

AFGHANISTAN: Interview with UN Special Rapporteur on Housing

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Miloon Kothari the UN Special Rapporteur on Housing

KABUL, 12 Sep 2003 (IRIN) - Lack of adequate housing is becoming critical in both rural and urban parts of Afghanistan. Two decades of conflict have left hundreds of thousands of Afghans homeless with an equal number living in temporary or sub-standard accommodation. In an interview with IRIN, Miloon Kothari, a Special Rapporteur on Adequate Housing for the United Nations Commission of Human Rights said that lack of housing and land rights is feeding instability and insecurity in some parts of the country. Kothari has been invited by the Afghan government to look at housing, land rights and displacement in the country.

QUESTION: How important is the issue of housing and land rights in Afghanistan?

ANSWER: If the point of departure for us in this discussion is that everyone in Afghanistan has a right to a secure place to live, as dictated by the human right to housing and land, then yes, the housing and land rights crisis is enormous in scope.

I am of the firm opinion that housing and land rights are of significant nature, and very complex as achieving the right to adequate housing and land for all will entail working at all levels of the system: from combating corruption and inefficiency in the judiciary and governmental and provincial institutions, to coming to grips with land occupation by commanders and other powerful members of the establishment at the detriment of the poor and the landless, to arresting land speculation, to the provision of essential services, including water and sanitation to the large proportion of the Afghan population living in extreme poverty.

Q: Is it important that the right to housing and land are enshrined in the new constitution?

A: It is crucial that the new constitution includes a clear recognition of the right of everyone to adequate housing, land and property. It is also important for the constitution to refer directly to the international human rights treaties that Afghanistan has ratified, is legally bound to, and which should inform the direction of the national laws and policies. I met with the constitutional commission and insisted on this point. These international human rights treaties lay down the obligations of Afghanistan with respect not only to the right to adequate housing, but also a number of other issues of importance for the Afghan population, such as women's equal rights, the right to health, the right to education, the right to food, the right to security of the home and person and the freedom of opinion and expression, just to mention a few. But the recognition of human rights is in itself not enough. The constitution must spell out mechanisms for the implementation of these rights.

Q: Is the land crisis contributing to insecurity and instability right now?

A: The housing and land crisis will not be resolved unless the government develops a clear all comprehensive National Housing and Land Policy, establishes an effective judicial system to address land and housing disputes and an equally effective machinery of implementation. This has, as we all know, not been done so far, creating a climate of insecurity and uncertainty in which commanders and influential members of the establishment continue to occupy public and private property with complete impunity, in which the poor and vulnerable are forced to live in inadequate and insecure conditions where their lives and health are at risk and they are threatened by the possibility of being forcibly evicted.

As you are aware, I made a strong statement on 6 September 2003 regarding the forced evictions that took place in Shirpur village, near Wazir Akbar Khan, here in Kabul, last week. A hundred armed police officers, allegedly led by the Kabul Chief of Police, accompanied by bulldozers and trucks, destroyed the homes of 30 families, approximately 250 people, including women and children. According to the information received, the land concerned is the property of the Ministry of Defence, and is foreseen for houses for high-ranking dignitaries within the Government. However, the poor residents of Shirpur village have lived in their houses for many years, some families for 25-30 years, most of them being employees or former employees of the Ministry of Defense.

This case, as with many others that I have seen during my visit to Afghanistan, clearly illustrates that the lack of clarity with respect to land and housing rights often affects the poor and vulnerable in society. My firm recommendation in my statement was that until such time the government has adopted a clear all comprehensive National Housing and Land Policy and established an effective judicial system, a moratorium on all evictions should be made. Such policy should take into particular consideration the needs and rights of women, particularly widows, and vulnerable groups, including returnees, internally displaced persons (IDPs), nomads, such as the Kouchi, the poor, persons with disabilities.

Q: Are returning refugees and IDPs making the housing shortage worse right now?

A: The influx of returnees, in combination with existing internally displaced, has created an additional strain on the country. However, one of the reasons this burden is so overwhelming is the absence of an existing sound housing and land rights situation to start with. Even without the return of refugees from Pakistan and elsewhere, the situation would have been serious.

