



UNITED NATIONS

Press Release

ADEQUATE HOUSING IS RIGHT OF EVERY WOMAN, MAN, YOUTH AND CHILD, SAYS SPECIAL RAPPORTEUR ON WORLD HABITAT DAY

4 October 2005

The following statement was issued by the Special Rapporteur on adequate housing of the United Nations Commission on Human Rights, Miloon Kothari, on the occasion of World Habitat Day, 3 October 2005:

The theme chosen by the United Nations for World Habitat Day 2005 is "The Millennium Development Goals and the City," which serves as a reminder of the enormous efforts needed to ensure that progress is made towards the achievement of the goals agreed upon by the international community and set out in the Millennium Declaration and reaffirmed at the World Summit 2005 held in New York in September.

The selection of Jakarta, Indonesia as the centre for this year's World Habitat Day serves to highlight the enormous devastation and homelessness resulting from the 2004 tsunami. The recent Hurricane Katrina that hit the United States also exposed the lack of disaster-preparedness and failures in state response. Both the Asian tsunami and the Katrina disaster have revealed the grossly inadequate housing and living conditions under which historically marginalized groups, such as the African-American population in the United States and certain indigenous peoples in Indonesia and India have survived for decades.

Such events also illustrate the undeniable link between poverty and vulnerability. Natural hazards turn into massive disasters for the vulnerable who are already marginalised in terms of their access to adequate housing, water, sanitation, health, electricity, land and other resources. Furthermore, the inadequate response to such disasters and the lack of consideration for the human rights of the affected creates a human-induced tragedy that exacerbates the plight of those already suffering. Nine months later, tsunami survivors in Sri Lanka and India are still living in inadequate shelters and continue to be denied access to information and participation in planning and decision-making processes related to rehabilitation. This fact highlights the need for human rights based disaster-preparedness and disaster-response policies. Post-disaster relief and long-term rehabilitation and reconstruction must be based on international human rights standards and include mechanisms that ensure transparency and accountability. The survivors' right

to dignity and to adequate conditions of living suggests that access to relief must be recognised as a human right and should guide all rehabilitation efforts.

Natural disasters contribute to the global housing and land crisis but human-induced problems cause even more suffering. Around the world, the housing situation in both urban and rural areas continues to be inadequate for the majority of poor and vulnerable groups, and homelessness, including that of women and children, is on the increase.

The theme "The Millennium Development Goals (MDGs) and the City," for this year's World Habitat Day highlights the agreed target of improving the living conditions of at least 100 million slum dwellers by 2020.

The MDGs set targets for States and other actors working towards improved human well-being and should be based on human rights principles and commitments. The attempt to improve living conditions for some, for example through slum-upgrading projects in cities, must not lead to the breach of human rights for others, such as through forced evictions. Mass forced evictions continue to occur across the world. In two striking examples, 400,000 people were evicted from their homes in Mumbai, India between October 2004 and March 2005, and 700,000 people were evicted in Zimbabwe between May and July 2005. For most of these evicted people, resettlement policies are either non-existent or not based on human rights considerations. Moreover, millions of people across the world continue to live with the insecurity of being forcibly evicted. In the city of Jakarta, Indonesia if planned public-private partnership projects are carried out, 1,600,000 people will be evicted from their homes. This is in addition to 64,000 people who have already been evicted over the past five years.

The process followed to achieve the MDGs is as important as the agreed targets and needs to be built around the interrelatedness of the MDGs. The goal of improving the lives of at least 100 million slum dwellers by 2020, for example, has to be considered in conjunction with the target of reducing by half the number of people without sustainable access to safe drinking water and sanitation, and other MDGs related to poverty eradication, global partnership and gender equality. Women living in slums have been particularly neglected and priority must be given to the realisation of their human rights to equality, health, sanitation, water, adequate housing, security and freedom from violence.

