



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

Urgent Action:

Eviction of 200 families in Cerro Navia, Metropolitan Region, Chile CHI-FEDN-17052024

Demand reparation for the families of 17 de Mayo settlement, who were left on the streets, respond to the demands for a definitive solution and eviction guidelines for Chile

In the early hours of Thursday, 16 May (one day left before the fifth anniversary of this popular settlement), more than 100 troops violently descended on the community, using tear gas, cornering the families toward the perimeter and beginning the total destruction of 200 homes with backhoes. The victims of this act of violence were left on the street.

This is the violent outcome of a land occupation, since 2019, by families from Cerro Navia, a popular sector of the City of Santiago. Forced eviction is a gross violation of human rights, in particular the human right to adequate housing. The State of Chile is obliged to fulfill this right, having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR).

It is essential that the covenanted State immediately repair the damage suffered by these families, observing the General Comment No. 7 adopted since 1997. The state institutions must avoid all violence in case of lawful eviction and respond to the territorial, urban, housing, social, environmental and cultural complexity of the 17 de Mayo community. Across Chile, thousands of other families living in camps suffer trauma and anguish under constant threat of eviction.



Figure 1: Scenes of the eviction at Toma 17 de Mayo de, Cerro Navia, Región Metropolitana.

Source: [Call for solidarity, HIC-AL](#).

On 2 October 2023, the Chilean Supreme Court issued an order to evict 11.3 hectares of the Fundo Santa Elvira Sector, in the commune of Cerro Navia, Metropolitan Region. Some 200 families have lived there since May 2019, having no other housing alternative. The community's takeover of the land for housing¹ arose from a group of the Cerro Navia commune residents who decided to take over a piece of land on the

¹ In Chile, the term and concept of a 'toma' refers to a popular settlement similar to an 'encampment' on occupied land.

urban limit of the commune that was vacant for 20 years (Figure 2). Neighbors with knowledge of topography drew up a subdivision plan prior to the occupation. On the other hand, agreements and duties of coexistence were defined between the new neighbors from the first moment of occupying the land.²

This is land owned by the Guzmán-Nieto family, owners of many estates, among them, the Santa Elvira Industrial Zone. This is part of the ENEA logistics project, Business City, where multiple commercial, hotel and warehouse infrastructures have been developed for 20 years around Santiago airport. The macro expansion zones of Santiago in the PRMS 100 (2022) designates the area for mixed housing use.³

In this environment, Toma 17 de Mayo was established in 2019 as a settlement built by its own inhabitants. Before its occupation, the land was not being used, but was vacant land and adjacent to towns in the Cerro Navia Commune and a focus of micro-garbage dumps.

Despite several attempts at negotiation, the Guzmán-Nieto family has refused to talk with the Toma 17 Mayo resident organizations. Since June 2019, they have filed numerous judicial appeals against the families of the Toma 17 de Mayo. The first appeal for protection was unsuccessful. The same year, the Guzmán-Nieto family filed a complaint for non-violent usurpation in the 5th Guarantee Court,⁴ which remains valid to date. This complaint proposes precautionary measures associated with the order for the accused persons to immediately abandon the occupied land, thus criminalizing the occupying families living on the site.

In August 2023,⁵ the plaintiff presented a new appeal against the residents before the Santiago Court of Appeals, which the court rejected. In another presentation,⁶ corresponding to the approval and promulgation of the New Usurpation Law, the third chamber of the Supreme Court decreed the eviction of the Toma 17 de Mayo on 2 October 2023,⁷ which was to be executed on 24 April 2024.

The judicial proceedings against the residents of Toma 17 de Mayo occurred while Parliament was debating the Usurpation Law,⁸ more popularly known as the "Anti-toma Law" or "Accursed Law." As of September 2023, the debate generated a political dilemma for the President Gabriel Boric government, despite its efforts to soften the draft. It only managed to have land occupations formally into the National Camp Registry of the Ministry of Housing and Urban Planning (MINVU), in force as of March 2024, and were not subject to the status of "permanent flagrancy." This concept allowed all the occupations to be evicted by administrative act, without going through the justice system. Land occupations and non-violent occupations of public and private property are criminalized, even with effective prison sentences.

