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Guiding Principles on Resettlement

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal

Summary

The present report, submitted pursuant to Human Rights Council resolution 55/11, introduces the Guiding Principles on Resettlement, developed by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal. As the last report of the mandate holder, it also contains a short overview of key developments, challenges and achievements during his six-year tenure as Special Rapporteur.

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I. Key challenges and achievements

1. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context is honoured to submit his last report to the Human Rights Council. Before introducing the Guiding Principles on Resettlement (see section II and annex), the Special Rapporteur takes stock of achievements, and of the challenges faced during his six years of tenure.

Coronavirus disease (COVID-19) pandemic

2. The Special Rapporteur took up his functions in May 2020, when the entire world was facing the COVID-19 pandemic. During the pandemic it became obvious that access to adequate and safe housing was actually a matter of life and death. The pandemic exposed people without housing and people living in overcrowded or substandard housing to much higher risk, highlighting how the right to adequate housing is closely interrelated with other rights, such as the right to the highest attainable standard of health and the right to life. The economic consequences of the pandemic exposed millions of people to the risk of losing their homes owing to their inability to pay their rent, mortgage or utility costs, as the Special Rapporteur pointed out in his first report.[1] Many migrant and domestic workers were kicked out of homes by their employers. However, many States were quickly able to respond to the challenges posed by the pandemic, which showed that the right to adequate housing can be protected and realized for all if there is sufficient political will to do so. For example, States adopted innovative policies to prevent evictions and to house persons who had been living in street situations. The key lessons of the pandemic were clear: housing is foundational for the protection of other rights, including the right to life; and housing problems require political solutions.

Affordability

3. In most countries around the globe, adequate housing has become unaffordable, not only for disadvantaged and marginalized persons, but also for those earning middle-income wages. Housing costs have skyrocketed in many countries, outpacing increases in wages or other income. More and more people have found themselves at risk of eviction or have been altogether excluded from access to adequate housing. As a consequence, homelessness has increased and many people remain confined to a life in substandard housing or informal settlements where they lack security of tenure or adequate access to public services. In his report entitled “A place to live in dignity for all: make housing affordable”,[2] the Special Rapporteur reminded national and local governments and private actors about their obligation to ensure that everyone has access to affordable housing without any discrimination, as required under international human rights law. He set out a number of recommendations for addressing the housing crisis, and highlighted the centrality of access to affordable land for realizing affordable housing.

4. Housing affordability was also identified as a key concern during his country visit to the Kingdom of the Netherlands.[3] In that context, the Special Rapporteur recommended that the State expand access to social and affordable housing, reconstitute the housing ministry and reform the emergency shelter system to ensure access to shelter for all without discrimination. He pointed out that wrong policy and institutional choices during recent decades, rather than migration, were the main cause of the housing crisis in the Kingdom of the Netherlands and drew attention to the dangers of scapegoating migrants.

[1] See A/75/148.
[2] A/78/192.
[3] See A/HRC/55/53/Add.1.

Forced evictions

5. Regrettably, communities and individual rights holders continue to be evicted forcibly, often through violent measures, without due process or the provision of any alternative housing, in violation of the right to adequate housing. This enormous crisis has persisted despite the fact that, since the 1990s, United Nations human rights mechanisms have condemned forced evictions as a gross violation of human rights. Forced evictions are increasingly resorted to as part of illegal campaigns of punitive demolitions of homes of members of minority communities in some countries. The Special Rapporteur has raised the illegality of such demolitions, including through an amicus petition before the Supreme Court of India in 2024. He welcomes the ruling of the Supreme Court of India in *Jamiat-Ulama-i-Hind v. Union of India and others*, namely, that punitive housing demolitions are arbitrary and violate the Constitution of India, and the issuance by the Court of nationwide directives to all State authorities to ensure due process before any housing demolition is undertaken.

6. In several countries, the Special Rapporteur appears to be one of the few human rights mechanisms to which affected persons and communities can continue to turn to raise such matters with their authorities. Marginalized groups and low-income households, such as residents of informal settlements, religious or ethnic minorities, migrants, peasants, Indigenous Peoples, women and LGBTQ persons are particularly at risk of eviction. For example, the Special Rapporteur, along with other special procedure mandate holders, intervened with an urgent appeal to The Bahamas to prevent the destruction of informal settlements populated primarily by persons of Haitian origin or descent.[4] After the intervention, the Supreme Court of The Bahamas granted an injunction protecting the residents from any further interference with their homes. Most of the more than 460 communications the Special Rapporteur has sent during his tenure thus far are related to forced evictions. It therefore remains essential to enhance the capacity of the Special Rapporteur to respond to such complaints from victims and civil society, as he was able to respond to only a fraction of the well-grounded complaints he received.

7. The Special Rapporteur drew particular attention to forced evictions during his country visits to Uzbekistan[5] and to Guatemala.[6] With regard to Guatemala, the Special Rapporteur highlighted the widespread practice of violent forced evictions and the criminalization of Indigenous Peoples and peasant communities defending their land rights. National-level legal frameworks to prevent and prohibit unlawful evictions, if they exist at all, are often woefully inadequate. Regulations and guidelines safeguarding against evictions and displacement by or associated with other actors, such as United Nations entities, international financial institutions and other international organizations, should be elaborated or strengthened. The Special Rapporteur, along with other special procedure mandate holders, has, for example, raised such concerns repeatedly with the United Nations Human Settlements Programme (UN-Habitat)[7] and the United Nations Educational, Scientific and Cultural Organization and its World Heritage Centre[8] and hopes that this will result in the development of adequate policies and improved practice.

Climate crisis

8. In 2023, the Special Rapporteur called for a just transition towards rights-compliant, climate-resilient and carbon-neutral housing.[9] He pointed out that the climate crisis posed a fundamental threat to the enjoyment of the right to adequate housing. Increasingly, housing is being washed away by floods, flattened by hurricanes or burned down by wildfires. Every year, desertification, lack of water for agriculture and drinking, and rising sea levels are

[4] See communication BHS 2/2021. All communications mentioned in the present report are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments.

[5] See A/HRC/58/50/Add.1.

[6] See A/HRC/61/43/Add.1.

[7] See communication OTH 67/2020.

[8] See communications OTH 262/2021 and OTH 136/2024. See also “Uzbekistan and UNESCO must address forced evictions at world heritage sites”, press release, 30 October 2025, available at https://www.ohchr.org/en/press-releases/2025/10/uzbekistan-and-unesco-must-address-forced-evictions-world-heritage-sites.

