



Dignity by Design

Human Rights and the
Built Environment Lifecycle



Dignity by Design

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About this paper: This is the latest in a series of occasional papers by the Institute for Human Rights and Business (IHRB). Papers in this series provide independent analysis and policy recommendations concerning timely subjects on the business and human rights agenda from the perspective of IHRB staff members and external experts.

The report provides mapping, scoping and framing of key issues, as a platform for a collaborative programme to advance human rights and dignity throughout the built environment lifecycle. The programme’s founding partners are IHRB, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, the Australian Human Rights Institute at the University of New South Wales, and Rafto Foundation for Human Rights.



The report highlights human rights issues across the built environment lifecycle – from land acquisition through to demolition and re-use – and makes initial recommendations for action. It builds on IHRB’s existing work on migrant workers in the construction industry, and on recent conversations with architects. Both these sectors have emphasized the need to move towards a whole lifecycle approach to human rights and dignity in the built environment, and greater interaction on human rights between the different actors across the lifecycle. The report also builds on IHRB’s work on the lifecycle of mega-sporting events, which evolved from its 2012 inception to the 2018 launch of the independent Centre for Sport and Human Rights.

Attribution: Annabel Short, consultant, prepared this paper with oversight from Frances House, IHRB Deputy Chief Executive, and input from across the IHRB team.

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Executive Summary

Photography Spotlight

Unequal Scenes

by Johnny Miller

Photographer's statement: *Inequalities in our social fabric are oftentimes hidden, and hard to see from ground level. Visual barriers, including the structures themselves, prevent us from seeing the incredible contrasts that exist side by side in our cities.*

Unequal Scenes uses a drone to illustrate the inscribed history of our world in a new way. The scars within our urban fabric, so apparent from above, can provoke a sense of surprise ("I didn't know it looked that bad!")...But also reveal our complicity in systematic disenfranchisement. We live within neighborhoods and participate in economies that reinforce inequality. We habituate ourselves with routines and take for granted the built environment of our cities. We're shocked seeing tin shacks and dilapidated buildings hemmed into neat rows, bounded by the fences, roads, and parks of the wealthiest few...But it's the very scale and unerring regularity across geographic regions which points to the systemic nature of inequality. This is not organic – this is planned and intentional disenfranchisement.

By placing a non-human photographic actor – in this case, a remote-controlled drone – above these liminal spaces, a new vantage point is reached, previously reserved for the government and the very rich. The drone distances the photographer and the viewer of the photograph, both physically and mentally, and provokes an analysis of the distant gaze. It forces us to confront the ethics of representation, and the limitations (and freedom) of using technology in image-making.

www.unequalscenes.com | Instagram: @UnequalScenes

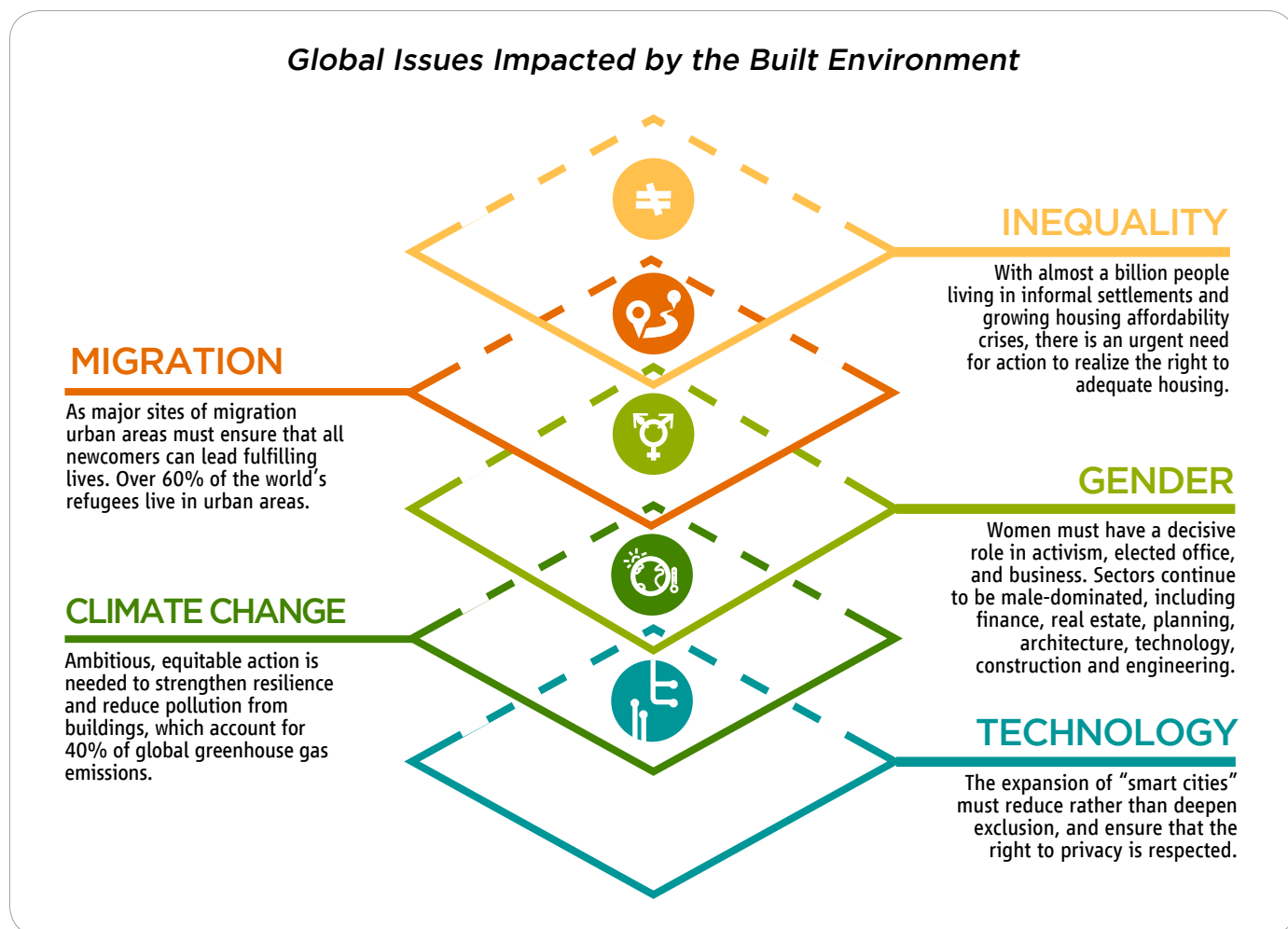
Executive Summary

1

The built environment – the places where we live, work, and interact with others – has a defining influence over our ability to lead healthy, fulfilling lives. By 2050, two thirds of the world’s population will live in urban areas. Through a combination of population growth and urbanisation, the world will have 2.5 billion more people by that time, with 90% of the increase occurring in Asia and Africa. Our efforts to address the world’s major challenges like inequality, mass migration, and climate change hinge in many ways on what we build, how, and for whom.

“
... Should urbanism represent society as it is or seek to change it? This is the ethical problem in cities today.¹”

Richard Sennett, “Building and Dwelling, Ethics for the City”

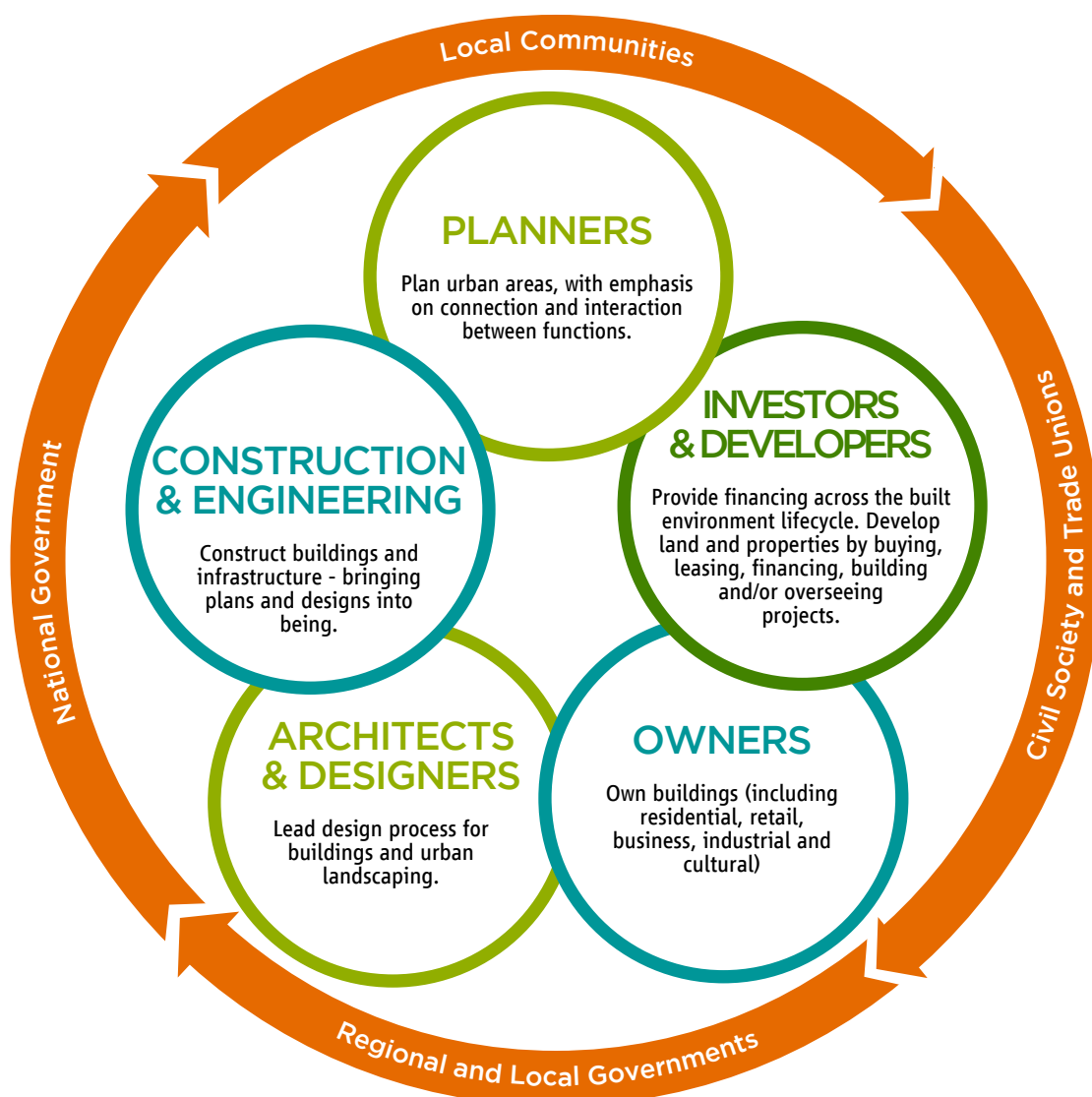


1 Richard Sennett, “Building and Dwelling, Ethics for the City” Farrar, Straus and Giroux (April 2018).

Private sector actors have significant influence across the built environment lifecycle, and can either advance or impede the realisation of human rights. Real estate represents almost 60% of the value of all global assets. The construction industry accounts for around 7% of the world's total workforce. And architecture plays a defining role in the fabric of the built environment.

By taking respect for human rights and the agency of local populations as a starting point, governments and the private sector can contribute to just and thriving built environments. This approach will accelerate progress on global frameworks such as the UN Sustainable Development Goals and the New Urban Agenda.

Actors Driving Decisions Across the Built Environment



This infographic conveys the continuum of human rights risk and responsibility across the built environment lifecycle, the inter-relatedness of the actors, and points of leverage between them. The distribution of power between these actors largely determines the nature of the built environment - and whether it responds only to narrow financial interests or also to the needs of residents, particularly the most vulnerable.

The built environment lifecycle has six interconnected stages, each of which has major implications for human rights.



01 LAND

Pressure for access to land can lead to forced evictions and the displacement of local populations. People most at risk are frequently those with the least power to challenge it – the poorest and most marginalised members of society, particularly those living in informal settlements. Indigenous and cultural rights are also at risk during the land acquisition process. The principles of Free, Prior and Informed Consent (FPIC) apply in urban areas just as they do in rural ones.



02 PLANNING & FINANCE

Decisions about the way land in urban areas is used can have significant repercussions for human rights. Municipal governments must balance attracting private finance, with the need to channel resources to best meet the needs of local populations. In doing so, they face a range of issues including the right to adequate housing, access to infrastructure, transportation and public space, climate change and disaster resilience, and corruption.



03 DESIGN

Architecture and design have significant potential to advance human rights, including the rights to non-discrimination, and to physical and mental health. But lack of awareness or commitment as well as budget and other constraints can also result in adverse impacts on the rights of individuals and communities including the elderly, low-income, and marginalised groups.



04 CONSTRUCTION

Complex layers of sub-contracting and supply chains in construction pose major challenges to transparency and accountability. Construction workers often face multiple risks of abuse. Migrant construction workers are particularly vulnerable to wage theft, hazardous workplaces, and forced labour.



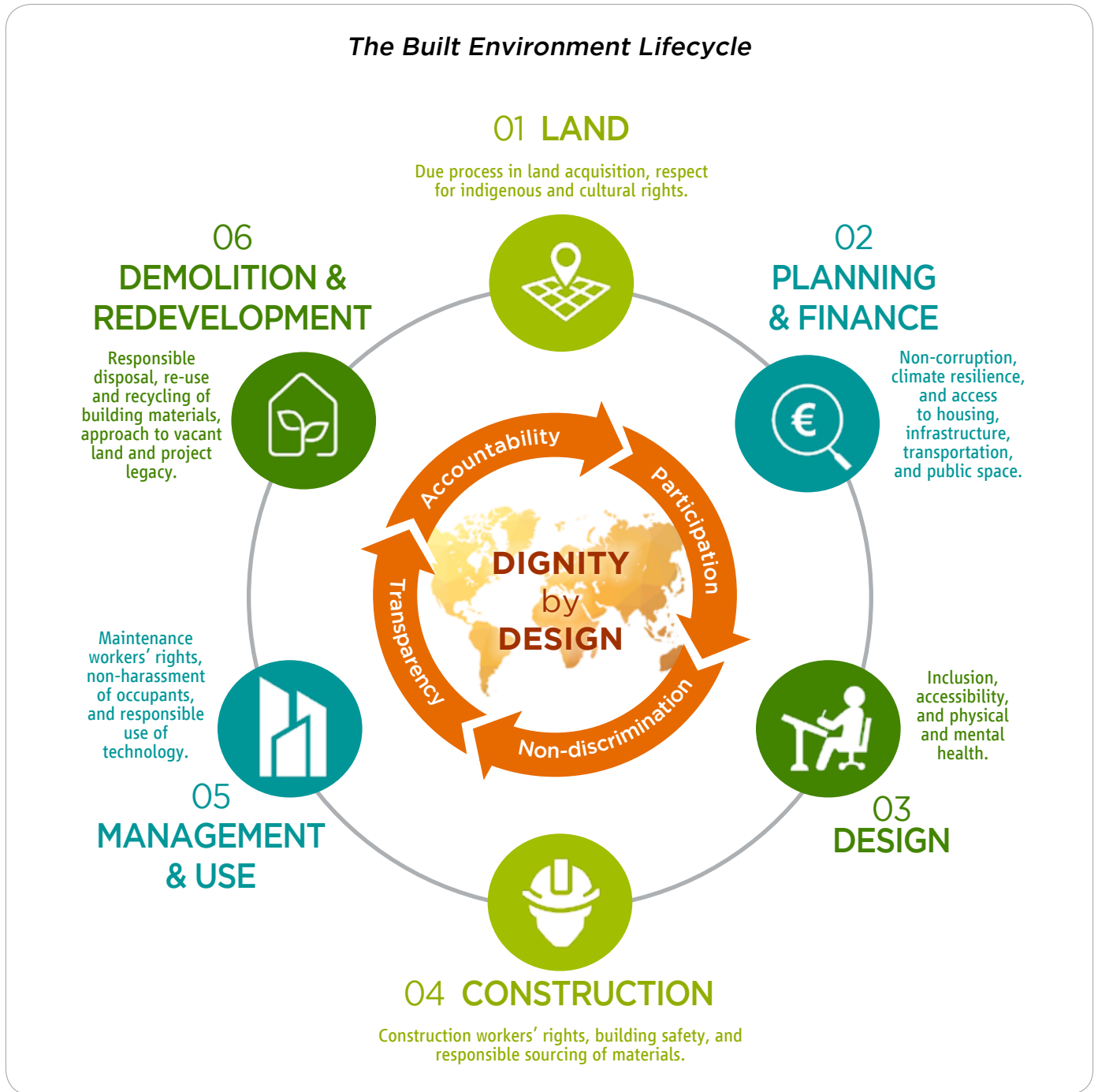
05 MANAGEMENT & USE

Those who occupy residential buildings as well as users of industrial, office, leisure, retail and cultural buildings all face potential human rights risks. Tenants and building maintenance workers alike can be vulnerable to exploitation. In addition, with the growing role of technology – in security and maintenance of individual buildings, as well as throughout the fabric of urban environments – governments and companies must address privacy and data protection.



06 DEMOLITION & REDEVELOPMENT

Any building project – from small scale developments to construction for mega-sporting events – should take account of the project's legacy and end-use phase. Lack of attention to these concerns can lead to abandoned buildings, neglected infrastructure and displacement of local populations. In addition, there are opportunities for developments originally intended for one purpose to be put to new uses that benefit local communities, or, when buildings are demolished, for materials to be re-used or recycled, which in turn can generate new jobs.



Recommendations and IHRB's Next Steps

The built environment holds enormous potential to move us towards a brighter future. We hope that this report sparks action and collaboration towards built environments where rights are realised and everyone has the opportunity to thrive.

Given the multiple human rights issues at all stages of the built environment lifecycle, there is a clear need for collaborative, effective action involving all relevant stakeholders. The report sets out the issues involved, and the many steps that are already underway to advance human rights in the built environment. It also references a set of draft ["Principles for Dignity in the Built Environment"](#) for further consultation and action, as well as the following recommendations:

As a starting point, all actors should adhere to international human rights standards, and the United Nations Guiding Principles on Business and Human Rights. All actors must also avoid corruption.



National governments should:

- Commit and adhere to international human rights standards;
- ensure co-ordination between agencies and regions for effective and equitable urban planning, disaster preparation and response;
- ensure responsible investment in the built environment;
- require responsible conduct of nationally headquartered companies operating overseas;
- promote human rights in regional and international fora.



Municipal governments should:

- Protect human rights through the adoption and enforcement of laws and policies, as well as measures to ensure accountability and transparency;
- maximise residents' participation in the decisions that affect their lives;
- consider the full spectrum of rights and full geography of the urban area in planning and zoning decisions;
- ensure that investment is channeled in the public interest.



Investors and developers should:

- Ensure responsible investment that is closely aligned with locally-defined priorities and adds value to the communities where it is deployed;
- shift investment away from an "extractive" approach that is focused narrowly on short-term profit-maximisation and proactively engage companies on human rights risks and impacts.



Building maintenance and servicing companies should:

- Ensure that all workers' rights are respected – including those employed by subcontractors in the maintenance, servicing, cleaning and security of buildings;
- respect the rights of those using buildings.



Architecture and design firms should:

- Design with the rights of vulnerable and marginalised groups and neighbouring areas in mind;
- engage local communities in a meaningful way from the outset of any project and throughout its lifecycle;
- take the human rights record of clients into account when deciding to accept a contract and use any leverage over clients proactively to advance human rights;
- support policy initiatives that strengthen dignity in the built environment.



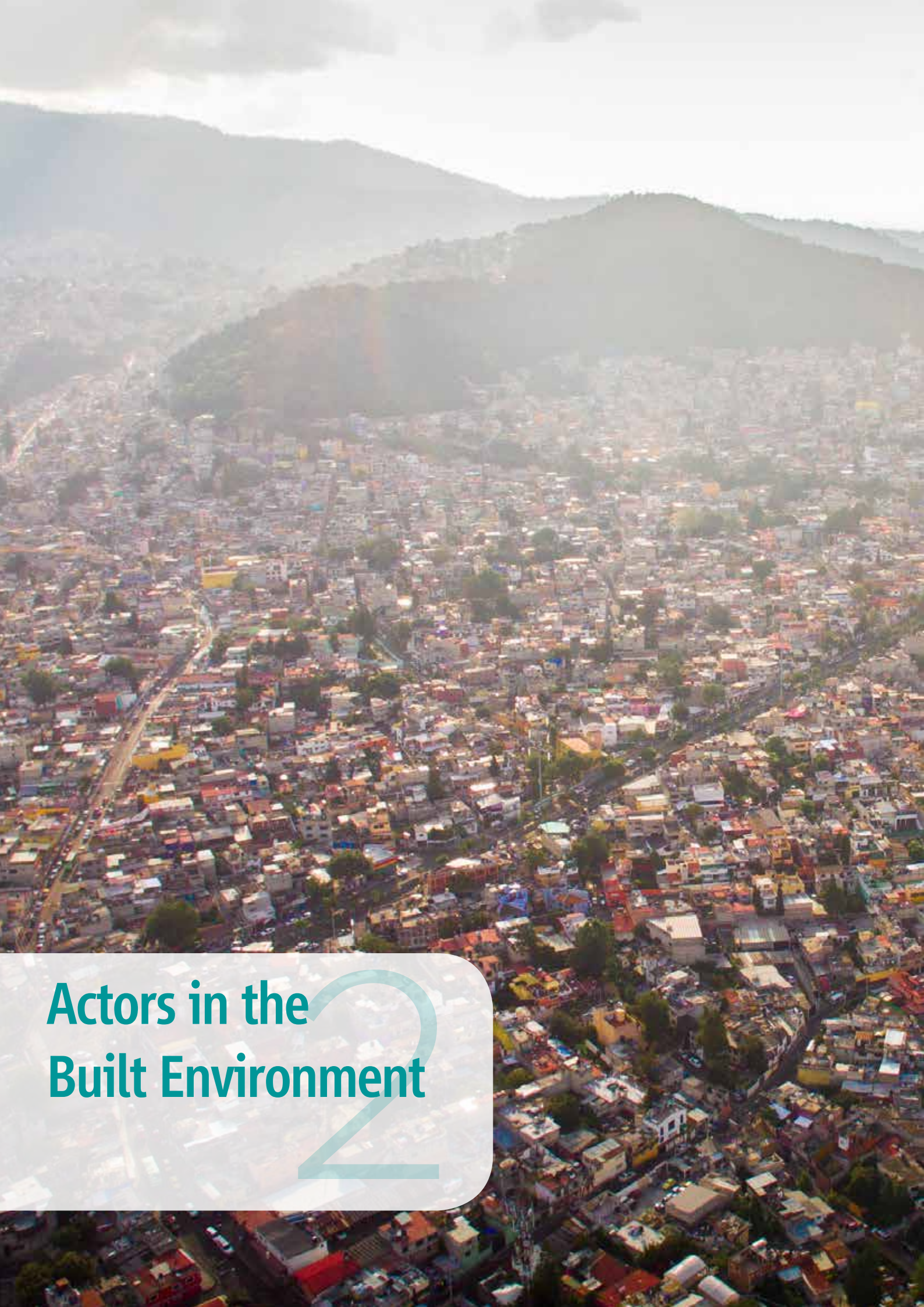
Construction and engineering companies should:

- Ensure respect for all workers' rights in direct operations and throughout the subcontracting chain;
- ensure women have equal access to employment and training;
- avoid corruption and conduct due diligence on all business partners;
- source materials with consideration for their social and environmental impacts;
- mitigate disruption to local communities during the construction process;
- ensure that buildings are environmentally resilient and structurally safe.