Having enacted a law of these characteristics directly affects the safeguarding of the human rights of more than 100,000 families in Chile. As the National Architecture Prize winner, Miguel Lawner, points out, "...in its republican history, through governments of the left, center or right, Chile never considered punishing families forced to settle in camps with prison for lacking an "housing option within the reach of

² Zenteno Lepe and Lucas José, *Taller de proyecto de título: (LAV) Laboratorio de Vivienda: Emergencia Habitacional*, Magíster en Urbanismo (Santiago: Facultad de Arquitectura, Diseño y Estudios Urbanos Pontificia Universidad Católica de Chile, 2024).

³ Plan Regulador Metropolitano de Santiago, PRMS 100, MINVU 2022.

⁴ Querrela por usurpación, Quinto Juzgado de Garantía de Santiago Rit 3126 (2019).

⁵ Corte de Apelaciones de Santiago, Recurso de Protección, número de protección, ROL 162213–2022.

⁶ *Ibid.*

⁷ Corte Suprema, 3^{era} Sala, 2 de octubre de 2023, ROL 195.181–2023.

⁸ LEY 21633: Regula los delitos de ocupación ilegal de inmuebles, fija nuevas penas y formas comisivas e incorpora mecanismos eficientes de restitución, 21 November 2023, <https://bcn.cl/3gpcj>.

their abilities.”⁹ These words reveal the serious violation of human rights that the Chilean State is maintaining.

In cooperation with the Vicente Solís Housing Committee and the 17 de Mayo Housing Cooperative, with the support of the Human Rights and Evictions Network and the No to the Anti-Tomato Law Coordinator, the families evicted from Toma 17 de Mayo have stated the facts of the case as marking a serious act of violence and the greatest setback in respecting, protecting and fulfilling the human right to adequate housing in Chile in 50 years. Below, we present elements of a call to urgent action:

- I. Characterization of the families affected by the eviction order;
- II. Institutional responsibilities;
- III. Obligations to respect and protect the human right to adequate housing;
- IV. What we demand and
- V. What to do, with the format of a solidarity letter.



*Figura 2: Imagen del Fundo Santa Elvira, en 2002, 2019 y 2024, terreno ocioso hasta la Toma 17 de mayo.
Fuente: Google Earth.*

I. Families affected by the eviction order

In Chile, as in the rest of the world, accessing one's own home, rented or owned, are becoming increasingly unattainable from the majority of the population, especially the 650,000 lower-income families that form the country's housing deficit.¹⁰

The private market has deregulated housing prices and state subsidies have failed to cover the housing demand of the most-vulnerable sectors. This has forced the country to experience exponential growth in "unregulated urban settlements."¹¹

The eviction order affects 200 families, including 150 children, from Toma 17 de Mayo, the majority of whom are original residents of the Cerro Navia Commune. They are impoverished families with generations of life stories attesting to long-term poverty. Currently, most families in the area work as home consultants, construction workers, specialized teachers, and in informal jobs, such as vendors at free fairs or in cleaning and food preparation activities. Many families face other situations of vulnerability, with elderly people, bedridden people and people with catastrophic illnesses.

⁹ HIC-HLRN and HIC-AL, "Detener las órdenes de desalojo en San Antonio y Cartagena, Región de Valparaíso, Chile, y responder a las demandas de cinco mil familias," Urgent Action CHI-FEDN-010823, 1 August 2023, https://www.hlrn.org/img/cases/CHI-FEDN%2019082023_HLRN.pdf.

¹⁰ MINVU, 2022.

¹¹ Techo, "Catastro Nacional de Campamentos 2020–2021 de TECHO-Chile: Histórica alza de familias viviendo en campamentos," 5 April 2021, <https://cl.techo.org/catastro-nacional-de-campamentos-2020-2021-de-techo-chile-historica-alza-de-familias-viviendo-en-campamentos/>.

