

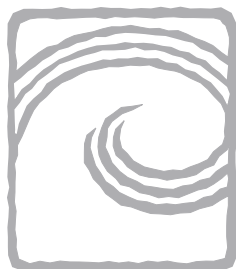


FORCED EVICTIONS

*Violations of Human Rights
2003-2006*

COHRE December 2006





Global Survey on Forced Evictions

*Violations of Human Rights
2003-2006*



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Preface

'Freedom from fear of forced eviction' is one of the best definitions of the concept of secure tenure. Unfortunately, many millions of people never experience this freedom, and live instead in constant fear of eviction from their homes and lands. Millions of those have that fear brutally realised each year.

Forced evictions are carried out in both developed and developing countries, in all regions of the world. Often these are large-scale mass evictions, where entire communities of tens or even hundreds of thousands of people are removed. They are usually directed at the poor, living in informal settlements or in slums. The effect on the lives of those evicted is catastrophic, leaving them homeless and subject to deeper poverty, discrimination and social exclusion. Such communities are invariably evicted against their will, in most cases without any compensation or alternative housing.

Although international law has repeatedly declared the practice of forced eviction to be a gross and systematic violation of human rights, many governments continue to use it as a tool of development, demographic control and social exclusion. Part of the struggle against this widespread practice is clearly a need to change the mindset of such leadership. It is crucially important to convince governments that forced evictions are unjust, illegal and invariably counterproductive to genuine human development; and that alternatives to eviction therefore urgently need to be developed, implemented and promoted. In a context of unprecedented growth in informal settlements and a global tenure security crisis, a dramatic paradigm shift is required in the areas of urban governance and development. COHRE works with partner organisations and communities around the world in an ongoing struggle to achieve this change.

What makes the task very challenging is the fact that the mindset is rooted in very powerful economic forces. There are a number of underlying causes for the rapid growth of urban informal settlements and slums, particularly in developing countries. For example, agricultural trade policy in the developing world over the past three decades has all too frequently resulted in the collapse of labour-intensive rural economies, leading to rural-to-urban migration and contributing to the growth of slums and homelessness in urban areas. The effects have been exacerbated by policies such as the privatisation of public housing and reduction of social support for the poor.

Yet developed country governments and international financial institutions continue to set conditions on developing countries to implement policies, such as reducing agricultural trade barriers, privatising housing and the supply of essential services, and spending less on social support. Developing country governments are given little option but to agree to these conditions if they wish to access loans and grants with which to

sustain their economies. In September 2006, at the General Debate of the 61st session of the United Nations General Assembly, South African President Thabo Mbeki criticised the prevalent economic development paradigm saying:

A global partnership for development is impossible in the absence of a pact of mutual responsibility between the giver and the recipient. It is impossible when the rich demand the right, unilaterally, to set the agenda and conditions for the implementation of commonly agreed programmes [...] The majority of the human race is entitled to ask the question whether the rich are responding the way they do because the further impoverishment of the poor is to the advantage of the rich, giving meaning to the old observation that the rich get richer as the poor get poorer.

Mbeki's criticism resonates throughout the developing world with leaders and citizens who experience the frustration of having rich countries set the terms of development unilaterally. While this Global Survey does not attempt to provide answers to this debate, it does highlight the futility of the practice of forced eviction as an attempt to erase the problems of slums rather than attacking the actual causes of slum formation and the lack of affordable, adequate housing for many of the world's poor.

Ironically, in Mbeki's own South Africa, there is a similar debate between rich and poor — with many arguing that national economic development policies developed and implemented by his Government are advantageous for the rich, while the poor get poorer. As a case in point, the City of Johannesburg, during the period covered by this review, evicted thousands of poor people from buildings termed development 'sinkholes', as part of its Inner City Regeneration Strategy. This strategy was initiated in pursuit of the overall goal of "raising and sustaining private investment leading to a steady rise in property values".¹

The City obtained urgent eviction orders using Apartheid-era laws and regulations, on the basis of health and safety concerns. While conditions in many of these inner city buildings were grossly inadequate, the City was forcing people onto the street in the name of their own health and safety. Fortunately, over 300 residents of six properties in inner city Johannesburg, who were threatened with eviction, recently brought a case against the City. The High Court of South Africa ruled that the City of Johannesburg's housing policy fails to comply with section 26 of the Constitution, which provides for the right to have access to adequate housing. This was due to the City's failure to provide suitable relief for, and to give adequate priority and resources to, the inner city poor living in a crisis situation or otherwise in desperate need of accommodation. The Judge dismissed the eviction applications brought by the City against the residents. He also interdicted the City from evicting or seeking to evict the residents until adequate alternative accommodation in the inner city area has been provided.

This judgement is subject to appeal by the City and a counter appeal by the residents, a process that could last more than a year and is likely to end up in the Constitutional Court of South Africa. The eventual outcome could be a huge victory for the inner city poor of Johannesburg, and may advance the importance of the South African Constitution as a model, internationally, for how a country should provide protection against forced evictions and uphold the right to adequate housing. However, such court judgements cannot be ends in themselves. Merely preventing an eviction and allowing people to stay where they are is not sufficient. Under prevailing circumstances, they are still vulnerable and living in highly inadequate housing conditions. In the case of the

¹ Neil Fraser, City of Johannesburg quoted in 'Sinkholes and Ripple Ponds', City of Johannesburg website, (10 Mar. 2003), www.joburg.org.za/citichat/2003/mar10_citichat.stm

inner city of Johannesburg, and other cases like it, protection by the law is only a first step, and sustainable development and low-term security need to follow.

COHRE's *Global Survey* series is an effort to highlight these very important issues. In this 10th edition, we present examples of implemented, threatened and averted forced evictions from 82 countries covering the period 2003 to 2006. This revised and final version of *Global Survey No. 10* was produced by COHRE Global Forced Evictions Programme Acting Coordinator Deanna Fowler, with the help of Caroline Schlauffer who wrote the first draft of the report. Key contributors were: Daniel Bailey, Julián Díaz Bardelli, Ariel Fuentes, Daniel Manrique, Cíntia Beatriz Müller, Leda Pereyra, Depika Sherchan and Sebastián Tedeschi. COHRE owes a great deal of thanks to the efforts of many organisations, activists, advocates, evicted persons, journalists, and others who contributed information on evictions in the places where they live.

Jean du Plessis
COHRE Deputy Director

Geneva, December 2006



Kennedy Road settlement, Durban, South Africa

1 INTRODUCTION

Over the past four years, the practice of forced eviction has gained wider recognition as a pervasive and egregious abuse of human rights. Nevertheless, governments continue to implement forced evictions, flouting international law and the rights of those living within their borders. The power to hold governments accountable and to end forced evictions lies with civil society, and reliable information is integral to these efforts. For this reason, COHRE presents *Global Survey No. 10*, the most extensive compilation of cases of forced eviction published to date, covering evictions implemented between January 2003 and December 2006, as well as cases of threatened evictions.

The term ‘forced eviction’ as used in this publication refers to the removal of people from their homes or lands against their will, directly or indirectly attributable to the State. It is a widespread practice annually affecting millions of persons in developed and developing countries.

Forced evictions can always be attributed to specific decisions, legislation or policies of States, or to the failure of States to intervene to halt forced evictions by third parties. Thus, States are always legally responsible for forced evictions occurring on territory under their jurisdiction.

CAUSES AND EFFECTS

Forced evictions occur in all parts of the world, in both developing and developed countries. They have various and often complex and interconnected causes, including:

- Tenure insecurity/absence of formal rights
- Development and infrastructure projects
- Large international events, such as the Olympic Games
- Urban redevelopment and ‘beautification’ initiatives
- Property market forces and ‘gentrification’
- Absence of State support for the poor
- Political conflict, ethnic cleansing, and war

Regardless of the actual cause, the perpetrators of forced evictions generally justify their actions in the name of ‘development’ – and, by implication, as intended for the general public good. However, development that leads to forced evictions is not only illegal in terms of international law; it is also fundamentally counterproductive to the aims of genuine human development. Forced evictions create homelessness, destroy property and productive assets, and obstruct access to potable water, sanitation, healthcare, livelihood opportunities and education.

Forced evictions invariably fail to deliver the outcomes claimed for them by the implementing governments or agencies. In many instances, large-scale evictions are intended as an antidote to uncontrolled and unauthorised urban settlement, in the hope that this will encourage investment and development. However, the causes of rural-urban migration are so varied and deep-seated, and the resulting population pressure on cities is so overwhelming, that resorting to forced eviction as a solution to informal settlement amounts to little more than a futile gesture. Evicted individuals, families and communities do not disappear. Nor do they tend to remain for long if relocated to far-flung areas. They tend to find their way back to unoccupied land closer to services and survival opportunities and to resettle and rebuild.

In addition, by focusing on the need to force people away from an area, governments often miss the very unique development opportunities presented by informal settlements. Properly conceived and implemented *in-situ* settlement upgrading, done in close consultation with the affected parties, has proven to be a much more effective option in addressing urban development challenges, with great potential benefits for all concerned.

INTERNATIONAL LEGAL OBLIGATIONS

The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) is the key source of housing rights under international human rights law. *Article 11(1)* of the Covenant explicitly recognises the right to adequate housing. *Article 11(1)*, as interpreted in General Comment No.4 and General Comment No.7 of the UN Committee on Economic, Social and Cultural Rights, also prescribes legal protection against forced eviction, at least for those 150 countries that have signed and ratified the Covenant. General Comment No.7 indicates that “the State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions”. It states that “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights”; and prescribes procedural protective mechanisms for evictees in those highly exceptional circumstances where eviction is unavoidable.

In addition, in 1993 the UN Commission on Human Rights declared that “forced evictions are a gross violation of human rights.” And in 1998, the UN Sub-Commission on the Protection and Promotion of Human Rights reaffirmed that “the practice of forced eviction constitutes a gross violation of a broad range of human rights; in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment.”

In addition, the practice of forced eviction can result in the violation of a number of other rights including:

- The right to non-interference with privacy, family and home
- The right to be protected against the arbitrary deprivation of property
- The right to the peaceful enjoyment of possessions — many forced evictions occur without warning, forcing people to abandon their homes, lands and worldly possessions
- The right to respect for the home
- The right to freedom of movement and to choose one’s residence
- The right to education — often children cannot attend school due to relocation
- The right to water — as evicted people often find it far more difficult to access potable water
- The right to life — violence during the forced eviction which results in death is a common occurrence.
- The right to security of the person — implementing authorities rarely provide evicted persons with adequate homes or any form of compensation, thus rendering them vulnerable to homelessness and further acts of violence.
- The right to effective remedies for alleged human rights violations

The human cost and trauma of the practice of forced eviction on individuals, families and communities cannot be overemphasised. Forced evictions most often affect those who are already disadvantaged, including: the poor, women, indigenous groups, ethnic, religious and racial minorities, occupied peoples and others lacking

security of tenure. They take away people’s livelihoods, their land, their belonging to a community, and the dignity of a place to live in peace without the fear of losing their home.

Women suffer disproportionately from the practice of forced eviction, given the extent of statutory and other forms of discrimination against women with respect to home ownership and inheritance rights, or rights of access to accommodation; and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless.

A GLOBAL PROBLEM

Estimated Number of Reported Forced Evictions by Region: 2003-2006 *

	Persons
Africa	2 004 171
Europe	16 127
The Americas	174 180
Asia and the Pacific	3 452 093
Total	5 646 571

* Unless more specific data was available, estimates were constructed using the following equivalencies: 1 family = 5 persons; 1 community/area/village/town = 200 persons; 1 flat or house = 5 persons; 1 room = 3 persons; 1 apartment building = 100 persons; “thousands” or “hundreds” = 3.000 persons or 300 persons, respectively; 1 group of families = 50 persons; 1 settlement/neighbourhood/camp/encampment/quarter = 50 persons; entire region of a country = 10.000 persons; “a number of”/”several”/many/numerous = 5 persons or families, depending on the specification made within the text.

This tenth edition of the COHRE *Global Survey* is based on information received from people directly affected by evictions, the media, and from our expanding global network of contacts, including individuals, grass-roots groups and organisations. It is a survey and so does not purport to represent more than a sample of all forced evictions that have taken in the past four years. The actual number of forced evictions implemented from 2003–2006 is therefore much higher than the more than 5.6 million reported here. This report is intended to serve as an indicator and warning light of the nature, extent, and pervasiveness of the global problem of forced evictions.

The absence of a particular country in this survey should not be taken as evidence that the eviction situation in that country is tolerable or consistent with international law. In some cases, the exclusion of a given country might well be due to their laudable housing policy, but in other instances the omission of a country is simply the result of a lack of available and accurate data.

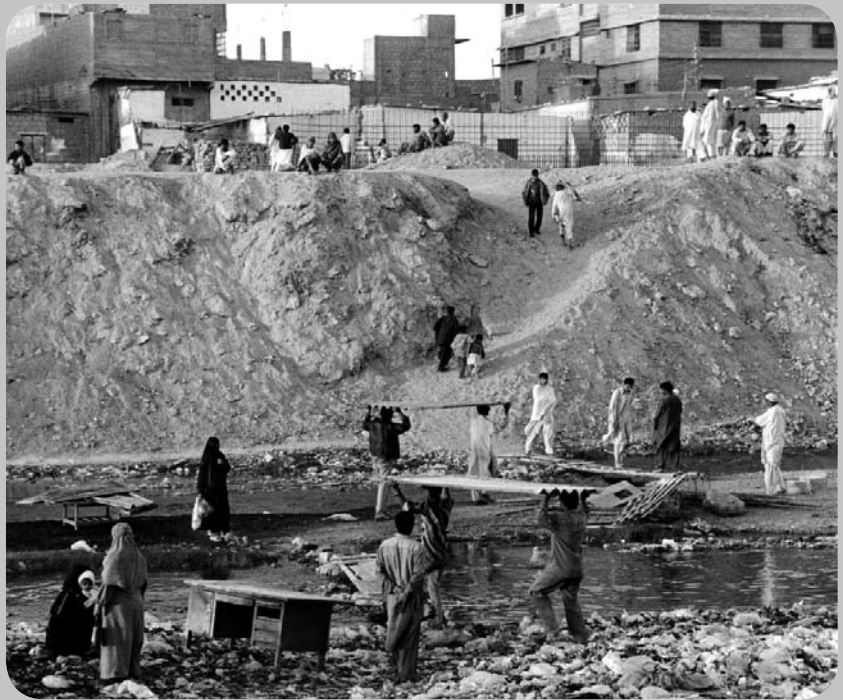
In Section 2 we provide information on the context in which reported evictions took place, where possible. Immediately following the descriptions of the evictions in each country, we also provide information on the State's legal recognition of the right to adequate housing under international law. Under each State we have noted:

1. Whether the State has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) — the most important international legal treaty containing housing rights, adopted by the United Nations in 1966 and which came into force in 1976.

