*This briefing note provides a brief outline of the rights most relevant to the work of UN-Habitat. It outlines where they are derived from and the specifics of each right. It should be remembered that all Human Rights are indivisible and therefore, these rights are not ‘more important’ than others, but simply more pertinent to UN-Habitat.*

**The Right to Adequate Housing**

The Right to Adequate Housing is enshrined in international law. It is part of codified conventions and fully recognized by member states.

The right to adequate housing contains freedoms:

* Protection against forced evictions and the arbitrary destruction and demolition of one’s home;
* The right to be free from arbitrary interference with one’s home, privacy and family; and
* The right to choose one’s residence, to determine where to live and to freedom of movement.

The right to adequate housing contains entitlements:

* Security of tenure;
* Housing, land and property restitution;
* Equal and non-discriminatory access to adequate housing;
* Participation in housing-related decision-making at the national and community levels.

For housing to be adequate, it must, at a minimum, meet the following criteria:

* **Security of tenure**: housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.
* **Availability** of services, materials, facilities and infrastructure: housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.
* **Affordability**: housing is not adequate if its cost threatens or compromises the occupants’ enjoyment of other human rights
* **Habitability**: housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
* **Accessibility**: housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.
* **Location**: housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas.
* **Cultural adequacy**: housing is not adequate if it does not respect and take into account the expression of cultural identity

The Right to Adequate Housing is found in

* Article 25 (1) of the Universal Declaration of Human Rights - Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
* Article 11(1) of the International Covenant on Economic, Social and Cultural Rights - The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

**Forced Eviction**

* Forced eviction is the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection
* All projects should incorporate an eviction impact assessment
* Impact assessment help to measure and quantify all assessable damages, losses and violations including non-material impacts.

**The Right to Water and Sanitation**

The Right to Water has not been explicitly recognized as a self-standing human right in international treaties. However international human rights law entails specific obligations related to access to safe drinking water that require States to ensure everyone’s access to a sufficient amount of safe drinking water for personal and domestic uses. These obligations also require States to progressively ensure access to adequate sanitation, as a fundamental element for human dignity and privacy, but also to protect the quality of drinking-water supplies and resources.

The right to water contains **freedoms**.

* protection against arbitrary and illegal disconnections;
* prohibition of unlawful pollution of water resources;
* non-discrimination in access to safe drinking water and sanitation
* non-interference with access to existing water supplies, especially to traditional water sources;
* personal security is not threatened when accessing water or sanitation outside the home.

The right to water contains **entitlements**.

* access to a minimum amount of safe drinking water to sustain life and health;
* access to safe drinking water and sanitation in detention;
* participation in water- and sanitation-related decision-making at the national and community levels.
* The water supply for each person must be sufficient and continuous to cover personal and domestic use
* Water for personal and domestic uses must be safe and acceptable
* Water and sanitation facilities must be physically accessible
* Water services must be affordable to all

The Right to Water is found in:

* The Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979 (art. 14 (2))
* International Labour Organization (ILO) Convention No. 161 concerning Occupational Health Services, adopted in 1985 (art. 5)
* The Convention on the Rights of the Child, adopted in 1989 (arts. 24 and 27 (3))
* The Convention on the Rights of Persons with Disabilities, adopted in 2006 (art. 28)

**The Right to Land**

The right to land is an emerging right not yet recognized in any International Convention with binding force. However, for its relevance, many countries have land rights and tenure security protected through their constitutions.

UN Habitat is welcoming all efforts toward the international recognition of the Right to Land: UN-Habitat run programmes related to land rights and tenure security and the Governing Council passed various resolutions pertaining to tenure security

Land rights are relevant for their implications in the following areas:

* Livelihoods and food security
* Housing
* Land as financial asset
* Environmental concerns
* Cultural implications and the rights of indigenous people

Debated points concerning the Right to Land include:

* Re-distribution policies of agricultural land (i.e. Latin America)
* Key importance of agricultural land for food production (alienation to non-agricultural developers, famine crisis, etc.)
* Access to land by women, youth
* Right of indigenous people over their land and territories
* Private property v. social function of land (i.e. Latin America)
* Security of tenure of informal land rights

The Right to Land is found in:

* ICCPR Article 27, as interpreted via General Comment 23 (7)

**The Right to Development**

The Right to Development is an emerging right not yet recognized in an international convention with binding force.

The General Assembly Declaration on the Right to Development (1986) defines the Right to Development: “All peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”. The Human Rights Council's Open-ended Working Group on the Right to Development was set up in 1998.

The main components of the Right to Development are:

* Full sovereignty over natural resources
* Self-determination
* Popular participation in development
* Equality of opportunity
* The creation of favorable conditions for the enjoyment of other civil, political, economic, social and cultural rights

It is an innovative right for a number of reasons:

* It is a collective right - not an individual human right
* It requires states to act collectively to solve threats to human rights of an international nature
* Development is not just an economic transformation, but social, cultural and political as well

However, it is still contested because:

* Exact meaning of “development”
* Financial implications of “development‟
* Human Rights and environmental concerns related to the concept of „development‟
* Territory and natural resources sovereignty

**The Right to the City**

The Right to the City (RTTC) is not founded in international law, but is rather a social movement. It is not to be confused with Human Rights relevant in the context of urban development. Different stakeholders interpret the content of this concept differently and sometimes in contradictory. Human rights are internationally agreed norms with clear definition and obligations attached. The “Right to the City” may not be used in replacement of human rights. As such, the OHCHR warns against “multiplication of concepts‟ without a legally recognized grounding.

UN Habitat promotes the wider developing concept of Human Rights in Cities for All which denotes mainstreaming of the 2003 UN Human Rights Based Approach to Development Cooperation within the purview of the mandate of UN-Habitat based on the UN Common Understanding.



The Right to the City is a social movement to promote participation of urban inhabitants in determining their own destiny. It lacks a clear definition, but the movement bundles together HR recognized under IL (democracy, respect of minorities, non-discrimination, right to house) and aspirational ideals (right to public transportation, right to enjoy a culturally rich and diverse space, etc). It includes also the democratic management of the city, seen as a way of planning and governing city with civic society participation.

RTTC is particularly prominent in Latin America. It represents the struggle to make accessible to the largest number of population the opportunities offered within the urban context. The movement advocates for the accessibility of these opportunities to people in the most vulnerable situations. It is enshrined in the Constitution of Ecuador and the 2001 City Statute Law in Brazil.