

Report

Expert Group Meeting on Housing Rights Monitoring

*Geneva, Palais des Nations, 26-28 November 2003
Room VIII*

Organized jointly by the United Nations Human Settlements Programme (UN-HABITAT) and the Office of the High Commissioner for Human Rights (OHCHR)

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1. The Expert Group Meeting (EGM) on “Housing Rights Monitoring” was convened in Geneva, Switzerland, in the Palais des Nations, from 26 to 28 November 2003. The EGM was organized by the United Nations Housing Rights Programme, a joint activity of UN-HABITAT and the OHCHR, in order to discuss the development of a set of internationally applicable housing rights indicators. The meeting was opened by Ms. Silva of OHCHR; Ms. Bonoan-Dandan, Chair of the United Nations Committee on Economic, Social and Cultural Rights; Mr. Kothari, the United Nations Special Rapporteur on adequate housing; and Mr. Ergüden of UN-HABITAT.
2. Ms. Silva opened the meeting on behalf of the OHCHR and welcomed the participants to the EGM. In her statement, Ms. Silva noted that human rights indicators provide an important avenue for monitoring, situational analysis, and serve as a way to measure performance with respect the realization of human rights. The move to create a set of housing rights indicators is part of a larger trend towards quantification in the human rights field, and while this process has not always gone smoothly, it is important to operationalize a framework for housing rights in order to facilitate the work of housing rights experts and advocates.
3. In her opening statement, Ms. Bonoan-Dandan noted that the first workshop on the quantification of housing rights was held in 1993. She cautioned the meeting that it needed to focus on a manageable number of quantifiable indicators, to ensure that the reporting could be most useful and accurate. The housing rights indicators should also reflect the standards established in General Comment No. 4 on the Right to Adequate Housing of the United Nations Committee on Economic, Social and Cultural Rights. Ms. Bonoan-Dandan also noted that, in order for these indicators to be useful to the Committee, the responses to the indicators related research must come already interpreted and analyzed.
4. In his opening statement, Mr. Kothari drew attention to the scale of housing rights violations within the world. Mr. Kothari expressed the need to coordinate these efforts with other ongoing

efforts of the United Nations, including the Millennium Development Goals and the Poverty Reduction Guidelines. Mr. Kothari also noted that it would be important to discuss several issues in more detail, including, whether we are creating indicators on “adequate housing” or on “housing rights;” the broader notion of the indivisibility of all human rights; as well as how to one can measure accountability, immediate obligation, and global policies affecting the realization of housing rights.

5. In his opening statement, Mr. Ergüden of UN-HABITAT, and Coordinator of the United Nations Housing Rights Programme (UNHRP), welcomed the participants to the EGM and noted that while the scale of housing poverty is vast, no uniform methodology exists to date, which allows for a detailed analysis of the status of housing rights world-wide. Inconsistencies in data collection methods, gaps in cross-national information, and the absence of general statistical models pertaining to housing rights inevitably result in a limited view of the status of housing rights as it exists in the world today. Mr. Ergüden also noted the potential value of indicators to housing rights advocates and to facilitating political change.
6. Mr. Hundsalz was elected as Chairperson of the meeting and Ms. Gómez was elected as Rapporteur to be assisted by Mr. Khalfan, Ms. Abdelhadi and Mr. Jensen. Participants introduced themselves and the agenda/ programme of work was adopted. The agenda was amended slightly to incorporate a short presentation by Mr. Schechla, of the Habitat International Coalition, on a Housing Rights Toolkit in the first segment of the meeting.
7. The meeting proceeded with the presentation of the background paper and the discussion paper. The discussion paper identifies 18 specific housing indicators for consideration by the meeting.
8. In the first segment of the meeting Mr. Moreno of UN-HABITAT outlined the ongoing activities of UN-HABITAT with respect to data collection, both at national and city level. He also referred to the expert group meeting on urban indicators convened in 2002, the report of which was also submitted as part of the background documentation to the current EGM. He noted that a lot of data is already available from several different sources, but there are major comparability problems. Following this presentation, Mr. Schechla, outlined the structure and modalities of a Housing Rights Toolkit developed by the Habitat International Coalition. He noted that the toolkit was not offered as an alternative model to the one identified in the discussion paper, but was rather meant to inform the EGM in its choice of indicators.
9. Starting in the second segment, participants were asked to discuss the various indicators suggested in the discussion paper (and background report). The discussion included questions of operational definitions and data disaggregation. The participants deliberated on the various indicators throughout segments II, III and IV of the meeting, and prepared a set of “Conclusions and Recommendations,” which is submitted in Annex 1. Annex 2 summarizes the conclusions reached with respect to each indicator in a table format. These conclusions and recommendations were discussed and agreed upon by all participants in the final session of the meeting.
10. In the fifth segment, Mr. Riedel, the Vice-Chair of the Committee on Economic, Social and Cultural Rights stated that the indicators could be used by the Committee to set benchmarks in dialogue with States as part of the monitoring process. Mr. Ergüden indicated that the results of the EGM would be reported to the Committee with a view to seek the Committee’s views on further progress on definitions of the set of indicators and on modalities for data collection. He also noted that it would be very useful if wider consultations on the indicators would be held at the national level and a system is developed to collect and evaluate data and information such as prior to Habitat II Conference when national committees were established.

