

Allegation letters sent by the poverty mandate December 2011 – November 2013

All the allegation letters included below are now public and included in [joint communications reports](#) of Special Procedures. Letters sent after November 2013 will be included in future joint communications reports.

N.B. An asterisk* next to a reply indicates an acknowledgement letter from the concerned State's Permanent Mission in Geneva, rather than a substantive reply.

Date (chronological order)	Country	Mandates	Summary of allegation	Hyperlink to allegation letter	Reply by deadline (if any)	Press release (if any)	Theme
21/12/2011	Bangladesh	Adequate housing; Extreme poverty; Food; Freedom of expression; Freedom of peaceful assembly and of association; Indigenous peoples; Water and Sanitation;	Alleged negative impacts on human rights of affected communities of proposed domestic policy permitting the construction of an open-pit coal mine in the township of Phulbari. According to the information received, the open-pit mine in Phulbari, if constructed, would have a significant impact on food production and access, by destroying close to 12,000 acres of productive agricultural land, and on water access by lowering the water table 12 to 25 meters and potentially poisoning water sources. The mine would allegedly lead to the displacement of up to 220,000 people over time, 50,000 of whom are indigenous people belonging to 23 different tribal groups. Current plans reportedly do not provide for adequate compensation or resettlement and have not included consultations with affected communities. Finally, allegations have been raised regarding continued efforts to stop human rights defenders from protesting the	BGD 7/2011	Reply 22/12/2011 *	Press release 28 Feb 2012	Development; indigenous peoples; business; water; food; land

			Phulbari coal mine.				
21/12/2011	Hungary	Adequate housing; extreme poverty	<p>Alleged threat of mass criminalization, evictions and incarceration of homeless population in Hungary following the adoption of several amendments to national and municipal legislation.</p> <p>According to the information received, amendment to Act 1997/LXXVII on the transformation and protection of urban environment and to Act 1996 XXI on territorial development and settlement, adopted in October 2010, defines the various functions of public spaces and empowers municipalities to criminalize any use of public space which is not in accordance with these functions. Law Act CLIII (adopted on 14 November 2011, and entered into force on 1 December 2011), states (Article 146/A), that a person repeatedly violating municipality regulations regarding the use of public spaces for habitual living, or the storage of movable properties on public places for the purposes of habitual living, can be punished with imprisonment or up to 150,000 Hungarian forints fine. Based on these amendments, during October 2011, Budapest police allegedly evicted homeless persons from 13 underpasses in the inner city and demolished dozens of homeless self-made shelters in various parts of the city. Allegedly, the evicted persons were not provided with alternative shelter options and some of the evicted persons were subject</p>	HUN 3/2011	Reply 21/2/2012	Press release Feb 2012 Follow-up press release Dec 2012	Criminalisation of homelessness; discrimination

			to short term arrest.			
15/02/2012	Bangladesh	Extreme poverty; food	<p>Alleged denial of food assistance to vulnerable groups caused by corruption.</p> <p>According to the information received, 1000 Vulnerable Group Feeding cards were allocated under the Vulnerable Group Feeding programme to the Monohorpur Union of the Gaibandha district to be distributed to the poorest and most food insecure in the area. Reportedly, the families who have been provided the feeding cards repeatedly do not receive the food they are owed, and families who fit the criteria for the food assistance programme have reportedly not received feeding cards. Allegedly, corruption amongst local public servants and political activists is at the root of the program's reported failures at reaching the families in need. There is reportedly no administrative or judicial review process allowing local communities to voice complaints or concerns about the program.</p>	BGD 1/2012	Reply 22/02/2012 *	Food; social protection; discrimination
09/03/2012	Australia	Extreme poverty; indigenous peoples	<p>Alleged threat to the enjoyment of human rights by Australia's indigenous communities, in particular the right to equality and non-discrimination, following the proposed adoption of the Stronger Futures in the Northern Territory Bill 2012.</p> <p>According to information received, the Bill (third reading) extends the uniform alcohol bans and alcohol</p>	AUS 1/2012	Reply 07/05/2012 * Full reply received 23/07/2012	Indigenous peoples; social protection; discrimination

