

# **Through the Lens of OHCHR: Sustainable Solutions for Slums and Squatter Settlements in South America**

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**HANKUK ACADEMY OF FOREIGN STUDIES**

**Sejin Sarah Oh**

## **Abstract**

This paper aims to address the problem of slums and squatter settlements in South America and provide possible legislative and policy-related solutions through the lens of OHCHR. To do this, this paper examines key terms and provides a timeline of key events that were a part of causing this problem. This paper also summarizes the positions of key states and regional actors and offers recommendations for policies.

## **Introduction**

Contemporary urbanization is the main cause of slums, and are characterized by unplanned housing located on marginal land. Squatter settlements have poor infrastructure and residents are often exposed to poor sanitation conditions. Despite dire conditions, residents lack legally recognized rights and lead perilous lives, as they often work in the informal economy in insecure, low-wage jobs on top of their precarious housing situation.

The largest slum, called a Favela, is located in Rio de Janeiro, and most modern favelas appeared due to the rural exodus, when many left rural Brazil but were unable to find places to live. Despite its proximity, the city did not extend sanitation, electricity, or other services, and since then, favelas have been associated with extreme poverty, and because residents are exposed to poor nutrition and pollution, infant mortality is high and disease is rampant. By the 1980s, worries about eviction and eradication led to violence associated with the drug trade. Murder rates are high as a result of this, with 40 per 100,000 inhabitants and much higher in some favelas. The Brazilian government has attempted to control violence by implementing Pacifying Police Units. Favelas can also be attributed to Brazil's severe inequality, and residents of favelas face difficulties while finding jobs because of stigmas. Furthermore, the Brazilian government's plans have sometimes backfired, with some favela eradication programs forcibly removing over 100,000 residents, and such policies have also been linked with gentrification, with upper-middle-class residences replacing favelas. As a result, the vast majority of the homeless population of Rio de Janeiro is black, and part of this can be attributed to favela gentrification. The problem is exacerbated by the rise of the favela population in present times. For example,

only 7 percent of the population of Rio de Janeiro lived in favelas, compared to about 25 percent today.

Not only do residents of slums face obvious deprivation of resources such as clean water, hygiene and education, but they also face insecure lives with threats of police and gang violence, as well as sudden, forcible eviction. Despite this, slum residents in its entirety are treated as criminals and frequently lack access to justice. They are not given a voice in policies about the upgrading of slums, even when forced eviction is planned. Women are particularly vulnerable, and they face difficulties when reporting domestic abuse, and face heightened risks of sexual assault or harassment while walking in the dark to use the shared toilet.

Structural problems are often a significant factor for worsened conditions in slums. The global trend of the privatization of state services carries the risk of governments stopping their responsibility to provide services for marginalized areas like slums. Private sector companies thus have little incentive to serve such groups, and this has the risk of worsening the situation. The absence of official documentation means entire groups of slum residents are undocumented, therefore negatively affecting their ability to fall into the social security net. The lack of schools near slum areas, costs related to education, and admission denial on the grounds that their home is unofficial restrict access to education for children born in slums.

In Latin America, around 120 million people live in slums, and governments have failed to address these issues at the national and international levels. Although many community-based organizations and NGOs work to ensure governments respond to the challenges of improving slum residents' lives, slums are often the consequence of negligence and discrimination by governments, and it is difficult to eradicate them entirely. Nevertheless, the protection of human rights and attempts to eradicate poverty in such regions must continue.

## **Description of OHCHR**

The Office of the United Nations High Commissioner for Human Rights (OHCHR) fundamentally plays four roles. Firstly, it promotes and protects all the human rights and critically raises its voices on human rights violations and evaluates human rights progress

worldwide. Secondly, the OHCHR provides support to empower people via research work, education, and advocacy action and raises international community and public action and attention. Thirdly, it provides support to governments and assists in preventing powers uses and assists in defusing heating-up conflict. In the mode of the development programme work, OHCHR monitors and investigates sensitive decision-making. OHCHR also provides legal opinion assistance to the needy and supports the world judicature. Lastly, it attempts to mainstream a human rights focus in all UN programmes so effectively it remains ensconced in all UN programmes. OHCHR was born in December 1993, a few months after the Vienna Declaration and Plan of Action was proclaimed by the World Conference on Human Rights and signed and ratified by 171 states. The principal instruments of OHCHR are the Universal Declaration of Human Rights, and this continues to advance human rights standards afresh with an emphasis on the rights of indigenous people, people with disabilities, and the LGBTI people.

OHCHR has applied many international legal standards and policy recommendations regarding today's agenda. Primarily, it seeks to monitor and provide legal recommendations to needy countries. In UDHR, OHCHR has dealt with the right to adequate housing, and defines "adequate housing" as more than just shelter and encompasses "legal security of tenure, access to services, affordability, habitability," and so forth. Additionally, it has also produced country-specific reports, particularly for Latin American nations, including mentions of discrimination, exclusion, and eviction in the slums through the Special Rapporteur on the Right to Adequate Housing. Specifically, Brazil has issues of racial segregation in Favelas, militarized police forces, and evictions prior to world events like the Olympics. Colombia has internal displacement, armed conflict, and the continuation of slums. Lastly, Peru has issues of discrimination against the indigenous population in the policies of public housing. Nevertheless, delegates need to remember that it is not in the OHCHR mandate to offer direct funding or construct infrastructure and initiate engineering projects. The point of focus for delegates should be holding legal accountability and state responsibility and place attention on anti-discriminatory and participative urban policy.

