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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report 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, Raquel Rolnik

Addendum

**Summary of communications sent and replies received from
Governments and other actors***

* The present document is circulated as received.

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I. Introduction

1. In the context of her mandate, 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, receives a large number of communications alleging violations of the right to adequate housing and related rights worldwide. Such communications are received from national, regional and international non-governmental organizations, as well as intergovernmental organizations and other United Nations procedures concerned with the protection of human rights.
2. The present addendum to the annual report of the Special Rapporteur contains, on a country-by-country basis, summaries of communications sent by the Special Rapporteur to States, responses received from States, observations of the Special Rapporteur, and activities relating to earlier communications, from the period of 23 December 2009 to 6 December 2010 and replies received for the period of 4 February 2010 to 6 February 2011.
3. Where appropriate, the Special Rapporteur has sent joint urgent appeals or letters with one or more special procedures of the Human Rights Council where the allegations raised concerned the right to adequate housing as well as rights addressed under other mandates.
4. During the period under review, the Special Rapporteur sent a total of 24 communications concerning the right to adequate housing to 16 States. To these 8 replies were received from 7 Governments. During the period under review, the Special Rapporteur also received 4 replies concerning communications covered in precedent reports.
5. The Special Rapporteur appreciates and thanks the concerned States for these replies. However, she regrets that several Governments have failed to respond, or when they have, have done so in a selective manner that does not respond to all the questions arising from the communication. These communications remain outstanding and the Special Rapporteur encourages Governments to respond to every communication, and all concerns raised in each communication.
6. As in the past a large number of the communications in the period under review are related to cases of forced evictions particularly in the context of city beautification, mega-events or developmental projects. In most cases the persons affected belong to minorities, indigenous peoples or are persons living in poverty. In this context, the Special Rapporteur would like to remind all relevant actors that forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions can only be carried out under exceptional circumstances and in full accordance with international human rights law.
7. The Special Rapporteur reminds all states that eviction should never result in rendering people homeless and putting them in a vulnerable situation. In this context, the Special Rapporteur reminds all Governments of the Basic principles and guidelines on development-based evictions and displacement (A/HRC/13/20/Add.1 page 5) that can be used as a tool to prevent human rights violations in cases where evictions are unavoidable.
8. The Special Rapporteur notes with concern the reports that the mandate continue to receive in regards to threats, harassment, and imprisonment of human rights defenders, community representatives and activists working on the right to adequate housing.
9. The Special Rapporteur believes in the importance of engaging in a constructive dialogue with States aimed at implementing and realizing the right to adequate housing. The communications sent by the Special Rapporteur have to be understood in this context.

In a spirit of cooperation, the Special Rapporteur urges all States and other actors to respond promptly to the communications, to immediately take appropriate measures, to investigate allegations of the violation of the right to adequate housing and related rights and to take all steps necessary to redress the situation.

10. To the extent that resources available to the mandate permit, the Special Rapporteur continues to follow up on communications sent and monitor the situation where no reply has been received, where the reply received was not considered satisfactory or where questions remain outstanding. The Special Rapporteur also invites the sources that have reported the alleged cases of violations, to review cases and responses included in this report, and send, when appropriate, follow-up information.

II. Summary of communications sent to Governments and replies received

Bangladesh

Communication sent

11. On 25 March 2010, the Special Rapporteur sent an allegation letter to the Government of Bangladesh, inquiring about the alleged attacks on indigenous Jumma people in the Chittagong Hill Tracts of Bangladesh. According to the information received, on 4 March 2010 at Daine Bhaibachari village under Baghaichari Sub-Division in Rangamati district of the Chittagong Hill Tracts of Bangladesh at least seven houses of the ethnic minority Jumma people and a UNICEF-run community school were set afire and burnt down by the military forces and Bengali settlers. It was also reported that police despite being in proximity to these events failed to intervene. The events of 4 March 2010 continued a series of attacks which began on the 19-20 February 2010 at Sajek Union under Rangamati district, when Bengali settlers supported by the Bangladesh Army personnel sought to grab the lands of Jumma indigenous people. In the course of these attacks at least six indigenous people were shot dead and dozens were injured. According to the allegations received, between 200 and 300 houses belonging to Jumma people, including a Buddhist temple, were burnt as a result of these attacks. The affected villages are Guchchhagram, Gangaram Mukh, Hajachhara, Retkaba, Jaruichari, Dippara, Dane Bhaibachhara, Bame Bhaibachhara, MSF Para and Purbapara. On 23 February 2010 attacks began to spread to other areas of Chittagong Hill Tracts. Estimates from March 2010 indicated that around 400 houses of indigenous people were destroyed, more than 2,000 persons were displaced and as a result many people were living in the jungle with no shelter. Jumma people, who had lived in the area for decades, have continuously protested the Bengali settlement on their land. The expansion of Bengal settlements into Jumma land reportedly resumed in January 2010, within the Sajek area, Ragamati district, with the support of the army. The situation concerning the Jumma indigenous community was subject of a series of communications of different Special Procedures of the Human Rights Council sent to the Government. The Special Rapporteur reminded the Government of a communication her predecessor had sent to the Government on 3 April 2008 jointly with the Special Rapporteur on the right to food and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, to which the Government provided a response in a letter dated 14 September 2009. She also reminded the Government of a communication sent on 5 March 2010 by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested further information on whether any judicial proceedings had been started against the perpetrators; on whether compensation and possibilities of

temporary resettlement had been offered to the people whose houses were destroyed; on whether the Government had taken measures in order to protect the property of the Jumma from future attacks; on the measures that had been foreseen to ensure that the persons affected do not become homeless; on the measures foreseen in terms of relocation; and on the measures that have been taken to resolve all standing land disputes in the Chittagong Hill Tracts, in accordance with the Chittagong Hill Tracts Accord.

Replies received

12. On 6 April 2010, the Government of Bangladesh replied to the allegation letter sent on 25 March 2010, as well as to the communication No. AL Indigenou (2001-E) G/O 214 (33-27) BGD 4/2010 dated 5 March 2010 concerning alleged human rights violations of indigenous communities in the Chittagong Hill Tracts (CHT), sent jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions and by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people concerning alleged human rights violations of indigenous communities in the Chittagong Hill Tracts. The Government specified that this was a preliminary response as it was waiting for more detailed information from the concerned authorities. The Government indicated that the incidents in the Rangmati Hill district can be traced to the confrontation between the tribal hill people and Bengali settlers in the Baghaichari sub-district and Gangarampur areas of the Rangamati district regarding some reserve forests and land disputes. Allegedly, on 19 and 20 February 2010, the two sides had engaged in skirmishes and burnt down houses. There were also attacks on the UN, the executive officer of the sub-district and on the area commander of Bangladesh Army in Baghaichari. Members of law-enforcing agencies, including the armed forces based there, had allegedly had to open fire as a result. According to the Government, 3 persons (two tribal and one Bengali settler) were killed while 2 Buddhist Bihars and 300 houses and shops were burnt during the two days incidents. The Government indicated that it had taken immediate steps to restore calm in the area and re-establish communal harmony between the conflicting groups, through its local administration and law enforcing agencies. The local administration declared a ban on public assembly by Imposing Section 144. The security forces stationed in the area also helped the local administration. The State Minister for CHT Affairs, along with the Chairman of the Task Force relating to tribal minority refugees visited the troubled spots accompanied by officers of the local administration. This was immediately followed by visits by the State Minister for Home Affairs and Secretary of the Ministry of Home Affairs. The Minister met the local elite and representatives of both communities, assured them of proper investigation into the incident and gave directives to the local administration to distribute relief and compensation, including house building material and cash allowances among the affected people. The Government further indicated that cases were lodged following the incidents and police arrested a number of suspects. The Government also reiterated its commitment to its policy of 'zero tolerance' against impunity and reminded that persons found responsible for instigating or committing acts of violence in the Chittagong Hill Tracts would be brought to justice. The Government added that it was able to bring back calm in the area. The Government reminded that in 1997, during the Government of Prime Minister Sheikh Hasina, it was concluded the Chittagong Hill Tracts Peace Accord, in order to bring back peace, security and stability in the area. The present government resumed the process to fully implement the 1997 Peace Accord. As part of this process, a good number of military camps were withdrawn from the hill districts. The functioning of Chittagong Hill Tracts Land Commission was reinvigorated with the new institution of the Head of the Land Commission, and more subjects were transferred to Chittagong Hill Tracts local councils. The Government further indicated that the Land Commission had been working on surveys to address land disputes. The Government further noted that it had always attached special emphasis to the socio-economic development of the people living in the Chittagong Hill Tracts, with particular focus on the

marginal and vulnerable groups, especially people belonging to ethnic minorities. In this context, more education and health facilities had been provided to the tribal minorities than their fellow citizens elsewhere in the country. Quota facilities had been given to the tribal minorities in higher educational institutions and government jobs; development projects and livelihood support have been taken up with tribal minorities as beneficiaries. The Government further informed the Special Rapporteur that it was planning to establish more schools, colleges, and university in the Chittagong Hill Tracts. The Government was also planning to take up commercial, economic, and tourism ventures there to develop this resourceful region of the country.

13. On 18 May 2010 the Government provided additional information concerning the communication dated 25 March 2010 by the Special Rapporteur on housing and the Communication dated 5 March 2010 jointly sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. The Government indicated that the facts as summarized in the Special Rapporteurs letter of allegation were not accurate. It further maintained that the land of Sajek Union in Baghaichari Upazila under the Rangmati Hill District is declared as Protected Reserve Forest, and that therefore, there is no private ownership of land in Sajek Union. Accordingly, some Chakma tribal and Bengali families had been living there illegally for the last few years. There had been an aggression between the Tribal and Bengali people for the ownership as well as possession of a piece of land of Protected reserve Forest at Baghaihat areas of Baghaichari Upazilla, and following this incident, there had been a clash between the Tribal and Bengali people in the area Baghaihat-Gangarammukh on 19 and 20 February 2010. The Government explained that the clash was due to a land dispute. A Tribal had sold to a Bengalese a piece of land but this was later disapproved by the Tribal Leaders who subsequently tried to get the piece of land back by setting up a local women NGO there, with a turmeric-crushing machine. This ended in a clash on the 19th and 20th of February in which dozens of houses of both Tribal and Bengali people were set afire, and two Tribal people died. Following the incidents, the State Minister for CHT Affairs and the Chairman of the Taskforce of CHT Refugee Affairs, and other state as well as local level police officials, administration officials, government representatives, elites and journalists visited the affected areas, on two occasions, requesting the people to live in peaceful coexistence, and distributing relief materials such as rice, pulse, potatoes, and salt to the affected tribal and Bengali families. They also assured the affected people that they would bring the culprit before trial with a neutral and trustworthy investigation. In March a third high level visit was organized and at that occasion locals were assured that all the distressed would be rehabilitated properly, and that the culprit would be punished. The Ministry of Relief and Disaster Management allocated 200 metric tons of rice; 0.5 million BDT as cash relief; 02 million BDT as house building grants for house-repairing purposes; and 500 bundles of C.I. sheet for the victims of the circumstances of the incident on 19 and 20 February 2010. In addition, a special VGF program was set up from March 2010 to May 2010 distributing 30 metric tons of rice to every affected Tribal and Bengali family of that locality. The Ministry of CHT Affairs allocated 0.5 million BDT and 100 tons of rice as emergency relief to be distributed among the affected families. Furthermore, a letter of demand was sent to the to the concerned authority for granting 85.32 metric tons of rice as a special VGF program from June 2010 to February 2011, as well as an additional 500 bundles of C.I. sheet for the affected Tribal and Bangalee families. The Government indicated that on 4 march 2010, another incident occurred in which six open houses were burnt at Daine Bhaibachara of Sajek Union. After the incident, officials of Baghaichari visited the areas and talked to the locals. The case was investigated and it resulted that the incident had been triggered intentionally, in order to create chaos as well as to draw the attention of the government and get some extra benefits and relief. No one claimed the houses of their own, nor did they go to the local police station to complain about the incident. In response to the questions raised by the Special

Rapporteur, the Government answered that two cases have been lodged on behalf of the alleged victims at Baghaichari Police Station in Baghaichari Upazila, and that these two cases are under investigation. In addition, cases were under trial in the Court of Chief Judicial magistrate in Rangmatil Hill District. Four accused were arrested in connection with these cases. The trial of the actual perpetrators would start following the investigation report, which was still not submitted at the time.

Observations

14. The Special Rapporteur thanks the Government for the information received.

Brazil

Communication sent

15. On 20 May 2010, the Special Rapporteur sent an allegation letter to the Government of Brazil regarding the unconstitutionality claim submitted to the Supreme Federal Tribunal of Brazil concerning Decree No. 4887/2003. According to information received by the Special Rapporteur, the Supreme Federal Tribunal of Brazil was allegedly going to initiate the judgment of the constitutionality of Presidential Decree No. 4887, of 20 November 2003, which regulates the procedure for granting property titles to quilombo communities over the lands they occupy. The Decree lays down administrative procedures to regularize the ownership of quilombo territories. Thus, it establishes the *modus operandi* of the process to granting the quilombo communities the right to property enshrined in article 68 of the Temporary Constitutional Provisions Act of the Brazilian Federal Constitution of 1988, which consists of a reparatory measure aiming to compensate the historical debt of the Nation with communities affected by centuries of domination and violation of rights. Reportedly, Decree No. 4887/2003, was elaborated by a multidisciplinary expert group in consultation with a range of civil and quilombo organizations, in compliance with the Federal Constitution of Brazil and the relevant international human rights instruments to which Brazil is a State Party, such as the International Covenant on Economic, Social and Cultural Rights, the Convention No.169 on Indigenous and Tribal Peoples of the International Labour Organization, and the American Convention on Human Rights. Article 216 of the Federal Constitution of Brazil recognizes these communities as part of the national cultural heritage, their identity, action and memory forming integral elements of Brazilian society. In that connection, Decree No.4887/2003 purportedly enshrines the right to property and to access to natural resources of the quilombo communities, as recognized in the Federal Constitution of Brazil. Reportedly, in 2004 the constitutionality and applicability of the Decree had been challenged before the Supreme Federal Tribunal (ADIn No. 3239) by the Democrat Party, with the support of the National Confederation of the Industry, the National Confederation of Livestock Producers and the Brazilian Rural Society. The Supreme Federal Tribunal was expected to deliver its decision concerning the constitutionality of Decree No. 4887/2003 in the short term. In this context, there was concern that a decision of the Supreme Federal Tribunal declaring Decree No. 4887 unconstitutional would have regressively affected the housing and living conditions of all quilombo communities, as well as paralysed the national land titling programme being implemented according to the Palmares Cultural Foundation to benefit more than 1,400 quilombo communities in Brazil. Furthermore, it was alleged that declaring the unconstitutionality of Decree No.4887 could have entailed the applicability of its predecessor, Decree 3912 of 1991, according to which quilombo communities were required to prove that they were descendants of the original quilombo fortresses right back to 1888, when slavery was legally abolished in Brazil. Thus, it could have allegedly reinstated unattainable requirements for granting land titles to the quilombo communities. It was reported that although legally recognized, the property rights of the quilombo

communities were secured only slowly, leaving them extremely vulnerable to forced evictions and threats by land owners, mining companies and development projects seeking to take possession of their lands and natural resources. According to the allegations, until December 2009 only 177 communities had been assigned ownership titles, which represent 13% of the total of 1,408 communities listed by the Palmares Cultural Foundation in 87 territories, which together comprise an area of 1,171.579 hectares. Out of this total, only eight property titles were allegedly issued by the current Government. For quilombo communities, traditional lands constitute a source of subsistence as well as a basis for the continuation of their life and cultural identity. The relationship with the lands they traditionally occupy is at the core of the spiritual and material life of quilombo communities. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested further information on the views of the Government regarding the compatibility of Decree no. 4887/2003 and the International Covenant on Economic, Social, and Cultural Rights and the Committee for the Elimination of Racial Discrimination.

