



HABITAT INTERNATIONAL COALITION
HOUSING AND LAND RIGHTS NETWORK



Urgent Action:
HLRN Guide to Practical Solidarity
for Defending the Human Right to
Adequate Housing



*Forced
Eviction
House
Demolition
Land
Confiscation ...*

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Knowing how

For members of the Habitat International Coalition, the struggle to defend the human right to adequate housing has been a collective one for more than 25 years. The exchange of information throughout the global HIC grapevine has repeatedly recorded the experience of vulnerable communities being evicted, dispossessed and excluded from consideration as rights holders deserving of a place to live in peace and dignity. We are keenly aware of the offense, injury, loss and suffering that arise from such violations. Thus, it requires little debate to convince us of the “why” we should oppose and redress forced evictions and other forms of housing rights violations. What is often less clear is the “how.”

The present Housing and Land Rights Network methodology for its Urgent Action system seeks to respond to the question of “how” to defend the right. This scheme is derived from long experience, trial and error, innovation and solidarity. It is our service as coordinating office of HLRN to gather and redistribute the fruits of this labor in ways that help strengthen members’ ability to improve their professionalism and effectiveness. Thus, this UA methodology is designed to be as a tool of practical solidarity that also seeks to build member capacity to defend the human right to housing—together.

This methodology also embodies strategic thinking and legal rights claims that ground HLRN’s Housing Rights Monitoring “Tool Kit.” That also guides the user to assessing and measuring the realization or violation of the right, either on a case basis, or at the national policy level. That more-detailed methodology complements the UA writer’s efforts to gather the relevant information called for here, including to quantify both material and nonmaterial losses that the victim undergoes. At relevant points, this UA methodology will refer you to further guidance in the “Tool Kit,” accessible on the HLRN website.

Similar to larger-scale applications of the “Tool Kit,” this UA methodology will serve a variety of purposes. The obvious, central objective is to prevent and redress housing rights violations by way of formal protest action. However, if the user applies this methodology, s/he will be contributing also to the complementary objectives of public information (by building solid argument), legal defense (through collecting evidence), obtaining compensation for victims (by demonstrating the human, material and legal consequences), and even upholding with the international human rights system (by presenting parallel findings to treaty monitoring bodies). Therefore, the investment of time and discipline to prepare an effective Urgent Action appeal as outlined here will potentially pay back manifold.

There is a variety of answers to the often-asked question “how” to go about defending the vulnerable and victimized. The present manual will aid the various efforts complementary to building solidarity actions by remote respondents. In addition you will be able to find creative ways to use your UA appeal to support campaigns and programs comprised of:

- ✓ Media work

- ✓ Legal defense
- ✓ Documentation
- ✓ Public information
- ✓ Social mobilization
- ✓ Lobbying/law reform
- ✓ Human rights education
- ✓ Compensation for victims and/or
- ✓ Enforcing international obligations

While this UA methodology manual can serve mutually complementary purposes in the long run, we especially intend that it create the context in which partners can implement solidarity in consequential ways. Solidarity is not just a feeling. This manual stands as a recipe for doing. And that starts with knowing—how.

Joseph Schechla
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HABITAT INTERNATIONAL COALITION

Cairo, January 2003

HOUSING AND LAND RIGHTS NETWORK

URGENT ACTIONS: METHODOLOGY

Urgent actions constitute one of the tools that Habitat International Coalition/Housing and Land Rights Network has devised as part of its "Tool Kit", that is an overall housing rights monitoring methodology. Urgent actions form one of the possible responses to severe housing rights conditions and violations. By participating in the HIC/HLRN Urgent Action scheme, you can develop your own capacity to defend **the human right to adequate housing** (HRAH) and uphold human rights standards. You can also build social solidarity within the world movement to uphold the human RAH and end forced evictions¹. Your contribution to the Urgent Action scheme also helps raise the human rights community's professionalism at monitoring the human right to adequate housing (and other Economic, Social and Cultural Rights) and arguing the realization of the human right to adequate housing by applying the legal obligations of States. You can also realize your role in developing these standards and the practical meaning of the legal obligations by providing the needed local voice in expressing adequate housing as a human need and, consequently, human right.

To affirm that your Urgent Action is based on a violation of the human right to adequate housing, the very first thing for you to know though is what the elements that compose this right are. For guidance, you can consult the HLRN's Housing Rights Monitoring Methodology (or, "Tool Kit"), which is found on www.hic-mena.org with a click on "Solutions." You will find the "Tool Kit" useful from this first step since it is based on the 14 elements that comprise the RAH as affirmed in human rights law and jurisprudence:

1. Security of tenure
2. Public goods & services
3. Environmental goods & services
4. Affordability
5. Habitability
6. Accessibility (physical)
7. Location
8. Cultural appropriateness
9. Dispossession, freedom from
10. Information
11. Participation & self-expression
12. Resettlement

¹ Commission on Human Rights Resolution 1993/77 on "**Forced evictions**," was adopted on 10 March 1993, wherein the Commission affirms that the practice of forced evictions constitutes a *gross violation* of human rights, in particular the right to adequate housing.

13. Safe environment

14. Security (physical)

Do not feel daunted by the elaborateness of the "tool kit" document, and don't take impression that you have to fill in all of the categories and questions completely and systematically before being able to present your Urgent Action. The "Tool Kit" has been designed for use in raising and defending a case before legal authorities and/or to be used for a variety of other purposes, including conducting thorough assessment of the RAH on a national scale. Neither the scope nor the timing of an Urgent Action allows for that. If you were to have conducted a national assessment of the human right to adequate housing in your country, that would provide a solid basis for each case you monitor subsequently. However, an Urgent Action will likely take place in a country where no such nationwide assessment has been done. In that case, you should select the element(s) of the human right to adequate housing that are most important and possible to report, and use the "Tool Kit" monitoring steps to make sure you have not left out information crucial to the case you are to make before an international and distant audience.

You want to make your case public and place responsibility on the duty holders. Therefore, you should begin by presenting the victims with reference to the moral argument for their rights. (The focus on the right holder is not necessarily to emotionalize the victimization, but simply because the aim of your action is to defend the human right to housing. Since the right holders in your case are victim of a violation of their rights, it makes sense to present them first to introduce your case).

