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الحقوق الاقتصادية والاجتماعية والثقافية

تقرير المقرر الخاص بالسكن اللائق كعنصر من عناصر الحق في
مستوى معيشي مناسب، السيد ميلون كوثاري

إضافة **

بعثة المقرر الخاص إلى جمهورية إيران الإسلامية
(١٩-٣١ تموز/يوليه ٢٠٠٥)

* يعمم موجز التقرير بجميع اللغات. ويعمم التقرير الكامل الوارد في المرفق باللغة الإنكليزية فقط.

** عملاً بالفقرة ٨ من الفرع بء من قرار الجمعية العامة ٢٠٨/٥٣، يعزى تقديم هذا التقرير في وقت متأخر إلى الحاجة لاستكمالها بآخر ما استجد من تطورات.

موجز

يقدم هذا التقرير بموجب قرار لجنة حقوق الإنسان ٢٠٠٤/٢١.

إن الغرض من بعثة المقرر الخاص المعني بالسكن اللائق كعنصر من عناصر الحق في مستوى معيشي مناسب إلى جمهورية إيران الإسلامية هو دراسة حالة توفير السكن اللائق كعنصر من عناصر الحق في مستوى معيشي مناسب وتقديم تقرير عن ذلك، مع إيلاء اهتمام خاص لجوانب المساواة بين الجنسين ومنع التمييز. وقد سعى المقرر الخاص أيضاً إلى الدخول في حوار مع الحكومة والأمم المتحدة والوكالات الدولية والمجتمع المدني، وتعيين حلول عملية وممارسات فضلى لإعمال الحقوق المتصلة بولايته.

ويشيد المقرر الخاص بحكومة جمهورية إيران الإسلامية لتوجيهها دعوة دائمة لزيارة البلد إلى جميع المكلفين بإجراءات مواضيعية خاصة للجنة حقوق الإنسان، ويرحب برغبة الحكومة في إعمال الحق في السكن اللائق والحقوق ذات الصلة الواردة في الدستور الإيراني وفي معاهدات حقوق الإنسان. والتقرير يلفت الانتباه إلى عدد من الاتجاهات الإيجابية والممارسات الفضلى التي لاحظها المقرر الخاص أثناء بعثته، مثل كبر عدد الهيئات الحكومية التي تعمل على تحسين الظروف السكنية في البلد، والمحاولات الجادة التي تقوم بها الحكومة في جميع أنحاء إيران منذ قيام الثورة لكفالة توفير الماء والكهرباء والصرف الصحي، وتركيز سياسات الإسكان الحكومية على المجموعات المستضعفة والمهمشة، مثل الأرامل ربات الأسر المعيشية، والأزواج حديثي العهد الذين يفتقرون إلى المسكن، فضلاً عن الجهود المبذولة لإعادة الإعمار في بام والتدابير الوقائية المتخذة في المناطق المعرضة للكوارث.

ويعبر المقرر الخاص عن قلقه إزاء المعوقات القائمة التي تعترض إعمال حق الإنسان في السكن اللائق. وتتمثل التحديات بصورة رئيسية في تكاليف الإسكان المفرطة في البلد. والسياسات والبرامج التي يبدو أنها لا تؤدي إلى زيادة توفير السكن اللائق لمن يعانون من شدة الفقر. وقد حدد المقرر الخاص أربعة عناصر رئيسية يمكن أن تساعد على تفسير هذا الإخفاق وهي: (أ) عدم تمكن الفئات الأكثر فقراً من الحصول على التسهيلات الائتمانية الحكومية ومن الاستفادة من برامج الاستئجار والادخار الحكومية للحصول على المسكن؛ و(ب) تشوه الحوافز التي تقدمها الحكومة إلى شركات التشييد الكبيرة لبناء وحدات سكنية منخفضة التكلفة؛ و(ج) تمييز المناطق الحضرية عن غيرها لدى تخطيط برامج الإسكان؛ و(د) الافتقار إلى التنسيق بين مختلف الأفرع الحكومية والوكالات والمنظمات الحكومية المسؤولة عن التنفيذ. وبالإضافة إلى ذلك، يود المقرر الخاص أيضاً أن يعرب عن القلق إزاء استمرار التمييز الذي تواجهه الأقليات الإثنية والدينية ومجموعات الرُّحْل، وهو ما يبدو من الظروف السكنية والمعيشية السيئة التي تعاني منها هذه المجموعات أكثر من غيرها؛ وكثرة حالات مصادرة الأراضي والإخلاء القسري المدعى وجودها؛ والتمييز ضد المرأة في حقوق السكن والأرض والميراث والملكية؛ وسوء ومحدودية الخدمات الأساسية المتاحة، كماً وكيفاً، للمستوطنات غير النظامية والأحياء الفقيرة.

كما يسعى المقرر الخاص في كامل تقريره إلى إبراز التقدم المحرز والنطاق المحتمل للمزيد من العمل. ويضع عدداً من التوصيات أمام حكومة جمهورية إيران الإسلامية، منها: الاستعراض القانوني والإداري لمبدأ حق اليد العليا الذي يمنع الأفراد والمجموعات من الاعتراض على تملك الدولة للمساكن والأراضي؛ ووضع المزيد من السياسات لكفالة مساواة المرأة في الحصول على المسكن والأرض وفي التملك والميراث؛ واعتماد سياسات تؤدي

إلى تجنب المضاربة في الأراضي والمساكن وعدم "تحويلها إلى سلع"؛ وإيلاء المزيد من الاهتمام للمحافظات المهمشة تاريخياً مثل لام وخوزستان وسيستان - بالوشستان؛ والمشاركة العامة في وضع الخطط الإنمائية وفي إعداد وتقييم مشاريع الإسكان؛ وتعزيز وتوسيع وتنفيذ سياسات عامة لخدمة المجموعات المستضعفة والأقليات الإثنية والدينية، مثل الأكراد والبهايين واللاكس والعرب.

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, MILOON KOTHARI, ON HIS MISSION TO the ISLAMIC Republic of Iran (19-31 JULY 2005)

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 10	5
I. LEGAL-INSTITUTIONAL FRAMEWORK AND MAIN HOUSING POLICIES	11 - 31	6
A. Institutional framework	11 - 16	6
B. Main legal provisions	17 - 21	7
C. Main housing policies	22 - 31	8
II. ADEQUATE HOUSING IN CONTEXT: LIVING CONDITIONS IN THE ISLAMIC REPUBLIC OF IRAN	32 - 73	10
A. Security of tenure	34 - 47	10
B. Provision of basic services	48 - 51	12
C. Affordability	52 - 60	13
D. Accessibility - disaster prevention and reconstruction	61 - 73	14
III. THE RIGHT TO ADEQUATE HOUSING OF SPECIFIC GROUPS	74 - 102	16
A. Ethnic and religious minorities and nomads	76 - 93	17
B. Women's rights to housing, land and property	94 - 102	20
IV. CONCLUDING REMARKS AND RECOMMENDATIONS	103 - 106	21

Introduction

1. At the invitation of the Government of the Islamic Republic of Iran, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living undertook a mission to the country from 19 to 31 July 2005.

