



HOUSING AND LAND RIGHTS NETWORK Habitat International Coalition

The Habitat Agenda Commitments related to Human Rights

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 related to governance 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. The concept of habitat is both urban and rural, involving a "regional and cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem" (H2, para. 104).

At Habitat II (1996), states, including their various spheres of government, committed to principles and actions over the ensuing 20 years. Concerning Human Rights, the Habitat Agenda recognizes in the preamble that:

"Everyone has the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation, and to the continuous improvement of living conditions;" (H2:11)

The Habitat II principles, commitments and action strategies concerning **human rights** 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, with States and development actors committing to more-progressive development and far more-diligent implementation.

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>

The document provides as well a list of the relevant human rights' obligations 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 with a human rights perspective.

Habitat II Goals and Principles

We, the Heads of State or Government and the official delegations of countries assembled at the United Nations Conference on Human Settlements (Habitat II) in Istanbul, Turkey from 3 to 14 June 1996, take this opportunity to endorse the universal goals of ensuring **adequate shelter for all** and **making human settlements safer, healthier and more liveable, equitable, sustainable and productive**. Our deliberations (...) have been inspired by the Charter of the United Nations and are aimed at reaffirming existing and forging new partnerships for action at the international, national and local levels to improve our living environment. (ID:1)

As human beings are at the centre of our concern for sustainable development, they are the basis for our actions as in implementing the Habitat Agenda. We recognize the particular needs of women, children and youth for safe, healthy and secure living conditions. We shall intensify our efforts to eradicate poverty and discrimination, to **promote and protect all human rights and fundamental freedoms for all**, and to provide for basic needs, such as **education, nutrition and life-span health care services**, and, especially, adequate shelter for all. To this end, we commit ourselves to improving the living conditions in human settlements in ways that are consonant with local needs and realities, and we acknowledge the need to address the global, economic, social and environmental trends to ensure the creation of **better living environments** for all people. We shall also ensure the **full and equal participation of all** women and men, and the effective participation of youth, **in political, economic and social life**. We shall promote **full accessibility for people with disabilities**, as well as **gender equality** in policies, programmes and projects for shelter and sustainable human settlements development; (ID:7)

We reaffirm our commitment to the **full and progressive realization of the right to adequate housing** as provided for in international instruments. To that end, we shall seek the active participation of our public, private and non-governmental partners at all levels to **ensure legal security of tenure, protection from discrimination and equal access to affordable, adequate housing for all persons and their families**; (ID:8)

[S]ustainable development of human settlements combines economic development, social development and environmental protection, with **full respect for all human rights and fundamental freedoms**, including the **right to development**, and offers a means of achieving a world of greater **stability** and **peace**, built on ethical and spiritual vision. **Democracy**, respect for **human rights**, **transparent, representative and accountable government** and administration in all sectors of society, as well as **effective participation by civil society**, are indispensable foundations for the realization of sustainable development; (H2:4)

The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles and commitments, a positive vision of sustainable human settlements - where all have **adequate shelter, a healthy and safe environment, basic services, and productive and freely chosen employment**" (H2:21)

While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the **duty of all States to promote and protect all human rights and fundamental freedoms, including the right to development;** (H2:23)

We reaffirm and are guided by the purposes and principles of the Charter of the United Nations and we reaffirm our commitment to ensuring the **full realization of the human rights set out in international instruments** and in particular, in this context, the right to adequate housing as set forth in the Universal Declaration of Human Rights and provided for in the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, taking into account that the right to adequate housing, as included in the above-mentioned international instruments, shall be realized progressively. We reaffirm that **all human rights - civil, cultural, economic, political and social - are universal, indivisible, interdependent and interrelated;** (H2:26)

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.** The empowerment of women and their full participation on the basis of equality in all spheres of society, whether rural or urban, are fundamental to sustainable human settlements development; (H2:27)

All people have rights and must also accept their responsibility to respect and protect the rights of others - including future generations - and to contribute actively to the common good. **Sustainable human settlements are those that, inter alia, generate a sense of citizenship and identity, cooperation and dialogue for the common good, and a spirit of voluntarism and civic engagement, where all people are encouraged and have an equal opportunity to participate in decision-making and development.** Governments at all appropriate levels, including local authorities, have a responsibility to ensure **access to education** and to **protect their population's health, safety and general welfare.** This requires, as appropriate, establishing policies, laws and regulations for both public and private activities, encouraging responsible private activities in all fields, facilitating community groups' participation, adopting transparent procedures, encouraging public-spirited leadership and public-private partnerships, and helping people **to understand and exercise their rights and responsibilities** through **open and effective participatory processes, universal education and information dissemination;** (H2:32)