During decades of war, the country has experienced destruction of houses and land, and deterioration of the limited infrastructure for essential services, including water, a problem made even more acute by the last five years' of drought in many parts of the country. Even among those Afghans who never left the country the needs are enormous.

What the return of large number of Afghans to their country has done is to highlight the fundamental and urgent need to address housing and land issues as a matter of priority and with a long-term development, not only humanitarian, perspective.

Q: Where is the housing situation worst?

A: From my first hand observations in and around Kabul, Jalalabad and Kandahar and from information received from other provinces, I believe that it

is safe to say that the non-respect of the right to adequate housing and security of tenure for the poor exists all over the country. The nature and the symptoms of the problem can naturally differ from region to region and from urban to rural areas.

Q: Has the response of various UN agencies to the housing and land crisis been adequate in your opinion?

A: First of all, the work of UNHCR, UN-Habitat and UNICEF regarding the right to adequate housing and land is exceptional. I believe, however, that there is a need for better coordination between UN agencies and programmes on this issue. The issue of housing and land rights in Afghanistan is so crucial and cross-cutting that it directly or indirectly concerns basically all UN actors, whether UN-Habitat, UNHCR, UNAMA, UNICEF, UNIFEM, FAO, WFP, UNEP, just to mention a few.

What I have seen is that there are many good initiatives being taken and initiatives launched by individual organisations, but without the necessary coordination with all partners concerned, particularly local and national NGOs, which could enable initiatives to become more oriented towards sustainable development instead of as today focusing mainly on emergency and humanitarian relief.

There are examples of increasing coordination though. I was recently in Jalalabad, where the UN agencies and programmes have set up a joint land task force for better coordination on issues related to housing and land. Such examples should be followed also on the central level. The increasing coordination between UNHCR and UN-Habitat, beginning with the Kabul Shelter Reconstruction Programme, based on the UN-Habitat community model, is another illustration.

Secondly, I believe your question raises a fundamental question of responsibility. I have seen a general tendency to expect miracle solutions stemming from the international community, including the United Nations. While the international community needs to continue to play an important role in Afghanistan, the main responsibility lies with the Government, and I would also like to add that the Afghan civil society similarly has a crucial role to play. My observation is that every actor seems to put the main responsibility on someone else, while the only possible long-term strategy is to join forces and efforts.

The reality is that the pace of repatriation has in fact slowed down dramatically compared to 2002, according to UNHCR's figures. One of the reasons is that refugees are reluctant - and rightly so - to return when there is uncertainty as to their possibility to return to their houses and lands. Another issue is of course the large number of landless refugees who do not know if and where land will be allocated to them. My position with regard to organized repatriation is that repatriation of refugees should be part of a long-term strategy - there must be an agreement on who will take the responsibility once UNHCR's and other agencies' mandates and capacities reduces.

Q: What are the issues of concern in terms of resettlement of IDPs to the areas of their origin?

A: The issue is highly complex and there are as you know many different forms of internally displaced persons - from those fleeing persecution and insecurity in their place of origin due to ethnic and land conflict fostered by commanders and

warlords; those driven away by drought, and; former refugees whose houses and lands are now destroyed or have been occupied by someone else. This should also be seen in the context of the tendency of increased urbanisation of the country as a whole.

During my interviews with people in and around Kabul, Kandahar and Jalalabad, most of the displaced persons I talked to indicated that given the possibility they would like to return to their places of origin. The issue of security was their main concern, closely followed by concerns related to housing, land and livelihood. Whereas many owned houses, they did not own land and therefore feared that they would never be able to survive if they returned to the areas of their origin.

Q: Increasingly high monthly rents paid by UN and international agencies have made it very difficult for many ordinary Afghans in Kabul to be able to rent accommodation. Is there a solution?

A: This is a concern that has been raised on several occasions during my visit, mainly by Afghans. It is an issue that's difficult to resolve without rules and regulations. Neither the UN, nor the international agencies and non-governmental organisations, have any interest in increased rents. However, in a city where accommodation is scarce landlords seize the opportunity to raise rents - sometimes absurdly so.