2. During the mission, meetings were organized with the Minister of Housing and Urban Development and the Minister of Welfare and Social Security; with senior officials from the Ministry of Interior and Ministry of Foreign Affairs; national institutions and organizations such as the Management and Planning Organization, the Housing Foundation, the Welfare Organization, the Iranian Nomadic Organization, the Centre for Women's Participation and the Imam Khomeini Relief Committee; the National Red Crescent Society; the Housing Bank (Maskan); members of the judiciary; the Headquarters for the Execution of Imam's Order and Parliament (Construction Commission); the Iranian Islamic Human Rights Commission; local authorities, civic and community organizations and lawyers dealing, among others, with women's human rights, the living conditions in disadvantaged neighbourhoods and rights of prisoners and victims of violence.

3. The Special Rapporteur also met with members of the diplomatic community in Tehran and with the United Nations Resident Coordinator, the head of the United Nations Development Programme (UNDP) in the Islamic Republic of Iran, as well as representatives of the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Health Organization (WHO).

4. The Special Rapporteur places particular emphasis on the need to undertake field visits, both in urban and rural areas, in order to gain first-hand understanding of different types of accommodations enjoyed by various social groups in the country. For this reason, he visited different neighbourhoods in and around Tehran and the provinces of Kermanshah, Kerman, Khuzestan, Boyerahmad va Kohgiluyeh and Fars. In addition, he heard testimonies on the housing situation in the provinces of Ilam and Sistan-Baluchistan.

5. The overall programme for the Special Rapporteur's mission was coordinated by UNDP-Iran with the support of the Iranian Ministry for Foreign Affairs. Non-governmental organizations and individual activists provided essential information for the Special Rapporteur's assessment of the housing situation in the Islamic Republic of Iran. The Islamic Human Rights Commission was instrumental in coordinating the field visits to Shiraz, Yassoj and Kermanshah, while UNHCR coordinated the visit to Ahwaz. The Special Rapporteur appreciates their assistance in setting up and carrying out the agenda for his mission. The Special Rapporteur would also like to extend his gratitude to the former Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Maurice Copithorne, for his support.

6. The purpose of the Special Rapporteur's mission was to examine and report on the status of realization of the human right to adequate housing and other related rights in the country, with particular attention to aspects of gender equality and non-discrimination, with a view to promoting the incorporation of a human rights perspective at all levels of governance, policymaking and implementation.

7. Based on the provisions of legal instruments, the Special Rapporteur has adopted a working definition of the right to adequate housing as “the right of every woman, man, youth and child to gain and sustain a secure home and community in which to live in peace and dignity” (E/CN.4/2001/51, para. 8). Based on the notion that all human rights are interrelated and indivisible, he has adopted a holistic approach to his mandate, and has sought to explore linkages with other related rights such as the rights to food, water, health, access to sanitation, work, property, the right to security of the person and security of home, and protection against inhuman and degrading treatment in all of his activities with a special focus on minorities and vulnerable or marginalized groups. The Special Rapporteur also focused particularly on women, pursuant to his mandate under Commission resolutions 2002/49, 2003/22 and 2005/25 on women’s equal ownership of, access to, and control over land, and the equal rights to own property and to adequate housing.

8. The Special Rapporteur recognizes the significant difficulties imposed on Iran by the fact that most of the country’s territory is located within an earthquake-prone zone and that many parts of the country are constantly subject to severe drought. In addition, the eight years of war with Iraq resulted in massive destruction of houses and infrastructure in border areas, the impact of which is still a concern. Finally, the demand for housing is steadily growing as a result of population increase, particularly in urban areas.

9. The Special Rapporteur had the opportunity to observe the concern amongst governmental officials with respect to the need for improved access to housing and an apparent willingness to seek creative solutions to the country’s housing deficit. Innovative thinking is being promoted in the search for sustainable plans to extend basic services to the remote areas of the country. The Special Rapporteur observed that access to utilities and basic infrastructure has improved in the last 20 years. Despite such positive aspects, much still needs to be done to enhance the quality and coverage of these civic services, to develop integrated housing policies, to control speculation, and to democratize access to housing loans and facilities.

10. The same openness to sustainable and human rights-based solutions was not, however, observed with regard to issues relating to discrimination in access to housing and civic services for ethnic and religious minorities, or to women’s rights to property, housing and inheritance. Although the Government has emphasized that, with respect to ownership by women, the figures from the last 10 years show a constant increase, the Special Rapporteur would like to draw attention to these situations as they represent obstacles to the realization of adequate housing in Iran.

I. LEGAL-INSTITUTIONAL FRAMEWORK AND MAIN HOUSING POLICIES

A. Institutional framework

11. The Islamic Republic of Iran is a theocratic republic formed by four branches of Government: the Leadership, the executive, the judiciary and the legislature. The Leadership is the uppermost authority, both in terms of political and religious power, with the Leader acting as the Head of State.

12. The legislature is formed by the Guardian Council and the Parliament (Majlis). Legislation is approved by the Majlis, ratified by the Guardian Council and signed into law by the President. The Guardian Council is a reviewing body with the responsibility to ensure that all laws and regulations in the country are based on Islam, including articles of the Constitution. In case of disagreement between the Majlis and Guardian Council on issues relating to compliance with sharia or the Constitution, an Expediency Council appointed by the Leader decides.

13. The judiciary consists of a Supreme Court and lower courts, divided into regular courts (classified according to their area of jurisdiction), clerical courts, revolutionary tribunals, and the Court of Administrative Justice. This court, under the supervision of the head of the judicial branch, investigates and judges any complaints by regular citizens against government officials, organs and statutes.

14. The executive is headed by an elected president. After the 1989 amendments to the 1979 Constitution, the president's powers were extended. He is today second in power after the Leader, and also coordinates the work of the executive, the legislative and the judiciary. The president is assisted by a cabinet formed by 22 ministers, including the Minister for Housing and Urban Development, the head of the Crusade for Construction (Jihad Sazandegi) and the Minister of Interior, who coordinates the work of the municipal councils.

15. The Ministry for Housing and Urban Development is the main body of the executive responsible for the planning and implementation of housing policies. Such policies are planned with the technical support of the Management and Planning Organization.

16. Some governmental and non-governmental organizations also carry out programmes with direct or indirect impact on housing rights. The Housing Foundation's activities focus on post-disaster reconstruction and prevention and on improvement of housing conditions in rural areas, where one of the main programmes is the documentation of real estate to facilitate regularization of ownership (titles). The Welfare Organization and the Imam Khomeini Relief Committee have undertaken initiatives aimed at assisting women heads of households with down payments to access banking facilities for housing purchase and direct cash transfers for vulnerable groups to assist with regular household expenditure, including rent.

B. Main legal provisions

17. The right to a suitable dwelling is provided for in article 31 of the Constitution. In addition, articles 3 and 43 both state that the national economy shall have as one of its objectives the provision of basic necessities and the "abolishment of all deprivation with respect to ... housing".

