Action Sheet 13

Shelter

Key message

Shelter is high on the list of life-sustaining essentials. It is a key protection priority. The right to shelter involves both access to adequate shelter and the sustained ability to enjoy an adequate standard of shelter. While urgent operational requirements tend to impose certain shelter solutions, the meaningful participation of the community in decisions related to shelter is essential. Groups with specific needs require additional attention to ensure their access to shelter. Gradual improvement of shelter throughout the displacement cycle is vital, while working towards a durable shelter solution.

1. Shelter options in situations of internal displacement

Humanitarian interventions usually include shelter programmes that support access to *emergency* shelter and/or *transitional* shelter, depending on stage of the operation.

When humanitarian agencies refer to *shelter*, they generally mean habitable, covered living space, providing a secure and healthy living environment with privacy and dignity. A *settlement* is a group of shelters. In an internal displacement context, settlements can be located in urban and rural areas and they can be *dispersed* or *grouped*. Depending on the circumstances, internally displaced persons usually resort to one of the following shelter options:

- **Dispersed settlement:**
  - *Host-family arrangements*: Living with friends, relatives, other families or in rental accommodation.
  - *Rural self-settlement*: Living in a rural context informally, or on land owned collectively.
  - *Urban self-settlement*: Living in an urban context informally, or on land owned collectively.
- **Grouped settlement:**
  - *Collective centres*: Living temporarily in pre-existing structures, such as hotels, schools or public/ government buildings.
  - *Self-settled camps*: Settling without the support of the government or the humanitarian community.
  - *Planned camps*: Living on purposely-built sites, completed before or during the influx.

Where safe and appropriate, displaced populations should be supported in their respective settlement options. Their decision will be based on considerations of safety, the family's history and solidarity networks, and the extent to which a settlement provides access to water and sanitation, adequate covered living space, health-care services, education, recreational areas, childcare, markets and livelihood opportunities.

Generally, staying with host families is the preferred alternative for displaced populations, as it builds on their own coping mechanisms and enables them to live in more dignified conditions, surrounded by extended family or friends. Although camps are considered an option of last resort, they might be the only viable option when dealing with large influxes.

2. Protection risks associated to inappropriate shelter

Specific shelter modalities may seem the best option at one point, yet they can only be adequate if they reach adequate standards and allow the respective individuals or groups to live in safety and dignity. Initial conditions can deteriorate along the displacement cycle both because of the inability to maintain and improve the shelter itself or because of the interaction between groups of displaced persons as well as between these and other affected communities. Continued monitoring and evaluation should take place to measure the standards and overall conditions of shelter and identify possible protection risks related to inappropriate standards or a threatening environment. Such evaluations should lead to different assistance interventions as well as to seeking alternative shelter options.

Risks related to inappropriate shelter options	
In host families	• In protracted situations, deteriorating living conditions of families hosting large number of displaced persons might lead to health and psycho-social problems, as well as risks of stigmatization, harassment, economic or sexual exploitation, and violence against the displaced families. • In areas where IDPs are not welcome, both host and displaced families might be targets of retaliation by parties to the conflict or by surrounding communities.
In dispersed settlements (urban or rural)	• Settling amid villages, towns or in the forest may be part of a protection mechanism by IDPs to avoid attracting attention. However, it might be difficult to monitor and identify IDPs' protection concerns, due to their isolation. • Those settled spontaneously on private or public land are often under constant threat of being evicted by landlords or authorities. Again, their possible isolation may make it difficult for humanitarian actors to intervene in case of threat of eviction, harassment or other protection concerns.
In medium-to large grouped settlements	• Over time, overcrowding and degrading living conditions, lack of prospects for solutions, breakdown or poor enforcement of law and order, assistance dependency and trauma related to the causes and consequences of displacement can lead to grave protection problems. • IDPs settled in collective centres are often under threat of being evicted by landlords. Those occupying schools or religious and other public buildings are under constant pressure to leave. • Relations with the host community, as well as within IDP groups, might deteriorate over the sharing of limited resources, the depletion of nearby forests for firewood, the occupation of land by IDPs or the requisition of land, by local authorities, on behalf of displaced persons. • Tensions might also arise with the presence of an ethnically, culturally, religiously or linguistically different group of people amid a frightened community. • Despite the fact that a larger group settlement may be more secure for IDPs than dispersed and exposed shelters, a large group settlement can be easily targeted for forced recruitment and attacks, including aerial bombings. • A proliferation of good-quality shelters in an area where standards of housing are low can create tension with local communities unless they also benefit from the humanitarian intervention, such as by greater labour opportunities in the area of construction.