[9] See A/HRC/52/28.

displacing millions from their homes. At the same time, the way housing is built, heated and cooled and the sealing of land with housing and infrastructure are major contributors to the climate crisis; the use and construction of buildings accounts for 37 per cent of carbon dioxide emissions alone. The Special Rapporteur drew attention to the dangers of forced evictions, "green grabbing" and "climate gentrification" in the implementation of climate mitigation and adaptation measures. He argued that the costs for the urgently required transition of the housing sector must be shared fairly among and within countries, including among public authorities, taxpayers, homeowners and renters or other affected groups, to ensure that nobody is left behind.

Discrimination and spatial segregation

9. The Special Rapporteur thoroughly addressed housing discrimination and spatial segregation in two thematic reports.[10] Too many people continue to be excluded from adequate housing owing to discrimination based on various prohibited grounds, such as age, gender, disability, nationality, race, ethnicity, caste, religious belief and social or residential status. In many countries, laws, policies and judicial and non-judicial mechanisms to address housing discrimination are either non-existent or require strengthening to provide victims of housing discrimination with any effective relief. Most importantly, States need also to address the structural factors that result in discriminatory access to housing and in housing exclusion. The importance of non-discrimination for the realization of the right to adequate housing is underscored by its inclusion in the title of the mandate – the only special procedure mandate in the area of economic, social and cultural rights with a link to non-discrimination in the title.

10. The Special Rapporteur also pointed out that increased spatial segregation in cities and other human settlements continues to entrench inequality and discriminatory access to public services, education and healthcare, undermining the enjoyment of human rights. Extreme spatial segregation is the very antithesis of human rights, as seen in countries that institutionalize apartheid. On the other hand, laws aimed at disintegrating communities against their will and pushing them into forced assimilation violate human rights as well. The Special Rapporteur, along with another special procedure mandate holder, filed an amicus petition before the Supreme Court of Denmark and, on referral, to the Court of Justice of the European Union on the legality of the forced removal of "non-western" community members from urban neighbourhoods in Denmark.[11] His reports on discrimination and spatial segregation informed the adoption of Human Rights Council resolution 49/17, in which the Council called upon States to prohibit all forms of housing discrimination and establish accessible and sufficiently resourced non-judicial mechanisms that have the competence to investigate individual and collective complaints of housing discrimination, including systemic forms of housing discrimination and spatial segregation.

Migration

11. In his report submitted to the Human Rights Council at its fifty-eighth session,[12] the Special Rapporteur challenged populist narratives that scapegoat migrants for worsening the housing crisis in many countries. In most countries, the housing crisis has other root causes that are unrelated to international migration. In the report, he also noted that in many countries the construction sector heavily relies on migrants, who are often the first victims of housing exclusion and discrimination and among those particularly exposed to the housing crisis. The Special Rapporteur pointed to the many barriers migrants face in accessing adequate housing and to the policy strategies that have proven successful in overcoming such barriers. Action taken since the publication of the report includes the adoption of joint general recommendation No. 39 of the Committee on the Elimination of Racial Discrimination/general comment No. 8 of the Committee on the Protection of the Rights of

[10] A/76/408 and A/HRC/49/48.

[11] See https://www.ohchr.org/sites/default/files/documents/issues/racism/sr/amicus/2022-06-28/AmicusBrieftoDenmark-Intervention-SRs-Achiume-Rajagopal-EN.pdf and https://www.ohchr.org/sites/default/files/documents/issues/housing/AmicusBrieftoDenmark-CJEU-third-party-intervention.pdf.

[12] A/HRC/58/50.

All Migrant Workers and Members of Their Families (2025), in which the Committees urge States to remove legal and other restrictions that could hinder migrants' access to housing without discrimination and to introduce provisions aimed at preventing xenophobic, racist or other discriminatory practices by landlords and other private actors and ensure that housing policies are designed to prevent and tackle residential segregation.

Homelessness

12. In follow-up to Human Rights Council resolutions 43/14 and 55/11, the Special Rapporteur published jointly with the Special Rapporteur on extreme poverty and human rights, a study[13] explaining why the criminalization of persons experiencing homelessness or poverty is not a suitable solution and that it violates a wide range of human rights. The Special Rapporteurs argued that criminalization perpetuates historical legacies of discrimination and exclusion, entrenches discrimination and stigmatization and is an unsuitable, inefficient and costly approach to addressing social issues. They called on States and local governments to repeal vagrancy laws and legislation penalizing life-sustaining activities, such as sleeping, begging or undertaking informal economic activities, in public spaces.

13. The Special Rapporteur also submitted an amici curiae petition to the Supreme Court of the United States of America in the matter of *City of Grants Pass v. Johnson*, arguing that penalizing people for the mere act of sleeping in public spaces amounts to cruel, inhuman or degrading treatment when the State itself fails to ensure respect of the right to adequate housing for those affected.[14] Under the special procedures communications procedure, the Special Rapporteur has continued to raise concerns about draft or adopted laws and regulations that penalized or would penalize persons in situations of homelessness or informality, including in France,[15] Italy,[16] Luxembourg,[17] Peru[18] and the United States.[19] The Special Rapporteur contributed to the report of the Secretary-General on inclusive policies and programmes to address homelessness,[20] in which the Secretary-General recommended that States take a rights-based response to homelessness and to end its criminalization.

Land and housing

14. The Special Rapporteur has pointed out that land is central to the enjoyment of the right to adequate housing. In his 2025 report to the General Assembly,[21] he argued that it is necessary to move away from the idea of land as a commodified asset for investors to profit from or speculate over or an asset of a State that can easily ignore the rights of those living on it. Landownership and land use should be regulated to ensure that land serves the social function of securing adequate housing for all. The Special Rapporteur also pointed out, among other things, that ensuring affordable housing is almost impossible without ensuring access to affordable land, and encouraged States to allow non-market based, plural and community-based approaches to land tenure and management.