If the country has ratified the ICESCR and is thus legally bound to comply with Article 11(1) and the other provisions of the Covenant, this is indicated by ICESCR: Yes. If the country has not ratified the ICESCR, this is indicated by ICESCR: No.

2. The International Covenant on Civil and Political Rights (ICCPR) also can be used to prevent or remedy forced evictions. In particular, Article 17, which guarantees the protection from arbitrary or unlawful interference with the home, can be used to this end. Additionally, if a State Party to the ICCPR is also a party to the First Optional Protocol (1OP-ICCPR), individuals can bring petitions, or complaints, directly to the attention of the United Nations Human Rights Committee, which monitors the implementation of the ICCPR. Whether a government is a party to the ICCPR, and the 1OP-ICCPR, is also indicated below.

Forced evictions are unjust, illegal, and counterproductive to human development. They have to be identified, prevented, and replaced with viable development alternatives. *Global Survey No. 10* is intended as an information tool in the struggle to achieve this goal. Copies will be made available to governments, individuals, United Nations agencies and human rights bodies, as well as to the many community-based and non-governmental organisations and other advocates involved in the international movement against forced evictions



Forced evictions for the Lyari Expressway, Pakistan

2 FORCED EVICTIONS 2003-2006

Africa

ANGOLA

During the 27-year civil war in Angola, which ended in 2002, thousands of people were forced to flee their homes to the capital Luanda, where they live in informal settlements. Since the war ended, demand for land in the capital has increased and the Government of Angola initiated policies that allowed private developers to take over redevelopment of the city. The commercialisation of urban land has resulted in the forced eviction of thousands of dwellers, most of whom live with no legal tenure.

- In February 2003, Kilamba Kiaxi police destroyed approximately 42 homes in Bairro Soba Kapassa – those remaining after 1 125 homes had been demolished in December 2002. Police reportedly fired in the air, beat residents, and detained two residents for several days without charge.²
- In March and April 2003, the Samba Municipality demolished more than 70 homes of the Comuna de Benefiça, after having destroyed over 400 homes in this community since July 2001. The Municipality did not provide adequate notice. Police carried out the eviction with force – beating several residents and threatening to kill one activist.³
- From June 2004 to November 2005, the Kilamba Kiaxi Municipality forcibly evicted approximately 2 000 families in Wenji Maka. Police beat and arrested several residents and activists. During the June 2004 eviction, police shot and wounded three residents.⁴
- In September 2005, in Bairro Cidadania, Viana Municipality, municipal fiscal agents and armed police forcibly evicted 314 families and destroyed their property. It was the fifth time in a year that these families were evicted. They were left without shelter or means to rebuild their homes.⁵
- On 24 November 2005, police, accompanied by Nova Vida project representatives, forcibly evicted 628 families living in the Luanda suburbs of Banga Wé, Bairro 28 de Agosto, and Cambamba I and II. The Municipality had allocated the land to the Nova Vida housing project without due legal process, consulting the residents or providing alternative adequate housing. Police demolished homes without adequate notice. The police also assaulted several residents and arrested 13 people, six of whom were reportedly beaten while in custody. A local organisation, SOS Habitat, reported that many residents were unable to find shelter elsewhere and therefore built shelters on the remains of their destroyed homes.⁶
- SOS Habitat reported that the communities of Cambamba I and II, Banga Wé, and Bairro 28 de Agosto suffered new evictions in March 2006. On 13 March, heavily armed members of the National Police and private security guards began demolishing homes. Police reportedly fired shots into the air and the ground. At Cam-

2 Amnesty International, *Angola: mass forced evictions in Luanda – a call for a human rights-based housing policy*, (12 Nov. 2003), <http://web.amnesty.org/library/Index/ENGAFR120072003?open&of=ENG-AGO>

3 *ibid.*

4 'Angola: Stop forced Evictions' *Pambazuka News*, (22 Feb. 2006), www.pambazuka.org/en/category/advocacy/32209

5 *ibid.*

6 SOS Habitat [personal communication], (Nov. 2005); see also www.christian-aid.org.uk/news/stories/051125s.htm

bamba II, police reportedly beat and kicked residents, including a pregnant woman who began to haemorrhage. Police also shot a six-year-old boy in the knee. At Cambamba I, a private security guard reportedly shot in a semi-circle around the feet of a young boy who was trying to run away. The guard and seven police officers then beat and kicked the boy. The police threatened and interrogated members of a human rights organisation who were photographing the events. A number of people were arrested and those resisting arrest were beaten, including a woman carrying a baby on her back.⁷

- In April 2004, the Government started to expel tens of thousands of undocumented Congolese immigrant diamond mine workers from the northern province of Lunda Norte to repatriate them to the Democratic Republic of Congo. Human Rights Watch reported that the expulsion was carried out with excessive use of force.⁸ The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) also reported on the deportation of over 1 000 Equatorial Guineans in May 2004. Many of the affected people had lived in Angola for several years and lost their homes and all their possessions through the expulsion.⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

BOTSWANA

The British High Commissioner of Botswana designated the Central Kalahari Game Reserve (CKGR) as a homeland for the Basarwa/San in 1961. However, since 1997, the Government of Botswana has been attempting to remove the Basarwa/San from the CKGR. The Government has, at times, tried to convince the Basarwa/San to leave the CKGR by offering them housing and services in other locations. It has also resorted to coercive measures to remove them from their land by carrying out forced evictions in 1997, 2002, and 2005.

As of 31 August 2005, there were between 200 and 250 Basarwa/San living in the CKGR and there were another 1 800 to 2 000 Basarwa/San in resettlement camps, located outside the CKGR, living under poor conditions with high rates of unemployment and increasing rates of HIV/AIDS infection. However, after the 2005 campaign of forced eviction against the Basarwa/San, approximately 36 Basarwa/San, including 15 children, remain in the CKGR with insufficient access to food and water. This is due to the Government's destruction of water boreholes, the prohibition on hunting, and the prohibition against people bringing food and water into the reserve for those remaining.

There is considerable disagreement over the Government of Botswana's motive for the eviction of the Basarwa/San from the CKGR. The Government has claimed that the hunting practices of the Basarwa/San are endangering the wildlife within the CKGR. This is despite documents from the Department of Wildlife and National Parks

7 SOS Habitat [personal communication], (May 2006).

8 'HRW calls for humane treatment of expelled DRC workers' *IRIN News*, (26 Apr. 2004)
http://www.irinnews.org/report.asp?ReportID=40757&SelectRegion=Southern_Africa&SelectCountry=ANGOLA

9 'Angola-Guinea: Deported Guineans complain of ill treatment' *IRIN News*, (11 June 2004),
http://www.irinnews.org/report.asp?ReportID=41644&SelectRegion=West_Africa&SelectCountry=ANGOLA-GUINEA

stating that, between 1986 and 1996, “wildlife biomass more than doubled” in the CKGR.¹⁰ The Government has also argued that it could not afford to provide services such as health clinics and schools, or continue to provide water to the Basarwa/San while they remained in the CKGR. While some Basarwa/San organisations accept this might have been the Government’s intention, they do not accept that the forced evictions were therefore justified. According to other organisations, the Government’s true intention in evicting the Basarwa/San is to make way for further diamond mining.

Regardless of the reasons or justifications for the evictions, many of the Basarwa/San never agreed to leave the CKGR, which they regard as their land and integral to their way of life. Although some members of the Basarwa/San were initially persuaded to leave and were compensated, to some extent, by the Government during the 1997 and 2002 evictions, they never regarded their decision to relocate as giving up their rights to the land. Later, many of the Basarwa/San were dissatisfied with the relocation and some returned to the CKGR. Not only had they been deprived of their traditional way of life in the relocation sites, they were also being forced to live in terrible conditions and without access to income-generating opportunities.

To date, the Government has not allowed evicted persons to return to the CKGR and there are regular reports that police threaten arrest and torture Basarwa/San who enter the reserve.

In an attempt to uphold their right to stay in their homeland, 248 Basarwa/San brought a case against the Government to Botswana’s High Court. On 13 December, the High Court ruled that the Basarwa/San had the right to return to their land in the CKGR, stating that the “refusal to allow the Applicants, who are part of the permanent residents of the CKGR, entry into the CKGR without permit is both unlawful and unconstitutional for the reason that it violates Applicants’ rights of freedom of movement guaranteed by section 14(1) of the Constitution.”¹¹ However, the judgement also states that the Government is not obliged to provide services to the San/Basarwa living in the CKGR.

ICESCR: No

ICCPR: Yes

OP1-ICCPR: No

BURUNDI

- Following the signing of a ceasefire between the Government of Burundi and several rebel groups in December 2002, hundreds of thousands of displaced persons returned home. However, due to continued fighting between the Government’s army and the National Forces of Liberation, some 30 000 to 40 000 persons were

10 ‘BOTSWANA: Culture under threat – Special Report on the San Bushmen’ *IRIN News*, (5 Mar. 2004), http://www.irinnews.org/S_report.asp?ReportID=39864&SelectRegion=Southern_Africa

11 *Sesana, Setlhobogwa et al. v. Botswana (Att’y General)*, High Court of Botswana, Misca. No. 52 of 2002 (13 Dec 2006) at pp. 397-398, para. 168.

temporarily displaced each month during the period from December 2003 to April 2004. Although some IDPs were able to return to their homes, there were approximately 170 000 IDPs in Burundi, as of November 2004.¹²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

CAMEROON

In March 2005, Yaounde city authorities destroyed dozens of homes in the Bastos neighbourhood. Residents had only one week's notice, following an announcement by the State Property and Land Tenure Minister that the Government would evict people residing in the marshlands in the Bastos and Njongolo neighbourhoods. The Government stated that the marshlands are an ecologically sensitive area and that the settlements are illegal. The Minister said that those who had constructed permanent buildings would be evicted without compensation even if they are in possession of land titles. He argued that the land titles were null and void because they were issued in contravention of the law.¹³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

DEMOCRATIC REPUBLIC OF CONGO

After the establishment of a transitional government and the strengthening of international peacekeeping operations in June 2003, hundreds of thousands of internally displaced persons (IDPs) returned home. However, armed groups continue to attack civilians and cause mass displacement, particularly in the Kivu region in eastern Democratic Republic of Congo (DRC). The UN estimates that 1.6 million people remained displaced as of October 2005.¹⁴

- IRIN reported that in August 2005, Congolese police and soldiers evicted some 6000 persons from Virunga National Park, which is home to more than half of the world's mountain gorillas. Approximately 30 000 refugees and displaced persons from Rwanda, Uganda, and the DRC occupied a section of the park beginning in the

12 Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council (NRC), 'Still no end to displacement, despite political process' [article on website], (11 Apr. 2006), <http://www.unhcr.org/home/RSDCOI/4455cc524.pdf>

13 Clovis Atatah, 'Yaounde marshland residents face eviction', *The Post*, (25 Mar. 2005); Clovis Atatah & Nformi Sonde, 'Crowds Wail As Gov't Flattens Houses in Yaounde' *The Post*, (1 Apr. 2005)

14 Internal Displacement Monitoring Centre and Norwegian Refugee Council, 'Some 40 000 flee ongoing fighting every month' [article on website], (1 Mar. 2006), <http://www.unhcr.org/home/RSDCOI/4451e9544.pdf>

1990s and cleared forest for farming. The eviction occurred during an international conference on saving primates from extinction Virunga National Park. The affected persons were left homeless.¹⁵

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

EGYPT

According to official statistics, there are 1 034 slums in Egypt. The Government of Egypt has stated its plans to remove 81 slums and “upgrade” 953. In some cases, the Government has sold land to private developers after evicting inhabitants. In other cases, it has used foreign aid to construct new housing compounds, which have been offered for prices higher than evicted families can afford. Although the Government has undertaken to provide alternative housing to evicted families, there are widespread reports of corruption and mismanagement in the distribution of alternative housing, with many families left without. Many others are relocated to units that are inadequate for the size of their families, located far from their previous homes and sources of employment, and unaffordable.

