

RESETTLEMENT AS A HUMAN

RIGHTS ISSUE

SUBMISSION TO THE UN SPECIAL RAPPORTEUR ON THE
RIGHT TO ADEQUATE HOUSING



AMNESTY
INTERNATIONAL



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Amnesty International welcomes the call for inputs by the United Nations (UN) 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. The following submission draws on Amnesty International’s documentation and monitoring of eviction, displacement, and resettlement processes in several countries around the world. Based on this, the submission elaborates some critical steps that states must take to ensure the resettlement planning, implementation and monitoring comply with international human rights standards on the right to adequate housing among other human rights.

1. INTRODUCTION

Amnesty International welcomes the call for inputs by the UN 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 (hereafter the Special Rapporteur), to inform his report to the General Assembly in October 2024, and for developing international guiding principles for resettlement, that will be presented in March 2025 to the Human Rights Council.

Amnesty International also welcomes the Special Rapporteur's report titled "Resettlement After Evictions and Displacement: Addressing a Human Rights Crisis"¹ (hereafter first report on resettlement), which identifies the human rights gaps and challenges that arise throughout the resettlement process. The report usefully brings together existing international law, regulations, policies, and practices on resettlement and highlights the urgent need for ensuring that resettlement planning, implementation, and monitoring is compliant with international human rights standards.

Amnesty International welcomes the reiteration in the first report on resettlement that the provision of monetary compensation alone is rarely sufficient to rebuild livelihoods and to secure an adequate standard of living.² The organization also welcomes the articulation that "resettlement is a complex, multidimensional, dynamic and long-term process that requires a holistic, comprehensive and human rights-based approach."³

The following submission draws on Amnesty International's documentation and monitoring of eviction, displacement, and resettlement processes in several countries around the world. Based on this, the submission elaborates some critical steps that states must take to ensure the resettlement planning, implementation and monitoring comply with international human rights standards on the right to adequate housing among other human rights.

2. SOME KEY HUMAN RIGHTS CONCERNS IN THE CONTEXT OF RESETTLEMENT

Amnesty International has documented forced evictions and displacement in several jurisdictions across the world. The research has not only drawn attention to the human rights violations that take place during the evictions and displacement, but also the ways in which poor and inadequate resettlement often raises human rights risk. The following examples highlight inadequacies in resettlement processes and ways in which these impact people's lives and livelihoods.

Failure to include those without ownership titles

Some of the key human rights issues that the organization has documented in the context of evictions and resettlement include the failure of governments to offer protection against forced evictions and access to just and fair compensation for loss of belongings for those who do not have legal title to the land/home they occupy. As a result, some of the most marginalized people whose rights to the land are often not domestically legally recognized are completely excluded.⁴ For example, in **Benin**,

¹ UN Special Rapporteur on the Right to Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this Context (UN Special Rapporteur on housing), Report: *Resettlement After Evictions and Displacement – Addressing a Human Rights Crisis*, 25 January 2024, UN Doc. A/HRC/55/53.

² UN Special Rapporteur on housing, *Resettlement After Evictions and Displacement – Addressing a Human Rights Crisis* (previously cited), para. 58.

³ UN Special Rapporteur on housing, *Resettlement After Evictions and Displacement – Addressing a Human Rights Crisis* (previously cited), para. 64.

⁴ Amnesty International, *Driven Out for Development: Forced Evictions in Mombasa, Kenya* (Index: AFR 32/2467/2017), 5 October 2015, <https://www.amnesty.org/en/documents/afr32/2467/2015/en/>

Amnesty International documented the forced evictions of 1,623 households comprising more than 3,000 people were in Fiyégnon 1.⁵ The organization found that the locality of Fiyégnon 1 was demolished to make way for the planting of coconut palms as a defence against coastal erosion. The neighbourhood was largely made up of fishing families who were originally dispossessed of their land in 1958-1960 to make way for the site of the current Presidential Office of the Republic. However, residents of Fiyégnon 1 did not receive any compensation because they were not recognized as having rights to the land that they occupied even though, according to the residents, they had documents attesting to the legality of their settlement provided by previous authorities. In its letter to Amnesty International, authorities in Benin stated that no resettlement plan was prepared for the locality, and they were not entitled to resettlement or compensation. According to them “this was a case of vacating public land, not expropriation or dispossession of private rights”.⁶

