

**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: UA  
NGA 1/2015:

8 October 2015

Dear Mr. Emuze,

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 25/17.

In this connection, I would like to bring to the attention of your Government information I have received concerning the **alleged forced eviction of over 10,000 persons residing in Badia, Lagos, including children, women and elders**. These families were rendered homeless as no housing alternatives were offered or made available to them and are facing a critical situation in the middle of the rainy season. Information also points to imminent demolitions and evictions to affect these and neighboring settlements in the same area, including as many as 20,000 more people.

I would like to recall a letter of allegation by my predecessor, Ms Raquel Rolnik, dated 26 February 2013 (AL Housing 2009-9, NGA 1/2013) raising concerns about demolitions and the imminent threat of further demolitions and evictions in the same area. I take note of the response from your Government to that letter of allegation, dated 6 June 2013, noting plans for regeneration and renewal of a large area in Badia under a World Bank funded Lagos Metropolitan Development and Governance Project (LMDGP); your Government's plan to develop over a thousand housing units in the area as well as recognition of the obligation to provide adequate compensation.

According to information received:

On 18, 19 and 22 September 2015, evictions were carried out by the Nigerian Police Force and Lagos State Government, moving from Badia East to Badia

West, and affecting over 10,000 people residing mainly in large, multi-room buildings, with most rooms occupied by tenant households; approximately 255 structures with an average of 8 rooms in each, and 5 persons per room were impacted. Although technically a private demolition was exercised by the traditional landowners, the Ojora Chieftaincy Family purportedly in execution of the Lagos State High Court granting the Ojora title to the land, residents indicate that the authorities were present on the ground throughout the evictions, both overseeing and directing the demolitions and eviction. Allegedly, police officers were assisting with activities such as conducting bulldozers instead of providing protection and support to the individuals and families suffering the eviction.

Reportedly, marking of houses to be demolished and handling of notices took place at 10:00 am on 18 September, and bulldozers started demolishing homes and destroying personal property by noon. The majority of residents were caught by surprise and with no time to even recover their personal belongings. There was no consultation or discussion about alternative temporary housing options available to them. As a reference, residents noted that the least expensive housing units built under the Home Ownership mortgage Scheme (HOMS), should these be made available to them, are around ten times more expensive than the typical rent they have been paying and can afford. There are hundreds presently sleeping in makeshift shelters in the demolished area or in churches nearby. Most of these persons have no access to sanitation or clean water and only very limited shelter from the heavy seasonal rains, mosquitos and despicable living conditions. No response from the local or federal government has been received thus far.

The majority of residents had not been party to the case and was not provided with an opportunity to access justice or due process. Although there were hundreds of structure owners in the area affected by the judgment, which covers around 50 acres, the judgments granted to the Ojora by the High Court was only entered against 4 defendants, none of whom was sued in a representative capacity on behalf of others. Only one of those 4 took initial steps but did not proceed with the appeal. And in any event, any appeal would have solely protected their own lands- not those of others.

Some residents in Badia East have been living in the area since 1973 when the original founders were resettled by the Federal government as part of a compulsory acquisition for a government project. Some neighboring areas also affected have had occupancy back to the 1950s and 1960s. Residents in the area have different forms of tenure, with some in possession of sale of land and certificate of occupancy documents, which appear to legally recognize the residents' right to live in the particular area and that they have been living there with the knowledge and consent of local and state government authorities. Other persons are customary land tenancy sot the Ojora family and have rights against

losing their tenancy protected by customary law; some others are tenants to the structure owners and protected against eviction without compliance with procedures laid down in the Tenancy Law of Lagos States.

Residents are also acutely aware of the forced evictions carried out in a neighbouring area of Badia East in February 2013. In addition to the concerns of those residents regarding to adequate consultation, compensation and alternative housing options; residents are mindful that the Lagos State Government violated the World Bank safeguard policies on involuntary resettlement that it had committed to follow when accepting USD 200 million to upgrade Badia and other informal settlements in Lagos, funding which was intended reportedly to benefit the residents of Badia who have been recently evicted.