What I find much more serious is the current ongoing speculation in land and property taking place not only in Kabul, but also in other urban centers. Poppy cultivation is generating enormous amounts of unaccounted money that are invested into real estate, resulting in increasing prices. The complicity in allocation of lands to wealthy Afghans by the local authorities, including municipalities, places land and housing even further out of the reach of the poor.

Q; You have focused a lot on women and their right to adequate housing, land and property during your visit in Afghanistan. How do you view the situation of women in the country?

A: From a broad human rights perspective, the situation is serious, whether we talk about the right to participate in public life, freedom of opinion and expression or the right to education. In respect of housing and land, I am most of all concerned about the existing discrimination of women at all levels of society, from the governmental level to the private sphere. Even the international community has failed to adopt a comprehensive approach to address the special needs and rights of women to housing, land and property.

I have had the opportunity to discuss with many women, including a women's shura in Kandahar, during my visit and their testimonies reveal a disturbing pattern of exploitation leading to increased vulnerability. I am particularly concerned about women's difficulties to claim their inheritance rights and to access the judiciary and established institutions. Female-headed households seem to be most vulnerable, whether we talk about widows, women abandoned by their husbands or women having the main responsibility as the family's bread-winner. The widespread domestic violence is another concern linked to the right to a secure place to live.

Q: During your visit to Afghanistan, did you come across any positive initiatives which could serve as examples to follow?

A: Yes, the initiation of the National Solidarity Programme, especially the participation of women in establishing development priorities at the local level. The growing collaboration amongst various UN agencies and programmes on housing and land rights issues, including with the Ministry of Rural Rehabilitation and Development, the Ministry of Urban Development and Housing and the Ministry of Reconstruction; the adoption of the IDP agenda by UNHCR, the community model developed by UN-Habitat; the work done by UNICEF on the provision of water and sanitation; the promotion and realisation of women's right to housing by the shuras in the districts of the Shomali Plains, and; the setting up of the Land Committee in the Nangahar province to find durable solutions to land related problems and property rights affecting returnees and IDPs. The courageous work of the Afghanistan Independent Human Rights Commission should also be recognised and supported.

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KENYA: Interview with Miloon Kothari, independent UN special rapporteur on adequate housing

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Miloon Kothari the UN special rapporteur on housing

NAIROBI, 23 Feb 2004 (IRIN) - Miloon Kothari, the independent special rapporteur on adequate housing of the United Nations Commission on Human Rights (UNCHR) was on mission in Kenya for two weeks in February. While in Kenya, he examined the status of realisation of the right to adequate housing and other related rights in the country, with particular attention to aspects of gender equality and non-discrimination.

In this interview, Kothari makes his observations on the land and housing situation in Kenya, and on the issue of transitional justice.

QUESTION: What is the aim of your mission to Kenya?

ANSWER: Part of the work that we do as rapporteur as is to carry out investigation missions in countries. The report will be submitted to the [UN] High Commissioner for Human Rights.

Q: Why Kenya?

A: I am here at the invitation of the Kenya government to look at the housing and land-rights situation in the country. We do it at the invitation of the hosts.

Q: What does your mandate entail in this mission?

A: My mandate is quite broad. Firstly, to look at the general situation of housing and the process of the realisation of housing rights; specific situations of vulnerable groups such as minorities, migrants, and indigenous people. I also look at situations of internal displacements, both in the rural and urban areas, women's rights to property inheritance, as well as issues of transitional justice.

Q: So how did you carry out the actual mission?

A: What we have been doing since we arrived is to meet and discuss the housing policy issues with various government ministry officials in Nairobi, chiefly in the ministries of local government, roads and housing, water resources and gender and sports. We also met with the Parliamentary Select Committee on land and housing rights. We went to the Kenya National Human Rights Commission and had interviews with civic forums in Nairobi and other towns in Kenya.

We travelled to major towns like Mombasa and Nakuru. We went to rural areas like Makueni and Isiolo and spoke with local authorities. We visited tribal clash victims, who also testified. The idea is to compile a land and housing report on Kenya. The report will go to the UN High Commissioner for Human Rights.

Q: What general trends did you observe in your mission?