2. Individuals and groups at particular risk

Displaced unaccompanied children, particularly child-headed households, are especially exposed to protection risks related to the lack of appropriate shelter, including trafficking and various forms of violence, abuse or exploitation. Tracing their families and/or identifying foster family arrangements should thus begin immediately. In the meantime, all efforts should be undertaken to secure safe housing for these children and establish monitoring procedures by specialized agencies and the community itself.

Single women or female-headed households can be at greater risk of harassment, assault or exploitation if they live in shelters without proper walls, partitioning or the possibility to lock a door.

Unaccompanied older persons might have difficulties constructing their own shelters or might need to share shelter with others. Unless they receive targeted support, they can find themselves in a precarious and undignified situation of dependency.

During conflict, ethnic or religious minority groups might be unwelcome among the host population or within the IDP population itself, and have difficulty finding shelter. Displaced families who do not own land or property may face heightened protection risks, as the legal and administrative mechanisms to support them may be less clear. Such families, which include tenants of houses and apartments as well as spontaneous settlers, may constitute a large proportion of the affected populations. Very often, they are also the most deprived and defenseless among these.

3. Key international legal standards and the responsibility of the State

The right to adequate shelter is one aspect of the right of every person to enjoy an adequate standard of living. This right was first recognized in the Universal Declaration of Human Rights[1] and subsequently included in various international human rights instruments.[2]

While the right to adequate shelter applies to all persons, specific provisions exist at the international level emphasizing its applicability to internally displaced persons. This is for instance the case of the Guiding Principles on Internal Displacement[3]. The UN Principles on Housing and Property Restitution for Refugees and Displaced Persons, known as the *Pinheiro Principles*, also contain specific reference to the right to adequate housing and request States to take *positive* measures to alleviate refugees and internally displaced persons living in inadequate shelter.[4]

In some situations, the State may claim that it does not have the ability to protect the right to adequate shelter, be it for lack of financial resources, inexistent or ineffective law enforcement mechanisms or inability to access to parts of its territory. Notwithstanding this, it must demonstrate that it has made a maximum effort to use all the resources at its disposal to satisfy the essential need to shelter. Such resources include, "those available from the international community through international cooperation and assistance."[5] This does not mean that the state needs to build houses for all the population on its territory. As other economic, social and cultural rights, the right to shelter is of progressive realization. The State needs to take the necessary steps to respect, protect and fulfill this right.

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[1]   Art. 25 of UDHR; art

[2]   Art 11 (1) of ICESCR, Art. 27(3) of CRC; Art 17 (1) of ICCPR, Art 5(e)(iii) of CERD, Art. 14(2)(h) of CEDAW; Art. 43(1)(d) of CMW; Art. 20(2)(a) of AfCRWC; Art 16 of AfCHPR Protocol on the Rights of Women; Art XI of AmDHR .

[3]   Guiding Principle 18 provides that "all internally displaced persons have the right to an adequate standard of living" and that " At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:...basic shelter and housing"

[4]   See Principles 2 and 8. See also the Handbook on implementing the Pinheiro principles, referenced at the end of this chapter.

[5]   Idem

In emergency situations, the minimum requirements that need to be fulfilled in relation to the right to adequate shelter would be[6] privacy, security of person, health and food.

