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Statement by Balakrishnan Rajagopal

**SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN
ADEQUATE STANDARD OF LIVING, AND ON THE RIGHT TO NON-DISCRIMINATION IN THIS
CONTEXT**

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**Honourable President,
Distinguished delegates,
representatives from civil society organizations and UN entities,**

I am honoured to address you to present my report on **“Preventing violations of the right to adequate housing during conflict”** ([A/77/190](#)).

Massive violations of the right to adequate housing continue in unprecedented fashion during and after violent conflict. Homes continue to be attacked, shelled and bombed, entire cities and villages are destroyed - millions are displaced into homelessness.

International law prohibits arbitrary destruction of housing, displacement, forced evictions and other serious violations of the right to adequate housing. However, there is an alarming continuity of gross violations of the right to adequate housing in times of conflict.

Dear delegates,

I have seen how in a few seconds a home, the culmination of a life-long effort, the pride of entire families, is wiped out and turned into rubble. Destroyed is not only a home. Destroyed are the savings of entire families, destroyed are memories, destroyed is the comfort of belonging. And a social and psychological trauma that is difficult for me to describe or even to imagine.

With the urbanization of war, the conflict-related destruction of homes has intensified. Today, more people live in densely populated areas, where violent or armed conflict is increasingly taking place. Weapons with wide area impacts continue to be used in residential areas. They kill and maim civilians in indiscriminate fashion, destroy and damage hundreds of thousands of homes and evict and displace millions in fundamental disrespect for international humanitarian and international human rights law.

That state of affairs has, by some scholars, been termed **“domicide”**: the massive and deliberate destruction of homes in order to cause human suffering.

In my report I highlight some examples: Approximately one third of all homes in the Syrian Arab Republic had reportedly been either partially or totally destroyed during the years of conflict. More than 13 million people have either fled the country or are displaced within its borders.

In Myanmar, over 200 Rohingya settlements were almost completely burned down or bulldozed between August 2017 and April 2019, displacing over 743,000 Rohingya into neighbouring Bangladesh

During the ongoing armed attack of the Russian Federation against Ukraine, tens of thousands of homes across the country have been deliberately targeted and left either severely damaged or completely destroyed. In Mariupol alone, a city of 400,000 inhabitants, 90 per cent of all apartment buildings have reportedly been damaged or destroyed.

Those situations are painful, illustrating the ongoing disrespect for the human right to adequate housing during violent conflicts. The systematic destruction of homes comes not only in manifold contexts, but also in manifold form – in warfare as well as during peace, using ‘lawfare’. The right to adequate housing can also be violated through bureaucracies. When policies, laws and regulations undermine the right to return, condone the usurpation or demolition of homes, confiscate or expropriate housing or are forcing a population living under occupation to demolish their own homes.

Many years ago, the UN Commission on Human Rights has already affirmed that the “practice of forced eviction constitutes a gross violation of human rights, in particular of the right to adequate housing”. The Guiding Principles on Internal Displacement stress that “every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence”.

Human rights law prohibits as well the illegal use of force by States or private actors in a foreign territory. Acts aimed at the very destruction of one of the fundamental rights enshrined in the Universal Declaration on Human Rights or in the International Covenant on Economic, Social and Cultural Rights are strictly prohibited, irrespectively of whether States or non-State actors commit them. Housing destruction in conflict is such an attack on a fundamental human right.

International humanitarian law reinforces the general protection of the home and the right to adequate housing under human rights law during armed conflict and situations of occupation.

War crimes include extensive destruction and appropriation of property, not justified by military necessity, making the civilian population or individual civilians the object of attack; launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects. International humanitarian law clearly prohibits attacking and destroying any civilian home as long as it has not become a legitimate military objective. Too often however, international humanitarian law is not observed by parties to a conflict.

