

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; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the human rights to safe drinking water and sanitation; and the Working Group on discrimination against women and girls

REFERENCE:
UA GUY 1/2020

9 November 2020

Excellency,

We have the honour to address you in our 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; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on violence against women, its causes and consequences; Special Rapporteur on the human rights to safe drinking water and sanitation; and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 43/14, 44/13, 41/17, 42/5 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the allegations of the imminent forced eviction of at least 2000 persons living in an informal settlement in Success, East Coast Demerara, including single women and children**. Many of these persons have started occupying the State land in question because they were unable to pay their rent due to the crisis triggered by the COVID-19 epidemic. Others have been living in informal settlements on State land or living in substandard housing for prolonged periods due to poverty. We would also like to bring to your attention that such forced evictions are taking place in the midst of the COVID-19 pandemic, thus further elevating the risk to health and life of the persons subjected to forced evictions, who, according to the information received, have not been offered alternative accommodation.

According to the information received:

In August 2020, the Government made new plans to revive the sugar industry and, in this context, decided to forcefully relocate homeless people who had been occupying State land in various areas of the country, including lands administered by the Guyana Sugar Company (GUYSUCO). There were a few reported attempts to meet with the people occupying state lands at Vryheid's Lust, Success and Chateau Margot on the East Coast of Demerara to discuss the situation. The Government's efforts are however focusing in particular on Success, East Coast Demerara with a view to relocating people living on the land within a short span of time, reportedly without presenting and discussing a plan and optional pathways of housing.

In Success, East Coast Demerara where at least 2000 people have installed themselves on State land, many of these persons have been occupying the land in question because they were unable to pay their rent due to the crisis triggered by the COVID-19 pandemic. Others have been living in informal settlements on State land or living in substandard housing for prolonged periods due to poverty. Reportedly, this is the result of a national housing crisis, due to the lack of available and affordable residential land, corruption in the land allocation system and a dysfunctional housing programme, which has obliged thousands of people for years to occupy State land across the country.

At the end of September 2020, eviction notices were published in the local newspapers by the Guyana Sugar Corporation and the police began to intimidate the people living in the informal settlement of Success in order to force them to leave the area. Reportedly, police officers used rubber bullets and tear gas on several occasions in standoff between residents and officers, which injured numerous people including women and children. Some people required medical attention at hospitals and to be treated because of the consequences of these attacks. Moreover, the police together with employees of the National Industrial and Commercial Investments Ltd. (NICIL) and the Guyana Sugar Company (GUYSUCO) destroyed the bridges erected to cross the canals and reach the settlement.

Subsequently, GUYSUCO issued another notice to relocate by 5 October 2020, if not the land would be flooded.

On 14 October 2020, GUYSUCO started to flood the land with mechanical pumps. Following that, excavators were used to build levees which will maintain water in the area, inundating the land and people's shelters. Such flooding is likely to exacerbate the risk of skin disease, diarrhoea and vector-borne disease.

The Civil Defence Commission has since stepped in and prepared a nearby school as temporary shelter for squatters. It is not clear what facilities, sanitation and hygiene items are available at the school for residents.

Without prejudging the accuracy of the information received, we wish to express our serious concern about the imminent eviction of the approximately 4000 persons who live in the informal settlement of Success, East Coast Demerara, without the provision of alternative accommodation and in the absence of a durable solution to their housing crisis sought in consultation with them. Of particular concern to us is also the use of attacks and intimidation as a means to force residents to relocate, against their will. We are furthermore deeply concerned that these evictions occur in the context of the COVID-19 pandemic, thereby exposing these persons to a greater risk for their health and life, and heightening the risk of spreading the contagion.

We would like to draw the attention of your Excellency's Government to its obligations under article 11.1 of the International Covenant on Economic, Social and

Cultural Rights (ICESCR), ratified by Guyana in 1977, which recognizes the right of everyone to an adequate standard of living for himself and his family, including housing. This article must be read in conjunction with article 2.2 of the Covenant, which provides for the exercise of any right under the Covenant without discrimination of any kind. We also would like to draw the attention of your Excellency's Government's to its obligations under articles 6 and 17 of the International Covenant on Civil and Political Rights (ICCPR), ratified in 1977, on the rights to life and to non-interference with privacy, family, home or correspondence.