With reference to the land they occupied on 17 May 2019, residents have reported: “In our five years of existence, we have given ourselves a decent place to live with our own efforts, building our homes on land that, until then, was a vacant lot and a garbage dump, a piece of land that we transformed into the living space of our community.”¹² The initial planning has managed to respond well to the needs of each family and the installation of basic services such as water and electricity. The distribution is exceptional, compared to other settlements, since the systems were designed prior to the occupation, defining lots of 14x29 meters grouped in blocks of 4, with roads of 6–7 meters wide, and spaces provided for community and transportation infrastructure. recreation (Fig. 3).



Figure 3: Lucas Zenteno Lepe, Levantamiento de la Toma 17 de mayo en función del mapeo elaborado por la Cooperativa Kincha (2024).

These good results can be explained fundamentally by the desire of the residents to build a neighborhood to stay in, responding to the dream of a decent space to live, constituting a space that gives families the possibility of cultivating a garden, having a workshop productive, a garden or a patio for children to play. “However, the dozens of meetings of the Working Group established two years ago with Serviu, Municipality of Cerro Navia and, recently, with the Presidential Delegation, have not contributed to reaching a solution that improves or, at least, does not worsen conditions of life. Days after the eviction, most families continue living in the occupation, explaining “we have no other place to live.”¹³

II. Institutional responsibilities in the face of the threat of forced eviction

The eviction of the Toma 17 de Mayo of Cerro Navia, Metropolitan Region, has been ordered by the Supreme Court on 2 October 2023. As the Municipality of Cerro Navia has reported to the families of Toma 17 de Mayo in the context of meetings with various authorities, the eviction was to be carried out on 24 April 2024. The fateful date has passed; There was no further notification until the arrival of law enforcement in the early morning of May 16.

As with the vast majority of land occupations in Chile, the housing emergency of the progressive increase

¹² Interview with Soledad Terán, resident and coordinator of Toma 17 de Mayo, April 2024.

¹³ *Ibid.*

in the housing deficit coupled, at the same time, with greater concentration of territorial property in the hands of real estate holding companies and/or individuals with commercial and speculative interests. The country lacks an affordable owned and/or rental housing supply for the low and lower-middle sectors, whether through subsidies or the market. This situation has led to an increase in the number of households forced to live in encampments such as Toma 17 de Mayo. These are a measure of these families' unmet need to cover basic expenses such as food, health and education.

In relation to the encampments, the Government Program of President Gabriel Boric proposed:

"We will prioritize a national, dignified and agile response to the camps, prioritizing the installation of technical tables for dialogue with the communities, over evictions, towards compliance with the right to adequate housing."¹⁴

However, in practice, government has decided to promote public policies in the opposite direction to these electoral promises. Rather, the government has favored force and violence over dialogue with the communities.

The Temporary Transfer of Expenses (GTT)¹⁵ offered at the negotiation table,¹⁶ only deepened the housing problem due to different problems. Alternatively, a letter from the community to the Ministry of Housing and Urbanization, the community has asserted:

"The families of Toma 17 de Mayo are an expression of the current housing deficit. We had to make the drastic decision to take over land, since the increase in rent, the rise in the cost of living, overcrowding, confinement and the sluggishness of state programs have pushed us to seek an urgent solution by our own means. There are many families who come back from unsuccessful housing applications. With our own work, the families of the community achieve decent living conditions, reflected in the well-being of the more than 150 boys and girls who live in our community."¹⁷

The Toma 17 de Mayo inhabitants further report:

"Our families are not considered 'fit' to sign rental contracts, due to the large number of people who are in informal jobs. They do not meet requirements, nor do they have sufficient resources to cover the cost of the rentals. GTTs only offer lease payments that will cover 11 months. We know that government programs will take much longer for us to reach our permanent homes. Rather than solving, the current proposal of the negotiating table exacerbates the problem, it means high public spending that does not lead to a definitive solution. That is why we reject it and formulate a proposal. We think that, if these resources are already allocated, they should be invested in the relocation process, making better use of public resources."