Emphasizing international human rights obligations will also assist in calling attention to the housing needs of rural people. The inadequate housing and homelessness in rural areas, where the overwhelming majority of people in the poorest countries still live, must be urgently addressed.

Given the persistent denial of the human right to adequate housing worldwide, it is imperative that States and other involved actors urgently develop initiatives covering both urban and rural areas. Such strategies will have to:

- Halt land-grabbing and forced evictions;
- Arrest land and property speculation;
- Provide adequate rural infrastructure and employment opportunities;
- Check rapid unplanned and unbalanced urbanisation;
- Ensure that States guarantee provision of housing for the poor;
- Promote comprehensive and holistic agrarian reform policies;
- Guarantee women the equal right to adequate housing, land and property;
- Combat growing homelessness in both urban and rural areas;
- Incorporate human rights approaches in disaster-preparedness and required relief and rehabilitation measures.

The human right to adequate housing is the right of every woman, man, youth and child — in both urban and rural areas — to gain and sustain a secure home and community in which to live in peace and dignity. World Habitat Day is an occasion to reiterate commitments of the international and national community towards guaranteeing this human right. As Special Rapporteur on the right to adequate housing as a component of an adequate standard of living, I stress the importance of these commitments and urge that the principles of non-discrimination, progressive realisation, and indivisibility of human rights frame efforts to achieve the MDGs. The protection of human dignity must remain at the core of every Millennium Development Goal.



UNITED NATIONS

Press Release

HUMAN RIGHTS EXPERTS EXPRESS CONCERN ABOUT IMPACT OF RAISING OF HEIGHT OF DAM IN NARMADA RIVER, INDIA

13 April 2006

The following statement was issued today by the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, and the Special Rapporteur on the human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen

We are concerned about the recent decision of the the Narmada Control Authority (NCA) to further raise the height of the Sardar Sarovar Dam on the Narmada River from the present 110.64 metres to 121.92 metres and reports indicating that this will result in the submergence of villages and displacement of over 35,000 families.

According to a Supreme Court judgement in 2000 any further increase with respect to the height of the Sardar Sarovar Dam should be preceded by the implementation of resettlement and rehabilitation measures. However, according to reports received, adequate rehabilitation has not yet been provided for those affected at the current dam-height, many of them indigenous peoples and farmers. Official estimates say that an additional 24,421 families in 177 villages of Madhya Pradesh are to be displaced at the dam height of 121.92 metres. We are concerned about information indicating that in Madhya Pradesh rehabilitation sites are still not ready and none of the sites have sufficient house plots for affected families and that this may leave people homeless when affected villages are submerged. Furthermore, alternative agricultural land is reportedly not being provided, and where land has been allotted as in Maharashtra and Gujarat, it is uncultivable and inadequate.

We are aware of the indefinite sit-in (dharna) by the over 300 dam-affected and activists of the Narmada Bachao Andolan (NBA – Save Narmada Movement) in New Delhi since 17 March, demanding a halt to construction at the Sardar Sarovar dam. We are also aware of the three NBA activists who

have been on an indefinite fast since 29 March, recently joined by other human rights defenders. We are seriously concerned about recent information according to which on the night of 5 April, a large police force allegedly used indiscriminate force against the protestors, arrested and hospitalised Ms Medha Patkar and Mr Jamsing Nargave on the eighth day of their fast and detained another 25 NBA activists. Testimonies suggest that the use of force was excessive and disproportionate.

In view of the above, we urge the Government of India to release the report of the findings of the three Union Ministers who visited the Narmada Valley on 7 April to assess the status of resettlement and rehabilitation, as reportedly announced by the Minister of Water Resources in a statement dated 4 April. We also urge the Government of India and appropriate authorities to take immediate steps to ensure that any further raising of the dam height will not result in the violation of the human rights of those affected, including to ensure that just and proper resettlement and rehabilitation of all the affected is provided in accordance with international human rights instruments, including the right to food and adequate housing as enshrined, for example, in the International Covenant on Economic, Social and Cultural Rights. Such measures could include the undertaking of a comprehensive assessment of the entire resettlement and rehabilitation experience in the areas affected by the Sardar Sarovar dam in Gujarat, Maharashtra and Madhya Pradesh, possibly through the setting up of an independent inquiry. Until the human rights of those affected can be guaranteed we recommend that the construction of the dam is halted.

