

# CITY RESILIENCE PROFILING PROGRAMME

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**UN HABITAT**  
FOR A BETTER URBAN FUTURE

Zero draft



With the support of

**Human Rights Enhancer**  
Human Rights and Development in Cities  
Human Rights and Resilience  
Human Rights and the City Resilience Profiling Tool



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The **Human Rights Enhancer** was prepared by UN-Habitat as part of the ongoing Urban Resilience Enhancer series. In order to promote collaboration and gather valuable inputs, the enhancers are open to peer review by expert organizations working in relevant sectors. For the Human Rights Enhancer, the Institute of Human Rights, Pedro Arrupe -Coordination NOHA Masters Consortium- conducted an in-depth review to provide inputs, comments and suggestions. These inputs have shaped the Enhancer into its current version.

The Resilience Enhancers developed under the City Resilience Profiling Tool isolate the cross-cutting themes that underpin UN-Habitat's resilience building methodology into an advocacy and training tool.

The Enhancers provide both an understanding of the relationship between the topic in focus (i.e. Gender, Climate Action, Human Rights) and development, development agendas, resilience and the CRPT. In the case of the latter, the indicators related to the topic have been extracted from the global CRPT and are included in the Enhancers. They can provide a first approach to the resilience related matter, taking into consideration the systemic, holistic and comprehensive understanding of urban resilience that moves away from assessment in silos.

The objective of the Enhancer is to help governmental actors or other partners to assess the addressed resilience of their urban settlements but while putting a special focus on certain topics that need to be addressed, in this case Human Rights. They can be used as a starting point to assess resilience and the matter related to urban settings, and to discuss how to take it further.

### **Using the Enhancers**

The Enhancers can be used as training or advocacy tools within a city by local governments actors or partners. The Enhancers also serve to assess existing tools, approaches and methodologies that are being implemented in the city. The application of the Enhancers is therefore multiple.

#### **1. Initiate Discussion**

The indicators extracted from the CRPT (Indicators in the CRPT) can be used to start the discussion around resilience and the issue in focus within the city. An initiating body such as a specific department within the municipality, can initiate the collection of data for the indicators and call for a half-day workshop to validate or complete the responses. Other departments within the municipality should be invited as well as NGOs working in the city, utilities, civil society groups, among others. The Enhancer can as such become a shared project to initiate discussion on resilience. Once the exercise has been completed, contact us to find out how to take it further.

#### **2. Snapshot**

The outcome of the workshop is a partial snapshot of the city focussed on the issue in question. This can be shared among all stakeholders and used to inform initial decision-making and priority setting. Knowing which are the strengths and the weaknesses in relation to a certain topic within the city is going to allow local governments to think about the appropriate measures to make the city more resilient. All of the Cities that have completed this exercise are invited to share their findings on the City Map on UN-Habitat's Urban Resilience Hub. Sharing these findings will be useful to locate other cities facing similar challenges and to start a discussion on how to tackle them.

#### **3. Counter-check**

Many cities are already implementing tools and methodologies to build resilience. The Questionnaire within the Enhancers serves as an approach to evaluate how well the tool is capturing the issue in question. Applying the Questionnaire to existing tools will provide a similar snapshot on the city. Therefore, it will allow cities to assess if their tools need some adjustments or if they are already capturing well the issues in questions. Having a preliminary idea on the resilience of the city is going to be helpful to take the appropriate measures and to counter-check the efficiency of the ones that have been taken.





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We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This declaration may well become the international Magna Carta for all men everywhere. We hope its proclamation by the General Assembly will be an event comparable to the proclamation in 1789 [the French Declaration of the Rights of Citizens], the adoption of the Bill of Rights by the people of the US, and the adoption of comparable declarations at different times in other countries.

**Eleanor Roosevelt (1948)** when the General Assembly of the United Nations adopted a resolution endorsing the Universal Declaration of Human Rights.

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# Acronyms

<b>A4R</b>	Actions for resilience
<b>CoE</b>	Council of Europe
<b>CRPP</b>	City Resilience Profiling Programme
<b>CRPT</b>	City Resilience Profiling Tool
<b>HRBA(P)</b>	Human Rights Based Approach (to Programming)
<b>HRE</b>	Human Rights Enhancer
<b>IHRL</b>	International human rights law
<b>NUA</b>	New Urban Agenda
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>RTD</b>	Right to development
<b>SDG</b>	Sustainable Development Goal(s)
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNCU</b>	UN Common Understanding on a HRBA
<b>URP</b>	Urban Resilience Programme (of UN-Habitat)

# 1. Introduction

Within the series of City Resilience Profiling Programme (CRPP) 'enhancers', the Human Rights Enhancer makes a distinctive figure, since its method is less focused on the effective design of the indicators and is more attentive to programmatic approaches of UN-Habitat and its analytical tool, the City Resilience Profiling Tool (CRPT). With this new enhancer, the programme is tackling a human rights based approach to programming, in both the design phase of the analytical tool and the analysis phase which is the diagnosis carried-out based on the data and information resulting from the implementation of CRPT in several cities.

The human rights-based approach (HRBA) defines a pattern of human rights relationships between the individuals (also called claim-holders or right-holders) with justified claims on the state, and the state, which is the duty-bearer. This has the effect of removing many decisions from the realms of benevolent or charitable decision-making by the member state and placing an obligation on it to show evidence of serious efforts to realise the rights it has ratified. The state is held accountable through international governance institutions for making progress in fulfilling the relevant rights. A human rights-based approach involves moving away from assessing the needs of beneficiaries towards empowering and building the capacity of claim-holders in asserting their rights.

According to the human rights-based approach, the process of urbanization should adhere to the human rights principles of equality and non-discrimination, inclusion and participation, accountability and the rule of law. Concurrently, the city, as the outcome of this process, should meet specified human rights standards, for instance: adequate housing, access to water and sanitation, health and education services, work, participation in decisions that affect city inhabitants, or any other rights codified in the human rights treaties ratified by the country in question.

The human rights based approach adds value to urban planning by legitimizing prioritization of the interests on the most marginalized in society and their participation in the planning process. Indeed, the creation and implementation of an appropriate form of urban planning is a precondition in many national contexts for the fulfilment of human rights obligations in the urban context.

UN-Habitat is bound by the UN Charter, which recognizes human rights as one of its pillars, and is specifically mandated by the UN General Assembly to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all. Further, as part of the UN family, UN-Habitat is mandated to respect, promote, and protect human rights in all of its activities. All of UN-Habitat's interventions are underpinned by values contained in the Universal Declaration of Human Rights that promote the right to an adequate standard of living, of which the right to adequate housing is a part.









Applying a HRBA to development has become one of the essential platforms for recent transformations in development strategies and – due to their successful implementation – has received strong support from the UN leadership and the UN Member States. The same approach applies to the City Resilience Profiling Tool (CRPT), a core element of UN-Habitat's approach to urban resilience.

In its approach to urban resilience, UN-Habitat adopted a universalist approach to human rights similar the preamble of Universal Declaration of Human Rights (UDHR) in which it is stated that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Such a prerequisite could not be overlooked by a diagnosis tool aiming to consolidate city resilience through evidence-based policy proposals and actions for resilience.

