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**Report of the Special Rapporteur on adequate housing as a component of the right
to an adequate standard of living, Miloon Kothari***

* The present report is submitted late so as to include as much up-to-date information as possible.

Summary

Consistent with the Special Rapporteur's thematic approach to adequate housing, this year's report to the Commission focuses on homelessness and its causes and impacts, including on women, children, youth, indigenous peoples and people living with mental illness, from a human rights perspective. Homelessness is perhaps the most visible and most severe symptom of the lack of respect for the right to adequate housing. The matter necessitates an examination of a range of issues related to adequate housing, such as the impacts of globalization, privatization of essential services, conflict situations and poverty, as well as the role of gender discrimination and other factors that are linked to vulnerability to homelessness. It requires an analytical approach that places security of tenure, security of the home, and security of the person at the core.

While the majority of the world's population lives in some form of dwelling, roughly one half of the world's population does not enjoy the full spectrum of entitlements necessary for housing to be considered adequate. United Nations estimates indicate that approximately 100 million people worldwide are without a place to live. Over 1 billion people are inadequately housed.

There is no sole and easily identifiable cause of homelessness. Causes are diverse and multifaceted, including a lack of affordable housing, speculation in housing and land for investment purposes, privatization of civic services, and unplanned urban migration. Added to this is destruction and displacement caused by conflicts or natural disasters.

The Special Rapporteur notes with concern that urban "gentrification" processes accompanied by rising property values and rental rates are pushing low-income families into precarious situations, including homelessness. Slums and squatter settlements arise in part due to the colossal gap in the supply of affordable formal sector housing. The Special Rapporteur is also concerned about reductions in public housing expenditure, stress on rental housing, and housing and civic services subsidies for the poor.

Having observed that homelessness can be intimately linked to landlessness in some settings, the Special Rapporteur wishes to note that the lack of legal provisions to enable communities to inhabit or own land and to make productive use of the natural resources found there should also be noted as creating an obstacle to the full realization of the right to adequate housing. The failure of legal systems to protect homeless and landless people across the world is coupled with a tendency to criminalize them and is part of the trend towards increasing violence against them.

The Special Rapporteur urges States to note the provisions of general comment No. 7 of the Committee on Economic, Social and Cultural Rights, in particular the Committee's definition of the term "forced eviction" and its affirmation that forced evictions are prima facie violations of the right to adequate housing, and cause homelessness. He also calls for the introduction of public housing schemes for the poor, giving priority to land and agrarian reform, promulgation of laws that protect women's right to adequate housing, creation of shelters in urban centres, and integrated rural development to address involuntary migration to cities. He calls for a combination of a humanitarian and a human rights approach to confront both the immediate and the long-term need of people and communities to move from a state of homelessness and landlessness to a position of having access to a livelihood and a secure place to live.

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Introduction

1. The present report is submitted in accordance with Commission resolution 2004/21.
2. In his report at the three-year point of his mandate (E/CN.4/2003/5), the Special Rapporteur presented a comprehensive overview of his activities since his appointment in 2000 and highlighted trends, priority issues and challenges also reflected in his first (E/CN.4/2001/51) and second (E/CN.4/2002/59 and Corr.1) reports. In his last report to the Commission (E/CN.4/2004/48), the Special Rapporteur adopted a thematic approach and focused on one of the priority issues with respect to adequate housing as a component of the right to an adequate standard of living, i.e. forced evictions, which the Commission, in its resolutions 1993/77 and 2004/28, recognized as gross violations of human rights, especially the right to adequate housing. In his 2004 report the Special Rapporteur recommended a process for the drafting of human rights guidelines on forced evictions. If such guidelines are adopted by States they could also serve to reduce homelessness caused by evictions
3. In his present report, the Special Rapporteur continues his thematic approach and focuses on homelessness and its causes and impacts, including on women, children, youth, indigenous peoples and people living with disabilities, especially mental illness, from a human rights perspective. Increasing and continuing homelessness is the ultimate symptom of the lack of respect for the right to adequate housing. There are today an estimated 20-40 million homeless people in urban centres worldwide.¹ During the period covered by this report, the Special Rapporteur has undertaken two country missions, to Kenya (February 2004) and to Brazil (June 2004). Reports of the missions to Kenya and Brazil are available as addenda to the present report (E/CN.4/2005/48/Add.2 and Add.3, respectively). As during previous missions, the Special Rapporteur has witnessed and taken testimonies from people who are homeless, and seen the conditions of living in the streets, in cardboard boxes, in tunnels, metro stations and other such spaces. Testimonies and reports reveal that homelessness is often, in addition to social exclusion, a result of human rights violations in diverse forms, including discrimination on the basis of race, colour, sex, language, national or social origin, birth or other status. Similarly, the impact of homelessness on certain groups is particularly serious, such as on women and on children, and persons living with mental illness.
4. In his past reports, the Special Rapporteur has adopted the indivisibility approach to his mandate, exploring linkages with other related rights such as the rights to food, water, health, work, property, and security of person, security of the home and protection against inhuman and degrading treatment. Considering homelessness necessitates the examination of a range of issues related to adequate housing, such as the impacts of globalization, privatization of essential services, conflict situations and poverty, as well as the role of gender and other factors that are linked to vulnerability to homelessness. It requires an analytical approach that places security of tenure, security of the home, and security of the person at the core.
5. As an addendum to this annual report, the Special Rapporteur for the first time presents his communications with Governments. The Special Rapporteur is encouraged by the willingness and the frankness with which many Governments have engaged in constructive dialogue as a result of an urgent action or a letter of allegation received by the Special Rapporteur. As indicated in his previous reports, the majority of cases in which the Special Rapporteur has intervened relate to threatened or undertaken forced evictions. But whether

policy issues, cases of alleged excessive use of force, lack of consultation and prior notice, or absence of compensation or alternative housing arrangements, the underlying insecurity of becoming homeless contributes to a “culture of fear” that the poor have to live with. Where appropriate, the Special Rapporteur has joined in urgent appeals on forced evictions with other special procedures, i.e. the Special Rapporteurs on torture, the human rights of migrants, the situation of human rights and fundamental freedoms of indigenous people, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right to food, and the Working Group on Arbitrary Detention.

6. The Special Rapporteur has continued his collaboration with the United Nations human rights system, including treaty bodies. On 24 February 2004 he testified before the open-ended working group established by the Commission on Human Rights to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, where he highlighted the relevance of an individual communications procedure for groups threatened or affected by forced evictions, homelessness and other violations of the right to adequate housing. In August 2004, at the sixty-fifth session of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur discussed his work with the Committee, including possible areas of future collaboration. One of the ideas stemming from the meeting was to jointly elaborate questions for States parties with respect to the right to adequate housing and racial discrimination.

