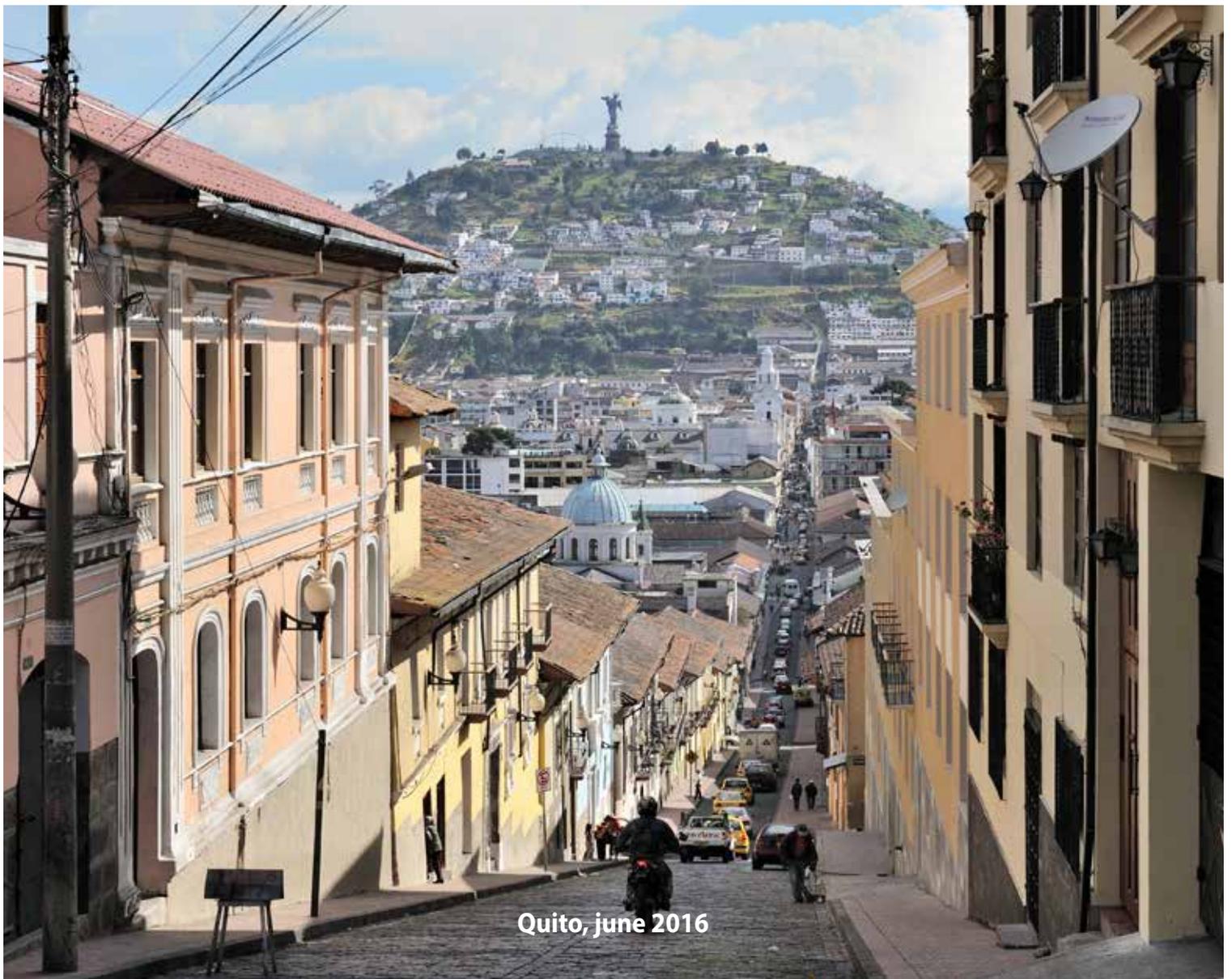




FEDERACIÓN IBEROAMERICANA
DEL OMBUDSMAN

**HUMAN RIGHTS INSTITUTIONS AND
THE NEW URBAN AGENDA**



Quito, June 2016

HUMAN RIGHTS INSTITUTIONS AND THE NEW URBAN AGENDA

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PRESENTATION

The Ibero American Federation of Ombudsman - FIO (which brings together 103 institutions from 20 countries of the Latin American geographical space plus Spain and Portugal, with 20 years of recognized work in the promotion and protection of human rights), in coordination with the Ibero American Ombudsman Institute (ILO), the regional Programme of Support for the Ibero American Ombudsman (PRADPI) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), through the project to strengthen the Members of the Ibero American Federation of Ombudsman (ProFIO) has submitted its application to a Side Event in the Habitat III World Conference to be held in Quito, Ecuador, in October 2016.

This initiative is the expression of the extensive work that the applicant institutions have developed in the framework of the Habitat topics of interest from a human rights and gender perspective in the urban context.

Thus, with the aim of contributing to the debate at the third United Nations Conference on Housing and Sustainable Urban Development, Habitat III, we submit for your consideration the working document attached. This paper takes an approach from a conceptual view of human rights to the lines of sustainability and urban prosperity and opportunities for everyone, sustainable urban development for social inclusion and poverty eradication, environment and resilient urban development, construction of the structure of urban governance, planning and management of urban space development, implementation and identification of the role of human rights institutions (HRI) in relation to the right to the city on issues such risks, public services, public spaces, non-discrimination, self-employment, inclusion, among others.

The purpose is to highlight the role of human rights institutions in the promotion, protection and defense of human rights in the framework of the New Global Agenda, together with the importance of enforcement mechanisms and the full exercise of all rights in the urban context. Thus raising the need to recognize the fundamental role of human rights institutions in the design, implementation and monitoring of the New Urban Agenda.

General Objectives

- Expound the role of Human Rights Institutions (HRIs) in promoting, protecting and defending human rights within the framework of the New Urban Agenda (NUA).
- Present the importance of having enforceability and observance mechanisms for the full exercise of all rights in the urban context.
- Recognize the fundamental role of Ombudsmen in designing, implementing and monitoring the New Urban Agenda.

Specific Objectives

- Contribute to the discussion at the United Nations Conference on Housing and Urban Sustainable Development, Habitat III that will take place in Quito Ecuador from October 17 to October 20, 2016, providing inputs about conceiving and defining human rights and gender perspective in the urban context regarding:
 - Sustainability and urban prosperity, as well as opportunities for all men and women (in the May 2016 version: "Equity and justice in urban resource distribution and use")
 - Inhabitable city (right to adequate housing, water and sanitation, energy, information and communication, transportation, public services and spaces and infrastructure for all the people, urban growth and urban rights, human security, convivial city, compact and culturally diverse city).
 - Urban sustainable development for social inclusion and poverty eradication (in the May 2016 version: "Sustainable prosperity for all men and women")
 - Inclusive city. (Right to equality and non-discrimination, right to work, economic growth)

- Environment and resilient urban development (in the May 2016 version: "Sustainability and resilience")
 - Sustainable city. Right to a healthy environment, sustainable and responsible management of public goods and services, care and protection of the natural, cultural and historical heritage, resilient city.
- Construction of urban government structure: establishing a support framework (in the May 2016 version: "Democratic Coexistence").
 - Democratic city. Right to participation, city democratic management, democratic and equitable city enjoyment.
 - Educational city. Right to collective construction of city and citizenship
- Planning and management of urban space development.
- Implementation means.
- Identifying the role of HRIs in connection to the right to the city in topics such as risks, public services, public spaces, non-discrimination, autonomous work, inclusion, etc.



INTRODUCTION

Historical summary: Human Rights Institutions - HRIs

Most of the population in the planet currently knows about the right to life, the right to free expression, etc. but it has not always been like that. International declarations or national provisions on human rights are amended as their exercise and protection is enlarged.

In 1946, the United Nations Economic and Social Council examined the issue of national institutions, two years before the Universal Declaration of Human Rights became “a common standard of achievement for all peoples and all nations.” The Member States were invited to study the convenience of establishing information groups or national committees, but it was only in 1978 when the first guidelines on structure and functioning of National Human Rights Institutions were drafted. Later on, the United Nations Commission on Human Rights and the General Assembly issued it for all the members.

In 1991, the first International Workshop on National Institutions for the Promotion and Protection of Human Rights took place in Paris. Some of its fundamental results were the Principles pertaining to the status of national institutions (called the Paris Principles). The Paris Principles have been included in the Human Rights language and are an accepted way to test the legitimacy and credibility of an institution.

These principles recommend that national human rights institutions (HRIs) should have -among other competences- the broadest mandate possible for promoting and protecting human rights. Also, they recommend members to cooperate with the United Nations and other entities of the UN system, regional institutions and institutions of other countries which are competent on human rights promotion and protection among other attributions (NHRI, sf).