Observations

16. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to her communication sent on 20 May 2010.

China (People's Republic of)

Communications sent

17. On 23 April 2010, the Special Rapporteur, together with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, sent a joint urgent appeal to the Government of China, in connection to the information received regarding Ms. Mao Hengfeng, a reproductive and housing rights activist who had petitioned against family planning policies and forced evictions since 1989. Ms. Mao Hengfeng, had been the subject of seven communications from various special procedures, the most recent being from 7 July 2008. The Special Rapporteurs and the Chairman of the Working Group acknowledged the receipt of a response from the Government dated 2 September 2008. According to updated information received by the Special Rapporteurs and the Working Group, on 4 March 2010, the Shanghai Municipal Reeducation through Labor Committee sentenced Mao Hengfeng to 18 months reeducation through labor. Ms. Mao had been held at Yangpu Detention Center in Shanghai, but following the information received she could have been transferred to a labor camp. Ms. Mao's husband was not notified of any transfer, but his requests for visits were denied. On 15 March, Ms. Mao's lawyers' request to visit her was also denied. At the moment of writing the communication her whereabouts were unknown. The Special Rapporteurs and Chairman of the Working Group expressed concerns about the physical and psychological integrity of Ms. Mao Hengfeng while in detention in an unknown location. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteurs and Chairman of the Working Group urged the Government to undertake all necessary measures to guarantee that the rights and freedoms of Ms. Mao Hengfeng are respected, including appropriate investigations to clarify her fate and whereabouts and, in the event that the above allegations were correct, the accountability of any person responsible of the alleged violations. Furthermore, the Special Rapporteurs and the Chairman of the Working Group requested further information on: whether a complaint had been lodged by or on behalf of the alleged victim; the details and results of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the case; the fate and whereabouts of Ms. Mao Hengfeng.

18. On 12 August 2010, the Special Rapporteur sent an allegation letter to the Government of China inquiring about the alleged forced evictions of residents of Shanghai. According to information received by the Special Rapporteur, in 2008, eighteen thousand families were forcibly evicted from their homes in Shanghai for the construction of the site for the 2010 World Expo, hosted by China. In addition, another four hundred thousand people were allegedly moved to faraway suburban areas as part of comprehensive urban development schemes which include the Expo, large infrastructural development, and market-rate commercial and residential development. Allegedly, residents were not given adequate compensation to relocate within the inner city, and were forced to relocate to the suburban areas where access to their workplace and livelihood opportunities was limited. In addition, the Special Rapporteur suggested that in Shanghai, as of July 2010, two thousand households may have been evicted and their homes demolished for the development of a Disneyland theme park set to open in 2014. One of the evictees of Shanghai, Wang Yuchen, took his case to the local courts several times with a May 15 edict from China's State Council which said people forcibly removed from their homes should get "reasonable" compensation and which held local authorities responsible for not "oppressing" people facing eviction. In compensation for Yuchen's farm, the developers offered three separate apartments which together barely constitute half the size of his family's villa with no land to grow food, and on which he would have to contribute a sizeable down-payment. The demolition crew responded to Yuchen's protest by first bulldozing all the houses around the Wangs' home and piling the debris in front, then cutting off the water and the phone lines. Furthermore, the Special Rapporteur cautioned that allegedly these types of forced evictions and demolitions with the aim to make way for real estate developments and infrastructure projects were not unusual in China. Allegedly, hundreds of thousands of Beijing residents were displaced and thousands of houses destroyed for the construction of 2008 Olympics venues. The demolishing process was reportedly not transparent or public, and victims received little compensation. Allegedly the relevant authorities did not engage in adequate dialogue with evictees, nor did they afford them with the appropriate consultation process, as there were no public consultations on the city's planned neighborhood demolitions. Reportedly, Governmental authorities detained residents protesting against the evictions and their legal representatives. Furthermore in 2005, the Supreme Court ordered lower courts to stop hearing cases brought by those who had been evicted, and the Government allegedly introduced new regulations restricting the ability of lawyers to represent groups of evictees. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested further information regarding the number of people that were evicted from their homes in Shanghai to make way for the World Expo and the Disney theme park; the legal basis on which the evictions were carried out; whether or not complaints had been lodged by or on behalf of victims; the details of any investigation and judicial or other inquiries that had taken place; whether appropriate consultations had taken place with the affected persons; whether the affected populations were given adequate and reasonable prior notifications before the evictions; whether the affected persons were given adequate and reasonable time to withdraw their belongings and locate alternative accommodations before the destruction of their homes; what measures were foreseen to ensure that the persons affected by the evictions would not become homeless; and whether the affected persons were offered adequate compensation for the loss of their houses and livelihood.

Reply received

19. On 11 October 2010, the Government of China replied to the Allegation Letter sent by the Special Rapporteur on 12 August 2010. At the time of the finalization of this report, the reply was still under translation. A complete summary will be provided in the Special Rapporteur's next communication report.

Observations

20. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to the joint urgent appeal sent on 23 April 2010.

Colombia

Comunicación enviada

21. El 15 de abril de 2010 la Relatora Especial envió una carta de alegación en relación con los supuestos desalojos masivos sucedidos en los municipios de Olaya Herrera y Buenaventura. Según la información recibida, en el municipio de Olaya Herrera, varias comunidades del Río Satinga habrían sufrido dos desplazamientos masivos. El primero desplazamiento habría sucedido el 10 de octubre de 2009 a causa de un aparente enfrentamiento entre las FARC-EP y la Infantería de la Marina en el caserío de Pueblo Nuevo, afectando a ocho comunidades de afrodescendientes e indígenas durante dos meses. Durante este tiempo, las personas afectadas se habrían visto forzadas a abandonar sus hogares. El segundo desplazamiento se habría producido el 31 de enero de 2010, afectando a alrededor de 300 indígenas Eperera Siapidara. Estas personas habrían tenido que abandonar sus caseríos de La Tórtula, Casa Grande y Robles, y refugiarse temporalmente en un paraje cercano a Bocas de Satinga, sobre el cual no se reportaron detalles. La Relatora expresó preocupación por la situación de desprotección de las personas desplazadas y por el impacto de esta situación en el disfrute del derecho a una vivienda adecuada, en particular atendiendo a la situación de vulnerabilidad en la que se encuentran las comunidades indígenas y afrodescendientes. Respecto al municipio de Buenaventura, la Relatora Especial recibió información según la cual al momento de enviar la comunicación se estaba implementando un plan de reubicación para las comunidades de los sectores de Bajamar, comunas 1, 2, 3, 4 y 5 ubicadas al sur occidente de la Isla Cascajal (en el departamento del Valle del Cauca). Este plan contemplaría la reubicación de 3400 viviendas (alrededor de 22000 personas), mediante un Macroproyecto de Vivienda de Interés Social denominado “Ciudadela San Antonio”. Después del traslado de las familias, en este sector se ejecutaría un proyecto de renovación urbana denominado –Proyecto Malecón ó Malecón Perimetral del Mar -, que valorizaría la tierra costera, le daría un uso netamente comercial y daría lugar a nuevos desarrollos inmobiliarios aparentemente contemplados en el esquema de mejoramiento integral del Plan de Ordenamiento Territorial del año 2001, de Buenaventura. Sin embargo, los habitantes de los sectores afectados no habrían tenido derecho a participar efectivamente en este proceso de reubicación, ni habría tenido lugar ninguna consulta previa. Asimismo, los habitantes aparentemente fueron notificados de tales planes en sus etapas finales, al momento de contratación de la construcción. La Relatora enfatizó el hecho de que estos habitantes pertenecen a comunidades afrodescendientes que han ocupado históricamente estos territorios. Además de los comentarios sobre la veracidad y exactitud de las alegaciones presentadas, la Relatora Especial solicitó mayor información sobre las investigaciones y diligencias judiciales iniciadas en relación con el caso, las medidas adoptadas por el Gobierno para garantizar el derecho a una vivienda adecuada de los habitantes de los municipios de Olaya Herrera y Buenaventura, las consultas llevadas a cabo con las personas afectadas, las compensaciones ofrecidas a las comunidades afectadas por los daños a sus viviendas y bienes, las medidas tomadas para garantizar que las personas afectadas no se queden sin hogar, las medidas tomadas para proveer a las comunidades afectadas por estos desalojos de techo, alimentación, agua y medicina para atender sus necesidades más básicas ocasionadas por el desalojo.

Respuesta recibida

22. Con una carta de fecha 9 de julio de 2010, el Gobierno de Colombia puso a conocimiento de la Relatora Especial que estaba realizando un ejercicio interinstitucional con el fin de recopilar la información solicitada, y en este sentido proporcionar las respuestas a las preguntas solicitadas. El Gobierno visto lo anterior pidió solicitar a la Relatora Especial una prórroga de treinta días para presentar el correspondiente informe.

Comentarios

23. La Relatora Especial lamenta que al momento de realizarse este informe no haya recibido ninguna ulterior comunicación del Gobierno en relación con su carta de alegación de fecha 15 de abril de 2010.

Egypt**Communication sent**

24. On 1 March 2010, the Special Rapporteur sent an urgent appeal to the Government of Egypt expressing concern regarding the situation in Manshiyet Nasser, an informal settlement east of Cairo, where 200 families were allegedly in imminent danger of serious injury or death because of a high risk of rock fall. According to the information received, among the families being at risk in Manshiyet Nasser were Zamzam Mohamed Abdel Nabi, aged 35, her husband Mohamed Hassan, and their two children, Alaa and Husssein who live in a building located at the end of Al-Me'adessa Street under the cliffs from which rocks were very likely to fall. Although geological studies done in 1997 by official bodies had identified Al-Me'adessa Street as dangerous, the families had not been evacuated to a safe place and were living in a constant fear for their health and lives. Allegedly, the authorities identified 13 unsafe areas inside the settlement where around one million people were living. Still, the residents were not offered temporary shelter or alternative housing despite several complaints they reportedly have submitted to Manshiyet Nasser Neighborhood police station, Cairo Governorate and the Egyptian Parliament. They could not afford to move to another place themselves because of their low incomes and their dependence on the informal economy in the neighborhood or in nearby old Cairo. Reports indicated that workers hired by authorities tried to secure the cliffs by breaking some rocks but it led to rocks falling on homes, and reportedly caused cracks in the walls of the nearby buildings. It was reported that in September 2008, a rockslide in the area of Al-Duwayqa in Manshiyet Nasser killed at least 119 people and injured 55. This accident reportedly was followed with a series of evictions. The reports received indicated that the potential evictees were neither consulted nor informed about the eviction in advance. For example, it was alleged that on 11 February 2010, three buildings on the Al-Me'adessa Street were demolished but their residents, without any prior information were ordered to remove their possessions immediately and were relocated to nearby Suzanne Murabak dwellings. The information received further indicated that more than 4000 families were relocated to these dwellings. The dwellings were reportedly full and some evictees were left homeless. At the same time those who were allocated accommodation were not given security of tenure in their new places of residence or guarantees that they would not be forcibly evicted again in the future. The residents still living in Manshiyet Nasser at the time of the allegation letter feared that the destruction of some buildings could have affected the structural safety of the remaining ones. In addition the residents were afraid that the authorities would have demolished their homes as well as relocate them – without consultation – to Al-Nahda, a new urban area about 30 kilometres north-east of Cairo and far from their sources of livelihood and social networks. In addition, the Special Rapporteur received information that the Government developed a plan to transform Manshiyet Nasser into gardens and

tourist accommodation by 2050 and that the reported evictions could be linked to this plant. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested further information regarding: the number of people that were left homeless due to their eviction from the Manshiyet Nasser; the number of people who live in the areas endangered by the rock fall in Manshiyet Nasser; the number of buildings affected; whether or not Manshiyet Nasser Neighbourhood police station, Cairo Governorate, and the Egyptian Parliament received the complaints submitted by the families living in Manshiyet Nasser and whether these complaints were dealt with in an appropriate manner; what the response was to these complaints by the institutions concerned; whether the people evicted from Manshiyet Nasser have been offered adequate compensation; and whether there are any other settlements in Cairo or elsewhere in Egypt where the life and health of the populations is endangered.

Reply received

25. On 5 May 2010, the Government of Egypt replied to the urgent appeal sent on 1 March 2010. Regarding the number of areas at risk in Cairo, the Government replied that the Informal Settlement Development Fund, in coordination with the Governorate, had drawn up a list of at-risk areas in Cairo Governorate, using a system of classification based on the gravity of the risk. There were 16 areas and an estimated 8, 511 dwellings in category 1 (life threatening); 33 areas with 29,902 dwellings in category 2 (unsuitable housing); 3 areas with 5,571 dwelling in category 3 (health risk); and 1 area with 1,081 dwellings in category 4 (occupants without legal title). Immediately after the Al-Duwayqa accident in 2008, three special technical committees were set up to study the cliffs of the Muqattam hill range, following Decision No. 3268 of 2008, issued by the Governor. Each committee was in charge of a different edge: one Committee was in charge of the Northern edge of the range (the Manshiyet Nasser area), a second of the southern edge and a third was in charge of the edge of the range in the Istabil Antar and Azbah Khayr Allah area. The Government explained that involved in this task were geology and geophysics experts, soil mechanics experts, mining experts, structural engineering experts, and experts from the Egyptian Mineral resources and Geological Surveys Authority. Their task was to prepare a full and comprehensive study of all areas at risk and delineate the features of these areas. The studies entailed: a full survey of all parts of the Muqattam range; identification of the level of risk and of priority areas for attention; establishment of upper and lower limits for delineating safe areas; and establishment of scientific methods for blunting and containing the rocks. In its final report of March 2009, the committee reached the conclusion that the informal dwellings on the upper and lower slopes which were at risk should be demolished, taking due account of the level of geological risk, once the area at risk has been delimited, and that work should be done to blunt and contain the rocks on the slopes. Accordingly, the Governorate of Cairo began to demolish unsafe buildings in the Manshiyet Nasser, Istabil Antar and Old Cairo areas and to transfer the inhabitants to dwellings in Al-Nahdah City and 6 October City. At the same time work was begun to blunt the rocks in the areas specified in the report. The Governorate only demolished dwellings in areas where, according to the geological report, there was a risk to life or a very serious risk. The Government informed the Special Rapporteur that the situation as at the end of April 2010 was as follows: approximately 10,000 dwellings in Minshayet Nasser were assigned in the new Al-Duwayqa (Suzanne Mubarak) project, in addition to some 1,880 dwellings in the Nahdah project, which included some of the areas at greatest risk in Ma'dasah Street, Wadi Far'aun and Shahbah; in Istabil Antar and the district of Old Cairo, a total of 1,950 dwellings were assigned in October City and 300 were being assigned at the time of the response to the allegation letter; a total of 4,000 dwellings were built in 6 October city and were to be delivered in 2010; the State allocated 200 million Egyptian pounds for the delivery of 8,000 dwellings, which were being built in 6 October City at the time of the response; the Governorate of Cairo announced that it would complete the transfer of

inhabitants from all at-risk areas by the end of 2010. Regarding forced eviction of inhabitants, the Government argued that According to General Comment No. 7, concerning the International Covenant on Economic, Social and Cultural Rights, which was ratified by Egypt in 1982, the Committee on Economic, Social and Cultural Rights defines “forced evictions” as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provisions of, and access to, appropriate forms of legal or other protection. The Government added that the allegation letter referred to the evacuation of the inhabitants of Al-Duwayqa as a case of forced eviction. According to the Government, the State had to evacuate the inhabitants of Al-Duwayqa as a matter of urgency, in order to transfer them from areas where their lives were at risk to safe residential areas provided by the governorate, namely Al-Nahdah City and 6 October City. The Government further noted that these areas are in the Cairo governorate, and are connected to a good transport network, which covers all areas. It also explained that these evacuations were a positive measure taken to protect the right to life in accordance with article 6 of the International Covenant on civil and Political Rights. The Government also noted that the dwellings where the inhabitants were transferred (in new Al-Duwayqa or 6 October City) had two bedrooms, a living room, a bathroom, a kitchen and a balcony (and a surface area of around 63 m²). The Government further noted that these dwellings were well built and have access to a full range of services (schools, markets, health and religious services, transport and places of employment for new residents). It also added that the beneficiaries were satisfied with all the facilities provided. According to the Government, this situation cannot therefore be referred to as a case of “forced evictions” and cannot be considered a violation of the “right to housing”. In terms of legal tenure with respect to the new places of residence, the Government informed the Special Rapporteur that the Governorate issued the residents with contracts granting them the right of usufruct in accordance with the relevant rules, including a lease which could be legally extended and which allowed the tenant to transfer the right of occupancy to relatives up to the third degree who live with them and to their descendants.