A: There are a few areas where we felt needed immediate attention. Firstly, because of the past governments, there has been across-the-board violation of housing and land rights, especially of the poor and vulnerable. Resources that were available have been diverted, largely through corruption in the local authorities, and the development of land cartels. The whole system was involved in the dispossession that has taken place. What compounded it, is the issue of land grabbing and the creation of housing schemes for the poor that were taken up by those who were not too poor.

Q: What are the major housing challenges in Kenya?

A: The challenge faced by the government is huge. You have to reverse all the policies of dispossession. The government has to ensure its models are based on community or communal land rights. The policies of the government in the past have not been based on the recognition of the human rights of the Kenyan people. Resources have only fed the needs of those who already had land and wealth.

Q: What is the scale of the housing problem in Kenya?

A: It is very big, especially when you walk around and see the destruction of infrastructure and high levels of poverty. A lot has been destroyed which needs to be rebuilt.

Q: In what ways can Kenyans who live in slums be empowered to get decent, affordable housing, bearing in mind the extreme poverty levels, poor economy and rising cost of living in the country?

A: The creation of slums in Nairobi and other urban centres is a sign of lack of planning. It is shocking to see the scale of poverty across the country. When you look at the gross inequalities which have led to an apartheid situation in which a few people occupy the large portions of land and large populations live in small areas: a lot of it has come through political corruption. It is obviously a creation of two Kenyas, one with a lot of land and wealth, the other more dispossessed.

The common thread should be how do you meet the needs of the most vulnerable people, and human rights should be the basic theme. If they want to discourage slums, they must take clear action against the shack-owner phenomenon and land mafia, which are connected with local authorities.

Q: What are some of the major policy issues that Kenyan authorities need to address in order to improve the housing situation in the country?

A: The housing policies in Kenya are based on individual ownership. When people sold their plots and houses, it fed into the market. A lot of land speculation has taken place, pushing housing out of the reach of the poor. What happened historically, especially in Isiolo and along the coast, is that communities which were reasonably well off had their resources taken away. They are now in a situation where they have become squatters because, over the years, their rights have not been recognised.

I don't see how housing for the poor can be based on a system of individual ownership. I was very impressed with the ministry of water resources, which

has a model that can be used in other ministries. They have categorically refused the privatisation model and are looking for another model. It is very good to see that you can have a government where you have one ministry which is not necessarily using a human rights argument, but treats water as a common good. A similar thrust should be used in housing.

Q: What is your assessment of the Narc [National Rainbow Coalition] government's commitment to provide decent housing? [Narc in December 2002 defeated Kenya African National Union (KANU), which had ruled since independence.]

A: The government, I believe, is trying to change the past practices. The fact that I was invited to come here is a clear sign of that. It is the first mission on economic conditions in the country. I am sure they are aware of the level of scrutiny this mission will entail. However, the overall impression is very mixed. I think there are many good people in government who are trying to come to terms with the gross injustices that have been committed in the past. But at some levels, we still see business as usual.

Q: Is the Narc government on the right track in addressing some of these challenges?

A: There seems to be a lot of energy spent on policy formulation. What we would like to see is more results on the ground, and perhaps a complementary move to show some results. While addressing [policy], the government should at the same time deal with emergency situations. There are people who are threatened with eviction, who have no water or sanitation.

Also there is a lack of information flow from the government to the people. If you take the case of land-clash victims and the indigenous forest communities, you have a situation where there is no clear strategy by the government to tell the people what is going on.

When we visited the Ogieks [aboriginal forest dweller community in western Kenya] they were very insecure. What happens [is that] when there is a gap, the old system takes over and the local authorities continue with business as usual. They will carry on with evictions. In most cases, it is the poor who are affected.

And if you are serious as a government, you want your credibility to improve and the international community to assist, you have to take action. You can't say there is a ban on logging in public forests when you are not enforcing it.

Q: What can the UN do to help?

A: First of all, there is need for a national ownership of processes. In the past, we have observed in many developing countries that there is the expectation that the international community will come to assist. For example, a system of upgrading based on the assessment of the situation needs to be put in place. Then the bilateral partners, UN agencies and other international organisations can come in. I don't believe in donor or UN-led processes.