Technology companies should:

- Respect digital rights, including the rights to privacy and freedom of expression;
- seek to expand access to the benefits of technological innovation in urban areas;
- ensure transparency, accountability and non-discrimination in the collection and use of data.



Actors in the Built Environment



Actors in the Built Environment

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Actors across the built environment lifecycle have a major influence over the future direction of our rapidly-growing urban areas.

Within the private sector, real estate represents almost 60% of the value of all global assets (\$USD 217 trillion).³ The construction industry alone, which is undergoing a global boom, accounts for around 7% of the world's total workforce.⁴ Yet unlike many other sectors – such as agriculture, garments, and energy – the built environment sector has received relatively little attention for its social impacts, in particular from the perspective of responsibilities to respect human rights. In part this is due to the fragmented nature of the built environment sector, with multiple entities involved across different stages of the building lifecycle, and multiple layers of subcontracting. This report builds on previous efforts to start breaking out of a siloed approach.⁵

The built environment involves a dynamic interplay between national and local government, civil society, investors, and other private sector actors. Siloed, disconnected approaches will fail to address root problems or lead to long-term solutions. It is therefore important that different entities account for their roles in relation to each other and take account of the broader context of the communities and cities where they operate – even if they are operating from a distance, as is the case of international investors. Running throughout these relationships is a fundamental tension and spectrum between a built environment that responds only to narrow financial interests, or one in which financial considerations are part of a broader set of factors, including effectively responding to the needs of residents, particularly the most vulnerable.

“

Urbanization has fantastic potential to improve human rights, but also poses a great risk of violation of rights... We need to draw lessons from people's experiences and lives, and civil society and grassroots organizations play a vital role here. We need to understand people's aspirations, how to engage and how to give the most marginalized a strong voice...²

Maureen Bahati, GROOTS Kenya

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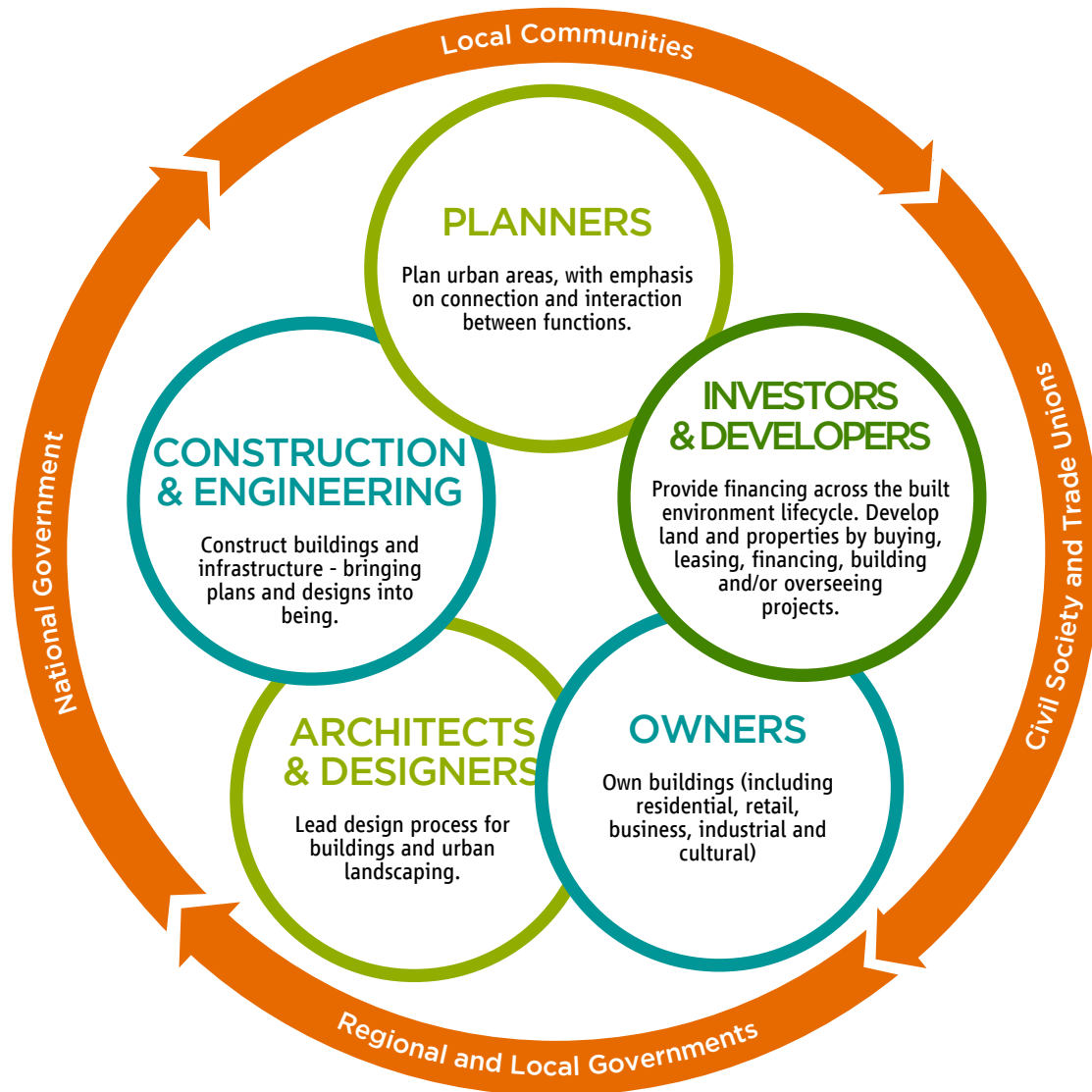
2 “Civil Society Mobilization Indispensable for Inclusive Cities - The Perspective of a Grassroots Activist”, UN Habitat (July 2015), at: <https://unhabitat.org/civil-society-mobilization-indispensable-for-inclusive-cities-the-perspective-of-a-grassroots-activist/>

3 “Around the world in dollars and cents: what price the world? Trends in international real estate trading”, Savills World Research (January 2016), p 4-5, at: www.savills.co.uk/research_articles/188297/198669-0

4 “The Global Construction Sector Needs a Big Push on Corporate Responsibility”, Roel Nieuwenkamp, OECD Insights (August 2016), at: <http://oecdinsights.org/2016/08/22/global-construction-sector-corporate-responsibility/>

5 These include: “Advancing responsible business in land, construction, and real estate use and investment”, RICS and UN Global Compact (2018), at: www.rics.org/globalassets/rics-website/media/about/advancing-responsible-business-un-sustainable-development-rics.pdf and Fact Sheet: “The contribution of the real estate and built environment sector to society, growth and sustainability in the EU”, multiple signatory organisations, at: www.housingeurope.eu/resource-841/real-estate-built-environment-and-a-sustainable-society

Actors Driving Decisions Across the Built Environment



This infographic conveys the continuum of human rights risk and responsibility across the built environment lifecycle, the inter-relatedness of the actors, and points of leverage between them. The distribution of power between these actors largely determines the nature of the built environment - and whether it responds only to narrow financial interests or also to the needs of residents, particularly the most vulnerable.

National Governments

National governments’ multiple areas of influence in the built environment include setting and enforcing the national regulatory framework, and ideally committing to and following international human rights standards. National governments should also play an effective co-ordinating role, ensuring cohesion of policies and outcomes across agencies (environment, labour, housing, immigration, disaster relief), and between rural, semi-urban and urban areas. National government is also an important source of financing for urban development and infrastructure.

Regional and Municipal Governments

The leadership of mayors and local government is critical to the realisation of rights. Indeed, many countries have recently seen cities serving as a powerful counterpoint to rising nationalism, and to the roll-back of human rights and environmental protection at the national level.

Among its many functions, municipal government sets and enforces the local regulatory framework, ensures effective processes for citizen participation, makes zoning and land-use decisions, establishes economic development programmes and oversees building codes and permits.

Municipal governments themselves are also significant landowners, with a duty to protect access to public goods and areas such as parks and public housing. In addition, they have significant leverage to promote respect for human rights through the procurement process, in determining which companies receive contracts as well as the provisions of those contracts.

Local municipalities from all regions have emphasised the need for adequate autonomy and access to finance, in order to make progress at the local level towards the UN Sustainable Development Goals.⁷

“
*Mayors need global engagement and the globe needs mayoral engagement.*⁶

Prof. Michael Doyle, International
Peace Institute

Civil Society and Trade Unions

Trade unions play a fundamental role securing and advancing workers' rights, and engaging in collective bargaining. Freedom of association is a fundamental human right. Workers in sectors throughout the built environment - from construction and engineering, to maintenance, security and cleaning - and their families can benefit in many ways from being part of a trade union, and lose out when freedom of association is eroded.

Civil society more broadly contributes to increased citizen participation, human rights education, and human rights protection throughout the built environment lifecycle. A vibrant civil society advocates for effective government policy and implementation, and strengthens corporate accountability and transparency. From small local community organisations, to multi-issue coalitions, to national and international advocacy groups, a thriving built environment depends on the ability for civil society to operate freely.

6 International Peace Institute (September 2017) at: <https://www.ipinst.org/2017/09/priorities-with-states-cities-mi-grants-and-refugees#3>

7 For example see “Strategic Priorities 2016-2022”, United Cities and Local Governments, at: www.uclg.org/sites/default/files/strategic_priorities_2016-2022.pdf; “Role of local government in the promotion and protection of human rights - Final report of the Human Rights Council Advisory Committee”, UN General Assembly (August 2015), at: www.uclg.org/sites/default/files/2015_report_en_role_of_local_government_in_the_promotion_and_protection_of_human_rights.pdf (para 22); and for a country-specific example, “Urban Governance in India”, Isher Judge Ahluwalia, Journal of Urban Affairs (February 2017), at: www.tandfonline.com/doi/full/10.1080/07352166.2016.1271614

Urban Planners

Urban planning – closely connected with both design and engineering – emerged as a profession in the early twentieth century, from a recognition that a compartmentalised and piecemeal approach to development in cities often meant that critical functions such as public health and sanitation were neglected. There is growing understanding of the important role that effective planning plays, taking a holistic approach to the built environment, with the well-being of the population at the forefront and with strong input from local residents.

Investors

No building can be built without financing. All stages of the built environment lifecycle need to be funded, either in the form of equity or debt. Investors therefore hold significant sway over the direction of the built environment, a role that can either advance or undermine human rights. The multiple actors in this space include governments, banks, private equity firms, pension funds, and investment models such as real estate investment trusts (REITs). Among them are increasing numbers of investors who to varying degrees seek to incorporate human rights considerations into their investments, such as impact investors,⁹ socially-responsible investment funds, pension funds that adopt an ethical lens, and foundations that aim to invest their endowments responsibly. The global financial crash of 2008 was one factor in increasing some investors' awareness of the human cost of irresponsible investment in real estate that applies a sole focus on maximising short-term returns.

Real Estate Developers

Real estate development is a broad sector, overlapping with investors. It is often grouped into the categories of real estate for residential (housing), commercial (offices and stores), and

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*Good planning creates the conditions for good growth which is about engaging with communities, co-ordinating development and shaping investment.*⁸

Pooja Agrawal, Public Practice

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*As with any asset class, real estate investors' primary objective is to generate satisfactory risk-adjusted returns. Equally, the decisions we make as investors in this complex, multi-layered and global industry have significant implications for society as whole. We bear a heavy fiduciary duty in supporting responsible and sustainable markets.*¹⁰

Martin J. Bruhl, Chief Investment Officer, Union Investment Real Estate and former RICS President

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8 The Planning Convention - Pooja Agrawal (Speaker Video) at: <https://www.youtube.com/watch?v=AfX8pPFJQLo>

9 The non-profit Transform Finance, at www.transformfinance.org, has developed three principles to ensure that the approach impact investors take is aligned with the needs of communities and individuals on the ground, and does not generate unintended harm:

- Communities should be engaged in the design, governance, and ownership of projects that affect them
- Investments should add, rather than extract, value to the communities where they are deployed.
- Risks and returns need to be fairly balanced between investors, entrepreneurs, and communities.

10 "Perspectives on Global Real Estate Investment", RICS (October 2017), at: www.rics.org/globalassets/rics-website/media/knowledge/research/insights/perspectives-on-global-real-estate-investment-rics.pdf

industrial (factories and warehouses) purposes. Developers' roles across the building lifecycle can include purchasing and leasing land, financing deals, building or commissioning the building of projects, and overseeing the process from start to finish. Real estate developers often have major influence over zoning and other land-use decisions, which can run counter to locally-defined needs. Many major real estate developers are privately held. Despite their reach and influence they are less high profile than global companies in many other sectors, which poses barriers to accountability and transparency.

Architects and Designers

Architects lead the design process for buildings and urban landscape projects, and are often involved in broader planning efforts. They therefore often have a say at many stages of the building lifecycle. Depending on the commissioning relationship with the building owner, developer, or local municipality, architects can have significant scope to ensure that buildings and the wider urban environment are designed with local community input and with human rights impacts in mind. Design, of individual buildings and within wider planning processes, has a decisive role to play in determining whether the built environment includes or excludes, and promotes or undermines human dignity.

Construction and Engineering Companies

Given the expanding and urbanising global population, the construction industry is growing rapidly – its output is projected to grow 85% by 2030, to \$15.5 trillion worldwide.¹² A building is likely to involve multiple layers of construction companies, from the project manager, to sub-contractors, to sub-sub-contractors for different parts of the work involved, and often has long and complex supply chains for the materials used. This complexity reduces transparency and accountability for workers' rights and other human rights impacts, but segments of the industry are increasingly aware of the need for action.

“

Architecture is not neutral; it either helps or hurts...Architecture is a mechanism that projects its values far beyond a building's walls and into the lives of communities and people. To acknowledge that architecture has this kind of agency and power is to acknowledge that buildings, and the industry that erects them, are as accountable for social injustices as they are critical levers to improve the communities they serve.¹¹

Mass Design Group

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¹¹ MASS Design Group, at: <https://massdesigngroup.org/about>

¹² “Global Construction 2030: A global forecast for the construction industry to 2030”, PwC, at: <https://www.pwc.com/vn/en/industries/engineering-and-construction/pwc-global-construction-2030.html>

Building Owners

Building owners – who can include businesses, retailers, residential landlords and homeowners, cultural institutions and government – often have significant leverage over the planning and design stages, as well as when a building is in use.

Building Maintenance Companies

The building maintenance industries include facilities management companies, which oversee the functioning of an individual building or of all the buildings owned or leased by an entity, and industries directly involved in the functioning of buildings such as security guards, maintenance workers, and cleaners – as such, they oversee the employment and subcontracting of large, and often vulnerable, workforces.

Technology

Technology plays a rapidly growing role in the built environment, reflected in the fact that many cities have designated themselves “smart cities”. Tech systems are used in the construction management and supply chain process, in the operation of buildings (for security systems and processes such as monitoring energy use), and in connective projects to improve the efficiency of infrastructure.

Technology firms themselves also have a large footprint as owners and operators in the built environment – particularly with the rapid growth of tech-platforms for co-working office spaces and home rentals – and therefore play a growing role in shaping the built environment.

Demolition Companies

The demolition and de-construction industries break down buildings and oversee the disposal and/or re-use of their parts, with implications for workers’ rights and for environmental and health impacts.

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Our business model is predicated on passing risk down the supply chain. But these risks are never passed down in reality, they remain ethically and morally the responsibility of the people at the top. So it's time to change the business model and to start facing up to our responsibilities. Not taking action now could lead to untold reputational damage and commercial risk.¹³

Chris Blythe, Chief Executive,
Chartered Institute of Building

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13 “Modern Slavery: The dark side of construction”, Chartered Institute of Building (2015), at: <https://policy.ciob.org/wp-content/uploads/2016/02/CIOB-Research-The-Darkside-of-Construction.pdf>

An aerial photograph of a densely packed urban area, likely a slum or informal settlement. A prominent diagonal strip of colorful, makeshift structures, possibly made of plastic or fabric, runs through the center of the image. The surrounding area is filled with small, closely packed buildings and structures, with various colors of roofs and walls. The overall scene depicts a complex and crowded built environment.

The Power of the Built Environment

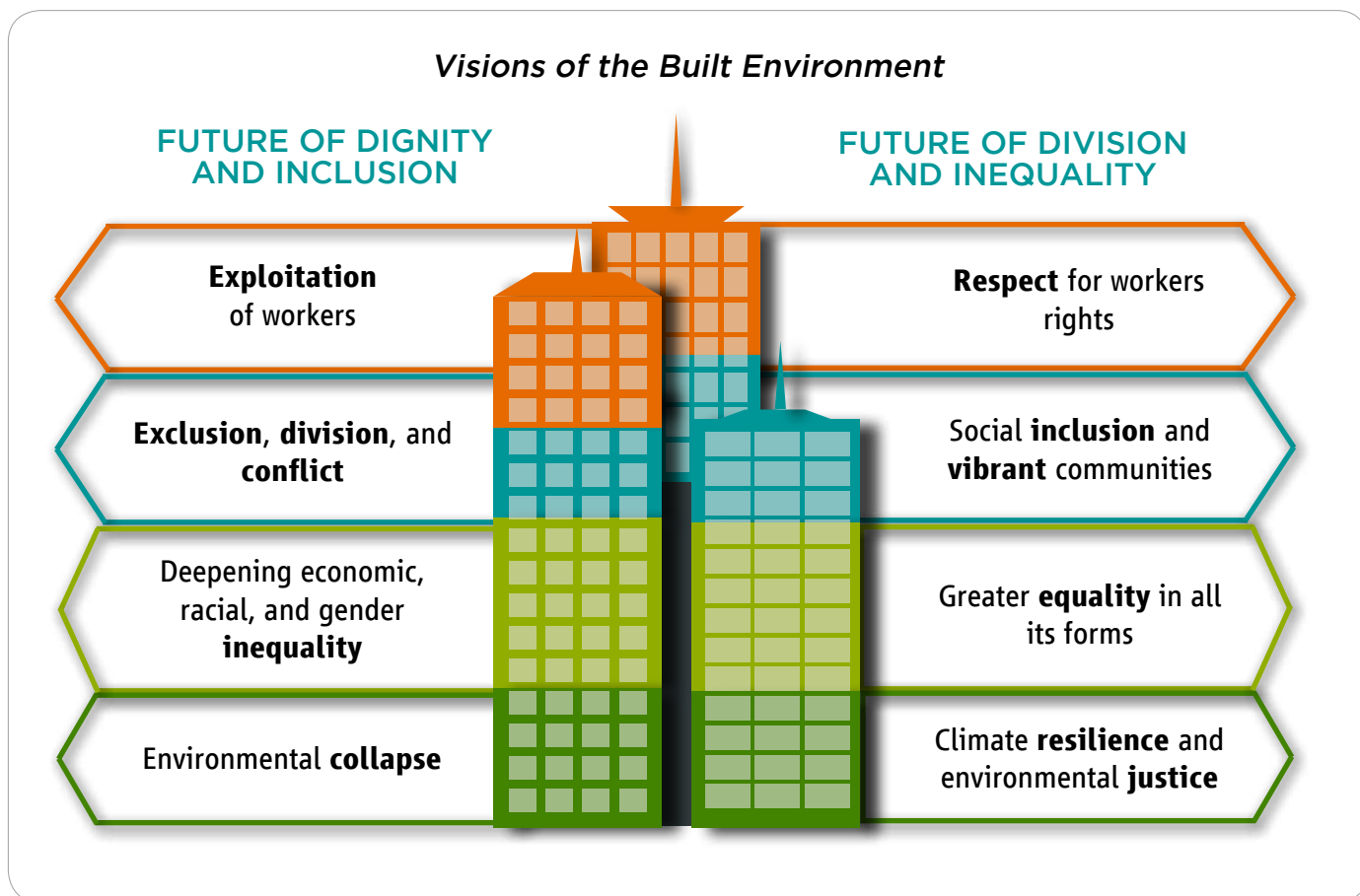
The Power of the Built Environment

3

By 2050, two thirds of the world's population is projected to live in urban areas.¹⁴ Urban areas are sites of diversity and innovation. Simultaneously, however, they can be places of division and rapidly accelerating inequality. Through a combination of population growth and urbanisation, the world will have 2.5 billion more people by that time, with 90% of the increase occurring in Asia and Africa. Our collective approach to the built environment will define the type of future we create.

“
*Urban challenges and crises of the 21st century demand that we more fully explore the enormous potential and possibilities of an urbanism that designs and builds cities in transformative ways.*¹⁵

Aseem Inan

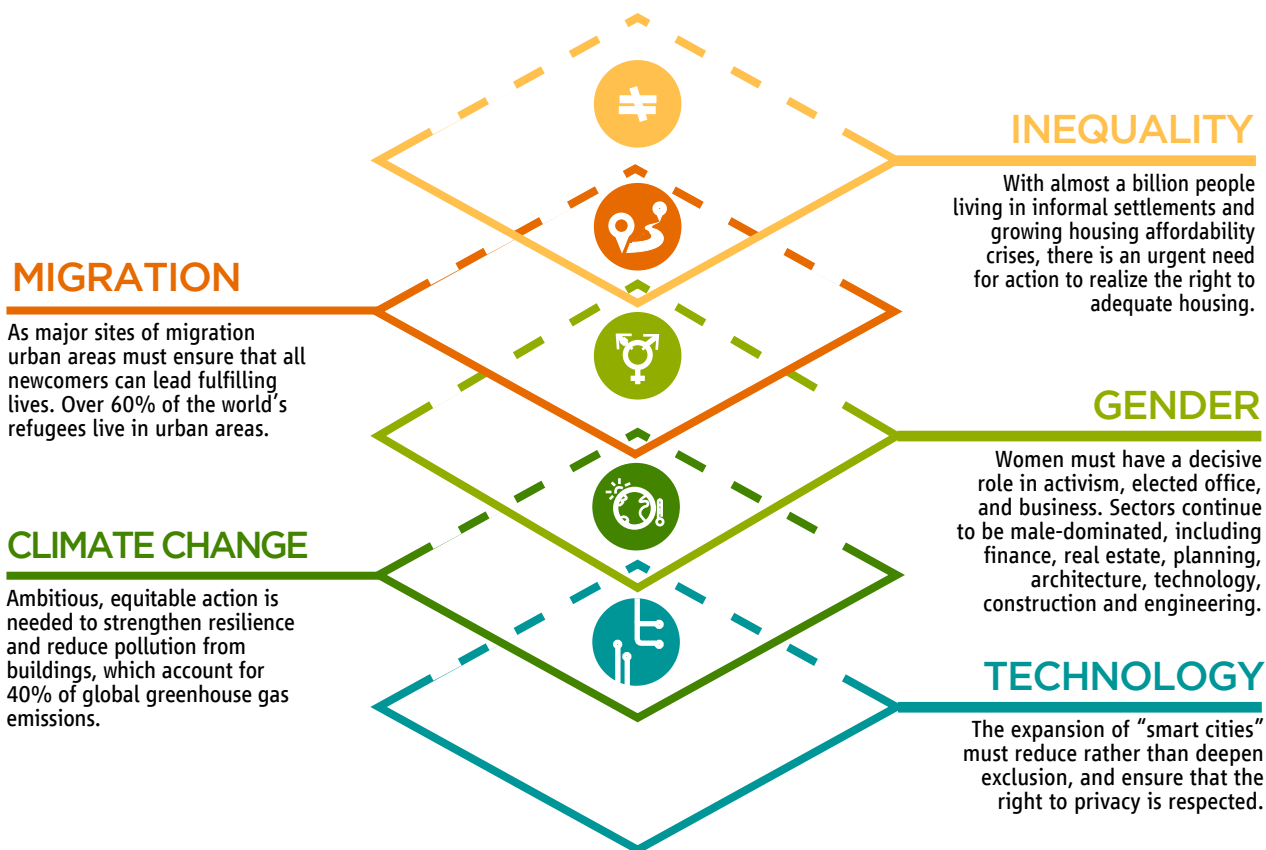


14 “2018 revision of world urbanization prospects”, UNDESA (May 2018), at: <https://www.un.org/development/desa/publications/2018-revision-of-world-urbanization-prospects.html>

15 “Designing Urban Transformation”, Aseem Inan, Routledge (November 2013), page 3

The direction of the built environment is also intrinsically connected with effectively addressing many of humanity's most urgent challenges.

