

UN Basic Principles and Guidelines on Development-based Displacement and Evictions

Presented By,
Mr. Miloon Kothari

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UN Basic Principles and Guidelines

Highlights:

- Define the practice of forced evictions;
- Lay down stringent criteria under which displacement can occur in “exceptional circumstances”, with “full justification” and procedural guarantees;
- Enumerate detailed steps to be taken by States to protect human rights prior to, during, and after evictions;

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Highlights:

- Call for comprehensive “eviction-impact assessments” to be carried out prior to displacement.
- Provide useful guidance on other phenomena that lead to displacement.
- Call for provision of compensation, restitution and adequate rehabilitation consistent with human rights standards.

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Highlights:

- Establish a “right to resettle” consistent with the right to adequate housing for displaced communities living in adverse conditions.
- Call on States to guarantee security of tenure to all those currently lacking titles to home and land.
- Provide a strong gender perspective, including protection and entitlements to women.

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Highlights:

- Protect children's right to adequate housing.
- Emphasise specific impacts of evictions on historically marginalised groups, including dalits, adivasis, tribals.
- Call for protection of related human rights, including the human rights to work/livelihood, land, food, health, and education.

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Highlights:

- Stress the obligations of non-State actors.
- Call for States to Stress take intervening measures to ensure that market forces do not increase the vulnerability of low-income and marginalized groups to forced eviction.

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What Constitutes a Forced Eviction?

It involves the involuntary displacement of individuals, groups and communities from their homes and/or lands and common property resources, thus adversely affecting their ability to reside or work in a particular dwelling, residence or location, without the provision of and access to, appropriate forms of legal or other protection.

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What Constitutes a Forced Eviction?

- Development-based evictions include evictions often planned or conducted under the pretext of serving the “public good”, such as those linked to:
 - development and infrastructure projects
 - land acquisition measures associated with urban renewal, slum upgrades...
 - land speculation
 - major international business or sporting events
 - so-called ‘environmental’ purposes.

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Impacts of Forced Evictions

Forced evictions:

- Constitute gross violations of human rights, including adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement.

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Impacts of Forced Evictions

Forced evictions:

- Intensify inequality, social conflict, and segregation and invariably affect the poorest and marginalized sectors of society, especially women, children, minorities and indigenous peoples.
- Leave people homeless and destitute, without means of earning a livelihood.
- Result in physical and psychological injuries to those affected, especially women and children.

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Steps to be Taken Prior to an Eviction:

- Appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives.
- Effective dissemination of relevant information in advance.
- Provision of a reasonable time period for public review of, comment on, and/or objection to the proposed plan.

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Steps to be Taken Prior to an Eviction:

- Holding of public hearing(s) that provide affected persons with opportunities to challenge the eviction decision and to present alternative proposals.
- Written notice in the local language to all individuals concerned, sufficiently in advance of any decision relating to evictions.
- Completion of all resettlement measures before anyone is moved from their original areas of dwelling.

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Steps to be Taken During an Eviction:

- Government officials or their representatives must be present on site during the eviction, and present formal authorisation for the eviction.
- Neutral observers must be allowed to be present during the eviction.
- Evictions must not violate the dignity or human rights of the affected.

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Steps to be Taken During an Eviction:

- Special measures must be taken to ensure that women are not subject to gender-based violence and discrimination, and that rights of children are protected.
- Evictions must not take place in bad weather, at night, during festivals or religious holidays, or during or just before school examinations.
- No one must be subject to any form of violence or arbitrary deprivation of property or possessions.

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Steps to be Taken After an Eviction:

- Just compensation and sufficient alternative accommodation must be provided.
- Evicted people must be provided with safe access to: essential food, potable water and sanitation; basic shelter and housing; appropriate clothing; essential medical services; livelihood sources; fodder for livestock; access to common property resources; education and childcare facilities.
- Special attention should be paid to the health needs of women and children.

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Steps to be Taken After an Eviction:

- Members of the same extended family or community must not be separated as a result of evictions.
- The equal participation of women in all planning processes and in the distribution of basic services and supplies must be ensured.
- Women and men must be co-beneficiaries of all compensation packages.

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Criteria for Resettlement:

- All resettlement sites must fulfil the criteria for “adequate housing” according to international law.
- A comprehensive resettlement policy consistent with the present guidelines and international human rights principles must be in place.
- The human rights of women, children, indigenous peoples, and other vulnerable groups must be equally protected, including their rights to property, ownership, and access to resources.

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Criteria for Resettlement:

- The party responsible for carrying out the evictions must pay for all resettlement costs.
- The right of the affected to full and prior informed consent regarding relocation must be guaranteed.
- All necessary amenities, services and economic opportunities at the proposed relocation site must be provided.
- Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of the evicted.

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Criteria for Resettlement:

- The time and financial cost of travel to and from work or to access essential services must not place excessive demands on households.
- Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.
- The resettlement site must not be situated on polluted land or near sources of pollution.

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Criteria for Resettlement:

- Affected persons must be provided with sufficient information on all projects and processes related to resettlement.
- Affected people must be given at least 90 days notice before the date of the resettlement.
- Local government officials and neutral observers should be present during the resettlement.

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Uses:

- Improve practices and policies of all actors responsible for displacement and rehabilitation.
- Generate awareness among the displaced and those facing threats of displacement as well as civil society groups.
- Monitor governance and practices of all involved parties (including the corporate sector, public sector, and government).
- Contribute to standard setting and law and policy making.

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Uses:

- Assist law enforcement agencies (including the judiciary and human rights commissions) in interpreting and implementing national and international law.
- Promote accountability of both government and non-government agencies.
- Promote human rights education.
- Mobilize national and international campaigns against forced evictions.