Habitat II Commitments and actions

Adequate shelter for all

We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. In this context, we recognize an obligation by Governments to

enable people to obtain shelter and to protect and improve dwellings and neighbourhoods. We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities, and will enjoy freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards; (39) (37)

Providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies; (40b) (72e) (78f)

Ensuring transparent, comprehensive and accessible systems in transferring land rights and legal security of tenure; (40d)

Increasing the supply of affordable housing, including through encouraging and promoting affordable home ownership and increasing the supply of affordable rental, communal, cooperative and other housing through partnerships among public, private and community initiatives, creating and promoting market-based incentives while giving due respect to the rights and obligations of both tenants and owners; (40h) (61b) (68g)

Protecting, within the national context, the legal traditional rights of indigenous people to land and other resources, as well as strengthening of land management; (40m)

Protecting all people from and providing legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided. (40n) (98b)

Providing, in the matter of housing, that the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; (61a)

Adopting policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means, by, inter alia: (i) Expanding the supply of affordable housing through appropriate regulatory measures and market incentives; (ii) Increasing affordability through the provision of subsidies and rental and other forms of housing assistance to people living in poverty; (iii) Supporting community-based, cooperative and non-profit rental and owner-occupied housing programmes; (iv) Promoting supporting services for the homeless and other vulnerable groups; (v) Mobilizing innovative financial and other resources - public and private - for housing and community development; (vi) Creating and promoting market-based incentives to encourage the private sector to meet the need for affordable rental and owner-occupied housing; (vii) Promoting sustainable spatial development patterns and transportation systems that improve accessibility of goods, services, amenities and work; (61c)

Effective monitoring and evaluation of housing conditions, including the extent of homelessness and inadequate housing, and, in consultation with the affected population, formulating and adopting appropriate housing policies and implementing effective strategies and plans to address those problems. (61d)

Ensure that equal rights of women and men related to land and property are protected under the law; (75c)

Develop land codes and legal frameworks that define the nature of land and real property and the rights that are formally recognized; (76k)

Employ mechanisms (for example, a body of law, a cadastre, rules for property valuation and others) for the clear definition of property rights; (72c) (80e)

Promote awareness campaigns, education and enabling practices regarding, in particular, legal rights with respect to tenure, land ownership and inheritance for women, so as to overcome existing barriers; (78b)

Adequate shelter must be recognized as an important component of the particular care and assistance to which children and their families, as well as children living outside or without families, have a right. Special consideration must be given to the needs of children living in difficult circumstances; (94)

Sustainable human settlements

Promoting, as appropriate, socially integrated and accessible human settlements, including appropriate facilities for health and education, combating segregation and discriminatory and other exclusionary policies and practices, and recognizing and respecting the rights of all, especially of women, children, persons with disabilities, people living in poverty and those belonging to vulnerable and disadvantaged groups; (43a)

[Promote t]he conditions for women and men to exercise their individual rights and responsibilities equally and to engage their abilities effectively in activities that will improve and sustain their living environments; (59b)

Promote comprehensive rural development through such measures as equal access to land, land improvement, economic diversification, the development of small and medium-scale cities in rural areas and, where appropriate, indigenous land settlements; (76e)

Formulate and implement human settlements development policies that ensure equal access to and maintenance of basic services, including those related to the provision of food security; education; employment and livelihood; basic health care services; safe drinking water and sanitation; adequate shelter; and access to open and green spaces, giving priority to the needs and rights of women and children, who often bear the greatest burden of poverty; (116a)

Stimulate productive employment opportunities that generate income sufficient to achieve an adequate standard of living for all people, while ensuring equal employment opportunities and wage rates for women and encouraging the location of employment opportunities near and in the home, particularly for women living in poverty and people with disabilities; Pursue the goal of ensuring quality jobs, and safeguard the basic rights and interests of workers and, to this end, freely promote respect for relevant conventions of the International Labour Organization, including those on the prohibition of forced and child labour, freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination; Facilitate the extension to the informal sector of the protection of human rights in the field of labour; (118 a and b) (160a) Legislation to enhance consumer rights; (142d)

Promote equal access to all levels of education for girls and women; Ensure equal access to housing, land and public services in the urban and rural areas in line with the International Convention on the Elimination of All Forms of Discrimination against Women; (119 h and I)

Provide equal access to basic education, paying special attention to people living in poverty and to youth living in rural areas and addressing constraints created by distance, lack of educational facilities and social or economic barriers; (120c)