Global Issues Impacted by the Built Environment



Migration: As major sites of migration – of refugees fleeing conflict, of people pushed from their land by climate change, and of people seeking economic opportunity – urban areas must ensure that newcomers have the opportunity to lead fulfilling lives. Over 60% of the world's refugees live in urban areas.¹⁶

Climate change: The expansion of urban areas, accelerating sea level rise and greater frequency of storms call for ambitious and equitable action on climate change in the built environment. This will involve strengthening climate resilience, and reducing climate pollution from buildings, which currently accounts for 40% of greenhouse gas emissions globally.¹⁷

Inequality: With a billion people living in informal settlements and a growing housing affordability crisis in many cities, there is an urgent need for effective policies and action to realise the right to adequate housing and reverse accelerating inequality.

16 "The Power of Cities", UNHCR, at: <https://www.unhcr.org/innovation/the-power-of-cities/>

17 "World Green Building Council calls on companies across the world to make their buildings net zero carbon", World Green Building Council (June 2018), at: <https://www.worldgbc.org/news-media/world-green-building-council-calls-companies-across-world-make-their-buildings-net-zero>

Gender: Women must have an active and decisive role in communities and activism, elected office, and the private sector. Despite progress, the sectors which have significant impact within the built environment continue to be male-dominated, including finance, real estate, planning, architecture, technology, construction and engineering.

The role of technology: Many urban areas have designated themselves “smart cities”, recognising the role that technology can play in contributing to greater connectivity, efficiency and sustainability. As with any tool, technology can harm rather than help. Effective mechanisms must ensure that the widespread adoption of technology in cities reduces rather than deepens exclusion, and that individuals’ privacy is protected.

The built environment can either reflect society as it is, or it can be a dynamic canvas where a more just and equal society is brought into being.

Harnessing the potential of the built environment requires an approach that is embedded in human rights – starting from the needs and perspectives of inhabitants, particularly the most vulnerable. A human rights approach rests on principles of participation, non-discrimination, transparency and accountability. It ensures that women, children, minorities, migrants, refugees, indigenous peoples, persons with disabilities, older persons and others, who are too often excluded from urban development processes, have agency over the decisions that affect their lives.

By integrating human rights throughout the built environment, we can move closer to meeting global targets within the UN Sustainable Development Goals and the New Urban Agenda.

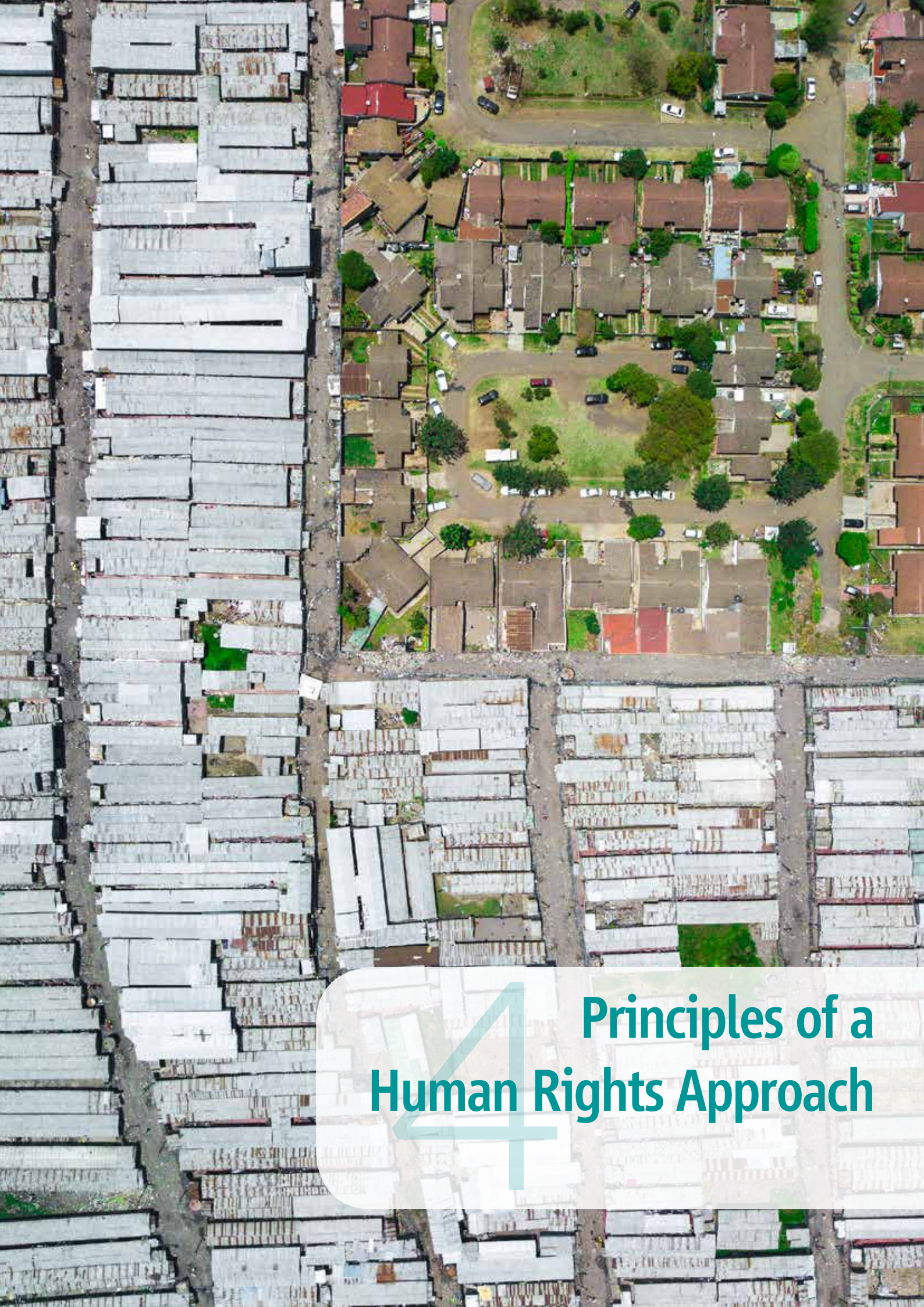
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Urbanization can only be a force for positive transformation if it respects and promotes human rights...Human rights are key to advancing and developing an urbanization that is sustainable and socially inclusive, that promotes equality, combats discrimination in all its forms and empowers individuals and communities. A human rights approach is vital to make cities work for people as places of equal opportunity for all, where people can live in security, peace and dignity.¹⁸

UN Office of the High
Commissioner for Human Rights

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18 “Human Rights and Urbanization”, OHCHR, at: https://www.ohchr.org/Documents/Issues/Urbanization/HumanRights_and_Urbanization.doc



4 Principles of a Human Rights Approach

Principles of a Human Rights Approach

4

Internationally-recognised human rights encompass civil, political, economic, social and cultural rights. Human rights are indivisible and interdependent, which means that in order to guarantee civil and political rights, a government must also ensure economic, social and cultural rights (and vice versa).¹⁹ There are basic principles that run throughout human rights standards and their implementation.²⁰

Principles of a Human Rights Approach

ACCOUNTABILITY

Governments must create mechanisms of accountability for the enforcement of rights. Not only must rights be recognized in law and policy, but there must also be effective measures in place to hold governments accountable if the standards are not met – and for governments to hold third parties such as private sector actors accountable.

PARTICIPATION

People have a right to participate in how decisions are made regarding protection of their rights. Governments must engage and support the participation of civil society. Within the built environment this means that individual residents and communities must have clear avenues to have a say over the present and future of their neighbourhoods. Companies must consult local communities and other stakeholders prior to and during any project.

NON-DISCRIMINATION

Human rights are universal. They must be afforded to everyone, without exception, and guaranteed without discrimination of any kind. This includes not only purposeful discrimination, but also protection from policies and practices which may have a discriminatory effect. Within the real estate, design and construction industries, non-discrimination applies to the context of their operations, and also to the recruitment, retention and advancement of employees.

TRANSPARENCY

Transparency means providing information about decision-making processes related to rights, so that people know and understand how major decisions affecting rights are made.

DIGNITY
by
DESIGN



¹⁹ For all international human rights standards, see Office of the UN High Commissioner for Human Rights (OHCHR): <https://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>

²⁰ See also, “What are the basic principles of a human rights approach?”, National Economic and Social Rights Initiative, at: <https://www.nesri.org/programs/what-are-the-basic-principles-of-the-human-rights-framework>



5 Global Frameworks and Initiatives

Global Frameworks and Initiatives

5

International agreements and initiatives over the past decade have recognised the challenges and opportunities inherent in the built environment, with many of them recognising the central role that human rights must play. [Annex 1](#) provides a list of international human rights standards.

UN Sustainable Development Goals

In 2015, governments adopted the Sustainable Development Goals: seventeen ambitious goals each with specific targets for implementation by 2030.²¹ While many of the goals have resonance within the built environment, goal 11 is specifically to “Make cities inclusive, safe, resilient and sustainable”. It includes targets in multiple areas including affordable housing, accessible and sustainable transport systems, access to green and public spaces, and participatory, integrated urban planning.

Goal 11 also emphasises the need for positive economic, social and environmental ties between urban, peri-urban and rural areas.²² These areas are inter-dependent on multiple levels: urban areas do not exist in a vacuum, and action to advance human rights within them should be cognisant of the wider dynamics of the regions in which they are based.

Civil society organisations have urged that respect for human rights must be an integral part of all action towards the UN Sustainable Development Goals, including private sector action. They have also underscored the significant development impacts that would result if businesses respect the rights of all workers and communities affected by their activities.²³

New Urban Agenda

The New Urban Agenda²⁴ was adopted at the Habitat III conference in 2016 in Quito, Ecuador. It established a road map for sustainable urban development for the following 20 years – grounded in full respect for international law – and seeks to guide the efforts of nation states, city and regional leaders, civil society and the private sector. A key principle of the agenda is to “leave no-one behind”.

21 United National Sustainable Development Goals, at: <https://sustainabledevelopment.un.org/sdgs>

22 “11.a Urban-rural linkages”, UN Habitat, at: <https://unhabitat.org/un-habitat-for-the-sustainable-development-goals/11-a-urban-rural-linkages/>

23 Letter from the Executive Directors of Oxfam International, Institute for Human Rights and Business, Business & Human Rights Resource Centre, Shift, Danish Institute for Human Rights, and International Corporate Accountability Roundtable to the United Nations Secretary General (September 2017), at: <https://www.business-humanrights.org/sites/default/files/documents/SDGs-businesshumanrights-openletterSept2017.pdf>

24 “The New Urban Agenda”, at: <http://habitat3.org/the-new-urban-agenda>

Right to the City

Multiple national and local governments as well as civil society organisations have long advocated for the “right to the city”. While not a formal part of international human rights law itself, the concept of the right to the city emphasises the collective agency of local residents in shaping the future of their cities – the “freedom to make and remake our cities and ourselves”²⁵ – while also reaffirming human rights obligations. Members of the Global Platform for the Right to the City have developed a “Right to the City Agenda”²⁶ which emphasises the need for a strong human rights approach throughout the implementation of both the SDGs and New Urban Agenda

Human Rights Cities

A growing number of cities have formalised their commitment to human rights by becoming “Human Rights Cities”, among them Barcelona in Spain, Eugene in the US, Gwangju in South Korea, Jakarta in Indonesia, Lund in Sweden, Rosario in Argentina and York in the UK.²⁷ Each city has unique cultures and needs, and defines its own process for integrating human rights in close consultation with residents.²⁸

As the Human Rights Cities Network has said, the diversity of approaches to human rights cities means that there is no harmonised commitment framework. Approaches can be characterised as informal – where cities advance human rights at the local level – or formal, when they adopt a declaration as a reference point for political action and accountability.²⁹

Issue-Specific Coalitions and Campaigns

UN agencies and others have spearheaded partnerships to advance particular human rights issues and the rights of specific groups, within the built environment. For example, UNICEF’s Child-Friendly Cities initiative³⁰ supports municipal governments in realising the rights of the child, using the UN Convention on the Rights of the Child as its foundation. The initiative recognises the impacts of businesses on children’s rights. It urges real estate developers, architects and engineers to be proactive in applying a child-friendly lens to their work,³¹ and to adhere to the Children’s Rights and Business Principles.³²

25 The idea of the “Right to the City” was first used in 1968 by philosopher and sociologist Henri Lefebvre. Within academia it has been further developed by David Harvey who has written: “The freedom to make and remake our cities and ourselves is, I want to argue, one of the most precious yet most neglected of our human rights”, see “The Right to the City”, at: <https://davidharvey.org/media/righttothecity.pdf>

26 “Right to the City Agenda – for the implementation of the 2030 Agenda for Sustainable Development and the New Urban Agenda” (2018), at: www.righttothecityplatform.org.br/wp-content/uploads/right-to-the-city-agenda_GPR2C-2018.pdf. In addition, UN Habitat has published a document that maps each of the Sustainable Development Goals and the New Urban Agenda to specific provisions of international human rights law, at: <https://unhabitat.org/new-urban-agenda-and-the-sustainable-development-goals-to-human-rights-brochure/#>

27 See <https://humanrightscities.net/> for the network of human rights cities based in Europe; http://www.whrcf.org/E_p2100.php for the World Human Rights Cities forum held annually in Gwangju, South Korea; and <https://www.uclg-cisdp.org/en/activities/human-rights-cities> for the United Cities and Local Governments webpage on human rights cities.

28 “Human rights cities and regions: Swedish and international perspectives”, Raoul Wallenberg Institute, Swedish Association of Local Authorities and Regions (2017), page 4, at: <https://rwi.lu.se/app/uploads/2017/03/Human-Rights-Cities-web.pdf>

29 Network for Human Rights Cities (network of European cities): <https://humanrightscities.net/what-we-do/>

30 Child Friendly Cities Initiative, UNICEF, at: <https://childfriendlycities.org/>

31 Child Friendly Cities Initiative – Private sector, UNICEF, at: <https://childfriendlycities.org/private-sector/>

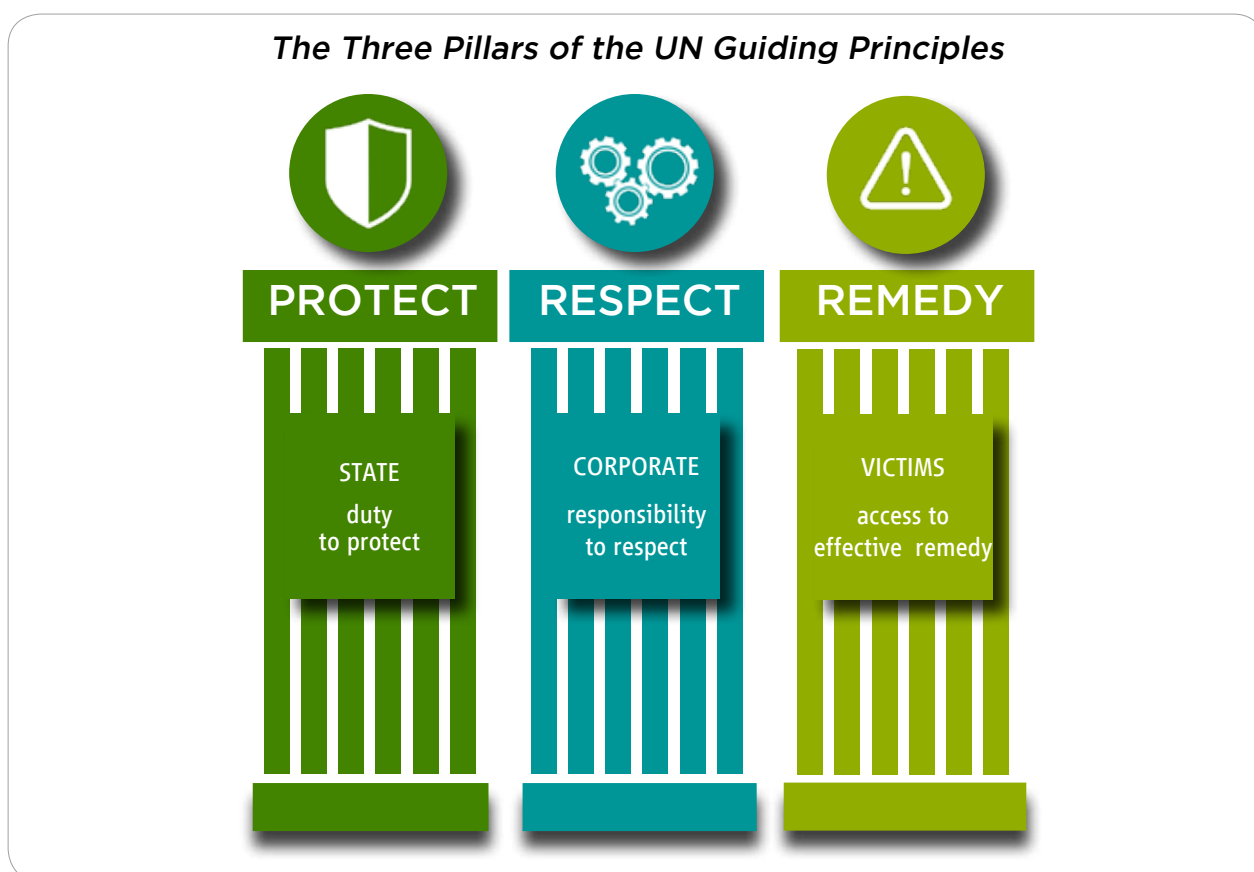
32 Children’s Rights and Business Principles, UNICEF, Save the Children, UN Global Compact, at: <http://childrenandbusiness.org>

UN Women’s Safe Cities and Safe Public Places³³ is a global initiative that develops, implements, and evaluates tools and polices to prevent and respond to sexual harassment against women and girls. It began with founding programmes in Quito, Cairo, New Delhi, Port Moresby and Kigali, and as of 2019 incorporates more than 20 cities and 70 global and local partners.

Details of additional initiatives are available in [Annex 1](#).

The UN Guiding Principles on Business and Human Rights

Recognising the growing influence of the private sector over the realisation of human rights, in 2011 the UN Human Rights Council unanimously endorsed the “UN Guiding Principles on Business and Human Rights”,³⁴ following a six-year multi-stakeholder process. The Principles are grouped into three pillars: the state duty to protect everyone within their territory / jurisdiction from human rights abuses involving business enterprises; the corporate responsibility to respect human rights; and access to remedy. [Annex 2](#) provides further detail on the three pillars and how they relate to the built environment.³⁵



33 “Creating safe public places”, UN Women, at: www.unwomen.org/en/what-we-do/ending-violence-against-women/creating-safe-public-spaces

34 Webpage of Business & Human Rights Resource Centre on the UN Guiding Principles on Business and Human Rights, at: <https://www.business-humanrights.org/en/un-guiding-principles>

35 In response to continued widespread human rights abuses, gaps in regulation in corporations’ home and host States, and barriers to effective access to remedy, civil society groups have advocated for further strengthening the global human rights framework as it relates to business activities. Governments are now considering early drafts of a new international binding instrument on business and human rights, see: <https://www.business-humanrights.org/en/binding-treaty>

Leverage Over Business Relationships

An important element of the corporate responsibility to respect human rights as set out in the UN Guiding Principles is that of leverage – in other words a company’s ability and inclination to influence the behaviour of others. This is particularly relevant within the built environment, which involves the intersection of multiple business relationships. A company can have leverage in many ways: over its suppliers and contractors; over its joint venture or other business partners; over clients, customers and end-users; and over government actors.³⁶

Certain “moments of traction” during business relationships provide the opportunity to increase leverage, such as:

- selection of business partners (and decisions on whether or not to embark on a project)
- decisions to invest or divest from entities and projects
- procurement and selection of suppliers
- criteria for bidding processes
- contract negotiations
- periodic implementation reports and auditing processes
- renewal of service agreements
- business mergers and acquisitions
- exit planning

Examples of this leverage in practice – some of which are featured in this report – include architects’ choice to use their leverage over clients to advance inclusion and human rights goals, and construction companies’ inclusion and implementation of labour standards in agreements with sub-contractors. That said, there is a need to significantly scale up the understanding and implementation of leverage for human rights throughout the built environment sectors.

³⁶ For more on leverage see “Using leverage in business relationships to reduce human rights risks”, Shift (November 2013), at: <https://www.shiftproject.org/resources/publications/leverage-business-relationships-reduce-human-rights-risk/>

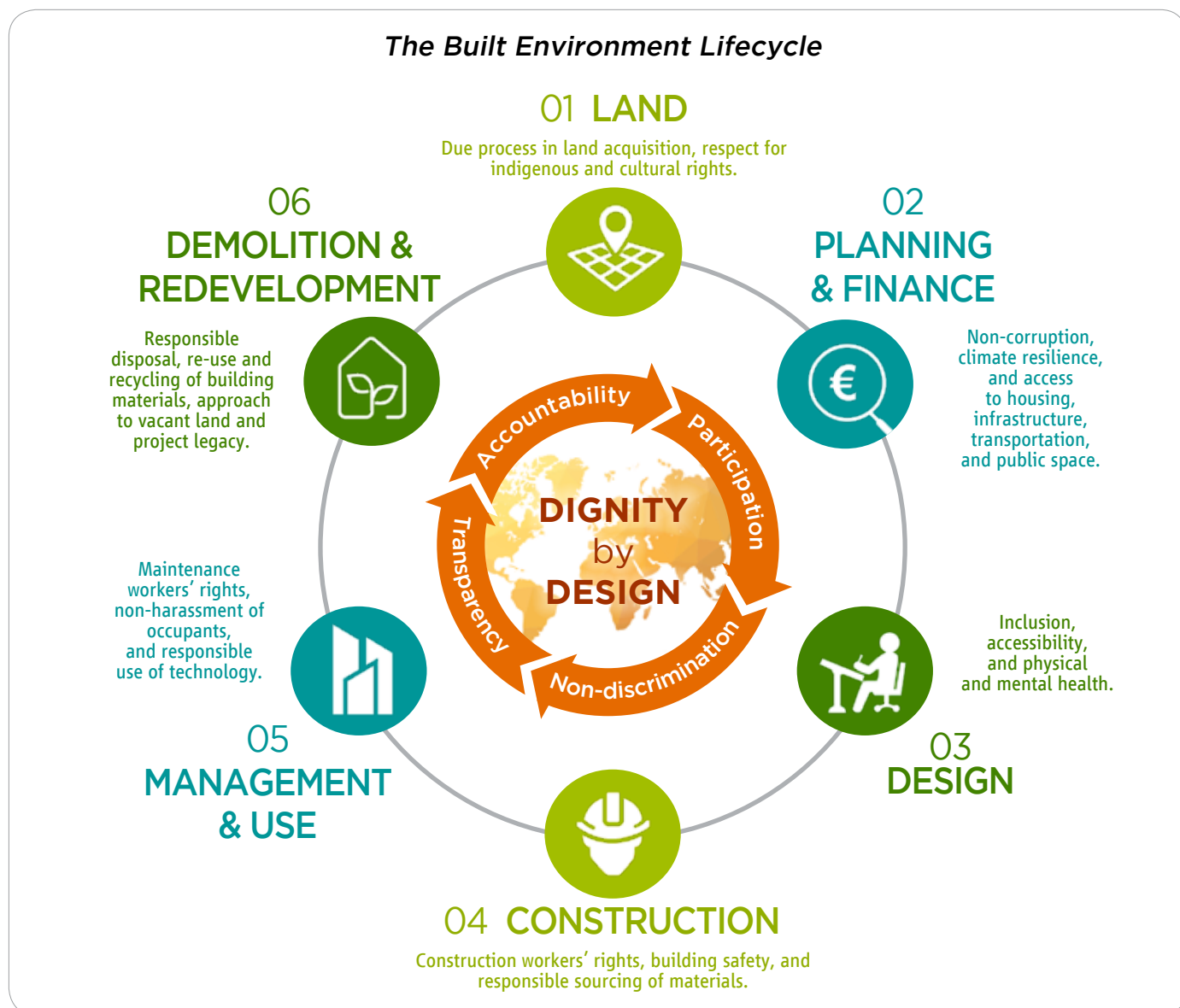
An aerial photograph of a city. A multi-lane highway runs diagonally across the middle. To the right of the highway is a construction site with a partially built structure. To the left and below the highway is a dense residential area with many small buildings and colorful roofs. The background shows more residential buildings and green spaces.