Q: Could you comment on the situation of the internally displaced in Kenya?

A: There have been a lot of people affected by the ethnic clashes in the 1990s. There is need to have a clear and specific policy for dealing with this issue. What is happening currently is that everyone is being put in the same basket.

Whether internally displaced by clashes or because of migration to the urban centres to look for work, or displaced in another sense, your rights and specific needs must be addressed. It calls for much more clarity and a sense of purpose for your people.

QUESTION: The Narc government is currently involved in the demolition of houses and structures illegally constructed on road reserves and other public space during the [former] KANU [Kenya African National Union] regime. Can you comment on this?

ANSWER: I think this [demolition] is good, but it does not seem to check on the impact on the poor. One must be able to distinguish between those who violated the rights and those who are innocent. Some of those who get caught in these situations are only renting, and their rights must be protected.

When you have a policy which is arbitrary, it creates a situation where the credibility of the government is called into question. There is need to [evolve] a clear policy on evictions, an Act which would be based on the considerable work that has been done by the international human rights community, such as UN guidelines on evictions and internal displacement. The message here is that the government's policies should always comply with its obligations under international law. The policy of arbitrariness has to be removed.

Q: What are the major policy weaknesses?

A: The housing policy is very good on matters of principle, because it has taken the position of right to housing. However, there are three major weaknesses. Its first major weakness is on implementation. The second weakness is that it treats everyone equally without placing any emphasis on vulnerable people. The third weakness is that it recognises women's right to housing and land, but this recognition is very superficial. There has been a lot of discrimination in that regard. This is an area that really requires a focused treatment.

Q: What about the issue of transitional justice? What can Narc do?

A: There are several committees and task forces that have been set up to investigate past injustices. I think this needs to be speeded up, and repossession of public land has to start. They have to start doing it. The longer you wait, the more chances it will be difficult to do. At the same time, the government needs to dismantle the systems that have exploited the poor. The people who benefited from the corrupt political system that was there before have to be removed, because a lot of resources get diverted.

Q: Narc has promised to build up to 150,000 housing units for the poor in the next five year. Do you think this is feasible?

A: I think sweeping statements do more harm than good. And that is not the main need; the main need at the moment is that of upgrading.

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IRAN: Interview with Human Rights Special Rapporteur on Adequate Housing, Miloon Kothari

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Human Rights Special Rapporteur on Adequate Housing, Miloon Kothari

TEHRAN, 9 Aug 2005 (IRIN) - Access to adequate housing in Iran is fraught with difficulties. Iran is riddled with earthquake fault lines and prone to severe droughts. The burgeoning population, coupled with massive population migration from rural to urban areas has resulted in a surge in demand for housing.

The UN Commission on Human Rights Special Rapporteur on Adequate Housing, Miloon Kothari, recently spent 12 days travelling through several Iranian provinces gathering information for a report.

His mandate included the examination of issues related to the rights of ethnic minorities, women, property evictions and land tenure. During his mission, Kothari met with a range of representatives from governmental and non-governmental bodies. These included senior officials from several ministries, national institutions such as the Imam Khomeini Relief Committee and the Iranian Red Crescent Society (IRCS), members of the judiciary and lawyers dealing with disadvantaged groups.

At the end of his mission, Mr Kothari spoke to IRIN in Tehran about his preliminary findings.

QUESTION: What are your impressions of the overall housing and land rights situation in rural and urban Iran?

ANSWER: Since the revolution there has been significant improvement in terms of access to water, sanitation, electricity and support for building. And there has been an attempt in the government, both at the level of different ministries and different organisations - like the Imam Khomeini Relief Committee, the Welfare Organisation, the Housing Foundation and the Housing Bank - to improve access to housing and civic services. And say, in comparison to other developing countries, the overall situation, if you look at the number of homeless people or number of people living in slums, is definitely better.

But this has to be taken in a very qualified way because what I noticed in the visits to different provinces and the interviews that we conducted is that there are a number of groups in Iran that have suffered disproportionately in terms of access to these services. I'm talking about the Kurds, the Arabs, the Laks, and the Nomads. It's very disturbing that these groups have not benefited proportionately in the same way as the rest of the Iranian population. I think this is very striking.

