

The experts recognized the widespread nature of the practice of forced evictions and that, when forced evictions are carried out, they can occur in a variety of contexts including, but not limited to: conflicts over land rights, development and infrastructure projects; land acquisition measures associated with urban renewal; housing renovation; city beautification programmes; the clearing of land for agricultural purposes or macro-urban projects; unbridled speculation in land; and the holding of major international events such as the Olympic Games. Conscious of the fact that forced evictions intensify social conflict and inequality and invariably affect the poorest, most socially and economically vulnerable sectors of society, specifically women, children and indigenous people, the expert group resolved to protect human rights and prevent violations due to the practice of forced evictions, by adopting, *inter alia*, the following guidelines:

- ▶ While responsibility for forced evictions under international law is ultimately held by states, other entities -in particular, occupying powers, international financial and other institutions or organizations, transnational corporations and individual third parties, including public and private landlords or landowners-are not relieved from obligations in this regard.
- ▶ States should apply appropriate civil or criminal penalties against any person or entity, within their jurisdiction, carrying out any forced evictions not in full conformity with applicable law and these Guidelines.
- ▶ States should object, through the appropriate international legal mechanisms, to the carrying out of such forced evictions in other states;
- ▶ States should ensure that international organizations in which they are represented refrain from sponsoring or implementing any project, programme or policy which may involve such forced evictions.
- ▶ States have the obligation of maximum effective protection by: providing security of tenure against the practice of forced evictions for all persons under their jurisdiction, especially for indigenous peoples, women and children, female-headed households and persons belonging to vulnerable groups; ensuring that adequate and effective legal or other appropriate remedies are available to any persons whose protection against forced evictions has been violated or is under threat; and that impact assessments are carried out prior to the initiation of any project which could result in development-based displacement.
- ▶ States should ensure that no persons, groups or communities are rendered homeless or are exposed to the violation of any other human rights as a consequence of forced evictions.
- ▶ States should review relevant national legislation to ensure that its laws are compatible with the norms contained in these Guidelines and other relevant international human rights provisions, and states should adopt appropriate legislation and policies to ensure the protection of individuals, groups and communities from forced evictions.
- ▶ States should fully explore all possible alternatives to any act involving forced eviction; and, in this regard, all affected persons shall have the right to all relevant information and the right to full participation and consultation throughout the entire process and to propose any alternatives. If agreement cannot be reached on a proposed alternative, an independent body — such as a court of law, tribunal, or ombudsman — may be called upon.
- ▶ States should expropriate housing or land only as a last resort, unless its acquisition is to facilitate the enjoyment of human rights (for example, measures of land reform or redistribution), and in such cases, such action shall be (a) determined and envisaged by law and norms consistent with internationally recognized human rights; (b) solely for the purpose of protecting the general welfare in a democratic society; (c) reasonable and proportional; and (d) in accordance with the present Guidelines.
- ▶ All persons have the right to adequate housing which includes, *inter alia*, the integrity of the home, access to and protection of common property resources, and protection against any arbitrary or unlawful interference with privacy or respect of the home.
- ▶ All persons, irrespective of their tenure status, have a right of security of tenure which provides sufficient legal protection from forced eviction from one's home or land.
- ▶ All persons threatened with forced eviction have the right to: (a) a fair hearing before a competent, impartial and independent court or tribunal; (b) legal counsel and, where necessary, sufficient legal aid; and (c) effective remedies.
- ▶ All persons have a right to appeal any judicial or other decisions affecting their rights as established pursuant to the present Guidelines to the highest judicial authority.
- ▶ All persons subjected to any forced eviction not in full accordance with the present Guidelines should have a right to compensation for any losses of land or personal, real or other property or goods.
- ▶ All persons, groups and communities subjected to forced evictions have the right, but shall not be forced to return to their homes, lands or places of origin.
- ▶ In instances in which it is in the public interest, or where the safety, health or enjoyment of human rights so demands, particular persons and communities may be subject to resettlement; however, such resettlement must occur in a just and equitable manner and in full accordance with the law of general application.
- ▶ The right to resettlement includes the right to alternative land or housing which is safe, secure, accessible, affordable and habitable.

Sub-Commission Resolution on Forced Evictions (Resolution 1997/6)

At its 1997 session, the Sub-Commission adopted a resolution by consensus on the question of forced evictions. The resolution recalled the analytical report on forced evictions prepared by the Secretary-General in 1994 (E/CN.4/1994/20); reaffirmed that everyone has the right to a secure place to live in peace and dignity, which includes the right not to be evicted arbitrarily or on a discriminatory basis from one's home, land or community; noted that when, under exceptional circumstances, evictions are considered to be justified, such