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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

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

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.

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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.

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