Observations

26. The Special Rapporteur thanks the Government for the information received.

France

Communications envoyées

27. Le 16 mars 2010, la Rapporteuse Spéciale a envoyé une lettre d’allégation au Gouvernement français sur la question des expulsions qui auraient eu lieu à Bagnolet, 92 rue Victor Hugo, et sur la destruction partielle de cet immeuble, avec les biens des occupants. Selon les informations reçues, les habitants auraient été expulsés de l’immeuble de logements situé au 92 rue Victor Hugo, à Bagnolet, le 10 février 2010 le matin. Cet incident serait intervenu à cause de la vente de l’immeuble à une filiale du groupe Auchan dans le but de le détruire et construire un immeuble neuf pour y abriter des logements. Une quarantaine des personnes, dont quelques enfants et quelques personnes ayant occupé les logements depuis 10 ans, auraient été expulsées ce jour-là. Après leur expulsion, les bulldozers auraient commencé à détruire l’immeuble, ainsi que les biens des expulsés qui y étaient restés. L’huissier de justice présent sur les lieux aurait mentionné que la mairie avait refusé de louer un garde meuble. Aucun inventaire des biens n’aurait été dressé. Une partie des biens des personnes expulsées aurait été détruite à la suite de cet incident. En attendant d’être reçus par un adjoint au logement de la mairie de Bagnolet, les expulsés seraient restés 2 heures sous la neige, devant la mairie, et se seraient mis à l’abri dans un gymnase voisin que vers 15 heures. Cependant, un responsable de la préfecture du département de la Seine Saint Denis, dépêché sur place, aurait fait évacuer le gymnase par les gardes mobiles

à la demande du maire. Les expulsés, de nouveau à la rue, seraient alors retournés vers l'immeuble en cours de destruction. Une marche de soutien aurait été organisée le 14 février 2010, avec les riverains, associations, syndicats et partis politiques solidaires des expulsés en raison de l'absence d'une proposition d'hébergement adéquate du harcèlement de la police contre le campement des expulsés. Par ailleurs, le lendemain au soir, des tentes auraient été installées par les expulsés aux abords de l'immeuble en destruction dans l'attente de leur relogement. Même si des accords seraient intervenus avec la préfecture et la mairie de Bagnolet le 11 février pour proposer un hébergement à proximité de Bagnolet, aucune mesure concrète n'aurait été prise à ce moment-là. Par la suite, le 16 février, les expulsés se seraient rendus auprès de l'huissier de justice pour récupérer les Procès-verbaux d'expulsion, ainsi qu'une copie du jugement, que la préfecture aurait refusé, le vendredi 12 dernier, de remettre aux délégués et au DAL (association «Droit au Logement» au courant du cas). Finalement, le 18 février soir, la Mairie de Bagnolet aurait finalement mis à disposition un local dans lequel les expulsés de la rue Victor Hugo auraient passé une première nuit au chaud, sans crainte de subir l'harcèlement policier subi jusqu'à ce moment. Les expulsés seraient en majorité des migrants d'Afrique de l'Ouest, dont parmi eux quelques personnes sans papier. Ils auraient été expulsés en plein hiver, sans ayant été au préalable offerts un hébergement alternatif pour y rester comme mesure temporaire, et sans aucune offre de relogement immédiat non plus. La Rapporteuse Spéciale a demandé au Gouvernement de lui fournir des informations détaillées au sujet de la situation énoncée précédemment, ainsi qu'au sujet de possibles plaintes qui auraient pu être déposée par ou au nom des victimes présumées, de la base légale de ces expulsions. La Rapporteuse Spéciale a aussi demandé au Gouvernement si les expulsions avaient été précédées par un propre processus de consultation avec les personnes affectées, si les personnes affectées avaient-elles reçu préalablement des notifications adéquates et raisonnables avant les expulsions, si ces personnes avaient-elles reçu un temps adéquat et raisonnable pour retirer leurs effets personnels avant la destruction de l'immeuble. Finalement la Rapporteuse Spéciale a demandé au Gouvernement quelles mesures avaient-elles été prévues pour s'assurer que les personnes expulsées ne deviendraient pas des sans-abri et si des compensations pour la perte de leurs biens et de leurs moyens de subsistance avaient-elles été offerte aux personnes affectées.

28. Le 18 août 2010, la Rapporteuse Spécial conjointement au Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale, de xénophobie et de l'intolérance ont envoyé une lettre d'allégation au Gouvernement français au sujet des de déclarations et mesures qui auraient été proposées par le Gouvernement français suite aux violences de Saint-Aignan et Grenoble. Selon les informations reçues, des violences impliquant des gens du voyage auraient été commises à Saint-Aignan, dans le Loir-et-Cher, suite à la mort d'un jeune homme dans la nuit du 16 au 17 juillet 2010 lors d'une course poursuite avec les gendarmes. A la suite de ces incidents, le Président de la République française, M. Nicolas Sarkozy, aurait déclaré le 21 juillet 2010 tel que repris dans la Déclaration du Président de la République sur la sécurité: « les événements survenus dans le Loir-et-Cher soulignent les problèmes que posent les comportements de certains parmi les gens du voyage et les Roms ». Une réunion ministérielle « sur la situation des gens du voyage et des Roms » s'en serait suivie le 28 juillet 2010 à l'issue de laquelle un communiqué du Président de la République française demandant l'évacuation dans les trois mois des «campements illicites» de Roms et gens du voyage aurait été diffusé. Le Ministre de l'Intérieur, M. Brice Hortefeux, aurait ainsi annoncé dans cette perspective le démantèlement d'environ trois cents campements illégaux, dont deux cents de Roms dans les trois mois, en ajoutant qu'«en province, ce sera au rythme en gros de deux évacuations, de deux démantèlements par semaine». Le 30 juillet 2010, le Président de la République française aurait délivré un discours suite aux violences urbaines survenues à Grenoble après la mort le 16 juillet 2010 d'un jeune homme lors d'un échange de tirs avec les officiers de la Brigade anti-criminalité. Lors de ce discours, il aurait confirmé les mesures relatives au

démantèlement des campements de Roms et gens du voyage et déclaré que «la nationalité française doit pouvoir être retirée à toute personne d'origine étrangère qui aurait volontairement porté atteinte à la vie d'un fonctionnaire de police ou d'un militaire de la gendarmerie, ou de toute autre personne dépositaire de l'autorité publique. La nationalité française se mérite et il faut pouvoir s'en montrer digne. [...] Je souhaite également que l'acquisition de la nationalité française par un mineur délinquant au moment de sa majorité ne soit plus automatique. [...] nous subissons les conséquences de cinquante années d'immigration insuffisamment régulée qui ont abouti à un échec de l'intégration. [...]». En outre, selon les informations reçues, environ vingt mille Roms originaires de l'est et du centre de l'Europe vivent actuellement en France, pour beaucoup dans des campements non autorisés. Il n'existerait pas assez de lieux de halte autorisés pour les gens du voyage qui leur permettraient de conserver leurs modes de vie et leurs métiers traditionnels. Les personnes vivant en caravane seraient contraintes de s'installer là où elles le peuvent faute de possibilités régulières. De même, selon les allégations reçues, plus de dix ans après l'adoption de la loi imposant aux communes la réalisation d'aires d'accueil et de stationnement pour les gens du voyage, à peine la moitié des places prévues sur toute la France sont aujourd'hui ouvertes. De plus, environ quatre cents mille «personnes itinérantes» de nationalité française, seraient contraintes de se présenter régulièrement aux services de police. Elles seraient également obligées d'être enregistrées pendant trois ans dans une municipalité avant de pouvoir voter. Enfin, il a également été fait état de restrictions à la liberté de circulation et du refus de certaines communes de scolariser les enfants. Les Rapporteurs Spéciaux ont demandé au Gouvernement de leur fournir des informations détaillées au sujet de la situation énoncée précédemment et de leur indiquer comment il entendait assurer la conformité des propositions de réforme annoncées en matière d'acquisition et de perte de la nationalité française avec ses obligations internationales, notamment celles découlant de l'article 5 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, Les Rapporteurs Spéciaux ont en outre demandé au Gouvernement quelle était la base légale du démantèlement des camps des Roms et des gens du voyage, quelles mesures avaient été prévues pour s'assurer que les personnes affectées pour le démantèlement ne deviennent pas des sans-abri et qu'avait-il été prévu en termes de relogement. Les Rapporteurs Spéciaux ont aussi demandé au Gouvernement de leur faire parvenir des informations détaillées sur les mesures prises par les autorités compétentes, conformément aux provisions concernant le droit au logement contenues dans les instruments internationaux que la France a ratifiés, en particulier pour s'assurer que les expulsions qui auraient lieu dans le cadre du démantèlement annoncé des camps soient autorisées par la loi, soient raisonnables et proportionnelles, et règlementées de manière à assurer un pleine et équitable compensation et réhabilitation. Finalement les Rapporteurs Spéciaux ont demandé au Gouvernement de bien vouloir leur fournir des informations, y compris des statistiques, sur les mesures prises en vue de l'application de la loi relative à la réalisation d'aires d'accueil pour les gens du voyage.

Réponse reçue

29. Le 19 octobre 2010 le Gouvernement français a répondu à la lettre d'allégation envoyée le 18 août 2010 par la Rapporteuse Spéciale conjointement au Rapporteur Spécial sur les formes contemporaines de racisme, de discrimination raciale, de xénophobie, et de l'intolérance. Le Gouvernement a indiqué que dans le communiqué de presse du Président de la République française daté du 28 juillet 2010, le Président avait effectivement demandé au Gouvernement de procéder, dans les trois mois, à l'évacuation des campements illicites, mais qu'il avait souligné que ces évacuations devaient être réalisées lorsque le droit en vigueur le permettait. Ce droit avait été exposé par une circulaire du ministre de l'intérieur du 24 juin 2010 décrivant les modalités d'application des lois. En ce qui concerne le nombre d'environ vingt mille Roms originaires de l'est et du centre de l'Europe

qui vivent en France et qui a été mentionnée dans la lettre d'allégation, le Gouvernement a indiqué que la France ne distingue pas de minorité ethnique, qu'il n'existe pas de recensement ethnique de population en France et que l'évaluation la plus généralement avancée entre 20 000 et 15 000 Roms originaires de l'Est et du centre Europe qui se trouveraient sur le territoire français ne peut être confirmée ou infirmée. Au sujet de la base légale de l'évacuation des campements illicites, le Gouvernement a précisé que ces mesures n'ont concerné que des terrains illégalement occupés. Dans la plupart des cas, l'expulsion du domaine public ne peut être ordonnée que par une décision de justice. Si le terrain illégalement occupé appartient au domaine public, la personne publique propriétaire du domaine concerné peut saisir le juge des référés du tribunal administratif compétent pour qu'il ordonne la cessation de l'occupation au titre de l'article n L.521-3 du code de justice administrative. Il appartient au juge de rechercher si cette demande présente un caractère d'urgence et ne se heurte à aucune contestation sérieuse. Si l'occupation porte sur une dépendance du domaine privé d'une personne publique ou encore sur le domaine public routier ou en dernier lieu sur un terrain ou un local privé, il appartient à la personne propriétaire ou titulaire d'un droit d'usage de saisir le juge judiciaire, en l'occurrence le tribunal de grande instance. Le Gouvernement a en outre indiqué qu'il existe aussi une procédure administrative, applicable aux seules occupations de terrains par des résidences mobiles. Ces dispositions ont expressément été déclarées conformes à la Constitution par le Conseil constitutionnel qui relève que la mise en œuvre par le préfet de l'évacuation forcée des résidences mobiles des gens de voyage est strictement précisée et encadrée par la loi et qu'elle ne peut survenir qu'après mise en demeure pour évacuer spontanément les lieux occupés illégalement. Le Gouvernement a souligné que de plus dans tous les cas, le droit à un recours juridictionnel effectif permet à toute personne concernée de contester toute décision administrative ou judiciaire. En ce qui concerne le relogement, le Gouvernement a indiqué que une grande majorité des citoyens communautaires occupants ces campements illicites ont regagné leur pays volontairement. Les personnes évacuées bénéficient d'un droit inconditionnel à l'hébergement d'urgence, quelle que soit leur situation au regard du droit de séjour en France. Les personnes de nationalité française ou en situation de séjour régulier bénéficient des mêmes droits au logement que toute autre personnes dépourvue de logement. Le Gouvernement a aussi abordé le sujet du nombre de lieux de halte autorisés pour les gens du voyage suite aux préoccupations avancées par les Rapporteurs à ce sujet. Le Gouvernement a d'abord précisé que l'allégation selon laquelle environ quatre cent mille personnes itinérantes de nationalité française seraient contraintes de se présenter régulièrement aux services de police serait inexacte. Selon la loi du 3 janvier 1969 relative à l'exercice des activités ambulantes et au régime applicable aux personnes circulant en France sans domicile ni résidence fixe, pour pouvoir circuler en France toutes les personnes de plus de 16 ans n'ayant pas de domicile ou de résidence fixe doivent être munies d'un titre de circulation si elles logent de façon permanente dans un véhicule, un remorque ou tout autre abri mobile et il leur est délivré des titres de circulation. L'obligation de détenir un titre de circulation ne s'impose pas aux seuls gens de voyage. Ces documents sont valables cinq ans mais selon le titre de circulation octroyé (ils existent trois types de documents divers en fonction du type d'activité exercée), leurs titulaires doivent se présenter aux autorités chaque année ou trois mois. En ce qui a trait au projet de réforme en matière d'acquisition et de perte de la nationalité française, le Gouvernement a indiqué que ce projet de réforme prévoit la possibilité de retirer la nationalité française aux personnes condamnées pour les crimes d'homicide ou homicide involontaires commis contre les personnes dépositaires de l'autorité publique. En outre le Gouvernement a précisé que cette mesure n'est pas contraire au principe d'égalité garantie par la Constitution et qu'elle est aussi conforme aux engagements internationaux de la France. En relation avec l'application de la loi relative à la réalisation d'aires d'accueil pour les gens du voyage, le Gouvernement a indiqué que l'Etat accompagne financièrement les communes inscrites au schéma d'accueil des gens du voyage, qu'il soutient de manière significative l'investissement et

subventionne le fonctionnement des aires. Le Gouvernement a précisé que lors de la réunion du Premier ministre et des ministres concernées du 28 juillet 2010, le Président de la République leur a demandé de veiller, en liaison avec les collectivités territoriales, à l'application effective de la législation en matière d'accueil. Il a souhaité que tout soit mis en œuvre pour éviter le risque d'un amalgame injuste entre les délinquants et la majorité des gens du voyage. Il a été indiqué aussi que 67% des places d'aires d'accueil prescrit dans les schémas ont fait l'objet d'engagements financiers à fin 2009 et que à fin 2009 les places financées en aires d'accueil depuis 2000 s'élève à 27871 places et 122 aires de grand passage. Le taux de réalisation des prescriptions des schémas est inégal selon les départements. A fin 2009, ce taux était inférieur à 50% dans 45 départements.

