

Mapping of best community practices for accompanying eviction situations of refugees and migrants from Venezuela

February 2021



The Regional Protection Sector would especially like to thank the national sectors in Ecuador, Brazil, Colombia and the Caribbean sub-region for facilitating the dialogue with their members to identify best community practices. We would also like to thank the Ombudsman's Office and Public Defender's Offices in Ecuador and the Public Defender's Office in Brazil for sharing their reflections on the processes of mediation and peaceful conflict resolution for the protection of the right to adequate housing for refugees and migrants from Venezuela.

Document produced by the Regional Protection Sector of the Regional Interagency Coordination Platform for Refugees and Migrants of Venezuela (R4V).

The Regional Protection Sector is led by HIAS and the UN Refugee Agency (UNHCR); it consists of 106 organizations (non-governmental organizations, UN agencies and civil society organizations) and has a presence in 4 countries (Colombia, Ecuador, Brazil, Peru) and 3 sub-regions (Caribbean, Central America and Southern Cone).

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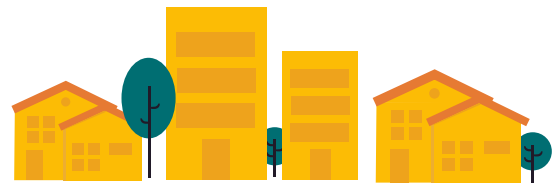
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Mapping of best community practices for accompanying eviction situations of refugees and migrants from Venezuela

Presentation

This mapping of community experiences for the defense of the right to adequate housing in situations of risk of eviction or eviction in progress brings together practices and strategies used by families, collectives and community organizations that have different origins and interests in the region, and also those on other continents.

These best practices represent a contribution from the Regional Protection Sector of the R4V Platform to strengthen support to groups of Venezuelan refugees and migrant families, although several chapters relate to the protection of families or individuals.

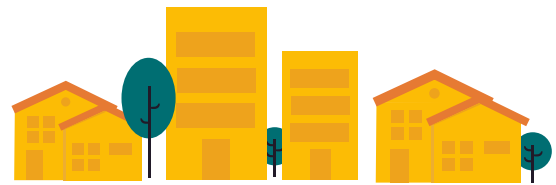
The mapped practices were selected based on the positive impact they have had in real situations of housing and the defense of land; situations in which tools available to the communities were used to strengthen organizational processes and their relationship with public entities and organizations based on their rights. We have divided this mapping into five chapters that include: key experiences, the importance of access to and dissemination of information, elements required for conducting censuses and collecting community information, review of creative community projects to manage evictions, and finally, the situation of COVID-19 and evictions.

The experiences shared in this document respond to particular moments and conditions of in communities and countries in which they occurred. They can be used as inspiring actions for community processes in the region, or as a starting point for the planning of activities that contribute to guaranteeing the right to adequate housing. In general, these experiences can serve as a referential framework when organizing responses from organizations and communities to eviction situations. This mapping of best practices makes permanent reference to documents and methodologies used by the communities. We have chosen to include the links to access the complete documents online in the footnotes so that they can be consulted for the eventual strengthening of the methodologies developed in the selected cases.

This document is linked to the Legal Guide and forms part of the Regional Toolbox. Both tools share the same glossary and are complementary approaches that bring together community experiences and legal guidelines to protect refugees and migrants from Venezuela against forced evictions.

1. Mapping best community practices: keys to supporting communities at risk of eviction

To integrate this mapping of best community practices, we reviewed experiences, actions and strategies developed by communities or that have been accompanied by civil organizations. We identified elements in specific cases that have been essential for defending their right to adequate housing, or through which they managed to avoid evictions, strengthen community organization and positively transform the lives of their members. We briefly present two experiences below:



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A. Experience of the Caño Martín Peña Land Trust

The Caño Martín Peña Land Trust organization¹ was founded in San Juan, Puerto Rico, representing eight communities that informally inhabited public lands in the Caño Martín Peña Special Planning District in this city, which has been home for generations to hundreds of families. **The Land Trust project arose as a response to the historical threat of displacement and evictions of families that had settled in the area due to new urban planning and land use limitations for environmental reasons. This community was affected by the historical lack of land titles for more than 50% of families.** As a result, there were threats to their housing tenure and land was sold at a very low price, which directly affected the existing residents. It was necessary to find a solution to avoid these situations and strengthen community organization in the territory.

In response to these concerns, between 2002 and 2004 workshops were held with all community sectors and experts. In these workshops, community members discussed alternatives for remaining in the territory and developed a community tenure model to avoid the mass sale of houses and evictions as part of a real estate speculation boom in the area. They also designed environmental projects that would make human settlement compatible with the protection of Caño San Martín.

The purpose of the Land Trust is to ensure the administration of public lands by a legal corporation in favor of local inhabitants. A trust is a legal entity that establishes an organization as the administrator of an asset for the benefit of a group of people.

In the case of the Caño Martín Peña Land Trust, local residents became the exclusive owners of their homes, but not owners of the land, which is collectively owned by the inhabitants of the area.

¹The Caño Martín Peña Land Trust won the 2017 United Nations (UN) World Habitat Award, which is the leading award for innovative and replicable initiatives in the field of housing. <http://www.fideicomisomartinpena.org/>

The constitution of a trust, in this case, led to:



a. Obtaining permits for housing improvements.



b. An increased role for the community in decisions related to the territory through participation in different community organizations and a broad oversight role.

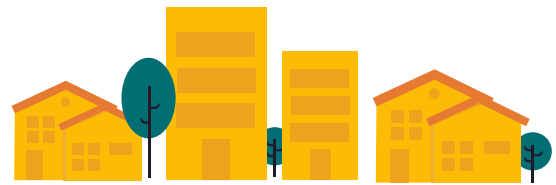


c. Protection of the territory from real estate speculation through collective land ownership.

The main challenge was to help the community understand the legal definition of a trust, as well as its advantages and disadvantages. On the one hand, the land in the community is protected with a collective title that is subject to regulations established by the community. On the other hand, each house is owned by the family that inhabits it but cannot be sold. The process of understanding this type of housing tenure (trust) required arduous training and assessment of the different legal scenarios, as well as their pros and cons.

