



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

The Habitat Agenda Commitments related to Persons with Disabilities

This resource paper for participants in the Habitat III process provides an overview of the collective commitments of States for the past 20 years toward development and improved living conditions for PWDs within human settlements, including access to, and enjoyment of adequate housing as a human right.

For the Habitat III process and outcomes to be credible, it is crucial to assess implementation of the commitments of Habitat II, as promised in Habitat Agenda's section "G. Assessing Progress." Many of those commitments also remain the essential core for any new global agenda.

At the heart of the Habitat II achievements were: (1) an affirmation of the centrality of human rights, in particular the progressive realization of the human right to adequate housing in human settlements and (2) recognition of the principles of good governance in balanced rural and urban development. Those two pillars of the Habitat II Agenda are reflected in the Istanbul Declaration and Habitat II Agenda.

These norms are understood in the context of human habitat, a concept the two relevant bi-decennial global policies established, first at Vancouver in 1976 (Habitat I) and, secondly, at Istanbul (Habitat II) in 1996. The concept of habitat is both urban and rural, involving a "regional and cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem" (H2, para. 104).

At Habitat II, States, including their various spheres of government, committed to principles and actions over the ensuing 20 years, culminating this year. Concerning persons with disabilities, the Habitat Agenda's preamble recognizes that:

"Encountering disabilities is a part of normal life. Persons with disabilities have not always had the opportunity to participate fully and equally in human settlements development and management, including decision-making, often owing to social, economic, attitudinal and physical barriers, and discrimination. Such barriers should be removed and the needs and concerns of persons with disabilities should be fully integrated into shelter and sustainable human settlement plans and policies to create access for all"; (H2: 16)

The Habitat II principles, commitments and action strategies related to **persons with disabilities** in the following sections. As mentioned above, these form criteria for the indispensable evaluation of Habitat II's implementation by governments and development agencies, in particular, UN-Habitat. These reminders serve further as the minimum elements upon which to build a new Habitat Agenda, which we expect to address the new challenges facing human settlements in the 21st Century, with States and development actors committing to more-progressive development and far more-diligent implementation.

The document provides as well a list of the relevant obligations concerning people with disabilities that States have assumed in the Habitat agenda and the intervening period since Habitat II, jointly with other relevant documents forming part of the current minimum norms for human settlements development, administration and governance for a people with disabilities perspective.

Habitat II Principles

Equitable human settlements are those in which all people, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, have equal access to housing, infrastructure, health services, adequate food and water, education and open spaces. In addition, such human settlements provide equal opportunity for a productive and freely chosen livelihood; equal access to economic resources, including the right to inheritance, the ownership of land and other property, credit, natural resources and appropriate technologies; equal opportunity for personal, spiritual, religious, cultural and social development; equal opportunity for participation in public decision making; equal rights and obligations with regard to the conservation and use of natural and cultural resources; and equal access to mechanisms to ensure that rights are not violated (...); (H2: 27)

The quality of life of all people depends, among other economic, social, environmental and cultural factors, on the physical conditions and spatial characteristics of our villages, towns and cities. City layout and aesthetics, land-use patterns, population and building densities, transportation and ease of access for all to basic goods, services and public amenities have a crucial bearing on the liveability of settlements. This is particularly important to vulnerable and disadvantaged persons, many of whom face barriers in access to shelter and in participating in shaping the future of their settlements. People's need for community and their aspirations for more-liveable neighbourhoods and settlements should guide the process of design, management and maintenance of human settlements. Objectives of this endeavour include protecting public health, providing for safety and security, education and social integration, promoting equality and respect for diversity and cultural identities, increased accessibility for persons with disabilities, and preservation of historic, spiritual, religious and culturally significant buildings and districts, respecting local landscapes and treating the local environment with respect and care; (H2: 30).

HABITAT II Commitments

In implementing these commitments, special attention should be given to the circumstances and needs of (...) persons with disabilities(...); (38)

Adequate livelihood

Design and implement standards that provide accessibility also to persons with disabilities in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; (40g)

Promoting shelter and supporting basic services and facilities for education and health for (...) persons with disabilities (...); (40l)

Promote, as appropriate, socially integrated and accessible human settlements, including appropriate facilities for health and education, combating segregation and discriminatory and other exclusionary policies and practices, and recognizing and respecting the rights of all, especially (...) persons with disabilities(...); (43a)

By improving quality and reducing the cost of production, housing and other structures will last longer, be better protected against disasters, and be affordable to low-income populations and accessible to persons with disabilities, which will provide a better living environment (...); (88)

Adopt policies ensuring that persons with disabilities have access to new public buildings and facilities, public housing and public transport systems. Furthermore, during renovation of existing buildings, similar measures should be adopted whenever feasible; (69c)

Consider becoming parties to the relevant instruments of the United Nations system that, inter alia, deal with the specific and special needs of those belonging to vulnerable and disadvantaged groups, (...) and abiding by the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; (96e)