Economic and social development and environmental protection are interdependent and mutually reinforcing components of sustainable human settlements development. Economically buoyant, socially vibrant and environmentally sound human settlements under conditions of continuing and rapid urbanization will increasingly depend on the capacity of all levels of government to reflect the priorities of communities, to encourage and guide local development and forge partnerships between the private, public, voluntary and community sectors. This can be achieved through the effective decentralization of responsibilities, policy management, decision-making authority, and sufficient resources, including revenue collection authority, to local authorities, closest to and most representative of their constituencies, as well as through international cooperation and partnerships, setting in motion a strategic and participatory urban management process rooted in a shared vision while ensuring and protecting human rights; (177)

Empowerment and participation contribute to democracy and sustainable human settlements development. Policy formulation and implementation by Governments should be guided by the principles of accountability, transparency and broad-based public participation. Accountability and transparency are imperative in order to prevent corruption and ensure that the available resources are used to the benefit of all people. Each Government should ensure the right of all members of its society to take an active part in the affairs of the community in which they live, and ensure and encourage participation in policy-making at all levels; (179)

Protecting the human right to hold and express opinions and to seek, receive and impart ideas and information without interference; Providing access to effective judicial and administrative channels for affected individuals and groups so that they can challenge or seek redress from decisions and actions that are socially and environmentally harmful or violate human rights, including legal mechanisms to ensure that all State bodies, both national and local, and other civil organizations remain accountable for their actions, in accordance with their social, environmental and human rights obligations; Broadening the procedural right of individuals and civil society organizations to take legal action on behalf of affected communities or groups that do not have the resources or skills to take such action themselves; Undertaking civic and human rights education and training programmes, using all forms of the media and education and information campaigns, to promote a civic spirit and an awareness of civil rights and responsibilities and the means of exercising them, of the changing roles of women and men and of issues relating to sustainable human settlements development and the quality of life; (181) (182 a, k, l and e) (190)

The effective implementation of the Habitat Agenda requires strengthening local authorities, community organizations and non-governmental organizations in the spheres of education, health, poverty eradication, human rights, social integration, infrastructure and improvement of the quality of life, and relief and rehabilitation, enabling them to participate constructively in policy-making and implementation (...); (237)

International Norms related to Human Rights

The International normative frameworks cited in the Habitat Agenda:

- General Conference of International Labour Organization (GC ILO), [Convention concerning Forced or Compulsory Labour](#) (No. 29), (1932)**;
- United Nations General Assembly (UNGA), [Charter of the United Nations](#), (1945)*;
- UNGA, [The Universal Declaration on Human Rights](#), A/RES/3/217A, (1948)*;
- UNGA, [Convention relating to the Status of Refugees](#) (1951)**;
- GC ILO, [Convention concerning Abolition of Forced Labour](#) (No. 105), (1957)**;
- 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)**;
- United Nations Educational, Scientific and Cultural Organization (UNESCO), [Convention concerning the Protection of the World Cultural and Natural Heritage](#), Paris, (1972)**;
- GC ILO, [Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers](#) (No. 143), (1975)**;
- UNGA, [Declaration on the Rights of Disabled Persons](#), A/res/3447, (1975)†;
- UNGA, [International Convention on the Elimination of All Forms of Discrimination against Women](#), A/RES/34/180, (1979)**;
- UNGA, [World Programme of Action Concerning Disabled Persons](#), A/res/37/52, (1982)†;
- UNGA, [International Year of Shelter for the Homeless](#), A/res/37/221, (1987)†;
- UNGA, [Global Strategy for Shelter to the Year 2000](#), A/res/43/181, (1988)†;
- UNGA, [Convention on the Rights of the Child](#), A/Res/44/25, (1989)**;
- [World Conference on Education for All](#), Jomtien (Thailand), 5–9 March 1990:
 - [World Declaration on Education for All](#)†
 - [Framework for Action to Meet the Basic Learning Needs](#)†
- [World Summit for Children](#), New York (USA), 29–30 September 1990:
 - [Declaration on the Survival, Protection and Development of Children](#)†
 - [Plan of Action for Implementing the World Declaration](#)†
- 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](#)†
- UNGA, [Standard Rules on the Equalization of Opportunities for Persons with Disabilities](#), A/Res/48/96, (1993)†;
- [Fourth World Conference on Women](#), Beijing (China), 4–15 September 1995:
 - [Beijing Declaration and Platform of Action](#)†
- [World Summit for Social Development](#), Copenhagen (Denmark), 6–12 March 1995:
 - [Copenhagen Declaration Social Development Declaration](#)†
 - [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)†;
- CESCR, [General Comment No. 3](#) on the nature of states parties' obligations (1990)**;
- CESCR, [General Comment No. 4](#) on the right to adequate housing, (1992)**;
- Committee on the Elimination of Racial Discrimination (CERD), [General Recommendation No. 11](#) on non-citizens, (1993)**;
- CESCR, [General Comment No. 6](#) on the economic, social and cultural rights of older persons, (1996)**;
- Human Rights Committee (HRC), [General Comment No. 25](#) on the right to participate in public affairs, voting rights and the right of equal access to public service (1996)**;
- CERD, [General Recommendation No. 23](#) on the rights of indigenous peoples, (1997)**;
- CESCR, [General Comment No. 7](#) on the right to adequate housing: forced evictions, (1997)**;
- CESCR, [General Comment No. 9](#) on the domestic application of the covenant, (1998) **;
- CESCR, [General Comment No. 13](#) on the right to education, (1999)**;
- CESCR, [General Comment No. 12](#) on the right to adequate food, (1999)**;
- HRC, [General Comment No. 27](#) on freedom of movement, (1999) **;
- CESCR, [General Comment No. 14](#) on the right to the highest attainable standard of health, (2000)**;
- HRC, [General Comment No. 28](#) on the equality of rights between men and women, (2000) **;
- CESCR, [General Comment No. 15](#) on the right to water, (2002)**;
- [World Summit on Sustainable Development](#), Johannesburg (South Africa), 26 August–4 September 2002:
 - [Johannesburg Declaration](#)†
 - [Plan of Implementation](#)†