"Our community maintains the demand for dialogue to obtain compensation and agreements, as proven by the minutes of 50 meetings with authorities from August 2021 to date."¹⁸

On their path toward achieving decent housing, the residents have turned to the following institutions:

1. Municipality of Cerro Navia,

¹⁴ Gabriel Boric, "Las propuestas en transporte y vivienda del Presidente Boric," 19 December 2021, <https://www.pauta.cl/actualidad/2021/12/19/propuestas-transporte-vivienda-ciudad-presidente-gabriel-boric-programa.html>.

¹⁵ Rental subsidy, delivered by the Department of Precarious Settlements of the Ministry of Housing and Urban Planning, DAP-MINVU, to alleviate the housing conditions of families in a "transitional" situation between the occupation and permanent housing.

¹⁶ Since 2023, the organizations of Toma 17 de Mayo developed a negotiation table at which the MINVU participates.

¹⁷ Extracts from the Letter of Toma 17 de Mayo, directed to Carlos Montes, Office of Partier, Ministry of Housing and Urbanism, 12 April 2024, which annexed a list of actions carried out by the residents and includes the means of verification of evidence of these actions.

¹⁸ The text presented here (point IV) is the result of the initiatives convened by the Human Rights and Evictions Network in Chile, which were developed since September 2023, in which leaders of the 'No to the Anti-Taking Law' Coordination also participated. It has been formulated with the advice of several lawyers and human rights defenders with the objective to lobby the State of Chile to issue a protocol in the event of any eviction.

2. Ministry of Housing and Urban Planning,
3. Regional Housing and Urbanization Service, SERVIU Metropolitano,
4. MINVU Regional Ministerial Secretariat, Metropolitan Region,
5. National Congress,
6. Presidency of the Republic,
7. Ministry of Social Development,
8. Regional Councilor of Cerro Navia,
9. Metropolitan Regional Governor,
10. Presidential Delegation, and
11. National Institute of Human Rights and Ombudsman for Children.

III. Obligations to respect and protect the human right to adequate housing¹⁹

The human right to adequate housing is not alien to Chile. With the ratification of ICESCR by Decree No. 326 of 27 May 1989. Article 11.1 of the Covenant enshrines the human right to an adequate standard of living, including adequate housing and the continuous improvement of living conditions. It is a fully applicable right in domestic law, taking into consideration Article 5 of the Chilean Constitution, which recognizes the rights guaranteed by this Constitution, as well as by international treaties ratified by Chile, as the duty of the state's bodies to respect and promote.

These human rights to adequate housing and the continuous improvement of living conditions are needed for human life with dignity. The Committee on Economic, Social and Cultural Rights (hereinafter CESCR) issued its authoritative interpretation of ICESCR in its General Observation No. 4 (1991), determining that the right to adequate housing should not be interpreted in a strict or restrictive sense. Nor is it realized by the mere fact of having a roof over your head, or is it considered exclusively as having an economic function. Rather, "It should be seen rather as the right to live in security, peace and dignity somewhere."²⁰

From this same General Comment, seven integral elements constitute adequate housing, making the so-called "legal security of tenure" relevant for the purposes of the struggle of Toma 17 de Mayo residents. That definition has remained the undisputed legal standard for more than 30 years.

This right has been understood as that type of legitimate possession that corresponds to every person, regardless of the title with which they hold a land or home, that has a legal character and that guarantees adequate protection against eviction, harassment, destruction, dispossession or other threats that disrupt the exercise of this right.

Forced eviction has been affirmed as a "gross violation,"²¹ entitling victims to reparation.²² The

¹⁹ The text presented here (point IV) is the result of the initiatives convened by the Human Rights and Evictions Network in Chile, which were developed since September 2023, in which leaders of the 'No to the Anti-Taking Law' Coordination also participated. It has been formulated with the advice of several lawyers and human rights defenders with the objective to lobby the State of Chile to issue a protocol in the event of any eviction.

²⁰ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment N° 4 (1991): The right to adequate housing (art. 11 (1) of the Covenant), para 7, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=ICEnwWR8rbeJM8O1ALabP9BWeyFuYGLyYmdqGzgvNrcHN2wfOJ7e7h561aYJOEMO2J51czkGbs+UgXB3nd9N+A==.

