

#Epicentro

Guidelines for Authorities, Companies and Private Trusts For A Reconstruction With A Social, Gender And Human Rights Perspective

Mexico City, October 17th of 2017. As of the declaration of state of emergency in 9 federal entities and 699 municipalities after the earthquakes of September 7th, 19th and 23rd of 2017, #Epicentro seeks to lay the foundations for a reconstruction with social perspective, that is resilient, participatory, inclusive, equitable, sustainable and effective, with accessibility and universal design criteria, and that contributes to revert social inequalities. Reconstruction must place the dignity and autonomy of the affected people and communities at the center of the process and adopt a human rights approach—with a gender, childhood, youth and disability perspective—that does not discriminate against or revictimize people or groups.

#Epicentro proposes 10 strategic and immediate reconstruction actions:

1. Publicize and put the methodology and **damage census in and open-data format of buildings, infrastructure and services** (not only homes), of the **affected populations** and of the **documents granted** that were georeferenced and updated after the earthquakes of September 7th, 19th and 23rd, **with information disaggregated by entity, municipality and locality as well as by sex, age, ethnicity and disability.**
2. Publicize and open the **methodology, rules of operation, guidelines and open data**, in a consolidated platform, on the variables **for the targeting and distribution of resources**—in cash and in kind—for reconstruction, as well as the eligibility criteria and requirements to access them.
3. Focus the reconstruction on the characteristics of the people, the particular needs of social groups, the type of place and its local ecosystem
4. Involve affected populations—with an emphasis on girls and women—on the design of the buildings, infrastructure and services that will be rebuilt; as well as ensuring their **active, direct, fundamental and total** participation throughout the reconstruction process
5. Stop destroying and **conserve elements** of the physical environment **that can be recovered instead of demolishing them** (homes, buildings, infrastructure, etc.), creating banks of materials, reusing materials obtained after collapsed and / or torn down constructions, and properly managing those that cannot be reused; as well as **guaranteeing sufficient economic resources to cover technical assistance**, both for improvement and for the construction of new homes
6. Promote the social **production of housing and habitat, respecting the forms, lifestyles, architecture, productive vocation and the worldviews** of the people and communities affected; and **using local and traditional building materials and systems**
7. Incorporate the **universal design and accessibility** of all building undertaken in the reconstruction (in accordance with the definitions contained in the General Law on the Inclusion of Persons with Disabilities—see footnote 18 of the Technical Note)
8. **Reduce pre-existing risks**, learn from mistakes, strengthen local capacities and **not generate new risks** that increase the likelihood that natural phenomena will turn into disasters
9. Establish means for the reception, systematization, channeling and resolution of **complaints, reports or controversies** related to negative impacts of the reconstruction process; and not grant reconstruction resources to companies with a history of violations to human rights
10. Strengthen the infrastructure for the **provision of accessible, acceptable and quality public care services**, mainly for girls and boys, elderly people and people with disabilities; and **accompany the affected populations in the reconstruction process to ensure maximum possible level of physical and mental health**, especially for people with chronic diseases and post-traumatic stress, depression or anxiety

The reconstruction process must place the dignity and autonomy of the people and communities affected at the center of the process and carry out comprehensive planning considering the amount of damage, losses and additional expenses—at different levels and terms—and the physical, social, economic, legal, architectural, cultural, environmental, political and institutional dimensions thereof.