Domicide – systematic or widespread housing destruction in conflict

15. Massive violations of the right to adequate housing continue in unprecedented fashion during and after violent conflict. The attacking, bombing, shelling and bulldozing of homes and civilian infrastructure without sufficient proportionality, necessity and distinction has continued unabated despite the development of modern international human rights, humanitarian and criminal law. While international law clearly outlaws all forms of arbitrary destruction of housing, arbitrary displacement, forced eviction and other serious and

[13] A/HRC/56/61/Add.3 and A/HRC/56/61/Add.3/Corr.1.
[14] See https://www.ohchr.org/sites/default/files/documents/issues/housing/Amicus_curiae_SRhousing_SRpoverty.pdf.
[15] Communication FRA 2/2023.
[16] Communications ITA 5/2023 and ITA 1/2025.
[17] Communication LUX 1/2025.
[18] Communication PER 6/2022.
[19] Communications USA 23/2024 and USA 22/2025.
[20] A/80/316.
[21] A/80/351.

large-scale violations of the right to adequate housing, there are alarming and ongoing gross violations of the right to adequate housing in times of conflict. Those severe human rights violations have been largely met with impunity, as witnessed in Gaza and across the rest of the occupied Palestinian territories, Lebanon, Myanmar, the Sudan, the Syrian Arab Republic and Ukraine. The Special Rapporteur therefore dedicated significant attention and one of his thematic reports to the legal, political and practical challenges to preventing, ending and responding to systematic and deliberate mass destruction of homes during violent conflict.[22] He called on the international community to recognize such severe violations of international law as domicide – a distinct crime under international criminal law. The Special Rapporteur also raised systematic housing destruction under the communications procedure,[23] and drew attention to it through press statements,[24] interviews and op-eds in leading international media outlets.[25] His work on domicide has inspired a year-long exhibit at Cooper Hewitt, Smithsonian Design Museum in New York City and has been published in the journal of the Venice Biennale.

16. The Special Rapporteur regrets that Israel did not respond positively to his requests to visit Israel and to gain access to the State of Palestine. Given the unprecedented nature of domicide and displacement in Gaza, he examines the extent and methods of housing destruction and accountability for domicide in Gaza since October 2023 in an addendum to the present report.[26]

17. Widespread housing destruction in conflict also poses enormous practical and human rights challenges to reconstruction after hostilities have ended. Post-conflict reconstruction has many dimensions, but housing reconstruction is often the main element. States and other actors have asked the Special Rapporteur what a rights-based approach to reconstruction after conflict should look like. He is therefore in the process of developing a set of guiding principles on reconstruction that he hopes to share with States, civil society and other relevant stakeholders for discussion before he concludes his mandate.

Resettlement

18. During his tenure, the Special Rapporteur also submitted two thematic reports on the issue of resettlement,[27] which informed the Guiding Principles on Resettlement. Brief descriptions of these two reports are found in section II below. While forced evictions and displacement continue to loom large as major global challenges for the realization of the right to adequate housing, the failure to resettle those who have been evicted and displaced and the deplorable conditions in which many resettled communities live constitute a separate human rights crisis. The Guiding Principles annexed to the present report are aimed at contributing towards solutions to this crisis.

Mandate of the Special Rapporteur

19. The above overview of key current challenges to the right to adequate housing makes one conclusion all too clear: while the mandate was established more than 25 years ago, the need for a special rapporteur on the right to adequate housing is more urgent than ever, as an integral part of a strong and independent system of special procedures of the Human Rights Council. These mechanisms provide advice and hold States and other stakeholders accountable on human rights issues, identify good practices, respond to human rights violations and contribute to the development of human rights law.

[22] A/77/190.

[23] See communications OTH 11/2022, MMR 1/2022, ISR 1/2025, ISR 11/2025 and ISR 25/2025.

[24] See, for example, “Ukraine: UN expert seriously concerned by housing rights violations”, 9 March 2022 (available at https://www.ohchr.org/en/press-releases/2022/03/ukraine-un-expert-seriously-concerned-housing-rights-violations?LangID=E&NewsID=28243); and “Myanmar: over 50,000 exposed to forced evictions and housing destruction, say UN experts”, 2 December 2022.

[25] See, among others, “Domicide: the mass destruction of homes should be a crime against humanity”, *New York Times*, 29 January 2024. Available at https://www.nytimes.com/interactive/2024/01/29/opinion/destruction-of-homes-crime-domicide.html.

[26] A/HRC/61/43/Add.3.

[27] A/79/317 and A/HRC/55/53.

20. States, local governments, international organizations, civil society groups and business associations continue to approach the Special Rapporteur for guidance on protecting and realizing the right to adequate housing. Those who are arbitrarily displaced or evicted; Indigenous Peoples under threat of land-grabbing; minorities who are subjected to punitive home demolitions; people living in informal settlements, in substandard or unhealthy housing; persons discriminated against in accessing housing; women and children fleeing domestic violence or poor housing conditions; and older persons fearing the inability to pay rent; and millions who experience homelessness or are displaced each year from their homes by disasters, rising sea levels or armed conflict: they all look to this mandate to respond to their situation.

21. At the same time, human rights mechanisms, including the system of special procedures – one of the most cost-efficient, responsive and impactful mechanisms – remain regrettably understaffed and underfunded and have been facing impossible constraints in recent years. Any reform of the United Nations human rights system considered by the members of the Human Rights Council should result in a strengthened system of special procedures. It should ensure not only that all appointed United Nations human rights experts are well-resourced and enjoy the political support to discharge their mandates, but also that they can work without being subjected to harassment, intimidation or sanctions such as those imposed against the current Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese.

22. Concluding his appointment, the Special Rapporteur urges States to ensure that the current financial crisis of the United Nations does not result in the dismantling of what has been built up for good reasons over many years. Special procedures are an essential part of the United Nations human rights system. They remain a core mechanism for ensuring that human rights are not just words contained in the international treaties and declarations of the United Nations, but rather rights to be respected, protected and fulfilled in dialogue with States, government agencies, international organizations and civil society. The Special Rapporteur hopes that the next Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context – who will be appointed during the sixty-first session of the Human Rights Council – will be able to rely on the members of the Human Rights Council and the General Assembly for enhanced political and financial support and will continue to receive robust support from the Office of the United Nations High Commissioner for Human Rights, which is essential and highly appreciated.

II. Guiding Principles on Resettlement

23. International human rights law establishes a clear baseline: forced evictions and coercive or involuntary displacement are always illegal and wherever possible any other evictions or resettlement must be avoided. States and other actors must prioritize preventive measures, seek alternatives to eviction and ensure that development and planning processes do not result in avoidable displacement. States should not resort to displacing persons or communities for climate adaptation or mitigation, or for protecting natural or cultural heritage. International law obliges States to settle all their disputes peacefully and restricts the use of force in conflicts. International humanitarian law strictly prohibits attacks on homes and other civilian objects, arbitrary displacement and forcible transfer of populations.