Human Rights and the Built Environment Lifecycle

Human Rights and the Built Environment Lifecycle 6

The built environment lifecycle encompasses six inter-connected stages: land; planning and finance; design; construction; management and use; and demolition and redevelopment. No building or project exists in isolation, of course. Each is connected to the wider fabric and context of the area where it is based. And in an urban area, all stages of the building lifecycle are active at the same time.

This section guides readers through some of the significant human rights issues involved at each stage. The intention is not to be comprehensive. Any project will have its specific context, will require local input on the rights issues at stake, and may impact any range of rights. Instead this section seeks to convey both the breadth of issues at each stage and how these are connected to human rights. It also shares some of the strategies that municipalities, civil society, and the private sector are using to address human rights and build thriving, healthy environments.





Stage 1: Land

KEY ACTORS

National and local government | Investors | Real estate developers |
Planners | Civil society

The built environment begins and ends with the question of land: who owns it, its use, and who has access. Land use decisions determine the trajectory of economic development, of social opportunity, and of environmental protection.

Population growth and urbanisation are projected to add 2.5 billion people to the world's urban population by 2050.³⁷ This puts huge pressure on land, which is a finite resource – not only within urban areas but also the surrounding rural areas on which they depend.

³⁷ "2018 Revision of World Urbanization Prospects", UNDESA, at: <https://www.un.org/development/desa/en/news/population/2018-revision-of-world-urbanization-prospects.html>

Displacement

The pressure for access to land creates the risk for companies to be complicit in forced evictions³⁸ and the displacement of local populations. Those most at risk of evictions are frequently those with the least power to challenge it – the poorest and most marginalised members of society, particularly those living in informal settlements.

Each year, thousands are forced from their homes in informal settlements as a result of ambitious development plans, the high cost of land, housing shortages and inadequate land rights. This risk can be heightened during the development of infrastructure for mega sporting events. Thousands of favela residents were evicted in Brazil in preparation for the 2014 FIFA World Cup and the 2016 Olympics, for example.³⁹

UN Habitat has identified examples of alternative solutions to forced evictions and slum demolitions in four countries, with the hope that these can be adapted to other contexts and scaled up. They include cases from Haiti, where the government's policy has been to gradually formalise informal settlement as a durable solution to internal displacement, and from Kenya, where improved access to justice has enabled some communities to successfully seek judicial protection against forced eviction.⁴⁰

Companies involved in land acquisition should conduct thorough consultation with local communities, follow due process, and ensure adequate compensation for resettlement when necessary, complying with the FAO guidelines on responsible tenure,⁴¹ and with the IFC's performance standard 5.⁴² RICS and the UN Global Compact have also emphasised that "while the development of buildings can be driven by international investment, the land they are built on is by nature local and any land development must respond to the needs of the local communities they are located in."⁴³

Displacement also extends well beyond forced evictions. In the wealthiest cities, low- and middle-income residents are increasingly displaced from city centres as they are priced out of their homes (see [Right to Housing](#)). A fear of gentrification and rising housing prices which would push people out of their homes was one of the factors that generated strong opposition, for example, to Amazon's plan to locate a "second headquarters" in Queens, New York City. In the face of the organised opposition, the company decided to back out of the plan.⁴⁴

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- 38 The UN Committee on Economic Social and Cultural Rights (CESCR) defines a forced eviction as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection." The CESCR has emphasized in its General Comment 7 that evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored and all procedural protections are in place. The prohibition on forced evictions does not apply to evictions carried out in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights. For more see "Forced evictions", UN Habitat and OHCHR (2013), at: https://www.ohchr.org/Documents/Publications/FS25_Rev.1.pdf
- 39 "Brazil protests take to the pitch as People's Cup highlights evictions", Jonathan Watts, Guardian (June 2013), at: www.theguardian.com/global-development/2013/jun/18/brazil-protests-peoples-cup-evictions
- 40 "Alternative solutions to forced evictions and slum demolitions: Case studies from Africa, Asia, North and South America", UN Habitat (2018), at: www.urban-response.org/system/files/content/resource/files/main/forced%20evictions_final.pdf
- 41 See Food and Agricultural Organization at: <http://www.fao.org/tenure/voluntary-guidelines/en/>
- 42 See International Finance Corporation at: https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/performance-standards/ps5
- 43 "Advancing responsible business in land, construction, and real estate use and investment", RICS and UN Global Compact (2018), at: <https://www.rics.org/globalassets/rics-website/media/about/advancing-responsible-business-un-sustainable-development-rics.pdf> (see pages 22-25 for background and guidance on land tenure)
- 44 "Rights and wrongs - Amazon and New York: Lessons for the extractive sector", Salil Tripathi, Institute for Human Rights and Business (February 2019), at: <https://www.ihrb.org/focus-areas/commodities/commentary-rights-and-wrongs-amazon-lessons-extractive-sector>

Forced Evictions of Informal Settlement Dwellers in Lagos, Nigeria

Amnesty International documented⁴⁵ seven forced evictions of more than 30,000 residents of the Ilubirin and Otodo-Gbame communities in Lagos, Nigeria, between March 2016 and April 2017. The evictions and related attacks resulted in at least 11 deaths, massive destruction of property, homelessness, loss of livelihoods, separation of families, and children deprived of access to education. The evictions took place in the context of a housing crisis in the city – with a housing deficit estimated to be above two million housing units – an insecure land tenure system, and the increasing value of land occupied by settlements that are close to high- and middle-income neighbourhoods and business districts. In addition, an extremely complex process for securing building permits is challenging for poor residents of informal settlements in Lagos, increasing their susceptibility to evictions.

Indigenous and Cultural Rights

Land is inextricably connected to indigenous and cultural rights. Many cities are located on indigenous land, with little to no acknowledgement of this history, or accounting for past abuses of indigenous rights, or efforts to ensure respect for the rights of present indigenous populations.

In Australia, nearly 80% of Aboriginal and Torres Strait Islander people live in urban areas, but those areas often still exclude and marginalise them, reflecting a history of segregation followed by harmful assimilation policies. Initiatives are underway to change this – for example Queensland government passed legislation that acknowledges that planning should value, protect and promote Aboriginal and Torres Strait Islander knowledge, values and traditions.⁴⁶ In Canada, the Royal Architectural Institute of Canada has released best practice case studies on architectural co-design with first nations.⁴⁷

45 “The human cost of a megacity – Forced evictions of the urban poor in Lagos, Nigeria”, Amnesty International (2017), at: www.amnestyusa.org/wp-content/uploads/2017/11/The-Human-Cost-of-a-Megacity-Nigeria-forced-evictions-report.pdf

46 “Indigenous communities are reworking urban planning, but planners need to accept their history”, The Conversation (May 2018), at: <http://theconversation.com/indigenous-communities-are-reworking-urban-planning-but-planners-need-to-accept-their-history-92351>

47 “Four case studies exemplifying best practices in architectural co-design and building with First Nations”, Royal Architectural Institute of Canada, at: <https://www.raic.org/raic/four-case-studies-exemplifying-best-practices-architectural-co-design-and-building-first>

Free Prior and Informed Consent

Free Prior and Informed Consent (FPIC) is an important international standard that indigenous people can use to claim their rights to self-determination, consultation, and participation in decision-making. The final study on Indigenous Peoples and the right to participate in decision-making by the UN Expert Mechanism on the Rights of Indigenous Peoples says that:

“The element of ‘free’ implies no coercion, intimidation or manipulation; ‘prior’ implies that consent is obtained in advance of the activity associated with the decision being made, and includes the time necessary to allow Indigenous Peoples to undertake their own decision-making processes; ‘informed’ implies that Indigenous Peoples have been provided all information relating to the activity and that that information is objective, accurate and presented in a manner and form understandable to Indigenous Peoples; ‘consent’ implies that Indigenous Peoples have agreed to the activity that is the subject of the relevant decision, which may also be subject to conditions.”⁴⁸

While FPIC is most frequently used in the context of the extractive and agribusiness industries, its principles apply equally in the built environment.

Cultural rights at Seven Sisters Indoor Market in Haringey, London

The case of a development project in London illustrates the way in which new developments can have direct impacts on cultural rights. As three UN experts stated in 2017,⁴⁹ plans to close a London market as part of a real estate development project represented a threat to the cultural rights of the majority Latin American and Hispanic small business owners in the market. The Seven Sisters Indoor market in Haringey was a space for social interaction among the shop owners, their families, and the wider community, and was particularly important for women. “The destruction of the market and scattering of the small businesses to other premises would not only seriously affect the economic situation of the people working there, but it would also make this cultural life simply disappear,” the experts said. They added that in addition to the State duty to protect individuals from violations of their human rights by third parties, the private investment firms involved in the regeneration project should conduct effective human rights due diligence in meaningful consultation with affected individuals and groups.⁵⁰

48 “Free, prior and informed consent: Protecting indigenous people’s rights to self-determination, participation, and decision-making”, Cultural Survival (December 2012), at: www.culturalsurvival.org/publications/cultural-survival-quarterly/free-prior-and-informed-consent-protecting-indigenous

49 “London market closure plan threatens ‘dynamic cultural centre’ - UN rights experts”, OHCHR (July 2017), at: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21911&LangID=E>

50 Further details are also in “Renewal or Gentrification? London borough grapples with a revamp”, Prashant S. Rao, New York Times, at: www.nytimes.com/2018/01/01/world/europe/london-tottenham-regeneration.html, and for updates on the local council and the companies’ plans for the project and efforts to consult the local community see “Seven Sisters Regeneration”.



Stage 2: Planning and Finance

KEY ACTORS

National and local government | Investors | Real estate developers |
Planners | Architects | Civil society

Urban planning determines what land is used for, and how different elements interact with one another and with their users.

While finance is necessary at all stages of the built environment lifecycle, it is particularly decisive at this stage as development projects get underway. Despite the critical role of finance in creating and maintaining the built environment, a narrow focus on short-term financial return can often be at odds with human

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If we can build a successful city for children, we will have a successful city for all people.⁵¹

Enrique Peñalosa, Mayor of Bogotá

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Haringey Council: <https://www.haringey.gov.uk/planning-and-building-control/planning/major-projects-and-regeneration/seven-sisters-regeneration>

51 “What would the ultimate child-friendly city look like?”, Laura Laker, Guardian (February 2018), at: <https://www.theguardian.com/cities/2018/feb/28/child-friendly-city-indoors-playing-healthy-sociable-outdoors>

rights and inclusion. A growing number of investors are taking a longer term and responsible approach, sending a signal to the real estate, construction and engineering firms that they invest in of the importance of respecting human rights.⁵²

Local governments have an important role to play both in regulating the impacts of private finance, and in ensuring a human rights approach to municipal finance. As the Office of the UN High Commissioner for Human Rights has put it: “Financing strategies, fiscal policies, tax systems, subsidies, development plans, and budgets should benefit the poorest and most marginalised, and should be the product of transparent and participatory processes.”⁵³

Holistic Approaches to Planning

Planning decisions on the way in which land is used within the built environment impact the full spectrum of human rights. In this context, it is important that municipal governments take a holistic approach to land use, developed with local community input, and that private actors support, and do not stand in the way of, this approach. Effective approaches to planning can ensure thriving environments for all residents, with access to adequate housing, services, infrastructure, and diverse work opportunities.

Active community participation in planning processes is key. This is sometimes known as participatory planning, and, when communities are in the driving seat, community-led planning. During the revision process for the Mumbai Development Plan in 2016, for example, young people from the city’s informal settlements were among those playing an active role articulating their demands through a citywide campaign, Hamara Shehar Vikas Niyojan Abhiyan Mumbai (Our City Development Plan Campaign, Mumbai).⁵⁵

At the opposite end of the spectrum is the frequent dynamic of planning and zoning decisions that are driven solely or largely

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*Most of these [new] cities are not for the poor or even for middle class people. They have luxury housing, golf courses, and other amenities that are expensive and energy / water intensive ... further exacerbating differences between rich and poor, the consequences of which could cause more social instability.*⁵⁴

Dr. Sarah Moser, McGill University

”

“

*What will be remembered about the twenty-first century, more than anything else except perhaps the effects of a changing climate, is the great, and final, shift of human populations out of rural, agricultural life and into cities.*⁵⁶

Doug Sanders

”

52 See for example: “Positive Impact Real Estate Investment Framework”, UNEP FI Property Working Group, in collaboration with RICS, Global Investor Coalition on Climate Change, and PRI (November 2018), at: https://www.unepfi.org/wordpress/wp-content/uploads/2018/11/Positive-Impact-Initiative_Real-Estate-Investment-Framework_Nov-2018.pdf; and “Infrastructure - Human rights guidance tools for the financial sector”, UNEPFI, at: <https://www.unepfi.org/humanrightstoolkit/infrastructure.php>.

53 “Municipal finance and human rights”, OHCHR, at: https://www.ohchr.org/Documents/Issues/Urbanization/Municipal_finance.docx

54 “Why hundreds of completely new cities are being built around the World”, Wade Shepard, Forbes (December 2017), at: <https://www.forbes.com/sites/wadeshepard/2017/12/12/why-hundreds-of-completely-new-cities-are-being-built-around-the-world/#58f9299014bf>

55 “Young people’s participation, critical for responsive city planning”, Marina Joseph, UrbanNet (September 2018): <https://www.urbanet.info/mumbai-youth-participation-urban-planning/>

56 “Arrival City - How the largest migration in history is reshaping our world”, Doug Sanders, Penguin Random House (April 2012), at: www.penguinrandomhouse.com/books/160976/arrival-city-by-doug-saunders/9780307388568/

by the financial interests of developers. This situation reflects an inequality of power between the private actors and local communities – with municipal governments swayed either by the need to expand revenue streams and/or, in some cases, by bribery (see [Anti-corruption](#)). It leads to re-zonings and planning decisions that can be directly at odds with what the community needs.

Social Urbanism in Medellín, Colombia

When he became Mayor of Medellín, Colombia in 2004, Sergio Fajardo worked with local communities and architects to address the cycle of violence that had dominated the city for several years. They developed a process of “social urbanism”.⁵⁷ New cable cars connected the city centre to the hilltop barrios in the northern half of Medellín that experienced high levels of poverty and crime – linking residents with much-needed job opportunities. Projects such as “library parks” designed by leading architects, as well as improvements in bridges, schools, and housing instilled a strong sense of pride in the neighbourhoods. The residents of the barrios still face challenges in their daily lives, but this process has transformed the city and is hailed as an example for others to follow. The murder rate fell 80%, from a high of 6,349 killings in 1991.⁵⁸

Alejandro Echeverri, one of the lead architects in the process has said: “Recognizing the entire city in order to expand its urban, cultural, and economic dynamics has been perhaps the most valuable aspect of the transformation.”

Efforts to replicate elements of Medellín’s social urbanism approach (see box) have seen mixed results. In Rio de Janeiro, the unsuccessful construction of a cable car up to the Morros da Providencia favela demonstrates the fundamental importance of local consultation and participation in planning: “As local leaders pointed out from the beginning,” one journalist has written, “the cable car was never [the residents’] priority. They had no basic sanitation, they had no housing – but they had a cable car that they called a while elephant flying over their communities.”⁵⁹

New Cities

“Top-down” planning is perhaps epitomised in the development of new cities. Over forty countries – including China, Ecuador, Egypt, India, Indonesia, Myanmar and Oman – have invested billions of dollars into building new cities entirely from scratch. A central element of the construction of these cities is creating urban development land that can be sold to developers to generate revenue, and in such cases, corruption frequently comes into play.

57 See “Social urbanism in Medellín – International Forum on the ‘FutureCity’ Initiative”, at: http://future-city.jp/forum/2017_07/pdf/03_04_echeverri_en.pdf and “Informality and social urbanism in Medellín”, Alejandro Echeverri Restrepo and Francesco M. Orsini, at: <https://pdfs.semanticscholar.org/Ofcb/410c512f443d7455c461bbc7c560849ef0a5.pdf>

58 “From murder capital to model city: is Medellín’s miracle show or substance?”, Sibylla Brodzinsky, Guardian (April 2014), at: <https://www.theguardian.com/cities/2014/apr/17/medellin-murder-capital-to-model-city-miracle-un-world-urban-forum>

59 “In Medellín, cable cars transformed slums – in Rio, they made them worse”, Mariana Dias Simpson, apolitical (January 2018), at: https://apolitical.co/solution_article/medellin-cable-cars-transformed-slums-rio-made-worse/

The Egypt Social Progress Indicators – developed by the Center for Economic and Social Rights and its partners in Egypt – has recommended that construction of new cities in that country cease until fundamental problems with them are addressed. Egypt’s new cities are currently at only 30% their intended capacity, given the absence of basic services, lack of employment opportunities and lack of public transportation.⁶⁰

Addressing Historic Inequities

The structure of a city often reflects underlying and past disparities along lines of race, wealth, religion and other factors. Planning efforts must be mindful of these issues and take measures to address them.

Research has found, for example, that Belfast in Northern Ireland reflects historically an urban planning system that intentionally sought to contain the minority Catholic community to better control and manage politically motivated violence – which in turn served to segregate the city and deepen systemic inequality. As a report on the city says, “the role of those professionals responsible for the technical aspects of planning (e.g. architects, engineers, and professional planners) will be crucial if the segregationist practices of the past are not to be repeated.”⁶¹

Transit-Oriented Development to Counter the Legacy of Apartheid in Johannesburg

In Johannesburg, South Africa, the layout of the city continues to reflect the legacy of apartheid. The “Johannesburg Transit Corridors” programme (originally called “Corridors of Freedom”) is an ambitious project that seeks to address some of the inequity built into the fabric of the city, with bridges, bus lines and green areas built to connect townships with historically white, wealthier neighbourhoods. Assessments of the project have highlighted the beneficial role transit-focused interventions can play, while also emphasising key lessons for the future. One lesson is to ensure that private sector developer involvement – often a central component of these projects – is harnessed in support of community goals and does not trigger over-development and rising prices that push local communities out of their homes.⁶² Other lessons are the need to strengthen public participation so that the voices of the poorest and most marginalised are included, and the importance of connecting these projects with wider policy and societal change to improve safety and employment opportunities.⁶³

60 “Egypt Social Progress Indicators – Urbanization”, at: https://www.progressegyp.org/files/espi_urbanization_factsheet_2018.pdf

61 “Cutting with the grain: Human rights, conflict transformation and the urban planning system – lessons from Northern Ireland”, Tim Cunningham, Human Rights Review (July 2016), at: <https://link.springer.com/article/10.1007/s12142-016-0416-4>

62 “Transit corridors and the private sector: Incentives, regulations and the property market”, Kirsten Harrison, Report 4. Spatial Transformation through Transit-Oriented Development in Johannesburg Research Report Series, South African Research Chair in Spatial Analysis and City Planning, University of the Witwatersrand (2016), at: https://issuu.com/sacpwits/docs/4_private_sector_and_the_regulatory?e=30630457/51771538

63 Report series: “Spatial Transformation through Transit-Oriented Development in Johannesburg Research Report Series”, South African Research Chair in Spatial Analysis and City Planning, University of the Witwatersrand (2016), at: <https://www.wits.ac.za/news/latest-news/research-news/2017/2017-08/corridors-of-freedom-and-transformation-through-transit.html>

Access to Infrastructure and Environmental Justice

A fundamental element of urban planning is the location and provision of infrastructure and essential services such as water, sanitation,⁶⁴ energy, and transit. Provision of these services is part of governments' duty to protect citizens' human rights. In many ways they constitute the connective tissue of an urban area, without which it could not function. Private actors such as investors,⁶⁵ engineering and construction companies involved in the provision of these services should conduct thorough human rights due diligence to ensure non-discrimination and as broad access as possible within available resources.⁶⁶

Companies can face opposition when their provision of utilities is seen to increase prices or restrict access. An iconic example of this was the "water wars" in Cochabamba and La Paz, Bolivia, over private water companies' overcharging and failure to expand services in poor neighbourhoods.⁶⁷ More recently, Paris and other European cities have brought their water services back under municipal control in an effort to lower prices.⁶⁸

In addition to access, it is also important to ensure that polluting infrastructure, such as waste processing facilities and congested traffic routes, do not disproportionately impact low-income and minority communities. In the United States, the environmental justice movement was born from the recognition that minority populations often bear the brunt of harmful infrastructure, and related health problems. For example, the majority black and low-income South Bronx neighbourhoods of Mott Haven and Melrose are located between three major highways and close to waste processing facilities. These neighbourhoods have some of the highest asthma rates in the country, particularly among children.⁶⁹

“

[The call for environmental justice is] rooted in racial discrimination in housing, land use planning and zoning. Lines of demarcation on race and class were used to confine and segregate individuals and communities. This historical pattern stands to this day...[And] it's not just pollution. Communities of color don't get a fair share of the good stuff – parks, green spaces, nature trails, good schools, farmers markets, good stores. They get less of all the things that make communities healthy and get more of their fair share of the bad stuff.⁷⁰

Robert Bullard, known as the "father of environmental justice" in the USA

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64 The Office of the High Commissioner for Human Rights has developed a Right to Water and Sanitation toolkit, at: <https://www.ohchr.org/EN/Issues/ESCR/Pages/Water.aspx>. Human rights instruments relating to the right to water and sanitation are available at: <https://www.ohchr.org/EN/Issues/ESCR/Pages/InstrumentsWater.aspx>

65 See: "Primer for responsible investment in infrastructure", UN Principles for Responsible Investment (January 2018), at: <https://www.unpri.org/download?ac=4141>

66 The Economic Commission for Europe has developed 10 Guiding Principles on People-First Public Private Partnerships in Support of the UN Sustainable Development Goals, March 2019, at: <https://files.constantcontact.com/147a5480701/b2e7df1f-95a8-4d93-8785-a539032841a6.pdf>

67 "French water company Suez to leave Bolivia", Reuters (January 2007), at: <https://uk.reuters.com/article/utilities-bolivia-water-suez/french-water-major-suez-to-leave-bolivia-idUKN2340119220061023>

68 "Paris's return to public water supplies makes waves beyond France", Reuters (July 2014), at: <https://www.reuters.com/article/water-utilities-paris/pariss-return-to-public-water-supplies-makes-waves-beyond-france-idUSL6N0PE57220140708>

69 "South Bronx environmental health and policy study", Institute for Civil Infrastructure Systems, NYU Wagner (2007), at: <https://wagner.nyu.edu/files/publications/4%20NYUWagnerPhaseIVReportDecember2007.pdf>

70 "Robert Bullard: 'Environmental justice isn't just slang, it's real'", Oliver Milman, The Guardian (December 2018), at: <https://www.theguardian.com/commentisfree/2018/dec/20/robert-bullard-interview-environmental-justice-civil-rights-movement>

The Right to Housing

Adequate housing is a human right but is far from being realised. Around a billion people live in informal settlements, and adequate housing is out of reach for growing numbers of people given the rising costs of housing compared to incomes. The right to adequate housing is multi-faceted, including security of tenure, affordability, habitability, availability of services, accessibility and cultural adequacy.⁷¹

Challenges to the right to adequate housing are particularly acute in informal settlements. UN Habitat has defined informal settlements as “residential areas where 1) inhabitants have no security of tenure vis-à-vis the land or dwellings they inhabit, with modalities ranging from squatting to informal rental housing, 2) the neighbourhoods usually lack, or are cut off from, basic services and city infrastructure and 3) the housing may not comply with current planning and building regulations, and is often situated in geographically and environmentally hazardous areas”.⁷³ While informal settlements can present a stereotypical image of deprivation, the nature of housing within them can be incredibly diverse, their residents resilient, and there are multiple opportunities for locally-led improvements and upgrading of housing and living conditions.⁷⁴

Over-financialisation – the process by which financial institutions and markets increase in size and influence – is recognised as a major hurdle standing in the way of governments realising the right to adequate housing. Leilani Farha, the UN Special Rapporteur on the Right to Adequate Housing, describes the way this plays out in different urban contexts.⁷⁵ In “hedge cities” (prime locations for real estate capital), housing prices increase to levels that most residents cannot afford. In other situations, individual households who take on debt are vulnerable to predatory lending practices, resulting in housing precarity and the risk of foreclosure. In the United States, the financial crisis resulted in 13 million foreclosures over the course of five years with more than nine million households evicted. Hungary experienced almost a million foreclosures between 2009-12 as a result of over-financialised housing markets. And in many countries in the global South, financialisation results in evictions and displacement as informal settlements in many locations are replaced by luxury residential and high-end commercial real estate.

