 26% of the Hungarian homeless are women, and those who live in public space, or in non-residential areas in the same

category, such as in forests or places that are difficult to reach, are mostly aged between 40 and 49 years.

Further data:

<https://www.bmszki.hu/index.php/hu/februar-harmadika-munkacsoport/eves-adatfelvetelek>

2. Please provide information on access to water, sanitation, electricity and other services, including availability and costs. Also refer to any relevant qualitative studies or documentation of the lived experiences of residents.

The Ombudsman has no data on this question.

However, housing poverty affects a lot more people than just those who are actually homeless. [The latest report compiled by Habitat for Humanity](#) suggests that in 2015, as many as 840 thousand people were struggling with serious payment problems, nearly 100 thousand consumers were disconnected from electricity, gas supply or district heating, there were 140 thousand mortgage debtors with payment defaults exceeding 90 days, 41.1% of the Hungarian population lives in overcrowded apartments and almost 100 thousand people do not have official residential addresses.

3. Please provide information and data on environmental, health or security concerns and experiences, including violence against women, affecting residents in informal settlements. Please include disaggregated health statistics, including life expectancy, mortality and any data on injuries or fatalities of residents of informal settlements as compared to the general population.

The Ombudsman has no data on this question.

At the same time, there is a possibility in the health care documentation of the persons who use Hungarian health care services for registering poor housing conditions by applying an independent ICD code (the International Statistical Classification of Diseases and Related Health Problems) as a factor suggesting that a person is “exposed to a potential health risk posed by socio-economic and psycho-social circumstances” (Z58- Z60).

According to the BNO codes applied in Hungary, the health care records may contain data on poor housing conditions:

Z58 Problems related to physical environment

- Z58.0 Exposure to noise
- Z58.1 Exposure to air pollution
- Z58.2 Exposure to water pollution
- Z58.3 Exposure to soil pollution
- Z58.4 Exposure to radiation
- Z58.5 Exposure to other pollution
- Z58.6 Inadequate drinking water supply
- Z58.8 Other problems related to physical environment
- Z58.9 Problem related to physical environment, unspecified

Z59 Problems related to housing and economic circumstances

- Z59.0 Homelessness
- Z59.1 Inadequate housing
- Z59.2 Discord with neighbors, lodgers and landlord
- Z59.3 Problem related to living in residential institution

- **Z59.4 Lack of adequate food and safe drinking water**
- **Z59.5 Extreme poverty**
- **Z59.6 Low income**
- **Z59.7 Insufficient social insurance and welfare support**
- **Z59.8 Other problems related to housing and economic circumstances**
- **Z59.9 Problem related to housing and economic circumstances, unspecified**

Z60 Problems related to social environment

- **Z60.0 Problems of adjustment to life-cycle transitions**
- **Z60.1 Inadequate parenting conditions**
- **Z60.2 Problems related to living alone**
- **Z60.3 Acculturation difficulty**
- **Z60.4 Social exclusion and rejection**
- **Z60.5 Target of (perceived) adverse discrimination and persecution**
- **Z60.8 Other problems related to social environment**
- **Z60.9 Problem related to social environment, unspecified**

There are no specific records of the health care data of the persons living in informal settlements but you can obtain information on the general health status of the Hungarian homeless from the following report:

www.feantsa.org/download/hun_health_report-25357482209960834631.pdf

4. What goals and timelines have been adopted to ensure that all informal settlements will be upgraded to meet the standard of adequate housing by 2030? Please provide information on plans, upgrading/resettlement policies and whether these plans include human rights standards. Please also explain how responsibilities have been allocated to different levels of government.

The Commissioner for Fundamental Rights has no data on this question, however, the Ministry of Human Capacities has a strategy for the management of slum-type housing for the period between 2014 and 2020, which you can find in government decree No. 1686/2015. (IX. 25.).

According to this strategy, the complex management of the housing situation of the backward parts of settlements should be implemented in line with the targets set out in the Local Equal Opportunities Programs (Hungarian acronym: HEP). HEP is an equal opportunity-oriented development program of the settlements, an organic part of which is the part concerning slums.