The World Conference on Human Rights that took place in 1993 in Vienna was a breaking point for HRIs. For the first time, national institutions that followed the Paris Principles were officially acknowledged as important and constructive actors in promoting and protecting human rights, and their establishment and strengthening were officially encouraged. (A/CONF.157/23, Part I, paragraph 36). The 1993 World Conference was also useful for consolidating the National Human Rights Institutions Network, created in Paris in 1991 and prepared the foundation for establishing its successor, the International Coordinating Committee of National

Institutions for the Promotion and Protection of Human Rights.

In 2005, the Commission on Human Rights, in its resolution 2005/74, reaffirmed the importance of establishing and strengthening independent and pluralistic national institutions for the promotion and protection of human rights according to the Paris Principles, and also endorsed the significance of intensifying cooperation strengthening among these institutions.

The Global Alliance for National Human Rights Institutions (GANHRI), which replaces the Committee, was created at the 29th Annual Meeting of the International Committee for Coordinating Human Rights National Institutions.

What do HRIs Do and Why are They Important?

In 2000, the Human Rights Council published the reports on HRI performance and legitimacy where it highlights the increase of said institutions during the 90s and their effective and successful work¹. Besides, it mentions a significant increase of claims filed before the national institutions as key actors for protecting and promoting human rights (OHCHR, 2005).

In 2008, on the 15 anniversary of the Vienna Declaration and Programme of Action, one of the most relevant results was the inception of HRIs as key actors at domestic level to guarantee respect for human rights and acknowledgement of the Paris Principles as the international standard for effective and independent national institutions².

The United Nations Organization (UNO) establishes HRIs' strategic priority in each country to guarantee national development, poverty reduction and coordination of policies and strategies around the Millennium Development Goals (MDGs)³, and in the most recent context of the Sustainable Development Goals (SDG), not only at domestic level, but also with all the human rights system and principles. (OHCHR, 2005)

One of the characteristics of HRIs is their new institutionality, because they are part of

¹ Generally, the National Human Rights Institutions (NHRI) have organized their activity along large action axes such as education, advocacy, protection, monitoring and observance, interinstitutional coordination, communication and social and community action

² National systems that protect and promote good governance, the rule of law and the application of human rights are important for sustainable development. This requires governments to accept primary responsibility towards promoting and protecting human rights and for the functioning of independent NHRIs (OHCHR, 2010).

³ The agenda for sustainable development, which represents improved persistence of MDGs was adopted at the High Level Plenary Session of the General Assembly during the United Nations Summit in September 2015

the State, but they are not part of traditional executive, legislative or judicial branches. Instead they are the extension of national authorities and are mainly financed by the State. (OHCHR, 2010)

Why HRIs in the New Urban Agenda – NUA?

The Resolution approved by the United Nations General Assembly dated December 17, 2015 (A/RES/70/163), reaffirms the important of National Human Rights Institutions in promoting and protecting human rights and fundamental freedoms, strengthening participation -particularly civil society organizations- and promoting the rule of law as well as population awareness regarding such rights and freedoms, both locally and nationally. It also encourages HRIs to continue participating and contributing in the debates on all relevant processes and mechanisms in the United Nations according to their respective mandates, including the discussions on applying Agenda 2030 for Sustainable Development (UN, 2015). One of these debates is precisely building the New Urban Agenda through HABITAT III.

Cities are a space of coexistence and conflict, social, economic and cultural integration and segmentation, citizen opportunities and limitations vis-à-vis exercise of rights and duties. In this regard, Habitat III is a forum for debating on the Right to the City as a paradigm from the human rights perspective⁴, and HRIs cannot but attend this forum as the fundamental interpreters of these rights and guarantors of their cross-cutting nature in each sphere of urban development.

Within the context of HABITAT III and the New Urban Agenda, the role of HRIs as instances for promoting and protecting human rights is significant to make this new agenda include enforceability of rights in spheres such as coordination of urban regulations, urban planning and design, and appropriate resource distribution and re-distribution mechanisms in the cities.

The New Urban Agenda should contain the Right to the City as a corner stone in each one of its components, where the right to adequate housing and infrastructure is fundamental.

In this regard, the right to adequate housing and urban infrastructure cannot be analyzed without including the right to property and to receiving services from utilities,

⁴ Considering that more than half of global population lives and develops in cities, cities have started to play a fundamental role in the exercise of human rights, since they are the place where human rights can be implemented

particularly potable water, sewerage, solid waste collection, energy, telecommunications, and transportation, among others. Public service supply should adjust to international standards, which represent effective control tools regarding States and enforceability surveillance by HRIs, aiming at guaranteeing service conditions, particularly to priority groups, with equity and quality, at equitable and affordable prices and tariffs.

The contribution of HRIs within the framework of the New Urban Agenda should focus in adopting concrete measures to overcome inequality, discrimination, segregation and lack of opportunities aiming at guaranteeing an appropriate habitat, both in the city and in the country.

One of the main challenges for HRIs is to evidence that many urban development problems are issues related with lack of standards to ensure full exercise of human rights. This means that among the work areas established for Habitat III, observance and enforceability of human rights is of transcendent importance. The mandatory character of human rights should be analyzed in a context of equality and non-discrimination.

Enforceability of Rights in Urban Areas

City growth brought new problems with it: urban poverty and social exclusion. Meanwhile more than half of the population inhabits cities and two thirds of the population will inhabit cities by 2050. These externalities are a product of the urban development model. In Habitat III there will be proposals to improve and broaden human rights perspectives to be applied in cities and human settlements, focused in minimizing socio-spatial injustices, in improving equity, inclusion, political participation and a decent life for every inhabitant (UN-Habitat, 2016).

The Right to the City is a new paradigm that provides an alternative analytic framework to rethink cities and its scope includes effective compliance with all human rights, Sustainable Development Goals and commitments of the Habitat Program regarding cities. It is necessary to think the city as a place that strives to guarantee a decent and full life for every inhabitant. (UN-Habitat, 2016)

The New Urban Agenda aims at establishing guidelines to lead us to urban environments of human coexistence appropriate for decent and prosperous life within the framework of sustainable development. People's decent and prosperous life is translated into the exercise of human rights enshrined in international instruments acknowledged by the States, mainly those related with human rights in social, cultural

and economic spheres.

Inclusion of urban coexistence within the framework of sustainable development assumes the exercise of other human rights such as those related to a healthy and safe environment. We should also acknowledge the need for responsible and altruistic use of goods, products and services⁵.

A human rights approach should be used when preparing the New Urban Agenda. The Right to the City is its cornerstone. The right to appropriate housing should be emphasized as a core mechanism for people's decent life.

In forums where the New Urban Agenda is being discussed, we can highlight expressions such as "cities are human creations for their inhabitants to coexist peacefully, in health and prosperity, free and with full exercise of human rights," "The battle for sustainable development will be won or lost in cities," "Decisions made today will inform our common urban future" (HABITAT III, 2016). This shows the importance of long-term strategic planning in urban management by the States, aiming at attaining coexistence spaces that will gradually improve the exercise of human rights of the people who inhabit these spaces.

Likewise, the New Urban Agenda proposes that human beings are the center of development and states that quality of life goes beyond just supplying infrastructure and services. This implies sustainability and requires use of criteria, indicators and standards centered in human beings and their rights. This paradigm change is a huge challenge for the States and HRIs in terms of systematizing or generating mechanisms and tools around human rights in urban environments when States make decisions.

The New Urban Agenda should guide interventions by United Nations member States in the next 20 years. It should establish a direct connection with rights acknowledged in international instruments, their policy units and structural axes (see annex 1). This is why Human Rights Institutions should be considered as one of the Agenda's implementation, follow-up and evaluation mechanisms.

As the United Nations Office of the High Commissioner for Human Rights –OHCHR– states, Human Rights have been a core concern of the United Nations since its inception and HRIs are fundamental mechanisms to realize these rights. The United Nations has been extensively involved in establishing and strengthening such institutions with the Paris Principles as an important element ensure human rights at national level "National Human Rights Institutions: History, Principles, Roles and Responsibilities"

⁵ The agenda for sustainable development was adopted at High Level Plenary Session of the General Assembly during the United Nations Summit in September 2015.

ties – 2010”.

Therefore, covered by enforceability of rights, HRIs are called to look after, advocate, coordinate, communicate, educate, participate and do research aimed at promoting, respecting, protecting and guaranteeing the exercise of human rights within the framework of the urban agenda.

This is why, HRIs should be specifically mentioned in the chapter on “Follow-up and Evaluation” of the New Urban Agenda document⁶. HRIs should be State mechanisms with tools to enforce human rights.