Sincerely,

Science Academy of Morelos

Citizen Action Against Poverty
Ecological Action
Act Transforming Paths to BE and DO
Alianza para la Regeneración Urbana A.C.
AMOTIV
Appleseed
Independent Association of Communicators, Reporters and Producers of Morelos (Aicrepmor)
Mexican Bar, Bar Association
Common Cause
CCE Morelos
Centro de Investigación Morelos Rinde Cuentas AC
Prodh Center (Miguel Agustín Pro Juárez Human Rights Center)
CESIJ-UDLAP
Chamba MX
Chiapas7S
CMIC
COAMEX Coalition for the Rights of People with Disabilities
Codeando México
Community Cohesion and Social Innovation (CCIS)
Collective Academy
Communication for Inclusion
Coparmex
CRS
Dalia Research
Enel
Equis Justice for Women
School of Government and Public Transformation, Tecnológico de Monterrey
Fáctico
Federation of Schools and Associations of Professionals of the State of Morelos
International Down Morelos Foundation
Merced Foundation
Fundar, Analysis and Research Center
Gobierno Fácil
Citizen group with three people from SIMO Consulting
Hábitat para la Humanidad México
IMCO
Impunidad Cero
Institute for Strategic Clarity
Instituto de Liderazgo Simone de Beauvoir Libre Acceso AC
manosalaobra.mx
Mejor Ciudad
MEXFAM
Mexicans Against Corruption and Immunity (MCCI)
Mexicans First
Mexiro AC
México Evalúa
NYU GovLab
Observatory of the Construction Industry
Observatory of the Right to Housing
Observatory on Gender Violence
Latin American Office of the Habitat International Coalition, HIC
OmetroPUE AC
Oxfam México
PODER
Red ProBono México
Save The Children
Sintonía Ciudadana (in the process of forming)
Supercívicos
TECHO México
The Hunger Project
Mexican Transparency
Voices of Change, Agenda for Development
Wikipolítica CDMX

TECHNICAL NOTE

Principles and Approaches

The following approaches and principles must be observed during the budgeting, planning, execution and evaluation of reconstruction, both by the three levels of government and powers of the union, as well as by companies, civil society organizations and international offerors.

- Human rights, non-discrimination, non-re-victimization and intersectionality approach
- Gender, childhood, youth and disability perspective
- Interculturality and respect for the rights of indigenous peoples approach
- Community cohesion approach
- Sustainability, care and efficient use of natural resources approach
- Citizen and community participation
- Transparency, access to information, accountability and integrity
- Geographical and territorial perspective and respect for territorial attachment and worldviews
- Humanitarian principles and principles of protection in humanitarian responses¹

Objectives of the Reconstruction

The reconstruction process should contribute to the following ends:

- Not reinforce and reverse inequalities, inequities, discrepancies and vulnerabilities prior to earthquakes; as well as the structures and power relations that propitiate them
- Full enjoyment and exercise of all rights by all persons
- Strengthen community cohesion, territorial management and sustainable, participatory and inclusive development at community, local and regional levels, developing the structures, relationships and capacities of the actors involved in the process
- Work towards the attainment of development priorities of the people, groups, peoples and communities affected by the earthquakes
- Break the vicious cycle of poverty-disaster-poverty
- Reduce existing risks, ensure new risks are not generated, improve pre-existing conditions², increase resilience and prevent the likelihood that new natural risks will turn into natural disasters by the way and location where the environment is (re)built
- Strengthen the infrastructure for the provision of affordable, acceptable and quality public care services, mainly for girls, boys, the elderly and people with disabilities
- Contribute to the design and creation of communities—rural, urban and peri-urban—as safe spaces and free of discrimination for all people and particularly for girls and women

¹ Humanity, impartiality, neutrality and operational independence, *Humanitarian Charter and minimum standards for humanitarian response*, <https://goo.gl/jsbHkP>; Habitat International Coalition-Housing and Land Rights Network, People Movement for Human Rights Learning, *International Human Rights Standards on Post-disaster Resettlement and Rehabilitation*, August 2005, <http://www.pdhre.org/HIC-PDHRE.pdf>

² According to the reconstruction definition in the General Law of Civil Protection http://www.diputados.gob.mx/LeyesBiblio/pdf/LGPC_230617.pdf

The **reconstruction** process cannot focus exclusively on the physical environment, it must contemplate the comprehensive, inclusive and accessible perspective of the habitat. It should include buildings (homes, schools, hospitals, workplaces, public spaces, tangible assets), infrastructure and services (communication and transportation routes, air, sea and land terminals), and machinery, equipment and furniture.