For example, when you visit Ahwaz [in the western Iranian province of Khuzestan bordering Iraq] in terms of the very adverse conditions in the neighbourhoods, there are thousands of people living with open sewers, no sanitation, no regular access to water, electricity and no gas connections. I think that the kind of question that arises is, why is that? Why have certain groups not benefited? In addition to this there are a couple of other problems that come up. Again in Khuzestan, you notice that we drove outside the city about 20 km and we visited the areas where large development projects are coming up - sugar cane plantations and other projects along the river - and the estimate we received is that between 200,000 - 250,000 Arab people are being displaced from their villages because of these projects. And the question that comes up in my mind is, why is it that these projects are placed directly on the lands that have been homes for these people for generations? I asked the officials, I asked the people we were with. And there is other land in Khuzestan where projects could have been placed which would have minimised the displacement.

The third issue in Khuzestan, which is very disturbing, is that there is an attempt being made by the government to build new towns and bring in new people from other provinces. For example, there is the new town of Shirinshah where most of the people being brought into that town are people from Yazd province [in central Iran] - non-Arabs. So the question then is that these people who are being brought there, perhaps for work and lots of incentives, why is it that those jobs are not going to the locals?

Another point in Khuzestan is that from these deprived neighbourhoods you can actually see the towers of the oil refineries and the flares and all of that money, which is a lot, and it is going out of the province. Even a small percentage would significantly improve things in terms of development.

Q: Can you tell me more about your findings of the state of housing and land rights of minorities and other groups in Iran?

A: There are three groups that face discrimination regarding housing and land rights in Iran. There's discrimination against ethnic and religious minorities and there's discrimination against groups that, like the Nomads, have their own category. And the third cuts across all the groups and is against women.

I think that you see, for example in the neighbourhoods we visited in Khuzestan of the Laks, which is a very deprived group, that they are living in conditions of high density, again without access to adequate sanitation and water. And just nearby, you see other neighbourhoods with much better services.

And with the nomads there is a very serious problem that in spite of their significant contribution to the national economy and their long history in the country, there is this non-sensitivity to their lifestyle. There's a kind of looking down upon them, that they should settle down and be like everyone else. There are attempts being made to actually grab land, to confiscate land that is on their migratory path and where they settle for short times and there isn't a system in place where their products could be brought to the market or where health and education services could be offered to them which wouldn't be very difficult. I think in much of the land where they are, there is a lot of space. So again there's this question. Why is it that development is taking place where they are? Or on the lands which they need?

There are, in addition to the groups I've mentioned, also individuals. You find

elderly women, women-headed households, orphans, street-children, families of prisoners who nobody is looking after. There are lots of people whose needs are not being met and the needs that are being met are not sufficient. For example the pension that elderly women would get every three or four months is hardly anything compared to their expenses. So there is a need to make two kinds of assessments. One assessment is where the services are not reaching or not regular and there you have to look at quantity and quality. So you say in a certain region 80 percent of people are receiving water - but are they really? Is it 24 hours? How long is it that they are not getting it? And then there's a question of quality. Is it potable, is it enough for people to live on from a human rights perspective?

And the second assessment is of individuals that are being left out, so you still have destitute women you see in Tehran and street women and you have this enormous problem, which is quite shocking to me, that there are no safe houses, no shelters where women can go.

Another step that is necessary is for the government to admit the problems, which you find is not so common with the officials. There's a general glossing over things, of either saying, 'we don't have these problems' or, of passing the buck. When we talked, for example, to the Tehran municipality about deprived people, they said 'that's not us, that is the Ministry of Housing, or the Ministry of Social Welfare.'

So what happens is that people fall in between. They don't have anywhere to go. That's the first step. Then designing policies, legislations that are based on this recognition. I think if the government was honest and up-front, I think it would be easier for the international community to contribute.

Q: What do you think needs to be done to begin to address the problems you are raising about a lack of access to housing, land and services for these deprived groups?

A: I think that in terms of solutions, what I would recommend first of all, is that it's very important for the government to make an assessment of where the vulnerable groups are, who are the communities - numbers of people, types of problems - that are being left out of the system.