Commentaires

30. La Rapporteuse Spéciale remercie le Gouvernement pour les informations reçues. La Rapporteuse Spéciale regrette qu'au moment de la finalisation du rapport, le Gouvernement n'ait envoyé aucune réponse à sa communication du 16 mars 2010.

Honduras

Comunicación enviada

31. El 5 de mayo de 2010 la Relatora Especial junto con el Relator Especial sobre el derecho a la alimentación enviaron una acción urgente al Gobierno de Honduras en relación con la supuesta situación de creciente violencia y represión en la zona del Bajo Aguán, en el Departamento de Colón, donde más de 3,200 familias de campesinos habían supuestamente sido amenazadas y hubieran podido resultar víctimas de desalojos forzosos. De acuerdo con la información recibida, desde el 9 de abril de 2010 tropas militares y policiales se habrían movilizado masivamente en la zona del Bajo Aguán, amenazando en forma directa a las 3.200 familias de esta zona. En la información recibida se expresaba temor que esta situación hubiera podido dar lugar a actos de represión y desalojos forzosos contra los campesinos residentes en el Bajo Aguán. También se expresaba preocupación por la creciente violencia y represión contra miembros y grupos del Movimiento Unificado Campesino del Aguán (MUCA) y del Movimiento Campesino del Aguán (MCA). En Octubre del 2009, miembros del MUCA habrían tomado tierras en el Bajo Aguán. Dichas tierras formarían parte de una disputa sobre tenencia de la tierra entre grupos campesinos y los terratenientes de la zona. En tal sentido, el 17 de abril de 2010 el Gobierno de la Nación y representantes del MUCA firmaron un acuerdo que establece la entrega de 11 mil hectáreas de tierra a 28 Grupos Campesinos del MUCA. El 9 de abril de 2010, 2500 militares y policías fueron movilizados en la zona de Bajo Aguán, donde la MUCA aparentemente discutía las propuestas recibidas en torno a las negociaciones sobre las tierras en disputa. El 10 de abril, fuerzas militares y de la policía tomaron control de toda la zona, enviando efectivos militares y vehículos de combate y cortando el acceso a la cooperativa campesina La Confianza. El 11 de abril, la Cooperativa Guadalupe Carney fue tomada por las fuerzas militares y policiales. El 12 de abril, el acceso a todas las entradas y salidas al departamento de Colón fue bloqueadas, quedando bajo control de las fuerzas militares y policiales. El 13 de abril, la policía y los soldados habrían entrado en la cooperativa El Despertar y detenido a Ulises Laínez y Vicente Padilla, quienes fueron liberados luego de cuatro horas de detención. Los efectivos militares y policiales también habrían entrado en la comunidad de Río Claro, cercana a la cooperativa, aparentemente irrumpiendo en tres domicilios e intimidando a sus residentes, incluidos niños. Los hechos habrían ocurrido cuando estaba teniendo lugar la tercera reunión de negociación entre autoridades y campesinos, y fueron interpretados por los campesinos como instrumentos de presión para que acepten las propuestas antes mencionadas. Según la información recibida, al momento de enviar la carta de alegación fuertes contingentes militares y policiales

seguían concentrados en la zona. Asimismo, según la información recibida, desde hace tiempo en el norte del país comandos contratados por empresarios terratenientes habrían estado atacando a familias campesinas, quienes aparentemente no reciben protección alguna de las autoridades. Las alegaciones recibidas también informaban que cuatro miembros del MUCA habrían sido víctimas de violencia: el 17 de marzo, fueron asesinados José Antonio Cardoza y José Carías, directivos de la cooperativa Brisas de COHDEFOR, en Bonito Oriental; el 1 de abril, fue asesinado Miguel Alonso Oliva, por un guardia de seguridad de una de las plantaciones de palma africana en el Valle del Aguán; y el 7 de abril, José Leonel Álvarez Guerra, integrante de la Cooperativa La Confianza, fue asesinado por dos hombres en motocicleta, cuando llegaba a su casa en el barrio Manga Seca, en Tocoa, Colón. Asimismo, el 14 de marzo fue asesinado el periodista Nahúm Palacios, quien fue director del Canal 5 de televisión en el Aguán. Previamente, Palacios habría transmitido vasta información sobre el conflicto agrario en el Bajo Aguán, desvirtuando la campaña aparentemente emprendida para deslegitimar y criminalizar las luchas campesinas por la tierra en la zona. Además de los comentarios sobre la veracidad y exactitud de las alegaciones presentadas, los Relatores Especiales solicitaron mayor información sobre las investigaciones y diligencias judiciales iniciadas en relación con el caso, las medidas adoptadas por el Gobierno para garantizar el derecho a una vivienda adecuada de los habitantes de la zona del Bajo Aguán, las negociaciones llevadas adelante entre el gobierno y el movimiento campesino, y sobre el acuerdo realizado el 17 de abril de 2010, las medidas de protección adoptadas en este caso, las medidas tomadas para garantizar que las personas afectadas no queden sin hogar, las medidas tomadas para garantizar el acceso y la utilización por parte de los campesinos de la zona del Bajo Aguán de los recursos y medios que aseguren sus medios de vida, incluida la seguridad alimentaria.

Respuesta recibida

32. En una carta de fecha 5 de julio de 2010, el Gobierno de Honduras puso a conocimiento de la Relatora que estaba pendiente de recibir un informe del Instituto Nacional Agrario en relación con la situación en la zona del Bajo Aguán. El Gobierno por este medio solicitó una prorroga para poder completar la información requerida.

Comentarios

33. La Relatora lamenta que al momento de realizarse este informe no haya recibido ninguna comunicación ulterior del Gobierno en relación con su comunicación de fecha 5 de mayo de 2010.

India

Communications sent

34. On 13 January 2010, the Special Rapporteur sent an urgent appeal letter to the Government of India, regarding the alleged situation of homeless in New Delhi, including deaths due to severe cold weather. According to information received, between 31 December 2009 and 11 January 2010, at least seven homeless people died from cold in New Delhi. Concerns were also expressed that because of the weather and the lack of a sufficient number of equipped shelters, the life of additional homeless people was at stake in New Delhi. The information received indicated that the number of homeless persons in New Delhi was growing and exceeded the capacity of emergency centres operating in the capital. It was alleged that the number of homeless shelters in New Delhi had recently been reduced from 46 to 24, in disregard of the Delhi Master Plan 2021 and the Delhi Municipal Corporation Act 1957. It was further reported that despite the severe cold weather, homeless shelters were recently demolished and homeless people were evicted from the

places they used as shelters. Allegedly, on 22 December 2009, the Municipal Corporation of Delhi (MCD) demolished a temporary night shelter for the homeless at Pusa Road, rendering 250 persons “shelterless” and allegedly causing the death from cold of Mr. Bhima. The information received indicated that this shelter was demolished by the MCD in order to “beautify” the area in view of the Commonwealth Games. It was further alleged that despite a 6 January order of the Delhi High Court requesting to immediately restore the Pusa Road night shelter and not to evict homeless persons in the winter on “humanitarian grounds,” the MCD did not provide the “shelterless” with an adequate shelter. It was alleged that on 9 January 2009, officials from the Northern Railway, the Delhi Police and the MCD evicted more than 400 people from an area they were using as shelter at Pul Mithai, Sadar Bazaar. Reportedly, during these events women and children were beaten with batons and the possessions of the people were destroyed. 60 of the evicted families were reportedly Dalits, many of them employed as construction workers for the Commonwealth Games. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested further information regarding the number of persons died in New Delhi due to the cold and weather conditions since 31 December; the measures that the authorities had taken to address the issue, including preventive measures to avoid these deaths; the measures that MCD had taken to implement the 6 January order of the Delhi High Court to take responsibility for protecting the rights of homeless persons in New Delhi; the needs of homeless and inadequately housed persons in New Delhi; the statistics, indicators, and other available figures on the number of homeless people in New Delhi; the type of shelters for the homeless that were in use in New Delhi; the grounds on which the number of shelters in New Delhi was diminished from 46 to 24, while the number of homeless had at the same time been increasing; the grounds on which the MCD allegedly demolished the temporary night shelter for the homeless at Pusa Road; the current situation of around 250 persons who were rendered “shelterless”; the measures, if any, that were undertaken to avoid the worsening of the housing and living conditions of the evictees; the measures that MCD undertook to implement the 6 January order of the New Delhi High Court requesting, inter alia, to immediately restore the Pusa Road night shelter; the grounds on which Northern Railway, the Delhi Police and the MCD allegedly evicted more than 400 people from the Pul Mithai, Sadar Bazaar area; the reason why the authorities did not comply with the 6 January order of the Delhi High Court requesting not to evict homeless persons in the winter on “humanitarian grounds;” the current situation of the evictees; and finally, what measures were undertaken to avoid the worsening of the housing and living conditions of the evictees.

35. On 10 June 2010, the Special Rapporteur sent a letter of allegation to the Government of India regarding the alleged evictions and demolitions of informal settlements and slums in New Delhi in the run-up to the Commonwealth Games. According to information received by the Special Rapporteur, New Delhi witnessed evictions and demolitions of informal settlements and slums in the run-up to the Commonwealth Games that took place from 3-14 October 2010 in the capital city. Most of these evictions were apparently carried out to construct roads, bridges, stadiums, and parking lots, or to beautify the city. In addition, beggars and homeless persons were allegedly rounded up, arrested and arbitrarily detained under the Bombay Prevention of Beggary Act 1959 in preparation for the Games. According to information received by the Special Rapporteur, in 2004, Delhi authorities evicted more than 35,000 families living along the banks of the river Yamuna to make way for a tourism and city beautification project on land adjacent to the Commonwealth Games Village. Settlements at Banuwal Nagar, Vikaspuri, were also allegedly demolished in 2006 in preparation for the Commonwealth Games. Reports indicated that evictions scaled up in 2009. On 12 January 2009, officials of the Municipal Corporation of Delhi (MCD) reportedly demolished the settlement of Gadia Lohar Basti consisting of around 15 jhuggies (slums), which resulted in the displacement of over 200 people. The settlement was neither notified nor covered under any resettlement programme.

In June 2009, the MCD allegedly demolished a slum, inhabited by 50 people with disabilities, behind Jawaharlal Nehru Stadium to make way for a parking lot in preparation for the Games. According to the information, the MCD also reportedly demolished a settlement of 1,000 residents in J. Prabhu Market and Prabhu Market Extension near Lodi Colony for a parking lot for the opening and closing ceremony of the Commonwealth Games. A slum cluster of 368 families of Dalit Tamils at Jangpura's Barapullah Nullah was also reportedly demolished to construct another parking lot for the Games. The Tamils, who had been living there for the past 35 years, did not receive any compensation or resettlement and were thereafter living on the streets. It was alleged that 400 jhuggies located near Barapullah Nullah were also likely to be demolished for construction of an elevated road that would connect the Commonwealth Games Village to the Jawaharlal Nehru Stadium. Modalities of resettlement had not been worked out yet at the time of the submission of the allegation letter. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested further information on whether or not a complaint had been lodged by or on behalf of the alleged victims; the details and results of any investigation and judicial or other inquiries carried out in relation to the case; whether the appropriate consultations took place with the affected persons, and the outcomes of these consultations; the grounds on which the MCD allegedly demolished the slums; the situation of displaced persons; the measures that had been undertaken to avoid the worsening of the housing and living conditions of the people affected by the demolitions; the measures that had been foreseen to ensure that the persons affected by the evictions and demolitions would not become homeless; whether the affected persons were offered compensation for the loss of their houses and livelihood; and finally, what had been foreseen in terms of relocation.

Replies received

36. On 7 April 2010, the Government of India replied to communication IND 8/2008 dated 5 March 2008 which was sent by the Special Rapporteur jointly with the Special Rapporteur on Violence Against Women (a summary of this communication can be found in the document A/HRC/10/7/Add.1, para.54). The Government of India noted that it has examined the complaint with regard to allegations filed by Mrs. Ramashree and found them to be inaccurate. According to the Government, Mrs. Ramashree's husband was arrested on 15 November 2006 at about 1900hrs in connection with manufacture of illicit liquor, following which a charge-sheet was filed in the local court on 26 December 2006. The subject filed a petition in the local court that was dismissed on 11 April 2008. Since the allegations were found to be inaccurate and even dismissed by the Court, the question of compensation for the subject did not arise.

37. On 7 April 2010, the Government of India replied to the communication IND 8/2009 sent on 20 July 2009 by the Special Rapporteur (a summary of this communication can be found in the document A/HRC/13/20/Add.1, para.37). According to the Government, on 27-28 May 2009, the local authorities carried out demolition of only unauthorized hutments on public land. These demolitions were carried out in accordance with the due procedure laid down by the law and no incidents of violence were reported. According to the Government of India, contrary to what had been asserted in the communication, the Government of Maharashtra's Slum Redevelopment and Relocation Scheme *was not* applicable to *unauthorized* hutment dwellers. The Government of India assured that it is aware of its obligations under the ICESCR and that it fully abides by them. In this context, the Government of India reminded that the General Comments of any treaty body do not constitute international human rights law.