Human rights are inherent to all human beings, regardless of nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. People all equally entitled to human rights without discrimination, bearing in mind that human rights are:

- I.** universal and inalienable,
- II.** interdependent and indivisible,
- III.** equal and non-discriminatory, and
- IV.** both rights and obligations.

As the urban population represents over 54% of the global population and the challenges of urbanization increase, rising inequality and the prevalence of slums are symptoms of a larger deficit to respect human rights in cities. The enhancer series adds value to the overall approach of UN-Habitat, with a particular focus on those aspects that are central: providing adequate housing and ensuring access to safe drinking water and sanitation, everywhere, at any time and for each and every inhabitant of any city. Moreover, since the human rights dimensions relate to the availability, accessibility, acceptability, adaptability, quality and appropriateness of a broad array of rights and services in urban settings. Only when all these dimensions of human rights are respected will urbanization fulfil its promise as a transformative force.

The universalist approach of the Human Rights Enhancer (HRE) considers all Human Rights, including the rights to adequate housing and safe water and sanitation, as core to UN-Habitat work. They are contained in the UDHR and international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights which have been ratified by most UN Member States. These rights, once endorsed, do not have a voluntary character and this enhancer seeks to emphasise this dimension. The ratified human rights treaties impose obligations on states and on the international community that are universal, cannot be waived or taken away, and are legally protected, similarly, the HRE proposes means for better integration of human rights in all analytical and programmatic work.

# 2. Human Rights and Human Rights Instruments

## 2.1. A bit of history

Whereas sporadic evidence related to early human rights provisions might be found starting with Ancient Egypt<sup>1</sup>, it is only after the World War II and the creation of United Nations organisation established on October 24th, 1945 with the aim of preventing another such conflict, that human rights became a backbone for further development of humanity. Three years later, the Universal Declaration of Human Rights (UDHR) paved concrete path for further human rights consolidation, being a historic document adopted by the United Nations General Assembly at its third session on 10 December 1948 as Resolution 217 at the Palais de Chaillot in Paris, France. Of the then 58 members of the United Nations, 48 voted in favour, none against, eight abstained, and two did not vote.

The Declaration consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. The Declaration was the first step in the process of formulating the International Bill of Human Rights<sup>2</sup>, which was completed in 1966, and came into force in 1976, after a sufficient number of countries had ratified them.

Few years later, the European Convention for the Protection of Human Rights and Fundamental Freedoms came into force as an international treaty to protect human rights and fundamental freedoms in Europe (this convention only applies to states members of the Council of Europe - CoE). Drafted in 1950 by newly formed CoE, it entered into force on September 3rd, 1953. All CoE member states are party to the Convention and new members are expected to ratify the convention at the earliest opportunity. Moreover, the Convention established the European Court of Human Rights (ECTHR) and any person who feels his or her rights have been violated under the Convention by a state party can take a case to the Court.

The Office of the United Nations High Commissioner for Human Rights (commonly known as the Office of the High Commissioner for Human Rights (OHCHR) is a United Nations agency that works to promote and protect the human rights that are guaranteed under international law and stipulated in the Universal Declaration of Human Rights of 1948. The office was established by the UN General Assembly on December 20th, 1993 in the wake of the 1993 World Conference on Human Rights. The office is headed by the High Commissioner for Human Rights, who co-ordinates human rights activities throughout the UN System and supervises the Human Rights Council in Geneva.

UN-Habitat commenced cooperation with the Office of the United Nations High Commissioner for Human Rights as early as 2002 to work together for the comprehensive and progressive realization of Housing Rights under the auspices of the joint United Nations Housing Rights Programme. In early 2013 mainstreaming of human rights was approved as a priority issue by the UN-Habitat Governing Council through its inclusion in the 2014-2019 Strategic Plan<sup>3</sup>. Mainstreaming thus empowers UN-Habitat to apply human rights considerations to all parts of its work programme. According to the Strategic Plan, while the focus during the life of the present plan will be on youth employment, efforts will also be made to promote the involvement of youth in urban governance processes at the local, national and international levels, and to help local governments put in place policies designed to address their social needs and problems. [article 44] The other two cross-cutting issues, in addition to gender and youth, will be: (a) Climate change and (b) Human rights, within the context of advancing the goals and mandate of UN-Habitat, as set out in the Istanbul Declaration on Human Settlements and the Habitat Agenda, 1996.

To mainstream and implement human rights, a framework for action is required. Within this framework it is necessary to have a strategic result that indicates the intended impact of mainstreaming human rights on the lives of claim-holders. The strategic result aimed for is that the human rights to adequate housing and basic services are realised for the urban poor and the most vulnerable urban dwellers. The strategic result is supported by four expected accomplishments:

- I.** UN-Habitat is enabled to empower stakeholders on human rights issues related to adequate housing and basic services,
- II.** Claim-holders are able to assert rights to adequate housing and basic services,
- III.** Duty-bearers are held accountable for achievement of rights to adequate housing and basic services, and
- IV.** Human rights standards for adequate housing and basic services are protected, fulfilled and respected by duty-bearers.

## 2.2. Core International Human Rights Treaties

Whereas the brief history presented in the previous section gives a snapshot of human rights agenda development, mainly during the last century, it is only during the last half-century that humanity was effectively progressing the human rights agenda, with successive consultations, analyses, draft proposals and in the end elaboration of specific human rights regulations, that brought the states into concrete situation of adopting, by voting and ratification, a series of 'international human rights instruments', which are treaties and other international documents relevant to international human rights law and the protection of human rights in general. All these instruments capture specific topics and aspects relevant from a human rights perspective and become relevant for any context where people live, particularly in urban settings.

The instruments can be classified into two categories: **declarations**, adopted by bodies such as the United Nations General Assembly, which are not legally binding although they may be politically so as soft law, and **conventions**, which are legally binding instruments concluded under international law. International treaties and even declarations can, over time, obtain the status of customary international law.

International human rights law (IHRL) is the body of international law designed to promote human rights on social, regional, and domestic levels. As a form of international law, international human rights laws are primarily made up of treaties, agreements between sovereign states intended to have binding legal effect between the parties that have agreed to them; and customary international law. Other international human rights instruments, while not legally binding, contribute to the implementation, understanding and development of international human rights law and have been recognized as a source of political obligation.

International human rights instruments can be divided further into global instruments, to which any state in the world can be a party; and regional instruments, which are restricted to states in a particular region of the world. Most conventions establish mechanisms to oversee their implementation. In some cases, these mechanisms have relatively little power, and are often ignored by member states; in other cases, these mechanisms have great political and legal authority, and their decisions are almost always implemented. Examples of the first case include the UN treaty committees, while the best exemplar of the second case is the European Court of Human Rights.

There are nine core international human rights treaties, the most recent one on enforced disappearance, entered into force on 23 December 2010. Since the adoption of the Universal Declaration of Human Rights in 1948, all UN Member States have ratified at least one core international human rights treaty, and 80 percent have ratified four or more. The implementation of these treaties is monitored by ten human rights treaty bodies, which are committees of independent experts. Nine of these treaty bodies monitor the core international human rights treaties while the tenth treaty body, the Subcommittee on Prevention of Torture, established under the Optional Protocol to the Convention against Torture, monitors places of detention in States parties to the Optional Protocol. The treaties are presented chronologically, by year of issuance.