The Myth of “Voluntary Displacement”

Amnesty International has been documenting violations of the right to adequate housing globally for over two decades. The organization concurs with the first report on resettlement when it notes that resettlement does not have to be a negative experience. However, in the many resettlement situations that the organization has documented, resettlement is often involuntary and comes with huge losses – economic, social and cultural, to the individuals and communities who have to undergo it. As the first report on resettlement notes, individuals and communities who are displaced or evicted often face equally difficult choices and “under these conditions, even voluntary resettlement may well constitute forced displacement, giving rise to the risk of illusory consent.”⁷

In **Cambodia** in the context of mass forced evictions in Angkor, for example, authorities have maintained that the displacement has been “voluntary”.⁸ However, Amnesty International’s research has found that almost all of the more than 100 people the organization interviewed, described being evicted or pressured to leave Angkor following intimidation, harassment, threats and acts of violence from Cambodian authorities. In one interview, a woman, who had lived at Angkor for over 70 years, was asked if she had “volunteered” to go. She responded simply by saying: “nobody wants to leave their home.” The phrase “voluntary relocation” was repeated by many of the families Amnesty International spoke to, but they often described “volunteering” in a way that contradicted the meaning of the term, for example, “[t]hey said it is not compulsory, but if you don’t do it, you will lose your land... so we volunteered.” Many feared losing out on compensation if they questioned the evictions and resettlement; others were afraid of the unknown and of violence from the state. One woman who owned rice fields told Amnesty International that the authorities said she could stay but that, if she did, her house would be flooded. Others were threatened with arrest.

Discrimination and differential treatment

Resettlement that is inadequate and planned and implemented in a manner that is not consistent with human rights, often leads to differential treatment and discrimination, entrenching patterns of poverty and marginalisation. People who are vulnerable to multiple and intersectional forms of discrimination including within these groups are often the worst affected.

In **Nepal** national parks and other “protected areas” cover almost one fourth of the country.⁹ Almost all of these protected areas have been created in the ancestral homelands of Nepal’s Indigenous peoples. Decades after their establishment, many Indigenous peoples who were evicted from their ancestral lands have remained landless and been living in informal settlements, where they have continued to be at risk of further forced evictions. They have not been provided alternative livelihoods

⁵ Amnesty International, “*Displaced for Coconut Palms*”: *Forced Evictions for Tourism and Coastal Development in Benin* (Index: AFR 14/7383/2023), 7 December 2023, <https://www.amnesty.org/en/documents/afr14/7383/2023/en/>

⁶ Amnesty International, “*Displaced for Coconut Palms*” (previously cited), p. 45.

⁷ UN Special Rapporteur on housing, *Resettlement After Evictions and Displacement – Addressing a Human Rights Crisis* (previously cited), para. 33.

⁸ Amnesty International, “*Nobody Wants to Leave their Home*”: *Mass Forced Evictions at Cambodia’s UNESCO World Heritage Site of Angkor* (Index: ASA 23/737/2023), 14 November 2023, <https://www.amnesty.org/en/documents/asa23/7374/2023/en/>

⁹ Amnesty International and Community Self-Reliance Centre (CSRC), *Violations in the Name of Conservation: “What Crime Had I Committed by Putting my Feet on the Land that I Own?”* (Index: ASA 31/4536/2021), 9 August 2021, <https://www.amnesty.org/en/documents/asa31/4536/2021/en/>

or compensation and have been denied access to protected areas for fishing, grazing and for gathering food, medicinal herbs and firewood. This has severely impacted and dramatically altered Indigenous peoples' way of life. Women from the evicted communities are particularly vulnerable to sexual and gender-based violence as they enter the forest to collect fuelwood and fodder. Due to lack of alternative livelihoods, financial hardship and inability to meet household costs, many Indigenous peoples evicted from their land have been compelled to become sharecroppers (*bataiya*), where they are at increased risk of abuse and exploitation.¹⁰