Your first objective is to capture and convey the human aspect of a situation, and then invoke the legal authority that should uphold the human values at stake. From your informed, local perspective, you will use both the moral arguments and legal authority to show that you know precisely that human rights are violated. You will try to provide as many figures as possible in order to help the reader appreciate the measurable impact of the violation (like the number of people/families evicted, the amount of investment forfeited, the number of children losing education opportunity, the number of workers who may lose their livelihood, etc). These data will also serve multiple purposes by providing a basis for determining action/redress, alternative solutions, and compensation. It is helpful to recommend time bound action/ redress/alternatives to buy more time for the victims.

This Urgent Action method has been designed to help you assess housing rights violations and make your case in front of people who *are not* on the field like you, and for whom the violation, therefore, is not as obvious as it is for you. You should simply consider this document as a guideline to provide you a ready-made plan for presenting and defending your case as well as possible.

To find a precise and short definition of each element of the human right to adequate housing, along with its legal sources, please consult the "Elements" document of the "Tool Kit." Once you have determined every element that is

violated and decided which ones you want to focus on, you can use the "Tool Kit" monitoring methodology that has been defined for each of them. This methodology may seem complex at first sight, but we will progressively explain how you can use it in the most efficient and effective way as possible to build your Urgent Action.

To carry out an Urgent Action appeal involves five steps:

1. receiving/collecting and verifying information
2. writing the brief presentation of the case
3. drafting a sample letter to the authorities concerned
4. distributing these documents
5. following up the case and keeping all parties informed.

Step I - Data collection and verification

This first step is of foremost importance, since you will build the whole action on the initial data collection. You can take the 11 components that are presented in Part II as a guide for collection and search for the missing information.

Naturally, the collecting process may vary depending on the first source of information. If, for instance, your first contact for information is a legal practitioner, you will probably need then to consult other specialists and the community itself to verify and complete facts, or vice versa

As an NGO or CBO, you can be at the very beginning of the appeal to solidarity and action, following a visit to the affected community, for example. You have then to be sure that you have all the information that is needed to write an effective explanation (see Part II).

You may be the second or third link of the information chain. It is the case when representatives of a community, for instance, come to you to raise their case. You also may have heard only about a case and want to raise it without having first-hand information. Then the process is a bit different. You have not only to complete the story to have all the needed information, but also to verify the first received data. It is not to demonstrate a lack of confidence, but as author of the Urgent Action, you should be sure that you have understood the case properly and fully. For this reason and in all cases, it is always better to have different sources corroborating the same information:

- victims' and eye-witness testimony
- other NGOs and CBOs working with the victims or specialized in this type of violations
- specialists from the community involved, or the violations or the development policy or the applicable national and international human rights laws

- police and other official statements and reports, which may appear contradictory but will give you at least the official arguments that are used to justify the forced eviction
- independent findings and journalists cooperating and coordinating with you.

Step II - Presenting the case

11 COMPONENTS TO MAKE YOUR CASE
1- Information about Urgent Appeal author
2- Location/times of appeal
3- Information on the rights holders/victims
4- A list of duty holders/violators
5- Location and times and sequence of events, developments and consequences
6- Critique of the official reasons
7- Assessment of the housing rights issues / violations
8- Explanation of the State's legal duty and violations
9- Report on efforts at local remedy
10- Description of other actions undertaken
11- Information about the sources and explanation of any confidentiality issues

These 11 steps do not necessarily have to be introduced strictly in the foregoing order. It can be flexible, depending on the case, the information available, and which aspects you think are the most important to insist on. However, you should always introduce the victims first. It will personalize the case, and put the attention of the reader on the human dimension of the situation, as well as on the beneficiaries of his/her participation to the proposed action.

You have to try to give the relevant details in a timely way. You have though to be aware that we have deeply detailed this methodology to be as comprehensive

as possible, but most probably, you will not have all the information and not always the same for each case. Use it as a guideline, not as an administrative exercise. It is only offered to help you build a strong case in a short time.

1- the urgent appeal author

This component simply requires you to identify who is preparing the Urgent Action. It is basically you, but you can do it jointly with other organizations/individuals. You may also explain if you belong to a broader coalition (like HIC-HLRN).

2- location and times of the appeal

That means where your organization is based, its contact(s) responsible for Urgent Actions, and the date you sent the appeal.

3- the rights holders/victims

You have to provide relevant figures concerning the people who already have been affected and those who remain vulnerable. You should also identify and describe which part of the population is affected. That is, for example, a minority historically undergoing discriminatory treatment. The numbers of affected people is essential to report, among them, proportions of children, women and other groups having special needs, such as the elderly, who may be particularly affected.

4- a list of the duty holders/violators

You should provide for a list of the duty holders both legally and morally responsible so that the reader has a clear picture of the actors and who does what to whom, from the beginning of the presentation.

The State is always one of the principal duty holder, since it is the legal personality treaty bound by the obligation to respect, protect, promote and fulfill human rights, but also to aid those who have been deprived of them. The cause of the victims' deprivation of the rights they hold may be:

- policies that the State pursues directly
- the State's failure to protect the people against violations of their rights
- its failure to aid the victims once deprived.

Other forces may contribute to a violation, including internal and external factors (actors like the IMF or the World Bank, multinational corporation, or national planners, but also factors such as debt or social practices). Especially when the role of the State is passive (denial or failure to protect and ensure remedy to the victims), other actors may be identifiable. Private companies, including multinational corporations, for instance, regularly buy land and carry out projects that involve forced evictions and land confiscation. In some cases, the donor banks have their well-articulated policies on compensation/relocation. However,

these companies may be the right hand of state policies, or implementers of international public projects. That is why it can be important to note the relations between the different actors forming a whole chain of duty holders.

To have a full outline of questions for identifying the duty holders and the applicable legal obligations, you can use the "Tool Kit" very effectively, since each element of the right to adequate housing that you have identified as relevant to your case has corresponding duty holders.

5- location and times of the events and the sequence of events, developments and consequences

That is where and when the violations have taken place. If it is relevant to your case, you should characterize the locality (city center, slums, refugee camp, rural area), if it was during the day or at night, and the significance of time and place (when all men are away at work, for example, near a military zone, settler colony or public building).