Work with the private and non-profit sectors, community-based organizations and other actors to provide adequate shelter for people belonging to vulnerable groups, making special efforts to remove all physical constraints to the independent living of persons with disabilities and of older persons; (97b)

Strive to provide special living facilities and shelter solutions for people belonging to vulnerable groups, as appropriate, such as shelters for women subjected to violence, or shared living arrangements for persons with mental or physical disabilities; (97c)

Stimulate productive employment opportunities that generate income sufficient to achieve an adequate standard of living for all people, while ensuring equal employment opportunities and wage rates for women and encouraging the location of employment opportunities near and in the home, particularly for women living in poverty and people with disabilities; (118a)

In order to promote disability-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, should: and also encourage access to existing public buildings and facilities, housing and transport, wherever feasible, especially by taking advantage of renovation; Eliminate communication barriers to reduce the social and physical isolation faced by persons with disabilities by measures such as the production and dissemination of information, especially public information, in appropriate formats; Promote equal access to all levels of education and skills development for persons with disabilities; Enhance community awareness of health-care issues facing persons with disabilities and design appropriate community responses; Provide persons with disabilities affordable and quality health care; Develop and implement programmes that enable people with disabilities to have an equal opportunity to realize an income sufficient to attain an adequate standard of living; Promote sports, recreational and cultural activities for persons with disabilities; (121b, d, f, h, j, k and m)

Improve the planning and design of human settlements so as to respond specifically to the needs of vulnerable and disadvantaged people, especially people with disabilities; (124d)

Improve shelter conditions so as to mitigate those health and safety risks, particularly risks to (...) people with disabilities, that are associated with activities in the home; (136d)

Support an integrated transport policy approach that explores the full array of technical and management options and pays due attention to the needs of all population groups, especially those whose mobility is constrained because of disability (...); (151a)

Ensure that the accessibility concerns of people with disabilities are incorporated in conservation and rehabilitation projects; (154j)

Implement appropriate basic social programmes and adequate resource allocation, in particular those measures affecting (...) people with disabilities (...); (162c)

Ensure that the particular needs of (...) persons with disabilities (...) are considered in all communications, rescue efforts, relocation, rehabilitation and reconstruction; (176j)

Give special attention to providing access to these new technologies for persons with disabilities (Information and communication); (191g)

Promot[e] assistance for activities in the field of shelter and human settlements development in favour of (...) people with disabilities (...) through specific targeted grants; (204y)

Participation and governance

Eradicate and ensure legal protection from discrimination in access to shelter and basic services, without distinction of any kind, (...) similar protection should be ensured against discrimination on the grounds of disability or age; (40j)

Promote equal access and full participation of persons with disabilities in all spheres of human settlements and providing adequate policies and legal protection against discrimination on grounds of disabilities; (43v)

Institutionalizing a participatory approach to sustainable human settlements development and management, based on a continuing dialogue among all actors involved in urban development (the public sector, the private sector and communities), especially (...) persons with disabilities (...); (45h)

All addressed important issues of people-centred sustainable development, including sustained economic growth and equity, for which successful implementation requires action at all levels, particularly the local level. Strategies on social, economic, environmental, disaster reduction, population, disability and gender issues will have to be implemented in urban and rural areas - in particular, where the problems are acute and generate tension; (57)

Eradicate legal and social barriers to the equal and equitable access to land, especially the access of (...) people with disabilities and those belonging to vulnerable groups, Governments at the appropriate levels, in partnership with the private sector, non-governmental organizations, the cooperative sector and community-based organizations, should: Develop regularization programmes and formulate and implement such programmes and projects in consultation with the concerned population and organized groups, ensuring the full and equal participation of women and taking into account the needs differentiated by (...) disability (...); (78a)

Facilitate the efforts of (...) organizations of people with disabilities and other associations of the populations concerned to set up their own cooperatively organized or local financial institutions and mechanisms; (82e)

Involve local communities, particularly (...) persons with disabilities, in decision making and in setting priorities for the provision of services; (86b)

Involve, encourage and assist, as appropriate, local communities, particularly (...) persons with disabilities, in setting standards for community facilities and in the operation and maintenance of those facilities; (86c)

Support non-governmental organizations and other groups to ensure full and equal participation of (...) persons with disabilities in the planning, design and construction of houses to suit their specific individual and family requirements; (90o)

Institutionalize a participatory approach to sustainable human settlements through the development and support of strategies and mechanisms that encourage open and inclusive dialogue among all interested parties, with special attention to the needs and priorities of (...) people with disabilities (...); (113l)

Where appropriate, redirect public resources to encourage community-based management of services and infrastructure and promote the participation of the private sector and local residents, including (...) people with disabilities (...) in the identification of public service needs, spatial planning and the design, provision and maintenance of urban infrastructure and open and green spaces; (116b)

Promote changes in attitudes, structures, policies, laws and other practices relating to gender in order to eliminate all obstacles to human dignity and equality in family and society and promote full and equal participation of women and men, including persons with disabilities, in social, economic and political life, including in the formulation, implementation and follow-up of public policies and programmes; (119e)

