

**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 the right to food; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on extreme poverty and human rights**

Ref.: AL NGA 2/2024  
(Please use this reference in your reply)

28 November 2024

Excellency,

We have the honour to address you in our 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; Special Rapporteur on the right to food; 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 52/10, 49/13, 50/6 and 53/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged demolition and burning, including at night, of thousands of homes and structures in the waterfront settlements of Ayetoro and Oko Baba, which have left at least 3,000 people displaced and homeless, with no access to services or livelihood opportunities. The demolitions were carried out without prior notice and consultation with the affected communities, and without the provision of alternative housing solutions or emergency shelters. Information received also points to imminent demolitions to affect neighboring settlements in the same area.**

Cases of forced evictions and demolition of informal settlements in the Lagos State, without prior notice or consultation and without the provision of alternative adequate housing, were raised in previous communications from Special Procedures mandate holders, namely NGA 4/2016 of 14 November 2016, NGA 1/2015 of 8 October 2015, NGA 1/2013 of 26 February 2013, and NGA 3/2012 of 3 August 2012. We regret to note that, while replies have been received to some of these communications, the concerns raised were not adequately addressed, and demolitions have continued exposing communities living in vulnerable situations to compounded hardships.

According to the information received:

*Forced evictions and demolitions in Oko Baba*

Oko Baba is a waterfront settlement facing the Lagos lagoon, mainly inhabited by fishing, carpentry and sawmilling households, often living in poverty and lacking legal security of tenure.

Over the years, the communities living in Oko Baba have repeatedly faced threats of demolition. In 2012, the Lagos State government issued a notice to residents of Oko Baba, indicating that the settlement would be demolished for

urban renewal projects, as part of a broader move by the government to remove informal settlements across Lagos, particularly those along the waterfront. During this time, the government began demolishing several other waterfront settlements, raising fears that Oko Baba would soon face the same fate. Later the same year, the government announced a plan to evict residents, and to resettle them to Agbowo Ikosi, a land-locked area 61 kilometres away from Oko Baba. In 2016, residents of Oko Baba approached the Federal High Court in Lagos to demand a halt to the planned forced evictions, citing the lack of a viable alternative location for their trade and businesses. On that occasion, the Court demanded the planned relocation to be put on hold and asked the Attorney-General of the Lagos State to convene a meeting with stakeholders and the government to work toward a mutually agreeable resolution of the ongoing issues. While the resettlement was eventually not carried out, during the following years the community of Oko Baba witnessed repeated demolitions of homes and other properties, as well as fire incidents that razed parts of the settlement. While the cause of these incidents was not ascertained, the use of fires to demolish informal settlements is a practice which is not uncommon in the Lagos State in parallel to forced evictions.

In 2022, the plan for the resettlement of the communities from Oko Baba to Agbowo Ikosi was revived, as well as for the demolition of Oko Baba. Members of the community approached the Federal High Court, seeking an injunction to halt the planned demolitions. On 17 July 2024, the Court issued a decision recognizing that the State's actions could potentially violate the rights of the residents, especially given the community's complex socio-economic structure and reliance on the waterfront location for their livelihood activities, including fishing for personal and commercial purpose, and issued an injunction temporarily halting the demolition process until appropriate relocation plans were established.

In spite of this ruling, on 14 September 2024, the Lagos State Building Control Agency (LASBCA) announced on social media that it was commencing the 'clearing of shanties' for reasons of 'urban development, regeneration and abating environmental and security nuisance', in the community of Oko Baba. In the early hours of the same day, thousands of people were evicted, and saw their homes and workplaces lit on fire. Bulldozers and other heavy machinery were used during the demolitions; allegedly, where bulldozers could not reach, homes were set on fire, displacing hundreds of families, and leaving them homeless and in distress. The LASBCA's Enforcement Unit, supported by Nigerian Police Force and paramilitary agencies of the state, spearheaded the demolition.

Residents reported instances of excessive use of force during the demolitions, including the deployment of tear gas, physical assaults, and the arrest of individuals who resisted the actions of security personnel. The indiscriminate use of force compounded the trauma experienced by these communities, many of whom were already living in precarious conditions. Women, children, and older persons have been particularly vulnerable to this violence, with reports of injuries being suffered by the displaced families. Reports also indicate cases of children having gone missing as residents were running for safety and

trying to salvage their belongings amid the chaos.

#### *Forced evictions and demolitions in Ayetoro*

Ayetoro is a historic fishing village located on the Lagos lagoon in Yaba Local Council Development Area (LCDA) of the Lagos State, which shares socio-economic and geographical bonds with Oko Baba. Like for the residents of Oko Baba, the community of Ayetoro relies on its proximity to water for livelihood, particularly fishing.

