

Indigenous peoples' right to adequate housing

A global overview

United Nations Housing Rights Programme
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Preface

“In shelter and urban development and management policies, particular attention should be given to the needs and participation of indigenous people....”

(Habitat Agenda, paragraph 14).

In the course of the International Decade of the World's Indigenous People (1995-2004), the international community has taken important steps towards addressing the disadvantage of indigenous peoples and contributing to improvements in their living conditions. The General Assembly in proclaiming the Decade called for international cooperation to develop solutions to problems faced by indigenous peoples and adopted the slogan “indigenous people – partnership in action”. The present collaboration between UN-HABITAT and the Office of the High Commissioner for Human Rights (OHCHR) is a part of the growing effort of the United Nations system to work together to incorporate indigenous rights and interests into their programmes.

The right to adequate housing has been recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights and in other international instruments. Having a secure place to live, is one of the fundamental elements for human dignity, physical and mental health and overall quality of life, which enables one's development. Against this backdrop, in 2002, the Commission on Human Rights appointed an independent Special Rapporteur on adequate housing, whose mandate is to focus on the realization of adequate housing as a component of the right to an adequate standard of living, worldwide. To support the efforts by governments, the civil society and the national human rights institutions towards the full and progressive realization of the right to adequate housing, UN-HABITAT and OHCHR established the United Nations Housing Rights Programme (UNHRP) in 2002, under which the present research project has been realized.

As part of the efforts to promote the full and progressive realization of the right to adequate housing globally, the particular concerns of indigenous peoples – their generally poor housing situation, their vulnerability as groups affected by displacement, the insecurity of tenure they often have over their traditional homelands, and the culturally inappropriate housing alternatives offered by the authorities – have emerged repeatedly as important issues. Indigenous peoples themselves have called upon the United Nations to recognize and respect their rights to lands and resources, a right that would assure them the basis for adequate and appropriate housing and living conditions.

The present report, “Indigenous peoples' right to adequate housing – A global overview”, is a preliminary effort to identify whether, and to what

extent, indigenous peoples enjoy the right to adequate housing in different regions of the world and identify strategies that might assist in the realization of this right. The report includes seven case studies on the status of housing for indigenous peoples – in practice and in law – and includes information about policies and programmes aimed at addressing their needs and disadvantage. The preliminary findings and recommendations of this report were presented to the 3rd session of the Permanent Forum on Indigenous Issues and were greatly appreciated by the members and participants of the Forum.

This report constitutes a preliminary but important first step toward understanding the relationship between all economic, social and cultural rights and the progressive realization of the right to adequate housing of indigenous peoples, and to improving their living conditions worldwide. The report calls for further attention to be given to this critical human rights concern and above all, it calls for renewed commitment from the international community to improve the living conditions of the world's indigenous peoples.

We wish to express our appreciation and gratitude to all those who have contributed to the preparation of this report.



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