International Humanitarian Law protects the right to shelter through preventative measures, mainly through the requirement that all parties to a conflict, whether they are State or non-State actors, distinguish at all times between civilian and military objectives. Concretely, it includes the prohibition from attacking civilian homes, including those of internally displaced persons, their use to shield military operations or objectives, pillage or destruction and making them the object of reprisals or collective punishment.[7]

In situations where internal displacement is ordered by the State for justifiable reasons, the law requires that positive measures be taken to protect any property left behind and ensure satisfactory conditions while in displacement, including shelter.[8]

In international armed conflicts, IHL establishes a positive obligation to State and non-state actors to ensure the provision of shelter and other supplies essential to the survival of the civilian population. Where the civilian population is not provided with such supplies, the parties to the conflict must allow for relief actions, which are humanitarian and impartial in character.[9]

IHL also sets forth some essentials of humane treatment with regard to detained or interned persons which also apply to internally displaced persons detained or interned in camps[10]. Those guarantees include "protection against the weather and the dangers of the armed conflict" to the same extent as the local civilian population. Provision of shelter may be inferred from this expression.

4. The role of human rights and humanitarian actors

Adequate shelter is a vital component of a comprehensive protection strategy. Activities to support national authorities and IDP communities in securing access to adequate shelter must integrate relevant protection considerations. The matrix below contains general considerations applicable to all humanitarian interventions in the area of shelter, as well as specific protection considerations pertaining to each shelter option, as appropriate.

In our work, we can…
In all situations
Cross-cutting protection considerations   • **Incorporate shelter in emergency interventions**: where safe and appropriate, shelter support and assistance should be part of the early relief and emergency response to the crisis. Shelter interventions in these early stages can reduce the fluidity of the population. Thereby, they can help to mitigate or avoid additional displacement-related protection risks • **Secure land tenure**: ensure that land tenure (temporary or permanent) is secured before embarking on emergency, transitional or permanent shelter construction. *(see Part V.11, Land and Property)* 📖 ▸▸

6   IASC Gender Handbook, Different Needs   Equal Opportunities, Gender and Shelter in Emergencies

7   Rules 7-23 of Customary International Humanitarian Law, Volume I: Rules (ICRC). See also Arts. 33 and 53 of the Fourth Geneva Convention; Arts. 51 and 52 of Additional Protocol I; Art. 4(2)(g) of Additional Protocol II; Art. 28 of the Hague Regulations. See also Art. 2(b)(xvi) of the ICC Statute.

8   See Art. 17 of Additional Protocol II.

9   See Arts. 69 and 70 of Additional Protocol I.

10   See Annotations to the Guiding Principles on Internal Displacement, Walter Kaelin, Studies in Transnational Legal Policy No. 32, Appendix II: Compilation and Analysis of Legal Norms (Part I), Para. 189, pg. 142.

- **Build upon local materials, existing capacities and the environment:** take into consideration the short- and long-term impact of temporary settlements on host communities and the environment within comprehensive planning activities. Whenever possible, locally acceptable and available materials and labour should be used to benefit the local economy, while not depleting local resources. Promote modalities of shelter that enable displaced persons to upgrade their own shelters from transitional to more permanent structures, as their situation evolves.
- **Reinforce the community's self-help capacity**: encourage traditional construction methods, particularly in areas where transportation of shelter material is restricted for logistical or security reasons,[11] If traditionally men have been in charge of construction and women are interested in participating in construction activities, identify those who may be interested and support basic training in construction to give women opportunity to equally participate in the process. The same is true for men if women have traditionally been in charge of building.
- **Address specific needs ensuring dignity and promoting empowerment**: try to respond to the specific needs of child-headed households and single young and older women and men without creating further stress, danger and exposing people to stigmatization or undignified solutions. Include them in the planning and implementation phases of shelter interventions to build ownership and consensus among communities. Cash-for-work or food-for-work schemes, as well as child-care arrangements can be useful to support households with specific needs in building their own shelters. Monitor the implementation of such schemes to avoid exploitative and fraudulent practices.
- **Coordinate closely with partners other sectors that can affect the quality of shelter** (i.e. water and sanitation, livelihoods, communal infrastructure, etc). Promote joint planning among them. Ensure good coordination in the dialogue with members of the community. Coordinate with partners to establish child-friendly spaces where children can meet and share their experiences. Promote respect for social customs for dealing with the remains of the dead while ensuring that existing facilities such as graveyards or crematoria are adequate.[12]