			<p>management regimes within so-called “alcohol protected areas” within Northern Territory communities (Sections 27). The Social Security bill extends measures enabling compulsory income management of Centrelink recipients in certain circumstances (Schedule 1). The bill also extends the Government’s Improving School Enrolment and Attendance through Welfare Reform Measure (SEAM) initiative, which allows for the suspension or cancellation of certain categories of Centrelink payments for lack of compliance with a notice relating to the school enrolment or attendance. The Stronger Futures Bill introduces “special measures” to allow the Commonwealth to amend Northern Territory legislation regarding leasing in Aboriginal community living areas and town camps (Part 3). In addition, there have reportedly been insufficient consultations with affected indigenous communities throughout the process of drafting the Stronger Futures Bills.</p>			
22/03/2012	Bangladesh	Adequate housing; extreme poverty; food	<p>Alleged threats to the right to an adequate standard of living, the right to food and the right to housing posed by illegal sand extraction. According to the information received, around 12,000 villagers living on Mayadip Island on the Meghna River face increased risk of food insecurity and homelessness as a consequence of soil erosion caused by sand extraction carried out by two companies without government</p>	BGD 2/2012	Reply 29/02/2013 *	Eviction; business; development

			authorization. Reportedly a court order issued on 26 April 2011 requiring the cessation of the sand extraction from the riverbanks close to Mayadip Island is not being enforced in practice. It is alleged that unless the practice of extracting sand is stopped, erosion will have a lasting impact on livelihoods and food insecurity in the area and result in the mass displacement of the island's residents.				
11/04/2012	Brazil	Adequate housing; extreme poverty; health	Alleged human rights violations committed during a specific police operation in São Paulo. According to the information received, since 3 January 2012, security forces at the São Paulo state level, in partnership with local authorities, have carried out operations in a central neighbourhood in São Paulo, unofficially named "Cracolândia", with the declared objective to combat drug trafficking. In spite of the declared aim, the vast majority of people displaced through these operations are allegedly not drug traffickers, but drug users and persons living in poverty.	BRA 3/2012			Penalisation of poverty; police; displacement
15/05/2012	Nepal	Adequate housing; extreme poverty	Alleged forced eviction of 994 informal settlers on the "thapathali" settlement on the Bagmati River bank in Kathmandu. According to the information received, 994 residents in the thapathali settlement, including 401 children, were forcibly evicted on 8 May, and 249 houses and a community school destroyed in the process. Allegedly, no prior notice was issued to	NPL 3/2012	None		Eviction

			families, and excessive force was used during the eviction. Alternative accommodation or housing has not been provided. It is reported that families, with nowhere else to go, have been staying on bare land at the site, in dire conditions. The government has allegedly not taken any relocation measures although it previously announced it intended to secure land for relocation and would cover three-months rent for each family as a temporary measure. Potential evictions of the Bagmati river bank settlements were the subject of a previous communication (see A/HRC/20/30, case no NPL 1/2012).				
06/07/2012	Bangladesh and other (business enterprise)	Adequate housing; Extreme poverty; Food; Freedom of expression; Freedom of peaceful assembly and of association; Indigenous peoples; Water and Sanitation	Concerns transmitted to GCM Resources plc, which through its subsidiary Asia Energy Corporation (Bangladesh) Pty Ltd works under a contract with the Government of Bangladesh on the Phulbari Coal Mine project. Related to Dec 2011 allegation letter; GCM Resources wrote to the concerned special procedures after the February 2012 press release.	OTH 6/2012	Reply from GCM Resources 31 Jan 2012		Development; business; indigenous peoples
23/07/2012	Portugal	Adequate housing; extreme poverty;	According to information received, in the settlement of Bairro de Santa Filomena, located in Amadora, 85 families (280 individuals) were living under the threat of imminent	PRT 1/2012	24/07/2012 * 11/09/2012		Eviction