Moreover, the reconstruction process must be related to the reactivation of the economic, social, cultural, environmental, political and institutional activity of the affected communities³ and be linked to the reparation and compensation of both violations of human rights⁴, as well as losses and additional expenses incurred by affected populations⁵.

Requirements for the Reconstruction

- Methodology and open data of the baseline or situation prior to the disaster that allows to evaluate and contextualize the damages, losses and additional expenses, prioritizing rural areas and high marginalization^{6 7}
- Methodology and open data of the censuses of damages to buildings, infrastructure and services—not only homes—and of the **documents granted** by household and not by property; georeferenced and updated after the earthquakes and aftershocks of September 7th, 19th and 23rd, and with disaggregated information by entity, municipality and locality as well as by sex, age, ethnicity and disability⁸
- Technical and community diagnosis of the affected communities and populations⁹ (and that of community and civil society organizations present) and problematized dialogue with them for the design of new buildings, infrastructure, services and equipment, in order to identify, eliminate or reduce the risks that could have accumulated over time or to avoid the generation of new risks
- Variables for targeting and distribution—depending on the condition of poverty and / or damaging of the affected populations, as well as on the prevalence and severity of damages, losses, and additional expenses—, eligibility criteria and requirements for accessing the resources available in existing public or private, national or international funds, for the reconstruction¹⁰
- Reviews, evaluations, reports and / or certificates of damages after the earthquakes to obtain and preserve evidence that allows for the separation of civil, administrative, criminal and human rights responsibilities and to learn from constructive errors
- Consult peoples and communities with cultural relevance and through their traditional authorities / legitimate representatives; as well as municipal and state authorities
- Indicators to monitor, follow and evaluate, in a public and open manner, the reconstruction process and its results and impact
- Due diligence in human rights for each of the companies involved in the

³ This involves generating work and productive opportunities for the affected people.

⁴ Individuals and collectives, general and specific.

⁵ Including host families.

⁶ Especially in rural areas with high marginalization.

⁷ With information disaggregated by state, municipality, locality/community, sex, age, ethnicity and disability.

⁸ With information disaggregated by state, municipality, locality/community, sex, age, ethnicity and disability.

⁹ With information disaggregated by state, municipality, locality/community, sex, age, ethnicity and disability.

¹⁰ Action against the Poverty Front proposes the creation of a National Citizen Registry with socioeconomic information and location and identity data. This Registry—public, transparent, accessible, universal and common to all involved—would be a tool for the reconstruction.

reconstruction that covers the entire value chain and its direct and indirect commercial relationships. Strengthen capacities of negotiation, organization and community participation with the companies¹¹

Compliance with requirements for the reconstruction should be disclosed proactively with public, open, available information and in accessible formats¹² so that it can be verified by the people.

How should it be rebuilt?

- Considering the type of location—rural, urban, peri-urban, indigenous—and habitat in which the reconstruction process will be implemented
- Considering the characteristics¹³, the specific and differentiated impacts and the particular needs of the affected populations, in general, and of the groups made up of girls and boys, women, the elderly, people with disabilities, indigenous peoples and communities, Afro-Mexican people, people with HIV, LGBTTTIQ people, people with health conditions and restricted mobility, people deprived of liberty and migrants, among others, who may experience discrimination. It is essential to remember that these social groups are not homogenous, so intersectionality must be incorporated in the reconstruction.
- Planning comprehensively the reconstruction process at different scales—damage, community / locality, municipality, region, entity area—and at different periods (short, medium and long term)¹⁴. This process involves analyzing the physical, social, cultural and environmental dimensions of the process.
- Establishing formal mechanisms for the organization, information, communication and participation—active, direct, significant and total—¹⁵of the affected populations in all areas of decision-making¹⁶ with all stakeholders and throughout the reconstruction process; from the data gathering to the evaluation through to the budgeting, planning, execution, monitoring and follow-up thereof. Furthermore, it must be reconstructed by involving grassroots organizations and national and local civil society organizations throughout the reconstruction process.
- Adopting international and national standards for a comprehensive reconstruction that puts human dignity and autonomy at the center of the process and fosters dialogue and collective review thereof, and jointly designing strategies to materialize them in the contexts of violation generated by the emergency¹⁷
- Ensuring universal design, free of discrimination, and the accessibility, acceptability and quality of all construction undertaken in the reconstruction process¹⁸

¹¹ Guiding principles on Companies and Human Rights and General Comment 24 of the DESC Committee.