“
Housing’s primary position in our lives, economies and the built environment makes it a natural site of intervention in the complex fight against systemic injustices. ‘Housing First’ policies acknowledge that the pursuit of a healthy, fulfilling life is possible only when we have a stable home; while a growing body of research demonstrates that people with affordable, well-designed housing lead healthier, happier lives than those who are rent-burdened or ill-housed.”⁷²

Karen Kubey, urbanist and architect

- 71 “The right to adequate housing and urbanization”, OHCHR, at: <https://www.ohchr.org/Documents/Issues/Urbanization/Adequate%20Housing%20and%20Urbanization.doc>
- 72 “Housing as intervention: Architecture towards social equity”, Karen Kubey, Next City (October 2018), at: <https://nextcity.org/features/view/housing-as-intervention-architecture-towards-social-equity>
- 73 “Habitat III Issue Papers – 22 – Informal Settlements”, UN Habitat, May 2015, at: https://unhabitat.org/wp-content/uploads/2015/04/Habitat-III-Issue-Paper-22_Informal-Settlements.pdf
- 74 For examples see “Participatory slum upgrading programme”, UN Habitat, at: <https://unhabitat.org/urban-initiatives/initiatives-programmes/participatory-slum-upgrading/>
- 75 2017 Annual “Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and to non-discrimination in this context” – focused on financialization of housing, at: <https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

Cities for Adequate Housing

Building on the New Urban Agenda and the right to housing initiative called “The Shift”, many cities have signed on to the “Municipalist Declaration of Local Governments for the Right to Housing and the Right to the City,”⁷⁶ including Amsterdam, Jakarta, Durban, London and Seoul.

As the Declaration states, *“In the contemporary world, lack of national and state funding, market deregulation, growing power of global corporations, and increasing competition for scarce real estate often become a burden on our neighbourhoods, causing serious distortions in their social fabric, and putting the goal of ensuring equitable, inclusive, and just cities at risk.”* The signatories call for five actions:

- More powers to better regulate the real estate market;
- More funds to improve public housing stocks;
- More tools to co-produce public-private community-driven alternative housing;
- An urban planning that combines adequate housing with quality, inclusive and sustainable neighbourhoods, and;
- Municipalist cooperation in residential strategies (enhancing cooperation and solidarity within networks of cities).

Architects and designers in several cities work closely with municipalities on initiatives to expand access to affordable housing, and to emphasise that good design must apply to low-cost homes and social housing, just as it does to homes for wealthier people. In 2016 for example, award-winning Chilean architect Alejandro Aravena released four of his low-cost social housing designs online for free,⁷⁷ accompanied with a call for action, to help governments and developers build well-designed affordable housing.

Social Inclusion of Migrants and Refugees

The fabric of cities is usually defined by newcomers, who are pushed by conflict or environmental pressures from their former homes, drawn by economic opportunity and family reunification, or both. Sixty percent of the world’s 22 million refugees reside in cities.⁷⁹ In the book “Arrival City”, Doug Sanders documents the far-reaching implications of cities’ approach to welcoming and supporting the huge communities that form on the fringes of urban areas, from

“
The question of how we
make our cities welcoming
to new populations is
paramount.”⁷⁸

Architect Manuelle Gautrand

⁷⁶ “Cities for Adequate Housing”, at: <https://citiesforhousing.org/>

⁷⁷ “Alejandro Aravena makes housing designs available to the public for free”, Jenna McKnight, Dezeen (April 2016), at: <https://www.dezeen.com/2016/04/06/alejandro-aravena-elemental-social-housing-designs-architecture-open-source-pritzker/>

⁷⁸ “Architecture is no longer just a ‘gentleman’s profession’”, Reed Kroloff, New York Times (September 2018): <https://www.nytimes.com/2018/09/14/arts/design/women-in-architecture.html>

⁷⁹ “The refugee crisis is a city crisis”, Bruce Katz and Jessica Brandt, CityLab (October 2017), at: <https://www.citylab.com/equity/2017/10/the-refugee-crisis-is-a-city-crisis/544083/>

Istanbul to Los Angeles, Warsaw to Shenzhen.⁸⁰

United Cities and Local Governments' Inclusive Cities Observatory is a "space for analysis and reflection on local social inclusion policies", with over sixty global case studies.⁸¹ In 2018 it published nine new case studies on the experience of Mediterranean cities implementing policies to advance the social inclusion of migrants. Among them, the cases from Amman, Lisbon and Lyon demonstrate the important connection between social inclusion and public space, while the Tunis example emphasises access to decent housing.⁸²⁸³

Architects have played a prominent role leading projects to design accommodation for refugee populations. "Architecture for Refugees", for example, is an open source online platform that collects and shares questions, problems, ideas and solutions dealing with the architectural aspects of refugee flows in Europe and globally.⁸⁴ As with all design interventions, the deeper the engagement with the underlying issues and advocacy for policies that promote inclusion, the greater the impact will be. As many refugees do not return to their countries of origin, their ability to settle is directly connected with access to adequate housing and with employment opportunities.

Access to Public Space

Access to public space plays a decisive role in the wellbeing of residents of urban areas, and in realising multiple human rights including the right to health, non-discrimination, and freedom of assembly and association. Recognising this, public space was included in the Sustainable Development Goals. Target 7 of SDG 11 on sustainable cities and human settlements is to "provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities."⁸⁶

“
Though their status
was ever unresolved
and ambiguous, these
refugees brought new
ways of thinking and new
crafts to the city.”⁸³

Aristotle

“
I cannot say exactly how
nature exerts its calming
and organizing effects
on our brains, but I have
seen in my patients the
restorative and healing
powers of nature and
gardens, even for those
who are deeply disabled
neurologically. In many
cases, gardens and nature
are more powerful than
any medication.”⁸⁵

Neurologist and author Oliver Sacks

80 "Arrival City - How the largest migration in history is reshaping our world", Doug Sanders, *Penguin Random House* (April 2012), at: www.penguinrandomhouse.com/books/160976/arrival-city-by-doug-sanders/9780307388568/

81 Inclusive Cities Observatory, at: <https://www.uclg-cisdp.org/en/observatory/map>

82 "New case studies: Fostering social inclusion of migrants at the local level", United Cities and Local Governments (May 2018), at: www.uclg-cisdp.org/en/news/latest-news/new-case-studies-fostering-social-inclusion-migrants-local-level. See also the UCLG policy paper "For a World of Inclusive Cities" (2008), at: <https://www.uclg-cisdp.org/en/observatory/reports/world-inclusive-cities>

83 Quoted in: "Building and Dwelling: Ethics for the City", Richard Sennett, *Farrar, Straus and Giroux* (April 2018)

84 Architecture for Refugees, at: <http://architectureforrefugees.com>

85 "The healing power of gardens", excerpt from "Everything in Its Place," a posthumous collection of writings by Dr. Sacks, *New York Times* (April 2019), at: <https://www.nytimes.com/2019/04/18/opinion/sunday/oliver-sacks-gardens.html>

86 UN Habitat has a mandate to advance the agenda on placemaking and public spaces. UN Habitat's Global Public Space Program, launched in 2012, focuses on five program areas: Public Space Assessment; Civil Society and Partners; Public Space Upgrading; Technology; and Policies. Its 2018 Annual Report is at: <https://apo.org.au/sites/default/files/resource-files/2018/12/apo-nid219666-1334836.pdf>

United Cities and Local Governments (UCLG) has created a “Public Space Policy Framework”⁸⁷ that sets out key principles for designing and maintaining effective public spaces in a way that upholds the right to the city, gender equality, safety, identity and culture, economic opportunity and other aspects.

Public Space and Health

The health benefits of public spaces include both physical and mental health. Indeed, the World Health Organization’s definition of mental health correlates strongly with the characteristics of thriving urban areas.⁸⁸

The Center for Urban Design and Mental Health⁸⁹ spearheads and compiles research and case studies to motivate policymakers, designers, planners and public health professionals to strengthen mental health outcomes in their cities. While access to public space is one key factor to improve mental health, others include facilitating physical activity and social interactions, safety, and sleep quality. A study of Tokyo, Japan examined ways in which urban design factors can contribute to mental health in a country which has the World’s sixth highest suicide rate, frequent cases of “karoshi” (death from overwork), and where mental health is greatly stigmatised.⁹⁰

In Philadelphia, United States, researchers identified small areas that were not being used and suffering from neglect. They left some alone, but tidied up and greened others, and found that even though the improved areas were small in size, they still had measurable impacts on reducing depression.⁹¹

As a Gehl Institute study says, “Place is integral to health. Our everyday environments play a fundamental role in shaping how healthy we are, as individuals and as communities.” However, access to the health benefits of public spaces is often accessible to some more than others. In light of this, the Gehl Institute and the Robert Wood Johnson Foundation launched the “Inclusive Healthy Places Framework”⁹² to evaluate and create public places that support health in an equitable way, with an emphasis on inclusion.

“

Definition of mental health: “A state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.”⁸⁸

World Health Organization

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87 “UCLG Public Space Policy Framework – By and for local governments”, United Cities and Local Governments, at: https://www.uclg.org/sites/default/files/public_space_policy_framework.pdf

88 “Mental health: a state of well-being”, WHO (August 2014), at: https://www.who.int/features/factfiles/mental_health/en/

89 Center for Urban Design and Mental Health, UD/MH: <https://www.urbandesignmentalhealth.com/>

90 “Urban design and mental health in Tokyo: a city case study”, Layla McCay, Emily Suzuki and Anna Chang, Journal of Urban Design and Mental Health 2017, at: <https://www.urbandesignmentalhealth.com/journal-3---tokyo-case-study.html>

91 “The healing potential of turning vacant lots green”, Linda Poon, (July 2018), at: <https://www.citylab.com/environment/2018/07/the-healing-potential-of-turning-vacant-lots-green/566066/>

92 “Inclusive Healthy Places Framework – A guide to inclusion and health in public space: learning globally to transform locally”, Gehl Institute (2016), at: <https://gehl.institute.org/work/inclusive-healthy-places/>

Public Space and Safety for Women

Fully realising the benefits of public spaces means ensuring they are safe for everyone, including women. Inter-governmental organisations such as UN Women, local authorities in cities from New Delhi to Cairo to Barcelona,⁹³ design firms and civil society organisations are actively working to increase safety for women and girls in urban areas.

Privatisation of Public Space and the Right to Assembly

Given the crucial role of public spaces in urban life, their increasing privatisation and the creation of “POPs” (privately owned public spaces such as parks and squares) poses a risk to the fabric of urban areas and restricts the realisation of human rights. These spaces are often characterised by the expansion of technological surveillance and monitoring by private security guards, and opaque regulations regarding their use. In 2017, the Guardian newspaper mapped⁹⁴ at least 50 of these major “pseudo-public” spaces in London, with landowners that include JP Morgan, Abu Dhabi National Exhibitions Company and the Tokyo-based Mitsubishi Estate. In New York City, audits found that spaces run by many buildings were in violation of local laws, obstructing or restricting entry to the public.⁹⁵

“*Although this issue might be academic while we’re eating our lunch on a private park bench, the consequences of multiplying and expanding POPs [privately-owned public spaces] affects everything from our personal psyche to our ability to protest.*”⁹⁶

Geographer Bradley Garrett

Public Space at the Centre of the Gezi Park Protests in Turkey

Tension over the protection of public space was epitomised in the Gezi Park protests in Istanbul in 2013. The protests began as part of a campaign against the destruction and redevelopment of Gezi Park, one of Istanbul’s last public green spaces, and the opaque way that decisions about the project had been made. A cycle of escalating protest and repression by the Turkish authorities resulted in at least eight thousand injured and five confirmed deaths.⁹⁷ The Gezi protests resonated across the country and internationally.⁹⁸

93 “What would a city that is safe for women look like?” Amy Fleming, Guardian (December 2018), at: <https://www.theguardian.com/cities/2018/dec/13/what-would-a-city-that-is-safe-for-women-look-like>

94 “Revealed: the insidious creep of pseudo-public space in London”, Jack Shenker, Guardian (July 2017), at: <https://www.theguardian.com/cities/2017/jul/24/revealed-pseudo-public-space-pops-london-investigation-map>

95 “Final letter report on the follow-up review of the city’s oversight over privately owned public spaces,” New York City Comptroller Scott M. Stringer (November 2017), at: <https://comptroller.nyc.gov/reports/final-letter-report-on-the-follow-up-review-of-the-citys-oversight-over-privately-owned-public-spaces/>

96 “The privatization of cities’ public spaces is escalating. It’s time to take a stand”, Bradley L Garrett, Guardian (August 2015), at: <https://www.theguardian.com/cities/2015/aug/04/pops-privately-owned-public-space-cities-direct-action>

97 “Gezi park protests: Brutal denial of the right to peaceful assembly in Turkey,” Amnesty International (October 2013): <https://www.amnestyusa.org/reports/gezi-park-protests-brutal-denial-of-the-right-to-peaceful-assembly-in-turkey/>

98 “Reflecting on Turkey’s Gezi Park protests, five years on”, Emin Ozmen, Magnum Photos (May 2018), at: <https://www.magnumphotos.com/newsroom/politics/em-in-ozmen-turkey-gezi-park-protests-5-year-anniversary/>

Anti-Corruption, Transparency, and Responsible Tax Payments

Transparency International (TI) defines corruption as “the misuse of entrusted power for private gain.” Corruption thrives in an absence of institutionalised checks on power, and where decision-making processes are not transparent. Given the complex business relationships and generally acknowledged lack of transparency across the real estate and construction industries, the risks of corruption are high. In a TI “Global Corruption Barometer” survey of over 114,000 respondents, more than one in five said they had paid a bribe related to land administration services.⁹⁹ In addition to bribes, another common form of corruption in the built environment is bid-rigging, for example when officials take kickbacks in exchange for confidential information related to a project bid, or give certain bids preferential consideration.

A major example of this is the Odebrecht scandal¹⁰⁰ which rocked countries throughout Latin America, leading to the toppling of Presidents and collapse of political parties. The Brazilian construction and engineering firm used bribery and corruption to secure 100 projects in 12 countries, generating \$3.3 billion in the form of bribes and illicit profits over a decade.¹⁰¹

A case on a smaller scale, though a striking example of the direct correlation between corruption and human rights in the built environment, is the “kids for cash” scandal in Philadelphia, United States. The developer and the owner of private juvenile detention centres paid bribes to judges, in return for the judges convicting high numbers of young people for minor offenses.¹⁰²

Closely connected with anti-corruption, a key responsibility of business is the responsible payment of taxes. Tax is important for realising human rights both in terms of providing governments with the necessary resources to advance them, and by shaping how accountable governments are to their people.¹⁰³ Profit shifting by multinational companies has been estimated to lead to global losses of around \$500 billion a year.¹⁰⁴ At the level of urban areas, this means that while local municipalities emphasise the need for financing to sustain healthy cities with opportunities for their residents, corruption and tax avoidance dramatically reduce important sources of this financing.

In 2015, the leaked “Panama Papers” exposed the widespread use of anonymous shell companies and of investment in luxury real estate both to launder money connected to crime and for large-scale tax avoidance. Shell companies are legal as long as the companies declare their assets and pay taxes, but the secrecy surrounding them makes it easier to break the law. As Global Witness puts it in their “No Safe Haven” campaign,¹⁰⁵ “the ability to hide and spend funds overseas is a large part of what makes grand scale corruption possible and attractive.” This practice has a significant ripple effect for residents of affected cities such as Miami, Hong Kong, London, San Francisco and Vancouver as the development of luxury towers distorts the housing market.

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- 99 “Global Corruption Barometer 2013”, Transparency International, at: <https://transparency.hu/wp-content/uploads/2016/05/Global-Corruption-Barometer-2013-Study.pdf>
- 100 “One company has thrown politics in the Western Hemisphere completely off-kilter”, Linette Lopez, Business Insider (May 2017), at: <https://www.businessinsider.com/what-is-the-odebrecht-corruption-scandal-2017-5>
- 101 United States District Court Eastern District of New York, ruling #2016R00709, at: <https://www.justice.gov/opa/press-release/file/919911/download>
- 102 “Kids for cash scandal exposes more corruption in private prison system”, Joey LeMay, Mint Press News (April 2012), at: <http://www.cnn.com/2009/CRIME/02/23/pennsylvania.corrupt.judges/>
- 103 “Challenging fiscal abuse and promoting rights-aligned tax policies”, Center for Economic and Social Rights: <http://www.cesr.org/human-rights-taxation>
- 104 “New estimates reveal the extent of tax avoidance by multinationals”, George Turner, Tax Justice Network (March 2017), at: <https://www.taxjustice.net/2017/03/22/new-estimates-tax-avoidance-multinationals/>
- 105 “No Safe Haven”, Global Witness, at: <https://www.globalwitness.org/en/campaigns/corruption-and-money-laundering/no-safe-haven/>

National and local governments must take concerted and coordinated action to tackle tax avoidance and corruption in the built environment.¹⁰⁶ Companies must also act to eliminate corruption and ensure responsible payment of taxes, with adequate control mechanisms and reporting.¹⁰⁷

Climate Change and Disaster Preparedness and Response

The rapidly increasing climate-related disasters in urban areas invariably lay bare existing inequities among affected populations. Hurricane Katrina in New Orleans exposed the extreme disparities between the city's African-American and white populations. In South Asia, studies have emphasised¹⁰⁸ the disproportionate impact of flooding on women, children, and the poor – well beyond immediate casualties, to also include impacts in terms of post-event violence, trauma, and challenges in accessing food and water supplies. Meanwhile, re-building post-disaster is often characterised by fast and reactive approaches that prioritise private interests over the needs of the local population, an approach that author and activist Naomi Klein has termed “disaster capitalism” (see Aceh case study below).¹⁰⁹

When Christchurch in New Zealand had to re-build swathes of the city after the 2010-11 earthquakes, local government officials and architecture firms ran a public consultation about the kind of city residents wanted to create. Twenty-one percent of Christchurch's population participated, contributing over 100,000 ideas. While a potentially powerful initiative to incorporate community views in re-building, many, however, became disillusioned at later stages of the process when the final decision-making moved from the local to the national level.¹¹⁰

As the Resilient Cities Housing Initiative¹¹¹ has emphasised, efforts to design and sustain housing are about “far more than the appearance of that housing. It is about the contested politics of its siting, programming, financing, policy, and integration with larger urban networks and the public realm.” The initiative defines housing for resilient cities as housing that:

- Supports community structure and the economic livelihood of residents.
- Reduces the vulnerability of residents to environmental risks and stresses.
- Empowers communities through enhanced capacities to share in their own governance.
- Enhances the personal security of residents in the face of violence or threats of displacement.

106 For example, in response to the Panama Papers findings, since 2016 the US Treasury Department has mandated that secretive shell companies buying luxury homes with cash in certain areas, starting with Manhattan and Miami-Dade County then expanding to others – disclose their true owners to the government, see “The hunt for dirty money in Miami real estate is working- and will continue, feds say”, Nicholas Nehamas and Kevin Hall, Miami Herald (March 2018), at: <https://www.miamiherald.com/news/business/real-estate-news/article206232819.html>

107 For examples of guidance for companies on corruption see “Advancing responsible business in land, construction, and real estate use and investment”, RICS and UN Global Compact (2018), at: www.rics.org/globalassets/rics-website/media/about/advancing-responsible-business-un-sustainable-development-rics.pdf pages 27 and 28)

108 “In South Asian slums, women face the consequences of climate change”, Ammar A. Malik and Jared Stolove, Urban Wire (August 2017), at: <https://www.urban.org/urban-wire/south-asian-slums-women-face-consequences-climate-change>

109 “How power profits from disaster”, Naomi Klein, Guardian (July 2017), at: <https://www.theguardian.com/us-news/2017/jul/06/naomi-klein-how-power-profits-from-disaster>

110 “Share an Idea, spare a thought: Community consultation in Christchurch's time-bound post-earthquake rebuild”, Sally Carlton, Journal of Human Rights in the Commonwealth - Issue 2 (Autumn 2013), at: <https://core.ac.uk/download/pdf/20116696.pdf>

111 Resilient Cities Housing Initiative, at: <https://rchi.mit.edu/>

Re-building after the Aceh Tsunami at Odds with Local Needs

In December 2004 an earthquake in the Indian Ocean triggered a major tsunami that affected 14 countries, claiming almost 230,000 lives and impacting more than 2.5 million people. Banda Aceh was hardest hit – with an estimated 130,000 people killed, three times as many women as men. Houses and infrastructure throughout Aceh province were destroyed or partially damaged, and the surrounding geography changed. This led to a massive relief effort, involving 127 international NGOs and the construction of 140,300 new houses.¹¹² The reconstruction holds important lessons on the importance of deep community consultation in rebuilding processes to be sure that new structures are aligned with the needs of surviving residents, and of a close understanding of the political context in which rebuilding takes place.

As a report by the Tsunami and Disaster Mitigation Research Centre noted, most international donors *“viewed the tsunami victims as the objects, rather than the subjects, of the aid. They thought of the tsunami victims as weak, so most of the aid programs were targeted to short-term needs and physical projects and took a paternalistic attitude, and the format of the aid was not in accordance with local needs.”*¹¹³ This led to a situation in which multiple identical houses were built, which did not account for the varying incomes of residents, nor the need for proximity to economic opportunities, leading to rows of unoccupied new houses in some areas. As one study observed: *“It appears that the choice of land was limited and decisions were made on the basis of economic rather than development considerations. Several of these villages are partly uninhabited and their future is uncertain: will they be invested by new occupants or will they become ghost villages?”*¹¹⁴ As one approach that would have mitigated this problem, the study suggests modular structures – which are gaining traction in many contexts – whereby users have the flexibility to adapt the room divisions and other features according to their needs.

