



HOUSING AND LAND RIGHTS NETWORK Habitat International Coalition

The Habitat Agenda Commitments on Displaced, Migrants and Refugees

This reference paper reviews the **specific principles and commitments** that States adopted in the Habitat Agenda¹ at the United Nations Conference on Human Settlements (Habitat II), held in Istanbul in 1996, to assist in their reconsideration before adoption of the new Agenda at the United Nations Conference on Human Settlements (Habitat III), to be held in Quito in October 2016.

For the Habitat III process and outcomes to be credible, it is crucial to assess implementation of the commitments of Habitat II, as promised in Habitat Agenda's section "G. Assessing Progress." Many of those commitments also remain the essential core for any new global agenda.

At the heart of the Habitat II achievements were: (1) an affirmation of the centrality of human rights, in particular the progressive realization of the human right to adequate housing in human settlements and (2) recognition of the principles of good governance in balanced rural and urban development. Those two pillars of the Habitat II Agenda are reflected in the Istanbul Declaration and Habitat II Agenda.

The commitments relating **displaced, migrants and refugees** are to be understood within the concept of human habitat, a concept the two relevant bi-decennial global policies established, first at Vancouver in 1976 (Habitat I) and, secondly, at Istanbul (Habitat II) in 1996. At Habitat II (1996), states, including their various spheres of government, committed to principles and actions over the ensuing 20 years. Concerning displaced, migrants and refugees, the Habitat Agenda recognizes in the preamble that:

"In the case of international migration, migrants have needs for housing and basic services, education, employment and social integration without a loss of cultural identity, and they are to be given adequate protection and attention within host countries"; (H2:8)

And

"The rapidly increasing number of displaced persons, including refugees, other displaced persons in need of international protection and internally displaced persons, as a result of natural and human-made disasters in many regions of the world, is aggravating the shelter crisis, highlighting the need for a speedy solution to the problem on a durable basis"; (H2:12)

The Habitat II principles, commitments and action strategies related to **human displacement** are reproduced in the following sections. As mentioned above, these form criteria for the indispensable evaluation of Habitat II's implementation by governments and development agencies, in particular, UN-Habitat. These reminders serve further as the minimum elements upon which to build a new Habitat Agenda, which we expect to address the new challenges facing human settlements in the 21st Century,

¹ United Nations , Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul (Turkey) 3-14 June 1996, Consulted on March 2016 [on line]: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G96/025/00/PDF/G9602500.pdf?OpenElement>

with States and development actors committing to more-progressive development and far more-diligent implementation.

The document provides as well a list of the relevant obligations concerning displacement, migration and asylum that States have assumed in the Habitat agenda and the intervening period since Habitat II, jointly with other relevant documents forming part of the current minimum norms for human settlements development, administration and governance from a human displacement perspective.

Habitat II Goals and Principles

Equitable human settlements are those in which all people, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, have equal access to housing, infrastructure, health services, adequate food and water, education and open spaces. In addition, such human settlements provide equal opportunity for a productive and freely chosen livelihood; equal access to economic resources, including the right to inheritance, the ownership of land and other property, credit, natural resources and appropriate technologies; equal opportunity for personal, spiritual, religious, cultural and social development; equal opportunity for participation in public decision-making; equal rights and obligations with regard to the conservation and use of natural and cultural resources; and equal access to mechanisms to ensure that rights are not violated; (H2:27)

Solidarity with those belonging to disadvantaged and vulnerable groups, including people living in poverty, as well as tolerance, non-discrimination and cooperation among all people, families and communities are foundations for social cohesion. Solidarity, cooperation and assistance should be enhanced by the international community as well as by States and all other relevant actors in response to the challenges of human settlements development. The international community and Governments at all appropriate levels are called upon to promote sound and effective policies and instruments, thereby strengthening cooperation among Governments and non-governmental organizations, as well as to mobilize complementary resources to meet these challenges; (H2:34)

Habitat II Commitments and actions

In implementing these (all) commitments, special attention should be given to the circumstances and needs of (...) refugees, displaced persons (...). special consideration should also be given to the needs of migrants; (38)