		minority issues	<p>eviction without having been provided with adequate alternative housing options. The inhabitants were notified of demolitions starting 17 July 2012, and others were scheduled for 19 and 25 July. Furthermore inhabitants were notified by the Municipal Council that they must leave their homes before the end of the month with no indication of a specific date. Half the families have been living in the neighbourhood for over ten years and several families have been living in the settlement for two to three decades. Rehousing alternatives proposed by the Municipal Council –either alternative housing for a selected number of families or social security support for a short period to rent elsewhere - are allegedly inadequate and unacceptable to the inhabitants. Inhabitants were allegedly notified that the demolition would happen with or without their cooperation and with police intervention if necessary.</p> <p>NB Follow-up letter sent in March 2013.</p>				
25/07/2012	Nigeria	Adequate housing; extreme poverty	<p>Alleged forced eviction of up to 20,000 residents of the Abonnema Wharf Community in Port Harcourt. According to the information received, from 27 June to 2 July 2012, an estimated 10,000 to 20,000 residents of the Abonnema Wharf Community in Port Harcourt, capital of Rivers State, were evicted and their homes destroyed. Allegedly the Rivers State authorities declared that</p>	NGA 2/2012	06/08/2012 * 12/11/2012		Eviction

			<p>the eviction was carried out in order to reduce criminal gang activity in the area.</p> <p>Reportedly, the demolitions were carried out in bad weather and thousands of people were left homeless as most residents were not offered any compensation or alternative housing. Allegedly, a negotiation process to offer compensation to landlords was far from being completed when the eviction took place and an interim injunction order issued on 11 November 2011 by the Rivers State High Court had called upon the Rivers State authorities not to carry out demolitions and evictions in Abonnema Wharf pending a full hearing of the case.</p>			
26/07/2012	Peru	<p>Extreme poverty; freedom of expression; freedom of peaceful assembly and of association; human rights defenders; summary executions</p>	<p>Alegaciones de actos de violencia y ejecuciones extrajudiciales en el contexto de las protestas sociales contra proyectos de explotación minera llevadas a cabo en Cajamarca y en Espinar. Según la información recibida, el 3 de julio de 2012, se habría convocado un acto de protesta en Celendín contra el proyecto de explotación minera Conga, ejecutado por la empresa Yanacocha, cuyo principal inversor es Newmont Mining Corporation. Se informa que hubo serios enfrentamientos entre la policía y los manifestantes, en su mayoría campesinos, con al menos 31 personas heridas incluyendo a 4 policías, y 5 manifestantes fallecidos por impacto de bala. Asimismo, el</p>	PER 2/2012		<p>Human rights defenders; business; development</p>

			<p>21 de mayo se habría declarado una huelga indefinida en Espinar como acto de protesta por los estragos causados por la explotación minera de la empresa Xstrata Tintaya. El 28 de mayo se habrían registrado serios enfrentamientos entre la policía y los manifestantes, resultando en al menos 40 heridos y 2 manifestantes fallecidos por impacto de bala.</p>			
19/10/2012	Australia	Discrimination against women in law and practice; extreme poverty	<p>Alleged threat to the enjoyment of human rights of over 100,000 single parents, some of the most marginalized and impoverished members of Australian society, by a number of provisions in the Social Security Legislation Amendment (Fair Incentives to Work) Act 2012, recently passed by the Australian parliament. According to information received, the new Act will move more than 100,000 single parents (over 90% of which are women), from receipt of the Parenting Payment to the Newstart Allowance. The Parenting Payment stands at 90% of the relative poverty line in Australia, while the Newstart Allowance is 77% of the official poverty line. It is alleged that the legislation will have significant and detrimental impacts on the human rights of over 100,000 Australians, many of whom are currently living in poverty, will provide an institutional obstacle to the full enjoyment of human rights for people living in extreme poverty and increase discrimination against sole parents.</p>	AUS 2/2012		Social protection; gender; discrimination; penalization of poverty

