Call for Input

The right to adequate housing in and after violent conflict

Input of the Global Shelter Cluster

Co-led by the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR), the Global Shelter Cluster (GSC) is a platform for shelter and settlement partners. Its mission is to support crisis-affected and internally displaced persons (IDP) to live in safe, dignified and adequate shelter and settlements. The GSC and its country-level Shelter Clusters work collectively with global and national humanitarian actors to help people affected by disasters and conflict with timely, effective, predictable shelter and settlement responses.

Since the Cluster Approach was rolled out in 2005 by the Inter-Agency Standing Committee, the GSC has worked with an ever-growing range of partners. There is increasing recognition that shelter and settlement responses provide physical dwellings and stable foundations to rebuild lives and positively impact other areas of life such as livelihood and health. Building on its commitment to partnership, the GSC is implementing its 2018-2022 strategy collaboratively with many different actors under the guidance of its Strategic Advisory Group (SAG) and the Global Shelter Cluster lead agencies.

In 2021, GSC partners supported 17,5 million people with shelter and Non-Food Items assistance[1].

A shelter Cluster or cluster-like entity is active in 31 countries, of which 20 are in conflict situations and 11 in post-disaster responses. Seven hundred sixty-six partners working in the shelter and settlement sector are part of shelter clusters in countries and globally.

In response to the call for inputs to inform the desk research on protecting the right to adequate housing during and after conflict, the GSC has compiled some of the most recurrent violations and good practices that humanitarian shelter partners identified. Below are succinct descriptions of these examples, followed by a resource list containing the type of violation or good practices and related reference documentation.

Deliberate damage and destruction of the built environment : "Domicide" and "Urbacide"

According to the Internal Displacement Monitoring Centre (IDMC), there were 55 million internally displaced people worldwide at the end of 2020, 48 million because of conflict and violence (the highest number in modern history), and 7 million as a result of disasters. Recently the number of IDPs increased with at least, 7 million additional uprooted persons following the recent conflict in Ukraine.

Thus, conflict and insecurity remain among the most important drivers for people to flee their homes, followed by a lack of adequate housing and services and livelihood opportunities due to the population movement and destruction of the built environment.

---

[1] From the upcoming GSC 2021 Achievements Report. The report will be available on the GSC website.

One of the most recurrent violations of the right to adequate housing occurs through destruction (deliberate or otherwise) of the existing housing stock and services in conflicts.

Most notably, cases of intentional destruction of cities and villages to drive people away can be found in Ukraine, Sudan, the Central African Republic, Chad, Myanmar, Palestine, and Yemen.

For people who choose not to run away during a conflict, the right to adequate housing is violated because the built environment is destroyed, and thus, housing and services standards are less than adequate. People, therefore, find themselves living in ruins, such as in [Taiz in Yemen](). The lives of people who remain in war-torn areas are negatively impacted by the destruction of their surroundings and a lack of income and livelihood opportunities. Landlords can no longer benefit from rental income as tenants leave. This can lead to displacement at a later stage of the conflict as the situation become untenable for the remaining population.

Inappropriate provision of humanitarian shelter to IDPs due to access constraints and lack of funding

Within a displacement context, access to adequate shelter is impeded by an inappropriate provision of humanitarian shelter due to access constraints and lack of funding. Regarding the latter, in 2021, the funding gap for humanitarian shelter globally was 57%[2].

Two examples, Myanmar and Syria, illustrate how inadequate shelter results from insufficient funding levels.

In Myanmar, the funding gap in 2021 was [87% leaving 140,368 displaced people without good shelter.]() Due to the protracted nature of the internal displacement and the refusal of the authorities to allow more sustainable forms of housing and security of tenure, the displaced persons remain in precarious temporary shelter structures. Until real, sustainable, and dignified solutions to displacement are identified in consultation with displaced persons, including equitable access to housing, land, and property and restitution rights, shelter needs in these camps will persist and thus require adequate funding. When the level of funding is not sustainable, displaced persons end up living in inadequate shelters and camps.

The funding gap in North-West Syria (NWS)[was 17% in 2021](). After ten years of conflict, over 2.8 M people are displaced, and 1.7 M live in IDP sites. [Eighty-three percent of IDPs live in sites with a critical level of population density. Fifty-seven percent of households across the NWS population live in finished houses/apartments, 15% in tents and 12% in makeshift shelters. Forty-six percent of households have been unable to afford shelter repairs, while 35% have faced natural disasters exacerbated by climate change (flooding, wind/dust storms, fire).]() With no end in sight for their displacement and no sustainable shelter solution, the uprooted people in NWS live in dire conditions. In contrast, funding for humanitarian shelter continues to dwindle, leaving the living conditions less than substandard and putting lives at risk of sickness, flooding, fire and storms and harsh winters.