²¹ Commission on Human Rights, "forced eviction," resolution 1993/77, 10 March 1993, <http://www.hlrn.org/img/documents/ECN4199377%20en.pdf>; and "Prohibition of forced evictions," resolution 2004/28, 16 April 2004, para. 1, http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf.

²² UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," A/RES/60/147, 21 March 2006, <http://www2.ohchr.org/english/law/remedy.htm>.

corresponding obligations are borne by the state and its competent bodies. They are of immediate concern, with attention especially given to people and homes that currently lack legal protection of their tenure security, in genuine consultation with the affected persons and groups.²³

In this way, regardless of whether the person or group of people live on land or housing under the modality of rental, occupation, emergency housing and even informal settlements, they are covered by the guarantee of legal, social and physical protection. As a corollary, the Committee indicates that forced evictions are *prima facie* incompatible with the requirements of the ICESCR.

It is relevant, therefore, not only to comply with the international obligations voluntarily assumed by the State of Chile, but also to comply with the national guidelines incorporated in the Political Constitution of the Republic of Chile—such as the principles of equality, the pro-persona principle, the principle of legality, among others—as well as the ruling of the Supreme Court of 22 March 2024,²⁴ that Chile formulate a serious and responsible protocol to guide how lawful evictions will be carried out, in case they are strictly necessary, complying with all relevant human rights criteria.

First of all, we must indicate that not all evictions are forced, as CESCR also has recognized. The definition enshrined in CESCR’s General Comment No. 7 indicates that ‘forced evictions’ are understood as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”²⁵ The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.

In accordance with ICESCR Article 2.1, calls for state parties to “use ‘all appropriate means,’ including the adoption of legislative measures, to promote all the rights protected under the Covenant. Although the Committee has indicated in its General Comment No. 3 (1990) that such measures may not be indispensable in relation to all rights, it is clear that legislation against forced evictions is an essential basis upon which to build a system of effective protection.”²⁶

The State's obligation does not end with granting judicial remedies to protect itself from obstructions in the exercise of the right, but also “to regulate strictly the circumstances under which evictions may be carried out.”²⁷

It is highly relevant that, prior to carrying out any eviction process—which must respect the principles of reason and proportionality, especially where a large number of people are affected, this measure is studied in consultation with the interested parties, looking at all other possibilities that allow avoiding, or minimizing the need to resort to force.²⁸

And it cannot be overlooked that if there are buildings and personal property that are affected by the eviction process, people have the right to be compensated or repaired for being deprived of these,²⁹ not

²³ General Comment N° 4, *op. cit.*, para. 8(a) and General Comment N° 7, paras. 15 and 16.

²⁴ Chilean Supreme Court ROL N.º 239.499-2023, initiated before the Valparaíso Court of Appeals by Inmobiliaria y Constructora San Antonio S.A. v. Katherine Talía Sanhueza Ortega and all the occupants of the “Hijuela Llo-Lleo” and “Parcela Catorce” properties, communes of San Antonio and Cartagena, province of San Antonio, Valparaíso Region.

²⁵ General Comment N° 7, *op. cit.*, para. 3.

²⁶ *Ibid*, para. 9.

²⁷ *Ibid*, para. 9.

²⁸ *Ibid*, para. 13.

²⁹ *Ibid*.

only by application of the ICESCR and the Covenant. International Civil and Political Rights, but also our own catalog of fundamental rights, among which is the right to property.

Therefore, the following special considerations must be taken if you want to carry out an eviction process that complies with international regulations:

- a. Special consideration for historically disadvantaged groups, such as women, children and adolescents, older adults, indigenous peoples, the LGBTIQ population, among others;
- b. Real opportunity for consultation with those involved;
- c. Establish a period of advance, sufficient and reasonable notification to all affected persons;
- d. Provide information regarding the evictions that will be carried out, and the purposes for which the lands or homes that are being evicted will be used;
- e. Presence of government officials or their representatives during the eviction, especially when it affects a large number of people;
- f. Identification of everyone who participates as part of the authority in the eviction process;
- g. Definitely do not carry out these procedures when there is bad weather or at night, or before daily classes begin, unless the people involved give their consent;
- h. Offer judicial or administrative remedies to defend the decision;
- i. If required, offer legal assistance to people who need to seek redress from the courts;³⁰
- j. As a result of the eviction, it is not considered reasonable for people to be left homeless or exposed to violations of other human rights, so when they do not have the resources, the State Party must adopt all necessary measures, to the greatest extent possible. resources permit, to provide alternative housing, resettlement or access to productive land, as appropriate.³¹