The sequence of events has to be clear enough to be well understood by someone entirely new to the case. However, to be sufficiently clear does not mean to be full of minutiae and a daily record of minor events. Summarizing events and developments often proves much more efficient, as long as you do not omit any major significance or consequences.

Be as precise as possible on dates and figures, appreciating the human rights issues involved and values at stake. Give also the known and verified consequences arising from material losses, deprivation, health and social consequences.

Do not forget that the whole presentation has to be brief; it is the only way to keep the potential Urgent Action partners' attention until the end of your presentation, where you demand the desired action. If the case presentation is too long and/or not clear enough, your audience may not read it entirely, may not understand why they should act, and may even choose not to act at all. In brief you have to provide for all necessary details but only them.

Generally speaking and in this same purpose of keeping the attention of the reader, think of drawing an attractive presentation using text boxes and organizing it by themes suggested here. You will find two samples enclosed.

6- discuss the official reasons

This information must answer the question "why" and "what motivates the duty holder." Officially, the cited reasons are typically large-scale development projects, security, or even to enforce a standing law. Reasons publicly given might not be sufficient, technically sound, or otherwise justifiable. This component of your case aims to discuss briefly but clearly the pretext(s) that the duty holder invokes to justify the housing rights violations. You should give a

succinct, critical response to them, and you also may want to present an alternative solution at this point.

7- a clear presentation of the housing rights issues/violations

Every human rights argument must rest on three mutually supporting pillars: the moral argument, the legal authority, and figures concerning the scale of the consequences.

This legal "pillar" consists of presenting the rights that are violated. Not only core elements of the RAH, but also congruent rights (other human rights recognized as such, including the right to information, personal security and participation) also must be present for the human right to adequate housing to be realized. HIC members have long participated in the negotiations and drafting of these international treaty-law standards and their application in jurisprudence. Most of them have been recognized in UN legal instruments documents, and these sources are already cited for you in the "Elements" document in the HLRN "Tool Kit." Knowing and, where possible, explaining these elements and their sources is all the more important to making your case in the human rights frame, whereas the affected people hold internationally guaranteed rights that no power or authority, even States, can take away. The more these HRAH standards are known and used, the greater the community of defenders will become. This component of your communication is so crucial that you may consider it relevant to couple your Urgent Actions with information notes, or even a full campaign of public education on HRAH.

To complete your presentation you can also have a look at the third column (step) in the "Tool Kit," entitled "overriding principles." Each element of the human rights to adequate housing, theoretically, should stand up to the test of the five overarching guarantees/obligations enshrined in the International Covenant on Economic, Social and Cultural Rights to ensure "progressive realization" of the covenanted rights, including adequate housing (Article 11). These principles are:

- (1) self-determination, (2) nondiscrimination, (3) gender equality,**
- (4) rule of law and (5) nonregressivity.**

These principles that are reaffirmed in the preamble and first articles of each of the six UN human rights treaties and, therefore, have to be respected in the core of each element of the human right to adequate housing before one can say that a human right is not violated. It may appear superfluous, because too obvious (especially as for nonregressivity) or not immediately obvious (for gender equality for example), to present them in the case of a demolition or a mass eviction. In other cases, like the expulsion of a distinct group of people, or the refusal to admit the RAH claims in court, it can be effective to recall these "over-riding principles" in your presentation. In the "Tool Kit" tables corresponding to every element of the right, you will find a set of questions that can help you determine and explain if these principles have been respected or not.

You may have to introduce rights other than those strictly related to housing, since the goal is to assert all rights claimed in your case. Until you are sure that you understand the necessary legal details and can introduce them in a simple form, do not hesitate to ask specialists for help if you feel you have gaps to fill.

A good legal resource for you would be women's rights and child rights groups and other human rights organizations that already have investigated the specific rights of the group in question (e.g. minority, indigenous people). Depending on the particular group(s) affected, you should copy your UN bodies and mechanisms, such as the CRC, CEDAW, CERD and CESCR, and to UN committees and thematic/special mechanisms such as Rapporteur for Indigenous people, UN Special Rapporteur for right to food, Rapporteur on Education, internal displacement. (For a list of useful UN contacts see website www.unhchr.ch, or contact your HLRN contact office.) This could encourage those mechanisms to engage as well in the defensive actions.

International pressures will get state machinery to respond. For example, the Tibet solidarity groups regularly provide information to the UN Special Rapporteur on housing in order for him to initiate a dialogue with the Chinese authorities.

8- an explanation of the State's legal duty and violations

This component is closely linked to the previous one. The difference here is that you will mention any human rights treaties, national, and international laws that have been violated, and not the themes named in the list of "Elements," as in the previous step. With this sequence, you will craft your case so as to allow the legal authority to have the last word.

For each housing rights element, you will find its international legal sources. Therefore, for each component that you have identified as particularly relevant to your case, you can choose a few of the already provided sources. If you find it difficult to make a choice, you can always quote the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its monitoring body's General Comments Nos. 4 & 7, since they constitute the major sources where the RAH is recognized and elaborated for all ratifying States.

You also can check the second and fourth columns, "source" and "guarantee," in the monitoring "Tool Kit" for each of the elements you want to invoke here. If you are conducting a more elaborate assessment, you will find there more sources of law and questions to help you determine if the State has previously done what is needed through its ratifications, policies, institutions or budgets to implement respect of the components of the right to adequate housing.

In any case, the State bears the primary role and responsibility—active or passive—and a legal duty, particularly in respect to the human rights instruments

that it has ratified. Investigate which human rights treaties your State has ratified (it belongs to the questions asked in the column “guarantee” of the "Tool Kit") and introduce clearly to the reader how the State is implicated in the case and what he should do.

9- the efforts at local remedy

That means what the defenders of the community have done to seek *legal* action to:

- prevent the violation
- seek a solution that is specific and time bound (why, what, who, where, when and how)
- prosecute the violators
- obtain compensation or other legal measures

Explain what has been the outcome of these efforts, and if any of them are still ongoing. If legal remedies are being sought at the moment, explain why a solidarity action would affect the fate of the people. If no legal remedies have been sought until now, or if such efforts have failed or were impossible, tell the reader in a sentence why.