The general goals of the strategy are to eradicate those slums which are often hardly suitable for human living and in certain cases, the rehabilitation of these slums, the connection of the settlements into the network of communities, as well as the definition of the targeted policy targets and contents up to 2020, by fully taking the individual circumstances into account.

The first slum census following the change of the political system in Hungary in 1989 took place according to government decree No. 1093/1997 and it was managed by the Ministry of Environmental Protection and Regional Development. In the survey, *a slum meant those settlement parts consisting of at least four apartments where the flats have a lower degree of convenience, lower quality, a higher density of tenants, as well as a location detrimental to health, and which were thus negatively different from the typical residential environment of the settlement.* Some sections of the questionnaires were completed by the municipalities of the settlements, while the others were filled out by the county-level regional development councils. The survey was also conducted on a national level (it did not

concern Budapest, though) but the data were finally analyzed for 12 counties, and it was only the number of ghettos that the report mentioned in a national aggregation. During the census, as many as 540 Roma ghettos were found in a total of 406 settlements in the 19 counties of Hungary, where the number of inhabitants was almost 100,000. One of the most significant deficiencies of the survey is that it does not contain any meaningful information on the nature of the buildings and the slums.

In the period that followed, the assessment of the slums, as well as urging interventions concerning the slums still remained on the agenda, without any major stride forward. Around the turn of the millennium, several censuses were conducted, which also had a major public health aspect, i.e. they also contained questions regarding what public health issues were typical in the slums, what kind of tools were deployed for solving these, what the level of the infrastructural development and the housing conditions of the inhabitants of the slums were like.

The classification of the different types of slums, which are also historically defined, was first focused on by the “Housing and Social Integration Model Program for those Living in Roma Slums”, which program was launched in 2005. The survey conducted by Gábor Havas and Péter Szuhay counted 7-800 slums, while the research project carried out by Gábor Havas in 2004 already mentioned as many as almost one hundred small settlements that were transforming into ghettos.

The manual of the program describes the characteristic features of the individual types of slums as follows:

1. Continuously growing “wild slums” established next to or near the communities:

Infrastructure is fully or partially missing, mostly one-room makeshift residential buildings make up these settlements, where the buildings are more similar to pens, hovels or huts.

2. Previous manor properties, workers’ colonies far from the settlements (mines, brick factories, etc.)

These were previously characterized by the unity of workplace and the place of residence, accordingly, these counted as places with a relatively higher status. As jobs were lost, the majority of the original inhabitants moved out and their place was taken by marginalizing groups and that part of the population which came to be squeezed out from the neighboring settlements. The ownership of the residential buildings is often not clear and this involves a fast deterioration of the condition of the buildings. By now, these slums are characterized by a strong isolation in space, as well as deficient infrastructure, since all the public institutions and stores have been closed down here, transport got worse, and the lack of production undervalued those who remained or moved here (many of whom are squatters).

3. Slums that remained from the past, which were not eradicated under the 1965 decree that supplemented the communist party decision of 1961

A complex of residential buildings looking like those of cottars, i.e. poor peasants, which were built of an irregular pattern in irregular plots, mainly prior to 1945, mainly on the edge of the settlements, in a pasture, a waterlogged area, or at the very bottom of a forest, or on the top of a hill. There are no waterpipes, sewage system or gas here, the only thing that is available is electricity, and the roads are dusty too.

4. Slums built from family or social welfare support after 1965, which were originally not meant to be slums

A complex of buildings erected in narrow plots, according to uniform designs, in poor quality, with a reduced level of convenience, many times unfinished, largely lagging behind contemporary norms, taste and trends. These slums, even if they are regular according to the intentions of their designers, are located on the edge of the settlements, isolated, they are built on poor quality soil, with an infrastructure worse than that of the settlement as a whole (solid road surfaces, as well as sewage, water and gas pipes often missing). Very often, there are buildings of poorer quality adjoining the original complex of buildings, many times approximating the standards of the wild slums.

