

International Human Rights Standards on Post-disaster Resettlement and Rehabilitation

Compilation by:



**Habitat International Coalition –
Housing and Land Rights Network**

and



**PDHRE –
People's Movement for
Human Rights Learning**

in collaboration with the

United Nations
Special Rapporteur on
Adequate Housing

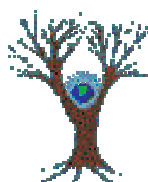
International Human Rights Standards on Post-disaster Resettlement and Rehabilitation

Working Document



Habitat International Coalition –
Housing and Land Rights Network (HIC-HLRN)
www.hlrn.org

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United Nations Special Rapporteur on Adequate Housing

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Foreword

In the immediate aftermath of the December 2004 tsunami, the affected countries and their respective governments and civil society organisations had an opportunity to draw upon, and should have used existing humanitarian and human rights instruments to ensure that the dignity of those that survived is upheld.

Six months after the tragedy of the tsunami, however, despite tremendous efforts of local, national and international actors, the relief and rehabilitation process is fraught with difficulties. People and communities are still living in makeshift, uninhabitable shelters; compensation is inadequate and has not reached many of the affected; health and nutrition needs are being compromised; livelihood restoration is slow; and safety and security, particularly of women and girls, is under threat.

The failure of states to monitor relief and rehabilitation work and arrest these negative developments calls into question their obligations to international human rights instruments that they have willingly ratified, as well as their national constitutional and other commitments to promote social justice for their people.

All the affected countries have ratified various international human rights instruments that give direction to policy and legislative measures that could be used to restore the human rights of the affected. The norms and standards that underlie these human rights instruments, if applied diligently, would ensure that there is no discrimination in the disbursement of compensation; that women are treated equally with men; that all displaced people, particularly women, are protected against violence; that all affected people and communities are partners in the design and implementation of rehabilitation plans, including those for housing; that people are not relocated at a great distance from sources of livelihood and that people are able to secure a place to live in peace and dignity.

International human rights instruments require us to give special attention to marginalised communities such that distinct policy directives are adopted for fisher folk, tribals and indigenous communities, dalits, migrant workers, and women. The overriding non-discrimination provisions in these instruments compel us to adopt an inter-sectionality approach. This would mean that different solutions need to be sought for women who face multiple forms of discrimination, such as widows, pregnant women, girls and women who head households, dalits, women, tribal women and disabled women.

The post-tsunami period is also a time to seek redress for traditional discriminatory practices. Widows and single women, for example, who have been rendered homeless due to unequal rights to inheritance, either under formal or customary laws, should be given equal rights to housing and land in the rehabilitation process.

The human rights instruments also guide us to view compensation not merely as an issue to be resolved monetarily, but one that requires a holistic outlook, that would include providing for psychological counselling and therapeutic activities for children and others suffering post-disaster trauma, as well as developing integrated community rebuilding programmes.

The intention of this compilation is to draw attention to some of the numerous existing international human rights instruments, including guidelines adopted by UN agencies that should form the basis for ongoing post-tsunami rehabilitation work. The standards provided for in these instruments could be used to ensure that a human-rights-based approach is upheld and not compromised in the multiple agendas of competing relief agencies. These standards must also be used to spread learning and education amongst all actors involved in the post-tsunami efforts such that everyone works for the same purpose: the speedy attainment of human rights for all who are affected.

These human rights instruments could also act as a corrective to guarantee that human rights are restored in a sustainable and sensitive manner, including monitoring their realisation. That is the only manner through which the tragedy of disaster can be turned into an opportunity to protect the human rights of all affected people and communities.

Miloon Kothari

*UN Special Rapporteur on Adequate Housing,
Office of the United Nations High Commissioner on Human Rights*

July 2005, New Delhi

Reflections

Why human rights? We have no other option

In the aftermath of the tsunami tragedy, the foremost task of those who come to facilitate and design the rehabilitation process is to enable the survivors to overcome the unthinkable loss of family and property in a dignified way. It is critical that a clear course of action will be undertaken to lead the survivors from being victims to becoming the claimers of their future, able to generate real and sustained change. In order to attain these goals, and enhance the process of development in a holistic manner, it necessitates the learning and dialogue of human rights in a comprehensive way.

There is no other body of moral, political and legal thought that can provide such a comprehensive guideline. There is no other choice if the rehabilitation process is to create a viable future that will eliminate old and new forms of humiliation such as poverty, hunger, discrimination, unemployment, child labour, human trafficking, violence against women, lack of healthcare, inadequate housing and education, and most important, the denial of life with dignity and the respect for the sanctity of life by local, national, and international authorities.

Knowledge and implementation of human rights can keep us away from the damage of fragmentation and compartmentalization of these issues. Those of us contributing to the rehabilitation process must learn in an unambiguous way to integrate the promise of human rights into all of our actions. There is no other option.

When examined and understood as a holistic common vision that offers a comprehensive guideline toward the realization of our expectations, the principle of human rights can engender hopes of a better life for all. Discussion and dialogue about the significance of human rights in our communities is an innovative way to assure full participation in the decisions that determine the lives of women and men.

In the aftermath of the tsunami, when coming to lend a hand to the survivors, we retain the hope to maintain their dignity and autonomy. In addition, the structuring and restructuring of values must be brought forth clearly to overcome the pain and to direct planning and actions for the future. Incorporating human rights in all relief and rehabilitation work can fill this important need. The acquisition of knowledge about the meaning and promise of human rights can put a powerful tool for action in the hand of the survivors, as well as in the hands of those who are coming to facilitate the rehabilitation. With an understanding of the human rights framework, people will participate in a meaningful way to develop plans toward the realization of human, economic and social development. The acceptance of human rights as a way of life relevant to immediate and overwhelming concerns provides survivors with integrity and hope, and should provide governments and other aid agencies with guidance for practical solutions.

The introduction to the Universal Declaration of Human Rights (UDHR), speaks of *“freedom from fear and want.”* It is imperative that these freedoms be upheld in the rehabilitation process. Furthermore, in trust of humanity’s basic good will, the Declaration affirms that we were all born *equal in dignity*. It is this inalienable dignity that we must maintain as we take the journey for a sustainable new beginning and real change. .

The thirty articles of the UDHR celebrate our age-long hopes for making the world a better place to live, which attends to the political, civil, economic, social and cultural concerns, needs and expectations of humanity. When Member States joined the UN to develop two major Covenants to assure the well being of all women, men, youth and children, they took the meaning, goals and objectives of human rights a giant step forward. These two Covenants acknowledge clearly universal, moral and ethical values as fundamental to decency, equality, economic and social justice, to human and economic development, making them a part of international law. The Conventions that followed promised to protect and promote the human rights of women; children; different racial, indigenous and ethnic groups; and more.

We are obligated to share with all communities the gift of learning about the evolving empowerment of the human rights framework, as well as the development of capacities for people for taking charge of their lives so that they can claim their human rights that are inherently deserved. Those who are working with the survivors must learn to include in this process the practice and enforcement of the holistic human rights framework.

The manual in your hands contains a comprehensive guideline and offers a common vision for you, the reader, to notice, rethink, engage in dialogue and take nothing for granted. We hope that knowledge and understanding of human rights along with their inclusion in all policies and plan, including post-disaster work, genuinely can change and sustain our lives and bring hope to our communities.

Shulamith Koenig

Recipient of the 2003 UN Human Rights Award and founding president of PDHRE

May 2005

New York

Introduction

Our commitment to achieving human rights as a comprehensive framework challenges us to respond with vision and clarity in times of great loss. The Asian tsunami of 2004 has left more than a million people in need of adequate supplies of food, medicine and massive reconstruction of infrastructure. It is estimated that long-term resettlement and rehabilitation work will continue for another 18 months and beyond. As aid comes in from various organisations and governments throughout the world, we all must recognise that resettlement and rehabilitation can be most effective only when human rights standards are met and the survivors themselves are given the opportunity to transform their lives.

Relief efforts risk turning survivors into dependents of the state when large contractors and government machinery lead the process of rehabilitation without input from the people. Disaster victims often incur the loss of land, capital and rights because of so-called rehabilitation processes. Ignoring the specific needs of the communities at hand is ultimately counterproductive to the objectives of rehabilitation work. In Banda Aceh, Indonesia, for example, previous rehabilitation processes created zoning policies that disempowered communities by forcing them out of traditional livelihoods.

Unfortunately, disasters also tend to exacerbate existing divisions of class, race, caste, gender, religion, age and disability, among other discriminations. Relief measures often can neglect those who are most in need of them by ignoring those divisions. In such situations, reconstruction work is superficial, at best, and serves to reinforce existing inequalities, at worst.

In contrast, while disaster brings with it significant challenges, it also brings enormous potential in the sense that it gives all involved the opportunity to work for humanity. One becomes conscious of one's own rights and, undeniably, the rights of others. The rehabilitation process gives us the opportunity not only to provide relief to the survivors, but also to create a sustainable human rights culture that produces visible results. This can be achieved through the application of international human rights and humanitarian standards in all post-disaster reconstruction planning and operations. The application of such standards will help ease tensions as well as use the situation to contribute positively toward building an egalitarian society in which the dignity of all is upheld.

Human rights standards will enable all parties involved, from relief and governmental organisations to civic groups, to assess and monitor relief work. It is toward this end that this comprehensive (though not exhaustive) compilation of international human rights norms has been created. We have included only UN and UN agency standards, and not other NGO or government norms for disaster response. The latter is the subject for another compilation and critical analysis.

The present compilation focuses specifically on long-term post-disaster resettlement and rehabilitation. While some organisations may have created internal modes of operation that incorporate broad human rights standards, this is probably the first time that a comprehensive guide has been compiled for external and widespread use. It is our goal to help institutionalise

these international standards for all relief and rehabilitation work to come. The use of these standards will be an empowering and foresighted problem-solving tool for those affected, as well as for all parties engaged in post-disaster reconstruction and rehabilitation.

This compilation represents a first step toward bringing the applicable human rights standards to all those involved in reconstruction, most importantly, the survivors. This step is part of a more long-term initiative undertaken jointly by Habitat International Coalition - Housing and Land Rights Network (HIC-HLRN) and PDHRE, Peoples Movement for Human Rights Learning. The next steps focus on providing tools and training for the actual implementation of such standards through a collaborative process. A proposal for “The Integration of Human Rights Standards in Resettlement and Rehabilitation in the Tsunami-affected Countries in Asia” details the design for a checklist, planning manual, toolkit, training modules and evaluation processes of the programme. The checklist will help ensure relevant human rights standards are being incorporated into operational processes. The planning manual and toolkit will provide constructive guidance on integrating international standards into relief operations. The manual will provide steps to actualise rights and assess vulnerability. The training will focus on involving local groups in planning and implementation. The modules developed will train participants and officials in the assessment of project design, monitoring, review and evaluation. The guidance details mid-term review and other evaluation processes, in order to best document and evaluate the experience of initiatives taken. Lastly, the overall programme seeks to bring together community leaders, government officials, NGOs, donor organisations, government organisations, UN and other multilateral organisations in this common, urgent and, ultimately, very human task.

PDHRE one of the project holders, is recognised internationally as an organisation that promotes a holistic framework for human rights. It stresses human rights as a founding principle of societal development. Two of its major publications include *A Call for Justice*, a resource packet for the familiarization of human rights norms for NGO workers and citizens, and *Passport to Dignity*, a publication geared toward education specifically on the human rights of women, including experiences gathered from different communities in an attempt to achieve those human rights.

The other critical project holder, HIC-HLRN, has accumulated many years of experience in the housing and land rights field and has conducted several training programmes with communities, as well as government and non-government agencies, on the practical application of the human right to land and adequate housing. HIC-HLRN also has developed a toolkit and loss matrix to assess and monitor housing and land rights from a human rights perspective. This kit has been widely used and adopted, including in the assessment of housing and land rights in tsunami-affected areas of Asia.

Through the development of this joint programme, we hope to create practical structures and mechanisms for rehabilitation work. All of the programme’s products and services are based on the realisation that, without local endorsement, effective implementation would not be possible. It is our hope that these efforts will create a precedent of applying and integrating the human

rights vision to all resettlement and rehabilitation work and, thereby, help attain its vital core objective: promoting and protecting human dignity.

Human rights and freedoms are universal, as are the international norms provided in this volume. However, realising them is always a local task.

HIC-HLRN and PDHRE would like to thank Oxfam India Trust for supporting the first draft of this compilation.

Minar Pimple, executive director, PDHRE
Joseph Schechla, coordinator, HIC- HLRN

June 2005

Part I
Core Principles

1.1 Right to Life with Dignity

Article 1, Universal Declaration of Human Rights, 1948

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 1, Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

All peoples and all human beings, without distinction as to race, colour, sex, language, religion, nationality, ethnic origin, family or social status, or political or other conviction, shall have the right to live in dignity and freedom and to enjoy the fruits of social progress and should, on their part, contribute to it.

United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

14. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.

1.1.1 Right to an Adequate Standard of Living

Article 25, Universal Declaration of Human Rights, 1948

(1) 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.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 11, International Covenant on Economic, Social and Cultural Rights, 1966

1. 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.

Article 27, Convention on the Rights of the Child, 1989

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

1.1.2 Right to Security of Person

Article 3, Universal Declaration of Human Rights, 1948

Everyone has the right to life, liberty and security of person.

Article 6, Universal Declaration of Human Rights, 1948

Everyone has the right to recognition everywhere as a person before the law.

Article 9, International Covenant on Civil and Political Rights, 1966

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Article 16, International Covenant on Civil and Political Rights, 1966

Everyone shall have the right to recognition everywhere as a person before the law.

1.1.3 Right to Security of the Home

Article 12, Universal Declaration of Human Rights, 1948

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 17, International Covenant on Civil and Political Rights, 1966

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

1.2 Environment and Sustainability

United Nations Millennium Declaration, 2000, General Assembly resolution 55/2

6. We consider certain fundamental values to be essential to international relations in the twenty-first century. These include:

- Respect for nature. Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our

descendants. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants.

21. We must spare no effort to free all of humanity, and above all our children and grandchildren, from the threat of living on a planet irredeemably spoilt by human activities, and whose resources would no longer be sufficient for their needs.

22. We reaffirm our support for the principles of sustainable development, including those set out in Agenda 21, agreed upon at the United Nations Conference on Environment and Development.

23. We resolve therefore to adopt in all our environmental actions a new ethic of conservation and stewardship and, as first steps, we resolve:

- To make every effort to ensure the entry into force of the Kyoto Protocol, preferably by the tenth anniversary of the United Nations Conference on Environment and Development in 2002, and to embark on the required reduction in emissions of greenhouse gases.
- To intensify our collective efforts for the management, conservation and sustainable development of all types of forests.
- To press for the full implementation of the Convention on Biological Diversity and the Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.
- To stop the unsustainable exploitation of water resources by developing water management strategies at the regional, national and local levels, which promote both equitable access and adequate supplies.
- To intensify cooperation to reduce the number and effects of natural and man-made disasters.

United Nations Millennium Development Goals

7. Ensure environmental sustainability

Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

5. Peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all.

18. Encourage relevant authorities at all levels to take sustainable development considerations into account in decision making, including on national and local development planning, investment in infrastructure, business development and public procurement.

Rio Declaration, United Nations Conference on Environment and Development, 1992

Principle 1: Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Principle 3: The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

Principle 4: In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

Principle 5: All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Principle 6: The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

Draft Declaration on Human Rights and the Environment, 1994

2. All persons have the right to a secure, healthy and ecologically sound environment. This right and other human rights, including civil, cultural, economic, political and social rights, are universal, interdependent and indivisible.

3. All persons shall be free from any form of discrimination in regard to actions and decisions that affect the environment.

4. All persons have the right to an environment adequate to meet equitably the needs of present generations and that does not impair the rights of future generations to meet equitably their needs.

13. Everyone has the right to benefit equitably from the conservation and sustainable use of nature and natural resources for cultural, ecological, educational, health, livelihood, recreational, spiritual or other purposes. This includes ecologically sound access to nature.

Also see:

Agenda 21, Chapter 8 – Integrating Environment and Development in Decision Making (adopted at the United Nations Conference on Environment and Development, 1992)

1.3 Self-determination

Article 1, International Covenant on Economic, Social and Cultural Rights, 1966

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Article 1, International Covenant on Civil and Political Rights, 1966

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the

principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

General Recommendation No. XXI on the right to self-determination, Committee on the Elimination of Racial Discrimination, 1996

Paragraph 2, Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.

Article 26 (k) Copenhagen Declaration, World Summit for Social Development, 1995

Reaffirm the right of self-determination of all peoples, in particular of peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of this right, as enunciated, inter alia, in the Vienna Declaration and Programme of Action 3/ adopted at the World Conference on Human Rights.

Permanent Sovereignty over Natural Resources, 1962, General Assembly resolution 1803 (XVII)

1. The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.

1.4 Equality, Non-Discrimination, and Impartiality

Article 1, International Convention on the Elimination of All Forms of Racial Discrimination, 1965

1. In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2, International Convention on the Elimination of All Forms of Racial Discrimination, 1965

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

- (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

- (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
- (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

Article 2, Universal Declaration of Human Rights, 1948

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 2, International Covenant on Civil and Political Rights, 1966

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 2(2), International Covenant on Economic, Social and Cultural Rights, 1966

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised 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.