24. Nonetheless, there are circumstances in which resettlement becomes necessary, for example to protect residents from imminent risks or to secure durable solutions for those displaced by conflict or disasters who cannot safely return home. Even in such cases, however, the consequences of resettlement have frequently been devastating. Many communities face impoverishment, the loss of livelihoods, social fragmentation, insecure tenure, inadequate housing and long-term marginalization as a result of poorly planned or coercive resettlement programmes.

25. Around the world, societies are facing an escalating crisis of evictions and displacement, and inadequate responses to the resettlement needs of the people affected. This crisis stems from a wide range of factors: rapid urbanization and urban planning, large-scale

development projects, natural and human-made disasters, environmental degradation, heritage and nature conservation, climate change, violent conflict and occupation. Although displacement itself often receives public attention, what happens, or should happen, after people are uprooted – the process of resettlement – is far less understood, far less monitored and all too often implemented in ways that violate human rights and deepen existing vulnerabilities.

26. International legal standards relevant to evictions or displacement exist but are fragmented across different legal regimes – those addressing conflict-induced displacement, development-induced evictions and displacement or disaster-related displacement. Few of these norms provide explicit or comprehensive guidance on resettlement itself, while the operational policies of some international financial institutions, such as the World Bank, provide non-binding standards on resettlement that are not based fully on international law. As a result, critical questions remain unanswered: What rights of displaced persons are most relevant in the context of resettlement? What obligations do States and other actors have towards people before, during and after resettlement? How can affected persons exercise their rights to remain in their homes, avoid displacement, return to their communities or, if necessary, be resettled elsewhere in a way that respects their dignity and fulfils their human rights? And what mechanisms ensure accountability when these rights are violated?

27. In his 2024 thematic report to the Human Rights Council,[28] the Special Rapporteur issued an urgent call to prevent and counteract the rapidly expanding harms associated with displacement driven by disasters, climate change, development megaprojects, arbitrary or abusive use of eminent domain, industrial agriculture, urbanization and armed conflict. In the report, the Special Rapporteur examined existing international human rights standards on resettlement and highlighted the significant operational and policy challenges that resettlement poses in practice. He stressed the need to avoid and reduce harm, underscored the severe lack of coherent standards and recommended the development of comprehensive guidelines to ensure that any resettlement undertaken respects human rights and contributes to human rights-based solutions.

28. In a subsequent report to the General Assembly,[29] the Special Rapporteur further analysed current laws, policies and practices of a wide range of actors, including States, development finance institutions, United Nations entities and private-sector, whose actions shape resettlement outcomes. He outlined the key parameters for the forthcoming guidelines and clarified the roles and responsibilities of each actor. He emphasized that the planning, design and implementation phases of resettlement are all decisive: they determine whether durable, human-rights-based outcomes are achievable and whether displaced persons can rebuild their lives, livelihoods and communities. Three rights must guide this phase: the right to remain, the right to return, and the right to resettlement.

29. During implementation, States must ensure that land allocation, service provision, housing construction, and infrastructure development comply fully with international human rights standards. After resettlement is completed, long-term monitoring, evaluation and the availability of resources for corrective action are essential for assessing outcomes and addressing ongoing challenges.

30. The Guiding Principles on Resettlement respond directly to these gaps. They were developed over two years, pursuant to Human Rights Council resolution 55/11, in which the Council invited States and other relevant stakeholders to contribute to the development of guidelines on resettlement by the Special Rapporteur, and were informed by submissions from States, international organizations and civil society, two thematic reports of the Special Rapporteur [30] and consultations with States, international organizations, including international financial institutions, non-governmental organizations, social movements, affected communities and academic and other experts.

31. The Guiding Principles on Resettlement address a critical yet neglected protection gap in international law to ensure rights-compliant solutions for resettlement of all displaced and

[28] A/HRC/55/53.
[29] A/79/317.
[30] A/79/317 and A/HRC/55/53.

evicted persons. Resettlement represents a distinct human rights crisis of its own, but one that remains poorly recognized in law, policy and practice. Despite its scale and relevance, there is still a lack of comprehensive data on how many displaced people worldwide remain without resettlement and on how they fare in the months and years following initial displacement. What available evidence does show is alarming: in most contexts, planned resettlement efforts fail to meet basic human rights standards, while the number of people in need of safe and adequate resettlement grows dramatically owing to conflict, disasters, climate impacts and development pressures and projects. The goal of resettlement must be to fully re-establish the lives of displaced persons and to improve them in a fair and just manner, consistent with sustainable development.

32. The Special Rapporteur is honoured to submit the Guiding Principles on Resettlement to the Human Rights Council as a coherent, operational framework to support States, courts, civil society, international organizations and private-sector actors in fulfilling their obligations under international law while clarifying the rights of all displaced and evicted persons. Rooted in the recognition that every person threatened with or affected by eviction or displacement is a rights holder who deserves to have his or her rights fully recognized, restored and respected, the Guiding Principles on Resettlement are aimed at ensuring that resettlement processes uphold dignity, equality, participation and non-discrimination, while contributing to more just, equitable and rights-compliant systems of housing and land governance that ensure sustainable development. The Special Rapporteur wishes to acknowledge the tremendous contributions of numerous experts, civil society organizations, social movements and institutions during the past two years and dedicates the report to the communities and individuals, overwhelmingly from marginalized communities around the world, who are most in need of resettlement that is consistent with human rights and sustainable development.

33. The Guiding Principles on Resettlement are aimed at consolidating and clarifying the existing obligations of States and the responsibilities of non-State actors, businesses and international organizations in situations involving displacement, eviction, relocation and planned resettlement in the light of the applicable standards, practices and lessons learned. They draw on existing norms of international law, including human rights law, humanitarian law and environmental law, and the standards and jurisprudence of United Nations treaty bodies, special procedures, regional and national human rights systems, and international financial institutions. Commentary that elaborates the legal basis for the specific principles accompanies the Guiding Principles.

Annex

Guiding Principles on Resettlement

I. Objective and scope

1. Objective

The objective of these Guiding Principles is to prevent all involuntary resettlement and, towards that end, to identify the rights and guarantees relevant to the protection of persons before, during and after resettlement and the obligations of States, businesses, international organizations and non-State actors. They aim to ensure that resettlement is pursued as a last resort and that its processes and outcomes respect, protect and fulfil the rights and dignity of affected individuals and communities, consistent with existing obligations under international human rights law and other applicable norms and standards of international law.

