

GROUP C: PROTECTION OF RIGHTS RELATED TO HOUSING; LAND AND PROPERTY; LIVELIHOODS AND SECONDARY AND HIGHER EDUCATION

C.1 HOUSING, LAND AND PROPERTY, AND POSSESSIONS

C.1.1 The **right to property** should be respected and protected. It should be understood as the right to enjoy one's house, land and other property and possessions without interference and discrimination. Property related interventions should be planned accordingly. Property rights, whether individual or collective, should be respected whether they are based on formal titles, customary entitlements or prolonged and uncontested possession or occupancy.

C.1.2 Property and possessions left behind by persons, communities or indigenous peoples displaced by natural disasters should be protected, to the maximum extent possible, against looting, destruction, and arbitrary or illegal appropriation, occupation or use.



Amongst others the following activities can be considered:

- ❖ Establishing photographic records of landmarks and possessions left behind;
- ❖ Using standard forms to record property left behind by the displaced;
- ❖ Advocating for the deployment of police forces to areas where destruction or looting may take place; and
- ❖ Ensuring access of owners to effective remedies to bring complaints against persons illegally occupying or using their property.

C.1.3 Individual owners or communities, whose land deeds or property documents have been lost or damaged during the natural disaster or whose land boundaries have been destroyed, should have equal and non-discriminatory access to procedures to re-claim ownership of their original land and property without undue delay. They should receive information concerning such procedures.

Amongst others, the following activities can be considered:

- ❖ Providing legal advice for such owners;

- ❖ Advocating for the establishment of facilitated procedures for restitution of land deeds or property documents, including for child and women-headed households; and
- ❖ Providing capacity building, additional staff and other support to administrative and judicial authorities dealing with property cases.

Preparedness measures:

- ❖ Securing land cadastres and other documents relevant for establishing property and ownership rights and keeping them in disaster-resistant locations; and
- ❖ Advocacy for the amendment of relevant laws to allow, in the aftermath of a disaster, for alternative forms of proof of ownership, such as testimonies from credible witnesses (e.g. neighbours or village committees), where restitution of relevant documents is not possible.

C.1.4 When existing administrative or judicial procedures are not able to deal with the caseload without undue delay, special mechanisms with simplified procedures to consider competing claims to land and property should be put in place and made accessible without discrimination. These procedures should include due process guarantees and decide such claims without delay. Access to an independent court or tribunal should be guaranteed if the decision is rejected by one party.

Amongst others the following activities can be considered:

- ❖ Advocacy for setting up such procedures;
- ❖ Providing capacity building, staff and other support to such mechanisms;
- ❖ Building capacity of the staff of such mechanisms; and
- ❖ Informing affected persons about their rights and how to access the procedures.

Preparedness measures:

- ❖ Advocacy for the amendment of relevant laws to create such mechanisms.

C.1.5 Affected women, particularly widows, as well as orphaned children should be assisted in (re-)claiming their housing, land or property or possessions or in acquiring housing or land title deeds in their own names.

Amongst others the following activities can be considered:

- ❖ Providing legal advice or legal aid for such persons;
- ❖ Advocating for the amendment of laws, where necessary, to allow women and children to own property in their own name; and
- ❖ Establishing child and women-friendly procedures and targeted information about them and how to access them.

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C.1.6 Traditional claims of indigenous peoples and ethnic minority groups to land title and ownership in the absence of land title documents should be respected.

Amongst others the following activities can be considered:

- ❖ Providing legal advice or legal aid for such communities; and
- ❖ Advocating for the amendment of laws and procedures, where necessary, to allow indigenous peoples and ethnic minority groups to safeguard their land rights.

C.2 TRANSITIONAL SHELTER, HOUSING AND EVICTIONS

C.2.1 Transitional shelter or housing provided should fulfil the requirements of adequacy in international human rights law. The criteria for adequacy are: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education (see B.1.2). Respect for safety standards aimed at reducing damage in cases of future disasters is also a criterion for adequacy.

