

## IV. Assessment of Values after the Violation

(Post-violation: whether in transit camps, temporary intermediate shelter, resettlement site, cases of no resettlement, and with or without compensation)

*This section provides guidance and instructions for quantifying impacts after a violation has been perpetrated. If no baseline assessment of these values and assets has been done and this is first application of this tool, then the user should enter all accumulated losses to the present date. This section includes tips on how to extrapolate from current costs and losses to project future and long-term losses, costs and damages. Before beginning the enumeration of these losses, it would be useful to establish dates, or interim period for calculations over the long term, if possible, as post-violation values at stake often increase unless and until a remedy is implemented.*

### IV.A Dimension: Household Values and Assets

#### Type of Cost / Loss / Damage

##### 1. Structure (dwelling and other buildings)

One of the principle values at stake is the current, market value of the house, shelter or other structure(s) currently owned and potentially subject to eviction and/or demolition. This is probably greater than the original cost, as indicated in official records of the purchase or expenses toward the construction of the property most recent tax assessment, for example. That original price may be a guide, but is likely to be out of date and thus the price the owner would take if the property were to be sold on the current market should be recorded.

The market value would also likely be less than the ‘speculative value,’ which is considered to be that value (price) that a speculator, investor or other interested party would anticipate after the demolition/eviction and after converting the structure—if partially retained—for eventual resale.

The reference for determining the market value would be reliable brokers, real estate agents, banks, ‘slum-lord,’ or other parties involved in the sale and exchange of such properties. The standard methodology would involve collecting three quotes/estimates and selecting the average, or taking the middle quote as the fair market value. In the likely event that no such property market is actively issuing quotes on the value of the affected property, the alternative method for determining market value would be the estimated cost of replacing the property at current market values.

In that case, calculating the value of a home or other structure would involve adding the cost of the building materials and labour required to replace it. Where volunteer or community labour would be used in the construction, then that would require an estimate of the time (person hours or person days) used in the construction multiplied by the labourers’ normal wage, or the cost of such labour hired in the local market.

A qualitative assessment of the dwelling's and other structures' values should be made. This includes the sentimental or political value of the buildings, especially if they have historic, cultural, or other significance. Such value may be difficult or impossible to replace. This assessment counts all *values*, not only the number of monetary units.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

## 2. Contents

Each affected party (household) should cooperate with the field-workers to provide an inventory of the actual contents of the structure(s); that is their home and/or other building(s). Just as in the case of the structure itself, the value of those contents for this quantification purpose is the **replacement value** of the items, not the market value. The contents (furniture, clothing, food items, electronics, housewares, etc.) would be subject to depreciation and, if sold now, the resale or fair-exchange values would not be sufficient to cover the cost of replacement. The replacement value represents the actual cost of repurchasing items comparable in quality to those lost or damaged by the demolition. For heirlooms and other items of sentimental value, a replacement cost should be included in this category; however, the non-material loss or irreplaceability should be expressed separately. (See sample inventory forms in Annex.)

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## 3. Environment Goods, Natural Resources and Ecology

Various forms of housing rights violations can spell the loss of environmental safety, health, and recreation. The loss of these values may also force affected persons and households to live in precarious or unsafe environments as a result.

This item in the tool seeks to capture those original values before they are lost. The assessor may find it possible only to describe benefits of the environment, including wells and springs, lakes, streams, forests. Recording these values would require a qualitative description, since such environmental goods are not normally quantified in monetary terms.

However, other environmental goods and assets lost or destroyed may include building materials or sources of energy found in the natural environment. Their value could be set by estimating the cost of travel and transport to the nearest other location where these could be found without infringing on the rights or normal use patterns of other communities, if possible. Otherwise, these replacement values would have to be determined by calculating the cost of



travel and transport to the nearest market where such goods could be found at reasonable cost, or else the delivery costs of bringing them to the site of habitual residence.

(Capturing the values of environmental *services* may require recording the publicly supported or provided functions or infrastructure in place that makes such environmental goods (e.g., clean water, energy, sanitation, insect or pest control) available at the site of habitual residence. Those would be counted under **the category of Infrastructure/Services/Utilities** below.)

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#### 4. Infrastructure/Utilities

Capturing the values of municipal services may require recording the publicly supported or provided functions or infrastructure that make such environmental goods (e.g., clean water, energy, sanitation, insect or pest control) available at the site of habitual residence. It may be possible to quantify these assets and services for an individual household or a community in actual monetary terms, if the service provider had the disaggregated cost data and made them available.

Where public institutions are weak or not sufficiently developed, especially in the most-impooverished communities, local inhabitants have to invest in local infrastructure (e.g., electricity, water, transport, roads), particularly if the municipal institutions exclude them. Separation from these facilities by forced eviction, confiscation, or demolition means a total loss of that investment, which may not be quantified, partly because they are the product of volunteer labour. However, their value would be the cost of replacing them.

## Social production of habitat (SPH)

“All nonmarket processes carried out under inhabitants’ initiative, management and control that generate and/or improve adequate living spaces, housing and other elements of physical and social development, preferably without—and often despite—impediments posed by the State or other formal structure or authority.”

(Source: [HICtionary](#).)

More SPH information and cases on [HIC general website](#) and [HIC-HLRN website](#).)

### **Social production of sanitation and waste-management systems**

A community may provide its own waste-management solutions, however simple it may be, especially in the absence of public services. The vital functions of waste management may no longer be possible because of the separation, causing a loss of labor divisions or disposal options and spell a deterioration in the quality of life, including entitlements to environmental health as a result of the violation.

### **Social production of security protection systems**

Informal communities are typically forced to seek their own security arrangements, since civil police may fail to serve them, or deteriorating living conditions may



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## **5. Equipment/inventory**

This item includes the value of machinery, tools and equipment, other installations such as furnishings, as well as all stock and supplies. The values of those items are also to be included in this figure. All are to be calculated at their replacement value.

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## **6. Inheritance Prospects**

This category of values has proved important in the case of a threat and/or actual executed evictions and displacement. It is important to capture this value as it may affect the land or other properties expected to be bequeathed to children/other family members. In the case of long-term displacement, this value could affect an ever-greater number of persons through unborn generations.

The inheritance ‘prospects’ may be captured in a narrative that describes which assets are expected to be willed.

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## **7. Inviolable/Priceless Assets**

This item is intended to capture items of particularly sentimental or historic value to the holder, in this case, the members of the household. It may be impossible to attribute a market value or monetary amount to such values; however, they are of significant value nonetheless and must not be forgotten. Such items could be medals, awards, heirlooms, objects of value that symbolize heritage or mark historic events of the family or community. A collection of souvenirs or other collectables could fit into this category, even though they have not been independently appraised. This tool and its method—like the reparations framework in international law<sup>1</sup>—emphasizes the restitution of values lost as the rightful remedy. This

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<sup>1</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, at: <http://www2.ohchr.org/english/law/remedy.htm>.



category includes those items of value that cannot be restored by simple replacement, as is the case with other things in the market. It is probable also that items in this category have no replacement value in the market. Therefore, brief qualitative descriptions or narrative assessments of the (unquantifiable) item is needed to determine/record what values are at stake.

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## 8. Land

See also **10. Plot** below.

This is the landed property *not* associated with the housing **Plot** (beneath or immediately surrounding the structure, dwelling or any other building) itself. The value of such land is to be calculated at fair market value, just like the **Structure** and its **Plot**. This could be land adjacent to the home or other affected structure, or land located elsewhere in the vicinity.