- In December 2004, authorities bulldozed the cottages of 18 families in the ‘Ezbet Al-Bakry’ settlement in Shubra Al-Khaima-Qalubiah. Police told the settlers that they would be provided with alternative housing — a promise that was never met. Several residents were beaten during the operation; others were detained while officials destroyed their homes.¹⁶
- In May 2004, police evicted 18 families from al-Duwiqqa (Manshi’at Nasr Quarter) in Cairo without providing alternative housing or compensation. The families (130 people, including 73 children) took shelter in tents provided by an Egyptian NGO, next to the ruins of their homes. However, in November 2004, security officers and Government officials demolished and confiscated the tents, as well as the families’ furniture.¹⁷
- In July 2004, officials, accompanied by numerous police officers, forcibly evicted 60 households from the Wady For’on area, accusing them of constructing on state property.¹⁸
- In May 2005, police forcibly evicted the residents of 480 makeshift houses in the village of Al-Damrania in Qena. During the eviction, several residents were arrested. Authorities claimed that the dwellers were taking over public property and were therefore not eligible for alternative housing.¹⁹
- In September 2005, migrants who had arrived in Egypt from war-torn Sudan occupied a small square in Cairo across from the office of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR told the

15 ‘DCR: Hundreds protest their eviction from Virunga National Park’, *IRIN News*, (Sep. 2005), http://www.irinnews.org/report.asp?ReportID=48983&SelectRegion=East_Africa; ‘Uganda-DRC: Evicted Ugandans stranded at border in dire need’, *IRIN News*, (30 Mar. 2006), http://www.irinnews.org/report.asp?ReportID=52504&SelectRegion=East_Africa,%20Great_Lakes&SelectCountry=UGANDA-DRC

16 Egyptian Centre for Housing Rights, correspondence.

17 Centre on Housing Rights and Eviction (COHRE), *Evictions Monitor* [pdf on website], vol. 1 no. 2, p. 10 (Dec. 2004), http://www.cohre.org/view_page.php?page_id=176

18 Egyptian Centre for Housing Rights, Correspondence.

19 *ibid.*

Sudanese that they were not eligible for refugee status or for relocation because it was safe for them to return home. In December 2005, after three months of fruitless negotiation, Egyptian riot police removed the Sudanese migrants by force — killing at least 23 people, including small children.²⁰

- In December 2005, the Cairo Governorate forcibly evicted 24 households in Hekr Abo Doma. The land was sold to investors to develop entertainment projects.²¹
- The Egyptian Centre on Housing Rights (ECHR) reported that the Governorate of Port Said forcibly evicted 300 households living on Mohamed Ali Street in the El Hurriah area of Port Said in March 2006. The eviction was carried out within the framework of a development plan for the City of Port Said. The demolition of the houses was planned to be done in stages while concurrently providing alternative units to the evicted residents. However, alternative accommodation designated for the evictees was not adequate, and at least 23 families were refused housing. The people who were left homeless protested with a sit-in and hunger strike. The Governorate of Port Said refused, nonetheless, to provide them with alternative housing.²²
- The ECHR reported that the Cairo Governorate and Zenhom Municipality officials forcibly evicted the entire Tolon area of Cairo in April 2006. The eviction was carried out in a brutal manner, with reports of police beating several residents. Alternative accommodation was provided, though families reported receiving inadequate housing units that were smaller than their demolished homes.²³
- In April 2006, police forcibly evicted 270 households from the Qal’et Al-Kabsh area in Al-Saida Zainab, Cairo. Two hundred households were denied alternative housing because they did not have official documents to prove ownership of their homes. Several residents were injured in clashes with the police.²⁴
- On 5 July 2006, police evicted five households and demolished their homes in Al-Athnanat, al-Duwiqqa.²⁵

Rural evictions

In Egypt it is illegal to construct housing on land designated for agricultural use. However, the Government has not reassessed which lands can be used for construction in 25 years. With a lack of affordable housing in rural areas, poor farmers have resorted to constructing homes on unused agricultural land where they are vulnerable to forced eviction. According to official figures, from 1983 to 2004, Government authorities demolished 326 000 homes built on agricultural land —approximately 10 per cent of the total amount of lands with illegal constructions. Local organisations argue that the Government is unfairly targeting poor people, as lands which exceed two million faddans – on which luxury homes and villas had been constructed – were generally not affected.

20 ‘23 Sudanese Die as Egypt Clears Migrants’ Camp’, *The New York Times*, (31 Dec. 2005), <http://www.nytimes.com/2005/12/31/international/africa/31egypt.html?pagewanted=1>

21 Egyptian Centre for Housing Rights, correspondence.

22 Egyptian Center for Housing Rights [press release], *El-Hurriah Dwellers go on a Hunger Strike to defend their Housing Rights*, (28 Mar. 2006); and Egyptian Centre for Housing Rights, correspondence.

23 Egyptian Centre for Housing Rights [press release], *Forced eviction and housing demolitions in Zenhom area*, (Apr. 2006)

24 Egyptian Centre for Housing Rights [correspondence].

25 *ibid.*

- In November 2004, security forces violently evicted some 500 persons from Mushina village in Bani Swaif and bulldozed their houses without prior warning.²⁶
- The ECHR reported that 300 persons were evicted from their houses in Sherif Pasha, Bani Swaif, in April 2004. Some dwellers were treated violently and detained.²⁷
- In September 2005, police bulldozed approximately 350 homes in the village Qatour in Gharbiea, leaving residents homeless. Several residents resisted the eviction. The police responded with violence — injuring several people. In the Al-Gharbiea Governorate, all land is marked as agricultural land. Theoretically, it is illegal to construct homes in this Governorate because the Government has failed to identify land to be used for construction.²⁸ This bizarre situation renders many people vulnerable to forced evictions.
- Police forces demolished approximately 350 homes with bulldozers in Satamony village, Daqahlia, in May 2006. The dwellers were not given a chance to remove their possessions before the demolition. Residents did not resist, yet the authorities used excessive violence that left several people injured.²⁹
- In June 2006, the World Organization Against Torture (OMCT) reported ongoing human rights violations of farmers, including forced evictions, as a result of the implementation of agrarian reform policies. In a recent example, in March 2005, approximately 50 persons violently invaded the village of Sarando and clashed with farmers, acting under the orders of a person claiming ownership of the village's land. When the farmers fled the village, police randomly arrested women and children without providing justification.³⁰

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

EQUATORIAL GUINEA

Equatorial Guinea is Africa's third largest oil producer. Despite these resources, the Government has carried out forced evictions without providing alternative housing or compensation.

- Amnesty International reported the forced eviction of approximately 300 families in the neighbourhoods of Atepa and Camaremy, in the Banapa district of Malabo, the country's capital. In July 2006, soldiers and a demolition team arrived without prior notice. They destroyed the homes and possessions of the residents and intimidated people who protested against their eviction. Although all the families reportedly had titles to the land,

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ *ibid.*

²⁹ *ibid.*

³⁰ World Organization Against Torture (OMCT), 'Egypt: Violent eviction from land resulting in the ill-treatment of men, women and children' [article on website], (13 June 2006), <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleId=6119&itemAdmin=article>

the authorities did not provide alternative accommodation or compensation, and the evictees were rendered homeless.³¹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

ETHIOPIA

- In November 2004, local police and officials of the Nech Sar National Park near Arba Minch set fire to over 400 houses of the Guji people, forcibly evicting them from their land and houses. The eviction followed an agreement the Government of Ethiopia had signed with African Parks Foundation, a Dutch conservation organisation, to manage the National Park. The Government resettled 10 000 people from the Guji and Kore tribes outside of the Park boundaries as part of the agreement stating that all people would be removed from the Park's boundaries before the Foundation took over the management. However, the World Rainforest Movement (WRM) reports that such large-scale resettlements could create conflict between tribal peoples who are resettled onto land held by other tribes, as there is no unused land in the area. It could also have a disastrous environmental impact, as those being removed have managed the land and wildlife for centuries.

In November 2005, the Government signed another agreement with the African Parks Foundation on the management of the Omo National Park. Officials formalised the Park's boundaries, thus making it illegal for the 50 000 tribal people living in the park to remain there. WRM reports that Ethiopian Park officials persuaded tribal people to sign away their land, without compensation, on documents they could not read. The African Parks Foundation states that it cannot interfere with the plans of a sovereign government.³²

- Internal Displacement Monitoring Centre (IDMC) reported in January 2006 that the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) sent troops, paramilitary units, and armed Government officials to the countryside to burn houses and property and confiscate farmers' land and livestock. Possibly thousands of people were forced to abandon their homes during 2005. These incidents followed elections in which the opposition won an unprecedented number of seats. The Ethiopian National Congress asserted that the brutal use of force by EPRDF Government officials against innocent farmers was meant in retaliation for these election results.³³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

31 Amnesty International, 'Equatorial Guinea: 300 families evicted and homeless' [article on website], (23 Aug. 2006), <http://web.amnesty.org/library/Index/ENGAFR240062006?open&of=ENG-GNQ>

32 The World Rainforest Movement, 'Ethiopia: Dutch conservation organisation involved in eviction of thousands of tribal people' [article on website], (Apr. 2006), <http://www.wrm.org.uy>

33 Internal Displacement Monitoring Centre, 'Reports on displacement due to repression by government in rural areas' [article on website], (Jan. 2006), <http://www.internal-displacement.org>

THE GAMBIA

In April 2003, the Western Division Land Administration Board of The Gambia issued an evacuation notice to residents living within 1.7 kilometres of the Lance Corporal Bojang firing range in Birikama. At the end of May, the Board demolished 30 houses and continued in June with the destruction of 300 compounds. Despite pleas from the community, the Government did not provide compensation for destroyed housing.³⁴

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

GHANA

- In March and April 2006, a task force of the Wildlife Division of the Forest Commission of Ghana, in conjunction with Ghana Police, forcibly evicted over 7 000 people living along Lake Volta in Digya National Park. Armed with AK-47 rifles and sticks, wardens and police forced residents to pack up their belongings and move to the shore. Residents were forced by wardens to live in the open on the lakeshore, along with their belongings, waiting to board the next available boat. Wardens directed residents to travel to a village on Mankyere Peninsula, although they did not provide alternative accommodation or compensation for property destroyed. Many residents reported staying on the shores of various islands waiting for transportation for up to three weeks.

- In a letter dated 10 February 2006, Asamoah Boateng, Park Manager of the Wildlife Division, stated that the “Wildlife Division is going to embark on an evacuation exercise to rid the park of intruders” to enable the Division to develop the Park “to achieve the goal for which the area was acquired.” The letter stated that the exercise would begin on 28 February 2006. The notice did not provide a meaningful reason for the eviction, the date of the eviction was inaccurate, and furthermore, it was not delivered to the majority of affected persons. Many of the residents had been living in Digya National Park for over 40 years and had been previously displaced by construction of the Akosombo Dam. Much of the land was also held by various tribes. When the Park was established in 1971, there was no attempt to resettle those residing there or to compensate tribes for appropriating their land.

The evictions ended abruptly when a boat disaster involving evictees occurred on 8 April. According to a local radio station, a wooden motorised boat carrying over 150 evictees capsized in the Volta. According to the Regional Police Commander, the boat was carrying more than double its 63-person capacity, as well as livestock, personal possessions, and furniture. At least 10 people were killed. Although the Executive Director of the Wildlife Division denied any link between the eviction and the boat disaster, the helmsman of the boat, Mawuli Akimbola, insisted that 14 heavily-armed wardens on speedboats escorted his boat and forced him to overload it with evictees.

After hearing news of the boat disaster, the wardens left the area. To date, some residents have returned to their homes, citing poor health conditions, lack of livelihood opportunities, and lack of available housing and land in Mankyere and other villages. They remain under threat of eviction.³⁵

34 Information compiled by Centre on Housing Rights and Evictions (COHRE) and submitted to UN-HABITAT, ‘Summaries of a selection of cases of forced eviction in Africa: 2000-2005’, (July 2005).

35 Centre on Housing Rights and Evictions (COHRE) ‘Putting People Last: Forced Evictions from Digya National Park, Ghana’ (Oct. 2006).

- In June 2005, settlers of the Veterans Association of Ghana were forcibly evicted from Legion Village in Accra. The Government claimed the Village was illegal and resettled only those residents who satisfied the criteria of being war veterans.³⁶
- Members of the Ghana Armed Forces forcibly evicted approximately 800 persons and destroyed 500 structures on 9 May 2006 at Legion Village. There was little warning and many residents were unable to gather their belongings before their homes, businesses and other buildings were destroyed. The residents were persons related to retired veterans (many of whom had been resettled following the 2005 eviction) and dealers in Ghanaian handicrafts. Many of the residents had been living at the Legion Village for over 20 years.³⁷
- In September 2006, some 2 000 traders were removed from the Kantamanto Market in Accra and as a result lost their source of livelihood. Police and a demolition team arrived at the market at 4.00 a.m., and started destroying all structures. The area is the property of the Ghana Railway Company, but the *Bremark Venture Limited* Company leased it and demanded the eviction of the traders. The company has plans to develop the land into shops, restaurants, offices, and a guest house. As there was no provision for relocation for the traders, they lost their source of income through the eviction. The affected people criticised the Government for placing the commercial interest of a private company before 2 000 citizens.³⁸

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

KENYA

As of 2006 there are an estimated 199 informal settlements in Kenya's capital Nairobi, housing over two million people. Informal settlements emerged in Nairobi as early as the 1920s and developed quickly after independence through rural–urban migration and the failure of the Government of Kenya to allocate land for low-income groups. While previous governments had engaged in evictions over a period of four decades, the new Government (elected in 2002) seemed to accept the settlements. Policy announcements also indicated a commitment by the National Government to slum upgrading and appropriate resettlement. However, it soon became apparent that evictions in Kenya under the new government would continue and even intensify. In late January 2004, various Kenyan Ministries announced plans for an unprecedented series of mass evictions that threatened up to 300 000 residents of Kibera, Nairobi's largest informal settlement. The planned evictions were justified on the grounds that the informal settlements were illegally situated either on 'dangerous' public land (rail reserves or areas under electrical power lines) or on land reserved for future road-construction. That meant that all structures and settlements built on land set aside for road reserves, near roads, railway tracks or power-lines faced eviction. Raila Village in Kibera was the first to be evicted. The announcement of the planned evictions provoked strong local, national, and international criticism. The Government did respond to the concerns and suspended its eviction plans. Nevertheless, some uncertainty was created when various Ministers declared that the suspension did not apply to their departments. In the eyes of many, it is just a matter of time

³⁶ COHRE 'Summaries of a selection of cases of forced eviction in Africa: 2000–2005' Information compiled by and submitted to UN-HABITAT, (July 2005).

³⁷ COHRE interviews with affected persons, (May 2006).