12/12/2012	Philippines	Extreme poverty	<p>Alleged evictions and confiscation of property of more than 350 vendors from Rizal Park (commonly known as Luneta Park) in Manila. According to information received, vendors have been selling food and refreshments for many years inside Luneta Park. Reportedly, a zero-vending policy was adopted by the National Parks Development Committee in 2010.</p> <p>Subsequently, on several occasions, during February, March, April and June 2012, dozens of vendors have been evicted from the Park and their merchandise confiscated.</p>	PHL 6/2012			Penalization of poverty; right to work
20/12/2012	India	Adequate housing; extreme poverty	<p>Alleged impacts of the expansion of the East Parej Open Cast Coal Mine on the rights of 228 families in the Jharkhand state. According to the information received, 228 families (1200 persons) were at risk of being evicted to give way to an expansion of East Parej Open Cast Coal Mine, operated by Central Coalfields Limited, India. On 26 October 2012, and at two other occasions, representatives of the mining company surveyed households in the villages of Agarva Tola, Dudmitya Tola and Fakodih, for the purpose of acquiring their homes to facilitate the expansion of the mine. Over 1,000 people from surrounding villages have already been displaced in previous years by activities associated with the East Parej Open Cast Coal Mine. The affected households belonged to marginalized communities,</p>	IND 25/2012			Eviction; business; development

			including scheduled tribes and Dalits. They were allegedly resettled in inadequate sites and have suffered impoverishment since displacement				
27/12/2012	USA	Extreme poverty; human rights defenders; migrants	Alleged limitations on access to justice for migrant farmworkers in fourteen states of the USA. According to information received, lack of legislation and implementation of existing legislation enables the detrimental nationwide practice of denying or not allowing certain human rights defenders, in particular legal advocates and other community service providers, meaningful access to migrant farmworkers in labor camps, including by allegedly harassing and threatening these human rights advocates.	USA 25/2012			Access to justice; migrants
12/03/2013	Hungary	Adequate housing; extreme poverty	Alleged potential detrimental impact on the realization of human rights of homeless persons by the recent adoption of article 8 of the Fourth Amendment to Hungary's Fundamental Law. According to the information received, on 11 March 2013 the Hungarian Parliament adopted the Fourth Amendment to Hungary's Fundamental Law. Reportedly, article 8(3) of the amendment states: "an Act of Parliament or local government decree may outlaw the use of certain public spaces for habitation in order to preserve the public order, public safety, public health and cultural values." Concern has been raised that article 8(3) authorizes national and municipal legislation to criminalize sleeping in public spaces. Allegedly, such legislation	HUN 1/2013	14/03/2013 *	Press release 3/4/2013	Criminalization of homelessness

			will have a disproportionate impact on homeless persons and may impede their enjoyment of various human rights, including the right to an adequate standard of living, the right to adequate housing, freedom of movement and the right to liberty and security of person. Furthermore, this amendment contradicts a recent decision taken by the Hungarian Constitutional Court (decision II/1477/2012), which annulled previous legislation that criminalized habitual living in public spaces.				
28/03/2013	Portugal	Adequate housing; extreme poverty; minority issues	<p>Follow-up to letter sent in July 2012. Alleged forced evictions of 49 persons living in a situation of extreme poverty in Bairro de Santa Filomena, located in Amadora and the threat of eviction of additional families living in the same settlement. According to information received 7 families (27 people), including children and persons with disabilities, were forcibly evicted from the settlement of Bairro de Santa Filomena, Amadora, on 26 and 27 July 2012 and their homes subsequently demolished.</p> <p>Reportedly, on 19 November 2012, 22 additional residents, including elderly people and children, were evicted from the Bairro de Santa Filomena settlement. Most of the concerned people are migrants from Cape-Verde, Sao Tome e Principe, Guinea, Angola and Brazil.</p> <p>Reportedly, no notice was provided to the residents with regard to the eviction date and no alternative accommodation was offered to the</p>	PRT 1/2013	10/07/2013		Eviction