During the demolition of Oko Baba, the Lagos State government extended the demolition to Ayetoro, issuing a five-day ultimatum to residents to vacate their homes. Unlike in the case of Oko Baba, there was no prior communication from state authorities to the residents regarding a pending demolition. On 17 September 2024, mobile police forced (MOPOL) and unidentified armed men began demolishing and setting on fire homes, shops and other structures in Ayetoro. Reportedly, they also warned residents to vacate their homes as they threatened to continue with the demolitions in the following days. Without the provision of alternative adequate housing or resettlement plans, the demolition has left families displaced and homeless, forcing them to sleep on the streets without food or shelter.

#### *Risk of forced evictions and demolitions in Sogunro*

Sogunro is located on the Makoko/Iwaya waterfront in the Lagos State, close to Ayetoro and Oko Baba. The community of Songunro relies on fishing activities for their livelihoods, both for personal and commercial purposes. The community has remained unaffected by direct demolition threats over the years. However, following the demolitions in Oko Baba and Ayetoro, in the afternoon of 17 September, LASBCA officials and armed officers from the MOPOL warned the residents of Sogunro to collect their belongings, as demolitions would affect the area in the next days. Demolitions were not carried out, but residents of a cluster of homes adjacent to Sogunro were informed by the Lagos State government that they must vacate their homes by 25 December 2024. These homes are built under a high-voltage powerline, and their demolition might be justified for safety reasons. However, residents of Sogunro fear that demolitions will continue further.

Reportedly, the forced evictions and demolitions across the waterfront communities of Oko Baba and Ayetoro have so far rendered at least 3,000 people displaced and homeless. Nigeria has ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which calls on its State Parties to respect and ensure respect for their obligations under international law, including human rights and humanitarian law, so as to prevent conditions that might lead to arbitrary displacement (art. 4). Under the Convention, State Parties are obliged to provide protection and assistance during internal displacement, including measures to ensure that affected persons live in satisfactory conditions of safety, dignity, and security, and receive adequate humanitarian assistance, including food, water, shelter, medical care and other health services,

sanitation, education, and other necessary social services, and consult internally displaced persons and allow them to participate in decisions relating to their protection and assistance (art. 9) The Kampala Convention also establishes that States Parties shall prevent displacement caused by development projects carried out by public or private actors, ensure that the stakeholders concerned will explore feasible alternatives, with full information and consultation of persons likely to be displaced, and carry out a socio-economic and environmental impact assessment prior to undertaking development projects (art. 10). The Kampala Convention further requires State Parties to provide persons affected by displacement with effective remedies and establish an effective legal framework to provide just and fair compensation and other forms of reparations to internally displaced persons for damage incurred a result of displacement (art. 12). Reportedly, none of these requirements were met.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our concern with the procedures and methods that have been used by the police force and the Lagos State Government, the extreme use of force and fire, particularly in the middle of the night, and the unbearable situation of homelessness and dispossession caused to over 3,000 residents including children, older people, women and others, all of which is contrary to international human rights law and Nigeria's and the State of Lagos' obligations thereunder. The residents of Oko Baba and Ayetoro were not provided with any sufficient notice, were not appropriately consulted, or given any adequate resettlement or alternative accommodation by the relevant authorities. In a matter of hours, they lost not only their homes, but most of their belongings, and their location in the waterfront, essential for fishing and other livelihood activities.

Similar concerns were previously raised by the Special Rapporteur on the right to adequate housing in NGA 4/2016, when demolitions and burning of homes and other structures in the waterfront community of Otodo Gbame left over 30,000 persons homeless. On that occasion, it is reported that at least 11 persons were killed. We are concerned that, while evictions appear to have temporarily stopped, the same methods may be adopted to carry out demolitions in Sogunro and other waterfront communities, putting thousands of households, individuals and their livelihoods at risk. This is happening as the country experiences a major economic depression which has affected millions of households, in addition to a severe housing crisis, which would require rights-based measures, and the provision of adequate and affordable housing, certainly not forced evictions and the burning and destruction of existing structures. The evictions and demolitions have placed residents who are already experiencing socio-economic hardships in a situation of extreme vulnerability and at further risk of homelessness and arbitrary displacement.

Forced evictions, arbitrary housing demolitions and forced displacement are contrary to both international human rights law and international humanitarian law, and we are concerned that the facts described above may constitute an act of domicile (A/77/190).