18. The Government's programme for the housing sector immediately after the revolution was, to a large extent, based in public land ownership. Three main pieces of legislation were passed: the Urban Wasteland Ownership Law (1979); the Urban Land Law (1982); and the New Urban Land Law (1987).

19. The 1979 law provided for State ownership of all “unused urban plots”, which included all plots larger than 1,000 square metres belonging to a same owner. The second law (1982) provided for purchase by the Government’s Urban Land Organization of all urban farmland and “abandoned” urban plots for a fixed price set by the Government. The 1987 law extended the Urban Land Organization’s responsibilities after the Iran-Iraq war, especially in affected areas. Together, these three laws put a limitation on the total surface of land which a single owner is allowed to own, and prohibited land transactions, except those undertaken by the Government.

20. The by-laws to the 1999 Total National Budget Law provide for financial and saving facilities for both mass and individual constructors in order to enhance the performance of the national housing market. The by-laws also provide for the setting up of banking facilities for the purchase of housing units by the general public, with special attention to certain groups, such as the families of the martyrs of war.

21. A 1997 law (176661/58280) also encourages construction and supply of housing units destined for rent. Special attention is given to young couples married for no longer than two years and families under the guardianship of women.

C. Main housing policies

22. The Special Rapporteur was impressed by the number of different government entities involved in planning and implementing housing policies. According to information provided by the Majlis’ Construction Committee, 25 per cent of the national development budget was devoted to housing programmes.

23. The population in need can benefit from a number of safety-net programmes and assistance from charity institutions and other non-governmental organizations, including the Housing Foundation, the Imam Khomeini Relief Committee and the Welfare Organization. These programmes include direct cash transfers, housing provision and social security coverage.

24. A number of housing funds were also created to benefit specific groups, such as the Youth Housing Fund and the Labour’s Housing Fund. The Housing Bank - Maskan Bank - provides loans and facilities to the housing sector, aimed at house purchase, construction and completion, repair and facilitation, and credit to building and construction companies.

25. The years after the Revolution have seen a larger number of housing programmes aimed at the direct supply of housing units, mainly based in provisions set forth by the 1979, 1982 and 1987 urban land laws. According to housing policies planned in conjunction with those laws, the expropriated land should be distributed to individual households to address housing shortage in urban areas. Later, however, government policies gradually changed, reducing the government role in the direct provision of housing and making the banking sector the main channel for housing subsidies.

26. Current housing policies focus mainly on State participation in the construction sector, with finance directed by the Central Bank through credit allocation and subsidies. Long-term loans to facilitate access to individual credit for housing purchase and construction set 15-20-year terms and interest rates from 17 to 19 per cent. Special leasing programmes and housing savings accounts have also been set up by government order.

27. Despite measures such as subsidies for the lower-income population in lease programmes and the increase of low-interest credit facilities, policies and programmes do not seem to have resulted in substantially improved access to adequate housing for the very poor. In addition to the diversion of funds for non-programme purposes, the Special Rapporteur has identified four main elements that may help to explain such failure: inaccessibility of government credit facilities, leasing and pro-housing savings programmes to the poorest segments of the population; distortions in government incentives to large-scale builders for production of low-price housing units; a considerable urban bias in the planning of housing programmes that has led to unsuitable or insufficient rural housing policies; and, the lack of coordination between different government branches, agencies and organizations responsible for implementation.

28. Leases, loans and housing saving accounts constitute the cornerstones of affordable housing policies. Loans and leasing plans require an initial down payment that normally corresponds to 70 per cent of the total price of the house. Similarly, access to housing saving accounts requires initial resource deposits normally out of range for the poorer segments of society. Due to the fact that large parts of the population cannot afford down payments, initial deposits and loan instalments, such programmes end up benefiting only the middle and upper-middle sectors of Iranian society. Studies carried out by the Management and Plan Organization¹ have confirmed this flaw.

29. The Special Rapporteur also received information regarding the high costs of housing units built as part of programmes aimed at providing incentives for construction companies to build affordable housing alternatives. According to such information, major companies which received direct subsidies from the Government for the construction of cheap housing units were instead building and selling expensive apartment buildings in affluent neighbourhoods, such as in the northern parts of Tehran, thus distorting the objectives of the housing policy.

30. After meeting with a number of officials to discuss housing programmes carried out by different government bodies and organizations and after reviewing the main housing policies, the Special Rapporteur would like to express concern regarding a visible urban bias in the country's housing initiatives. The Maskan Bank (Housing Bank), for example, does not extend its savings and leasing facilities for housing purchase in rural areas. Such urban bias has resulted in a relative neglect in the planning and implementation of policies designed specifically to secure housing sustainability in rural areas and inefficiency in addressing the problem of migration of rural workers and families to cities. The section on affordability below, further elaborates this point.

31. Finally, in spite of the multiplicity of institutions, government branches, agencies and organizations carrying out housing-related projects in Iran, the Special Rapporteur noted an absence of coordinated action. While planning their programmes, for example, such organizations fail to seek a clearer division of responsibilities and tasks; this situation apparently generates duplicity in some areas and gaps in others. The Housing Foundation, the Welfare Foundation and the Imam Khomeini Relief Committee, for example, all affirmed having programmes destined to provide free housing to the elderly. The Special Rapporteur, however, interviewed a number of aged individuals living on their own who stated that they received no such assistance. He observed that many people and families were not benefiting from the system, despite the extensive number of direct and indirect subsidies, incentives and welfare programmes in place. When requesting information on the causes of such failure, different organizations normally deferred responsibility to other government branches. Since no clear division of responsibilities exists, monitoring appears to become a difficult exercise.

II. ADEQUATE HOUSING IN CONTEXT: LIVING CONDITIONS IN THE ISLAMIC REPUBLIC OF IRAN

32. The Special Rapporteur has emphasized the indivisibility of human rights, including focusing on the civil and political rights dimensions of the right to adequate housing. The degree of respect for the right to security of the home, security of the person, the right to participation and privacy, are factors to be taken into consideration to ascertain the factual degree of realization of the right to adequate housing as a component of the right to an adequate standard of living. Such an approach should inform the Government's policies and actions at all levels, including its budgetary allocations. Housing, water, sanitation, electricity and protection from evictions must be addressed together while ensuring priority for women and vulnerable communities, guaranteeing equal access to land and property and ensuring rights to public participation and freedom from violence and discrimination.

33. Adequacy of housing, as underlined by the Committee on Economic, Social and Cultural Rights (CESCR) in its general comment No. 4, is determined in part by social, economic, cultural, climatic, ecological and other factors. The Committee identified the following aspects of housing as essential in determining its "adequacy": (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Special Rapporteur has expanded this list of essential elements to include: privacy and security; participation; freedom from violence; and access to remedies.

A. Security of tenure

34. According to international standards, irrespective of the kind of residence they occupy, individuals should be provided legal measures, including the right to security of the home and person, which guarantee stability in their enjoyment of the right to adequate housing and protection against forced evictions, displacement, harassment and other threats.

