



Promising Practices

**On the human rights-based approach in German development cooperation.
Adequate housing: Urban development planning in Brazil & participation,
habitability and accessibility**

Background

Fortaleza, a port city situated on the north-eastern coast of Brazil, has about 2.5 million inhabitants and is the fourth largest city in Brazil. It is situated in the state of Ceará, which is one of the least developed regions of the country. Various factors have contributed to an enormous shortage of adequate housing in Fortaleza. Because of periods of drought many people migrate from the countryside to the city. They construct slums – ‘favelas’ – in areas that are not adequate for settlement due to periodic flooding or landslides. These settlements in areas at risk have grown rapidly over the last fifteen years. One third of the population of Fortaleza now lives under precarious legal, sanitary and structural conditions. In addition, a small number of investors dominate Fortaleza’s real estate market and since tourism is now a growing sector, land prices are soaring. As a result, more and more people living in informal settlements are forcibly evicted from certain areas, especially from those close to beaches.

City authorities are under pressure to provide social housing and predominantly construct one to two-storey houses in the periphery. However, these houses are not environmentally sustainable: Building small houses rather than larger ones seals more of the surface needed for the climate and water cycle. In addition, housing estates in the periphery further urban sprawl. Work places are far from these settlements and public infrastructure and transport is either deficient or not in place.

It is against this background, that the former German Development Service (Deutscher Entwicklungsdienst, DED), now Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), for the duration of the respective projects, supported two partner organisations:

1. NUHAB, a network of non-governmental actors, that fosters participation of people affected by the preparation of a municipal urban development plan, called ‘plano diretor’ (master plan),
2. the Municipal Agency for Social Housing in Fortaleza, ‘Habitafor’, that revises the standard typology for newly constructed social housing and supports the technical preparation of an Inner City Regeneration Plan.

The objective of both projects was to facilitate sustainable local development processes to achieve adequate living conditions for the urban poor.

In Fortaleza, former DED seconded an architect to support the work of the municipal agency for social housing Habitafor, from 2007 to 2009. In addition, it supported NUHAB with a local journalist from 2002 to 2009 and seconded an advisor on urban planning from 2005 to 2009.



Towards a human rights-based approach

Human rights framework

Brazil has ratified almost all core human rights treaties and submits reports on progress and challenges. Adequate housing and participation in public decision-making processes relate to several human rights standards and principles in international and regional human rights treaties including the right to an adequate standard of living, to non-discrimination, the right to privacy and the right to information.

The right to adequate housing should be understood as the right to live somewhere in security, peace and dignity. It is derived from the right to an adequate standard of living (article 11 (1) International Covenant on Economic, Social and Cultural Rights [ICESCR]). The right to adequate housing was defined in more detail in the General Comments No. 4, 7 and 16 of the Committee on Economic, Social and Cultural Rights (CESCR).

The globalisation of the housing and real estate finance market and the current crisis of the housing sector have strengthened the perception of housing as a mere commodity and financial asset. This neglects the human rights dimensions of adequate housing, such as entitlements to equal and non-discriminatory access to housing and participation in housing-related decision-making at national and community level. Moreover, a human rights-based approach focuses on the most vulnerable and marginalised groups, such as slum-dwellers.

Human rights standards are complemented with cross-cutting human rights principles: non-discrimination and equality of opportunities, empowerment, transparency and accountability.

A human rights-based approach systematically orients development programmes towards human rights standards and principles. It does so by identifying and addressing existing gaps in human rights implementation and in the capacities of both the state as a duty-bearer to fulfil and the citizens as rights-holders to claim these rights. The two projects in Fortaleza primarily addressed the right to adequate housing and the citizens' right to participation in housing-related decision-making. In doing so, they also worked towards more transparency and the establishment of public accountability mechanisms on housing issues. By working with both the administration as the duty-bearer, as well as civil society – advocates of the rights-holders –, former DED's contribution provided a sound foundation for a human rights-based approach, even though it was not explicitly formulated in that sense at the beginning.

Urban planning: Participation of people affected

Brazil passed a progressive law called 'Estatuto da Cidade' on urban development planning in 2001. The enforcement of this law has been monitored by the Ministry of the Cities since 2003.

The law requires the municipality to provide instruments that allow for participation of people affected by urban development measures. For example, every city with more than 20,000 inhabitants is obliged to set up a master plan. The plan has to be revised with participation of civil society every ten years. For this, the city is obliged to set up an advisory board with representatives of the local government and civil society. This board is tasked to coordinate the process of revising a master plan and should advise the local government. In Fortaleza, NUHAB was represented in the advisory board.

The revision of the first master plan was to take place in Fortaleza in 2002. However, revising the plan was a politically sensitive issue as construction industry and investors financed local election campaigns.

Since 2001, the network NUHAB had tried to become involved in the process of revising Fortaleza's master plan. Despite being legally obliged to, the former city administration was not willing to allow for a participatory process. Therefore, NUHAB filed a lawsuit against the administration claiming that the city ignored the obligatory setup of participatory mechanisms. Meanwhile NUHAB mobilised the public through a campaign for more public participation: It organised forums, discussions and seminars in different districts of the city, called for demonstrations in front of the city hall and wrote letters to the deputies. The development advisor provided advice on the campaign strategy and assisted in the organisation of events. As a result of NUHAB's advocacy work, in 2004, the newly elected mayoress promised to develop a new master plan and to include all relevant stakeholders in the process.

