



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2005/48/Add.1  
17 January 2005

ENGLISH ONLY

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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Item 10 of the provisional agenda

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

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

**Addendum**

**Summary of information transmitted to Governments and replies received**

**CONTENTS****COMMUNICATIONS SENT TO AND REPLIES RECEIVED FROM  
GOVERNMENTS DURING 2003-2004**

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 3	3
Bangladesh .....	4 - 5	3
China .....	6 - 7	4
Egypt .....	8 - 9	5
Greece .....	10 - 11	5
India .....	12 - 20	6
Israel .....	21 - 24	8
Mexico .....	25 - 26	9
Nigeria .....	27 - 28	10
Philippines .....	29 - 30	10
Slovakia .....	31 - 33	11
Spain .....	34	12
Sri Lanka .....	35 - 39	12
Sudan .....	40 - 41	13
Turkey .....	42 - 47	14
United States of America .....	48 - 50	16

## **Introduction**

1. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living receives a large number of communications alleging violations of the right to adequate housing and related rights worldwide. The main sources of such communications are national, regional and international non-governmental organizations, intergovernmental organizations and other United Nations procedures concerned with the protection of economic, social and cultural rights. This addendum to the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living contains, on a country-by-country basis, summaries of general allegations and of urgent appeals transmitted to Governments during 2003 and 2004, as well as summaries of government replies received. The Special Rapporteur further would like to note that he continuously follows up on communications sent, where no reply has been received or where questions are still outstanding.
2. This is the first report by the Special Rapporteur on adequate housing reflecting his communications with Governments. The majority of communications and urgent appeals reflected in this report deals with threatened or undertaken forced evictions, including cases of alleged excessive use of force, lack of consultation and prior notice or absence of compensation or alternative housing arrangements. However, other issues such as administrative measures allegedly impacting negatively on low-income families, discrimination against the Roma community, and displacement due to development projects have also been brought to the Special Rapporteur's attention, as reflected. Where appropriate, the Special Rapporteur has joined in urgent appeals and letters of allegations with other special procedures, i.e. the Special Rapporteur on the question of torture, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, the Special Rapporteur on the right to food, and the Working Group on Arbitrary Detention.
3. During the period under review, i.e. from 1 January 2003 to 15 December 2004, the Special Rapporteur sent 21 letters to 15 countries. 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. Owing to restrictions on the length of documents, the Special Rapporteur has been obliged to reduce considerably details of communications sent and received.

## **Bangladesh**

### **Communication sent**

4. On 2 October 2003, in a joint letter of allegation with the Special Rapporteur on torture, the Special Rapporteur sent a communication to the Government of Bangladesh inquiring about the alleged demolition of houses belonging to the Hindu community of the villages of Chakribakri, Madhukhali, Radhanagar, Bigordana, and Parmadhukhali, all in Khula district. It is alleged that these housing demolitions, taking place between 5 and 18 January 2003, were

carried out by police officers as a form of punishment for the residents' alleged support for terrorist groups. In the letter, the Government was asked to provide and clarify the substance of these allegations. The Government was also urged to take any steps necessary to investigate, prosecute and impose sanctions on any persons guilty of the alleged violations, as well as to provide an adequate remedy for the victims of these abuses.

### **Observations**

5. The Special Rapporteur regrets that at the time of the finalization of his report no response to the joint communication had been received from the Government.

## **China**

### **Communication sent**

6. On 10 June 2003, in a joint letter of urgent appeal with the Special Rapporteur on torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur sent a communication to the Government of China, inquiring about the alleged demolitions of dwellings within the Serthar Buddhist Institute, in Serthar county, Karze "Tibet Autonomous Prefecture", Sichuan province. It is alleged that on 27 May 2003 four individuals were arrested by officials of the Public Security Bureau of Serthar county, in connection with their alleged involvement in a row over reconstruction at the Serthar Buddhist Institute in 2002. Three of the arrested were monks, Tamding, Palzin, and Shongdu, along with Ngodup, a layman. It is alleged that between June and July 2001, over 2,000 dwellings within the Institute were demolished. It is also alleged that on 25 December 2002 Chinese officials attempted to demolish reconstructed huts of nuns and monks in the vicinity of the Serthar Institute. Reportedly, some of the nuns were still in their huts when the officials began the demolitions. According to information received, the next day, a major row erupted between the two parties, and the Chinese authorities threatened to arrest at least 200 monks and nuns if the Institute did not hand over the ringleaders of the incident. The letter urged the Government to clarify the information and the circumstances of the case. The Special Rapporteur urged the Government to provide information on its compliance with the provisions contained in the international legal instruments, especially those regarding forced evictions.