7. The Special Rapporteur also participated in several meetings and events initiated by UN-Habitat and other United Nations bodies, including the Second World Urban Forum of UN-Habitat held in Barcelona, Spain, in September 2004. He participated in a parallel panel discussion organized by the UN-Habitat Advisory Group on Forced Evictions. The Special Rapporteur also participated in the twelfth session of the United Nations Commission on Sustainable Development in New York in April 2004, as a keynote presenter/panel member on the themes “Status of implementation of the Millennium Development Goals/Johannesburg Plan of Implementation goals related to human settlements - from global to local levels” and “Housing rights and secure tenure - a prerequisite for housing the poor?” In October 2004, the Special Rapporteur was invited by the Cambodia Housing Rights Task Force - an initiative involving the Municipality of Phnom Penh, civil society groups and United Nations agencies, which he had praised in his previous report - to further examine its work, especially on the prevention of forced evictions. In December 2004, the Economic and Social Commission for Asia and the Pacific and the Office of the High Commissioner for Human Rights in Bangkok invited the Special Rapporteur to address the Practitioner’s Forum on the right to adequate housing, as a follow-up to a Regional Housing Dialogue organized by the United Nations Housing Rights Programme and ESCAP in June 2004.

8. The Special Rapporteur has continued to contribute to, and cooperate actively with, civil society initiatives, including through his participation in the World Social Forum in Mumbai, India, in January 2004 and the World Forum of Cultures in Barcelona in September 2004. He also participated in numerous seminars and events on the right to water in different parts of the world, including a seminar organized by FIAN-FoodFirst Information and Action Network Sweden on the occasion of Stockholm Water Week in August 2004. During this visit the Special Rapporteur also met with relevant officials in the Government of Sweden and civil society to understand the housing and homelessness situation in Sweden.

9. The Special Rapporteur issued a statement on World Habitat Day 2004 in which he highlighted the structural issues that contribute to the enormous crisis of housing and homelessness affecting certain groups, such as women, disproportionately. He called for concerted efforts from Governments consistent with their human rights obligations and warned that failure to do so would mean more homelessness, landlessness and growing urban and rural apartheid across the world.

10. The Commission has also entrusted the Special Rapporteur with the additional task of submitting a separate report under Commission resolution 2003/22 on women's equal ownership of, access to, and control over land, and equal rights to own property and to adequate housing. Numerous activities that the Special Rapporteur has been involved in over the past year, including statements² and regional consultations, are summarized in the report on women and housing. This report, therefore, should be read in conjunction with that one (E/CN.4/2005/43).

I. DEFINING HOMELESSNESS

11. While the majority of the world's population lives in some form of dwelling, roughly one half of the world's population does not enjoy the full spectrum of entitlements necessary for housing to be considered adequate. According to general comment No. 4, on the right to adequate housing adopted in 1991 by the Committee on Economic, Social and Cultural Rights, in order for housing to be adequate it must provide more than just four walls and a roof over one's head; it must, at a minimum, include the following elements: security of tenure, affordability, adequacy, accessibility, proximity to services, availability of infrastructure and cultural adequacy. The right to adequate housing is widely violated globally. United Nations estimates indicate that approximately 100 million people worldwide are without a place to live. Over 1 billion people are inadequately housed.

12. Numerous studies have been done on homelessness, on its causes and on the conditions faced by those caught in this reality.³ Global studies face two main challenges: firstly, to come to grips with the imbalance with respect to available information and statistics, and secondly, to struggle with defining the concept of homelessness, and thereby identify the homeless. Existing data largely come from developed countries whereas data, including disaggregated statistics, are scarce in other parts of the world. This scarcity is often a result of homelessness remaining a taboo subject, the existence of which continues to be vigorously denied by many Governments.

13. One way of defining homelessness is to characterize it narrowly in terms of roof-, shelter- and houselessness. Such definitions are inadequate, however. In developing countries, the most commonly used definitions of homelessness recognize that an element of social exclusion is part of the experience of the homeless, underlining that "(h)omelessness carries implications of belonging nowhere rather than simply having nowhere to sleep".⁴ As noted in previous reports, adequate housing is not merely a roof and four walls, but rather is a place to live in peace and dignity. This point is illustrated by general comment No. 4, with its elaboration of the elements necessary to qualify housing as adequate. Similarly, and in a more general sense, the notion of a "home" is often associated with belonging, identity and family, depending on the cultural context. To facilitate definition of the problem and render the issue more measurable, however, some countries have explicitly moved away from robust conceptions of homelessness, adopting definitions and descriptions based on the lack of dwelling, shelter or roof. The United Nations Statistics Division of the Department of Economic and Social Affairs

offers another definition, stating that the homeless are those from “households without a shelter that would fall within the scope of living quarters. They carry their few possessions with them sleeping in the streets, in doorways or on piers, or in any other space, on a more or less random basis”.⁵

14. The Special Rapporteur does not intend to propose yet another definition of homelessness. For the purpose of the present report he will focus on homelessness as the lack of even the most basic shelter. That being said, a narrow definition of homelessness should not in any way be confused with the broader issue of inadequate and insecure housing and shelter in distressed conditions, a fundamental matter of international human rights law which requires government commitment and multisectoral action, as also stressed in the previous reports of the Special Rapporteur.

II. LEGAL BASIS FOR PROTECTION AGAINST HOMELESSNESS

15. The obligation of States to take steps towards the realization of the right to adequate housing for all, and therefore to undertake measures to prevent homelessness, is laid down in a number of international legally binding human rights instruments. These instruments also form the basis of the mandate of the Special Rapporteur. They include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Rights of the Child (art. 27, para. 3), and the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination (see E/CN.4/2004/48, paras. 19-22).

16. In addition, direct reference to homelessness has been made in a number of interpretative documents. In general comment No. 4, the Committee on Economic, Social and Cultural Rights noted that while the problems are often particularly acute in some developing countries which confront major resource and other constraints, “significant problems of homelessness and inadequate housing also exist in some of the most economically developed societies” (para. 4). Among the steps to be taken immediately towards the full realization of the right to adequate housing, regardless of the status of available resources in a given country, the Committee mentions the adoption of a national housing strategy, which “should reflect extensive genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives” (para. 12).

17. Likewise, in its general comment No. 7 on forced evictions, adopted in 1997, the Committee emphasized the obligation of States to ensure that “(e)vications should not result in individuals being rendered homeless or vulnerable to the violation of other human rights” (para. 16). The Committee also underlined that certain groups or categories suffer disproportionately from the practice of forced evictions, emphasizing the situation of women. It furthermore stressed that Governments have an obligation to ensure that the principle of non-discrimination is ensured.