THE HRIs IN THE NEW URBAN AGENDA

Habitat III Zero Draft Outcome Document (May 2016)

Sustainability, Urban Prosperity and Equal Opportunities for All (Social Justice, Equality and Equity)

1

In the framework of HABITAT III, social justice refers to the principle of peaceful and prosperous coexistence inside and among nations, eliminating all kinds of barriers that people face or whatever their condition. On the other hand, equality supposes the same amount of resources for everybody. Finally, equity refers to the fact that people should have the same facility to access resources, notwithstanding their initial conditions. The conceptual document Inclusive Cities (UN-Habitat, 2015) refers to emerging issues in connection with Social Cohesion and Equity – Inhabitable Cities. This document defines inclusive cities as “the product of actions taken in favor of policies that may guarantee social justice and equity in cities.”

The inclusive city is the space that will eradicate social exclusion, where the principles of equity and social justice equalize citizen conditions according to their needs towards achieving a decent life, where physical location is strategic and guarantees easy access of all citizens, where social diversity is considered as inclusion, interrelation and promotion of population interaction without any kind of discrimination.

This conception of inhabitable and inclusive city seeks equitable access, eliminating discrimination and establishing policies to guarantee equal opportunities for all citizens. It also emphasizes the right to equitable access to housing, public spaces, public transportation, communal services –equipment, and cultural and social activities, among others. It also includes the rights of people who need priority attention such as pregnant women, girls and boys, youth, senior citizens, people with disabilities and other people in vulnerable situations, such as those who live in shelters, refugees, migrants and displaced population.

In this regard, HABITAT III Issue Paper on Inclusive Cities (UN-Habitat, 2016) identifies two key actions to fight social exclusion. The first one is a political commitment to equalize citizen conditions according to their needs so that they have a decent life. The second is a range of mechanisms and incorporation of institutions to facilitate inclusion, among which participatory policies that will promote universal access to services, space planning and a strong acknowledgement of the complementary roles of national and local governments to guarantee inclusive and including urban growth, considering the historical marginalization of the most underprivileged and

stigmatized people.

In this regard, HRIs can contribute with their experience in defining the main critical nodes and options to overcome social exclusion and discrimination, based upon applying and respecting the standards in all civil, political, economic, social, cultural and environmental rights, in connection to exercise of rights, needs of groups that need priority attention, challenges stemming from enforceability of rights to services from public utilities, urban economy, social participation, inclusive and non-discriminatory use of public space, etc.

Right to Adequate Housing

Exercising the right to adequate housing is indispensable when we refer to inhabitable and inclusive city because it is the basic unit to attain the desired level of decent life for people.

The Committee on Economic, Social and Cultural Rights (CESCR) has defined the minimum criteria for a dwelling to be considered appropriate²; these are tenure security, service availability, materials, facilities and infrastructure, affordability, inhabitability, accessibility, location and cultural adequacy. Thus, when the New Urban Agenda calls national governments to prioritize the exercise of the right to adequate housing for

² In its General Observation N°4, the Committee on Economic, Social and Cultural Rights (CESCR) defined the minimum criteria a dwelling should comprise to be appropriate and, thus fulfill this right. They are:

- Tenure security: the dwelling is not adequate if its occupants do not have some measure of tenure security guaranteeing juridical protection against forced eviction, harassment and other threats.
- Availability of services, materials, facilities and infrastructure: the dwelling is not appropriate if its occupants do not have potable water, appropriate sanitary facilities, energy for cooking, heating and lighting, as well as food conservation and solid waste disposal.
- Affordability: the dwelling is not adequate if its cost endangers or hampers exercise of other human rights by its occupants.
- Habitability: the dwelling is not adequate if it does not guarantee physical safety or does not provide enough space or protection against cold, humidity, heat, rain, wind or other risks against health or if it presents structural dangers.
- Affordability: the dwelling is not adequate if it does not consider specific needs of underprivileged and marginalized groups.
- Location: the dwelling is not appropriate if it does not offer access to employment opportunities, healthcare services, schools, daycare entities and other services and social facilities, or if it is located in polluted or dangerous zones.
- Cultural adequacy: the dwelling is not adequate if it does not take into account and respect cultural identity expression.

¹ The Transformative Commitments for Sustainable Urban Development - Leave No One Behind, Urban Equity and Poverty Eradication (Zero Draft of the New Urban Agenda – May 2016)

all people with no discrimination, it should include at least the commitments pertaining to criteria established by the CESCR.

The right to adequate housing cannot be conceived without incorporating the right to property and to domicile service by utilities such as potable water, sewerage, solid waste disposal, energy and telecommunications.

States are aware that the human right to fundamental, social and environmental services, as well as enjoyment of urban resources, is ruled by the universality and equality principles. However, we also know that the exercise of these rights implies the use of environmental goods and services and the use of productive resources, which are limited. This contrast between States' political will and limited resources imposes a gradual implementation of the exercise of rights³, under equity, distribution and fair use of urban resources.

In this context, the States' obligation is focused in guaranteeing equitable and affordable access to urban resources and public services, such as land tenure, housing, energy, water and sanitation, solid waste collection, treatment and final disposal, transportation, health, education, information and communication, among others, considering environmental impact and preventing deterioration of natural environment.

Egalitarian access for people with disabilities to physical surroundings, transportation, information and communication, and other public -or open to the public- facilities and services is indispensable in cities.

The exercise of rights such as physical health, mental health and cultural expression is closely linked to the existence of adequate public spaces. Thus, the New Urban Agenda should consider guidelines aimed at prioritizing public spaces appropriate for decent coexistence, which should facilitate social interaction, cultural expression and leisure time.

Applying this valuable concept of Right to the City, which goes beyond adequate infrastructure or space, HRIs should promote policies to access land, aiming at guaranteeing access to developed land. This means that the Right to Habitat does not end by accessing a dwelling or a land plot, but requires other conditions for exercising it comprehensively by accessing transportation, basic services and "non-basic" ones such as the internet, a favorable environment, lighting, waste collection, close distance from educational and health care establishments, decent dwelling conditions,

³ The Agenda for Sustainable Development establishes some objectives to 2030.

guarantees for access to labor market (particularly the formal market) low levels of violence and sanitary risk, among others.

Sustainable Urban Development for Social Inclusion and Poverty Eradication ⁴

Inclusive economic prosperity is understood as the exercise of economic rights by all the people in age for working. This in turn leads to satisfaction of household basic needs, and to a decent and free life.

A key objective in the New Urban Agenda towards sustainable urban development is generating equal opportunities. To do so, we should not leave aside criteria such as inclusive economic growth and decent and adequate work. Therefore, within the framework of economic rights, States should implement inclusive and sustainable urban economy models taking into account territorial competitive advantages and potential. It should also define and facilitate a favorable environment for investment and innovation, aiming at inserting all the people in age for working to the city's or human settlement's economy.

Urban economy and activities around it are linked to a broad and diverse range of human rights going from the relationship of human beings and natural environment -for using and harnessing soil, subsoil, water, among others- through access and use of production factors and ways, up to the relationship between institutional actors -such as State and corporations- and human beings in their role of citizens, workers, users or consumers.

Likewise, obligations to respect, protect and guarantee urban economic rights cannot be only limited to State agents in cities or human settlements. On the contrary, these obligations correspond to local, regional and national State agents ⁵ and they even correspond -not as binding solidarity- to other States where the corporations that carry out productive and economic activities in said city or human settlement come from.

Consequently, in connection to the commitments of the New Urban Agenda regarding urban economy, HRIs should at least include enforceability mechanisms for respecting and protecting land property and its efficient use, harnessing territorial

⁴ Sustainable and Inclusive Urban Prosperity and Opportunities for All – (Zero Draft Of The New Urban Agenda – May 2016)

⁵ Productive and economic activities in the city or human settlement include at least urban-rural, local-regional, local-national, national-international territorial dynamics.

potential for increasing decent work opportunities through mechanisms to improve productivity, such as economies of scale and clustering, conservation of a healthy environment, and use of information and communication technologies -preventing unnecessary travelling-, energy technologies that are friendly with the environment and road and transportation systems that are economically and environmentally efficient.

On the other hand, HRIs should promote debate on the need for devising public policies against poverty from a multidimensional perspective, going beyond resource transfer and preparing different initiatives to fight the many causes of poverty and not only one of its dimensions.

Urban Environment and Resilience⁶

La Accelerated urban expansion requires an effective, fair and timely response to fight the problems it may cause when it is disorganized. The New Urban Agenda, within the framework of sustainable development, has to seek organized, sustainable and durable urban development, without compromising the exercise of human rights in cities and human settlements.

The right to a sustainable and resilient city comprises people's current rights regarding a healthy and safe environment. Likewise, keeping a sustainable city implies the participation of all citizens, including national and local government entities, each one with different responsibility levels for appropriate management of public services and assets, adding care and protection of our natural heritage.

Thus, most territorial development policies seek to transform cities and human settlements into sustainable territory with a high quality of life for their population through economic, social, cultural, political and ecological development, translated into improvement of infrastructures, habitat policies, transportation, land planning, environmental impact reduction, citizen participation, among others.