11. The meeting was closed with discussion of the follow-up activities to be taken to the initiative. Mr. Hundsalz indicated that the meeting was particularly successful in bringing together diverse disciplines and perspectives. Mr. Kothari indicated that the indicators will be very useful for monitoring activities such as his country missions and could be tested there. Mr. Riedel, welcomed the achievements of the meeting as an important step to assisting future reporting on State Parties' compliance with regard to their commitments under the International Covenant on Economic, Social and Cultural Rights. Mr. Ergüden thanked the participants for their assistance with this challenging initiative. Ms. Bustelo of OHCHR thanked UN-HABITAT for its work on leading the organization of the initiative and the various people and organizations that contributed to the initiative. There was general expression of wishes of success to UN-HABITAT and the OHCHR for this challenging initiative of the UNHRP.

**ANNEX 1:
CONCLUSIONS AND RECOMMENDATIONS**

28 November 2003

1. The meeting agreed with the view of UNHRP (UN-HABITAT and the OHCHR) that the creation of a Housing Rights Composite Index would be a very difficult task, both from a methodological and from a political point of view. The meeting thus agreed that the focus of the EGM be placed on the creation on a manageable set of indicators for monitoring progress towards the realization of the right to adequate housing.
2. The meeting recognized a need to coordinate the different efforts that are currently taking place at the international level to quantify various aspects of housing, and potentially the right to adequate housing. The meeting expressed a need to identify those indicators for which information and data are already being collected, or which could otherwise be easily collected, by the United Nations. Some such indicators were identified during the course of the meeting, including, most notably, indicators specifically related to water and sanitation.
3. The meeting also agreed that the work being done on the creation of a set of indicators for the right to adequate housing must recognize the interdependence and indivisibility of all human rights. While participants felt that there was a need to clearly delineate the scope of the indicators, and prioritize those indicators which most robustly measure critical components of the right to adequate housing, it was also duly noted that doing so in no way should be seen as undercutting the essential indivisibility and interrelatedness of all human rights.
4. A visual matrix was composed and presented to facilitate the discussion of the individual indicators. Throughout the course of the discussions, several specific proposals were offered by the participants. The proposals/suggestions enumerated below attempt to represent those which garnered the most support or consensus from the group. However, particular areas of controversy are also identified.
5. The meeting agreed that there was a need to create gender sensitive indicators, and wherever possible, to disaggregate data. In this regard, it was suggested that various indicators identify specific focus groups, such as by age, gender and ethnicity, on which specific data could be gathered. It was also agreed that disaggregation should be requested where appropriate for particularly vulnerable groups, including, *inter alia*: internally displaced people, people with disabilities and refugees.
6. There was also agreement that all indicators should be disaggregated by urban and rural areas, otherwise indicators could end up measuring the rate of urbanization in a country rather than the extent to which the right to adequate housing was being realized.
7. The participants also acknowledged the various limitations associated with quantitative measures generally, and highlighted the need to contextualize the indicators chosen with qualitative data and narrative reporting and interpretation.
8. It was suggested that the indicators assessing “quality” and “crowding” in the discussion paper be subsumed into the broader category of “habitability,” so as to more closely reflect the language articulated in General Comment No. 4 of the Committee on Economic, Social and Cultural Rights. The meeting agreed on the two proposed indicators on sufficient living area (e.g. persons per room, rather than space per capita, data on which is difficult to collect) and durability (e.g.

percentage living in permanent structures). The latter was expanded to also cater for compliance with building codes and bye-laws, in order to capture issues related to dignity/privacy and safe location (thus subsuming the proposed location indicator, see paragraph 11 below).

