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**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)
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Excellency,

I have the honor 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 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 around 70 people and the alleged demolition of 15 houses in Yaipha Leikai village, in the Imphal West District of Manipur state**. I would also like to draw your Excellency's Government's attention to reports received on the alleged **arrest of eight people, subsequent to the eviction**.

According to the information received:

On 6 June 2011, 15 houses in Yaipha Leikai village, located in the Lamphelpat Wetland, in the Imphal West District of Manipur state were demolished by Manipur police forces. Reportedly, around 70 people were forcefully evicted from homes they have inhabited for more than 40 years. Allegedly, the evictions are to make way for the building of a National Institute of Technology complex and a water body in the Lamphelpat wetlands.

Reports allege that no reasonable prior notice was given to the residents evicted. Reportedly, a collective notice was posted on an electricity pole in the village on 5 June 2011, a day prior to the eviction.

Information received also indicates that the evictions were carried out by earthmovers and were overseen by state officials. Allegations have been received that personal belongings and property were confiscated by the police during the eviction process, including furniture and household items.

I have been informed that the Manipur authorities are referring to the affected residents as encroachers on the wetlands. However, I was also informed that the evicted residents have been living in the area for more than 40 years and that some of them are in possession of official documents indicating primary recognition of their land ownership.

Reportedly, no compensation has been offered to the evicted residents for loss of housing and access to land. Reports also indicate that no alternative housing solutions have been put in place for the evicted persons.

According to reports received, the evicted community took shelter on the roadside in makeshift tents. I also received information that due to the weather and poor shelter conditions, eight people took ill during the past few days.

Recent information received indicates that eight women have been arrested by the Lamphel Police Station following their eviction from the said village.

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 India 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 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. The Committee also added that "the right to housing should be ensured to all persons irrespective of income or access to economic resources".

As stated 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 and mass 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.

As 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 Government concerning the above situation 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 above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims from the Yaipha Leikai village?
3. Did appropriate consultations take place with the affected community? If yes, please give the details, date and outcome of these consultations.
4. To what extent have measures of compensation been put in place for all concerned persons, with a due assessment of the loss of their housing and livelihood?
5. What measures have been foreseen to ensure that the evicted persons will not become homeless?
6. 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.

7. What was the legal basis for the arrest of eight of the evicted persons? Have legal charges been filed against them?

I would greatly appreciate receiving from your Excellency's Government within 60 days the above mentioned additional information. I undertake to ensure that your 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.

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