Visit of the UN Special Rapporteur on the right to adequate housing to Brazil

When the former UN Special Rapporteur on the right to adequate housing, Miloon Khotari, was visiting Brazil in 2004, NUHAB invited him to Fortaleza and he included his findings in the report to the Commission on Human Rights (now the Human Rights Council) in 2005. As a result, NUHAB and its work became better known in Fortaleza and in Brazil and the network's influence on the political process increased. (Report of the Special Rapporteur, Miloon Khotari, to the Human Rights Commission, 2005).

In 2007, a congress organised by the municipality approved a joint proposal on the master plan. Hundreds of representatives of civil society organisations, investors, the construction sector and the city administration had been involved and had held long discussions and difficult negotiations. Civil society organisations succeeded in creating areas of special protection against speculation and eviction from existing favelas, as well as the demarcation of unused public and private areas that will be used for social housing. In 2008, this joint proposal was then introduced in the chamber of deputies.

However, the construction industry and real estate investors put pressure on the representatives in the chamber of deputies. As a result, the proposal met with resistance and discussions started all over again. NUHAB joined with other social movements and together they accompanied the process in the chamber. Whenever important aspects of the plan were discussed, the network mobilised people directly affected to be present in public hearings and to be involved in the discussions. Finally, the plan was adopted by the chamber of deputies in December 2008.

Thus, the existing obstacles for public participation in the formulation of a new master plan were addressed by NUHAB with support from the former DED project through fostering empowerment, transparency and the claiming of accountability.

Adapting architectural typologies

In 2007 the municipal agency for social housing (Habitafor) initiated a revision process concerning the architecture of standardised social housing in Fortaleza. Former DED supported this initiative by seconding a German architect. He became a member of the special working group on this issue. The secondment aimed at providing technical housing expertise and supporting the integration of the perspectives of marginalised and vulnerable groups.

During the first stage, the team evaluated technical shortcomings of the existing typology for social housing. It also documented the conditions in public social housing estates built during the previous five years. In order to do so, they held on-site interviews with inhabitants. Thus people living in the estates felt included in the process and taken seriously by Habitafor and gave recommendations on what needed to be improved. This enabled the working group to suggest adjustments to the existing architectural typology. The suggestions were subsequently submitted to external evaluation. In the end, the team presented two new typologies for social housing projects based on inhabitants' rec-

ommendations. These were passed on to Habitafor's department of implementation in 2009.

The proposals took into account the necessities and socio-economic reality of people that are dependent on social housing. They provided for adequate housing in a location that allowed for access to employment and services. Buildings based upon the new typology should allow people to interact with their surroundings. For example, collective facilities, areas for shops, parking for bikes and mobile market stalls and access to sanitation were explicitly provided for in the proposals. And some flats provided bathrooms suitable for wheelchair-users.

Impact

NUHAB and its member organisations successfully helped enact a better plan with the participation of civil society. Thanks to the campaign a continuous dialogue on the master plan was established between the city administration and the network NUHAB. It is expected that this positive experience will have an impact on the interaction of rights-holders and duty-bearers in the future. The administration, for instance, increased the number of public hearings on the master plan.

With regard to the most vulnerable groups, special areas protecting existing favelas against speculation and eviction were created. Moreover, parts of unused public and private property were assigned for future social housing.

Other community agencies and the Brazilian Ministry of the Cities complimented the Fortalezan stakeholders on their participatory and high-quality master plan. Some of the member organisations of NUHAB had a seat in the national cities council and were part of the regional and national forum for urban reform, a network that fights for housing rights and participation in urban development.



Interview with inhabitants.

Contact person	Photo: © GIZ / Markus Tegeler
Juliane Osterhaus juliane.osterhaus@giz.de	 Discussing the Master Plan.

Challenges

The 2004 local elections represented a major challenge for NUHAB's initiative: The newly elected mayoress appointed many of her former fellows of the social movements as members of the new administration. On the one hand, this prompted a positive attitude change within the administration. But it also resulted in a brain drain from the organisations. It was only after some time that the network was able to resume its watchdog role and put pressure on the new city administration – their former fellows.

At the end of the project cycle, the implementation of the master plan was still pending. Landowners still opposed the plan, so continuous mobilisation of civil society remained necessary. In order to ensure implementation, NUHAB and similar actors will have to develop the necessary capacities for monitoring and mobilisation. To achieve this, sustainable internal management structures need to be prioritised over the next years. Former DED ended its programme in Fortaleza in 2009, due to the fact that German development cooperation finished its engagement in that focal area. Consequently, NUHAB had to resort to new cooperation partners and funding.

Lessons learned

Taking into account all aspects of the right to housing is a challenge for all parties, duty-bearers and rights-holders alike. The participation of both civil society organisations and people affected by urban development measures proved essential for a successful process. Their inclusion highlighted human rights-based aspects of housing such as legal security of tenure, availability and accessibility of services, affordability, and cultural adequacy.

Civil society organisations – as advocates for the rights-holders – need to build their professional capacities on the issues they advocate for, especially on technical aspects of urban planning. Those aspects have to be tackled to realise improvements for people with respect to their right to adequate housing. Only then they can engage the public administration on an equal footing and function as multipliers.

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