Assessment *(See Part III.1)* 📖	- Ensure that protection or community-services staff work alongside shelter specialists and site planners in all multi-sectoral assessments and specialized shelter assessments to ensure that protection implications of shelter interventions are taken into account at the onset. - In situations of armed conflict, undertake a thorough assessment of the root causes of the conflict to ensure that they are taken into account when planning for, designing or supporting the relevant shelter options. - Ensure participation of concerned IDPs and the other affected populations of different ages, sex and circumstances, as well as representatives of host communities during the assessment, to learn their different needs, concerns and perspectives. - Work with the community to identify skilled women and men and adolescent girls and boys who can support shelter construction, from both the IDP and the other affected communities. Maximize the positive impact of shelter projects on the local economy and on the environment by carefully assessing which local materials and labor can be employed. - Assess which groups in the community may not be in a position to construct, maintain or upgrade their own shelter, to develop appropriate support schemes.

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[11] Items such as cement, iron bars, nails and wood poles might be considered as strategic items and be restricted in times of conflict.

[12] Graveyards should be at least 30 metres from groundwater sources used for drinking water, with the bottom of any grave at least 1.5m above the groundwater table. See Sphere Humanitarian Charter and Minimum Standards (referenced)

	• Assess how unaccompanied older persons, girls and boys are accommodated and whether they are being cared for and supported by the community. • Together with the affected communities, and taking into account local culture and traditions, humanitarian agencies should define what constitutes an eligible family or household. They should also define as the criteria and modalities for allocating assistance among different households. Prioritizing groups should be based on an assessment of their needs and not only on the basis of their situation as occupiers, hosts or owners. Both the displaced and host populations should be involved in such decisions.
Monitoring and evaluation *(See Parts III.3 and IV.1)* 📖	• Ensure that evaluations of shelter programmes go beyond the performance levels and also examine the protection impact of such programmes. Include protection indicators in the terms of reference of such evaluations. • Conduct regular structured dialogues and discussions with individuals and groups of different age, sex and circumstances, particularly those with specific needs on shelter issues, to ensure that any protection concerns highlighted are discussed and resolved. • Work with the community to set up monitoring or similar mechanisms to assess the living conditions of persons with specific needs in the community, such as older persons living without adult family members or child-headed households. • Monitoring should be particularly careful in collective centres, where the lack of privacy and the often precarious living arrangements can expose women and children to situations of gender based violence, sexual exploitation and other forms of violence and abuse. • Assess the effect of the provision of shelter on the relations between IDPs and the other affected communities. See whether it contributes to reducing or to exacerbating conflicts.
Host families	
	• In rural settings, depending on the size of the hosted family, provide shelter materials to build a separate transitional shelter in the host compound for privacy. When appropriate, an extension to the host-family shelter can be built instead. A partition should always separate the two families to avoid sources of tension or the risk of GBV. • Support displaced families with technical advice to ensure their participation in the design construction and maintenance of the shelter and to ascertain the quality of the structure. Arrange for engineers and other technical experts to monitor the safety of construction. • If a displaced family demonstrates an intention to host an internally displaced person with specific needs for an extended period, provide, if appropriate, limited material assistance to the host family to assist in coping with additional persons. This will help reinforce bonds with the host community and avoid tension. • Monitoring programmes to avoid fraudulent or exploitative practices must be put in place in these cases. This can be done directly or through community networks. • Secure the agreement, preferably in writing, by both the displaced and host families, as to who will own the shelter material after displacement, to avoid disputes.

