

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 ETH 1/2019

25 February 2019

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 34/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the **ongoing forced evictions and demolitions of houses started on 19 February, in Legetafo Legedai city, Oromia Region, without consultation with, and compensation for the affected individuals**. I would also like to bring your attention that this planned demolition will reportedly affect 12,000 houses and thousands of people.

According to the information received:

Since 19 February 2019, the Legetafo Legedadi city administration within the Oromia Regional State Special Zone Surrounding Finfinne under the Oromia Region in Ethiopia, have demolished more than 3,000 houses and evicted thousands of residents from their houses in the relatively newly established town of Oromia. According to the information we have received, the local authority intends to demolish a further 12,000 houses in the area. The evictees are currently being sheltered in churches and reports are that some are living in the streets, including with children.

The Mayor of Legetafo Legedadi city, Mr. Habiba Siraj, justifies the demolition on the basis that these houses are "illegally built" in the Green Area, according to the city's ten year structural plan. The Mayor also claims that the city will not compensate the evictees because their structures are purportedly illegal.

Many of the residents, however, state that they bought the properties and have been living in the area since it was established, for a decade. They were promised to be issued with official title deeds at that time. The residents also hold documents to prove the payment of property tax and utilities. In other contexts, reportedly, people with similar documents who have continuously occupied lands for 10 years have been issued with title deeds.

Those who are affected by the ongoing forced evictions are reportedly all ethnic minorities of the region. Oromia Regional State is the largest state with 35 million residents and its residents are mainly Oromos, accounting for around 85% of the entire population.

It is alleged that since the new prime Minister came to power in April 2018, some vocal Oromo politicians within the Oromo Democratic Party and others have been demanding that “illegal settlers” should return to their own regions and the lands upon which they are living should be returned to native farmers in a coded phrases.

While I do not wish to prejudge the accuracy of these allegations, I would like to appeal to the Government to take all necessary measures to respect all applicable international human rights standards and provisions of national law. The alleged forced evictions and massive destruction are gross violations of the right to housing. In addition, I am deeply concerned that the Government may be targeting ethnic minorities in the region.

I wish to remind your Excellency’s Government that in accordance with the International Covenant on Economic, Social and Cultural Rights, ratified by Ethiopia in 1993, States parties recognize the right of everyone to an adequate standard of living for him or herself and his or her family, including adequate housing.

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.

Furthermore, according to the Committee’s General Comment No. 7 on forced evictions, forced evictions are a gross violation of human rights and according to paragraphs 15 and 16, if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. In paragraph 17, the Committee further emphasizes that 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. The General Comment also stipulates that forced eviction into homelessness also constitutes a violation of the right to housing.

I also wish to call your attention to the Basic Principles and Guidelines on Development-based Evictions and Displacement, prepared by a former Special Rapporteur on adequate housing, which provides guidance on the States’ obligations before, during and after development-based evictions.

The full texts of the human rights instruments and standards recalled above are available on 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 Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As 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, 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. Please indicate if all feasible alternatives to eviction have been explored in the alleged case and if so, please provide details as to why proposed alternatives to the eviction have been deemed unsuitable.
3. Please indicate what legal procedures and remedies are available, including notice periods, and access to legal aid and to adjudicative bodies, for the residents to challenge eviction and claim compensation.
4. Please provide information on the measures taken to ensure that the people whose houses have been demolished have been provided access to an alternative adequate housing, including access to employment opportunities, and education facilities.
5. Please provide information about measures taken by your Excellency's Government agencies to ensure that affected people have access to effective remedy and are adequately compensated.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council. I may publicly express my concerns.

Please accept, Excellency, the assurances of my 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