We are also deeply concerned regarding the situation of those carrying out peaceful protest to demonstrate their opposition to the raising of the dam-level. We remind the Government that the United Nations Declaration on Human Rights Defenders protects the right to peacefully react or oppose any action detrimental to human rights or fundamental freedoms. We, therefore, recommend that the allegations of indiscriminate and excessive use of force by the police against activists engaged in the protest is properly investigated and that action is taken against the responsible officers, as appropriate. In this context it is also recommended that proper and swift investigation is undertaken with respect to allegations of false charges, if any, against Ms Medha Patkar and other NBA activists.



UNITED NATIONS

Press Release

HUMAN RIGHTS EXPERT EXPRESSES SERIOUS CONCERN ABOUT PERSISTENT PRACTICE OF FORCED EVICTIONS IN ANGOLA

30 March 2006

The following statement was issued today by Miloon Kothari, United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living:

"In my capacity as Special Rapporteur on adequate housing appointed by the UN Commission on Human Rights, I have following closely for some time the situation with respect to housing rights in Angola, particularly in light of the persisting practice of forced evictions in Luanda. I have brought my concerns to the attention of the national authorities, but no response has been received yet and the most recent events suggest that such appeals are not being taken into account. I am particularly concerned in light of the fact that my previously planned official visit to the country has been postponed and has not yet been rescheduled by the Government.

"United Nations Commission on Human Rights resolutions (for example, unanimously adopted resolution 1993/77) have clearly stated that "the practice of forced eviction constitutes a gross violation of human rights". Large-scale forced evictions have been on-going in Angola for many years. Following forced evictions in areas like Boavista, Soba Kapassa and Benfica between 2001 and 2003, the vast majority of those affected did not have any alternative but to live in long-term temporary shelter or face homelessness. The pattern of lack of prior notice, inadequate or no consultation, absence of information-sharing and no possibility of participation in the decision-making process for those affected seems to have been repeated in more recent forced evictions and demolitions of homes undertaken by the Luanda Provincial Government in November and December 2005 in Cambamba I and II, Bairro 28 de Agosto and Banga Wé, in the municipality of Kilamba Kiayi in Luanda. Over 600 families were affected by forced evictions for the purpose of implementing the governmental housing project *Nova Vida*.

"On 13 and 14 March 2006, families still remaining in the neighbourhood of Cambamba I and II were reportedly forcibly evicted by members of the National Police Force, inspectors of the provincial government, agents of a private security company (Visgo) as well as non-identified agents in civilian

clothes, all acting on behalf and protecting the interests of the *Nova Vida* housing project. Reports indicated that members of the National Police Force, provincial inspectors as well as agents of a private security company shot into the crowd of residents, kicked and hit people with guns and whips. The law enforcement agents allegedly acted with excessive use of force and fire arms that were in no proportion to the level of resistance offered by the unarmed population. Homes were demolished and according to reports residents have not been offered alternative housing nor any type of compensation.

"In my capacity as Special Rapporteur on adequate housing I wish to remind the Angolan authorities of their obligations under the International Covenant on Economic, Social and Cultural Rights, which the country acceded to in January 1992. I particularly wish to draw the attention to General Comments no. 4 (1991) and no.7 (1997) of the United Nations Committee on Economic, Social and Cultural Rights. General Comment no.7 states that "forced evictions are *prima facie* incompatible with the provisions of the Covenant and can only be carried out under specific circumstances", imposing certain requirements on States. This includes an obligation on States to: ensure, prior to carrying out any eviction, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force; equally to ensure that legal remedies or procedures are available and accessible to those who are affected by eviction orders, along with adequate compensation for any property affected, both personal and real; and, in those cases where evictions are considered justified, ensure that they be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with the general principles of reasonableness and proportionality.