18. The right to adequate housing has also been recognized at the regional level, such as in the European Social Charter (1961), the European Convention on the Protection of Human

Rights and Fundamental Freedoms (1950), the American Declaration of the Rights and Duties of Man (1948), and through the jurisprudence of the African Commission on Human and Peoples' Rights (see *ibid.*, paragraphs 19-22). Article 31 of the revised European Social Charter (1996) refers explicitly to homelessness: "With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: ... to prevent and reduce homelessness with a view to its gradual elimination." While not explicitly mentioning homelessness, article XI of the American Declaration of the Rights and Duties of Man states: "Every person has the right to the preservation of his health through sanitary and social measures relating to ... housing ... to the extent permitted by public and community resources."

19. In addition to legally binding instruments and authoritative interpretation thereof, homelessness has been addressed by a number of international world conferences and other forums. Agenda 21, adopted by the United Nations Conference on Environment and Development in 1992, states that "[a]s a first step towards the goal of providing adequate shelter for all, all countries should take immediate measures to provide shelter to their homeless poor." (chap. 7, para. 7.9 (a)). It also calls for enhanced efforts to address urban poverty (chap. 7, para. 7.16 (b) (ii)).

20. The Habitat Agenda, adopted at the second United Nations Conference on Human Settlements (Habitat II) in 1996, clearly reaffirms State and government commitment to the full and progressive realization of the right to adequate housing. It addresses homelessness directly at paragraph 11, highlighting the threats it poses to health, security and even life itself. The Habitat Agenda also addresses the need to give special attention to the situation of vulnerable groups (para. 38), including refugee populations (para. 40). Finally, it is noted that for the Agenda to be fully and effectively implemented, the mobilization of additional financial resources, both nationally and internationally, will be required, as well as more effective development cooperation.

III. DRIVING FORCES BEHIND HOMELESSNESS

21. Homelessness, insecure tenure, as well as the lack of adequate housing contribute to and exacerbate a cycle of deprivation and insecurity and act as an impediment to the growth and development of people and communities the world over, both a root cause and an effect of complex social and economic problems.

22. There is no sole and easily identifiable cause of homelessness. Causes are diverse and multifaceted, including a lack of affordable housing, speculation in housing and land for investment purposes, privatization of civic services, ethnic and armed conflict, and rapid ill-planned urbanization. Inequality in global land ownership in both urban and rural areas also plays an aggravating role. In this section, for the sake of illustration, the Special Rapporteur uses examples from his country missions and other cases brought to his attention.

A. Structural factors

23. While the underlying reasons for homelessness are many and complex, poverty is a common denominator in the experience of the homeless, whether in urban or rural areas, or in developed⁶ or developing countries. It plays a key role in increasing vulnerability and

threatening the security of the housing situations of individuals and families. However, UN-Habitat has suggested that although poverty is a common feature, “the poverty levels of homeless people, especially in developing countries, may not differ from their housed peers as much as hearsay might suggest”.⁷

24. Globalization affects countries and regions within countries differently depending on a range of factors, including the degree of integration of the local economy into the global economy, the national and local policy context and the degree of decentralization of power, the influence of different institutions in each country and locality, and demographic characteristics. While global economic integration is creating new wealth, the number of homeless or precariously sheltered persons continues to grow. For the homeless and the poor, the benefits of globalization have been insignificant at best. Findings from the UN-Habitat Global Urban Indicators Database reveal that there is a wide gap between income groups, within countries and across countries in terms of the availability, affordability and habitability of housing and access to utilities and essential services, ultimately resulting in an increase in the number of people in inadequate housing and living conditions. In Peru, reforms sponsored by the International Monetary Fund’s structural adjustment programme in 1990 drove up rates of inflation and contributed to a significant decline in the real minimum wage.⁸ It is estimated that the population of street-dwelling poor rose to 5 million.

25. Even where developing countries have successfully attracted a large increase in private capital flows, the rapid growth of cities typically outpaces the provision of adequate housing, resulting in an increased number of the poor living in squatter settlements with no security or civic services. This situation is further aggravated when urban authorities or private operators clear such settlements for commercial use or high-income housing. Moreover, increasing trends towards privatization of housing services and markets typically result in land speculation and the commodification of housing, land and water. The application of user fees for goods such as water, sanitation and electricity, and the repeal of land ceiling and rent control legislation further exacerbate the problem, resulting in increased marginalization of the poor.

26. Based on the current trajectory, the future seems bleak for the world’s most vulnerable populations. More than 100 million people in the world’s poorest countries are projected to be living below the basic subsistence level of a dollar a day by 2015, caught in the poverty trap that is associated with economic globalization’s dark side. An in-depth study⁹ on the world’s 49 least developed countries rejects claims that globalization is beneficial for the poor, arguing that the international trade and economic system is part of the problem, not the solution. Accordingly, the current form of globalization is tightening rather than loosening the international poverty trap. As markets become more entwined, the world economy is becoming increasingly polarized and the least developed countries, particularly their poorest people, are being left behind. It is important to note that this also applies to high-income industrialized countries, where a growing number of households are living below the poverty line due to increasing unemployment, and in many cases a simultaneous decrease of social welfare and social security as a result of reduced public investments.¹⁰

27. The Special Rapporteur notes with grave concern that Governments continue the practice of mass evictions in cities as a means of creating “world-class cities”, lured by the prospect of international investment. Economic globalization has created competition amongst cities that is to the detriment of the poor. The example of Mumbai, India, is very recent. Between

December 2004 and January 2005, 80,000 homes were demolished rendering 300,000 people homeless. For the vast majority of those evicted there was no advance notice, the evictions were violently carried out, and the belongings, including identity cards, of many were damaged or burnt. Those evicted have not been offered alternative accommodation, clearly exacerbating the situation of homelessness in Mumbai. The Chief Minister explained these brutal demolitions as the only way to create a “world-class” city in the future.¹¹

28. Structural issues also have local dimensions. Unplanned urban migration has resulted in proliferation of urban slums and other informal settlements. Such settlements arise in part due to the colossal gap in the supply of formal-sector housing. The primary reason for this gap is the soaring cost of land, which is often pumped up artificially by speculation and formal-sector investment. Urban drift is officially cited as the main reason for the high degree of overcrowding in other centres. In Nigeria, for example, it is estimated that every hour three people move into Lagos with the intention of settling. At present, 60 per cent of the city’s population is in dire need of accommodation. This enormous housing shortage has led to the proliferation of slum communities in which people live without basic infrastructure and in highly unsanitary conditions. The Lagos State Government reportedly adopted a policy of eviction in response to deteriorating housing standards and has stated that in order to clean up housing and implement development projects, it had no option but to take firm measures to demolish these slums, which, in its view, housed illegal occupants who refused to leave peacefully.¹²

29. Large-scale developmental and infrastructure projects, including the construction of dams and roads, and mining activities often result in the massive displacement of people and communities, thereby violating human rights to livelihood and adequate housing and land. Since comprehensive and long-term rehabilitation is generally non-existent or inadequate, thousands of people are subjected to dire housing and health conditions by such projects. Since the 1950s, the construction of hydraulic and hydroelectric projects in China has resulted in the relocation of at least 10 million people

B. Legislation and policy

30. While public policy provisions and legislation are important to promote the right to adequate housing, laws can also be applied in ways that result in the right to adequate housing being violated. The Special Rapporteur has received reports of selective application of public health legislation and building codes for the purposes of carrying out evictions that can potentially expose vulnerable populations to significant harm, including homelessness, and further violations of their rights. While these evictions are ostensibly based on law, they can run counter to international human rights norms in the absence of assistance that ensures access to adequate housing.¹³

31. Resource allocation and policy decisions also play an important role in the realization of the right to adequate housing. The Special Rapporteur has followed, and continues to follow, developments in a number of countries with great interest. In the United States, for example, it has been noted that government financing and subsidies for affordable housing for low-income populations has reportedly decreased during past decades at both the federal and State level.

