

Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on extreme poverty and human rights

Ref.: AL OTH 132/2022
(Please use this reference in your reply)

14 February 2023

Dear Mr. Mansoer,

We have the honour to address you in our capacities as Special Rapporteur on the rights of Indigenous Peoples; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 51/16, 44/15, 43/4, 50/17, 43/14, 43/16, 50/6 and 44/13.

We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on the information we have received¹. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention the information we have received concerning allegations of human rights violations surrounding the Mandalika urban development and tourism project. Previous concerns have been expressed concerning the implementation of this project by the Special Procedures in AL [OTH 49/2021](#). We remain extremely concerned about the situation in the Mandalika region.

¹ Further information about the communication procedure is available at:
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>.

According to the information received:

The Mandalika urban development and tourism project ("the Mandalika project") is a major project implemented by the ITDC, an enterprise fully owned by the Government of Indonesia, in the Mandalika region, Central Lombok Regency, West Nusa Tenggara Province.

The project was approved in December 2018, amidst conflicts as a result of alleged involuntary land acquisition and resettlement of the Sasak Indigenous Peoples in preparation for the project. It is alleged that the project moved forward without comprehensive social and environmental assessments, meaningful and inclusive consultations or the free, prior and informed consent of the Sasak Indigenous Peoples who have reportedly been affected by land confiscations, forced resettlement, and coercion and intimidation by security forces since 2018.

Estimated to be worth over US\$300 million in total, this project is largely funded by the Asia Infrastructure Investment Bank ("AIIB"), which provides 78.5 percent of its funding in loans to the ITDC. It is alleged that ITDC is failing to respect human rights and is not in compliance with the AIIB's Environmental and Social Standards on Environmental and Social Assessment and Management, Involuntary Resettlement and Indigenous Peoples. Rather the ITDC submitted to the AIIB that over 92.7% of the land required for the project was 'free and clear' of any disputes and belonged to the ITDC which the AIIB relied on as precondition of project approval without undertaking its own comprehensive land survey. However, local residents have occupied or used this land for many years, without possessing formal titles but with certain user rights, as is common in Indonesia.

West Nusa Tenggara is one of the provinces in Indonesia with a consistently high poverty rate. Eighty-five percent of Lombok's inhabitants are Sasak Indigenous Peoples with their own language, culture and traditions. The Sasak peoples account for over 99 percent of the total population in four villages of the Mandalika region (Kuta, Sukadana, Mertak and Sengkol). The majority of the Mandalika residents are farmers and fishers, who rely on natural resources as their source of livelihood. Many of them live in poverty and struggle to meet their basic needs including access to food, clothing, education, adequate housing and adequate health care.

Allegations of forced evictions, involuntary resettlement, and increased militarisation

The Mandalika International Circuit, a motorcycle racetrack, is marketed as a touristic highlight for the island. There is a high degree of homelessness as a result of involuntary resettlement in the areas surrounding the newly built racetrack.

Despite assurances by the ITDC that permanent resettlement would occur within 12 months of relocation, approximately 100 people from an estimated 36 households remain in self-built temporary shelters, almost 3 years later. Essential public services guaranteed by the ITDC, such as trash collection,

were delayed by over a year. Permanent homes in the Ngolang resettlement site are still under construction, cramped together on a hillside in between mountains. The project-affected communities were reportedly not involved in the design of the resettlement site, nor did they have a say in deciding its location. The first few involuntarily resettled families who have moved into the permanent resettlement site have been informed that they would be required to pay a monthly payment of 300,000 IDR (currently around USD 20) towards home ownership. Neither AIIB, nor ITDC have informed them for how long they would be required to make such payments. They were under the impression that these new homes would be provided for free as part of compensation for the lands and homes they have lost due to the Mandalika project. This is placing already indebted and impoverished families at risk of homelessness (for non-payment of these amounts) and further extreme poverty. In addition, there is no running water, and involuntarily resettled families are being asked to pay for a water pump themselves.