10-the other actions undertaken

Between the time of the events and the distribution of your Urgent Action, other actions may have been undertaken. The actions can be various, for example social mobilization (demonstrations, petitions), economical (boycotts) and political (support of parties in parliaments and other public forums). They are important to know, in order to understand in which position each actor finds himself at the moment of the Urgent Action appeal.

11-the sources of the information and cases of confidentiality

In order to demonstrate authenticity of the information, identify the main sources of the data that you have collected and their role in the case (victims, duty holders, other organizations working on the case or specialists of issues that you needed to talk about). You should mention them in the document, unless there are security or other reasons for protecting a source’s right to personal safety and/or privacy, or assuring protection against reprisals or other threats. Some sources may ask for, and should expect, confidentiality. In such case, just explain briefly to the reader why there is a need for a source to remain anonymous.

Step III - Action !

Once you have explained the housing rights case briefly and succinctly, its human dimension, legal issues and consequences, you then must explain to the readers how he/she/they can help the affected people/community. The typical device for Urgent Actions is for the reader/recipient to send a protest letter. You

have then to inform the reader of the addresses where s/he/they should send the letter.

Then, it is always useful if you can provide for a sample letter; that probably will yield more responses. These letters are very formal, since they generally address State representatives or local authorities. However, the sample letter should demonstrate that the writer knows the facts of the case, the human rights and obligations, and who the victims and the duty holders are. You should then set the objectives and the desired results. That means to state what you contend the duty holders, addressees, authorities have to do to ensure the realization of the human right to adequate housing. This could include your position as to which law has to be implemented, which rights have to be respected, against what violation or threat the people have to be protected, and how.

It is advisable to set a deadline to the action. Immediate deadlines are always the best and easiest way for the reader to follow through with the proposed action/response. You can set another deadline in case the Urgent Action recipient wants to distribute the appeal around to others. The delay must not be too long (a few weeks to a month may be too loose a deadline), since the aim of Urgent Actions is to stop or reverse the violations as fast as possible and, for that, the authorities have to feel pressured by a flow of letters in a very short time. Your deadline may depend on coming events, especially if they are related to human rights-related events (international commemorations, campaigns by international or national organizations, local elections, court cases or other local occasions).

Step IV - Distribution

As service to members, the HLRN Cairo coordination office will distribute your urgent action to its whole list of contacts (members and others). As distributor, HLRN will manage the results and report them promptly to the author/member. If you have your own network, you should let us know if you want us to reach only those outside it. You may have indeed whole regions out of your reach. To coordinate our respective distribution efforts will ensure that we reach the widest target audience, but avoid duplications.

Locally, it will be useful for you to maintain a record of supporters/respondents to your Urgent Action, so as progressively to build and extend your own network, as we will do with ours. Asking the recipients to forward the urgent action to others will generate responses from new potential supporters.

Step V - Follow-up of the case

Do not take this step lightly. It is a fundamental step toward effectiveness, but that often proves problematic to implement. It should make you, and your supporters, follow the improvements or deteriorations of the situation on the field, and see if your action has contributed to compelling the concerned authorities

and duty holders implement the solution you are posing. Even if observe some improvements after issuing you UA, they may not result from your action alone; however, the follow process will let you know at least if the authorities may be receptive to the pressure of local and international civil movements.

By implementing this step, you may come to realize how systematic such violations may be in your country, even though your government has ratified a treaty that binds it to respect HRAH. That realization may present the occasion for your organization to issue a special statement, in addition to the Urgent Action, or to issue a series of Urgent Actions as evidence of the violations.

This step involves two actions. You have to follow up the responses to the appeal (1) to report to supporters on how the situation evolves and (2) regularly to evaluate the nature and effectiveness of your Urgent Action appeal in light of the outcomes.

1. You should let the Urgent Action recipients know what happens in the case following the appeal for Urgent Action, especially if you raise cases regularly and you maintain a list of supporters. You can keep them informed by a note about each case as soon as you have news, or by periodic letters, publications and/or other forms of information about all the last cases (every three months, for example), but whatever means you use, do inform them.

It is normally difficult and, therefore, not ideal for staff of international organizations to conduct the principle follow-up on a particular Urgent Action case, because they are far from the field. If you are an organization close to the affected community, you should contact them for the first step to collect information, you may ask them to keep you updated or tell them that you will stay in touch with them to know what happens. Moreover, it might be empowering for them to know that you will not only write a report, but maintain a relationship on solidarity with them over time as needed.

2. It is important to know and understand the performance of your recipients. One should keep statistics, and update your records frequently. Following up well your Urgent Actions is the best way to verify the accuracy of your recipient records and addresses, to improve your presentations, and to determine the effectiveness of the system.

You also should update very regularly the list of your own Urgent Action supporters. After a while, you may realize that it is sufficient for the action to produce results with a certain percentage of responses. You can then choose to send your appeal to a different part of your list each time (e.g., a regional listserve), depending on the circumstances. If you send Urgent Action appeals often, you might find the recipients do not respond systematically in the long run. If they know that they do not receive all your appeals, but you rely on them for

those selected ones that they receive, they may feel more motivated and engaged in the action.

HLRN coordination office, as distributor, will need your report to forward it to its contacts. This will help us all make necessary adjustments to improve our human rights to adequate housing and its defense work in future.

Style tips

In order to be clear and straightforward in your language and to use fewer words, *always* be sure to write in the active voice. That means: compose your sentences with a straight logical line made up of the subject, verb and object. Do not leave unstated or merely implied who did what to whom. Passive voice sentences are typically for concealing the author of the action in the sentence, as, for example, in diplomatic texts. Your purpose in the Urgent Action is different, and can be served by clarity and brevity of language.

Express all local monetary and numerical values into international terms understood by all. For instance, convert soft, national currencies into euros and/or US dollars; population and any other numbers should be expressed in verbal or numerical terms universally understood (e.g., in India: 1 *lakh* = 100,000).

Explain any local jargon or foreign terms (e.g., *favela*, *godown*, *mandir*, *intifada*, *bidonville*, *gecekondular*, etc.). A single word or phrase in parentheses may be sufficient to make the reference understood, if you feel that it is useful to use the local term (e.g., *gecekondu* = house built overnight).