"I have repeatedly drawn attention to the worrying practice of forced evictions worldwide and the related violations of a wide range of internationally recognized human rights. I have recently developed a set of guidelines based on international human rights law aimed at assisting States in developing policies and legislations to prevent forced evictions at the domestic level (UN document E/CN.4/2006/41). These guidelines have also been shared with the Angolan authorities.

"I call on the Angola Government to take immediate steps to comply with its human rights obligations and to promptly act on this now public appeal."



UNITED NATIONS

Press Release

UN EXPERT CALLS FOR IMMEDIATE HALT TO FORCED EVICTIONS IN KARACHI, PAKISTAN

26 May 2006

The following statement was issued today by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari:

"In my capacity as Special Rapporteur on adequate housing, I continue to receive troubling information on a new wave of forced evictions in connection with the construction of the Lyari Expressway in Karachi, leading to the destruction of thousands of houses since the beginning of this year. Reportedly, the Karachi City Government is planning to demolish and evict inhabitants of another 6,000 housing units in 20 different informal settlements throughout the city, including in Gulberg, North Nazimabad, Saddar, Jamshed, Gulshan-e-Iqbal and Liaquatabad. When completed, the Lyari Expressway project allegedly will have rendered an estimated 250,000 people homeless.

The pattern of lack of prior notice, absence of information-sharing and no possibility of participation in the decision-making process for those affected seems to have been repeated in the majority of the recent cases of forced evictions and demolitions of homes in Karachi. The affected families, already among the poorest of the poor, are generally allegedly left to fend for themselves on the streets without basic shelter. In cases where relocation has been offered, the relocation sites are reportedly located far away from livelihood opportunities and are lacking in civic services. The evictions have allegedly been accompanied by the excessive use of force by the police and local authorities, and reports of related death and injury have been received. As Special Rapporteur, I have on several occasions formally shared my concerns with the Government of Pakistan about the manner in which evictions connected with the implementation of the Lyari Expressway project have reportedly been undertaken.

Whatever the aim of these 'development-based' evictions, they often have common features that contravene nationally and internationally recognized human rights standards. As a general rule, forced evictions affect the poorest, and the socially and economically most vulnerable and marginalized

sectors of society, and intensify inequality, social conflict and segregation. It has been acknowledged by the United Nations Commission on Human Rights resolutions that 'the practice of forced eviction constitutes a gross violation of human rights'. Under international human rights law evictions shall only be carried out under exceptional circumstances. States have an obligation to ensure, among other things, prior consultation with the affected communities, with a view to avoiding, or at least minimizing, displacement; to ensure that legal remedies or procedures are available and accessible to those who are affected by eviction orders, along with adequate compensation for any property affected; and, in those cases where evictions are considered justified, ensure that they be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with the general principles of reasonableness and proportionality.

In this context, I wish to remind the authorities of Pakistan of recently developed guidelines, which have been previously drawn to their attention, aimed at assisting States in developing policies and legislation to prevent forced evictions. It is strongly recommended that displacement should be minimized; proper project and eviction impact assessment studies be undertaken; and that comprehensive resettlement and housing policies be developed.

I therefore call for an immediate halt of all forced evictions; for the concerned authorities to carry out open and genuine consultations, including through public hearings, with the affected persons, to ensure that evictions do not result in homelessness; and for the Government to take immediate steps to comply with its human rights obligations and to promptly act on this appeal."