Article 2, Convention on the Rights of the Child, 1989

- 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

General Recommendation No XIV on Article 1, paragraph 1, of the Convention, Committee on the Elimination of Racial Discrimination, 1993

General Comment No. 18: Non-discrimination, Human Rights Committee, 1989

United Nations Millennium Declaration, 2000, General Assembly resolution 55/2

6. We consider certain fundamental values to be essential to international relations in the twenty-first century. These include:

- Equality. No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.

Principle 1, Programme of Action of the United Nations International Conference on Population and Development, 1994

All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Everyone has the right to life, liberty and security of person.

Copenhagen Declaration, World Summit for Social Development, 1995

25. We heads of State and Government are committed to a political, economic, ethical and spiritual vision for social development that is based on human dignity, human rights, equality, respect, peace, democracy, mutual responsibility and cooperation, and full respect for the various religious and ethical values and cultural backgrounds of people. Accordingly, we will give the highest priority in national, regional and international policies and actions to the promotion of social progress, justice and the betterment of the human condition, based on full participation by all.

26 (b) Fulfil our responsibility for present and future generations by ensuring equity among generations and protecting the integrity and sustainable use of our environment;

26 (f) Promote democracy, human dignity, social justice and solidarity at the national, regional and international levels; ensure tolerance, non-violence, pluralism and non-discrimination, with full respect for diversity within and among societies;

26 (g) Promote the equitable distribution of income and greater access to resources through equity and equality of opportunity for all;

26 (l) Support progress and security for people and communities whereby every member of society is enabled to satisfy his or her basic human needs and to realize his or her personal dignity, safety and creativity;

Principle 1, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

Principle 4, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

Principle 29, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

15. Respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law. The speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance is a priority task for the international community. Governments should take effective measures to prevent and combat them. Groups, institutions, intergovernmental and non-governmental organizations and individuals are urged to intensify their efforts in cooperating and coordinating their activities against these evils.

Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 1987

37. Upon becoming a party to the Covenant States shall eliminate *de jure* discrimination by abolishing without delay any discriminatory laws, regulations and practices (including acts of omission as well as commission) affecting the enjoyment of economic, social and cultural rights.

38. *De facto* discrimination occurring as a result of the unequal enjoyment of economic, social and cultural rights, on account of a lack of resources or otherwise, should be brought to an end as speedily as possible.

40. Article 2 (2) demands from States parties that they prohibit private persons and bodies from practising discrimination in any field of public life.

41. In the application of article 2 (2) due regard should be paid to all relevant international instruments including the Declaration and Convention on the Elimination of all Forms of Racial Discrimination as well as to the activities of the supervisory committee (CERD) under the said Convention.

United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

18. Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.

Also see:

- UNESCO Convention against Discrimination in Education, 1960
- UNESCO Declaration on Race and Racial Prejudice, 1978
- Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, 1981, General Assembly resolution 36/55
- Durban Declaration, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001
- ILO Convention on Equal Remuneration, 1951 (No. 100)
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Core Humanitarian principles, World Food Programme, 2004

WFP's assistance will be guided solely by need and will not discriminate in terms of ethnic origin, nationality, political opinion, gender, race or religion. In a country, assistance will be targeted to those most at risk from the consequences of food shortages, following a sound assessment that considers the different needs and vulnerabilities of women, men and children.

1.5 Gender Equality

Article 3, International Covenant on Civil and Political Rights, 1966

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 3, International Covenant on Economic, Social and Cultural Rights, 1966

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 1, Convention on the Elimination of All Forms of Discrimination against Women, 1979

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2, Convention on the Elimination of All Forms of Discrimination against Women, 1979

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women ... and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

Part II
Standards of Operation

2.1 Information

Article 19, International Covenant on Civil and Political Rights, 1966

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 6, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, General Assembly resolution 53/144

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

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, 2005, Commission on Human Rights resolution 2005/35

11. Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law:

- (c) Access to relevant information concerning violations and reparation mechanisms.

12. ... States should:

- (a) Disseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law;

Strengthening of popular participation, equity, social justice and nondiscrimination as essential foundations of democracy, 2005, Commission on Human Rights resolution 2005/29

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

- 35. (h) Develop and strengthen early warning systems and information networks in disaster management, consistent with the International Strategy for Disaster Reduction;
- (i) Develop and strengthen capacity at all levels to collect and disseminate scientific and technical information, including the improvement of early warning systems for predicting extreme weather events...

Rio Declaration, United Nations Conference on Environment and Development, 1992

Principle 10: Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Principle 18: States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.

Principle 19: States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.

Draft Declaration on Human Rights and the Environment, 1994

15. All persons have the right to information concerning the environment. This includes information, howsoever compiled, on actions and courses of conduct that may affect the environment and information necessary to enable effective public participation in environmental decision-making. The information shall be timely, clear, understandable and available without undue financial burden to the applicant.

Programme of Action, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001

2. Policies and practices

Data collection and disaggregation research and study

92. Urges States to collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance;

- (a) Such statistical data should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the victims, based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused;
- (b) The statistical data and information should be collected with the objective of monitoring the situation of marginalized groups, and the development and evaluation of legislation, policies, practices and other measures aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance, as well as for the purpose of determining whether any measures have an unintentional disparate impact on victims. To that end, it recommends the development of voluntary, consensual and participatory strategies in the process of collecting, designing and using information;

- (c) The information should take into account economic and social indicators, including, where appropriate, health and health status, infant and maternal mortality, life expectancy, literacy, education, employment, housing, land ownership, mental and physical health care, water, sanitation, energy and communications services, poverty and average disposable income, in order to elaborate social and economic development policies with a view to closing the existing gaps in social and economic conditions;

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), 1998

Article 3 (1). Each Party shall take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the information, public participation and access-to-justice provisions in this Convention, as well as proper enforcement measures, to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention.

Gender, Disaster and Conflict: A Human Settlements Perspective, Gender – DMP/UN Habitat Concept Brief, 2004

Access to information in prevention and mitigation stages of disaster management is critical. Women are particularly effective purveyors of information, though in many cases they are excluded from information processes. It is equally important however that women are involved in and aware of channels by which they can pass information regarding their needs and priorities. As such, information mechanisms must be two way and accessible for equal inclusion of women's and men's voices.

2.2 Participation

Article 21, Universal Declaration of Human Rights, 1948

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right to equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 25, International Covenant on Civil and Political Rights, 1966

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 7, Convention on the Elimination of All Forms of Discrimination against Women, 1979

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1991

Article 6

1. In applying the provisions of this Convention, governments shall:
 - (a) consult the (Indigenous) peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

Article 7 (3): Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

General Recommendation No. 23: Political and public life, Committee on the Elimination of Discrimination against Women, 1997

General Comment No. 25: Article 25 (Participation in public affairs and the right to vote), Human Rights Committee, 1996

Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy, 2005, Commission on Human Rights resolution 2005/29

Article 2, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, General Assembly resolution 47/135

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.

Article 8, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, General Assembly resolution 53/144

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 8, Declaration on the Right to Development, 1986 General Assembly resolution 41/128

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.
2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

7. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.
14. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.

Vancouver Declaration on Human Settlements, United Nations Conference on Human Settlements (Habitat I), 1976

Section II 13. All persons have the right and the duty to participate, individually and collectively in the elaboration and implementation of policies and programmes of their human settlements.

Section III 10. Basic human dignity is the right of people, individually and collectively, to participate directly in shaping the policies and programmes affecting their lives. The process of choosing and carrying out a given course of action for human settlement improvement should be designed expressly to fulfil that right. Effective human settlement policies require a continuous co-operative relationship between a Government and its people at all levels. It is recommended that national Governments promote programmes that will encourage and assist local authorities to participate to a greater extent in national development.

Principle 18, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

119.ter Ensure access, at the national level, to environmental information and judicial and administrative proceedings in environmental matters, as well as public participation in decision-making, so as to further principle 10 of the Rio Declaration on Environment and Development, taking into full account principles 5, 7 and 11 of the Declaration.

121 (g) Enhancing participation and effective involvement of civil society and other relevant stakeholders in the implementation of Agenda 21, as well as promoting transparency and broad public participation;

146.bis All countries should also promote public participation, including through measures that provide access to information regarding legislation, regulations, activities, policies and programmes. They should also foster full public participation in sustainable development policy formulation and implementation. Women should be able to participate fully and equally in policy formulation and decision-making.

153. Promote and support youth participation in programmes and activities relating to sustainable development through, for example, supporting local youth councils or their equivalent, and by encouraging their establishment where they do not exist.

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

43. The World Conference on Human Rights urges Governments and regional and international organizations to facilitate the access of women to decision-making posts and their greater participation in the decision-making process. It encourages further steps within the United Nations Secretariat to appoint and promote women staff members in accordance with the Charter of the United Nations, and encourages other principal and subsidiary organs of the United Nations to guarantee the participation of women under conditions of equality.

Draft Declaration on Human Rights and the Environment, 1994

18. All persons have the right to active, free, and meaningful participation in planning and decision-making activities and processes that may have an impact on the environment and development. This includes the right to a prior assessment of the environmental, developmental and human rights consequences of proposed actions.

Core Humanitarian principles, World Food Programme, 2004

Participation: WFP will involve women and men beneficiaries wherever possible in all activities and will work closely with governments at the national and local levels to plan and implement assistance.

Basic Framework for Medium and Long Term Fisheries/ Aquaculture Rehabilitation and Reconstruction Activities in relation to the Tsunami Disaster, Food and Agriculture Organisation, 2005

Key Guiding Principles for FAO assistance

Ensure that relief and rehabilitation efforts are perceived by local people as a right and addressed in a compassionate manner - bringing in stakeholders; building their capacity to respond; developing a common vision for rebuilding their livelihoods; and focussing on finding the best ways to deliver rehabilitation outcomes in partnership with target groups.

Also see:

Convention on Access to Information, Public Participation In Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), 1998

2.3 Assessment

Item H3, Platform of Action and Beijing Declaration, 1995, Fourth World Conference on Women

Generate and disseminate gender disaggregated data and information for planning and evaluation.

Consolidated Appeal Process Guidelines, 1994, UN Inter-Agency Standing Committee

2. Assessments are a means of identifying and prioritising needs in an emergency to meet the critical requirements of those most directly at risk. Assessments rely on a clear appreciation of the evolving situation in-country, and for this reason should be part of a regular review process undertaken through the coordination structure by in-country assessment teams. In so saying, it is fully recognised that there are organisations specifically mandated to undertake specialised assessment missions which, due to such factors as agricultural cycles, will be solely responsible for determining when mandated assessment procedures would be implemented.

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

12.2 States should ensure transparency and accountability in the use of public resources, particularly in the area of food security.

Core Humanitarian principles, World Food Programme, 2004

WFP's assistance will be guided solely by need and will not discriminate in terms of ethnic origin, nationality, political opinion, gender, race or religion. In a country, assistance will be targeted to those most at risk from the consequences of food shortages, following a sound assessment that considers the different needs and vulnerabilities of women, men and children

2.4 Targeted Response

A. Guidelines Specifically Related to the December 2004 Tsunami

- **2005 Rome Declaration, FAO Ministerial Meeting on Fisheries, Rome, 12 March 2005**

- **Economic and Social Council, Commission on the Status of Women, Forty-ninth session, 2005, resolution 49/5: *Integrating a gender perspective in post-disaster relief, recovery, rehabilitation and reconstruction efforts, particularly in the aftermath of the Indian Ocean tsunami disaster***
- **Recovery Framework in Support of Government of India for a Post-Tsunami Rehabilitation and Reconstruction Programme, United Nations Country Team India, March 2005**

1.5.1 Objectives of the Recovery Framework

The overall objective of the Recovery Framework of the UN System In Support of Government of India for a Post-tsunami Rehabilitation and Reconstruction Programme is to define the approach of the United Nations in facilitating the rapid recovery of the affected populations. This approach is designed to lead to both recovery and the expansion of opportunities for sustainable development, and the reduction of future disaster risks. Specifically, the Framework is designed to:

- Contribute to sustainable livelihood recovery;
- Help plan for the rehabilitation and rebuilding in a way that promotes livelihood recovery, the expansion of income and employment opportunities, and, at the same time, also reduces risks;
- Provide for the strengthening of institutional capacities for identifying and managing disaster risks, in a multi-hazard framework.

1.5.2 Guiding Principles

- *Nationally and locally driven recovery:* There is a need to empower affected communities, families and district governments to take their own recovery in their hands. Therefore, as soon as possible, efforts will be made to get people out of relief and into recovery. This will require State governments to replace relief packages for recovery assistance to enable them to jump-start livelihoods for both women and men and contribute significantly to the reconstruction effort.
- *Gender equity:* The recovery and reconstruction process must fully take into account the women's human rights perspective, protection, livelihood and leadership of women and women's organisations.
- *Short-term rehabilitation must not hinge on long-term reconstruction packages:* Local recovery efforts will begin as soon as possible and not be tied to the lengthy process of approval of international loans and the development of "master plans", etc., at the State level. In other words an incremental process of local recovery can begin in parallel with decision-making on more strategic issues linked to broader policy issues. This requires a clear strategic distinction between rehabilitation – restoring basic services and infrastructure - and reconstruction – upgrading and improving existing development assets that are gender sensitive in nature.
- *An adequate balance between governance and participation:* Decision-making on programme content and direction is best done by those who are most affected by them. Participatory and gender representative planning will result in plans that meet the needs

and have the support of the affected community, and will, therefore, be the most effective. This is particularly important in the context of reconstruction and possible resettlement of affected households in the Coastal Regulation Zone.

- *Respect for cultural diversity and specificities:* Tribal groups and fishers have distinctive lifestyles which are in themselves a part of the cultural heritage of India. Efforts must be responsive to these societies' need to maintain their integrity, at the same time developing programmes that result in the improvement of the quality of their lives. Flexibility is essential in the application of general policies in terms of adaptation to specific conditions in terms of coastal related activities such as fishing, salt production, port and transport, etc., where immediate proximity to the coast is essential.
- *Seek greater equity in access rights and the distribution of productive assets:* The recovery and rehabilitation phases provide opportunities to increase equality within communities, more evenly distribute ownership of assets, and improve the condition and position of women and other vulnerable groups. It is also clear that the reconstruction of communities along a narrow coastal strip cannot generate privileges that those living further inland have been denied. A balancing act is needed by district authorities in order to provide to those in need without excluding those unaffected by the tsunami. This will require focusing on capacity building for providing balanced public services and strengthening institutions.
- *Transparent and effective monitoring of the recovery process:* For all the interventions, an engendered monitoring mechanism will be put in place to assess and advise the implementation of these interventions. In particular, there will be a clear policy for public disclosure of rehabilitation and reconstruction plans to all affected and non-affected communities. A communication and public information campaign would seek to inform public opinion on the scale and scope of the recovery effort. There is need to promote the coordination between actors (government, NGOs, international organizations, contractors) and stakeholders (beneficiaries and the local population, including those not directly affected, *Panchayat* members, habitations or districts) in the reconstruction process and avoid mechanisms that create dependency.
- **Psychosocial support for Tsunami-affected population: service delivery and referral mechanisms, World Health Organisation India country office as part of the UN team, March 2005**
- **Inter-Agency Guiding Principles on Unaccompanied and Separated Children, 2004, UNICEF, UNHCR, International Committee of the Red Cross, International Rescue Committee, Save the Children UK and World Vision**
- **Inter-Agency Guiding Principles on Psychosocial Care and Protection of Tsunami Affected Children, 2004, UNICEF, UNHCR, International Committee of the Red Cross, International Rescue Committee, Save the Children UK and World Vision**
- **Evolving Strategies for Long-term Rehabilitation on Shelter and Habitat Development in the Tsunami affected areas of Tamil Nadu, United Nations Development Programme, March 2005**

- **CRZ Notification and Post-Tsunami Rehabilitation in Tamil Nadu, United Nations Recovery Team India, March, 2005**

The initial trauma of death and disaster unleashed by the tsunami has now given way to an urgent need for an effective programme of rehabilitation and reconstruction that is responsive to the long-term welfare of the affected people by minimizing their dislocation and impoverishment and at the same time not contradicting the existing legal norms and requirements. Hence it is essential to establish certain important and non-negotiable principles that will guide all the recovery and rehabilitation work:

- There should be no further victimisation of the tsunami affected.
- This disaster should not be converted into an opportunity to displace local communities living along the coast.
- A robust and sustained process of negotiation with affected communities under a clearly established and fully understood set of rules needs to be initiated immediately.
- A sustained, comprehensive and honest attempt has to be made to establish pre-tsunami socio-economic baseline.
- All attempts should be made to restore rights and entitlements due to the affected people so that their lives return to a minimum level of normalcy, which should at least be equivalent to the pre-tsunami situation.
- All actors, especially the government and NGOs, need to work with affected communities by fully involving them in decision-making and implementation of recovery and rehabilitation initiatives and not to drive the process merely by government orders.
- **CRZ Notification: Post-Tsunami Rehabilitation, Issues for MoEF, GoI & GoTN, UN Recovery Team India, March 2005**
- **Key Issues of Resettlement, United Nations Recovery Team India, March 2005**
- **India Post-Tsunami Recovery Program: Preliminary Damage and Needs Assessment, Asian Development Bank, United Nations and World Bank, March 2005**
- **Preliminary Demand Analysis for Goods & Services Required by Tsunami-Affected Countries, Inter-Agency Procurement Services Office, UNDP, March 2005**

B. General Post-disaster Guidelines/Declarations/Principles

United Nations Millennium Declaration, 2000, General Assembly resolution 55/2

26. We will spare no effort to ensure that children and all civilian populations that suffer disproportionately the consequences of natural disasters, genocide, armed conflicts and other humanitarian emergencies are given every assistance and protection so that they can resume normal life as soon as possible.