Figures indicate that “[b]etween 1976 and 2002 budget authority for federal housing assistance dropped by \$ 28.1 billion”.¹⁴ The Special Rapporteur received information that alleged that the implementation of the FY04 VA-HUD Appropriations Act by the United States Department of Housing and Urban Development threatened to have a negative impact on poor families by decreasing housing subsidies.¹⁵

32. The Special Rapporteur notes with concern the impact of laws that directly or indirectly criminalize homelessness and serve to further marginalize the homeless. In India, for example, the 1959 Bombay Prevention of Begging Act (adopted in Delhi in 1961) has been used by Delhi police to target the homeless as the Act permits intervention against anyone “having no visible means of subsistence and, wandering about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exists by soliciting or receiving alms”.

33. In light of the fact that homelessness is often intimately linked to barriers to income generation, including landlessness, the lack of legal provisions granting communities rights over land and other natural resources should also be noted as creating an obstacle to the full realization of the right to adequate housing. The failure of legal systems to protect homeless and landless people across the world is coupled with a tendency to criminalize them and is part of the trend of increasing violence against the landless and the urban homeless.

34. Positive examples are also to be noted. Momentum has grown behind an initiative in Hungary prompted by the need to address the growing number of homeless, and those at risk of becoming homeless, as a result of economic transition policies and privatization. The cost of public utility services began to rise dramatically when central subsidies were withdrawn. Many families found themselves unable to cope with increasing costs for essential services, including electricity and food, which sometimes increased by as much as 500 per cent. Accumulation of debts for payment of essential services became a reality for many. In response to this situation, a law providing for a debt management service came into force in January 2003 in order to help families in debt due to household expenditures settle their arrears. The ultimate aim of the programme is to restore and stabilize the ability to pay expenses and thus prevent families from being evicted.¹⁶

C. Homelessness as a result of conflict situations

35. The Special Rapporteur has witnessed the effects of conflicts first hand during some of his country missions. In Afghanistan, over two decades of conflicts have resulted in severe destruction and have left houses, public buildings, sanitation and other systems across the country in ruins. As a result, homelessness has become a reality for many. At the same time, urban areas have seen a dramatic growth in population due to the return of refugees, the presence of internally displaced persons who cannot return to their areas of origin, as well as an influx from rural areas of Afghans hoping for better employment possibilities and improved economic and social conditions in general (see E/CN.4/2004/48/Add.2, paragraphs 39-43).

36. Demolition of homes and destruction of property, including land and crops, is not always merely an indirect result of conflict. Housing and land have increasingly become strategic targets. The Special Rapporteur has repeatedly expressed his concern about the demolition of Palestinian houses and other buildings and the confiscation of Palestinian land becoming a

common and widespread measure used by Israel in the occupied Palestinian territories (see E/CN.4/2003/5/Add.1). These acts have left thousands of residents homeless and have harmed the livelihood of thousands more. During 2004, Israel is reported to have demolished 181 homes in the Occupied Territories as a means of punishment and 1,357 homes on the claim of military necessity. These demolitions left an estimated 11,500 Palestinians homeless. Since 1987, Israel is reported to have demolished 4,100 homes, rendering an estimated 28,000 Palestinians homeless.¹⁷

37. Systematic destruction of private homes, agricultural crops and land and water sources, together with pillage and looting, have also been one of the main features of the human rights violations taking place in Darfur, Sudan, resulting in displacement and homelessness (see E/CN.4/2005/3, paragraphs 70-73). Until security and protection are fully ensured people will not be able to return to their villages. Addressing security considerations must be matched with efforts to ensure the realization of the right to adequate housing, through compensation and reconstruction schemes.

38. In a press briefing on 10 May 2004 regarding the prevailing humanitarian crisis in Colombia, the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator stated that among Colombia's nearly 300,000 internally displaced, many were forced into urban slums and shantytowns, living in a "sea of sewerage and garbage". Others find themselves entirely homeless and destitute. The crisis of internal displacement is also a crisis of security. The internally displaced constitute a new recruitment base for the guerrilla, paramilitary forces and the drug mafias.

39. As illustrated, housing, land and property issues can fuel conflicts and be used as weapons in conflict. Conflicts often have elements of land occupation, as well as destruction of houses and land, sanitation facilities, water sources and, more generally, livelihoods. The Special Rapporteur is hopeful that there is an emerging realization on the part of governmental and non-governmental actors alike of the importance of addressing housing, land and property issues as an integral part of security and sustainable development strategies in peacekeeping and post-conflict situations.¹⁸ As he noted in his mission report on Afghanistan, a focus on security in a narrow sense risks being implemented to the detriment of the development of a comprehensive sustainable development approach, failing to create the necessary foundation for the realization of economic and social rights. That might have counterproductive results when the underlying reasons for prevailing insecurity, as opposed to its symptoms, may easily be ignored. This is particularly true with respect to housing, land and property rights, as conflict over such rights continues to be one of the main causes of conflict and a major contributing factor to prevailing insecurity in post-conflict areas.

D. Homelessness and landlessness

40. Inequality in global land ownership plays a central role as a barrier to tackling homelessness. Of all the private land in the world, nearly three quarters is estimated to be controlled by just 2.5 per cent of all landowners. An average of 71.6 per cent of rural households in Africa, Latin America, and Western and East Asia (excluding China) are landless or near landless.

41. Around the world, the poorest of the poor are often the landless, both in rural and urban areas. Land is normally the main asset from which the rural poor are able to derive a livelihood. When the poor lack adequate housing, it is often the consequence of being barred from access to land, credit, and materials with which to build. When access is granted, too often tenure remains precarious and is strictly tied to one's status as a productive labourer. There is a clear and intrinsic link between access to land and the right to adequate housing. Land is often a necessary and sufficient condition on which the right to adequate housing is absolutely contingent for many individuals and even entire communities. This interlinked problem ranges across the world from absolute landlessness and absolute homelessness to varying degrees of tenure insecurity, restricted access to marginal and low-quality land, and inadequate and insecure housing and living conditions. Being landless, or surviving on inadequate land with lack of secure tenure has a direct bearing on many people's ability to access adequate and secure housing.