If you introduce local place names that your readers are not likely to know, note their location relative to a well-known center.

Also, just be consistent in the way you refer to places, persons and institutions to avoid any confusion of identities, descriptions or roles/functions of the principals of your story. Be precise when, for example, you are referring to police, to distinguish them from military. For example, if you refer to a “mayor” and then refer to him with the formal title of “his worship,” the connection might not be obvious to all readers.

Pictorial information can be convincing: In the case of Lyari eviction in Pakistan the urgent action information was a set of three pictures pasted on the email body the commitment to the action listed below was generated by scrolling down the pictures.

In summary, the principles of simplicity, clarity, continuity, accuracy, completeness, brevity and common good judgment will guide you to composing an effective Urgent Action appeal.

The Lyari case example

- *The Urgent Action appeal in text boxes form*
- *The UA appeal in text form*
- *The sample letter*

Urgent Action Appeal: Demolitions in Pakistan

Urban Resource Center Karachi – Pak0802

Karachi – 10 Aug. 2002

The Victims

According to the Human Rights Commission of Pakistan, at least **200,000 people will be dislodged** and their houses demolished.

Nearly **4,000 families** have in fact **already** been **evicted**.

According to URC studies, the employment line of 40,000 families will be broken.

The Duty Holders

- * Pakistani Government
- * Karachi City Government
- * National Highway Authority (NHA)
- * a 9-member committee of experts was formed by the municipal authorities to review the project but it has never been activated

The events, their developments and consequences

The demolitions take place in the Lyari River territory in Karachi.

On 21st January 2002, the authorities started **bulldozing** residential areas and other community establishments, including over **1,900 small commercial units**.

Between 15th and 20th March in Shershah, **67 factories** were bulldozed.

On 27th June, the victims organized a sit-in to stop bulldozers, but 3 members of the Action Committee for Civic Problems have been arrested as a response and, on 27th, 28th, 29th June and 1st July, **400 housing and commercial units** were bulldozed.

The authorities still plan to bulldoze over 25,000 housing units, 3600 shops/commercial units, 50 mosques, 5 churches, 8 Mandirs, 10 schools, 38 clinic, 1 hospital and 66 factories. A high level meeting occurred on 26th July 2002 under the chairmanship of the Governor of Sindh, but project was termed as entirely beneficial! The demolitions still go on.

Consequences: The authorities relocate the businesses and homes that they have demolished within the old neighborhoods, thus densifying and degrading them further. They will also further fragment an already fragmented city. It is expected eventually that the net economic worth of demolitions along Lyari Expressway shall be 2 billion Rupies, but also that the atmospheric pollution level rises.

About the official reasons

These demolitions and evictions are due to the **Lyari Expressway project**.

According to the authorities, they wish to remove and stop for the future encroachments in the river bed since they can be washed away during floods, but more than 50% of the affectees are even not in the riverbed and live above the flood line but in the Expressway alignment!

The expressway should also provide “unhampered and quick access to port traffic”, but it is the role of the northern bypass. Moreover, it will not be possible to create cargo/truck terminal spaces, and choosing congested Sohrab Goth as the terminating point of the expressway is inappropriate.

The State says that it will reduce traffic congestion on city roads, but there are many other much less expensive and much more effective possible projects to achieve that.

The last official reason is that it will beautify the city and “sea water will get treated sewage water”, but the Lyari river is a sewage channel anyway, no aesthetic committee has been appointed, and Expressway and recreation do not go together!

Housing Rights issues/violations

Out of 400 demolished houses, the State has only qualified 35 to get alternative land. Out of the 25,000 housing units that it plans to demolish, "according to government's resettlement policy only 14,000 housing units will get alternative land outside of the city". Moreover, the destructions have occurred without any notices, compensations and/or alternatives.

According to the Land Acquisition Act, land can only be acquired from leased settlements and notified katchi abadis. There should be a Gazette notification. The market value of the land and property has to be settled with the residents and payment has to be made before the acquisition. If there is any loss of livelihood and home, the victims should receive additional compensation. Any resettlement has to be in an area which has similar facilities to the one which is being acquired.

Given the Pakistan Protection Act, there should be an Environmental Impact Assessment (EIA) before such construction; no such EIA has been prepared.

→ These behaviours of the Pakistani State's authorities constitute violations of the rights to: legal security of tenure; freedom from dispossession, damage and destruction; information; participation; resettlement, restitution and compensation; and security. All are internationally recognised elements of the Right to Adequate Housing.

State's legal duty and Duty Holders' laws' violations

On the local and national levels, the State violates the Sindh High Courts' order that issued a stay order against this project.

It also violates the Land Acquisition Act, and section 12 of the Pakistan Protection Act 1997. Because of that, the initiation on the construction is therefore illegal.

On the international level, Pakistan namely violates articles 8, 12, 13, 17, 19, 23, 25 of the Universal Declaration of Human Rights; articles 2, 4, 11, 15 of the International Covenant on Economic, Social and Cultural Rights, as well as General Comments No 4 & 7; articles 1, 2, 17, 19, 21, 22, 25 of the International Covenant on Civil and Political Rights; and many other international legal sources.

Actions already undertaken

No legal efforts have been made but citizens, NGOs and planning professionals Urban have done planning considerations and appeals for transparency for many years but the government has kept ignoring them.

The affectees of various Mega Projects observe "National Curse-Day" on 2nd August in all major cities.

ACTION!

Please send immediately your messages of protest to: --- **You will find enclosed a sample letter** ---

* General Pervez Muharrar, President of Islamic Republic of Pakistan, Awan-eSaddar, Islamabad, Pakistan

Fax: + 92 51 920-7656 and 92 51 927-0205

* Main Muhammad Soomro, Governor of Sindh, Governor House Adbullah, Haron Road Karachi

Fax: + 92 21 920-5041 or 92 21 920-1215, 92 21 920-1226

* Advocate Namatullah Khan, City Nazim, KMC Head Office, M A Jinnah Road, Karachi

Fax: + 92 21 921-5117 or 92 21 921-5131

* Tansneem Ahmad Siddiqui, Director General Sindh Katchi Abadi Authority, Behind Sindh Assembly Building, Court Road, Karachi

Fax: + 92 21 921-1272

* Muhammad Younus, Director Urban Resource Centre, 3/48 Mualimabad Jamal uddin Afghani Road off Khalid Bin Walid Road, Karachi, 74800 Pakistan

Fax: + 92 21 438-4288

If it is the first time, please send also a e-mail copy with your contact information to URC Karachi at urc@cyber.net.pk. You will receive the follow-up of this case and future urgent action appeals.