Amnesty International has also documented discrimination and differential treatment in the early stages of eviction/displacement and resettlement. Amnesty International examined the situation of children, women and men with disabilities who were displaced by the February 2023 earthquakes in southern **Türkiye**.¹¹ The magnitude and scale of the disaster have raised a daunting challenge for the Turkish authorities to provide aid and shelter for millions of people. Amnesty International's research carried out in March and April 2023 showed that none of the 21 displacement sites visited by the organization in four of the provinces most affected by the earthquakes contained a single toilet or shower accessible to persons with disabilities, a deficiency that aid workers said was common in other sites as well. Sanitation facilities lacked ramp access, handles, ropes or chairs that would enable persons who have mobility limitations to use them. In virtually all the situations examined, persons with limited mobility were forced to rely on relatives to take them to latrines or had to use adult diapers. For many, the only option was to wash inside their tent or to spend weeks without showering at all. Such inadequate shelter conditions negatively affect the equal ability to practise self-care and undermine persons with disabilities' autonomy and privacy, as well as their right to life with dignity, to sanitation, to health, and to equality and non-discrimination. In addition, Amnesty International found that arrangements for the distribution of food, water and other aid materials in displacement camps do not adequately take into consideration the rights and specific requirements of persons with disabilities.

In **Libya**, the city of Derna witnessed unprecedented and catastrophic flooding in September 2023 after Storm Daniel – an extreme weather event made more likely and intense by global warming – triggered the collapse of two ageing dams upstream from Derna. The floods killed at least 4,352 people, left thousands of others missing, washed entire neighbourhoods into the sea, and devastated the lives of tens of thousands of survivors who lost their loved ones, homes and livelihoods. Amnesty International found that compensation for people affected has been marred by delays and concerns over the exclusion of those displaced to western Libya.¹² Refugees and migrants affected by the floods have been excluded from the financial compensation and support measures for those affected – such as for children who lost their parents and the waiving of fees to replace official documents. None of the authorities in Libya took measures to address the specific circumstances and needs of foreign nationals, including in failing to facilitate evacuations from affected areas and return to their home countries, and to provide information to relatives of those dead or missing. Further, refugees and migrants who lost their documents in the floods were rendered increasingly vulnerable to arrest and detention, as Libyan law criminalizes irregular entry and stay in the country, and security forces, armed groups and militias routinely arrest and arbitrarily detain undocumented refugees and migrants.

Lack of Accountability

Amnesty International has found that in several jurisdictions across the world, resettlement and compensation processes often operate in an atmosphere of impunity. Individuals and communities who are evicted or displaced often lack the necessary means to hold duty bearers to account. The

¹⁰ Amnesty International, "*We All Need Dignity*" – *The Exclusion of Persons with Disabilities in Türkiye's Earthquake Response* (Index: EUR 44/6709/2q023), 26 April 2023, <https://www.amnesty.org/en/documents/eur44/6704/2023/en/>

¹¹ Amnesty International, "*We All Need Dignity*" (previously cited).

¹² Amnesty International, *Libya: "In Seconds Everything Changed": Justice and Redress Elusive for Derna Flood Survivors* (Index: MDE 19/7608/2024), 11 March 2024, <https://www.amnesty.org/en/documents/mde19/7608/2024/en/>

organization has also documented examples of forced evictions that were carried out despite court orders to the contrary.¹³

In **Uganda**, Amnesty International found that despite a High Court order in 2004 that recognized the rights of the Benet Indigenous people to the Benet Forest, in Mount Elgon in eastern Uganda, in 2008, authorities, including Uganda Wildlife Authority (UWA) and Uganda People's Defence Force (UPDF), forcibly evicted hundreds of Benet people.¹⁴ Since their forced eviction in 2008, the Benet people have been living in temporary resettlement camps. They are not permitted to build permanent structures and are hence forced to live in small huts constructed from sticks and mud, with no access to electricity and potable water. Insecurity of land tenure impacts their livelihood, including crop and animal farming. The wildlife authority has also denied Benet people access to their ancestral lands in Mount Elgon Forest. This restriction has impacted the Benet people's agropastoral lifestyle and other economic, social, and cultural practices such as the right to access cultural sites for rituals, fruit gathering, bee keeping, and hunting. Benet people have also reported that UWA rangers have beaten and killed members of their community for entering or trying to enter the forest. Park authorities have further extorted payments to release Benet domestic animals impounded after entering the national park.