9. There was general agreement on the indicators on accessibility to services, e.g. access to potable water and access to adequate sanitation, as data on these are widely available. It was noted that there should be further consideration of ways to include specific information on time taken to access services, privacy and physical security, particularly from a gender perspective. The participants agreed that as information on access to energy and refuse disposal is not widely available and raises conceptual difficulties, such information should be included in specific situations where data collection on these items is possible.
10. There was much discussion with regard to the indicator on affordability of housing. It was noted that the percentage of household expenditure spent on housing could be a better measure than percentage of income earned. It was noted that the indicator should capture the rental cost or the imputed rental cost of home-owners. It was also agreed that the indicator could be extended to capture the cost of essential services related to the right to adequate housing, e.g. (a) water; (b) sanitation; (c) energy; (d) garbage disposal, and (e) transportation. There was also some discussion on the need for a sub-indicator on financial services, particularly the access of women.
11. The discussion on location also generated extensive debate. The majority of participants agreed that, due to data collection difficulties, it would be better to limit location to the issues of proximity to environmentally hazardous areas (as data on proximity to various services may be rather difficult to collect). It was also noted that the indicator should measure cost and accessibility as well as location, e.g. a person may live opposite a hospital but not have access to it. The majority of participants agreed that this indicator should be removed due to its complexity and subsumed under habitability (see paragraph 8 above).
12. It was suggested to include an indicator on cultural adequacy to confirm to the components of adequacy as outlined in General Comment No. 4 on the Right to Adequate Housing of the United Nations Committee on Economic, Social and Cultural Rights. No specific practical proposals were, however, forthcoming for an operational indicator to measure this component. It was also noted that the issue of cultural adequacy was captured in various ways by several of the other indicators. The meeting thus agreed not to include an indicator on cultural adequacy.
13. It was agreed to move the indicator on security of tenure from the cluster termed “indicators of denial and violation of housing rights” to the cluster on “indicators of housing adequacy.” This would correspond to the definition of adequacy as presented in General Comment No. 4 on the Right to Adequate Housing of the United Nations Committee on Economic, Social and Cultural Rights. The move was made on the understanding that the clusters outlined in the discussion paper are not meant as composite indices (as this move would otherwise pose statistical difficulties). It was noted that UN-HABITAT has experienced problems while trying to collect tenure data through national censuses on (i) tenure type and (ii) tenure status. These two do not cover the concept of security of tenure, and thus lead to misleading information.
14. It was suggested that the proposed indicator on homelessness be changed to reflect a measure of proportionality to be articulated as per 100,000 persons (rather than 1,000), and to be adjusted according to seasons. There was general consensus that a mechanism for data disaggregation be utilized with regards to the indicator on homelessness, at least for specific constituencies. Children, women, the elderly and persons with mental disabilities were identified as potential focus groups in this regard. It was also noted that, from a human rights perspective, a fulfilment indicator would be useful, e.g. percentage of homeless population receiving shelter.