A participatory planning process was carried out that included the drafting of a bill for the creation of the trust, which was presented to the Puerto Rican legislature. At the same time, an intensive community lobbying process was implemented and the bill was discussed and approved until it became Law 489 of 2004².

²Martin Peña Canyon Land Trust, <http://www.fideicomisomartinpena.org/>. Accessed October 20, 2020.



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The experience of the Caño Martín Peña Land Trust is important for take in best practices that are applicable to communities at risk of eviction in informal settlements where refugees and Venezuelan migrants live. The best practices from this case include:

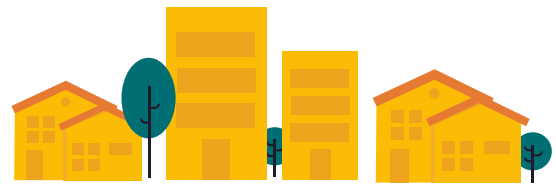
- Proposals for land use and land tenure in a community have an increased impact when they are based on the specific needs of inhabitants and include spaces for participation. **In the case of Caño Martín Peña, the adoption of the trust model arose as a result of collective work and the decision to avoid pressure through the sale of their homes. In turn, this led to increased participation in community issues through the collective ownership model offered by the trust.** Whatever land tenure proposal is developed (collective or individual ownership, land use loans, collective leases, etc.), it must address the concrete needs of the community and its aspirations for the territory.
- **Often, refugees and migrants live in informal settlements and are usually part of larger and more complex communities.** Their participation is fundamental for the design of proposals related to different forms of tenure for land or housing that are presented to local governments. These proposals depend on a range of factors including desire or not to return to their countries of origin; aspirations to permanently live in the settlement; the intention to have individual land titles or be part of community ownership of land, both in the settlements they inhabit and the alternative housing options that they are offered.
- **Communities that organize themselves to propose alternatives to the authorities on their territorial aspirations based on their own needs and discussions have a better chance of avoiding evictions.** In Caño Martín Peña, the community analyzed different land ownership schemes with the help of external collaborators and subsequently proposed a model that used the legal instrument of a trust. This approach managed to avoid displacements and/or evictions caused by urban projects in the area.
- On many occasions, the inhabited territories are not suitable for human settlements and may present various environmental problems. **The involvement of communities in finding solutions and their active participation in the protection of ecosystems, as well as their participation in the design of proposals and the implementation of land-use and environmental planning projects can be negotiated with public entities.** In the case of Caño Martín Peña, the communities

were allowed to remain where they had settled in exchange for contributing to the protection and conservation of ecosystems.

- Finally, it is important to remember that the use of a legal instrument like the trust must be based on debates and decisions that involve the active participation of all sectors of a community. It is necessary to create spaces for education and continuous reflection. Finally, professional support is essential for discussing alternatives with the community and presenting proposals to the authorities³.



³Ibid.



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B. TECHO's experience in informal settlements in Latin America

The TECHO Foundation has accompanied communities living in informal settlements in several countries in the region, improving their living conditions through the construction of housing. TECHO has designed accompaniment methodologies for situations of risk of eviction, evictions in progress or in cases where commitments are made by public authorities as part of an eviction.

In its work, TECHO has encountered more and more Venezuelan refugees and migrants seeking housing solutions in marginal areas of cities who face situations of xenophobia from other inhabitants and local authorities. In situations of land occupation by groups of families of different origins, TECHO has noted that sometimes the only people detained or singled out by the police are Venezuelan nationals. In more serious cases, they are deported for not having the required migratory documentation.

This discrimination means that **in settlements where Venezuelan refugees and migrants live and there is a risk of eviction, these families prefer to flee the settlements before evictions take place to avoid being detained or deported.**

The TECHO Foundation in Colombia has designed a strategy for accompanying communities at risk of eviction in informal settlements that includes the following actions⁴ :

- **Oversight:** The NGO has engaged in oversight of eviction processes for at-risk communities that are located in informal settlements. In Colombia, it is possible for civil society organizations of any nature to engage in citizen oversight of public management actions in order to ensure that fundamental guarantees for the affected populations that are subject to decisions by authorities are respected. Based on the trust it has built with communities, TECHO has been able to put in place the following activities, which represent a best practice in the region:

⁴ TECHO Colombia: Protocol for intervention in evictions.

- Documenting each stage of the eviction process, starting when this process is first suspected. This activity is carried out using video and audio tools and the organization of documents, minutes of meetings and decisions produced during the process.

- Filing rights of petition (requests for information) with the relevant authorities and engage in legal action to ensure that all relevant actions are enshrined in the Constitution and the law.

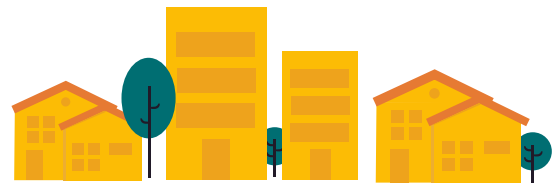
- Finally, reporting to the relevant authorities the actions and omissions of public servants and individuals who exercise public functions that constitute crimes or misconduct.

Engaging in oversight also contributes to protection against factors of violence that may exist in the settlements, to the extent that the organization can warn about human rights violations and the presence of gangs or armed groups, share information with human rights organizations and prevent leaders from putting themselves at risk by reporting these issues to the relevant authorities.

- **Eviction protocol:** TECHO designed a protocol for intervention in eviction processes, that outlines the scope of its citizen oversight work. The most important aspects contained in the protocol that should be taken into account in this type of community accompaniment include: the protocol was applied to the three phases of the eviction (before, during and after), and in each of these moments involved information, verification, registration, protection and follow-up processes that included: information gathering and verification, census, legal orientation, security conditions for families and the community, verification of compliance with current regulations, audiovisual record of the actions and the eviction process, review and verification of the final act of eviction, protection of assets and accompaniment and monitoring of the implementation of the agreed plans.