### **Government reply**

7. On 29 July 2003, the Government of China informed the Special Rapporteur that although the actions of the four individuals were not sufficiently serious to incur criminal penalties, they are, according to provisions of articles 19 and 22 of the Chinese public security regulations, punishable by up to 15 days of administrative detention. The Government also claimed that its inquiries into the matter had established that the four involved persons were treated well during their time in custody, and were not subjected to torture. The Government also stated that it had allocated a considerable amount of money for the resettlement of those monks and nuns who wished to return to their villages and for the reconstruction of the seminary building. According to the Government, the working, studying and living conditions at Serthar

seminary have improved following its reorganization of the seminary. The Government stated that it had improved the right to adequate housing of the monks and nuns through its efforts, and not to have infringed on their rights, as alleged.

## **Egypt**

### **Communication sent**

8. On 2 October 2003, in a joint letter of allegation with the Special Rapporteur on torture, the Special Rapporteur sent a communication to the Government of Egypt inquiring about the alleged housing demolitions in the village of Mit Serag, resulting in injuries to several residents. According to information received, on 3 June 2003, approximately 400 police officers entered the village of Mit Serag with two bulldozers and destroyed 14 houses, on the grounds that they had been built on arable land, even though it is alleged that a court decision had withdrawn these charges. Reportedly, the belongings of the residents were destroyed in the process. The letter urged the Government to clarify the substance of these allegations by providing information on specified aspects of the case. The letter also urged the Government to take any necessary steps to investigate, prosecute and impose appropriate sanctions on any persons guilty of the alleged violations, as well as to provide adequate remedy to the victims of these abuses.

### **Government reply**

9. On 17 November 2003, the Government of Egypt informed the Special Rapporteur that the Department of Agriculture and Irrigation of the city of Mahalla in the Governorate of Gharbeya had issued a number of demolition orders for “illegal housing” erected by several residents on arable land close to irrigation facilities in the villages of Mit Serag, Uthmaniyah and Hawamidiyah near Mahalla city. The Government explained that on 3 June 2003 governorate enforcement agencies proceeded with the execution of 16 demolition orders. To guarantee public safety, security forces were present. The Government claimed that after the demolitions had been completed 800 residents of Mit Serag village threw stones at the police and caused a disturbance. Consequently, 15 persons were arrested, 1 was released soon afterwards, and the rest remained in custody until they were released on 3 October 2003.

## **Greece**

### **Communication sent**

10. On 11 June 2003, in a letter of urgent appeal, the Special Rapporteur sent a communication to the Government of Greece, inquiring about the alleged forced evictions (perpetrated by the municipal authorities), both attempted and actual, of the Roma population living in Aspropyros. The Special Rapporteur also inquired about the alleged denial of living conditions meeting the most fundamental international standards related to the enjoyment of economic, social, and cultural rights, including access to running water and other essential services. Several Roma families in the settlement were allegedly forcibly evicted from their homes. The Special Rapporteur appealed to the Government to provide information on this case and about the steps taken to rectify the situation in accordance with the international legal instruments that Greece had ratified.

### **Government reply**

11. On 14 July 2003, the Government of Greece provided general information on the housing situation of Roma people in Greece. The Government also outlined the Integrated Action Plan (IAP) for the social integration of the Roma people, a policy framework put in place in 1996 to address the serious problems that Greek Roma face regarding health, education, vocational training, social insurance and housing. Priority Axis 1 of the IAP refers to "Housing", including new settlements, residences, settlement improvements, and urban and physical planning. The Government pointed out that the IAP recognizes the great importance that provision of an appropriate house and housing environment has on the attempt to eliminate the social exclusion of Roma citizens. Thus, the aim of Priority Axis 1 is the solution of the housing problem of Roma through a set of measures and actions that cover the different housing and settlement needs of the Roma. The Government outlined the various measures through which Priority Axis 1 can be achieved.

## **India**

### **Communication sent**

12. On 29 July 2003, the Special Rapporteur, in a joint letter of urgent appeal with the Special Rapporteurs on the human rights and fundamental freedoms of indigenous people and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health ("right to health") sent a communication to the Government of India inquiring about the decision of the Resettlement and Rehabilitation (R&R) Subgroup of the Narmada Control Authority (NCA), supported by various state chief ministers and relevant authorities, to raise the level of the Sardar Sarovar dam from 95 to 100 metres. It was alleged that this decision would result in the flooding of several Adivasi communities living near the reservoir, given that during monsoon season there would be an increased number of dwellings that would be submerged. Reportedly, an estimated 3,000 families in Maharashtra and 12,000 families in Madhya Pradesh would be at risk of having their homes submerged as a result of the heightened water level. It was also reported that no proper resettlement was given for the Adivasi community.