In 2012 UN - HABITAT created an instrument to measure city sustainability. It was called City Prosperity Index – CPI. This mechanism seeks to measure and compare information on how to improve and what measures to be taken in cities to go towards prosperity.

Urban prosperity cannot be analyzed without considering appropriate harnessing and use of critical resources committed with fundamental public services for life in the city, such as potable water, sanitation and energy. This is how States should seek to commit sustainable resources and modern technology friendly to the environment while at the same time they gradually tend towards universal supply of these services, pursuant to human rights. States should also foster solidarity and sustainable use of such technologies and resources.

In this regard, HRIs have an extremely important role to guarantee that policies and actions fostered within the framework of this component in the New Urban Agenda do not violate rights and that all these truly effective measures against city degradation, uncontrolled and irrational growth, fight against speculation, and appropriate supply of local public services -particularly in small municipalities- are applied.

On the other hand, part of sustainability comes from appropriate land planning, including control to city encroachment. Control refers here to guiding urban activity so that it is truly sustainable in economic, social and environmental terms. In this regard, HRIs have to lead the State -local or national government- and citizens to overcome any problems related to citizen information and participation in planning, but also regarding city design deficiencies.

This is why the so called "effective implementation" in the New Urban Agenda does not leave aside the need to control city encroachment and urban and land planning. To do so, HRIs should foster their comprehensive implementation at all levels -national, regional and local-, planning and managing the development of urban space, and improving implementation mechanisms of the New Urban Agenda through funding and other implementation means.

In this regard, sustainability and hence strategic planning and urban management should conceive Information and Communication Technologies –ICTs- not only as essential tools for exercising the right to information and communication, but also as a strategic tool to facilitate the exercise of other rights, urban governance, urban economy sustainability and urban environmental sustainability⁷.

Finally, in this new scenario, where more than 50% of the global population lives in cities and economic and social recovery of the infrastructure of cities impacted by disasters can take several years, it is necessary to adopt a protection plan that can face multiple threats not only contemplating reduction of risks and damages stem-

⁷ The use of Information and Communication Technologies (ICTs) can improve access and reduce cost of other utilities such as potable water, energy and transportation, improving citizen safety conditions, education, access to health, governance, urban productivity and prosperity, by increasing supply chain efficiency, reducing production costs, growing markets, etc. Besides, their use prevents unnecessary trips and allows for smart management of urban utilities.

⁶ Foster Ecological and Resilient Cities and Human Settlements - (Zero Draft Of The New Urban Agenda – May 2016)

ming from catastrophes, such as human lives and assets, but also one that promotes sustainable relationships with the environment, equitable management of resources and prevention and mitigation actions for disasters. However, since there is a higher probability for disasters to occur, States also need to be prepared so that during the recovery and planning stage they can ensure standards to enforce rights.

Within this framework, HABITAT III proposes that, following a natural disaster, the scale of intervention should take into account social spaces (quarters – cities) through profiles of “Resilient Cities”. The main characteristic in these interventions is to support local government in building capacities so that they can be able to attain the objectives in the New Urban Agenda in what regards hunger, health and well-being, clean water and sanitation, affordable and non-polluting energy, industry innovation and infrastructure, reduction of inequality, responsible production and consumption, and action for climates. They all impact directly in each inhabitant’s quality of life.

Thus, analysis and evaluation of public policies and programs should be multidimensional and include environmental sustainability, because we can no longer forget that risks related to natural catastrophes have considerably increased in the last years, mainly because of climate change. According to the United Nations, the world is facing new impacts caused by climate change (heat waves, droughts, flooding, etc.), 80% of the larger cities in the world are vulnerable to earthquakes and 60% are at risk of sea surges or tsunamis⁸.

The role of HRIs regarding city and human settlement sustainability and resilience is framed in promoting human rights and health, and safe environment criteria and standards in the activities of States and companies, within the framework of sustainable development.

Construction of Urban Government Structure: Establishing a Support Framework

In 2006, the Human Rights Council adopted a number of resolutions that highlight interdependent and mutual relationships between democracy and human rights. Democracy is a favorable milieu for protection and effective realization of human rights. In this regard, the United Nations agencies promote initiatives towards democratic coexistence due to the close link between this and human development and growth. States and countries with representatives, efficient, transparent, inclusive and sensi-

tive governments favor individuals who can contribute to appropriate life management through the exercise of human rights.

Exercising the right to participation in decisions, implementation, follow-up and evaluation of public management generates a feeling of belonging and responsibility among all inhabitants. Besides, sharing information -particularly in contexts that back up public policy decisions- and effective citizen participation in decision making are essential for democratic management of cities. Therefore, citizen participation and public information transparency should be implemented in urban management planning, budgeting, implementation, follow-up and evaluation.

Cities and human settlements are made up by social and cultural networks and synergies among different actors. This promotes constant learning. This is why it is necessary to generate mechanisms to take advantage of this educational city phenomenon towards full exercise of citizens’ collective attainment of rights.

Democratic coexistence should be understood as the search for wellbeing for the majority and, if possible, for all citizens in their daily life thanks to a number of principles and values that permit people to share common spaces, resources, environments, roles and all the aspects any city offers to its citizens. All functions and practical developments should consider human rights and, hence, the right to the city any person has, just because living in a city.

HRIs are ideal institutions to foster a more effective model for citizen participation where channels and resources become more inclusive and friendly.

Planning and Managing Urban Spatial Development⁹

As to urban and land planning, it is first of all necessary to decide that the many decision making centers in charge of plan design hurdle balanced planning. This is because planning instruments oftentimes overlap each other or because the actions of state agents present in the same territory are not complementary due to lack of coordination. This causes prejudice to citizens who, in the end, pay for the consequences of this kind of mistakes (e.g. citizens end up suffering inconveniences due to infrastructure that has not been initially foreseen, or because of deficient or insufficient services in urban development).

⁸ <http://es.unhabitat.org/temas-urbanos/resiliencia/>

⁹ Planning and Managing the Urban Spatial Development - (Zero Draft of the New Urban Agenda – May 2016)

Another significant problem has to do with designing the process to approve planning instruments. In many occasions, the information supplied by governments is not sufficient -for whatever reason- for citizens to participate. Also their participation is only at the beginning of the process and they do not know about changes made after they participated. On the other hand, citizen participation can be exclusively formal and their opinions are not really taken into account by governments reluctant to change decisions they have made beforehand. Such is often the case of technical discretion in urbanistic decisions.

Besides, we have to take into account that public participation implies receiving a massive number of responses from citizens. Their study can lengthen the process and this has to be considered institutionally. In this regard HRIs -thanks to their experience in hearing and solving cases- can advise the administration about designing reception and management models for the claims and opinions of people who inhabit or go through cities. This would help to speed up the process so that such claims and opinions can be analyzed more effectively than they are now.

Besides, we consider that HRIs can channel or foster debate on managing and approving this kind of instruments so that there is more interaction between governments and citizens and so that different government levels act -national, regional and local- in a coordinated fashion.

Implementation Means (Deployment and Follow-up of Commitments)¹⁰

Deploying the New Urban Agenda (NUA) commitments in every field requires creating favorable conditions, legal and regulatory frameworks, and mid- and long-term urban planning congruence with national planning and with assumed commitments. It also requires fostering cooperation and funding mechanisms. The NUA vision puts human beings in the center of State agencies and other urban actors. These entities should not only supply services and infrastructure, but should also offer people a quality of life beyond them, coordinating efforts to attain coexistence in inhabitable cities and human settlements that are inclusive, sustainable and resilient, educational and democratic.

Housing is the central element for a decent quality of life. In this regard, one of the

¹⁰ Enhancing Means of Implementation of the New Urban Agenda: Financing and Other Tools of Implementation - (Zero Draft of the New Urban Agenda – May 2016)

States' tasks is to implement an adequate national housing policy according to the criteria and the right to adequate housing set forth by the United Nations. This is how we can guarantee this right within the framework of social inclusion, environmental protection, inclusive prosperity and respect to cultural diversity.

Effective implementation of the NUA through strategic planning of cities and human settlements, local and national cooperation and congruence, innovative and effective funding, should also include fundamental utilities such as water, sanitation, energy and telecommunications.

Many urban coexistence problems still exist due to a lack of standards that should identify laws and opportunities to correct such problems and ensure the full exercise of human rights and equity. Hence, one of the main challenges for HRIs is to evidence this situation.

The New Urban Agenda commitments have to be developed into criteria, indicators and standards to evidence evolution of results following implementation of actions undertaken to comply with said commitments.

Contribution of HRIs in Implementing, Monitoring and Evaluating the NUA¹¹

The role of HRIs in monitoring NUA deployment is double. The first refers to guaranteeing that commitments, policies, programs or projects implemented by the States in connection to the NUA are in complete agreement with international human rights treaties, conventions and instruments and conforming to right enforceability mechanisms. The second refers to advocacy around criteria and standards generated by NUA commitments.