112 “Post-tsunami reconstruction in Aceh: quantity versus quality”, Simon Deprez and Eleonore Labattut, Groupe URD, at: <https://www.urd.org/en/publications-20/humanitarian-aid-on-the-move/Humanitarian-Aid-on-the-move-3/Post-tsunami-reconstruction-in>

113 “Tsunami +10: Housing Banda Aceh After Disaster”, Places Journal (December 2014), at: <https://placesjournal.org/article/tsunami-housing-banda-aceh-after-disaster/>

114 Post-tsunami reconstruction in Aceh: quantity versus quality”, Simon Deprez and Eleonore Labattut, Groupe URD, at: <https://www.urd.org/en/publications-20/humanitarian-aid-on-the-move/Humanitarian-Aid-on-the-move-3/Post-tsunami-reconstruction-in>



Stage 3: Design

KEY ACTORS

Architects and design firms | Building Owners | Investors | Real estate developers |
Local government | Civil society

The sections above have featured the influential role that design can play in strengthening respect for human rights throughout urban planning process – from connective transit projects, to public spaces that help build connections, reduce inequality and improve security, to strengthening resilience to disasters. Architects and design firms are also often commissioned to work on individual buildings of course. In this context there is still significant opportunity to design with human rights in mind.



[We strive] towards finding new formation to architecture... This responds to questions of inequity, climate, local availability of materials and technology. We are not interested in the acrobatics of architecture or importing materials. What we are interested in doing is seeing what the mainstream is about and seeing how one can shift the mainstream productively so that one can create a critical mass of change.¹⁰⁹

Rahul Mehrotra, RMA architects



115 “Design manifestos: Rahul Mehrotra of RMA Architects”, Medium (February 2016), at: <https://medium.com/design-manifes->

Architecture and Leverage for Human Rights

Unlike many other forms of product, people do not have a choice as to whether to “consume” the architecture that surrounds them and that they encounter on a daily basis. With this, comes a strong responsibility to consider the ways in which architecture shapes the built environment for all its inhabitants. Any building is also situated within a broader community and a political and cultural context, within which architects and their professional associations have opportunities to advocate for policies that advance equality and human rights.¹¹⁶

The business of architecture, however, means that architects can be largely beholden to the requirements of their clients. Throughout their work, architects face important decisions related to who they build for, and the leverage which they have, or do not have, over their public and private sector clients. This might involve leverage to adjust the scope and approach of projects, or to include human rights-related provisions in contracts for example (see [Leverage Over Business Relationships](#)).

Building Design for Inclusion and Health

Buildings should be designed with an emphasis on accessibility and dignity for all those who use them. And with the average person in some countries spending up to 90% of their time indoors,¹¹⁷ interior design plays a major role in promoting or inhibiting wellbeing, including through the use of materials that affect air quality.

Design for people with disabilities

Around 15% of the World’s population lives with some form of disability.¹¹⁸ Architects and designers must intentionally design with the needs of people with disabilities in mind. Inaccessible buildings prevent people with disabilities from participating fully in society, accessing opportunity, and living a decent life.¹¹⁹

Design for ageing populations

Architecture has a role to play in responding to changing demographics. One important change underway is the aging of the world’s population, due to advances in medicine and in some countries, declining birth rates. In 2015, 8.5% of the population was aged 65, and this is projected to grow to over

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*I believe great architecture for the blind and visually impaired is just like any other great architecture, only better. It’s a richer experience, involving all the senses.*¹¹⁹

Chris Downey, a San Francisco-based architect who says that becoming blind made him a better architect

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[tos/design-manifestos-rahul-mehrotra-of-rma-architects-437d4c777b8f](https://www.architecture.com/knowledge-and-resources/resources-landing-page/ribas-ethics-and-sustainable-development-commission-final-report)

116 One of the recommendations of RIBA’s (Royal Institute of British Architects) Ethics and Sustainable Development Commission, for example, was for RIBA to “work to strengthen the regulatory and policy environment, particularly through lobbying, to help deliver ethical and sustainable outcomes”, see final report of the Commission, available at: www.architecture.com/knowledge-and-resources/resources-landing-page/ribas-ethics-and-sustainable-development-commission-final-report

117 “We spend 90% of our time indoors. Says who?”, Tristan Roberts, BuildingGreen (December 2016), at: <https://www.building-green.com/blog/we-spend-90-our-time-indoors-says-who>

118 “World Report on Disability”, WHO and World Bank (2011), at: https://www.who.int/disabilities/world_report/2011/report/en/

119 “How a blind architect designs”, National Braille Press, at: <http://www.nbp.org/ic/nbp/programs/gep/iggy/iggy-build.html>

16% by 2050.¹²⁰ Designing for the elderly means not only thinking about accessible homes and cities, medical care and facilities, but also the risks of loneliness and isolation, and how design can help to address them.

The HAPPI initiative (Housing our Ageing Population Panel for Innovation) brought together case studies from across Europe on design approaches that take aging into account. Recurring themes were “space, light, accessibility and a shared sense of purpose – the idea of being part of a community, and of ordinary people taking control of housing processes.” Following the case studies, HAPPI developed ten principles for older persons’ housing.¹²²

The World Health Organization’s Global Age Friendly Cities Project¹²³ engages countries to make their urban communities more age-friendly. It encourages service providers, public officials, community leaders, faith leaders and business people to:

- recognise the great diversity among older persons
- promote their inclusion and contribution in all areas of community life
- respect their decisions and lifestyle choices, and
- anticipate and respond flexibly to aging-related needs and preferences.

The concept of universal design¹²⁴ means creating spaces that meet the needs of all people – young and old, able and disabled. Norway and Spain are two countries that actively promote universal design: in Norway, it is an enforceable legal standard.¹²⁵ In Singapore – where by 2030 one in five people will be over 60 – the Building Construction Authority has applied Universal Design principles to new developments since 2007.¹²⁶

Health facility design

The right design of health facilities can help to improve patients’ recovery rates, and their wellbeing while they are undergoing treatment.

MASS Design Group, for example, has worked on hospitals and other healthcare facilities in Rwanda and Burundi, seeking to harness design to contribute to improved health outcomes. Its facility in Bureru, Rwanda was designed to mitigate and reduce the transmission of airborne disease by accounting for features such as the overall layout of the hospital, patient and staff flow, and natural

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*People worldwide are living longer. Today, for the first time in history, most people can expect to live into their sixties and beyond.*¹²¹

World Health Organization

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120 “An aging world 2015”, Wan He, Daniel Goodkind and Paul Kowal, United States Census Bureau (March 2016), at: <https://www.census.gov/content/dam/Census/library/publications/2016/demo/p95-16-1.pdf>

121 WHO, “Ageing and Health”, World Health Organization (February 2018), at: <https://www.who.int/news-room/fact-sheets/detail/ageing-and-health>

122 “Housing our ageing population panel for innovation (HAPPI), at: <https://www.housinglin.org.uk/Topics/browse/Design-build-ing/HAPPI/>

123 “Global age-friendly cities project”, World Health Organization, at: https://www.who.int/ageing/projects/age_friendly_cities/en/

124 Universal Design, at: <http://www.universaldesign.com/>

125 “Norway: Universal Design in non-discrimination law”, Zero Project, at: <https://zeroproject.org/policy/norway/>

126 “What would a truly disabled-accessible city look like?”, Saba Salman, Guardian (February 2018), at: <https://www.theguardian.com/cities/2018/feb/14/what-disability-accessible-city-look-like>

cross-ventilation. Local materials and local labour-intensive practices sought to stimulate the local economy, while careful coordination of design and construction kept the budget at two-thirds of comparable projects in the country.¹²⁷

In the UK and Hong Kong, “Maggie’s Centres” are centres for cancer patients. Often designed by leading architects, they seek to maximise the healing role of good building design. They are named after cancer patient Maggie Keswick Jencks, who believed in the power of building design combined with other elements of care including access to information, psychological support and the opportunity to meet other patients in a relaxed atmosphere.

Prison design

An area in which architects face ethical challenges and the opportunity to address them head-on through the decisions they make is in the design of prisons. The interpretation of the purpose of prison – from punishment and deprivation to rehabilitation – is reflected in architects’ approach to designing prisons (see case studies below).

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*A building has done a good job if it even lifts your spirits for a brief moment. If it creates spaces which make it easier to be with other people, by creating a comfortable balance between public and private, which make you feel safe but at the same time stimulate your imagination without your even noticing that such a thing is going on, then it has done even more.*¹²⁸

Marcia Blakenham

”

Halden Prison, Norway

Halden prison has been referred to as the world’s most “humane” high-security prison.¹²⁹ Erik Møller Architects and HLM Architects sought from the outset to emphasise rehabilitation in their design of the prison. While the prison wall is visible throughout the grounds – as a clear reminder of the prisoners’ incarceration – so is nature: the prison is set in the middle of woods, and incorporates trees throughout the grounds. As the architects have said: *“Nature is actively involved as a social rehabilitative factor in the architecture...the opportunity to follow seasonal changes helps to clarify the passage of time for the inmates.”*¹³⁰ The design incorporates light throughout the building. And it enables interaction between prisoners, and between prisoners and the prison wardens, who are trained in human rights and are “meant to be coach, motivator, a role model for the inmates.” The emphasis both in the design and in the Norwegian penal system itself is on reducing recidivism – on the kind of person a prisoner will be when he or she is released.

127 “The Butaro District Hospital”, MASS Design Group, at: <https://massdesigngroup.org/work/design/butaro-district-hospital>

128 “A view from the front line”, Maggie Keswick Jencks, at: <https://www.maggiescentres.org/media/uploads/publications/other-publications/view-from-the-front-line.pdf> and Dezeen articles on Maggie’s Centres available at: <https://www.dezeen.com/tag/maggies-centres/>

129 “The radical humaneness of Norway’s Halden prison”, Jessica Benko, New York Times (March 2015), at: <https://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html>

130 “Halden prison (Erik Møller Architects & HLM Architects), Jennifer Leung, MOMA (August 2014), at: <https://www.moma.org/interactives/exhibitions/2013/designandviolence/halden-prison-erik-moller-architects-hlm-architects/>

Architects and Prison Design in the United States

The Scandinavian context stands in stark contrast to that in the United States, which has the world's highest incarceration rate at over 700 people per 100,000. In the United States, the large private prison industry and an emphasis on harsh techniques such as solitary confinement and "supermax" facilities has led to campaigns calling on architects not to participate in prison design.¹³¹ It has also spurred practices and projects such as Designing Justice + Designing Spaces,¹³² which seeks to find new approaches to the architecture of the whole criminal justice pipeline – such as housing design for high-risk youth who are just out of foster care. In New York City, the Justice in Design initiative by the Van Alen Institute and others sought to develop healthier and more rehabilitative jail infrastructure as the city moves to close the notorious Rikers Island jail, through the creation of smaller, neighbourhood-based jails.¹³³

131 "Prison architecture", Architects / Designers / Planners For Social Responsibility, at: <https://www.adpsr.org/prisonarchitecture>

132 "Designing Justice + Designing Spaces", at: <http://designingjustice.org/>

133 "Justice in Design", Van Alen Institute, at: <https://www.vanalen.org/projects/justice-in-design>



Stage 4: Construction

KEY ACTORS

Construction and engineering firms | Real estate developers | Investors |
Building Owners | Local government | Civil society and trade unions

Construction and engineering is the complex process of bringing buildings and infrastructure into existence – implementing the visions and designs of planners and architects. Harnessing the construction and engineering sector in a way that centres respect for human and workers’ rights will have major implications for building healthy environments, and reducing inequality.

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The global construction industry is growing at a rate of around 3.6% per year.¹³⁴

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¹³⁴ “Global construction market 2018: Expected to drive a galloping growth to US\$12.7 trillion by 2022”, Reuters (August 2018), at: <https://www.reuters.com/brandfeatures/venture-capital/article?id=48295>

Working Conditions in Construction

The construction industry has the opportunity to provide stable, well-paid careers where workers have the chance to progressively improve their skills. In several countries, access to unionised construction jobs is seen as a key aspect of economic development policies and of strategies to advance opportunities for workers and their families.

However, construction is also an industry characterised by a “low-price mentality, fierce competition, and paper-thin margins.”¹³⁵ Large segments of the workforce are informal workers, and the nature of the work is inherently difficult, dirty, and often dangerous. This, combined with the fact that construction workers are often immigrants from other countries or internal migrants, whose opportunities to speak out are limited, means that many workers face labour abuses, from wage theft, to hazardous workplaces, to forced labour.

Recent years have seen a spotlight on this issue in the Middle East Gulf countries, where migrant workers predominantly from South Asia, South East Asia and Africa work in exploitative conditions on major construction projects, among them new buildings and infrastructure for the upcoming Dubai Expo 2020 and Qatar World Cup 2022. Organisations such as Human Rights Watch and Amnesty International have documented¹³⁷ the multiple issues these workers face, including sponsorship systems that tie them to one employer,¹³⁸ passport retention, a cycle of debt from fees paid to recruiters, deaths and accidents resulting both from unsafe conditions and the extreme heat, and inadequate housing conditions.

While the Middle East has drawn attention, exploitation of construction workers occurs in all regions. Within India’s \$140 billion construction industry for example, worker deaths and accidents are frequent due to a pervasive lack of safety combined with a lack of government oversight.¹³⁹ Construction workers, up to 90% of whom are internal migrants from other states within India, also face significant hurdles in accessing social security, redress from abuses, and other basic protections.¹⁴⁰ In Minnesota, United

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*Individual companies’ global supply chains often involve large numbers of suppliers or subcontractors, including some who are part of the informal sector. The people most affected by human rights abuses in a company’s supply chain often belong to groups who have no realistic opportunities to call attention to these problems themselves, or secure a remedy, such as women workers, migrant workers, child laborers, or residents of rural or poor urban areas.*¹³⁶

Human Rights Watch

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135 “Clients’ perspectives of professional ethics for civil engineers”, H Abdul-Rahman, C Wang and M A Saimon, Journal of the South African Institution of Civil Engineering (October 2011), at: http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1021-20192011000200001

136 “Human rights in supply chains – A call for a binding global standard on due diligence”, Human Rights Watch (May 2016), at: <https://www.hrw.org/report/2016/05/30/human-rights-supply-chains/call-binding-global-standard-due-diligence>

137 Visit www.hrw.org and www.amnesty.org for the latest reporting by Human Rights Watch and Amnesty International on migrant workers in the Gulf

138 In 2018 following intense campaigning pressure Qatar announced reforms to its sponsorship “kafala” system, hailed as an important first step, see “Qatar law change hailed as milestone for migrant workers in World Cup run-up”, Rebecca Ratcliffe, Guardian (September 2018), at: <https://www.theguardian.com/global-development/2018/sep/06/qatar-law-change-milestone-migrant-workers-world-cup-2022-exit-permits>

139 “Even after fatal accidents, India’s construction sites remain death traps for workers”, Sonal Matharu with Sreenivasan Jain, NDTV, at: <https://www.ndtv.com/india-news/even-after-fatal-accidents-indias-construction-sites-remain-death-traps-for-workers-1734233>

140 “Internal labor migration in India raises integration challenges for migrants”, Rameez Abbas and Divya Varma, Migration Policy Institute (March 2014), at: <https://www.migrationpolicy.org/article/internal-labor-migration-india-raises-integration-challenges-migrant>

States, where traditionally much of the construction workforce has been unionised, rapid recent real estate development has seen increased abuses – including trafficking and forced labour – of immigrant workers by contractors and sub-contractors who use the threat of deportation to try to prevent workers from speaking out.¹⁴¹

Largely in response to civil society pressure, governments and companies have been taking important steps to address these issues, sometimes in close partnership with relevant trade unions. In 2018, a coalition of construction and engineering companies including Acciona, Jacobs, Multiplex and VINCI launched Building Responsibly – a set of principles to “raise the bar in promoting the rights and welfare of workers across the industry.”¹⁴³

“

*Projections suggest we will add 2.48 trillion square feet of new floor area to the global building stock by 2060 – the equivalent of an entire New York City every month for 40 years.*¹⁴²

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Building Responsibly Worker Welfare Principles

1. Workers are treated with dignity, respect and fairness
2. Workers are free from forced, trafficked and child labour
3. Recruitment practices are ethical, legal, voluntary and free from discrimination
4. Freedom to change employment is respected
5. Working conditions are safe and healthy
6. Living conditions are safe, clean and habitable
7. Access to documentation and mobility is unrestricted
8. Wage and benefit agreements are respected
9. Worker representation is respected
10. Grievance mechanisms and access to remedy are readily available

For full text of each principle and list of participating companies see www.building-responsibly.org.

In Qatar, VINCI’s Qatari arm (QDVC) and the Building and Woodworkers International Union have signed a framework agreement, while Besix and Salini Impregilo have international agreements with BWI that apply in Qatar. IHRB’s “Dhaka Principles for Migration with Dignity”¹⁴⁴ seek to enhance respect for the rights of migrant workers from the moment of recruitment, during employment, and through to further employment or safe return.

141 “This labor-trafficking case exposes the twin cities’ seedy subcontracting underbelly”, Michelle Chen, The Nation (September 2018), at: <https://www.thenation.com/article/this-labor-trafficking-case-exposes-the-twin-cities-seedy-subcontracting-underbelly/>

142 “Why the building sector?”, Architecture 2030, at: https://architecture2030.org/buildings_problem_why/

143 “Building Responsibly”, at: <http://www.building-responsibly.org>

144 “Dhaka Principles for Migration with Dignity”, Institute for Human Rights and Business, at: <https://www.ihrb.org/dhaka-principles/>

Local and national governments are introducing legislation to clamp down on trafficking and forced labour in construction and other industries – and to require that companies disclose the steps that they are taking to address modern slavery risks. Responsible investors also play an important role. For example, Norway’s Government Pension Fund Global excluded the Polish company Atal, on the basis of its subcontractor’s use of North Korean workers at its construction sites, in conditions that bordered on forced labour.¹⁴⁵

That said, concerted business action is still limited to a relatively small group of companies.¹⁴⁶ Far more need to be proactive in addressing this issue through all tiers of their recruitment supply chain and with their subcontractors. Governments also need to dramatically increase their leadership, accompanied by legislation and enforcement, to hold unscrupulous contractors accountable and end the race to the bottom for construction workers – which not only violates the rights of individual workers, but also deepens inequality and misses the opportunity to build a just and sustainable economy.

Women in Construction

Each year, the “Women Build Nations”¹⁴⁷ conference sees growing numbers of construction tradeswomen come together to share their experiences, build solidarity, and advance strategies to both increase the numbers of women working in construction careers and improve their working conditions. While good construction jobs provide important opportunities for women in their own right, increasing numbers of women within the industry is also critical to shift the culture on construction sites and reduce sexual harassment, which continues to be pervasive.

Municipalities and building owners can help to increase the numbers of women in the industry by setting bold yet achievable targets. The State of Massachusetts in the United States, for example, has set the goal of having a 20% female unionised construction workforce by 2020.¹⁴⁸

Advancing women in the construction and engineering industries is important at all levels, in offices as well as on construction sites. In the UK for example, under 1% of the 800,000 construction and building trades workers are women, and when you add architects, planners, and surveyors, the number

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*At the Women’s Building – a future hub for women’s activism that will be constructed in West Chelsea [in New York City] at the former Bayview Women’s Correctional Facility – the NoVo Foundation will assemble a construction team that is at least 35% women, with a specific commitment to ensuring opportunities for women of color. We have made this pledge because the onus is not just on contractors; it’s also the responsibility of those who commission projects to make greater demands for gender equality.*¹⁴⁹

Pamela Shifman, Novo Foundation

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145 “Atal SA”, Council on Ethics (January 2018), at: <https://etikkradet.no/atal-sa-2/>

146 Illustrating this, Business & Human Rights Resource Centre has surveyed construction companies on their action to address workers’ rights issues in the Middle East: in its 2018 outreach 70% did not provide any information on their policies and practices, see “On shaky ground, workers’ rights in Qatar and UAE construction”, at: <https://www.business-humanrights.org/en/on-shaky-ground-migrant-workers%E2%80%99-rights-in-qatar-uae-construction>

147 “Women Build Nations” conference, at: <https://nabtu.org/wbn/>

148 “Build a Life Massachusetts”, at: <https://builidalifema.org>

149 “A great job for New York’s women – and one they rarely get”, Pamela Shifman, Crain’s New York (April 2018), at: <https://novofoundation.org/novointhedia/a-great-job-for-new-yorks-women-and-one-they-rarely-get/>

only rises to 18%.¹⁵⁰ This has important implications for gender equity not only within the industries themselves, but also in the way in which the built environment develops. Efforts to increase the numbers of women in these industries need to focus on recruitment and also retention, by ensuring equal pay, improving advancement opportunities and changing workplace culture.

Supply Chain Impacts

Construction companies face issues of labour exploitation and other human rights risks not only throughout the layers of sub-contractors working on a project, but also in the materials that they source.

The 2018 investigation “Blood Bricks”¹⁵¹ on the construction boom in Phnom Penh, Cambodia, revealed that the local brick industry – on which the construction boom depends – uses a multigenerational workforce of adults and children trapped in debt bondage. Many of the workers were previously farmers, who have moved off their land to the edges of the city given the climate change-related reduction of productivity on their farms. As the report says: “Blood bricks raise the question, who is the city built for? And whose lives are being sacrificed in the long shadows of its peaks and penthouses?”

Municipalities, in addition to companies, can advance labour and environmental standards through their procurement practices in multiple ways: such as screening suppliers, incorporating standards into contracts, and setting targets for contracting with women and minority-owned businesses.¹⁵²

Construction Workers in Disaster Response

When climate-related and other disasters such as hurricanes, floods, wildfires and earthquakes hit an urban area, construction workers – particularly informal construction workers – are among the “second responders”, arriving on the scene to help with clean-up efforts, risking their health, and often facing exploitation by building owners and contractors. In the wake of Hurricane Harvey in Texas, over a quarter of “day laborers” were victims of wage theft, with 85% saying that they had not received any training for the worksites that they entered.¹⁵³

If governments recognise the crucial role that the informal workforce plays, they can invest in training, supplies, and empowerment of these workers and the organisations that support them in advance of disasters, increasing resiliency and reducing the risks of human rights abuses during disaster response.

150 “How gender equality can help fix the construction industry”, The Conversation (January 2018), at: <https://theconversation.com/how-gender-equality-can-help-fix-the-construction-industry-90413>

151 “Blood bricks – Researching the modern slavery-climate change nexus in the Cambodian construction industry”, Royal Holloway, University of London (2018), at: <https://www.projectbloodbricks.org/project>

152 In 2019, for example, the UK government ran a consultation on “Social Value in Government Procurement”, at: <https://www.gov.uk/government/consultations/social-value-in-government-procurement>

153 “After the storm: Houston’s day labor markets in the aftermath of hurricane Harvey”, Nik Theodore, University of Illinois at Chicago (November 2017), at: https://greatcities.uic.edu/wp-content/uploads/2017/11/After-the-Storm_Theodore_2017.pdf

Reducing Climate Emissions from Buildings

Buildings currently account for nearly 40% of the world's carbon dioxide emissions.¹⁵⁴

Ensuring that all new buildings are built with high levels of energy efficiency and retrofitting existing buildings will be crucial to meeting international climate change targets. Equally important are considerations about the climate change impact of what is built. The resource-intensive construction of luxury skyscrapers as capital investments, or of new cities that sit largely unoccupied, are major contributors of climate emissions, even when the buildings themselves are certified to high energy standards.

