

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandate 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**

REFERENCE: UA Housing (2000-9)  
RUS 5/2011

7 April 2011

Excellency,

I have the honour to address you in my 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 pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 6/27.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding the **threat of imminent eviction of internally displaced persons in Ingushetia**.

According to the information received:

On 3 March 2011, 14 families residing in former military barracks in the Ingush city of Nazran received requests from local authorities to vacate the barracks within ten days. These families belong to the ethnic Ingush group and are also internally displaced persons following the 1992 conflict between Ossetians and Ingush which destroyed their homes. As a result of the conflict, they cannot return home and they have been living in the barracks as a form of temporary accommodation. Though the deadline has passed, and they have not been evicted yet, officials continue to visit the barracks and the eviction request is still in force. The local administration also threatened to call in the police if the families refused to vacate the barracks and informed another resident that his continued residence in the barracks was "life-threatening". Local government authorities have indicated their intention to evict more people in the region with no alternative accommodation offered.

While I do not wish to prejudge the accuracy of these allegations, I would like to draw your Excellency's Government's attention to article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which the Russian Federation is a

party, which states that “the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions.” The Committee on Economic, Social and Cultural Rights commented the right to adequate housing in its General Comment No.4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one’s head, rather, it should be seen as the right to live somewhere in security, peace and dignity . With “due priority to those social groups living in unfavourable conditions” the right to housing includes guaranteeing: (a) legal security of tenure, (b) availability of services, materials, facilities and infrastructure, (c) affordability, (d) habitability, (e) accessibility, (f) location; and (g) cultural adequacy. The Committee also added that “the right to housing should be ensured to all persons irrespective of income or access to economic resources.”

As repeatedly stated, including in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. According to General Comment No.7:

“15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

I urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. I

also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, I 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 the above international instruments.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on this case to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the alleged facts in the above summary of the case accurate?
2. Could you please indicate the grounds on which the threatened imminent evictions would take place?
3. Could you please indicate how many people would be affected by the evictions? Beside the 14 families who would have already received the request to leave the barracks, is any additional eviction planned in the region?
4. Have exact dates for the allegedly planned eviction been determined? If so, how and when were they communicated to the affected families?
5. Could you please indicate whether there is any ongoing consultation with the persons threatened with imminent eviction? Please give the details, date and outcome of these consultations if any.
6. Could you please indicate the measures foreseen by the authorities to ensure that the persons affected by the evictions will not become homeless? In this framework, please provide information on what has been foreseen in terms of alternatives for those affected, and if relocation sites have been designated, please provide details on the location, including on access to public services and livelihood.

I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration.

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

Raquel Rolnik  
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