## **Definitions of Key Terms**

### **Slum**

A slum is an urban residential area with high population density that is defined by poor housing and squalor. Slums are usually short of one or more of the following: durable shelter, adequate living space, clean water supply, proper sanitation, and secure tenure. Residents are often subject to overcrowding, poor ventilation, and increased risk of disease and crime. Over 1 billion people globally reside in slums, with densities in South American cities such as Rio de Janeiro, São Paulo, Lima, and Buenos Aires being particularly high.

### **Squatter Settlement**

A squatter settlement is a community in which citizens live on land or property without title, claim, or official permission. They are usually in the peripheries of cities or abandoned spaces, and are constructed out of temporary substances. Squatters have no connectivity to necessary infrastructure and services, and can face eviction. Squatter settlements are a physical manifestation of city poverty and housing shortage in rapidly urbanizing places.

### **Right to Adequate Housing**

The right to adequate housing is a global human right covered under Article 25 of the Universal Declaration of Human Rights (UDHR) and Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Right to adequate housing doesn't mean just housing, but it also encompasses security of tenure, availability of services, affordability, habitability, accessibility, location, and cultural adequacy. Governments are obligated to respect, protect, and fulfill this right by ensuring that all individuals have access to secure, safe, and affordable housing.

### **Tenure Security**

Tenure security refers to the degree of safeguarding that residents have against eviction from their houses or land. Secure tenure can be formal (legal title) or informal (recognized by local governments or communities). Tenure security benefits slum dwellers as it encourages investment in house improvements and provides stability. Refusal of tenure security is one of the primary sources of vulnerability for residents in slums and squatter settlements.

### **Regularization**

Regularization is the process of bestowing legal rights and recognition on informal settlements and their residents. This usually involves land titling, the supply of basic amenities, and formal inclusion into urban planning. Regularization aims to improve living standards, reduce vulnerability to eviction, and improve social integration. Successful regularization is normally the outcome of collaborative action among governments, communities, and civil society.

### **Urban informality**

Urban informality describes the wide range of activities, settlements, and economies beyond formal legal and regulatory frameworks. It entails informal housing, work, and services. Urban informality is both a response to exclusion from formal systems and a driver of city growth in much of the world's cities that are in the developing world. While informal systems provide shelter and livelihoods, they are often without legal protection and fundamental infrastructure.

### **More Key Terms**

#### **Slum Upgrading**

A process of interventions to enhance physical, social, and economic status of slum dwellers without evicting them. Upgrading can include infrastructure improvement (water, sanitation, roads), housing rehabilitation or upgrading, and community strengthening or empowerment.

#### **Forced Eviction**

The eviction of individuals or groups from their homes or land often with no notice, compensation, or guarantee of alternative housing. Forced evictions are a violation of international human rights standards.

## **Timeline of Key Events**

### **1950s–1970s**

South American urbanization pushes the expansion of slums and squatter settlements because rural citizens move to the cities in search of a good life. Governments respond by policy through slum clearance, resulting in the massive eviction and displacement of individuals.

### **1980s**

Policy change towards upgrading rather than eradication. Brazil paces the way in slum upgrading, recognizing the social and economic expense of forced evictions. Community-based solutions begin to gain traction.

### **1990s**

Slum upgrading is adopted by international agencies such as UN-Habitat and the World Bank as a socially palatable, cost-effective option. The "Cities Without Slums" idea takes shape.

### **2001**

Brazil enacts the City Statute, a pioneering law that recognizes the social role of property, mandates participatory planning, and establishes Special Zones of Social Interest (ZEIS) to protect informal settlements.

### **2003**

UN-Habitat launches the Participatory Slum Upgrading Programme (PSUP), with a focus on upgrading from the community in Latin America, Africa, and Asia.

### **2015**

The United Nations adopted the Sustainable Development Goals (SDGs), with Goal 11.1 specifically aiming to ensure access to safe, secure, and affordable housing and slum upgrading by 2030.

## **2016**

The Habitat III Conference in Quito, Ecuador, produced the New Urban Agenda, with a spotlight on inclusive urbanization and the upgrading of informal settlements.

## **2018**

Inter-American Development Bank (IDB) unveils the "Emerging and Sustainable Cities Initiative," designed for the improvement of infrastructure and governance of Latin American cities.

## **2020–2023**

COVID-19 brings out the vulnerabilities of slums with added urgency on resilient, inclusive urban policy demand. The Global Action Plan (GAP) is underway to generate the much-needed support towards the attainment of the SDG 11.