Monitoring the exercise of rights in NUA commitments and comparing them with international or national standards is indispensable to make progressive or regressive evolution of said rights visible. Thus, coordinated work of States' agencies in charge of deploying the NUA is extremely important. HRIs should coordinate their work to establish criteria and standards in measurement mechanisms from the perspective of human rights.

¹¹ Follow-Up And Review - (Zero Draft Of The New Urban Agenda – Mayo 2016)

It is necessary to do advocacy work so that public policies ensure appropriate management of city systems, having human rights guide cross-cutting policies and plans. If not, services would not be integrated and demands would not be catered for.

Concerning follow-up and evaluation, HRIs have the fundamental role of incentivizing States' agents responsible for deployment by using quantifiable mechanisms that evidence results of implemented actions. This means that we should measure and compare right exercise evolution through criteria and standards from the perspective of human rights.

An example is the definition of adequate housing by UN-HABITAT. It includes the criteria to identify housing as such. However, there is still no consensus regarding international indicators and standards for each one of these criteria. There are isolated initiatives with indicators and that is the case of the aforementioned CPI.

Another example is monitoring of the supply and use of fundamental utilities in domiciles. It is necessary to evidence if such supply and use take into account human rights principles included in the NUA, such as equality, non-discrimination, equity, progressiveness, quality, etc.

Some criteria that users have mentioned concerning utility supply in their domiciles are: equitable and affordable access, equitable prices and tariffs, minimum quantity, service quality regarding characteristics and supply. There is some consensus around international criteria and standards, such as the standards related to water for human use (UN, 2015):

- Sufficiency. [...] According to the World Health Organization (WHO) between 50 and 100 liters of water are necessary per person per day to guarantee coverage of most basic needs and to curb health concerns.
- Physical access. [...] According to WHO, the water source should be less than 1.000 meters away from the household and the transportation time to collect water should not be more than 30 minutes.
- Affordability. [...] The United Nations Development Program (UNDP) suggests that the cost of water should not exceed 3% of household income.

Another contribution of HRIs is to implement follow-up mechanisms developed by UN-Habitat, including the notion of urban prosperity and the dissemination of the City Prosperity Index (CPI). Such index includes indicators on productivity, infrastructure, quality of life, equity and inclusion, environmental sustainability, governance and legislation. It also considers the definition of the right to adequate housing which

comprises aspects such as affordability, cultural adequacy, adequate location and secure land tenure. This is how HRIs can disseminate the CPI and its corresponding improvements from the perspective of human rights.

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ANNEXES

Annex No. 1. NUA Structuring Axes and Human Rights Issues

Axes	Human Rights Issues
Sustainable and inclusive urban prosperity and opportunities for all	<ul style="list-style-type: none"> • Cities and human settlements: places of equal opportunities. Healthy, productive and satisfactory life • Developing vibrant, inclusive and sustainable urban economies, taking advantage of local resources • Favorable environment for companies and innovation • Housing and economic development: productivity and capital increase. Right to employment • Institutional capacity strengthening: local economy • Participation: governments, private sector, civil society, professionals, scholarly institutions, unions, organization employers, grassroots communities, and others • Cities: economic development zones • Coordination between national and subnational levels. Efficient use of land and natural resources • Development taking into account bridging social and economic gaps • Fostering planning instruments with a territorial approach: productivity, society, economic and territorial cohesion, environmental sustainability, connectivity among cities, urban and peri-urban areas, land and sea • Right to public spaces. Foster greater value of property and businesses (formal and informal sectors) • Tending to the needs of informal settlements. Guaranteeing universal access to adequate and quality utilities • Access of women, youth and disabled people (poorer) to opportunities. Harnessing culture and territorial specificity • Fostering entrepreneurial environment

Axes	Human Rights Issues
Sustainable urban development for social inclusion and poverty eradication	<ul style="list-style-type: none"> • Inequality = public policies to organize the territory limit social cohesion, equity and inclusion • Development centered in the people towards realization of human rights • Full participation for humanizing our cities • Universal access to opportunities and benefits offered by urban development. Formal or informal settlement • Reinforcing national and international synergies. Guaranteeing full respect of human rights (migrations) • Supplying services and coordinating among local governments. Generating investments to supply adequate services to refugees • Promoting national, subnational and local housing policies: Right to adequate housing. Non-discrimination, no forced eviction • Acknowledgement of land tenure plurality. Right to land • Housing: affordable and accessible. Social economic and cultural variables • Equitable and affordable access to basic physical and social infrastructure for all: land, housing, energy, potable water and sanitation, solid waste disposal, transportation, health, education, culture and ICTs • Access to all public services for disabled people in cities. • Cities that respect culture diversity and reduce social exclusion • Ancestral and traditional knowledge for rehabilitating and revitalizing urban zones. Social participation and citizenship exercise • Promoting institutional, political and financial mechanisms to consolidate significant participation in decision making and planning processes

Axes	Human Rights Issues
Environmentally sound and resilient urban development	<ul style="list-style-type: none"> • Supporting harmonized urban development preventing decrease of natural resources, protecting and improving the urban and environmental ecosystem, promoting disaster risk reduction, fostering sustainable economic development and people's wellbeing • Environmental planning: infrastructure and basic services to improve inhabitants' quality of life • Improving city resilience to disasters and climate change • Supporting local provision of basic services acknowledging strong dependence on energy, water, food and material sources, minding vulnerability from service supply interruption • Urban and integrated planning of water use considering urban-rural relationships, at local and territorial scale, with citizen participation • Water sustainable use with a comprehensive cycle approach. Promoting water reuse, increasing water storage, retention and replenishment • Waste management: reaffirming reduction, reuse and recycling, transformation of waste that cannot be recycled into energy • Disaster risk reduction (holistic approach) and management at all levels
Building the urban governance structure: establishing a supportive framework	<ul style="list-style-type: none"> • International guidelines on decentralization and access to basic services (UN-Habitat, 2007) • Establishing formal consultation mechanisms at different levels • Legal and policy frameworks based on equality and non-discrimination • Metropolitan governance: participation of local and regional governments and decision making • Promoting participation at all stages of policy making and urban planning

Axes	Human Rights Issues
Planning and managing urban spatial development	<ul style="list-style-type: none"> • Access to housing, infrastructure and public services facilitating commercial links • Promoting partnerships and cooperation for municipal management regarding utilities and local development • Supplying affordable house options with access to quality public spaces • Safe and secure and accessible public spaces and streets • Fostering the right to adequate housing • Promoting development of housing regulation • Accessibility and affordability of urban transportation. Significant participation. Integrating transportation plans into urban plans • Supporting adequate investments and supply of infrastructure and services for water, hygiene, sanitation, sewerage, solid waste management, urban drainage and rain water management • Accessibility and affordability of safe potable water • Promoting energy efficiency and supporting energy harnessing by local governments • Supporting universal access to sustainable waste management systems based on decentralizing decisions • Co-responsibility between generating and treating waste
Means of implementation	<ul style="list-style-type: none"> • Promoting context-sensitive approaches to city funding • Supporting local authority capacity building on planning and financial management, including local governments associations to work with women, children and youth, senior citizens and disabled people, indigenous and vulnerable populations, the civil society, the academia and researchers. Inclusive public decision making to consolidate active participation in the New Urban Agenda • Leveraging and strengthening the skills and capacities of vulnerable groups, such as refugees, displaced population and migrants to ensure their effective participation in urban planning decision-making • Promoting and improving open and participatory data platforms

Annex No. 2.

Emergency situation in Ecuador

Ecuador's Ombudsman's Office has prepared the tool to measure the extent to which rights are exercised regarding utilities such as potable water, sanitation, sewerage, energy and telecommunications.

This tool evidences progresses and setbacks of central public administration and other government levels through criteria that comprehensively quantify the exercise of rights.

This tool considers the following as minimum criteria:

Equitable access. This refers to physical access to utilities by all the people inside or near their homes. It also refers to prioritizing access to natural, financial and human talent resources by the population, whose access is under the national average, thus guaranteeing equity in service supply and closing gaps between large, mid-sized or small cities with low concentration and development.

To December 2015, more than 95% of households in the city have potable water through a public network. The national average is 80.44%. However, there are also cities in which only 2 of every 10 households can exercise this right.

Affordability. This refers to having services -including installation and supply- which can be paid by all the people. This means that tariffs and prices for services are affordable for every household.

The United Nations Development Program (UNDP) suggests that payment for potable water should not exceed 3% of household income. In Ecuador, average expenditure for potable water is 0.9% of household income, not attaining the UNDP standard. Besides, there are no international standards from the perspective of human rights to decide what to do about the fact that 9.1% of household income is aimed at paying for telecommunications and energy in Ecuador.