### **Government reply**

13. On 23 September 2003, the Government of India responded that the NCA had permitted raising the height of the dam in accordance with the requirements stipulated in the Supreme Court's Directions as well as all necessary safety requirements, such as environmental safeguard measures taken by the Environment Subgroup constituted by the NCA. The Government also informed the Special Rapporteurs that the 4,736 resettled project-affected families in the states concerned (2,767 in Gujarat, 1,258 in Madhya Pradesh and 711 in Maharashtra) were provided with all civic amenities as mandated by the Narmada Water Disputes Tribunal. According to the information received, after the submission of Action Taken Reports by Gujarat, Madhya Pradesh and Maharashtra, the R&R Subgroup conveyed its clearance to NCA to consider giving permission for another raising of the height of Sardar Sarovar dam on 13 May 2003.

14. On 11 October 2004, the Government of India submitted a second response to the joint urgent appeal of 29 July 2003, stating that adequate care had been taken to protect and fulfil the human rights of all citizens, including the Adivasis of the Narmada Valley, when the decision to

raise the height of the Sardar Sarovar dam from 95 to 100 metres was taken. With respect to adequate housing, the Government stated that the Narmada Water Disputes Tribunal award provided that every displaced family is to be provided a free plot to build a house and that the Government of Gujarat would extend financial assistance to construct the core house on the allotted plot. Every displaced family is also provided three choices among which they may select agricultural land and the land is allotted with the consent of the project-affected families.

### **Communication sent**

15. On 22 April 2004, following up on the reply of the Government received on 23 September 2003 (see above), a joint letter of urgent appeal with the Special Rapporteurs on the human rights and fundamental freedoms of indigenous people, and on the right of health was sent to the Government of India, inquiring about further developments with respect to the Sardar Sarovar dam. According to information received by the Special Rapporteurs, a decision was made on 16 March 2004 by the NCA, and supported by the Chief Ministers of Gujarat, Maharashtra and Madhya Pradesh, and other relevant authorities, to allow the raising of the height of the Sardar Sarovar dam from 100 metres to 110.64 metres. The Special Rapporteurs reiterated that information indicated that the result would be the enlargement of the submerged area, the flooding of several Adivasi communities and densely populated villages near the reservoir and on the banks of the river, and consequent displacement of communities.

### **Observation**

16. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the joint communication had been received from the Government.

### **Communication sent**

17. On 12 July 2004, the Special Rapporteur, in a joint letter of allegation with the Special Rapporteur on the right to food, sent a communication to the Government of India inquiring about reports of large-scale demolitions of slum dwellings and forced evictions allegedly undertaken by the Municipal Corporation of Delhi (MCD) and the Delhi Development Authority (DDA) since February 2004 in the Yamuna Pushta area of New Delhi. According to official reports, approximately 20,000 families, or roughly 100,000 people, have been evicted. However, information from local non-governmental sources indicates that the number of families evicted is 27,000, or approximately 130,000 people. Information suggests that only 16 per cent of the people affected have been given any kind of alternative housing. Reports from civil society groups working in the proposed resettlement sites of Bawana and Holambi Kalan point out that resettlement conditions are highly inadequate. Basic amenities like water and sanitation are also found to be grossly inadequate. The Special Rapporteur also requested information about the alleged use of force, arrests, and ill-treatment of slum dwellers with reference to the Yamuna Pushta evictions, highlighted by media reports and information from civil society organizations in New Delhi. According to the information received, in the Kanchanpuri demolition of 23 March 2004, two children were trapped under debris. On 13 March 2004 a child and a 40-year-old man were burnt to death in a fire that started during the demolition in Indira Basti of the Yamuna Pushta. According to reports from civil society groups, a fire gutted about 2,000 slum dwellings on 18 April 2004 in the Yamuna Pushta.

### **Government reply**

18. On 6 September 2004, the Government of India responded that the clearance of slum clusters encroaching upon the Yamuna river bed had been undertaken as per the directions of the High Court of Delhi issued in March 2003. The slum and *jhuggi* (hutment) dwellers in Delhi had been rehabilitated in accordance with the policy adopted by the government of the National Capital Territory of Delhi. As per the policy: (i) *jhuggi* dwellers are relocated elsewhere if the land is required for a public project; (ii) in situ upgrading is done if the land is not needed in the foreseeable future; and (iii) civic amenities like water supply, street lighting, roads, storm water drains, etc., are provided in the remaining *jhuggi* clusters. According to the response, all eligible squatters had been allotted alternative plots as in accordance with the policy. The DDA and the MCD had reported that no coercive action whatsoever was taken during the clearance drive.