We recall the recommendation formulated by the Working Group of Experts on People of African Descent on its mission to Guyana that “[t]he Government of Guyana should take all measures necessary to ensure the full implementation of the right to adequate standard of living, including the right to adequate housing (A/HRC/39/69/Add.1, 2018, paragraph 63)”.

In its General Comment No. 4 on the right to adequate housing, the Committee on Economic, Social and Cultural Rights has clarified 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. It includes, among others, the availability of services, materials, facilities and infrastructure essential for health, security, comfort and nutrition, including sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.¹ The Committee has indicated that States must allocate sufficient resources to the realization of the right to adequate housing and prioritize the needs of disadvantaged and marginalized individuals or groups.² The Committee has further clarified that the obligation to progressively realize the right to housing will almost invariably require the adoption of a national housing strategy which should be developed in consultation with affected groups, include clearly defined goals, identify the resources to be allocated and clarify responsibilities and a time frame for implementation. Moreover, steps should be taken to ensure coordination between ministries and regional and local authorities in order to reconcile related policies with the obligations under article 11 of the Covenant. The Committee has also indicated that monitoring of the situation with respect to housing is an obligation of immediate effect.³

We would also like to refer your Excellency's Government to the General Comment No. 36 on the right to life of the Human Rights Committee, in which the Committee states that “the measures called for to address adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter [...] and other measures designed to promote and facilitate adequate general conditions, such as [...] social housing programmes” (paragraph 26).

¹ CESCR, General Comment No. 4, paragraphs 7-8.

² CESCR, General comments Nos. 3 and 4.

³ CESCR, General Comment No. 4, para. 12.

We would further like to recall that, as clarified 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.⁴ Paragraph 15 of the same General Comment 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. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.⁵ We also wish to recall that whereas some evictions may be justifiable, it is incumbent upon the relevant authorities to ensure that they are carried out in a manner warranted by a law which is compatible with the Covenant and that all the legal recourses and remedies are available to those affected.⁶

In addition, we would like to refer your Excellency's Government to the Guidelines for the Implementation of the Right to Adequate Housing (A/HRC/43/43), notably guideline no. 6 on forced evictions, as well as the “COVID-19 Guidance Note: Prohibition of evictions” and the “COVID-19 Guidance Note: Protecting residents of informal settlements” elaborated by the former Special Rapporteurs on adequate housing. We also recall guideline no. 9 on ensuring gender equality in housing and land which recalls that inadequate housing has particularly adverse impacts for women and girls and may be related also to incidences of harassment, physical attacks, rape and even death of women and girls (A/HRC/43/43).

Furthermore, we wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, Annex 1) which specify that evictions can only take place in 'exceptional circumstances'; they must be authorized by law, and ensure full and fair compensation and rehabilitation, among others. The Guidelines indicates that evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. States must take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected. Any legal use of force must respect the principles of necessity and proportionality, as well as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law enforcement and human rights standards. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of

⁴ The Committee on Economic, Social and Cultural Rights (CESCR) General cCmment No. 7, para. 4.

⁵ CESCR, General Comment No. 4, para. 8.

⁶ Ibid. para. 11.

property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions. Special efforts should be made to ensure equal participation of women in all planning processes and in the distribution of basic services and supplies.

We recall that the Special Rapporteur on adequate housing has called for a moratorium on evictions during the COVID-19 pandemic. We refer your Excellency's Government to the Special Rapporteur's report to the UN General Assembly in which he has emphasised that in the context of the COVID-19 pandemic having no home, lacking space for physical distancing in overcrowded living areas or having inadequate access to water and sanitation has become a "death sentence", handed out predominantly against poor and marginalized communities who face a heightened risk of infection, community spread of the virus and mortality. The Special Rapporteur has proposed a set of short-term, medium-term and long-term recommendations, including enforcing a moratorium on evictions and foreclosures and on eviction proceedings against everyone, including non-nationals resident in a country as well as a moratorium on sweeping encampments or tents of homeless person (A/75/148, paragraph 69).