### 2.2.1. International Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination was adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965. It entered into force on 4 January 1969, in accordance with Article 19. The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors its implementation. The convention has 179 state party, 4 signatory, 14 states with no action.

### 2.2.2. International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights was adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. It entered into force on 23 March 1976, in accordance with Article 49. The Human Rights Committee is the body of independent experts that monitors its implementation. The covenant has 169 state party, 6 signatory, and 22 states with no action.

**2.2.2.1. The Second Optional Protocol to the International Covenant on Civil and Political Rights**, aiming at the abolition of the death penalty is a side agreement to the International Covenant on Civil and Political Rights. It was created on 15 December 1989 and entered into force on 11 July 1991. As of November 2017, the Optional Protocol has 85 states parties. In addition, two states (Angola and Gambia) have signed, but not ratified the Protocol.

### 2.2.3. International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights was adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. It entered into force on 3 January 1976, in accordance with article 27. The Committee on Economic, Social and Cultural

Rights (CESCR) is the body of 18 independent experts that monitors its implementation. The covenant has 166 state party, 4 signatory, and 27 states with no action.

#### **2.2.4. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by United Nations General Assembly on 18 December 1979. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. The Committee on the Elimination of Discrimination against Women (CEDAW) is the body of independent experts that monitors its implementation. The convention has 189 state party, 2 signatory, and 6 states with no action.

#### **2.2.5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984. It entered into force on 26 June 1987, in accordance with article 27 (1). The Committee Against Torture (CAT) is the body of independent experts that monitors its implementation. The convention has 161 state party, 9 signatory, and 27 states with no action.

**2.2.5.1. The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** (commonly known as the Optional Protocol to the Convention against Torture (OPCAT)) is a treaty that supplements to the 1984 United Nations Convention Against Torture. It establishes an international inspection system for places of detention modelled on the system that has existed in Europe since 1987 (the Committee for the Prevention of Torture). The OPCAT was adopted by the United Nations General Assembly in New York on 18 December 2002, and it entered into force on 22 June 2006. As of January 2018, the Protocol has 75 signatories and 87 parties.

#### **2.2.6. Convention on the Rights of the Child (CRC)**

The Convention on the Rights of the Child (CRC) was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. It entered into force on 2 September 1990, in accordance with article 49. The Committee on the Rights of the Child (CRC) is the body of independent experts that monitors its implementation. The convention is the most ratified in the world, with 196 state party, 1 signatory and no state with no action.

**2.2.6.1. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC)**, also known as the child soldier treaty, is a multilateral treaty whereby states agree to: 1) prohibit the conscription into the military of children under the age of 18; 2) ensure that



military recruits are no younger than 16; and 3) prevent recruits aged 16 or 17 from taking a direct part in hostilities. The treaty also forbids non-state armed groups from recruiting anyone under the age of 18 for any purpose. The United Nations General Assembly adopted the treaty as a supplementary protocol to the Convention on the Rights of the Child by resolution 54/263 on 25 May 2000. The protocol came into force on 12 February 2002. As of February 2018, 167 states were party to the protocol and a further 13 states had signed but not ratified it.

**2.2.6.2. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography** is a protocol to the Convention on the Rights of the Child and requires parties to prohibit the sale of children, child prostitution and child pornography. The Protocol was adopted by the United Nations General Assembly in 2000 and entered into force on 18 January 2002. As of February 2018, 174 states are party to the protocol and another nine states have signed but not ratified it.

### **2.2.7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted and opened for signature, ratification and accession by General Assembly resolution 45/158 of 18 December 1990. The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is the body of independent experts that monitors its implementation. The convention has 51 state party, 6 signatory, and 131 states with no action.

### **2.2.8. International Convention for the Protection of All Persons from Enforced Disappearance**

The International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the General Assembly on 20 December 2006 and opened for signature on 6 February 2007. It entered into force on 23 December 2010. The Committee on Enforced Disappearance (CED) is the body of independent experts that monitors its implementation. The convention has 58 state party, 97 signatory, and 43 states with no action.

### **2.2.9. Convention on the Rights of Persons with Disabilities (CRPD)**

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the General Assembly on 13 December 2006 at the United Nations Headquarters in New York and was opened for signature on 30 March 2007. It entered into force on 3 May 2008. The Committee on the Rights of Persons with Disabilities (CRPD) is the body of independent experts that monitors its implementation. The convention has 175 state party, 12 signatory, 11 states with no action.



# 3. Human rights and development in the cities

## 3.1. Sustainable development goals and human rights

Human rights offer guidance for the implementation of the 2030 Agenda for Sustainable Development. Likewise, the 2030 Agenda and the SDGs can contribute substantially to the realisation of human rights. The high degree of convergence between human rights and the 2030 Agenda for Sustainable Development implies that existing human rights mechanisms can directly assess and guide the implementation of the 2030 Agenda and its SDGs. Moreover, drawing on existing human rights mechanisms will ease the reporting burden of states, and enhance coherence, efficiency and accountability. The reflection of human rights in the 2030 Agenda lends the implementation of the agenda to a human rights-based approach (HRBA) to development and programming.

Given the strongly transformative effect of urbanisation and the vitality of cities, a stand-alone and dedicated urban sustainable development goal was formed. The SDG 11 is part of the broader Sustainable Development Goals developed by the UN member states as a blueprint for equitable, sustainable development for all people: **"Make cities and human settlements inclusive, safe, resilient and sustainable"**. It is essential for mobilising stakeholders, promoting cohesive, city-level strategies and accelerating progress towards truly sustainable development, which includes ending extreme poverty. Sustainable cities goal is a transformative agenda that believes everyone must have a dignified life and creating preconditions that allow people to grow and flourish.

The entitlements and obligations under international human rights law define the roles of rights-holders (individuals and groups, both formal and informal to which the rights in question apply) and duty-bearers (including both state and non-state actors with corresponding obligations to respect, protect and fulfil human rights). The human rights-based approach stipulates that: **I.** development should further the realisation of human rights; **II.** human rights standards should guide development cooperation and programming; and **III.** development cooperation contributes to the development of capacities of duty-bearers to meet their obligations and of rights-holders to claim their rights.

All human rights are interdependent and interconnected, and the entire 2030 Agenda is premised and founded upon universal human rights. This explains why there is no particular SDG on human rights: human rights are part and parcel of every SDG. If SDG implementation fails to uphold human rights, then progress will ultimately prove illusory. It has been shown that over 90% of SDG targets are embedded<sup>4</sup> in human rights treaties. Thus, without progress on implementing those treaties, 90% of SDG targets cannot be realised. This works in both directions: the issue is not only how the promotion and protection of human rights contributes to the realisation of the SDGs, but also about how progress towards the SDGs can contribute to the enjoyment of human rights.

