

**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 BRA 8/2020

19 August 2020

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 **allegations of ongoing forced evictions of families belonging to the Movement of Landless Rural Workers (MST – Movimento dos Trabalhadores Rurais Sem Terra) in Quilombo Campo Grande, Campo do Meio, State of Minas Gerais, Brazil, in the midst of the COVID-19 pandemic.**

It is noted that the MST is a social mass movement formed by rural workers and individuals, seeking to achieve land reform and to combat discrimination, injustice and social inequality in rural areas. The special procedures mandate-holders have issued communications in the past, raising concerns over the allegations of killings, physical attacks and harassment against members of the MST (BRA 1/2013 and AL BRA 6/2016). Furthermore, I refer to my previous communication (AL BRA5/2020) of 3 July 2020, concerning allegations of ongoing and planned forced evictions in the state of São Paulo during the COVID-19 pandemic. As stated in my press release of 18 August 2020, it is of serious concern that forced evictions and home demolitions continue to take place around the world during the COVID-19 pandemic and I am urgently appealing to all world governments to immediately halt all evictions, at least until the pandemic ends.

According to the information received:

The Quilombo Campo Grande community is home to 450 families that belong to the Movement of Landless Rural Workers (MST). They engage in agroecological production of coffee, corns, beans, vegetables and fruits, which provides a source of livelihood for approximately 2,000 persons. The families have reportedly occupied and cultivated the land since 1998, after it was abandoned by its corporate owner, Companhia Agropecuária Irmãos Azevedo (CAPIA).

On 11 August 2020, the 64<sup>th</sup> battalion of the Military Police of the State of Minas Gerais reportedly sent a letter to the Quilombo Campo Grande community,

informing that the families would be evicted. According to available information, the order to repossess the land was issued by the State Justice and was disproportionate, as it encompassed twice the size of the area that was being discussed in a judicial process related to the legal ownership and property of the allegedly illegally occupied lands. The order would affect some of the families' homes and a local school, Escola Eduardo Galeano.

In the morning of 12 August 2020 at about 6:30 a.m., approximately 150 police officers from the Military Police of the State of Minas Gerais arrived at Quilombo Campo Grande and allegedly evicted six families from their homes without offering any alternative accommodation. The school, Escola Eduardo Galeano, was also reportedly demolished. The Military Police reportedly remained on site for the next few days and deployed teargas, a low-flying helicopter and other tactics to intimidate those resisting the evictions. As of 16 August 2020, it has been reported that 14 families were evicted in total. Two families are reportedly sheltered in the city hall, while the rest are accommodated by other families in the camp. The houses and crops that belong to seven families have been reportedly destroyed.

Additionally, according to the information received, the Brazilian legislative power has previously emitted and is currently discussing laws that deal with the issue of the right to adequate housing, including Bill 1179/2020 and 1975/2020. However, relevant parts of these normative documents would have been vetoed by the President.

Without prejudging the accuracy of the information received, I express my grave concern at the alleged forced evictions of the families living in the Quilombo Campo Grande community and destruction of their properties. The forced eviction of these families without any alternative accommodation arrangement would constitute a grave violation of their human right to adequate housing. I am also alarmed by the fact that although the Military Police have reportedly left the site, the families remain at risk of forced evictions, without judicial interventions halting the eviction orders.

I wish to remind your Excellency's Government that in accordance with article 11 of the International Covenant on Economic, Social and Cultural Rights, to which Brazil is a State Party, Brazil is under obligation to respect, protect and fulfil the right to adequate housing. As enunciated by the Committee on Economic, Social and Cultural Rights in its General Comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.<sup>1</sup> Security of tenure is an

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<sup>1</sup> The Committee on Economic, Social and Cultural Rights, General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions (1997), para. 4.

essential element of the right to adequate housing, which guarantees that people can access and enjoy their home without fear of forced evictions and provides a foundation for the enjoyment of all aspects of the right to adequate housing and other human rights.<sup>2</sup> As highlighted by my predecessor, Raquel Rolnik, the legal recognition of the possessory rights of those occupying land and housing for a prescribed period is “an important measure to ensure that land and housing is being used in the most socially productive manner and to fulfil the right to adequate housing for all”.<sup>3</sup> In this case, having regard to the fact that the Quilombo Campo Grande community has occupied and made productive use of the land over the past two decades or so, the community should be guaranteed a degree of security of tenure and provided with legal protection against forced eviction, harassment and other threats.

