**Call for inputs: Resettlement as a human rights issue**

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

**Background**

There is multifold evidence that the right to adequate housing and other human rights are violated due to eviction and displacement without adequate resettlement. They are also often violated during and after resettlement when it is implemented, resulting in inadequate housing and living conditions, including livelihoods. Such poor resettlement outcomes are very different from what has been promised on paper in laws, policies, development and resettlement plans.

In his first report to the Human Rights Council (A/HRC/47/43), Mr. Balakrishnan Rajagopal, the Special Rapporteur on the right to adequate housing, pointed to the urgent need to develop a set of **guidelines at the international level to ensure that resettlement and relocation are carried out in compliance with the international human rights framework and are consistent with the Sustainable Development Goals.** The Special Rapporteur noted that the “absence of such international guidelines leads to wildly varying approaches to eligibility criteria for project-affected people, compensation for loss of land and housing rights, due process requirements in evictions, consultation, participation and consent requirements for relocation and site selection, and benefit-sharing arrangements, among others”.

Resettlement is the planned and organized relocation of a large group of people, usually an entire community, to a new location where they establish permanently their places of residence and resume their life in a community. Resettlement may be due to large-scale development projects, including urban renewal or redevelopment programmes, mining, oil or gas exploration, construction of hydro-electric dams, building of roads, railways and other infrastructure; motivated by disaster prevention, nature conservation or environmental protection; or required to respond to environmental degradation, disasters, conflict or violence. As a term, resettlement should not be equated with the narrow use of the term by UNHCR and others to refer to programmes for selecting and transferring refugees to third countries that agree to admit them, while that is of course also of interest to human rights.

As per the Guiding Principles on Internal Displacement, displacement needs first and foremost to be avoided. States have an obligation to protect every person and community against being arbitrarily displaced from their home or place of habitual residence and to ensure that all feasible alternatives are explored. There are, however, some situations in which displacement may be justifiable and cannot be avoided such as for example when evacuation of a community during conflict or a disaster is needed to protect lives. In the context of large-scale development projects, displacement can exceptionally be justifiable by reasons of compelling and overriding public interests, on the condition that it is unavoidable and consistent with international human rights commitments, and that no alternatives or mitigation measures can be applied. Once the immediate threat subsides, however, the affected people have a right to return voluntarily and repossess or rebuild their homes, as clarified among others in the Principles on Housing and Property Restitution for Refugees and Displaced Persons, known as the Pinheiro Principles.

In cases where a voluntary or safe return is not possible individuals and communities have a human right to resettlement, which includes the right to alternative land of better or equal quality as well as housing that is considered adequate, under international law including the Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18). International law, however, forbids collective and mass expulsions, displacement that targets or results in discriminatory removal of a community, as well as forcible resettlement where people’s life, safety, liberty and/or health would be at risk.

This current call for inputs will focus on resettlement as a human rights issue. Although important from a human rights perspective, questions related to temporary relocation which does not aim for or result in permanent displacement fall outside of the scope of this call for inputs.

**Call for inputs**

Through the current Call for inputs, the Special Rapporteur aims to collect information to inform the preparation of his forthcoming reports to be submitted respectively to the Human Rights Council in March 2024 and the General Assembly in October 2024. They will identify key human rights challenges posed by resettlement and take stock of international and national laws, regulations, policies and practices related to resettlement. In this context, the Special Rapporteur will also review the laws, regulations and safeguard policies of States, international organizations, international financial institutions, multilateral, bilateral development agencies, and businesses as they relate to resettlement. In addition, the reports will analyze what is needed to ensure that legal protections and safeguards related to resettlement are not only protected on paper, but also are respected in practice, and will look to compile good practices.

Following this review, the Special Rapporteur is planning to undertake in 2024 further consultations with States, international organizations, human rights experts, institutions, civil society organizations, and business actors with the aim of developing international guiding principles for resettlement, that will be presented in March 2025 to the Human Rights Council.

**Questionnaire for States, NHRIs, CSOs, International Organizations, IFIs, and business enterprises**

Name of submitting entity, organization or individual: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact e-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (contact e-mail will be deleted when published)

