

PUBLIC

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UA 35/07 **Forced eviction**

BRAZIL **468 families**

A judge has issued a new order to evict the 468 families who have been living in the derelict Prestes Maia building in central São Paulo for over two years. The municipal authorities must carry out the order before 4 March. Amnesty International is concerned that they are not going to provide secure tenure in adequate alternative accommodation for the families.

The families had been scheduled for eviction on 15 April 2006, under a previous eviction order, but lawyers working for the *Movimento Sem-Teto do Centro* (MSTC), Homeless Movement of Central São Paulo, lodged an appeal on the grounds that the families had been living in the building for over a year and therefore had rights as residents. The São Paulo State Supreme Court issued an order postponing the eviction indefinitely.

The new eviction order has been issued on the grounds that the building is not fit for human habitation in its present condition. Representatives of the families accept this, but are concerned the municipal government's most recent offer to the residents is to give them temporary accommodation in hostels, and provide some help transporting belongings there from Prestes Maia so as to clear the site for commercial development.

The authorities further rejected the lawyers' requests to include the families in recognised municipal or state programmes to provide financial support to homeless people.

Families have complained that the authorities' offer falls far short of the undertaking given by the previous municipal government, who had agreed to re-house all the families in temporary accommodation while the Prestes Maia building was converted to flats for them to occupy.

In one welcome development, senior police officers have reportedly met with the families and their representatives to discuss the conduct of the eviction, to ensure that none of the residents is ill-treated. Brazil has ratified the International Covenant on Economic, Social and Cultural Rights: under Article 11 (1) the authorities are obliged to ensure that residents are given adequate notice of any eviction, and details of how the eviction will be carried out; the eviction should not be carried out in bad weather or at night; identified representatives of the state should be present, as should legal representatives of the residents; and residents should be offered secure tenure in adequate alternative housing.

BACKGROUND INFORMATION

According to estimates by the UN Special Rapporteur on Economic, Social and Cultural Rights, 10,000 people sleep rough on the streets of São Paulo. The city has a chronic shortage of housing for low-income families, who are often forced to live in the shanty towns on the outskirts. With the help of local NGOs, these families have begun squatting empty buildings. This has led to a series of violent evictions, carried out by the riot police using batons, CS gas, pepper sprays and rubber bullets. In August 2005, 79 families occupying a five-storey building on Rua Plínio Ramos, in the centre of town, were confronted by riot police. During the eviction, the police ordered all women and small children to leave, and then entered the building and beat several of the men and boys, some as young as 14. This was one of five evictions carried out by the municipal government during 2005, some of which involved riot police and use of excessive force.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Portuguese or your own language:

- expressing concern that the São Paulo municipal authorities are preparing to forcibly evict 468 families living in the Prestes Maia building in the centre of the city, without giving them secure tenure in adequate alternative accommodation;
- pointing out that Brazil has ratified the International Covenant on Economic, Social and Cultural Rights, and under Article 11 (1) they are obliged to offer the Prestes Maia residents secure tenure in adequate alternative accommodation, to give them adequate notice of any eviction and details of how the eviction will be carried out, which must not be in bad weather or at night: identified state representatives should be present, as should the residents' legal representatives;

APPEALS TO:

Mayor of São Paulo

Exmo. Prefeito de São Paulo, Sr. Gilberto Kassab
Viaduto do Chá 15, Centro - Edifício Matarazo
01002-020 - São Paulo/SP, BRAZIL

Fax: +55 11 3113.8015

Salutation: Vossa Excelência/ Your Excellency

Federal Human Rights Secretary

Exmo. Ministro da Secretaria
Especial de Direitos Humanos
Sr. Paulo Vannuchi, Esplanada dos Ministérios, Bloco T, 70064-900 - Brasília – DF, BRAZIL

Fax: +55 61 3226 7980

Salutation: Vossa Excelência/ Your Excellency

Minister of Cities

Exmo. Ministro de Estado
Sr. Marcio Fortes de Almeida
Ministerio das Cidades
Esplanada dos Ministérios - Bl. A 2ª andar, 70054-900 - Brasília/DF, BRAZIL

Fax: +55 61 2108 1415

Salutation: Vossa Excelência/ Your Excellency

Governor of São Paulo

Exmo. Governador de São Paulo
Sr. José Serra
Palácio dos Bandeirantes - Av. Morumbi, 4500 – Morumbi, 05650-905 - São Paulo/SP, BRAZIL

Fax: +55 11 2193 8738

Salutation: Vossa Excelência/ Your Excellency

COPIES TO:

President of the Municipal Commission of Human Rights

Exmo. Presidente da Comissão
Municipal dos Direitos Humanos Dr. José Gregori,
Pátio do Colégio, 5 – Centro – São Paulo – SP, CEP 01016-040, BRAZIL

Fax: +55 11 3106 0030

The Homeless Movement of Central São Paulo

Movimento Sem-Teto do Centro,
Avenida São João, 1495 - 2º andar, Metrô Santa Cecília
São Paulo, SP, CEP 01211-000, BRAZIL

and to diplomatic representatives of Brazil accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 March 2007.