Use Intensity. This criterion allows us to establish supply per person in domiciles, which should be sufficient and continuous for personal and domestic use. On the other hand, this establishes a threshold at which service consumption is responsible and does not affect sustainability or intergenerational responsibility, conserving services that mostly depend on exploitation of natural resources.

The World Health Organization (WHO) defines a standard between 50 and 100 liters per person per day for potable water to guarantee coverage of the most basic needs and few health concerns.

Quality. This is the set of properties and characteristics in a service and its supply that ensure satisfaction of needs and user expectations.

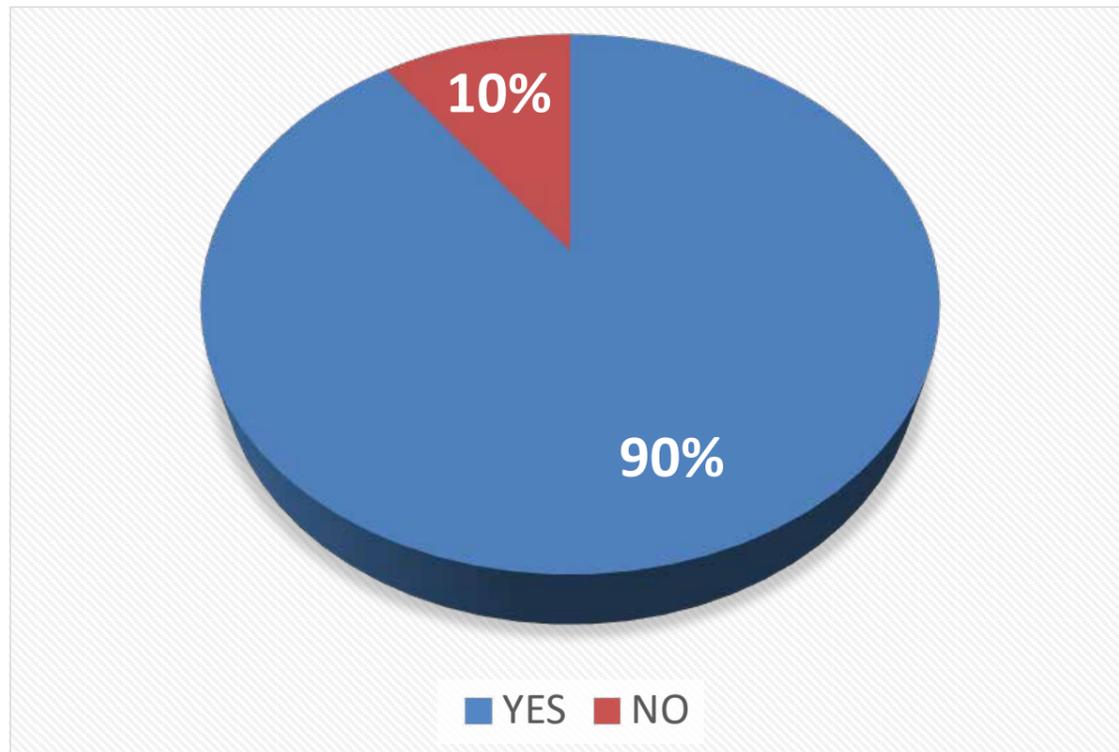
We can observe that beyond the potable water standards there are insufficient international or regional standards regarding utilities. This entails limitations concerning quantification and advocacy by national human rights institutions to have States effectively guarantee rights.

Ecuador recently submitted a draft establishing new metrics to measure poverty in the country conceived from the perspective of several human rights in connection with public utilities that serve households and not using only consumption, income or basic need as perspectives.

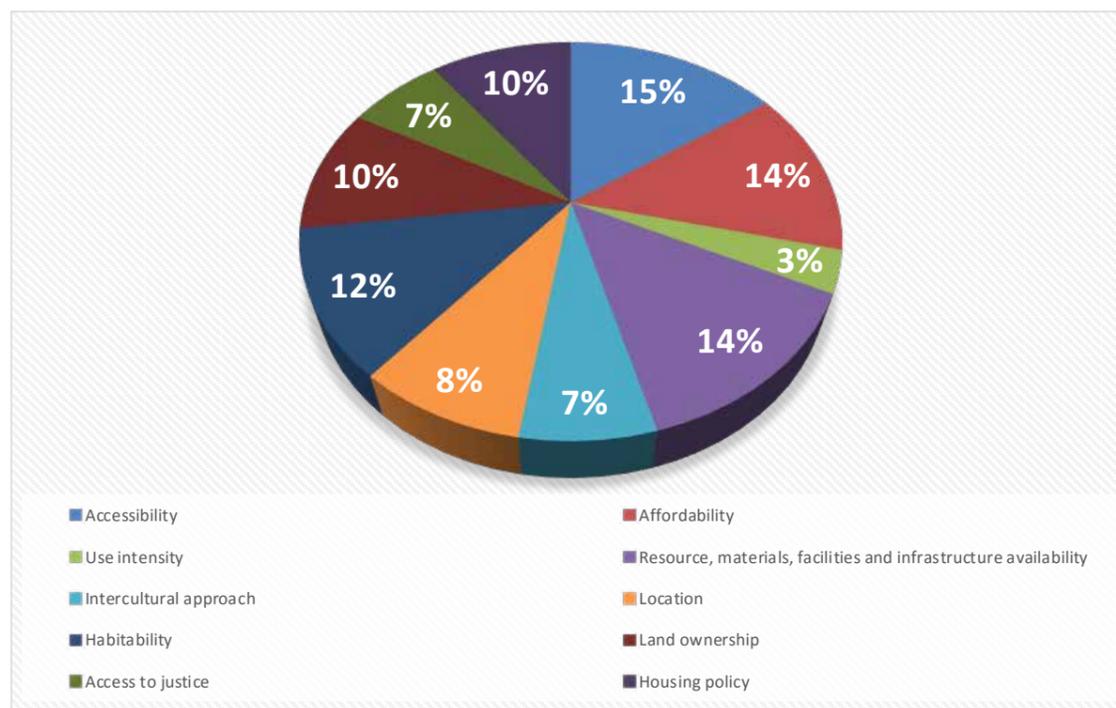
Annex No. 3

Questionnaire on the role of HRIs in urban context.

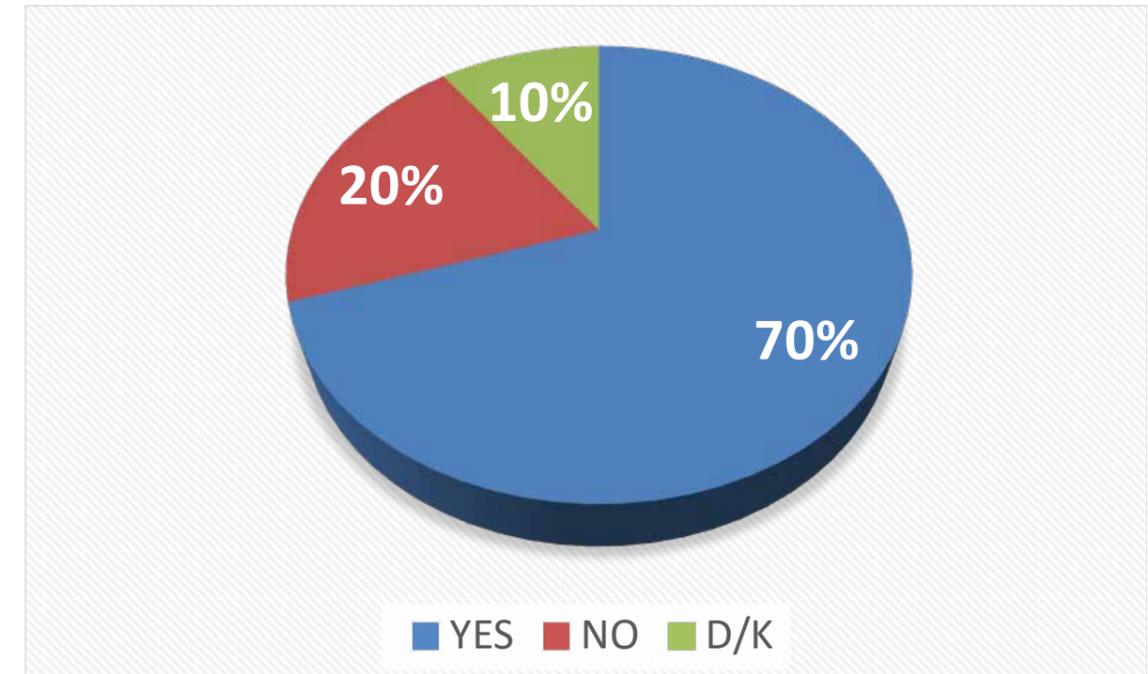
1) Has your institution worked on topics related to the right to housing?