¹² Mexican sign language, audible, Braille, easy to read, sign language, etc.

¹³ Sociodemographic, socioeconomic, sociocultural and socioenvironmental.

¹⁴ From 0 to 5 years.

¹⁵ In an individual, collective and community manner.

¹⁶ Ensuring gender parity.

¹⁷ For example, the provisions of international and InterAmerican law of human rights, the 2030 Agenda, CNDH (National Commission on Human Rights) recommendations, etc.

¹⁸ The universal design and accessibility must be incorporated from the conceptual project, blueprint and architectural project of the construction. According to the General Law of Inclusion of Persons with Disabilities, *universal design* is the design of products, environments, programs and services that can be used by all people, to the greatest extent possible, without the need for adaptation or specialized design. Universal design will not exclude technical aids for particular groups of people with disabilities when they are needed. Accessibility refers to the set of relevant measures to ensure access for people with disabilities, on equal terms with others, to the physical environment, transportation, information and communications, including information systems and technologies, communications, and other services and facilities open to the public or for public use, both in urban and rural areas, http://www.diputados.gob.mx/LeyesBiblio/pdf/LGIPD_171215.pdf; *Design and construction criteria for adaptable and accessible housing*, specifications mainly targeting social housing, National

- Guaranteeing the elements of the right to adequate and sustainable housing^{19 20}, promoting the social production of housing and habitat²¹, considering the risk map²² guaranteeing the intervention of certified specialists in the quality verification of housing and providing mechanisms for maintenance, continuous monitoring and evaluation of what is rebuilt
- Preserving the elements of the physical environment that can be improved with technical advice instead of demolishing them; using the material obtained from the demolitions (not waste); respecting the ways and lifestyles of the affected populations; considering territorial attachment and worldviews; favoring the vernacular architecture and the use of local and culturally relevant building materials and systems; keeping local and regional content and the link with the productive vocation; promoting sustainability and protecting local ecosystems
- Incorporating elements and participatory processes that foster a sense of belonging, identity and self-esteem
- Guaranteeing, respecting, promoting and protecting all human rights of all people according to the principles of universality, indivisibility, interdependence, progressivity and pro persona (authorities); and abstaining from infringing the human rights of third parties
- Reactivating and strengthening local and community economies, through organizational strengthening, training and the promotion of the community economy, incorporating CSOs previously present in the affected areas
- Generating work and productive opportunities for the affected populations that make employment—decent, well-paid, permanent, with benefits and job security—possible and eradicate labor exploitation, forced labor and child labor. This includes the hiring of local employees who have skills and knowledge in construction, or the involvement of the population in assisted self-build protocols and processes through the prestigious national and international organizations that already exist
- Accompanying affected populations in the reconstruction process that guarantees their right to the highest possible level of physical and mental health—with emphasis on people suffering from post-traumatic stress, anxiety, depression and chronic diseases—and medical care for people, regardless if they pay for it or where they live
- Eradicating clientelism, welfare, corporatism and the use of resources for reconstruction for the purpose of political, partisan, electoral or religious proselytizing. This implies effective citizen participation and vigilance mechanisms that identify, make visible and demand the correction of failures in the use of resources for reconstruction from a human rights perspective.
- Incorporating in the reconstruction a universal perspective of access to care for girls, boys, the elderly and people with disabilities, in order to contribute to the reversal of social inequalities, particularly gender

