

**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 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; and the Special Rapporteur on the human right to safe drinking water and sanitation**

REFERENCE: UA  
BRA 2/2015:

14 July 2015

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 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; and Special Rapporteur on the human right to safe drinking water and sanitation pursuant to Human Rights Council resolutions 25/17, 25/2, 24/5, and 24/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged imminent eviction of approximately 20,000 persons residing in three urban informal settlements – Esperança, Vitória e Rosa Leão - located in the region Isidoro, between the Municipalities of Belo Horizonte and Santa Luzia, State of Minas Gerais**. These families face immediate eviction from their homes due to the latest judicial decision of 17 June 2015.

According to information received:

For several years, approximately 5,000 families (over 20,000 people) have been occupying land upon which they have developed three urban informal settlements - Esperança, Vitória e Rosa Leão - located in the region known as Isidoro, between the cities of Belo Horizonte and Santa Luzia, State of Minas Gerais. Although figures available to us vary, information indicated that approximately 5,000 homes have been built in these settlements thus far. Allegedly many of the

homes lack basic services, including water, sanitation and roads, and the residents also indicate lack of access to schools, health facilities and services. The families comprise a large number of women-headed households, children and elderly people, most living in poverty and extreme poverty, unable to access affordable housing in the region.

The occupied areas comprise public land owned by the Municipality of Belo Horizonte and by the Municipality of Santa Luzia, as well as by three private owners, one of which is Granja Werneck. Within the Municipality of Belo Horizonte, there is an area that was declared “Special Zone of Social Interest” but there seems to be lack of clarity as to the number of families and the location of these families within this protected area.

The eviction was initially ordered for August 2014, without specifying number of houses, names of families, nor exact locations that would be affected. Public information from the government explained that some of the land was meant to be used as part of an urban plan called “Urban Operation of Isidoro“ which comprised a vast area of 950 hectares. Residents noted that only parts of the three settlements were located around and in the borders of this area of land.

This eviction order was suspended on 12 August 2014 by a judicial decision issued by the Court of Childhood and Youth, in consideration of the protection of the children and adolescents living in the settlements as well as their parents as main caregivers. The suspension was then appealed by the Municipality of Belo Horizonte to the State Court of Appeal, and a decision of this Court confirmed the eviction order via a provisional measure. According to the Office of Federal Public Defenders of Belo Horizonte, the judicial procedure thus far has been “full of arbitrary and illegal acts”.

In March 2015, a negotiation procedure between representatives of the Isidoro settlements and the newly elected government of the State of Minas Gerais was initiated. Allegedly, the government’s original plan had been to use part of the land and resources from the Federal housing program called “Minha Casa Minha Vida” to construct new housing units (buildings) for the residents of the settlements who were to be evicted. But this plan only extended to families with children, while excluding other families, such young couples without children, elderly people or single occupants.

In addition, those families with children were not offered any guarantee or formal documentation, nor did they receive any information about a temporary resettlement while the construction of new units took place. Moreover, the criteria of a proof of a minimal monthly wage for joining the “Minha Casa Minha Vida” programme was considered unrealistic by many of the families who work in the

informal sector and have income lower than needed in order to join the programme. According to the residents, the government did not properly inform and consult them or seek their views, nor did it present a concrete, viable and effective plan for the resettlement of all families and, was not taking into account the acute lack of affordable housing in the region for people living in poverty.

On 19 June 2015, the Office of Federal Public Defenders of Belo Horizonte attended a meeting organized by the Military Police of Minas Gerais where the Military Police announced that the eviction would take place within the coming week. In response, on the same day, some families living at Isidoro settlements, along with members of social organizations and movements supporting their cause, held a peaceful march near some State Government buildings challenging the grounds for the imminent eviction without any provision of a plan for relocation of the inhabitants of these settlements. The police reportedly violently dispersed the said assembly with the indiscriminate use of tear gas and rubber bullets. These grave incidents resulted in over 50 people injured, including young children and elderly. It is also reported that the police conducted arrests of protestors. A total of 29 individuals, including five children, were detained overnight on 19 June, forced to sit on the cells' floors and denied access to their lawyers.