³⁸ 'Demolition of Parts of Kantamanto begins', *Ghana Web*, (17 Sep. 2006), <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=110690>

before the evictions will proceed.³⁹ The forced eviction of Raila Village affected up to 2 000 people. On 8 February 2004, tractors began destroying the 400 structures in Raila Village within the path of a planned bypass. The Government also demolished schools, churches and a clinic.⁴⁰

- Following a land dispute in Mukuru Ward, Pressmaster Ltd., a cardboard manufacturing company, demolished houses despite a court injunction secured by the residents allowing them to remain on the land. Since December 2003, over 300 structures have been demolished, leaving some 2 000 residents homeless.⁴¹
- In August 2004, police and an area chief forcibly evicted thousands of slum dwellers from Balozzi estate, Nairobi. Police fired shots in the air to threaten the residents.⁴²
- On 29 May 2005, Administration Police forcibly evicted over 120 families from purportedly private lands at Ndundori in Lanet, Nakuru, even though no court order authorised the police to do so.⁴³
- On 16 July 2005, Nairobi City Council askaris (armed guards) and Administration Police demolished 30 houses in Kibagare settlement, Uthiru estate, leaving 140 residents – including children – destitute and homeless.⁴⁴
- On 23 September 2005, Government-owned bulldozers were used to demolish the homes of 850 families in Deep Sea settlement, Westlands, Nairobi.⁴⁵
- On 25 January 2006, 20 families were evicted from houses in Tudor Estate, Mombasa. Reportedly, the houses are to be sold to private developers.⁴⁶
- In September 2006, armed police and hired youth evicted some 300 families from the Komora slum in Nairobi. Without warning, police set fire to shelters and bulldozed others. A court had ruled that the families were living on the land illegally. A few residents had in fact built their houses as far back as the 1970s, but it was in the last few years that the slum population had been growing. The families were not compensated for the loss of their houses and property, and no alternative accommodation was provided to them. Many of the evictees were forced to move to other slums.⁴⁷

39 Centre on Housing Rights and Evictions (COHRE), *Listening to the Poor? Housing Rights in Nairobi, Kenya*, (Jun. 2006), http://www.cohre.org/view_page.php?page_id=120

40 *ibid.*

41 COHRE, *Evictions Monitor*, vol. 1 no. 1 (July 2004), http://www.cohre.org/view_page.php?page_id=176

42 Hakijami Trust, [personal communication].

43 COHRE, *Listening to the Poor? Housing Rights in Nairobi, Kenya*, (Jun. 2006), www.cohre.org/kenya

44 *ibid.*

45 *ibid.*

46 *ibid.*

47 'Eviction leaves squatters out in the cold', *The Standard*, (4 Sep. 2006), http://www.eastandard.net/archives/cl/hm_news/news.php?articleid=1143957754

Forest areas

Between 2004 and 2006, the Government of Kenya carried out a massive and often brutal programme of evictions in forest areas of Kenya. Estimates indicate that in six forests alone, more than a hundred thousand persons were forcibly evicted between July 2004 and June 2006. Evictions in a number of forest areas have reportedly continued and humanitarian groups have expressed concerns about the increase in internally displaced persons from forest areas in Kenya. The Government of Kenya has indicated that evictions in forest areas will continue.⁴⁸

These forced evictions were ostensibly carried out in order to protect Kenya's forests. Evictions have been characterised by violence, the destruction of property and schools, a lack of adequate resettlement, and, in some cases, a blocking of aid for the evictees.

- In March 2005, the Government of Kenya started to remove people from the Mau Forest, in which some of Kenya's oldest tribal communities live, such as the Ogiek and Maasai. Many families bought titles to land in Narok South after Kenyan Independence in 1963. According to a December 2004 report, these titles had been illegally sold by corrupt officials of the Moi regime, and the Minister of Lands and Housing announced that the holders should consider their titles cancelled. The forced evictions began in March 2005 with the forced eviction of 1 000 residents from Enoosupukia. Then from 13 June 2005, over 50 000 people were evicted and their homes and several granaries were destroyed, despite a High Court injunction. The people were evicted from the forest without compensation or the provision of alternative accommodation. The evictions were reportedly carried out in a brutal manner and there are reports of women being raped by law enforcement officers.⁴⁹
- Up to 2 000 families were forcibly evicted from Sururu forest in the Rift Valley Province in August 2004. Many families report that government officials told them to move to this area in 1997 and 1998. Community leaders claim that approximately 300 families have property titles, and many others were told that they would be given titles once they moved to the area. Nevertheless, evicted families were left homeless and police and forest guards burned many of the homes.⁵⁰
- Some 3 000 residents were evicted from Mt Elgon Forest in January 2006. Authorities blocked attempts to provide evictees with food aid.⁵¹
- The Kenya Broadcast Corporation reported that more than 3 000 persons were evicted by force from their informal settlements in Karuri Forest in February 2005. Police and Kenya Wildlife Service rangers burnt down homes and the school of the settlement. In 2003, the settlers had been allocated alternative land in the Sirimon Settlement. Most of them, however, had refused to leave because the new area allocated was already inhabited by other people and the land was not fertile.⁵²

48 Centre on Housing Rights and Evictions, 'Nowhere to go: Forced evictions in Mau Forest, Kenya' (May 2007), www.cohre.org/kenya; 'Evictions will go on to save forests, says top official', *Daily Nation*, (5 Apr. 2006).

49 'Kenya evicts thousands living in forest land', *The Mail & Guardian*, (17 June 2005), http://www.mg.co.za/articlePage.aspx?area=/breaking_news/breaking_news__africa/&articleId=243364; Joseph Kimani, '1,000 Forced to Vacate Forest', *The Nation* (Nairobi), (2 Mar. 2005), <http://allafrica.com/stories/200503020543.html>

50 Centre on Housing Rights and Evictions, 'Nowhere to go: Forced evictions in Mau Forest, Kenya' (May 2007), www.cohre.org/kenya

51 COHRE and Hakijamii Trust, 'Forest Evictions: A Way Forward?' *Kenya Housing Rights Update* (Aug. 2006)

52 '3,000 squatters forcibly evicted', *Kenya Broadcast Corporation*, (6 Feb. 2005), <http://www.kbc.co.ke/story.asp?ID=28225>

- Another case of forced eviction in Kenya’s forests was reported by Relief Web in January 2006. Police and hired youths, led by the local District Officer, forcibly evicted more than 4 000 people in Eburru Forest and burnt at least 300 houses, leaving them homeless.⁵³

- At least 945 Ogiek residents and 2000 Nandi settlers were evicted from Kipkurere Forest and have been left homeless. An interim fact-finding mission report from the Kenya National Commission on Human Rights states that the settlements were burned, property and food stocks destroyed, and children (half of the affected population) can no longer attend school. Residents were left without food, proper clothing and shelter, and government agencies did not provide food or medical aid. The Government announced that it would only resettle 250 ‘squatters’.⁵⁴

- On 17 June 2006, the Government forcibly evicted more than 8 000 families staying in Embobut and Kipkunjur forests. The eviction also targeted 52 public institutions including 20 primary schools and five secondary schools.⁵⁵

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

LIBERIA

- In January 2005, authorities of the Liberian Agriculture Company forcibly evicted 75 towns in Districts Number 3, 4, and part of 5 in Grand Bassa and part of Rivercess Counties, leaving several thousand persons homeless.⁵⁶

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

NAMIBIA

- Thirty people were forcibly evicted due to the demolition of the Khomasdal Pietersen flats in Windhoek in May 2003. Although some families slept on the pavement outside their homes waiting for the municipality to provide them with alternative accommodation based on an earlier agreement, the City’s executive management committee declared that “all decisions taken on the matter have already been executed.”⁵⁷

53 ‘Two men speared to death in Kenyan ethnic attack’, *ReliefWeb* [article on website], (29 Jan. 2006), <http://reliefweb.int/rw/RWB.NSF/db900SID/RMOI-6LJ42Q?OpenDocument>

54 ‘Kenya removes forest squatters’ *BBC News*, (24 Mar. 2006), <http://news.bbc.co.uk/2/hi/africa/4841486.stm>; Dorcas Nyambayi, ‘State defends forest evictions’, *The East African Standard*, (27 Mar. 2006); COHRE and Hakijamii Trust, Kenya Housing Rights Update (Aug. 2006), ‘Forest evictions: a way forward?’

55 COHRE and Hakijamii Trust, Kenya Housing Rights Update (Aug. 2006).

56 ‘Justice demanded in LAC citizen Saga’, *The Analyst*, (13 Jan. 2005), <http://www.analystnewspaper.com/JusticedemandedinBassasaga.htm>

57 Lindsay Dentlinger, ‘Where to for Pietersen Flats tenants?’, *The Namibian*, (21 May 2003); Lindsay Dentlinger, ‘Time Runs Out for Pietersen Flats Tenants’, *The Namibian*, (20 May 2003).

- In January 2005, the owner of the Otjiku Farm evicted seven workers and their families from his farm, on which most of them had been born. The owner cut off the water supply and destroyed the roofs of some of the houses after a disagreement with the workers on the issue of severance pay.⁵⁸
- In August 2006, police started forcing Oshiwambo-speaking communal farmers and their cattle from west Kavango towards the border of the former Owambo area. Approximately 50 farmers had been served with eviction notices some months before due to a grazing dispute with the residents of the Ukwangali area. The farmers did not know where to go, as the Owambo area from which they had come had been fenced. Police arrested many herders and chased their cattle away.⁵⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

NIGERIA

The Government of Nigeria is consistently one of the worst violators of housing rights in the world, with over two million people forcibly evicted from their homes in different parts of the country since 2000.⁶⁰ The national and local governments have justified forced evictions for reasons including urban development plans, the beautification of cities, privatisation, and ‘cleaning up’ criminals from the communities. Evictions have been carried out with great violence by officials, often committed in disregard for residents’ documented ownership of their property, and with insufficient notice beforehand. Over the last fifteen years, evictions often have been undertaken without the provision of legal recourse, compensation, or alternative housing and land to victims.⁶¹

- From 19 October – 27 October 2003, the Lagos State Government forcibly evicted more than 5 000 people from the Ijora-Badiya area and residents are concerned that further evictions will occur. The State Government has already destroyed an estimated 35-40 per cent of the homes in the community. The State Government gave the community a mere 48 hours notice to leave their homes, despite not having a court order for the evictions, as is required by law. According to the Government, the area needed to be ‘cleaned up’ because it is regarded as having become a haven for prostitution and robbery. The evictions took place despite the fact that the Federal Government reportedly gave legal title over the area to the community as compensation for having been previously moved from another area in Lagos. Some of the affected persons are also legal tenants of land owned by the Railway Corporation.⁶²
- A Government Task Force, termed *Operation Restore Hope*, forcibly evicted the informal settlement community of Warri Corner in Delta State in June 2004. The Government argued that the informal settlement was shelter-

58 Wezi Tjaronda, ‘Trouble At Farm Otjiku’, *New Era*, (24 Jan. 2005), <http://allafrica.com/stories/200501241183.html>

59 ‘Namibia: Police Drive Evicted Farmers From Kavango’, *The Namibian*, (30 Aug. 2006), <http://www.namibian.com.na/2006/August/national/0643A82CD9.html>

60 Amnesty International and Centre on Housing Rights and Evictions, ‘Forced evictions reach crisis levels in Africa: More than 3 million evicted since 2000’ [media release] (4 Oct. 2006), http://www.cohre.org/view_page.php?page_id=257

61 Centre on Housing Rights and Evictions (COHRE), *Evictions Monitor* [pdf on website], vol. 1 no. 3, (Aug. 2005), http://www.cohre.org/view_page.php?page_id=176

62 Amnesty International, ‘Nigeria: Mass forced evictions in Lagos must stop’, (31 Oct. 2003), <http://web.amnesty.org/library/Index/ENGAFR440342003?open&of=ENG-2F5>

ing militant groups, illegal oil traders, and sea pirates. Governor Ibori announced that as a result of *Operation Restore Hope*, “innocent persons will inevitably be displaced.” Although assuring residents that the Delta State Government would, “ensure that displaced persons are promptly re-settled”, at least 50 women protested the forcible eviction of their families, arguing that they had been made homeless.⁶³

- On 13 April 2004, in Lagos, the State Task Force on the Environment demolished over 300 homes of the Ogunbiyi village in Ikeja, leaving 3 000 people homeless. The Federal Ministry of Aviation and the Nigerian Railway Corporation sought the eviction, arguing that the Government had allocated the land to them. However, some evicted residents argue that they paid for the land and that the Federal Government had built and allocated some of the housing for war veterans. The eviction took place only five days after a quit notice had been given.⁶⁴
- At least 6 000 residents of Aboru Abesan, in Ikeja were rendered homeless when their homes were demolished by officials of the Federal Ministry of Housing and Urban Development in Lagos State in January 2005.⁶⁵
- The Movement for the Survival of the Ogoni People (MOSOP) reported that in February 2005, the Rivers State Government began demolishing homes of the Agip Waterside Community in Port Harcourt. Despite protests, the demolition was completed in April 2005, leaving 5 000–10 000 persons homeless, most of whom were members of the Ogoni people. There was insufficient notice given to the residents, no alternative accommodation or compensation provided to them, and the police reportedly committed violence and harassment during the eviction. The Rivers State Government claimed that the destruction of the settlement was necessary for further urban development. However, resident groups and NGOs accused the Rivers State Government and the Italian Oil Company, Agip, of demolishing the homes to make way for the company’s expansion onto land that borders its property. Agip, one of the world’s biggest petrol companies, denies any involvement.⁶⁶
- Amnesty International reported that in April 2005, approximately 3 000 residents of the slum community of Makoko, Lagos were forcibly evicted from their houses. The residents of Makoko claimed that they had not been given prior notice of the planned evictions, nor had they been provided with alternative housing or offered compensation for the destruction of their homes. Over three days, bulldozers demolished houses, two churches, one mosque, and a medical clinic. Law enforcement officials used disproportionate force during the eviction and beat some of the residents, including children.⁶⁷
- Under the orders of the Minister of the Federal Capital Territory, Mallam Nasir Ahmad El-Rufai, the Federal Capital Development Authority (FCDA) has been carrying out mass forced evictions in Abuja in an attempt to re-initiate a Master Plan that was approved in 1979. The Plan was designed to guide the creation of the new capital and development of the capital territory until 2000. The Master Plan was developed when the Government

63 Onwuka Nzeshi, ‘Displaced Warri Women Protest’, *This Day*, (17 June 2004); Abimbola Akosile and Onwuka Nzeshi, ‘Delta Launches Offensive Against Criminals’, *This Day*, (31 May 2004).