As a conclusion, it is important to acknowledge that the 2030 Agenda is explicitly "grounded in the UN Charter, the Universal Declaration of Human Rights, international human rights treaties" and other instruments, including the Declaration on the Right to Development (para 10). It states that the SDGs aim to "realize the human rights of all" (preamble) and emphasises "the responsibilities of all States... to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status" (para 19). Importantly, the Agenda is "to be implemented in a manner that is consistent with the... obligations of states under international law" (para 18). This means that any gaps or ambiguities should be resolved in accordance with the requirements of international human rights law<sup>5</sup>.

## 3.2. New Urban Agenda and human rights

The Quito Declaration on Sustainable Cities and Human Settlements for All on 20 October 2016 for the adoption of the New Urban Agenda (NUA), stated in its vision that "We aim to achieve cities and human settlements where all persons are able to enjoy equal rights and opportunities, as well as their fundamental freedoms, guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. In this regard, the New Urban Agenda is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome. It is informed by other instruments such as the Declaration on the Right to Development<sup>6</sup>."

Moreover, the call for action at the heart of NUA relies on various transformative commitments for sustainable urban development with the aim of **I.** achieving social inclusion and ending poverty, **II.** generating sustainable and inclusive urban prosperity and opportunities for all, and **III.** ensuring an environmentally sustainable and



resilient urban development. For the effective implementation of these commitments the NUA considers establishing a supportive framework that will contribute to building the urban governance structure and supporting the planning and managing of the urban spatial development.

In doing so, the NUA is a perfect vehicle for effectively transposing at city level the relevant SDGs and the corresponding human rights, at least in the following areas:

- I. ending poverty in all its forms everywhere (SDG1), with focus on most vulnerable groups and in line with corresponding human rights provisions regarding children, women, workers, or persons with disability,
- II. ensuring healthy lives and promoting wellbeing for all at all ages (SDG3), by emphasising the right to life, but also pinpointing the special needs of persons with disabilities, migrant workers, or internally displaced persons,
- III. achieving gender equality and empowering all women and girls (SDG5), reinforced by a strong CEDAW backup,
- VI. ensure availability and sustainable management of water and sanitation for all (SDG6), with clear focus on the rights of children women and people with disabilities,
- V. building resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation (SDG9), with an emphasis on economic, social and cultural rights, including for various categories of people in vulnerable situations,
- VI. reducing inequalities within and among countries (SDG10), with a broad consideration of all relevant human rights instruments,
- VII. making cities and human settlements inclusive, safe, resilient and sustainable (SDG11) incorporating both the UDHR principles and all core international human rights treaties,
- VIII. promoting peaceful and inclusive society for sustainable development, providing access to justice for all and build effective, accountable and inclusive institutions at all levels (SDG16), including with careful attention paid to civil and political rights.

### 3.3. The right to development

"The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources<sup>7</sup>".

Divergent understandings<sup>8</sup> of the terms 'development' and 'right to development' have contributed to delaying progress in the implementation of the right to development. Historically, development has been understood as a primarily economic process measured by growth in gross national product. This understanding continues to be the basis for the dominant economic model worldwide. Yet the benefits of the economic growth in the second half of the twentieth century were not equitably distributed among all nations, peoples and individuals, and this inequality is increasingly the subject of debate, criticism and social unrest. Rising poverty, growing inequalities, and unprecedented economic, social, cultural, political, environmental and climate crises make the right to development more relevant today than ever before. The right to development with its emphasis on economic, social, cultural and political development with people at its centre presents a more balanced approach.

Key characteristics and elements of the right to development (RTD):

- RTD promotes people-centred development: The Declaration identifies "the human person" as the central subject, participant and beneficiary of development
- RTD promotes a human rights-based approach: The Declaration requires that development be carried out in a manner "in which all human rights and fundamental freedoms can be fully realized"
- RTD promotes participation: The Declaration insists on the "active, free and meaningful participation" of individuals and populations in development
- RTD promotes equity: The Declaration highlights the importance of the "fair distribution of the benefits" of development
- RTD promotes non-discrimination. The Declaration allows no "distinction as to race, sex, language or religion"

- RTD promotes self-determination: The Declaration requires the full realization of the right of peoples to self-determination, including full sovereignty over their natural wealth and resources.

If it is to analyse the relationship between the right to development and sustainable development should be mentioned that the latter is defined as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. The Rio Declaration on Environment and Development (principle 3) and the Vienna Declaration and Programme of Action (para. 11) both state that the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations.

Global crises related, for instance, to climate change, financial systems, conflict and migration have increasingly drawn attention to the interdependence of human rights, development, peace and security, and ecological and planetary well-being. The pursuit of economic growth without adequate measures to promote inclusive, equitable, participatory and environmentally sound development is clearly unsustainable. Indeed, inequality, corruption, mismanagement of public resources and misdirection of public policy priorities fuel civil unrest, and threaten development, sustainability and the realization of all human rights for all. The right to development articulates a vision for transformative development founded on the principles of international law and anchored in international solidarity, the equal participation of all stakeholders, and the fair distribution of income and resources, so that truly sustainable, people-centred development can be achieved. This vision of development has helped shape the 2030 Agenda for Sustainable Development, in which the importance of the right to development is explicitly recognized.



# 4. Human rights and resilience

Whereas the linkages between development, sustainable development and human rights are well documented, mainly because of the extensive consultation and knowledge generation processes following the Millennium Development Goals implementation timeframe and the premises for the new, human-rights-based SDGs, it is not as easy to identify solid evidence of linkages between human rights and resilience, although their correlation might seem obvious. This is mainly due to the fact that resilience, and particularly urban resilience is quite a new concept, and both academia and field professionals are still struggling to reach a broad, commonly agreed definition and conceptualisation. As a consequence, it seems appropriate to rely on the evidence<sup>9</sup> from the other areas, such as the risk reduction studies and researches, mostly in the area of building resilience to natural disasters, and adapt it to the specificity of the current enhancer, by underlining five dimensions:

## 4.1. Building resilience in a comprehensive manner

Human rights can be understood as legal instruments to address comprehensively those needs of human beings that have been identified in the course of history as being particularly worthy of protection, and they can help determine those areas that are relevant from a resilience perspective in a comprehensive manner. Resilience building and its intrinsic linkage with risk and vulnerability reduction measures, corroborated with the broad variety of human rights instruments, could be developed in various areas:

- Taking all measures to prevent and where relevant to restore family unit, such as not separating children from their parents/families during evacuations, or, if separation is required for safety purposes take all measures that children can easily be reunited;
- Taking all measures to ensure that people, who lost or whose documentation was destroyed during a disaster, have it replaced without delay (this could be achieved by storing copies of official documents in safe places or establishing simplified and efficient procedures for issuing new documentation with due diligence);
- Taking all preventive and preparatory measures necessary to protect housing, land and property rights, such as by keeping copies of land titles in a safe place, protecting property left behind by evacuees against pillage and further destruction, or providing for simplified procedures to solve property disputes in the aftermath of a disaster;
- Carefully and systematically planning and conducting disaster related interventions in ways that help avoiding discrimination based on gender, age, ethnic or social origin, etc.