On 22 June, an extension of 15 days was granted by the representative authorities of the State of Minas Gerais with the aim of allowing a final opportunity for a negotiated solution to the conflict by all parties. Some small steps seem to have been taken since, but according to the information received, most residents in these three settlements remain highly concerned that the eviction could take place any time, with the use of force, and without any alternative housing in sight.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern that thousands of families residing in the settlements in the region of Isidoro face an imminent eviction without any resettlement or alternative accommodation proposed by the relevant authorities, contrary to international human rights law. Eviction of these families may result in homelessness for thousands of people, which is strictly forbidden under international human rights standards. Grave concern is expressed that this situation occurs in the context of lack of affordable housing, in particular for people living in poverty in this region. In addition, serious concern is expressed at the reported violent crackdown of a peaceful assembly by the police and arrests of protestors, including residents and members of organizations supporting their claims. Furthermore, concern is expressed with the reported possibility of a future escalation of violence by the authorities, especially if/when the eviction is carried out.

We call your attention to articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and article 17 of the International

Covenant on Civil and Political Rights (ICCPR), both acceded by Brazil on 24 January 1992. In accordance with these instruments, forced eviction would be contrary to the rights to adequate housing, to non-discrimination and to freedom from arbitrary or unlawful interference with privacy, family and home. These articles guarantee non-discrimination in the exercise of the rights in the Covenants, and the right to an adequate standard of living, including housing, respectively. The Committee on Economic, Social and Cultural Rights in its General Comment No. 4 has stressed that the right to adequate housing includes various aspects such as affordability, accessibility and legal security of tenure; and in its General Comment No. 7 has noted that States must ensure, prior to carrying out any evictions, that all feasible alternatives are explored in consultation with the affected persons, that alternatives are provided to avoid homelessness and that due process is ensured.

We also recall the Guiding Principles on security of tenure for the urban poor (A/HRC/25/54) prepared by the former SR and the recent report on the obligations of subnational governments in the implementation of the right to adequate housing by the SR on adequate housing (A/HRC/28/62).

In connection with alleged violent dispersal of a peaceful march on 19 June 2015 concern is expressed at the restrictions on the rights to freedom of opinion and expression and assembly. We would like to refer to articles 19 and 21 of the ICCPR, which guarantee the rights to freedom of expression and opinion and peaceful assembly, and to the Code of Conduct for Law Enforcement Officials that provides for the use of force only when strictly necessary and to the extent required for the performance of the law enforcement officials' duty (article 3).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, 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. Are the facts of the case summarized above accurate?

3. Please provide details of the number of people living in these three settlements that the Government at the Municipal, State and Federal levels is using as a basis for finding alternative accommodation. Please explain the sources of the information, and if possible, provide any available disaggregation.
4. Please explain the steps to be taken to clarify the area and limits of the various land properties involved in this eviction process, including those areas that are part of different municipal zones.
5. Please provide further information and details about the jurisdiction and the legislation that served as a basis for the eviction order in particular in relation to land owned by different municipalities. In this context please indicate how this planned eviction complies with provisions regarding the right to adequate housing in Brazil's Constitution, in particular article 7 (IV), 23 (IX), 183 (VIII) and 203.
6. Please indicate if all feasible alternatives to eviction were explored in consultation with the residents of the informal settlements, prior to decisions about eviction, and if so, please provide details as to why proposed alternatives were unsuitable.
7. Please provide full details of the conditions, criteria and timelines to access the Federal programme "Minha Casa Minha Vida" for people with low income, or residents of informal settlements such as in this case. Please include documentation required, including if applicable about proof of work and other sources of income.
8. Please explain and provide full details of measures that have been taken by the State of Minas Gerais and the Federal Government to address the housing deficit in the region considering the growth of the cities of Belo Horizonte and Santa Luzia? Please provide details of the specific policies and programmes in place or being planned to ensure availability of affordable housing for people living with low income.
9. Please provide information on the regulations and operational procedures for law enforcement agents concerning the use of force in the context of law enforcement during assemblies and whether it is compatible with international standards on the use of force and firearms.
10. What steps have been taken in relation to the use of force against peaceful protesters?

11. What steps have been taken to ensure that residents in the three settlements can safely express their full concerns regarding the imminent eviction without fear of further reprisal?

While awaiting a reply, we urge that all necessary interim measures be taken to halt the threatened forcible eviction of the residents of the informal settlements in the Isidoro region, state of Minas Gerais.

We note that should the case develop further to the detriment of the human rights of the concerned thousands of families, we reserve the possibility of publicly expressing our concerns. Any press release will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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David Kaye

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