Here the user has a choice between two options: (1) the user can count the value of the land alone, without any vegetation (trees and/or crops) on it, or (2) if that is not practical, then the user may enter the true market value of the land with its vegetation. In the case of 2, the item under **11. Trees and Crops** would include only the market value of the yield or harvest from that vegetation (i.e., this year and in future years, in the interval that the user has decided to calculate as long-term values to be gained, or lost in the case of eviction, destruction or appropriation).

This land could be lost entirely through confiscation, or its value could be reduced as a result of the eviction or demolition. In the case of eviction, land title might not be lost outright, but the conditions created by the eviction may prevent the owner(s) from returning to or reclaiming their land. In that case, the land in question would be calculated as an outright loss.

## 9. Livestock and Animals

The change in the value of all livestock after the violation is calculated here. This would include animals both for purposes of sale, economic activity or consumption as food, as well as pets and animals not serving a commercial or other gainful purpose. Their value should reflect the market value sufficient to cover also the costs of labour and other inputs in raising, feeding and maintaining livestock. The calculation for these values reflects the anticipated returns from normal sale of, and/or produce from the animals, including their normally anticipated offspring over the short-term and long-term. In the case of the animals' value as beasts of burden (e.g., oxen, donkeys), the returns on their labour are to be included in the figures reflecting their worth.



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## **10. Mortgage, Other Debt Penalties**

The demolition/eviction/confiscation removes the owner's relationship with the land and/or structure, contents, livestock, inventory and other matters of material value, such as materials and work performed for physical improvement to the property. However, the event does not relieve the owner from responsibility to repay for those values obtained on a credit basis. Those values, including any penalties and increased interest resulting from the event, are to be included here for both the short-term and long-term. If a situation prevails, as in many legal systems, that a debtor relinquishes claims (as in a natural disaster, for example), then that cost should nonetheless be calculated and listed under the category of "Other than Victim's Losses."

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## **11. Plot**

See also explanation at **8. Land** above.

This is the landed property associated with (i.e., beneath or immediately surrounding) the structure (dwelling or other building) itself. The value of such land is to be calculated on the basis of fair market value, just like the **Structure** entered above.

The plot and the structure are considered separately in this methodology to accommodate systems where the two aspects of property value are determined separately, or by different methods. For example, a cooperative arrangement may provide for outright title to the structure, but a share of the land area under it. It also allows for disaggregating these values in the event of a dispute. If the structure and the land are both held in title by the same owner and the values are customarily assessed in combination, the structure and plot values could be combined in this matrix.

If an eviction and/or demolition took place, it might not involve the dispossession of land title or ownership of the plot on which the structure stands. In that case, the evaluator would proceed to the next categories and not enter a value for the plot. However, in some cases, the land plot under a demolished structure may, perforce, be assumed by, or revert to the state as 'state land' or 'national land.' The evaluator must be familiar with the local laws and regulations to determine if that is the case in the event of an administrative or punitive eviction or demolition. That may determine whether a value is entered in this category of the matrix or not.



In the case whereby the state confiscates a housing plot, determining the value of that plot may be difficult if, again, no market value can be determined for the affected area. In that case, the methodology would involve determining the cost at current market value of a comparable site in another location.

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## **12. Subsidies and Rations**

If the enjoyment of this asset has been curtailed or lost due to a ration card or similar document being destroyed in the process of eviction or other displacement, then it should be calculated and recorded here with a calculated estimate of the recovery cost, plus the additional expenditures required, if any, during the interim as a result of the loss of documentation.

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## **13. Trees and Crops**

The value of a non-fruit-bearing, or otherwise non-harvestable tree or other vegetation lost or damaged as a result of the violation. Their value would be determined by the cost of purchasing and replanting a comparable replacement. The non-material, aesthetic, or sentimental value of the tree or other vegetation would have to be included by separate narrative under sub-heading 3 above: Environment goods, natural resources and ecology, as appropriate. The value of harvestable trees and crops would include the cost of replacing fruit-bearing trees and crops at their present condition and maturity, as well as the value of the harvest (in both the short term and the long term, according to the long-term interval). The loss of timber would be calculated accordingly also, with the value being the anticipated return from the harvesting or sale of the tree itself.

The ecological function of trees and vegetation also carries a value. Their value is calculated at the restoration costs. The associated wildlife and other natural assets may be of both a calculable and incalculable value. If the quantification team has a method for quantifying this, such calculable values should be included here at their replacement costs. However, to convey certain values of more public and environmental nature may require a narrative section to accompany the calculations.



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#### **14. Vital Documents**

If a ration card or similar document has been lost or destroyed in the process of eviction or displacement, demolition or other housing and land rights violation, then it should be calculated and recorded here with a calculated estimate of the recovery cost.

#### **15. Water Sources**

Here the assessor would cite the water source(s) for both the home(s) and any cultivated or uncultivated land belonging to the inhabitants and located at the site of their habitual residence. These could be a municipal water system, other piped water, artesian well, borehole, rainfall collection, municipal water, river or other source. While these may be described in a short narrative, in the Column C of the Matrix, the assessor should also try to determine the various types of value that these water sources to the inhabitants, their monetary value could be based on an estimate of what it would cost to replace these sources either by re-creating those water sources, or by the probable cost of having the same volume of water delivered to the inhabitants by a service found in the market.

#### **16. Work/Livelihood**

The inhabitants' livelihood may be linked to the dwelling or the location of residence. In any event, wages would inevitably be lost (to victim or her/his employer) for non-productive time attending to the event and its aftermath. Resettlement can lead to loss of a job or jobs altogether, or necessitate securing alternative employment, especially if temporary or long-term resettlement is far from the regular workplace. To calculate that value, one would subtract the short-term and long-term wages and other income of affected persons from the normal, anticipated wages and other income before the event. Since obtaining new employment and other income involves a loss of certain benefits, such as accumulated vacation leave, seniority and other benefits, the relative loss of those values should be included here if calculable. Job seniority may not be calculable value in monetary terms if it involves merely standing vis-à-vis colleagues. However, if that seniority arguably would have led to promotion with material effect in the short or long terms, that value is to be factored here as well.

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## 17. Other

If this inventory has left out any changes in, or losses of Household Values and Assets as a result of the violation, this row gives the user a chance to include it. This allows for a quantitative (i.e., monetary) assessment and/or a qualitative description and assessment of such other values. These may include household fixtures, clothing, toilet items, objects outside the house contents, or any other moveable or immovable possessions not captured in the above categories.

### Sub-total

Use this row to calculate and record the total value of things quantified under Household Values and Assets for this Assessment of values after a violation. This row in the matrix includes an embedded formula. So, if the user entered only numerals in the quantification cells, the sub-total will calculate automatically and appear in Column D, for the sub-total of values in the short term, and Column E for the values the user has assigned to accrue over the longer-term that the user has determined for this assessment.

This is a good point in the process to go back and check the work, especially to make sure that all the possible monetary values are filled in correctly, and that only numerals appear in those cells intended for numerical values (i.e., representing replacement costs and values) of each category.