## 4.2. Providing support to relevant stakeholders in complex contexts

It is essential to rely on human rights when searching for guidance for appropriate action in certain areas of resilience building that pose particularly complex dilemmas for (local) governments and other relevant stakeholders. Whereas the human rights provide for frameworks of implementation, in terms of contents as well as the limits of what people can demand, they also provide for frameworks regarding what can be demanded from them in terms of obligations. For instance, in situations of evacuations or relocations such frameworks refer to the right of people to be protected against forcible displacement and the duty of state authorities to protect life clash in cases where affected persons reject being temporarily evacuated or permanently relocated from danger zones.

Here, human rights law provides that forced evacuations or relocations are only permissible if: (i) they are provided for by law, (ii) are only carried out in order to protect the safety of the persons concerned and do not serve any other goal; and (iii) are necessary and proportional to this end and only resorted to if there are no other less intrusive measures in a given case. In particular, evacuations must not last any longer than absolutely necessary. In cases of permanent relocations, return can only be prohibited in very exceptional cases in which the area of return is indeed one with high and persistent risks for life or security, the remaining resources are inadequate for survival of returnees, the enjoyment of basic human rights cannot be guaranteed there, and all other available adaptation measures are exhausted, i.e. the situation in the area of return can no longer be alleviated by protective measures.

## 4.3. Focusing on the affected ones: persons as rights holders

Human rights provide strong arguments for looking at affected persons as rights holders and not just objects of humanitarian action and disaster management activities. As such, affected persons have, in particular, a right to be consulted and to participate in decisions relevant to their fate as a consequence of their freedom of expression and their political rights, and this approach is adopted by all humanitarian agencies and many international and national NGOs. Grievance redress mechanisms also need to be envisioned. Experience

shows that people who take their lives into their own hands and can participate in shaping their fate are more likely to recover from the shock of disasters and thus more resilient.

#### **4.4. Creating prerequisites for accountability at the level of duty-bearers**

Human rights allow identifying not only right holders but also duty bearers, thus allowing establishing prerequisites for accountability when relevant rights are violated. Human rights guarantees determine who is entitled to what vis-à-vis whom. This is particularly important because such identification enables in many cases those whose human rights have been violated to hold duty bearers accountable, or at least demand for a concrete response, and get reparation.

#### **4.5. Providing relevant standards**

Besides national constitutional and legal guarantees, international and, where applicable, regional human rights conventions provide relevant standards. The specific meaning of these guarantees for the context of disasters has been further clarified and concretized by different instruments and tools. To the extent that disasters displace people within their own country, the 1998 UN Guiding Principles on Internal Displacement and the 2009 Kampala Convention on the Protection and Assistance for Internally Displaced Persons in Africa are particularly relevant. The Guiding Principles, while legally not binding as such, restate relevant hard law and have been recognized by the international community as "important international framework for the protection of internally displaced persons."

Strengthening the resilience of people and communities in the context of natural disasters, other environmental events, or in urban contexts with complex stresses and challenges is a multidisciplinary task and requires addressing a multitude of economic, social, technical and developmental challenges.

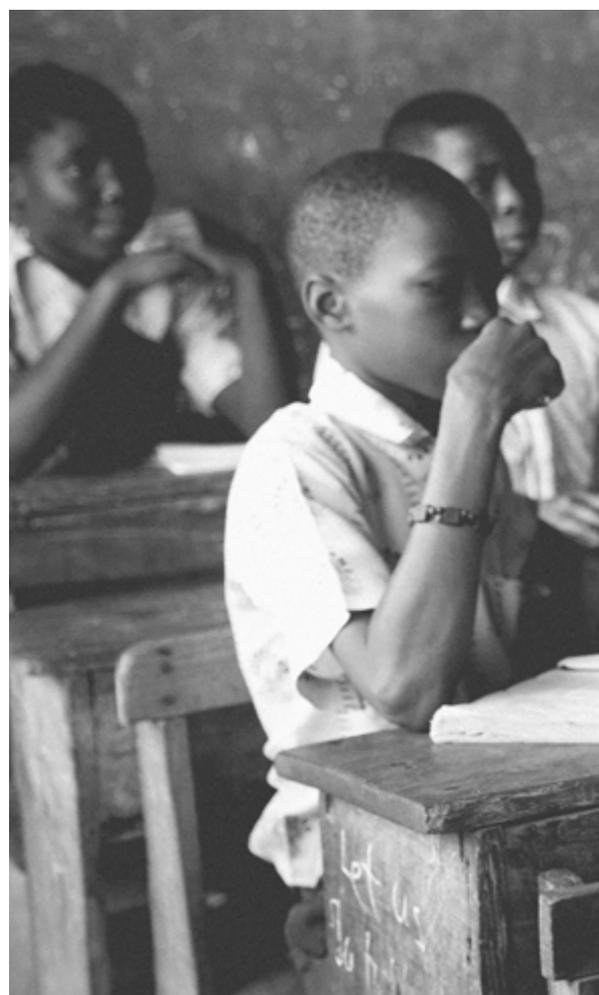
This task requires extensive human rights approach: this is particularly important in a wide array of situations, where the experience shows that minorities who are discriminated against in the provision of humanitarian and recovery assistance, women who are exposed to sexual violence in evacuation sites and shelters, youngsters who are exploited as child laborers, families who do not have access to educational, health and social services because relevant personal documentation has been destroyed or communities who cannot get their land and property back in the aftermath of a disasters are all unlikely to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner (cf. to United Nations Office for Disaster Risk Reduction, UNISDR Terminology and Disaster Risk Reduction). Therefore, in contrast, people who are able to exercise their rights remain, at least to a considerable extent, the masters of their own destiny and as such are in a much better position to safeguard and rebuild their lives.

## 5. Human Rights and City Resilience Profiling Tool (CRPT)

People and their rights are the core of UN-Habitat definition of urban resilience, as “the measurable ability of any urban system, with its inhabitants, to maintain continuity through all shocks and stresses, while positively adapting and transforming toward sustainability. A resilient city assesses, plans and acts to prepare for and respond to hazards – natural and human-made, sudden and slow-onset, expected and unexpected – in order to protect and enhance people’s lives, secure development gains, foster an investible environment, and drive positive change” (Guide to the CRPT<sup>10</sup>, 2018).

A human rights-based approach to programming (HRBAP) should be regarded as an essential tool for achieving sustainable development outcomes. HRBAP, is based on universal values reflected in the human rights principles & standards. It moves the development action from the charity into the mandatory realm of law, establishing duties and obligations and corresponding claims, creating accountability mechanisms at all levels for duty-bearers to meet their obligations. HRBAP ensures that people are active participants in their own development and further recognizes them as rights-holders, thereby placing them at the centre of the development process.

HRBAP focuses on analysing the inequalities, discriminatory practices and unjust power relations that exacerbate conflict in human rights based development processes. It has a special focus on groups subjected to discrimination and suffering from disadvantage and exclusion. It also emphasizes participation (see details in section 5.3.1), it depends on the accountability of the state and its institutions, and other duty bearers, with regard to respecting, protecting and fulfilling all the human rights, and gives equal importance to the processes and outcomes of development. HRBAP examines the development challenges from a holistic perspective (considering the civil, political, economic, social and cultural aspects of a problem). HRBAP facilitates an integrated response to multifaceted development problems, including addressing the social, political, legal and policy frameworks that determine the relationship and capacity gaps of rights-holders and duty-bearers, and it shapes relations with partners based on mutual respect.