### *Earlier Foreign Action*

#### **UN-Habitat Programs**

UN-Habitat has been pioneering the role of advocate and promoter of sustainable methods for slums and squatter settlements. The main activities of the organisation are:

##### **Participatory Slum Upgrading Programme (PSUP):**

Active in over 40 countries, PSUP helps the national and local governments in preparing participatory policies, promoting community participation and executing slum upgrading works. PSUP has performed land regularization, upgraded infrastructure and developed the capacity of institutions in South America.

##### **Global Land Tool Network (GLTN):**

GLTN develops state-of-the-art tools to align land tenure and support land administration that is necessary for regularization and upgrading.

##### **Inter-American Development Bank (IDB)**

IDB has financed numerous projects aimed at the quality of life in slum areas. Some of them are:



**Favelas-Bairro Program (Brazil):**

All-inclusive slum upgrading project in Rio de Janeiro incorporating infrastructure, social services, and community engagement.

**Colombian and Peruvian Mejoramiento Programs:**

Aimed to prioritize infrastructure upgrading, tenure security, and social integration within informal settlements.

**OHCHR Reports and Special Rapporteur on the Right to Adequate Housing**

The United Nations High Commissioner for Human Rights Office (OHCHR) and the Special Rapporteur publish periodic reports highlighting the challenges of the slum residents, requesting rights-centered approaches, and monitoring compliance on the part of states with international norms. Their work has emphasized avoiding forced evictions, the value of participation, and anti-discrimination.

**SDG Goal 11: Make Cities Inclusive, Safe, Resilient, and Sustainable**

SDG 11 sets a global target to "ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums" by 2030. Progress is measured through indicators such as urban population living in slums, informal settlements, or less serviced housing.

**More International Efforts****- Cities Alliance:**

An international cooperation facilitating city-level slum upgrading and poverty reduction plans with key initiatives in São Paulo and Lima.

**- World Bank Urban Upgrading Projects:**

World Bank-financed integrated urban upgrading projects have been implemented in South American countries, with a focus on infrastructure, social inclusion, and institutional strengthening.

**Mercosur and UNASUR Regional Cooperation:**

Regional institutions have facilitated the sharing of good practices and the harmonization of policies related to informality and the rights to housing.

## **Positions of Key Member Nations and Bodies**

### **Brazil**

Brazil is the regional leader in slum upgrading and regularization. The City Statute and the establishment of the Special Zones of Social Interest (ZEIS) provided the legal framework for the regularization of informal settlements. Rio de Janeiro and São Paulo cities have embraced massive upgrading schemes with infrastructure upgrading that accompanies social services and planning that is community participatory. Political instability, funding shortages, and entrenched disparities are some of the issues to be addressed.

### **Argentina**

Argentina makes regularization of the informal settlements into the formal city the top priority through infrastructure investment and regularization. The City of Buenos Aires "Villa 31" intervention is illustrative and involves upgrading housing units, legalization, and improved access to services. The state involves civil society organizations for community engagement.

### **Chile**

Chile's approach involves incremental housing solutions and additional subsidies to poverty-stricken families. The "Programa de Mejoramiento de Barrios" (Neighborhood Improvement Program) provides funding for upgrading and regularization of the slum settlements. Chile also created original policies aimed at avoiding the generation of slums.

### **Colombia**

Colombia reached slum upgrading via the "Barrios de Paz" and "Mejoramiento Integral de Barrios" programmes, linking physical upgrading and social and economic action. The focus is on the application of participatory planning, security of tenure and the avoidance of violence.

### **Venezuela**

Venezuelan action has been limited by political crisis and economic crisis. Whilst the "Gran Misión Vivienda Venezuela" (Great Venezuelan Housing Mission) offers the prospect of large-scale housing, patchily implemented thus far and involving millions of informal settlements that remain untouched.

## **Regional and International Organizations**

- UN-Habitat:
- Inter-American Development Bank (IDB):
- OHCHR and Special Rapporteur:

## **Blocs**

### **- Mercosur:**

Since its creation, Mercosur's main objective has been to promote a common space that generates business and investment opportunities through the competitive integration of national economies into the international market. It has established multiple agreements with countries or groups of countries, granting them, in some cases, the status of Associated States – this being the situation of the South American countries. These participate in activities and meetings of the Bloc and have trade preferences with the States Parties.

### **- UNASUR:**

UNASUR, South American organization created in 2008 to propel regional integration on issues including democracy, education, energy, environment, infrastructure, and security and to eliminate social inequality and exclusion. It was inspired by and modeled after the European Union. UNASUR's members are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, and Venezuela. Panama and Mexico hold observer status.

## **Conclusion**

The persistent problem of slums and inadequate housing in South America is an essential agenda we face today. This problem is complicated by structural racism and deepening inequality in South America, where divides between slums and well-off neighborhoods are both evident and furthered by urban planning disregarding marginalized communities' voices. However, it is difficult to implement policies and calls to reform without infringing upon national sovereignty. Despite the complicated nature of this agenda, the Chair of the Office of the High Commissioner for Human Rights hopes countries will come up with diverse and meaningful solutions to this persistent issue.

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