5. Urban ghettos

5.1. Workers' colonies turning into slums, slums of social houses

Uniform and simple buildings erected near one-time factories and railway hubs, or apartments built especially for poor families, isolated from the rest of the settlement

5.2. Deteriorating districts transforming into ghettos

The higher status inhabitants of the one-time social houses move to more modern flats and green belts from their previous social apartments. The social houses will be used by families of ever decreasing status.

6. Segregating villages

One-time farming villages built on hills or in lands that are not suitable for agricultural production for other reasons, located in places lacking good traffic connections, in isolated regions, from which strong migration started in the 1960's and 1970's due to the formation of agricultural cooperatives and discriminative settlement policies. The houses that became vacant gradually came to be used by poor families by relying on the credit scheme specifically elaborated for this purpose, in accordance with the pace of outward migration and this is how the affected settlements have become and are becoming ghettos.

The expert typology does not contain one category which has by now also become a housing problem to be resolved: the homes of impoverished families squeezed out into the holiday houses and closed gardens located in the non-residential areas of settlements.

5. What are the primary reasons for people living in informal settlements? (eg. rapid urbanization, gap between housing costs and income; loss of ancestral land; internal displacement; immigration; lack of titled land; etc). Please refer to relevant research or reports.

The Commissioner for Fundamental Rights has no data on this question.

The Hungarian research projects on this subject are as follows:

<https://menhely.hu/download.php?f=downloads/tankonyv/tankonyv.pdf>

<https://vigilia.hu/regihonlap/2008/6/feher.htm>

6. What laws are in place to protect and ensure the rights of residents of informal settlements, before, during and after any upgrading, if it takes place? Have these laws been effective? Please provide references to any important court decisions.

During his official activities, the Ombudsman conducted several inquiries into such cases where the local government of a settlement meant to liquidate the illegally erected hovel types of buildings in its area or in a public area, which were usually built by homeless persons in green areas or forests in areas owned by the municipality.

In one of these cases, supported by the group called A Város Mindenkié (The City is for All, AVM) and the Legal Defense Bureau for National and Ethnic Minorities (Hungarian acronym: NEKI), a civil case was launched by those homeless people who were unlawfully evicted by the Zugló (Budapest, 14th district) municipality in October 2011. The hovels built by those habitually residing in the area owned by MÁV Zrt in the junction of Francia út and Egressy út in the 14th district of Budapest were destroyed by the district municipality in an inhumane manner, in violation of all the procedural rules, without an appropriate notice. The persons thus outlawed sued the municipality and they claimed that the court establish that the right to their human dignity and the statutory obligation of equal treatment were violated.

On October 16, 2014, the Budapest Court of Appeal adopted a binding judgment and established that the human dignity and the rights to equal treatment of the persons living in the hovel had been violated by the Zugló municipality when they bulldozed their homes without an official procedure and an official written notice. In its judgment, the court obliged the municipality to express its apology to the persons evicted unlawfully in a written form, and the local government was also obliged to pay a compensation amount of 500 thousand Forints (plus interests) to each of the six claimants.

7. Please provide, if applicable, information on international development assistance received for projects and programmes related to informal settlements. To what extent are these projects implemented within a human rights framework and linked to the achievement of the 2030 Agenda targets?

The Commissioner for Fundamental Rights has no data on this question.

8. Please provide information about successful upgrading or resettlement projects or experiences that could provide good practices elsewhere. Please also share lessons learned from unsuccessful projects or approaches.

The Commissioner for Fundamental Rights has no data on this question but e.g. the following civil society organization may provide you with information:

<http://www.habitat.hu/lezarult-projektek-programok>

C. Timelines and submissions

The report will be presented to the 73rd session of the General Assembly in October 2018. The Special Rapporteur on the right to adequate housing welcomes responses and submissions of relevant reports or studies by **15 May 2018**. Submissions can be sent to srhousing@ohchr.org (cc: registry@ohchr.org).

In order to facilitate processing of the information, submissions in English, French or Spanish are appreciated. If not requested otherwise, responses and submissions received will be published on the website of the Special Rapporteur.

Please do not hesitate to contact Gunnar Theissen (gtheissen@ohchr.org) Tel: +41-22-917 9321 at the Office of the United Nations High Commissioner for Human Rights, should you have any further questions.

