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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

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**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the 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; the Special Rapporteur on the human rights of internally displaced persons; and the Independent Expert on minority issues.**

REFERENCE: AL Housing (2000-9) G/SO 214 (26-18) Minorities (2005-4)  
IRN 29/2012

22 January 2013

Excellency,

We have the honour to address you in our capacities as 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; Special Rapporteur on the human rights of internally displaced persons; and Independent Expert on minority issues pursuant to Human Rights Council resolution 15/8, 14/6, and 16/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the housing situation of a large number of persons affected by twin earthquakes in the East Azerbaijan province on 11 August 2012.**

According to the information received:

On 11 August 2012, twin earthquakes measuring 6.2 and 6 on the Richter scale shook north-western Iran, East Azerbaijan province. The region is mostly inhabited by ethnic Azerbaijani Turks, who constitute a large ethnic and linguistic minority group in Iran.

Reportedly, 399 villages were affected by the earthquake, among which 46 were completely destroyed. At least 306 persons died. Many of those affected by the earthquake, whose simple mud-brick homes were destroyed, were temporarily provided with tents. Over 100,000 persons were reportedly offered shelter in the weeks following the earthquake.

As winter has arrived, it is alleged that many of those affected by the earthquake still live under tents, and there are reports of cold-related illnesses.

Reportedly, the government refused international assistance. A couple of government programmes to rebuild houses were officially announced following the earthquake, but their results are unclear. The number of houses that have been rebuilt since then is unknown, as is that of houses that still need to be rebuilt. Reportedly, at night families take shelter in their partly destroyed houses to protect themselves from the cold, which is dangerous.

Finally, it is alleged that the Iranian parliament has been slow to enact any measures of assistance to victims. In September for instance, it reportedly struck down a bill introduced by members of parliament of Azerbaijani ethnicity to accelerate relief efforts in quake-stricken areas.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government about article 11(1) of the International Covenant on Economic, Social and Cultural Rights, ratified in 1975 by the Islamic Republic of Iran, which states that "the States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions". The Committee on Economic, Social and Cultural Rights commenting on the right to adequate housing in its General Comment No. 4, stressed that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy.

We also wish to recall the existence of the Guiding Principles on Internal Displacement (contained in document E/CN.4/1998/53/Add.2), which have been recognized as a significant international framework for the protection of internally displaced persons in both post-conflict and post-disaster situations. In addition, your Excellency's Government may find useful in the current circumstances recommendations the 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 made in a report to the General Assembly (contained in document A/66/270) that aims at assisting States in ensuring the right to adequate housing and all its above-mentioned elements in post-disaster settings.

We would like to highlight in particular article 2(2) of the International Covenant on Economic, Social and Cultural Rights, which recognizes the principle of non-discrimination as follows:

"2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

The Guiding Principles on Internal Displacement similarly note that they “shall be applied without discrimination of any kind” (Principle 4). Attention to non-discrimination and equality requires Governments and aid organizations to pay particular attention to vulnerabilities and inequalities in pre-disaster contexts, and, in the aftermath of disasters, to address inequalities and protect the most vulnerable. In A/66/270, it is suggested that, in cases of natural disasters, measures should be taken to ensure the realization of the right to adequate housing for the most disadvantaged groups, including through measures to strengthen tenure security for those with insecure status and through the prioritization of housing reconstruction and the provision of alternate housing for the most vulnerable.

The Guiding Principles on Internal Displacement note at Principle 28 that “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.” Specifically to the right to adequate housing, as discussed in A/66/270, all affected persons and groups should have the opportunity to participate in the identification and determination of their rights to land/housing tenure; the choice over, planning and implementation of transitional shelter and permanent housing programmes, and of durable solutions (return, local integration, and resettlement).

Finally, in view of the fact that many of those affected are ethnic Azerbaijani Turks who constitute a minority in Iran, we wish to draw the attention of your Excellency’s Government to international standards relevant to the protection and promotion of the rights of minorities. The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities provides in Art. 1.1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” Article 4.1. requires that “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.” It is essential to ensure that in times of natural disaster and crisis recovery all of those who are adversely affected, including those belonging to minorities, are treated equally and have equal access to humanitarian aid and short, medium and long-term assistance.

As it is our responsibility, according to the mandate entrusted to me by the Human Rights Council, to clarify all allegations brought to my attention, we would greatly appreciate detailed information from your Excellency’s Government concerning the above situation and about the measures taken by the competent authorities. We would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summary of the case accurate?
2. Was a comprehensive assessment made of the extent of the destruction of houses in all affected villages and towns and the housing needs of persons affected by the earthquake? Is the assessment publicly available?
3. How many people are still living under tents today?

4. Did consultations take place with the affected persons and communities including minority communities? If yes, please give the details, date and outcome of these consultations.

5. What types of measures has the Government taken to ensure that affected persons, especially the most vulnerable, are adequately sheltered and protected from the cold in particular, as winter sets in?

6. What types of reconstruction programmes have been set up? How many individuals or families will these programmes support?

7. Are the poorest and most vulnerable residents and families prioritized in the reconstruction of homes? How are criteria for prioritization, if any, determined?

8. Has the Government envisaged requesting and facilitating the provision of humanitarian assistance by the international community?

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the affected persons and communities by twin earthquakes in the East Azerbaijan province are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

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