## IV.B: Dimension: Household Expenditures

### Type of Cost / Loss / Damage

#### 1. Advocacy

This category intends to capture and change in the regular household expenditures related to needed advocacy as a result of the threat of violation. These are different from legal fees and costs of litigation, which would be recorded under **3. Bureaucratic and legal fees**. Rather, this first category is an expression of costs, especially at the initial phase before for formal action, in which the household(s) incur costs of time and labour, as well as out-of-pocket expenditures to conduct advocacy on their own behalf. This figure would be a composite of the cost of labour (calculated at the regular hourly wage of the advocate) for time spent at advocacy, the cost of transport and materials to take the case of defending housing and land rights on the part of the affected household or community, as well as any others carrying out advocacy in their defence during the violation.

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## 2. Alternative Housing/Reconstruction/Occupancy

While the violation is taking place, the directly affected persons might have to spend money for temporary housing that is not compensated. Alternatively, they may have to double-up with friends, family or neighbours, which also carries a value that could be calculated at the rate of similar accommodations at the going market rate for comparable temporary accommodations.

In another scenario, the affected household or community might have to purchase or rent a tent or caravan trailer. In the event that a charity or relief organization provides such emergency, temporary, or interim accommodation, that also incurs a cost, and that cost should be calculated and entered in this row.

Be sure to state the method for coming up with this value, entering a short narrative to that effect in column B in this row.

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## 3. Interim housing (such as rental/sub-rental housing)

While the violation is taking place, the directly affected persons might have to spend money for temporary housing that is not compensated. Alternatively, they may have to double-up with friends, family or neighbours, which also carries a value that could be calculated at the rate of similar accommodations at the going market rate for comparable temporary accommodations.

In another scenario, the affected household or community might have to purchase or rent a tent or caravan trailer. In the event that a charity or relief organization provides such emergency, temporary, or interim accommodation, that also incurs a cost, and that cost should be calculated and entered in this row.

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*Be sure to state the method for coming up with this value, entering a short narrative to that effect in column B in this row.*

## 4. Bureaucratic and Legal Fees

Before the victim(s) can restore their adequate housing, s/he conventionally undergoes a procedure and cost toward obtaining a license to rebuild or otherwise restore a dwelling. The costs incurred in this

**Remember: In the Methodology cell (Column C), cite any documentation or receipts that the assessor uses to calculate these values, and keep copies in a safe place, in order to substantiate these data, if necessary.**



process, including fees, legal service, bribes and other out-of-pocket expenses should be included as a category in its own right.

## 5. Food

This row calls for an estimation of any change in actual costs/expenditures (i.e., calculated at the average per month) to feed the household. This would call for a description (in the Methodology cell, Column C) of any change of diet and, if possible, the nutritional quality of the household's regular food consumption. That would facilitate the determination of any change in the actual values (cost, as well as nutritional value) of food after a threatened or actual forced eviction, dispossession, damage or demolition.

## 6. Health Care

The event of the violation itself or the conditions in its aftermath may have negative health consequences. Social science has recorded the effects of eviction and resettlement upon the increased mortality and morbidity rates of the affected communities. While these notable consequences belong among the Victim's Non-material Losses, the care for these consequences has clearly calculable values. The loss of life, limb and other health effects are the subject of the laws of states for the purposes of calculating victim compensation in insurance and other cases involving law suits. A sample of such methods taken from such statutes could form a composite methodology for calculating victims' health losses here.

The overcrowding, such as in interim or alternative housing arrangements, often leads to negative health consequences for those evicted, as well as for those providing the alternative shelter in their own quarters. The care and treatment of these health consequences (such as influenza, scabies, malnutrition, etc.) are an additional value added to these health care costs.

A change in health status has a value seldom calculated in monetary terms. Methods for calculating the values of losses of life and limb can be found in local legal practice concerning divorce, traffic and insurance law. This loss will have to be described in some detail in order to make the case.

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## 7. Education

This value reflects the change in actual costs/expenditures on average per month, or per year, for education within the household, depending on the time increments used in the application of the tool. This value combines the household expenditures over that period for tuitions and other related costs, in order to take part in regular public, private, formal or informal education, training and capacity-building activities. If this category of expense includes, for example, regular vocational training sessions, the fees charged would be added here. However, if that



service were free, the estimated cost of such service in the market would be noted here, since its potential interruption or end due to a threatened or actual eviction, dispossession, damage or demolition of the home or habitat would count as a value lost, so its estimated worth matters here. That value of the calculation should include also any additional costs incurred for, or the estimated value of transport or food required to take part in any educational activity.

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## **8. Information**

The costs and effort of obtaining information related to habitat issues, the home and immediate environment, resulting from the violation includes the pursuit of information related to remedy of the violation should be considered here. Some information may be obtained for free in the public realm; however, these are the costs required to access and consume such information, which may involve a combination of expenditures, ranging from newspapers, internet connections, paid advice, bribes, or subscription fees to specialized information services. The record should include a brief note in Column C about the quality (e.g., timeliness, completeness, reliability and frequency) of the information consumed that is related to the household's housing and land rights.

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## **9. Inheritance Loss**

Inheritance is the practice upon the death of an individual of passing on property, titles, debts, rights and/or obligations to another individual or individuals. The rules of inheritance differ between societies and have changed over time. However, between generations, the practice is generally predictable, even though the actual values involved might not be.

To the extent that the inheritance and a resident's inheritance status are predictable, and change in this situation deserves note here, especially as it affects the property, titles, debts, rights and/or obligations to be bequeathed relate to the home, land, other property or tenure relationship at the place of residence or land holding. This status and/or the corresponding values may change in the case of an eviction, dispossession, displacement or other violation, including inequitable inheritance due to discrimination.

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*assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### **10. Investment**

Persons, families, and communities may hold investments based in the place of residence. These are values that may have various predictable returns. Savings schemes and, especially, neighbourhood and community rotating savings and credit associations involve regular investment in funds that appreciate and enable access to an anticipated benefit to the participants in turn.

In this case, the owner of the value may reside outside the community or locality being assessed. That party may be directly affected by an eventual eviction, demolition or displacement in which her/his property is affected. However, even if such an event does not affect an actual property directly, the investment may rely on the presence and/or location of a community as partners, clients or customers. Any change or loss of this type of investment could involve *indirectly* affected persons and values.

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### **11. Land Development/Reclamation**

In the aftermath of a violation such as forced eviction or “involuntary displacement,” the affected household(s) may have to incur the costs and effort (calculated at the going daily wages) required to develop or reclaim land for new housing. This category refers to the costs of time and material actually incurred by the affected household(s), including that provided by external parties other than public/state efforts and/or costs.

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### **12. Mortgage, Other Debt Payments**

As a result of a demolition, eviction, confiscation loss of inheritance or other violation, the inhabitant’s or owner’s relationship with the land and/or structure, contents, livestock, inventory and other matters of material value, such as materials and work performed for physical improvement to the original property or other possessions. However, the event of undergoing a housing and/or land rights violation normally does not relieve the debtor of the responsibility to repay those values (money) obtained on a credit basis.



Those values, including any penalties and increased interest resulting from the event, are to be included here for both the short-term and long-term. If a situation prevails, as in many legal systems, that a debtor relinquishes claims (as in a natural disaster, for example), then that cost should nonetheless be calculated and listed under the category of “Other than Victim’s Losses.”