Amnesty International found that being forced to live in the temporary settlement camps has further marginalized the Benet people in terms of fair and equitable access to water, sanitation, healthcare, and education. Lacking adequate and safe sanitation facilities, many Benet people, especially children, practice open defecation, near or in streams of water. The temporary camps are about 1,900 metres above sea level with more than 300 metres between the highest and lowest points of the land. The terrain is characterized by steep slopes and unstable or uneven surfaces. Benet living in the resettlement camps must climb at least 300 metres down to the nearest motorable road, though when it rains these are inaccessible for most motor vehicles, including four-wheel drives.

Lack of Resettlement Action Plans

In several cases where Amnesty International has researched and documented planned evictions/displacement, the organization has found that despite a requirement in international human rights standards to provide affected people with complete information in order to enable them to meaningfully engage in genuine consultations on the evictions and resettlement processes,¹⁵ even basic information in the form of a resettlement action plan (RAP) is often not available. A comprehensive RAP would include the details about the area and number of people to be affected, the terms of resettlement including measures to be taken to ensure that evictees have access to adequate housing, water, sanitation, healthcare facilities, education facilities and livelihoods at the proposed resettlement site, the rationale for the compensation and resettlement offered, a clear timeline for the resettlement, and a timeline and mechanisms for raising concerns about the resettlement process and terms.

In the absence of a publicly available RAP, affected people and their representatives are unable to hold duty bearers to account to their commitments and ensure that resettlement measures are just and fair, are provided in a manner that is equal and non-discriminatory, and in line with international human rights standards. The lack of public scrutiny of resettlement plans prior to evictions therefore often results in resettlement that is uneven, inadequate and poses immediate and long-term human rights risks.

¹³ Amnesty International, *Kenya: Families Torn Apart: Forced Eviction of Indigenous People in Embobut Forest* (Index: AFR 32/8340/2018), 15 May 2018, <https://www.amnesty.org/en/documents/afr32/8340/2018/en/>; Amnesty International, *The Human Cost of a Megacity: Forced Evictions of the Urban Poor in Lagos, Nigeria* (Index: AFR 44/7389/2017), 14 November 2017, <https://www.amnesty.org/en/documents/afr44/7389/2017/en/>

¹⁴ Amnesty International, *Uganda: 13 Years in Limbo: Forced Evictions of the Benet in the Name of Conservation* (Index: AFR 59/4138/2021), 8 November 2021, <https://www.amnesty.org/en/documents/afr59/4138/2021/en/>

¹⁵ See UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 7: The Right to Adequate Housing (Art. 11.1 of the Covenant): Forced Evictions, 16 May 1997, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FGEC%2F6430&Lang=en; and *Basic Principles and Guidelines on Development-Based Evictions and Displacement*, Annex 1 of the report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, UN Doc. A/HRC/4/18, 2007.

In **Cambodia**, at the mass forced evictions at Angkor, Amnesty International also found that although the government had planned the eviction of around 10,000 families amounting to an estimated 40,000 people, ostensibly to protect Angkor's UNESCO World Heritage site status, there is no publicly available plan for resettlement.¹⁶ As a result, despite a report commissioned by UNESCO which essentially concluded that some people (those populating 113 "traditional villages") had the right to stay in Angkor, while some others, particularly the "new settlers" did not,¹⁷ there is a lack of clarity around exactly which settlements comprised the traditional villages and would therefore be allowed to remain. Amnesty International found that this lack of clear information which would otherwise have been included in a RAP, created an atmosphere of uncertainty and anxiety for many residents of Angkor.