42. Landlessness gives rise to a host of interrelated problems that range from inadequate housing, lack of livelihood options, poor health, hunger and food insecurity, to acute poverty. Land and the concomitant right to make productive and sustainable use of that land is a fundamental prerequisite for poverty eradication. It is also critical for building socio-economic security. Many Governments and donor agencies fail to understand the important role that landlessness often plays in poverty and marginalization. Lack of housing and property rights and the systematic denial of tenure security, security of the home and of the person for the majority of the world's population fuels acute global humanitarian crises. Severe inequality in landholdings, like the *latifundia* model in Latin America, apart from being socially and ecologically destructive, greatly aggravates the housing crisis. The growing concentration of land with corporate enterprises and the accompanying industrialization of agriculture tend to displace the poor to marginal areas for farming, and threaten social and ecological sustainability.

43. A lack of adequate affordable housing underlies both rural and urban homelessness. While housing costs are lower in rural areas, so are rural incomes, leading to similarly high rent burdens. Given the indivisibility of human rights, the rights to livelihood, employment, land, food, health and adequate housing have to be addressed and guaranteed together. In most countries, rapid migration to urban centres is not a product of industrial development occurring in towns and cities, but rather it is the product of extreme rural poverty due to historic phenomena of landlessness, land insecurity and land conversions. In the cities, these migrants are often precluded from accessing adequate housing facilities.

44. Since the two phenomena of landlessness and homelessness are interrelated, one cannot be treated in isolation from the other. Dealing with rights in isolation, often through vertical programmes focused narrowly on specific needs, rarely addresses the roots of problems, nor does it ensure the complete realization of any right. For example, the failure by States to protect the rural economy of small farmers leads to forced migration to cities, exacerbating an already dire housing situation. The Special Rapporteur draws attention to the importance of recognizing the principle of indivisibility. In this connection, he welcomes the adoption of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security by the Council of the Food and Agriculture Organization of the United Nations, and he encourages Governments to take note of guideline 8b addressing land and tenure security

45. The priority given to land and agrarian reform has been declining in most countries, even those that are largely rural. The lack of political will to address these issues has given rise to well-organized movements of landless peasants and rural workers who are bringing land reform to national and international policy debates. These movements are putting forth sustainable alternatives and are growing rapidly around the world, from Brazil and Bolivia to Honduras and Nicaragua to South Africa and Indonesia. The Special Rapporteur encourages Governments to work together with civil society movements in the development of comprehensive approaches to promoting the realization of the right to adequate housing, including policies and programmes that address land security where it is essential for the realization of the right.

IV. IMPACT OF HOMELESSNESS - GROUPS IN FOCUS

A. Women

46. The factors which increase women's vulnerability to homelessness are multifaceted, and their exact nature varies with differences found in local cultural, economic and legal structures. Structural aspects related to securing the right to adequate housing render invisible the full extent of homelessness, including the threat of homelessness. Addressing women and vulnerability to homelessness must first start with access to the skills, resources and place in the community that allow for the securing of adequate housing. In many places the lack of educational and employment opportunities for women often necessitates economic reliance on family, informal support networks, or a partner or spouse.¹⁹ Such dependence deprives women of the ability to make real choices concerning a range of issues in their lives intimately linked to their well-being, including where and with whom they live. This type of dependency also leaves many women vulnerable to exploitation. Fear of homelessness motivates many women to make life choices they would not otherwise make.

47. Legal provisions and their interpretation increase women's vulnerability to homelessness in many places. A lack of security of tenure as well as the failure to recognize women's property rights inside, outside and upon dissolution of marriage or domestic partnership is a major contributing factor. In situations where women are economically dependent on their partner, and where there are no legal provisions which adequately recognize women's individual interests or joint interests in family assets, including the family home, women can be left vulnerable to homelessness. Even where laws are in place to recognize the interests of women, where one partner is seeking to dissolve a marriage or domestic partnership, women often lack the means to retain adequate legal counsel or access the courts to protect their personal interests. In jurisdictions offering some form of legal aid, this too is often restricted to criminal matters and fails to address family law, systematically disadvantaging women.

48. The Special Rapporteur notes that domestic violence can greatly increase women's vulnerability to homelessness, especially when there is a lack of protection by law enforcement officials, or by the legal system itself. He stresses that some of the pervasive cultural assumptions about a woman's need to "leave" a violent household - as opposed to the need to remove a violent partner - must be addressed as they undermine women's enjoyment of the right to adequate housing. As stated above, the lack of security of tenure for women, coupled with a lack of employment opportunities, leaves many women without real opportunities to secure housing independently. The Special Rapporteur notes that this precariousness and the associated fear of homelessness can lead some women to stay in abusive and dangerous situations, or return

to them if they have attempted to leave.²⁰ In settings where there is stigma associated with the perceived “breakdown” of marriage or domestic partnership, informal networks of care and support may disintegrate and further expose women to the risk of homelessness. Even where some level of community-based support is provided, whether through shelters or other social welfare measures, it is often insufficient.²¹

49. Realizing the right to adequate housing is an essential component of larger strategies to promote safety and security, and the realization of other rights such as the right to health. Some studies have tried to understand how an inadequate standard of living, including substandard housing or homelessness, can be correlated with the occurrence of abuse and violence. While evidence remains largely anecdotal, some hypotheses posit that factors associated with poverty, such as overcrowding, may contribute to stresses and tensions that manifest themselves as violent behaviour.²² The Special Rapporteur encourages robust analytical and practical approaches to addressing the rights of women that recognize that rights are interconnected and interdependent.

B. Children

50. Homelessness and inadequate shelter is a critical problem faced by children and their families across the world. Recent data studying the impact of armed conflict on children are alarming - estimates reveal that 12 million children have been rendered homeless in the last decade.²³ The experience of street children is receiving increasing attention in many developing countries. The Special Rapporteur notes with concern, however, that the linkages between children’s homelessness and the factors that make their primary caregivers - usually women - vulnerable to homelessness are often overlooked.²⁴

51. Empirical data show that where children are homeless or living in dismal conditions, their growth, development and security are seriously compromised. Figures from India, where 40 per cent of the total urban population of 280 million is classified as poor, offer a clear illustration of this. More than half of the country’s poor urban children are underweight; a high proportion are severely undernourished, affecting growth and development, while more than 80 per cent of poor children in India’s urban areas have anaemia.²⁵ Children and families of the urban poor often live in slums and squatter communities under intolerable and subhuman conditions. They do not have access to clean water, nor do they have proper sewage and garbage disposal systems, and are thus highly vulnerable to infectious diseases.

