

**ACHPR/Res.231 (LII) 2012: RESOLUTION ON THE RIGHT TO ADEQUATE HOUSING AND PROTECTION FROM FORCED EVICTIONS**

*The African Commission on Human and Peoples' Rights (the Commission) meeting at its 52<sup>nd</sup> Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d'Ivoire;*

**Considering** its mandate to promote human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter);

**Recalling** that the right to housing is protected by the African Charter under Articles 14 (the right to property), 16 (the right to highest attainable standard of mental and physical health) and 18(1) (protection accorded to the family), as affirmed in the Commission's Principles and Guidelines to Interpret Economic, Social and Cultural Rights in Africa;

**Further recalling** Article 16 of the Protocol to the African Charter on the Rights of Women in Africa which obligates States to ensure access of women to adequate housing;

**Noting** that States obligations in relation to the right to adequate housing were affirmed in 2001 by the Commission in *Communication 155/96-Social and Economic Rights Actions Centre and the Centre for Economic and Social Rights (SERAC) v. Nigeria*;

**Further noting** that the right to adequate housing is protected under Article 11 of the International Covenant on Economic, Social and Cultural Rights, Article 17 of the International Covenant on Civil and Political Rights, Articles 16(1) and 27(4) of the Convention on the Rights of the Child, Art 5 (e) of the Convention on the Elimination of All Forms of Racial Discrimination, Article 14(2) of the Convention on the Elimination of All Forms of Discrimination against Women, and Articles 9 and 28 of the Convention on the Rights of Persons with Disabilities, and that forced evictions violate these provisions;

**Bearing in mind** that as part of their obligations to respect and protect the right to adequate housing, States Parties are required to refrain from and prevent forced evictions, including by private actors;

**Recalling** that the United Nations Commission on Human Rights has recognised that forced evictions constitute gross violations of a range of human rights, in particular the right to adequate housing;

**Recognising** that a minimum degree of security of tenure, including protection from forced evictions, is essential for people to realise their right of access to adequate housing to meet the basic need of a decent livelihood;

**Concerned** that each year hundreds of thousands of people in Africa are forcibly evicted from their homes by States and other non-state actors, without

prior consultation and notice, adequate compensation or appropriate alternative housing solution;

**Noting with concern** that forced evictions also lead to violations of other economic, social and cultural rights, such as access to drinking water, stable employment, health care and education;

Further concerned **that woman, children and other vulnerable groups suffer disproportionately from forced evictions and their effects;**

**Concerned** by the inadequate reporting by Member States on the measures taken towards meeting their obligation to ensure the right to housing and legal protection of people from forced and arbitrary evictions;

**Condemns** forced evictions;

**Urges** all States Parties to the African Charter to take appropriate steps to ensure respect, protection and realisation of the right to adequate housing, in particular by:

- I. Putting an end to all forms of forced evictions, in particular evictions carried out for development purposes;
- II. Ensuring that evictions are only carried out as a last resort after all alternatives to eviction have been provided and that all evictions comply with international and regional standards;
- III. Adopting legislative and other measures to ensure that legal procedures are complied with prior to any eviction and making available remedies that are likely to result in the right to reparation either in the form of *restitutio in integrum* or monetary compensation;
- IV. Taking concrete measures to confer security of tenure to all people lacking such protection, with prior and informed consent of the affected people;
- V. Ensuring that any alternative housing provided to people complies with international and regional standards on the right to adequate housing.

**Adopted at the 52<sup>nd</sup> Ordinary Session of the African Commission on Human and Peoples' Rights held in Yamoussoukro, Côte d'Ivoire, from 9 to 22 October 2012**