### **Communication sent**

19. On 28 October 2004, in a letter of urgent appeal, the Special Rapporteur sent a communication to the Government of India, inquiring about the allegation of a forced eviction of women and children from the Palika Hostel night shelter for the homeless by the New Delhi Municipal Council (NDMC) on the morning of 16 October 2004. According to the information received, approximately 150 NDMC staff entered the shelter at 7.30 a.m., allegedly using excessive force while effectuating the eviction. At the time of the communication, the persons affected by the eviction continued to be without housing and were reportedly living in tents or on the streets. The information received suggested that the eviction had been conducted in a way that violated a series of requirements imposed by international human rights law, in particular the right to adequate housing as a component of the right to an adequate standard of living. The Special Rapporteur respectfully drew attention to the urgent need for developing a comprehensive policy and strategy to address the housing rights of the poorest segments of society, including the homeless, particularly in light of the onset of winter.

### **Observation**

20. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the communication had been received from the Government.

## **Israel**

### **Communication sent**

21. On 29 July 2003, in a letter of urgent appeal to the Government of Israel, the Special Rapporteur inquired about the housing situation in the “unrecognized villages” in the Negev/Naqab. Allegedly, on 1 July 2003, Israeli authorities demolished 150 houses belonging to Bedouins in the “unrecognized villages” of Al-Dahiya, al-Missadiya and Ateir, claiming that the homes were built illegally on State-owned land. Subsequently, on 15 July 2003, Israeli forces demolished more homes and commercial buildings in the “unrecognized villages” of al-Sa’ dia and al-Bohara. The Special Rapporteur noted that the Committee on Economic, Social and Cultural Rights in its concluding observations adopted on 23 May 2003 expressed concern over the situations of Bedouins living in Israel, particularly those living in villages that remain



“unrecognized” (see E/C.12/1/Add.90). The situation of the Bedouins is further worsened by allegedly limited access to water, electricity and sanitation. The Special Rapporteur appealed to the Government to provide information about the mentioned communities.

### **Observation**

22. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the communication had been received from the Government.

### **Communication sent**

23. On 27 May 2004, in a joint letter of urgent appeal with the Special Rapporteur on the right to food, the Special Rapporteur sent a communication to the Government of Israel expressing concern about reports received regarding the military operation in Rafah which had allegedly resulted in the massive demolition of Palestinian homes and the destruction of water sources and livelihoods. According to United Nations estimates, 167 buildings in the Tel Sultan, Brazil and Salam areas of Rafah were destroyed or rendered uninhabitable between 18 and 24 May, leaving 2,066 Palestinians homeless in just one week. While recognizing the security concerns of Israel, the Special Rapporteurs expressed particular concern about reports that military operations would continue in Rafah, and statements from officials of the Government suggesting that the army was considering demolishing another 2,000 homes in Rafah in order to widen the Philadelphia road security zone, which runs the length of the international border between Gaza and Egypt.

### **Observation**

24. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the joint communication had been received from the Government.

## **Mexico**

### **Communication sent**

25. On 31 August 2004, in a letter of urgent appeal to the Government of Mexico, the Special Rapporteur inquired about events taking place affecting communities in the municipalities of Acapulco, San Marcos and Juan R. Escudero, Chilpancingo and Tecuanapan. According to the information received, the planned construction of a hydroelectric dam as part of the Central American Electrical Interconnection System (SIEPAC), risks flooding several of the communities. According to some sources, up to 25,000 people, most of them poor farmers and peasants, will be affected by the project, which allegedly would result in the destruction of houses, schools and health centres. Information received indicates that the building of the “La Parota” dam would entail the flooding of an area of about 14,000-17,000 hectares, affecting towns and villages drastically transforming the existing environment and depriving residents of traditional livelihoods. Some reports from Guerrero State suggested that the consultative process did not take into account the views of affected communities. Reportedly, feasible alternatives to displacement have not been explored in consultation with the affected persons and groups.

