

A human rights-based approach for city-wide Slum Upgrading

SDG 11 Make cities and human settlements inclusive, safe, resilient and sustainable.

Target 11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

SDG 1 End poverty in all its forms everywhere.

Target 1.2 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.

” Key Statements:

When all urban residents are included in urban development projects, everyone gains.

A Human Rights-Based Approach empowers decision-makers to fulfill their obligations to improve the lives of slum dwellers and to ensure that no-one is left behind in urbanization – a key outcome of the Agenda 2030 Sustainable Development Goals.

Human rights are thus integral and fundamental to inclusive and sustainable urbanization in general, and participatory city-wide slum upgrading in particular.

KEY MESSAGES:

- Human rights are a pre-condition for inclusive and sustainable urban development where ‘no-one is left behind’, and inequalities in urban centres are addressed.
- Human rights are at the center of the 2030 Agenda for Sustainable Development which call for all stakeholders to address inequalities and discrimination and reach the furthest behind first.
- Human rights are universal legal guarantees which protect individuals, and to a certain extent groups, against interference with their freedoms. They are grounded in international norms and standards and are legally binding for States upon ratification of human rights treaties.¹
- In 2003, United Nations Member States agreed that the following conditions define a slum household: -access to fresh water, access to appropriate sanitation (toilets and waste management system, sufficient living area that is not overcrowded, structurally sound / safe shelter and security of tenure (which includes long term lease arrangements)². These deprivations underpinned the Millennium Development Goals and have now been adopted as the measurement for Agenda 2013 Sustainable Development Goals.
- There are many negative impacts that result from ignoring human rights in development policies, plans and projects. One of the underestimated impacts are the ‘costs’ that result from the proliferation of slums for example, is the loss of human, economic, cultural and social capital, innovation and revenue as slum dwellers remain excluded and outside of so many formal systems. Practices such as forced evictions also ‘cost’ disrupting people’s economic and social networks and the associated violence or increased insecurity as a result of the displacement.
- Human rights based approach is a mechanism to promote basic rights for everyone but especially and support inclusive and sustainable urban development processes and outcomes. It prioritizes the interests of the most marginalized in slums, and building capacities for sustainable and inclusive results of both decision-makers, slum upgrading actors and slum dwellers on the long-term.
- The Human Rights Based approach is important to use as a framework to understand the challenges facing people living in slums and informal settlements. Despite making up

a significant number of the urban residents in towns and cities, they are often discriminated against by others, broader institutional arrangements and regulating authorities as they are considered to be occupying land illegally. The illegal tag applied to slums, however, is very complex given that most slum and informal settlement dwellers are living there because of the limited adequate housing options available to them and their inability to break out of the cycle of poverty.

- A human rights based approach enables a deeper understanding of the causes and impacts on this overall vulnerable group and can therefore offer often a more sustainable set of recommendations to improve the lives of those living in these difficult urban settings.
- Many countries are using alternative solutions to the challenges posed by informal settlements and slums based on a human rights based approach. Where clear environmental and natural hazards are concerned, lawful and supported relocation is undertaken. In other instances, land-sharing, land-swapping, adopting ‘People’s Plans’ and slum upgrading are used alongside incremental improvements to policy, legislation and financing of poverty alleviation and affordable housing programmes. These solutions are producing inclusive and strategic outcomes as opposed to slum demolition and forced evictions³.

KEY RECOMMENDATION:

Recognize the rights and contributions of slum dwellers and put improvements to the lives of slum dwellers on top of development priorities as per the Agenda 2030 Sustainable Development Goals.

KEY ACTION:

Use a Human Rights-Based Approach to promote the recognition of slum dwellers and to guide the development and implementation of national and city-wide slum upgrading strategies.

1 The human rights principles, which should guide the urbanization process and slum upgrading interventions, include: universality and indivisibility, interdependence, equality, non-discrimination, participation and inclusion, accountability, the rule of law. UN-Habitat (2015). Programmatic Guidance Note.

