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HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**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**

REFERENCE: AL Housing (2000-9)  
BRA 8/2010

31 December 2010

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 General Assembly resolution 60/251 and to Human Rights Council resolution 6/27.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding **alleged forced evictions which have been taking place or are planned in the framework of the 2014 Football World Cup preparation, the 2016 Olympic Games, as well as urban reforms aimed at beautification, gentrification and renovation. Cases of evictions have been reported in several cities and particularly in the cities of Belo Horizonte, Rio de Janeiro, Recife, Porto Alegre, Curitiba, Natal, Fortaleza and São Paulo.**

According to information received:

**Belo Horizonte**

The improvement work in the "Anel Viário" threatens the housing situation of almost 2600 families from Vila da Luz and Vila da Paz. As it was confirmed by the Federal Public Prosecutor, the budget allocated for this work did not include resources to compensate those affected.

With regard to the construction of "Via 210", City Hall considered around 50 real state properties located in the area where the avenue will be built in the Bairro das Indústrias, Conjunto Habitacional Bonsucesso, Estrela do Oriente and Betânia as public goods for the purposes of expropriation,. The development of "Parque Linear" in the Avenida Bomsucesso also resulted in the relocation of numerous people.

Two hundred and forty households are also to be relocated because of the expansion of the Avenue Pedro I, affecting families and local commerce. These

are afraid to receive low reparations, as they will be unable to acquire new houses in the same area, as real state prices have been inflated by market fluctuation. The project is also being questioned with regard to the consequences for the residents that remain in terms of noise, pollution, economy and traffic. The establishment of special bus lanes (“BRT”) also projects the relocation of numerous families.

### **Curitiba**

In the framework of the construction of a new area of the airport Alfonso Pena, more than 1000 persons are under threat of eviction and an unclear number of further expropriations have been foreseen in neighborhoods close to the airport. Additional evictions have also been planned in the framework of the construction of a Corredor Metropolitano.

### **Fortaleza**

More than 500 families belonging to the communities Trilho, Lagamar, Rio Pardo, Jangadeiro, da Trilha, Oscar Romero, São Vicente, Aldaci Barbosa, João XXIII and Mucuripe are under threat of eviction in the framework of work undertaken in the Via Expressa in view of the World Cup. The families affected have claimed lack of information, dialogue and transparency in the process of decision and realization of the works. Additionally, there are several families threatened of eviction in relation with the construction of the BRTs.

### **Natal**

In the framework of the construction of a new airport and related infrastructural works, several families received eviction notices with a deadline to leave their homes, but without any information concerning when they will be compensated.

### **Porto Alegre**

More than 1300 families are threatened of eviction due to the project of construction of the road Avenida Tronco. The resettlement of more than 1400 families in connection with ongoing works in the Airport Salgado Filho, occurred without compliance with the requests of the affected population. Both the number and the dimension of the housings in which the people have been resettled are insufficient. Furthermore, the new housings were built in a remote location very distant from the evictees’ original area of residence. Several additional infrastructural works will also lead to the eviction of an important number of people.

### **Recife**

Several families are under threat of eviction because of the construction of the Via Mangue (the first Via Expressa of the city). Furthermore, numerous residential

buildings are threatened with demolition in connection with the construction of the BRTs. The construction of the “Cup Town” (Cidade da Copa), has led to more than 190 expropriations at the border of the Capibaribe River in São Lourenço da Mata. The families affected have claimed that the compensation received is very low (often much less than what was agreed upon with competent authorities) and some of them have introduced a demand.

### **Rio de Janeiro**

On 17 and 18 December 2010, several families were allegedly evicted from their houses located in Av. das Américas in the framework of the construction of two BRTs and several additional families are threatened with eviction. Additionally, around 800 families of the community Vila Autódromo from the neighborhood Barra da Tijuca, close to the Estádio do Maracanã are under threat of eviction, due to the planned construction of a media center for the 2016 Olympic. Both communities have been resisting with the support of the State Public Attorney (Defensoria Pública do Estado).

### **Sao Paulo**

In São Paulo, more than 50,000 families (about 165.000 persons) have been under threat of eviction in the framework of mega-projects, such as urban reforms (particularly in the neighborhood of Água Espraiada and Água Branca), improvements in the road network and at the mobility level, or because of environmental and city beautification projects (megaparques, parques lineares, Programa Mananciais, etc).

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, of which Brazil is a party, which holds that “the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

As stated repeatedly, including in resolution 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute prima facie violations of a range of internationally recognized human rights, and large-scale evictions may only be carried out under exceptional circumstances and in full compliance with international human rights law.

I would also like to draw your Excellency’s Government attention to General Comment No. 7 on forced evictions, adopted by the Committee on Economic, Social and Cultural Rights in 1997. In paragraph 15, the Committee stated that:

“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 Basic principles and guidelines on development-based evictions and displacement (contained in document A/HRC/4/18) that aims at assisting States in developing policies and legislation to prevent forced evictions at the domestic level. Your Excellency’s Government may find useful in the current circumstances relevant sections of the guidelines in regards to state obligations prior to, during and after evictions.

I therefore urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected.

I would greatly appreciate detailed information from your Excellency’s Government concerning the situation described in this letter and about the steps taken by the competent authorities in compliance with the provisions contained in the international legal instruments.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council to seek to clarify all cases brought to my attention. Since I am expected to report on such situations to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the cases accurate?
2. Have alternative solutions other than eviction been considered in the targeted settlements? If so, please provide details of such consideration. Has any social impact assessment been undertaken in the framework of the

ongoing projects concerning the 2014 Football World Cup and the 2016 Olympic Games? If so, please provide details of such consideration.

3. Have the affected communities and their representatives been appropriately consulted both when considering these alternatives and at all stages of the subsequent planned eviction procedure? If not, please explain the reasons for a lack of consultation.
4. Have exact dates for the allegedly planned evictions been determined? If so, how and when were these communicated to affected communities, that is, were communities given adequate prior notice, according to international standards mentioned above? If not, please indicate which measures are envisaged to communicate the planned eviction to the communities?

I would appreciate a response within sixty days. I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports I will submit to the Human Rights Council for its consideration.

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