While I do not wish to prejudge the accuracy of these allegations, I wish to express serious concern that thousands of families and individuals residing in Badia have already been forcibly evicted or face an imminent eviction without any resettlement or alternative accommodation proposed by the relevant state authorities or the Federal Government, contrary to international human rights law. The eviction of these families has already resulted in homelessness for thousands of people, which is strictly forbidden under international human rights standards. I am deeply concerned that the experience of demolition and evictions is repeated in an area of Lagos were families and individuals were already faced with eviction and demolition two years ago. I also express grave concerns that this situation occurs in the context of lack of affordable housing, in particular for people living in poverty in this region. In addition, I am very concerns about the lack of access to justice for people to expressed at the reported violent crackdown of a peaceful assembly by the police and criminalization of protestors, including residents and members of organizations supporting their claims. Furthermore, concern is expressed at with the reported possibility of a future escalation of violence by the authorities; especially if/when the eviction is carried out.

I call your attention to articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and article 17 of the International Covenant on Civil and Political Rights (ICCPR), both acceded by Nigeria on 29 July 1993, as well as the Convention on the Rights of the Child, acceded 19 April 1991. In accordance with these instruments, forced eviction is contrary to the rights to adequate housing, to non-discrimination and to freedom from arbitrary or unlawful interference with privacy, family and home. These articles guarantee non-discrimination in the exercise of the rights in the Covenants, and the right to an adequate standard of living, including housing, respectively. The Committee on Economic, Social and Cultural Rights in its General Comment No. 4 has stressed that the right to adequate housing includes various aspects such as affordability, accessibility and legal security of tenure; and in its General Comment No. 7 has noted that States must ensure, prior to carrying out any evictions, that all feasible alternatives are explored in consultation with the affected

persons, that alternatives are provided to avoid homelessness and that due process is ensured.

I also recall the Guiding Principles on security of tenure for the urban poor (A/HRC/25/54) prepared by my predecessor, and my recent report on the obligations of subnational governments in the implementation of the right to adequate housing (A/HRC/28/62).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned persons in compliance with international instruments in 30 days.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to our attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Are the facts of the case summarized above accurate?
3. Please provide details of the number of people living in these settlements that the Lagos State Government and Federal Government is using as a basis for its programmes, including putting in place emergency shelter and finding alternative accommodation. Please explain the sources of the information, and if possible, provide any available disaggregation.
4. Please explain the immediate and longer-term measures in place or to be taken to address homelessness of the residents recently evicted from Badia, either by the Lagos State Government or by the Federal Government
5. Please indicate if all feasible alternatives to eviction were explored in consultation with the residents of the informal settlements and if so, please provide details as to why proposed alternatives to the eviction were found unsuitable
6. Please provide information on the regulations and operational procedures for local government officials as well as law enforcement agents concerning evictions, if available, and whether these are compatible with international standards on the right to adequate housing.

7. Please provide information and further details about the protection of various tenure systems, including tenancy arrangements and customary land tenancy rights.

8. What measures have been taken by the Lagos State Government and the Federal Government to address the deficit of affordable housing in the region? Please provide details of the specific policies and programmes in place or being planned to ensure availability of affordable housing for people living with low income. In this context, please provide details of the HOMS programme. Including criteria for accessing housing units and related mortgages in comparison to basic income standards.

While awaiting a reply in 30 days, I urge that all necessary interim measures be taken to halt the threatened forcible eviction of additional residents in Badia.

I note that should the case develop further and further evictions be carried out to the detriment of the human rights of the concerned thousands of families, I reserve the possibility of publicly expressing my concerns. Any press release will indicate that I have been in contact with your Government to clarify the issues in question.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Emuze, the assurances of our highest consideration.

Leilani Farha

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