52. Millions of urban and rural dwellers around the world live in fear of eviction. The impact of eviction on children can be particularly devastating, as is the reality of living in constant fear of being evicted. Children are often a large proportion of those evicted, particularly when eviction affects large numbers of persons. Evictions usually lead to homelessness and most often to serious economic upheaval. Possessions are destroyed, family stability jeopardized, livelihoods and schooling threatened. Affected children describe the violence, panic and confusion of the evictions and the painful experience of sleeping and managing their lives out in the open. They also face the challenge of re-establishing a stable life and dealing with frequent breakdowns in family relations as a consequence of the stress and economic challenges that are the result of homelessness.²⁶

C. Youth

53. A range of factors act as barriers to adequate housing for older children and young adults. As with the other groups in focus in this report, poverty, disability and illness, abuse, discrimination and underemployment can all increase vulnerability to homelessness.

Adolescents and young adults can be particularly vulnerable as a group, however, because of the need for support from family, peers and the community when making the transition to adulthood, and taking on the increased responsibility for themselves and others that this entails. For many youths who are homeless, their present situation is a product of past neglect and marginalization, often accompanied by either a lack of community or social support, or inadequate provision of social services.

54. The needs of young people at risk of becoming homeless are diverse. The Special Rapporteur welcomes supported housing initiatives which are flexible and allow movement from more structured environments to less restrictive ones, according to individual needs and preferences. Youth must play a key role in shaping these services, including supported housing. In addition to participation being a right, studies have shown that programmes are more effective in addressing homelessness when they allow for choice and foster autonomous decision-making..

55. There is significant need for new programmes which aspire to reach all youth - rural and urban - in need of social assistance, including adequate housing. The Special Rapporteur notes, however, that there are barriers to receiving assistance in some programmes, which in effect amount to a denial of the right to adequate housing. Social assistance might be available in principle to adolescents under the age of majority and old enough to live independently, but social workers and programme administrators may insist on parental consent or permission before granting assistance, either due to programme requirements or on the basis of personal beliefs. Current programmes may need to be reviewed to ensure that they do not exclude adolescents who have not reached the age of majority and do not have access to a parent or legal guardian who will act on their behalf and according to their best interests. The Special Rapporteur notes that the consequences of denying access to social assistance and adequate housing are particularly serious where abuse is present. In some cases, the withholding of consent is a way for parents or guardians to unreasonably maintain control or power over minors in their care. Adolescents are left with few options in such circumstances and face a difficult decision: to remain in a household where they are at risk of physical and mental harm, or to escape to a homeless alternative which is admittedly precarious but without the relative certainty of continued abuse by family members or legal guardians.

56. The Special Rapporteur notes that age discrimination within the private rental market is also another important barrier to adequate housing that must be addressed. Age-based discrimination includes practices, such as unreasonable insistence on a co-signer or references, that have an adverse impact upon young people, particularly those from poor or unstable families. States must ensure that residential tenancy legislation prohibits age-based discrimination, with a view also to including this within constitutional frameworks and relevant human rights legislation. Effective and accessible mechanisms must exist so that youths who have been unfairly treated by private and public property managers and landlords can seek appropriate redress. Ombudsman offices, social service agencies and community-based organizations should be enabled to represent youth when initiating actions through these mechanisms.

D. Indigenous peoples

57. The conceptual and practical linkage between land rights and the right to adequate housing is often particularly evident with respect to indigenous peoples. Article 1 of the International Covenant on Economic, Social and Cultural Rights declares that, “*In no case may a people be deprived of its own means of subsistence*”. Despite this provision, natural resource-dependent populations are still marginalized by national Governments through legislation and other means. Many States claim ownership over most land and other natural resources, while ignoring the rights of people who live in closest proximity to them. The failure to recognize indigenous and other local communities as rightful stewards or owners of the natural resources they have cultivated and managed - often over many generations - is symptomatic of the neglect of rights of the rural poor. The livelihood of most indigenous communities is closely linked to land and natural resources. The systematic denial of ownership and land rights makes them more vulnerable to forced displacement, thereby threatening their livelihoods and further exacerbating the global urbanization and homelessness crisis.

E. Persons with disabilities - mental illness

58. The needs of people with disabilities - particularly those living with mental illness - and their families are multiple and varied at different stages of disability and illness. The onset of symptoms associated with certain disorders can interfere with the ability to work or care for oneself and others. While many people successfully manage mild symptoms through the use of community-based care and access hospital-based care to address acute needs, there are many more people around the world who do not have access to the care and other forms of support they need. Stigma and discrimination associated with disability, particularly mental illness, acts as an additional barrier to accessing employment, housing, and other social services where they are available. These factors, individually and taken together, can greatly increase vulnerability to homelessness.

59. Mental health policy and care has shifted dramatically in recent decades, from a preference for centralized institutional care to community-based care.. A widely perceived need has been felt for less restrictive and more flexible care, better matched to the actual needs of persons living with mental illness. In many developed countries, a process of “deinstitutionalization” was initiated in the 1960s and 1970s, reducing psychiatric hospital censuses dramatically in a matter of decades. In the United States, for example, the rate of hospitalization in State mental health facilities went from 339 per 100,000 persons in 1955 to 21 per 100,000 by 1998.²⁷ In Italy, Law 180, enacted in 1978, mandated the closing of all mental hospitals, formalizing and accelerating pre-existing trends in care.²⁸ Deinstitutionalization is not a phenomenon limited to developed countries. South Africa, for example, has made deinstitutionalization a relatively recent part of its mental health reforms²⁹ which, according to certain sources, should be seen partly as a response to past human rights abuses in mental health facilities.³⁰ This has been an additional driving force in the policy reform process.

60. Parallel growth in community support and community-based care for persons living with mental illness has not taken place to the required extent. In many countries, in the absence of community support such as assisted housing and drop-in centres, there have been significant and unintended consequences of deinstitutionalization policies, notably increased burden on family caregivers, diversion of persons with severe mental illness to the criminal justice system, and increased homelessness.

61. Where stigmatization remains unaddressed and health and social services are unavailable, persons with severe disabilities, particularly mental illness, will continue to face discrimination when seeking housing, or more general challenges in securing the resources necessary for obtaining adequate housing. Such challenges inevitably increase vulnerability to homelessness. It is essential that Governments scale up existing efforts to include people using mental health services in the design of multisectoral programmes, including supported and subsidized housing. Not only is participation itself a right, but it is also a component of psychosocial rehabilitation and efforts to achieve each individual's optimal level of functioning in the community. The Special Rapporteur welcomes commitments to multisectoral approaches to care, focused on the promotion of the human rights of persons living with mental illness, made in instruments such as the Declaration of Caracas adopted on 14 November 1990 at the Regional Conference on the Restructuring of Psychiatric Care in Latin America.