## 5.1. Human rights and housing

UN-Habitat is the United Nations programme working towards a better urban future. Its mission is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all. Therefore, understanding how to apply a human rights-based approach to housing and slum upgrading becomes particularly relevant, although analysing resilience in the cities does not limit to housing and slum upgrading alone. A good reference in this respect is "The Human Rights-Based Approach to Housing and Slum Upgrading"<sup>11</sup>, which tackles a series of key concepts and legal instruments and their relevance for the work in this specific area need to be considered.

Basically, in a similar logic with the HRE but focusing on the specificity of housing and slum upgrading, the handbook proposes three topics of interest:

- I. the relevance and importance of human rights in relation to the topic,
- II. the details of the human right to adequate housing, and
- III. the relevance of human rights-based approach to programming in this particular area.

Whereas the relevance and importance of human rights are already largely debated in the current enhancer, this section looks more in details into the complexity of the right to adequate housing and the relevance of HRBAP in this area. The purpose is to understand that apparently 'simple' rights, such as the one to adequate housing, have many ramifications and conditionalities from other human rights, in a similar manner in which the UN-Habitat emblematic SDG 11 of making cities and human settlements inclusive, safe, resilient and sustainable, by its complex nature, requires advancements in areas of interest not necessarily specific to UN-Habitat.

The human right to adequate housing is recognized in international human rights law as component of the right to an adequate standard of living, enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Nevertheless, it is enshrined<sup>12</sup> in a broad array of UN treaties' provisions such as: the Convention Relating to the Status of Refugees in its Article 21, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in its Article 43, the Convention on the Rights of Persons with Disabilities in its Articles 9 and 28, the Universal Declaration of Human Rights in its Article 25, the Convention on the Elimination of All Forms of Discrimination against Women in its Article 14, the International Covenant on Economic, Social and Cultural Rights in its Article 11, and the Convention on the Rights of the Child in its Article 27.

These ramifications throughout other human rights also comes from the set of minimum criteria that housing needs to meet in order to be adequate: the security of tenure, the availability of services, materials, facilities and infrastructure, the affordability, the availability, the accessibility, the proper location and the cultural adequacy. Therefore, a set of rights are directly linked to the one to adequate housing; the rights to water, the rights to health, the rights to food, the right to education, the rights to expression, the rights to hold property, the right to work, and the freedom from arbitrary interference.

In 2015, "Housing at the Centre" (H@C)<sup>13</sup> approach was launched and approved by UN-Habitat's Governing Council, placing people and human rights at the centre of cities and urban development. It is recommended that urban policies, programmes, projects and other interventions consider the Housing at the Centre approach for a holistic and people-centred housing development framework with the following objectives: (i) place people and human rights at the forefront of sustainable urban development, (ii) shift the focus from simply building houses to a holistic framework for housing development, (iii) take into account the social-developmental dimensions of housing, and (iv) prioritize the interests of the most marginalised in society and their participation in the urban planning process.

## 5.2. Human rights and resilient cities

With this definition in mind, should also be considered that at the heart of the sustainable development goals is the international commitment to ensure that 'no one is left behind' and that no goal is considered met unless met for all. That's because, although we have witnessed huge progress in the fight against poverty and injustice, too many people – the most impoverished, those that are excluded, disadvantaged and at risk of violence and discrimination – still face terrible inequalities when it comes to accessing resources and rights. The world must focus on reaching these groups and ensuring they can make their voices heard if we are to achieve a better world for all.

Moreover, one of the key characteristics of a resilient city is its inclusiveness. An inclusive city centres on people by understanding that being resilient entails protecting each person from any negative impact. Recognising that people in vulnerable situations are among the most affected by hazards, it actively strives towards social inclusion by promoting equality, equity and fulfilment of human rights. It fosters social cohesion and empowers comprehensive and meaningful participation in all governance processes in order to develop resilience (Guide to the CRPT, 2018).

### 5.3. Mainstreaming human rights in CRPT

Mainstreaming human rights in development programmes refers<sup>14</sup> to the overall process of integrating human rights into development programming, and the realization of human rights through development programming. In a similar logic, mainstreaming human rights in CRPT relies, on one hand, on integrating a human rights perspective in the design and conceptualisation of the tool, and, on the other hand, on adopting a human rights based approach to formulating the actions for resilience.

From this perspective, the methodological approach adopted for the HRE is different from the one adopted in other UN-Habitat urban resilience enhancers, particularly regarding the use of the semi-structured questionnaire (that is no longer required) and its outputs in terms of specific indicators (the indicators are designed with a human rights based approach but don't assess the human rights per se). In other words, the human rights enhancer will not contribute to 'extracting' and listing human rights related indicators, (which are anyhow not developed in the tool) but is focused on consolidating a human rights based approach in all phases of programme implementation and tool development.

Mainstreaming human rights in all its endeavours is in the mandate of each and every UN Agency, and Human Rights-Based Approach (HRBA) is the methodology that is commonly used to mainstream human rights into development.

The UN Common Understanding on a HRBA (UNCU) is derived from the Universal Declaration of Human Rights (UDHR) and the nine core international human rights treaties. The key tenets of the UNCU are:

- I. all programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the UDHR and other international human rights instruments,
- II. human rights standards contained in, and principles derived from, the UDHR and other human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process and,
- III. development cooperation contributes to the development of the capacities of duty-bearers to meet their obligations and/or rightsholders to claim their rights.

#### 5.3.1. Applying a solid set of human rights principles

One of the key principles at the foundation of the CRPT are equality & non-discrimination: All human beings are entitled to their human rights without discrimination of any kind on the grounds of race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status. This means that an effort needs to be made to ensure that everyone, not just those easiest to reach or those with most influence, can benefit from policies and programmes on health, education or employment. In practice, this will often require the collection and analysis of more highly disaggregated data and prioritized attention to those most disadvantaged.

In concrete terms, the CRPT employs an exhaustive list of categories and sub-categories of people in vulnerable situations as means to assess to the maximum extent possible whether all categories of people are equally treated at city level, without any grounds of discriminations, and regardless their status. This list is extensively applied to all indicators collecting data about people and tailored accordingly.

The concept of vulnerability in the CRPT relies on personal characteristics and circumstances but also social and environmental circumstances that lead to vulnerability, by answering to three fundamental questions: Who you are? (the personal characteristics such as the age (children, elderly), disability (ill related), ethnicity), What you do? (the personal circumstances such as where you live (locality, tenure), whom you live with, relationships, employment status, finances, social background, education/skills) and What happens to you? (the social and environmental circumstances such as weather, economy, and other people attitudes / behaviours).