During the March 2022 Moto Grand Prix race (“MotoGP”), members of the Indonesian police and security forces camped in the homes of project-affected households whose land in the surrounding areas was being disputed by ITDC. The Sasak Indigenous Peoples were prevented from asserting their land rights and demanding fair compensation and dispute settlement. Approximately 36 families (almost 100 people) have remained in the area, forced to live alongside a construction site in proximity to the racetrack.

In Ebunut village, Sasak households opposing the terms of the involuntary resettlement were forced to wear bracelets during the race days in order to travel through security checkpoints set up near their village. Bracelets were distributed in limited quantities with some households not receiving any and were only valid for two checkpoint entries, severely restricting freedom of movement. The increased presence of security forces and restrictions during the MotoGP has had adverse effects on the lives of the Sasak, with some parents keeping their children home from school out of fear that they would lose the bracelets and not be allowed to return to their homes.

Similar to the MotoGP race, the freedom of movement of communities around Mandalika was curtailed during the November 2022 World Superbike (“WSBK”) race. Local officials distributed stickers to be used to pass through checkpoints. It is reported that the number of stickers allocated was again insufficient, cutting Sasak members off from their livelihoods and restricting women’s ability to purchase essential supplies for their children.

Those whose livelihoods relied on fishing, cattle raising, and running small market stalls complained that the compensation offered for involuntary resettlement was not sufficient restitution to replace their income levels, putting them below the poverty line. School was suspended in some cases because parents were unable to pay for tuition, school supplies and uniforms. The resettlement action plan proposed by the AIIB and ITDC promised that those whose livelihoods had been affected by the project would receive job training. While some community members living in self-built temporary homes found day-labor work at nearby construction sites, albeit without any protection or training, most farmers and fishers are struggling to sustain their livelihoods.

Reports of increased intimidation and coercion to clear the land surrounding the Mandalika International Circuit were made prior to the November 2022 WSBK race. Project-affected communities have raised concerns regarding the task force for the acceleration of settlement of land disputes (“SATGAS”). SATGAS comprises members of both the police and provincial army, which have reportedly intimidated and coerced Indigenous Peoples in Mandalika into ceding their lands.

In addition to losing their homes and traditional lands, some project-affected households have also experienced a breakdown in family and Sasak community relations as a result of their relocation. Residents of the Kuta, Sengkol, Mertak, and Sukedane villages in Pujut sub-district in the Mandalika area were not able to relocate nearer to their extended family and neighbors.

It is further alleged that road conditions around the Mandalika race circuit have worsened dramatically after the construction of the racetrack, and the ITDC and AIIB have made no efforts in improving these conditions. What used to be a 10 minute ride now takes more than 30 minutes. Sasak women have expressed concerns that it would be unsafe for them to travel in the dark on poorly maintained roads.

Allegations of restrictions on civic space and freedom of expression

Ahead of the November 2022 WSBK event, Sasak community members set banners on their property and distributed flyers to visitors of the Mandalika region, highlighting the negative impacts of the Mandalika International Circuit on their lives and livelihoods. Indonesian security forces entered the property of affected community members to take down the banners.

In addition, a planned protest in front of the Mandalika Circuit was canceled due to concerns regarding the safety of participants, some of whom were called or visited by the police and asked to avoid participating in protests. In response to community protests, senior officials from the regional police held a meeting with village leaders from Mandalika following the WSBK event.

Ahead of the G20 Summit, in Bali, Indonesia, activists from the Indonesian People’s Assembly (“IPA”) organised a nationally coordinated protest on 15 November in 15 provinces, including Lombok. The protests opposed the restriction of civic space around the G20 Summit and the inequitable trade agreements and investments from developed countries that could lead to the destruction of natural resources and labour violations in Indonesia. In Lombok, the demands were tightly intertwined with advocacy messaging focused on the human rights implications of the Mandalika tourism development project.

Meaningful consultations and right to obtain information

Concerns remain that the affected Indigenous Peoples are not being informed or consulted in a meaningful manner about the Mandalika project. Three consultations took place on 7 July 2022, 3 August 2022, and 6 October 2022. It is reported that Major General Djaka Budhi Utama, the Deputy Minister for Political, Legal, and Security Affairs who holds a leadership role within the

land acquisition task force, requested a meeting with four village leaders on three days' notice. The representatives who attended the meeting had not been selected by the Indigenous communities. Only three project-affected community members independently attended the meeting after hearing about it from their village leaders. Although Ministry officials said they would address the Sasak's concerns, they did not take the time to do so in-depth or listen to their perspectives. The meetings were not translated into Sasak, which made it difficult to participate in the discussions.

