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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 communications sent and replies received from Governments and other actors, 16 December 2004 - 1 December 2005

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Introduction

1. In the context of his mandate, 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. Such communications are received from national, regional and international non-governmental organizations, as well as intergovernmental organizations and other United Nations procedures concerned with the protection of human rights. This addendum to the report of the Special Rapporteur contains, on a country-by-country basis, summaries of communications, including urgent appeals, government replies, observations and follow-up relating to the Special Rapporteur's mandate for the period 16 December 2004 to 1 December 2005. The report also reflects one communication that originated prior to 16 December 2004 but for which a government response was received after that date and therefore not included in the Special Rapporteur's previous report (E/CN.4/2005/48/Add.1). The Special Rapporteur urges all Governments and other actors to respond promptly to his communications and, in appropriate cases, to investigate allegations of the violation of the right to adequate housing and

related rights and to take all steps necessary to redress the situation.

2. The Special Rapporteur has sought to condense details of communications sent and received. To the extent that his resources permit, the Special Rapporteur continues to follow up on communications sent and monitor the situation where no reply has been received or where questions remain outstanding.

3. Where appropriate, the Special Rapporteur has sent joint urgent appeals or letters with one or more special procedures of the Commission on Human Rights where the allegations raised concerns relating to the right to adequate housing as well as rights addressed under other mandates. The majority of communications and urgent appeals reflected in this report deal with cases where there is an allegation concerning forced evictions. That is also one of the focuses of the Special Rapporteur's annual report (E/CN.4/2006/41), which proposes a set of draft guidelines on forced evictions. During the period covered, the Special Rapporteur also took action on communications that deal with housing rights of indigenous peoples, the presence of toxic chemicals on land that create environmental and health hazards affecting the right to adequate housing, and proposed funding cuts to accommodation assistance programmes.

4. During the period under review, the Special Rapporteur sent a total of 15 communications concerning the right to adequate housing to 11 Member States as well as 1 communication to the United Nations Interim Administration Mission in Kosovo (UNMIK). Of the 15 communications sent, 3 replies from Governments and from UNMIK were received. One government reply was also received concerning a communication sent prior to 16 December 2004 (Sri Lanka). The Special Rapporteur appreciates these replies; however, he regrets that the majority of Governments have failed to respond at all, or have done so in a selective manner that does not respond to all the questions arising from the communication. These communications remain outstanding, and the Special Rapporteur encourages Governments to respond to urgent actions, including all concerns raised in each communication. There are also a number of communications included in last year's report for which a reply has still not been transmitted to the Special Rapporteur, including ones addressed to the Governments of Bangladesh, India, Israel, Nigeria, the Philippines, Slovakia, Sri Lanka and the Sudan (see E/CN.4/2005/48/Add.1). The Special Rapporteur continues to follow with interest developments and information from various sources on the relevant issues.

Governments

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Israel

Communications sent

23. On 30 May 2005, the Special Rapporteur sent a joint letter with the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment on human rights, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the right to food regarding the spread of toxic chemicals on fields located near the villages of Tuwani, Umm Faggara and Kharruba in the southern Hebron region. According to information received, sheep and other animals appeared to have been contaminated by the toxins and several had died. As a result, Palestinian farmers had been forced to quarantine their flocks and were deprived of their livelihood. Reportedly, prior to the first field poisoning incident in Tuwani on 22 March 2005, a security guard from the nearby Israeli settlement Ma'on had told villagers that he wanted Palestinian farmers to stop grazing their flocks near the settlement and that, if they did not agree, he and the settlers had "ways to make them stop". According to analyses carried out by the Centre for Environmental and

Occupational Health Sciences at Bir Zeit University and by the Israeli Nature Protection Authority, two types of toxic chemicals were spread in the area: 2-Fluoracetamide, which is banned in several countries, including Israel, and severely restricted in international trade, and Brodifacoum, an anticoagulant used as a rodenticide. Both chemicals endanger human health. Reportedly, on 12 April 2005, one of the toxins was found in a field in the Northern West Bank village of Yasouf. It was alleged that the areas where the toxic chemicals were found are located in Area C, which is under the full control of the Israeli authorities.

Observations

24. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur continues to monitor the situation with interest.

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