Residents of Angkor first heard about the evictions and the terms of resettlement through a speech by the then Prime Minister. There were no opportunities available for the people who would lose their homes and lands to engage with or challenge the terms on offer. Furthermore, it was made clear that the offer was only available for those who "volunteered" to leave. This has contributed to conditions where resettlement has been highly inadequate and has resulted in further violations of the right to housing, among other human rights.

Every family Amnesty International spoke to explained that they had had to construct their homes on arrival at their assigned land plots at the Run Ta Ek resettlement site. Because it takes time to build a house, these families had to sleep under a shade cloth (tarpaulin), sometimes for several months. The supply of electricity and clean water directly to houses was uneven at the resettlement site. While families who were resettled more recently may have received electricity and clean water on the day they moved in, most families interviewed by Amnesty International did not have access to electricity and water when they were resettled. Many were still waiting several months after relocating. Sanitation facilities, including toilets, are not provided for families, and like in the case of housing, families were expected to pay for and construct their own toilets. Amnesty International found that, in most cases, the requirement to rebuild homes and toilets, and the loss of land and livelihood options, had increased the financial burden on families. Many families Amnesty International spoke to, who had resettled in Run Ta Ek, were in debt. Amnesty International reviewed the total income and debt repayment schedules for some of these families and found that many of them had few funds left to subsist or were unable to repay their loans. Some had even taken out further loans to buy daily essentials like fruit and vegetables.

In the context of Cobalt mining in the **Democratic Republic of Congo (DRC)**, Amnesty International, together with the Initiative for Good Governance and Human Rights (Initiative pour la Bonne Gouvernance et les Droits Humains — IBGDH) documented forced evictions in relation to an open-pit copper and cobalt mine, operated by the Compagnie Minière de Musonoie Global SAS (COMMUS) covering an area of more than 3km² close to Kolwezi's city centre.¹⁸ Cité Gécamines is a residential neighbourhood and one of the several localities that has been affected by evictions as a result of the mining. Given the location of the mine, close to Kolwezi's city centre, the fact that the COMMUS' mining concession covers more than 3km² and that many homes actually sit within the area covered by COMMUS' exploration permits, many thousands of people are potentially affected. The fear of losing their homes to the expansion of COMMUS' giant mine has hung over the residents of Cité Gécamines since 2012 when, without any warning, Kolwezi municipality staff began painting red crosses on the walls and gates of the residents' houses. Despite repeated calls from affected communities and civil society for more information about COMMUS' resettlement plans, local authorities failed to facilitate meaningful public consultations and address evictees' concerns. Provincial authorities have allowed COMMUS to proceed with evictions in the absence of these key

¹⁶ Amnesty International, "*Nobody Wants to Leave their Home*" (previously cited).

¹⁷ Amnesty International, "*Nobody Wants to Leave their Home*" (previously cited), p. 24.

¹⁸ Amnesty International and the Initiative for Good Governance and Human Rights (Initiative pour la Bonne Gouvernance et les Droits Humains - IBGDH), *DRC: Powering Change or Business as Usual?* (Index: AFR 62/7009/2023), 11 September 2023, <https://www.amnesty.org/en/documents/afr62/7009/2023/en/>

requirements. At the time of publication of Amnesty International’s report in September 2023, COMMUS had not released its plans to expand the mine or any impact assessments that it may have conducted or commissioned.

COMMUS has claimed that it had in fact shared relevant information with the community, met with local officials as well as representatives of churches and the community, commissioned an environmental impact study, and guaranteed that they would establish a compensation system in accordance with the law.¹⁹ In its letter to Amnesty International and IBGDH, the company further explained that at all stages its “relocation work has been led and supervised by the Provincial Relocation Committee,” which supervised “the relocation process based on community consultation and participation; ensures information transparency for relocation; and provides technical consultation.”²⁰ The company clarified that civil society groups, as well as the national human rights commission, “took part in and supervised the relocation processes as third parties, to ensure the compliance and transparency of the process.”²¹ However, the company’s claims that it consulted the affected population are not supported by the accounts of community members, or civil society groups representing them, such as IBGDH. Residents of Kinkole Avenue, who were impacted by the first wave of evictions in 2016 remembered that the municipality asked them to attend a meeting convened the same day, where COMMUS paid out monetary compensation for the material damage residents would incur as a result of the eviction. Amnesty International and IBGDH found that in the absence of a clearly defined and publicly consulted resettlement plan, many of the affected people felt that they had been short-changed and their compensation amounts were far below the actual value of their homes and lands, and they were therefore unable to find adequate alternative housing that was also similar in terms of size and access to services as their original homes.