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Dispersed settlement	
In urban settings	• When necessary, lobby local authorities to waive documentation requirements in lease agreements for IDPs. • Advocate for financial institutions to support local authorities' schemes to subsidize rentals.
In rural areas	• Identify local families with specific needs for shelter support. • When appropriate, reinforce infrastructure in the receiving village, such as by upgrading an access road or a bridge or drilling additional wells or communal latrines to help the community cope with the influx of displaced persons.
In both cases	• Closely monitor the situation of particularly vulnerable individuals or households and build peer-support networks among IDPs and host communities to protect and support them. • Ensure that protection and other humanitarian agencies adhere to strict standard operating procedures to safeguard confidentiality in their assistance interventions for those who wish to remain unnoticed. • All actors involved in assisting dispersed shelters should ensure that their offices are well-known and recognizable through visibility signs so that individuals living in disperse settlements can approach them directly without difficulties.
Grouped settlement	
Collective centres or Communal buildings	• Work with the authorities and the IDP community to ensure that alternatives to shelter in communal buildings can be found quickly, (if possible in no longer than one month). Collective centres or communal buildings, such as schools and religious buildings should be closed or relocated as soon as possible, so that their original function can resume. Otherwise, tension may arise between the displaced and the other affected populations. • When IDPs cannot be offered alternatives in the immediate future, work with them and host communities to ensure that a space is organized within the compound for the school or the church to reinstate its activities and to improve the space they are occupying as transitory shelter. • Provide adequate material for partitions between- and within families staying in collective centres. Privacy is especially challenging in communal shelters. Even individual family shelters do not sometimes provide adequate privacy. Ensure that women or children are not compelled to share accommodation with men who are not members of their immediate family. • Establish a strong monitoring and referral network among agencies to prevent gender-based violence or forced recruitment and to immediately follow up identified incidents. Communal buildings are likely to expose women and children to such risks. Sensitize communities and local authorities towards the prevention of- and response to these risks and support them in establishing a monitoring and reporting system. • Keep track of arrivals and departures in each location to avoid fraud and duplication of assistance.

Part V – 13

Camps: Site selection and layout *(See Part IV.12 and also Annex to this Action Sheet)* 📖	• Although land might be scarce, available sites might not meet all the desired criteria. Sensitize the host community and responsible authorities to the long-term protection and financial implications of selecting an unsuitable site. • Ensure that physical planning is done with participation by the displaced community and taking full account of their protection needs. Analyze baseline data gathered from registration (ensuring breakdown by age and sex, and highlighting specific needs), and build the analysis into the site planning exercise. • Site selection should also take full account of distances from essential services and local markets, existing relationships among the different communities and traditional living arrangements and security concerns. Avoid sites located near violent areas and, in the case of natural disasters, physically unsafe areas. Ensure that hazards that may impact the site are mapped, mitigated and monitored. • When designing/constructing shelter units, integrate local building practices to the extent possible and select appropriate material as a priority. **Regrouping IDPs from the same village or extended families in shelters aligned in a U-shape design allows for families to watch for each other's children playing in the central area or guard belongings against theft. Such "cluster-planned village" communities can also provide a protective environment for individuals with specific needs.** • Ensure a minimum surface area per person of 45m[13]. • Secure good road access to the site for humanitarian aid and monitoring and IDPs' access to nearby services and local markets. • To minimize the impact of the camp on the environment, assess and support the natural resource management of both the displaced and host populations. Provide construction material and household energy fuels to avoid depleting local environmental resources, to protect vegetation needed to prevent soil erosion or flooding, and to safeguard agricultural lands and productive forests. • Sensitize and train communities on health and fire risks and encourage the establishment of communal systems for fire prevention and vector control.
Minimum standards	• In addition to providing physical protection against the elements, provide sufficient floor space per person.[14] • Avoid shared accommodation as much as possible to mitigate the risk of exploitation and abuse, particularly for single women and unaccompanied and separated children. • Adjust shelters to the specific needs of persons with disabilities or chronically ill, female-headed households or unaccompanied older persons. • To avoid gender-based violence, ensure that dwellings allow separation between the sexes, where culturally required, or between parents and children to provide privacy and safety. Provide material for partitions. Separate facilities like bathrooms and toilets should be constructed for women and men. They should not be isolated or in dark lonely areas where women and children may be sexually assaulted.