Furthermore, we wish to recall that Article 1 (1) of the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), to which Guyana is a party since 1977, defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". Articles 2 (1) and 5 of ICERD oblige States Parties to prohibit and eliminate any act or practice of racial discrimination against persons and/or groups and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, including in the enjoyment of the right to adequate housing.

In addition, we recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its General Comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Also, the Special Rapporteur on the human right

to safe drinking water and sanitation has signalled the challenges to achieving gender equality in access to water, sanitation and hygiene: where water is not available in the home, women and girls are primarily responsible for water and hygiene at the household level and bear the greatest burden for collecting water (A/HRC/33/49). In this context, we recall that the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

In a press statement of 20 April 2020, the Working Group on discrimination against women and girls noted that, as Governments attempt to tackle the unprecedented public health and economic crises caused by the COVID-19 pandemic, women and girls are suffering even more egregious violations of their human rights. In the absence of gender sensitive intersectional responses, different forms of systemic discrimination already faced by women and girls are exacerbated. The crisis is an opportunity to address structural inequalities and deficits that have consistently held women back, and to re-imagine and transform systems and societies. In order to fully comprehend the gendered impact of the crisis, it is crucial to understand the structural discrimination underlying this emergency which is not only causing but exacerbating serious violations of women and girls’ human rights (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25808&LangID=E>)

Finally, we would like to recall the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework which is grounded in three pillars: (a) the obligation of States to protect against human rights abuses committed by companies; (b) the responsibility of business enterprises to respect human rights, and thus avoid causing or contributing to adverse human rights impacts; and (c) the obligation of States to provide victims with access to effective remedies when rights are breached. In this regard, we wish to refer your Excellency’s Government to the 2016 report UN Working Group on Business and Human Right in which the Working Group examines the duty of States to protect against human rights abuses involving those business enterprises that they own or control (A/HRC/32/45, 2016).

Given the urgency of the situation of the persons at risk of imminent eviction, we call upon your Excellency’s Government to urgently halt the evictions and consult the people affected to identify short and long term-solutions that ensure the full realization of their right to adequate housing. We also urge your Excellency’s Government to halt any act of intimidation against the residents and take measures to protect the people concerned from any risks to their health and life due to the COVID-19 pandemic.

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, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we 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 provide detailed information on the housing conditions in the informal settlement of Success, East Coast Demerara, disaggregated by gender, age, disability, socioeconomic status and other indicators and the number of persons living in this settlement. Please provide in this context information on access to safe drinking water, water for personal and domestic usage, sanitation facilities such as toilets with adequate conditions for women and girls and sewerage, hygiene products, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage, emergency services and access to education and health care.
3. Please provide information on the measures taken by the Government to respond to the national housing crisis and, in particular, to the housing emergency of the people living in the informal settlement of Success, in consultation with them, and on the measures taken in the immediate to ensure their access to adequate housing, including access to safe drinking water and sanitation and other essential services.
4. Please also indicate what special measures, if any, have been elaborated to address the specific difficulties faced by women who constitute about half of the country's population and experience poverty in greater proportion and other forms of systemic discrimination.
5. Please indicate what measures, if any, have been adopted to ensure the participation in decision-making of women, as well as groups, such as persons with disabilities and other groups, who may be experiencing discrimination and marginalization.
6. Please indicate whether a public health assessment was carried out prior to the eviction order. If so, please provide a copy of the impact assessment report.

7. Please describe what concrete housing alternatives are currently available to the families subjected to eviction to ensure that no one remains homeless or lives in substandard conditions as a result of the eviction. Please also describe the requirements and accessibility to land and housing processes.
8. Please elaborate on whether any specific actions were taken to protect the residents in relation to their health risk in the context of the COVID-19 pandemic and whether any considerations were given to suspend or stop any evictions during the COVID-19 pandemic.

While awaiting a reply, we 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we 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](#) within 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 our highest consideration.

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