***Resettlement as a human rights issue***

1. Please indicate and explain the laws and regulations applicable to resettlement in your country, organization or company, including in the context of development projects; infrastructure projects, mining, oil and gas exploitation, industrial projects; urban renewal projects; for disaster prevention; nature conservation and environmental protection; activities to promote tourism, sports or protect cultural heritage; or climate-, disaster- or hazard-induced environmental degradation or to prevent, mitigate or respond to conflict and any form of large scale violence. Please provide copies or links to the text of such policies, laws and regulations currently in force, or any significant draft proposals. In addition, kindly provide any assessment on the implementation and impact of these policies, laws and regulations and their outcomes for the rights of affected individuals and communities.
2. Please indicate and explain any laws and regulations applicable to the evacuation and relocation of persons in the context of emergencies, such as disasters, hazards, armed conflict or internal violence.
3. Has your country, organization or company put in place any resettlement policies, budgets, programmes or schemes? If so, please provide copies of those (preferably in Word format). In addition, please provide any assessment on the implementation and impact of these policies, budgets, programmes and schemes on the rights of the affected individuals and communities.
4. Please explain the laws and regulations in force in your country, or policies applicable in your organization or company aimed at ensuring that business enterprises, including financial investors and financial institutions, adhere to the applicable national laws and regulations and international human rights standards when they invest or engage in projects involving resettlement when such projects are implemented: a) within your country and b) abroad.
5. Has your country, organization or company established any agency or other mechanism specifically mandated to deal with resettlement? If so, please provide details on its mandate, budget and work, including copy of any relevant policies, regulations and legislation and an assessment of its impact on the rights of affected individuals and communities.
6. How does your country, organization or company finance the cost of resettlement projects?
7. Does your country, organization or company mandate a human rights impact assessment plan before projects or policies that require settlement? If so, please provide details.
8. In the context of resettlement, how does your country, organization or company ensure that persons, groups and communities:
	1. Give their free, prior and informed consent and be genuinely consulted on exploring alternatives to resettlement and on the modalities of the resettlement, prior to it being planned and carried out;
	2. Have access to administrative and judicial remedies to challenge the resettlement decision, its process, conditions or outcome. To what extent have affected individuals or communities been provided access to legal aid? Please provide links or copies (preferably in Word format) of key court or other dispute settlement decisions related to litigation or claims on resettlement;
	3. Are not resettled until such time as a comprehensive, human rights compliant resettlement plan and policy is in place and the resettlement site or areas meets the conditions for an adequate standard of living, including adequate housing;
	4. Have access to complaints or grievance mechanisms in case of problems with the process or outcome of the resettlement, including where actors other than State authorities are involved.
9. Does your country, organization or company collect data or otherwise track the situation of persons who have been subject to resettlement, which would allow to monitor overtime whether the affected community survives as such and is able to thrive at the resettlement site for example by enjoying adequate housing, access to essential services, livelihoods, etc.? If so, please provide information on what indicators are used to make such an assessment.
10. What legal, institutional and/or practical legal arrangements have been put in place or would in your view need to be put in place to ensure that international human rights standards and national regulations are upheld before, during and after resettlement; that adequate compensation is provided to all affected, regardless of the level of security of tenure they enjoyed prior to the proposed resettlement; and that living conditions after resettlement comply in practice with international human rights law, national law and regulations or relevant court rulings.
11. Is there any group particularly at risk of resettlement or particularly vulnerable to negative resettlement outcomes in your country or in the experience of your organization or company?
12. How does the legal and policy framework governing resettlement, expropriation, and compensation ensure that displacement and resettlement does not disproportionately affect some communities in a discriminatory and negative way, and that all affected persons are treated equally and without any discrimination and that nobody is left out? How is non-discrimination ensured taking into account the different tenure status of persons affected by resettlement who may potentially have land or housing ownership; other recognized tenancy rights (e.g. renters, property or land use rights), or may just reside in the affected area without possession of any formally recognized tenancy status?
13. Do you require proof of formal property ownership such as title deeds as an eligibility criterion for resettlement? For those who lack formal property rights, do you require other eligibility criteria such as cut-off dates and proof of other forms of documentation?
14. What are criteria for determining compensation for those who need to be resettled? Is it cash only, land for land or other mix of criteria? What are the scales of compensation for different types of land and housing, for instance between rural and urban housing or land? Is there compensation for movable or intangible assets? Finally, what is the average time for disbursal of compensation for the people affected?

1. Does your country, organization or company have a recent experience with resettlement that posed particular challenges and what were those? In retrospect, what should have been done differently?

For States and CSOs: in case any such resettlement project was financed by a multilateral or bilateral donor or funding institution, or implemented with the support of an international agency, have the affected communities been able to access any grievance mechanism in relation to the process or outcome of the resettlement and to obtain redress and what was the outcome for the complainants?

1. Does your country, organization or company have a recent experience with large-scale resettlement, which has been planned and executed in a human rights-complaint manner, leaving both affected and host communities at resettlement sites enjoying to an equal, if not higher, level the right to adequate housing and other human rights? If yes, what are the process elements that contributed to make this resettlement a success?

**How to submit information**

Written contributions not exceeding 2,500 words in length should be sent in English, French or Spanish in Word format to hrc-sr-housing@un.org; and ohchr-registry@un.org (supporting documents may as well be submitted in PDF).

Please indicate **“Input for SR housing - report on resettlement”** in the email subject line. Please include references to reports, text of legislation, policy documents, judgements, statistical information with hyperlinks to their full text or source or attach them to your submission.

All submissions will be posted on the webpage of the mandate, except if confidentiality is explicitly requested.