35. During his mission the Special Rapporteur identified security of tenure as another main obstacle to the realization of the right to adequate housing in Iran. A number of factors have contributed to this situation, as set out below.

Ownership titles

36. The security of a legally obtained domicile is guaranteed by law. However, according to testimonies received during the mission, a considerable number of families, especially in rural areas, do not have formal ownership titles over their houses and land. This situation seems to result from: lack of knowledge of the relevant legal provisions and applicable registry procedures; ownership titles are perceived as unnecessary, and the population in general seems to be unaware of the relation between ownership titles and security of tenure; and the tendency not to formally register properties in order to avoid taxes and burdensome administrative procedures. According to the Government, a programme of formal registration of properties is ongoing under the 3rd and 4th National Development Plans.

37. In many villages visited by the Special Rapporteur, residents affirmed enjoying ownership of their houses and land, based solely on the fact that such property had been with their families for

generations, without this being supported by written documentation. Many villagers further affirmed that, in case of disputes, neighbours and village leaders could testify on their behalf.

38. It is important to highlight that the migration of large numbers of individuals and families to urban centres and the Government's plans for development projects on rural land may result in fundamental social changes in those regions. Such changes may impact on traditional approaches to conflict resolution, including forms of acquisition and ownership, which means that ownership titles appear to be necessary for tenure security in the countryside.

Informal settlements

39. The Special Rapporteur notes that the lack of access to affordable housing also contributes to the growth of the informal housing sector and the expansion of so-called illegal settlements, which lack access to basic services. The number of these settlements has increased in recent decades,² to an estimated 25 to 30 per cent of urban settlements.³ Due to the lack of formal ownership titles in such areas, inhabitants live under constant threat of being evicted.

40. According to testimonies, the Government's strategy for dealing with such settlements has been to forcibly evict their dwellers, who in some cases have been transferred to planned satellite towns outside metropolitan areas. Such planned satellite towns, however, cannot absorb the increasing demand for low-cost housing in urban centres. **The Special Rapporteur therefore encourages the upgrading of informal neighbourhoods and their regularization by urban planning authorities through proper registration.**

Forced evictions and displacement

41. The Special Rapporteur has continuously stressed the need for Governments to cease the practice of forced evictions and where evictions may be necessary, to ensure that they are carried out in strict compliance with existing human rights standards. Forced evictions and relocation have a fundamental impact on the lives and livelihoods of the people affected, particularly on women and the very poor, who are often the main victims of such practices. Specific measures have been set forth by the Commission on Human Rights in its resolution 1993/77 and by the Committee on Economic, Social and Cultural Rights in its general comment No. 7 to ensure that forced evictions are only carried out as a last resort and, when that happens, prior notice, consultation and resettlement, among other steps, are observed by authorities in charge of the operation.

42. Forced evictions carried out in informal neighbourhoods (especially in Shiraz and in Tehran) for upgrading projects and "beautification" were brought to the Special Rapporteur's attention. In many such cases, no alternative housing or compensation were offered to the affected population. In addition, development projects have also allegedly caused involuntary displacement due to the expropriation of rural land and evacuation of inhabitants in rural areas, mainly to make space for large-scale agricultural plantations and petrochemical plants.

43. In some regions, these expropriations seem to have targeted disproportionately property and land of religious and ethnic minorities, such as Baha'i cemeteries, but also houses. No participatory process or consultation has taken place before the decision by relevant authorities to evacuate the area. The expropriations are considered a form of land confiscation by the affected population, particularly since prices paid in return for land are considerably lower than market values.

Property confiscation

44. According to information provided by the World Bank,⁴ more than 30 per cent of Iran's land is under public ownership. Land expropriation policies implemented after the Revolution were aimed at redistribution and direct provision of housing to the poor (refer to the section above on main housing policies), resulting in land being transferred to the Government. According to the World Bank, much more land is acquired by public agencies on a yearly basis than the amount released to the intended beneficiaries of housing programmes.⁵

45. Allegations of procedural irregularities and bias against ethnic and religious minorities have also been raised against expropriations undertaken in the aftermath of the Revolution, and many are still being contested today before the courts.

46. The Special Rapporteur also received information on a substantive number of cases of property confiscated under the provisions of article 49 of the Iranian Constitution, according to which property illicitly acquired or acquired in a manner that is not in conformity with the sharia law shall be confiscated and transferred to public ownership. This article is somewhat vague, since it does not define what could be considered irregular acquisition according to sharia law. Also, whether acquisition is illegal or not is a question open to interpretation by relevant courts. Some organizations and individuals providing legal aid in the country affirmed that the article has been applied in an ad hoc and abusive manner, with regular acquisitions taken to courts and the relevant land confiscated by means of dubious interpretations of article 49. This abusive use of article 49 is seen as an instrument for confiscating property of individuals as a form of retribution for their political and/or religious beliefs.

47. The Special Rapporteur would like urge the Government of the Islamic Republic of Iran to disclose information as to the legal basis of any and all confiscation carried out, as well as about the size, location, previous ownership and destination of confiscated property. In addition, appropriate measures should be taken to investigate and reprimand abuses.

B. Provision of basic services

48. In general, the provision of basic services seems to be reasonable when compared to other countries with equivalent resources. The presence of large numbers of highly deprived slum areas around main urban centres - a reality observed during many other country missions - was not noted during his visit to Iran.

49. The Special Rapporteur recognizes that rural exodus constitutes a challenge for the Government. However, it should be commended for the fact that overall data indicate that basic services, such as water, electricity and sanitation have been extended even to distant villages. Poor neighbourhoods, both in rural and urban areas, still suffer from limitations in their access to such services. In some areas, services are available only a few hours a day or constantly subject to cuts, while in others, the quality of the services provided is very poor, especially with respect to drinking water.

50. "Informal" neighbourhoods in urban areas have faced problems in accessing basic amenities and other government-provided services owing to the settlements not being in conformity with urban planning regulations and the widespread lack of formal ownership titles.

Because of the high population density in those areas, lack of water and sanitation can be especially hazardous, creating poor living conditions that may also endanger the residents' health.

51. The Special Rapporteur is disturbed by the fact that, although the general provision of services seemed to be reasonable, exceptions seemed to disproportionately affect predominantly minority neighbourhoods and provinces, clearly constituting discrimination.

C. Affordability

52. Iran has a relatively high rate of home ownership - 69 per cent in urban areas.⁶ This percentage is considerably lower for low-income groups (55-58 per cent among the bottom 40 per cent, in comparison with 64-79 per cent for the rest of the population). According to the Istanbul+5 national report prepared by the Government of the Islamic Republic of Iran, this high rate of home ownership has been recently dropping and a decrease in private ownership and increase in private tenancy has been observed.

53. Comparing the data concerning housing demand, the purchasing power of low-income groups and the annual supply of small and cheap housing units in Iran, the housing sector seems to have fallen short by approximately 55 per cent in supplying affordable accommodation for low-income families in the last five years.