Illegal or forced evictions

When fleeing for security, internally displaced persons (IDP) find refuge in several shelters ranging from self-settled and planned camps in tents and/or self-constructed shelters on plots of public, charity or private land. Furthermore, IDPs use unfinished buildings, rent houses, and settle in public buildings, including administration offices and schools, shops, gardens, farmlands, and caves. In many cases, forced eviction or eviction with violence

---

[2] From the upcoming GSC 2021 Achievements Report. The report will be available on the [GSC website]().

remains a threat to IDPs. One such example is from NWS. The security of tenure of IDPs ranges depending on the rental situation and the lengths of displacement. Without a solid rule of law, humanitarian partners can play a limited role in providing practical minimum standards to avoid, mitigate, or minimise harm and suffering of IDPs in the context of forced evictions. Humanitarian actors can inform advocacy, planning and response and strengthen prevention.

In Myanmar, the right to access housing is violated based on race discrimination and evictions, resulting in displacement. The national Shelter Cluster supports the IDPs with temporary solutions. However, these solutions fall short of upholding the right to adequate housing as they are not sustainable because of their temporary nature.

A weak rule of law impedes return, restitution, or compensation

Chances of voluntary return of forcibly displaced persons are thwarted due to the weak rule of law or the lack of restitution or compensation processes. For instance, in Syria, while 13 million people are considering returning to their place of origin, discriminatory expropriation laws and confiscations and the absence of a just restitution effort will deprive potential returnees of their housing, land and property in general. In addition, pre-war biased laws that recognise women's right to property in a limited way, and the prevalence of traditional customs that ignore these protections, make it particularly hard for women to access a "home".

Illegal or secondary occupation of houses of IDP

Illegal or secondary occupation of property of displaced persons is another recurrent issue that can have a two-fold impact : 1) it can impede the return of IDPs, and 2) houses are damaged due to lack of maintenance, or they can be destroyed by the secondary occupants. In recurrent and prolonged displacement situations, local authorities sometimes arrange secondary occupations to allow other displaced persons to live in an abandoned house. While this temporary measure provides shelter to some displaced persons, the original owner can be prevented from returning, or they may never recover their property. Secondary occupations are common in - for instance - Eastern Congo, and thus, they are considered in the national Shelter Cluster Strategy.

Armed groups exercise other forms of illegal occupation, and the military forces or retreating forces sabotage property to inflict further suffering on the returning population. One such example to monitor would be Ukraine.

Access to housing : a good practice to facilitate local integration of IDPs

In 2019, there were more than 40 countries where protracted situations existed. Thus conflict lingered, and the process of finding durable solutions for IDPs had stalled.

Access to adequate housing is recognised as one of the priorities for successful local integration of IDP in protracted displacement. Several good examples from, among others, Somalia, Burundi and the Democratic Republic of Congo can be found in the report *IDPs in protracted displacement : Is local integration a solution?* by IDMC, Brookings Institute and the Norwegian Refugee Council.

We want to highlight here the good practices with regard to housing and tenure that humanitarian organisations can adopt to facilitate the local integration of IDPs :

- If local integration is politically sensitive or unpopular, use language relating to access to rights, including housing rights, which indirectly will facilitate local integration instead of using the term "local integration" when advocating for this solution at the national level
- Find creative solutions to maximise land use and shelter, such as urban agriculture
- Find locally adapted measures to ensure the security of tenure without waiting for comprehensive land policies

List of resources

Resources grouped by violation type or the promotion of rights-based approaches can be found below.

Violation	Resources	Country
Violation : Destruction/Damage to Shelter. **Rights-based approach :** Repairs and shelter monitoring to assist authorities in the coordination of the response and the documentation of some of the HLP issues created by conflict, handing over documentation to authorities for their coordination of the response, mobilisation of authorities and SESU (State Emergency Services of Ukraine) in the first response and engagement in light repairs.	https://sheltercluster.org/ukraine/documents/ukraine-cluster-guidelines-structural-repairs-and-reconstruction https://sheltercluster.s3.eu-central-1.amazonaws.com/public/docs/technical_note_on_damage_assessment_final.pdf https://sheltercluster.org/northern-donbas/documents/luhanske-bakhmut-raion-donetsk-oblast Popasna, Popasnianski Raion, Luhansk Oblast | Shelter Cluster Avdiivka Field Note | Shelter Cluster Technical Note on damage assessment | Shelter Cluster Technical Note on Acceptable percentage of failure in shelter assistance | Shelter Cluster Technical Note on Complementing shelter assistance Ukraine Damage Database Form | Shelter Cluster 4B. Phasing-out of IM functions | Shelter Cluster Technical Note on Documents for Housing Issues in Shelter Operations	Ukraine 2015-2020