2. Scope of application

1. **These Principles apply to all situations of displacement, eviction, relocation, or resettlement, regardless of cause, including through:**

(a) **Development projects including infrastructure, agribusiness, energy mining and industry projects;**

(b) **Urban renewal, new city-building, urban development or urban beautification;**

(c) **World heritage or other cultural heritage protection;**

(d) **Environmental degradation or climate change, including measures for adaptation or mitigation, or nature conservation;**

(e) **Natural or human-made disasters;**

(f**) Armed conflict, violence or under occupation.**

2. **These Principles shall guide the conduct of States, international organizations, businesses and non-State actors whose decisions, actions or omissions may affect the rights of persons who are at risk of or subjected to eviction, displacement or resettlement.**

Commentary

The Guiding Principles have the overall aim of preventing forced evictions and avoiding, minimizing and remedying displacement, and provide for resettlement to be resorted to only as an exceptional last step. They emphasize the obligation to ensure rights-compliant resettlement and durable solutions.

The Guiding Principles are based on existing laws and standards of international law, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, core United Nations standards on displacement and housing, including general comments No. 4 (1991), No. 7 (1997), No. 9 (1998), No. 12 (1999), No. 14 (2000), No. 20 (2009), No. 24 (2017), No. 26 (2022) and No. 27 (2025) of the Committee on Economic, Social and Cultural Rights, the Guiding Principles on Internal Displacement, the principles on housing and property restitution for refugees and displaced persons (sometimes referred to as the "Pinheiro principles"), the basic principles and guidelines on development-based evictions and displacement, the 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, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Peasants and Other

People Working in Rural Areas, rules and norms of international environmental law, and the jurisprudence of international courts, such as the International Court of Justice and regional human rights courts.

These instruments, standards and rulings collectively affirm that displacement implicates multiple rights, including the rights to housing, property, family life, work, food, water, education, environment, cultural rights, liberty of movement and effective remedy, and have specific relevance vis-à-vis the rights of vulnerable groups. The purpose of the Guiding Principles mirrors that of the Guiding Principles on Internal Displacement, which synthesize scattered norms and render them operational. The present Principles apply to evictions and displacement arising from all of the situations listed in section I.2.1 above, whether they are internal or across international borders.

II. Definitions

(a) **"Resettlement" means the planned, lawful and rights-compliant relocation of persons from their homes or lands to a new location where they re-establish a habitual place of residence and rebuild their lives and livelihoods;**

(b) **"Relocation" means the physical movement of persons from one place to another, whether voluntary or involuntary, temporary or permanent;**

(c) **"Displacement" means the involuntary or coerced movement of persons from their homes or habitual residences, whether or not resettlement is provided;**

(d) **"Eviction" means the permanent or temporary removal of persons from their homes or land following a legal process, whether or not resettlement is provided;**

(e) **"Non-State actors" include armed groups, de facto authorities and private actors exercising territorial control or having the capacity to affect rights related to displacement or resettlement, including through non-profit or funding mechanisms;**

(f) **"International organizations" include intergovernmental institutions, United Nations agencies, international financial institutions and regional organizations;**

(g) **"Businesses" refers to private-sector entities, including proprietorships, partnerships, corporations, consortia, financial institutions and contractors, whose activities may contribute to displacement or resettlement;**

(h) **"States" refers to all public authorities, at any level of government, and any public or public-private non-profit corporation established by law;**

(i) **"Persons" refers to individuals as well as communities in a collective sense, except where otherwise noted.**

Commentary

This section clarifies essential terms rooted in international standards.

The distinction between relocation and resettlement reflects the terminology used and explanations contained in the first report on resettlement of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context;[1] terminology used by the United Nations Human Settlements Programme (UN-Habitat), the Office of the United Nations High Commissioner for Refugees (UNHCR); and terminology used in the environmental and social safeguard frameworks of international financial institutions, including the World Bank Environmental and Social Framework, adopted in 2016, in particular Environmental and Social Standard 5, and Performance Standard 5 of the International Finance Corporation, adopted in 2012.

The definition of displacement draws on the Guiding Principles on Internal Displacement; while its paragraph 2 refers to involuntary movement within national borders, these Guiding Principles can be applied to all displacement, whether internal or across borders.

[1] A/HRC/55/53.

General comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, defines “forced eviction” as the involuntary removal of individuals from land or housing without legal protections and due process. “‘Eviction”, as used in these Guiding Principles, thus refers to lawful eviction. Under this approach, all unlawful evictions are “displacement” because they are involuntary or coerced.

The definition of internally displaced persons is taken directly from the Guiding Principles on Internal Displacement.

Non-State actors encompass as well non-State entities as specified by the Guiding Principles on Internal Displacement and international humanitarian law, which include armed groups and other entities exercising de facto control, as well as non-profit or funding entities that often play a critical role in displacement and resettlement.

The definition of international organizations is based on the articles on the responsibility of international organizations, adopted by the International Law Commission in 2011.

The definition of businesses is aligned with the Guiding Principles on Business and Human Rights.

The definition of States is based on article 28 of the International Covenant on Economic, Social and Cultural Rights, article 27 of the Vienna Convention on the Law of Treaties and article 4 of the articles on responsibility of States for internationally wrongful acts.

Persons are defined to include individuals and/or communities as the context requires.

III. Rights of all persons evicted, displaced or resettled

1. Rights to land and adequate housing

All persons affected by eviction, displacement or resettlement have the rights to secure, equitable and sustainable access to land as appropriate, and to adequate housing meeting the standards of habitability, affordability, security of tenure, accessibility, cultural adequacy, availability of services, appropriate location and sustainability. Rights to land and adequate housing in these Guiding Principles shall be individual or collective and include formal legal rights of ownership and leasehold as well as legitimate tenure rights accrued through prolonged occupation or under customary, Indigenous or other sources of non-State law.

2. Protection against forced evictions

No one shall be subjected to forced eviction. Any eviction must comply with international human rights law, including with the requirements of legality, legitimate interest, proportionality, due process, use as a last resort, adequate notice and provision of judicial and other remedies and suitable alternative housing.

3. Right to non-discrimination and dignity

All persons affected by eviction, displacement or resettlement shall be treated with equality and dignity and these Guiding Principles shall be applied without discrimination on any ground, such as race, colour, sex, gender identity, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on similar criteria.