It is important to note that guaranteeing the right to decent housing is the result of complex processes and depends on policies and administrative or judicial decisions that may be medium or long term. As a result, the planning of actions should take into account the organizations that can accompany the processes as overseers, mediators or collaborators in specific technical aspects during each stage.

- Protocols for action on evictions that are adopted by accompanying entities (NGOs, civil society organizations, United Nations agencies) are an important tool for organizing coordinated interventions in communities and for proposing mediation processes based on the special needs of inhabitants. In the case of refugees and migrants, the formation of oversight networks consisting of community members is essential for including their specific needs in the response by authorities to situations involving eviction processes and the resulting agreements.



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Based on TECHO’s experiences of accompanying communities, the following useful practices are proposed for informal settlements inhabited by Venezuelan refugees or migrants:

Useful Practice	Potential and Scope	Criteria for Implementation
Legal advice	<p>This is fundamental for the eviction process to promote the knowledge of rights, regulations, and the scope of housing alternatives, land or individual or collective shelters offered by the authorities. It also provides guidance to evicted families on their right not to be exposed to other human rights violations during the eviction process.</p>	<ul style="list-style-type: none"> • It is important that this is provided by an organization that is dedicated to the defense of human rights and has legal experience in housing and land issues. • The organization must also have knowledge of human rights and how they relate to evictions.
Systematization	<p>The systematization of the entire eviction process (before, during and after) with different mechanisms for collection, verification, registration, counseling and oversight makes it possible to not just track each stage of the eviction and the demands of compliance and respect for</p>	<ul style="list-style-type: none"> • Have a safe place for storing the systematization process file. • Define the mechanisms for recording, collecting and verifying information and train organizations and communities on how to

Eviction protocol

rights, but also to build a systematic memory that contributes to guaranteeing the rights of Venezuelan refugees and migrants.

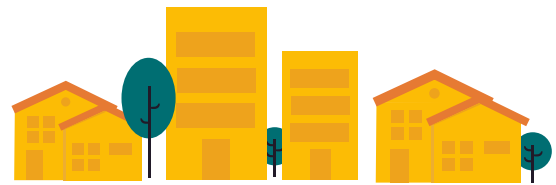
do this and where to store the information.

- Define the roles of the different actors in the systematization work: leaders, organizations, families.

The eviction protocol facilitates the systematization of facts and organized interventions that guarantee compliance with the rights and norms that regulate eviction procedures and the protection of property.

It also contributes to verifying the content of the final eviction document and fulfillment of the agreements reached with the institutions to guarantee the rights of the families and the community.

- In the design of the protocol, take into account the rights that protect refugees and migrants, as well as regulations for eviction procedures.
- Define organizational roles for the different mechanisms of the protocol.
- Define mechanisms for people's safety and the protection of property in accordance with procedures for human rights in evictions.
- Define specific needs for special protection groups and, based on these needs, identify and convene the authorities that should be present and referral pathways for specialized protection services. Example: assistance mechanisms for children and adolescents, victims of sexual abuse protection routes, etc.



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Census

The census is an important tool to publicize the situation of Venezuelan refugees and migrants in informal settlements, not just with authorities but also with the communities where they live. A census raises awareness of the needs of the population of Venezuelan refugees and migrants and facilitates the prioritization of their needs, helping to strengthen their links with the other residents.

- The scope of the census will be agreed upon by members of the communities.
- The organization of the information collected by the census should be carried out without discrimination, guaranteeing the inclusion of age, gender and diversity approaches.
- Provide institutional accompaniment to ensure the safety/protection of participants.
- Ensure that the information is protected and confidentiality is guaranteed.

Oversight networks

This is a tool for monitoring the actions of the authorities. The formation of oversight networks helps with obtaining and organizing documents related to settlements and housing, including: plans, contracts, previous agreements, minutes of meetings, videos, maps, photographs, notifications received and projects implemented by authorities in the settlements. The oversight networks can contribute to accessing and organizing public or private archives that help understand and facilitate the management of the rights of

- Conduct an evaluation of the legal, social and security contexts to assess the viability of an oversight network.
- The oversight network must contribute to ensure that rights are guaranteed and it does not generate situations involving legal and social insecurity or threats to organizations and families.
- It can be implemented with social organizations

Monitoring and evaluation of agreements

the community with judicial and local government authorities. This exercise sometimes helps identify that there is a need for additional information that is stored in the archives of public or private entities and that this information should be requested through constitutional actions to access public information.

and NGOs based on clear and concrete agreements that guarantee the defense of the rights of affected people.

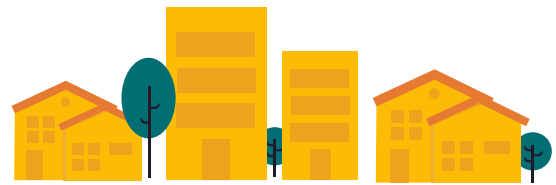
- An additional criterion for being accompanied by an organization could include easier access to information and the possibility of providing technical advice.

The Ombudsman's Office must guarantee institutional accompaniment to mitigate the risk of exposure to danger for leaders and communities.

This can be carried out during the initial stage involving the risk of eviction and involves continuous and permanent monitoring of rights guarantees, including: alternative housing plans; conditions of shelters; documentation and care for refugees and migrants; the establishment of assistance mechanisms for women who are heads of household and pregnant and breastfeeding mothers; access to school for children; and others, in accordance with the agreements reached.

The monitoring and evaluation process must be agreed upon, with clear points, roles and concrete activities that strengthen organizations, communities and/or families of refugees and migrants.

This process should also help mitigate the risk exposure of communities and families when armed actors or threats of any kind are involved.