F. Communities discriminated against on the basis of ethnicity and descent

62. Certain sections of the world's population face multiple forms of discrimination. For instance, the Dalits - a community facing historical caste-based discrimination and disenfranchisement in India, Nepal and to some extent Pakistan - suffer extreme human rights violations, including with regard to land and housing rights. A majority of Dalits are still prevented from owning land and are forced to live on the outskirts of villages, often on barren land. While the struggle for Dalit land rights is growing, land reforms intended to benefit the rural poor and Dalits have been ineffective due to weak legislative provisions, inadequate implementation, and a lack of State commitment. In Nepal, for instance, two out of every five Dalits are landless. According to the *Human Development Report 2004*, 15.32 per cent of Dalits living in Nepal's hill areas are landless, and in the Tarai (plains), 43.98 per cent are landless (table 11). Nepal has 800,000 landless Dalits and 400,000 semi-landless.³¹ For those Dalits who do have access to housing, studies have pointed out that they tend to live in the poorest-quality houses, many of them being temporary thatched roof structures.³²

63. Brazil provides another example, where the Afro-Brazilian communities of Quilombos (former slave colonies) also face discrimination that severely impacts their ability to enjoy the right to adequate housing and forces them to the fringes of mainstream society (see E/CN.4/2005/48/Add.3). In the context for the need for a deeper analysis of the impact of the denial of economic, social and cultural rights, including housing, of descent- and ethnicity-based communities, the Special Rapporteur welcomes the new study initiated by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 2004/17.

V. WORK AND STRATEGIES TO EXPOSE AND COUNTER HOMELESSNESS

64. The Special Rapporteur receives a large number of communications alleging violations of the right to adequate housing and related rights worldwide. The Special Rapporteur appreciates the timely responses received from a number of Governments to the letters and urgent appeals transmitted. He regrets that others have failed to respond or have done so in a selective manner, not responding to all the questions arising from the communication. While the majority of communications and urgent appeals sent by the Special Rapporteur deal with threatened or undertaken forced evictions, including cases of alleged excessive use of force, lack of consultation and prior notice, absence of compensation or alternative housing arrangements, the underlying fear of becoming homeless is prevalent among those affected.

65. The word limit on the present report precludes an extensive overview of the many important and effective initiatives being led by civil society organizations to expose and counter homelessness. The Special Rapporteur, however, would like to draw attention to the work of groups such as the European Federation of National Organizations Working with the Homeless (FEANTSA). FEANTSA reports regularly on legislative changes in European countries that have implications - positive and negative - for the homeless. The organization, for example, has drawn attention to the effects in France of the law on internal security of 18 March 2003, amending the Penal Code to make it a criminal offence to occupy a site for dwelling, even temporarily, without prior authorization. Although this amendment aims mainly at preventing illegal occupation by travelling communities, concern has been raised that the effect will be particularly important for the homeless, including part of the travelling community, trying to find temporary shelter.³³

66. Numerous organizations in India, United States, Australia³⁴ and other countries are taking up the issue at the national and international levels. The Special Rapporteur urges Governments to work with these organizations and to use their experience to work out viable solutions to homelessness.³⁵ The Special Rapporteur commends the work of the homeless themselves in organizing the struggle for their human rights.³⁶

VI. CONCLUSIONS AND RECOMMENDATIONS

67. **Responses to the causes and consequences of homelessness need to draw upon key principles of international human rights law and practice: indivisibility of rights, gender equality and non-discrimination. The right to adequate housing has to be recognized as being linked to and congruent with the right to security of the person, the right to security of the home, the right to participation, the right to privacy, the right to freedom of movement, the right to information, the right to be free from inhumane and degrading treatment, and the right not to be arbitrarily detained.**

68. **The widespread discrimination that women face in all aspects of housing, land and property matters, including homelessness in the context of domestic violence, calls for the specific recognition of women's right to adequate housing and their rights to security of home and person. Gender-sensitive housing policies and legislation need also to take into account that some groups of women are even more vulnerable to homelessness and other housing rights violations - victims of domestic violence, widows, women-headed households, women victims of forced evictions and indigenous women.**

69. **The principle of non-discrimination must guide all aspects of programme design and implementation in a range of policy areas connected to the right to adequate housing. Worldwide, individuals and communities are facing discrimination in terms of access to essential civic services such as transportation, which in turn affect the ability to access employment, education, health services and childcare. Such occurrences of discrimination drive physical and social segregation and ghettoization. When members of identifiable groups, including women and minority populations, face barriers to the enjoyment of the right to adequate housing and other rights, international human rights law requires the development and implementation of positive measures to overcome such barriers. Governments must turn their attention to the needs of vulnerable populations as a matter of urgency as part of their development of effective and comprehensive responses to homelessness.**

70. **The state of sheer homelessness in the world today, along with the immense crisis faced by millions living in inadequate and insecure housing and living conditions, calls for a combination of a humanitarian and a human rights approach, as stressed by the Special Rapporteur in his country mission reports. With this point of departure and these general observations, the Special Rapporteur makes the following recommendations:**

- (a) Legislation and regulation:**
 - (i) National and regional legislation should reflect people's rights to information and participation. These provisions need to be supported with effective implementation;**
 - (ii) States should work to provide legal recognition of the collective/ community-based property rights of indigenous and other local communities in order to minimize insecurity of land ownership and protect against forced displacement;**
 - (iii) Legislation to check the activities and growth of land and housing speculators needs to be brought into effect in order to curtail escalating property prices. This includes the development of legal and regulatory frameworks that place ceilings on both rural and urban land ownership, and political commitment to implement land and agrarian reform programmes designed to redistribute land to the landless;**
 - (iv) If not already in place, Governments are encouraged to develop legislation prohibiting forced evictions and displacement of people. Provisions for adequate and timely rehabilitation must be an integral component of such legislation;**
 - (v) Domestic violence legislation must incorporate women's rights to adequate housing and their right to be free from violent offenders;**

(b) Programme design and financing:

- (i) Strong social housing programmes are required in both rural and urban areas. Governments are encouraged to explore the range of policy options available to them in financing these initiatives, including the reallocation of existing budgetary resources as well as negotiated cuts in external debt financing;**
- (ii) State health programmes must take into account the special housing needs of disadvantaged groups, including people living with mental and other disabilities;**
- (iii) State-run shelters, in particular for women and children, should be set up close to sources of livelihood in urban centres, with the aim of reintegrating people into the community;**
- (iv) Governments are encouraged to collaborate with development agencies and donors to create integrated rural development strategies, including schemes for employment generation in rural areas to minimize forced migration to cities;**
- (v) The Special Rapporteur recommends that Governments work more closely with NGOs and local communities in developing city master plans and urban development schemes and projects. The special concerns of women and their housing needs must be reflected in master plans for urban and rural development;**

(c) Enforcement, protection and monitoring:

- (i) State-sponsored violence and police brutality against the homeless must be urgently checked and those responsible for offences must be brought to justice;**
- (ii) Laws criminalizing homelessness need to be repealed and replaced with laws and policies that recognize the right to adequate housing for the homeless.**

Notes

¹ United Nations Centre for Human Settlements (UN-Habitat), *The State of the World's Cities, 2001* (Nairobi: United Nations Centre for Human Settlements, 2001), p. 30.