We resolve therefore:

- To expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law.

- To strengthen international cooperation, including burden sharing in, and the coordination of humanitarian assistance to, countries hosting refugees and to help all refugees and displaced persons to return voluntarily to their homes, in safety and dignity and to be smoothly reintegrated into their societies.

Strengthening of the coordination of humanitarian emergency assistance of the United Nations, 1991, General Assembly resolution 46/182.

1. Humanitarian assistance is of cardinal importance for the victims of natural disasters and other emergencies.
2. Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality.

The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms, 1998, Commission on Human Rights resolution 1998/43

International Strategy for Disaster Reduction, 2004, General Assembly resolution 58/214.

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, 2005, Commission on Human Rights resolution 2005/35

Yokohama Strategy and Plan of Action for a Safer World, Guidelines for Natural Disaster Prevention, Preparedness and Mitigation, World Conference on Natural Disaster Reduction, 1994

Hyogo Declaration, World Conference on Disaster Reduction, January 2005

4. We affirm that States have the primary responsibility to protect the people and property on their territory from hazards, and thus, it is vital to give high priority to disaster risk reduction in national policy, consistent with their capacities and the resources available to them. We concur that strengthening community level capacities to reduce disaster risk at the local level is especially needed, considering that appropriate disaster reduction measures at that level enable the communities and individuals to reduce significantly their vulnerability to hazards. Disasters remain a major threat to the survival, dignity, livelihood and security of peoples and communities, in particular the poor. Therefore there is an urgent need to enhance the capacity of disaster-prone developing countries in particular, the least developed countries and small island developing States, to reduce the impact of disasters, through strengthened national efforts and enhanced bilateral, regional and international cooperation, including through technical and financial assistance.

Hyogo Framework for Action 2005 – 2015: Building the Resilience of Nations and Communities to Disasters, World Conference on Natural Disaster Reduction, 1994

Vancouver Declaration on Human Settlements, United Nations Conference on Human Settlements, 1976

15. The highest priority should be placed on the rehabilitation of expelled and homeless people who have been displaced by natural or man-made catastrophes, and especially by the act of foreign aggression. In the latter case, all countries have the duty to fully co-operate in order to

guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference.

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

35. An integrated, multi-hazard, inclusive approach to address vulnerability, risk assessment and disaster management, including prevention, mitigation, preparedness, response and recovery, is an essential element of a safer world in the twenty-first century. Actions are required at all levels to:

- (a) Strengthen the role of the International Strategy for Disaster Reduction and encourage the international community to provide the necessary financial resources to its Trust Fund;
- (b) Support the establishment of effective regional, subregional and national strategies and scientific and technical institutional support for disaster management;
- (c) Strengthen the institutional capacities of countries and promote international joint observation and research, through improved surface-based monitoring and increased use of satellite data, dissemination of technical and scientific knowledge, and the provision of assistance to vulnerable countries;
- (f) Encourage the dissemination and use of traditional and indigenous knowledge to mitigate the impact of disasters, and promote community-based disaster management planning by local authorities, including through training activities and raising public awareness;
- (g) Support the ongoing voluntary contribution of, as appropriate, non-governmental organizations, the scientific community and other partners in the management of natural disasters according to agreed, relevant guidelines;
- (h) Develop and strengthen early warning systems and information networks in disaster management, consistent with the International Strategy for Disaster Reduction;
- (i) Develop and strengthen capacity at all levels to collect and disseminate scientific and technical information, including the improvement of early warning systems for predicting extreme weather events, especially El Niño/La Niña, through the provision of assistance to institutions devoted to addressing such events, including the International Centre for the Study of the El Niño phenomenon;
- (j) Promote cooperation for the prevention and mitigation of, preparedness for, response to and recovery from major technological and other disasters with an adverse impact on the environment in order to enhance the capabilities of affected countries to cope with such situations.

Guiding Principles on Earthquake – Tsunami Response, Proposals for Reconstruction, Rehabilitation and Recovery, 2005, International Labour Organisation

Special attention should be paid to the needs of those who have the most vulnerable positions in the labour market, and who are likely to face greater exploitation in the post-disaster situation (women, youth, children, elderly, displaced, homeless, disabled, very poor households, women-headed households).

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

15.3 States and relevant non-state actors should ensure, in accordance with international law, safe and unimpeded access to the populations in need, as well as for international needs assessments and humanitarian agencies involved in the distribution of international food assistance.

15.4 The provision of international food aid in emergency situations should take particular account of longer term rehabilitation and development objectives in the recipient countries and should respect universally recognized humanitarian principles.

16.6 In the case of natural or human-made disasters, States should provide food assistance to those in need, may request international assistance if their own resources do not suffice, and should facilitate safe and unimpeded access for international assistance in accordance with international law and universally recognized humanitarian principles, bearing in mind local circumstances, dietary traditions and cultures.

16.8 States are invited to consider establishing mechanisms to assess nutritional impact and to gain understanding of the coping strategies of affected households in the event of natural or human made disasters. This should inform the targeting, design, implementation and evaluation of relief, rehabilitation and resilience building programmes.

Draft Declaration on Human Rights and the Environment, 1994

Part II.12. All persons have the right to timely assistance in the event of natural or technological or other human-caused catastrophes.

Also see:

The Principles of Prioritization in the Consolidated Appeal Process, Consolidated Appeal Process Guidelines, 1994, UN Inter-Agency Standing Committee

C. General Post-disaster Guiding Policies

Consolidated Appeal Process Guidelines, 1994, UN Inter-Agency Standing Committee

3. Strategic Planning: An integral part of the consolidated appeal process is the strategic plan which should clearly define the objectives of the proposed relief programme, the relief programme's linkage to longer-term rehabilitation and development requirements and means to address root causes with special attention to vulnerable groups.

The Strategic Plan should:

- provide guidelines on linkages to the relief-to-development continuum. In particular it should be recognised that the way a relief programme is carried out directly affects the rehabilitation activities which follow. Rehabilitation can be both a phase which follows relief and also include activities which can function in parallel to relief interventions. Thus, many relief activities can be designed in a nature that enhances linkages to later rehabilitation work.

Core Humanitarian principles, World Food Programme, 2004

Capacity-building: Within its own capacity and resources, WFP will strengthen the capacity of affected countries and local communities to prevent, prepare for and respond to humanitarian crises. WFP will ensure participation by women's organizations and will integrate a gender perspective in capacity-building activities.

Also see:

- Guiding Principles, UN International Strategy for Disaster Reduction (UN/ISDR) Assisting in Emergencies. A resource handbook for UNICEF field staff, UNICEF, 1986
- Shelter After Disaster: Guidelines for Assistance, United Nations Disaster Relief Coordinator (UNDRO), 1982
- Catalogue of Emergency Response Resources, No. 4, UNHCR, 1996
- Handbook for Emergencies, UNHCR, 1982
- Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief (Oslo Guidelines), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 1994
- A Guide to the Use and Logistics of Family Tents in Humanitarian Relief (2004) OCHA
- United Nations Disaster Assistance and Coordination (UNDAC) Field Handbook, OCHA, 2000
- Emergency Activities: Technical Handbook Series, Food and Agriculture Organisation
- Emergency Relief Items, Compendiums of Generic Specifications, Volume 1 (Third Edition), Inter-Agency Procurement Services Office, UNDP, 2000
- Emergency Relief Items, Compendiums of Basic Specifications, Volume 2, Inter-Agency Procurement Services Office, UNDP, 1999
- Disaster, Post-Conflict and Safety Section, UN-HABITAT
- Passport to Mainstreaming a Gender Perspective in Emergency Programmes, Food and Agriculture Organisation
- Guidelines on Socio-Economic and Gender Analysis for Emergency and Rehabilitation, Food and Agriculture Organisation
- Handbook for Estimating the Socio-Economic and Environmental Impacts of Disasters, United Nations Economic Commission of Latin America and the Caribbean (ECLAC) and the World Bank
- UNDRO-DMTP Documents:
 - ◆ Disaster Management (trainer's guide/training module)
 - ◆ Disaster Mitigation (trainer's guide/training module)
 - ◆ An Overview of Disaster Management
 - ◆ Guidelines for Trainers Leading Disaster Management Workshops
 - ◆ Disaster Management Ethics
 - ◆ Disaster Assessment (UNDP, UNDRO)
 - ◆ Disaster Management Manual (UNDP/UNDRO)

2.5 Monitoring and Supervision

Monitoring of international plans and programmes of action in the field of social development, UN General Assembly resolution 46/90, 1991

Part II, Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

- A. Increased Coordination on Human Rights within the United Nations System
1. The World Conference on Human Rights recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system. To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication. The World Conference on Human Rights also recommends to the Secretary-General that high-level officials of relevant United Nations bodies and specialized agencies at their annual meeting, besides coordinating their activities, also assess the impact of their strategies and policies on the enjoyment of all human rights.
 2. Furthermore, the World Conference on Human Rights calls on regional organizations and prominent international and regional finance and development institutions to assess also the impact of their policies and programmes on the enjoyment of human rights.

The World Conference on Human Rights recognizes that relevant specialized agencies and bodies and institutions of the United Nations system as well as other relevant intergovernmental organizations whose activities deal with human rights play a vital role in the formulation, promotion and implementation of human rights standards, within their respective mandates, and should take into account the outcome of the World Conference on Human Rights within their fields of competence.

2.6 Accountability

Copenhagen Declaration, World Summit for Social Development, 1995

26 (n) Underline the importance of transparent and accountable governance and administration in all public and private national and international institutions;

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

17. Enhance corporate environmental and social responsibility and accountability. This would include actions at all levels to:
- (a) Encourage industry to improve social and environmental performance through voluntary initiatives, including environmental management systems, codes of conduct, certification and public reporting on environmental and social issues, taking into account such initiatives as the International Organization for Standardization (ISO) standards and Global Reporting Initiative guidelines on sustainability reporting, bearing in mind principle 11 of the Rio Declaration on Environment and Development;

Standards of Accountability and Professionalism, Core Humanitarian principles, World Food Programme, 2004

IX. Accountability: WFP will keep donors, host country governments, beneficiaries and other relevant stakeholders informed of its activities and their impact through regular reporting.

X. Professionalism: WFP will maintain the highest standards of professionalism and integrity among its international and national staff to ensure that its programmes are carried out efficiently, effectively, ethically and safely. All staff will adhere to the *Standard Code of Conduct for the International Civil Service* and the Secretary-General's *Bulletin on Sexual Abuse and Exploitation in Humanitarian Crises and Other Operations*.

Also see:

- Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 1997
- UN Norms on the responsibility of transnational corporations and other business enterprises with regard to human rights, 2003, UN Commission on Human Rights
- International Labour Organisation's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
- Sustainability Reporting Guidelines, Global Reporting Initiative

2.7 International Cooperation

United Nations Millennium Development Goals

8. Develop a global partnership for development

United Nations Millennium Declaration, 2000, General Assembly resolution 55/2

6. We consider certain fundamental values to be essential to international relations in the twenty-first century. These include:

- Shared responsibility. Responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally. As the most universal and most representative organization in the world, the United Nations must play the central role.

Article 55, United Nations Charter

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56, United Nations Charter

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 9, Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

Social progress and development are the common concerns of the international community, which shall supplement, by concerted international action, national efforts to raise the living standards of peoples.

Permanent sovereignty over natural resources, General Assembly resolution 1803 (XVII), 1962

6. International co-operation for the economic development of developing countries, whether in the form of public or private capital investments, exchange of goods and services, technical assistance, or exchange of scientific information, shall be such as to further their independent national development and shall be based upon respect for their sovereignty over their natural wealth and resources.

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, 2005, Commission on Human Rights resolution 2005/35

III. 5. ... Moreover, where it is so provided for in an applicable treaty or other international legal obligations, States should facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice, including assistance to, and protection of, victims and witnesses, consistent with international human rights legal standards and subject to international legal requirements such as those relating to the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment.

Regional co-operation for the promotion and protection of human rights in the Asian and Pacific region, 2005, Commission on Human Rights resolution 2005/71

Regional arrangements for the promotion and protection of human rights, 2005, Commission on Human Rights resolution 2005/73

Copenhagen Declaration, World Summit for Social Development, 1995

26 (c) Recognize that, while social development is a national responsibility, it cannot be successfully achieved without the collective commitment and efforts of the international community;

26 (p) Assert the universality of social development and outline a new and strengthened approach to social development, with a renewed impetus for international cooperation and partnership;

27. We acknowledge that it is the primary responsibility of States to attain these goals. We also acknowledge that these goals cannot be achieved by States alone. The international community, the United Nations, the multilateral financial institutions, all regional organizations and local authorities, and all actors of civil society need to positively contribute their own share of efforts and resources in order to reduce inequalities among people and narrow the gap between developed and developing countries in a global effort to reduce social tensions, and to create greater social and economic stability and security. Radical political, social and economic changes in the countries with economies in transition have been accompanied by a deterioration in their economic and social situation. We invite all people to express their personal commitment to enhancing the human condition through concrete actions in their own fields of activities and through assuming specific civic responsibilities.

Rio Declaration, United Nations Conference on Environment and Development, 1992

Principle 6: The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

Principle 7: States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

Principle 15, Programme of Action of the United Nations International Conference on Population and Development, 1994

Sustained economic growth, in the context of sustainable development, and social progress require that growth be broadly based, offering equal opportunities to all people. All countries should recognize their common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development, and should continue to improve their efforts to promote sustained growth and to narrow imbalances in a manner that can benefit all countries, particularly the developing countries.

Article 16, World Declaration on Nutrition, 1992 (International Conference on Nutrition, Rome, 1992)

We recognize the fact that each government has the prime responsibility to protect and promote food security and the nutritional well-being of its people, especially the vulnerable groups. However, we also stress that such efforts of low-income countries should be supported by actions of the international community as a whole. Such actions should include an increase in official development assistance in order to reach the accepted United Nations target of 0.7 percent of the GNP of developed countries as reiterated at the 1992 United Nations Conference on Environment and Development. Also, further renegotiation or alleviation of external debt could contribute in a substantive manner to the nutritional well-being in medium-income countries as well as in low-income ones.

Vancouver Declaration on Human Settlements, United Nations Conference on Human Settlements, 1976

12. As it is the common responsibility of the entire international community to ensure the availability at all times of adequate world supplies of basic food-stuffs by way of appropriate reserves, including emergency reserves, all countries should co-operate in the establishment of an effective system of world food security by: ...

- Co-operating in the provision of food aid for meeting emergency and nutritional needs as well as for stimulating rural employment through development projects.

19. International co-operation is an objective and a common duty of all States, and necessary efforts must therefore be made to accelerate the social and economic development of developing countries, within the framework of favourable external conditions, which are compatible with their needs and aspirations and which contains the due respect for the sovereign equality of all States.

Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 1987

29. International co-operation and assistance pursuant to the Charter of the United Nations (arts. 55 and 56) and the Covenant shall have in view as a matter of priority the realization of all human rights and fundamental freedoms, economic social and cultural as well as civil and political.

30. International co-operation and assistance must be directed towards the establishment of a social and international order in which the rights and freedoms set forth in the Covenant can be fully realized (cf. art. 28 Universal Declaration of Human Rights).

31. Irrespective of differences in their political, economic and social systems, States shall co-operate with one another to promote international social, economic and cultural progress, in particular the economic growth of developing countries, free from discrimination based on such differences.

32. States parties shall take steps by international means to assist and co-operate in the realization of the rights recognized by the Covenant.

33. International co-operation and assistance shall be based on the sovereign equality of States and be aimed at the realization of the rights contained in the Covenant.

34. In undertaking international co-operation and assistance Pursuant to article 2 (1) the role of international organizations and the contribution of non-governmental organizations shall be kept in mind.

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

79. Recognize that a substantial increase in ODA and other resources will be required if developing countries are to achieve the internationally agreed development goals and objectives, including those contained in the Millennium Declaration.

122. The international community should:

(a) Enhance the integration of sustainable development goals as reflected in Agenda 21 and support for implementation of Agenda 21 and the outcomes of the Summit into the policies, work

programmes and operational guidelines of relevant United Nations agencies, programmes and funds, GEF and international financial and trade institutions within their mandates, while stressing that their activities should take full account of national programmes and priorities, particularly those of developing countries, as well as, where appropriate, countries with economies in transition, to achieve sustainable development;

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

Section III. 4. Consistent with commitments made at various international conferences, in particular the Monterrey Consensus, developed countries should assist developing countries in attaining international development goals, including those contained in the Millennium Declaration. States and relevant international organisations according to their respective mandates should actively support the progressive realisation of the right to adequate food at the national level. External support, including south-south cooperation, should be coordinated with national policies and priorities.

Part III

**International Standards
on Key Sectors**

3.0 Adequate Housing and Land

A. Binding Instruments

Article 25(1), Universal Declaration of Human Rights, 1948

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), International Covenant on Economic, Social and Cultural Rights, 1966

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.