15. There was a lack of consensus as to whether the indicator on population in slums should be maintained, although there was some discussion with regards to the potential duplication with the measures identified under the rubric of “housing adequacy.” Nonetheless, there was agreement that this indicator is readily amenable to data collection and politically is a very powerful measure, and therefore may be worth retaining. However, the formulation of the indicator should not make reference to informal settlements, but rather to slums, in keeping parallel with the Millennium Development Goals.
16. The meeting agreed that the indicator on forced evictions, if utilized, should be tied to the definition provided in General Comment No. 7 on forced evictions of the Committee on Economic, Social and Cultural Rights. The indicator should measure proportionality with reference to number of persons subjected to forced evictions per 100,000 persons in the population. Again, there was general consensus that a mechanism for data disaggregation be utilized with regards to this indicator. Women, children, and racial and ethnic minorities were identified as potential focus groups. It was also noted that from a human rights perspective, there is a need to assess whether adequate alternative housing is provided to evicted persons.
17. The meeting also discussed how one might measure the threat of forced evictions or individuals’ perception of threatened evictions, but no consensus was reached as to what an indicator of such threats might be.
18. It was noted that the proposed indicator on displaced persons should also be adjusted to per 100,000 populations. Consensus was not reached with regard to the substance of this indicator, and there was much discussion as to whether or not this particular indicator should be retained. A majority of participants agreed to consider displaced persons as one category of vulnerability. Data can then be sought at the disaggregated level vis-à-vis several of the other indicators, such as forced evictions, homelessness, etc.
19. With regard to indicators on the “process of fulfilment of the right to adequate housing,” it was suggested that the meeting need not discuss indicators 12 and 13 of the discussion paper on “Ratification of the International Covenant on Economic, Social and Cultural Rights” and “Reporting status of treaty implementation to the Committee on Economic, Social and Cultural Rights” on the assumption that the data for these indicators are readily available. Proposed indicators number 14, 15 and 16 of the discussion paper, on enactment and implementation of national legislation and on policy environment and institutional structure, were noted as being too general in their current formulation and needed refinement.
20. The meeting also recognized the need to maintain a conceptual distinction between “process” indicators and “performance” indicators. In particular, the discussion considered, in broad terms, indicators related to legal framework; institutional protection; and budgetary analysis. With regards to budget analysis, it was noted by some participants that this type of analysis may be flawed in practice because governments do not calculate these indicators appropriately. The focus then moved to legal and institutional issues.
21. In order to consolidate the view expressed in the meeting, it was suggested that three specific indicators be adopted under the “legal framework”: first, an indicator assessing whether international human rights legislation related to the right to adequate housing is enshrined in national law (and thus by extension whether it can be invoked within a domestic court of law); second, an indicator assessing the availability of free or subsidized legal aid; and third, an indicator assessing the average time it takes to resolve a claim related to right to adequate housing in courts and tribunals. On the last two points, it was indicated that clear performance indicators

would be necessary. With regard to legal aid, it was agreed that the formulation would be put in square brackets with a recommendation to consult on availability of data.

22. It was suggested that the following indicators be adopted to reflect “institutional protection”: assistance in the form of housing programmes, legal right to participation in the formulation of housing policy and planning programmes and right to information. Other aspects discussed included the existence of public and independent programmes and building codes indicators.
23. There was discussion on whether the indicator on housing assistance programmes should address the population as a whole or whether it should be targeted on specific groups, such as persons below the poverty line. Concern was expressed that targeted indicators would not capture important groups in diverse countries. The majority of the participants felt that it was necessary for the indicators to focus attention on the poorest of the poor who are often excluded from State sponsored housing programmes. It was noted that this indicator may be too ambitious. It may be difficult, if not impossible, to obtain specific information on assistance to housing versus all assistance. This indicator should thus be formulated further and should be tested for data collection feasibility.
24. With respect to the indicator on participation, there was discussion as to whether this indicator should refer only to planning decisions or a broader range of projects that would affect housing. The meeting agreed that the indicator should capture the right to be informed, as well as the right to access information.
25. The meeting agreed that an indicator on public offices to assist with remedies with respect to realizing the right to adequate housing should assess, to the extent possible, whether such offices were effective in assisting persons understand their rights and to seek redress. It was noted by the participants that it is necessary to consider whether the indicators on participation, information and public offices may be captured together.
26. The meeting considered available methods of data collection for the indicators. Normally available data collection means include censuses and household surveys. Much of this information is already being collected as part national and international efforts to monitor the achievement of the Millennium Development Goals. Other resources include the Global Urban Indicators Database, and monitoring work by UNICEF and UNHCR, State reports to the CESCR and other human rights treaty bodies, and such bodies’ evaluation of these reports, the reports of United Nations’ human rights Rapporteurs and other human rights documentation. The indicators related to the legal framework will normally be addressed in State Reports to human rights bodies and provided in national legislation. State administrative information, and in some cases National Housing Reports, will address issues of programmatic indicators. A number of civil society groups, such as COHRE and members of the Habitat International Coalition, among others, collect information and produce surveys such as on forced evictions. Certain indicators, such as on security of tenure, and particularly disaggregated data, may indicate a need for household and micro-surveys.
27. Where data are not currently disaggregated the meeting emphasized that it will generally be necessary for official systems of data collection to incorporate new categories in order to ensure access to disaggregated data. A human rights perspective requires States to collect data disaggregated on fundamental prohibited grounds of discrimination, such as ethnic origin (as defined in a broad manner by the Committee on Elimination of Racial Discrimination), indigenous peoples, gender, disability, displacement, age, refugee and migrant status, levels of income and rural areas.