54. According to statistical information collected by the World Bank, a baby-boom generation will mature between the years 2005 and 2035, representing a new demand for 500,000 housing units per year. The lack of accessible loans and facilities, in combination with a limited supply of affordable housing and the expected population growth for the next decades, call for an urgent long-term policy specifically aimed at addressing the housing needs of the very poor.

55. For lower-income groups, affordability is reportedly the main obstacle to access to adequate housing in Iran and governmental plans in the area do not seem to sufficiently address the problem. Testimonies received by the Special Rapporteur during his mission indicated that rents and loan instalments may represent up to 50 per cent of a family's income. The remaining resources do not cover costs for education, food and health care, particularly in view of a high inflation in mainly urban areas. The situation is especially disturbing in provinces such as Ilam, where the majority of the population lives in poverty. Data for the years 2000-2001 show that low-income households' relative expenditure for housing is much higher than that of high-income households.⁷ The Special Rapporteur welcomes information from the Government indicating that housing for the elderly, socially disadvantaged persons and female-headed households was set as a short and mid-term target in 2004.

56. According to the World Bank, "the triple combination of high price-to-income ratios and a small housing finance system with housing loans capped at 50 million rials is cutting off access to home-ownership for a majority share of the population in large cities, in particular young households".⁸ The same report affirms that housing rents in Iran seem to be rising even more rapidly than housing prices.

57. Housing plans designed to provide incentives to the private sector for the construction of affordable housing units in many cases appear to ignore the threats of land speculation and the

“commodification” of housing that also impact on the ownership and rent prices, especially in urban areas.

58. Testimonies collected by the Special Rapporteur, both in urban and rural areas, stressed the inadequacy of the current welfare programmes. The level of financial assistance provided by some organizations to groups in vulnerable situations, such as orphans, the elderly, the disabled, women heads of household and families of prisoners, is allegedly insufficient to address their specific needs and difficulties in accessing adequate housing. One example given was pensions, considered to be too low and not paid in a regular fashion, thus creating additional obstacles for access to adequate housing. These groups are normally unable to access housing loans and saving facilities for purchase of housing, and are at the same time over-represented among those households where rents constitute a particularly high percentage of the monthly expenditure, impacting negatively on their living conditions.

59. Although studies in Middle East and Northern Africa countries suggest a strong positive correlation between a reduction in house prices and a reduction in poverty,⁹ a solution to the problem of affordability obviously involves more than the simple supply of low-cost housing units, including macroeconomic measures and policies aiming at facilitating access to employment and ensuring the right to education, among others.

60. **The Special Rapporteur would like to draw the attention to general comment No. 4 of the CESCR, according to which “steps should be taken by States ... to ensure that the percentage of housing-related costs is, in general, commensurate with income levels”.¹⁰ Economic policies should therefore take into consideration affordability as an element of adequate housing and a component of the right to an adequate standard of living and ensure that “household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised”.¹¹**

D. Accessibility - disaster prevention and reconstruction

61. The accessibility element of the right to adequate housing means that full and sustainable access to adequate housing resources by vulnerable groups needs to be given special attention.

62. In this context, the Special Rapporteur would like to recognize the challenges imposed on the Islamic Republic of Iran by the fact that most of the country’s territory is located in an earthquake-prone area. The Government is to be commended and encouraged in its efforts to establish appropriate disaster prevention and relief measures. These measures include plans aiming at the fortification of houses and constructions throughout the country, ensuring that at least 40 per cent of all buildings are earthquake-resistant. Another interesting policy adopted was the setting up of a specific line of credit that provides low-interest loans for housing renovation with extra subsidies applied to down payments (11 per cent to be paid with public funds) if the new structures are designed in accordance with the national construction code provisions on earthquake prevention. An Unexpected Incident Headquarters was created in 2004, formed by the Iranian Red Crescent, the Ministry of the Interior, the Ministry of Health and the Ministry of Welfare and Security.

63. In order to collect first-hand information on earthquake relief and reconstruction efforts, the Special Rapporteur decided to visit Bam, where an earthquake on 16 December 2003 killed more than 20,000 people and completely destroyed the city.

64. According to reports and testimonies received by the Special Rapporteur, relief aid arrived in Bam shortly after the earthquake. Tents were provided to the survivors as emergency shelter. Authorities calculate that 17,000 houses were destroyed, as well as 3,000 office and public buildings. Added to the number of damaged buildings, the overall number of structures to be repaired amounted to approximately 41,000.

65. Although an impressive number of international organizations, local NGOs and many government-related institutions established presences in the city in the immediate aftermath of the earthquake, the Special Rapporteur received reports that the majority left a few months later when the relief work was completed. Only a few such organizations engaged in the long-term reconstruction efforts. Allegedly, one of the main obstacles to relief efforts was an inefficient national bureaucracy and existing corruption, which sometimes prevented aid from reaching its intended recipients. In addition, one should remember that the affected region is one of the poorest parts of the country and that the population of Bam increased significantly in the immediate follow-up to the earthquake, owing to an influx of people living in poverty seeking relief.

66. Reconstruction work is centralized under the supervision of a Reconstruction Taskforce, headed and formed mainly by officials and local representatives of United Nations agencies, but open to representatives of non-governmental organizations. The priority in the work carried out by national organizations, including the Housing Foundation, seems to be reconstruction of basic infrastructure and public buildings, including administrative facilities, health centres and schools. The reconstruction of houses is carried out mostly in partnership with United Nations agencies or international organizations. Basic infrastructure and public buildings are expected to be finished in 2007. Overall reconstruction, however, especially the reconstruction of housing units, seems to be far from completion. The estimated completion of these reconstruction efforts vary greatly, even among officials. In view of this situation, the Special Rapporteur would like to express deep concern in relation to the current housing conditions of the survivors.

67. After the emergency relief was provided, survivors were transferred to camps where container units were transformed and adapted for housing purposes. More than 18 months after the earthquake, the survivors are still living in such containers. Whereas government information indicates that 85 per cent of the population has left the camps, non-governmental sources estimate that only about 15 per cent of the population has had the possibility to leave. In recent months, however, local authorities have encouraged people to move their containers to their own land plots.

68. Overall living conditions in the camps are disturbing. Health standards are particularly distressing, especially due to the low quality of water. During the camp visits, many women reported that their children suffer from regular stomach aches and skin diseases. Testimonies from some camps' settlers indicated that the provision of water was interrupted several times a day. High population density is also a concern with up to eight people living in one-room containers. The containers were reportedly not suitable, given the very high temperatures observed in Bam

during the summer, despite the provision of air conditioning to all housing units, and during the winter, given the water leaks into the containers.

69. A number of measures have reportedly been put in place to ensure access to housing by vulnerable groups such as widows, female heads of household and people with a disability, including the provision of a number of housing units at no cost. However, many testimonies of favouritism and corruption were received. **The Special Rapporteur would like to call on the appropriate authorities to undertake prompt investigations in this regard.**

70. With respect to the overall population, the main policy set forth by the Government to assist in reconstruction is to provide long-term loans to those who can present ownership titles and assume down payments. The architectural design also has to be approved by the authorities, in order to guarantee the construction of earthquake-proof houses. Some families testified, however, that despite having registered months ago to be included in such leasing programmes, they are still waiting for a response. In addition, many affected families affirmed that they are unable to access such programmes due to income constraints.