There are significant opportunities for climate-resilient construction and infrastructure to create new good jobs. For example, when in 2019 New York City introduced a package of climate legislation including a mandate that all large, existing buildings implement retrofits to reduce carbon emissions, it emphasised that in addition to addressing climate change, the new measures will generate “tens of thousands of good-paying jobs retrofitting buildings and expanding renewable energy.”¹⁵⁵

Structural Safety

In one of the most well-known instances of building safety failures, the 2011 collapse of the Rana Plaza factory in Dhaka, Bangladesh killed over 1,100 garment workers. For days before the collapse, workers' warnings to factory managers that cracks had appeared in the ceiling went unheeded.

Despite most urban areas having codes and regulations that apply to building structure and safety, in reality the pressures on cost and rapid delivery of projects frequently lead to corners being cut, and result in buildings that pose a safety risk for occupants, users, and neighbouring areas. A right to information request in Mumbai, India, for example, found that over half of the high-rise buildings in the city lacked occupancy certificates—documents that permit residence in the structure.¹⁵⁶

In London, 72 people died in the 2017 Grenfell Tower fire. At the time of writing, the government inquiry into the fire is ongoing.¹⁵⁸ One identified cause of the fire spreading so fast was the flammable cladding that had been installed during a refurbishment; the government had received warnings of

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*The events surrounding the [Grenfell] fire and the following treatment of survivors, their families and the community, raise serious human rights and equality questions around issues such as the right to life, the right to adequate housing, access to justice, the rights of children and disabled people.*¹⁵⁷

Equality and Human Rights
Commission, UK

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154 “Why the building sector?”, Architecture 2030, at: https://architecture2030.org/buildings_problem_why/

155 “Action on global warming: NYC’s Green New Deal”, City of New York (April 2010), at: <https://www1.nyc.gov/office-of-the-mayor/news/209-19/action-global-warming-nyc-s-green-new-deal#/0>

156 “The long shadow of Mumbai’s mushrooming high-rises”, Tanvi Misra (June 2015), at: <https://www.citylab.com/equity/2015/06/the-long-shadow-of-mumbais-mushrooming-highrises/393911/>

157 “Following Grenfell: Why is the commission involved?”, Equality and Human Rights Commission, at: <https://www.equalityhumanrights.com/en/following-grenfell/following-grenfell-why-commission-involved>

158 Grenfell Tower Inquiry website, at: <https://www.grenfelltowerinquiry.org.uk/>. For news coverage of the inquiry, see: “Grenfell Tower inquiry”, Guardian, at: <https://www.theguardian.com/uk-news/grenfell-tower-inquiry>

the safety risks of this cladding prior to the fire.¹⁵⁹ The building's management company and corporations it had contracted to renovate the tower now face potential charges. The proceedings are complicated by the fact that police are dealing with approximately 460 companies who had some involvement in work on the tower.¹⁶⁰ Like Rana Plaza, the Grenfell fire is an example of the serious consequences of lapses in building regulations and compliance, and of the need to take early action to prevent harm when early warning signs emerge.

Informal settlements are at particular risk of unsafe building design and construction. Innovative initiatives are underway to improve the stability of residents' homes in informal settlements while also addressing broader infrastructure and community needs, and security of tenure. For example, Thailand's "Baan Mankong" ("Secure Housing" in Thai) community upgrading programme seeks to improve housing quality, land tenure security and infrastructure for all 5,500 urban settlements throughout the country.¹⁶¹

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*All human-made structures have a life cycle, but rarely do people embrace this reality at the time of construction. The development community gives little thought to the end of life of a structure, in large part because the costs of demolition or deconstruction are passed on to some future public or private entity.*¹⁶²

Rex LaMore, George H. Berghorn and M.G. Matt Syal, Michigan State University

”

159 See Grenfell Tower Inquiry materials, at: <https://www.grenfelltowerinquiry.org.uk/search?keywords=cladding>

160 See letter from Ministry of Housing, Communities and Local Government to residents, 6 June 2018, at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/715371/060618_SoS_NH_joint_hotel_residents_letter.pdf, and "Grenfell Tower: Criminal charges delayed, but that doesn't mean there won't be justice", The Conversation (March 2019), at: <https://theconversation.com/grenfell-tower-criminal-charges-delayed-but-that-doesnt-mean-there-wont-be-justice-113215>;

161 "What can we learn from Thailand's inclusive approach to upgrading informal settlements?" Emily Norford and Terra Virsilas, World Resources Institute (May 2016), at: <https://www.wri.org/blog/2016/05/what-can-we-learn-thailands-inclusive-approach-upgrading-informal-settlements>

162 "Domicology: A new way to fight blight before buildings are even constructed", Rex LaMore, George H. Berghorn and M.G. Matt Syal, Michigan State University, The Conversation (November 2018), at: <https://theconversation.com/domicology-a-new-way-to-fight-blight-before-buildings-are-even-constructed-82582>



Stage 5: Management and Use

KEY ACTORS

Building owners | Facilities management | Security | Cleaning | Maintenance |
Technology | Local government | Civil society and trade unions

The building use phase has significant impacts on people in their daily lives, as occupiers of residential buildings, and users of others. It is during this stage of the lifecycle that all the implications of planning, financing, design and construction play out and determine whether people can live lives with dignity.

Tenant Rights

Many urban areas have specific protections for residential tenants against discrimination and harassment, but unfortunately both issues continue to occur. Berlin, for example, has seen frequent cases of racism by landlords against immigrants and refugees – which extends to ignoring rental inquiries from any applicants with foreign-sounding names.¹⁶³ While they face challenges in finding

163 “Racism in German housing market drives Syrian refugees to scammers and con-artists”, Bassel al-Hamdo, The New Arab

housing, refugees in Germany fall prey to black-market operators.¹⁶⁴ In Australia, a 2018 study found extensive housing discrimination against Asian Australians. Almost six in ten Asia-born participants in the study had experienced racism in trying to buy or rent a home.¹⁶⁵

As buildings are re-developed, and as the price of neighbourhoods increase, many residents experience forced evictions (see [Displacement](#)), short-notice evictions, or continuous harassment until they have little choice but to leave their homes. Tenants can also face hurdles in ensuring that landlords maintain their homes in a liveable condition with functioning essential services such as water.

National and local governments have a critical role to play here: in establishing and enforcing strong laws to regulate the housing sector, protect tenants from rights abuses and ensure that tenants have effective channels to voice their concerns and have them addressed.

Building Maintenance Workers

A large global workforce maintains and serves residential, leisure and office buildings: from hotel workers to security guards, from building maintenance workers to cleaners. Building owners and managers often subcontract these services to other companies – yet just as construction companies have a responsibility to ensure labour standards through the multiple levels of their supply chain and contractors, similarly owners must take measures to ensure respect for workers within their buildings.

A race to the bottom on prices combined with a narrow focus on profit maximisation by subcontractors can see these workers being squeezed: with infringements of the rights to organise, to a living wage, and to non-discrimination among others. Workers in these sectors frequently work with flexible and “zero-hour” contracts which further erodes their rights.

In the Philippines, maintenance workers including plumbers, electricians and technicians at Pacific Plaza Towers condos went on hunger strike in 2018, when the subcontractor that employed them terminated them at short notice.¹⁶⁷

“

*We are taken advantage of being from foreign countries and not knowing all the rules and rights. I think a lot of change is needed in the recruitment process; written contracts need to be given to people where the working hours and pay are set before starting work.*¹⁶⁶

Latvian female employed by a cleaning firm in the UK

”

(July 2018), at: <https://www.alaraby.co.uk/english/indepth/2018/7/18/racism-in-german-housing-market-drives-refugees-to-scammers>

164 “Germany’s housing crisis fuels black market for refugees”, Morgan Meaker, Reuters (October 2018), at: <https://www.reuters.com/article/us-germany-refugees-housing-feature/germanys-housing-crisis-fuels-black-market-for-refugees-idUSKCN-1MWH9>

165 “Asians out! Not in this suburb. Not in this apartment”, The Conversation (November 2018), at: <https://theconversation.com/asians-out-not-in-this-suburb-not-in-this-apartment-103919>

166 Equality and Human Rights Commission, “The Invisible Workforce: Employment Practices in the Cleaning Sector” (Aug 2014) pg 18 at: https://www.equalityhumanrights.com/sites/default/files/the_invisible_workforce_full_report_08-08-14.pdf

167 “Workers of BGC condo on hunger strike”, Aika Rey, Rappler (October 2018), at: <https://www.rappler.com/nation/214305-pacific-plaza-towers-bonifacio-global-city-workers-hunger-strike>

Technology and Smart Cities

Technology plays a rapidly-increasing role in multiple aspects of the built environment. Reflecting this trend, many cities have framed themselves as “smart cities”. The term has been applied in multiple ways – one report reviewed 120 definitions¹⁶⁸ – but common threads are an emphasis on the use of technology to make cities more connected, efficient, sustainable, and safe. There is no doubt that technology does have a major contribution to make: from monitoring traffic flows to reduce congestion, to warning residents on days with high air pollution levels, to increasing efficiencies in energy, water, and waste collection, to improving security, to multilingual initiatives that enhance residents’ engagement and participation.

As with the application of technology in any other situation it is only a tool, however, that can help achieve broader social and environmental goals. In recent years, there have been growing concerns about the human rights implications of the widespread use of technology throughout the built environment. They can be grouped into three areas:

- **Privacy, data protection and other digital rights:** As governments and the companies they contract to gather large amounts of data on inhabitants as they go about their daily lives, there is always a risk that this data can be mis-used, including for profiling and targeting of minority groups. In many cases, including with facial recognition technology, people are not offered the chance to opt in to their data being collected and used. Lax data security also increases the risk of the data being exploited for criminal and terrorist acts. New York, Barcelona and Amsterdam launched the “Cities Coalition for Digital Rights”,¹⁷⁰ to work with other participating cities towards five principles:
 - Universal and equal access to the internet, and digital literacy;
 - Privacy, data protection and security;
 - Transparency, accountability, and non-discrimination of data, content and algorithms;
 - Participation, democracy, diversity and inclusion;
 - Open and ethical digital service standards.
- **Inclusion and participation:** In multiple ways, there are risks that technological innovation and a “smart city” approach to urban development can deepen existing inequality. In India, NGOs and academics have raised concerns that a national competition for urban areas to be designated as smart cities and receive corresponding investments, overlooked areas that were

“

*Cities want to be ‘smart’, connected, and data-driven, but in doing this many are unwittingly engaging in large-scale surveillance of citizens. Without greater transparency or accountability around these operations, cities risk a collapse in public trust.*¹⁶⁹

European Commission

”

168 An International Telecommunication Union report in 2014 analysed over 100 definitions related to smart cities, and developed the following definition on the basis of this analysis: “A smart sustainable city is an innovative city that uses ICTs and other means to improve quality of life, efficiency of urban operation and services and competitiveness, while ensuring that it meets the needs of present and future generations with respect to economic, social and environmental aspects”. See “Smart sustainable cities: An analysis of definitions”, ITU (2014), at: https://www.itu.int/en/itu-t/focusgroups/ssc/documents/approved_deliverables/tr-definitions.docx

169 “Reclaiming the Smart City: Personal data, trust and the new commons” European Commission (July 2018), at: https://media.nesta.org.uk/documents/DECODE-2018_report-smart-cities.pdf

170 “Declaration of Cities Coalition for Digital Rights” at: <https://citiesfordigitalrights.org/#declaration>

most in need of those investments.¹⁷¹ In the United States, as some cities have rapidly developed as tech hubs, this has deepened the economic divide between those cities and others. It has also seen increased inequality within tech-oriented cities, given that technology jobs traditionally remain more accessible to a white, male, wealthy demographic and that housing prices increase with the expansion of the tech sector.

- **Over-emphasis on the role of technology:** In designating themselves “smart cities”, there is a risk that cities focus on technological fixes to problems rather than underlying causes of those problems, and that resources are diverted away from systemic issues towards short-term and narrow fixes.

An additional important impact of technology is the intersection between increased automation and the workplace. With the rise in automated hotel services, for example, hotel workers have raised concerns about the impact on work opportunities and the quality of work in the industry.

¹⁷¹ See for example “Challenge of making smart cities in India”, Rumi Aijaz, Institut français des relations internationales – Ifri (October 2016), at: https://www.ifri.org/sites/default/files/atoms/files/av87_smart_cities_india_aijaz_0.pdf and “India’s smart cities mission: Smart for whom? Cities for whom?”, Housing and Land Rights Network (June 2017), at: <https://www.escri-net.org/resources/indias-smart-cities-mission-smart-whom-cities-whom>



Stage 6: Demolition and Redevelopment

KEY ACTORS

Demolition | Real estate | Investors | Local Government | Civil society and trade unions

The final stage of the building lifecycle, when a building is demolished or repurposed, has implications for the human rights of workers and neighbouring communities, as well as those affected by the disposal of waste. The cycle then connects back to the beginning: with questions of land, displacement and use.

Particularly for major infrastructure projects and those that have a defined life-span, such as mega-sporting events, issues relating to the legacy of the project should be factored in from the outset. These include the ways that the related infrastructure will be re-purposed, used, and bring benefits to the local community well beyond the event itself.¹⁷²

¹⁷² The “Mega-Sporting Event Lifecycle” of the Centre for Sport and Human Rights emphasizes the importance of embedding human rights from the vision to the legacy to these events, at: <https://www.sporhumanrights.org/en/resources/mega-sporting-event-lifecycle-embedding-human-rights-from-vision-to-legacy>

Demolition and Waste Disposal

Demolition is a hazardous process, so extra caution needs to be taken to ensure the safety of workers, and to minimise disruption for adjacent properties. Demolition results in a wide range of waste, from non-hazardous materials such as concrete, bricks, wood and steel, to hazardous elements such as asbestos or lead. While the most common approach is for buildings to be demolished and all materials sent to landfill, a far more sustainable method is deconstruction, whereby the building is taken down piece by piece. The recycling and re-use of non-hazardous waste not only reduces the environmental impacts at this stage of the lifecycle, but can create employment opportunities and boost local businesses.

The incorrect disposal of hazardous waste can cause lasting harm to the environment, water supplies, and health. Municipalities and companies must ensure that they are using responsible contractors who abide by relevant laws on safe disposal practices.

Use of Vacant Land

Vacant, abandoned land and derelict buildings within the built environment can increase the risks for crime and vandalism, while reducing community morale and property values in a downward spiral. It can also pose an opportunity for community members to work together to maximise the use of the vacant land, and confront the economic, social, and public health challenges it poses.

A comparative study in six Latin American cities¹⁷⁴ highlighted the need to incorporate vacant land into cities' overall policy frameworks, emphasising that doing this well can open up opportunities for environmental improvements and greater access to affordable housing. In the United States, the Vacant Properties Research Network seeks to design, document and facilitate innovative approaches to reclaiming vacant and abandoned properties, and to align neighbourhood revitalisation initiatives with citywide plans.¹⁷⁵

“
*Thousands of public officials, members of community organizations, business and nonprofit leaders, and citizens are working to address their vacant properties and rebuild their neighborhoods. They need the tools to do the job.*¹⁷³
”
Lincoln Institute of Policy

Europe – where over 11 million homes lie empty¹⁷⁶ – has seen the creative use of vacant buildings by and for growing refugee populations.¹⁷⁷ For example in Amsterdam, asylum seekers have occupied large empty properties, which they refurbish and turn into living and working spaces. This helps

173 Lincoln Institute of Policy, “The Empty House Next Door: Understanding and Reducing Vacancy and Hypervacancy in the United States” (2018) pg 50 at: <https://www.lincolinst.edu/sites/default/files/pubfiles/empty-house-next-door-full.pdf>

174 “Vacant Land in Latin American Cities”, Nora Clichevsky, Lincoln Institute of Land Policy (1999), at: <https://www.lincolinst.edu/publications/articles/vacant-land-latin-american-cities>

175 “Vacant property research network – our story”, at: <https://vacantpropertyresearch.com/our-story/>

176 “Scandal of Europe’s 11m empty homes”, Rupert Neate, Guardian (February 2014), at: <https://www.theguardian.com/society/2014/feb/23/europe-11m-empty-properties-enough-house-homeless-continent-twice>

177 “Adaptive reuse of abandoned buildings for refugees: lessons from European context”, Haniye Razavivan and Asma Mehan, from “Suspended Living in Temporary Space”, at: https://www.academia.edu/36290374/Adaptive_reuse_of_abandoned_buildings_for_refugees_lessons_from_European_context

expand access to adequate shelter, and also reflects a strategy that draws attention to the asylum seekers' situation, making more visible their often "invisible" presence in the city.¹⁷⁸

Displacement for Re-Development

Re-development projects frequently trigger large-scale displacement of existing residents, for example, when housing is demolished to make way for a new shopping mall, cultural centre, or infrastructure investment. Municipalities, investors and developers must follow due process when this happens (see [Displacement](#)).

Responsible Exit

Investors and developers should have clear plans for exiting from urban development projects, incorporating consultation with stakeholders on the ground. The human rights principles of participation, non-discrimination, transparency and accountability are as fundamental at the end of the building lifecycle as they are at the beginning.

178 "The (In)visible architecture of illegalised refugees", René Boer, Failed Architecture, at: <https://failedarchitecture.com/the-in-visible-architecture-of-illegalised-refugees/>



Looking
Ahead

Looking Ahead

7

Draft Principles for Dignity in the Built Environment

There are implications for human rights at all stages of the built environment lifecycle. Adhering to a human rights approach, based on the inherent dignity of every person, will enable progress towards just, resilient, and healthy built environments.

From land use, to design, to construction, and re-development, the private sector has a major influence over the built environment. There is a clear need for strategic collaboration and interventions to ensure that the role of the private sector advances, rather than undermines, human rights. This will require a greater shared understanding of the relationships and leverage between different actors, as well as the amplification and creation of innovative policy and strategies.

To advance this journey, IHRB is launching a consultative process to develop and implement [Draft Principles for Dignity in the Built Environment](#). This framework can be a valuable tool, providing an overarching vision for the realisation of rights at each stage of the built environment lifecycle, followed by practical recommendations for action by the full range of actors involved. To ensure that the Principles are embraced by as broad a coalition as possible, IHRB is committed to working with stakeholders to elaborate on each of the proposed Principles and galvanise action to put them into practice.

The draft Principles provide a vision for dignity and respect for human rights throughout the built environment lifecycle. The Principles draw on international human rights standards.¹⁷⁹ They are applicable at the level of individual projects as well as at the level of wider urban areas.

Recommendations

Implementing the [Draft Principles for Dignity in the Built Environment](#) will involve action by a range of actors, in cooperation with others and cognisant of the wider context in which they are operating. The actions below summarise important steps by actors across the built environment lifecycle that will help to realise the Principles.

As a starting point, all actors should adhere to international human rights standards, and the United Nations Guiding Principles on Business and Human Rights. All actors must also avoid corruption.

179 See Annex 1 for references to international human rights standards



National governments should:

- Commit and adhere to international human rights standards;
- ensure co-ordination between agencies and regions for effective and equitable urban planning, disaster preparation and response;
- ensure responsible investment in the built environment;
- require responsible conduct of nationally headquartered companies operating overseas;
- promote human rights in regional and international fora.



Municipal governments should:

- Protect human rights through the adoption and enforcement of laws and policies, as well as measures to ensure accountability and transparency;
- maximise residents' participation in the decisions that affect their lives;
- consider the full spectrum of rights and full geography of the urban area in planning and zoning decisions;
- ensure that investment is channeled in the public interest.



Investors and developers should:

- Ensure responsible investment that is closely aligned with locally-defined priorities and adds value to the communities where it is deployed;
- shift investment away from an "extractive" approach that is focused narrowly on short-term profit-maximisation and proactively engage companies on human rights risks and impacts.



Building maintenance and servicing companies should:

- Ensure that all workers' rights are respected – including those employed by subcontractors – in the maintenance, servicing, cleaning and security of buildings;
- respect the rights of those using buildings.



Architecture and design firms should:

- Design with the rights of vulnerable and marginalised groups and neighbouring areas in mind;
- engage local communities in a meaningful way from the outset of any project and throughout its lifecycle;
- take the human rights record of clients into account when deciding to accept a contract and use any leverage over clients proactively to advance human rights;
- support policy initiatives that strengthen dignity in the built environment.



Construction and engineering companies should:

- Ensure respect for all workers' rights in direct operations and throughout the subcontracting chain;
- ensure women have equal access to employment and training;
- avoid corruption and conduct due diligence on all business partners;
- source materials with consideration for their social and environmental impacts;
- mitigate disruption to local communities during the construction process;
- ensure that buildings are environmentally resilient and structurally safe.



Technology companies should:

- Respect digital rights, including the rights to privacy and freedom of expression;
- seek to expand access to the benefits of technological innovation in urban areas;
- ensure transparency, accountability and non-discrimination in the collection and use of data.

IHRB's Next Steps

IHRB plans to build on its ten years of experience as a global centre of excellence and expertise to advance the draft Principles and a wider agenda for rights in the built environment. IHRB will work in collaboration with others to create a built environment programme with three core strategic areas.

Leadership, Convening and Advocacy

- With input from stakeholders, further develop and finalise the [Draft Principles](#) as a launch pad for collaborative action that builds on locally defined needs.
- Encourage uptake of the Principles by architecture firms and associations, construction and engineering firms and associations, and investors.
- Advocate for a human rights-based approach in relevant international, national-level and industry-level initiatives that have implications for the built environment.

Research and Education

- Lead and support, with academic partners, strategic research on issues, challenges and policy solutions at various stages across the built environment lifecycle.
- Develop related curricula and programmes within schools of architecture and engineering.

Platform for Innovation

- Raise awareness and inspire action on human rights and dignity in the built environment, by providing a dynamic source of practical information, case studies, narrative and guidance materials.

Thematic focus areas that IHRB is considering for the programme in its first phase include:

- The right to adequate housing, including implications of zoning policies and financial flows
- Human rights in smart cities
- Protecting and maximising the role of public space
- Advancing design for inclusion
- Disaster and climate change resilience and response
- Leveraging construction supply chains

The built environment holds enormous potential to advance human dignity and move us towards a brighter future. We hope that this report, its vision and recommendations spark action and collaboration towards built environments where everyone's rights are realised.



1

Annex 1 International Standards and Initiatives

Annex 1: International Standards and Initiatives

This annex provides international human rights standards, declarations and initiatives that seek to advance dignity and rights in the built environment.

The list is not comprehensive, and focuses primarily on standards and initiatives that are global in scope – recognising that there are multiple relevant regional, national, and local initiatives.