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[13] Including kitchen/vegetable gardening space. This also includes an apportioned common area for roads, foot paths, schools, sanitation, security, firebreaks, administration, water and other storage, distribution, markets.

[14] Shelter area per person should average 3.50 4.5 m2 in camp settings and no less than 1.50 2.50 m2 for transit and temporary housing facilities (overnight stay only). Shelter standards depend on the climate: more interior space should be provided in cold weather than in warm climates.

Limited group settlements in existing villages	• Depending on the wishes of the IDPs, promote smaller settlements of 20-30 families in existing villages, as opposed to establishing larger camps. This will: – Contribute to a more normal living environment. – Allow for better absorption of the displaced population so that IDPs can benefit from access to the village market, local medical facilities, wells and work opportunities. – Reduce the cost for the government or the humanitarian community, as it obviates the need to set up a camp and provide all services. – Ensure that all additional infrastructures provided to the IDP settlement (wells, community buildings, classrooms) benefit the host village as well. – Lead to improved empowerment and autonomy of the community in securing its own protection. – Improve the possibility for local integration if IDPs choose that as a durable solution.

Do you have suggestions about other activities? If so, please share them with us at **hqidphb@unhcr.org**

5. Key Actors

- In addition to displaced persons and communities, key partners include:
- At the **national level**, Ministries of public works and infrastructure, housing, social welfare, health, education, religious affairs and interior or home affairs; social-housing service agencies, national human rights commissions; engineering and architecture faculties, local industry and professional organizations.
- At the **international level**, key actors include, UNHCR, ICRC/IFRC, UNICEF, UNDP, UNEP,IOM, NGOs specialized in shelter or protection (such as ACTED, Care, Christian Aid, Disasters Emergency Committee, HMD Responses, GOAL, International Rescue Committee, Oxfam, RedR, The Save the Children Fund, the Shelter Centre or World Vision).
- When not available locally, expertise and advice should be sought through the Global Emergency Shelter Cluster, which can field a specialist to coordinate activities in this sector.

References

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- *Handbook for Emergencies*, UNHCR, 3rd Edition, 2007.
- Need-analysis Framework (NAF), OCHA, 2006

Websites:

- IASC Emergency Cluster: **www.humanitarianinfo.org/iasc/content/cluster/shelter**
- United Nations High Commissioner for Refugees (UNHCR): **www.unhcr.org**
- United Nations Human Settlements Programme (UN-HABITAT): **www.unhabitat.org**

ANNEX 1

Site selection review: issues for consideration

1. Potential Beneficiaries	**4. Complementary/Supporting Points**
• Numbers • Characteristics (gender, age, background, language, etc.)	• Presence of nearby villages/communities • Accessibility by humanitarian and other service providers • Proximity to national services: – Health – Education – Administration – Law-enforcement structures (police, courts) • Electricity supply • Proximity to economic centres • Proximity to income-generating opportunities/agriculture • Possibility to harvest wood for construction • Possibility to collect firewood for fuel
2. Location	**5. Observations/Recommendation**
• Distance from major towns • Distance from the conflict or risk zone • Security and protection situation • Local health and other risks • Distance from protected areas (reserve forest, water reservoirs)	Strengths/weaknesses of site
3. Basic Characteristics of the Site	**6. Proposed next steps for consideration**
• Area, expansion possibility • Land use and land rights • Topography • Elevation • Soil condition • Water availability (drinking/washing/livestock) • Drainage • Sanitation possibilities • Climatic conditions • Vegetation/other environmental condition	