38. On 6 April 2010, the Government of India replied to the urgent appeal sent by the Special Rapporteur on 13 January 2010. According to the Government, contrary to what was stated in the urgent appeal, the number of homeless shelters in Delhi was *not* reduced

from 46 to 24. The Municipal Corporation of Delhi set up 37 additional night shelters in January 2010, over and above the existing 27 permanent night shelters. Further, the Government of the National Capital Territory of Delhi also set up another seven temporary night shelters in January 2010, in addition to the 17 temporary night shelters that it had established, as a yearly exercise, in December 2009. The authorities provided over 2,800 blankets for the inmates of these shelters who were also provided medical assistance, electricity, and water and sanitation facilities in association with some local NGOs. As for the demolition of a temporary night shelter on Pusa Road and evictions of squatters in Sadar Bazar, these were carried out in accordance with the procedure laid down by law and temporary night shelters were set up to provide shelter to those evicted. The authorities did not receive any reports of deaths due to severe cold weather at any of the night shelters being run by the authorities, or due to lack of such shelters. In fact, in its order on 27 January 2010, the Supreme Court of India expressed its satisfaction with the prompt action and arrangements by the authorities to safeguard the human rights of the homeless and needy.

39. On 29 July 2010, the Government of India replied to the urgent appeal sent by the Special Rapporteur on 9 December 2009, regarding the alleged forced evictions along the Cooum River in Chennai, Tamil Nadu (a summary of this communication can be found in the document A/HRC/13/20/Add.1, para.37). The Government examined the facts of the case and found the allegations to be inaccurate. The families living along the banks of the Cooum River had illegally encroached upon the riverine area, which had been declared as an environmentally sensitive area by the Supreme Court of India. Nevertheless, no forced evictions had been made and appropriate procedural protection was extended to all the project affected families. During the enumeration process conducted six months prior to the movement, all families had been fully informed of the resettlement process and their consent had been duly obtained. No formal complaint had been filed against any plausible forced eviction in this regard. The Tamil Nadu Slum Clearance Board was designated as the nodal agency for the rehabilitation and resettlement of the affected families. Alternate housing was provided to each family, on a non-discriminatory basis, in the suburbs of Chennai. Each family was given Rs 1000 as shifting allowance and transport arrangements were made to carry their belongings to alternate accommodation. Moreover, vocational training was imparted to the unemployed youth in order to enable them to seek remunerative employment.

Observations

40. The Special Rapporteur thanks the Government for the information received and regrets that at the time of the finalization of this report, the Government had not transmitted any reply to her letter of allegation sent on 10 June 2010.

Italy

Communications sent

41. On 19 March 2010, the Special Rapporteur on adequate housing, together with the Independent Expert on Minority Issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, sent a joint urgent appeal to the Government of Italy regarding the “Nomad Plan” implemented in the Commune of Rome, which allegedly resulted in the eviction of hundreds of Roma and which would incur thousands of more evictions in the near future. According to information received by the Special Rapporteurs and the Independent Expert, the “Nomad Plan” was launched on 31 July 2009 by representatives of the Commune of Rome and the Prefect of Rome pursuant to a Presidential decree adopted in May 2008 declaring a “Nomad Emergency”. The plan was scheduled to be implemented by June 2010. The “Nomad Plan”

provided for the forced evictions of thousands of Roma and the resettlement of most, but not all, of them in new or expanded camps. Reportedly, according to the census carried out in Rome, around 7,200 Roma were living in camps across the city, of which 2,220 lived in seven “authorized camps”, 2,750 in 14 “tolerated camps” and 2,200 in 80 “unauthorized camps”. The “Nomad Plan” allowed the relocation of 6,000 Roma in 13 camps which it referred to as “villages”. These “villages” allegedly consisted of maintained or expanded “authorized camps”, three expanded “tolerated camps”, two new camps and one transitional structure. However, it was unclear what would happen to those 1,200 Roma for whom there would be no place in the “villages”, since the rest of the Roma settlements would be destroyed. Over the previous few months at least five different camps, including “Casilino 900”, one of Europe’s largest Roma camps, had been closed leaving hundreds of Roma families homeless. The allegations received expressed concern over the eligibility criteria for lodging in one of the camps. Reports received indicated that official documents referred only to those “having the right” to a place but did not define who they were or what would happen to the rest of the people. It was reported that eligibility criteria would be based on possession of authorized residence in Italy. In such cases, evictions would allegedly be used as a punitive measure to force people to leave the country. On the other hand, there were reports that implementing authorities planned to determine who would have access to the “villages” based on whether the person under consideration had been involved in criminal activity. The information received alleged that thus far the “Nomad Plan” had been implemented without consultation with the people affected. Reportedly, the affected Roma communities lacked information about the plan and the way it would influence their lives. Neither Roma organizations nor NGOs working with Roma participated in the elaboration of the plan. Reportedly Roma communities were not given any alternatives - they either had to transfer to the new camps, or to become homeless. They also were not consulted in relation to how the resettlement should take place. Therefore there were fears that Roma communities would be resettled in the camps without regard to their family ties or national origins. In addition, the reports received indicated that the “Nomad Plan” would reduce people’s access to employment and essential services. Many of the “villages” would also possibly be more isolated due to a complete lack of public transport. There were also concerns that the children’s schooling would suffer because they would be forced to change schools or travel even further each day. The allegations received claimed that many Roma had to live in camps because they could not access the private housing due to the high costs of rent. At the same time, social housing was also unavailable to them, because one criterion for the allocation of social housing in Rome, under the concurrent points system, was prior eviction from private housing. Reportedly, the evictions from the “authorized” and “tolerated” camps were not treated as equivalent to expulsions from private sector accommodation for the purposes of determining access to social housing. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteurs and Independent Expert requested more information regarding: whether or not a complaint had been lodged by the victims; the details and results, of any investigation, and judicial or other inquiries carried out in relation to the evictions; the legal basis on which the evictions had been carried out; whether or not the Government was aware that the number of Roma actually living in camps exceeded the number of Roma whose resettlement was envisaged pursuant to the “Nomad Plan”; whether the Government had designed a policy addressing housing needs of the people who had been and would be left homeless as a result of the implementation of the “Nomad Plan”; whether appropriate consultations had taken place with the affected persons; what criteria had been used for deciding who is eligible for resettlement; whether the affected populations were given adequate and reasonable prior notifications before the evictions and housing demolitions; whether the affected persons had been given adequate and reasonable time to withdraw their belongings before the destruction of their residences; what measures had been foreseen to ensure that the persons affected by the housing demolition, would not become homeless; and whether

the affected persons had been offered compensation for the loss of their houses and livelihood.

42. On 26 April 2010, the Special Rapporteur on adequate housing, together with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, sent a joint letter of allegation to the Government of Italy regarding the alleged forced eviction of Roma families in Milan and the clearance of their settlements. According to information received by the Special Rapporteurs, on 9 April 2010, a deployment of 30 local police officers allegedly cleared three Roma settlements in Via Siccoli, Via Guglielmo Pepe and Ponte delle Milizie. More than 100 Roma citizens living in conditions of extreme hardship (among them sick and handicapped people, pregnant women and children) were purportedly charged with illegally occupying private land and forced to leave their makeshift shelters despite having nowhere else to go, or being offered any social assistance. The huts the families were living in were reportedly bulldozed, while the areas was due to be “secured” to prevent the Roma or homeless returning to the site. It was further reported that the local authorities adopted repressive measures against the Roma who were living in “authorized camps” and was allegedly planning to install twenty surveillance cameras over the entrances to the settlements in Via Triboniano, Via Idro, Via Chiesa Rossa and Via Martirano. The cameras would be linked up to police and Carabinieri stations to control the families living in the camp. Reportedly, the project initiated by the local authorities, had been approved by the City Police Chief and would cost an estimated of 479,000 Euros. In addition, 12 million Euros were apparently spent every year on clearing Roma settlements. The implementation of these policies reportedly caused a situation of extreme hardship and marginalization for more than one thousand Roma people in the area. In addition, on 21 January 2010, eighty makeshift shelters were allegedly bulldozed by the Milanese authorities. The huts were reportedly razed to the ground along with their contents: blankets, winter clothes, stoves for heating and essential medicines. The alleged forced eviction took place in Via Sant’Arialdo, near the Chiaravalle Abbey, where about 150 Roma citizens, including children, pregnant women and sick people, were purportedly thrown out onto the street. Furthermore, 95 Romanian Roma were reportedly charged with illegally occupying a plot of land and may be subject to mass expulsion as the authorities have allegedly ordered them to leave the city. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteurs requested further information on whether or not a complaint had been lodged by or on behalf of the alleged victims; the provision of details and results of any investigation and judicial or other inquiries carried out in relation to the case; whether appropriate consultations had taken place with the affected persons; on what measures had been foreseen to ensure that the persons affected by the forced evictions and displacements would not become homeless; and on any compensation that had been offered to the affected persons.

Reply received

43. On 23 June 2010 the Government of Italy replied to the allegation letter sent on 19 March 2010. The Government noted that the operations of resettlement foreseen by the so-called “Nomads Plan”, referring to Casilino ‘900, and evictions carried out by the Police Headquarters in Rome, including those of Casilino ‘700, and of Naide, Dameda and Via degli Angeli, have never foreclosed the possibility of finding a better accommodation with the Municipal assistance, except if so decided by the concerned persons. Regarding the “procedural deficit of consultation”, the Government noted that the Municipality of Rome, with the assistance of the Italian Red Cross, and the Police coordinated and cooperated with every person concerned the process of relocation in order to take into account their ethnic and family origin. Concerning the resettlement of Casilino ‘900, the Government noted that this cannot be defined as a ‘forced eviction’, as this eviction was carried out in compliance with all the procedural safeguards: adequate notice, consultation at various levels in all

stages, offering alternative accommodation according to the availability of the Municipality of Rome. In this context, the Government further indicated that the Roma communities were themselves well aware of the deteriorated environment in which they had been precariously living for many years and that in this context they were favorable to a relocation. As far as the schooling of children after the resettlement is concerned, the Government indicated that until the summer break, Roma children affected by the resettlement would have continued to be enrolled in the same establishments as before the resettlement. It added that after the summer break, every family, supported by school mediators of the Municipality of Rome, would have been able to enroll their children in the school of their choice within the appropriate *Municipio* (sub-division of the Municipality of Rome). The Government further noted that procedures similar to those mentioned above were followed for schooling also in cases of evictions that took place outside the framework of the "Nomads Plan" owing to the continued involvement of social and cultural mediators of the Municipality of Rome in the different operations. The Government informed the Special Rapporteurs and the Independent Expert that at the time of sending its reply, there was no evidence of any complaint submitted by or on behalf of the Roma people affected by resettlements or of any judicial investigation initiated with respect to the "Nomads Plan". The Government further recalled that the affected persons were not entitled to stay in the occupied area since the settlements were illegal and that the evictions should therefore be seen as extraordinary measures taken in order to address situations of extreme degradation of sanitary and socio-environmental living conditions. The Government appointed a Delegated Commissioner for Nomads Emergency in the Lazio Region (by a Prime Minister Order of May 30, 2008) and the "Regulations for the managing of the equipped villages for Nomad communities located in the Lazio Region", subscribed by the Commissioner, the Region, the Province and the Municipality of Rome have been subsequently adopted. The Government added that the so-called "solidarity villages" are structured to ensure the safety of the people concerned and to allow the implementation of programs of social inclusion through training courses, job orientation, school integration of children, health care and managing of the village involving the representatives of the communities. The Government explained that villages are not considered definitive accommodation but rather housing solutions that allow the implementation of the above mentioned programs of social inclusion and where possible to stay up to 4 years. As an alternative to placement in the equipped villages there are various regional projects, pursuant to which Municipalities should ensure the allocation of housing, social care and education, organization of training courses and job orientation, in order to facilitate the integration of Roma people into local communities. In the case of Casilino '900, the Government explained that families with people with health problems were provided for *ad hoc* solutions, such as the allocation of housing by the Municipality or destination to a specific structure instead of the village. The Government further noted that the relevant authorities appropriately consulted the persons affected by the resettlement of Casilino '900 camp. On 5 December 2009, a first communication was made in the camp, with the presence of relevant institutions (Mayor, Prefect, Councilor for Social Policies) in order to inform with sufficient time the beginning of operations. In a second phase, from 20 December 2009, officials of the Municipality of Rome agreed with representatives of the camp on how to carry out the procedures. Finally, the information on the activities agreed upon was sent to each person concerned, in order to satisfy the special needs of people (for example in the case of vulnerable people). The Government noted that only individuals with very serious criminal history such as violence against children, rape, robbery, possession and trafficking of arms, trafficking and pushing of drugs, pimping, etc. were excluded from the resettlement plan. The Government further added that in light of the procedures adopted and of the time between the notification date and the beginning of the operations, it is clear that the affected person were given adequate and reasonable time to withdraw all their belongings before the destruction of their shelters. The Government also

said that considering the nature of the shelters no compensation for the loss of the 'houses' was offered. In terms of transfer, the Municipality of Rome provided the logistical means to transport the affected people from the camp to the new village. The Government also informed the Special Rapporteurs and the Independent Expert that since the arrival in the village the continuity in education of minors and cultural mediation procedures (for example information about local services) were ensured. Finally the Government indicated that for EU citizens, the Municipality offered the possibility to voluntarily join the project "Back Home", providing for their travel.

Observations

44. The Special Rapporteur thanks the Government for the information received and regrets that at the time of the finalization of this report, the Government had not transmitted any reply to the communication sent on 26 April 2010.

Kenya

Communication sent

45. On 23 April 2010, the Special Rapporteur sent an urgent appeal to the Government of Kenya regarding the alleged planned eviction of more than 50,000 people living and working along the Kenyan railway lines, especially in Nairobi. According to information received by the Special Rapporteur, on 21 March 2010 Kenya Railways, a state-owned rail company, published a notice in the daily newspapers that people living and working in shacks within 100 feet on either side of the railway lines had to pull down their structures and leave within 30 days, otherwise they would have faced forced evictions and be prosecuted. Allegedly, the reason behind this measure was the Government's willingness to upgrade the railway system. Reportedly, most of the people affected by this measure were slum dwellers in parts of Nairobi and other railway reserve land countrywide, who after living there for several years, had built up their homes and stalls they use to sell vegetables. These people, if forcibly evicted, were likely to lose their property, shelter and income. As a result, their access to clean water, sanitation and healthcare, already precarious, would be further negatively affected. In addition, a thirty-day notice did not allow enough time for people to explore resettlement possibilities. Moreover, according to the allegations received, prior to the issuance of the notice people had not been consulted with or offered alternative housing and other resettlement options. Reportedly, the Government did not announce any comprehensive resettlement or compensation plan. Reports received indicated that in response to similar planned evictions from the railway reserve in 2005, a study had been commissioned by the Government to develop a relocation action plan. The study, Relocation Action Plan for Improving Safety along Kenyan Railway Line (RAP), was finalized in 2005 and made publicly available in 2006. The RAP revealed that as many as 50,000 people were living or working within the reserve in Nairobi alone and many thousands more were using the tracks as a walking route to and from their homes. The Plan also emphasized the need to ensure an ordered relocation process, however it was never implemented and according to the information received, the Government did not intend to execute the Plan in connection to the situation at hand. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested more information regarding: whether or not a complaint had been lodged by or on behalf of the alleged victims; the provision of details and results, of any investigation, and judicial or other inquiries carried out in relation to this case; any consultations that had taken place with the affected persons; the precise number of people who live and work along the railway lines in Kenya and therefore face the threat of eviction; the parts of Kenya which are affected by the Government's plans to improve the railway system in the country; the measures that had been foreseen to ensure that the persons affected by the forced displacement, would not

become homeless; whether or not the affected persons had been offered compensation; and what had been foreseen in terms of relocation.