4. Right to remain

Everyone has the right to remain in their home and on their land unless a lawful, necessary, proportionate and rights-compliant decision requires relocation or resettlement.

5. Right to voluntary, safe and dignified return

Where desired, possible and safe, all displaced persons have the right to voluntarily return to their homes or places of habitual residence.

6. Right to resettlement

When eviction or displacement cannot be avoided, all affected persons have the right to resettlement, without undue delay, that ensures equal or improved living standards, including the right to adequate housing, sustainable livelihoods and cultural cohesion.

7. Right to fair and adequate compensation

All evicted or displaced persons are entitled to fair, adequate and timely compensation, including replacement costs or alternative adequate housing, and livelihood restoration. Loss of access to land and rights attached thereto shall also be compensated by alternative land of a similar productive capacity, quality and size.

8. Right to reparation

All evicted or displaced persons have the right to full reparation, including restitution, compensation, rehabilitation, satisfaction, guarantees of non-repetition and recognition of responsibility, for harms suffered, including non-material and intangible sociocultural losses where appropriate. Reparation shall fully consider and include the impacts on the rights of future generations.

9. Right to information

Persons affected by resettlement have the right to timely, accessible, complete and accurate information regarding proposed measures, the methodologies of resettlement, its limits, risks, sources of financing, alternatives, compensation, benefit-sharing and remedies in a language and manner understood by them.

10. Right to meaningful participation and consultation

Persons affected by resettlement have the right to free, active, informed and meaningful participation in all decisions related to their resettlement, from the design of projects, the identification of alternatives to resettlement, to its implementation. Their right to free, active, informed, and meaningful participation includes decisions related to the choice of sites of relocation, the types of dwellings, public services, economic assistance and livelihood options provided, measures to ensure cultural and community cohesion and any other matter related to their resettlement.

11. Right to free, prior and informed consent

Indigenous Peoples and other communities with collective rights shall not be resettled or relocated without their free, prior and informed consent.

12. Right to fair and equitable benefit-sharing

Where activities involving land or resources generate monetary or non-monetary benefits, persons and communities affected by evictions or displacement have the right to fair and equitable benefit-sharing as a component of their right to resettlement.

13. Right to speedy and effective remedy

All persons subjected to eviction, displacement or resettlement shall have prompt access to effective judicial, administrative or other remedies, including through legal aid.

14. Right against retaliation

No persons exercising any right to defend their secure, equitable and sustainable access to land and the right to adequate housing, and no persons or organizations supporting or advocating for such persons, shall suffer any form of violence, intimidation, adverse discrimination or retaliation, either through law or otherwise.

Commentary

The right to adequate housing is rooted in article 11 (1) of the International Covenant on Economic, Social and Cultural Rights and elaborated on in Committee on Economic, Social and Cultural Rights general comment No. 4 (1991), in which the Committee identifies factors determining adequacy. Economic, social and cultural rights related to land are set out in the same Committee's general comment No. 26 (2022), the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and the guiding principles on security of tenure for the urban poor. The same Committee, in its general comment No. 7 (1997), affirms that forced evictions are prima facie incompatible with the International Covenant on Economic, Social and Cultural Rights unless all substantive and procedural safeguards are met.

Under articles 2 and 26 of the International Covenant on Civil and Political Rights and article 2 (2) of the International Covenant on Economic, Social and Cultural Rights, discriminatory displacement is prohibited. In its general comment No. 20 (2009), the Committee on Economic, Social and Cultural Rights further specifies various prohibited grounds of discrimination. Articles 12 (5), 17 and 24 of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas are relevant for affirming the rights to redress, land and housing. The principle relating to the right to remain is based on principles 5 to 9 of the Guiding Principles on Internal Displacement, which require States to avoid displacement unless it is necessary, reasonable and proportionate. The principle relating to the right to voluntary, safe and dignified return is based on principle 28 of the Guiding Principles on Internal Displacement and the principles on housing and property restitution for refugees and displaced persons.

General comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights requires compensation for all losses and emphasizes livelihood restoration. Articles 16 and 17 of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization require land-for-land compensation for land-based livelihoods. The provision on reparation for non-material losses draws on the 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.

Article 19 (2) of the International Covenant on Civil and Political Rights guarantees the right to seek, receive and impart information, which is a necessary requirement for participation. General comments No. 7 (1997) and No. 24 (2017) of the Committee on Economic, Social and Cultural Rights require meaningful consultation in decisions affecting housing, land and livelihoods. Free, prior and informed consent is required under articles 10, 19, 28 and 29 of the United Nations Declaration on the Rights of Indigenous Peoples, and such consent is acknowledged for all communities with collective rights in the light of the universal right against forced evictions.

The principle relating to benefit-sharing is based on article 23 of the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on Biological Diversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.

The principle relating to the right to speedy remedy is based on article 2 (3) of the International Covenant on Civil and Political Rights, general comment No. 9 (1998) of the Committee on Economic, Social and Cultural Rights and the Basic Principles on the Right to a Remedy and Reparation. Remedies include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The principle relating to the right to be protected against retaliation is drawn from the 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).

IV. General obligations of States

1. Prohibition of forced evictions

States shall ensure that forced evictions do not occur under any circumstance.

2. Prevention of evictions or displacement

States shall take all appropriate measures to avoid or minimize evictions or displacement caused by planned activities, projects or policies.

3. Duty of care and prevention of foreseeable harm

States and all relevant actors shall exercise due diligence to prevent foreseeable harm resulting from resettlement measures.

4. Guarantee of non-repetition

States shall ensure that persons who have been resettled or previously evicted are not subjected to repeated displacement or eviction.

5. Assistance prior to resettlement

All persons affected by or at risk of displacement shall receive humanitarian assistance, protection and essential services from the moment displacement has occurred or is imminent until they have been resettled in accordance with these Guiding Principles.

6. Extraterritorial obligations

States shall respect, protect and fulfil their human rights obligations, including with respect to the right to adequate housing, extraterritorially, when their actions contribute to displacement or resettlement beyond their borders or areas or territories under their occupation or effective control.

7. Remedies, oversight and accountability mechanisms

States shall establish accessible and participatory mechanisms for remedies, oversight and accountability for violations of rights relating to displacement or resettlement and enforce and comply with the decisions and findings of those mechanisms.