An example is the continued use of explosive weapons with wide-area effects in densely populated areas, such as cities, towns, villages or other human settlements. These include artillery, cluster munitions and large improvised explosive devices, which have killed and maimed many civilians and are causing significant damage to civilian housing, property and critical infrastructure including the disruption of services essential to the survival of the civilian population such as water, electricity, sanitation and health care.

I therefore call upon all UN Member States to sign the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the Use of Explosive Weapons in Populated Areas, that will, after many years of negotiation, be formally adopted during a ceremony on 18 November 2022 in Dublin, Ireland.

The Political Declaration is an important step in the right direction. In my view the launching of certain explosive weapons into populated areas should be entirely banned through an international treaty.

It was possible to ban land mines and cluster ammunitions through international agreements. There is no excuse why States fail to ban the use of explosive weapons that kill and maim every year hundreds of thousand civilians in our cities and destroy civilian infrastructure necessary for their survival.

Dear delegates,

Domicide can be tightly entwined with **genocide**, when housing destruction, arbitrary dispossession, forced evictions or deportations are carried out with the aim to bring about the physical destruction of a population group in whole or part. We have witnessed such atrocities in many places including Bosnia and Herzegovina, Rwanda, and during the Holocaust.

Domicide may also amount to **crimes against humanity** when committed as part of a widespread or systematic attack directed against a civilian population – whether in peacetime or during armed conflict. Very often housing destruction in conflict triggers the forced deportation or forcible transfer of population. Even if there is no intent to deport and transfer a population group, the widespread bombing and destruction of housing should be considered as a crime against humanity encompassing “other inhumane acts of a similar nature and gravity.”

In sum, there are already several avenues under current international humanitarian and criminal law to prosecute systematic and widespread housing destruction and forced evictions – either as a war crime, a crime against humanity and in certain situations as the crime of genocide.

However, the reality is different. Impunity for such severe violations is the norm rather than the exception. Neither national nor international criminal tribunals have made full use of their abilities to bring those responsible for such severe housing rights violations to justice.

Human rights are interdependent, indivisible and interrelated, and this is particularly emphasized in situations of conflict where homes and residential areas are targeted. When civilians are killed, maimed or mentally harmed in attacks on housing, their rights to life, to the security of the person and to the highest attainable standard of physical and mental health are as well violated. Deliberate burning and destruction of housing has also been recognized by UN human rights mechanisms as an act of cruel, inhuman or degrading treatment or punishment.

Domicide is therefore much more than simply an intrusion into the right to home or one’s property rights. It sets off a domino effect on other human rights, including the rights to education; food; water; sanitation; work; to a clean, healthy and sustainable environment; the protection against cruel, inhuman and degrading treatment; and violates various human rights norms aimed at the protection of the child or family.

In my report I draw as well particular attention on how the rights of children, women and older persons are often disproportionately affected and violated by conflict related housing rights violations.

Because of its gravity and its impact on a wide range of human rights, serious consideration must be given to recognize domicide as an international crime of its own standing. Such a recognition would in my view bring much needed additional clarity. It would also help to overcome the predominant injustice and impunity that victims of severe violations of right to adequate housing face.

Dear delegates,

We should not be complacent with the current state of affairs. Gross violations of economic, social and cultural rights, such as the right to adequate housing, should in my view be prosecuted with similar effort by national and international tribunals as any other human rights violation, irrespectively where they take place.

The victims of domicide deserve more than our empathy and humanitarian assistance. They should not be left behind without any form of justice, restitution or reparation.

How many Aleppos, Saanas and Mariupols shall we continue to accept?

We must not tolerate that those are responsible for such egregious crimes continue in positions of power. They must face international justice.

Dear delegates,

The right to adequate housing is the right to live an in a place, is safety and dignity. It should not be degraded to the right to survive in fear in a bomb shelter.

It is time to recognize systematic or widespread violations of the right to adequate housing as domicide – as a crime against humanity of its own standing.

Thank you for your attention. I am looking forward to hear your views and comments.