Observations

46. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to this communication.

México

Comunicaciones enviadas

47. El 25 de marzo de 2010, la Relatora Especial envió una carta de alegación al Gobierno de México en relación con la información recibida sobre las supuestas amenazas a un habitante de Lomas del Poleo en el estado de Chihuahua, norte de México, a manos de hombres armados contratados por una familia de terratenientes locales. De acuerdo con la información recibida, la mañana del 2 de febrero, siete hombres armados montados a caballo llegaron a la casa de Lomas del Poleo donde estaba viviendo Alfredo Piñón Valenzuela. Uno de ellos apuntó a Alfredo Piñón con un arma y amenazó con matarlo. El grupo supuestamente trabaja para el terrateniente local que afirma ser el auténtico propietario de la tierra de Lomas del Poleo. Alfredo Piñón Valenzuela había estado viviendo en casa de su vecina, Adelaida Plasencia Sierra, desde que ésta fue atacada en diciembre por unos hombres que dispararon contra ella y le rompieron una costilla. Adelaida Plasencia, ante el temor a nuevos ataques, se marchó de Lomas del Poleo, y Alfredo Piñón se fue a vivir en su casa para asegurarse de que el terrateniente no la destruyera. Según las alegaciones recibidas, desde el ataque del 4 de diciembre contra Adelaida Plasencia Sierra, unos guardias de seguridad se habían acercado a la casa de sus dos hijas y diciéndoles que la tierra no era suya. Según la información recibida, los habitantes de Lomas del Poleo llevan desde 2003 sufriendo acoso y ataques de hombres que aparentemente trabajan para un terrateniente local. Desde 2004, la zona está rodeada por una valla de alambre de espino montada por estos hombres, y el acceso a ella está vigilado por guardias privados de seguridad que trabajan para el terrateniente. En 2005, según los habitantes, los guardias de seguridad incendiaron 40 viviendas y mataron a golpes a un residente. Al momento de enviar la comunicación sólo unas 17 familias seguían viviendo en la zona. Según afirman los habitantes, pese a que han denunciado lo sucedido a la oficina local del ministerio público, no se ha llevado a cabo ninguna investigación seria. Según se informa, la tierra de Lomas del Poleo ha adquirido mucho más valor desde que un grupo de empresarios empezó a planear la conversión de una zona cercana en nueva zona urbana e industrial. Al momento de enviar la comunicación, un tribunal agrario llevaba varios meses examinando la disputa en torno a la propiedad de las tierras de Lomas del Poleo, y durante ese tiempo los residentes de la zona habían sufrido más amenazas e intimidación. Según la información recibida, las amenazas eran un intento de intimidar a los habitantes de Lomas del Poleo para que renunciaran a su reclamo. Además de los comentarios sobre la veracidad y exactitud de las alegaciones presentadas, la Relatora Especial solicitó mayor información sobre las investigaciones y diligencias judiciales iniciadas en relación con el caso, las medidas adoptadas por el Gobierno para garantizar el derecho a una vivienda adecuada de los habitantes de Lomas del Poleo, las medidas de protección adoptadas en este caso, la compensación ofrecida a las comunidades afectadas por los daños a sus viviendas y bienes, las medidas tomadas para garantizar que las personas afectadas no queden sin hogar, las medidas tomadas para proveer a las comunidades afectadas por estos desalojos de techo, alimentación, agua y medicina para atender sus necesidades más básicas ocasionadas por el desalojo.

48. El 18 de mayo de 2010, la Relatora Especial envió una carta de alegación al Gobierno de México acerca de información recibida en relación con la situación de la vivienda de las familias desalojadas para la construcción de la represa Cerro de Oro en el Estado de Oaxaca, en 1972. De acuerdo con los informes recibidos, en el año 1972, el Gobierno de México decretó iniciar la construcción de la presa Cerro de Oro para represar los ríos Santo Domingo, San Juan Evangelista y Tesechoacan en el Estado de Oaxaca que se ubica al sur oeste del país. Los trabajos empezaron en 1974 y, a causa de varias interrupciones, terminaron en 1989. El lago artificial producto del embalse abarca 36 mil hectáreas. 26 mil campesinos divididos en 37 ejidos, en su mayoría indígenas chinantecos, habrían sido directamente afectados por la construcción de esta represa. Muchos de ellos poseían tierras de primera calidad, en las que producían maíz, frijol, chile, ajonjolí, tabaco, arroz, camote, de las que fueron desalojados. Las personas afectadas habrían sido reubicadas en varios municipios del Estado de Oaxaca y Veracruz. El Estado habría desalojado por la fuerza a los residentes que se resistían a salirse de sus tierras y viviendas. Para construir los nuevos poblados, se habría procedido al desmonte de 85 mil hectáreas en dos años, provocando una deforestación masiva cuyos efectos negativos continúan actualmente. Según las informaciones recibidas, hasta el momento en el que se emitió el decreto presidencial que formalizó la construcción de la obra, los afectados no habían sido informados de la misma ni consultados por las autoridades. En 1973 se creó el Comité de Reacomodo de la Presa, pero dichas informaciones indican que los afectados no fueron llamados a formar parte de este Comité ni fueron consultados sobre las alternativas de reubicación. En relación con el reacomodo, el Gobierno se habría comprometido en aquel entonces a dotar a los afectados de tierras, construir caminos e infraestructura urbana en los poblados, pagar las indemnizaciones territoriales, bienes comunales y parcela escolar, y darles la posibilidad de explotar maderas finas. El pago de las indemnizaciones fue establecido a través de la resolución presidencial del 4 de abril de 1978, consistente en el acuerdo de pago de indemnizaciones territoriales, bienes comunales y parcela escolar. Según las informaciones, ninguno de estos compromisos fue cumplido o fueron insuficientes. Las obras de infraestructura urbana en los centros de población que se construyeron en el Valle de Uxpanapa habrían quedado sin terminar, y aparentemente no existen sistemas de drenaje, la red de agua potable es muy reducida, la luz se corta muchas veces al día y los residentes viven hacinados. Asimismo, las viviendas no se adecuarían a las tradiciones o las necesidades de las comunidades afectadas. Respecto de las tierras, según los afectados, el 90% del suelo otorgado es agostadero (tipo de tierra generalmente árida) para la crianza de ganado, lo cual hace a estas tierras no aptas para producir los alimentos que acostumbraban en el lugar de origen. A su vez, la zona no contaría con caminos ni con la infraestructura necesaria para la venta del ganado. El 10% restante serían tierras para agricultura que incluye los cultivos de hule, palma, cítricos y maíz. Sin embargo, mientras cada hectárea de tierra originaria producía 4 toneladas de maíz, cada hectárea de tierra otorgada en Veracruz produce solamente 400 kilogramos. Todo ello habría forzado a las comunidades a modificar las formas de supervivencia, con profundas implicaciones en su identidad y cosmovisión. Según los datos recibidos, la implementación de la presa repercutió en la destrucción de la cultura chinanteca y en el empobrecimiento de las familias afectadas. En 1997, 18 mil chinantecos, que después del primer desalojo habían sido reubicados en la ribera de la presa Cerro de Oro y Miguel Alemán, sufrieron un nuevo desalojo a causa del aumento del nivel de ambas obras. Según las informaciones, la población no fue debidamente indemnizada y sufrió un aumento en sus niveles de pauperización como resultado del desalojo. En 2005, una demanda judicial fue interpuesta por Juan Zamora González en su calidad de Presidente del Consejo de Administración de la Unión de Ejidos de Producción y Comercialización Agropecuaria "José López Portillo", a la cual pertenecen 25 núcleos agrarios en los que viven personas afectadas por la presa. La demanda por 3,500 millones de pesos interpuesta ante el Tribunal Unitario Agrario, del Distrito 40, con sede en San Andrés Tuxtla, Veracruz, solicita la indemnización de las

tierras y la construcción de las obras comprometidas en la resolución presidencial del 4 de abril de 1978 y en otros decretos presidenciales publicados en distintas fechas anteriores a 1976. Sin embargo, el 10 de junio de 2009, el Tribunal habría resuelto que los actores carecen de legitimación procesal para promover el juicio, argumentando que el único legitimado para promover el juicio es el comisariato ejidal de cada poblado y no la Unión de Ejidos. El 18 de junio de 2009, la Unión de Ejidos interpuso una queja administrativa frente al Tribunal Superior Agrario con sede en México DF en contra de José Lima Cobos, titular del Tribunal Unitario Agrario del Distrito No. 40, en la que da cuenta de una serie de expresiones ofensivas y racistas usadas por el Magistrado, que hace suponer a la Unión de Ejidos la falta de imparcialidad en el análisis del caso. Además de los comentarios sobre la veracidad y exactitud de las alegaciones presentadas, la Relatora Especial solicitó mayor información sobre las investigaciones y diligencias judiciales iniciadas en relación con el caso, las medidas de protección adoptadas en este caso, las medidas adoptadas por el Gobierno para garantizar el derecho a una vivienda adecuada de las personas afectadas, las compensaciones ofrecidas a las comunidades afectadas por los daños a sus viviendas y bienes, las medidas tomadas para garantizar que las personas afectadas no queden sin hogar.

49. El 18 de noviembre de 2010, la Relatora Especial junto con el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas envió una carta de alegación al Gobierno de México en relación con el Proyecto Hidroeléctrico de la Parota. En este contexto, los Relatores hicieron referencia al intercambio de comunicaciones que desde 2004 sus predecesores habían tenido con el Gobierno de México en relación con el Proyecto Hidroeléctrico La Parota. En particular, hicieron referencia al documento titulado "Reflexiones sobre algunas implicaciones en materia de derechos humanos del Proyecto Hidroeléctrico de La Parota" que sus predecesores emitieron a raíz de la visita que realizaron a México entre el 7 y el 11 de septiembre de 2007, y al documento de fecha 8 de enero de 2008 titulado "Comentarios y observaciones del Gobierno de México en torno al documento "Reflexiones sobre algunas implicaciones en materia de derechos humanos del Proyecto Hidroeléctrico de la Parota". En este contexto, llamaron la atención del Gobierno de México en relación con informaciones adicionales recibidas acerca de dicho proyecto. De acuerdo con estas informaciones, en el transcurso de 2010, hubo nuevas resoluciones judiciales que habrían ordenado la suspensión temporal del proyecto hidroeléctrico de La Parota como medida cautelar. En particular, el 11 de abril del 2010, el Tribunal Unitario Agrario número 41, habría otorgado una medida suspensiva de carácter cautelar para evitar que la Comisión Federal de Electricidad (CFE) u otra entidad realice obras tendentes a la construcción de este proyecto hidroeléctrico. Según las alegaciones, a pesar de las resoluciones judiciales, el Congreso Federal (Cámara de Diputados) habría previsto la autorización del presupuesto para la construcción de esta presa hidroeléctrica. La CFE habría en efecto incluido en el Proyecto de Presupuesto de Egresos de la Federación, en el apartado de inversiones y proyectos, un monto de 2,049 millones de pesos mexicanos para la construcción de dicha hidroeléctrica. El director de la CFE, habría además públicamente declarado que el próximo año se licitará la construcción de la hidroeléctrica La Parota, asegurando que "(y)a se cuenta con la aprobación del Congreso y que se podrá terminar la negociación social para poder llevar a cabo el proyecto". Los Relatores llamaron a la atención del Gobierno de México que sus predecesores en sus "Reflexiones sobre algunas implicaciones en materia de derechos humanos del Proyecto Hidroeléctrico de La Parota", habían solicitado al Gobierno de México que "(...) hasta no haberse dado todas las garantías de que los derechos humanos de las personas afectadas serán respetados, y haberse analizado seriamente todas las alternativas posibles, se suspendieran los trabajos de realización del Proyecto Hidroeléctrico La Parota". Adicionalmente habían notado que "(P)arte del conflicto y la tensión generada entre las comunidades se debe al vacío legislativo relacionado con los mecanismos para hacer efectivo el derecho a la consulta de las comunidades afectadas". En

este contexto, habían destacado “la necesidad de reglamentar el derecho a la consulta que se encuentra reconocido en el artículo 6 del Convenio N° 169 de la OIT, y en los artículos 18 y 19 de la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas; el derecho a no ser desplazados forzosamente, regulado en el artículo 16 del Convenio y en el artículo 10 de la Declaración; así como los diversos aspectos recogidos en el artículo 2 de la Constitución mexicana en relación con los pueblos y comunidades indígenas”. Además de los comentarios sobre la veracidad y exactitud de las alegaciones presentadas, los Relatores Especiales solicitaron mayor información sobre las medidas adoptadas por el Gobierno de México para garantizar los derechos humanos de las personas afectadas, y en particular, el derecho a la información, la consulta y al consentimiento previo, libre e informado en los procesos de toma de decisión relacionados con el proyecto hidroeléctrico de La Parota, los avances que se han dado en este sentido desde la última comunicación del Gobierno de fecha 8 de enero de 2008, la base legal para autorizar el presupuesto para la construcción del proyecto hidroeléctrico de La Parota teniendo en cuenta que al momento de escribirse la comunicación estaban vigentes resoluciones judiciales que habrían ordenado la suspensión temporal del proyecto hidroeléctrico de La Parota como medida cautelar

Comentarios

50. La Relatora lamenta que al momento de realizarse este informe no haya recibido ninguna respuesta del Gobierno a sus comunicaciones de fecha 25 de marzo de 2010, 18 de mayo de 2010 y 10 de noviembre de 2010.

Nigeria

Communication sent

51. On 15 March 2010, the Special Rapporteur sent an urgent appeal to the Government of Nigeria concerning the alleged plans of the Department of Development Control of the Federal Capital Territory (FCT) to evict and demolish homes of more than 200,000 families living in Lugbe, a suburb of the FCT located along the International Airport Road, Abuja. According to information received by the Special Rapporteur, the demolitions, previously scheduled to commence on 28 February 2010, were allegedly targeting non-indigenes in Lugbe and its environs. This latest trend of demolishing structures belonging to non-indigenes in the FCT allegedly started in August 2009 following the demolition of “illegal structures” in Sauka, Todge, Gosa and many human settlements along that corridor. Reportedly, the potential evictees were not offered compensation, rehabilitation or resettlement due to the fact that they were not indigenous residents of the area in question. The demolitions may have affected over 200,000 families. In 1979, the FCT Authority adopted the Master Plan for Abuja according to which Abuja was to become a modern capital city. Reportedly, authorities argued that the FCT Act of 1976 did not envisage the influx of non-indigenes into these suburbs and that the Master Plan of 1979 stipulated that only those who stayed in the area would be recognized by the law as enshrined in the FCT Act of 1976. Therefore, authorities argued that non-indigenes would not be entitled to relocation after the demolition of their houses. However, according to the allegations received, a large number of residents had lived on the area for over two decades and had enjoyed uninterrupted possession over the years. The FCT Department of Development Control allegedly planned to carry out the evictions in spite of the agreement reached between the Lugbe community and a former FCT Minister which envisaged integrating the community into the Abuja Master Plan. Representatives of the Lugbe community claimed that they had presented a proposal to the FCT authorities that affirmed their plans to redesign the community into a satellite model village using their own resources and self-help construction efforts. The Lugbe community reportedly contracted four banks and a private source and they confirmed their readiness to finance the project. The allegations

received claimed that in planning the demolition of the houses and evictions in Lugbe, the concurrent FTC authorities disrespected the agreement Lugbe community had made with the FTC previous administrations. A series of mass evictions were reported in Abuja between 2003 and 2007 in an attempt to restore what the authorities allegedly termed as restoration of the original Abuja Master Plan. Consequently, an estimated 800.000 people lost their homes, schools, worship places and businesses. Some of the evictions were reportedly accompanied by massive human rights violations and violence perpetrated by heavily armed security forces against the residents and business owners. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested more information regarding: whether or not a complaint had been lodged by or on behalf of the alleged victims; the details and results of any investigation, and judicial or other inquiries carried out in relation to this evictions and demolitions; whether the implementation of the Abuja Master Plan required people living in Lugbe to be evicted and if so, whether the plan provided for the resettlement or any other kind of compensation to the people who were evicted from their homes as a result of its implementation; whether the FTC authorities respected these provisions; whether there was any other place apart from Lugbe within the FTC where people were evicted from their homes; whether the Government was aware of the existence of the agreement between the Lugbe community and the former FTC administration; whether any measure had been foreseen to ensure that the persons affected by the housing destruction, would not become homeless; and what measures were foreseen in terms of relocation.