Adequate livelihood

Promoting access for all people to safe drinking water, sanitation and other basic services, facilities and amenities, especially for those belonging to vulnerable and disadvantaged groups; Promoting shelter and supporting basic services and facilities for education and health for the displaced persons who are survivors of family violence and people belonging to vulnerable and disadvantaged groups, including temporary shelter and basic services for refugees; (40c and l) (96h)

Providing continued international support to refugees in order to meet their needs and to assist in assuring them a just, durable solution in accordance with relevant United Nations resolutions and international law; (41) (119k) (202g)

Provide equal opportunities for a healthy and education, safe and productive life in harmony with nature and their cultural heritage and spiritual and cultural values, and which ensures economic and social development and environmental protection, thereby contributing to the achievement of national sustainable development goals; (...) Combat segregation and discriminatory and other exclusionary policies and practices; Identify and address adverse effects of policies and programmes on the human health or the environment (...); (42) (43a) (98d) (137e)

Age and gender-sensitive indicators, disaggregated data and appropriate data-collection methods must be developed and used to monitor the impact of human settlements policies and practices on cities and communities, with special and continuous attention to the situation of those belonging to disadvantaged and vulnerable groups; (51) (239)

Adopting policies aimed at making housing habitable, affordable and accessible (...) Shelter policies should respond to the diverse needs of those belonging to disadvantaged and vulnerable groups; (65) (71) (72g) (61civ, 97b)

Review and revise legal, fiscal and regulatory frameworks that act as barriers within the shelter sectors; (96a, 96c) Monitor the impact of macroeconomic policies on shelter delivery systems (...) Integrate land and shelter policies with policies for reducing poverty and creating jobs (...); (67 b, 67e)

Develop, as appropriate, shelter solutions and flexible instruments for the regulation of housing markets, including the rental market, taking into account the special needs of vulnerable groups; (72h) (97c)

To eradicate legal and social barriers to the equal and equitable access to land, especially those belonging to vulnerable groups, Governments at the appropriate levels (...): Address the cultural, ethnic, religious, social and disability-based causes that result in the creation of barriers that lead to segregation and exclusion; Develop regularization programmes and formulate and implement such programmes and projects in consultation with the concerned population and organized groups; (78 a and d)

Improve and ensure access by those belonging to vulnerable and disadvantaged groups to shelter, finance, infrastructure, basic social services, safety nets and decision-making processes within national and international enabling environments; (93) (97a)

Consider becoming parties to the relevant instruments of the United Nations system that (...), such as the 1951 Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees, the International Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (...) (96e) To strengthen the support for the international protection of and assistance to refugees, especially refugee women and children, who are particularly vulnerable; (95)

Promote systems of public transport that are affordable and accessible in order to make a wider range of housing and jobs available to vulnerable groups; (96f) (150)

Work with non-governmental organizations and community-based organizations to assist members of vulnerable groups to obtain secure tenure; (98a) Protect all people from and provide legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensure that, as appropriate, alternative suitable solutions are provided; (98b) Promote and support self-help housing programmes and initiatives; (98c) Facilitate actions aimed

at, inter alia, ensuring legal security of tenure, capacity-building and improving access to credit, which, apart from subsidies and other financial instruments, can provide safety nets that reduce vulnerability; (98e)

Facilitate the availability of legal information and assistance to vulnerable groups; (98g)

Promote the use of tools for disaster prevention, mitigation and preparedness in order to reduce the vulnerability of populations to natural, man-made and technological disasters; (98h) (174b)

Ensure that the particular needs of vulnerable groups are considered in all communications, rescue efforts, relocation, rehabilitation and reconstruction; encourage the International Committee of the Red Cross to take action in periods of armed conflict in order to reduce the suffering of the victims of conflicts and displaced persons; (176j and m)

