



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

06 March 2007

H.E. Gloria Macapagal- Arroyo
President of the Republic of the Philippines
New Executive Building,
Malacanang Palace,
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Subject: Violent demolition of shelter so 141 poor families living under bridges in Manila

Dear Madam President Macapagal-Arroyo:

Our organization received very distressing information from civil society organizations in the Philippines about a violent 27 February demolition of the houses of some 54 families living under the San Andres Bridge 1 on the Osmena Highway and of another of 87 families living under the South Superhighway Bridge.

Armed MMDA personnel and policemen fired their guns in the air, creating havoc among the residents who were trying to negotiate with the authorities. Scores of people were hurt, many of them young children. Moreover, not only were houses destroyed but the belongings of the families, including money, were lost. MMDA personnel severely beat five men, including the village (barangay) head. The MMDA is threatening the evicted people to confiscate whatever belongings and housing materials they have left.

The violence erupted because the people both insisted on their rights as laid out by Philippine law, the 1987 Philippine Constitution and the Urban Development and Housing Act, mandating the government to provide adequate relocation to affected families, and refused the P5,000 financial compensation offered by the MMDA and DPWH.

The actions of the MMDA and the DPWH also violate the Executive Order no. 152 you had issued on 10 December 2002 instructing all government officials to secure a certificate of compliance (COC) from the Presidential Commission for the Urban Poor (PCUP) to ensure that the UDHA'S procedure for a just and humane demolition is complied with. Prior to the demolition a PCUP official issued a letter saying the MMDA and the DPWH did not apply for and therefore did not have one when they conducted the demolition.

As you may know, the Philippine government is a State party to legally binding international treaties such as the International Covenant on Economic, Social and Cultural Rights (03 January 1976), the Convention on the Rights of the Child (20 September 1990), the Convention on the Elimination of all forms

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of Discrimination against Women (04 September 1981), and the International Convention on the Elimination of All Forms of Racial Discrimination (04 January 1959). The Philippine government, therefore, is obliged and bound to respect, protect and fulfill the right to adequate housing of its citizens and to refrain from committing forced evictions.

The Committee on Economic, Social and Cultural Rights (CESCR), the body monitoring ICESCR treaty compliance, issued guidelines in its General Comment No. 7 on Forced Evictions (1997) which, inter alia, provide in para 17 "Evictions should not result in rendering individuals 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." Earlier in 1993 the UN adopted a resolution unequivocally declaring that "forced eviction us a gross violation of human rights, in particular the right to housing."

On 7 December 2006 the UN Special Rapporteur issued the "Basic Principles and Guidelines on Development-based Evictions and Displacement" which state, in paragraph 6, that "forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to 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."

We therefore earnestly urge you Madam President to:

- a. immediately provide adequate relocation and pay compensation, including the return of all stolen possessions, to the 141 poor families forcibly and violently evicted on 27 February 2007;
- b. immediately investigate the perpetrators of yesterday's forced eviction, including top ranking MMDA, DPWH, Police and Manila City officials, and place the suspects, civilian government employees, officials and policemen, under preventive suspension, and punish those found guilty;
- c. stop all forced and violent evictions;
- d. provide adequate relocation and compensation to those previously evicted who did not receive adequate relocation and compensation;
- e. renew the Philippine's invitation to UN Special Rapporteur on adequate housing to conduct a mission with a particular focus on the compliance of the Philippine government with its treaty obligations on the right to adequate housing and the right not to be evicted forcibly;
- f. and comply with the treaty obligation as outlined in the International Covenant on Economic, Social and Cultural Rights.

Thank you in advance for your attention to this matter.

We look forward to hearing from you about your constructive response.

Please be assured of our highest consideration,



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CC:

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