71. Families who used to live in rented accommodation have expressed deep concern in relation to their housing situation. With the new government efforts to transfer the containers occupied by landowners to their own plots, camps have started to be emptied and rumours have spread that camps will soon be closed down, creating fear among those depending on rental housing. Camp dwellers complained about the lack of information and of a formal channel for dialogue with authorities in this regard.

72. **Special policies should be developed to ensure that viable alternatives are put into place for the families still settled in camps and who have no other place to go owing to the shortage of rental housing units. The decentralization of the reconstruction efforts, the removal of bureaucratic obstacles to the work of international organizations, the disclosure of information on timetables and on living standards, increasing public participation, a stronger role to be played by the Ministry of Housing and an independent evaluation of the reconstruction developments undertaken, are all measures that the Government may wish to consider to guarantee that access to adequate housing will soon be a reality to the survivors of the Bam earthquake.**

73. The Special Rapporteur welcomes the fact that the Bam disaster led to the revival of disaster-prevention plans and that considerable funds have been allocated for their implementation. According to information from the Government, these new plans will lead to the reinforcement of 200,000 houses annually. Considering, however, the risk of similar tragedies taking place in the future, **the Special Rapporteur would also urge the Government to include the above concerns raised in its disaster-prevention plans.**

III. THE RIGHT TO ADEQUATE HOUSING OF SPECIFIC GROUPS

74. Placing housing and discrimination within the context of the indivisibility and universality of human rights is critical. As stated by the CESCR, “(s)ometimes poverty arises when people have no access to existing resources because of who they are, what they believe or where they live. Discrimination may cause poverty, just as poverty may cause discrimination. Inequality may be

entrenched in institutions and deeply rooted in social values that shape relationships within households and communities. Accordingly, the international norms of non-discrimination and equality, which demand that particular attention be given to vulnerable groups and individuals from such groups, have profound implications for anti-poverty strategies”.¹²

75. In this chapter the Special Rapporteur would like to present his observations on obstacles to the right to adequate housing resulting from apparent discriminatory laws and practices and from the failure of the State to respect the right to security of the home and person in the context of the housing conditions of some specific groups.

A. Ethnic and religious minorities and nomads

Ethnic and linguistic minorities

76. The Islamic Republic of Iran's population is multi-ethnic and multi-religious. Persians represent a little more than 50 per cent of the country's population. Other major ethno-linguistic groups include Shia Azeris, Sunni and Shia Kurds, Turkmen, Armenians, Assyrians, Arabs, Baluchis, Bakhtiari, Lurs and Qashqai. In order to verify the extension of alleged discrimination with respect to access to housing, the Special Rapporteur visited regions traditionally inhabited mainly by ethnic minorities and nomadic groups, such as Kermanshah, Khuzestan and Yassoj. The Special Rapporteur observed disproportionately poor living conditions that may point to a significant degree of neglect in relation to the housing necessities of ethnic minorities. Such groups seem to have been suffering from uneven distribution of development resources from the national authorities in Tehran.

77. In Kermanshah and Khuzestan, the overall living conditions in poor neighbourhoods mainly inhabited by Kurds, Arabs and Muslim Sufis were extremely unsatisfactory. Particularly serious conditions were observed in places like Ghal'e Channan and Akhar Asphalt in Ahvaz with, in some cases, a complete lack of basic services impacting negatively on the populations' health status, in addition to contributing to severe security problems. Most poor neighbourhoods were unpaved, open-air sewage was sometimes observed and uncollected garbage blocked streets, obstructing traffic and access from the outside in case of emergencies. Testimonies received about the housing situation in the Ilam province, with a large Kurdish population, were equally disturbing and indicated that post-war reconstruction efforts had been disproportionately slow and insufficient in this area.

78. Information was also received suggesting that displacement caused by development projects and land confiscation disproportionately affected minority groups.

79. In Khuzestan, the Special Rapporteur visited lands traditionally cultivated by Iranian Arabs, which were expropriated by the Government for remarkably low prices in order to provide space for development projects and plantations, such as the Dekhoda sugar-cane project. The affected population had no access to legal remedies to challenge the legitimacy and legality of the expropriation orders and existing legal remedies only enabled the inhabitants to initiate discussions related to the price offered for their lands. Allegedly, even in the very few cases in which the prices were slightly raised by courts, they were still fixed much lower than market values. The affected population was not consulted before or during the expropriation procedure.

80. Expropriations for the implementation of development projects have been especially criticized in view of the considerable amount of unutilized rural land, where displacement would be minimal, and which was already owned by the Government, where such projects could be located.

Religious minorities

81. According to article 13 of the Constitution, the Zoroastrian, Jewish and Christian minorities are the only recognized religious minorities in the Islamic Republic of Iran. These groups are allowed, within the limits of the law, to perform their religious practices and to act according to their own canon in personal matters and religious education. By implication, therefore, “other religious minorities are generally denied these rights and often persecuted for their beliefs”.¹³

82. The impact of discriminatory laws and practices on the housing situation of religious minorities in Iran is especially evident in the legal provisions concerning inheritance rights and in the abusive use of property confiscation. Article 881 of the Civil Code, for example, states that if one of the heirs declares that he converted to Islam he is entitled to the entire inheritance in detriment of the remaining heirs who belong to another faith. These provisions apply even to housing units inhabited by any other heirs, and may lead to homelessness.

83. Property confiscation, as mentioned in the section on security of tenure above, is a serious concern and impacts different groups within society. However, testimonies and reports indicate that religious minorities may be particularly affected in this regard, including members of the Baha’i faith, which, although not constitutionally recognized, is the largest religious minority in the Islamic Republic of Iran. The Baha’i community reported several cases of land confiscation against its members, especially in Tehran and in the province of Azerbaijan. According to information received by the Special Rapporteur, property confiscation in rural areas was often accompanied by threats and physical violence before and during related forced evictions.

84. The Special Rapporteur received detailed documentation relating to the location, size, previous ownership, date of confiscation, and current State property management, of approximately 640 Baha’i properties confiscated since 1980. Reports affirm that there were numerous additional undocumented cases, especially in distant provinces where information cannot be easily collected. The properties listed included houses and agricultural land, but also Baha’i sacred places such as cemeteries and shrines.

85. The affected owners have allegedly not been given an opportunity to participate or receive prior information related to ongoing confiscation procedures. Normally, they receive a written convocation asking for their presence before the relevant authority, who will serve them with a final confiscation order. Many confiscation decisions with regard to Baha’i property are taken to the Revolutionary Courts. Some verdicts which the Special Rapporteur has been able to examine declare that the confiscation of the property of “the evil sect of the Baha’i” is legally and religiously justifiable.¹⁴ The Special Rapporteur is concerned at the clear evidence of discriminatory conduct with respect to Baha’i property, including housing.

