

# COUNCIL MONITOR

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## COUNCIL UPDATE – ITEM 3 HUMAN RIGHTS COUNCIL, 10<sup>TH</sup> SESSION 9 MARCH 2009

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### Overview

On 9 and 10 March 2009, the Human Rights Council (the Council) held an interactive dialogue with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms Raquel Rolnik, on the occasion of the presentation of her report. Ms Rolnik took up her position on 1 May 2008 and this was her first report.

The report<sup>1</sup> focused on how certain economic, financial and housing policies have impacted the right to adequate housing in recent years. Ms Rolnik's recommendations concentrated on changing perceptions of housing, adopting a human-rights approach, and increasing public funding.

The interactive dialogue was constructive. Most States were complimentary of the report and in agreement with the Special Rapporteur's observations and recommendations. Only a handful of States expressed disagreement with the report. For the most part, that disagreement was in regards to criticisms of their own domestic housing situations. It was notable that several NGOs illustrated their statements with reference to one or several concrete situations in specific countries.

Unfortunately, the Council was running behind schedule and the dialogue had to be carried over to the following day. Ms Rolnik was not able to be present for the second day of dialogue and therefore was unable to respond to all of the States comments and questions nor was she present for the remarks by national human rights institutions (NHRIs) and non-governmental organisations (NGOs). Ms Rolnik was able to respond in person to the most prominent points from about half of the States' remarks but due to time constraints was forced to confine her responses to five minutes.

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<sup>1</sup> A/HRC/10/7.

## Item 3 - Special Rapporteur on the right to housing

### **Presentation by the Special Rapporteur**

In her presentation, Ms Rolnik gave an overview of her written report as well as of mission reports to Canada and Maldives.<sup>2</sup> She first addressed the fundamental flaws in current economic and housing policies which she explained are directly linked to the current economic crisis. The major error, Ms. Rolnik, added, has been to consider housing as a commodity and an investment asset. The market has failed to provide adequate housing and the poor, in particular, have suffered. Ms Rolnik noted that this approach was not only taken by wealthy developed countries, but it was recommended to developing countries by the World Bank and the International Monetary Fund on many occasions, often as part of Structural Adjustment Programs. Another criticism Ms Rolnik made was of the idea that home ownership should be the goal for all. She argued that the idea of increasing home ownership among low-income families to reduce their dependency led to reckless lending and the current sub-prime mortgage crisis. Ms Rolnik recommended that States focus on housing as a human rights obligation and not as a means of expanding investment portfolios. States must provide immediate relief for those affected by the current housing crisis, she explained and consider alternatives to home ownership such as construction of public housing, microfinance, and rent control.

The Special Rapporteur also summarised the issues contained in the mission report to Canada conducted by her predecessor in 2007 and the preliminary note on her official mission to Maldives in February 2008. The report to Canada commended the State for its historically successful public housing program but mainly focused on the problems of a growing homeless population, unequal access to housing for indigenous populations, and the need to expand the supply of public housing so as to meet the needs of the population. The report on Maldives focused on the impact of climate change on housing in a post-tsunami context. Ms Rolnik was greatly concerned about Maldives' vulnerability and emphasised an international responsibility to support climate change strategies in the region. She also indicated that the topic for her next report would be climate change and its effect on the human right to adequate housing. The Special Rapporteur did not have time to go into detail about Afghanistan, Mexico, Peru, and Romania but she briefly criticised them for sharing a common feature of having strong human rights laws on the books but weak enforcement of those laws in practice. Finally, she commended the Constitutions of Ecuador, Bolivia, and Maldives for their commitment to adequate housing.

### **Interactive dialogue**

The reaction of the **concerned countries** was mixed. Canada disagreed with the report by the Special Rapporteur and called it unbalanced. It argued that the report misunderstood its federalist system and failed to recognise the efforts by the Government to establish effective housing policies. The Maldives welcomed her visit. This positive reaction to the 'preliminary note' on the mission is notable and underscores the Maldives openness to further cooperation with this and other special procedures. In the past, not all States have appreciated the 'double attention' by the Council, as the Council will also discuss the final report on the same mission.