In response to these findings, COMMUS wrote that it is currently looking to improve its disclosure of information and exploring the publication of reports to disclose information that is of interest to community residents.²²

Prolonged stays in temporary and inadequate shelters

Amnesty International’s research has highlighted that one of the key human rights risks related to inadequate resettlement, is that in many cases, people who have already faced loss and deprivation as a result of eviction or displacement are then forced to live in conditions that violate their human rights for prolonged periods of time. Amnesty International has documented such cases where displacement has resulted as a result of conflict or for conservation purposes.²³

In **Ukraine**, Amnesty International’s latest research on displacement and resettlement found that since the full-scale invasion by Russia began in February 2022, local and regional authorities have established temporary shelters in almost all regions of Ukraine.²⁴ Most frequently, these shelters are in educational facilities, such as schools or university dormitories, but sometimes they are set up in private businesses, such as hotels or factories, health sanitoriums or religious buildings. Approximately 3% of the displaced population – or about 150,000 people – live in these shelters. An additional 5,000 displaced people live in 25 modular housing communities, which are made up of container-like homes and are built with foreign funding. According to humanitarian organizations, older people appear to make up a disproportionately large number of those living in temporary shelters. Amnesty International’s site visits, as well as interviews with shelter staff and humanitarian officials, strongly suggest that older people are disproportionately represented in them, though as

¹⁹ Amnesty International and IBGDH, *DRC: Powering Change or Business as Usual?* (previously cited), p. 40.

²⁰ Amnesty International and IBGDH, *DRC: Powering Change or Business as Usual?* (previously cited), p. 40.

²¹ Amnesty International and IBGDH, *DRC: Powering Change or Business as Usual?* (previously cited), p. 40.

²² Amnesty International and IBGDH, *DRC: Powering Change or Business as Usual?* (previously cited), p. 49.

²³ Amnesty International, ‘Unbearable Living Conditions’: *Inadequate Access to Economic and Social Rights in Displacement Camps in North-west Syria* (Index MDE 24/5770/2022), 5 July 2022, <https://www.amnesty.org/en/documents/mde24/5770/2022/en/>; Amnesty International, ‘My Heart is in Pain’ – *Older Experience of Conflict, Displacement, and Detention in North-east Nigeria* (Index AFR 44/3376/2020), 8 December 2020, <https://www.amnesty.org/en/documents/afr44/3376/2020/en/>

²⁴ Amnesty International, ‘They live in the dark’: *Older people’s isolation and inadequate access to housing amid Russia’s invasion of Ukraine* (Index: EUR 50/7385/2023), 1 December 2023, <https://www.amnesty.org/en/documents/eur50/7385/2023/en/>

noted below, many shelters have not consistently collected age- and disability-disaggregated data on residents. According to a May 2023 survey by IOM, 84% of shelters hosted older women and 72% hosted older men.²⁵

Despite the prevalence of older people in temporary housing, all of the shelters Amnesty International visited were partially or fully inaccessible to people with disabilities, except for the two shelters run by organizations of people with disabilities. Almost all of these buildings lacked elevators or ramps that would allow people with limited mobility to enter or move between floors. None had toilet or sanitation facilities with grab bars, ramps, or other equipment that would allow people with disabilities to use them. Most of the sleeping facilities had insufficient room for a person with a disability to easily enter the room or to fully rotate in a wheelchair. People living in temporary shelters faced significant uncertainty regarding how long and under what conditions they could stay there. Almost all of the school or dormitory directors Amnesty International interviewed for this report said they hoped to be able to reopen for in-person schooling as soon as possible. Amnesty International interviewed many people who had lived in multiple schools or universities since the war began, moving from one to another as they closed to displaced people. According to Cedos, a think tank that has written extensively about housing in Ukraine, temporary shelters are often not a part of official housing stock, meaning “the rights of residents can be unprotected, and they risk being left homeless if the building – for instance, a dormitory – is needed again by the institution to which it belongs.”²⁶