Nomads

86. The Special Rapporteur also focused on the living conditions of nomadic groups, including the Ouri tribe and other groups settled alongside the road from Shiraz to Yassoj, and north of Yassoj in the provinces of Fars and Boyerahmad va Kohgiluyeh.

87. Nomadic groups, amounting to 200,000 families, are spread throughout Iranian territory, but mainly in the highlands and border areas. Most groups have two main dwelling sites, one for the long summer and one for the long winter. The distance between these two sites varies greatly and some groups travel hundreds of kilometres on foot, taking their livestock, tents and utensils with them.

88. The Special Rapporteur, in his observations on-site and through testimonies, received information on two types of difficulties faced by those groups: difficulties that derive, to a certain extent, from the nature of their pastoralist life, such as limited access to water, electricity and health and educational services; and new limitations imposed on their traditional practices that have affected their living conditions.

89. In relation to the first type of difficulties, projects designed to create collective facilities in the sites traditionally occupied by nomad groups and the construction of access routes to these sites could be a solution which would both respect their cultural identity and provide necessary basic services. According to information received by the Special Rapporteur some governmental projects that had been initiated in this direction had to be halted due to lack of sufficient resources.

90. Despite the efforts of the Iranian Nomadic Organization - which carries out important work supporting the improvement of the living conditions of nomad groups in accordance with their own lifestyle - other governmental branches, such as the Ministry of Agriculture, environmental protection agents and local authorities, have established policies aiming at settling such groups in permanent dwellings. As stated by the CESCR, “[a]ctivities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate, are also ensured”.¹⁵

91. The Special Rapporteur would also like to express concern in relation to some restrictions imposed on nomadic groups in the last years that have a direct impact on their right to adequate housing. One preoccupation stemming from testimonies received was the fact that the Government has reduced the number of routes which nomads are allowed to use for the purpose of moving from one site to another. Routes designated by the Government are reportedly both limited in numbers and dangerous. In addition, many groups have reported that routes and sites traditionally used by the nomads have been increasingly subject to private appropriation; testimonies mentioned examples around the city of Shiraz and in Sepidan.

92. The main source of food and income for nomadic groups is their livestock. However, governmental regulations have recently imposed a maximum limit of 100 animals to be owned by each family of 15. There is strict monitoring of this number and high fines are applied in case of non-compliance. According to information provided to the Special Rapporteur, such limitations have been imposed based on the argument that nomadic agricultural activities were damaging the environment.

93. The Special Rapporteur would like to recall Human Rights Committee general comment No. 23, which clarifies that “with regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a particular way of life associated with the use of land resources ... The enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them”.¹⁶

B. Women’s rights to housing, land and property

94. Reference has been made throughout the report to obstacles faced by women with respect to their right to adequate housing, in particular regarding access to equal rights to housing, land, property and inheritance.

95. The Special Rapporteur received a number of testimonies concerning the obstacles faced by single and divorced women wishing to buy and rent houses. Although their access to a house of their own is not forbidden by law, in practice the authorization of a male relative is normally requested to access banking schemes for any housing purchase. Sellers are reluctant to transfer ownership of their property into the name of a woman and single women seeking rental are allegedly rejected systematically by owners, if declaring that they plan to live on their own. According to some views on the traditional role of women in society, sometimes supported by legislation and policies, women should only leave their parents’ home for the purpose of moving to their husband’s house. Finding adequate housing seems to be even more difficult for divorced women.

96. Women’s access to the labour market is still limited. Official data demonstrates that women represent only less than 15 per cent of the economically active population in the country.¹⁷ If employed, it is a widespread practice that women should present their earnings to their husbands’ discretionary use in the benefit of the family.

97. This situation restricts women’s possibility to acquire adequate housing through means of purchase and rental and is especially problematic in the event of the husband’s death. Although some welfare programmes have been created targeting widow heads of household, the pensions provided are normally insufficient to allow for the maintenance of a home, especially if they have to assume the high costs of rent. In this context the legal provision that restricts a woman’s inheritance rights with respect to land is of concern as it may lead, in extreme cases, to homelessness. According to national law, women are in general entitled to half of the inheritance of men and, when inheriting from her husband, a woman does not have the right to inherit land, having only rights over liquid assets. This also applies to land which she is occupying. In addition, a woman’s share of her husband’s inheritance is only one eighth if she has children or one quarter if she does not; in this last case, the remaining three fourths are transferred to the Government.

98. Women’s non-autonomous management of their own or their family’s income may also have a negative impact in cases of domestic violence. Women who experience abuse have very limited possibilities to leave their homes and gain access to adequate housing elsewhere. There are insufficient shelters available for victims of violence and there is no legal provision guaranteeing the immediate removal of a husband from the family house in case he constitutes a danger to the

woman's physical and/or mental security. In this respect, the Special Rapporteur wishes to draw the attention to the findings of the Special Rapporteur on violence against women, its causes and consequences, from her mission to the Islamic Republic of Iran undertaken 29 January-6 February 2005.¹⁸

99. In case of divorce, the couple's property is divided equally between the partners only if the man files for divorce under no specific justification apart from his own will. If he presents any legal justification for divorce, the wife loses her right to her share of the assets. If a woman leaves the family house, even in case of domestic violence, this may be considered abandonment of the home and can be used against her if the husband decides to file for divorce.

100. In the light of the above, the difficulties faced by a woman attempting to rent or purchase a house and the absence of alternative accommodation, as well as discriminatory custody practices applying to children, may compel her to stay and put herself in severe danger. The links between violence against women and the right to adequate housing are unambiguous, given that the right to adequate housing also implies having access to a safe and secure house.¹⁹

101. Although noting the information received from the Government regarding the establishment of so called "social crisis management centres", the Special Rapporteur would also like to express particular concern in relation to the insufficiency of safe houses for runaway girls and street women, which may also lead to homelessness. Lack of essential official statistics concerning housing-related issues, including on the number of homeless people in the country and data on violence against women, constitutes an obstacle to a more complete assessment of the overall housing situation in the country.