As such, CRPT employs seven categories of people in vulnerable situations:

- I. Children without parental care (including children relinquished / abandoned in medical wards, children and youth living in residential care units, on the street, at home but without parental care (migrating parents), children deprived of liberty (depends on the minimum age of criminal responsibility) and teenage mothers;
- II. Poor people (including poor children, especially those living in families with many children or in single-parent families, in-work poor people, especially under-skilled workers, particularly in rural areas, young people unemployed, people aged 50 to 64 out of work / excluded from benefits schemes, poor elderly living with dependent household members alone),

III. Lone and dependent elderly (including elderly living alone and/or with complex dependency needs, a category of people usually above the age of retirement or above the age of 65, depending the countries' specific systems),

IV. Ethnic minorities (considering language, traditions, often religion as characteristics intrinsic to ethnicity),

V. People with disabilities (including children and adults with disabilities, including invalids, and with a focus on those with complex dependency needs),

VI. People living in marginalised communities (in a context where a marginalized community is defined as one confronted with various issues, among them the most common being the human capital (education health, family size), the employment, and the housing conditions),

VII. a broader category of other people in vulnerable situations, including people with HIV/AIDS; people suffering from addictions to alcohol, drugs, toxic substances; people deprived of liberty or on probation; homeless people; LGBTI; victims of domestic violence; victims of human trafficking; refugees and immigrants; and other categories.

Another set of key principles at the foundation of the CRPT is participation & inclusion: Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development. This means going beyond occasional consultations and requires concrete measures to ensure that people can voice their expectations and opinions throughout decision-making processes that affect them, e.g., by allowing free association and ensuring access to information. Practically, in programming, it may require developing the capacity of civil society actors to participate in policy processes or making public information available in accessible formats and minority languages.

In concrete terms, the CRPT considered the systematic development of an urban element exclusively focused on social inclusion and protection of most vulnerable people, including a component focused on social accountability and participation. Moreover, throughout the entire CRPT, several indicators enquire whether the voice of several specific groups (i.e. children, women, etc.) is active and their participation effective, in large array of decision related processes at city level.

The last set of key principles at the foundation of the CRPT is accountability & rule of law: Good development programming requires stakeholders to be accountable for results. Human rights go further by grounding those responsibilities in a framework of entitlements and corresponding obligations. In other words, human rights highlight that States and other duty-bearers have not only a moral or political, but also a legal obligation to achieve national and international standards and principles that they have set themselves, and that people, rights-holders, can demand action and seek redress if aggrieved. In practice, this requires identifying who is affected by a development issue (rights-holders), who is supposed to do something about it (duty-bearers) and the capacities that duty-bearers need to fulfil their obligations and for rights-holders to claim action. For example, capacities may be needed to collect and analyse disaggregated data or to conduct impact assessments and policy or budget analyses.

In concrete terms, the CRPT employs a wide range of indicators related to various stakeholders involved in development processes and whom will be part of further resilience consolidation at city level. These indicators are specific to each and every of the eight elements and their components in urban performance analysis, creating the premises for the analysis to be carried out through local government and stakeholders analysis of the tool.

In addition, beyond the participatory approaches assessed though the social accountability already mentioned in previous section, this component has a strong focus on accountability of stakeholders, with a leading role for the local government, including by assessing the availability of grievance redress mechanisms in the benefit of the rights holders who can demand action and seek redress if aggrieved. The table 1 below summarises these linkages between the human rights principles and their implementation throughout the city resilience profiling tool.

**Table 1: summary of linkages between human rights principles and CRPT constituents**

Human rights principles	Corresponding information in the CRPT
Equality and non-discrimination	<ul style="list-style-type: none"> <li>• Definition of vulnerability</li> <li>• Exhaustive list of categories and subcategories of people in vulnerable situations</li> <li>• Adaptation of the list of categories and subcategories of people in vulnerable situations per relevant indicator in each component and element of the urban performance analysis</li> <li>• Inclusiveness at the core of CRPT, particularly in the element 6 of urban performance analysis (Social Inclusion and Protection Element)</li> </ul>
Participation and inclusion	<ul style="list-style-type: none"> <li>• Adaptation of the list of categories and subcategories of people in vulnerable situations per relevant indicator in each component and element of the urban performance analysis</li> <li>• Inclusiveness and participation at the core of element 6 of urban performance analysis (Social Inclusion and Protection Element)</li> </ul>
Accountability and rule of law	<ul style="list-style-type: none"> <li>• Specific and tailored stakeholders' indicator in each component and element of urban performance analysis</li> <li>• Comprehensive analysis of accountability in the analytical local government and stakeholders</li> <li>• An entire component on social accountability in element 6 of urban performance analysis (Social Inclusion and Protection Element).</li> </ul>

### 5.3.2. Complying with human rights standards

Human rights standards are contained in international treaties and national constitutions and are tailored to each human rights treaty or instrument. The International Bill of Human Rights<sup>35</sup> consists of the Universal Declaration of Human Rights (adopted in 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), suggesting a sort of distinction between the economic, social and cultural rights, on one hand, and the civil and political ones on the other hand. Nevertheless, this distinction was rather ad-hoc determined by the post-World-War-II separation of countries into eastern and western, and considering the civil and political right more advanced in the latter group of countries.

Such distinction is nowadays unnecessary, and any human rights based approach intervention should consider all groups of rights together: economic, social and cultural rights together with the civil and political ones. This being said and with full consideration paid to the civil and political rights, a tool such as the CRPT is rather focused on economic, social and cultural rights such as the right to food, right to education, right to housing, right to water and sanitation, right to adequate standard of living, right to health and the right to science and culture, to mention but a few, with due attention paid to the human beings living in urban settings and holistically considering their characteristics.

A first dimension considered for the analysis from a human rights perspective is the availability, in the sense that facilities, goods and services need to be available in sufficient quantity and equipped with what they require to function.

In concrete terms, a complex and comprehensive benchmarking system was put in place within the entire CRPT, as means to be able to measure at the level of each indicator and supporting indicator the compliance with international standards but also considering national characteristics and thresholds allowing to place the city on an objective measurement scale. Moreover, various indicators assess the availability and adequacy of facilities, goods and services in every thematic area of the CRPT, throughout all the elements and components of urban performance analysis.

A second dimension considered for the analysis from a human rights perspective is the accessibility (both the physical and economic ones), in the sense that facilities, goods and services need to be within safe reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous peoples, women, children, adolescents, older persons or persons with disabilities. They must also be affordable and poorer households must not be disproportionately burdened by expenses. This also requires the removal of administrative barriers that can prevent the poor from accessing facilities, goods and services.

In concrete terms, the CRPT paid extensive attention to safety issues, all by acknowledging that criminal justice systems, including police, courts, and prisons alone cannot cope with escalating urban crime<sup>16</sup>. They play a key role in deterrence and repression, but alone they cannot offer sustainable solutions.

Public safety must be considered a right for all, and all members of society must work with together with their municipalities and governments to improve it. Most of the safety related topics are tackled throughout the element 5 of urban performance analysis (Municipal Public Services).