64 Bamidele Ogunwusi, ‘3000 Rendered Homeless’, *P.M. News*, (14 Apr. 2004).

65 Olumide Bajulaiye, ‘Over 6,000 Rendered Homeless in Lagos Demolition Exercise’, *Daily Trust*, (19 Jan. 2005).

66 Unrepresented Nations and Peoples Organization, ‘Ogoni: Nigerian Bulldozers Smash Shanty Town in Oil City’, (14 Apr. 2005), http://www.unpo.org/news_detail.php?arg=43&par=2329; UNPO, ‘Ogoni: The Demolition of the Agip Waterside’, (13 Mar. 2005), <http://www.unpo.org/article.php?id=2332>; UNPO, ‘Ogoni: Abuse of Agip Shanty Town Residents’, (12 Apr. 2005), <http://www.unpo.org/article.php?id=2330>; see also, Movement for the Survival of the Ogoni People (MOSOP), www.mosop.net

67 Amnesty International, *Nigeria: Making the destitute homeless – forced evictions in Makoko, Lagos State*, (24 Jan. 2006) <http://web.amnesty.org/library/Index/ENGAFR440012006?open&of=ENG-NGA>, and Amnesty International, ‘Nigeria: Forced evictions in Lagos make thousands homeless’, [online press release], (24 Jan. 2006), <http://web.amnesty.org/library/Index/ENGAFR440032006?open&of=ENG-NGA>

decided to move the national capital from Lagos to Abuja. The aim of the Master Plan was to create an orderly capital as a solution to the chaotic, rapidly expanding Lagos. The Master Plan called for the resettlement of people living in traditional villages in the capital territory to neighbouring states. However, the Government never fully carried out the resettlement plan. Instead, those living on the land when the Federal Capital Territory (FCT) was created (generally termed 'indigenes') were allowed to remain. These settlements have expanded in the past 30 years as indigenes allocated land or rented housing to non-indigenes who moved to Abuja for employment and were unable to access affordable formal housing. This resulted in the formation of extensive informal, unplanned and unauthorised settlements within the area designated for the capital city.

Since El-Rufai's appointment as Minister of the FCT in 2003, the FCDA has targeted over 49 such settlements in Abuja for demolition, arguing that land was zoned for other purposes under the Master Plan and, in some cases, has already been allocated to private developers. To date, these evictions have affected approximately 800 000 people, as estimated by local organisations. Although the FCDA argues that this number is inflated, they have not released their own figures from their enumerations of the informal settlements.

The FCDA has demolished homes, schools, clinics, churches, mosques, and businesses without adequate consultation with communities, and without providing adequate notice, compensation, or adequate resettlement. The evictions have resulted in the massive displacement of hundreds of thousands of people from entire communities with a spiralling effect on health, education, employment, and family cohesion. Some of the demolitions were accompanied by violence perpetuated by heavily armed security operatives towards residents and owners of businesses.

Approximately 21–24 of the 49 targeted settlements in Abuja have been demolished by the FCDA in the past three years. Evictions commenced as early as 2003, but the most contentious demolitions began in late 2005 and have been ongoing.

The FCDA draws a distinction between indigene and non-indigene residents when carrying out evictions and demolitions. The demolitions have targeted homes in which non-indigenes live, regardless of whether the buildings were owned by indigenes or non-indigenes. The FCDA has not demolished homes in which indigenes live, except in some cases, where enumerations were not completed and indigene homes were destroyed as well.

The FCDA has a policy to provide full resettlement to indigenes, in keeping with the original intentions of the Master Plan. However, there is no such policy for non-indigenes living in Abuja. After a public outcry in late 2005, the Minister began discussions about evictions with a 'human face'. Prior to this, many non-indigene residents were forcibly evicted before an enumeration process took place. Since late 2005, the FCDA has been attempting to enumerate non-indigenes before demolitions and has offered those affected with access to a plot of land in relocation sites that are currently under construction. However, non-indigenes must pay 21 000 Naira (approximately US \$170) for administrative fees, and a further 600 Naira (approximately US \$4.88) per square metre of land. Thus access to a 500 square metre plot would cost 321 000 Naira (approximately US \$2 612).

They would further be required to build a home based on certain planning standards within two years or lose their rights to the relocation plot. In a country where over 70 per cent of the population lives under a dollar day, this is simply unaffordable, particularly for those who have recently had their homes and possibly much of their property destroyed.⁶⁸

- In December 2005, as part of Nigeria's policy to privatise Government-owned housing stock, soldiers forcibly evicted some 1 388 civil servants and their families from Federal Government-owned high-rise buildings in Lagos. Evictions were carried out despite a court injunction, and included Bar-Beach Towers, Alagbon Towers, Reeve Road Towers, 1004 Housing Estate, Eric Moore Towers, and Moloney Towers. The International Alliance of Inhabitants reported that, in connection with the privatisation plans, more evictions are planned that could affect another 20 000 people.⁶⁹

- In August 2006, Nigerian soldiers burnt hundreds of houses in Port Harcourt near to where a soldier was killed during the kidnapping of foreign oil workers. Angry soldiers set fire to the informal settlement and hundreds of residents lost their homes and belongings. The army accused the residents of sheltering militants. Official army sources, however, denied that the army was involved in the incident and blamed militants for the attack.⁷⁰

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

SOMALIA

- Ongoing war and clashes between rival groups, as well as natural disasters, caused the displacement of tens of thousands of Somalis. The 2004 tsunami led to the displacement of approximately 44 000 people. In 2005, the International Committee of the Red Cross (ICRC) estimated that some 33 000 families were newly displaced due to localised conflicts from January to August alone, while some 11 000 families were displaced due to flooding during the same period. The UN estimated that there were 370,000 to 400,000 IDPs in Somalia at the end of 2005.⁷¹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

68 COHRE interviews with affected communities, FCDA officials, and Nigerian organisations, (1-11 Nov. 2006).

69 'Lagos NCP condemns the forceful eviction of civil servants', *The Daily Independent*, (25 Dec. 2005), <http://www.independentng.com/editorial/ltdec270501.htm>; Jude Njoku, 'Intrigues and pains of evictions in FG's Lagos high-rise buildings' *The Vanguard*, (13 Dec. 2005), <http://www.vanguardngr.com/articles/2002/features/property/pr113122005.html>; International Alliance of Inhabitants, 'Break the silence on the evictions: defend housing rights in Nigeria!' [article on website], www.habitants.org

70 'Nigeria troops 'burn Delta slums'', *BBC News*, (25 Aug. 2006), <http://news.bbc.co.uk/1/hi/world/africa/5285556.stm>

71 IDMC and NRC, *Somalia: Window of opportunity for addressing one of the world's worst internal displacement crisis*, (2 Oct. 2006), <http://www.unhcr.org/home/RSDCOI/45504f5f4.pdf>

SOUTH AFRICA

South Africa has been ambitious in its attempts to provide adequate housing to all of its citizens. Since the end of apartheid, the Government has delivered an impressive amount of subsidised housing. However, the land tenure system in South Africa continues to be a complex issue, and conflicts over land tenancy often result in forced evictions being carried out by municipal governments, private companies, and private landowners.

City of Johannesburg

The City of Johannesburg has carried out forced evictions in the inner city in the context of the Johannesburg Inner City Regeneration Strategy (ICRS), aimed at creating an 'African World Class City' and attracting investment. The strategy includes the clearance of an estimated 235 'bad buildings', which are regarded as being at the centre of developmental 'sinkholes'. The Johannesburg City Council obtained urgent eviction orders using health and safety legislation dating back to the Apartheid era and believed by many to be unconstitutional. While conditions in many of the buildings are appalling, the procedures used by the municipality are grossly unfair, including that people are not consulted or offered any viable alternatives. In the name of safety and health in the buildings, residents have been made homeless and left on the streets to fend for themselves. The strategy affects a minimum of 25 000 residents of 'bad buildings'.⁷²

With support from the Wits Law Clinic, Webber Wentzel Bowens, the Centre for Applied Legal Studies (CALs), and the Inner City Resource Centre, more than 300 residents of buildings in Berea, and of a disused panel beating workshop in the city centre, challenged the City of Johannesburg's practice of evicting poor people from allegedly unsafe buildings. On 3 March 2006, in *City of Johannesburg v. Rand Properties & Ors.*, the High Court of South Africa ruled that the City's housing policy fails to comply with the Constitution of South Africa due to its failure to provide suitable relief for, and to give adequate priority and resources to the inner city poor living in a crisis situation or otherwise in desperate need of accommodation. Judge Jajbhay ordered the City to devise and implement a comprehensive plan to cater for people living in the inner city of Johannesburg who are in desperate need of accommodation. The Judge dismissed the eviction applications brought by the City against these residents. He also interdicted the City from evicting or seeking to evict the residents until such time as adequate alternative accommodation in the inner city area has been provided.

While the City has halted such evictions, they are also appealing the decision and the residents are counter-appealing the Judge's decision not to rule on the constitutionality of Section 12 (4) (b) of the Buildings Standards Act (used by the City to justify the evictions). Thus, many Johannesburg residents remain under threat of eviction. The following are some examples of evictions that have already taken place in Johannesburg.

⁷² City of Johannesburg, [website], http://www.joburg.org.za/2004/aug/aug13_inner.stm; Centre on Housing Rights and Evictions (COHRE), *Any Room for the Poor? Forced Evictions in Johannesburg, South Africa* [pdf on website], (8 Mar. 2005), p. 19, www.cohre.org

- In November 2004, after a three-year battle over rent payments, the Wozani Security Company, also known as the Red Ants, forcibly evicted 95 families from a housing co-operative complex building on Malan Street in Newtown. The housing complex is sponsored by the Norwegian Government to provide low-income housing to people who qualify for subsidies from the Government. But residents are required to pay a one-time deposit of ZAR 2 500 per flat and monthly charges towards long-term finance for the flats. Most residents do not earn enough to pay this large sum.⁷³
- In January 2005, the Municipality of Johannesburg evicted 300 persons from the BJ Alexandra and Eagle Mount buildings in Hillbrow because of claims that the buildings were unsafe.⁷⁴
- On 14 July 2005, 700 people were evicted from Bree Chambers, a 16-storey building in the inner City of Johannesburg. The City justified the evictions on the basis of health and safety concerns, but did not provide residents with alternative accommodation.⁷⁵
- The Municipality evicted 300 persons from a nursing college in Hillbrow, Johannesburg in September 2005. The squatters had occupied the Hillbrow nursing college, but they were forced to leave their dwelling because the building had illegal electricity connections, inadequate fire fighting equipment and broken water pipes. The Municipality did not provide notice or alternative accommodation to residents.⁷⁶
- Starting in 2005, the Red Ants forcibly evicted 1 134 families from the Harry Gwala informal settlement near Wattville, relocating 967 families to new low cost housing in Cloverdene. At the time of the eviction, 167 families either had not been provided a place to live in the new location, or resisted moving to the resettlement site, because the new location was too far away from their place of work. The forced eviction was carried out violently, leaving several people injured.⁷⁷
- In May 2006, approximately 500 persons from Massyn Court in central Johannesburg were evicted by up to 140 Red Ants. The residents were not offered compensation or alternative accommodation.⁷⁸
- In September 2006, police evicted approximately 1 800 people from the Diteneng informal settlement, next to Lanseria Airport, Johannesburg. Most residents had lived in the settlement for 14 years. The eviction took residents by surprise, as they had not been served with eviction notices. Police used bulldozers to demolish the families' homes, as well as many personal belongings. Although the Johannesburg Housing Department is supposed to provide the evictees with alternative accommodation, at the time of writing, the affected people have not been resettled. Residents believe the shacks are being demolished to make way for a golf estate.⁷⁹

73 'Christmas on the street', *The Independent Online*, (10 Jan. 2004),

http://www.int.iol.co.za/index.php?set_id=1&click_id=13&art_id=qw10737332415E123

74 Stuart Graham, 'Evictions target 'poorest of the poor'', *Mail & Guardian online*, (20 Sep, 2005),

http://www.mg.co.za/articlePage.aspx?articleid=251483&area=/breaking_news/breaking_news__national/

75 Alex Eliseev, 'Barbaric' eviction leaves hundreds homeless', *SAPA*, (14 July 2005).

76 City of Johannesburg, 'Evicted tenants move in next door' [article on website], (21 Sep. 2005), http://www.joburg.org.za/2005/sep/sep21_eviction.stm

77 'Commotion as Red Ants Evict Squatters', *The Star*, (31 May 2006), p. 2,

http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20060531013755378C379035

78 'Red Ants evict city squatters', *The Star*, (10 May 2006),

http://www.iol.co.za/index.php?set_id=1&click_id=124&art_id=vn20060510004450444C820409

79 'Squatters illegally evicted, says councillor', *The Star*, (7 Sep. 2006),

http://www.iol.co.za/index.php?set_id=1&click_id=124&art_id=vn20060907093809180C238043