Commission for the Promotion of Housing, Mexico 2003, <http://www.libreacceso.org/wp-content/uploads/2013/09/4.-CONAFOVI-2003.pdf>

¹⁹ Legal security of tenure, bearable expenses, habitability, availability of services, materials, facilities and infrastructure, affordability, location and cultural adaptation. *Toolkit on the Right to Adequate Housing*, Office of the High Commissioner for Human Rights, United Nations. <http://www.ohchr.org/SP/Issues/Housing/toolkit/Pages/RighttoAdequateHousingToolkit.aspx>

²⁰ CONEVAL establishes the following as criteria to determine space and quality vulnerability in housing: (a) Firm cement floor or floor covering (laminated, tiles, wood); (b) Ceilings/roofs must be made of concrete slab or joist with vault, wood, with beams, metal sheets, asbestos, palm, tile or of better quality; (c) Walls must be made of bricks, blocks, stone, concrete, wood, adobe, or of better quality; and (d) That the number of people per room, including the kitchen but excluding corridors and bathrooms, (overcrowding) be less than 2.5. <http://www.coneval.org.mx/Medicion/Paginas/Medici%C3%B3n/Calidad-y-espacios-en-la-vivienda.aspx>

²¹ According to the definition of the Housing Law, *social housing production* means: that which is carried out under the control of self-producers and self-builders who operate in a non-profit way and whose priority is to meet the housing needs of the low-income population, including that carried out through self-management and solidarity procedures that give priority to the housing use value over the commercial definition, mixing resources, building procedures and technologies, based on their own needs and their capacity for management and decision making. http://www.diputados.gob.mx/LeyesBiblio/pdf/LViv_230617.pdf; Ortiz Flores, Enrique, *Producción Social de la Vivienda y el Hábitat. Bases Conceptuales y Correlación con los Procesos Habitacionales*, HIC-AL, Mexico 2012, www.hic-al.org/documento.cfm?id_documento=1537

²² seismic, hydrologic, climatologic, etc.

- Promoting the adaptation and resilience of communities and cities to natural phenomena. This includes the updating and publication of risk maps, urban development plans, the participatory generation of disaster reduction plans, the preparation of protocols of action when facing the natural phenomena, training programs for the population in communities, schools, work centers, health clinics, public markets, etc.
- Incorporating civil society organizations, particularly organizations that work in the affected territories and generating an environment conducive to their participation and strengthening.

Who should rebuild?

Reconstruction is the Mexican state's obligation; and to do so, it can implement different forms of production and modalities (public, social and private reconstruction). In this process, all authorities, within the scope of their competence, must guarantee, respect, promote and protect human rights in accordance with the principles of universality, indivisibility, interdependence, progressivity and pro persona. The social production of the habitat should be promoted and favored as one among several options, endowing it with the most suitable resources for reconstruction with a social perspective.

The companies—private or productive of the state—involved in the reconstruction process must respect human rights. Foreign governments or international agencies that offer international development cooperation must comply with their obligations and responsibilities regarding human rights. Companies that have a history of human rights violations should not receive funds from international cooperation or from disaster funds.

We propose to develop specific guidelines for the reconstruction based on:

- Type of community / location; e.g. rural, urban peri-urban, indigenous
- Social groups and / or in a discrimination situation; e.g. girls and boys, women, indigenous peoples and communities, people with disability, people living on the street, people with HIV, the LGBT community, among others, who are considered relevant in this context
- Type of damaged construction / infrastructure; e.g. schools, hospitals or health clinics, roads or highways, hydraulic infrastructure, telecommunications
- Type of agent involved in the reconstruction; e.g. powers of the Union, government orders, private companies, state productive companies, civil society organizations, providers of international cooperation for development
- Ways and means of communication between all the actors
- Mechanisms and types of interventions to strengthen community cohesion and rebuild the social fabric
- Establish training strategies and methodologies for trainers in disaster risk reduction to recreate workshops that are applied in the community, from the perspective of human rights, gender, child and youth interest, youth and disability