C. Mediations in eviction cases: the case of tenants

The following are some required elements for good mediation and a checklist of factors to consider when undertaking mediation, which are especially applicable to conflicts between lessorlessors and tenant families at risk of eviction:

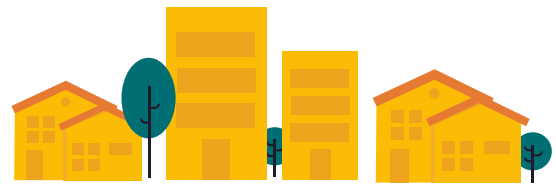


Elements of good mediation practice

- **For an entity or third party to be a mediator, it must have the trust of both parties. A biased mediator does not give guarantees to start a dialogue.** Mediation processes are communication processes and not one-off episodes.
- **Mediation assumes that the participation and commitment of the parties are voluntary, not forced** and that there are suitable conditions for participation by ensuring protection and security.
- Mediation does not seek to solve structural or substantive problems. In this specific case it seeks to build and transform the relationships of the parties in conflict. Before initiating a mediation process it is important to have conducted an adequate assessment of the conflict, prepared solution scenarios and be aware of the effects of the mediation. **If mediation raises the risk level for participants it is not an appropriate alternative.**
- **It is also necessary to identify the power imbalances, the degree of violence that may exist, the level of mistrust between the parties** and the previous processes and attempts that have been made to try to solve the conflict.

- A prior study of the alternatives that an agreement or negotiation can include is necessary. It is important that each party has discussed its priorities before engaging in direct dialogue with the other party. It is better to rely on entities or individuals who are recognized as competent and experienced mediators. The oversight agencies are fundamental, either because they are in charge of the mediation or because they accompany the process and guarantee that it will be free for participants.
- The monitoring of agreements reached in a mediation is an important factor and the mediator should serve as a guarantor in relation to the interpretation of the agreements and their compliance.
- It is also important to be able to inform the parties what type of mediation will be carried out and whether it will have an effect in the judicial process that is underway, as well as any legal consequences that the agreements reached in the mediation could have.





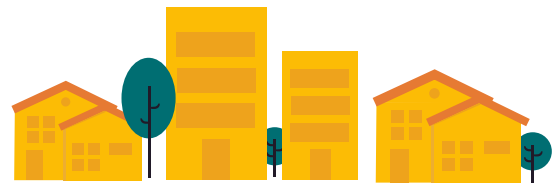
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Factors to consider in eviction mediation

- a.** The parties involved in the dialogue do so voluntarily and out of self-interest.
- b.** Mediation should not be undertaken when it is initiated by a person or entity that has a vested interest in the conflict or represents an armed group or gang, etc.
- c.** The situation of vulnerability that may exist in both parties to the contract must be known.
- d.** Existing legal practices for this type of contract are clear and those who undertake the mediation are familiar with the relevant legislation.
- e.** The parties who reach an agreement are aware of the legal consequences of what has been agreed upon with the mediation of a third party.
- f.** The issues that unite the parties that are in conflict and in which they have a common vision are known.
- g.** Try to ensure that when religious, ideological and/or political issues are involved in the negotiation the mediation is exclusively about the rights that have been affected.
- h.** Necessary security and confidentiality conditions are in place in order to make progress with the mediation process.
- i.** A detailed analysis has been made of the human rights affected by the conflict.

2. Community characterization processes with an emphasis on the most vulnerable groups.

Censuses or other information-gathering methodologies to assess the situation of a community according to the inhabitants, or involving community members and public or private organizations, are important both for people who are at risk of eviction and in the eviction or post-eviction events. The following are some examples of information-gathering tools that have been used by communities in eviction or forced displacement situations. The information provided by these methodologies is valuable for the management and defense of their interests with public or private entities.



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Often the information collected may contain sensitive data or data that may put people in the community at risk, e.g., identifying undocumented migrants or the locations of the homes of threatened people in the community may increase their level of risk. In any case, the following precautions should be taken into account when handling information received from community exercises, organizations and authorities:

Protection considerations for information handling

- a. Information collected in censuses or through other methodologies that is sensitive or increases risks for certain people (for example, information on sexual orientation, undocumented persons, serious illnesses, existence of threats) **should not be made public and should be given to the authorities responsible for dealing with the risk of eviction or evictions** with a commitment (preferably written) of confidentiality.
- b. **When planning of information-gathering activities, the people who carry them out should be trained** on how to activate assistance mechanisms in a safe manner in the event of identifying protection risks for children, adolescents and women.
- c. **In certain cases, organizations and community leaders should consider handing over the information they have to accompanying organizations** or human rights oversight or guarantor agencies (Ombudsman Office, Public Defender's Office and others) that they trust in order to avoid losses, damages or that the information may put them at risk.
- d. In the event that the information is collected by an NGO, oversight bodies or public authorities, **confidentiality must be required.**

Useful methodologies for community characterization

Below are three methodologies used in Colombia by the “Action without Harm” Project developed by the National University of Colombia and the Swiss Agency for Development and Cooperation⁵. This section includes suggestions about the contexts in which these methodologies could be used successfully.

A. Timeline

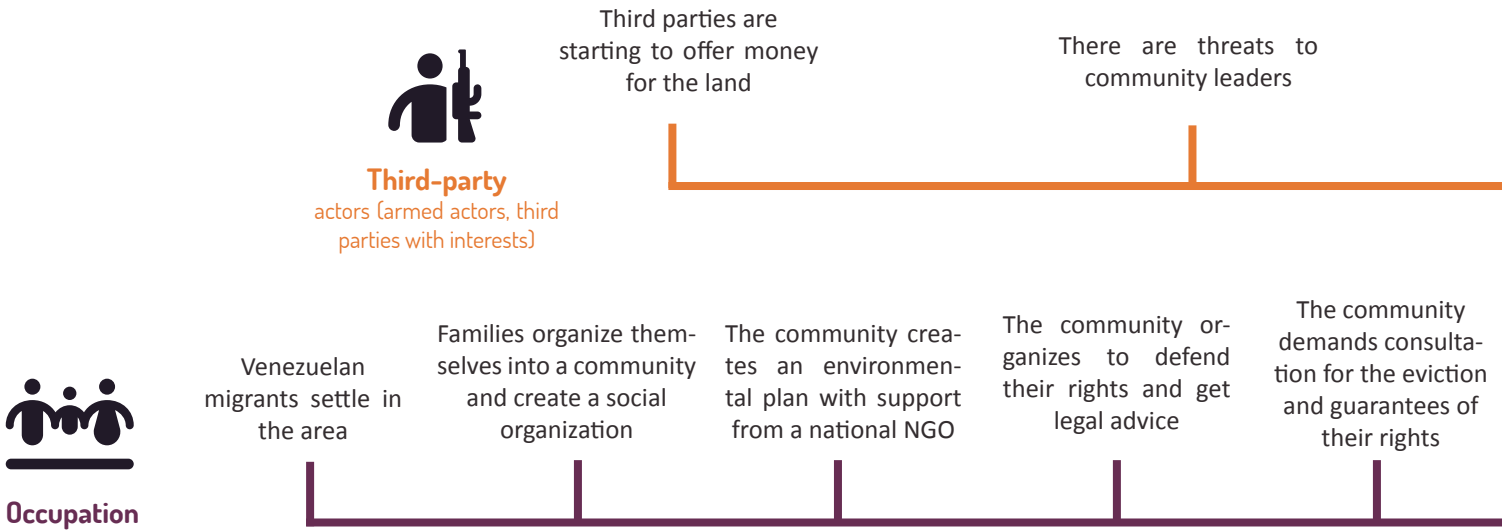
The timeline is a methodology that allows a graphic view of events and their evolution, as well as their relationship with other relevant events at different times. Going beyond isolated actions, the timeline facilitates an overview of a process in which different dimensions, actions and subjects are affected and determined, providing a long-term perspective and a better understanding of the present situation of communities, as well as their future options. This community work methodology is recommended for the following circumstances:

- When you need to understand how an eviction risk has evolved over different periods of time, it is important to be aware of its relationship to other events within or outside the community such as hazards, development plans, community changes and government decisions.
- The timeline can be used as a pedagogical tool to graphically explain to the community, public officials or organizations the changes in a community or family in relation to their homes and territories during defined time periods.
- Relate the risks of eviction or the eviction of a family or community with the causes that provoke it, for example: in relation to judicial decisions, policies, legal changes, important events in the city, etc.
- Identify changes in the social fabric if there are events that have generated internal fracture processes, such as community divisions, new organizations, key meetings.
- Analyze the different strategies implemented by the community for the defense and protection of their rights, the effects of these strategies and possible influence on the present and future of the communities. Example: which strategies have raised levels of risk and which ones have produced a response from local governments.

⁵<https://www.nodoka.co/apc-aa-files/319472351219cf3b9d1edf5344d3c7c8/guia5.pdf> Accessed October 1, 2020.



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State



Territory

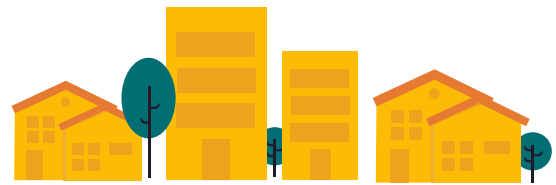


B. Census

Censuses are a fundamental tool for any situation involving a risk of eviction, evictions and succeeding situations. It is important to take into account the following checklist:

- It is the responsibility of authorities to conduct a census, but it is important that communities are involved by supporting the census, scheduling times when it can be conducted and deciding who will accompany the public officials. In the event that the authorities do not conduct a census, ask organizations or NGOs to help with the census.
- Select the questions that will be asked and verify that they cover the community's needs. For example, ask questions about refugees and migrants, the situation for women, if there have been threats, etc.
- Ensure that the survey contains questions on children, adolescents; female heads of household, pregnant and breastfeeding women; older adults; sick people and their type of disease or medical treatment; the places of origin of refugees and migrants; people belonging to indigenous peoples, Afro-descendants and other peoples of ethnic origin with special protection need; people with disabilities; and people expressing any of the sexual identities (LGBTIQ). This information should be grouped by gender and age ranges.
- Verify that information is included to identify the cases of refugees and asylum seekers and their existing documentation needs, etc.





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- Censuses are also an opportunity to identify each community's capacities to cope with risk situations. As a result, the census should also include questions about the number of teachers, trained health personnel, and other people who may be useful in situations involving increased risks.
- Request access to the results of the census and ensure that the community provide feedback on the results. If the census is carried out by the communities or families, present the results of the census to the relevant authorities and oversight agencies as soon as possible.
- The combination of other characterization methodologies and the censuses should yield not just quantitative but also qualitative information; for example, the situation of vulnerability for each population group, their specific needs and their perceptions of the eviction situation or risk of eviction, including possible impacts on their mental health and disaggregated by age and gender.
- The conclusions from the census should enrich the consultations and working groups that involve authorities, communities and families. This will facilitate the identification of suitable measures and access to assistance and protection services using an inter-institutional approach.
- It is important that in the event that when communities are involved in the census they are accompanied by oversight and human rights organizations and their safety is guaranteed.

C. Community mapping

Participatory social mapping methodologies have been very useful in urban areas as instruments to collect information about a territory and its communities. For example, these territories facilitate the linking of information about families to the conditions of their homes; common practices; community constructions; boundaries; areas that have environmental risks or are of community interest; identification of owners and tenants; identification of settlement dynamics, etc. Yet, cartography is more than an information tool; it facilitates analysis, reflection and production of situated knowledge about territories, communities, cultures, ecosystems, institutions, collective imaginaries, etc.

In cases involving the risk of eviction, community maps contribute to⁶:

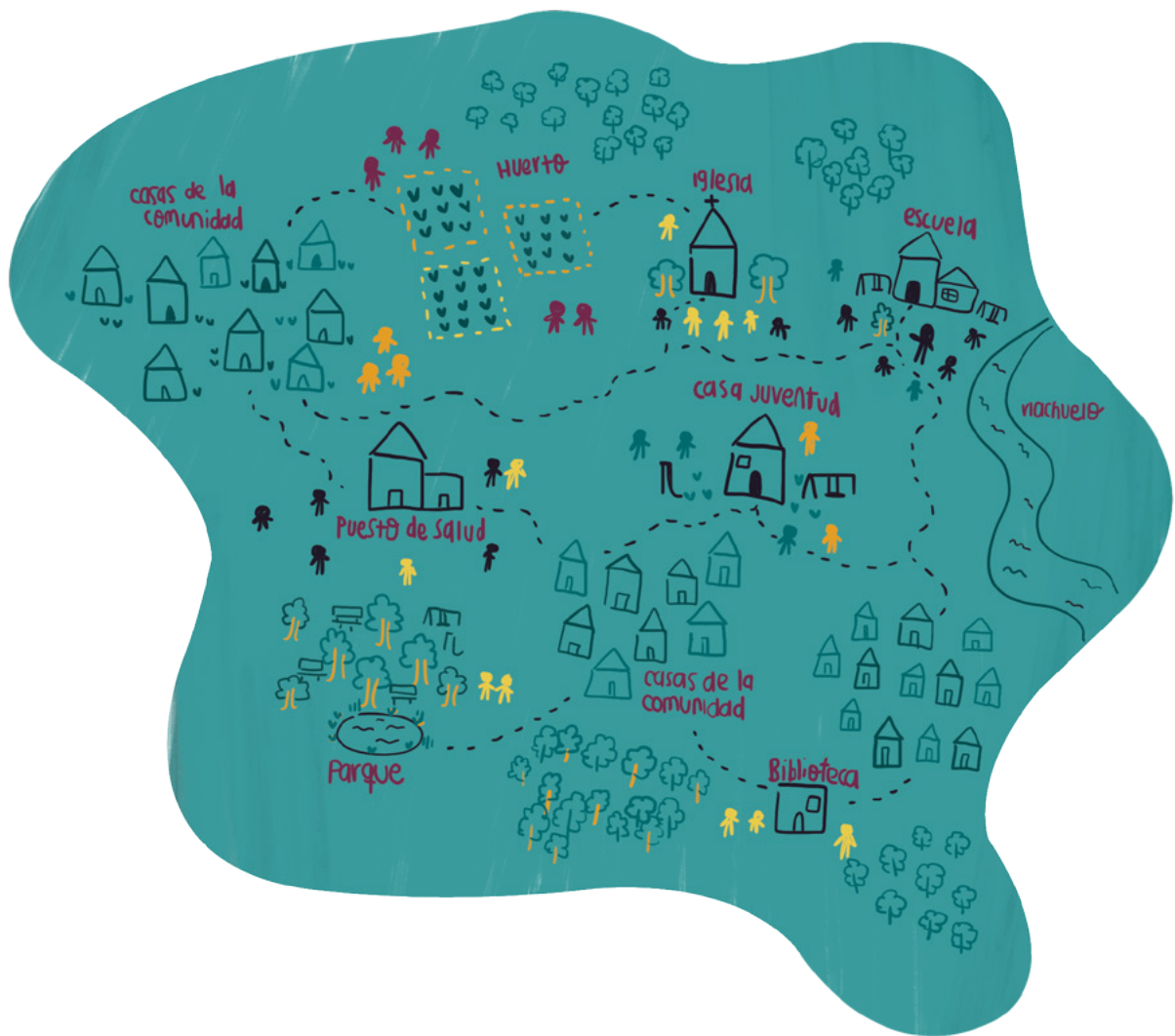
- Identifying the areas occupied by each family and their location in the territory.
- Generating evidence about the relationships between inhabitants and the territory in order to better understand existing relationships in the community, for example: presence of people illegally selling land, illicit crops, unstable and deforested areas, etc.
- Strengthening the knowledge and recognition of the territory by the community that inhabits it and establishing measures for the care and protection of communities and ecosystems.
- Identifying the dwellings that house the most affected people based on the results of the census conducted in the community. For example: the location of people who are sick or are living with a disability, the elderly, children and women who are heads of households.
- The delimitation of areas that are of interest to the community and the city: boundaries of the settlement with other communities, environmental protection areas, areas of common use, community buildings and others.
- Plan censuses more effectively.
- In the case of evictions, and as a product of the agreements, the maps can help plan the way in which the evictions should be carried out, ensuring the protection of people and their property.
- In cases of relocating families to other land, mapping helps design in a participatory manner how families will be relocated and how streets will be laid out or public assets will be distributed: churches, community centers, etc.

⁶*Ibid.*



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- For the relocation of families, it can also be useful to identify: areas with economic development, socio-environmental and cultural conditions, access to public services and/or environmental and other risks for communities such as: landslides, floods, waste management, micro-trafficking networks, robberies, violence/sexual harassment, low lighting, etc.⁷

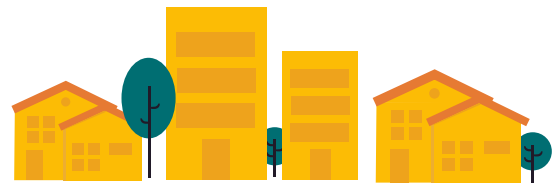


⁷See also: Tools for training in intercultural contexts. Sena- Tropenbos <https://drive.google.com/file/d/1cE45zt5B-GpbT1syKXzrEe75cBDFdBx6/view?>. Accessed November 3, 2020.

3. Key issues for developing an alternative housing or relocation plan with public authorities

Consultation processes and alternative housing arrangements for people at risk of eviction, either members of a household or members of a community, are necessary to find a solution to this process, provided that they are carried out in good faith and have the intention of reaching an agreement. The UN Committee on Economic, Social and Cultural Rights has stressed that: **“before any forced evictions are carried out, specifically those involving large groups of people, States parties should ensure that all other possibilities for avoiding or at least minimizing the need to resort to force are explored in consultation with the people concerned”**⁸. Local authorities should put this safeguard in place from the beginning of planning the eviction and until everybody has been relocated.

⁸Observation 7 of 1997 Committee of the UN Covenant on Economic, Social and Cultural Rights.



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The right to consultation for those affected is thus an obligation of the State in which all possibilities must be evaluated in order to avoid evictions or to agree on the conditions under which the eviction will occur, considering alternative housing options that are included in a series of agreements. As a result of the above process, the best way forward will be to agree and design a plan between the parties that responds to the needs of the households or communities involved in the process.