Urgent Action Appeal: Demolitions in Pakistan

**Urban Resource Center Karachi – Pak0802
Karachi, 10 August 2002**

Pakistani authorities are **evicting at least 200,000 Karachi citizens** and demolishing their houses. Already, some 4,000 poor families have been evicted and an estimated 40,000 families will lose their livelihood in the process. The demolitions are taking place in the Lyari River territory, whose most residents are made up of families already displaced in the massive 1947 Indo-Pakistan population transfers. On 21 January 2002, the authorities started **bulldozing** residential areas and other community establishments, including over **1,900 small commercial units**. Between 15 and 20 March, in the Lyari neighborhood of Shershah, they bulldozed **67 factories**. Then on 27 June, the victims organized a sit-in to stop bulldozers, but police arrested three members of the Action Committee for Civic Problems and continued bulldozing a further **400 housing and commercial units** on 27, 28, 29 June and 1 July. The authorities still plan to bulldoze over 25,000 housing units, 3600 shops/commercial units, 50 mosques, 5 churches, 8 *mandirs*, 10 schools, 38 clinic, 1 hospital and 66 factories.

The authorities are forcibly relocating demolished businesses and homes within the adjacent old neighborhoods, thus densifying and degrading them further. The net economic value of demolitions along Lyari Expressway is expected to exceed 2 billion Rupees (more than 40 million US Dollars). The new expressway construction is expected also to degrade the local environment further.

The official position

The Karachi City Government and National Highway Authority (NHA) are arguing that it is necessary to remove and stop encroachments in the river bed since they can be washed away during floods. However, more than 50% of the affectees are live above the flood line, but in the expressway alignment!

The expressway should also provide “unhampered and quick access to port traffic,” but this is the role of the existing northern bypass. Moreover, it is not possible to create cargo/truck spaces at the congested terminal site intended (Sohrab Goth).

The State claims that the new expressway will reduce traffic congestion on city roads, but planners, URC and HRC have long proposed many other, much-less-expensive and more-effective options to achieve that avoid uprooting poor peoples lives.

Finally, officials promote images of a more-beautiful city and cleaner environment resulting from the project; however, they have taken no measures toward that end. The Lyari River already is a sewage channel, and the expressway is, perforce, incompatible with environmental improvement and recreation.

Housing rights issues/violations

For the 400 houses demolished to date, the State has qualified only 35 families for alternative land. Out of the 25,000 housing units to be demolished, authorities plan for just 14,000 to obtain an alternative plot (outside the city). Moreover, the destructions have occurred without any advance notice, affected people's participation, compensations or alternatives.

The Land Acquisition Act provides that land can be acquired only from leased settlements and officially recognized settlements. It requires that displaced residents be compensated at market value for their land and property before the public acquisition. Any loss of livelihood and home, the victims should receive additional compensation, and any resettlement must be in an area with similar facilities to the one that is acquired. According to the Pakistan Protection Act, an Environmental Impact Assessment (EIA) is required before such construction; no such EIA has been prepared.

The Pakistani State authorities unlawful behaviour, therefore, violates the rights to legal security of tenure; freedom from dispossession, damage and destruction; information and participation; resettlement, restitution and compensation; and security. All are internationally recognized elements of the Human Right to Adequate Housing.

The Karachi City Government and National Highway Authority (NHA) are determined to carry out their **Lyari Expressway project** despite human rights obligations and against the will and well-being of local residents. On the international level, Pakistan is currently in breach of articles 2, 4, 11 and 15 of the International Covenant on Economic, Social and Cultural Rights, as well as General Comments No 4 & 7 on implementing HRAH. Also, the State and its agents are violating articles 1, 2, 17, 19, 21, 22, 25 of the International Covenant on Civil and Political Rights, among other international treaties. On the national and local levels, authorities have violated the Land Acquisition Act, and section 12 of the Pakistan Protection Act 1997, and have defied the Sindh High Courts' stay order against this project. Therefore, the project is essentially illegal.

Actions so far

No legal efforts have been mounted to date; however, for many years, citizens, NGOs and urban planners have appealed transparency and rule of law, but the government continually dismisses them. In response to such generally lawless "development" policy, people affected by megaprojects all over Pakistan observe 2 August as "National Curse-Day."

What you can do!

Please join their call for responsible development and respect for the human right to adequate housing by send immediately your protest letter to:

--- You will find enclosed a sample letter ---

* General Pervez Musharraf, President of Islamic Republic of Pakistan, Awan-e-Saddar, Islamabad, Pakistan Fax: +92 51 920-7656 and +92 51 927-0205

* Main Muhammad Soomro, Governor of Sindh, Governor House Abdullah, Haron Road Karachi Fax: +92 21 920-5041 or +92 21 920-1215, +92 21 920-1226

* Advocate Nematullah Khan, City Nazim, KMC Head Office, M A Jinnah Road, Karachi Fax: +92 21 921-5117 or +92 21 921-5131

* Tanseem Ahmad Siddiqui, Director General Sindh Katchi Abadi Authority, Behind Sindh Assembly Building, Court Road, Karachi Fax: +92 21 921-1272

* Muhammad Younus, Director Urban Resource Centre, 3/48 Mualimabad Jamal uddin Afghani Road, off Khalid Bin Walid Road, Karachi, 74800 Pakistan Fax: +92 21 438-4288

Please send also an e-mail copy with your contact information to URC Karachi at: urc@cyber.net.pk

You will receive the follow-up of this case and future urgent action appeals.