Threats and intimidations against Sasak human rights defenders

Reports received further suggest that the Sasak opposing the ITDC's land acquisitions and movement restrictions have been subject to intimidation, harassment, and threats. During the March 2022 MotoGP race, three Sasak members were arrested in connection with social media posts criticising the Indonesian government for restricting their movement. According to these reports, the protestors were told by the police that they would be arrested again if they posted any more comments critical of the security forces and had to pay 2 million Indonesian rupiah in bribes to be released. Others who were investigating and monitoring the Mandalika project were subjected to intimidation by unidentified individuals, allegedly linked to the government.

During the WSBK race, security forces set up check points and entered residential areas in Ebunut and Ujung Lauk villages to allegedly intimidate residents involved in protest activities and remove their banners and billboards. Although there have not been any reports of serious altercations, many residents are living in fear after the events they experienced during the previous race.

It is alleged that prior to the 15 November 2022 start of the G20 Summit, local police forces conducted a sweep of the secretariat of student unions where protest materials were being held, and seized posters, banners, and leaflets with slogans criticizing the G20 and calling for a resolution to the land disputes in Mandalika.

On the same day, there was also a protest in Mataram against the G20 Summit and the lack of resolution to the land disputes in Mandalika. The protests were quickly dispersed by local police forces. Fourteen activists were arrested and asked to sign a document pledging not to take part in any other protests until the conclusion of the G20 Summit. Sasak members were in route to Mataram to join the protest when police dispersed the crowd and warned against continued protests.

While we do not wish to prejudge the accuracy of the above allegations, the information described above raises serious concerns that the 2022 World Superbike race and subsequent G20 Summit have led to further threats to the land security of the Sasak people and increased acts of intimidation against Sasak human rights defenders. Rather than contributing to sustainable development that benefits the local population of the region, the project is allegedly fueling the pattern of aggressive land acquisition under coercion without prior consultations or adequate compensation, forced evictions, involuntary resettlements, restrictions on the rights to freedom of expression and of peaceful assembly, and loss of livelihood and cultural life for the

Sasak people. As part of their responsibilities to respect human rights, the ITDC should also provide for processes to enable the remediation of any adverse human rights impacts that they have caused or contributed to. It is of serious concern that the Sasak indigenous peoples appear to have no recourse to effective remediation mechanisms.

We are dismayed by the information that the affected Indigenous Peoples are still not being informed or consulted in a meaningful way about the Mandalika project. In this connection, it has been alleged that the consultations regarding the project have not been transparent, nor have they accommodated broad public participation. In particular, concern has been shared over the limited opportunities provided to the Sasak people to take part in this process. It is also reported that forced evictions and involuntary resettlement are still occurring without any consultations with the Sasak people to obtain their free, prior, and informed consent.

While the AIIB had effectively ignored our previous recommendations to carry out human rights due diligence in preventing or mitigating human rights violations in connection with the Mandalika project, it did formally commit, in conversations with the Special Rapporteur on extreme poverty and human rights (most recently in a conversation held on 2 August 2022), to appoint an independent mediator. However, this should be done in agreement with ITDC and the Government of Indonesia, and we are concerned that, almost a year after the latest exchange with the AIIB, no progress has been made, allegedly due to the unwillingness of the ITDC and the Government of Indonesia to take seriously the concerns expressed.

Furthermore, the alleged criminalization and intimidation of local residents and human rights defenders who have opposed the project or its implementation for its detrimental impact on the affected communities, is a cause for further concern. We are concerned that such actions have resulted in the silence of, and have deterred human rights defenders from protecting and promoting the rights of others - particularly when such efforts are articulated in statements by high level central government officials – and have contributed to a harmful and intimidating effect on civil society more broadly. Equally concerning are reports that the freedom of peaceful assembly of the Sasak people has been curtailed due to the deployment of security forces during the WKSBB event and the continued involvement of security forces in the land resolution task force as well as the project's grievance redress mechanism.

