

or external affairs of a state, availability of external resources, foreign debt, external trade, transnational corporations, development assistance, and international institutions, the latter including international non-governmental organizations.

The report recommended that the Commission authorize the WG to meet again for one week prior to the CHR's 1998 session and be mandated to gather and analyse information on the effects of structural adjustment programmes on the realization of economic, social and cultural rights and elaborate basic policy guidelines to serve as a basis for continued dialogue between human rights bodies and the IFIs. The report also requested the Commission, *inter alia*, to appoint an independent expert (an economist with expertise in the area of structural adjustment programmes) to: 1) undertake a study on the effects of structural adjustment policies on economic, social and cultural rights; 2) update previous work done on the subject within the UN; and 3) submit a consolidated study and draft set of guidelines to the 1998 session of the Commission.

At the 1997 session, the Commission adopted a resolution by roll call vote (1997/103) in response to the WG's report in which the CHR, *inter alia*: noted the report of the open-ended WG; authorized the Group to meet for one week, at least four weeks in advance of the 1998 session; assigned to the WG the mandate to gather and analyse information on the effects of structural adjustment on economic, social and cultural rights, elaborate basic policy guidelines to serve as a basis for continued dialogue between human rights bodies and international financial institutions and report to 1998 session of Commission; appointed an independent expert to study the effects of structural adjustment policies on economic, social and cultural rights, update previous work done on this subject within and outside the UN and submit a consolidated study, including a draft set of guidelines, to the 1998 session; requested the Secretary-General to circulate the study to all governments, UN bodies, regional commissions and non-governmental entities and invite them to submit comments to the next session of WG; and, requested the Secretary-General to invite and encourage NGOs involved in development and working in the field to participate in the sessions of the WG.

The vote on the resolution was 36 in favour and 13 opposed, with 3 abstentions. Renewal of the mandate of the Working Group is taken on an annual basis.

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## EVICTIONS

**General Comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights (E/C.12/1997/4)** on the right to housing (art. 11.1 of the Covenant): forced evictions

The Committee defines "forced evictions" as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The Committee notes that the practice of forced evictions is widespread and affects persons in both developed and developing countries, and that forced evictions frequently violate other human rights. While forced evictions might appear to occur primarily in heavily populated urban areas, it also takes place in

connection with forced population transfers, internal displacement, forced relocations in the context of armed conflict, mass exodus, and refugee movements; further that many forced evictions are associated with violence, while other instances occur in the name of development.

The Committee notes, *inter alia*, that: the obligations of States Parties to the Covenant in relation to forced evictions are based on article 11.1, read in conjunction with other relevant provisions, especially article 2.1, which obliges states to use "all appropriate means" to promote the right to adequate housing; the state itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties; the state's obligation to ensure respect for that right is not qualified by considerations related to its available resources; legislation against forced evictions is an essential basis upon which to build a system of effective protection; women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction; women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when rendered homeless; forced eviction and housing demolition as a punitive measure are inconsistent with the norms of the Covenant; State Parties shall ensure, prior to carrying out any evictions, that all feasible alternatives are explored in consultation with the affected persons; legal remedies and procedures must be provided to those who are affected by the eviction orders; individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected; in cases where eviction is considered to be justified, it should be carried out in strict compliance with relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality; evictions should not result in individuals being rendered homeless or vulnerable to the violation of other rights; international agencies should scrupulously avoid involvement in development projects which involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation; and, where institutions such as the World Bank have adopted guidelines on relocation and/or resettlement, with a view to limiting the scale of and human suffering associated with force evictions, there should be full respect for such guidelines insofar as they reflect the obligations contained in the Covenant.

### **Comprehensive Human Rights Guidelines on Development-based Displacement (E/CN.4/Sub.2/1997/7)**

Less than a month after the adoption of General Comment No. 7, the UN Centre for Human Rights convened an Expert Seminar on Forced Evictions (Geneva, 11 to 15 June 1997) with a view to developing a set of comprehensive guidelines on development-based displacement. The mandate for the meeting originated with the Sub-Commission. The Guidelines were drafted by seven independent experts from the Dominican Republic, Kenya, Mexico, Netherlands, Pakistan, Philippines and South Africa, who took into account submissions and interventions by representatives of various governments, UN agencies, and NGOs.