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UN Experts Recognize Rights of Public Housing Katrina Survivors

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On February 28, 2008 the United Nations Special Rapporteur on Adequate Housing, Miloon Kothari, and the UN Independent Expert on minority issues, Gay McDougall, issued a joint press statement expressing serious concern over the process leading to the demolition of thousands of units of public housing in New Orleans and calling for a halt to the ongoing demolitions. The statement expressed the UN Independent Experts' dismay over reports of violations of international human rights law in connection with these demolitions, including the right to participation and the right to adequate housing, for former public housing residents. They further called on the U.S. government to halt ongoing demolitions to ensure that redevelopment plans include participation by former public housing tenants and respect their right to return. The joint statement follows a private communication on December 17, 2007 by the UN Independent Experts to the U.S. government.

In responding to the press statement, U.S. Senator David Vitter (LA-R) stated: *"Sadly, the debate on public housing reform in New Orleans has taken a turn toward* [sic] *theater of the absurd ... The current redevelopment plan promotes homeownership and independence and provides a fresh alternative to the decades-old, failed New Orleans public housing system …"*

To characterize the United Nations, to which the U.S. is a major contributor, as a "theater of absurd" is disconcerting enough, but to describe the demolitions as a "fresh alternative" is morally reprehensible. Local and federal officials' decision to allow minimally damaged public housing units to remain closed after the storms has directly contributed to the swelled numbers of homeless persons living in New Orleans. Moreover, the demolitions are not accompanied by plans for homeownership. On the contrary, Mr. Vitter has been a staunch opponent of the Gulf Coast Recovery Act, which guarantees one for one replacement and the right to return of former public housing residents. Mr. Vitter's posturing on this matter is in direct opposition to international human rights law, specifically the human right to housing and the right to participation.

The South African Constitution Court recently ruled in *Occupiers of 51 Olivia Road v. City of Johannesburg*, that "before an order of eviction that would lead to homelessness is granted at the instance of a municipality, there [must be] meaningful engagement or, at least, … the municipality [must make] reasonable efforts towards meaningful engagement." This internationally recognized right to participation is likewise reflected in Section 28 of the UN Guiding Principles on Internal Displacement: "Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration." With respect to the human rights to housing, Article 11 of the International Covenant on Economic, Social and Cultural Rights states: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate … housing …" The current demolitions are in direct conflict with both the right to participation and the right to housing.

We applaud the statement made by the UN Independent Experts and encourage the U.S. government to heed this call from the international community and respect the human rights of hurricane survivors.

A full copy of the UN statement is available at:
http://www.unhchr.ch/huricane/huricane.nsf/view01/907604B6DAF5E2F1C12573FD007AD7DC?opendocument