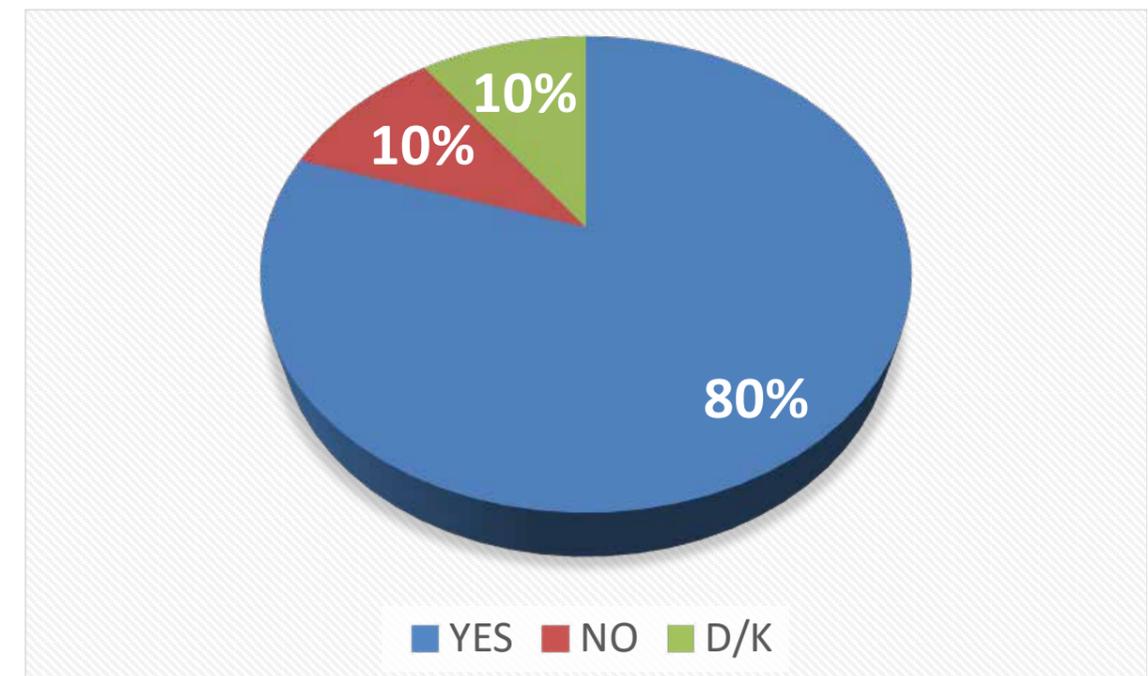
2) Point out the international standards on the right to housing which your institution has worked on



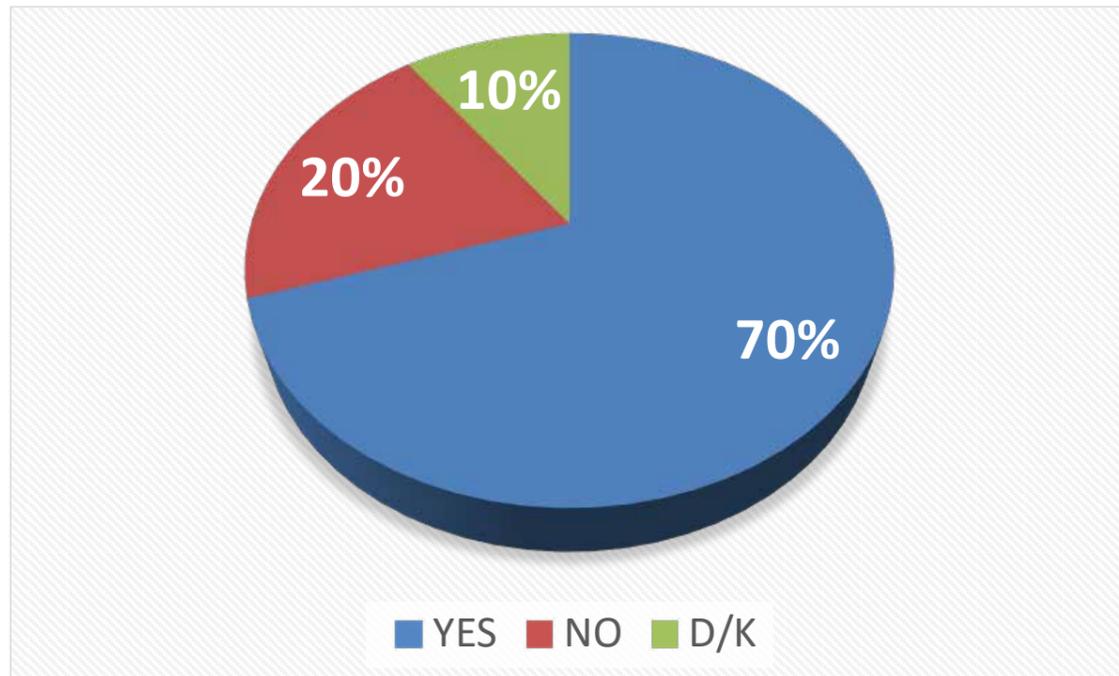
3) Briefly describe what actions you undertook and their results



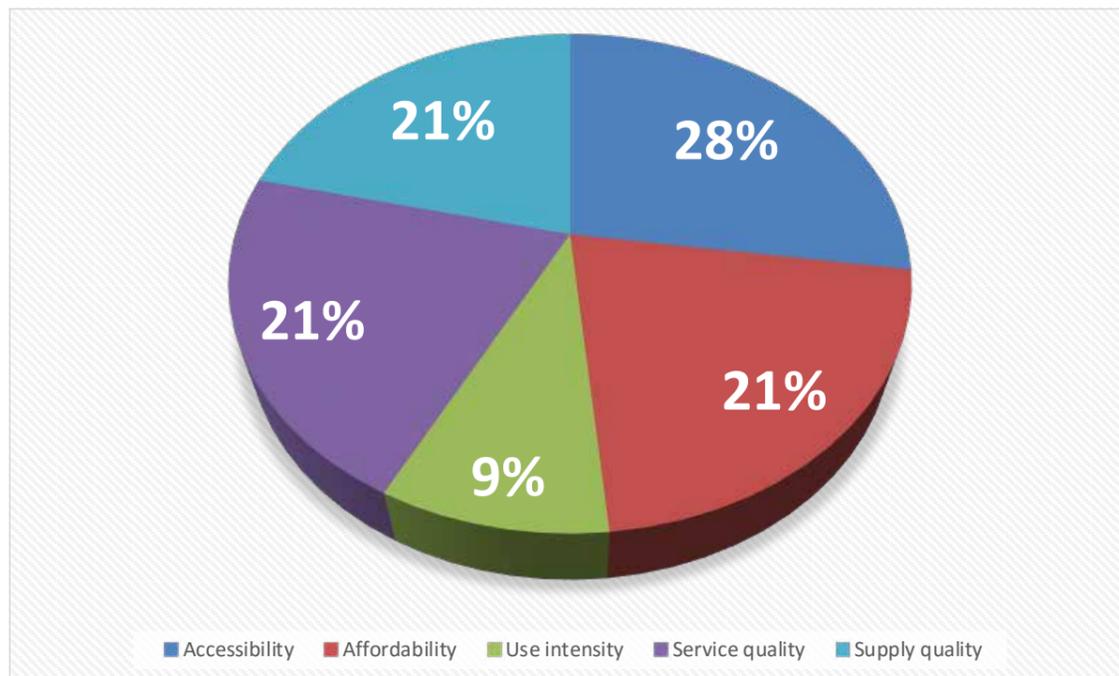
4) The right to housing and managing technically foreseeable disaster risks. Has your institution worked on issues related to risk management and threats to the right to housing?