Moreover, in order to better operationalise the accessibility issue throughout the entire tool, a specific indicator related to potential barriers was put in place with a dichotomic approach of access and coverage. According to this approach, the access refers to "the means or opportunity to approach or enter a place; the right or opportunity to use or benefit from something, to approach or see someone; the process of obtaining or retrieving information stored in a computer's memory" and the coverage refers to "the extent to which something deals with something else; the area that can be covered by a specified volume or weight of a substance; the amount of protection given by an insurance policy". Whereas such indicator is not benchmarkable, its use is vital in carrying out qualitative readings that complement the information resulting from the benchmarkable indicators and orient the findings towards specific actions and their tailored implementation.

Before detailing the types of barriers analysed throughout the CRPT, another two definitions<sup>17</sup> are required: The one of duty bearers, as actors who have a particular obligation or responsibility to respect, promote and realize human rights and to abstain from human rights violations. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty bearers. Depending on the context, individuals (e.g. parents), local organizations, private companies, aid donors and international institutions can also be duty-bearers. And the one of rights holders, as individuals or social groups that have particular entitlements in relation to specific duty-bearers. All human beings are rights-holders under the UDHR. A human rights-based approach does not only recognize that the entitlements of rights-holders need to be respected, protected and fulfilled, it also considers rights-holders as active agents in the realization of human rights and development, both directly and through organizations representing their interests.

At the level of duty bearers, the following potential barriers are considered: **I.** Financial capacity, as stakeholder's capacity to allocate funds for the respective operations. **II.** Geospatial setting, as physical constraints within the city that may affect the functioning of the respective operations. **III.** Normative and institutional frameworks, as legal provisions, including regulations and procedures, that affect the respective operations.

At the level of rights holders, the following potential barriers are considered: **I.** Socio-economic capacity, as people's capacity to effectively pay for the respective operations. **II.** Geospatial setting and safety, as physical constraints that impede people's access to operations and to safety issues the people, particularly women and girls, may be confronted with. **III.** Social and cultural norms, as customs, beliefs, informal norms, etc. that affect certain groups' access to specific services.

A third dimension considered for the analysis from a human rights perspective is the quality (including cultural acceptability), in the sense that facilities, goods and services need to be relevant, culturally appropriate and of good quality.

In concrete terms, the CRPT, without necessarily entering a logic of quality assessment, pays careful attention to cultural sensitivity, be it by capturing information related to ethnic minorities who might be subject to discrimination in various areas of urban life, from access to basic social services to more complex cultural rights, but also by capturing systematic data related to cultural rights in the cities into a specific component of Municipal Public Services Element. Moreover, a series of components are focused on the mechanisms to ensure quality through monitoring and inspection in areas such as access to food, access to health care, disease prevention and warning mechanisms, etc.

The table 2 below summarises the linkages between the human rights standards and their implementation throughout the city resilience profiling tool.

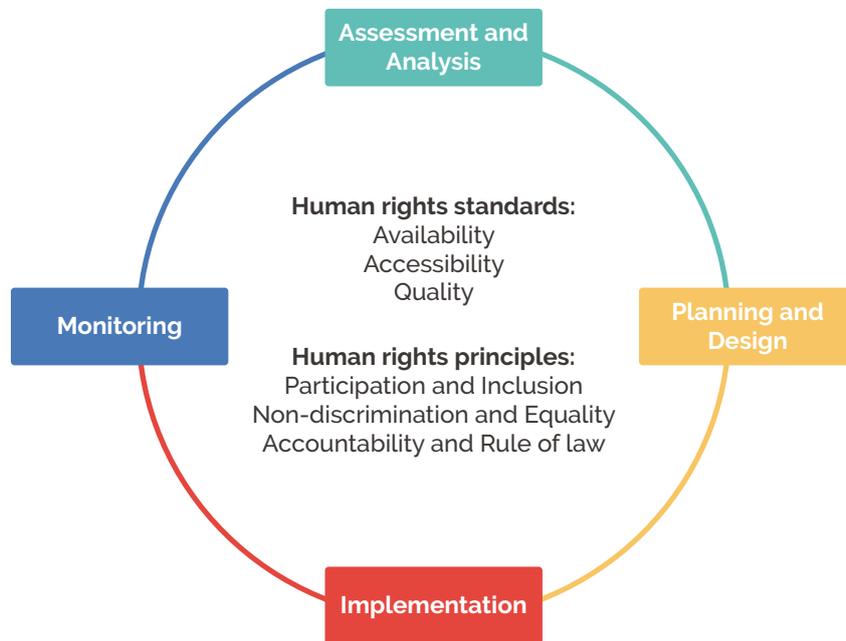
**Table 2: summary of linkages between human rights standards and CRPT constituents**

Human rights standards	Corresponding information in the CRPT
Availability	<ul style="list-style-type: none"> <li>• Benchmarking according to international standards</li> <li>• Benchmarking in line with national thresholds</li> <li>• Availability and adequacy assessment</li> </ul>
Accessibility	<ul style="list-style-type: none"> <li>• Safety mainstream throughout relevant components</li> <li>• Specific elements focused on safety</li> <li>• Access and coverage defined in relation to rights-holders and duty-bearers</li> <li>• Tailored categories of barriers that might hinder access and/or coverage, adapted to specificity of each indicator</li> </ul>
Quality	<ul style="list-style-type: none"> <li>• Cultural sensitivity by capturing ethnic characteristics in association with potential situations of vulnerability</li> <li>• Dedicated component on cultural rights within the Municipal Public Services Element</li> <li>• Specific components focused on monitoring and inspection functions within relevant areas for resilience building</li> <li>• Benchmarking according to international standards but also tailored according to national thresholds.</li> </ul>

### 5.3.3. Towards human rights based formulation of actions for resilience (A4R)

The final purpose of the CRPT is not to collect and analyse data or to carry-out complex diagnostics at city level from a resilience perspective. Its final goal is to produce evidence-based and well informed actions for resilience, in the benefit of all inhabitants in the city. Therefore, the mainstreaming approach applied to CRPP could be summarised in the following diagram (Figure 1 below) that lays the basis for formulating such A4R.

**Figure 1: mainstreaming HRBA through CRPP implementation**



The diagram above covers several aspects of the human rights based approach:

I. It fully covers the programme cycle, from the assessment and analysis of the situation in the cities, through planning and designing the intervention, and reaching the effective implementation, which consists in both data collection and analysis, followed by a comprehensive diagnosis that results in A4R. Proper monitoring mechanisms need to smoothly complement the above processes;

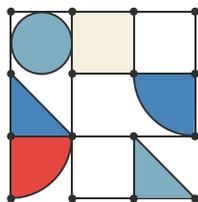
II. It also looks into both outcomes and processes: human rights standards are particularly useful for guiding the formulation of desired outcomes, while human rights principles can especially guide the processes of (policy and) programme design and implementation.

III. Moreover, the reading of the diagram should also consider the 'progressive realization' of human rights: the cities should make every effort to use all resources at their disposal to achieve minimum essential levels of each right; cities should ensure systems that can effectively measure the progress, or lack thereof; cities should also avoid retrogression (any deliberately retrogressive measures); and, cities should also prevent discrimination, bearing in mind that progress must be achieved for the entire population as equally as possible.



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If your organization would like to support or find out more about UN-Habitat's Urban Resilience work, please contact us at

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