

Annex 2: International and regional human rights instruments relevant to the governance of tenure

Note: Instructions from the Language Harmonization Working Group (from October 2011) for the review of the List:

- * The structure of the annex should be similar to that on the OHCHR website.
- * To not have the footnotes which are interpretative.

Following these instructions, the list is revised as follows:

1) The *structure* of the list is based on the OHCHR's website on international law: <http://www2.ohchr.org/english/law/index.htm> (as of December 2011)

- From “Charter of the United Nations” to “The Core International Human Rights Instruments”, the structure is identical to the OHCHR website mentioned above.
- Under “Universal Human Rights Instruments”, most of the sub-headings follow those on the OHCHR website, except:
 - All instruments referring to the rights of specific groups are placed together under “Rights of Specific Groups”
 - “Instruments developed by the UN human rights mechanisms” has been added
- The section on “Regional Human Rights Treaties” provided in the First Draft (Consolidated Changes to the First Draft: 12-15 July and 10-15 October 2011) is maintained. While the OHCHR website focuses only on universal instruments, it does not imply regional instruments are irrelevant.

2) As to the *selection* of instruments, the following criteria is applied:

- From “Charter of the United Nations” to “The Core International Human Rights Instruments”, the selection of the instruments listed:
 - Includes all treaties on the OHCHR website mentioned above under the corresponding categories which provide for substantial rights.
 - Excludes treaties which establish procedures for the implementation of certain treaties (e.g. individual complaint mechanisms or inquiry procedure of the treaty bodies).
- Under “Universal Human Rights Instruments”, instruments relevant to the governance of tenure which are *adopted through universal intergovernmental processes* (e.g. international treaties, outcome documents of world conferences, instruments adopted by UN General Assembly and FAO Council) and instruments *developed by the UN human rights mechanisms* (i.e. UN human rights treaty bodies and the special procedures of the UN Human Rights Council, all of which are mandated by inter-governmental mechanisms). Some instruments were overlooked in the First Draft but are added to this revised list—they are indicated with yellow highlight.
- Under “Regional Human Rights Instruments”, key regional human rights *treaties* are listed.
- Under “Other Relevant Instruments”, all instruments which are suggested in the First Draft and which do not fall under the criteria mentioned above are listed.

Annex 2: International and regional human rights instruments relevant to the governance of tenure

Charter of the United Nations

- Charter of the United Nations (1945)

The International Bill of Human Rights

- Universal Declaration of Human Rights (1948)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)

The Core International Human Rights Instruments

- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- Convention on the Rights of Persons with Disabilities (2006)
- International Convention for the Protection of All Persons from Enforced Disappearance (2006)

Universal Human Rights Instruments

In addition to the International Bill of Rights and the core international human rights instruments, there are many universal instruments relating to human rights. A non-exhaustive selection is listed below.¹

World Conference on Human Rights and Millennium Assembly

- Vienna Declaration and Programme of Action: World Conference on Human Rights (1993)
- United Nations Millennium Declaration (2000)

¹ For more comprehensive list of universal human rights instruments, see: www.ohchr.org
This text is taken from the OHCHR website on international law:
<http://www2.ohchr.org/english/law/index.htm>

Social Welfare, Progress and Development²

- Universal Declaration on the Eradication of Hunger and Malnutrition (1974)
- Declaration of the World Conference on Agrarian Reform and Rural Development (WCARRD, 1979)
- Agenda 21, United Nations Conference on Environment and Development, Rio de Janeiro (1992)
- Rome Declaration on Food Security and World Food Summit Plan of Action (1996)
- Istanbul Declaration on Human Settlements and the Habitat Agenda, Adopted at the 18th plenary meeting, on 14 June 1996 endorsed by the General Assembly resolution 51/177 of 16 December 1996
- Declaration on Cities and Other Human Settlements in the New Millennium adopted by the General Assembly on 9 June 2001 (A/RES/S-25/2)
- Declaration of the World Food Summit: five years later (2002)
- Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (2004)
- Declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD, 2006)
- Declaration of the World Summit on Food Security (2009)
- 23rd Session of the governing council of UN-HABITAT – Resolution No. GC23-18, entitled Resolution on sustainable Urban Development through Expanding Equitable Access to Land, Housing, Basic Services and Infrastructure³