Article 5, International Convention on the Elimination of All Forms of Racial Discrimination, 1965

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(d) Other civil rights, in particular:

(iii) The right to housing;

Article 14, Convention on the Elimination of All Forms of Discrimination against Women, 1979

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 27(3) Convention on the Rights of the Child, 1989

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 9, International Labour Organisation Social Policy (Non-Metropolitan Territories) Convention, 1947

1. Measures shall be taken to secure for independent producers and wage earners conditions which will give them scope to improve living standards by their own efforts and will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions, conducted after consultation with the representative organisations of employers and workers.

2. In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

B. Guidelines/Principles/Declarations

General Comment No. 4 ‘The Right to Adequate Housing’ (Art. 11 (1) of the Covenant), Committee on Economic Social and Cultural Rights, 1991.

General Comment No. 7 ‘The Right to Adequate Housing: Forced Evictions’ (Art. 11 (1) of the Covenant), Committee on Economic Social and Cultural Rights, 1997

General Recommendation No XIX: Article 3 of the Convention, Committee on the Elimination of Racial Discrimination, 1995

United Nations General Assembly resolution 43/181, United Nations Global Strategy for Shelter to the Year 2000, 1998.

Housing and property restitution in the context of refugees and other displaced persons, Sub-Commission on Human Rights resolution 2002/7

Women’s equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, 2005, Commission on Human Rights resolution 2005/25

Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

10 (f) The provision for all, particularly persons in low-income groups and large families, of adequate housing and community services.

18 (d) The adoption of measures to introduce, with the participation of the Government, low-cost housing programmes in both rural and urban areas;

Article 8, Declaration on the Right to Development, 1986, General Assembly resolution 41/128

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

Principle 1, United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.

Article 21, Convention relating to the Status of Refugees, 1951

As regards housing, the Contracting States, insofar as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Vancouver Declaration on Human Settlements, United Nations Conference on Human Settlements (Habitat I), 1976.

Section III (8): Adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action.

Governments should endeavour to remove all impediments hindering attainment of these goals. Of special importance is the elimination of social and racial segregation, *inter alia*, through the creation of better balanced communities, which blend different social groups, occupations, housing and amenities.

Part II 1. The improvement of the quality of life of human beings is the first and most important objective of every human settlement policy. These policies must facilitate the rapid and continuous improvement in the quality of life of all people, beginning with the satisfaction of the basic needs of food, shelter, clean water, employment, health, education, training, social security without any discrimination as to race, colour, sex, language, religion, ideology, national or social origin or other cause, in a frame of freedom, dignity and social justice.

The Istanbul Declaration and the Habitat Agenda, Second United Nations Conference on Human Settlements (Habitat II), 1996

B. Adequate Shelter for All

1. Introduction

61. Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. All Governments without exception have a responsibility in the shelter sector, as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects. The provision of adequate housing for everyone requires action not only by Governments, but by all sectors of society, including the private sector, nongovernmental organizations, communities and local authorities, as well as by partner organizations and entities of the international community. Within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing. These actions include, but are not limited to:

- (a) 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;

- (b) Providing legal security of tenure and equal access to land for all, including women and those living in poverty, as well as effective protection from forced evictions that are contrary to the law, taking human rights into consideration and bearing in mind that homeless people should not be penalized for their status;
- (c) Adopting policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means...

Article 10, Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

- (a) Improve access to land and property, to adequate shelter and to basic services for the urban and rural poor, with special attention to female heads of household;
- (b) Use low-cost and sustainable materials and appropriate technologies for the construction of adequate and secure housing for the poor, with financial and technological assistance to developing countries, taking into account their culture, climate, specific social conditions and vulnerability to natural disasters;
- (c) Support local authorities in elaborating slum upgrading programmes within the framework of urban development plans and facilitate access, particularly for the poor, to information on housing legislation.

Principle 18, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

- (b) Basic shelter and housing;

Guideline 18, UN Comprehensive Human Rights Guidelines on Development-Based Displacement, 1997, adopted by the Expert Seminar on the Practice of Forced Evictions, Geneva

All persons have the right to adequate housing which includes, inter alia, the integrity of the home and access to and protection of common property resources. The home and its occupants shall be protected against any acts of violence, threats of violence or other forms of harassment, in particular as they relate to women and children. The home and its occupants shall further be protected against any arbitrary or unlawful interference with privacy or respect of the home.

International Labour Organisation Recommendation No. 115 concerning Worker's Housing, 1961

Section II (Objectives of National Housing Policy), paragraph 2: It should be an objective of national [housing] policy to promote, within the framework of general housing policy, the construction of housing and related community facilities with a view to ensuring that adequate and decent housing accommodation and a suitable living environment are made available to all workers and their families. A degree of priority should be accorded to those whose needs are most urgent.

Section VI (Housing Standards), paragraph 19: As a general principle, the competent authority should, in order to ensure structural safety and reasonable levels of decency hygiene and comfort,

establish minimum housing standards in the light of local conditions and take appropriate measures to enforce these standards.

Article 43.1, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to ...

(d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents.

Draft Declaration on Human Rights and the Environment, 1994

10. All persons have the right to adequate housing, land tenure and living conditions in a secure, healthy and ecologically sound environment.

11. All persons have the right not to be evicted from their homes or land for the purpose of, or as a consequence of, decisions or actions affecting the environment, except in emergencies or due to a compelling purpose benefiting society as a whole and not attainable by other means. All persons have the right to participate effectively in decisions and to negotiate concerning their eviction and the right, if evicted, to timely and adequate restitution, compensation and/or appropriate and sufficient accommodation or land.

The Practice of Forced Evictions: Comprehensive Human Rights Guidelines On Development-Based Displacement, adopted by the Expert Seminar on the Practice of Forced Evictions Geneva, 11-13 June 1997

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

2.5 States should pursue inclusive, non-discriminatory and sound economic, agriculture, fisheries, forestry, land use, and, as appropriate, land reform policies - all of which will permit farmers, fishers, foresters and other food producers, particularly women, to earn a fair return from their labour, capital and management, and encourage conservation and sustainable management of natural resources including in marginal areas.

8.10 States should take measures to promote and protect the security of land tenure, especially with respect to women, poor and disadvantaged segments of society, through legislation that protects the full and equal right to own land and other property, including the right to inherit. As appropriate, States should consider establishing legal and other policy mechanisms, consistent with their international human rights obligations and in accordance with the rule of law, that advance land reform to enhance access for the poor and women. Such mechanisms should also promote conservation and sustainable use of land. Special consideration should be given to the situation of indigenous communities.

Also see:

Agenda 21, Chapter 7 - Promoting Sustainable Human Settlement Development – adopted at the United Nations Conference on Environment and Development, 1992

4.0 Livelihoods, Work and Income Generation

A. Binding Instruments

Article 22, Universal Declaration of Human Rights, 1948

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23, Universal Declaration of Human Rights, 1948

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24, Universal Declaration of Human Rights, 1948

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 17, Universal Declaration of Human Rights, 1948

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Article 6, International Covenant on Economic, Social and Cultural Rights, 1966

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7, International Covenant on Economic, Social and Cultural Rights, 1966

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8, International Covenant on Economic, Social and Cultural Rights, 1966

- 1. The States Parties to the present Covenant undertake to ensure:
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

Article 9, International Covenant on Economic, Social and Cultural Rights, 1966

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 8, International Covenant on Civil and Political Rights, 1966

- 3. (a) No one shall be required to perform forced or compulsory labour;

Article 22, International Covenant on Civil and Political Rights, 1966

- 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

Article 11, Convention on the Elimination of All Forms of Discrimination against Women, 1979

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 5, International Convention on the Elimination of All Forms of Racial Discrimination, 1965

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: -

- (d) Other civil rights, in particular:
 - (v) The right to own property alone as well as in association with others;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;

Article 26, Convention on the Rights of the Child, 1989

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 32, Convention on the Rights of the Child, 1989

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 24 (Part V), International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1991

Social security schemes shall be extended progressively to cover the peoples concerned, and applied without discrimination against them.

Also see:

- International Labour Organisation Employment Policy Convention, 1964 (No. 122)
- Part II (Land) And Part III (Recruitment and Conditions of Employment), Part IV (Vocational Training, Handicrafts and Rural Industries), International Labour Organisation Convention Concerning Indigenous And Tribal Peoples In Independent Countries, 1991
- International Labour Organisation Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. C82)
- International Labour Organisation Forced Labour Convention, 1930 (No. 29)
- International Labour Organisation Abolition of Forced Labour Convention, 1957 (No. 105)
- International Labour Organisation Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- International Labour Organisation Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- International Labour Organisation Employment Policy Convention (No. 122) concerning Employment Policy, 1964
- International Labour Organisation Declaration on Fundamental Principles and Rights at Work, 1998

B. Guidelines/Declaration/Policies

General Recommendation No. 13: Equal remuneration for work of equal value, Committee on the Elimination of Discrimination against Women, 1989

General Recommendation No. 16: Unpaid women workers in rural and urban family enterprises, Committee on the Elimination of Discrimination against Women, 1991

Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

Article 6

Social development requires the assurance to everyone of the right to work and the free choice of employment. Social progress and development require the participation of all members of society in productive and socially useful labour and the establishment, in conformity with human rights and fundamental freedoms and with the principles of justice and the social function of property, of forms of ownership of land and of the means of production which preclude any kind of exploitation of man, ensure equal rights to property for all and create conditions leading to genuine equality among people.

Article 10

(a) The assurance at all levels of the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment and under-employment; establishment of equitable and favourable conditions of work for all, including the improvement of health and safety conditions; assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum wage to ensure a decent standard of living; the protection of the consumer;

Article 11

(a) The provision of comprehensive social security schemes and social welfare services; the establishment and improvement of social security and insurance schemes for all persons who, because of illness, disability or old age, are temporarily or permanently unable to earn a living, with a view to ensuring a proper standard of living for such persons and for their families and dependants;

Article 8, Declaration on the Right to Development, 1986 General Assembly resolution 41/128

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.
2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

United Nations Millennium Declaration, 2000, General Assembly resolution 55/2

20. We also resolve:

- To develop and implement strategies that give young people everywhere a real chance to find decent and productive work.

Women in development, 2000, General Assembly resolution 54/210

United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.
2. Older persons should have the opportunity to work or to have access to other income-generating opportunities.
3. Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place.

Principle 22, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (b) The right to seek freely opportunities for employment and to participate in economic activities;

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

10 (c) Increase decent employment, credit and income for the urban poor, through appropriate national policies, promoting equal opportunities for women and men;

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

2.6 Where poverty and hunger are predominantly rural, States should focus on sustainable agricultural and rural development through measures to improve access to land, water, appropriate and affordable technologies, productive and financial resources, enhance the productivity of poor rural communities, promote the participation of the poor in economic policy decisions, share the benefits of productivity gains, conserve and protect natural resources, and invest in rural infrastructure, education and research. In particular, States should adopt policies that create conditions which encourage stable employment, especially in rural areas, including off-farm jobs.

8.1 States should facilitate sustainable, non-discriminatory and secure access and utilization of resources consistent with their national law and with international law and protect the assets that are important for people's livelihoods. States should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries, and livestock without any discrimination. Where necessary and appropriate, States should carry out land reforms and other policy reforms consistent with their human rights obligations and in accordance with the rule of

law in order to secure efficient and equitable access to land and to strengthen pro-poor growth. Special attention may be given to groups such as pastoralists and indigenous people and their relation to natural resources.

C. Guiding Policies

Guiding Principles on Earthquake – Tsunami Response, Proposals for Reconstruction, Rehabilitation and Recovery, 2005, International Labour Organisation

In providing its technical assistance, the ILO pays particular attention to the following principles:

- There should be a concerted attempt to maximum local benefit and make maximum use of local human and physical resources;
- Jobs, in particular those generated in the post-rehabilitation phase, should be sustainable and lead to further inclusive economic and social development;
- Rehabilitation and reconstruction programmes should comply with fundamental principles and rights at work, national labour regulations and occupational health and safety standards;
- There should be mechanisms for social equity and gender mainstreaming;
- Special attention should be paid to the needs of those who have the most vulnerable positions in the labour market, and who are likely to face greater exploitation in the post-disaster situation (women, youth, children, elderly, displaced, homeless, disabled, very poor households, women-headed households);
- Mechanisms should be in place for the participation of local stakeholders in programme formulation and implementation, ensuring equal representation by traditionally underrepresented population groups;
- Specific efforts should be made to enhance the capabilities of local planners, business associations, trade unions, civil society organizations, youth networks, gender groups and community organizations to participate in decisions about their livelihood and the future of their community;
- Finally, policies and programmes should have a positive, ameliorating impact on armed conflict in the countries.

Basic Framework for Medium and Long-Term Fisheries/ Aquaculture Rehabilitation and Reconstruction Activities in relation to the Tsunami Disaster, 2005, Food and Agriculture Organisation

Key Guiding Principles for FAO assistance

Adopt a livelihood approach. This approach recognizes, *inter alia*, the need to consider that people's livelihoods are based on a number of dimensions (physical, human, social, natural and financial), and that stakeholders are linked by policies, institutions and processes. Key principles of a sustainable livelihood approach (people-centred, responsive and participatory, multi-level, conducted in partnership, sustainable, adaptive) should be emphasized.

Couple rehabilitation and reconstruction with reforms in order to avoid the reinstitutionalization and repetition of factors of vulnerability or unsustainability formally identified as affecting the livelihoods and living conditions of fishing communities. Similarly avoid the appearance of new factors or related risk.

Nesting fisheries/aquaculture rehabilitation efforts within a multi-sectoral approach. Recognizing in particular that the livelihoods of fishers/aquaculturists are not only multidimensional, but also related to that of other communities living close by and dependant on socio-economic linkages with other sectors or geographic areas.

Also see:

Local Institutions and Livelihoods, Guidelines for Analysis, Food and Agriculture Organisation

5.0 Food and Nutrition, Food Security

A. Binding Instruments

Article 25, Universal Declaration of Human Rights, 1948

(1) 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, International Covenant on Economic, Social and Cultural Rights, 1966

1. 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.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

Article 27, Convention on the Rights of the Child, 1989

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

B. Guidelines/Declarations/Principles

General Comment No 12: "The Right to Adequate Food" (Art. 11), Committee on Economic, Social and Cultural Rights, 1999

The right to food, 2005, Commission on Human Rights resolution 2005/18

The right to food, and international guidelines for its implementation, 2002, Sub-Commission on Human Rights resolution 2002/10.

Article 8, Declaration on the Right to Development, 1986, General Assembly resolution 41/128

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.
2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Universal Declaration on the Eradication of Hunger and Malnutrition, 1974, World Food Conference; and endorsed by General Assembly resolution 3348 (XXIX)

Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

Article 10 (b): The elimination of hunger and malnutrition and the guarantee of the right to proper nutrition;

Article 18 (c): The adoption of measures to boost and diversify agricultural production through, *inter alia*, the implementation of democratic agrarian reforms, to ensure an adequate and well-balanced supply of food, its equitable distribution among the whole population and the improvement of nutritional standards;

Principle 1, United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.

United Nations Millennium Development Goals

1. Eradicate extreme poverty and hunger

Reduce by half the proportion of people living on less than a dollar a day

Reduce by half the proportion of people who suffer from hunger

World Declaration on Nutrition, International Conference on Nutrition, 1992

1. ...Bearing in mind the right to an adequate standard of living, including food, contained in the Universal Declaration of Human Rights, we pledge to act in solidarity to ensure that freedom from hunger becomes a reality, We also declare our firm commitment to work together to ensure sustained nutritional well-being for all people in a peaceful, just and environmentally safe world.

6. We commit ourselves to ensuring that development programmes and policies lead to a sustainable improvement in human welfare, are mindful of the environment and are conducive to better nutrition and health for present and future generations. The multifunctional roles of agriculture, especially with regard to food security, nutrition, sustainable agriculture and the

conservation of natural resources, are of particular importance in this context. We must implement at family, household, community, national and international levels, coherent agriculture, animal husbandry, fisheries, food, nutrition, health, education, population, environmental, economic and social policies and programmes to achieve and maintain balance between the population and available resources and between rural and urban areas.

9. Wars, occupations, civil disturbances and natural disasters, as well as human rights violations and inappropriate socio-economic policies, have resulted in tens of millions of refugees, displaced persons, war-affected non-combatant civilian populations and migrants, who are among the most nutritionally vulnerable groups. Resources for rehabilitating and caring for these groups are often extremely inadequate and nutritional deficiencies are common. All responsible parties should cooperate to ensure the safe and timely passage and distribution of appropriate food and medical supplies to those in need, in accordance with the Charter of the United Nations.

14. Food aid may be used to assist in emergencies, to provide relief to refugees and displaced persons and to support household food security and community and economic development. Countries receiving emergency food aid should be provided with sufficient resources to enable them to move on from the rehabilitation phase to development, so that they will be in a position to cope with future emergencies. Care must be taken to avoid creating dependency and to avoid negative impacts on food habits and on local food production and marketing. Before food aid is reduced or discontinued, steps should be taken to alert recipient countries as much in advance as possible so that they can identify alternative sources and implement other approaches. Where appropriate, food aid may be channelled through NGOs with local and popular participation, in accordance with the domestic legislation of each country.