A number of States focused their comments on **discrimination and vulnerable groups**. Indonesia expressed concern about ensuring a more equitable approach to housing, Turkey asked how States can ensure that the vulnerabilities of low-income groups are taken into account, and Iran also expressed concern about cases of housing-related discrimination against minorities and migrants reflected in the report. Romania spoke at length about its effort to improve the access of Roma peoples to decent housing and stressed that this issue is a high priority in the State. Romania also emphasised that evictions do not have a discriminatory nature in Romania because the national legislation forbids discrimination and provides ample means of legal recourse in case of such discrimination. Amnesty International was concerned about the situation of indigenous women in Canada and

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<sup>2</sup> The Special Rapporteur's statement is available on the OHCHR extranet, at <http://portal.ohchr.org/portal/page/portal/HRCExtranet/10thSession> (username: 'hrc extranet' password: '1session').

expressed support for the Special Rapporteur's recommendation that Canada create a national housing strategy to make indigenous people's access to land equal to that of everyone else.

Amnesty International expressed concern about **forced evictions** and stated that it had received a high number of reports of forced evictions in Cambodia.<sup>3</sup> It further called upon the Government of Cambodia to address this problem and to introduce an immediate moratorium on mass evictions in the meantime. The Asian Legal Resource Centre (ALRC)<sup>4</sup> brought up the situation of forced evictions in the Republic of Korea, which later triggered a right of reply from the delegation. Lawyers for Democratic Society drew attention to the fact that the United Nations has condemned forced evictions as an unacceptable practice and called upon States to bring justice to victims, to provide adequate training to law enforcement personnel on eviction principles, and to invite the Special Rapporteur to monitor and investigate these situations.

The Maldives echoed the recommendations of the Special Rapporteur to immediately develop strategies to address the impact of **global climate change** and spoke of its efforts, successes, and struggles at post-tsunami reconstruction. Bangladesh also expressed concern about climate change and compared its situation to that in Maldives. Cameroon spoke of the challenges it was facing dealing with providing shelter to those expelled from flood zones and expressed its desire to work with the Special Rapporteur on this problem.

In relation the impact of **war and occupation** on the right to housing, Yemen (on behalf of the Arab Group) and Iran expressed outrage concerning the housing situation for Palestinians in Gaza, which they deemed to be a 'flagrant violation of international law'. The General Federation of Iraqi Women referred to housing problems in Iraq resulting from occupation and war, 2.8 million internally displaced persons in the country, and called on the Council to reinstate the Special Rapporteur on Iraq.

Several States identified themselves as **best practice models**. Canada argued that its homelessness action plan, the new housing being built, and the money being allocated to public housing should be regarded as best practice. Chile disagreed with a study cited by the Special Rapporteur in her report and offered its new housing policies and the reduction by half of the housing deficit as evidence of Chile's progressive approach to housing. China also cited its 'perfected' system of low-income housing as a model and recommended that the Special Rapporteur collect China's experience. Djibouti explained that it has made provision of housing a priority particularly for low-income persons and attributed its success in constructing low-income housing to political will and the fact that most land in Djibouti is state-owned. Other States asked for specific advice from the Special Rapporteur on how to improve their own housing policies.<sup>5</sup>

## **Responses**

In her brief responses, Ms Rolnik focused on the requests for advice and made several recommendations. This included that States should address dealing with slum-dwellers as an opportunity to provide regularisation and amelioration of housing schemes; that micro-finance to improve existing housing is better than creating housing schemes in other areas and removing slum-dwellers; that States consider the options of rent control, rent regulation, subsidies, and security for tenants as alternatives to direct access to credit for private houses and that States keep policies to promote adequate housing distinct from construction industry policies.

As the Special Rapporteur could not be present for the extended session, she promised to address the other questions in writing.

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<sup>3</sup> Also raised by Lawyers for Democratic Society.

<sup>4</sup> Also raised by Lawyers for Democratic Society. The same NGO also drew attention to the situation in Bangladesh and Brazil.

<sup>5</sup> Czech Republic, Pakistan.

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