To improve shelter delivery systems: review and adjust the legal, fiscal and regulatory framework to respond to the special needs of those belonging to vulnerable and disadvantaged groups; Periodically evaluate and, as necessary, revise policies and systems for financing shelter, taking into consideration the impact of such policies and systems on the environment, economic development and social welfare, especially their different effects on vulnerable and disadvantaged groups; (70 d and e) Strengthening financial and technical assistance for community-based development and self-help programmes, and strengthening cooperation among Governments at all levels, community organizations, cooperatives (...) with the aim of mobilizing local savings, promoting the creation of local financial networks, promoting socially responsible corporate investment and reinvestment in local communities, and increasing the availability of credit and market information to vulnerable and disadvantaged groups for shelter and human settlements development; (204q)

Improve policy dialogues and develop new initiatives to ensure that structural adjustment programmes promote adequate shelter for all and sustainable human settlements development, giving particular attention to people living in poverty and other vulnerable groups; (236b)

Participation and governance

Facilitate participation by tenants in the management of public and community-based housing and by those belonging to vulnerable and disadvantaged groups in the planning and implementation of urban and rural development; (45m)

Support, through legislation, incentives and other means, where appropriate, organizations of vulnerable and disadvantaged groups so that they may promote their interests and become involved in local and national economic, social and political decision-making and life of their community and country; (96b) (97d)

Provide vulnerable and disadvantaged groups with access to information and with opportunities to participate in the local decision-making process on community and shelter issues that will affect them; (96g) (98f)

Improve the planning and design of human settlements so as to respond specifically to the needs of vulnerable and disadvantaged people, especially people with disabilities; (124d)

Promoting equality and equity, incorporating gender considerations and the full and equal participation of women, and involving vulnerable and disadvantaged groups through institutional measures to ensure that their interests are represented in policy- and decision-making processes and through such techniques as advocacy training and seminars, including those that develop mediating and consensus-building skills that will facilitate effective networking and alliance formation; (182j)

Encourage international cooperation in order to address relevant impacts of international migration through, inter alia, technical assistance, management know-how and exchange of information; (202f)

Striving to ensure that structural adjustment programmes are consistent with the economic and social conditions, concerns, objectives and needs of each country, (...) and protect basic social programmes and expenditures, in particular those benefiting people living in poverty, women and vulnerable groups, from budget reductions; Promoting assistance for activities in the field of shelter and human settlements development in favour of people living in poverty, particularly vulnerable groups, such as refugees, internally displaced persons, through specific targeted grants; (204 d and y)

Governments as enabling partners should create and strengthen effective partnerships with vulnerable and disadvantaged groups; (213)

International Norms related to Displaced, migrants and refugees

The International normative frameworks cited in the Habitat Agenda:

- United Nations General Assembly (UNGA), [Charter of the United Nations](#), (1945)*;
- UNGA, [The Universal Declaration on Human Rights](#), A/RES/3/217A, (1948)*;
- GC ILO, [Convention concerning Migration for Employment](#) (No. 97), (1949)**;
- GC ILO, [Recommendation concerning Migration for Employment](#) (No. 86), (1949)**;
- UNGA, [Convention relating to the Status of Refugees](#) (1951)**;
- UNGA, [International Convention on the Elimination of All Forms of Racial Discrimination](#), A/RES/51/80, (1965)**;
- UNGA, [International Convention on Economic, Social and Cultural Rights](#), A/res/21/2200, (1966)**;
- UNGA, [International Covenant on Civil and Political Rights](#), A/res/21/2200A (1966)**;
- UNGA, [Protocol relating to the Status of Refugees](#) (1967)**;
- GC ILO, [Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers](#) (No. 143), (1975)**;
- GC ILO, [Recommendation concerning Migrant Workers](#) (No. 151), (1975)**;
- UNGA, [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), A/res/45/158, (1990)**;

- [United Nations Conference on Environment & Development](#), Rio de Janeiro (Brasil), 3–14 June 1992:
 - [Agenda 21](#)[†]
 - [Rio Declaration on Environment and Development](#)[†]
 - [Statement of Forest Principles](#)[†]
 - [United Nations Framework Convention on Climate Change](#)**
 - [United Nations Convention on Biological Diversity](#)**
- [World Conference on Human Rights](#), Vienna (Austria) 14–25 June 1993:
 - [Vienna Declaration and Programme of Action](#)[†]