19. As a basis for the Plan of Action for Nutrition and guidance for formulation of national plans of action, including the development of measurable goals and objectives within time frames, we pledge to make all efforts to eliminate before the end of this decade:

- famine and famine-related deaths;
- starvation and nutritional deficiency diseases in communities affected by natural and man-made disasters;

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

6 (k) Increase food availability and affordability, including through harvest and food technology and management, as well as equitable and efficient distribution systems, by promoting, for example, community-based partnerships linking urban and rural people and enterprises;

38. (a) Achieve the Millennium Declaration target to halve by the year 2015 the proportion of the world's people who suffer from hunger and realize the right to a standard of living adequate for the health and well-being of themselves and their families, including food, including by promoting food security and fighting hunger in combination with measures which address poverty, consistent with the outcome of the World Food Summit and, for States Parties, with their obligations under article 11 of the International Covenant on Economic, Social and Cultural Rights;

Principle 18, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (a) Essential food and potable water;

C. Guiding Policies

Core Humanitarian principles, 2004, World Food Programme

Self-reliance: WFP will provide humanitarian assistance with the primary objective of saving lives, in ways that support livelihoods, reduce vulnerability to future food scarcities and support durable solutions. WFP will work to ensure that food aid does not undermine local agricultural production, marketing or coping strategies, or disturb normal migratory patterns or foster dependency. WFP's programmes will be planned and implemented in ways that facilitate the link from relief to development.

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

Section I. 19. At the national level a human rights-based approach to food security emphasizes universal, inter-dependent, indivisible and inter-related human rights, the obligations of States and the roles of relevant stakeholders. It emphasizes the achievement of food security as an outcome of the realization of existing rights and includes certain key principles: the need to enable individuals to realise the right to take part in the conduct of public affairs, right to freedom of expression and right to seek, receive and impart information, including in relation to decision making about policies on realizing the right to adequate food. Such an approach should take into account the need for emphasis on poor and vulnerable people who are often excluded from the processes which determine policies to promote food security and the need for inclusive societies free from discrimination by the State in meeting their obligations to promote and respect human rights. In this approach, people hold their governments accountable and are participants in the process of human development, rather than being passive recipients. A human rights-based approach requires not only addressing the final outcome of abolishing hunger, but also proposing ways and tools by which that goal is achieved. Application of human rights principles is integral to the process.

6.0 Health, Access to Health and Health Services

A. Binding Instruments

Article 25, Universal Declaration of Human Rights, 1948

- (1) 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.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 12, International Covenant on Economic, Social and Cultural Rights, 1966

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 12, Convention on the Elimination of All Forms of Discrimination against Women, 1979

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 14, Convention on the Elimination of All Forms of Discrimination against Women, 1979

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;

Article 5, International Convention on the Elimination of All Forms of Racial Discrimination, 1965

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (d) Other civil rights, in particular:
 - (iv) The right to public health, medical care, social security and social services;

Article 24, Convention on the Rights of the Child, 1989

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

Article 39, Convention on the Rights of the Child, 1989

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 25, International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989

1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.
2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.
3. The health care system shall give preference to the training and employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.
4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.

B. Guidelines/Principles/Declarations

General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child, Committee on the Rights of the Child, 2003

General Comment No 14: ‘The right to the highest attainable standard of health’ (Art. 12), Committee on Economic, Social and Cultural Rights, 2000

General Recommendation No. 24: Article 12 of the Convention (women and health), Committee on the Elimination of Discrimination against Women, 1999

Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria, 2005, Commission on Human Rights resolution 2005/23

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 2005, Commission on Human Rights resolution 2005/24

Article 19, Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

(a) The provision of free health services to the whole population and of adequate preventive and curative facilities and welfare medical services accessible to all;

(d) The institution of appropriate measures for the rehabilitation of mentally or physically disabled persons, especially children and youth, so as to enable them to the fullest possible extent to be useful members of society—these measures shall include the provision of treatment and technical appliances, education, vocational and social guidance, training and selective placement, and other assistance required—and the creation of social conditions in which the handicapped are not discriminated against because of their disabilities.

United Nations Millennium Development Goals

4. Reduce child mortality

Reduce by two thirds the mortality rate among children under five

5. Improve maternal health

Reduce by three quarters the maternal mortality ratio

6. Combat HIV/AIDS, malaria and other diseases

Halt and begin to reverse the spread of HIV/AIDS

Halt and begin to reverse the incidence of malaria and other major diseases

Article 11, Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

(b) The protection of the rights of the mother and child; concern for the upbringing and health of children; the provision of measures to safeguard the health and welfare of women and particularly of working mothers during pregnancy and the infancy of their children, as well as of mothers whose earnings are the sole source of livelihood for the family; the granting to women of pregnancy and maternity leave and allowances without loss of employment or wages;

Principle 8, Programme of Action of the United Nations International Conference on Population and Development, 1994

Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. States should take all appropriate measures to ensure, on a basis of equality of men and women, universal access to health-care services, including those related to reproductive health care, which includes family planning and sexual health...

Article 8, Declaration on the Right to Development, 1986, General Assembly resolution 41/128

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.
2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Principle 1, United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.
11. Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.

13. Older persons should be able to utilize appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment.

Principle 18, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

(d) Essential medical services and sanitation.

Principle 19, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Part II B, Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

41. The World Conference on Human Rights recognizes the importance of the enjoyment by women of the highest standard of physical and mental health throughout their life span. In the context of the World Conference on Women and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Proclamation of Tehran of 1968, the World Conference on Human Rights reaffirms, on the basis of equality between women and men, a woman's right to accessible and adequate health care and the widest range of family planning services, as well as equal access to education at all levels.

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

6 (f) Deliver basic health services for all and reduce environmental health threats, taking into account the special needs of children and the linkages between poverty, health and environment, with provision of financial resources, technical assistance and knowledge transfer to developing countries and countries with economies in transition;

46. The Rio Declaration on Environment and Development states that human beings are at the centre of concerns for sustainable development, and that they are entitled to a healthy and productive life, in harmony with nature. The goals of sustainable development can only be achieved in the absence of a high prevalence of debilitating diseases, while obtaining health gains for the whole population requires poverty eradication. There is an urgent need to address the causes of ill health, including environmental causes, and their impact on development, with

particular emphasis on women and children, as well as vulnerable groups of society, such as people with disabilities, elderly persons and indigenous people.

47. Strengthen the capacity of health-care systems to deliver basic health services to all, in an efficient, accessible and affordable manner aimed at preventing, controlling and treating diseases, and to reduce environmental health threats, in conformity with human rights and fundamental freedoms and consistent with national laws and cultural and religious values, taking into account the reports of relevant United Nations conferences and summits and of special sessions of the General Assembly. This would include actions at all levels to:

- (a) Promote equitable and improved access to affordable and efficient health-care services, including prevention, at all levels of the health system, essential and safe drugs at affordable prices, immunization services and safe vaccines, and medical technology;
- (b) Integrate the health concerns, including those of the most vulnerable populations, into strategies, policies and programmes for poverty eradication and sustainable development;
- (f) Develop programmes and initiatives to reduce, by the year 2015, mortality rates for infants and children under 5 by two thirds, and maternal mortality rates by three quarters, of the prevailing rate in 2000, and reduce disparities between and within developed and developing countries as quickly as possible, with particular attention to eliminating the pattern of disproportionate and preventable mortality among girl infants and children;

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, 2005, Commission on Human Rights resolution 2005/35

Non-Discrimination in the Field of Health, Commission on Human Rights resolution 1989/11, 1989

C. Guiding Policies

Scope of Work, 2005, World Health Organisation

At medium term, WHO will support Ministries of Health for the revitalization and future rehabilitation of health systems and services, and make available its extensive expertise to guide long-term international health assistance to affected communities, ensuring that rehabilitation incorporates local capacity-building to reduce risks.

Psychosocial support for Tsunami affected population: service delivery and referral mechanisms, World Health Organisation India country office as part of the UN team, March 2005

See also:

Agenda 21, Chapter 6 - Protection and Promotion of Human Health (adopted at the United Nations Conference on Environment and Development, 1992)

7.0 Water and Sanitation

A. Binding Instruments

Article 11, International Covenant on Economic, Social and Cultural Rights, 1966

1. 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.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12, International Covenant on Economic, Social and Cultural Rights, 1966

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Note: Art. 11 and 12, ICESCR have been understood to include the right to water in 1995 by the Committee on Economic, Social and Cultural Rights (General Comment No. 6, Para 32). This has been further clearly enunciated in General Comment No. 15

Article 14, Convention on the Elimination of All Forms of Discrimination against Women, 1979

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

B. Guidelines/Declarations/Principles

General Comment No. 15: "The right to water" (Art 11 and 12), Committee on Economic, Social and Cultural Rights, 2002

2. The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.

11. The elements of the right to water must be *adequate* for human dignity, life and health, in accordance with articles 11, paragraph 1, and 12. The adequacy of water should not be interpreted narrowly, by mere reference to volumetric quantities and technologies. Water should be treated as a social and cultural good, and not primarily as an economic good. The manner of the realization of the right to water must also be sustainable, ensuring that the right can be realized for present and future generations.

Principle 1, United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

6. (m) Increase access to sanitation to improve human health and reduce infant and child mortality, prioritizing water and sanitation in national sustainable development strategies and poverty reduction strategies where they exist.

7. The provision of clean drinking water and adequate sanitation is necessary to protect human health and the environment. In this respect, we agree to halve, by the year 2015, the proportion of people who are unable to reach or to afford safe drinking water (as outlined in the Millennium Declaration) and the proportion of people who do not have access to basic sanitation, which would include actions at all levels to:

- (a) Develop and implement efficient household sanitation systems;
- (b) Improve sanitation in public institutions, especially schools;
- (c) Promote safe hygiene practices;

- (d) Promote education and outreach focused on children, as agents of behavioural change;
- (e) Promote affordable and socially and culturally acceptable technologies and practices;
- (f) Develop innovative financing and partnership mechanisms;
- (g) Integrate sanitation into water resources management strategies.

26. Develop integrated water resources management and water efficiency plans by 2005, with support to developing countries.

38 (b) Develop and implement integrated land management and water-use plans that are based on sustainable use of renewable resources and on integrated assessments of socio-economic and environmental potentials, and strengthen the capacity of Governments, local authorities and communities to monitor and manage the quantity and quality of land and water resources;

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

8.11 Bearing in mind that access to water in sufficient quantity and quality for all is fundamental for life and health, States should strive to improve access to, and promote sustainable use of, water resources and their allocation among users giving due regard to efficiency and the satisfaction of basic human needs in an equitable manner and that balances the requirement of preserving or restoring the functioning of ecosystems with domestic, industrial and agricultural needs, including safeguarding drinking water quality.

8.0 Education

A. Binding Instruments

Article 26, Universal Declaration of Human Rights, 1948

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 13, International Covenant on Economic, Social and Cultural Rights, 1966

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - (a) Primary education shall be compulsory and available free to all;
 - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards

as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 10, Convention on the Elimination of All Forms of Discrimination against Women, 1979

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 5, International Convention on the Elimination of All Forms of Racial Discrimination, 1965

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (e) Economic, social and cultural rights, in particular:
 - (v) The right to education and training;

Article 7, International Convention on the Elimination of All Forms of Racial Discrimination, 1965

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

Article 28, Convention on the Rights of the Child, 1989

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

Article 29, Convention on the Rights of the Child, 1989

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989

Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Article 27

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their

histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.

2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.
3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.
2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.
3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

Article 29

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

Article 9, International Labour Organisation Social Policy (Non-Metropolitan Territories) Convention, 1947

2. In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

Also see:

UNESCO Convention against Discrimination in Education, 1960

B. Guidelines/Declarations/Principles

Article 4, United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

Older persons should have access to appropriate educational and training programmes.

The right to education, 2005, Commission on Human Rights resolution 2005/21

World Programme for Human Rights Education, 2005, Commission on Human Rights resolution 2005/61

United Nations Millennium Development Goals

2. Achieve universal primary education

Ensure that all boys and girls complete a full course of primary schooling

Principle 10, Programme of Action of the United Nations International Conference on Population and Development, 1994

Everyone has the right to education, which shall be directed to the full development of human resources, and human dignity and potential, with particular attention to women and the girl-child. Education should be designed to strengthen respect for human rights and fundamental freedoms, including those relating to population and development. The best interests of the child shall be the guiding principle of those responsible for his or her education and guidance; that responsibility lies in the first place with the parents.

Article 4, Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, General Assembly resolution 47/135

3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

Article 5, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981, General Assembly resolution 36/55

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

Principle 23, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

6 (g) Ensure that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and will have equal access to all levels of education;

109 (a) Meet the development goal contained in the Millennium Declaration of achieving universal primary education, ensuring that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling;

109 (b) Provide all children, particularly those living in rural areas and those living in poverty, especially girls, with the access and opportunity to complete a full course of primary education;

113. Eliminate gender disparity in primary and secondary education by 2005, as provided in the Dakar Framework for Action on Education for All, and at all levels of education no later than 2015, to meet the development goals contained in the Millennium Declaration, with action to ensure, inter alia, equal access to all levels and forms of education, training and capacity-building by gender mainstreaming, and by creating a gender-sensitive educational system.

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

33. The World Conference on Human Rights reaffirms that States are duty bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference on Human Rights emphasizes the importance of incorporating the subject of human rights education programmes and calls upon States to do so. Education should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives. Therefore, education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels. The World Conference on Human Rights notes that resource constraints and institutional inadequacies may impede the immediate realization of these objectives.

Also see:

- World Declaration on Education for All: Meeting Basic Learning Needs, UNESCO, 2001
- ILO Human Resources Development Recommendation, 2004

9.0 Resettlement and Relocation

Guidelines/Declarations/Principles

UN Comprehensive Human Rights Guidelines on Development-Based Displacement, 1997, Expert Seminar on the Practice of Forced Evictions, Geneva

26. In full cognizance of the contents of the present Guidelines there may be instances in which, in the public interest, or where the safety, health or enjoyment of human rights so demands, particular persons, groups and communities may be subject to resettlement. Such resettlement must occur in a just and equitable manner and in full accordance with law of general application.
27. All persons, groups and communities have the right to suitable resettlement which includes the right to alternative land or housing, which is safe, secure, accessible, affordable and habitable.
28. In determining the compatibility of resettlement with the present Guidelines, States should ensure that in the context of any case of resettlement the following criteria are adhered to:
 - (a) No resettlement shall take place until such a time that a full resettlement policy consistent with the present Guidelines and internationally recognized human rights is in place.
 - (b) Resettlement must ensure equal rights to women, children and indigenous populations and other vulnerable groups including the right to property ownership and access to resources. Resettlement policies should include programmes designed for women with respect to education, health, family welfare and employment opportunities.
 - (c) The actor proposing and/or carrying out the resettlement shall be required by law to pay for any costs associated therewith, including all resettlement costs.
 - (d) No affected persons, groups or communities, shall suffer detriment as far as their human rights are concerned nor shall their right to the continuous improvement of living conditions be subject to infringement. This applies equally to host communities at resettlement sites, and affected persons, groups and communities subjected to forced eviction.
 - (e) That affected persons, groups and communities provide their full and informed consent as regards the relocation site. The State shall provide all necessary amenities and services and economic opportunities.
 - (f) Sufficient information shall be provided to affected persons, groups and communities concerning all State projects as well as to the planning and implementation processes relating to the resettlement concerned, including information concerning the purpose to which the eviction dwelling or site is to be put and the persons, groups or communities who will benefit from the evicted site. Particular attention must be given to ensure that indigenous peoples, ethnic minorities, the landless, women and children are represented and included in this process.
 - (g) The entire resettlement process should be carried out in full consultation and participation with the affected persons, groups and communities. States should take into account in particular all alternate plans proposed by the affected persons, groups and communities.

Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
3. Displacement shall last no longer than required by the circumstances.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to *return voluntarily*, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or

assist these persons in obtaining appropriate compensation or another form of just reparation.

General Recommendation No. XXII on article 5 of the Convention on refugees and displaced persons, Committee on the Elimination of Racial Discrimination, 1996

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, 2005, Commission on Human Rights resolution 2005/35

Also see:

Key Issues of Resettlement, United Nations Recovery Team India, March 2005

10.0 Miscellaneous

10.1 Abuse and Exploitation

Article 19, Convention on the Rights of the Child, 1989

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 33, Convention on the Rights of the Child, 1989

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34, Convention on the Rights of the Child, 1989

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 36, Convention on the Rights of the Child, 1989

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 6, Convention on the Elimination of All Forms of Discrimination against Women, 1979

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

17. Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.

Part II B, Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

48. The World Conference on Human Rights urges all States, with the support of international co-operation, to address the acute problem of children under especially difficult circumstances. Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse.

Core Principles of a Code of Conduct, 2002, UN Inter Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises

Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are observed. In order to prevent sexual exploitation and abuse, the following core principles must be incorporated into agency codes of conduct:

- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment;
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
- Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
- Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.
- Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

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, 2005, Commission on Human Rights resolution 2005/35

10.2 Cultural Life

Article 27, Universal Declaration of Human Rights, 1948

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Article 15, International Covenant on Economic, Social and Cultural Rights, 1966

1. The States Parties to the present Covenant recognize the right of everyone:
 - (a) To take part in cultural life;

Article 13, Convention on the Elimination of All Forms of Discrimination against Women, 1979

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 30, Convention on the Rights of the Child, 1989

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31, Convention on the Rights of the Child, 1989

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity

Article 4, Universal Declaration on Cultural Diversity, 2001, United Nations Educational, Scientific and Cultural Organization (UNESCO)

Human rights as guarantees of cultural diversity:

The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples. No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope.

10.3 Documentation

Principle 20, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In

particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.