The importance of the consultations is contained in the following aspects:

- a. **Facilitates dialogue and consultation processes by bringing State entities closer to the population**, guaranteeing an inter-institutional approach and effective access to existing services/programs.
- b. **Strengthens community and organizational processes by promoting community leadership** in the definition of their own life projects.
- c. **Promotes community ownership, participation and identification of alternatives** in the decision-making process, protecting their social networks.
- d. **Facilitates the identification of the characteristics of the affected community**, their special needs and aspirations.
- e. **Allows the community to get information about the process that will be carried out**, the possible eviction and alternative solutions.
- f. Facilitates the presentation of suggestions and observations from the communities.

The following are elements highlighted by Amnesty International on consultation processes in eviction cases⁹. These are useful elements to take into account for the design, implementation and monitoring of alternative housing and/or relocation plans.

A. Participation and representation

Individuals and families affected by an eviction event should have the possibility to take part in organized spaces to learn about relevant information and discuss and present their point of view on the eviction. **In mass situations where there is a large number of people affected, representatives should be selected by the community beforehand.** There are cases in which public or private authorities only seek to liaise with one sector of the community. It may also happen that human rights organizations or NGOs wish to ensure the participation of groups that may be marginalized, such as refugees and migrants, the elderly, women, etc. It is therefore important to ensure broad representation of all sectors of a community, as this is crucial for the legitimacy of the agreements.

B. Holding consultations

Consultation meetings should be spaces in which all information is shared by the State with those affected and in which community members can freely ask questions and make observations. “Organizations and advocates working with the affected community should be allowed to attend these meetings. Corresponding minutes should always be taken, which people should have the opportunity to consult and challenge”¹⁰. In the case of judicial or administrative processes¹¹ in which an eviction is ordered, the processes themselves must include consultation, understood as a component of due process.

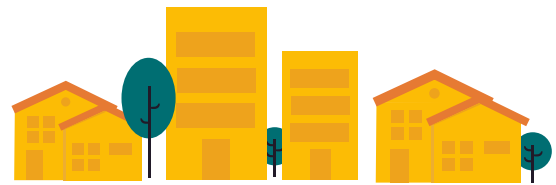
When there are specialist technical factors, e.g. knowledge of construction, engineering, geology, etc., that are essential for understanding the scope of the projects that will be carried out in the area affected by the evictions, communities can request a simple explanation of the plan and independent technical advice to understand the effects of the intervention and its medium and long term consequences. This applies to people affected by evictions caused by development plans, such as infrastructure, mining, etc.¹².

⁹How to avoid forced evictions: a practical guide. Amnesty International. 2012 <https://www.amnesty.org/download/Documents/16000/act350092012es.pdf> Accessed September 15, 2020.

¹⁰Ibid.

¹¹An eviction order may come from a court or tribunal of the judicial system in each country or from a public authority belonging to a local, national or state government according to the laws of each State, such as a police inspectorate, city councils, prefectures, etc.

¹²See UN Basic Principles and Guidelines on Development-based Evictions and Displacement. Paragraphs 34 to 37.



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It is critical that the role of security forces is part of the consultation, taking into account the regulations and procedures established by laws that protect human rights. This discussion is essential for avoiding human rights violations and situations of violence. The consultation can be used to discuss the rules to be followed by both the security forces and the communities and to establish the necessary channels to solve tensions and respond in cases of human rights violations.

In consultations with indigenous peoples, Afro-descendants and other ethnic groups under the protection of ILO Convention 169, in which plans or projects that may directly affect them are discussed, States are obliged to recognize their authorities, as well as the cultural practices and institutions of each people in order to carry out free, prior and informed consultations¹³.

C. Consequences of evictions

“It may be that the resettlement solutions offered will not suit all people, so the authorities will need to consider a range of compensation and resettlement options to meet different needs. For example, landlords may be satisfied with compensation, but tenants may need support to secure suitable alternative housing. As a result, they need to be involved in the process on an equal footing and their needs should be identified and addressed during the process”¹⁴.

Consultations should ensure that the specific needs of people with special needs are taken into account and that the plans offered by authorities take into account the results of the consultation.

¹³ILO Convention 169 on Indigenous and Tribal Peoples. Art. 6

¹⁴How to avoid forced evictions: a practical guide. Amnesty International. 2012



Checklist

on conducting consultations in case of evictions



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- The consultation is carried out in conditions of timeliness, information and transparency.

 - The consultation includes the specific needs of all the inhabitants.
 Example: children and adolescents, female heads of household, people with disabilities, indigenous people, etc.

 - The community has a safe space for effective participation based on confidentiality and protection criteria and can express itself and present proposals.

 - The participation of communities is carried out without the mediation of coercive elements and with the accompaniment of respective oversight agencies.

 - For indigenous, Afro-descendant and other ethnic peoples, the consultation is carried out in accordance with ILO Convention 169.

 - The authority presents alternative housing plans and corresponding compensation in advance, as well as access to State services and programs.

 - The authority ensures that the information is also conveyed to people who face difficulties with participating in the process.

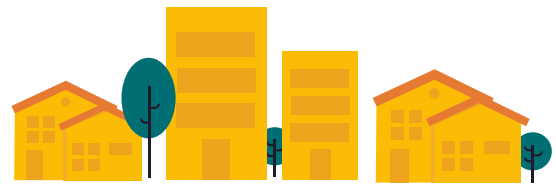
 - The right to confidentiality of the communities and their members, families and leaders is respected.

 - The accompaniment of oversight or cooperation agencies that guarantee human rights is guaranteed.



4. Creative and artistic projects in the face of forced evictions

Creative projects are as important as the other community practices presented throughout this document and in most cases, they accompany the organizational processes in the scenarios faced by a community or family at risk of eviction and during the eviction itself.



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Below are some initiatives based on the creativity of the communities and their support networks to gain public visibility when facing the risk of eviction, highlighting their rights and appealing to the sensitivities of general society and the media. It is essential in these processes to seek empathy with the administrative and judicial authorities that will decide on the situation and to present clear narratives of the impacts of evictions on the communities. We highlight three types of best practices:

A. Use of audiovisual tools

The use of audiovisual materials has become an important alternative for communities at risk of eviction. These can be used to document the community's relationship with public entities, create an audiovisual record of the process, present the community's arguments with authorities (judges, officials, etc.), make their perceptions known to a wider audience and convey their views on the situation faced by the community.