International Human Rights Standards

| | |
|--|--|
| International human rights – all standards | The full spectrum of United Nations standards, including the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural rights: www.un.org/en/sections/issues-depth/human-rights |
| Land | Office of the High Commissioner for Human Rights, on land as a “cross-cutting issue that impacts directly on the enjoyment of a number of rights”: www.ohchr.org/EN/Issues/LandAndHR/Pages/LandandHumanRightsIndex.aspx |
| Forced evictions | “Forced evictions” Office of the High Commissioner for Human Rights: www.ohchr.org/EN/Issues/ForcedEvictions/Pages/Index.aspx |
| Indigenous peoples | UN Declaration on the Rights of Indigenous Peoples: www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html |
| Adequate Housing | Right to Adequate Housing Toolkit, Office of the High Commissioner for Human Rights: https://www.ohchr.org/EN/Issues/Housing/toolkit/Pages/RighttoAdequateHousingToolkit.aspx Elements of the right to adequate housing include: security of tenure, affordability, habitability, availability of services, materials, facilities and infrastructure, accessibility, location, and cultural adequacy. |
| Infrastructure: Right to water and sanitation | Right to water and sanitation: www.ohchr.org/EN/Issues/ESCR/Pages/InstrumentsWater.aspx |

| | |
|-------------------------|--|
| Health | Right to physical and mental health: www.ohchr.org/Documents/Publications/Factsheet31.pdf |
| Labour standards | International Labour Organization (ILO) conventions and standards: www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations The 8 fundamental ILO conventions cover freedom of association, the right to organise and collective bargaining, forced labour, child labour, equal remuneration and discrimination. |
| Migrant workers | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx |
| Privacy | Right to privacy in the digital age: www.ohchr.org/EN/Issues/DigitalAge/Pages/DigitalAgeIndex.aspx |

International Frameworks

| | |
|---|---|
| UN Guiding Principles on Business and Human Rights | Guiding principles for the implementation of the “protect, respect and remedy” framework on business and human rights: www.ohchr.org/en/issues/business/pages/businessindex.aspx |
| UN Sustainable Development Goals | Seventeen global goals through to 2030 with associated targets, covering poverty, inequality, climate, environmental degradation, prosperity, peace and justice: www.un.org/sustainabledevelopment/sustainable-development-goals/ |
| New Urban Agenda | Adopted at UN Habitat III (United Nations Conference on Housing and Sustainable Urban Development) in Ecuador in 2016: http://habitat3.org/the-new-urban-agenda/ |
| Sendai Framework for Disaster Risk Prevention | Endorsed by the UN General Assembly in 2015. “A 15-year, voluntary, non-binding agreement which recognises that the State has the primary role to reduce disaster risk but that responsibility should be shared with other stakeholders including local government, the private sector and other stakeholders”: www.unisdr.org/we/coordinate/sendai-framework |

Human Rights Cities Declarations and Charters

| | |
|---|--|
| Global Charter-Agenda for Human Rights in the City | Developed by the United Cities and Local Governments’ Committee on Social Inclusion, Participatory Democracy and Human Rights: www.uclg-cisdp.org/en/right-to-the-city/world-charter-agenda |
|---|--|

European Charter for Human Rights in the City Initiated in Barcelona in 1998 in the context of the “Cities for Human Rights” conference, this charter was drafted through a process of dialogue between European cities, civil society representatives and human rights experts, and adopted in Saint-Denis in 2000:
www.uclg-cisdp.org/en/right-to-the-city/european-charter

Gwangju Guiding Principles for a Human Rights City

Based on the theme of “Globalizing Human Rights from Below - Challenge of Human Rights Cities in the 21st Century”, these principles are the reference point for the annual World Human Rights Cities Forum held in Gwangju, South Korea:
www.uclg-cisdp.org/en/activities/human-rights-cities/international-meetings/World-Human-Rights-Cities-Forum-of-Gwangju

City Groupings Working on Specific Issues

Municipalist Declaration of Local Governments

Municipal Declaration of Local Governments on the Right to Housing and the Right to the City, signed by cities to build on the milestones of the New Urban Agenda and “The Shift”, a global initiative on the right to housing:
<https://citiesforhousing.org/>

Safe Cities and Safe Public Places

UN Women-led initiative that “develops, implements, and evaluates tools, policies and comprehensive approaches on the prevention of and response to sexual harassment and other forms of sexual violence against women and girls across different settings”:
www.unwomen.org/en/what-we-do/ending-violence-against-women/creating-safe-public-spaces

Global age-friendly cities

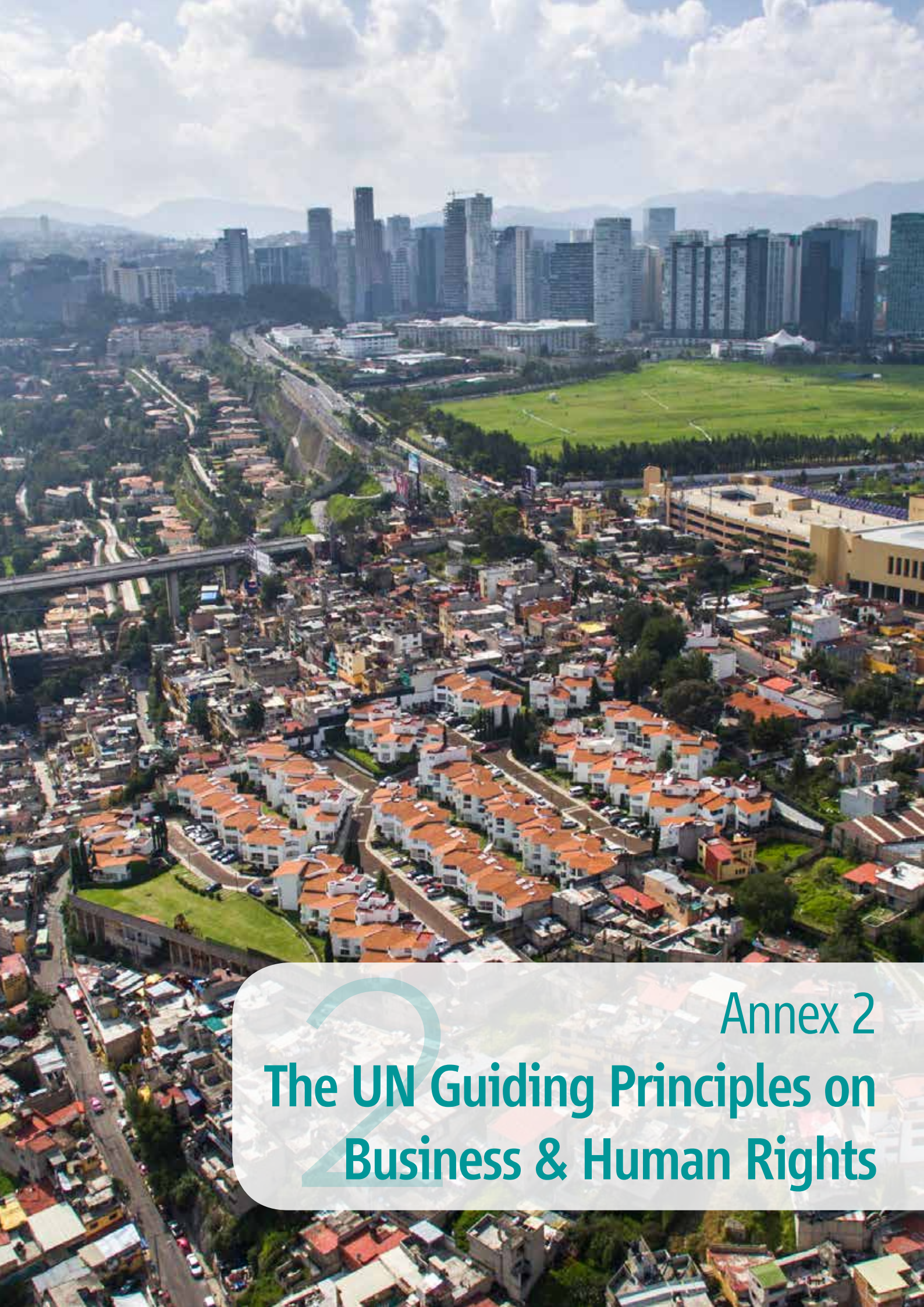
WHO-led initiative to engage cities in several countries to make their communities more age-friendly, recognising that one million people worldwide turn 60 every month, and 80% of them live in developing countries:
www.who.int/ageing/projects/age_friendly_cities

Child-friendly cities

A UNICEF-led initiative that supports municipal governments in realising the rights of children at the local level using the UN Convention on the Rights of the Child as its foundation.
<https://childfriendlycities.org/>

Cities Coalition for Digital Rights

Signatory cities commit to protect and uphold human rights on the internet at the local and global level:
<https://citiesfordigitalrights.org>



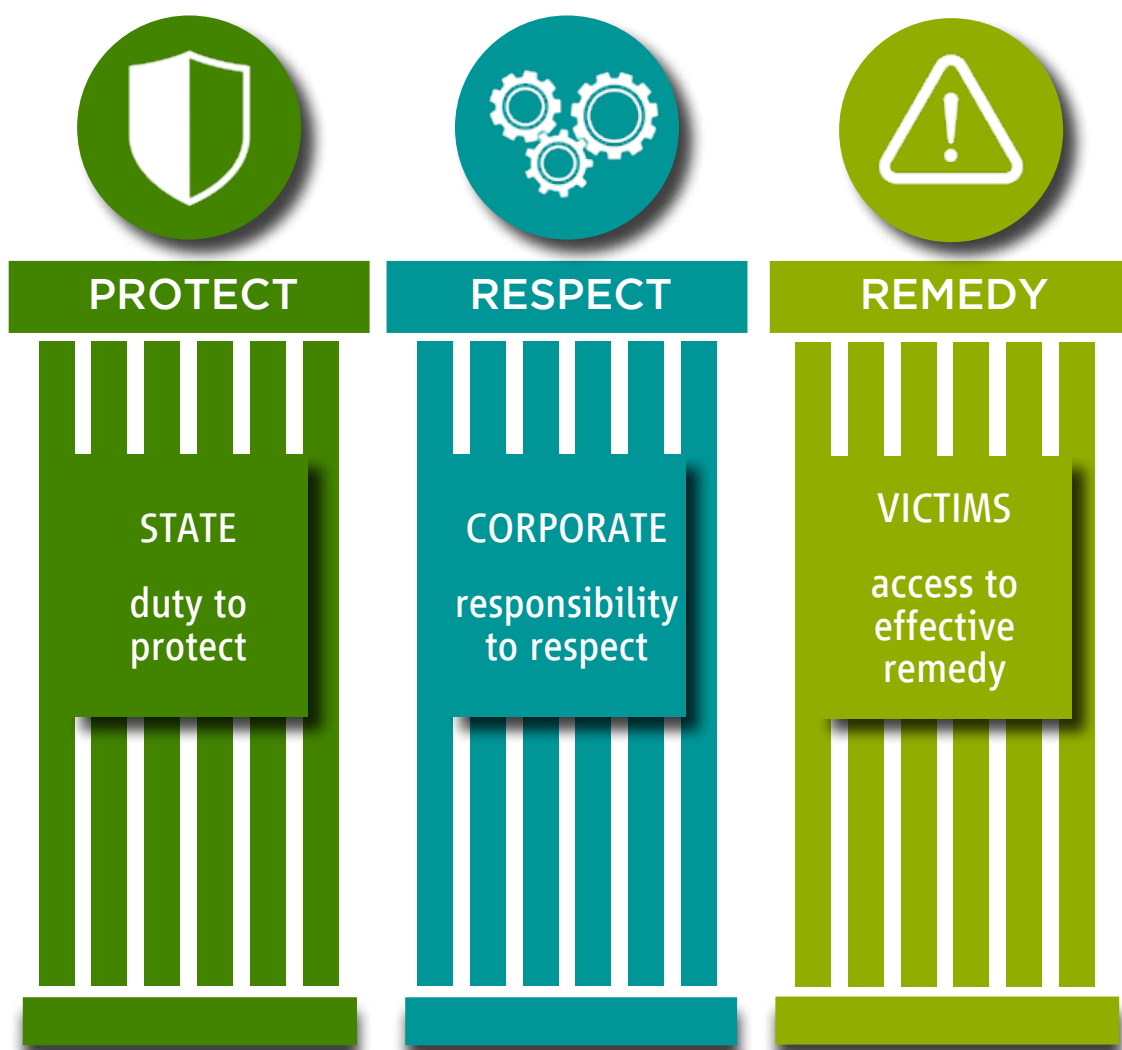
Annex 2

The UN Guiding Principles on Business & Human Rights

Annex 2: The United Nations Guiding Principles on Business and Human Rights

The United Nations Guiding Principles on Business and Human Rights, endorsed unanimously by the UN Human Rights Council in 2011, are founded on three pillars:

The Three Pillars of the UN Guiding Principles



The State Duty to Protect

The Guiding Principles make clear that States have the duty under international human rights law to protect everyone within their territory and/or jurisdiction from human rights abuses committed by business enterprises. This duty means that States must have effective laws and regulations in place to prevent and address business-related human rights abuses and ensure access to effective remedy for those whose rights have been abused.

In the built environment, the interplay between national, regional and local-level implementation of the state duty to protect is particularly important. Local implementation of human rights is exercised both by local self-government entities (e.g. municipalities), as well as by local units of the national administration. In light of this the UN Human Rights Council has differentiated between local self-government which is based on the principle of decentralisation, and local State administration which is based on the principle of de-concentration.¹⁸⁰

The Corporate Responsibility to Respect

The Guiding Principles also establish the responsibility of businesses to respect human rights, wherever they operate and whatever their size or industry. This responsibility means that companies must know their actual or potential impacts on human rights, prevent and mitigate abuses, and address adverse impacts with which they are involved. To do this they must conduct a process of human rights due diligence,¹⁸¹ which takes risks faced by rights holders as the starting point, rather than risks faced by the business.

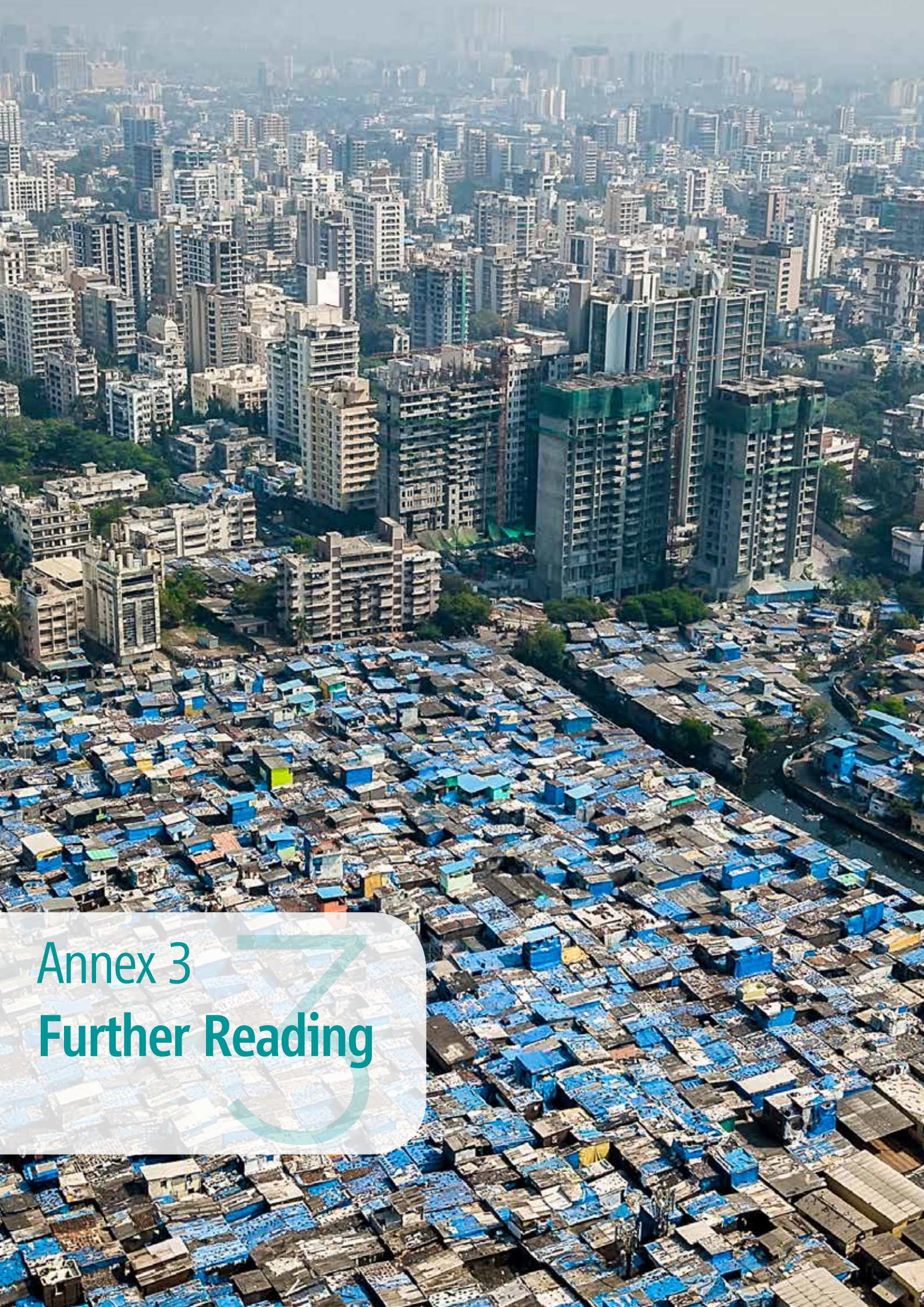
The real estate, design, and construction industries have significant influence over – and also stake in – the future direction of urban areas. By integrating human rights throughout their operations they can minimise their own reputational and financial risks, while contributing to building just, thriving built environments.

Access to Remedy

The Guiding Principles also recognise the right of individuals and communities to access effective remedy when their rights have been harmed by business activities. When a business enterprise abuses human rights, States must ensure that the people affected can access an effective remedy through the court system or other legitimate non-judicial process. Companies, for their part, are expected to establish or participate in effective grievance mechanisms for any individuals or communities adversely impacted by their operations.

¹⁸⁰ “Role of local government in the promotion and the protection of human rights – Final report of the Human Rights Council Advisory Committee”, UN General Assembly (August 2015), at: https://www.uclg.org/sites/default/files/2015_report_en_role_of_local_government_in_the_promotion_and_protection_of_human_rights.pdf, paragraph 11

¹⁸¹ The four steps of human rights due diligence are: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed. For tools and guidance on human rights due diligence see Business & Human Rights Resource Centre, at: <https://www.business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-companies/type-of-step-taken/human-rights-due-diligence>



Annex 3 Further Reading

Annex 3: Further Reading

Below is a select list of books and reports for further reading on the themes covered by this report. Links were active at the time of publication. It is by no means a comprehensive list of materials on each theme.

Ethical Urbanism and Human Rights in Design

- Briefing note: “Human Rights and Urbanization”, OHCHR, (two-pager), at: https://www.ohchr.org/Documents/Issues/Urbanization/HumanRights_and_Urbanization.doc
- Book: “Building and Dwelling: Ethics for the City”, Richard Sennett, Farrar, Straus and Giroux (April 2018)
- Book: “Architecture and Human Rights: A book on urban thinking”, Tiziana Panizza Kassahun, Niggli Verlag (March 2018), at: www.architectureandhumanrights.org
- Book: “The Just City Essays – 26 visions for urban equity, inclusion and opportunity”, eds Toni L. Griffin, Ariella Cohen, David Maddox, J. Max Bond Center, City College of New York, Next City and The Nature of Cities (2015)
- Book: “Designing Urban Transformation”, Aseem Inan, Routledge (November 2013)
- Book: “Cities for People”, Jan Gehl, Island Press (September 2010)

Human rights cities

- Book: “Global Urban Justice: The Rise of Human Rights Cities”, Barbara Oomen, Martha F. Davis, Michele Grigolo (eds), Cambridge University Press (June 2016)
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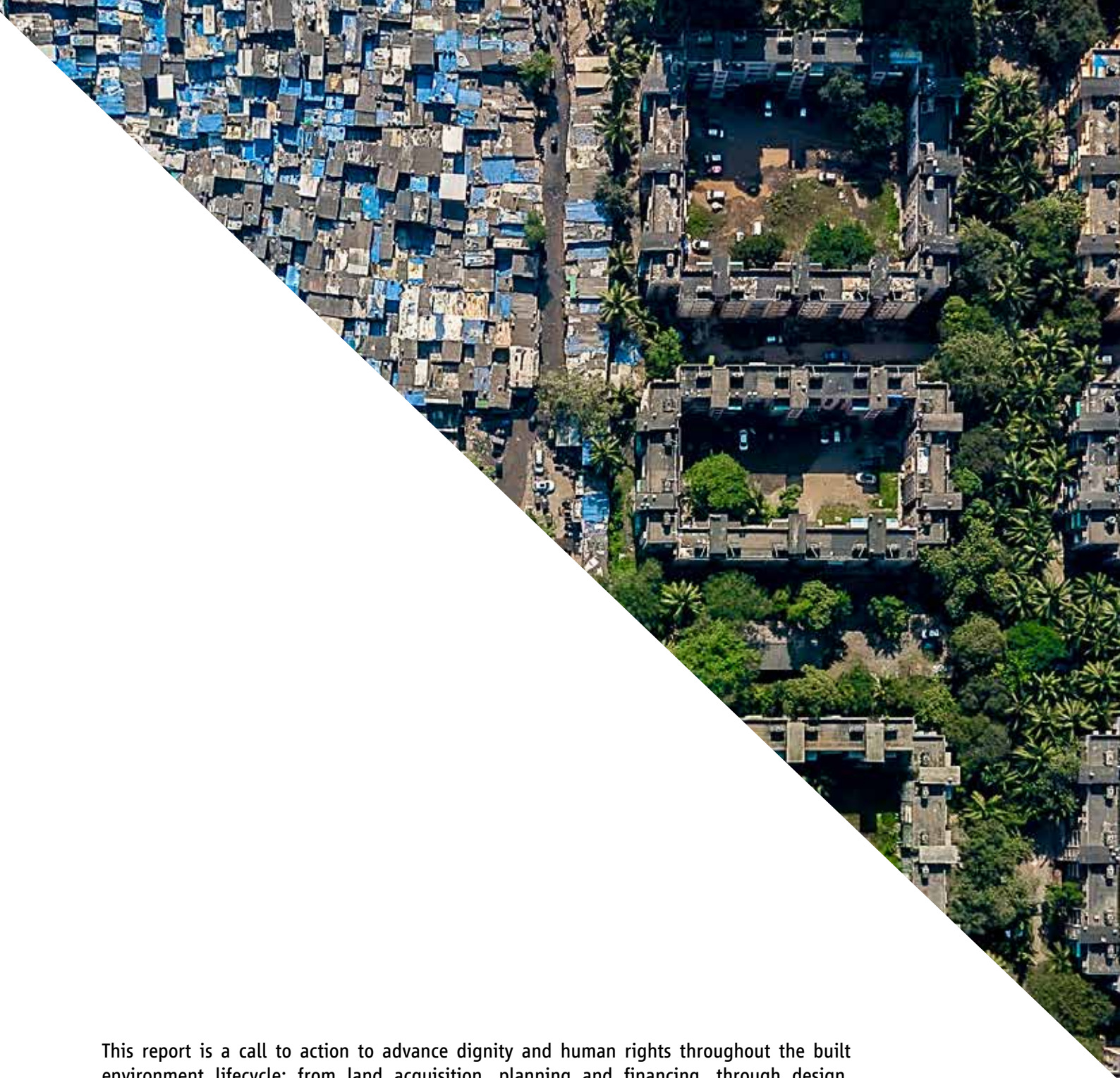
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This report is a call to action to advance dignity and human rights throughout the built environment lifecycle: from land acquisition, planning and financing, through design, construction, management and use, to demolition and re-development.

Two thirds of the world's population will live in urban areas by 2050. Decisions about what and how we build will define our ability to respond to global challenges like inequality, mass-migration and climate change.

Siloed, disconnected approaches will fail to address root problems or lead to long-term solutions. The report provides a platform for a collaborative approach towards just, sustainable built environments, with locally-defined needs at the forefront.