			affected families. According to information received, additional families living in the settlement remain under threat of eviction.				
17/05/2013	Ireland	Extreme poverty; health; minority issues	Allegations concerning the deteriorating health condition of Irish Travellers in Ireland. According to the information received, while health inequalities in Ireland are addressed within the overall context of the Government's policy on social inclusion outlined in the National Action Plan on Social Inclusion 2007-2016, and the National Partnership Agreement "Towards 2016", Irish Travellers allegedly continue to experience systematic denial of the right to the enjoyment of the highest attainable standard of physical and mental health in Ireland. Furthermore, it is alleged that austerity measures adopted by the Government would further impact negatively on the health condition of Irish Travellers.	IRL 2/2013	30/07/2013		Discrimination; health; social protection; austerity
23/05/2013	Colombia	African descent; Business enterprises; Extreme poverty; Food; Minority issues; Water and Sanitation	Alegaciones sobre los daños ocasionados por el vertimiento de sedimentos acumulados en la represa del Bajo Anchicayá a las minorías afrodescendientes que habitan en la zona. Según información recibida, dichos sedimentos provocaron la extinción de la fauna de la cuenca media y baja del río Anchicayá y también la contaminación del río, que era la única fuente de agua potable de dichas minorías, afectando de esta manera al acceso a una alimentación adecuada y al agua potable y energía eléctrica. Asimismo, se expresa preocupación por el hecho de que no existe una	COL 4/2013	13/09/2013 30/12/2013		Discrimination; water; business

			sentencia firme y definitiva después de más de diez años desde el vertimiento de los sedimentos. En este sentido, también se expresa preocupación por el presunto incumplimiento de las medidas impuestas a la Empresa de Energía del Pacífico (EPSA) por el Ministerio de Medio Ambiente y Desarrollo Sostenible.				
11/06/2013	India	Adequate housing; Business enterprises; Democratic and equitable international order; Extreme poverty; Food; Freedom of peaceful assembly and of association; Health; Human rights defenders; Water and Sanitation	Alleged forced eviction of residents living in Jagatsinghpur District, Odisha, and surrounding areas in India. According to the information received, the Government of India granted concessions to the multi-national steel corporation, Pohang Iron and Steel Corporation (POSCO), based in the Republic of Korea, for the construction of an integrated steel plant and a captive port, which could force up to 20,000 people to leave their homes and land. Sources suggest that the construction of the steel plant would result in serious violations of human rights, including the right to adequate standard of living, food, adequate housing, water and sanitation, health and education.	IND 7/2013		Press release 1st October 2013	Business; eviction; housing; water; human rights defenders
11/06/2013	Republic of Korea	As above	As above	KOR 1/2013	14/08/2013	Press release 1st October 2013	As above
11/06/2013	POSCO steel company	As above	As above	OTH 5/2013	24/01/2014	Press release 1st October 2013	As above
21/06/2013	Portugal	Adequate housing;	Alleged unaffordability of water and sanitation for vulnerable groups as a	PRT 2/2013	26/09/2013		Water and sanitation;

		Business enterprises; Extreme poverty; Foreign debt; Water and Sanitation	consequence of the privatization of water and sanitation services in Portugal. According to information received, as part of the austerity measures the privatization of water and sanitation services in Portugal continues. While the human rights to water and sanitation do not prescribe a particular form of service delivery, there are allegations that concerned populations have not participated in the decision-making process and that the privatization has made water and sanitation services unaffordable for some people. This trend has reportedly also had a negative impact on access and affordability of adequate housing, disproportionately affecting vulnerable sectors of the population.				austerity; privatization
29/08/2013	United Kingdom of Great Britain and Northern Ireland	Business enterprises; Extreme poverty; Water and sanitation	Alleged negative impact on lowest incomes of rising water costs leading to water poverty. According to a report by the House of Commons Library, in England and Wales water bills might not be affordable for a large number of people. Nearly one-third of those on the lowest incomes already have to pay more than 3 per cent of their income for their water and sewerage bills. If people pay more than 3 per cent of their income for water and sewerage, Government regards them as being affected by 'water poverty'. According to a survey, 23.6 per cent of households in England and Wales paid more than 3 per cent of their net income after housing cost on water and sewerage in 2009-2010. Nearly half of those paid more than 5 per cent of household disposable	GBR 3/2013	28/10/2013		Water; austerity;