In its latest rulings, the Supreme Court has referred to a conflict between the right to property and the human right to adequate housing. The defense of the affected people has not always aligned with the guarantees of international human rights law; however, that the same highest court in the land has made clear the need for the state to assume its corresponding obligations to confront today's high housing deficit. That is what forces families who live in economic and social deprivation in overcrowded conditions, and to make the drastic decision to live and build on someone else's land, without compliance with urban-planning regulations.

Given the separation of powers among the state's governmental institutions, the court cannot supplant the policy-making role of the Executive Branch, which bears the responsibility to remedy Chile's habitation problem that has taken on emergency proportions. Legislation affirms that responsibility, as recognized in Law 21.450. It provides MINVU with special tools to confront the housing crisis that affects thousands of people. Evicting the underhoused population, destroying their property and offending their dignity will not solve the problem, neither for the owner of the vacant land, much less fulfill the state's obligation to serve the human person and promote the common good, while contributing to create the social conditions that

³⁰ *Ibid.*, para. 15.

³¹ *Ibid.*, para. 16.

allow each and every member of the national community to continuously improve living conditions and well-being, with full respect for the rights and guarantees established by the Constitution.³²

Even though it is not the objective of this proposal, tools are currently available to the MINVU to reduce the housing deficit and, thereby, provide housing alternatives to those families who have been and/or remain to be evicted. These tools include small-scale condominiums, urban densification and even public rental.

We understand the importance as well as the difficulty that this process entails for the state, but while it may seem that consultations delay the process or cost money, in the long term they can ensure that a project is implemented in a more cost-effective way (particularly when hidden social costs of eviction in terms of loss of access to work, food, schooling, health care, etc. are factored in), while at the same time minimizing inequality, social conflict and segregation.”³³

We understand that this process must also include the private sector and everyone involved, in order to reach a solution that upholds the human rights of families living in conditions of insecurity and indignity and serves the public policy objectives. Necessary procedural requirements for families to acquire a housing alternative take time. The private sector should also be obliged to wait and cooperate with such a solution.

The Inter-American Commission on Human Rights (IACHR) also has pronounced on forced evictions, observing that: “evictions affect people who are in the most vulnerable situation and intensify inequality, social conflicts, segregation and the creation of ghettos.”³⁴

The IACHR received information about a systematic and permanent practice by Guatemalan authorities of presenting community leaders before the Guatemalan justice system for the alleged commission of crimes such as “usurpation” or “aggravated usurpation” of protected areas, as well as “terrorism,” “illicit meetings or demonstrations.”³⁵

Likewise, the IACHR received information that the State of Guatemala has accused communities that live in protected areas of being “collaborators in drug trafficking.”³⁶ The IACHR was informed of a pattern of human rights violations when evictions are carried out, which includes the violation of the right to consultation, and the lack of prior notification, which are usually carried out in an arbitrary and violent manner by members of the National Civil Police, the army and the National Council of Protected Areas (CONAP), and involved the burning and destruction of homes, food, animals, with no provision for return or relocation, without due process or access to justice.³⁷

The IACHR considers it pertinent to specify that evictions must be carried out only in compliance with international norms and standards on human rights and the principles of legality, proportionality and appropriateness, with the legitimate purpose of promoting social well-being and guaranteeing solutions to the evicted population that may consist of restitution and return, resettlement to a different land of better or equal quality and rehabilitation or fair compensation.”³⁸

³² Political Constitution of the Republic of Chile, Article 1.

³³ Amnesty International, *Know your obligations: A guide to preventing forced evictions* (London, 2012), p. 19, <https://www.amnesty.org/en/documents/act35/009/2012/en/>.