We are further concerned that the forced evictions in Oko Baba and Ayetoro, and the risk of forced eviction in Sogunro, will further impact the food production,

food consumption and the overall food security of the affected communities. Furthermore, for these communities losing their waterfront location means being prevented from exercising their traditional practices, being deprived of the source of economic livelihood and well-being, as well as the cultural identity around fishery that constitutes an important and integral part of their life. This will inevitably have serious implications on the full enjoyment of the human rights of the affected populations, such as the rights to food and adequate housing.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details on the measures, if any, taken to provide alternative accommodation to the thousands of displaced families and individuals who lost their homes, and to prevent them from experiencing homelessness as a result of the demolitions and fires.
3. Please indicate if all feasible alternatives to forced eviction, displacement and demolitions have been explored in consultation with individuals and communities, without intimidation or coercion, prior to the decision made for urban renewal of such a large area, and if so, please provide details as to why proposed alternatives to forced eviction have been deemed unsuitable. Please also provide information on whether a socio-economic impact assessment was carried out prior to the forced evictions, with due consideration of possible losses linked with use of water sources and fishing for food consumption and income generating activities.
4. Please indicate if your Excellency's Government has designated an authority or body responsible for coordinating activities aimed at protecting and assisting internally displaced persons.
5. Please indicate if your Excellency's Government has established a register of all internally displaced persons within its jurisdiction or effective control. If so, please provide updated data on the number of internally displaced persons present on Nigeria's territory.
6. Please explain the mechanisms and measures taken at the central level to provide guidance to municipalities and local governments in relation to their international human rights obligations in relation to large scale displacement and destruction due to urban renewal and regeneration of this area.

7. Please clarify what measures have been taken or are envisaged to provide protection and assistance to those displaced by the demolition of their homes and facilitate durable solutions to their displacement
8. Please clarify what steps have been taken or are envisaged to ensure the right to an effective remedy and access to justice for victims and accountability for perpetrators of arbitrary displacement and attacks on displaced persons.
9. Please provide information on any investigation or inquiry undertaken by your Excellency's Government into the allegation of excessive use of force during the forced evictions, including the use of bulldozers and setting fire to homes.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations. In addition, if so confirmed, all persons affected by the development-based evictions, must be adequately compensated for any loss of housing, land and livelihoods, including for losses related to income and food generated by fishing or other economic activities performed.

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.

Please accept, Excellency, the assurances of our highest consideration.

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## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to refer to article 25 of the Universal Declaration of Human Rights (UDHR), recognizing the right of everyone to a standard of living adequate for the health and well-being of themselves and of their family, including food, housing and necessary social services.

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), acceded to by Nigeria in 1993, which recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and stipulates that States shall take appropriate steps to ensure the realization of this right. 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 further 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), acceded to by Nigeria in 1993, on the rights to life and to non-interference with privacy, family, home or correspondence.

In its general comment No. 4 on the right to adequate housing, the Committee on Economic, Social and Cultural Rights (CESCR) 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. It has also clarified that characteristics of housing adequacy include also security of tenure, affordability, habitability, accessibility, location and cultural adequacy. Housing is not adequate if it does not respect and take into account the expression of cultural identity. 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.

We wish 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. 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. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons. Moreover, demolitions must never lead to homelessness of the evicted persons by ensuring there is provision of adequate alternative housing facilities, resettlement and compensation for lost property.

We furthermore 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”; that they must be authorized by law, and ensure full and fair compensation and rehabilitation. The Guidelines indicate that States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land; and should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions.

We further wish to draw your attention to the Guiding Principles on Internal Displacement. All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5). Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence, including in cases of large-scale development projects, which are not justified by compelling or overriding public interests. (principle 6). Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects (principle 7(1)). The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated (principle 7(2)).

If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with: (a) a specific decision shall be taken by a State authority empowered by law to order such measures; (b) adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; (c) the free and informed consent of those to be displaced shall be sought; (d) the authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation; (e) law enforcement measures, where required, shall be carried out by competent legal authorities; and (f) the right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected (principle 7(3)).

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected (principle 8). States are under a particular obligation to protect against the displacement of indigenous peoples,

minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands (principle 8). Every human being has the right to dignity and physical, mental, and moral integrity, and shall be protected in particular against *inter alia* rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution, and any form of indecent violence, acts of violence intended to spread terror among internally displaced persons, and threats and incitement to commit any of the foregoing acts shall be prohibited (principle 11). All internally displaced persons have the right to an adequate standard of living, which at a minimum should include essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation (principle 18).

The principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2005/17) prohibits the “forced eviction, demolition of houses and destruction of agricultural areas and the arbitrary confiscation or expropriation of land as a punitive measure or as a means or method of war” (principle 5), and provides that States must prioritize the right to restitution as the preferred remedy for displaced persons and as a key element of restorative justice (principle 2).

The Guiding principles on security of tenure for the urban poor (A/HRC/25/54), developed by former Special Rapporteur on the right to adequate housing, recognize that the plight of the urban poor presents one of the most pressing challenges to security of tenure, especially in an increasingly urbanized world. Principle 3 clarifies that tenure should be secured *in situ* unless there are exceptional circumstances that justify eviction consistent with international human rights law.

Moreover, we wish to underscore that the large-scale destruction of housing, including informal settlements during development projects, may amount to “domicide”. In the report on the right to adequate housing during violent conflict, the Special Rapporteur on the right to adequate housing established that the deliberate destruction of homes may also constitute a crime against humanity (A/77/190).

In her report following a country visit to Nigeria, the former Special Rapporteur on the right to adequate housing noted that millions of Nigerians live in informal settlements without security of tenure, which makes them vulnerable to forced evictions (A/HRC/43/43/Add.1). The Special Rapporteur witnessed the great levels of anxiety this causes to families, many of which are repeatedly subjected to forced evictions and live in constant fear that a new eviction could come with little or no notice, and specified that *in-situ* upgrading of informal settlements must not result in evictions or displacement, and must conform with the principles laid out in the report on the right to housing and informal settlements (A/73/310/Rev.1).

Article 11(2) of ICESCR provides “the fundamental right to freedom from hunger and malnutrition”, which is of immediate application. Article 11(1) of the ICESCR further requires States to “take appropriate steps to ensure the realization of this right”. The Committee on Economic Social and Cultural Rights (Committee, or CESCR) stressed in its general comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). According to the Committee, the obligation

to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires the State to take measures to ensure that enterprises or individuals do not deprive other individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their access to land to ensure their food security (para. 15). The right to be free from hunger and malnutrition is not subjected to progressive realization as it must be fulfilled in a more urgent manner (para. 1).

As stated by the Committee in its general comment No. 12, States are required to respect existing access to adequate food and to take no action to prevent such access. The Committee also recalled that the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food may constitute a violation of this right. The formulation and implementation of national strategies, mandatory for the progressive realization of the right to food, require full compliance with the principles of transparency, accountability and participation of the people. Paragraph 54 of general comment No. 12 also emphasizes that “[t]he denial of access to food to particular individuals or groups” constitutes a violation of the right to food.

In his thematic report “Fisheries and the right to food in the context of climate change” (A/HRC/55/49) the Special Rapporteur on the right to food reminded that States should recognize the role of small-scale fishing communities to restore, conserve, protect and co-manage local aquatic and coastal ecosystems as established in Voluntary Guideline for Securing Sustainable Small-Scale Fisheries (SSF Guidelines) (para. 5.5) starting with ensuring their customary tenure rights. Small-scale fishing communities need to have secure tenure rights to the resources that form the basis for their social and cultural well-being, their livelihoods and their sustainable development, therefore States, in accordance with their legislation should ensure that small-scale fishers, fish workers and their communities have secure, equitable and socially and culturally appropriate tenure rights to fishery resources and small-scale fishing areas and adjacent land (para. 5 of SSF Guidelines). Furthermore, we wish to recall the former UN High Commissioner for Human rights, Michelle Bachelet who reiterated that “small-scale fishers have the right to participate in all decision-making processes that may affect their lives, lands and livelihoods. Strong and independent organizations of small-scale fishers should be respected and supported by States and will be crucial in the achievement of the 2030 Agenda for Sustainable Development goals”.

We would like to bring your Excellency's Government's attention to the United Nations Declaration on the Rights of Peasants and other People Working in Rural Areas (UNDROP), which provides that “States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. Article 1.2 of UNDROP applies to any person engaged in artisanal or small-scale activities including fishing in a rural area. It also applies to dependent family members of peasants. Article 15 includes the right to adequate food. Article 2(1) states that States shall promptly take legislative, administrative and other appropriate steps to progressively achieve the full realization of the rights set forth in the UNDROP”.

We also wish to draw the attention of your Excellency's Government to CESCR's general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Therefore, States parties shall put in place laws and policies that allow for the recognition of informal tenure through participatory, gender-sensitive processes, paying particular attention to tenant farmers, peasants and other small-scale food producers (para. 39).