Finally, we wish to recall the joint letter of 4 March 2021 addressed to the ITDC, regarding the human rights violations and abuses allegedly committed in the implementation of the Mandalika project (Ref: AL OTH 49/2021) which states that “the ITDC appears to have *prima facie* failed to respect human rights by arbitrarily expropriating land from the local residents, forcibly evicting them from their land and engaging in acts of intimidation against human rights defenders and those who object to the land acquisitions for the Mandalika project.” The ITDC has effectively ignored our previous recommendations to provide remedies for those affected by the sporting event.

In connection with the above alleged facts and concerns, please refer to the Annex which details applicable international human rights law and standards relevant to the present allegations.

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 therefore 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 information as to any steps taken by the ITDC in consultation with the Sasak People, to assess the impacts of the Mandalika urban development and tourism project on the Sasak as an indigenous people as well as to avoid any potential adverse impacts and mitigate risks.
3. Please provide information as to what human rights due diligence policies and processes have been put in place by the ITDC to identify, prevent, mitigate and remedy adverse human rights impacts of the ITDC's activities, in line with the United Nations Guiding Principles on Business and Human Rights and with the AIIB's Environmental and Social Framework (ESF).
4. Please provide information as to any steps taken by the ITDC to ensure meaningful and effective participation of the Sasak People to participate in land use and sporting event planning in the Mandalika region.
5. Please provide information on any steps taken by the ITDC to ensure that the Sasak people who have been removed from their lands have access to effective remedies and can obtain adequate compensation for any affected property, regardless of whether or not they enjoy formalized land rights.
6. Please provide further information about how ITDC grievance redress mechanisms comply with the criteria for an appropriate operational-level grievance mechanism, as set out in the United Nations Guiding Principles on Business and Human Rights. Further, please provide a detailed explanation as to whether there is an opportunity for affected stakeholder groups to provide feedback on the fairness of determination of the compensation payment, through these established grievance mechanisms.
7. Please provide a detailed explanation as to how the ITDC ensures that remedies are adequate, in view of the current needs of affected groups and individuals as well as their future long-term needs. In particular, please explain how the ITDC ensured that the compensation offered to affected groups for involuntary resettlement was sufficient restitution to replace their income levels.
8. Please provide information on whether ITDC has a security personnel management plan in place in relation to the Mandalika project. If so, kindly provide us a copy and information as to how said plan is being implemented.

9. Please provide information on how the ITDC and its operations do not impact negatively the work of human rights defenders, specifically in light of the recommendations provided to business enterprises in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on the adverse impact of business activities on human rights defenders (A/HRC/47/39/Add.2), which recalls the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to protecting and respecting the vital work of human rights defenders.

This communication and any response received from you 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.

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 you to clarify the issue/s in question.

Please be informed that a letter on this matter is also being sent to the Permanent Mission of Indonesia, as well as to the Asia Infrastructure Investment Bank (AIIB), Vinci Construction Grands Projects, Accor, EBD Paragon, Dorna Sports, and to the states where they are domiciled regarding their involvement in the above allegations.

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

José Francisco Cali Tzay
Special Rapporteur on the rights of Indigenous Peoples

Pichamon Yeophantong
Chair-Rapporteur of the Working Group on the issue of human rights and
transnational corporations and other business enterprises

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Balakrishnan Rajagopal
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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, and which are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

- a. “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

According to the Guiding Principles, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principle 13 has identified two main components to the business responsibility to respect human rights, which require that “business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts”.

Principles 17-21 lays down the four-step human rights due diligence process that all enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when “business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes”.