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### **13. Rebuilding Community Spaces/Structures/Institutions**

This row is for entering the costs and expenditures attributed to rebuilding community spaces, structures and institutions destroyed or damaged in the actual violation. These may involve long-term costs and efforts and, therefore, may require an extended relationship with the affected persons, and long-term monitoring of the post-violation process until the lost or damaged community spaces, structures and institutions could be sustainably rebuilt.

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### **14. Rehabilitation (physical, social, cultural, vocational)**

According to the reparations framework in international law,<sup>2</sup> victims of gross violations of human rights, as in the case of forced eviction, are entitled to rehabilitation of all kinds in pursuit of restitution of the situation as it was before the gross violation.

This is an effort and cost that the duty holder (state, government or other perpetrator) must assume. However, unless and until this happens, the affected persons bear the burden of the needed rehabilitation. Enter those values here, including those incurred over both the short term and long term, if appropriate.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### **15. Relocation**

According to the reparations framework in international law,<sup>3</sup> victims of gross violations of human rights, as in the case of forced eviction, are entitled to resettlement as part of a remedy

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<sup>2</sup> Ibid.

<sup>3</sup> Ibid.



in which actual return and *in situ* restitution of the situation as it was before the gross violation are not possible.

This is an effort and cost that is to be assumed by the duty holder (state, government or other perpetrator). However, unless and until this happens, the affected persons may bear the burden of costs and effort for needed resettlement. Enter those values here, including those incurred over both the short term and long term, if appropriate.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

## 16. Transportation

This category is for calculating the amount of money spent on transportation as Regular Household Expenditures on transportation in the normal conduct of life at the original place of residence. Such values include actual monetary expenses *and* time spent commuting to and from the source of livelihood, visiting family and community members, going to market, carrying out cultural and religious activities, visiting grave sites, conducting other official or private business, etc.

It is important to capture both the out-of-pocket expenses, as well as the time spent in regular functions, in order to determine how and how much this money and effort might change in the case of a threat or actual forced eviction, displacement or other violation of housing and land rights. In the Methodology cell for this item (Column C), the user should distinguish whether s/he has chosen to calculate (A) the money expense and the time expense in different terms (i.e., expenses in monetary terms, as distinct from time and effort in hours and minutes), or if (B) the method used assigns a monetary value to both the transport costs (i.e., the fare), as well as the time and effort, in order to produce a more comprehensive monetary figure. (The value can be calculated as equivalent to the average wage or hourly rate of regular employment, or of a similarly employed person, for the time spent in transit.)

If the method follows option (B), that should be explain in some detail. For example, the monetary figure representing time and effort portion of the Regular Household Expenditure for transportation could extend the same rate as the traveler's wage or hourly rate of regular employment, or a similarly employed person, to derive the "cost" of time and effort.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*



## 17. Other

If this inventory of Regular Household Expenditures has left out anything of value, this row in the matrix gives the user a chance to include it. This allows for a quantitative (i.e., monetary) assessment and/or a qualitative description and assessment of such other values. These may include household maintenance not captured under **Occupancy** above, supplies and materials, or any other Regular Household Expenditures for goods or services not captured in the above categories.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### Sub-total

Use this row to calculate and record the total value of things quantified under Household Expenditures for this assessment of values after a violation. This row in the matrix includes an embedded formula. So, if the user entered only numerals in the quantification cells, the sub-total will calculate automatically and appear in Column D, for the sub-total of values in the short term, and Column E for the values the user has assigned to accrue over the longer-term that the user has determined for this assessment.

This is a good point in the process to go back and check the work, especially to make sure that all the possible monetary values are filled in correctly, and that only numerals appear in those cells intended for numerical values (i.e., representing replacement costs and values) of each category.

## IV.C: Dimension: Household's Social Assets

### Type of Cost / Loss / Damage

#### 1. Community Spaces

Often community spaces are commonly shared areas for the collective activities of community members. The value of these spaces is shared also. Therefore, by following the general rule of calculating values by their market equivalent, the community spaces could be quantified as the comparable cost of renting space for the same pattern of activities on the market.

For example, neighbours may organize a seasonal fair, farmers market or popular wedding in a street or other public space. If that space were lost due to eviction, gentrification, demolition or privatization, the cost of rent for a comparable space would be calculated as the community value at stake.

#### 2. Nurseries/Childcare Services



Child care is often a family or community service shared informally among proximate neighbors or relatives. In more-formal situations that lack the community dimension of child care may involve a regular cost (expense) paid directly to the care giver(s). If either of these forms of child care, including nurseries and pre-school facilities, have a value. Even if a charitable institution were to provide a nursery or child care, that service has a price (to the institution) and can be calculated and entered in this row.

These values may involve a combination of paid and unpaid, calculable and estimated values. In any case, the Tool user should note the method of calculating this value in the methodology cell (Column C) and the resulting value in Column D.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### **3. Cultural Heritage/Sacred Sites**

Even though cultural heritage may be something intangible, and sacred and religious sites or structures cannot be replaced in the market, they still hold some values for the people who relate to them. These physical objects or structures, and even some meaningful cultural practices, have a value. While the values may be difficult—or impossible—to quantify, a narrative description of the tangible and intangible cultural values should be taken in to consideration as part of the community’s heritage.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### **4. Environmental Goods, Natural Resources and Ecology**

Various forms of housing rights violations can spell the loss of environmental safety, health, and recreation. The loss of these values may also force affected persons and households to live in precarious or unsafe environments as a result.

This item in the Tool seeks to capture those original values before they are lost. In the Baseline Study, the assessor may find it possible only to describe benefits of the environment, including wells and springs, lakes, streams, forests. Recording these values would require a qualitative description, since such environmental goods are not normally quantified in monetary terms.

However, other environmental goods and assets may include building materials or sources of energy found in the natural environment. Their value could be set by estimating the cost of travel and transport to the nearest other location where these could be found without infringing on the rights or normal use patterns of other communities, if possible. Otherwise,



these replacement values would have to be determined by calculating the cost of travel and transport to the nearest market where such goods could be found at reasonable cost, or else the delivery costs of bringing them to the site of habitual residence.

(Capturing the values of environmental *services* may require recording the publicly supported or provided functions or infrastructure in place that makes such environmental goods (e.g., clean water, energy, sanitation, insect or pest control) available at the site of habitual residence. Those would be counted under **the category of infrastructure/services/utilities** below.)

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

## **5. Family**

The family is usually the most precious value of all in the home. The integrity of the family and its members is not a calculable value in monetary terms. However, this most-precious value is an integral part of the home and habitat that is linked to many of the other values enumerated here.

A description of the family, its members, relationships (nuclear or extended family) and their sense of belonging to the place of residence is needed here. This short narrative should give a sense of the family as a unit, but also any relevant plans for the family's growth and development in the place of residence, as well as any generational links to the land and home.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

## **6. Health Status (physical well-being)**

The event itself or its aftermath may have negative health consequences. Social science has recorded the effects of eviction and resettlement upon the increased mortality and morbidity rates of the affected communities. While these notable consequences belong among the Victim's Non-material Losses, the care for these consequences has clearly calculable values. The loss of life, limb and other health effects are the subject of the laws of states for the purposes of calculating victim compensation in insurance and other cases involving law suits. A sample of such methods taken from such statutes could form a composite methodology for calculating victims' health losses here.