### **Government reply**

26. On 6 December 2004 the Government of Mexico responded in detail, stating that the construction of the "Parota" hydroelectric dam does not belong to SIEPAC but to the Programme of Construction and Investment of the Electrical Sector (Programa de Obras e Inversiones del Sector Eléctrico), which is not transnational. It also specified that the project affected exactly 2,981 individuals living in 653 houses on 14,233 hectares and that only 10 per cent of this land could be classified as cultivable land. According to the Government, the affected communities have been regularly informed through the distribution of information sheets and their concerns have been heard and taken into consideration, owing to the organization of 114 consultative meetings held in the affected zone. The Government added that the process took place with complete transparency and that a general development plan had been elaborated to help the concerned individuals with respect to their relocation. It believes that this project will be highly profitable to the overall community.

## **Nigeria**

### **Communication sent**

27. On 5 November 2003, in a letter of urgent appeal, the Special Rapporteur sent a communication to the Government of Nigeria, inquiring about the alleged ongoing evictions of the Ijora-Badiya community in Lagos. According to information received, the evictions were conducted by officials of the Lagos State Task Force on Environment and the Special Offences Enforcement Unit of the Governor's Office, allegedly in order to implement the Lagos Drainage and Sanitation Project. According to information received, on 19 October 2003, bulldozers entered the Ijora-Badiya community and, over a period of at least three days, demolished the homes of an estimated 6,000 residents, who were subsequently left homeless. In the letter, the Special Rapporteur urged the Government to respect its commitment to human rights, especially with regard to the residents of the Ijora-Badiya. As well, the Special Rapporteur suggested six concrete steps that the Government should take to uphold the international human rights law that protects the right to adequate housing, including imposing an immediate moratorium on forced evictions that in any manner violate human rights and ensuring opportunities for genuine consultation and negotiation for those at risk of forced evictions.

### **Observation**

28. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the communication had been received from the Government.

## **Philippines**

### **Communication sent**

29. On 28 August 2003, in a joint letter of urgent appeal with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the Special Rapporteur sent a letter to the Government of the Philippines, inquiring about the situation of indigenous Manobo families living in the Luminato subdistrict. According to information received, on 16 April 2003, 115 indigenous Manobo families were forcibly evicted

from their homes in the Luminato subdistrict, in Quezon municipality, Bukidnon province, on the Island of Mindanao. These forced evictions allegedly took place in the presence of police forces from Quezon municipality, as well as officials of the subdistrict of Luminato. It is alleged that these officials presented the indigenous families with a demolition order, without giving them prior notice. Subsequently, the families were reportedly moved in trucks to the barangay subdistrict hall in Luminato, without being able to take their belongings. In the letter, the Government was asked to provide information on the case and the measures taken to protect the human rights of all citizens of the Philippines, including the Manobo indigenous peoples.

### **Observation**

30. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the joint communication had been received by the Government.

## **Slovakia**

### **Communication sent**

31. On 21 October 2004, in a letter of urgent appeal, the Special Rapporteur sent a communication to the Government of Slovakia, inquiring about events which reportedly had taken place in the village of Záhorská Ves in western Slovakia. According to information received, the members of two Roma families, the Šarkozi and the Malik, have been subjected to attacks of violence, intimidation by local public officials, including by the local mayor, demolition of their homes, and forced eviction from the village of Záhorská Ves, where they have been long-time residents.

32. In January 2004, following a long period of reported attacks and the burning of their homes and belongings, temporary accommodation was provided to the two families by the village council, although pressure was put on them to leave the village, including through relocation to another village over 300 kilometres away. Attempts by the Šarkozi family to rebuild a home in place of their burnt-down house were reportedly met with opposition, allegedly mainly by the local mayor. Building material was removed, and security guards armed with baseball bats attacked the family. According to the most recent information received, on 19 August 2004 a demonstration was organized on the initiative of the mayor of Záhorská Ves when a mobile home for the Šarkozi family was brought into the village by a national non-governmental organization. The NGO representatives who were present reportedly met with verbal abuse and racially charged epithets. The mobile home was allegedly subsequently removed on orders of the local mayor. Following this incident, the family proceeded to build a shack in the place of their old home. It is reported that on the morning of 29 September 2004, police and private security guards demolished the shack, using a bulldozer to level the structure and bury all personal belongings of the family. At the time of the communication, the Šarkozi and the Malik families were reportedly living in the streets of Bratislava. It was alleged that they have been denied housing and living conditions meeting the most fundamental international standards related to the enjoyment of economic, social and cultural rights.

### **Observation**

33. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the joint communication had been received from the Government.