3. CONCLUSION AND RECOMMENDATIONS

As highlighted in the Special Rapporteur’s first report on resettlement, Amnesty International acknowledges that while there are several international human rights standards that address various aspects of evictions/displacement and resettlement, however in practice, these processes continue to violate the human rights. The current international standards also do not sufficiently address displacement and resettlement in the context of conflict, disasters including those resulting from the climate crisis and displacement as a result of climate change. The lack of accountability contributes to the prevalence of arbitrary and inadequate resettlement measures thus often denying people their right to effective remedy. The UN Committee on Economic, Social, and Cultural Rights in its General Comment 26 has called on states to introduce and implement national legislation to ensure that eviction and resettlement processes are carried out in line with international human rights law. Amnesty International believes that the introduction of such legislation would go a long way in ensuring that eviction and resettlement processes do not result in human rights violations.

Based on its experience in documenting eviction/displacement and resettlement in different parts of the world, Amnesty International recommends that the proposed principles and guidelines on resettlement clearly and unequivocally call for ensuring that:

- All eviction and resettlement measures comply with international and regional human rights standards including those on the rights to participation, adequate housing, food, water, sanitation, health, education, work, and an adequate standard of living.
- Forced evictions are prohibited in law and practice and all measures are carried out in strict compliance with human rights standards on equality and non-discrimination, taking into account the multiple and intersecting forms of discrimination that many people including women, people with disabilities, older people, people belonging to racialized communities, LGBTI+ people, Indigenous people, and children face.
- Eviction and resettlement measures also comply with key international human rights standards such as United Nations Declaration on the Rights of Indigenous Peoples, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

²⁵ Amnesty International, “*They live in the dark*” (previously cited), p. 27.

²⁶ Cedos, *Housing and War: Housing Policy in the First Year of the Full-scale War*, 22 March 2023, <https://cedos.org.ua/en/researches/housing-and-war-annual-review/>

Guiding Principles on Business and Human Rights, Guiding Principles on Internal Displacement, and the Basic Principles and Guidelines on Development-based Evictions and Displacement.

- Evictions and resettlement are resorted to after all other feasible alternatives have been explored and when it has been established that it is unavoidable.
- All people including those who do not have a legally recognized right to the land/home they occupy, and tenants, are protected from forced evictions and must have access to resettlement and compensation measures that are grounded in equality and non-discrimination.
- Measures for redress of grievances are available for affected people throughout the evictions and resettlement process and legal aid is provided so that people who face violations of their human rights during evictions and resettlement are able to access their right to effective remedy.

Amnesty International also recommends that the proposed principles and guidelines include guidance:

- To support member states to introduce and implement national level laws and policies on evictions/displacement and resettlement including in the context of infrastructure and other development projects, conflict, conservation, and climate change, that comply with international human rights standards and the obligation to guarantee equality and non-discrimination.
- To support member states to prepare and publish human rights compliant resettlement action plans in advance of the eviction/displacement and ensure that these plans include key information including timeline for the eviction and resettlement, details of resettlement and compensation measures proposed, the rationale for them, and available avenues and timelines to challenge the proposed measures
- To support member states in devising and disseminating resettlement action plans that are accessible to all and take into account the specific experiences of marginalized people and those vulnerable to multiple and intersecting forms of discrimination.
- That clarifies the different phases of unplanned resettlement when occurring in the context of conflict and disasters including those induced by climate change, in a way to ensure that displaced people are placed in temporary and emergency shelters for a strictly limited period of time, after which they must be provided with housing as per the obligations under the right to adequate housing.

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

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