Observations

52. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to this communication.

Papua New Guinea

Communication sent

53. On 26 March 2010, the Special Rapporteur sent an allegation letter to the Government of Papua New Guinea, inquiring more information about alleged forced evictions and police brutality around the area of Porgera Gold Mine, in Papua New Guinea, between April and July 2009, and the lack of police or judicial investigation thereof. According to information received by the Special Rapporteur, in the area of Porgera Gold Mine, specifically in the villages of Wuangima, Kulapi and Mungalep, police officers had illegally and forcibly evicted people from their homes, including pregnant women, children and the elderly, by destroying their houses. Moreover, there was significant evidence proving that police used excessive force during police raids within the Special Mining Lease (SLM) area where the villages were, aiming firearms at residents and threatening them while destroying their property and burning their houses. On 27 April 2009, the Mobile Squad police allegedly entered Wuangima from several points, and proceeded to set fire to houses while being heavily armed. At least 130 buildings were destroyed, this being the most affected village. There was also evidence that police fired their weapons at or near the residents, and killed their animals, including valuable livestock. On around 21 May 2009, police armed with rifles also destroyed several houses in Kulapi, a well-established village immediately next to the open pit on the opposite side to Wuangima. Arms were used to point neighbours, in order to intimidate them. On 23 June 2009, around 3am, police forces allegedly entered a house and beat a man and his son in front of the rest of the family members, including children, in the village of Mungalep, within the SLM area. Allegations indicated that the evictions were undertaken without prior notice or consultation with the affected persons, in breach of the terms of search warrants issued by the District Court at Porgera. Moreover, no alternative accommodation, food or other assistance was provided to

the victims. The affected persons were reportedly dependent on their relatives for shelter, and living in cramped conditions. Concerns were also expressed regarding ongoing support to the police by companies involved in the mine after the companies became aware of the police activity in the area. The mine was reportedly 95% owned and operated by subsidiaries of Canadian-based Barrick Gold Corporation, as part of the Porgera Joint Venture (PJV). PJV allegedly provided accommodation, food and fuel to the police operation during the forced evictions and has continued to do so. Reportedly, by the time the allegation letter was sent the governmental authorities in Papua New Guinea had not carried out any investigation into the police activities around the Porgera mine, prosecuted those responsible for human rights, or provided remedies to those affected. Furthermore, allegations indicated that on 4 February 2010, Papua's New Guinea's Police Commissioner reportedly dismissed evidence of forced evictions of people living near the Porgera gold mine and police violence as "fabricated". In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested more information regarding: whether or not any complaint had been lodged by or on behalf of the alleged victims; the details and results, of any investigation, and judicial or other inquiries carried out in relation to this evictions and demolitions; the legal basis on which the evictions were carried out; the number of people that were affected by the evictions; whether appropriate consultations had taken place with the affected persons; whether the affected populations were given adequate and reasonable prior notifications before the evictions; the measures that had been foreseen to ensure that the persons affected by the evictions, would not become homeless; whether the affected persons had been offered compensation for the loss of their houses and livelihood; and what had been foreseen in terms of relocation.

Observations

54. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to this communication.

Perú

Comunicación enviada

55. El 21 de abril de 2010 la Relatora Especial envió una carta de alegación al Gobierno de Perú en relación con la supuesta demolición de viviendas en el barrio denominado Barrios Altos, distrito de Cercado de Lima. Según la información recibida, el 2 de febrero de 2010, el conjunto de moradores que comparten su vivienda con la "Canchita Buenos Aires" en Barrios Altos, denunciaron la llegada al terreno de personas extrañas con maquinaria pesada para derribar muros e iniciar desalojos. Los desalojos se habrían producido sin contar con una sentencia de desalojo, ni licencia de demolición. Los vecinos también denunciaron la presencia de cerca de medio centenar de matones en el lugar. El terreno afectado se ubica en la cuadra 9 de Jr. Huanuco, al borde de la Plaza Buenos Aires y vecino al Hospital 2 de Mayo, y es parte del legendario patrimonio monumental de Barrios Altos. 63 familias que viven en los inmuebles ubicados en el Jr. Huanuco 903 y 917 de Barrios Altos se verían afectadas por estos desalojos. Los desalojos y demoliciones estarían perturbando la salud física y mental de los habitantes del barrio, con recursos muy limitados para proveerse de otro medio habitable en el que residir. En fecha de 22 de septiembre de 2009, la Pontificia Universidad Católica de Perú habría vendido el terreno del cual es propietaria, ubicado frente al Jr. Huanuco – Calle Cocharcas n° 917, Barrios Altos, en el distrito de Cercado de Lima, a los siguientes compradores: Comercializadora y Distribuidora Soto S.R.L., Distribuidora JPQ S.A.C., Comercial JSK E.I.R.L., y Distribuidora Boqeron S.A.C. El ingreso de maquinaria pesada y camiones en la zona con la intención de demoler las edificaciones de la finca habría tenido lugar como consecuencia de esta supuesta venta. Asimismo, las empresas compradoras del terreno habrían contratado

los servicios de medio centenar de hombres que se habrían asentado en la zona, impidiendo el tránsito regular de los vecinos e intimidándolos. Se alega que la Comisaría de San Andrés, pese a estar presentes en el lugar de los hechos, no habría tomado ninguna medida para evitar las demoliciones y las intimidaciones. Según la información recibida, las familias ocupantes no tenían conocimiento de las gestiones de compra-venta entre la "Pontificia Universidad Católica del Perú" y el grupo de comerciantes que aducen ser compradores. Al momento de enviar la carta de alegación, la amenaza de desalojo no había desaparecido y seguían los hostigamientos para que las familias desalojaran el predio, en algunos casos siendo ofrecidos cincuenta dólares (USD) por ello. Las familias ocupantes del predio estaban reivindicando su derecho al acceso a una vivienda digna en el terreno y poder formalizar la compra, así como no perder el área deportiva dentro del predio. Las alegaciones indicaban además que no existe un plan de manejo del Centro Histórico de Lima y Plan de Zonificación que garantice la vivienda de los residentes en esta área de la ciudad. Asimismo, se alegaba que las autoridades locales permiten la venta de muchos predios habitados a grupos de comerciantes, promoviendo desalojos extrajudiciales y aprovechándose de la situación de empobrecimiento de las familias residentes en el Centro de Lima. Además de los comentarios sobre la veracidad y exactitud de las alegaciones presentadas, la Relatora Especial solicitó mayor información sobre las investigaciones y diligencias judiciales iniciadas en relación con el caso, las medidas adoptadas por el Gobierno para garantizar el derecho a una vivienda adecuada de los habitantes de Jr. Huanuco – Calle Cocharcas n° 917, Barrios Altos, en el distrito de Cercado de Lima, las medidas de protección adoptadas en este caso, las compensaciones ofrecidas a las comunidades afectadas por los daños a sus viviendas y bienes, las medidas tomadas para garantizar que las personas afectadas no queden sin hogar, las medidas tomadas para proveer a las comunidades afectadas por estos desalojos de techo, alimentación, agua y medicina para atender sus necesidades más básicas ocasionadas por el desalojo.

Respuesta recibida

56. Con carta de fecha 6 de julio de 2010 el Gobierno de Perú contestó a la carta de alegación del 21 de abril de 2010. Por este medio el Gobierno informó la Relatora que el inmueble en cuestión no posee la calidad de Patrimonio Cultural de la Nación ni cuenta con características arquitectónicas o históricas que ameriten su conservación, por lo que no es imposible su sustitución por obra nueva. En relación con los supuestos desalojos que habrían ocurrido el 2 de febrero de 2010, el Gobierno informó que el Instituto Nacional de Cultura desconocía de los mismos y que no había recibido denuncia alguna al respecto que meritara la realización de una investigación o intervención correspondientes. El Gobierno añadió que las instituciones competentes habrían efectuado la constatación correspondiente a fin de averiguar si se habrían realizado obras inconsultas en el inmueble y determinar si eventualmente corresponde el inicio de un procedimiento administrativo sancionador. El Gobierno además informó que el inmueble en el cual habitarían las 63 familias, posee un propietario, quien, de acuerdo al ordenamiento interno peruano, tiene entre sus atribuciones la de disponer y reivindicar su propiedad, con lo cual, legítimamente el propietario puede decidir libre y voluntariamente el momento y la persona a quien transferir su propiedad. El Gobierno precisó desconocer si los 63 habitantes del inmueble estarían viviendo en este último como arrendadores o como precarios pero que independientemente de ello, de ser cierto que se produjo un desalojo, este debería haberse producido judicialmente y ante la negativa de los habitantes de desocupar un inmueble que no es de su propiedad. El Gobierno señaló que no es posible consentir o avalar la precariedad de un poseedor que no cuenta con un título legítimo para continuar residiendo en el inmueble y de esta manera desproteger al propietario. Adicionalmente, el Gobierno pidió a la Relatora mayores detalles y datos sobre los hechos alegados a fin de dar respuesta a sus interrogantes. El Gobierno observó que ante la insuficiencia de datos el Ministerio Público y el Poder

Judicial se vieron imposibilitados de brindar información sobre los hechos, posibles investigaciones y/o quejas presentadas en nombre de las presuntas víctimas.

Observaciones

57. La Relatora Especial agradece al Gobierno la información recibida.

Philippines

Communication sent

58. On 19 March, 2010, the Special Rapporteur sent an urgent appeal to the Government of the Philippines regarding the violent demolitions that were allegedly taking place along Road 10 in Navotas City, in Metro Manila, Philippines. According to the information received, between 18 and 20 January 2010 and resuming again on 4 March, the Philippine Department of Public Works and Highways (DPWH) and the City Government of Navotas reportedly conducted demolition operations for the purpose of widening Road 10. The homes of some 393 families were reported to have been demolished. They were part of the 1,000 families that the government allegedly planned to remove to give way to its Road 10 widening project. The demolitions reportedly rendered the residents homeless and vulnerable to further violations of their rights, including access to work, education, access to food and services, a healthy environment, and the right to vote, amongst others. Many of the victims were reportedly living in lean-tos along R10 and approximately 100 families were purportedly camping in front of the office of the DPWH in Port Area Manila, to press their demand for relocation. In response to the demolitions, the residents formed barricades. To break their resistance, it was reported that the government used baton-wielding and shield shoving policemen and water canon blasts by firemen. Many people were allegedly hurt during this operation and women bore the brunt of beatings. Moreover, a number of residents, including women, were allegedly arrested and jailed for resisting the forced eviction, and later released. According to the allegations, Philippine housing law mandates relocation in case of evictions or demolitions. Moreover, on 1 August 2008 in a meeting with a number of urban poor communities affected by national government infrastructure projects, the Government agreed to the resident's proposal to be relocated to Montalban/Rodriguez municipality, a location relatively near their jobs and sources of income, and with basic services like water, electricity, public transportation, clinics, hospitals, and schools. However, later the DPWH authorities approached the residents offering only financial assistance and no relocation. Many residents did not accept the financial offer of P21,000 (USD457) for each affected family from the DPWH as it was contrary to Philippine law (RA 7279) and insisted on receiving relocation as promised by the Government in 2008. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteur requested more information regarding: whether or not a complaint had been lodged by or on behalf of the alleged victims; the details and results, of any investigation, and judicial or other inquiries carried out in relation to this evictions and demolitions; the legal basis on which the evictions and housing demolitions in Road 10 were carried out; whether appropriate consultations took place with the affected persons and if so, the details, date and outcome of these consultations; whether the affected populations were given adequate and reasonable prior notifications before the evictions and housing demolitions and if so, the dates of notifications; whether the affected persons were given adequate and reasonable times to withdraw their belongings before the destruction of their residences; the measures that were foreseen to ensure that the persons affected by the housing demolition, would not become homeless; whether the affected persons were offered compensation for the loss of their houses and livelihood, and if not the reasons for this decision; and what was foreseen in terms of relocation.

Observations

59. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to these communications.

Serbia

Communication sent

60. On 3 May 2010, the Special Rapporteur on adequate housing, together with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Independent Expert on Minority Issues, sent a joint urgent appeal to the Government of Serbia, regarding alleged forced evictions of Roma communities living in informal settlements in Belgrade. According to information received by the Special Rapporteurs and Independent Expert, on 30 March 2010, Belgrade's Deputy Mayor publicly announced that evictions would purportedly begin at the end of April 2010 to make way for an access road for a planned new bridge over the River Sava, affecting approximately 300 households in an informal settlement known as Belvil, in Belgrade. Reportedly, the Roma community in Belvil had not yet been informed about the evictions plan when four families received an eviction notice. According to the allegations, Belgrade city employees visited Belvil and threatened members of the Roma community with imminent eviction. Local authorities allegedly made no attempt to consult with the affected community on the eviction plans or feasible alternatives to evictions. Moreover, the community was not informed of, or offered any alternative adequate housing. Instead, it is reported that the Deputy Mayor said that the families would have to be housed in containers. Other Roma families in Belgrade were purportedly living in these containers after having been evicted the previous year. Reports indicated that the containers were poorly ventilated, damp and overcrowded. According to the allegations, in that same week, 35 families were reportedly evicted from another Roma settlement in the city of Belgrade, known as Vidikovac, in the municipality of Rakovica. Reports further indicated that more forced evictions would have been carried out in this community.. In addition, it was reported that on 20 March 2010, 30 Roma families, comprising more than 150 people, were forcibly evicted from their homes in the Lazara Kujundžica Street in the municipality of Cukurica of Belgrade. According to witness reports, the eviction, which took place around 7 o'clock in the morning, took the inhabitants of the settlement by surprise. Reportedly, the affected families were not given sufficient time to retrieve their belongings, which were destroyed when the houses were bulldozed. Against its promise, the municipality allegedly failed to provide alternative accommodation to the families who had to spend the night in a Roma cultural centre in Železnik. Some of the evicted families were residents of the Municipality of Vladicin Han, the Municipality of Surdulica, and other areas outside of Belgrade, but were living in the settlement in Lazara Kujundžica Street where they could access better sources of livelihood. According to the allegations, the day after the evictions, representatives of the municipality offered 10,000 to 15,000 dinars to those prepared to return to their home towns or villages away from Belgrade. Seven families from Belgrade were promised alternative accommodation in Belgrade, but no date and location for such a solution were announced.. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteurs and Independent Expert requested more information regarding: whether or not a complaint had been lodged by or on behalf of the alleged victims; the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case; whether or not appropriate consultations took place with the affected persons; the details, date and outcome of the consultations; the measures foreseen to ensure that the persons affected by the forced evictions and displacements, would not become homeless; whether the affected persons were offered

compensation for the loss of their houses and livelihood, and if not, the reasons for this decision; and what was foreseen in terms of relocation.