Other areas

- SABC News reported the eviction of 500 families in Barberton in March 2005. Residents were evicted to make way for a new business development plan in the area. The Municipality argued that the area had become a 'health hazard' and also claimed that it was not an 'eviction', but a 'relocation'. Although the evicted families were taken to an alternative site, they were expected to build their own homes.⁸⁰
- In April 2006, the Sheriff of Cape Town, backed by police and private security guards, forcibly evicted 110 persons from their flats on Gypmie Street after an eviction order had been granted by the Cape Town High Court. The owner of the flats wants to sell them to developers for tourist accommodation ahead of the 2010 Soccer World Cup. There has been no consultation with the residents who have been living in these flats for up to 30 years.⁸¹
- In August 2006, police tore down some 400 shacks in the Melodi informal settlement near Schoemansville, in Hartbeespoort, rendering about 3 000 people homeless. Police acted on grounds of a court order. Violence broke out during the operation and residents started throwing stones at the police. The shack dwellers were allocated a resettlement site in Bokfontein and Bultfontein, some 15 kilometres away. However, many residents refused to move, as they could not afford transport costs from their new homes to their work places.⁸²
- In South Africa's rural areas, large numbers of farm dwellers are being evicted from their homes due to: loopholes in protective laws; farm dwellers' unawareness of their rights; a lack of adequate support or appropriate legal redress from the justice system; labour disputes; restructuring of commercial farming operations; increased mechanisation; changes in land use; and coercion by farm owners. Since 1994, the Government has initiated a number of land reform policies and programmes to redress the legacy of landlessness, insecurity of tenure, and rural evictions. Recent research by Nkuzi Development Association, in partnership with Social Surveys, has demonstrated that these measures have not had the desired effect on the problem of rural forced evictions. On the contrary, the study shows that, over the ten-year period following farm reforms, displacements from farms increased by 28.3 per cent and evictions from farms increased by 27.8 per cent compared with the totals over the previous ten years. In the entire 20-year period studied, only one per cent of those evictions involved a legal process. The study also found that 83 per cent of evictees did not know where to go for assistance. There were 195 121 farm dwellers evicted in 2003 and 2004.⁸³

ICESCR: No

ICCPR: Yes

OP1-ICCPR: Yes

80 '500 Families Evicted in Barberton', *SABC News*, (02 Mar. 2005), http://www.sabcnews.co.za/south_africa/general/0,2172,99078,00.html

81 Gypmie Street Residents Committee, Press release, (8 Apr. 2006), <http://southafrica.indymedia.org>

82 'Squatters stone police after forced removal', *Pretoria News*, (22 Aug. 2006), http://www.iol.co.za/index.php?set_id=1&click_id=124&art_id=vn20060822044244880C411994

83 Wegerif, Marc; Russell, Bev; and Grundling Irma, *Still Searching For Security: The reality of farm dweller evictions in South Africa*, (Dec. 2005).

SUDAN

- In February 2003, two separate black rebel groups, the Justice and Equality Movement and the Sudan Liberation Movement, launched attacks on government forces in Sudan's Darfur region in retaliation for what they considered to be the unfair and discriminatory distribution of the region's scarce resources between the black majority and the Arab minority. The Government retaliated with attacks on villages presumed to be rebel strongholds and used the Janjaweed militias as its main force. The Janjaweed conducted a scorched earth campaign of mass atrocity, ethnic cleansing and systematic displacement against Darfur's black population. As a consequence of the crisis in Darfur, approximately 1.6 million people lost their homes and possessions between 2003 and 2005, many fleeing to neighbouring Chad. In the light of evidence that the Government of Sudan not only allowed the disposessions to occur, but also sponsored and approved the horrific actions of the Janjaweed militias, the Centre on Housing Rights and Evictions (COHRE) has filed a claim against the Government with the African Commission on Human and Peoples' Rights.⁸⁴ Sudan was also named as a COHRE Housing Rights Violator in 2004.

- In 2004, Sudanese authorities began construction of the Merowe dam, a government-backed hydropower project in Marawi. At least 50 000 people will be forced to relocate by the time the dam is completed. Affected residents are from the Hamadab, Amri and Manasir people. As of the end of 2006, approximately 10 000 Hamadab persons had been resettled. While the majority of the resettled farmers wanted to stay as close as possible to their former land and to water resources, the Government moved them farther away to three resettlement sites where they received plots of land and financial compensation. Despite the modern buildings and infrastructure of the resettlement sites, the affected people nevertheless opposed their displacement because the soil at the resettlement areas is of poor quality compared to the fertile farmland by the Nile. Local leaders at the first replacement site estimated that poverty rates in the community have increased from 10% to 65% within the first two years.⁸⁵

Since construction began on the dam, the situation has been tense in Marawi. In April 2006 security forces shot into a crowd of unarmed villagers, which resulted in the death of three people and the injury of 47 others. The Leadership Office of Hamadab Affected People (LOHAP) reported that the villagers had gathered in the school to discuss how the dam affected their lives.⁸⁶

In August 2006, flooding led to the displacement of at least 10 000 persons from Amri communities. The authorities did not provide any prior warning to the affected communities, nor did they provide aid. The flooding destroyed houses, crops, and thousands of livestock. The dead animals contaminated the water, leading to reports of incidences of diarrhoea and other diseases. Communities suspect that authorities purposefully flooded the villages, by not providing adequate flood control measures.⁸⁷

84 Centre on Housing Rights and Evictions [website], www.cohre.org/sudan

85 Peter Bosshard and Nicholas Hildyard, 'A Critical Juncture for Peace, Democracy, and the Environment: Sudan and the Merowe/Hamadab Dam Project' International Rivers Network and The Corner House, (May 2005), <http://www.irn.org/programs/merowe/index.php?id=050428merowe.html>; The Leadership Office of the Hamadab Affected People, International Rivers Network, and the Corner House, 'Memorandum on the Merowe Dam Project', (29 Jan. 2007), <http://www.irn.org/programs/merowe/index.php?id=070201memo.html>

86 Leadership Office of Hamadab Affected People (LOHAP), 'Hundreds forced to flee as Merowe Dam reservoir waters rise', Press release (9 Aug. 2006), <http://www.sudantribune.com/spip.php?article17017>

87 Leadership Office of Hamadab Affected People (LOHAP), 'Merowe Dam Update: More than 2,200 Amri families homeless', Press release, (15 Aug. 2006), <http://news.speep.com/voiceofsudan.com/2007/01/03/merowe-dam-update-more-than-2200-amri-families-homeless.htm>; The Leadership Office of the Hamadab Affected People, International Rivers Network, and the Corner House, 'Memorandum on the Merowe Dam Project', (29 Jan. 2007), <http://www.irn.org/programs/merowe/index.php?id=070201memo.html>

- The United Nations Office of Humanitarian Affairs (OCHA) reported the ongoing destruction of camps of internally displaced persons (IDPs) and squatter areas in Khartoum through so-called ‘replanning operations’ carried out by the State of Khartoum. In December 2004, Khartoum State officials destroyed all houses and buildings of the Shikan squatter settlement, and forcibly evicted approximately 12 000 persons to El Fateh 3, north of Khartoum, a desert area lacking the most basic services. When people returned to Shikan, the police forcibly evicted them again in August 2005. These regular demolitions of squatter settlements and camps have been carried out despite resistance from those affected, and the concerns of the international community and human rights organisations. The UN Secretary-General Kofi Annan stated in the UN report on Sudan of 12 September 2005 that:

Thousands of people have been forcibly moved to sites in desert areas tens of kilometres outside Khartoum where there are no, or wholly insufficient, life-sustaining services. These relocations, and the violence accompanying them, increase tensions in the greater Khartoum area, violate the right of the displaced to return voluntarily, and in dignity and safety, and also have the potential to undermine the transition towards peace and stability in the whole country.⁸⁸

- On 16 August 2006, authorities carried out forced evictions and demolitions at the Dar Assalaam camp near Khartoum, in violation of a Memorandum of Understanding regarding a proposed resettlement plan between the affected persons and the Al Kamleen Locality. Although residents of the Dar Assalaam camp had agreed to be relocated, pending an agreement on an adequate alternative site, heavily armed police reportedly surrounded the settlement with machine guns and tanks. At 8.00 a.m., bulldozers began demolishing Dar Assalaam camp, which was home to some 12 000 persons. According to the UN special rapporteur for human rights in Sudan, Sima Samar, the forced evictions were reportedly carried out with violence, resulting in several arrests, injuries and deaths, including the death of a child. This camp has been in existence for more than 20 years, offering shelter to IDPs, many of whom are from the Darfur region.⁸⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

UGANDA

Ugandan President, Yoweri Kaguta Museveni, has taken a strong public stand against illegal evictions, at a time when many African leaders are unapologetic in their use of forced evictions as a tool for development. In October 2005, when the National Forest Authority planned the eviction of nearly 180 000 people from government forest reserves and wetlands, President Museveni ordered a stop to the evictions. Nevertheless, forced evictions have still been carried out in Uganda by government agencies and private owners from 2003 to 2005.

⁸⁸ ‘Sudan: Khartoum destruction triggers southern returns’ *IRIN News*, (7 Oct. 2005) <http://www.irinnews.org/report.aspx?reportid=56625>;

⁸⁹ Dr. Sima Samar, the Special Rapporteur for Human Rights in Sudan, speaking at press conference [transcript]; see also Amnesty International and COHRE, ‘Forced evictions reach crisis levels in Africa: More than 3 million evicted since 2000’ [press release], (4 Oct. 2006), http://www.cohre.org/view_page.php?page_id=257

- The Kakira Sugar Works (KSW) demolished a trading centre in Kampala in July 2003, evicting approximately 600 persons without compensation or alternative housing. Residents argue that they had paid for the accommodation units, and were able to show proof of payment and allocation letters from the Jinja district administration from March 2002. The Minister for Energy assured residents that KSW would provide compensation of Shs 200 000 per household. Residents, however, claim that they were never offered compensation.⁹⁰
- In 2004, the Uganda Wildlife Authority embarked upon restoring the Mt. Elgon National Park's colonial boundaries. The Daily Monitor reported that as of June 2005, 4 000 people were evicted and made landless through the demarcation process.⁹¹
- Authorities from the Lira Municipality demolished homes in the two parishes of Bar-Ogole and Ober in the Lira district and evicted residents in order to build a road. However, the Office of the President intervened and declared that the people should not have been sent off their land and that a team would be sent to evaluate the demolished homes to set an adequate compensation plan.⁹²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

ZIMBABWE

Operation Murambatsvina

- On 19 May 2005, the Government of Zimbabwe embarked on an operation to 'clean up' its cities — known as Operation Murambatsvina (which literally means 'drive out rubbish'). Operation Murambatsvina was a campaign of mass forced evictions, the demolition of homes and informal businesses in Zimbabwe's urban centres: Harare, Bulawayo, Gweru, Mutare, and Victoria Falls. The UN special envoy on Human Settlement Issues in Zimbabwe estimates in her report that some 700 000 people across the country lost their homes, their source of livelihood or both. A further 2.4 million people have been indirectly affected by the operation. The evictions have destroyed people's livelihoods, leaving people to survive out in the open on cold winter nights.⁹³

Evictions were carried out without notice or court orders and with disregard for due process and the rule of law. During the forced evictions, police and security forces used excessive force. Reportedly, several children died during the demolitions. There were also reports that police deterred civil society organisations from providing

90 Isaac Mufumba, 'Kakira Razes Katooke Shops', *The Monitor*, (10 July 2003).

91 David Mafabi, 'Besigye to Resettle Evicted Mt. Elgon Park Residents', *The Monitor*, (19 Jan. 2006); Agness Nandutu '4,000 Displaced in Elgon Park', *The Monitor*, (30 June 2005).

92 Ali Mao, 'State House to Settle Lira Road Row' *New Vision*, (28 Feb. 2005).

93 Kajumulo Tibaijuka, Anna, *Report on the Fact-Finding Mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina by the UN Special Envoy on Human Settlement Issues in Zimbabwe*, (July 2005), p. 33, http://www.unhabitat.org/downloads/docs/297_96735_ZimbabweReport.pdf, Mrs Anna Kajumulo Tibaijuka, the Executive Director of the UN Human Settlements Programme (UN-HABITAT), was appointed on 20 June 2005 by UN Secretary-General Kofi Annan to investigate the extent and impact of the evictions.

assistance to those affected. For example, on the night of 26 May 2005 more than 10 000 people were forcibly driven from the informal settlement of Hatcliffe Extension in Harare, where people had been settled by the Government itself.⁹⁴

Officially, Operation Murambatsvina was intended to address the widespread illegal construction of houses and illegal street trading. Unofficial explanations, however, suggested that the reasons for the launch of Operation Murambatsvina were predominantly political. Many argued that the operation was used to remove supporters of the opposition from the cities into the countryside where President Mugabe's ZANU-PF party has more control. Moreover, some suggested that the operation was an attack on the poor, a strategy to pre-empt the threat of social unrest in light of economic hardship in Zimbabwe. While Operation Murambatsvina officially ended in 2005, the Government is still evicting residents and informal traders who attempt to resettle in areas cleared by Operation Murambatsvina.⁹⁵ In 2005, COHRE gave Zimbabwe a Housing Rights Violator Award for its persistent, systematic and unjustified violation of the housing rights of its people, resulting in a humanitarian and human rights crisis in the country, and for its ongoing failure to apply international and regional human rights standards.

- Amnesty International and Zimbabwe Lawyers for Human Rights reported that in June 2005, heavily armed police forcibly evicted the residents of Porta Farm. This violated two orders of Zimbabwe's High Court stating that the residents should not be evicted unless the authorities ensured the provision of alternative accommodation. During this eviction, which was part of Operation Murambatsvina, Porta Farm was completely destroyed. Between 6 000 and 10 000 people were forcibly evicted. Authorities relocated affected residents Hopley farm, where they were left without shelter or food supplies.⁹⁶ Prior to this, in September 2004, Amnesty International reported violence in a previous attempt to evict residents of Porta Farm, which left at least 11 residents dead, including five children. Many residents attribute deaths to the practice by riot police of firing tear gas directly into homes.⁹⁷

Other evictions

- In April 2004, the Government of Zimbabwe seized the Kondozi Farm in Manicaland, despite a court ruling in favour of the owners. More than 5 000 farm workers and their families were evicted from the Kondozi farm.⁹⁸
- The Zimbabwe Independent reported that the National Government ordered the eviction of 430 persons from Little England Farm in early 2005 in order to make room for other families on the farm. Little England Farm had been occupied by these settlers since 2000.⁹⁹

94 Amnesty International, *Zimbabwe – thousands of forced evictions and arrests in violent crackdown* [press release], (1 June 2005), <http://web.amnesty.org/library/Index/ENGAFR460122005?open&of=ENG-ZWE>

95 Kajumulo Tibaijuka, Anna, *Report on the Fact-Finding Mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina by the UN Special Envoy on Human Settlement Issues in Zimbabwe*, July 2005, p. 20.