The international normative documents developed after the adoption of Habitat Agenda or not mentioned in the Habitat Agenda²:

- UNGA, Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, [A/res/44/144](#), (1985)[†];
- Committee on the Elimination of Racial Discrimination (CERD), [General Recommendation No. 11](#) on non-citizens, (1993)**;
- CERD, [General Recommendation No. 22](#) on refugees and displaced persons, (1996)**;
- CESCR, [General Comment No. 7](#) on the right to adequate housing: forced evictions, (1997)**;
- United Nations Commission on Human Rights (CHR), [Guiding Principles on Internal Displacement](#), E/CN.4/1998/53/Add.2, (1998)[†];
- HRC, [General Comment No. 27](#) on freedom of movement, (1999) **;
- UNGA, [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children](#), A/RES/55/25, (2000)*;
- UNGA, [United Nations Convention against Transnational Organized Crime and the Protocols Thereto](#), A/Res/55/25, (2000)**;
- [World Summit on Sustainable Development](#), Johannesburg (South Africa), 26 August–4 September 2002:
 - [Johannesburg Declaration](#)[†]
 - [Plan of Implementation](#)[†]
- High Commissioner for Human Rights to the Economic and Social Council, [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), E/2002/68/Add.1 (2002)[†];
- CERD, [General Recommendation No. 30](#) on discrimination against non-citizens, (2004)**;
- CRC, [General Comment No. 6](#) on the treatment of unaccompanied and separated children outside their country of origin, (2005)**;
- ECOSOC Commission on Human Rights, Final report of the Special Rapporteur: [Principles on housing and property restitution for refugees and displaced persons](#), (2005) [†];

² This is an illustrative non-exhaustive compilation of international norms.

- UNGA, [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), A/RES/60/147, (2006)†;
- United Nations Human Rights Council (UNHRC), [UN Basic Principles and Guidelines on Development-based Displacement and Evictions](#), A/HRC/4/18, (2007)†;
- CEDaW, [General Recommendation No. 26](#) on Women Migrant Workers (2008) **;
- CESCR, [General Comment No. 20](#) on non-discrimination in economic, social and cultural rights, (2009)**;
- CESCR, [General Comment No. 21](#) on Right of everyone to take part in cultural life (2009) **;
- United Nations High Commission for Refugees (UNHCR), [UNHCR Policy on Refugee Protection and Solutions in Urban Areas](#) (2009) †;
- UNGA, [Protection of Migrants](#), A/RES/67/172, (2012) *;
- CEDaW, [General Recommendation No. 30](#) on women in conflict prevention, conflict and post-conflict situations, (2013)**;
- Committee on Migrant Workers (CMW), [General Comment No. 2](#) on the rights of migrant workers in an irregular situation and members of their families (2013)**;
- ETO Consortium, [Maastricht Principles on Extraterritorial Obligation of States in the Area of Economic, Social and Cultural Rights](#), Germany, (2013)†;
- UNHRC, [Human Rights of Migrants](#), A/HRC/RES/23/20, (2013) †;
- CEDaW, [General Recommendation No. 32](#) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, (2014)**;
- UNGA, [Transforming our World: the 2030 Agenda for Sustainable Development](#), A/RES/70/1, (2015)†;
- UNGA, Resolution on Protection of and Assistance to Internally Displaced Persons, [S/RES/70/165](#) (2015)*;
- UNSC, Resolution on Protection of Civilians in Armed Conflict [S/RES/2222](#) (2015)*;
- UNSC, Resolution on Children and Armed Conflict [S/RES/2225](#) (2015)*;
- [World Humanitarian Summit](#), Istanbul (Turkey), 23–24 May 2016:
 - [Chair’s summary: Standing up for Humanity: Committing to Action](#)†

Key to symbols:

* = binding on all States; ** = binding on all States party to the relevant treaty; † = declaratory law as guidance for States and their governments to comply with general principles of international law and certain treaty-law requirements.