Commentary

The principle that no one should be subjected to forced evictions has been reaffirmed in general comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, and in Commission on Human Rights resolution 1993/7 and subsequent Human Rights Council resolutions.

In accordance with principle 5 of the Guiding Principles on Internal Displacement, States are to prevent displacement caused by actions under their jurisdiction. The principle that States must exercise due diligence and prevent foreseeable harm has long been enshrined in general international law and is also enshrined in the Guiding Principles on Business and Human Rights.

The principle of non-repetition is set out in section IX of the 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.

Principles 18 and 19 of the Guiding Principles on Internal Displacement require the provision of essential food, water, shelter, sanitation and medical care.

Extraterritorial human rights obligations have been recognized in, for example, paragraphs 28 to 31 of general comment No. 24 (2017) of the Committee on Economic, Social and Cultural Rights and the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights.

State obligations to provide effective remedies and ensure accountability are set out in article 2 (3) of the International Covenant on Civil and Political Rights and general comment No. 9 (1998) of the Committee on Economic, Social and Cultural Rights.

V. Operational obligations of States

1. Regulation of land acquisition, expropriation and eminent domain

States shall regulate, and restrict the use of land acquisition, expropriation or eminent domain that may result in evictions and resettlement for exceptional cases of overriding public interest where no viable alternatives are available, and shall apply it in a manner consistent with international human rights law and the right to adequate housing.

The use of "public interest" in this section shall not include: (a) primarily economic purposes for expectations of future gain; (b) transfer of ownership or control of land or resources to businesses; or (c) any other purpose that does not contribute to the enjoyment of human rights of the persons evicted and resettled.

2. Duty to consider and present alternatives

Before any resettlement is considered, States must consider and present all feasible alternatives, including those presented by affected persons, seek in situ resettlement solutions and mitigation measures and communicate them publicly, including to the persons at risk of eviction or displacement.

3. Conditions precedent to resettlement

No resettlement shall commence unless:

(a) **A resettlement law or policy is in force;**

(b) **An independent and credible eviction or displacement impact assessment that considers disparate adverse and beneficial impacts, especially on vulnerable groups, including women, older persons, persons with disabilities, children, ethnic, racial and religious minorities, communities affected by caste discrimination, Indigenous Peoples, peasants, other persons working in rural areas and persons living in informal settlements, has been completed, published and shared widely in a language and manner understandable to the affected persons;**

(c) **A comprehensive resettlement action plan has been adopted, with the meaningful participation of affected persons.**

4. Availability of land, adequate housing and public services

Resettlement shall not begin until adequate, suitable, environmentally safe and legally secure land of an equal or better quality has been assembled for that purpose and appropriate spatial planning has been completed to ensure resettlement in full compliance with these Guiding Principles.

Resettlement shall not begin until affected persons have access to alternative safe and adequate housing at resettlement sites or other locations of their choice, meeting the standards of habitability, affordability, security of tenure, accessibility, cultural adequacy, availability of services, appropriate location and sustainability.

Public services, housing and infrastructure at resettlement sites must ensure access to work, energy, water and sanitation, transportation, food, education and healthcare at a level comparable to that enjoyed by the host populations and that is consistent with international human rights law.

5. Transparency obligations

All relevant information relating to eviction, displacement and resettlement must be made available publicly at the earliest possible instance and shared with persons at risk or affected, in languages and in a manner understood by them.

6. Participation and consultation

States shall ensure that the persons subjected to resettlement have the right to meaningful participation and consultation as defined in section III.10 of these Guiding Principles, during all stages of the resettlement process.

7. Budgetary obligations

All costs of resettlement – including compensation, reparation, moving and transport costs, livelihood restoration and long-term support – shall be fully borne by the actors who cause, or benefit from the objectives of, the resettlement.

All such costs shall be included in project budgets, including any contingency funding and funding for insurance mechanisms in addition to any fair and equitable benefit-sharing arrangements.

8. Monitoring, evaluation and adaptive management

(a) **Every resettlement action plan shall include a clear, transparent monitoring and evaluation process;**

(b) **Responsible institutions must be formally designated;**

(c) **Monitoring and evaluation shall occur at specified intervals for at least 10 years following resettlement;**

(d) **Resettlement plans shall include provisions for adaptive management, including revised compensation and responses to new or unmet needs.**

9. Regulation of businesses and international organizations

States shall regulate businesses and international organizations to ensure full compliance with these Guiding Principles.

10. Engagement with non-State entities

States shall engage and negotiate with non-State entities to ensure access to assistance, protection and resettlement for persons in areas under their control.

11. Designation of authorities

States shall designate competent national and subnational authorities responsible for planning, implementing, overseeing and remedying all aspects of resettlement.

Commentary

International law requires that expropriation that leads to displacement or eviction must serve a legitimate public purpose[2] and that land ownership and use must serve a social function to be consistent with international human rights law.[3] The meaning of "public purpose" is drawn from the doctrine of permanent sovereignty over natural resources, articulated in article 1 of the International Covenant on Economic, Social and Cultural Rights, article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, the basic principles and guidelines on development-based evictions and displacement and lessons from comparative law.

In its general comment No. 7 (1997), the Committee on Economic, Social and Cultural Rights requires exploration of feasible alternatives prior to eviction.

[2] In line with the Guiding Principles on Internal Displacement, principle 6 (2).
[3] See A/80/351.

The requirement to establish impact assessments and resettlement plans reflects best practices of, and safeguards set out by, international financial institutions,[4] the basic principles and guidelines on development-based evictions and displacement, relevant reports of special procedure mandate holders[5] and guidance issued by the Office of the United Nations High Commissioner for Human Rights.

Land assembly prior to resettlement ensures the readiness and adequacy of resettlement sites, in accordance with best practices in resettlement. The housing adequacy standards conform to those set out in general comment No. 4 (1991) of the Committee on Economic, Social and Cultural Rights and the report of the Special Rapporteur focused on the climate crisis and the right to adequate housing.[6]

General comment No. 3 (1990) of the Committee on Economic, Social and Cultural Rights clarifies the obligation of States to use the maximum available resources to realize economic, social and cultural rights, States are thus required to ensure full budgeting for resettlement. General comment No. 7 (1997) of the same Committee sets out the requirement for full compensation.

The proposed monitoring and evaluation framework is consistent with norms and standards for evaluation issued by the United Nations Evaluation Group in 2016 and principle 27 of the Guiding Principles on Internal Displacement.