² In the context of this report see, for example, the statement of the Special Rapporteur on the forced eviction of women from a shelter for the homeless in New Delhi, October 2004.

³ See in particular, United Nations Centre for Human Settlements (UN-Habitat), *Strategies to Combat Homelessness* (Nairobi: United Nations Centre for Human Settlements, 2000). Also see A.G. Tipple, and S.E. Speak, “Homelessness in developing countries” (Newcastle upon Tyne: Global Urban Research Unit, University of Newcastle upon Tyne, 2003).

⁴ UN-Habitat, *ibid.*, p. 16.

⁵ *Principles and Recommendations for Population and Housing Censuses*, United Nations publication, Sales No. E.98.XVII.8, para. 1.328.

⁶ As an example of the crisis of homelessness in a developed country see: National Law Center on Homelessness and Poverty (NLCHP), *The right to adequate housing in the United States*, (Washington, DC: NLCHP, 2004).

⁷ UN-Habitat, *op. cit.*, at note 3, p. 61.

⁸ Evelyne Hong, *Globalisation and the Impact on Health: A Third World View*. People’s Health Movement, 2000.

⁹ United Nations Conference on Trade and Development (UNCTAD), *The Least Developed Countries Report, 2002: Escaping the Poverty Trap*. (United Nations publication, Sales No. E.02.II.D.13, 2002).

¹⁰ *Ibid.*, pp. 3-4.

¹¹ See the report of the Indian People’s Tribunal on Environment and Human Rights (forthcoming March 2005).

¹² See the addendum to this report on communications with Governments.

¹³ See the detailed analysis of forced evictions contained in the Special Rapporteur’s previous report (E/CN.4/2004/48).

¹⁴ Maria Foscarinis, Brad Paul, Bruce Porter and Andrew Scherer, “The Human Right to Housing: Making the Case in U.S. Advocacy”, *Clearinghouse Review, Journal of Poverty Law and Policy*, July-August 2004, p. 103.

¹⁵ See the addendum to this report on communications with Governments.

¹⁶ Peter Bakos, “Favourable Measures to Tackle Indebtedness in Hungary”, *Legislative Change Affecting Housing and Homelessness in Europe*. The Newsletter of FEANTSA the European Federation of National Organisations working with the Homeless (Autumn 2004).

¹⁷ B’Tselem, B’Tselem’s 2004 Summary Statistics (http://www.btselem.org/english/statistics/20043112_2004_statistics.asp) and Planning and Building (http://www.btselem.org/english/Planning_and_Building/Index.asp).

- ¹⁸ The Special Rapporteur appreciates the work of the Special Rapporteur of the Sub-Commission in the Promotion and Protection of Human Rights on housing and property restitution. See E/CN.4/Sub.2/2004/22 and Add. 1.
- ¹⁹ O.W. Barnett, “Why Battered Women Do Not Leave, Part I: External Inhibiting Factors within Society”, *Trauma, Violence & Abuse* vol. I, (October 2000), pp. 343-372.
- ²⁰ S. Metraux and D. Culhane, “Family dynamics, housing and recurring homelessness among women in New York City” *Journal of Family Issues*, vol. 20, No. 3 (1999), pp. 371-396.
- ²¹ M. Morrow, O. Hankivsky and C. Varcoe, “Women and Violence: the Effects of Dismantling the Welfare State”, *Critical Social Policy*, vol. 24, No. 3 (2004), pp. 358-384.
- ²² E.G. Krug et al. (eds.), *World Report on Violence and Health* (Geneva: World Health Organization 2002), p. 99.
- ²³ Campaign Against Arms Trade, “Paying the Price - Children and the arms trade”. Online at <http://www.caat.org.uk/information/magazine/1100/children.php>.
- ²⁴ For an overview of this critical linkage, see Suzanne Speak, “The relationship between children’s homelessness in developing countries and the failure of women’s rights legislation”, Unpublished paper on file with OHCHR.
- ²⁵ UNICEF, *The Young Child from Urban Poor Communities in India*, UNICEF India Country Office, 2001.
- ²⁶ For more details on the impact on children, see also the report of the Special Rapporteur on adequate housing on forced evictions (E/CN.4/2004/48), paras 58-61.
- ²⁷ H.R. Lamb and L.L. Bachrach, “Some Perspectives on Deinstitutionalization”, *Psychiatric Services*, vol. 52, No. 8 (2001), p. 1039.
- ²⁸ World Health Organization, *World Health Report 2001 - Mental Health: New Understanding, New Hope* (Geneva: WHO, 2001).
- ²⁹ Leslie Swartz and Hayley MacGregor, “Integrating Services, Marginalizing Patients: Psychiatric Patients and Primary Health Care in South Africa”, *Transcultural Psychiatry*, vol. 39, No. 2 (2002), pp. 155-172.
- ³⁰ Lamb and Bachrach, op. cit. at note 27, p. 1039.
- ³¹ Hira Vishwakarma, “Unassociated Dalit Movement with Land Rights”, in *Land First: Civil Society Action for Land Rights*; Community Self-Reliance Centre, Kathmandu, September 2004.

³² D.R. Ram et al., National Dalit Strategy Report, Part I - Situational Analysis of Dalits in Nepal, Kathmandu, May 2002. Report prepared for the National Planning Commission of Nepal. Available at <http://www.nepaldalitinfo.20m.com/Analysis2002.pdf>.

³³ Marc Uhry, “*The criminalization of homeless people in France: How the Law on internal security makes criminals of 300,000 members of the travelling community*”. The Newsletter of FEANTSA, op. cit., at note 16.

³⁴ For advocacy strategies see Alison Aggarwal, “Homelessness and the United Nations: The role of the United Nations Special Rapporteur on adequate housing” in *Homelessness, Human Rights and the Law*, February 2004 edition of *Parity*, the publication of the Australian Council to Homeless Persons, at www.parity.infocharge.net.au.

³⁵ See, for example, the work of Aashray Adhikar Abhiyan in India at: <http://www.indev.nic.in/delhishomeless>. Regarding work in the United States, in addition to groups mentioned in this report, see the work of the Chicago Coalition for the Homeless at: <http://www.chicagohomeless.org>.

³⁶ See, for example, the numerous newspapers published by the homeless, such as The Big Issue (www.bigissue.com).