2 This definition of a slum household was agreed by Member-States in 2003. See UN-Habitat (2003), Slums of the World.

3 UN-Habitat (2015). Alternatives to forced evictions.

Table 1: Additional Recommendations and Actions

ADDITIONAL RECOMMENDATIONS	ADDITIONAL ACTIONS
RECOGNIZE SLUM DWELLERS	
Understand what international and human rights treaties have been ratified and are thus obligated to protect.	-Go to the Office of the High Commissioner for Human Rights (OHCHR) home page http://indicators.ohchr.org/ to understand the international human rights conventions your country have ratified and what they mean for the rights of slum dwellers.
Understand the key components of the Right to Adequate Housing which includes 7 elements: security of tenure, access to basic services and infrastructure such as water and sanitation as well as no forced evictions, cultural adequacy, affordable housing that is livable, durable and connected to livelihood opportunities ¹ .	-Use the 7 elements in the Right to Adequate Housing to guide the key interventions of your National or City-Wide Slum Upgrading Strategy depending of the needs of each community and locality with tangible actions that deliver covered drains, suitable fresh water access points, street lighting for safety, appropriate public space and mobility passages to support transport and livelihood generation and take action to improve basic service provision.
Using international human rights frameworks and research showing the link between human rights and sustainable urbanization, change the view that slum dwellers are illegal. Start to institutionalize a positive outlook focusing on what slum dwellers actually contribute to the broader urban environment (employment, livelihood activities, and cultural activities).	-Use the development of a national urban policy or a national or city-wide slum upgrading strategy to foster mind-set change towards slum dwellers and promote the link between human rights and sustainable urbanization.
Support efforts to realize the potential of slum dwellers and to harness their energy.	-Carry out an inventory to understand the reality of the slum challenge as well as to appreciate the positive dimensions of the people living there as they work hard, undertake livelihood activities and raise families. -Value slum dweller's contributions to the city and understand that forced evictions are illegal, unsustainable and not the road to inclusive urbanization (make this mandatory with institutional safeguards for enforcement and follow-up).
LINK SLUM UPGRADING WITH SUSTAINABLE URBANIZATION FOR ALL	
Understand and promote slum upgrading as a mechanism to facilitate human rights and sustainable urbanization for all.	-Undertake an inventory of current strategic plans and development projects to understand what activities are being implemented which promote human rights and inclusive urban development for slum dwellers in situations of vulnerability, and see how these can be replicated in slums.
Recognize that urban issues cannot be addressed without addressing human rights. Slum upgrading works best when inclusion is at the heart of the approach and relationships are fostered between different stakeholders and interventions to promote the right networks of people and links between activities.	-Reflect 'city-wide approaches' to slum upgrading in the development of a 'national or city-wide slum upgrading strategy' to maximize the benefits of connecting any planned intervention with other key and strategic urban developments (especially those related to economic hubs, road, utility, service and housing infrastructure).
MAKE 'INCLUSION' THE FOCUS FOR SUSTAINABLE URBANIZATION	
Make inclusion your mantra for facilitating city-wide sustainable urbanization.	-Develop a broad stakeholder group to develop a national or city-wide slum upgrading strategy which recognizes the discrimination against slum dwellers, the challenge of the slum context and also considers the strengths of slum dwellers and slums. -Promote participatory planning that is inclusive of slum dwellers. They have many good ideas on the basic elements required to improve their lives. -Review 'big ticket' plans (infrastructure, economic, environmental, waste management and affordable housing plans) and check if they are pro-poor and how slums specifically can be included into the development agenda.
PROMOTE SECURITY OF TENURE FOR ALL	
Make security of tenure a clear pre-condition of your city's or town's sustainable urbanization agenda. Consider different forms of land tenure available, including recognition of use and access rights, leases etc above and beyond land ownership to make everyone safe and active.	-Using sustainable urbanization for all arguments, make a political commitment to increase the security of tenure for slum and informal settlement dwellers using the continuum of land rights approach (utilizing options including long-term leases, use rights, community tenure). -Update land records by undertaking a participatory enumeration process -Commit to no forced evictions in your slum upgrading and urban development, and ensure that this is coupled with institutional safeguards for enforcement and follow-up.
GET THE BEST INFORMATION TO PROMOTE INCLUSIVE AND SUSTAINABLE URBANIZATION	
Ensure that there is an institution or department effectively gathering disaggregated city wide data on all urban dwellers – especially the ones living in informal settlements and slums in peri-urban areas.	-Review what data is being collected across urban areas. Ensure that it is disaggregated and can identify the discrimination against particular vulnerable groups. -Find out how that information is effectively being used and communicated, especially to decision makers, such that all urban dwellers needs and aspirations are reflected and policy makers and planners are empowered.

KEY REFERENCES:

UN-Habitat Urban Lecture –How Human Rights helps urban development: <http://unhabitat.org/a-rights-based-approach-to-urban-development-urban-jonsson-the-owls/>

Toolkit on how to put human rights into your work: <http://hrbportal.org/resources/a-human-rights-based-approach-toolkit>

The Future of Human Rights in an Urban World. https://www.amnesty.nl/sites/default/files/public/the_future_of_human_rights_in_an_urban_world_0.pdf

The Human Rights-Based Approach to Development Programming. http://www.unicef.org/rightsresults/files/HRBDP_Urban_Jonsson_April_2003.pdf

Key international declarations on human rights:

The Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>

Right to adequate housing, including land and resources [UDHR art. 25; ICESCR art. 11] http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

Accessibility of transportation, facilities and services particularly of persons with disabilities [CRPD art. 9(1)], children [CRC art. 23], and rural women [CEDAW art. 14(2)] <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

Right to participate in cultural life [UDHR art. 25; ICESCR art. 15; ICERD arts. 5, 7; CRPD art. 30; CRC art. 31]

Declaration of social progress and development <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProgressAndDevelopment.aspx>

Protection from natural disasters [CRPD art. 11]

Right to safe drinking water and sanitation [ICESCR art. 11]

Right to health [UDHR art. 25; ICESCR art. 12] <http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>

Right to an adequate standard of living [UDHR art. 5; CESCR art. 11; CRC art. 27]

Equal rights of women in economic life [CEDAW arts. 11, 13, 14(2)(g), 15(2), 16(1)] <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

Ms. Kerstin Sommer, Slum Upgrading Unit Leader,
Housing and Slum Upgrading Branch
Email: Kerstin.Sommer@unhabitat.org
Tel: + 254 20 762 5519
www.unhabitat.org/psup and www.mysup.org

United Nations Human Settlements Programme
P.O.Box 30030, Nairobi 00100, Kenya;
Tel: +254-20-7623120;
Fax: +254-20-76234266/7 (central office)
Infohabitat@unhabitat.org
www.unhabitat.org