### **Spain**

#### **Communication sent**

34. On 22 May 2003, in a letter of joint urgent appeal, the Special Rapporteur, together with the Special Rapporteur on the human rights of migrants, sent a communication to the Government of Spain in which they drew the attention of the Government to information received regarding the “Casernas de Sant Andreu”, abandoned military barracks located in the neighbourhood of Sant Andreu Palomar, in the city of Barcelona. It was reported that the “Casernas de Sant Andreu” were occupied by more than 400 people, the majority of them migrants. According to information received, due to the purchase of parts of the area by the City of Barcelona in 2001, the inhabitants, many of them having lived in the barracks for a year or longer, faced forced eviction. For further details, including on the reply of the Government, see the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2004/76/Add.1, paras. 193-194 and 201-203).

### **Sri Lanka**

#### **Communication sent**

35. On 9 December 2003, in a letter of allegation, the Special Rapporteur sent a communication to the Government of Sri Lanka, inquiring about the housing situation of plantation workers. The Special Rapporteur acknowledged the Government’s efforts to improve the housing situation of workers in the plantation system through the introduction of various housing programmes during the last decade. The letter also acknowledged the Government’s efforts carried out under the Poverty Reduction Strategy Programme in 2002, especially the related Plantation Support Development Programme, which was intended to upgrade housing and to provide water and sanitation facilities. The Special Rapporteur appealed to the Government to provide clarifications regarding the policies used to implement the plantation housing programmes, as well as on what measures are being taken to ensure that the two different ministries involved in this process are implementing a common policy on plantation housing. The Special Rapporteur expressed concern over the flat-line-room housing scheme, which reportedly does not fulfil the basic criteria for adequate housing. The letter also highlighted the importance of the accessibility of affordable housing for plantation workers. The Special Rapporteur urged the Government to provide information on all these matters.

#### **Government reply**

36. On 1 March 2004, the Government of Sri Lanka indicated that a committee had been appointed at the request of the External Resources Department consisting of members from the Ministry of Plantation Industries, the Ministry of Housing and Estate Infrastructure, the Planters’ Association of Ceylon and the Plantation Human Development Trust to propose a uniform housing strategy as part of support to sustainable development in the plantation sector. The

Government also indicated that action had been taken by the Ministry, with the support of donors, to provide affordable and adequate housing for plantation workers through the Plantation Reform Project, the Social Welfare Project, the Plantation Development Support Programme and the Plantation Development Project. Through a self-help housing programme, a target of 20,000 new housing units had been set, 15,000 of which had already been completed. An additional 12,000 units had been allocated under the Plantation Development Project for 2004-2009. The Government reported that the Ministry of Housing and Estate Infrastructure had taken action to obtain the approval of the Cabinet to grant ownership of the estate worker houses to the workers. A mechanism was being worked out by the Ministry of Plantation Industries to vest the ownership of the worker houses with the Estate Worker Housing Cooperatives, a community-based organization chaired by a worker.

### **Communication sent**

37. On 27 August 2004, through a letter of urgent appeal, the Special Rapporteur sent a communication to the Government of Sri Lanka, inquiring about the situation of the Oliyamulla community, reportedly living in subhuman conditions since having been subjected to forced evictions by the local authorities two years ago. According to information received, 168 Oliyamulla families were evicted from their homes in July 2002 by the Urban Development Authority from land that had been allocated to them by local authorities two years earlier. A total of 108 houses, including belongings, were destroyed. Despite the support of the National Human Rights Commission, the families did not succeed in being allowed to return and rebuild their houses.

38. Reportedly, on 3 September 2002, government officials promised that alternative land would be allocated, in Galagahawatta, Kerawalapitiya. The families were moved there with the promise that the marshy alternative land would be filled in to make it habitable, and that drinkable water was to be provided. Reportedly, the allocated alternative land was still not habitable and there was no access to water, nor to education facilities. In February 2004, the National Human Rights Commission issued a report (No. HRC/803/01/7(1)) regarding the complaint filed by the Oliyamulla people, in which it recommended that the Urban Development Authority should provide the evictees with alternate accommodation, and compensation. It was also recommended that an independent mechanism be established to assess each individual case within six months. According to the information received on this matter, the Oliyamulla people continue to live in hardship conditions and no action is reportedly forthcoming.

### **Observation**

39. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the communication had been received from the Government.