Observations

61. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to this communication.

Syrian Arab Republic

Reply received

62. On 22 June 2010, the Syrian Arab Republic sent a letter of response to an urgent appeal that had been sent by the Special Rapporteur on 10 November 2009 with reference (2009-9) G/SO 214(53/24) SYR 7/2009, concerning the case of Mr. Mohammad Saed Hossein Al-Omar (a summary of the case can be found in the document A/HRC/13/20/Add.1, para.84). At the time of the finalization of this report, the reply was still under translation. A complete summary will be provided in the Special Rapporteur's next communication report.

Tchad

Communication envoyée

63. Le 12 octobre 2010, la Rapporteuse Spéciale a envoyé une lettre d'allégation au Gouvernement du Tchad au sujet d'allégations reçues sur l'imminente expulsion forcée d'environ 10.000 personnes défavorisées du quartier d'Ambatta, dans la ville de N'Djamena. Selon les informations parvenues à la Rapporteuse, au début du mois de mai 2010, des personnes inconnues annoncèrent aux résidents du quartier d'Ambatta qu'ils devaient quitter leurs maisons. Les habitants du quartier se seraient constitué en comité afin d'entamer des négociations avec les autorités compétentes. Dans ce cadre, ils auraient envoyé de nombreuses lettres aux autorités, toutes restées sans réponse. Au mois de juin 2010, le Ministre de la planification, de l'urbanisme et de l'habitat aurait visité Ambatta et aurait annoncé que cette zone devait être utilisée par les autorités pour la construction de maisons à caractère sociale et cela dans le cadre d'un projet du gouvernement visant à bâtir 10 000 maisons sociales à N'Djamena. A la suite de cette visite, les habitants d'Ambatta auraient été sommés de quitter leurs maisons avant la fin de la saison des pluies (autour de la mi-octobre). Aucun processus de consultation des habitants d'Ambatta n'aurait été mis en place et aucune mesure de relogement ni de compensation ne leur aurait été offerte. Selon l'information reçue, la plupart des résidents d'Ambatta ne disposeraient que de très humbles salaires et d'aucun autre endroit où se loger. En plus des maisons, cinq écoles communautaires auraient été affectées par ce projet et risquaient d'être démolies. La Rapporteuse Spéciale a demandé au Gouvernement de lui fournir des informations détaillées au sujet de la situation énoncée précédemment, ainsi qu'au sujet de la base légale de ces expulsions, de sa stratégie de construction de logements sociaux, (en particulier pour savoir si le Gouvernement avait réalisé une étude d'impact social et avait envisagé des projets alternatifs à l'expulsion des habitants d'Ambatta, tel qu'un renouvellement urbain in-situ), des mesures prises par les autorités compétentes pour s'assurer que les expulsions annoncées du quartier d'Ambatta soient conformes aux obligations du Tchad en matière de droit international des droits de l'homme

Commentaires

64. La Rapporteuse Spéciale regrette qu'au moment de la finalisation du rapport, le Gouvernement n'ait envoyé aucune réponse à sa communication du 12 octobre 2010.

United Kingdom of Great Britain and Northern Ireland

Communication sent

65. On 12 April 2010, the Special Rapporteur sent an allegation letter to the Government of the United Kingdom, concerning the alleged threat of eviction of the Roma/Gypsy/Traveller community of Dale Farm in Essex. According to information received by the Special Rapporteur, Dale Farm, the largest Roma/Gypsy/Traveller community in the United Kingdom, comprising of approximately 1000 residents, was facing the threat of eviction from the land they owned. Dale Farm has been home to Roma/Gypsy/Traveller communities since the 1960's. Although the Roma/Gypsy/Traveller community at Dale Farm had possession of the land from which they were to be evicted, they were refused planning permission for their caravans when the land was designated as Green Belt. Basildon District Council and the Secretary of State for Communities and Local Government reportedly refused to grant planning permission on the basis of the harm that would have been caused to the Green Belt. The Council had served a number of enforcement notices ordering the removal of the chalets, mobile-homes and caravans from the land they occupied. These enforcement notices concerned some 90 families, comprising approximately 300 people, including many children, elderly and infirm. As the enforcement notices had not been complied with, Basildon District Council allegedly decided to pursue direct action to evict the community in 2005. The decision by the Council to take direct action and evict the Dale Farm community was challenged by the residents. On 5 May 2008, the High Court of Justice quashed the respective order by Basildon District Council. However, the judgment was overturned and the decision was upheld by the Court of Appeal on 22 January 2009. An application for permission to appeal to the House of Lords was refused on 14 May 2009. Following that, the residents were proceeding with homelessness applications. On 10 December 2009, Basildon District Council reportedly selected the private bailiff company Constant and Co. (Bedford) Ltd to undertake planning enforcement action. This company was allegedly responsible for the Twin Oaks eviction, in Hertfordshire in 2004, when chalets and private property were needlessly burned. It purportedly also acted as the agent for Chelmsford Borough Council at the Meadowlands eviction of 2004, which entailed burning of caravans and racial abuse against the residents. These actions drew criticism from the High Court judge, who during the May 2008 hearing said it was "inappropriate" for Basildon Council to continue using Constant & Co. The housing options that were offered by the Council were apparently unsatisfactory and failed to meet the specific cultural needs of the affected community. Moreover, the planned evictions may have resulted in irreparable harm to the Dale Farm community, particularly given the private bailiff that was due to conduct the eviction. Such irreparable harm included, inter alia, the loss of housing and other personal belongings, the dangers associated with lack of shelter due to resulting homelessness, and the loss of social networks and cultural integrity. It was reported that the case of the Dale Farm community was one example of a pattern of discrimination against Roma/Gypsy/Traveller communities in the United Kingdom. As a result of the Criminal Justice and Public Order Act (CJPOA) of 1994, there was no longer an enforceable legal duty on local authorities to provide sites for the caravans of members of Roma/Gypsy/Traveller communities. Whilst the powers provided under the Caravan Sites and Control of Development Act (CSCDA) of 1960 to offer temporary or permanent sites have remained in place, since 1994 they are rarely, if ever, used. Instead, it has reportedly been government policy since 1994 that sites for Roma/Gypsy/Travellers are to be sought and planning permission obtained through private

endeavour by such communities themselves. However, due to the CJPOA Act, these communities have been facing major difficulties in finding adequate sites and obtaining planning permission to develop the sites. In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteurs and Independent Expert requested more information regarding: whether or not a complaint was lodged by or on behalf of the alleged victims; the legal basis on which evictions were to be carried out; the number of people that would be affected by the evictions; the consultations carried out with affected persons; the details, date and outcome of these consultations; the measures taken in order to reach a peaceful and viable solution in agreement with the Dale Farm community; whether the planned evictions were halted until an adequate solution was achieved to meet the housing needs, including suitable and cultural adequate accommodation, of the Dale Farm community; whether an impact assessment was carried out in order to identify the social and housing effects of the planned evictions; whether Basildon District Council selected the private company Constant and Co. (Bedford) Ltd to undertake planning enforcement action; whether the selection process took into account the records of the company concerning corporate social responsibility and respect for international human rights standards; the information regarding the proceedings and results of the selection process; the measures that were foreseen to ensure that the persons affected by the evictions would not become homeless; whether the affected persons were offered compensation for the loss of their houses and livelihood, and if not, the reasons for this decision; and what was foreseen in terms of relocation.

Replies received

66. On 23 July 2010, the Government of the United Kingdom sent a letter to the Special Rapporteur, thanking her for the aforementioned allegation letter, and assuring her that the Government was working on the reply and that the Special Rapporteur would receive a substantive reply within the 60 day deadline.

67. On 31 August 2010, the Government of the United Kingdom sent a letter of response to the allegation letter sent by the Special Rapporteur on 12 April 2010. The letter contained the entire Judgment Approved by the High Court of Justice, as well as an Annex containing answers to the questions raised by the Special Rapporteur. According to the Government of the United Kingdom, the alleged facts contained in the summary of the Special Rapporteur's letter were not correct in all respects, nor did they give a complete account of the case. The Government then proceeded to provide the background and history of development at Dale Farm. In clarifying that the "Green Belt" land had been an essential element of planning policy in England and Wales for 50 years, and that its fundamental aim had always been to prevent urban sprawl by keeping land permanently open, the Government explained that permission for development was not granted there unless there were very special circumstances justifying it. The unauthorised traveller site at Dale Farm had been the subject of an exhaustive legal process, including consideration of human rights issues, and extension of the compliance period to two years to allow occupiers to find alternative accommodation. The proposed action by the District Council was very much a last step in seeking to regularise development of the site. It related to longstanding unlawful development. It was not simply development that had been built without planning permission, but one which was in breach of criminal law, because the time for compliance with the enforcement notices had long expired. It came at the end of a complex sequence of events over the past 10 years, involving the service of enforcement notices against unauthorised development, retrospective planning applications, appeals against the enforcement notices and refusals of planning permission, and a judicial review of the decision of the District Council to take action under section 178 of the Town and Country Planning Act 1990. That judicial review was finally decided by the Court of Appeal on 22 January 2009. Through this process, there were opportunities to have the planning merits of

the unlawful development considered by the District Council to have those merits reconsidered through appeals and to test the lawfulness of the process through judicial review. These opportunities were taken. The unacceptability of the development was confirmed during the legal process and extensions were given to the time for compliance. Contrary to what was suggested in the Special Rapporteur's letter, only the residents of the plots without the necessary planning permission were at risk of eviction, and not all residents in the Dale Farm community. A significant part of the site had planning permission as a result of decisions in the late 1980s and early 1990s. In addition, the Government disputes the suggestion in the Special Rapporteur's letter that planning permission was refused "when the land was designated as Green Belt". In fact, a substantial extension of the Green Belt was approved in 1976, which predates the unlawful development. Regarding the statement by Mr. Justice Collins in regard to the "unacceptable" way that Constant and Co's staff carried out evictions, the Government explained that the Justice was referring to the Twin Oaks site and not Dale Farm.

68. Furthermore, regarding the Special Rapporteur's partial overview of policy history towards traveller site provision, the Government indicated that this overview was out of date and did not take into account developments since 1994. The Government specified that planning policy and law are different in Wales, Scotland, England and Northern Ireland. In England, decisions on housing supply, including the provision of travellers' sites, rest with local planning authorities. The Government explained that it intended to revoke Planning Circular 01/2006 ("Planning for Gypsy and Traveller Caravan Sites"), and replace it with a light-touch guidance outlining councils statutory obligations. Concerning the question on whether or not a complaint had been lodged on behalf of the alleged victims, the Government indicated that a number of Dale Farm residents had exercised their right of appeal against various enforcement notices and against refusals of retrospective planning permission. The Judicial Review was a mechanism through which the legality of the proposed action under section 178 of the Town and Country Planning Act 1990 was challenged. Concerning the legal basis of the evictions, they were to be carried out on the basis of Section 178 of the Town and Country Planning Act 1990. According to Basildon District Council, there were 50 unauthorised pitches at Dale Farm, which is an estimate of 90 families, comprising of about 300 people. Regarding the consultations, Basildon District Council appointed a Liaison Officer with a dedicated phone number who was in charge of coordinating the responses to any queries concerning the Council's proposed action. The individual needs of each family were to be considered before any eviction. Basildon District Council was working with Essex County Council and South Essex Primary Care Trust to ensure that specific needs were addressed. Before any eviction was carried out, there was a 28-day notice period. In addition to serving site notices and sending personal letters, Basildon Council intended that each of the families would be personally visited to ensure that they were fully aware of what was being proposed. Regarding measures taken to ensure a peaceful and viable solution, apart from participation in the planning appeals and redress through the courts as outlined before, in planning for the eviction Basildon Council was working closely with the police, emergency services, local education authority, health authorities, social services and so on, to ensure that the eviction was carried out peaceably and that the likely impact on children, vulnerable adults, those with health conditions and other specific needs was taken into account. As to whether or not an impact assessment was carried out in order to identify the social and housing effects of the planned evictions, Basildon District Council carried out a service impact assessment, a community impact assessment, and a risk assessment. Regarding whether or not at the time Basildon DC selected the private company Constant and Co. (Bedford) Ltd to undertake planning enforcement action, they were aware of the records of the company concerning corporate social responsibility; the Government replied that Basildon Council was aware of the criticisms of their record at the previous evictions. In response to the concerns raised by Mr. Justice Collins, Basildon Council provided information (attached to the response to the

Special Rapporteur) on how it would undertake the proposed eviction. The Government was assured by the Council that if eviction was necessary, it would be carried out as humanely as possible and having in mind the past history of undertaking this type of work. Regarding the measures that were foreseen to ensure that the persons affected would not become homeless, and whether or not an adequate solution to the housing needs, including cultural accommodation, was taken into account, the Government replied that in general, where persons were lawfully evicted and did not have alternative accommodation available, there was a likelihood that they would be at risk of homelessness. England has one of the strongest legal safety nets in the world to assist persons who face homelessness. If a local housing authority in England had reason to believe that someone who applied to them for housing assistance may be homeless or was likely to become homeless within 28 days, they would have to make inquiries and decide whether they owe any duty to the applicant and to those who normally reside with him. The duties owed range from providing advice and assistance to the main homelessness duty of security settled accommodation, dependent on whether or not the applicant had a priority need or was found to be intentionally homeless. According to English law, the families were already homeless because they had set up movable homes in a place where they did not have legal permission to station them or live in them. The affected families were invited to make homeless applications. The council was also making offers of housing to those for whom it owed a statutory duty to secure accommodation. The affected families were not entitled to compensation, however, because the development they carried out was unlawful. Under the homelessness legislation the local housing authority would have a duty to secure suitable alternative accommodation for any person who was (1) eligible for assistance, (2) homeless though no fault of their own, and (3) within a priority need group. Certain categories of persons from abroad were ineligible for assistance (i.e. those with limited leave to remain in the UK on condition of no recourse to public funds). The priority need groups included (among others) pregnant women, people with who a dependant child resides, and people who are vulnerable for some reason. In considering whether accommodation was suitable for an applicant (and those who reside with him/her) the authority had to take account any cultural aversion to bricks and mortar accommodation. Where a homeless applicant had a mobile home and was homeless only for lack of a lawful site to place it and live in it, the local authority was expected to try and find a suitable site, so far as possible. However if there was no suitable site available, the authority would have to offer suitable alternative accommodation until such time as a site became available. Basildon Council had been working with Essex County Council, the Local Government Association, the Homes and Communities Agency and the Government Office for the East of England to identify alternative sites on to which families affected could relocate by agreement.

Observations

69. The Special Rapporteur thanks the Government for the information received.