28. With regard to follow-up, there was agreement that there will be a need for test cases and pilot data on a number of the indicators where information is not currently being collected. In addition, the current initiative may link to other initiatives that aim to test human rights indicators. There will be a need for closer technical review of these indicators by a wider range of statistical experts in the follow-up to this meeting with a view to further operationalization of the indicators. It was noted that there is an important role for international cooperation to assist States implement human rights indicators, which require costly surveys.
29. It was noted that the list of indicators produced by the EGM may form the basis for essential indicators that could be used by all States as part of their own national monitoring system, and on an international level as an element of State Parties' mandatory reporting to the Committee on Economic, Social and Cultural Rights. The meeting also agreed that further collaboration between the UNHRP and the Committee would be required before a fully operationalized set of indicators could be finalized.
30. The participants agreed that the indicators should be updated fully at least every five years, which is the current reporting period to the Committee on Economic, Social and Cultural Rights. There was agreement that the human rights terms used in the indicators should be defined in an appendix to the questionnaire. The definitions should not be limited to the Committee's General Comments on Housing and Forced Evictions, but should be consistent with the totality of the Committee's General Comments.

ANNEX 2.

SUMMARY LIST OF 15 INDICATORS ON THE RIGHT TO ADEQUATE HOUSING

Element	Indicator	Footnotes	Data availability/source
Habitability (2)	1. Indicator on sufficient living area (persons per room)	This indicator should ideally also capture privacy aspect for women (i.e. persons per room not enough for security of women in the home).	Quantitative indicator. Data available. Continually collected from national census (censuses would normally allow disaggregation by gender and age, and sometimes also by ethnicity). Also collected through sample surveys (but hard to disaggregate by ethnic groups). UN-HABITAT collects through MDGs (at city level).
	2. Indicator on durability (percentage living in permanent structures in compliance with building codes and bye-laws)	Indicator to mention compliance with building codes and bye-laws to capture location issues, such as proximity to hazardous sites, as well as dignity/privacy (e.g. for women needing private space; their vulnerability to violence, etc.).	Quantitative indicator. Data available. Can be collected through household surveys and census. UN-HABITAT collecting through Urban Indicators Programme (UI) and MDGs.
Accessibility to services (2)	3. Proportion of households with access to potable water	Indicator to include specific element on time or distance dimension (to capture gender aspects).	Quantitative indicators. Available and most collected data.
	4. Proportion of households with access to adequate sanitation		UNICEF Multiple Cluster Surveys, DHS UN-HABITAT through UI and MDGs
Affordability of housing	5. Proportion of median monthly household housing expenditure to median household expenditure/income.	Housing expenditure to include rent and imputed rent. Could be reformulated to percentage of population spending more than an acceptable percentage of their income on housing. Additional sub-indicators to be included on household expenditures on (a) water; (b) sanitation; (c) energy; (d) garbage disposal, and (e) transportation. It might here be useful to agree on an “upper limit” (e.g. to define “acceptable percentage of income”) Additional (possible) sub-indicator also on women’s access to credit?	Quantitative indicator. Housing surveys, useful for disaggregating data. Censuses do not normally include monetary data (and are unreliable). Income/expenditure surveys a better source.