Paragraph 15 of the General Comment No.7 further provides that 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. Under no circumstances, evictions should result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves. In this context, allow me to also underline that as a State Party to the American Convention on Human Rights, Brazil has an obligation to respect everyone’s right to property, guaranteed under article 21 of the said Convention. This entails an obligation not to deprive anyone of his/her property, “except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law”. The right to an effective remedy for human rights violations, including forced evictions, is also well-established under international human rights law and includes adequate compensation for any affected property, both personal and real.<sup>4</sup>

Given the urgency of the situation of persons affected by the evictions and those at the risk of further evictions, I call upon your Excellency’s Government to urgently halt any ongoing evictions and ensure that evicted persons are provided with alternative accommodation and necessary assistance in accessing food, clothing, water and sanitation facilities and services. I furthermore urge your Excellency’s Government to identify a permanent solution to fulfill their housing needs in the long term. Such measures should start by a prompt assessment of the number of persons affected (including disaggregation by gender, age, disabilities and other factors) and their needs, while ensuring their

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<sup>2</sup> Former 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, Raquel Rolnik, Guiding Principles on security of tenure for the urban poor (2014). A/HRC/25/54, para. 6.

<sup>3</sup> Ibid, para. 11.

<sup>4</sup> The Committee on Economic, Social and Cultural Rights, General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions (1997), para. 13.

meaningful participation in the planning and delivery of the assistance, as well as in any decision that may affect their human rights.

Furthermore, in the current context of a severe health crisis caused by the COVID-19 pandemic, there are serious concerns that the evictions could contribute to spreading COVID-19 and severely affect the rights to life and health of the concerned families and others in the State of Minas Gerais and beyond. As expressed in my press release of 18 August 2020, I urge your Excellency's Government to establish an immediate moratorium on all evictions for the duration of the crisis. The measures recommended by the Ministry of Health in relation to the COVID-19 pandemic, such as self-isolation, hand-washing, physical distancing or avoiding unnecessary movements,<sup>5</sup> are clearly incompatible with evictions, and forced evictions in the current context can amount to "a potential death sentence".<sup>6</sup> In line with the "COVID-19 Guidance Note: Prohibition of evictions" issued on 28 April 2020 by my predecessor, Lailani Farha, I urge your Excellency's Government to "declare an end to all evictions of anyone, anywhere for any reason until the end of the pandemic and for a reasonable period of time thereafter".<sup>7</sup>

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 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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the evictions and demolitions that have been carried out by the Military Police since 12 August 2020, including the number of affected individuals and information on those individuals, disaggregated by gender, age, disabilities, socioeconomic status and other relevant indicators.

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<sup>5</sup> <https://coronavirus.saude.gov.br/sobre-a-doenca#como-se-proteger>

<sup>6</sup> Former Special Rapporteur on the right to adequate housing, Lailani Farha, COVID-19 Guidance Note: Prohibition of evictions (28 April 2020),

[https://www.ohchr.org/Documents/Issues/Housing/SR\\_housing\\_COVID-19\\_guidance\\_evictions.pdf](https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf)

<sup>7</sup> [https://www.ohchr.org/Documents/Issues/Housing/SR\\_housing\\_COVID-19\\_guidance\\_evictions.pdf](https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf)

3. Please provide information on judicial orders or decisions related to the case of the Quilombo Campo Grande, Campo do Meio, and the normative or other official documents and decisions that justify the said evictions and demolitions, and the scope thereof. Please also explain how the evictions are compatible with security of tenure that the community should be accorded after more than 20 years of occupation and productive use of the land, as well as with Article 5, clause xxiii of the Brazilian Constitution, which requires that property must comply with its social function.
4. Please provide information on any procedural safeguards that the State of Minas Gerais has applied to minimize the impact of evictions on the Quilombo Campo Grande community. In particular, please provide information as to whether:
  - a. those subject to evictions were consulted and given adequate prior notice;
  - b. they have been provided with alternative accommodation; and
  - c. they have been provided with legal remedies.
5. Please provide information on actions taken by the Government of Brazil to protect the right to adequate housing in the context of the COVID-19 pandemic, including the prevention of evictions.

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.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration

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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