³⁴ *Ibid.*

³⁵ Interamerican Commission of Human Rights, *Situación de derechos humanos en Guatemala*, OEA/Serv.L/V/II., Doc. 208/17. 31 December 2017, para. 12, <https://www.refworld.org/es/ref/countryrep/iachr/2017/es/127471>.

³⁶ *Ibid.*, para. 218.

³⁷ *Ibid.*, para. 219.

³⁸ *Ibid.*, para. 232, citing United Nations, *Basic Principles and Guidelines on Evictions and Development-Generated Displacement*, Annex I of the Report of the Special Rapporteur on adequate housing, as part of the right to an adequate standard of living. A/HRC/4/18, and Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2.

Despite the violence the Toma 17 de Mayo residents have suffered and having been left on the streets without having been able to rescue their belongings, they continue to claim and defend the human rights of the residents of the camps, especially women, girls, boys and adolescents, and the LGBTQI community, in order to achieve the best possible formula that upholds all the rights involved.

IV. We demand

In light of these difficult eviction circumstances, the Vicente Solis Housing Committee and the 17 de Mayo Housing Cooperative, with the support of the Human Rights and Evictions Network and the No to the Anti-Toma Law Coordinator, have come together to pursue a unified strategy. This collaboration demands the inhabitants' rights and promotes necessary dialogue to reach solutions based on effective collaboration among the concerned actors and respect for human rights through the following measures:

- Apply immediate reparation, including compensation, for losses to habitat wealth and/or well-being for families due to the forced eviction and demolition of the settlement.
- At the negotiation table, provide temporary accommodation of these organized families, without regression in the conditions of the habitat, especially for girls and boys, awaiting permanent resettlement;
- Specify the instruments to develop and implement eviction protocols in the case of any type of eviction in Chile that the state must base on human rights standards;
- Create the conditions for permanent resettlement, integrating the demands of several housing organizations (e.g., the communes of Pudahuel, Cerro Navia and Renca) to achieve the best possible use of the scarce available urban land;
- Respond to these demands by implementing current instruments such as the Housing Emergency Plan, PEH 2022–2025, and the Just Cities Plan.

The State of Chile has rejected and left behind the families of Toma 17 de Mayo, their children and older persons, denying them the opportunity to consolidate their self-managed neighborhood project. They remain firm and refuse a return to overcrowding, confinement and greater impoverishment with the payment of high rents, insisting:

“Despite having lost our neighborhood and the very good coexistence that we had there, such as the Community Kitchen, the Little School, the Court, the protected space and the quality of our self-built urbanization, we will continue fighting for conditions of our access to compensation, to housing transitional and housing programs, certifying security of tenure, and favoring entrepreneurial, self-managed and collective capacity. We will build the necessary agreements to pursue our organization’s purpose and reason of being; that is, to remain united as a community, to be able to once again enjoy spaces for recreation and care for our sons and daughters.”

V. What to do?

This is a call for urgent solidarity action of organizations, people and institutions that defend the human right to adequate housing, through the Habitat International Coalition (HIC), its Latin American regional network HIC-AL and its thematic structure, Housing and Land Rights Network (HIC-HLRN).

Please respond to this call for responsible development and respect for the human right to adequate housing by immediately sending your letter of solidarity by completing the Support form on the HLRN website.

Alternatively, you can view all HIC-HLRN Urgent Action cases here, then click Support for this case.

Support for this case.

Model letter to the authorities and main actors:

Each automatic letter will be sent to the authorities listed below, also with a copy to: hic-al@hic-al.org; urgentactions@hlrn.org; coop17m@gmail.com. If you send any alternative letter, please send a copy to these emails also.