Protection and Promotion of Human Rights

- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) (1999)
- Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005)

Humanitarian law

- Convention (IV) relative to the Protection of Civilian Persons in Time of War, Fourth Geneva Convention of 12 August 1949
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I, 1977)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II, 1977)

² . This sub-heading may not be the best formulation for the Annex of the VG, but we kept the relevant heading appearing on the OHCHR website and leave it to the LHWG to consider.

³ . There is a discussion between the OHCHR and the FAO, if the resolution should be considered a key instrument or not. It is therefore to be decided, if the reference should be kept.

Rights of Specific Groups

- Convention relating to the Status of Refugees (1951)
- Convention relating to the Status of Stateless Persons (1954)
- ILO Convention (107) on the Rights of Indigenous, Tribal and Semi-Tribal Populations in Independent Countries (1957)
- ILO Convention (169) concerning Indigenous and Tribal Peoples in Independent Countries (1989)
- United Nations Principles for Older Persons (1991)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)
- Beijing Declaration and Platform for Action of the Conference for Women (1995)
- World Conference against Racism (Durban Declaration and Programme of Action) (2001)
- Declaration on the Rights of Indigenous Peoples (2007)

Guidance and tools developed by the UN human rights mechanisms

- Guiding Principles on Internal Displacement (1998)
- United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons: The Pinheiro Principles (2005)
- Basic principles and guidelines on development-based evictions and displacement (2007)
- Minimum human rights principles applicable to large-scale land acquisitions or leases (2009)
- Guiding Principles on Business and Human Rights: implementing the United Nations “Protect, Respect and Remedy” Framework (2011)
- Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements (forthcoming 2011)
- *General Comments and General Recommendations* issued by the UN human rights treaty bodies, in particular:
 - Committee on Economic, Social and Cultural Rights: General Comment No. 4 on the right to adequate housing
 - Committee on Economic, Social and Cultural Rights: General Comment No. 7 on forced evictions
 - Committee on Economic, Social and Cultural Rights: General Comment No. 12 on the right to adequate food
 - Committee on Economic, Social and Cultural Rights: General Comment No. 20 on non-discrimination on economic, social and cultural rights
- Analysis and recommendations issued by the mandate holders of the Human Rights Council special procedures in their reports to the Human Rights Council and the General Assembly⁴

⁴ . Previously, we provided a list of all Treaty Monitoring Bodies and a long list of relevant mandate holders. However, as these lists (and title of mandates) may change over time and not specific enough, we made references simpler and generic, and highlighted most relevant ones.

Regional human rights treaties

- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, 1950)
- European Social Charter (1991 and 1996)
- American Convention on Human Rights (1969)
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1988)
- African Charter on Human and People's Rights (1981)
- African Charter on the Rights and Welfare of the Child (1990)
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2000)
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009)

Other relevant instruments, standards and tools

- European Union Land Policy Guidelines (2004)
- Establishing an Infrastructure for Spatial Information in the European Community (2007)
- Guiding Principles and Implementation Framework for Improving Access to Customary Land and Maintaining Social Harmony in the Pacific (prepared by the Pacific Islands Forum Secretariat, 2008)
- IASC Framework on Durable Solutions for Internally Displaced Persons (2009)
- IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (2010)
- Framework for Action on Food Security for the Pacific (2010)
- Framework and Guidelines on Land Policy in Africa (2010)
- Humanitarian Charter and Minimum Standards in Disaster Response (The Sphere Handbook, 1998, last edition 2011)

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