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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandate 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.

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context pursuant to Human Rights Council resolution 15/8.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding the **alleged forced eviction of thousands of families from the Majombe neighbourhood of Cacuaco municipality in Luanda**. I would also like to draw the attention of your Excellency's Government to reports received indicating that **some individuals were beaten during the eviction**, and that **six people** who attempted to resist the demolition **were arrested**. In addition, I would like to draw the attention of your Excellency's Government to information received regarding **additional alleged planned evictions of hundreds of families** living in the same neighbourhood.

According to the information received:

On 1, 2, 4 and 5 February 2013, thousands of families from the Maiombe neighbourhood of Cacuaco municipality, in the capital of Luanda, have been forcibly evicted by members of the military, the Rapid Intervention Police and private security, and their houses have been demolished. It is further alleged that some individuals have been beaten in the process, and that at least six people, including two women, have been arrested when attempting to resist the demolitions.

Reportedly, no consultations have been conducted with the residents of the Maiombe neighbourhood in order to identify alternatives to evictions and resettlement options, and the residents did not receive any prior notice of the planned evictions. It is also alleged that the evictions have been carried out during the rainy season.

The evicted families have reportedly been relocated to the Kaope-Funda neighbourhood in the same municipality, where they have not been provided

with shelter, food, drinking water or sanitation. Allegedly, they did not receive any compensation for the loss of their houses.

Allegedly, hundreds of other families who remained in the ruins of their homes after the demolitions are currently at risk of being forcibly evicted.

While I do not wish to prejudge the accuracy of these allegations, I would like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which Angola is a party, which states that "the States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions".

The Committee on Economic, Social and Cultural Rights commented on the right to adequate housing in its General Comment No. 4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy.

As repeatedly stated, including in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute gross violations of a wide range of internationally recognized human rights and large-scale evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. According to the General Comment No. 7:

"15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

"16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."

In view of this, I wish to recall the existence of the Basic principles and guidelines on development-based evictions and displacement (contained in document A/HRC/4/18) that aim at assisting States in developing policies and legislations to prevent forced evictions at the domestic level. Your Excellency's Government may find useful in the current circumstances the sections of the guidelines that focus on State obligations prior to, during and after evictions.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the fore-mentioned persons in compliance with the above international instruments.

It is my responsibility, according to the mandate entrusted to me by the Human Rights Council, to clarify all allegations brought to my attention. I would therefore greatly appreciate detailed information from your Excellency's Government concerning the situation described and about the measures taken by the competent authorities. I would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims from the Majombe neighbourhood of Cacucaco municipality in Luanda?
3. Please indicate the reason and the legal basis for the evictions.
4. Did appropriate consultations take place with the affected communities? If yes, please give the details, date and outcome of these consultations.
5. Please provide information relating to any notice provided to the affected residents prior to the evictions.
6. What measures have been foreseen to ensure that the persons affected by the evictions will not become homeless?
7. What has been foreseen in terms of relocation? If locations have been designated for the relocation, please provide details on the exact location, including details on the area and quality of land, access to public services and livelihood sources.
8. To what extent have measures of compensation been put in place for all concerned persons, with a due assessment of the loss of their houses?
9. Please provide information on the current situation of the thousands of families from the Majombe neighbourhood of Cacucaco municipality in Luanda affected by the alleged evictions.
10. What measures have been put into place to ensure continued access to education and health services for the evicted community?

11. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case, in particular in relation to the alleged beating and arrest of some individuals. If no inquiries have taken place, or if they have been inconclusive, please explain why.

12. Please provide information on the alleged planned evictions of the hundreds of additional families still living in the same neighbourhood.

I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration.

While waiting for your response, I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the fore-mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. I also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Raquel Rolnik

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