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**HIGH COMMISSIONER FOR HUMAN RIGHTS**

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**CONSEIL DES DROITS DE L'HOMME**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates 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 and of the Special Rapporteur on extreme poverty and human rights**

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Excellency,

We have the honour to address you in our respective capacities 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 and as Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 15/8 and 17/13.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the **alleged eviction and demolition of the Abonnema Wharf Community, in Port Harcourt, Nigeria.**

According to the information received:

On 27 June 2012, at approximately 07:00 a.m., an estimated 10,000 to 20,000 residents of the Abonnema Wharf Community in Port Harcourt, capital of Rivers State, located in Nigeria's Niger Delta, were evicted and their homes and small businesses demolished. The eviction and demolitions were ordered by the authorities of the Rivers State Government and carried out with the support of the police and heavily armed security forces, members of the so-called "Joint Task Force". The demolitions continued until 2 July 2012, when the entire community was razed. Allegedly, the Rivers State authorities declared that the evictions and demolitions were carried out in order to reduce criminal gang activity in the area, in the wake of several gang shootouts in the area during the month of June.

The demolitions were reportedly carried out in pouring rain, during the rainy season when weather conditions make it difficult for people to find alternative shelter. Thousands of people have allegedly been left homeless as most residents were not offered any compensation, alternative housing or even emergency shelter. Reportedly in May 2012 the government started a process of compensation for landlords. The compensation process for landlords was ongoing

and many had not been paid when their homes were demolished. Tenants were allegedly excluded from the compensation process.

It is alleged that the eviction of the Abonnema Wharf community took place despite an interim injunction order issued on 11 November 2011 by the Rivers State High Court against the Rivers State authorities. In the case *Jim George & Others vs. The Executive Governor of Rivers State & Others* (Suit No. PHC/2286/2009), the Court ruled that the authorities should not carry out demolitions and evictions in Abonnema Wharf pending full hearing of the case. The government filed a counter motion, on which the court was to rule on 2 July 2012. The Rivers State government allegedly ignored the interim injunction and did not wait for the court hearing on 2 July to evict the community. It is reported that the case has now been adjourned to 25 September 2012.

Abonnema Wharf is one of over 40 waterfront settlements in Port Harcourt, which were built on reclaimed land along the city's shoreline. It is estimated that between 200,000 and 500,000 people live in the waterfronts. These waterfront settlements had previously been marked for demolition as part of the Rivers State government plans to develop the waterfronts and implement the "Greater Port Harcourt Master Plan." It is alleged that this plan was developed without consultation with the affected communities. It is feared that additional evictions in other waterfront settlements will take place.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of the applicable international human rights norms and standards relevant to this case. Article 25 of the Universal Declaration of Human Rights (UDHR) also recognizes the right of everyone "to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security ..."

Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which Nigeria is a party, states 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".

We would also like to draw the attention of your Excellency's Government to the provisions of article 27 of the Convention on the Rights of the Child, to which Nigeria is a party, that recognize "the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development."

The Committee on Economic, Social and Cultural Rights commenting on the right to adequate housing in its General Comment No. 4, stressed 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 unfavourable 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 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 rights and mass evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. In its General Comment No. 7 on forced eviction, the Committee on Economic, Social and Cultural Rights elaborated upon the procedural protection required under human rights law as follows:

“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, we 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.

The Committee has also noted that the obligation of each State party to devote the “maximum available resources” to ensure the “progressive realization” of all economic, social and cultural rights does not preclude from an obligation to ensuring the immediate satisfaction of, the very least, minimum essential levels of all economic, social and

cultural rights, including: basic shelter and housing, for all members of society (General Comment 3, para. 10).

It is our responsibility, according to the respective mandates entrusted to us by the Human Rights Council, to clarify all allegations brought to our attention. We would therefore greatly appreciate detailed information from your Excellency's Government concerning the above situations and about the measures taken by the competent authorities. We 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. Please indicate the reason and the legal basis for the evictions.
3. Did appropriate consultations take place with the persons affected by the eviction? If yes, please give specific details, dates and the outcome of said consultations, and the reasons why they were stopped, if relevant.
4. Was a formal eviction notice issued to the residents? If not, why not?
5. Were the affected persons (both landlords and tenants) offered compensation for the loss of their houses, belongings and livelihood? Please provide details of the compensation offered. If not, please state the reasons for this decision.
6. What has been foreseen in terms of relocation? If sites have been designated for relocation, please provide details of the exact location, including details about the area and quality of land, access to public services and livelihood sources.
7. What measures have been put into place to ensure that the evicted persons do not become homeless?
8. What measures have been put into place to ensure continued access to education and health services for the evicted children?
9. What measures have been foreseen to ensure that future demolition of waterfront settlements take place with due regard to procedural guarantees and to the rights of affected residents, including that consultations with affected residents take place and alternative accommodation be provided prior to conducting evictions?

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the persons affected by the eviction 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. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, your Excellency, the assurances of our 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

Maria Magdalena Sepúlveda Carmona

Special Rapporteur on extreme poverty and human rights