			income. This is a sharp increase compared to 9 per cent of households who were affected by 'water poverty' in 2002-2003. National Debtline received a record 19,667 calls for help with water debts in 2012 (up from 12,225 in 2011). The figure represents an increase of 251% since 2007.				
01/10/2013	Israel	Extreme poverty; Food	Alleged policies and practices of the State of Israel negatively impacting the enjoyment of several economic, social, civil and political rights of persons living in the Gaza strip. According to the information received, naval attacks within three nautical miles off the Gaza coast have allegedly resulted in the destruction of fishing boats, nets and other fishing equipment. The alleged restriction of movement of farmers in the "buffer zone" has reportedly resulted in property and crops destruction and damage. Reports further suggest that the limited access to export markets created significant challenges for businesses based in the Gaza strip with 95% of the 3,900 industrial establishments having closed or been forced to suspend their work. According to the reports received, four residents of the Gaza strip have been subjected to these policies and practices and have allegedly sustained important losses, which have plunged them and their families in conditions of extreme poverty, deprivation, inadequate standards of living and food insecurity. Reports further suggest that due to legal and procedural obstacles, the alleged	ISR 8/2013			Food; access to justice; right to work; discrimination

			victims are reportedly unable to seek remedy or accountability from Israel.				
15/11/2013	Spain	Adequate housing; Extreme poverty; Foreign debt	Alleged concerns over the impact of the economic crisis and austerity measures, in particular on the right to adequate housing and the right to an adequate standard of living. According to the information received, a combination of legal reforms, budget enactments and policy interventions conducted between 2010 and 2013 aimed at reducing public expenditures by historic margins at the national, regional and municipal levels. One of the main effects of the Government's austerity policies has been that the number of people at risk of poverty and exclusion has significantly increased by over two million since 2008. The absence of official data on the number of evictions affecting family homes and the absence of regulations to relocate the evicted families reportedly has made it difficult to assess the dimensions of this problem.	ESP 5/2013			Austerity; housing; evictions
21/11/2013	Spain	Discrimination against women in law and in practice; Extreme poverty; Foreign debt; Health; Migrants; Trafficking;	Alleged concerns over the impact of austerity measures on people living in poverty in Spain, in particular the effects on the equal enjoyment of their human right to the highest attainable standard of health. According to the information received, a combination of budgetary, legislative and administrative measures structurally modified the Spanish healthcare system, from a model based on the right to health recognized universally for all persons to a multi-	ESP 4/2013	24/01/2014		Austerity; health; migrants; discrimination

			layered model, which bases delivery on the economic and employment condition of the beneficiary. Specific groups have been particularly affected by this situation, including older persons, people living with chronic diseases such as HIV/AIDS, migrants, women (especially those disproportionately exposed to gender-based violence and victims of trafficking in persons) and youth/children.				
26/11/2013	Nigeria	Adequate housing; Extreme poverty	Alleged concerns over the impact of the Multi-Year Tariff Order II (MYTO II) and its potential detrimental impact on the realization of human rights of people living in extreme poverty in Nigeria. According to the information received, the fact that there is no functioning metering system limits the ability to accurately set prices for electricity and leaves electricity bills vulnerable to mismanagement and arbitrary decisions, disproportionately affecting people living in poverty. Certain groups already vulnerable to poverty and social exclusion, including women heads of households and persons living in informal settlements and in rural areas, may be especially affected by the rise in tariffs under MYTO II enacted by the Nigerian Electricity Regulatory Commission (NERC) on 1 June 2012.	NGA 5/2013			Housing; energy; privatization

Summary

Reporting period	Communications sent	Replies received by deadline	Response rate
1 December 2011 to 15 March 2012	4	4	100%
16 March 2012 to 31 May 2012	3	1	33%
1 June 2012 to 30 November 2012	5	3	60%
1 December 2012 to 28 February 2013	3	0	0%
1 March 2013 to 31 May 2013	4	3	75%
1 June 2013 to 30 November 2013	9	5	56%
Total	28	17	61%