96 Amnesty International and Zimbabwe Lawyers for Human Rights, *Shattered Lives—the case of Porta Farm*, (31 Mar. 2006) [pdf on website], http://www.zlhr.org.zw/downloads/ai_zlhr_shattered_lives.pdf

97 Amnesty International 'Zimbabwe: More deaths as mass evictions continue unabated', (30 June 2005), <http://web.amnesty.org/library/Index/ENGAFR460212005?open&of=ENG-ZWE>

98 Vincent Kahiya Augustine Mukaro 'Kondozi seized in latest farm raid', *Zimbabwe Independent*, (16 Apr. 2004)

99 'Little England settlers booted out', *The Zimbabwe Independent*, (28 Jan. 2005), <http://www.thezimbabweindependent.com/viewinfo.cfm?id=111&siteid=1&archive=1>

- Although Operation Murambatsvina officially ended in 2005, forced evictions continued the following year. SW Radio Africa reported that at least 200 families were evicted by force from the Glen Norah area in Harare in June 2006, as part of a further campaign to rid cities of informal settlements.¹⁰⁰

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

The Americas

ARGENTINA

Buenos Aires

- In December 2004, police and municipal officials evicted more than 80 families from the former Suchard factory in Flores, a suburb of Buenos Aires. The people had lived in the former factory since the 1980s. However, the Municipality ordered the building's demolition as it was in an unsafe condition. The evictees and the Municipality entered into lengthy negotiations, resulting in a compensation plan to which the evictees agreed. The building was then demolished.¹⁰¹
- In December 2004, police evicted more than a hundred persons from a building in Alsina Street in Buenos Aires, following a court order.¹⁰²
- In July 2005, police evicted 27 families from an old house in Balvanera, in the Viamonte district in Buenos Aires. The residents had occupied the house for several years. The eviction was ordered by the National Court, which ruled that the building should be restored to its owner.¹⁰³
- In August 2005, police forcibly evicted up to 90 persons from a building in Buenos Aires owned by the National Senate, which had appropriated the building to build offices. Some of the evicted families had lived in the building for over 20 years. The Senate argued that the eviction was undertaken in the interests of residents' safety. The residents admitted that the building was unsafe, but they had been waiting for over a year for the Government to follow through with plans to offer residents access to credit for housing.¹⁰⁴

100 '200 families displaced in fresh Murambatsvina style demolitions in Glen Norah', *SW Radio Africa [online news service]* (15 June 2006), <http://www.swradioafrica.com/news150606/glennorah150606.htm>

101 'Desalojaron a varias familias en Flores', *La Nacion*, (21 Dec. 2004), http://www.lanacion.com.ar/Archivo/nota.asp?nota_id=665103

102 'Más de 100 personas eran desalojadas de una vivienda de Balvanera', *La Nacion*, (15 Dec. 2005), http://www.lanacion.com.ar/Archivo/nota.asp?nota_id=663296

103 'Desalojan a 27 familias en Balvanera', *Clarín*, (10 July 2005), <http://www.clarin.com/diario/2005/07/10/laciudad/h-05901.htm>

104 'Polémica por el desalojo de un edificio del Senado', *Clarín*, (17 Aug. 2005), <http://www.clarin.com/diario/2005/08/17/laciudad/h-1034761.htm>

- In September 2005, about 450 police officers evicted 107 families from a plot of land they had occupied in Rafael Calzada, Buenos Aires. The homeless families had lived on the land on Falucho Street for several months, but the owners of the land – the Petronaves Company – filed a case against the settlers, and the court ordered their eviction. Evictees were made homeless.¹⁰⁵
- In October 2005, police forcibly evicted 22 families, or 80 persons, who had occupied a house in Palermo, Buenos Aires. The house was in a very bad condition. The neighbours, who feared the building would collapse, called for the eviction which was granted by the local court. The building belongs to the Municipality of Buenos Aires. The authorities provided families with 1 800 pesos as an emergency subsidy.¹⁰⁶
- In September 2006, approximately 100 residents of Villa 20, an informal settlement in the Lugano district of Buenos Aires, occupied a neighbouring plot of land. Different Government agencies had announced that the land would be used to build housing. However, the Federal Police claimed to be the legal owner of the land. After a one-day ultimatum, police violently evicted the squatters – among them many women and children. More than 10 people were injured during the eviction and police arrested 12 people.¹⁰⁷

Other areas

- In March 2004, 30 indigenous families from the Guarana, Kola and Wichi communities were evicted by the orders of a local judge in Oran. Another 60 families were under threat of eviction. The indigenous groups have been living in the area for over 30 years. Without any prior notice, police arrived at their houses and started destroying homes. The families had been dependent on small scale agriculture, but lost everything during the eviction, which left them homeless and without their livelihoods.¹⁰⁸
- In August 2005, developers, accompanied by police and an excavator, arrived at the farm of 40 families of the indigenous Collas community, who resided in the Quebrada de Humahuaca, in the Jujuy Province. The developers, although they had no title deeds or judicial order to carry out an eviction, claimed the property to be theirs. The Collas, whose ancestors had lived on the land for several centuries, protested, but were eventually forced to leave their homes and land. Reportedly, the developers are planning to build hotels, in preparation for an expected influx of tourism, as the Quebrada de Humahuaca area was declared a UNESCO World Heritage site in 2003.¹⁰⁹
- In September 2005, police evicted 120 low-income families from occupied land in San Pedro, Jujuy Province. Police reportedly carried out the eviction with excessive use of force and burned their makeshift shelters. The eviction had been ordered by a local judge. The affected people did not receive prior notice.¹¹⁰

105 'Desalojaron a unas cien familias de Rafael Calzada', *Inforegion*, (20 Sep. 2005),

<http://www.inforegion.com.ar/vernota.php?tipo=N&idPub=19559&id=61291&dis=1&sec=1>

106 'Desalojan sin incidentes una casona ocupada en Palermo', *Clarín*, (18 Oct. 2005), <http://www.clarin.com/diario/2005/10/18/um/m-01073333.htm>

107 'Violento desalojo de predio ocupado en reclamo de viviendas', *Página 12*, (21 Sep. 2006),

<http://www.pagina12.com.ar/diario/ultimas/20-73328-2006-09-21.html>

108 Centre on Housing Rights and Evictions, (COHRE), *Evictions Monitor*, vol. 1 no. 1 [pdf on website], (July 2004),

http://www.cohre.org/view_page.php?page_id=176

109 'Collas expulsados de su tierra', *Página 12*, (20 Aug. 2005), www.pagina12.com.ar/diario/sociedad/3-55348-2005-08-20.html

110 'San Pedro de Jujuy. Desalojo, represión y canallada' *Prensa Obrera*, (22 Sep. 2005), <http://www.po.org.ar/po/2005/po918/po918078.htm>

- In December 2005, police evicted more than 100 families from a plot of land in Barrio Kaupen and La Cumbre close to Ushuaia in Tierra del Fuego Province. The eviction was based on an order from the Provincial Court, which ruled that the families were illegally occupying public property in a forest zone. The court ordered the Municipality to offer alternative accommodation to the evictees. The Municipality determined, however, that not all evictees were eligible for alternative accommodation and social benefits.¹¹¹
- In March 2006, the State-owned hydroelectric company Yaciretá removed some 180 families from their houses in the El Brete neighbourhood in Posadas, Misiones Province. The company argued that the area would be flooded, and inhabitants needed to leave for security reasons. However, the affected persons claim that the company is planning to build weekend houses in the area. The company offered alternative housing to the residents, but the housing units were far smaller than their previous homes and located outside of the city centre, away from sources of employment for most of the evictees.¹¹²
- In January 2006, 300 heavily armed police officers and agents of the Special Forces violently evicted 200 families from State owned houses in Puerto Vilelas in Chaco Province. These families had moved into the houses following a storm that had left them homeless in December 2005. The Municipality ordered their eviction, and police used excessive force while carrying out the order, injuring several people with rubber bullets. The National Government promised a resettlement plan, but so far the families have not been relocated.¹¹³
- In April 2006, police violently evicted approximately 100 families from an estate in the Huiliches neighbourhood, in the City of Neuquén. The families had occupied the abandoned estate only a few days before. The residents were notified of the eviction approximately two hours before the police arrived. A legal dispute over the estate had been going on for some years until the Penal Court of Neuquén ordered the eviction. The Provincial Government apparently committed itself to relocate the evictees, but no concrete action has followed yet. Violence broke out during the eviction and 14 persons were injured. Police used rubber bullets against residents and arrested 11 squatters.¹¹⁴
- In June 2006, personnel from the Department of Public Property and the police evicted several people from a former hospital in Buenos Aires. The people had occupied the former Plaza Hospital but the authorities decided that the building should be used to serve the public good.¹¹⁵
- In September 2006, approximately 70 police evicted 22 indigenous families from land at Rio Blanquito, in Tafí del Valle, where they had lived all their lives. One individual had demanded the eviction on the basis that

111 'El desalojo se paró por ahora', *Tiempo Fueguino*, <http://www.tiempofueguino.com.ar/main/modules.php?name=News&file=article&sid=16757>

112 'Vecinos se niegan al desalojo y denuncian que son "discriminados"', *Linea Capital*, (20 Feb. 2006), <http://www.lineacapital.com.ar/?noticia=6820>

113 'Chaco: un desalojo violento derivó en un escándalo con denuncias de clientelismo', *Clarín*, (16 Jan. 2006), <http://www.clarin.com/diario/2006/01/16/elpais/p-00901.htm>

114 'Dos detenidos y 14 heridos por un desalojo en Neuquén', *Infobae*, (Apr. 2006), www.infobae.com/notas/nota.php?idx=248113&IdxSeccion=150803

115 'Desalojo en el ex hospital Plaza', *El Independiente*, (25 June 2006), <http://www.elindependiente.com.ar>

he had inherited the land. The evictees were not provided with a relocation site, and most of them had to move into the already overcrowded houses of relatives.¹¹⁶

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

BOLIVIA

- In late August 2005, approximately 400 police officers and military forcibly evicted about 130 families from the estate Las Palias, after the Constitutional Court ordered the return of the land to its owner. The families had only one hour's notice to remove all their property. The people had lived on the estate since 2001. The evictees said police had used excessive force during the eviction and the Municipal hospital confirmed that one person had been shot in the shoulder. However, the police denied the allegations.¹¹⁷
- In February 2005, the Bolivian National Police evicted more than 100 families, all members of the landless movement, who had occupied buildings in the Ornoni zone near the Tunari National Park in Cochabamba. Police used tear gas and evictees reported that they were beaten by police, and many personal belongings were burned. The squatters had insisted on negotiating with authorities from the City Hall. Their request, however, was refused.¹¹⁸
- About 10 000 members of the Landless and Homeless Movement (*Movimiento sin Tierras y sin Techo*) supported by mine workers occupied private and public land in the district of Oruro in south Bolivia in March 2006. The squatters refused to leave the land, and three months later army and police evicted them. Violence broke out during the eviction; one 21-year-old man was killed and many persons injured.¹¹⁹
- In September 2006, the President of Bolivia, Evo Morales, announced that all illegal settlements in the country would be cleared. Shortly after the announcement the army and police started evicting people who occupied plots of land in the country's capital La Paz. During eviction drives that were carried out with excessive force, several people were injured and others arrested. Among the settlements affected were Pampa San Miguel de Cochabamba, and a farmer settlement of the Franciscan Fathers of Copacabana.¹²⁰
- In September 2006, approximately 200 police forcibly evicted approximately 500 families from the settlements El Dorado I and II in Santa Cruz. The families had occupied and built their homes on the land more than

116 'Indígenas realizaron un piquete en contra de su desalojo', *Primera Fuente*, http://www.primerafuente.com.ar/nota.asp?id_seccion=2&id_nota=29484

117 'Famílias desalojadas', *Adital*, (30 Aug. 2005), <http://www.adital.com.br/site/noticia.asp?lang=ES&cod=18368>

118 'Gasifican y desalojan ocupantes del Tunari', *Los Tiempos*, (24 Feb. 2005), <http://www.lostiempos.com/noticias/24-02-05/local.php>

119 'Un muerto en desalojo de tierras ocupadas por campesinos', *La Prensa Grafica*, (9 June 2006), <http://www.laprensagrafica.com/lodeldia/1454.asp>

120 'Gobierno ordeno desalojo de avasalladores de las tierras', *La Patria*.

a year before. As police started destroying the shelters with bulldozers, violence broke out. Several people were injured and police arrested and briefly detained 13 persons. The settlers lost their homes and most of their belongings, but were not compensated in any way.¹²¹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

BRAZIL

São Paulo

Far from being merely a rural question, the lack of availability of land pushes thousand of Brazilians to urban areas, where many of them live in cardboard or tin shacks (*barracos*) in Brazil's shantytowns known as '*favelas*'. During 2005, the City of São Paulo ordered the forced eviction of numerous irregular settlements. For the most part, the evictions were undertaken with court orders, however evictees generally were not provided with alternative accommodation or compensation.

