

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 the

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

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.
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.
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.
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.
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.

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.

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?

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.

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.