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

- 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)†;
- HRC, [General Comment No. 31](#) on the nature of the general legal obligation imposed on states parties to the covenant (2004) **;
- CESCR, [General Comment No. 16](#) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, (2005)**;
- ECOSOC Commission on Human Rights, Final report of the Special Rapporteur: [Principles on housing and property restitution for refugees and displaced persons](#), (2005) †;
- CRC, [General Comment No. 9](#) on the rights of children with disabilities, (2006)**;
- UNGA, [UN Convention on the Rights of Persons with Disabilities](#), A/Res/61/106, (2006)**;
- 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)†;
- Office of the United Nations for the High Commissioner for Human Rights (OHCHR), [Good Governance Practices for the Protection of Human Rights](#) (2007) †;
- UNGA, [United Nations Declaration on the Rights of Indigenous Peoples](#), A/RES/61/295, (2007)†;
- CESCR, [General Comment No. 19](#) the right to social security, (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) **;
- CRC, [General Comment No. 11](#) on indigenous children and their rights under the Convention, (2009)**;
- CRC, [General Comment No. 12](#) on the right to the child to be heard, (2009)**;
- United Nations High Commission for Refugees (UNHCR), [UNHCR Policy on Refugee Protection and Solutions in Urban Areas](#) (2009) †;
- CEDaW, [General Recommendation No. 27](#) on older women and protection of their human rights (2010) **;
- UNGA, [The Human Right to Water and Sanitation](#), A/RES/64/292, (2010)†;
- UNGA, [The Future We Want](#), A/RES/66/288, (2012)†;
- 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)**;
- CRC, [General Comment No. 17](#) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, (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) †;
- [World Human Rights Cities Forum](#), Gwanju (South Korea), 15–18 May 2014:
 - [Gwangju Guiding Principles for a Human Rights City](#)†
- CFS, [Framework for Action for Food Security and Nutrition in Protracted Crises](#), (2015)†;
- UNHRC, [Role of Local Government in the Promotion and Protection of Human Rights](#) – Final report of the Human Rights Council Advisory, A/HRC/30/49 (2015)†;
- UNGA, [Transforming our World: the 2030 Agenda for Sustainable Development](#), A/RES/70/1, (2015)†;

- UNGA, Resolution on Rights of the Child, [S/RES/70/137](#) (2015)*;
- UNGA, Resolution on the Right to Food, [S/RES/70/154](#) (2015)*;
- UNGA, Resolution on Measures to Enhance the Promotion and Protection of the Human Rights and Dignity of Older Persons, [S/RES/70/164](#) (2015)*;
- UNGA, Resolution on the Human Rights to Safe Drinking Water and Sanitation, [S/RES/70/169](#) (2015)*;
- UNGA, Resolution on the Rights of Indigenous Peoples, [S/RES/70/232](#), (2015)*;
- CESCR, [General Comment No. 22](#) on the right to sexual and reproductive health (2016)**;
- CESCR, [General Comment No. 23](#) on the right to just and favourable conditions of work (2016)**;
- CEDaW, [General Recommendation No. 34](#) on the rights of rural women (2016)**;

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.