C.2.2 Appropriate measures to allow for a speedy transition from emergency shelter to transitional shelter or to permanent housing should be taken, without discrimination of any kind, as soon as possible.

C.2.3 All affected groups and persons should be consulted and participate in the planning and implementation of transitional shelter and permanent housing programmes, for tenants and owners/occupiers. Any decision to move from emergency shelter to transitional shelter or permanent housing requires the full participation and decision/agreement of the persons concerned.

C.2.4 Should evictions become unavoidable in situations other than forced evacuations (see A.1.4 above) and despite consultation and participation in accordance with C.2.3, all the following guarantees should be put in place:

- (a) An opportunity for genuine consultation with those affected;
- (b) Adequate and reasonable notice prior to the scheduled date of eviction;
- (c) The timely provision of information in an accessible format on the eviction and future use of the land;
- (d) The presence of government officials during an eviction;
- (e) The proper identification and registration of all persons being evicted;
- (f) The proper identification of all persons carrying out the eviction;



- (g) The prohibition of evictions during bad weather or at night;
- (h) Provision of legal remedies; and
- (i) Provision of legal aid, where needed, to seek redress from the courts.

C.2.5 Evictions – in particular those ordered in the context of evacuations and of secondary occupation of property and possessions left behind by internally displaced persons – should not render individuals homeless or vulnerable to the violation of other human rights. Appropriate measures should be taken to ensure that adequate alternative shelter is made available to those unable to provide for themselves.

C.3 LIVELIHOOD AND WORK

C.3.1 Access to livelihoods and employment opportunities as well as projects to restore economic activities, employment opportunities and livelihoods disrupted by the natural disaster should be facilitated, without discrimination, as soon and as comprehensively as possible. To the maximum extent possible, such measures should already be initiated during the emergency response phase.

Amongst others the following activities can be considered:

- ❖ Developing community-based strategies to ensure that all sectors of the affected population are fully informed and consulted and can participate in decision-making related to the rehabilitation of disrupted livelihoods and re-training options;
- ❖ Ensuring access for all sectors of the affected population, including women, to re-training and skills-development programmes, taking into account the often hidden role of certain groups such as older persons in the formal and informal economy;
- ❖ Providing women, as well as persons with special needs, with viable economic opportunities in order to protect them against trafficking, sexual exploitation and abuse, enforced prostitution, or other abusive and dangerous sources of income;
- ❖ Ensuring that persons with disabilities or long-term or chronic illnesses such as HIV/AIDS have full access to employment and training opportunities without discrimination of any kind; and
- ❖ Ensuring that training programmes do not reinforce existing social or stereotypical gender divisions of labour which push women, children and social, economic, ethnic, religious or racial minorities into the least desirable jobs with the lowest pay and poorest working conditions.

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C.3.2 Affected persons gaining access to livelihoods and employment opportunities should be protected against unfair, unhealthy and unsafe working conditions.

See also A.4.3 on child labour and modern forms of slavery.

Amongst others the following activities can be considered:

- ❖ Ensuring that international standards on health and safety, fair wages and environmental sustainability are applied in all efforts to rebuild/rehabilitate damaged and disrupted sectors of the economy and that affected persons are aware of these standards.

C.3.3 Camps and collective centres as well as permanent relocation sites should not be located in areas depriving affected persons from access to livelihoods and employment opportunities.

C.4 SECONDARY AND HIGHER EDUCATION

C.4.1 Access to secondary and higher education should, to the extent possible, not be disrupted, in particular when students can no longer afford the studies as a consequence of the disaster.

Amongst others the following activities can be considered:

- ❖ Providing special study grants for disaster-affected students;
- ❖ Waiving or reducing fees for disaster-affected students; and
- ❖ Providing special courses and setting up special examination periods to allow disaster-affected students to make up for missed exams.