The requirement to regulate businesses and international organizations is included in the Guiding Principles on Business and Human Rights and the articles on the responsibilities of international organizations. Under principles 2, 25, 28 and 30 of the Guiding Principles on Internal Displacement, all authorities have the obligation to negotiate with non-State entities to ensure access to humanitarian assistance, protection and resettlement.

The designation of authorities prevents administrative fragmentation and ensures coordinated resettlement based on best practice.

VI. Obligations of non-State actors

1. Application of responsibilities

Non-State actors shall adhere to these Guiding Principles mutatis mutandis, in accordance with their legal status, capacities and the degree of control they exercise.

2. Cooperation and negotiation

Non-State actors shall cooperate with humanitarian and State actors to provide assistance and ensure rights-compliant resettlement.

Commentary

The principles in this section are derived from principle 2 of the Guiding Principles on Internal Displacement and international humanitarian law, notably common article 3 of the Geneva Conventions of 1949, as well as international human rights law and standards, such as the core human rights principles for private conservation organizations and funders, which are binding on non-State actors. Non-State actors exercising territorial control must protect civilians, including through cooperation, avoid and prevent forced evictions and ensure resettlement.

[4] World Bank, Environmental and Social Framework; and International Finance Corporation, Performance Standard 5.

[5] See, for example, A/80/187.

[6] A/HRC/52/28.

VII. Obligations of international organizations

1. Application of responsibilities

International organizations shall adhere to and apply these Guiding Principles mutatis mutandis in all relevant activities including in their dealings with States and businesses, whether such activities are project-based, financial, or pursuant to an international legal obligation.

2. Adoption of policies

International organizations shall adopt internal standards, policies or programmes on evictions, displacement and resettlement consistent with international human rights norms and standards, including these Guiding Principles.

3. Impact assessments

International organizations shall conduct participatory eviction and displacement impact assessments before approving funding for or supporting projects that may necessitate or have a risk of such impacts.

4. Transparency

International organizations shall act transparently with respect to potential or actual eviction or displacement impacts that result from any of their activities, including projects financed or supported by them, including by sharing information publicly and with affected persons in languages understood by them.

5. Grievance mechanisms

International organizations shall establish independent and accessible grievance mechanisms for project-affected persons, to provide effective remedies for the full realization of international human rights norms, including these Guiding Principles.

6. Oversight and accountability

International organizations shall ensure adequate oversight of project implementation and accountability for impacts of resettlement, including through remedial action plans where the suspension or cancellation of funding disbursements becomes necessary.

7. Monitoring, evaluation and adaptive management resources

International organizations shall ensure that adequate resources are allocated for monitoring, evaluation and adaptive management of resettlement in all relevant project budgets.

Commentary

The principles in this section are derived from the draft articles on the responsibility of international organizations, general principles of international law and best practices of international organizations. United Nations entities and international financial institutions maintain internal safeguards that align with these obligations. Impact assessments and resettlement plans are standard across the United Nations system and international financial institutions.

The references to grievance mechanisms are inspired by mechanisms such as the World Bank Inspection Panel and the Compliance Advisor Ombudsman, the independent accountability mechanism of the International Finance Corporation and the Multilateral Investment Guarantee Agency.

Oversight ensures rights-respecting implementation of programmes, while adaptive management is key to providing flexibility in implementation.

VIII. Obligations of businesses

1. Application of responsibilities

Businesses shall adhere to and apply these Guiding Principles mutatis mutandis in all relevant activities, including in their dealings with States, non-State actors and international organizations, and in their own internal policies.

2. Duty to avoid harm

Businesses shall avoid causing, contributing to or being complicit in displacement or eviction.

3. Resettlement responsibilities

Where business activities result in resettlement, businesses shall ensure full compliance with these Guiding Principles and other applicable human rights norms and standards.

4. Transparency

Businesses shall act transparently with respect to potential or actual eviction or displacement impacts that result from any of their activities, including by sharing information publicly and with affected persons in languages understood by them.

5. Grievance mechanisms

Businesses shall establish accessible and effective grievance mechanisms for affected individuals and communities with regard to evictions, displacement or resettlement, including mechanisms for sectors or types of businesses as a whole where appropriate.

Commentary

Principle 13 of the Guiding Principles on Business and Human Rights specifies that businesses must avoid adverse human rights impacts. Performance Standard 5 of the International Finance Corporation requires adequate compensation and livelihood restoration as part of resettlement.

Transparency is a best practice and prerequisite to consultation and consent.

Principle 31 of the Guiding Principles on Business and Human Rights sets out criteria for grievance mechanisms, including legitimacy, accessibility, predictability, equitability, transparency and rights-compatibility.

IX. Accountability

1. Institutional accountability

All actors responsible for resettlement shall establish credible mechanisms and processes of accountability that are fully resourced, adaptive and effective, including for direct and sustained engagement with affected persons and communities regarding all aspects of resettlement raised in these Guiding Principles.

All institutions responsible for providing remedies shall monitor the implementation of all remedies provided to ensure full compliance with applicable laws, policies and standards, including these Guiding Principles.

2. Individual accountability

States and all relevant actors shall ensure individual administrative, civil or criminal accountability – domestically and, where applicable, internationally – for violations of the right to adequate housing and other human rights in the context of evictions, displacement or resettlement.

Commentary

Accountability ensures that the failure to implement resettlement in accordance with these Guiding Principles has material consequences; it is a key part of the right to remedy, which is recognized under section III above. Such accountability frameworks and mechanisms ensure that remedies are implemented in practice, which requires that they be fully resourced, effective and capable of adapting to new challenges.

Direct and sustained engagement with affected persons and communities is drawn from the operational guidance on accountability to affected people issued by the Office of the United Nations High Commissioner for Refugees.

Unlawful displacement and demolitions of housing may entail civil, administrative or criminal liability. Failure to resettle displaced populations can result in the individual liability of those responsible for causing evictions or displacement that resulted in the need for resettlement. Such liability can be administrative (including internal organizational) or civil. Forced displacement may also constitute a war crime under the Geneva Conventions and the Regulations respecting the Laws and Customs of War on Land (Hague Regulations) and a crime against humanity under articles 7 and 8 of the Rome Statute of the International Criminal Court. Failure to resettle those who are displaced may be considered to result in a separate and aggravated form of criminal liability. When such displacement involves mass destruction of housing, it may constitute domicide which may constitute a war crime, a crime against humanity or an act of genocide as set out in the Rome Statute.