3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

10.4 Family as Basic Unit

Article 16, Universal Declaration of Human Rights, 1948

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 23, International Covenant on Civil and Political Rights, 1966

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Principle 17, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

General Comment No. 19: Article 23 (The family), Human Rights Committee, 1990

10.5 Freedom of Movement (including Right to Return)

Article 13, Universal Declaration of Human Rights, 1948

- (1) Everyone has the right to freedom of movement and residence within the borders of each State.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 12, International Covenant on Civil and Political Rights, 1966

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

General Comment No. 27: Article 12 (Freedom of movement), Human Rights Committee, 1999

Copenhagen Declaration, World Summit for Social Development, 1995

26 (t) Create the political, legal, material and social conditions that allow for the voluntary repatriation of refugees in safety and dignity to their countries of origin, and the voluntary and safe return of internally displaced persons to their places of origin and their smooth reintegration into their societies;

10.6 Freedom of Thought and Expression (including Religious Beliefs)

Article 18, Universal Declaration of Human Rights, 1948

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19, Universal Declaration of Human Rights, 1948

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 18, International Covenant on Civil and Political Rights, 1966

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19, International Covenant on Civil and Political Rights, 1966

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (g) For respect of the rights or reputations of others;
 - (h) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 4, Convention relating to the Status of Refugees, 1951

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 12, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

1. Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching.

2. Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice.
3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.
4. States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Principle 22, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;

10.7 Peaceful Assembly

Article 20, Universal Declaration of Human Rights, 1948

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Article 21, International Covenant on Civil and Political Rights, 1966

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 5, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, General Assembly resolution 53/144

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with nongovernmental or intergovernmental organizations.

Part IV
International Standards
Relating to
Key Vulnerable Groups

11.0 Women

A. Binding Instruments

(Note: Also see Core Principles covered under “Gender Equality”)

Article 10, International Covenant on Economic, Social and Cultural Rights, 1966

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 10, International Covenant on Economic, Social and Cultural Rights, 1966

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

Article 14, Convention on the Elimination of All Forms of Discrimination against Women, 1979

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
 - (c) To benefit directly from social security programmes;
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

B. Guidelines/Declarations/Principles

General Comment No. 16: Article 3: The equal right of men and women to the enjoyment of all economic, social and cultural rights, Committee on Economic, Social and Cultural Rights, 2005

General Recommendation No. 13: Equal remuneration for work of equal value, Committee on the Elimination of Discrimination against Women, 1989

General Recommendation No. 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS), Committee on the Elimination of Discrimination against Women, 1990

General Recommendation No. 19: Violence against women, Committee on the Elimination of Discrimination against Women, 1991

General Recommendation No. 21, Equality in Marriage and Family Relations, Committee on the Elimination of Discrimination against Women, 1994

General Recommendation No. XXV on gender-related dimensions of racial discrimination, Committee on the Elimination of Racial Discrimination, 2000

General Comment No. 28: Article 3 (The equality of rights between men and women), Human Rights Committee, 2000

General Recommendation No. 25: Article 4, paragraph 1 of the Convention (temporary special measures), Committee on the Elimination of Discrimination against Women, 2004

Human rights and extreme poverty, 2005, Commission on Human Rights resolution 2005/16

The right to food, 2005, Commission on Human Rights resolution 2005/18

Women in development, General Assembly resolution 54/210

Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, 2005, Commission on Human Rights resolution 2005/25

Improvement of the situation of women in rural areas, 2000, General Assembly resolution 54/135

Integration of older women in development, 1994, General Assembly resolution 49/162
United Nations Millennium Development Goals

3. Promote gender equality and empower women

Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015

United Nations Millennium Declaration, 2000, General Assembly resolution 55/2

20. We also resolve:

- To promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable.

25. We resolve therefore:

- To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.

Article 3, Declaration on the Elimination of Violence against Women, 1993, General Assembly resolution 48/104

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field

Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

Article 11 (b) The protection of the rights of the mother and child; concern for the upbringing and health of children; the provision of measures to safeguard the health and welfare of women and particularly of working mothers during pregnancy and the infancy of their children, as well as of mothers whose earnings are the sole source of livelihood for the family; the granting to women of pregnancy and maternity leave and allowances without loss of employment or wages;

Article 8, Declaration on the Right to Development, 1986, General Assembly resolution 41/128

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.
2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Beijing Declaration, 1995, Fourth World Conference on Women

9. Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;

24. Take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women;

31. Promote and protect all human rights of women and girls;

Platform of Action, 1995, Fourth World Conference on Women

46. To this end, Governments, the international community and civil society, including non-governmental organizations and the private sector, are called upon to take strategic action in the following critical areas of concern:

- The persistent and increasing burden of poverty on women
- Inequalities and inadequacies in and unequal access to education and training
- Inequalities and inadequacies in and unequal access to health care and related services
- Violence against women
- The effects of armed or other kinds of conflict on women, including those living under foreign occupation
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources
- Inequality between men and women in the sharing of power and decision-making at all levels
- Insufficient mechanisms at all levels to promote the advancement of women
- Lack of respect for and inadequate promotion and protection of the human rights of women
- Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media
- Gender inequalities in the management of natural resources and in the safeguarding of the environment
- Persistent discrimination against and violation of the rights of the girl child

149. By Governments, intergovernmental and non-governmental organizations and other institutions involved in providing protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women, including the Office of the United Nations High Commissioner for Refugees and the World Food Programme, as appropriate:

- (a) Take steps to ensure that women are fully involved in the planning, design, implementation, monitoring and evaluation of all short-term and long-term projects and programmes providing assistance to refugee women, other displaced women in need of international protection and internally displaced women, including the management of refugee camps and resources; ensure that refugee and displaced women and girls have direct access to the services provided;
- (b) Offer adequate protection and assistance to women and children displaced within their country and find solutions to the root causes of their displacement with a view to preventing it and, when appropriate, facilitate their return or resettlement;
- (e) Take measures, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced women, including their right to voluntary and safe return to their home of origin;
- (f) Ensure that the international community and its international organizations provide financial and other resources for emergency relief and other longer-term assistance that takes into account the specific needs, resources and potentials of refugee women, other displaced women

in need of international protection and internally displaced women. In the provision of protection and assistance, take all appropriate measures to eliminate discrimination against women and girls in order to ensure equal access to appropriate and adequate food, water and shelter, education, and social and health services, including reproductive health care and maternity care and services to combat tropical diseases;

- (g) Facilitate the availability of educational material in the appropriate language—in emergency situations also—in order to minimize disruption of schooling among refugee and displaced children;

Principle 4, Programme of Action of the United Nations International Conference on Population and Development, 1994

Advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility, are cornerstones of population and development-related programmes. The human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in civil, cultural, economic, political, and social life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority objectives of the international community.

Article 6, Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

(d) Promote women's equal access to and full participation, on the basis of equality with men, in decision-making at all levels, mainstreaming gender perspectives in all policies and strategies, eliminating all forms of violence and discrimination against women, and improving the status, health and economic welfare of women and girls through full and equal access to economic opportunity, land, credit, education and health-care services;

(f) Enhance the participation of women in all aspects and at all levels relating to sustainable agriculture and food security.

Principle 20, Rio Declaration, United Nations Conference on Environment and Development, 1992

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Article 26, Copenhagen Declaration, World Summit for Social Development, 1995

(s) Strengthen policies and programmes that improve, ensure and broaden the participation of women in all spheres of political, economic, social and cultural life, as equal partners, and improve their access to all resources needed for the full exercise of their fundamental rights.

Principle 19, Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

World Declaration on Nutrition, 1992, International Conference on Nutrition, 1992

13. The right of women and adolescent girls to adequate nutrition is crucial. Their health and education must be improved. Women should be given the opportunity to participate in the decision-making process and to have increased access to and control of resources...

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

18. The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community. Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support.

The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.

The World Conference on Human Rights urges Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child.

Part II B, Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

38. In particular, the World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism. The World Conference on Human Rights calls upon the General Assembly to adopt the draft declaration on violence against women and urges States to combat violence against women in accordance with its provisions. Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response.

39. The World Conference on Human Rights urges the eradication of all forms of discrimination against women, both hidden and overt. The United Nations should encourage the goal of universal ratification by all States of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000. Ways and means of addressing the particularly large number of reservations to the Convention should be encouraged. *Inter alia*, the Committee on the Elimination of Discrimination against Women should continue its review of reservations to the Convention. States are urged to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law.

Vancouver Declaration on Human Settlements, United Nations Conference on Human Settlements, 1976

18. All countries, particularly developing countries, must create conditions which make possible the full integration of women and youth in political, economic and social activities, particularly in the planning and implementation of human settlement proposals and in all the associated activities, on the basis of equal rights, in order to achieve an efficient and full utilization of available human resources, bearing in mind that women constitute half of the world population;

Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 1997

12. Discrimination against women in relation to the rights recognized in the Covenant, is understood in light of the standard of equality for women under the Convention on the Elimination of All Forms of Discrimination Against Women. That standard requires the elimination of all forms of discrimination against women including gender discrimination arising out of social, cultural and other structural disadvantages.

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

8.6 States should promote women's full and equal participation in the economy and, for this purpose, introduce, where it does not exist, and implement gender-sensitive legislation providing women with the right to inherit and possess land and other property. States should also provide women with secure and equal access to, control over, and benefits from productive resources, including credit, land, water, and appropriate technologies.

Also see:

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
- Guidelines on the Protection of Refugee Women, UNHCR, 1991
- Question of the realization in all countries of economic, social and cultural rights, Commission on Human Rights resolution 2005/22
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000, General Assembly resolution 55/25 (not in force)
- Agenda 21, Chapter 24 - Global Action for Women Towards Sustainable and Equitable Development

12.0 Children

A. Binding Instruments

Convention on the Rights of the Child, 1989

Article 12, International Covenant on Economic, Social and Cultural Rights, 1966

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

Article 24, International Covenant on Civil and Political Rights, 1966

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

Also see:

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- International Labour Organisation Minimum Age Convention, 1973 (No. 138)
- International Labour Organisation Worst Forms of Child Labour Convention, 1999 (No. 182)

B. Guidelines/Declarations/Principles

General Assembly resolution 54/148, The girl child, 2000.

General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), Committee on the Rights of the Child, 2003

General Comment No. 17: Article 24 (Rights of the child), Human Rights Committee, 1989

World Declaration on the Survival, Protection and Development of Children, 1990, World Summit for Children, 1990

Article 5, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981, General Assembly resolution 36/55

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.
2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.
3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.
4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.
5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

21. The World Conference on Human Rights, welcoming the early ratification of the Convention on the Rights of the Child by a large number of States and noting the recognition of the human rights of children in the World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children, urges universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures and the allocation to the maximum extent of the available resources. In all actions concerning children, non-discrimination and the best interest of the child should be primary considerations and the views of the child given due weight. National and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular, the girl-child, abandoned children, street children, economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases including acquired immunodeficiency syndrome, refugee and displaced children, children in detention, children in armed conflict, as well as children victims of famine and drought and other emergencies.

International cooperation and solidarity should be promoted to support the implementation of the Convention and the rights of the child should be a priority in the United Nations system-wide action on human rights.

The World Conference on Human Rights also stresses that the child for the full and harmonious development of his or her personality should grow up in a family environment which accordingly merits broader protection.

Part II B, Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

45. The World Conference on Human Rights reiterates the principle of “First Call for Children” and, in this respect, underlines the importance of major national and international efforts, especially those of the United Nations Children’s Fund, for promoting respect for the rights of the child to survival, protection, development and participation.

Principle 11, Programme of Action of the United Nations International Conference on Population and Development, 1994

All States and families should give highest possible priority to children. The child has the right to standards of living adequate for its well-being and the right to the highest attainable standards of health, and the right to education. The child has the right to be cared for, guided and supported by parents, families and society and to be protected by appropriate legislative, administrative, social and educational measures, from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sale, trafficking, sexual abuse, and trafficking in its organs

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

11. Take immediate and effective measures to eliminate the worst forms of child labour as defined in ILO Convention No. 182, and elaborate and implement strategies for the elimination of child labour that is contrary to accepted international standards.

12. Promote international cooperation to assist developing countries, upon request, in addressing child labour and its root causes, *inter alia*, through social and economic policies aimed at poverty conditions, while stressing that labour standards should not be used for protectionist trade purposes.

Also see:

Question of the realization in all countries of economic, social and cultural rights, Commission on Human Rights resolution 2005/22

C. Guiding Policies

Inter-Agency Guiding Principles on Unaccompanied and Separated Children, 2004, UNICEF, UNHCR, International Committee of the Red Cross, International Rescue Committee, Save the Children UK, and World Vision

Inter-Agency Guiding Principles on Psychosocial Care and Protection of Tsunami Affected Children, 2004, UNICEF, UNHCR, International Committee of the Red Cross, International Rescue Committee, Save the Children UK and World Vision

Position on Inter-country adoption, UNICEF

Agenda 21, Chapter 25 - Children and Youth in Sustainable Development (adopted at the United Nations Conference on Environment and Development, 1992)

13.0 Older People

Guidelines/Declarations/Principles

**General Comment No. 6: ‘The economic, social and cultural rights of older persons’,
Committee on Economic, Social and Cultural Rights, 1996**

United Nations Principles for Older Persons, 1991, General Assembly resolution 46/91

Integration of older women in development, 1994, General Assembly resolution 49/162.

14.0 People Living with HIV/AIDS

Guidelines/Declarations/Principles

General Comment No. 3: HIV/AIDS and the rights of the child, Committee on the Rights of the Child, 2003

General Recommendation No. 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS), Committee on the Elimination of Discrimination against Women, 1990

International Guidelines on HIV/AIDS and Human Rights, 1997, UN Commission on Human Rights resolution 1997/33

The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), 2005, Commission on Human Rights resolution 2005/84

Declaration of Commitment on HIV/AIDS, 2001, General Assembly resolution S-26/2

58. By 2003, enact, strengthen or enforce, as appropriate, legislation, regulations and other measures to eliminate all forms of discrimination against and to ensure the full enjoyment of all human rights and fundamental freedoms by people living with HIV/AIDS and members of vulnerable groups, in particular to ensure their access to, inter alia, education, inheritance, employment, health care, social and health services, prevention, support and treatment, information and legal protection, while respecting their privacy and confidentiality; and develop strategies to combat stigma and social exclusion connected with the epidemic.

75. By 2003, develop and begin to implement national strategies that incorporate HIV/AIDS awareness, prevention, care and treatment elements into programmes or actions that respond to emergency situations, recognizing that populations destabilized by armed conflict, humanitarian emergencies and natural disasters, including refugees, internally displaced persons, and in particular women and children, are at increased risk of exposure to HIV infection; and, where appropriate, factor HIV/AIDS components into international assistance programmes;

Durban Declaration, 2001, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001

110. Urges States and encourages non-governmental organizations and the private sector:

(e) To adopt and implement policies and programmes to improve HIV/AIDS prevention efforts in high-risk communities and work to expand availability of HIV/AIDS care, treatment and other support services;

United Nations Millennium Declaration, 2000, General Assembly resolution 55/2

19. We resolve further:

- To provide special assistance to children orphaned by HIV/AIDS.

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

48. Implement, within the agreed time frames, all commitments agreed in the Declaration of Commitment on HIV/AIDS adopted by the General Assembly at its twenty-sixth special session, emphasizing in particular the reduction of HIV prevalence among young men and women aged 15-24 by 25 per cent in the most affected countries by 2005 and globally by 2010, as well as combat malaria, tuberculosis and other diseases by, inter alia:

- (a) Implementing national preventive and treatment strategies, regional and international cooperation measures, and the development of international initiatives to provide special assistance to children orphaned by HIV/AIDS;
- (b) Fulfilling commitments for the provision of sufficient resources to support the Global Fund to Fight AIDS, Tuberculosis and Malaria, while promoting access to the Fund by countries most in need;
- (c) Protecting the health of workers and promoting occupational safety, by, inter alia, taking into account, as appropriate the voluntary ILO code of practice on HIV/AIDS and the world of work, to improve conditions of the workplace;
- (d) Mobilizing adequate public and encouraging private financial resources for research and development on diseases of the poor, such as HIV/AIDS, malaria, tuberculosis, directed at biomedical and health research, as well as new vaccine and drug development.

Policy Framework for the Response of UNDP to HIV/AIDS (DP/1991/57) (including UNDP Guiding Principles on HIV and AIDS)

15.0 Disabled Persons

A. Binding Instruments

Article 23, Convention on the Rights of the Child, 1989

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

B. Guidelines/Declarations/Principles

General Comment No. 5: Persons with disabilities, Committee on Economic, Social and Cultural Rights, 1994

General Recommendation No. 18: Disabled women, Committee on the Elimination of Discrimination against Women, 1991

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 2005, Commission on Human Rights resolution 2005/24

Declaration on the Rights of Disabled Persons, 1975, General Assembly resolution 3447 (XXX)

Declaration on the Rights of Mentally Retarded Persons, 1971, General Assembly resolution 2856 (XXVI)

ILO Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983

Principles for the protection of persons with mental illness and the improvement of mental health care, 1991, General Assembly resolution 46/119

Standard Rules on the Equalization of Opportunities for Persons with Disabilities, 1993, General Assembly resolution 48/96

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

22. Special attention needs to be paid to ensuring non-discrimination, and the equal enjoyment of all human rights and fundamental freedoms by disabled persons, including their active participation in all aspects of society.