Letters are automatically addressed to:

Gabriel Boric, **Presidente de la República de Chile** (via the Citizen Management Office, La Moneda, Santiago)

E-mail: aramirez@presidencia.cl

Carolina Tohá, **Ministra del Interior**, Santiago (via the chief of the Domestic Government Service)

Email: einostroza@interior.gob.cl

Claudio Orrego Larraín, **Gobernador de la Región Metropolitana**

E-mail: cgiesen@gobiernosantiago.cl

Constanza Martínez Gil, **Delegada Presidencial Región Metropolitana de Santiago**

E-mail: delegadapresidencialmetro@gob.cl

Carlos Montes, **Ministro de Vivienda y Urbanismo (MINVU)**, Santiago

E-mail: cmontesc@minvu.cl

Jessica López Saffie, **Ministra de Obras Públicas (MOP)**, Santiago

E-mail: jessica.lopez.saffie@mop.gob.cl

Javiera Toro Cáceres, **Ministra de Desarrollo Social y Familia, Mideso**, Santiago

E-mail: javiera.toro@desarrollosocial.gob.cl

Boris Barrera, **Diputado Distrito 9, Cerro Navia**

E-mail: boris.barrera@congreso.cl

Karol Cariola, **Diputada Distrito 9, Cerro Navia – Región Metropolitana**

E-mail: karol.cariola@congreso.cl

Jorge Durán, **Diputado Distrito 9, Cerro Navia – Región Metropolitana**

E-mail: jorge.duran@congreso.cl

Andrés Giordano, **Diputado Distrito 9, Cerro Navia – Región Metropolitana**

E-mail: andres.giordano@congreso.cl

José Carlos Meza, **Diputado Distrito 9, Cerro Navia – Región Metropolitana**

E-mail: jose.meza@congreso.cl

Erika Olivera, **Diputada Distrito 9, Cerro Navia – Región Metropolitana**

E-mail: erika.olivera@congreso.cl

Maite Orsini, **Diputada Distrito 9, Cerro Navia – Región Metropolitana**

E-mail: maite.orsini@congreso.cl

Mauro Tamayo Rozas, **Alcalde de Cerro Navia**

Email: mauro.tamayo@cerronavia.cl

Text of the solidarity letter [in Spanish]:

[date]

De nuestra consideración:

Hemos recibido información alarmante sobre el desalojo de un campamento de 200 familias en Santiago, Chile. Se trata de una violación del derecho humano a una vivienda adecuada, al cual el Estado de Chile está obligado por haber ratificado el Pacto Internacional de los Derechos Económicos, Sociales y Culturales (PIDESC) de las Naciones Unidas.

Es indispensable que el Estado tome cartas en el asunto, reparando de inmediato los daños sufridos por estas familias; formalizando a la brevedad el protocolo de desalojo que la Observación N°7 del Consejo de Derechos Humanos establece desde 1994 para la aplicación de desalojos sin violencia; y desarrollando los esfuerzos de coordinación y diálogo necesarios para responder a la complejidad territorial, urbana, habitacional, social, ambiental y cultural de la comunidad de la 17 de Mayo y miles de otras familias que sufren trauma y angustia en Chile por amenazas de desalojo de su campamento.

En particular, solicitamos expresamente:

- Aplicar una reparación inmediata y/o medidas de indemnización para las familias desalojadas que perdieron sus pertenencias por la acción de demolición del asentamiento.
- Desde la Mesa de Negociación, resolver el asentamiento transitorio de estas familias organizadas, sin retroceso en las condiciones del hábitat, especialmente para niñas y niños, a la espera de la precisión del reasentamiento definitivo.
- Precisar los instrumentos para formalizar los protocolos que el Estado debe establecer en función de los estándares de Naciones Unidas en caso de cualquier tipo de desalojo en Chile.
- Formular las condiciones del reasentamiento definitivo, con propuestas combinadas entre varias organizaciones de la demanda habitacional del sector (comunas de Pudahuel, Cerro Navia y Renca), hacia el mejor uso posible del escaso suelo urbano disponible.
- Responder a las demandas utilizando los instrumentos vigentes como el Plan de Emergencia Habitacional, PEH 2022–2025, y el Plan de Ciudades Justas.

Exigimos el cumplimiento de las obligaciones del Estado ante la sociedad, en conformidad con los derechos humanos y las necesidades de la población, especialmente sus sectores más vulnerables.

Atentamente,

[signature]