Element	Indicator	Footnotes	Data availability/source
Security of tenure	6. Proportion of households with legally enforceable contractual, statutory or other protection	“Other” should be explained.	Quantitative indicator. Data available to some degree. Only possibility through specific housing surveys, samples, etc. Urban data available from local government property taxes.
Homeless population	7. Homeless persons per 100,000 population, over 5 year period	Include disaggregating by sex, rural/ urban, age and ethnicity. For this particular indicator may also want to disaggregate by mental disability. Sub-indicator on the proportion of homeless persons who receive shelter.	Quantitative indicator. Extremely important, and needs discussion on possibility of collecting. Difficult to find criteria on as this tends to be country specific. Good practice example from India: night time collection of data to better capture homeless.
Population in slums	8. Proportion of urban population living in slums, over 5 year period	Definition of “slums”, based on 5 criteria as elaborated in UN-HABITAT documentation.	Quantitative indicator. Data available. UN-HABITAT UI and MDG for Goal 7-11 collection.
Forced evictions	9. Persons subjected to forced eviction ¹ per 100,000 population over the past 5 years or over a specified period	Focus group on women, or persons disaggregated by sex, age, and race and ethnicity.	Quantitative data. Data available, especially from NGOs (e.g. COHRE) UN-HABITAT question on forced eviction in slum data collection. Consider UNHCR and OSCE data and other organizations.
Legal framework (3)	10. Can international norms and standards on rights to adequate housing be invoked in court?	With additional information to ensure a supplement to the simple yes/no answer.	Data should be available. State reports to CESCR. State reports to all human rights bodies. Special Rapporteur reports.
	[11. Is there a legal entitlement to free or subsidized legal aid in cases of violation of the right to adequate housing?]	Violations such as forced eviction or disconnection from essential services. (Refer to Article 14 of ICCPR) Additional information to be requested to supplement a yes/no answer. Indicator in square brackets – requires testing on availability of data.	Data should be available. Available in legislation, specific questionnaire if not already in reports.

¹ Forced eviction as defined in General Comment No. 7 paragraphs 3 and 15 (combined).

Element	Indicator	Footnotes	Data availability/source
	12. Average time taken to settle disputes related to the right to adequate housing in the courts and tribunals.	To be tested in reality. May require qualitative rather than quantitative response.	Not clear if this is an actual indicator. Ministries of Justice. Questionnaires. Disputes need to be clearly defined (with examples). Information from human rights mechanisms.
Institutional policy framework (3)	[13. What is the proportion of a target group (e.g. living below poverty line) that receive assistance related to housing?]	Defining what is meant by assistance. Indicator in square brackets – to be reformulated with statisticians and tested.	Data should be available. Administrative information, social surveys, charities. Reports from NGOs and evaluation reports. Questionnaires from governments. Some governments are producing national housing reports where this is stated for target populations (but not all). Those existing can be used as best practice examples and check reliability/quality of data.
	14. Do individuals have a legal entitlement to access information or consultation about decisions that may violate their right to adequate housing?	Additional information to be requested to supplement a yes/no answer, e.g. what are these entitlements? Could perhaps be merged with indicator 15 below.	Data should be available. Legislation (yes/no answer). Questionnaire, information to housing rights mechanisms. UN-HABITAT indicator used in UI.
	15. Are there public institutional mechanisms accessible at the local level that provides information and assistance for redress of housing rights?	Additional information to be requested to supplement a yes/no answer, e.g. what are these mechanisms?	

ANNEX 3. AGENDA

1. Opening of the meeting.
2. Introduction of participants.
3. Organizational matters (e.g. election of chairperson(s) and rapporteur, adoption of agenda).
4. Presentation of the background report and discussion paper (concept and methodology).
5. Segment I: Existing housing data and information collection mechanisms.
6. Segment II: Indicators on housing adequacy (discussion of specific indicators to be included in the set of housing rights indicators; operational definitions; questions for data disaggregation).
7. Segment III: Indicators on denial and violations of housing rights (discussion of specific indicators to be included in the set of housing rights indicators; operational definitions; questions for data disaggregation).
8. Segment IV: Indicators on process of fulfilment of housing rights (discussion of specific indicators to be included in the set of housing rights indicators; operational definitions; questions for data disaggregation).
9. Segment V: Data collection and data analysis (discussion of data collection on housing rights; analysis of data collected; clarification of weights and measurements; data disaggregation issues).
10. Conclusions and closure.

ANNEX 4. LIST OF PARTICIPANTS

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In addition, observers from Sweden, the Islamic Republic of Iran, and the Russian Federation attended the opening sessions of the meeting.