The overcrowding, such as in interim or alternative housing arrangements, often leads to negative health consequences for those evicted, as well as for those providing the alternative



shelter in their own quarters. The care and treatment of these health consequences (such as influenza, scabies, malnutrition, etc.) are an additional value added to these health care costs.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

## Health and well-being

Well-being is a valid population survey-outcome measure that goes beyond statistical data on morbidity and mortality rates, or economic status. These outcomes tell us how people perceive their life from their own perspective.

The concepts of health and well-being are among the most difficult conditions to measure and capture in a numeric value. Looking at material possessions alone is clearly not enough and, in fact, might be no measure at all for determining physical or psychological well-being. This difficulty arises for at least two reasons: (1) the values are not traded or replaced in a market as a good to be exchanged for money or other quantifiable good; and, (2) these values are not externalized, but are the outcome of a subjective test; that is, relying on the respondents' personal expression of satisfaction or dissatisfaction with their situation in a particular dimension of health and well-being. We must rely on the inhabitants' answers to a series of questions in which the respondent her/himself rates the level (measure) of well-being based on an internal feeling.

Well-being should not be restricted to medical or biological descriptions. Instead, it is a more-holistic question about the meaning of a good life, or living well.

To begin with the person's or household's physical well-being beyond the material surroundings and possessions described in the Impact-assessment Tool until now, we turn to assessing biological features (correlates). Physical health and well-being can refer to the actual physical health of inhabitants, as defined by physical symptoms and epidemiological rates of physical illness and diseases of a chronic nature (i.e., those that come and go), or more long-standing or permanent conditions of ability or relative disability (as compared with other times or other persons, in general).

### 7. Identity

Identity can be a complex aspect of the character of a person, household or community. However, the extent to which the identity of a household and its members is linked to the place of residence, including the surrounding community and/or land, that information should be recorded as a value. Identity, as personally or externally perceived, may be subject to change, depending on a change of residence and location.

### 8. Inheritance status

Inheritance is the practice upon the death of an individual of passing on property, titles, debts, rights and/or obligations to another individual or individuals. The rules of inheritance differ



between societies and have changed over time. However, between generations, the practice is generally predictable, even though the actual values involved might not be.

To the extent that the inheritance and a resident's inheritance status are predictable, this situation deserves not here, especially is the property, titles, debts, rights and/or obligations to be bequeathed relate to the home, land, other property or tenure relationship at the place of residence or land holding. This status and/or the corresponding values may change in the case of an eviction, dispossession, displacement or other violation, including inequitable inheritance due to discrimination.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### **9. Investment (community)**

Community investment is a process of contributing values in the forms of material, money and/or labour to produce a greater value for collective benefit. This type of investment is distinct from privately interested contributions that redound to private benefit. Such construction and other forms of development are also known as social production. Such collective efforts may produce housing or other dimensions of the habitat, or involve collective management of natural or human-made resources.

A household's (monthly?) contributions in cash and in kind are to be entered here.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### **10. Inviolate/Priceless Values**

This category invites local inhabitants to express precious values that cannot be restored or replaced in the case of a housing and land rights violation. Thus, it projects losses felt in the future.

This category is close to **4. Cultural heritage/sacred and religious sites/structures** above, but the question may capture both personal and collective values, or more abstract responses.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*



## 11. Life

The most difficult to calculate, but the most-fundamental value is a person's life. To the extent that every life may be at stake, a faithful quantification of living humans is indispensable.

Enter the number and names of the lives at stake in each household. Calculations come into question at the subsequent stages of this Tool's application.

*The user should enter the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*<sup>4</sup>

## 12. Psychological Well-being

If the users of this Tool have the available expertise, psychological well-being could be determined by scientific criteria. However, this approach may not be appropriate in many situations, because (1) it is too detailed to be easily applied, (2) the findings may be very subjective and (3) the respondents may find the questions too personal or invasive. Therefore, a narrative report or quotes from respondents may give a sense of how happy and socially integrated inhabitants feel in their community before a violation.

As personal and imprecise as the data may be in response to this question of psychological well-being, nevertheless, many analysts have been deeply concerned about the changes in inhabitants' spiritual and psychological well-being in the event of a demolition, dispossession or eviction.<sup>4</sup>

## 13. Social and Institutional capital

According to the [HICtionary](#),<sup>5</sup> social capital is “the collective value of social networks of an individual, community or society that facilitates individual and collective action. Assuming that the subject is a household or a community, social capital broadly refers to the effective functioning that group of persons and their relationships to each other, include such values as interpersonal relationships, a shared sense of identity, a shared understanding, shared norms, shared understanding of concepts and norms, trust, cooperation and reciprocity.

<sup>4</sup> “Death is more merciful than a demolition,” Defense for Children International – Palestine, 27 June 2013, at: [http://www.dci-palestine.org/death\\_is\\_more\\_merciful\\_than\\_a\\_demolition](http://www.dci-palestine.org/death_is_more_merciful_than_a_demolition); Samir Qouta, Raija-Leena Panamäki and Eyad al-Sarraj, “House Demolition and Mental Health: Victims and Witnesses,” *Journal of Social Distress and the Homeless*, Vol 7, Issue 4 (1998), at: <https://link.springer.com/article/10.1023/A:1022995428517>; Matt Egan, Srinivasa Vittal Katikireddi, Ade Kearns, Carol Tannahill, Martins Kalacs and Lyndal Bond, “Health Effects of Neighborhood Demolition and Housing Improvement: A Prospective Controlled Study of 2 Natural Experiments in Urban Renewal,” *American Journal of Public Health*, Vol 103, No. 6 (June 2013), at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3670654/>; Mindy Thompson Fullilove, *Root Shock: How Tearing Up City Neighborhoods Hurts America, And What We Can Do About It* (New York: One World/Ballantine, 2004).

<sup>5</sup> Habitat International Coalition's glossary of key habitat terms, available at: <http://www.hlrn.org/img/publications/HICtionary.pdf>. For more information, see HLRN social production of habitat webpages at <http://www.hic-mena.org/spage.php?id=o28=#.W-WSpPYsZ8>.



For our purposes, this term is understood distinctly and differently from parties outside the group such as external institutions, including the World Bank Group, that consider social capital in a community as a asset to be harnessed in order implement an externally driven project. Rather, social capital, in this sense, is a value rightfully belonging to its participants and practitioners within the group or community.

The many views of this complex subject make a single definition difficult. However, the user should record here a brief quantitative description, or examples, of the cooperation and mutual support (i.e., reciprocity) within a household or community. This could include reliance of neighbours or extended family for child care or security functions, each or which represent a value. To the extent that these values could be obtained in the market, they represent a monetary value that could be entered here.

If the unit the assessor is evaluating is an institution, the user could use a measurement known as institutional capital. As a concept of “sustainable development,” institutional capital is the combination of (1) the institution’s value in the public domain, (2) its institutional strength, (3) its good institutional governance, and (4) its equilibrium (i.e., stability). These elements and the analysis of their economic, social and environmental impacts are fundamental to assessing the social and economic order (institutional capital) for achieving sustainable development.<sup>6</sup>

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

#### **14. Social Status/Solidarity/Cohesion/Integration**

Social status is a person's standing or importance in relation to other people within a society. It is the relative respect, competence and deference accorded to people, groups and organizations in relation to the wider group. Some writers have also referred to this as social standing derived from a socially valued role or category that a person occupies as a "status" (e.g., being a problem solver, independent, a benefactor, criminal or mentally ill).