102. The Special Rapporteur agrees with the views of Islamic scholars and human rights activists,²⁰ who claim that there is no conflict between the recognition of women's equal human rights in Islam and the provision of these rights in international human rights instruments. **In this context, he urges the authorities in Iran to ensure that, in practice, women in Iran can enjoy equal rights to housing, land, property and inheritance.**

IV. CONCLUDING REMARKS AND RECOMMENDATIONS

103. **Adequate housing as a component of the right to an adequate standard of living should be addressed from a human rights perspective, based on the principles of the indivisibility and interrelatedness of human rights. This will assist the Government in ensuring that emphasis is given to the poorest segments of society and that policies and actions at all levels, including budgetary allocations, are based on this holistic approach.**

104. **While the Special Rapporteur has attempted to incorporate some recommendations throughout his report, he would like to conclude by submitting the following additional recommendations that have general policy and legal implications and are related to specific sections of the mission report.**

105. **The Government should:**

(a) **Fully implement the Constitutional provision which establishes the right to adequate housing for all Iranians, despite their ethnic or religious origins, resulting in equal**

distribution of development resources, respect for human rights over traditional lands, and elaboration of culturally sensitive housing policies;

(b) Re-examine the functioning of the “eminent domain” doctrine that governs State acquisition of land, without giving recourse to affected communities to file an appeal to challenge the State authority, and to consider amendments to article 49 of the Constitution to ensure that abuse of this article does not continue in the judiciary;

(c) Harmonize the work of the different governmental and government-related organizations carrying out housing programmes, with clearer identification of responsibilities, overall observation of human rights standards, targeting specially disadvantaged groups, and setting up of monitoring and accountability mechanisms;

(d) Strengthen public participation in the elaboration of development plans and in the preparation and assessment of housing projects, taking into account the important role played in democratic societies by NGOs, whose independent work should be supported and facilitated by the Government;

(e) Be increasingly transparent in the development of policies, including by the publication of data concerning not only beneficiaries, but also the population not yet covered by the programmes, and open in the assessment of priorities and results, with space for public monitoring, including full participation of the intended population;

(f) Take steps to ensure that, both at the policy and legislative levels, there is harmonization between provisions in international human rights instruments and Islamic law and practice in relation to women’s equal rights to housing, land, property and inheritance;

(g) Monitor, evaluate and adapt current housing policies to guarantee they will effectively reach the targeted beneficiaries, improving impact of programmes designed to facilitate access to adequate housing by low-income individuals;

(h) Consider intervening in the housing and land market to address the inordinate increase in rental and ownership costs that are preventing access to adequate housing, particularly for the lower-income groups;

(i) Accelerate the titling of housing and land acquired according to traditional practices in rural areas and the regularization and upgrading of informal settlements in urban areas;

(j) Halt immediately all forced evictions carried out in disregard of international human rights law and plan resettlement programmes aiming at avoiding displacement caused by development projects;

(k) Conduct in-depth investigation of property confiscation cases, especially when involving ethnic and religious minorities and ensure that no abuses were or will be committed against those groups;

(l) Improve the quality of basic services provided to poor neighbourhoods, including access to drinking water, taking note of the CESCR general comment No. 15, which lists the elements to the right to water as including availability and quality;

(m) Develop specific policies to expand access to basic amenities to distant and minority predominant regions;

(n) Increase attention to the situation of the people affected by the earthquake in Bam who are still living in camps where sanitation and water conditions continue to be grave and their inclusion in the reconstruction planning and development;

(o) Decentralize reconstruction efforts and remove bureaucratic obstacles to the work of international organizations, as well as disclose information on timetables and on existing housing and living conditions;

(p) Focus on historically marginalized provinces, such as Ilam, Khuzestan and Sistan-Baluchestan, with budget allocation aiming at ensuring the realization of human rights, including provision of civic services to people and communities in the region;

(q) Reinforce, expand and duly implement housing policies aimed at groups in vulnerable situations and ethnic and religious minorities (such as Kurds, the Baha'i, Laks, Arabs);

(r) Investigate forced eviction cases and development-induced displacement, to ensure that evictions are only carried out as a last resort and in accordance with international standards, making certain that religious and ethnic minorities are not disproportionately affected by development projects, and that they have recourse to legal remedies to challenge State acquisition of homes and lands;

(s) Develop further policies to address discrimination against women in relation to equal access to housing, land, property and inheritance, including the urgent creation of safe houses for women subject to violence, runaway girls and street women;

(t) Introduce human rights education across the country to ensure that traditional practices do not lead to the violation of women's equal rights to housing, land, property and inheritance;

(u) Consider ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol.

106. The existing obstacles against the implementation of the right to adequate housing are enormous and facing these challenges will require joint efforts by not only the Government but also by national non-governmental actors and the international community alike. In this sense, the Special Rapporteur would also like to call on the international community to:

(a) Provide technical cooperation to facilitate an increase in the construction of earthquake-proof houses and cooperation in the area of disaster prevention across the

country; collaborate in the immediate improvement of the living conditions in the survivor camps in Bam and accelerate the reconstruction efforts in the city;

(b) Increase funding to housing projects, especially those aimed at groups in vulnerable situations, such as women heads of households and people with disabilities;

(c) Ensure monitoring and reporting of all funding provided;

(d) Increase support, including training and capacity-building programmes, to civil society carrying out human rights and community development projects in the Islamic Republic of Iran.

Notes

¹ “Plan to fight poverty and raise the income of poor households”, Management and Plan Organization, Social Affairs Bureau, September 2000.

² Strategies for enabling and regularizing informal settlements, Ministry of Housing and Urban Development, 2004, p. 2.

³ Zebardst, Esfandir, 2002, Spontaneous Settlements: Perceptions and Realities, unpublished mimeo, in World Bank, Iran Housing Sector Strategy, June 2002, Urban Lands and Market in Iran, p. 5.

⁴ MENA countries, p. 12.

⁵ Iran Housing Sector Strategy, World Bank, June 2002, executive Summary, reform recommendation 2.

⁶ Iran Housing Sector Strategy, World Bank, 2002 (material provided by the Ministry for Housing and Urban Development).

⁷ Ibid., table 12.

⁸ Ibid., p. 6.

⁹ “The macroeconomic and sectoral performance of housing supply policies in selected MENA countries: a comparative analysis”, World Bank, April 2005.

¹⁰ CESCR general comment No. 4, para. 8 (c).

¹¹ Idem.

¹² CESCR, “Poverty and the International Covenant on Economic, Social and Cultural Rights” (E/C.12/2001/10), para. 11.

¹³ Meharan Tamadonfar, “Islam, law and political control in contemporary Iran”, *Journal for the Scientific Study of Religion*, vol. 40, No. 2, June 2001, p. 207, in “Ethnic and religious minorities in the Islamic Republic of Iran”, Sub-Commission on Promotion and Protection of Human Rights, Working Group on Minorities (E/CN.4/Sub.2/AC.5/2003/WP.8), 5 May 2003.

¹⁴ Report on the situation of human rights in the Islamic Republic of Iran, submitted on 16 January 2002, by the Special Representative of the Commission on Human Rights, Maurice Danby Copithorne, pursuant to Commission resolution 2001/17 (E/CN.4/2002/42), para. 77.

¹⁵ CESCR, general comment No. 4, para. 8 (g).

¹⁶ General comment No. 23, para. 7, CCPR/C/21/Rev.1/Add.5.

¹⁷ National Report on Women's Status in the Islamic Republic of Iran, Center for Women's Participation, 2005, p. 71.

¹⁸ See E/CN.4/2006/61/Add.3, in particular paras. 34, 36 and 49.

¹⁹ See the previous report of the Special Rapporteur on women and adequate housing (E/CN.4/2005/55).

²⁰ See, for example Shirin Ebadi, *The Rights of the Child. A Study of Legal Aspects of Children's Rights in Iran* (Tehran, 1994) and Nobel Peace Prize acceptance speech, "In the name of the God of Creation and Wisdom", Oslo, 10 December, 1993.