And in spite of this extensive system of industries and other organisations looking at housing and related services, it's clear from everywhere we visited in the country, including Tehran, that there are lots of people who are falling between the cracks, who are essentially not being looked after by the system.

Q: At your press conference, you mentioned the issue of confiscation and land-grabbing. What do you mean by this and how is it happening?

A: There are various kinds of confiscations. One that has been very well documented is the confiscation of the lands of the Bahai's [a religious minority] which has taken place in many different parts of the country, where their lands in villages and lands in cities have been confiscated, including in Tehran.

The second type is more indirect and is related to the example of the nomads I was giving around Shiraz [a city in the southern Fars province] where lands are taken, sub-divided, trees are planted and trees are allowed to die. And then that land is sold to private entities to construct expensive housing. Those are the lands where the nomads used to migrate and have their seasonal homes, and this is done in collusion with the Ministry of Agriculture.

The other kind is, of course from development projects, like the ones I mentioned in Khuzestan, but it's happening in other parts of the country where large development projects, like petrochemical plants, are being built leading to the displacement of entire villages - with thousands of people not consulted on the projects, informed of the impending displacement, nor offered adequate resettlement and compensation. There is a strange system in the country where if the government wants to confiscate land, you can't challenge it. All you can do is to put up some sort of resistance to get good compensation.

We looked in detail in some areas on the issue of compensation and, for example, in Khuzestan the compensation being offered to the Arab villagers who were being displaced is sometimes one fortieth of the market value - and there's nothing they can do about it. It's a fait accompli. That's how it is. And all of these phenomena are continuing. It's something that is happening almost every day.

Q: What are your main concerns regarding women?

A: The main concern is that there is a state of denial regarding women's rights. The country has a very large-scale problem of women not having equal rights to land and property, housing and inheritance. This type of discrimination is built into the civil code and the manner in which courts have interpreted this code. Then there's the additional problem of domestic violence, which is widespread in the country. Again, it's only coming out now but there is no place for women to go and even if there was, there's this whole cultural issue. Would they be separated from their children? Would they be ostracised by society? I think that in terms of the communities I was speaking about that are living in poverty, obviously, the impact is greater on women and that has to be recognised and specific interventions designed to alleviate the suffering and to improve the lives of women.

The other problem that is very clear on women's rights and comes up very sharply, is when you compare the provisions of the civil code with numerous articles of the Iranian constitution and international human rights law.

There is a conflict and I think that conflict has to be resolved. One way of doing it would be to make sure that national law and policy is consistent with the recognition of the equality of women in international human rights law. But even if they don't want to do that, it should be possible as Shirin Ebadi [Iran's Nobel Laureate and human rights lawyer] and others have pointed out, if you take the original teachings of Islam, the Koran and Sharia, there's nothing there that says that it cannot be interpreted to mean that women cannot have equal rights. It's just been interpreted in a different way in the civil code. I think bodies like the Guardian Council and others, including the parliament, which has a significant role to play, could make another interpretation and that needs to be done because it's quite clear that women do not have equal rights.

It's also very clear that women are becoming a little bit more outspoken in society but then the people that are working on women's rights - the lawyers, the activists - are facing a lot of repression. It's very courageous work. Many of the people we spoke to didn't want to be named. And you can make a very long list of women who are suffering from double, triple discrimination - divorced women, destitute women, women who've lost their families, their husbands [for example from the earthquake], women who have husbands who are drug addicts with no income in the family. They have to go and earn a livelihood but there's no place to go.

Q: Is there sufficient access to public housing?

A: There is very little public housing. In fact most of the housing in the country is built by the private sector, a very high percentage. There isn't sufficient public housing. There isn't social housing where rents could be at a minimum level that people could afford.

There are a lot of programmes to help people, for example, in villages, to build their own housing. But again the assumption in all these programmes and the entire national housing finance system is that you have the capacity to save. And then you have the capacity to make a particular down-payment, which a lot of people don't have.

There is also no data, including from the Housing Bank, on the number of people in the country that have no access to housing finance as they are unable to meet, due to their low income levels, the basic criteria of the national housing finance system.