Although sometimes there is support from external organizations that finance cameras and editing equipment, today it is possible to make short audiovisual pieces using phones, carry out basic editing with free applications and publish them on digital platforms such as YouTube or social networks (Facebook, Instagram, Tik Tok, among many others). In these initiatives, the role of young people and their organizations who are more familiar with the use of new technologies and audiovisual culture is essential. However, initiatives must be connected to the content, messages and strategies agreed on by communities, giving voice to the different expressions and vulnerable groups that inhabit the affected territory.

Video recordings have also proved useful for documenting human rights violations during evictions and securing material that can serve as evidence in criminal and disciplinary proceedings against officials or third parties involved in evictions¹⁵.

¹⁵We refer to two initiatives that have integrated video as a powerful communication tool, offering technical tools to respond to eviction situations. These are included in the Video Guide of the "Forced Evictions" Campaign Toolkit prepared by the Witness organization:

https://www.google.com/url?q=http://www.mediafire.com/download/nf6ekmqttavayc/PDFs_ForcedEvictionToolkit_ES.zip&sa=D&usg=ALhdy28yR9MddfSSF1iITep5BXH5PXdiQw

A case study from the same project in Mexico:

https://www.google.com/url?q=http://www.mediafire.com/download/nf6ekmqttavayc/PDFs_ForcedEvictionToolkit_ES.zip&sa=D&usg=ALhdy28yR9MddfSSF1iITep5BXH5PXdiQw

B. Community campaigns against evictions

Campaigns against evictions that gain public attention and generate social cohesion among the community or group of families can be very diverse. These initiatives play an important role when there is a risk of eviction, acting as an instrument that unifies a community around specific messages, makes its effects more visible and strengthens the sense of belonging and autonomy of inhabitants.

Campaigns against evictions that are carried out in the affected territory usually consist of several elements such as marches, sit-ins, forums, murals, street parades, concerts, carnivals, documentary screenings, open-air museums, festivals, etc. These initiatives convey messages to the relevant authorities about the strength of the community and the alternative proposals they have developed.

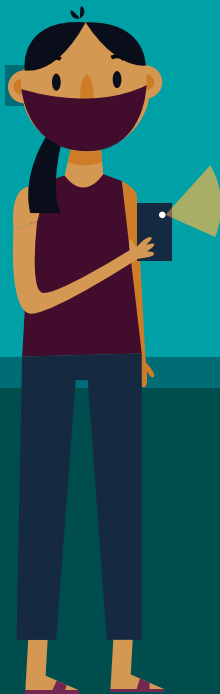
These campaigns are also an opportunity to encourage the participation of different sectors in a community (such as the elderly, LGBTI groups, refugees and migrants, youth, women, people with disabilities, etc.), to express their needs and cultural expressions and to work hand in hand in sustainable community processes.

For example, the CatComm NGO in Rio de Janeiro has developed the Rio On Notice initiative, with the aim of publicizing the voices and needs of communities in the favelas of Rio de Janeiro through the communities' own narratives, seeking to transform the generalizations and stigmas that often appear and spread in the media and that impact public policies.

To achieve this, they have used the work of local or invited artists, and in the case of the risk of eviction of the inhabitants of the "Villa Olímpica" favela they drew the faces of inhabitants on the facades of the houses threatened by evictions, which achieved a very high level of visibility in the city and in the media.

Proposals for community museums, where tours focused on history, culture and situation of the community can be conducted, have been important to mobilize the media and educate people about their situation¹⁶. These initiatives have strong potential to draw attention to areas usually not visited by the rest of the city's inhabitants, tourists and journalists, and to raise awareness of the risk of evictions. At the same time these initiatives can ease the dissemination of alternative solutions to their permanence in the territory that guarantee adequate housing.

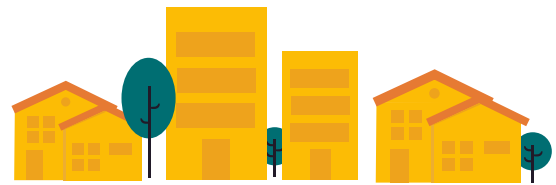
¹⁶<https://rioonwatch.org.br/?p=11941>. Accessed October 20, 2020.



5. Eviction risks and the role of social organizations amidst COVID-19 health emergency

Organizing to protect people’s right to housing and against forced evictions while addressing the health emergency caused by COVID-19 appears to be a contradiction, as stated by the UN Special Rapporteur on Adequate Housing: “Forced eviction is not only inconsistent with lockdown measures to remain in one’s home, but forced evictions are a violation of international human rights law, including the right to adequate housing. No eviction can lead to homelessness. In the midst of the pandemic, being evicted from your home is a potential death sentence”¹⁷ (boldface by the authors of this document).

¹⁷Leilani Farha. Special Rapporteur on the Right to Adequate Housing. COVID-19 Guidance Note: Prohibition of Evictions. April 2020



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UN Habitat has drawn attention to the situation of informal settlements during the COVID-19 pandemic and has expressed the need to empower inhabitants and local organizations that promote services in communities, implement projects and carry out oversight, taking into account that these actions are essential to respond to the health and social crisis experienced by these communities¹⁸.

In this humanitarian situation, oversight actions and community guards to protect against the risk of eviction or factors that may increase the risk of contagion and stigmatization of the communities are important community protection factors:

- Warn of situations involving the eviction of tenants from their homes by landlords without complying with legal requirements.
- Alerting human rights organizations about forced evictions of families carried out by public authorities with no housing alternatives offered during the COVID-19 pandemic.
- Conduct mediations between tenants and landlords, taking into account the risks of contagion posed by evictions of families in the midst of the health crisis.
- Promote integration actions that strengthen the protective environment and mitigate the risks of discrimination and xenophobia.

¹⁸https://unhabitat.org/sites/default/files/2020/04/covid19_policy_and_programmatic_framework_eng-02.pdf. Accessed October 20, 2020.

