

HUMAN RIGHTS COUNCIL
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**Statement of the Special Rapporteur on adequate housing
as a component of the right to an adequate standard of living,
Mr. Miloon Kothari**

List of reports:

- Report of the Special Rapporteur on adequate housing (E/CN.4/2006/41)
- Communications to and from Governments (E/CN.4/2006/41/Add.1)
- Mission to the Islamic Republic Of Iran (E/CN.4/2006/41/Add.2)
- Mission to Cambodia (E/CN.4/2006/41/Add.3)
- Women and adequate housing (E/CN.4/2006/118)

Mr. President, distinguished delegates, ladies and gentlemen,

I welcome this opportunity to address the Human Rights Council. In my work on the right to adequate housing I have adopted an indivisibility of human rights approach. This has allowed me to use the range of human rights related to the right to housing including the right to security of the person and home, freedom from inhuman and degrading treatment and the right to information and participation.

This approach has assisted me to tackle one of the most pervasive and increasingly destructive violations of the right to adequate housing, the practice of forced evictions.

In my capacity as Special Rapporteur, I have witnessed and increasingly received reports on forced evictions and displacement around the world.

Forced evictions and displacement are taking place in countries world wide, ranging from democratic to authoritarian states. Many are so-called development-based evictions, which include evictions often planned or conducted with the justification or under the pretext of serving the "public good," such as those linked to slum-clearance drives, large-scale infrastructure or other development projects, and land-acquisition measures associated with urban renewal, housing renovation, city beautification, or other land-use programmes. Evictions are also on the rise due to the reluctance of States to control speculation in housing and property.

As we are speaking, at this very moment, someone somewhere is being evicted from their home with little chance of having their right to adequate housing restored.

Mr. President, the shocking fact that faces us today is that the number of people displaced by development processes exceeds even that of those displaced due to armed and ethnic conflict.

The vast majority of forced evictions grossly violate a wide range of human rights and indicate a systematic disregard for recognized human rights standards on the part of States.

Forced evictions push people into homelessness, inadequate housing conditions and poverty. Almost without exception, forced evictions affect the poorest, the socially and economically most vulnerable and marginalized sectors of society, result in loss of livelihoods, and intensify inequality and social conflict, contributing to segregation and the creation of what I call "apartheid cities and villages". The impact on affected communities can be characterised as a human tragedy. Nevertheless, forced evictions continue to occur in total impunity, with rare, if any, reaction by the international community.

Mr. President, distinguished delegates,

While I continue to speak out against forced evictions worldwide I have tried to maintain focus, since the beginning of my mandate, to apply a constructive approach, which would provide practical and concrete solutions aimed at the realization of the human right to adequate housing.

In June 2005, with the German Federal Foreign Office and the German Institute for Human Rights, I co-organized an International Workshop on Forced Evictions, which was held in Berlin. The purpose of the expert workshop was to elaborate guidelines to assist States and the international community in developing policies and legislations to address forced evictions at the domestic level. In light of the outcome of the workshop and in consultation with a wide range of actors, I have prepared a set of basic principles and guidelines on development-based evictions and displacement. These guidelines build on recognised advances in human rights, including General Comment 7 of the Committee on Economic, Social and Cultural Rights and several resolutions, in particular 1993/77 of the Commission on Human Rights. The guidelines attempt to provide practical steps towards ensuring the protection of the right to adequate housing

These include:

1. The need for States to conduct comprehensive impact assessments in advance of evictions that take into account their differential impact on women, children and other vulnerable groups;
2. The need for States to take intervening measures to ensure that market forces, including unbridled speculation of land and property, do not increase the vulnerability of low-income and marginalized groups to forced evictions;
3. The requirement that all affected persons be notified in writing and sufficiently in advance with a view towards minimizing the adverse impacts of evictions;

4. Legal obligations of States to recognize the fundamental human rights of evicted persons to return, resettlement and fair and just compensation;
5. Detailed steps to be taken by States to protect human rights prior to, during and after evictions; and
6. Stringent criteria for initiating and carrying out evictions in exceptional circumstances.

I sincerely hope that the Human Rights Council will welcome these guidelines and that they will contribute to help States, financial institutions, and private enterprises, to prevent violations of the right to adequate housing.

Women and adequate housing

Mr. President, distinguished delegates,

As you are aware, subsequent to the Commission on Human Rights resolution 2002/49 on "Women's equal ownership of access to and control over land and the equal rights to own property and to adequate housing", the Commission had entrusted me with the task of reporting specifically on women and adequate housing.

The third report I am submitting to your attention presents an analysis of several identified obstacles to the effective realization of housing and land rights for women including homelessness among women, violence against women, discriminatory cultural and social norms and family or personal laws, multiple discrimination, privatization of civic services and unaffordability of housing for women, and the impacts of natural disasters, forced evictions and HIV/AIDS on women.

There continues to be a need for States to strengthen national legal and policy frameworks for protecting women's rights to adequate housing, land and inheritance, and to provide avenues for redress where violations occur.

As indicated by testimonies and other information received, there is a culture of silence regarding the prevalence of violations across the world of women's rights to adequate housing and land. The report presents specific suggestions on how to ensure the elaboration of gender-sensitive housing policies and legislation, taking into account the situations of specific groups of women who are at particular risk of being victims of housing rights violations, such as female-headed households, women from ethnic and national minorities and women in conflict or post-conflict situations.

The recommendations include the need for the adoption by the Committee on the Elimination of Discrimination against Women (CEDAW) of a general recommendation on women's right to adequate housing and land; the harmonization at the national level between provisions in international human rights instruments and religious law on inheritance and property; the development of gender-sensitive housing policies and legislation; for States to act with due diligence to prevent, investigate and punish acts of violence