



PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF
THE HUMAN RIGHTS COUNCIL

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

INFONOTE

Study on Security of Tenure

Security of tenure is a central component of the right to adequate housing. Any initiative related to housing, whether in the context of urban renewal, land management or other development-related projects, or in dealing with reconstruction needs after conflicts or disasters, will inevitably have tenure security implications. The lack of security of tenure - in law and practice - makes protection against forced eviction very difficult, leaving the most vulnerable, such as inhabitants of informal settlements, at risk of a range of human rights violations.

Human rights law mandates that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. But what are the specific requirements derived from this general injunction? In other words, what are the precise, concrete obligations of States to ensure tenure security for their population, and in particular for the most disadvantaged? Are there any practices, policies, and measures to learn from to increase and ensure security of tenure for all?

Building on years of practice in the urban planning, housing policies and development fields, as well as human rights advocacy and litigation, the study aims to offer advice on ways to address the variety of tenure issues arising worldwide, and to strengthen security of tenure, particularly for those who most need it.

Timeframe and Areas of Focus:

✚ **Phase One (2012)** of the study consisted of a 'mapping' exercise, combining legal analysis with an assessment of policies and practices worldwide with respect to tenure security. The Special Rapporteur's **report to the 22nd session of the Human Rights Council (A/HRC/22/46)** reflects this mapping exercise.

The report highlights the overall context of global tenure insecurity and the crucial importance of security of tenure for the right to adequate housing but more broadly for social and economic progress. The report maps the tenure systems and arrangements existing worldwide, key policies and practices pertaining to tenure security, as well as existing guidance under international human rights law and at national level. The report also discusses key operational challenges that pertain to securing tenure.

✚ **Phase Two (2013-April 2014)** will aim to develop specific guidance on security of tenure **focused on urban poor, including the question of informal settlements**. The study will be finalized by April 2014, with the Special Rapporteur presenting a final report to the Human Rights Council's March 2014 session and encouraging further attention to this issue.

In light of the diversity and complexity of applications of security of tenure and their related challenges, the Special Rapporteur decided to focus Phase Two on security of tenure for urban poor. Among questions to be examined is that of urban informal settlements. Informal settlements epitomize tenure insecurity in a very visible form. In many cities they now represent the largest single channel of land and housing supply for the majority of the population.

By focusing on urban poor and informal settlements, the Special Rapporteur will also be able to address a number of challenges highlighted in her first report to the Human Rights Council, namely urban planning, land management, and the complexity of recording and strengthening tenure rights, while keeping her research practical and strategic given the limited time and resources at her disposal.

For more information or to submit any relevant document or information, please contact:

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<http://www.ohchr.org/EN/Issues/Housing/Pages/StudyOnSecurityOfTenure.aspx>

See also: www.righttohousing.org