

**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  
NGA 4/2016:

14 November 2016

Dear Mr. Omologbe Emuze,

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 Human Rights Council resolution 31/9.

In this connection, I would like to bring to the attention of your Government and the relevant authorities information I have received concerning the **alleged demolition and burning of most homes and structures in Otodo Gbame Community, leaving over 30,000 homeless people despite a recent injunction from the Lagos State High Court restraining any demolition in the waterfronts across the state.**

According to the information received:

In the early hours of 9 November 2016, fires were started in some houses, allegedly by a group of young non-residents due to a dispute over payment of 'security fees', at the entrance of the Otodo Gbame community. This community is located on the Lagos Lagoon in Lekki Phase I; it is predominantly made of ethnic minorities in Lagos, notably of Eguns. Most members of the community are fishing men and women, mostly living in poverty and without security of tenure.

The community is part of a series of settlements and communities in the waterfronts across the state that had been protected by an injunction only two days before by the Lagos State High Court (7 November 2016). The injunction restrained the Lagos State Government and the Lagos State Commission of Police from demolishing waterfront communities or evicting residents or taking any other steps in that direction, and stopped any effect that might be caused by the 9 October 2016 eviction threat to all waterfront communities, issued by the Governor of Lagos State.

Members of the Nigerian Police Forces arrived shortly after the fires began. By mid-day of 10 November, as many as 15 vehicles and over 50 police officers, including the Commissioner of Police, were present at the scene. According to numerous eye-witnesses, however, they were not assisting the community

members who were trying to bring water to stop the fire. Instead police officers impeded the community members from doing so, shot at them and proceeded to assist to spread the fire. Four persons, including one child, reportedly drowned trying to escape. Over twenty persons, including a leader of the community, were arrested and detained by the police overnight, and have been charged on trumped up charges.

Over the course of a few hours, about a third of the community of the Otodo Gbame, or an estimated 800 structures, had been razed to the ground, and residents had not only lost their homes but all of their property as they were not able to recover any of their belongings, having rushed out to save their lives. They are now homeless.

The next day, after midnight, there were new reports that police returned to Otodo Gbame with a bulldozer from the Lagos State Ministry of Physical Planning and Urban Development to demolish the remaining 2/3 of the community. It is reported that while the caterpillar was pulling down homes and businesses, including those built of concrete blocks, the police sprayed traditional wooden structure with kerosene and lit them on fire.

In the subsequent days, most structures, homes and remaining personal items have been burnt down and razed. These demolitions were carried out without any notice, without any alternative housing plans or emergency shelters provided. Once again people in the community were forced out of their homes in the middle of the night to save their lives. These evictions appear to be in complete defiance of a court order against any eviction or demolition in these areas and communities.

Between 11-13 November, the police repeatedly returned to the community to arrest and harass residents. One community paralegal working with local civil society organizations providing legal representation to the community, was arrested for providing a copy of the court injunction to police officers in the community.

It is reported that there are powerful private interests behind the intended demolitions included in relation to the Elegushi Chieftaincy Family, with claims over land in Lagos since the mid-1960s. Gentrification and real estate speculation in this part of Lagos is also mentioned as a determining factor in the pressure exerted against fishing and low-income communities, mainly formed by minorities and migrants from rural areas, to move out of what is considered as 'prime land' for high-end developments.

While I do not wish to prejudge the accuracy of these allegations, I wish to express my deepest concern that the demolitions and burning of the homes, properties and entire communities took place after the Lagos State High Court had issued an injunction restraining any demolitions in the waterfronts across the state. I further express in the strongest terms my concern with the procedures and methods that would have been used by the Nigerian Police Force and the Lagos State Government, the extreme use of force and fire, particularly in the middle of the night, and the unbearable situation of homelessness and dispossession caused to over 30,000 residents including children, older people, women and others, all of which is contrary to international human rights law and Nigeria's and the State Government of Lagos' obligations thereunder.

The residents of Otodo Gbame would not have been provided any notification, or given any resettlement or alternative accommodation by the relevant authorities, rendering them homeless. In a matter of hours they would have lost not only their homes but most of their belongings, and their location in the waterfront, essential for fishing which is their primary livelihood activity and means of accessing food. The use of force in such a way is contrary to your Government's obligation to respect, protect and fulfil the right to an adequate standard of living, including housing, as well as the right to non-discrimination and the right to freedom from arbitrary or unlawful interference with one's privacy, family and home, as enshrined in articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and articles 2 and 17 of the International Covenant on Civil and Political Rights (ICCPR), both acceded by Nigeria in 29 July 1993.

I further recall general comments No. 4, 7 and 20 of the Committee on Economic Social and Cultural Rights, which stress the need to provide adequate legal protection from forced eviction, as well as to guarantee due process, alternative accommodation, and access to an effective remedy of those that may be affected by eviction orders. Demolitions, the use of fire, and destruction of property are strictly forbidden under international human rights law and standards. According to these general comments, Nigeria must have further explored all feasible alternatives to forced eviction in consultation with the thousands of affected persons. Moreover, demolitions must never lead to homelessness of the evicted persons by ensuring there is provision of adequate alternative housing facilities, resettlement and compensation for lost property.

In this context, I call your attention to my reports on several central issues for the situation at hand, including: 1) on the obligations of subnational and local governments in the implementation of the right to adequate housing (A/HRC/28/62); 2) on homelessness and the right to adequate housing (A/HRC/31/54); and 3) on the intimate link between the right to life and the right to adequate housing (A/71/310). I also call your attention to two instruments developed by my predecessors in the mandate: the Guiding Principles on security of tenure for the urban poor (A/HRC/25/54), in particular principle 3

(Prioritizing in situ solutions); and to the Basic Principles and Guidelines on Development-based Evictions and Displacement.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, I would appreciate a rapid response on the initial steps taken by your Government to safeguard the rights of the persons of the above-mentioned community in compliance with international instruments.

As 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, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide details of any and all measures taken to provide alternative accommodation to the thousands of families and individuals who lost their homes, and to prevent them from experiencing homelessness as a result of the demolitions and fires.
3. Please provide information on any details, and where available the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to the cases of the alleged arsonists.
4. Please indicate if all feasible alternatives to eviction and demolitions have been explored in consultation with individuals and communities, prior to decision made for urban renewal of such a large area, and if so, please provide details as to why proposed alternatives to the eviction have been deemed unsuitable. Please explain if the alternatives consider that for fishing communities, access to waterfronts is essential for their livelihoods and access to food.
5. Please explain the mechanisms and measures taken at the central level to provide guidance to municipalities and local governments in relation to their international human rights obligations in relation to large scale displacement and destruction due to urban renewal and regeneration of this area.

I kindly ask you to provide a response at your earliest convenience. While awaiting a reply, I urge that all necessary interim measures be taken to safeguard the rights of the approximately 30,000 individuals rendered homeless; as well as to protect the human rights defenders working to assist the communities in this situation.

In light of the serious implications of these allegations and the risk of on-going and irreversible damage to the right to housing and other related human rights, I am considering the possibility of expressing these concerns publicly in the near future. If a press release is issued, it will indicate that we have been in contact with your Government to clarify the issues in question.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Omologbe Emuze, the assurances of my highest consideration.

Leilani Farha

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