Part II B, Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

63. The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

64. The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Copenhagen Declaration, World Summit for Social Development, 1995

26 (i) Ensure that disadvantaged and vulnerable persons and groups are included in social development, and that society acknowledges and responds to the consequences of disability by securing the legal rights of the individual and by making the physical and social environment accessible.

C. Guiding Policies

CBR: A Strategy for Rehabilitation, Equalization of Opportunities, Poverty Reduction and Social Inclusion of People with Disabilities, 2004, Joint Position Paper by UNESCO, ILO, WHO

16.0 Minorities (including religious, linguistic, descent-based)

A. Binding Instruments

International Convention on the Elimination of All Forms of Racial Discrimination

Article 27, International Covenant on Civil and Political Rights, 1966

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Article 30, Convention on the Rights of the Child, 1989

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language

B. Guidelines/Declarations/Principles

General Comment No. 23: Article 27 (Rights of minorities), Human Rights Committee, 1994

General Recommendation No. XX on article 5 of the Convention, Committee on the Elimination of Racial Discrimination, 1996

General Recommendation No XXIX on article 1, paragraph 1 of the Convention (Descent), Committee on the Elimination of Racial Discrimination, 2002

Promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities, 2005, Commission on Human Rights resolution 2005/20

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981, General Assembly resolution 36/55

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, General Assembly resolution 47/135

Durban Declaration, 2001, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001

Article 5, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, General Assembly resolution 47/135

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Rights of persons belonging to national or ethnic, religious and linguistic minorities, 2005, Commission on Human Rights resolution, 2005/79

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

19. Considering the importance of the promotion and protection of the rights of persons belonging to minorities and the contribution of such promotion and protection to the political and social stability of the States in which such persons live, The World Conference on Human Rights reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The persons belonging to minorities have the right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public, freely and without interference or any form of discrimination.

Part II B, Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

26. The World Conference on Human Rights urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in accordance with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

27. Measures to be taken, where appropriate, should include facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country.

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

8.2 States should take steps so that members of vulnerable groups can have access to opportunities and economic resources in order to participate fully and equally in the economy.

17.0 Indigenous Peoples

A. Binding Instruments

International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989

B. Guidelines/Declarations/Principles

General Recommendation No. XXIII on the rights of indigenous peoples, Committee on the Elimination of Racial Discrimination, 1997

Human rights and indigenous issues, 2005, Commission on Human Rights resolution 2005/51,

Protection of indigenous peoples in time of conflict, 2005, Commission on Human Rights resolution 2005/52

Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, 2005, Commission on Human Rights resolution 2005/49

Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994, 2005, Commission on Human Rights resolution 2005/50

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

20. The World Conference on Human Rights recognizes the inherent dignity and the unique contribution of indigenous people to the development and plurality of society and strongly reaffirms the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development. States should ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them. Considering the importance of the promotion and protection of the rights of indigenous people, and the contribution of such promotion and protection to the political and social stability of the States in which such people live, States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization.

Rio Declaration, United Nations Conference on Environment and Development, 1992

Principle 22: Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Principle 14, Programme of Action of the United Nations International Conference on Population and Development, 1994

In considering the population and development needs of indigenous people, States should recognize and support their identity, culture and interests, and enable them to participate fully

in the economic, political and social life of the country, particularly where their health, education and well-being are affected.

Copenhagen Declaration, World Summit for Social Development, 1995

26 (m) Recognize and support indigenous people in their pursuit of economic and social development, with full respect for their identity, traditions, forms of social organization and cultural values.

Plan of Implementation, United Nations World Summit on Sustainable Development, 2002

6 (e) Develop policies and ways and means to improve access by indigenous people and their communities to economic activities, and increase their employment through, where appropriate, such measures as training, technical assistance and credit facilities. Recognize that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continues to be essential to the cultural, economic and physical well-being of indigenous people and their communities;

Draft Declaration on Human Rights and the Environment, 1994

14. Indigenous peoples have the right to control their lands, territories and natural resources and to maintain their traditional way of life. This includes the right to security in the enjoyment of their means of subsistence.

Indigenous peoples have the right to protection against any action or course of conduct that may result in the destruction or degradation of their territories, including land, air, water, sea-ice, wildlife or other resources.

Also see:

- (Draft) United Nations declaration on the rights of indigenous peoples
- Agenda 21, Chapter 26 - Recognising and Strengthening the Role of Indigenous People and their Communities (adopted at the United Nations Conference on Environment and Development, 1992)

18.0 Migrant Workers

A. Binding Instruments

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

International Labour Organisation Convention on Migrant Workers, 1949

International Labour Organisation Social Policy (Non-Metropolitan Territories) Convention, 1947

Article 10

Where the circumstances under which workers are employed involve their living away from their homes, the terms and conditions of their employment shall take account of their normal family needs.

Article 11

Where the labour resources of one area of a non-metropolitan territory are used on a temporary basis for the benefit of another area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the area of labour supply.

Article 12

1. Where the labour resources of a territory are used in an area under a different administration, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.
2. Such agreements shall provide that the worker shall enjoy protection and advantages not less than those enjoyed by workers resident in the area of labour utilisation.
3. Such agreements shall provide for facilities for enabling the worker to transfer part of his wages and savings to his home.

Article 13

Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

Also see:

ILO Migrant Workers (Supplementary Provisions) Convention, 1975

B. Guidelines/Declarations/Principles

Violence against women migrant workers, 2000, General Assembly resolution 54/138

United Nations Millennium Declaration, 2000, General Assembly resolution 55/2

25. We resolve therefore:

- To take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies.

Vienna Declaration and Programme of Action, 1993, World Conference on Human Rights

24. Great importance must be given to the promotion and protection of the human rights of persons belonging to groups which have been rendered vulnerable, including migrant workers, the elimination of all forms of discrimination against them, and the strengthening and more effective implementation of existing human rights instruments. States have an obligation to create and maintain adequate measures at the national level, in particular in the fields of education, health and social support, for the promotion and protection of the rights of persons in vulnerable sectors of their populations and to ensure the participation of those among them who are interested in finding a solution to their own problems.

Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV)

19 (c) The adoption of measures and the provision of social welfare services to migrant workers and their families, in conformity with the provisions of Convention No. 97 of the International Labour Organisation and other international instruments relating to migrant workers;

Principle 12, Programme of Action of the United Nations International Conference on Population and Development, 1994

Countries receiving documented migrants should provide proper treatment and adequate social welfare services for them and their families, and should ensure their physical safety and security, bearing in mind the special circumstances and needs of countries, in particular developing countries, attempting to meet these objectives or requirements with regard to undocumented migrants, in conformity with the provisions of relevant conventions and international instruments and documents. Countries should guarantee to all migrants all basic human rights as included in the Universal Declaration of Human Rights.

Copenhagen Declaration, 1995 World Summit on Social Development

29. Commitment 3 (j): Ensure that migrant workers benefit from the protections provided by relevant national and international instruments, take concrete and effective measures against the exploitation of migrant workers, and encourage all countries to consider the ratification and full implementation of the relevant international instruments on migrant workers;

Commitment 4 (e): Formulate or strengthen measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in sectors of many societies, and to promote greater harmony and tolerance in all societies;

19.0 Non-nationals/Non-citizens

A. Binding Instruments

Article 2(3), International Covenant on Economic, Social and Cultural Rights, 1966

Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

B. Guidelines/Declarations/Principles

Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live, 1985 General Assembly resolution 40/144

General Recommendation No XI on non-citizens, Committee on the Elimination of Racial Discrimination, 1993

20.0 Internally Displaced Persons

Guiding Principles on Internal Displacement, 1998, Commission on Human Rights

Principle 1: Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

Principle 3 (1): National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

(2) Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4(2): Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Principle 9: States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Principle 11 (2): Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

- (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
- (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
- (c) Acts of violence intended to spread terror among internally displaced persons.

Principle 12 (2): To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

Principle 14:

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 17 (4): Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18:

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (a) Essential food and potable water;
 - (b) Basic shelter and housing;
 - (c) Appropriate clothing; and
 - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 27 (1): International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

Copenhagen Declaration, 1995 World Summit on Social Development

26 (t) Create the political, legal, material and social conditions that allow for the voluntary repatriation of refugees in safety and dignity to their countries of origin, and the voluntary and safe return of internally displaced persons to their places of origin and their smooth reintegration into their societies;

29. Commitment 1 (g) Create the comprehensive conditions to allow for the voluntary repatriation of refugees in safety and dignity to their countries of origin, and the voluntary and safe return of internally displaced persons to their places of origin and their smooth reintegration into their societies.

29. Commitment 9 (m) Increase the flow of international resources to meet the needs of countries facing problems relating to refugees and displaced persons;

Platform of Action, 1995, World Conference on Women

60 (m) Introduce measures to integrate or reintegrate women living in poverty and socially marginalized women into productive employment and the economic mainstream, ensure that

internally displaced women have full access to economic opportunities, and that the qualifications and skills of immigrant and refugee women are recognized;

149 (c) Take steps to protect the safety and physical integrity of refugee women, other displaced women in need of international protection and internally displaced women during their displacement and upon their return to their communities of origin, including programmes of rehabilitation; take effective measures to protect from violence women who are refugees or displaced; hold an impartial and thorough investigation of any such violations and bring those responsible to justice;

(e) Take measures, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced women, including their right to voluntary and safe return to their home of origin;

(f) Ensure that the international community and its international organizations provide financial and other resources for emergency relief and other longer-term assistance that takes into account the specific needs, resources and potentials of refugee women, other displaced women in need of international protection and internally displaced women.

(k) Ensure that the human rights of refugee and displaced women are protected and that refugee and displaced women are made aware of these rights; ensure that the vital importance of family reunification is recognized;

Voluntary Guidelines for the Progressive Implementation of the Right to Food, World Food Summit 2002 (adopted in 2004)

16.5 States should make every effort to ensure that refugees and internally displaced persons have access at all times to adequate food. In this respect, States and other relevant stakeholders should be encouraged to make use of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement.

Part V
International Principles

The following international principles, most of which have been recognized by international law, should be built into any reconstruction/rehabilitation policy and projects and applied by implementing agencies, in order to make sure that basic human rights are not compromised in any way.

Precautionary Principle:

This principle was developed in order to protect the environment and people's health. It advocates for the application of the precautionary approach in decision-making. Where there are threats or potential threats of serious social impact, lack of full certainty about those threats should not be used as a reason for approving the planned intervention or not requiring the implementation of mitigation measures and stringent monitoring. As a concept it is aimed at protecting peoples' ways of life and the integrity of their communities.

Uncertainty Principle:

It must be recognised that our knowledge of the social world and of social processes is incomplete and that social knowledge can never be fully complete because the social environment and the processes affecting it are changing constantly, and vary from place to place and over time.

Intra-generational Equity:

The benefits from the range of planned interventions should address the needs of all, and the social impacts should not fall disproportionately on certain groups of the population, in particular children and women, the disabled and the socially excluded, certain generations or certain regions.

Inter-generational Equity:

Development activities or planned interventions should be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.

Recognition and Preservation of Diversity:

Special attention is needed to respect the existence of the social diversity that exists within communities and to understand what the unique requirements of special groups may be. Care must be taken to ensure that planned interventions do not lead to a loss of social diversity in a community or threaten social cohesion.

Internalization of Costs:

The full social and ecological costs of a planned intervention should be internalised through the use of economic and other instruments, that is, these costs should be considered as part of the costs of the intervention, and no intervention should be approved or regarded as cost-effective if it achieves this by the creation of hidden costs to current or future generations or the environment.

Polluter Pays Principle:

The full costs of avoiding or compensating for social impacts should be borne by the proponent of the planned intervention. Whoever causes the damage – social or environmental – is responsible for the cost of repairing any damage.

Prevention Principle:

It is generally preferable and cheaper in the long run to prevent negative social impacts and ecological damage from happening than having to restore or rectify damage after the event.

Protection and Promotion of Health and Safety:

Health and safety are paramount. All planned interventions should be assessed for their health impacts and their accident risks, especially in terms of assessing and managing the risks from hazardous substances, technologies or processes, so that their harmful effects are minimized, including not bringing them into use or phasing them out as soon as possible. Health impacts cover the physical, mental and social well-being and safety of all people, paying particular attention to those groups of the population who are more vulnerable and more likely to be harmed, such as the economically deprived, indigenous groups, children and women, the elderly, the disabled, as well as the population most exposed to risks arising from the planned intervention.

Principle of Multisectoral Integration:

Social development requirements and the need to consider social issues should be properly integrated into all projects, policies, infrastructure programs and other planning activities.

Principle of Subsidiarity:

Decision-making power should be decentralized and localised, with accountable decisions being made as close to an individual citizen as possible. In the context of social impact assessment (SIA), this means decisions about the approval of planned interventions, or conditions under which they might operate, should be taken as close to the affected people as possible, with local people having an input into the approval and management processes. *This tenet holds that nothing should be done by a larger and more complex organization which can be done as well by a smaller and simpler organization. In other words, any activity which can be performed by a more decentralized entity should be.*

Principle of Common but Differentiated Responsibility:

The principle of ‘common but differentiated responsibility’ evolved from the notion of the ‘common heritage of mankind’ and is a manifestation of general principles of equity in international law. The principle recognises historical differences in the contributions of developed and developing States to global environmental problems, and differences in their respective economic and technical capacity to tackle these problems. Despite their common responsibilities, important differences exist between the stated responsibilities of developed and developing countries.

The principle of common but differentiated responsibility includes two fundamental elements. The first concerns the common responsibility of States for the protection of the environment, or parts of it, at the national, regional and global levels. The second concerns the need to take into account the different circumstances, particularly each State’s contribution to the evolution of a particular problem and its ability to prevent, reduce and control the threat.

Part VI

List of Relevant Documents

- International Labour Organisation Social Policy (Non-Metropolitan Territories) Convention, 1947
http://www.ilo.org/public/english/employment/skills/recomm/instr/c_117.htm
- Universal Declaration of Human Rights, 1948 <http://www.un.org/Overview/rights.html>
- International Labour Organization Convention on Migrant Workers, 1949
<http://www.ilo.org/public/english/protection/migrant/about/standards.htm>
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
<http://www.ohchr.org/english/law/trafficpersons.htm>
- Convention relating to the Status of Refugees, 1951
http://www.unhchr.ch/html/menu3/b/o_c_ref.htm
- ILO Convention on Equal Remuneration, 1951 (No. 100)
http://www.unhchr.ch/html/menu3/b/d_ilo100.htm
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
http://www.unhchr.ch/html/menu3/b/d_ilo111.htm
- UNESCO Convention against Discrimination in Education, 1960
http://www.unhchr.ch/html/menu3/b/d_c_educ.htm
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965
<http://www.ohchr.org/english/law/cerd.htm>
- International Covenant on Economic, Social and Cultural Rights, 1966
http://www.unhchr.ch/html/menu3/b/a_cescr.htm
- International Covenant on Civil and Political Rights, 1966
http://www.unhchr.ch/html/menu3/b/a_ccpr.htm
- International Labour Organisation Minimum Age Convention, 1973 (No. 138)
http://www.ilo.org/public/english/employment/skills/recomm/instr/c_138.htm
- ILO Migrant Workers (Supplementary Provisions) Convention, 1975
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C143>
- Convention on the Elimination of All Forms of Discrimination against Women, 1979
<http://www.ohchr.org/english/law/cedaw.htm>
- Convention on the Rights of the Child, 1989
<http://www.ohchr.org/english/law/crc.htm>
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
<http://www.ohchr.org/english/law/crc-sale.htm>
- International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (For certain jurisdictions the 1957 convention may be in force).
<http://www.unhchr.ch/html/menu3/b/62.htm>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990
http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm
- International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182)
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>

- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000, General Assembly resolution 55/25 (not in force) <http://untreaty.un.org/English/notpubl/18-12-a.E.doc>

UN Declarations

- Declaration on Social Progress and Development, 1969 General Assembly resolution 2542 (XXIV) http://www.unhchr.ch/html/menu3/b/m_progre.htm
- Declaration on the Rights of Mentally Retarded Persons, 1971, General Assembly resolution 2856 (XXVI) http://www.unhchr.ch/html/menu3/b/m_mental.htm
- Declaration on the Rights of Disabled Persons, 1975, General Assembly resolution 3447 (XXX) <http://www.unhchr.ch/html/menu3/b/72.htm>
- UNESCO Declaration on Race and Racial Prejudice, 1978 http://www.unhchr.ch/html/menu3/b/d_prejud.htm
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981, General Assembly resolution 36/55 http://www.unhchr.ch/html/menu3/b/d_intole.htm
- Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they live, 1985 General Assembly resolution 40/144 http://www.unhchr.ch/html/menu3/b/o_nonnat.htm
- Declaration on the Right to Development, 1986, General Assembly resolution 41/128 <http://www.unhchr.ch/html/menu3/b/74.htm>
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, General Assembly resolution 47/135 http://www.unhchr.ch/html/menu3/b/d_minori.htm
- Declaration on the Elimination of Violence against Women, 1993, General Assembly resolution 48/104 [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument)
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, General Assembly resolution 53/144 [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En?OpenDocument)
- United Nations Millennium Declaration, 2000, General Assembly resolution 55/2 <http://www.un.org/millennium/declaration/ares552e.htm>
- United Nations Millennium Development Goals <http://www.un.org/millenniumgoals/>
- Universal Declaration on Cultural Diversity, 2001, United Nations Educational, Scientific and Cultural Organization <http://www.ohchr.org/english/law/diversity.htm>

