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**Mandate of the Special Rapporteur on the human rights of internally displaced persons**

# Call for inputs for the report on climate change and internal displacement to be presented to the 56th session of the Human Rights Council

**Objective**

The Special Rapporteur on the human rights of internally displaced persons (!DPs), Ms. Paula Gaviria-Betancur, invites all representatives of States, including national and local authorities, national human rights institutions, human rights defenders, civil society organizations, academics, UN agencies, internally displaced persons, host communities, and other stakeholders to share their views and thoughts on the questions detailed below, which she will address in her forthcoming report to the 56th session of the Human Rights Council.

The Special Rapporteur's report will focus on planned relocations of people in the context of the adverse effects of climate change and disasters. For the purposes of this report, planned relocations are understood as a planned process in which groups of persons move or are assisted to move away from their homes or places of temporary residence, are settled in a new and safer location, and provided with the conditions for rebuilding their lives1. The report will consider planned relocations conducted to protect people from risks and impacts related to disasters, environmental change and climate-related hazards and vulnerabilities.

Projections show that displacement in the context of slow and sudden onset disasters will increase in the coming years as climate change intensifies2. Climate and weather extremes are already driving displacement around the globe, generating and perpetuating vulnerability. Well-planned relocations are one climate adaptation measure that can contribute to durable solutions if human rights are protected, communities are at the centre in all phases of the process and funding is sufficient.

Former mandate holders on the human rights of internally displaced persons have introduced planned relocations in their reports on climate change and internal displacement (A/66/285 and A/64/214), as well as internal displacement in the context of the slow-onset adverse effects of climate change (A/75/2017). The Special Rapporteur on the right to adequate housing will present a report on resettlement, which includes planned relocations, to the Human Rights Council in March 20243.

1 UNHCR, Georgetown University and IOM, 2015, '"A toolbox: Planning Relocations to Protect People from Disasters and Environmental Change··. Available at: [https://www.refworld.org/pdfid/596fl5774.pdf](http://www.refworld.org/pdfid/596fl5774.pdf)

2 IPCC, 2023: Summary for Policymakers. In: Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Rep01t of the Intergovernmental Panel on Climate Change. Available at: https://[www.ipcc.ch/report/ar6/syr/downloads/report/JPCC\_AR6\_SYR\_SPM.pdf](http://www.ipcc.ch/report/ar6/syr/downloads/report/JPCC_AR6_SYR_SPM.pdf)

3 Available at: OHCHR I Call for inputs: Resettlement as a human ril.'.hts issue.

Building on these valuable contributions, the report will focus on contexts of disasters, environmental change and climate change and aims to:

* Identify key human rights challenges posed by planned relocation processes;
* Take stock of relevant laws and policies at the national, regional, international levels;
* Share the experiences of people relocated and their views on how the full enjoyment of human rights can be ensured in contexts of planned relocation processes; and,
* Propose a human rights-based approach to planned relocations and identify the human rights principles that should underpin such movements of persons and communities.

# Key questions

***Human rights impacts of planned relocations***

1. Please describe through concrete examples the critical challenges and human rights impacts of ongoing or already implemented planned relocation processes in the context of disasters and climate change in your country or your geographical area of interest. Please provide information on:
   1. Whether relocated persons feel they restored or improved their livelihoods, living standard, access to land and property, safety and security and ability to practice their culture 6 months, 1 year, 5 years following relocation;
   2. Whether host communities (if applicable) were able to maintain their pre­ existing livelihood and living standards or attain that of relocated persons, whichever is higher;
   3. Impacts on civil, political, economic, social and cultural rights of relocated persons and those who stay behind in their place of origin.

**SOUTH AFRICA RESPONSE**:

1. *In South Africa, the relocation of people that have been affected by disasters seems to have two broach approaches where it comes to relocation. (1) Where formal established housing is concerned relocation (evacuation) is often managed on a temporary basis with the aim being to return the affected population to the (repaired) housing/site. The affected population is often housed in shelters where such persons could not first be accommodated with unaffected family/friends/communities. (2) Where informal housing/settlements are concerned, attempts are often made to transition the affected persons to formal spaces or to safer spaces once they are sheltered. These attempts have not always been accepted by the receiving communities / affected communities or both. In this regard, people have turned to the courts to adjudicate decisions made (see attached examples) by the government on these matters. The attached judgements from the Constitutional Court provide context about these matters and provide details on matters listed under sub-questions a, b and c.*
2. *The relocation of persons affected by the floods in KZN, and particularly in eThekwini during 2022 may serve as a benchmark.*

***Legal, policy and institutional frameworks***

1. Please describe any measures, including policies, legislation, practices, strategies, or institutional arrangements that your government or the government(s) in your area of geographical interest have used or have available at the regional, national or sub-national level to conduct planned relocations and/or policy frameworks to prevent arbitrary displacement. Please also identify institutional and governance gaps.
2. Please outline whether the available legal and policy frameworks foresee options for persons who did not wish to relocate as well as assistance, remedies for anticipated economic, non-economic, indirect and long-term losses that relocated persons will incur, and remedies following relocation for unanticipated losses.