At any stage of a violation of one’s housing and/or land rights, that status may change, especially if the act of violation accompanies defamation or denunciation of the affected

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<sup>6</sup> Joost Platje, “An institutional capital approach to sustainable development,” *Management of Environmental Quality: An International Journal*, Vol. 19, Issue 2 (2008), pp. 222–33, at: <https://doi.org/10.1108/14777830810856609>; and Joost Platje (2008) “Institutional capital” as a factor of sustainable development - the importance of an institutional equilibrium, *Ukio Technologinis ir Ekonominis Vystymas*, Vol. 14, No. 2 (2008), pp. 144–50, at: <https://www.tandfonline.com/doi/abs/10.3846/1392-8619.2008.14.144-150>.



persons' standing in the community or wider society. Alternatively, a person or group subject to this assessment may experience an elevated status during a violation, due to heroic behaviour in resisting the violator and/or defending affected persons, or other act attributing a special status to them. While this change in status may be difficult to quantify, it can be expressed in a narrative to explain how and to which degree the status has changed.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

### **15. Other**

Use this row to capture, calculate (if possible) and express in words and/or numeric terms, any other Household's Social Assets that we have missed or left out of this exercise and could be subject to change in the case of an eviction, dispossession, destruction, privatization or other violation of the human rights to housing and land.

### **Sub-total**

Use this row to calculate and record the total value of things quantified under Household's Social Assets for this Assessment of values after a violation. This row in the matrix includes an embedded formula. So, if the user entered only numerals in the quantification cells, the sub-total will calculate automatically and appear in Column D, for the sub-total of values in the short term, and Column E for the values the user has assigned to accrue over the longer-term that the user has determined for this assessment.

This is a good point in the process to go back and check the work, especially to make sure that all the possible monetary values are filled in correctly, and that only numerals appear in those cells intended for numerical values (i.e., representing replacement costs and values) of each category.

## **IV.D: Dimension: Civic Values and Assets**

### **Type of Cost / Loss / Damage**

#### **1. Social Cohesion/Integration**

Social cohesion is the demonstrated willingness of members of a community—or wider society—to cooperate with each other in order to survive and prosper. It is the bond and common purpose among members of a society to ensure the well-being of all its members, minimizing disparities and avoiding marginalization.

Social cohesion is perceived as desirable in diverse and dense living environments such as cities, especially as having a salutary effect to reduce intercommunity tensions and avoid conflict and violence. Its constituent elements include concerns about social inclusion, social capital and social mobility. Certain spheres of government and development agencies have begun to carry



out projects and programs to encourage social cohesion, especially in the context of demographic change and displacement that new combinations of distinct populations and their interactions. Some of these elements are quantifiable, and some efforts have sought to develop suitable metrics to assess social cohesion.<sup>7</sup>

Such a value is difficult to quantify; however, it is possible to describe or rate the level of social cohesion within a community, or even household, following a violation—in the short term and/or long term—with a narrative with possible examples of the demonstrated willingness of members to cooperate in order to survive and prosper.

## 2. Public Health

Public health in this context is an analysis of any change in the level of physical and mental health of a population and any threats of disease within a social group (i.e., public) affected during a housing and/or land rights violation. The "public" in question could be as small as a household or handful of people, an entire village or any larger group that the assessor is assessing. "Health" takes into account physical, mental and social well-being. It is not merely the absence of disease or infirmity. Public health is interdisciplinary, including, for example, the relevant fields of epidemiology, biostatistics and health services. Environmental health, community health, behavioural health, health economics, public policy, mental health and occupational safety, gender issues in health, sexual and reproductive health are other important subfields .

Related official public health records or statistics may be available for the community that concerns you. If not available, this value may require a short statement describing the general health conditions of the group, whether household or community. This would include any known vulnerabilities or pre-existing conditions, including those that could be affected in the case of a violation.

A change in health status has a value seldom calculated in monetary terms. Methods for calculating the values of losses of life and limb can be found in local legal practice concerning divorce, traffic and insurance law. This loss will have to be described in some detail in order to make the case.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

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<sup>7</sup> Through specific activities and surveys assessing different aspects of people's social connections and civic engagement. For example, see: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), "Education for social cohesion" (2013–16), at: <https://www.giz.de/en/worldwide/18393.html>; European Committee for Social Cohesion, "Strategy for Social Cohesion" CDCS (2000) 43, at: [www.coe.int/t/dg3/socialpolicies/socialcohesiondev/source/strategy\\_en.doc](http://www.coe.int/t/dg3/socialpolicies/socialcohesiondev/source/strategy_en.doc); African Development Bank, Côte d'Ivoire - Social Inclusion and Cohesion Enhancement Support Programme (PARICS) (2014–15), at: [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/C%C3%B4te\\_d'Ivoire\\_-\\_Social\\_Inclusion\\_and\\_Cohesion\\_Enhancement\\_Support\\_Programme\\_PARICS\\_-\\_Appraisal\\_Report.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/C%C3%B4te_d'Ivoire_-_Social_Inclusion_and_Cohesion_Enhancement_Support_Programme_PARICS_-_Appraisal_Report.pdf).



*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### 3. Political Legitimacy

Measuring political legitimacy is an ambitious and challenging task. Social scientists have struggled to develop methodologies to determine the legitimacy of political leadership, institutions and acts, including by assessing their consistency with legal norms, adherence to the rule of (domestic and/or international) law, compliance with constitutional and other legal provisions, fulfilment of political promises, integrity between words and deeds, and/or alignment with popular will.<sup>8</sup>

In all cases, the perception of political legitimacy is subjective. However, this category of values seeks to capture a collective perception of the affected group, especially a household's or community's perception of the legitimacy of its municipal and/or national political system, whichever is responsible for respecting, protecting and fulfilling their human rights to adequate housing and land. Some analyses have shown how corruption and human rights violations on the part of political actors have led to their legitimization.<sup>9</sup>

The perception of political legitimacy, in this case, is that of the affected household or community. The corresponding question does not need to be complicated, since most people will have instinctive response to the question of how they perceive political legitimacy of the relevant decisions or acts of political figures and institutions affecting them.

The critical question at this stage is whether or not the respondents' perception of political legitimacy of decision makers has changed—in the short term, or the long run—after the violation of the human right to adequate housing or land.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative*

<sup>8</sup> Mirko Canevaro, "The Rule of Law as the Measure of Political Legitimacy in the Greek City States," *Hague Journal on the Rule of Law*, Vol. 9, Issue (2 October 2017), pp 211–236, at: <https://link.springer.com/article/10.1007/s40803-017-0054-1>.

<sup>9</sup> Ludwig Evers, "Conceptualizing political legitimacy: A comparative analysis of the Turkish Justice and Development Party from 2002 until 2015," 4<sup>th</sup> International Politics and Political Economy Conference, Universität Witten-Hardecke, April 2016, at: [https://www.ppe-conference.org/fileadmin/img/Paper\\_2016/Ludwig\\_Evers\\_PPE\\_Conference\\_Political\\_Legitimacy\\_AKP.pdf](https://www.ppe-conference.org/fileadmin/img/Paper_2016/Ludwig_Evers_PPE_Conference_Political_Legitimacy_AKP.pdf);

M. Stephen Weatherford, "Measuring Political Legitimacy," *American Political Science Review*, Vol. 86, No. 01 (March 1992), at: [https://www.researchgate.net/publication/259426896\\_Measuring\\_Political\\_Legitimacy](https://www.researchgate.net/publication/259426896_Measuring_Political_Legitimacy).



*assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

#### 4. Political Participation

Broad and meaningful political participation is a value that lies at the very heart of modern democracy and requisites for social justice. This can be exercised and measured from voting patterns and records. However, other forms may involve writing to one's representative, wearing a badge, becoming a party member, joining a demonstration, boycotting a product, or occupying a building. It could involve practicing and defending human rights or openly pursuing one's interests in the local or extraterritorial sphere.

As rich as the literature on political participation is, researchers on the subject often face challenges of valid and reliable measurement.<sup>10</sup> Indicators developed for the human right to public participation do not address the multiple dimensions of political participation.<sup>11</sup> However, we have learned that the level of participation in a given situation correlates to degrees of dignity and legitimacy.

Participation is based on the fundamental principles of human rights and human needs, stressing individual autonomy and self-determination as elements of both. Human dignity differs conceptually from ideas often traditionally used in aid provided as an act of "charity," or development as "welfare" in emphasising the value of active choice as opposed to making people "passive recipients of dispensed benefits."<sup>12</sup> In the "capabilities approach" of free and informed choice, the greater the informed participation, the greater the dignity of all concerned.<sup>13</sup>

Free and Prior Informed Consent (FPIC) has been referred to as the "gold standard" of participation.<sup>14</sup> FPIC is enshrined in the UN Declaration on the Rights of Indigenous Peoples with special reference to indigenous communities and seeks to ensure that the relationship between the development actors and local community is one of the partnership. Consistent with the FPIC principle, affected communities reserve the right to refuse terms of a project or programmes pursued by external parties.

<sup>10</sup> Marta Cantijoch, "Measuring and analysing political participation using and mixing survey and qualitative data," *Working with Data on Political Behaviour*, University of Manchester, 6 November 2017, at: <https://www.ukdataservice.ac.uk/media/604959/cantijoch.pdf>.

<sup>11</sup> Joseph Schechla, "Addressing Marginality: Some Theoretical and Practical Contributions from Social Science and Law," HLRN, 13 April 2012, at: <https://www.hlrn.org/activitydetails.php?id=pmlrag==>.

<sup>12</sup> Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge MA and London: Belknap Press, Harvard University Press, 2011), at: <https://www3.nd.edu/~ndlaw/prog-human-rights/london-symposium/CreatingCapabilities.pdf>.

<sup>13</sup> Sherry Arnstein, "A Ladder of Citizen Participation," *Journal of the American Planning Association*, Vol. 35, No. 4 (1969), at: <http://www.participatorymethods.org/sites/participatorymethods.org/files/Arnstein%20Ladder%201969.pdf>;  
Amartya Sen, "Capability and Well-being," in Martha Nussbaum and Amartya Sen, eds., *The Quality of Life* (Oxford: Clarendon Press, 1993).

<sup>14</sup> Global Initiative for Economic, Social and Cultural Rights, "A Rights-based Approach to Participation," May 2014, at: <http://globalinitiative-escr.org/wp-content/uploads/2014/05/GI-ESCR-Practitioners-Guide-on-Right-to-Participation.pdf>.



With these thoughts in mind, how would the user evaluate or rate the change in the level of effective participation experienced by the household and/or community since the violation took place (short- and/or long-term)?

This would be a qualitative (narrative) assessment. It might not be appropriate to enter a number for such an incalculable value.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

## 5. Civil Order

The absence of civil order, in the absolute sense, is civil chaos. A grade along the deviation from civil order is “civil unrest,” defined as: “organized demonstrations or unauthorized disturbances to public order, for example, rioting and looting may or may not involve violence.”

Internationally, the levels of hazard arising from a breakdown of the civil order are: 1 – Minimal, 2 – Low, 3 – Moderate, 4 – Substantial, 5 – High, and 6 – Extreme. In measuring the change in civil order, the user might want to consider these corresponding criteria:

<b>Minimal</b>	
<b>Low</b>	violence and harm to persons and property are unlikely
<b>Moderate</b>	violence and harm to persons and property are possible, but not likely
<b>Substantial</b>	violence and harm to persons and property are a strong possibility
<b>High</b>	violence and harm to persons and property are highly likely
<b>Extreme</b>	violence and harm to persons and property are expected imminently

It may be useful to keep in mind the UN’s five attributes of threat:

1. Hazard – natural and human-made
2. Civil unrest
3. Crime
4. Terrorism
5. Armed conflict

However, civil unrest and breaches of the civil order can take on different forms and degrees, and scope, including:

- Peaceful sit-in



- Crowd (casual and temporary)<sup>15</sup>
- Mob (large and disorderly)<sup>16</sup>
- Organized protest demonstration
- March toward predetermined strategic point
- Uprising
- Riot
- Rebellion/revolt
- Revolution

### How to determine criticality security level? Criteria? Description? Example?

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

## 6. Crime Prevention/Management

The question of the level, cost and effectiveness of crime prevention and management in a community or country is also complex and is usually a subject for specialized evaluators and evaluation techniques. Such assessments exist for some countries, having a national or subnational scope.<sup>17</sup> Such an evaluation for the country or region of the affected households or community may be useful as a baseline to determine the level of effort and effectiveness of crime prevention and management, including with public budget data.

If no such precise analysis exists, this value could be the subject of a question to the effected persons as to their perception of the level of effectiveness of public crime prevention and management services. This could be augmented by any available statistics or other reports about the incidence of crime in the affected area.

<sup>15</sup> Casual crowd, cohesive crowd, expressive crowd, aggressive crowd. See, State of New Jersey, "Hazard Mitigation Plan," (2014), p. 5.14.1, at: [http://ready.nj.gov/programs/pdf/mitigation2014b/mit2014\\_section5-14.pdf](http://ready.nj.gov/programs/pdf/mitigation2014b/mit2014_section5-14.pdf).

<sup>16</sup> Aggressive mob, escape mob, acquisitive mob, expressive mob., *Ibid*.

<sup>17</sup> Cameron McIntosh and Jobina Li, *An Introduction to Economic Analysis in Crime Prevention: The Why, How and So What*, Research Report: 2012-5 (Ottawa: Government of Canada, Department of Public Safety and Emergency Preparedness, 2012), at: <https://www.publicsafety.gc.ca/cnt/rsrccs/pblctns/cnmc-nlss/index-en.aspx>; Matthew Manning, Shane D Johnson, Nick Tilley, Gabriel T.W. Wong and Margarita Vorsina, "Economic Analysis: A Brief Guide for Crime Prevention Practitioners (London: What Works for Crime Reduction and College of Policing and the Economic and Social Research Council, undated), at: [http://whatworks.college.police.uk/Research/Documents/Economic\\_Analysis\\_brief-FINAL.pdf](http://whatworks.college.police.uk/Research/Documents/Economic_Analysis_brief-FINAL.pdf); Claudio Beato, Andréa Maria Silveira, "Effectiveness and Evaluation of Crime Prevention Programs in Minas Gerais," *Stability: International Journal of Security and Development*, Vol. 3, No. 1 (16 May 2014), at: <https://www.stabilityjournal.org/articles/10.5334/sta.dr/>.



Following a housing and/or land rights violation, the incidence of crime and/or the effectiveness in preventing and managing crime may change do to withdrawal of police presence, increase in tensions and other factors. In this row, register any change in such an evaluation, statistics, reports or perception of the incidence of crime since the commission of the violation. Please note how such change directly or indirectly results from the violation (in the short term and/or long run).