General Comments and General Recommendations

- General Comment No. 18: Non discrimination, Human Rights Committee, 1989 <http://www.unhchr.ch/tbs/doc.nsf/0/3888b0541f8501c9c12563ed004b8d0e?Opendocument>
- General Comment No. 17: Article 24 (Rights of the child), Human Rights Committee, 1989 <http://www.unhchr.ch/tbs/doc.nsf/0/cc0f1f8c391478b7c12563ed004b35e3?Opendocument>

- General Recommendation No. 13: Equal remuneration for work of equal value, Committee on the Elimination of Discrimination against Women, 1989
<http://www.unhchr.ch/tbs/doc.nsf/0/d413d0c18cf879d9c12563ee0062c38c?Opendocument>
- General Comment No. 19: Article 23 (The family), Human Rights Committee, 1990
<http://www.unhchr.ch/tbs/doc.nsf/0/6f97648603f69bcdc12563ed004c3881?Opendocument>
- General Comment No. 4 'The Right to Adequate Housing' (Art. 11 (1) of the Covenant), Committee on Economic Social and Cultural Rights, 1991.
[http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+comment+4.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CESCR+General+comment+4.En?OpenDocument)
- General Recommendation No. 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS), Committee on the Elimination of Discrimination against Women, 1990
<http://www.unhchr.ch/tbs/doc.nsf/0/0f61377269af39f2c12563ee00630b41?Opendocument>
- General Recommendation No. 16: Unpaid women workers in rural and urban family enterprises, Committee on the Elimination of Discrimination against Women, 1991
<http://www.unhchr.ch/tbs/doc.nsf/0/d3123bdb6a55cdeac12563ee00632f4c?Opendocument>
- General Recommendation No. 18: Disabled women, Committee on the Elimination of Discrimination against Women, 1991
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CEDAW+General+recom.+18,+A.46.38.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CEDAW+General+recom.+18,+A.46.38.En?Opendocument)
- General Recommendation No XIV on article 1, paragraph 1, of the Convention, Committee on the Elimination of Racial Discrimination, 1993
<http://www.unhchr.ch/tbs/doc.nsf/0/d7bd5d2bf71258aac12563ee004b639e?Opendocument>
- General Comment No. 5: Persons with disabilities, Committee on Economic, Social and Cultural Rights, 1994
<http://www.unhchr.ch/tbs/doc.nsf/0/4b0c449a9ab4ff72c12563ed0054f17d?Opendocument>
- General Comment No. 23: Article 27 (Rights of minorities), Human Rights Committee, 1994
<http://www.unhchr.ch/tbs/doc.nsf/0/fb7fb12c2fb8bb21c12563ed004df111?Opendocument>
- General Recommendation No XIX: Article 3 of the Convention, Committee on the Elimination of Racial Discrimination, 1995
<http://www.unhchr.ch/tbs/doc.nsf/0/18c91e92601301fbc12563ee004c45b6?Opendocument>
- General Recommendation No. XX on article 5 of the Convention, Committee on the Elimination of Racial Discrimination, 1996
<http://www.unhchr.ch/tbs/doc.nsf/0/8b3ad72f8e98a34c8025651e004c8b61?Opendocument>
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Part VII
Annexes

Annex 1:

Human rights experts call for focusing attention on most vulnerable tsunami survivors, full participation

The following statement was issued today by 26 mandate-holders of special procedures of the United Nations Commission on Human Rights (full list at bottom of document):

In our capacity as Special Procedures mandate-holders appointed by the United Nations Commission on Human Rights, we wish to express our condolences and solidarity to the people of South and Southeast Asia for the loss of human life in the earthquake-triggered tsunamis that took place on 26 December 2004, as well as to the people of the Eastern Coast of Africa who were also hit by the tsunami. We are deeply distressed that thousands of individuals and families find themselves confronting a terrible situation that has forced them into homelessness or surviving in inadequate and insecure conditions. We are shocked by the scale of the tragedy and deeply moved by the courage and solidarity shown by the survivors, women, men and children.

It is difficult to evaluate the number of victims as this figure, unfortunately, is still increasing. It would seem that the latest estimates are of more than 150,000 dead, of thousands of persons missing, of probably more than a million individuals in need of urgent medical and food assistance, and of more than one million internally displaced. The destruction of infrastructure, especially in communications, transportation and health care, makes the situation even more complicated for humanitarian and health professionals to provide first assistance. In many areas, the sanitary situation is extremely worrying, as drinking water is scarce, food is lacking and people are surviving in precarious conditions. The risk of infectious diseases is serious, with children particularly exposed.

The many children separated from their families or left orphaned require immediate attention to protect them from trafficking or any other exploitation. Everything must be done to ensure the placement of orphaned children with surviving extended family. We welcome the provisional and urgent initiatives taken by some Governments in that regard. Temporary educational infrastructures should be put in place where needed to ensure that children resume schooling as soon as possible. Displaced women and girls must also be protected from all forms of sexual and gender-based violence.

We acknowledge with appreciation the unprecedented solidarity by the international community to bring emergency humanitarian aid to the people affected by this disaster. We call on the Governments concerned, the United Nations and the humanitarian organizations to ensure that assistance is delivered swiftly to all populations concerned, without discrimination or obstacles, and with due attention to the most vulnerable populations and those remote areas that remain hard to reach.

We also join the Secretary-General in his call for setting “the stage for the longer term, as we [must] move from saving lives to recovery and reconstruction”, and we therefore urge the international community to commit to the pledges made over the past ten days. This commitment to a long-term and sustainable effort for the reconstruction of the devastated areas will

demonstrate respect for the obligation of international cooperation enshrined in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Economic Social and Cultural Rights and the Convention on the Rights of the Child.

In this respect, we strongly believe that the full participation and involvement of the communities concerned, including women, in the reconstruction of their lives and homes is of the utmost importance for sound, appropriate and quick resettlement and rehabilitation. Coordinated and participatory planning processes will be essential in securing a place for the human rights and sustainable development agenda, which is vital for ensuring a safe future for the people of the region. They will also help to ensure full transparency and accountability in bringing resources to those people and areas most in need.”

The mandate holders are:

Mr Ghanim Alnajjar, Independent Expert on the situation of human rights in Somalia,

Mr. Philip Alston , Special Rapporteur on extrajudicial, summary or arbitrary executions,

Mr. Cherif Bassiouni, Independent Expert on the situation of human rights in Afghanistan,

Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers

Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Mr. John Dugard, Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967,

Ms. Yakin Ertürk , Special Rapporteur on violence against women, its causes and consequences

Ms. Sigma Huda, Special Rapporteur on trafficking in persons, especially in women and children,

Mr. Paul Hunt, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mr. Okechkwu Ibeanu, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights,

Ms. Asma Jahangir, Special Rapporteur on the right to freedom of religion or belief ,

Ms. Hina Jilani , Special Representative of the Secretary-General on human rights defenders,

Mr. Miloon Kothari , Special Rapporteur on the right to adequate housing,

Mr. Ambeyi Ligabo , Special Rapporteur on the right to freedom of opinion and expression,

Mr. Bernards Andrews Nyamwaya Mudho, Independent Expert on structural adjustment policies and foreign debt,

Mr. Vernor Muñoz , Special Rapporteur on the right to education,

Mr. Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,

Mr. Titinga Frédéric Pacéré, Independent expert on the situation of human rights in the Democratic Republic of the Congo,

Mr. Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography,

Mr. Paulo Sergio Pinheiro, Special Rapporteur on the situation of human rights in Myanmar,

Ms. Gabriela Rodriguez Pizarro, Special Rapporteur on the human rights of migrants,

Ms. Shaista Shameem, Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people,

Mr. Stephen J. Toope, Chairperson, Working Group on enforced or involuntary disappearances,

Ms. Leïla Zerrougui, Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and

Mr. Jean Ziegler, Special Rapporteur on the right to food.

Source: UN Commission on Human Rights

Date: 11 January 2005

Annex 2:

Statement by the Committee on the Elimination of Discrimination against Women, in regard to the Tsunami disaster in South East Asia, 26 December 2004

The Committee on the Elimination of Discrimination against Women shares the expressions of support and solidarity that have been offered by so many around the world to all people affected by the devastating Tsunami in South East Asia on 26 December 2004.

The unprecedented scale of the Tsunami disaster impacts on all survivors, women and men, causing loss of life, injuries, separation from and loss of loved ones, extreme trauma and loss of security, basic needs - including shelter, food and water and sanitation - and livelihoods. In the wake of the Tsunami, the gender-specific needs and vulnerabilities of women and girls must be identified and addressed in all responses to the humanitarian and recovery needs. There are gender perspectives to be taken into account in relation to impacts on both a long and short-term basis, including in relation to health, security and livelihoods.

Pro-active steps must be taken to ensure that women and girls living in the affected communities, as well as local women's groups, and women community leaders and government officials are full, equal and effective participants in all relief, rehabilitation and reconstruction efforts, including in distribution of assistance of all kind.

Particular attention must be paid to identify and respond to specific vulnerabilities of women and girls in situations of disaster, and in particular to gender-based violence, sexual abuse and trafficking. As the protection of safety and dignity of survivors is among the priorities of relief work, specific attention must be paid to the prevention of gender-based violence and abuse of women and girls. All those who abuse women and girls in this situation of particular vulnerability must be brought to justice and severely punished.

The Committee calls on all those who provide assistance and relief, and contribute to the reconstruction of the devastated communities to respond fully to the gender-specific needs of women and girls. The Committee encourages that the ongoing efforts be used as a window of opportunity to ensure that the promotion of gender equality is a central pillar in the reconstruction and development of the affected communities, and that a gender perspective is integrated in all humanitarian efforts. It also suggests that the appropriate intergovernmental body of the United Nations consider preparing a comprehensive action-oriented resolution on the gender perspectives of disaster relief and humanitarian assistance, following the example of Security Council resolution 1325 (2000) on women, peace and security.

Adopted by the Committee at its thirty-second session, 28 January 2005.

List of Acronyms

CERD	Convention on the Elimination of all Forms of Racial Discrimination
CRZ	Coastal Regulation Zone
FAO	Food and Agriculture Organization
GEF	Global Environment Facility
Gol	Government of India
GoTN	Government of Tamil Nadu
HIC-HLRN	Habitat International Coalition - Housing and Land Rights Network
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
MoEF	Ministry of Environment and Forests
ODA	Official Development Assistance
PDHRE	Peoples' Movement for Human Rights Learning
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNDRO	United Nations Disaster Relief Organisation
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
WFP	World Food Programme
WHO	World Health Organisation

Organisational Information

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Housing and Land Rights Network

Habitat International Coalition

Coordination Office and Middle East/North Africa Programme:

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HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

HIC-HLRN Publications

Fact-finding Reports

Impact of War and Forced Evictions on Urbanization in Turkey: Violations of Housing Rights

Fact-finding Report No. 1 (Istanbul: Habitat International Coalition (HIC), 1996)

In Quest of Bhabrekar Nagar

Fact-finding Report No. 2 [a report to enquire into demolitions in Mumbai, India] (Mumbai: HIC, 1997)

Fact-finding Mission to Kenya on the Right to Adequate Housing: A Report on Slum Conditions, Evictions and Landlessness

Fact-finding Report No. 3 (Nairobi: HIC-HLRN, Sub-Saharan Regional Programme,¹ 2001)

Resettlement on Land of Bhutanese Refugees: A Report on New Threats to Repatriation

Fact-finding Report No. 4 (New Delhi: HIC-HLRN, South Asia Regional Programme, 2002)

Restructuring New Delhi's Urban Habitat: Building an Apartheid City?

Fact-finding Report No. 5 [on the resettlement process of Delhi, India] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2002)²

Rebuilding from the Ruins: Listening to the Voices from Gujarat and Restoring People's Rights to Housing, Livelihood and Life

Fact-finding Report No. 6 [on ethnic conflict in Gujarat, India] (New Delhi: HIC-HLRN, South Asia Regional Programme, and Youth for Unity and Voluntary Action, 2002)³

The Impact of the 2002 Submergence on Housing and Land Rights in the Narmada Valley: Report of a Fact-finding Mission to Sardar Sarovar and Man Dam Projects

Fact-finding Report No. 7 [on housing and land rights violations and inadequate rehabilitation] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2003)

Post-Tsunami Relief and Rehabilitation: A Violation of Human Rights

Fact-finding Report No. 8 [mission to tsunami-affected areas of Tamil Nadu, India, and Sri Lanka] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2005)

¹ In collaboration with Human Rights Monitoring Group (HURIMOG)

² In cooperation with Sajha Manch, New Delhi

³ Mission conducted at the request of Citizen's Initiative, Ahmedabad

Thematic Publications

Trade, Investment, Finance and Human Rights

Essential Documents (Geneva: International NGO Committee on Human Rights in Trade and Investment—INCHRITI, 2001)

Children and Right to Adequate Housing: A Guide to International Legal Resources

(New Delhi: HIC-HLRN, South Asia Regional Programme, and HAQ: Centre for Child Rights, 2002)

Anatomies of a Social Movement: Social Production of Habitat in the Middle East/North Africa

(Cairo: HIC-HLRN, 2005)

International Human Rights Standards on Post-disaster Resettlement and Rehabilitation:

[CD format] (New Delhi: HIC-HLRN, and People's Movement for Human Rights Learning—PDHRE, 2005)

Country Assessments

Dispossessed: Land and Housing Rights in Tibet

(New Delhi: Tibetan Centre for Human Rights and Democracy—TCHRD, in collaboration with HIC-HLRN, 2003)

Standing Up Against the Empire: A Palestine Guide: From Understanding to Action.

[report of a seminar organized at the World Social Forum III, Porto Alegre, Brazil] (Cairo: HIC-HLRN, Middle East/North Africa, 2003)

Confronting Discrimination: Nomadic Communities in Rajasthan and their Rights to Land and Adequate Housing

[working paper] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2004)

Restoring Values: Institutional Challenges to Providing Restitution and Compensation for Iraqi Housing and Land Rights Victims

[analysis of the Iraq Property Compensation Commission] (Cairo: HIC-HLRN, Middle East/North Africa, 2005)

Home in Iraq

[a compilation of issues on the continuous housing and land rights crisis] (Cairo: HIC-HLRN, Middle East/North Africa, forthcoming 2005)

Tools and Techniques Series

Community Action Planning: Processes – Ideas – Experiences

[Manual for human rights based slum upgrading] (New Delhi: HIC-HLRN, South Asia Regional Programme, Youth for Unity and Voluntary Action, and People's Movement for Human Rights Learning—PDHRE, 2002)

Urgent Action: HLRN Guide to Practical Solidarity for Defending the Human Right to Adequate Housing

Action Urgente! Guide pour la Défense du Droit à un logement Suffisant par l'Action Solidaire

¡Acción Urgente! Guía de Solidaridad Práctica para la Defensa del Derecho Humano a la Vivienda Adecuada

Tools and Techniques Series No. 1 [methodology and training manual for the HLRN Urgent Action system] (Cairo: HIC-HLRN, Middle East/North Africa, 2003)

Housing and Land Rights “Toolkit”

“Juego de Herramientas” para los Derechos por la Vivienda y la Tierra

Tools and Techniques Series No. 2 [manual of methodological guidance in CD format] (Cairo: HIC-HLRN, Global Programme, 2003).

Reports to UN Bodies

Child in Search of the State

[parallel report to the India country report on the implementation of the right to housing as enshrined in the Convention on the Rights of the Child] (New Delhi: HIC-HLRN, Laya, Human Rights Foundation, and Youth for Unity and Voluntary Action, 1998)

Composite of Economic, Social and Cultural Rights Conditions of the Indigenous Palestinian People under Israel's Jurisdiction and Control

[joint parallel report to the UN Committee on Economic, Social and Cultural Rights] (Cairo: HIC-HLRN, Middle East/North Africa with seven other Palestinian, Israeli and international NGOs⁴, 2001)

⁴ Adalah, the Legal Center for Arab Minority Rights in Israel; Association of Forty (Israel); Badil Resource Center for Palestinian Residence and Refugee Rights (Bethlehem); Boston University Civil Litigation Program (USA); LAW Society for the Protection of Human Rights and the Environment (Jerusalem); Palestinian Centre for Human Rights (Gaza); World Organization against Torture (Geneva, Switzerland).

Implementation of the International Convention on the Rights of the Child: Issues affecting the Indigenous Palestinian People under the State of Israel's Jurisdiction and Control

[joint parallel report to the UN Committee on the Rights of the Child] (Cairo: HIC-HLRN, Middle East/North Africa with three other Palestinian NGOs,⁵ 2002)

Human Right to Adequate Housing in India

[joint parallel report to the UN Committee on Economic, Social and Cultural Rights] (New Delhi: HIC-HLRN, South Asia Regional Programme with Indian NGOs, 2002)

Acts of Commission, Acts of Omission: Housing and Land Rights and the Indian State

[joint parallel report to the UN Committee on Economic, Social and Cultural Rights] (New Delhi: HIC-HLRN, South Asia Regional Programme with Indian NGOs,⁶ 2004)

⁵ Defence for Children International (Palestine); LAW Society for the Protection of Human Rights (Jerusalem), Al Mezan Center for Human Rights.

⁶ National Forum for Forest People and Forest Workers, Muktidhara, Youth for Unity and Voluntary Action, Kalpavriksh, Sajha Manch, Citizen's Initiative, Narmada Bachao Andolon (Save Narmada Movement), and National Campaign for Dalit Human Rights.