



General Assembly

Distr.: Limited
15 March 2012

Original: English

Human Rights Council

Nineteenth session

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania*, Austria, Belgium, Bosnia and Herzegovina*, Burundi*, Canada*, Chad*, Chile, Colombia*, Costa Rica, Croatia*, Cyprus*, Djibouti, Dominican Republic*, Estonia*, Finland*, France*, Georgia*, Germany*, Greece*, Guatemala, Hungary, Ireland*, Italy, Japan*, Kenya*, Latvia*, Lithuania*, Luxembourg*, Maldives, Monaco*, Montenegro*, Nigeria, Norway, Panama*, Peru, Poland, Portugal*, Romania, Saint Kitts and Nevis*, Senegal, Serbia*, Slovenia*, Somalia*, Spain, Switzerland, the former Yugoslav Republic of Macedonia*, United Kingdom of Great Britain and Northern Ireland*, Uruguay, Venezuela (Bolivarian Republic of)*: draft resolution

19/... Adequate housing as a component of the right to an adequate standard of living in the context of disaster settings

The Human Rights Council,

Reaffirming all its previous resolutions as well as those adopted by the Commission on Human rights on the issue of adequate housing as a component of the right to an adequate standard of living, including Human Rights Council resolution 15/8 of 30 September 2010,

Recalling all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own property and to adequate housing, including resolution 2005/25 of 15 April 2005,

Reaffirming that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, entail obligations and commitments of States parties in relation to access to adequate housing,

Reaffirming also the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly

* Non-Member State of the Human Rights Council.

and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda,¹ and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

Reaffirming further the importance of implementing the Hyogo Declaration² and the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters,³ adopted at the World Conference on Disaster Reduction, held in Kobe, Hyogo, Japan, from 18 to 22 January 2005,

Concerned that any deterioration in the general housing situation disproportionately affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to minorities and indigenous peoples, migrants, internally displaced persons, tenants, the elderly and persons with disabilities, and increases the need for them to be supported against extreme natural disasters,

Noting the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing, including its general comments Nos. 4, 7, 9, 16 and 20,

Expressing its deep concern at the number and scale of natural disasters and extreme climate and weather events and their increasing impact in the context of climate change and urbanization, as well as other factors that might affect the exposure, vulnerability and capacity to respond to such disasters, which have resulted in massive loss of life, homes and livelihoods, together with forced displacement and long-term negative social, economic and environmental consequences for all societies throughout the world,

Recognizing that vulnerable persons are disproportionately susceptible to recurring displacement, evictions without adequate remedies and exclusion from meaningful consultation and participation during disaster risk reduction, prevention and preparedness, as well as in all phases of disaster response and recovery, to the detriment of their enjoyment of the right to adequate housing,

Recognizing also that the integration of a human rights-based approach into the framework of disaster risk reduction, prevention and preparedness, as well as in all phases of disaster response and recovery, represents an important factor into the progressive realization of the right to adequate housing, and underlining in this regard the principles of participation and empowerment,

1. *Acknowledges* the work 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, including the undertaking of country missions;

2. *Welcomes* the reports presented by the Special Rapporteur to the General Assembly⁴ and to the Human Rights Council,⁵ and takes note with appreciation of the framework presented to comprehensively respect, protect and fulfil the right to adequate housing in the context of post-disaster settings;

3. *Encourages* States and relevant actors to respect, protect and fulfil the right to adequate housing as a component of the right to an adequate standard of living in their

¹ A/CONF.165/14.

² A/CONF.206/6 and Corr.1, chap. I, resolution 1.

³ Ibid., resolution 2.

⁴ A/66/270.

⁵ A/HRC/16/42.

broader disaster risk reduction, prevention and preparedness initiatives, as well as in all phases of disaster response and recovery;

4. *Urges* States, in the context of post-disaster settings, and recognizing that short-term humanitarian response and early recovery phases are based on needs, to respect, protect and fulfil the right to adequate housing 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, and, in this regard:

(a) To ensure that all affected persons, irrespective of their pre-disaster tenure status and without discrimination of any kind, have equal access to housing that fulfils the requirements of adequacy, namely the criteria of accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, access to essential services and respect for safety standards aimed at reducing damage in cases of future disasters;

(b) To integrate, in post-disaster settings, including where temporary shelter is required as an interim response, the right to adequate housing as a key component of planning and implementation of humanitarian, reconstruction and development responses;

(c) To give due priority to the realization of the right to adequate housing for the most disadvantaged and vulnerable persons through housing reconstruction and the provision of alternative housing, especially by respecting the principles of non-discrimination and gender equality, and by integrating a gender perspective into policies, strategies and programmes for disaster risk reduction, prevention and preparedness, as well as into all phases of disaster response and recovery;

(d) To ensure that accessibility for persons with disabilities is taken into account during all phases of reconstruction, in accordance with international law and standards;

(e) To aim to ensure access to information and meaningful consultation and participation of affected persons and communities in the planning and implementation of shelter and housing assistance;

(f) To ensure that the tenure rights of those without individual or formally registered property ownership are recognized in restitution, compensation, reconstruction and recovery programmes, giving particular consideration to the most vulnerable persons and by taking measures to support their repossession of or alternative access to adequate housing or land;

(g) To support the voluntary return of displaced persons or groups to their former homes, lands or places of habitual residence, in safety and dignity based on a free, informed choice, and to ensure that relocation and local integration conditions for displaced persons are in accordance with international human rights law and standards as reflected in the guidelines pertaining to adequate housing, evictions and displacement, in particular the Guiding Principles on Internal Displacement and the Operational Guidelines on the Protection of Persons in Situations of Natural Disasters adopted by the Inter-Agency Standing Committee;

(h) To ensure that cases of permanent relocation are kept to a minimum and are only carried out after all alternative and less disruptive options have been exhausted, and, where there is a clear issue of public safety, that the relocation is done in accordance with international law;

(i) To ensure that appropriate measures are taken to make available adequate alternative shelter to those unable to provide for themselves;

(j) To make accessible appropriate remedies, including access to legal counsel and legal aid, and to guarantee a fair hearing to all persons threatened with or subject to eviction;

5. *Welcomes* the cooperation extended to the Special Rapporteur by States and other relevant actors in the context of post-disaster response and recovery, and calls upon them to continue to cooperate with her on this issue, to share good practices in this regard and to respond favourably to her requests for information and visits;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human rights to provide all assistance necessary to the Special Rapporteur for the effective fulfilment of her mandate;

7. *Decides* to continue its consideration of this matter under the same agenda item.