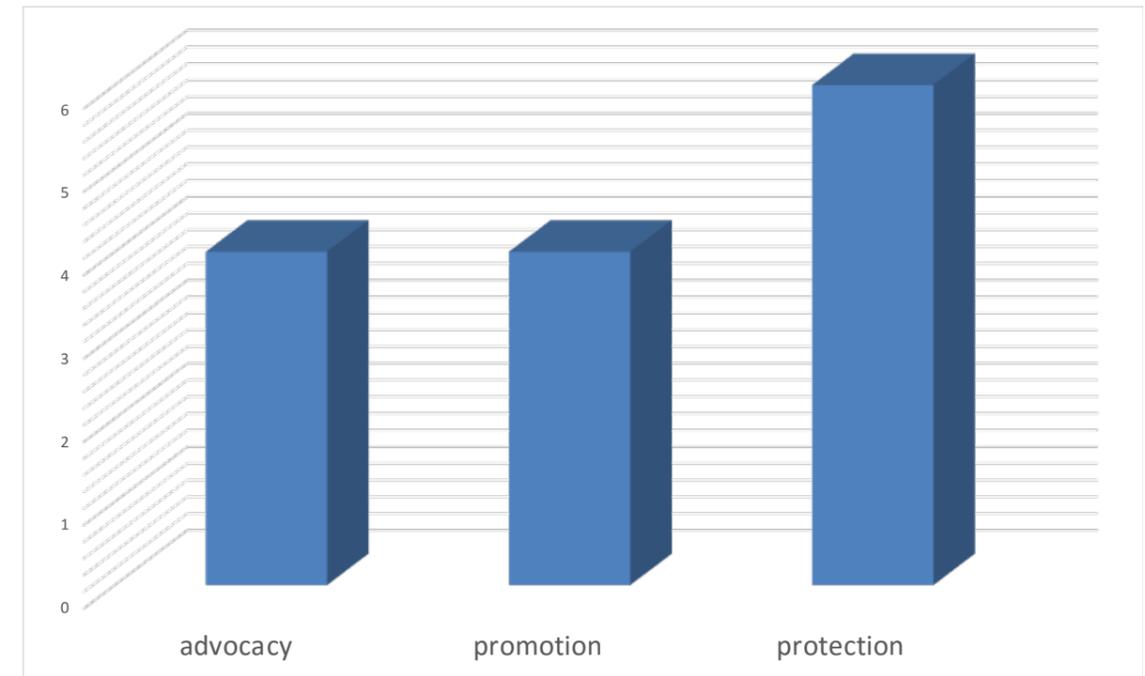
5) Has your institution worked on topics related to utilities that served households in their domiciles?



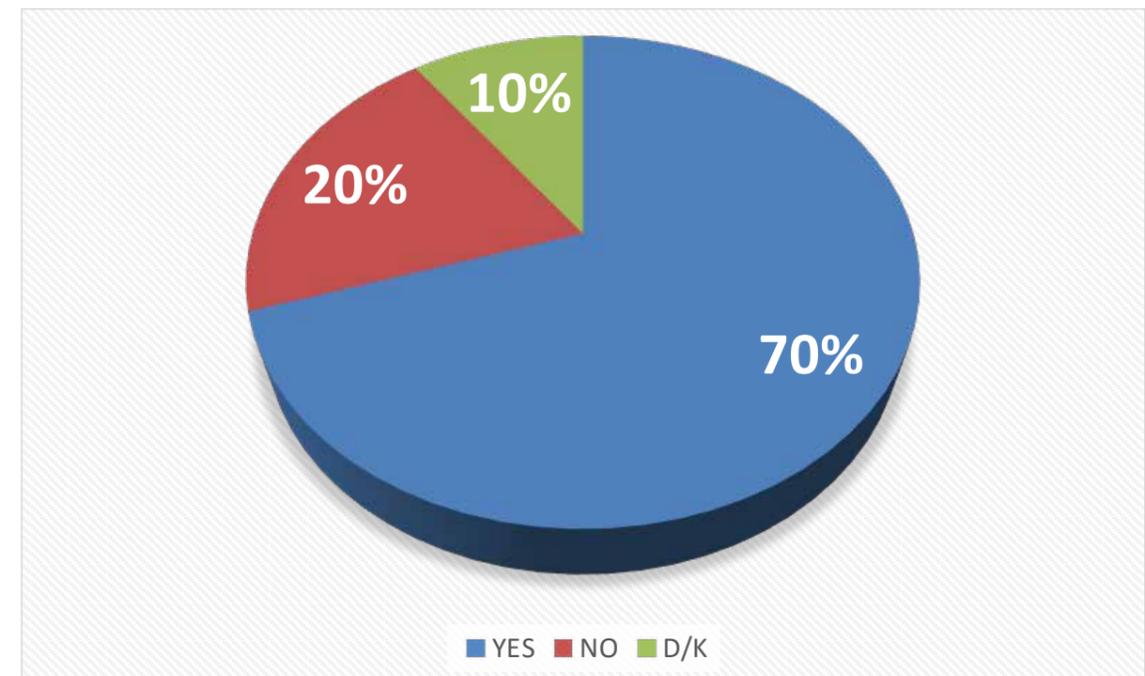
6) Point out any aspects related with utilities which your institution has worked on



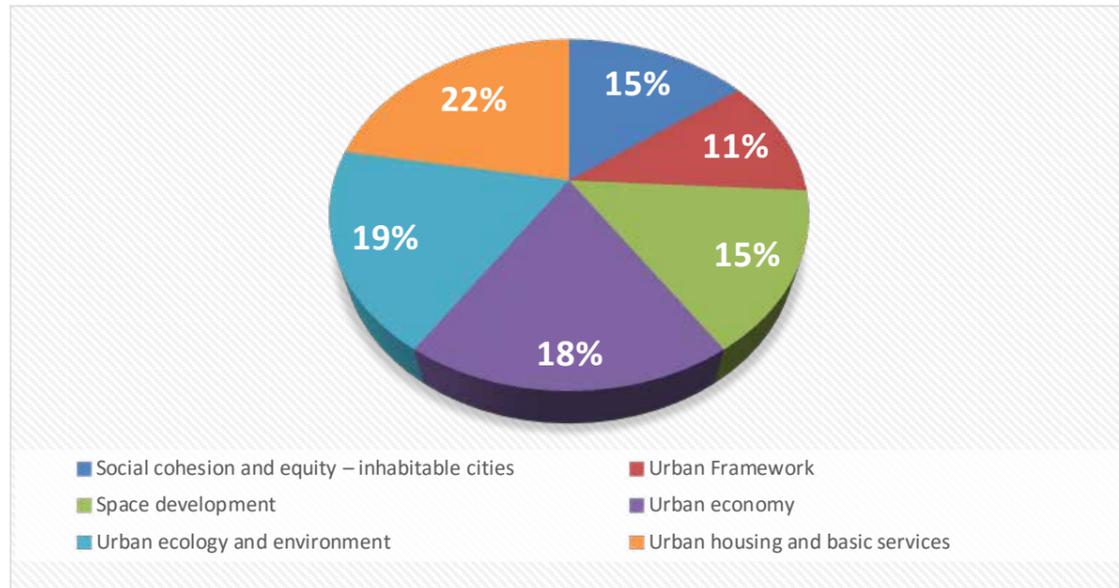
7) Type of action undertaken concerning utilities that serve people in their domiciles



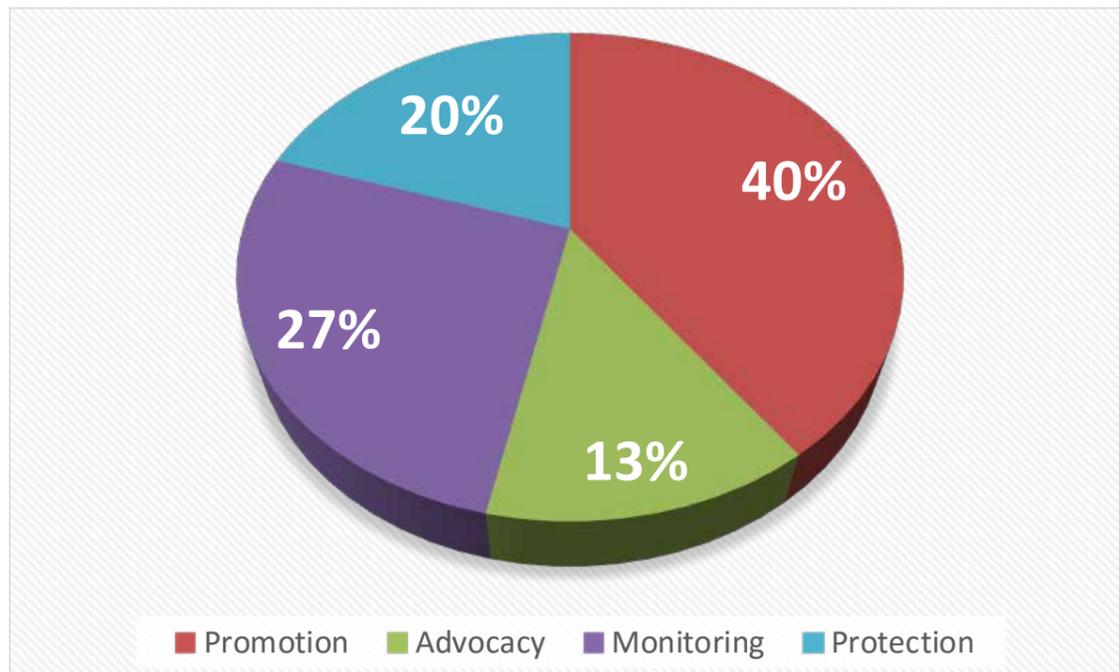
8) Has your institution worked on topics related with the New Urban Agenda that is being discussed in Habitat III



9) Point out the urban agenda issue which your institution has been working on



10) Which do you consider should be the role of your institution concerning implementation of the New Urban Agenda – Habitat III





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