10 August 2002

Dear President Musharraf,

It is with deep concern that we have learnt from the Urban Resource Center (Karachi), fellow member of Habitat International Coalition/Housing and Land Rights Network, that the Pakistani government continues to bulldoze residential areas as well as commercial units in connection with the Lyari Expressway project. The Pakistani government, the Karachi Municipality and the National Highway Authority had already ordered the demolition of 1,900 small commercial units in January, and 67 factories in March. They have resumed bulldozing 400 housing and commercial units between 27 June and 1 July, despite a Sindh High Court desist order and sit-ins by the victims. The Pakistani authorities still plan to bulldoze over 25,000 housing units, 3,600 commercial units, and other public structures.

The human consequences of these demolitions are devastating, since they have already forcibly evicted nearly 4,000 families. According to the Human Rights Commission of Pakistan, at least 200,000 other people will be forcibly evicted, and the employment line of 40,000 families broken. Moreover, the destructions have occurred without any notices, compensation or alternatives.

This State policy constitutes a clear violation of the human right to housing, including specifically the denial of legal security of tenure; freedom from dispossession, damage and destruction of property; rights to information and participation; resettlement, restitution and compensation; and physical security. All are internationally recognized elements of the human right to adequate housing, which Pakistan is treaty bound to uphold. Through these acts, Pakistan is in breach of articles 2, 4, 11, 15 of the International Covenant on Economic, Social and Cultural Rights, as well as General Comments Nos. 4 & 7; and articles 1, 2, 17, 19, 21, 22, 25 of the International Covenant on Civil and Political Rights, among other international legal norms.

Moreover, by these practices, Pakistani authorities are also violating their own local laws, such as the Land Acquisition Act, and section 12 of the Pakistan Protection Act 1997. The government ultimately has defied the Sindh High Courts' stay order against this project.

Therefore, we urge the concerned authorities to correct these practices, to respect the human right to adequate housing and corresponding obligations in general by way of the following minimum measures:

- stop immediately the demolitions and the evictions in the Lyari Riverbed
- make operational the 9-member committee of experts that the municipal authorities formed to review the project, but that has never been activated
- respect and implement all the violated international and national laws, acts and orders above mentioned.

Respectfully,

CC:

The Ichikawa case example

➤ *The Urgent Action appeal*

➤ *The sample letter*

The UA appeal for Ichikawa

This Urgent Action had been sent by HIC by e-mail (that is why you see here neither the title of the document nor its author). Shorter than the Lyari case, this UA had been built up without having the methodology as a guideline but comprises all necessary elements. These are organized in a different way but are all clearly introduced. As it was not done as a methodological model, this document may even seem more fluid to you. For all or any of these reasons, it can be considered as a helpful example.

To make a clear parallel between this Urgent Action and HLRN methodology, you can find here the name and number of the 11 steps of the methodology in the left column.

2- Time of appeal	August 15, 2002
4- Duty holder 3- Victims 5- Events	(4)The City of Ichikawa, on Tokyo's eastern boundary, has ordered the eviction of (3)some 40 homeless people living beneath an elevated railway. (5)The forced eviction is scheduled for 27 August, and (10)the homeless group has submitted an individually signed letter of protest to the City.
10- Other action	(5/6)Both the ruling and opposition parties jointly had proposed a bill that, on 31 July, the National Diet unanimously adopted the "Law concerning Special Measures to Support the Self-reliance of the Homeless" The Law provides, for the first time, that the central and local governments bear the responsibility to formulate and implement programmes to support of homeless people in securing stable jobs and housing, extending livelihood consultation, and providing temporary shelter and daily necessities.
5/6- Events/Critique of the official reasons	It also stipulates, in its Article 11, that public authorities should take appropriate measures to ensure that homeless people not improperly occupy public parks and facilities. This provision, standing alone, might justify local authorities forcibly evicting homeless people occasionally occupying parks and riversides. (8)However, the Diet adopted a special resolution as an attachment to the law, stating that, in such cases, "due respect should be paid to the intent of international commitments concerning human rights."
8- State's legal duty (local)	

7- RAH issues

(7) Last year the United Nations Committee on Economic, Social and Cultural Rights called the Japanese government's attention to the plight of the homeless in Japan. International legal obligations also require that Japanese authorities respect people's human right to adequate housing, including to curtail forced evictions. The new national law can only be as good as its implementation.

5- Events

(5) This is a critical moment in the homeless movement in Japan. The Ichikawa eviction order is the first of this kind after the new law's enactment.

6- Critique of the official reasons

(6) The new law has to be viewed as a double-edged sword. Upholding the human right to housing now depends upon people's mobilisation to protect against forced eviction that is in violation of the law. It remains to be seen whether the law can be an essential element of enabling policy environment for the poor, or it becomes a toll to "legalize" evictions.

Your international support is kindly requested by sending such a letter, for example, as below.

August 15, 2002

Subject: Appeal to the Building Bureau (Kensetsu-Kyoku) of Ichikawa City

Excellency:

According to reliable information from our friends on international networks, on 6 August, your Building Bureau issued an order to evict some 40 homeless people living beneath the elevated railway in Ichikawa. We are deeply concerned about the situation.

International human right standards firmly recognise that every person has the right to adequate housing. Enabling the realisation of that right is the obligation of the parties to the International Covenant on Economic, Social and Cultural Rights, including your government, to take immediate actions to support those who are seriously deprived of the housing rights, most notably homeless persons. In this context, forced evictions are considered to be a serious violation of human rights.

We have learned that, last year, the United Nations Committee on Economic, Social and Cultural Rights expressed concern over the forced eviction of homeless people in Japan. We also note that, within the past month, the National Diet adopted the "Law concerning Special Measures to Support the Self-reliance of the Homeless," which explicitly called for officials to respect the human rights of the homeless. We keenly watch how the Law is being implemented at the local level in Japan.

Sir, we earnestly hope that you exert all efforts to restore and uphold human rights standards in Ichikawa, consistent with the spirit of the new Law, and show to the world that Japanese local authorities have taken steps toward local development that is socially responsible and just.

Respectfully yours,

Name Organization

The Hebron case example: Typical errors and omissions

- *Two UA appeals*

- *Comparative table and analysis*

Typical errors and omissions

The following comments are based on two different Urgent Actions that have been built on the same case. Both constitute typical examples of hastily done UA. The authors have built their argument upon scant information and without taking time enough to formulate a strong case. These are true-life examples; however, the identity of the sources is withheld for reasons of discretion and to focus, instead, on the content.