There has to be more control over speculation. Speculation is enormous. Even in Tehran, lots of land is being taken over and expensive housing being built. In north Tehran, so many buildings are empty because even rich people can't afford it! And what happens is that in south Tehran there are lots of people who can't afford the rents and this problem is very striking with young people, newly married or single. They just cannot afford to have a place of their own.

In some areas of Tehran rents are 50 - 70 percent of income, which is way, way above any kind of standards because then what happens is that people have to compromise on food, health and education.

I think at a preventative level in Tehran, the municipality has to be much more careful about where they're allocating land for investment. So what's happening is that a lot of people are investing in land in north Tehran, so you are creating a market, which is not actually necessary.

If there was better planning in the city, there would be much better efforts made in revitalising the central part of the city and developing the southern part. But what's happening right now is that most of the investment is going to the north, which has already created an imbalance and it's going to create more of an imbalance in the future. So if you look at Tehran, if the municipality did an assessment, where are the poor neighbourhoods?

You have these enormous areas on the eastern border of the airport [the 9th district including neighbourhoods like Jay], where there is high density housing. There are a lot of neighbourhoods like that and you begin from that, and you say, okay, we need to improve the conditions here, we need to revitalise this area. In one sense the city is losing its soul, because the whole central area, which should actually be revitalised is not. There are lots of parts which are abandoned at night with problems of crime. So the whole problem is not based on improving the lives of the most deprived, it's based on other priorities.

Q: Thousands of residents of Bam lost their homes after the devastating earthquake in December 2003 razed the city. Most are still homeless. Is enough being done for them?

A: I think that the reconstruction work in the centre of the city, where the maximum damage took place and in the surrounding villages, is quite

impressive, both on the efforts being made by the national reconstruction people and the Imam Khomeini Relief Committee. That work seems to be proceeding and there's a great deal of technical expertise going into that, but what is disturbing is the situation in the camps. There are still many camps and people have been living there for 18 months. Some of the camps have very serious health conditions, sanitation problems, water problems, people are living in these connexes - containers - and lots of people we spoke to are not sure what their future is.

There is some certainty for people who owned land before but not those who rented homes. And again the point I was making earlier, we talked to many elderly women, disabled women who are not registered, so again that assessment is missing.

Also there's no clarity on how long - is it going to be another year, two years? But overall I think the reconstruction work is quite good.

Q: Given Iran's high risk for earthquakes, are measures being implemented to safeguard homes?

A: I think the plans are quite extensive, both in terms of the assessment they've made [especially the Housing Foundation], in terms of the zones that are going to be affected and statistics on the number of houses that need to be strengthened. Some work has begun; I think the reconstruction work in some of the provinces has already begun. But the main obstacle right now is the funding. I think this is where I do believe the government is sincere and they are making an attempt and this is definitely a place where the international community could assist more.

Q: You have come up with some preliminary recommendations from your mission. Can you summarise these?

A: I welcome the attempts being made by the Iranian state to engage with the international human rights system, including an open invitation to UN Special Rapporteurs to visit Iran.

In this context of the willingness to engage, I have formulated some preliminary recommendations [the full text of the findings can be found at www.ohchr.org] including the need to implement the Iranian constitutional recognition of the right to adequate housing for all Iranians, despite their ethnic or religious origins; to develop policies and legislation, including amending the civil code, to address the equal rights women to housing, land, property and inheritance; to ratify the Convention on the Elimination of Discrimination Against Women (CEDAW); to consider policies to intervene in the housing market and to control land and housing speculation; to place special emphasis on the development of historically neglected and poor provinces of the country such as Ilam, Khuzestan and Sistan-Baluchistan; to strengthen public participation in development initiatives and recognise the critical role being played by civil society organisations and identify on an urgent basis vulnerable groups and individuals that are being left out of the programmes of access to housing and civic services.

It is also important for the international community to assist Iran in its ambitious attempts to convert all housing in the country to meet earthquake-proof standards; to increase funding to housing projects aimed at uplifting the conditions of groups in vulnerable situations and to increase support to civil society [groups] that are engaged in human rights and community development

projects in Iran.

[ENDS]

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