## **Sudan**

### **Communication sent**

40. On 6 August 2004, through a letter of joint urgent appeal, the Special Rapporteur, together with the Special Rapporteur on torture, sent a communication to the Government of the Sudan, enquiring about 22 internally displaced persons (IDPs) at the Kalma refugee camp,

located 17 kilometres east of Nyala, Southern Darfur State. According to the allegations received the 22 were arrested after disturbances at the Kalma camp following the resistance of the IDPs to the Government's attempts to return them to their villages. Security officers restored order to the camp and arrested the 22 individuals, who were accused of being leaders of the camp. Initially, the 22 individuals were taken to the security office in Nyala and detained for one day. On 1 August 2004 the detainees were transferred to Nyala Wasat police station and on 2 August they were officially charged by the National Security Agency under article 69 of the 1991 Penal Code for causing a "public nuisance and disturbance". Their trial began on the same morning at the Nyala Criminal Court, and they were allowed to be represented by two lawyers. At the end of the session, they were taken to Nyala General Prison. The detainees alleged that they were beaten with sticks on their arms, heads, ears, backs and all over their bodies, in order to extract confessions that they caused the disturbances at the camp. The IDPs insisted that there was no clear protection offered to them by the Government and that they feared Janjaweed attacks upon their return to their villages. According to reports, IDPs who have returned, or been forced to return, to their communities have not received protection against attacks and threats from the Janjaweed militia.

### **Observation**

41. The Special Rapporteur regrets that at the time of the finalization of his report, no reply to the joint communication had been received from the Government.

## **Turkey**

### **Communication sent**

42. On 11 December 2003, in a joint letter of urgent appeal with the Special Rapporteur on freedom of opinion and expression, the Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur on the independence of judges and lawyers and the Representative of the Secretary-General on internally displaced persons, the Special Rapporteur sent a communication to the Government of Turkey inquiring about the case reportedly lodged by the Governorate against Sezgin Tanrikulu, Sabahattin Kormaz, Burhan Deyar and Habibe Deyar, all lawyers of the Diyarbakir Bar Association. It is alleged that these lawyers were indicted on 3 June 2003, under article 240 of the Turkish Penal Code and article 59/1-2 of the Law on the Legal Profession, for "misconducting duty" and "abusing their legal responsibility" in connection with their involvement in compensation cases of villagers who were reportedly forcibly evicted from their homes, which were later burned, during the years 1993 and 1994. Reportedly, the compensation cases involved 96 villagers from Çaglayan village of Kulp district (Diyarbakir), and Ziyaret and Uluocak villages of Lice district. The letter expressed concern that the court case had been launched against the lawyers to intimidate and prevent them from denouncing the forced evictions and house demolitions, which had resulted in forced displacement, reportedly carried out between 1989 and 1999 as a form of punishment against the Kurdish population living in southern and south-eastern Turkey. The letter also urged the Government to provide information about the steps taken in compliance with various international legal instruments concerning the case.

### **Government reply**

43. On 20 January 2004, the Government of Turkey replied that the four lawyers had been acquitted on 24 December 2003. The Government further stated that the root causes of internal displacement in Turkey had been the scourge of terrorism that the country had suffered for two decades. According to the Government, large numbers of citizens had been compelled to leave their homes due to intimidation, harassment and attacks by terrorist organization PKK/KADEK. The Government also stated that a small number of settlements had to be evacuated by the relevant authorities to ensure the safety of the people as a precaution.

### **Communication sent**

44. On 3 November 2004, in a letter of urgent appeal, the Special Rapporteur sent a communication to the Government of Turkey inquiring about forced evictions reportedly undertaken and planned in the municipality of Alibeyköy, Istanbul. According to the information received, 35 families were forcibly evicted from their homes by State security forces on 11 October 2004, many of whom were reported to be homeless at the time of the communication, or without adequate housing. It was further alleged that the municipality did not follow proper procedures for expropriation of property in Alibeyköy and that the municipality had proposed relocation to buildings which were reportedly considered inadequate due to prohibitive cost and other factors. These actions allegedly constitute a denial of housing and living conditions meeting the most fundamental international standards related to the enjoyment of economic, social and cultural rights.

45. According to the information received, Alibeyköy is predominantly made up of immigrants from the former Yugoslavia who reportedly constructed their own homes around the factories established in the area during the 1950s and 1960s. It is reported that most of the residents continue to face poverty today and many are said to earn the Turkish minimum wage of 330 million lira a month. Allegedly, the residents of close to 150 other houses were facing eviction in the immediate future. According to the information received, residents who had approached the municipality were being told that they would receive compensation, although it was alleged that the amount was not equal to the present value of their current homes and inadequate for the purchase of a similar home.