Here are the two documents:

UA 1: URGENT Message

Dear Friends

We need your help in supporting Palestinian families in Hebron...as of now the Bulldozers are destroying the houses ...they had just finished destroying the house of Naser Saed Da'na of 150 sq.m with a family of ten persons..and the house of Fhakhuri family in the same neighborhood which is called "Haret Al Nasarah " Christian Quarter"the number of houses on the list and threatened to be destroyed is around 114 houses...many of them are old houses dating to more than 800 years.....

we urge you to interfere to stop this madness ..the high court had given a temporary decision to stop destroying ..but due to the radical and fanatical settlers group who are settling in Hebron ..the army is attempting a huge campaign of destruction...this is a series of violence and escalation of violencethis is collateral " punishment' of civilians and families.....

we need your immediate interference....and it is an irony that children of Palestine have always to be borned in caves..and tents..in this season of Christmas...and in this century...

UA 2: Subject: Hebron - Urgent action

According to T.I.P.H. international observers Israeli army plans to destroy 22 houses. These houses edge the "prayer's road" in Hebron which runs along the Patriarch's burial vault. These houses are an integral part of the cultural inheritance of Hebron; the oldest city of the Middle East after Jericho.

Three houses have already been destroyed on Friday 13 December 2002.

It's a crime against the cultural inheritance of humanity.

On 18 December the Supreme Court of Israel prepares to confirm the order of destruction in a territory which does not belong to its jurisdiction, as it is part of Palestine.

We urge you to react immediately by sending messages to [...].

Comparative table:

Component	UA 1	UA 2
1- Author	(withheld)	(withheld)
2- Time/location of UA	22/12/02	e-mail received on 17/12/02
3- Victims	Palestinian families in Hebron	
4- Violators/duty holders	Fanatical settlers group The Israeli army	The Israeli army On 18/12 the Supreme Court of Israel prepares to confirm the order of destruction, although Hebron is not even under its jurisdiction, as it is part of Palestine
5- Events	2 houses already destroyed 114 threatened High Court had given a temporary decision to stop destroying	3 houses already destroyed on 13/12; 22 planned to be
6- Critique official argument		
7- HR issues		
8- State's legal duty		
9- Local efforts		
10- Other actions		
11- Sources		TIPH international observers

Analysis:

- 1- The precise location of the Urgent Action appeal is not provided. That information would help the reader though to understand the situation of the author and his relation to the case.
- 2- The victims are vaguely described, or not at all, perhaps because the writer's attention was focused on the action/violation. This depersonalizes the issue and may prevent the reader from linking the events with the rights that are violated, since the rights holders / victims are left out of the picture.
- 3- There may not be official reasons given at all, as it is the case here. In this case, one could say, however, if this pattern belongs to the general policy of the State, as it had been said in UA 1.
- 4- The human rights issues and corresponding legal duties of the State are missing, while the State's actions blatantly violate legal international obligations. To add these arguments would inform the reader/potential supporter about human rights in local and international law though. It would also let him know that the requested action aims at defending human rights, namely by forcing States to respect their duties.

- 5- The efforts at local remedy and other defensive actions are not well specified. These elements of the story are important to allow the reader to feel that s/he is part of a concerted effort to defend the victims by other, complementary means. If there is indeed no other solidarity/defense action, however, it may interest the reader to know that the context of State violence and discriminatory policy, for instance, prevent any such action.

Generally speaking, the information provided in these sample Urgent Action appeals lacks needed specificity. More problematic, too, is any inconsistency in the information coming from different sources or different times. As in these examples, the information may even be contradictory. (See 5, and also 4, with the description of contradictory Court dates and issues!) Such discrepancies are, unfortunately, very typical and demonstrate—by negative example—the importance of conveying sufficient and consistent information in order to compel the reader to act in your Urgent Action case.

Conclusion

In light of the HLRN Urgent Action methodology, the three developed examples above are of different quality, but all are helpful to understand what can make a case more persuasive and educative. Indeed, an Urgent Action should be enough composed to give not only a full factual picture, but also a legal frame of the situation. The legal dimension is typically omitted, however. Incorporating the relevant legal dimension does not require need additional data from the field, but drawing out the legal facts links the violations to legal obligations.

The victims should naturally be characterized and treated prominently as the rights holders; they are subjects for whom human rights laws have been codified. The human subject constitutes the link between the events and the consequent violation.

Following the circulation of a series of related Urgent Actions, the Lyari Expressway case has been developed further by applying this methodology specifically to serve as a positive example. Based on a lot of data collected over a few months, it, therefore, became much longer than any actual UA presentation should be. However, the case was selected and redrafted above all to comply with this methodology's procedure and steps. Under normal circumstance, much less data would be available for an UA written at the time when the violation is being planned and/or revealed as pending. That does not mean that the appeal cannot gather all the information that should be introduced according to the methodology. In this way, the Ichikawa case constitutes an effective model

The Ichikawa example has not been contrived as a model, but has been chosen because it meets quite well the criteria of the methodology. It is more concise in form, but contains the essential components, including the legal facts, rights and duties. Based on little factual information, it conveys the corresponding violations of State obligations arising from international law. Therefore, the UA respondent can rest his/her protest letter on legal authority.

The Hebron, Palestine example exemplifies what pitfalls the UA appeal writer should avoid in order to build a strong and compelling case. The raw facts are presented, but neither verified, sufficiently personalized nor contextualized in a legal (housing rights) frame. That UA may be very brief and, therefore, quickly read, but incomplete.

After the important step of collecting and verifying data, the HLRN methodology and the "Tool kit" will be useful to find the information needed to complete the case, namely concerning its legal aspect. What does not appear in these examples is the follow-up. This step is, nonetheless, vital. It will be the best way to broaden your UA's scope and effectiveness by raising public awareness, building long-term solidarity, imposing continuous pressure on the duty holders, especially the States that have to respect, protect, promote and fulfill human

rights. As pointed out in the introduction above, the methodology and the UA itself could serve multiple purposes beyond the solicitation of protest letters. Thus, follow-up and reporting back—to both victims and respondents—is also the ultimate task in the UA scheme that substantiates the value of this form of practical solidarity.