Violation / Rights-based approach	Source	Location
	Ukraine: Humanitarian Shelter Damage Assessment for Donetsk Oblast (2019) | NRC	
Violation : Deliberate destruction of housing by both non-state armed groups and military forces.	https://reliefweb.int/sites/reliefweb.int/files/resources/CARPreliminaryFindingsasof13.01.14.pdf Le HCR découvre des villages brûlés et désertés ; il y a des dizaines de milliers de déplacés dans le nord de la République centrafricaine https://www.internal-displacement.org/sites/default/files/inline-files/200707-af-chad-internally-displaced-in-chad-country-fr.pdf https://previous.ohchr.org/EN/NewsEvents/Pages/InvestigationAllegedHRViolationsAgainstRohingya.aspx HCR : les villages abandonnés du Darfour incendiés par les milices Janjaouites | ONU Info Sudan: Tens of thousands flee after deadly attacks in West Darfur | NRC Sudan: Outcry over increasing violence in Darfur as villages are burnt to the ground | NRC Inside a besieged city: a life left in ruins | NRC	Central African Republic, Chad, Myanmar, Darfur Sudan, Yemen
Violation : Discrimination and eviction to housing because of race. **Rights-based approach :** Temporary shelter, but that is not a long-term solution.	STM Longhouse Reconstruction	Sittwe, Myanmar Rohingya Situation, ongoing
Violation : Deliberate destruction, secondary occupation, restitution / compensation mechanisms.	What Happens to the Homes Ukrainians Leave Behind?	Ukraine
Violation : Expropriation of land & property. In 2018, as 13 million Syrians remained displaced, the Syrian government enacted a law (Law n. 10/2018) enabling the expropriation of immovable property.	Rural land tenure resilience in postwar Syria: implications for restitution and stabilization | Shelter Cluster	Syria
Violation : The protracted crisis and the weak rule of law, resulting in fragile security of tenure and other Housing-Land-Property-related disputes, are key concerns that are impacting the lives of IDP and jeopardise their chances of safe return.	HLP research-SHAFAK_IOM- Dec 2021.pdf	Syria
Violation : The right to housing and property restitution is made conditional on the physical return of someone who has been displaced	"Our Lives Are Like Death": Syrian Refugee Returns from Lebanon and Jordan | HRW	Syria

from their home or place of habitual residence "In line with the Pinheiro Principles and international human rights law, the Syrian government should set up a land and property restitution mechanism that provides for full and fair restitution of property or compensation for all residents impacted by land and property issues. The land and property restitution mechanism should be objective, clear, accessible and transparent. They should not discriminate based on a person's displacement status (Refugee or IDP) or according to their age, socio-economic status, gender, disability, political views, nationality, or religion.		
Violation : Illegal evictions and forced reallocations.	[Guidelines on Mitigating Harm and Suffering during Forced Evictions in northwest Syria (December 2020) [EN/AR] - Syrian Arab Republic	ReliefWeb](#)	Syria
Violation : Displaced women and their inability to access, control, or benefit from their private property.	[Stories of Syrian women, their family and property	NRC](#)	Syria
Rights-based approach : Facilitating access to housing. Good practices to facilitate local integration of the IDPs	[IDPs in Protracted Displacement: Is Local Integration a Solution](#)	Somalia, Burundi, the Democratic Republic of the Congo, Uganda, Serbia, Georgia
Violation : The Right to adequate housing is violated by a lack of appropriate humanitarian shelter provision due to limited humanitarian funding and access to the affected population.	[Unmet Shelter Needs Advocacy Document](#) [https://sheltercluster.org/x-border-operation-turkey-hub/documents/action-plan-dignified-shelter-living-conditions-nw-syria](#) [Updated Winterization Advocacy Paper 2021-2022	Shelter Cluster](#) [Updated Winterization Advocacy Paper 2021-2022	Shelter Cluster](#) [SNFI Cluster - Better Programming Initiative](#) [Climate change, conflict and Shelter in North-West Syria](#)	North-West Syria
Protracted situation In north-east Nigeria, an estimated two million people have been forced to flee their homes. As the conflict enters its 12th painful year, thousands more continue to be displaced.	[Restoring hope for north-east Nigeria's forgotten families	NRC](#)	Nigeria
Protracted situation **Lack of Adequate housing :** Living in war-damaged buildings.	[Libya: Eleven years since the uprising, a deepening political crisis threatens rebuilding efforts	NRC](#)	Libya
Construction Ban in the West Bank	[Life may disappear here](#)	West Bank

Violation : Demolition threat. Israeli planning authorities have neglected to provide and refuse to approve adequate urban planning for the community in violation of international law.	[Al-Walaja - a Palestinian village facing demolitions](#)	Palestine