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

**7. Violence**

This entry should reflect the level of violence experienced, in general, in the civic sphere; i.e., public spaces. This is apart from violence associated with crime (cited above) or domestic violence (in the private sphere). This is a subjective assessment based on affected persons’ perception of violence levels after the violation. Here also, the user could use the criteria used for determining the level of disturbance to the civil order: 1 – Minimal, 2 – Low, 3 – Moderate, 4 – Substantial, 5 – High, and 6 – Extreme.

<b>Minimal</b>	
<b>Low</b>	
<b>Moderate</b>	
<b>Substantial</b>	
<b>High</b>	
<b>Extreme</b>	

*Enter here any change in these values (increased expenditures, depletion and depreciation of social peace, security of person, other losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

**8. Other**

Use this row to capture, calculate (if possible) and express in words and/or numeric terms, any other values that we have missed or left out of this exercise and could reflect a change in the



Civic Values and Assets after the eviction, dispossession, destruction, privatization or other violation of the human rights to housing and land.

### **Sub-total**

Use this row to calculate and record the total value of things quantified under Civic Values and Assets after a violation. This row in the matrix includes an embedded formula. So, if the user entered only numerals in the quantification cells, the sub-total will calculate automatically and appear in Column D, for the sub-total of values in the short term, and Column E for the values the user has assigned to accrue over the longer-term that the user has determined for this assessment.

This is a good point in the process to go back and check the work, especially to make sure that all the possible monetary values are filled in correctly, and that only numerals appear in those cells intended for numerical values (i.e., representing replacement costs and values) of each category.

## **IV.E: Dimension: Public / State Values and Assets**

### **Type of Cost / Loss / Damage**

#### **1. Bureaucracy & administration**

This category seeks to capture the time, effort and other resources of public services and institutions. This may be difficult to assess. However, a proxy indicator for this value could be found in public information, if available, about the number of person days and expenditures normally incurred to operate the offices of public administration in the concerned area.

Enter into this row any change in the level of effort (staff hours/days) and budget expended to operate the offices of public administration in the concerned area after the commission of the violation (short term and/or long term). This could be more or less than the effort and expenditures as compared with the situation before the violation; i.e., at the baseline, threat stage or during the violation, if available.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

#### **2. Equipment**



This represents the cost of using equipment and hardware—either belonging to the public (state of government), or procured from a contractor—that is normally required and used for construction, maintenance, repair and upkeep of public facilities and public spaces.

This value is significant, because it often changes (increases or decreases) after a violation takes place, for instance, when equipment use declines when regular maintenance of public facilities and spaces stops in the location after a violation, or equipment is used at a cost to the public in the aftermath of a violation. Because equipment is fairly obvious to observe, a change in the presence and/or use of such equipment, as compared with normal circumstances (baseline and/or previous stages of threat or execution of the violation) can be easily quantified and recorded here.

If information about actual expenditures is not available, a narrative description noting the change in numbers and type (prevalence) of equipment deployed under the public budget in the affected area would convey the level of change in cost burden to the public.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

### **3. Lawyers/Judges/Judiciary**

This category represents the costs to the public of retaining public defenders and maintaining judges, prosecutors and other officers of the courts and judiciary. This figure may be found in the public budget for the judicial sector and should convey the costs and level of effort, if possible, at the time of the threat of violation, as compared with those under normal circumstances, or as an average over several budget cycles.

In any case, the methodology column (C) in this row should indicate which method of quantification the assessor used, calculated over the short term and/or long run.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, decline in service, other losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*



#### 4. Police

It is vital to consider the distinction between police and military, whereas police are a civilian force tasked with enforcement of the law.

This category seeks to quantify the change in level of effort (personal hours/days) and costs of police deployment after a violation, as compared with costs normally incurred by the public to maintain public law-enforcement forces in the area in question. This could be found in police records and the reports of public budget expenditures for law enforcement.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, decline in police responsiveness, other losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

#### 5. Military

It is vital to keep in mind the distinction between police and military, whereas military force are tasked with defending national borders and thwarting external enemies.

This category seeks to quantify the level of effort (personal hours/days) and costs normally incurred by the public to maintain military defence operations in the area in question. In most cases, the figure here should be zero, unless the effected households/community are in a border zone and normally come in contact with military personnel and operations.

In the case of actual deployment of the military in the area after the violation, the user could enter an actual number to reflect the corresponding change in level of effort and expenditure since violation took place. Another method could involve deducing the change in proportion of the national military budget corresponding to the relative area or population as a ration of the national territory or total population since the violation has been committed.

#### 6. Services and Fees, including Rehabilitation and Resettlement (e.g., land, building, site development)

This category of public cost reflects expenditures of labour (time) and materials required to erect and provide emergency, interim or transitional housing for the affected persons who have lost their housing, and/or to provide alternative land for victims of a violation of their human right to land. This value applies in the event that the duty holder or other party, including charity and relief agencies, carry out the public duty to provide this temporary remedy. It is important to note if the effort and expenditure on such emergency, interim or alternative



housing and/or land is incurred directly by a public institution (an organ of the state), or if it a public function whose costs are incurred by others, and in which combination, if any.

The category also captures any change in the value of actual public costs/expenditures for social services, including public health insurance and health care, social workers and publicly supported child-care in the area in question since the violation. These figures can be found in public budget and expenditure records. A method of calculation could involve taking an average cost of public services and fees over several years.

It will be important to record the basis of the calculation in the methodology column (C) in this row.

*Enter here any change in these values (increased expenditures, depletion and depreciation of assets, losses, etc.) that the household or community has incurred since the violation was perpetrated.*

*The entry should reflect the total of losses, costs and damages to each of these values in column D (short term) as well as E (long term), when and if possible. These totals and narrative assessments will determine the extent of reparation to which the affected household(s) or community is entitled.*

## **7. Other**

Use this row to capture, calculate (if possible) and express in words and/or numeric terms, any other values that we have missed or left out of this exercise and could be subject to change since the eviction, dispossession, destruction, privatization or other violation of the human rights to housing and land.

### **Sub-total**

Use this row to calculate and record the total value of things quantified under Public/State Values and Assets for this assessment of values after a violation. This row in the matrix includes an embedded formula. So, if the user entered only numerals in the quantification cells, the sub-total will calculate automatically and appear in Column D, for the sub-total of values in the short term, and Column E for the values have assigned to accrue over the longer-term that the user has determined for this assessment.

This is a good point in the process to go back and check the work, especially to make sure that all the possible monetary values are filled in correctly, and that only numerals appear in those cells intended for numerical values (i.e., representing replacement costs and values) of each category.

### **Sub-total for Post-violation Phase**

Use this row to capture the total value of things quantified under Assets & Expenditures after the violation. This row in the matrix includes an embedded formula in the cells in Columns D



and E. So, if the user entered only numerals in the quantification cells, the Sub-total for the threat phase will calculate automatically and appear in Column D, for the sub-total of values in the short term. (This formula is created by adding all of the subtotals for each dimension of Assets and Expenditures in the aftermath of the violation.)

This is a good point in the process to go back and check the work, especially to make sure that all the possible monetary values are filled in correctly, and that only numerals appear in those cells intended for numerical values (i.e., representing replacement costs and values) of each category.