The Special Rapporteur's report, including the "Basic principles and guidelines on development-based evictions and displacement" (E/CN.4/2006/41) can be found at:

<http://www.ohchr.org/english/issues/housing/annual.htm>

For more information on the mandate and work of the Special Rapporteur, please consult the website of the Office of the High Commissioner for Human Rights at <http://www.ohchr.org/english/issues/housing/index.htm>

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Press Release

UN EXPERTS APPEAL FOR RESPECT OF HUMAN RIGHTS OF BASSAC RESIDENTS IN PHNOM PENH, CAMBODIA

30 May 2006

The following statement was issued today by the Secretary-General's Special Representative on human rights defenders, Hina Jilani, and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari:

"In our capacity as independent experts, we wish to publicly raise our concerns about the ongoing process of evictions taking place in the Bassac river area in Phnom Penh, Cambodia.

"We are continuing to receive troubling information concerning evictions of informal settlements on the bank of the Bassac River by the City of Phnom Penh, as part of a plan to redevelop the land, claimed to be the property of a private company. These settlements have been in place since the early 1990s and house several thousand families.

"Due to this process, several hundred families have already been rendered homeless and are now living in open air. They are facing serious health risks, especially with the advent of the rainy season in Cambodia. While some of the residents have been offered relocation, the new site is far away and lacks basic services such as electricity and running water, and it is reportedly inclined to flooding. These poor families will encounter further difficulties to find employment in that remote area.

"There are disturbing allegations that municipal authorities have intervened to stop non-governmental organizations from distributing tents and humanitarian aid to the families who had become homeless. In some cases, security forces have allegedly pulled down tents and destroyed personal belongings. The Special Representative on human rights defenders would like to remind the Government of Cambodia of the provisions included in the 1998 Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally recognized Human Rights and Fundamental Freedoms, which guarantee the rights of human rights defenders including NGOs to carry out activities to promote and protect human rights.

"There are concerns that the authorities may resort to force to evict these families. Moreover, allegations of intimidation, threats and corruption have marred the process of registration and resettlement of the persons affected by the eviction.

"Development-based' evictions often contravene recognized human rights standards, such as the International Covenant on Economic, Social and Cultural Rights, and affect the poorest, the socially and economically most vulnerable and marginalized people in society. The eviction process will further intensify the poverty and inequalities the Bassac communities are facing. In this context, the Special Rapporteur on adequate housing wishes to remind the authorities of Cambodia of recently developed guidelines, which have been previously drawn to their attention, aimed at assisting States in developing policies and legislations to prevent forced evictions. The Special Rapporteur also reminds the Government of Cambodia of the pertaining sections on the status of the rights to housing and eviction in his report on his mission to Cambodia (E/CN.4/2006/41/Add.3).

"We therefore call for a halt to these evictions and for immediate action to ensure that these families have access to adequate housing consistent with Cambodia's human rights obligations. We strongly urge the Government of Cambodia and the Municipality of Phnom Penh to ensure that:

- appropriate consultations take place with the persons to be evicted;
- no evictions result in homelessness;
- persons affected by the evictions are given appropriate compensation and rehabilitation;
- relocation sites have adequate basic services and allow the possibility for the relocated persons to earn their living;
- an opportunity to seek redress without sanction is made available when needed;
- a constructive dialogue between all parties, including the non-governmental organizations, is established;
- NGOs are allowed to offer assistance and protection to the families affected by the eviction without interference;
- measures are adopted to ensure registration of those affected by the eviction and monitoring of their relocation are carried out fairly and transparently; and
- every effort is made to prevent the use of force".

The Special Rapporteur's report, including the "Basic principles and guidelines on development-based evictions and displacement" (E/CN.4/2006/41) can be found at:

<http://www.ohchr.org/english/issues/housing/annual.htm>

For more information on the mandate and work of the Special Rapporteur on adequate housing, please consult the website of the Office of the High

Commissioner for Human Rights at:

<http://www.ohchr.org/english/issues/housing/index.htm>

For more information on the mandate and work of the Special Representative on human rights defenders, please consult the website of the Office of the High Commissioner for Human Rights at:

<http://www.ohchr.org/english/issues/defenders/index.htm>