In order to promote disability-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, should: Promote the adoption of laws, by-laws, standards and norms and develop planning guidelines and programmes that take into consideration the specific needs of persons with disabilities, including the chronically ill, in all planning, development and decision making in relation to human settlements; Encourage the adoption of laws and policies ensuring persons with disabilities full access to all new public buildings and facilities, public housing and public transport systems; (...) Promote representative structures, while ensuring the full and equal participation of persons with disabilities; Prepare and disseminate disaggregated data presented by age, sex and work status, set up monitoring mechanisms in government structures and integrate the results into mainstream policies for sustainable human settlements development; Recognize that people with disabilities can provide expertise in their own housing and community requirements, that they should be decision makers with regard to housing appropriate for them and that they should be included as designers and implementers of such housing; Develop policies and guidelines and provide services that enable persons with disabilities to be housed in community-based settings; Consider in the planning process the fact that persons with disabilities often use their homes for business or market activities; (121a-c, e, g, i, l)

Capacity development

Fostering capacity building and training for human settlements planning, management and development at the national and local levels that includes education, training and institutional strengthening, especially for (...) persons with disabilities; (45i)

Eradicate legal and social barriers to the equal and equitable access to land, especially the access of (...) people with disabilities and those belonging to vulnerable groups, Governments at the appropriate levels, in partnership with the private sector, non-governmental organizations, the cooperative sector and community-based organizations, should: Address the (...) disability-based causes that result in the creation of barriers that lead to segregation and exclusion, inter alia, by encouraging education and training for peaceful conflict resolution; (78d)

Provide training to professionals and practitioners in the construction and development sector to update their skills and knowledge in order to promote the development of shelter programmes that serve the interests and needs of (...) persons with disabilities (...) and that ensure their participation at all stages of the shelter development process; (90i)

Promote and strengthen productive enterprises, including micro-enterprises and small-scale private and cooperative sector enterprises and expand market and other employment and training opportunities for women, men and youth, including people with disabilities and, where appropriate, strengthen the linkages between the informal and formal sectors; (118i)

International Norms related to Persons with Disabilities

The Habitat II commitments also referred to preceding norms that apply in human settlements development, management and governance. As noted, the States repeatedly reaffirmed their commitments to apply the [Standard Rules on the Equalization of Opportunities for Persons with Disabilities](#) (1993) and [Agenda 21](#) (1992), with its commitments to improved living conditions for persons with disabilities (paras. 6.18, 6.34a(v), 7.4, 40.8), as well as the commitments to the [International Year of Shelter for the Homeless](#) (1987) and the [Global Strategy for Shelter to the Year 2000](#) (1988). The Habitat Agenda also invoked seven binding international treaties, including human rights covenants and conventions.¹

Also relevant remains the [Charter of the United Nations](#) (1945), which requires member States to respect human rights for all without any distinction as to race, sex, language or religion and forms the nucleus for the protection of rights for persons with disabilities (Articles 1.3, 13.1 55a).

Habitat II followed by only one year the [Declaration on the Rights of Disabled Persons](#) (1975) which defines a person with disabilities as "...any person unable to secure by himself, wholly or partly, the necessities of a normal individual and / or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities" (Article 1). Also the [World Programme of Action Concerning Disabled Persons](#) already in 1982 represents the first worldwide international long-term policy in relation to disabled persons. It proposed actions on efforts to:

1. Prevent of mental, physical and sensory impairments;
2. Rehabilitate to assist disabled persons to realize their optimum mental, physical and social capacities;
3. Equalize of opportunities for persons with disabilities in areas including housing, transportation, education, social and medical well-being and recreation.

In Habitat III, States will have to consider further legal development related to human settlements in the new Habitat Agenda. These include, in particular, norms of binding treaty law and declaratory law instruments developed through the period of Habitat II

¹ The Universal Declaration on Human Rights (1948), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Economic, Social and Cultural Rights (1966), the UNESCO Convention on World Heritage Sites (1972), the Convention on the Elimination of All Forms of Discrimination against Women (1979), Convention on the Rights of the Child (1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and relevant conventions of the International Labour Organization.

implementation since 1996. The international normative documents developed after the adoption of Habitat Agenda or not mentioned in the Habitat Agenda²:

- CEDaW, [General Recommendation No. 18](#) on disabled women, (1991)**;
- CESC, [General Comment No. 5](#) on persons with disabilities, (1995)**;
- CRC, [General Comment No. 9](#) on the rights of children with disabilities, (2006)**;
- UNGA, [UN Convention on the Rights of Persons with Disabilities](#), A/Res/61/106, (2006)**;
- Committee on the Rights of Persons with Disabilities (CRPD), [General Comment No. 1](#) on equal recognition before the law, (2014)**;
- CRPD, [General Comment No. 2](#) on accessibility, (2014)**;
- UNGA, [Transforming our World: the 2030 Agenda for Sustainable Development](#), A/RES/70/1, (2015)†;

² This is an illustrative non-exhaustive compilation of international norms.