**SOUTH AFRICA RESPONSE**:

*Section 2 of the South African Constitution (Act 108 of 1996) highlights that the Bill of Rights is the cornerstone of democracy and enshrines the rights of all people in the Country. It also affirms the democratic values of human dignity, equality and freedom which must be respected, promoted and fulfilled by the state. Section 21 of the Constitution deals with amongst other things the freedom to reside anywhere in the Country. Section 24 of the Constitution also deals with amongst other things the right to an environment that is not harmful to their health and well-being and have an environment that is protected from pollution, degradation etc. Section 25 of the Constitution deals with amongst other things property which may not be arbitrarily deprived. Various laws have been made to bring these rights to realisation.  In the land registration system, title deeds serve as proof of legal ownership of a property. The deeds office requires that the original title deed or mortgage bond be lodged for the purpose of the registration of various property transactions, as mentioned in Regulation 51(1) and Regulation 63(2) the Deeds Registries Act, 1937 (Act No. 47 of 1937) (DRA). Other Acts that may be relevant include the Housing Act and the Housing Code, the Development Facilitation Act, Less formal township Act, the extension of security of tenure Act, the Prevention of Illegal Eviction from Unlawful Occupation of Land Act (PIE Act), Upgrading of Land Tenure Rights Act*

*The Disaster Management Act also provides for the executive, once a disaster is classified and a state of disaster has been declared, amongst other things, to control and occupancy of premises in the disaster area (or threatened area), and the control and occupancy of a premise in the disaster-stricken area, but this is limited to the period of the state of disaster and only to the extent that it assist/protect the public, provide relief, protect property, prevent disruption or dealing with the destructive effects of the disaster.*

*During the COVID-19 pandemic, the regulations issued during the National State of Disaster, imposed additional requirements on the courts when considering order for the eviction of persons from accommodation that may have resulted from breaches of lease agreements.*

1. Please indicate how the group(s) to be relocated were informed, consulted and enabled to participate in decisions on whether, when, where and how the planned relocation was to occur. Please also explain how people who wished to stay behind at the site of origin and people who had already moved away prior to planned relocation and may also wish to join at new site, were informed and consulted in the process. As well as information on any challenges or obstacles to the meaningful participation of affected communities in the planned relocation process.
2. Please provide information on how regional and international actors and organizations were engaged in the planned relocation process.

**SOUTH AFRICA RESPONSE**:

## Consideration of specific needs of relocated and affected populations

1. Please provide information on how the specific rights, needs, circumstances, customs, social bonds and vulnerabilities of relocated persons were taken into account and addressed in all phases of planned relocation in your country or your areas of geographical interest. Please include considerations linked to socio­ economic, health and demographic characteristics, special attachment to land and members of groups in vulnerable situations, including women, girls, minorities, older persons, persons with disabilities, LGBTI+ persons, Indigenous Peoples, displaced persons, migrants, renters and informal settlers.

**SOUTH AFRICA RESPONSE**:

## Data collection, analysis, and availability

1. Please describe any quantitative and qualitative data as well as frameworks, mechanisms and tools that exist in your country to monitor, assess, measure, calculate, report on and evaluate the impacts of planned relocations on relocated persons and affected communities, including over the long term, and to map future needs given climate change forecasts.
2. Please share data on the process and impacts of planned relocations on relocated persons and other affected groups, including the effects on members of groups in vulnerable situations, including women, girls, minorities, older persons, persons with disabilities, LGBTI+ persons, Indigenous Peoples, displaced persons, migrants, renters and informal settlers.

**SOUTH AFRICA RESPONSE**:

## Recommendations

1. Please provide specific recommendations on how to address the critical challenges and impacts that emerge during planned relocations in the context of disasters and the adverse effects of climate change to ensure they are people-centered, anchored in human rights-based approaches and preserve cultural identity. Please include actions to be taken at the local, national, regional, and international levels, as well as by different groups of stakeholders: governments, communities to be relocated, potential host communities, development agencies, financing institutions, and others.
2. Please provide any additional information you believe would be useful on the full enjoyment of human rights before, during and after planned relocations in the context of climate change.

**SOUTH AFRICA RESPONSE**:

# Next Steps

Written contributions not exceeding 2,500 words in length should be sent in *English, French* or *Spanish* in *Word* format to [**hrc-sr-idp@un.org.**](mailto:hrc-sr-idp@un.org)

Please indicate **"Input for SR IDPs** - **report on relocation"** in the email subject line.

# Postal address:

Office of the United Nations High Commissioner for Human Rights, United Nations Office at Geneva, CH 1211 Geneva 10, Switzerland.

Please include references to reports, text of legislation, policy documents, judgements, statistical information with hyperlinks to their full text or source or attach them to your submission.

# Please note that inputs received after the initial deadline of 1 April 2024, may not be taken into account for the preparation of the thematic report to be presented at the 56th session of the Human Rights Council.

All submissions will be posted on this webpage, except where confidentiality is explicitly requested.