### **Government reply**

46. On 16 December 2004, the Government of Turkey informed the Special Rapporteur that the settlement in Alibeyköy area, along the Küçükköy-Alibeyköy River, was one of the many that had been developed in an unplanned manner over the years. The Government stated that the dwellings in question, mainly squats, were built illegally on land belonging to the Istanbul Metropolitan Municipality and the General Directorate of Foundations at the Prime Ministry. According to the Government, the area had become more prone to floods since the houses function as water collection canals. In order to protect the residents and to enhance the water expulsion capacity of the river basin, the Waterworks and Sewage Management of the Istanbul Metropolitan Municipality prepared a project to reorganize the area, according to which the houses within a 30-metre perimeter along the banks of the Küçükköy-Alibeyköy River had to be cleared.

47. According to the Government, the inhabitants of the houses were given notice and were offered alternative accommodation in accordance with article 13/b of the Code on Construction Amnesty (No. 2981 (3290-3366)) and its Implementation By-Law and the Code on Squatter Houses (No. 755) and its Implementation By-Law. However the inhabitants did not react to these offers. The Municipality succeeded in identifying 18 families who were owners of their houses. The house owners were also offered alternative accommodations, which were social dwellings of 109 m<sup>2</sup> in Güzeltepe neighbourhood, close to Alibeyköy. One fourth of the cost of each flat was paid by the Municipality. The remaining families affected were tenants. The Municipality also offered them alternative social dwellings in Güzeltepe and to reimburse the rents for one year following the eviction. Only some of the tenants responded positively. Eviction orders were sent a week prior to the eviction on 11 October 2004. An ambulance was on hand during the eviction. The Municipality also provided removal support to the evictees and their belongings were safely moved to their alternative accommodations. Some of the inhabitants who were resisting the eviction process were kept in a nearby school garden by police officers in order to prevent any social disturbance. It is also planned to expropriate other houses in the same area. The Municipality negotiates with the owners to reach an agreement on their eviction. In case the negotiations bear no result, a lawsuit will be filed in accordance with the relevant articles of the Code on Expropriation.

### **United States of America**

#### **Communication sent**

48. On 22 June 2004, in a letter of allegation, the Special Rapporteur sent a communication to the Government of the United States of America, inquiring about the effects of the implementation by the Department of Housing and Urban Development (HUD) of the FY04 VA-HUD Appropriations Act, providing federal funds for housing for people with low income. According to the information received, in the past the federal Government had paid the full cost of the so-called Section 8 Housing Choice Voucher Programme, providing rent vouchers to poor tenants nationwide. The information received indicated that the implementation of the HUD notice of 22 April 2004 with regard to changes in how reimbursement to housing authorities were calculated, would impact negatively on poor families. It had been indicated that more than 900 of the country's 2,500 housing agencies where the increase in housing costs exceeds that of inflation would be affected, which in both the immediate and the long term would decrease housing subsidies for the poor, and ultimately increase the already significant number of homeless people in the country.

49. The Special Rapporteur drew attention to information received according to which in Fargo, North Dakota, poor tenants were asked to increase their contribution to their monthly rent significantly, to avoid the Fargo Housing and Redevelopment Authority having to terminate the rent vouchers for 46 of its 1,100 families benefiting from the Section 8 Programme. Similar information has been received from other parts of the country. In Ohio, for example, information received indicates that almost 70 per cent of housing authorities expect to implement changes ranging from increased rents to cutting off the lowest-income families. Reports indicate that the attempts to relocate residents of public housing also appear to be exacerbating the already serious situation of homelessness and the number of people living in substandard



housing. Authoritative studies by researchers and the Independent Monitor of the Chicago Housing Authority, for example, indicate that a large percentage of families were relocated to areas with high poverty and a high concentration of African Americans.

### **Government reply**

50. On 13 September 2004, the Government of the United States of America informed the Special Rapporteur that it did not believe the matter to be an appropriate use of the special procedures mechanism. The Special Rapporteur was further informed that the concerns raised in his letter had been addressed and resolved, with a reference to testimony before a congressional committee on 20 May 2004 by the Secretary of Housing and Urban Development, describing a dual approach to help all local public housing authorities to adjust to rental costs and continue to serve the low-income families in their communities. Under the plan presented by the Secretary of Housing and Urban Development, the Department provided a “full inflation factor” for payments to public housing authorities. This adjustment to the new funding formula will be retroactive to 1 January 2004. Each public housing authority has been notified by HUD how the new funding formula will be applied throughout the year so they can better plan their budget. In addition, \$150 million has been made available to replenish the reserves of about 525 public housing authorities, funds that can be used to cover unanticipated costs. According to the Secretary of Housing and Urban Development “(t)hese steps should alleviate the funding challenges some public housing authorities were anticipating when HUD recently adopted Congressionally mandated formula changes to Section 8 funding”.

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