Furthermore, given that the ITDC is a fully State-owned enterprise, allow us to recall that, when adopting the UN Guiding Principles on Extreme Poverty and Human Rights, States agreed that they “should take additional steps to protect against abuses of human rights by business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies” (UN Guiding Principles on Extreme Poverty and Human Rights, para. 99). The thematic report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (ref. A/HRC/32/45) also examined in detail the duty of States to protect against human rights abuses involving those business enterprises that they own or

control. In particular, we would like to highlight the following conclusions and recommendations:

- “88. All business enterprises, whether they are State-owned or fully private, have the responsibility to respect human rights. This responsibility is distinct but complementary to the State duty to protect against human rights abuses by business enterprises. This duty requires States to take additional steps to protect against abuses by the enterprises they own or control. This goes to the core of how the State should behave as an owner and the ways in which its ownership model is consistent with its international human rights obligations...”
- 101. State-owned enterprises should strive to be role models and fully meet their responsibility to respect human rights.
- 102. To do so, they should adopt appropriate policies and processes to address abuse, including a policy commitment, human rights due diligence and remediation mechanisms when harm occurs, which are integrated throughout their operations.”

Bearing in mind these responsibilities of business enterprises to respect human rights, we would like to draw your attention to human rights norms guaranteed under international human rights instruments adopted, acceded or ratified by Indonesia. Specifically, we would like to recall the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP sets out international human rights standards relating to Indigenous Peoples' rights. Article 26 asserts the right of indigenous peoples to "the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired". Article 32 affirms that indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and resources, and that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources". UNDRIP furthermore specifically prohibits forcible removal of Indigenous Peoples from their lands or territories without their free, prior and informed consent, and provides that relocation could take place only after agreement on just and fair compensation and, where possible, with the option of return.

We also wish to draw your attention to article 17 of the Universal Declaration of Human Rights (UDHR), which guarantees everyone the right to own property and the right not to be arbitrarily deprived of their property. Furthermore, article 25.1 of UDHR and article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), recognize the right of everyone to an adequate standard of living for himself and his family, including housing. In its General comment No. 4, the Committee on Economic, Social and Cultural Rights clarified that this right to housing should be seen as the right to live in security, peace and dignity. It indicates that the right to housing includes, among others, legal security of tenure guaranteeing legal protection against forced evictions, harassment and other threats. Upon her visit to Indonesia, 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, specifically recommended that "Land policy should protect the interests of

low-income households, indigenous communities and communities occupying land based on customary (adat) law" (A/HRC/25/54/Add.1, para. 81).

In both General comment 4 and General comment 7, the Committee affirmed that forced evictions are *prima facie* incompatible with the requirements of the Covenant.

In this regard, we also wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (NHRC/4/18, Annex 1), which specify that evictions must be authorized by law and ensure full and fair compensation and rehabilitation. All potentially affected groups and persons have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.

We also wish to draw attention to the report of the previous Special Rapporteur on the right to adequate housing (A/74/183) in which she stated that, for Indigenous Peoples, the concept of home is not just about a built structure where one lives, but is about one's place on the planet, defined through one's lands, resources, identity and culture, which in turn requires that the right to housing must be interpreted and applied in a manner that is responsive to Indigenous Peoples' experiences of housing and home.

Additionally, we would like to draw your attention to articles 1, 2, 6 (1), 9, 19, 20 (2), 21, 22, and 26 of the International Covenant on Civil and Political Rights (ICCPR), which provide for the right to self-determination, the right to life, the right to liberty and security of person, the right to freedom of expression, the right to be free from discrimination, the right to freedom of peaceful assembly and of association, and the right to equality before the law.

The right to freedom of opinion and expression protects all forms of expression and the means of their dissemination, CCPR/C/GC/34 para. 12. The seizing of protest materials constitutes a restriction on the rights under article 19 (2), and must therefore comply with the requirements under article 19 (3) in that they must be taken in accordance with the law, serve one of the legitimate aims exhaustively listed in art. 19 (3), and be necessary and proportionate. Article 21 states that the right of peaceful assembly should be recognized, and that no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Additionally, under the provisions of article 22, everyone shall have the right to freedom of association with others.

Moreover, the United Nations Declaration on Human Rights Defenders states that everyone has the right to promote and to strive for the protection and realization of human rights. We would also like to recall article 5 (a), which provides for the right to meet or assemble peacefully and article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights.

Finally, we would also like to draw your attention to General comment No. 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) that 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. 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. 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.