- In 2003, a building on Plínio Ramos Street, which had been abandoned for over a decade, was occupied by homeless families. For two years the building sheltered 79 families, including approximately 100 children, until police forcibly evicted them in August 2005. Violence broke out between settlers and the police and 25 persons were injured. The NGO Forum Centro Vivo reported that police used excessive force during the operation. Twenty settlers were arrested.¹²²
- In September 2005, police evicted some 80 families from an insolvent steel mill on Tenente Pena Street. The homeless families had occupied the building in 2004. The owner of the property had demanded the eviction of the families which the local court of Sao Paolo granted. The families were informed on the day of the eviction. The evictees had been promised relocation, but once they were evicted, no alternative land or shelter was made available to them. They spent the following days sleeping in schools and civil defence bunkers.¹²³
- In September 2005, police and military forces evicted about 140 persons from an occupied building on Rio Branco Avenue in central Sao Paolo. The owner of the building had demanded clearance of the building.
- During the same month, police also evicted approximately 80 families from their shelters in Bom Retiro, central Sao Paolo, where they had lived for over a year. Confrontations between police and the residents were reported, but nobody was injured. The Municipality resettled all the evicted families.¹²⁴

121 'Buscan a loteadores del barrio El Dorado', *El Nuevo Dia*, (12 Sep. 2006), www.el-nuevodia.com/Versiones/20060912_006856/nota_257_331413.htm

122 Forum Centro Vivo, *Violações dos direitos humanos no centro de Sao Paulo*, (2005), p. 31, www.polis.org.br/download/241.pdf_leituraDOSSIE2edicaor

123 *ibid.*, p. 48

124 'PMs e sem-teto entram em confronto na região central de SP', *Folha*, (15 Sep. 2005), <http://www1.folha.uol.com.br/folha/cotidiano/ult95u113089.shtml>

- In October 2005, around 50 military police officers evicted 27 families who had occupied land in the Park São Rafael in Sao Paolo and had put up shelters. The affected people were not provided with a relocation site or compensation.¹²⁵
- The following day, military police also removed some 350 people from an illegally occupied building on Paula Souza Street in the Barro da Luz in Sao Paolo's centre. The squatters had lived in the building since 2002, but the company Transbrasil, which owns the property, demanded the eviction. After several unsuccessful attempts to negotiate with the owner, the squatters left the building.¹²⁶
- In December 2005, the Municipality of Sao Bernardo in Sao Paolo ordered the eviction of several slum dwellers of Robertão, as they had occupied a site designated for the establishment of a protected environmental area. The project is financed by the Inter American Development Bank. The residents, who built their shelters after 2002, were forced to demolish their homes, and 206 families were rendered homeless. The residents were notified of the eviction only three days before the operation. The Municipality announced that it would also 'clean' other informal settlements in the city.¹²⁷
- In January 2006, some 200 people were evicted from an abandoned factory on João Caetano Alves Street, in the Mooca district of Sao Paolo. The evictees had occupied the factory three months before. No alternative housing was provided to them.¹²⁸
- In February 2006, the Sub-prefecture of Perus evicted several people from their makeshift shelters on Ligação Street in the district of Sol Nascente, in Perus, Sao Paolo. The shelters had been illegally constructed on public land. Many people had informal businesses in their shelters, and thus lost home and livelihood through the eviction. The eviction happened without violence because there had been consultations and negotiations between the Municipality and the residents.¹²⁹
- Representatives of the informal settlement of Diadema accused the Ecovias company of demolishing houses belonging to the community, in Sao Paolo, in February 2006. Ecovias administers the Anchieta-Imigrantes highway and reportedly was responsible for the destruction of several houses near the highway. However, the company denied the accusation, and argued that an agreement had been made with the affected residents.¹³⁰

125 'PM acompanha reintegração de posse em São Paulo', *Folha*, (13 Oct. 2005), <http://www1.folha.uol.com.br/folha/cotidiano/ult95u113706.shtml>

126 'PM acompanha reintegração de posse no centro de São Paulo', *Folha*, (4 Oct. 2005), <http://www1.folha.uol.com.br/folha/cotidiano/ult95u113763.shtml>

127 'População será retirada de favela em S. Bernardo', *Diario Do Grande ABC*, (29 Dec. 2005), <http://setecidades.dgabc.com.br/materia.asp?materia=508296>

128 'Famílias montam acampamento no Brás após serem despejadas', *Centro de mídia independente*, (17 Jan. 2006), <http://www.midiaindependente.org/pt/green/2006/01/342986.shtml>

129 Subprefeitura Municipal de Perus 'Subprefeitura de Perus realiza desocupação de área municipal', [article on website], (15 Feb. 2006), <http://portal.prefeitura.sp.gov.br/noticias/ars/perus/2006/02/0006>

130 'Moradores de Diadema pedem ação do Estado contra despejos', *Diario Do Grande ABC*, (16 Feb. 2006), <http://politica.dgabc.com.br/materia.asp?materia=515413>

The Landless Workers' Movement

Land disputes and evictions continue in Brazil, a nation where land-ownership is highly concentrated among a small minority. Brazil's Landless Workers Movement – *Movimento dos Trabalhadores Rurais Sem Terra* (MST) – struggles for the implementation of the country's land reform. In Brazil, three per cent of the population control two-thirds of the cultivable land. Much of the land has been unproductive for years. The Brazilian Constitution stipulates that unproductive land should be used for the 'greater public good'; therefore, the MST occupies unused land and establishes cooperative farms, constructs houses and other infrastructure. The MST also supports indigenous movements and the protection of the environment. Since 1985 the MST has won land titles for more than 350 000 families. The MST is the largest social movement in Latin America with an estimated 1.5 million landless members.¹³¹

When the MST occupies land, military police often evict the landless after a few days. MST members return to the same places several times. Police frequently use excessive force, burn belongings of the landless settlers and evict them in the middle of the night without prior notice. There have also been many reports of armed employees of landowners threatening and taking violent action against the settlers. Many such incidents have been reported in the last few years, and several hundred people have been killed in the struggle for access to land.

- In July 2004, military police evicted some 120 landless families from the Bandeirantes farm located in the municipality of Laranjal, Paraná State. The families had occupied the farm a few months before. The proprietors had obtained a court order for repossession of their property. The evictees were moved to temporary lodgings in neighbouring cities.¹³²
- In January 2005, armed military police evicted 39 persons from the farm Fazenda Matão in Parana State after a court ordered the eviction. The farm had been occupied by the MST. Police destroyed all the canvas tents that the squatters had erected.¹³³
- In February 2005, police violently evicted approximately 50 families from the Saleté Strozake encampment. The families had occupied this land for almost a year. The land belongs to the Sao Paulo Foundation for the Care of Minors, and the Foundation had demanded the eviction. The evicted families moved to the Marinheiro Sports Stadium in the town of Batatais. However, after only one week, they were evicted again. The evictees erected tents close to a busy road, since they had nowhere else to go.¹³⁴
- In January 2006, the MST initiated an offensive in the region of Pontal do Paranapanema to protest against the lack of implementation of land reform. In a joint action several farms were occupied, and as soon as the settlers were evicted, they would move to and occupy another farm. The action happened in the cities of Mirante do Paranapanema, Teodoro Sampaio, Caiuá, Presidente Venceslau and Santo Anastácio.¹³⁵

131 Movimento dos Trabalhadores Rurais Sem Terra, <http://www.mstbrazil.org>

132 'Polícia desaloja sem-terra de fazenda no Paraná', *Folha*, (7 July 2004), <http://www1.folha.uol.com.br/folha/brasil/ult96u62275.shtml>

133 '16 BPM Realiza reintegrao de posse da Fazenda Matao', *Veja Parana*, (27 Jan. 2005), <http://www.jornalvejaparana.com.br/wmnews/wmview.php?ArtID=501>

134 Movimento dos Trabalhadores Rurais Sem Terra, 'PM cerca ginásio em Batatais onde estão Sem Terra acampados' [article on website], (25 Feb. 2005).

135 'Movimento dos sem-terra completa 11 invasões em cinco dias' *Folha*, (11 Jan. 2006), <http://www1.folha.uol.com.br/folha/brasil/ult96u75072.shtml>

- In April 2006, some 250 families, all members of MST, occupied the abandoned farm Taquaral, in the Municipality of Cidade Ocidental, in the Federal District. One week after the occupation several gunmen entered the land, shot in the air, and burned their possessions. The district court ordered the eviction of the families, even though the presumed owner reportedly did not have a title deed. The occupiers left peacefully.¹³⁶
- In a violent eviction, 32 landless families were removed from the Lucena settlement in Porto de Pedra, Alagoas State in August 2006. The families had occupied the land and set up their settlement in 2001. They had hoped to be given the titles to the unused land, but the regional court ruled in favour of the landowner and ordered the eviction of the settlers. Police used excessive force during the eviction, and several people were injured by rubber bullets. The settlers' harvest was completely destroyed.¹³⁷

Other areas

- In May 2003, Military Police forcibly evicted 62 families from land in Vila Leonice in the neighbourhood of Cachoeira, Bahia State. Police burnt the shelters and belongings of the families. The evictees put up makeshift shelters in the street, but after three days, municipal guards expelled them once more.¹³⁸
- In October 2003, armed municipal employees of Curitiba violently evicted a group of 72 persons from a plot of land known as Sambaqui in Curitiba, Parana State. The employees destroyed the huts and personal belongings of evictees. The evicted families found temporary shelter provided by a syndicate. The officials who carried out the eviction did not have a court order or authorisation for the operation.¹³⁹
- In September 2004, about 700 Municipal Guards forcibly evicted some 500 persons from Vila Ilha de Mel located on the border between Curitiba and São José dos Pinhais, Parana State. Municipal Guards destroyed the possessions of the evictees. The eviction was carried out without any type of relocation plan for the families. The evictees were transferred to an area in the city of Contenda. Contenda is a small city with few resources and services. Moreover, there is no work for the relocated people in Contenda and insufficient access to public transportation to enable them to retain their employment in Curitiba, which lies 50 km away.¹⁴⁰
- In November 2004, federal police evicted 500 households who had occupied the National University of Pará. A court had ordered the eviction of the squatters. The squatters tried to resist the eviction by erecting barricades.¹⁴¹
- In a major armed operation to enforce a court order, military police evicted approximately 3 500 homeless families from the Parque Oeste Industrial in the city of Goiânia, State of Goiás in February 2005. About 2 000 officers participated in the operation that left two people dead and 26 injured. More than 800 settlers were

136 'MST desocupa fazenda no DF e exige ação contra pistoleiros', *Diário Do Grande ABC*, (28 Apr 2006), <http://geral.dgabc.com.br/materia.asp?materia=526417>

137 Ação Brasileira pela Nutrição e Direitos Humanos (ABRANDH), *Violência em despejo deixa três sem terra feridos em Alagoas*, (31 Aug. 2006), <http://www.abrandh.org.br/index.php?arquivo=noticias&artigo=409>

138 *Terra de Direitos* [correspondence], also see <http://www.terradedireitos.org.br>

139 *ibid.*

140 *ibid.*

141 Universidade Federal do Para, '*Retirada de invasores continua nesta quarta*' [article on website], (30 Nov. 2004), http://www.ufpa.br/portallufpa/imprensa/clipping.php?id_clip=486&data=20041130

arrested. After the eviction, approximately 2 500 persons found temporary shelter in two sports gymnasiums. The Centro de Midia Independente reported that due to the poor living conditions in the gymnasium, four people died and many fell ill, while six others died at a temporary site in Grajaú sector as a result of unsanitary conditions.¹⁴²

- During two days in May 2005, 80 officers of the military police evicted several families from the Jardim Pas-saúna National Park in Curitiba in the State of Parana. The eviction had been ordered by the local court. Inhabit-ants and local organisations had negotiated with the authorities to find a relocation plan, but they could not agree on a solution.¹⁴³

- In February 2006, police evicted approximately 200 families from the Rosalina community in Fortaleza, State of Ceará. The homes of the affected families were demolished during the eviction. The eviction turned vio-lent and one settler was killed. To protest against the eviction, many families camped in front of the Fortaleza City Hall for several weeks. The Municipality had ordered the eviction because authorities wanted to prevent ‘encroachment’ of an area where a new building complex was planned. Authorities were planning to house the evicted families in the new complex. There was, however, not enough room for all evictees and not all of the low-income families are eligible for loans. Moreover, the people had been waiting for over ten years for the complex to be built.¹⁴⁴

- In March 2006, police evicted some 200 persons from an area they had occupied since 1999 in the district of Santa Tereza, Rio Grande da Serra. The area in question belonged to a factory-owner, named Jean Lieutaud. The regional court decided on the restitution of the land to the owner, however, the eviction came as a surprise to residents. The evicted families remained homeless, as they did not have alternative housing options.¹⁴⁵

- In March 2006, military police forcibly evicted the informal settlement of Jardim Paradiso in the Municipal-ity of Paço and burned down several houses. Some 700 families were affected by the eviction. The belong-ings of the evictees were collected and taken on trucks to unknown locations. The evictees remained homeless and were not offered alternative accommodation or compensation. Though the property belonged to a private owner, the demand for the eviction came from a lawyer.¹⁴⁶

- In May 2006, officials from the Procurator’s Office and military police evicted approximately 200 families from their wooden barracks of the Jardim Canaã settlement in Jardim Ipê, Municipality of Mauá. Although the Mayor of Mauá had opposed the eviction, the Municipality did not offer assistance to the evictees, because of budgetary restrictions. The eviction occurred without violent incidents.¹⁴⁷

- In August 2006, the Municipality of Rio de Janeiro ordered the eviction of the residents of the Canal do Corta-do community, in the Western district Recreio dos Bandeirantes in Rio de Janeiro. A private company, Rio Massa Engineering, part of the Polimix Group, became interested in the public land when the value of land in the area

142 ‘Livro aponta desocupação do Parque Oeste como violação de direitos humanos’, *Centro de Midia Independente*, (14 Feb. 2006), <http://www.midiaindependente.org/pt/blue/2006/02/345459.shtml>

143 ‘Despejo em ocupação’, *Adital*, (20 May 2005), <http://www.adital.com.br/site/noticia.asp?lang=PT&cod=16694>

144 Instituto de Arquitetos do Brasil, ‘*Prefeitura de Fortaleza Comunidade Rosalina*’ [article on website], (3 Mar. 2006), http://www.iabce.org.br/conteudo_ver.php?cod_conteudo=167

145 ‘Famílias são despejadas de ‘garimpo’’, *Diario do Grande ABC*, (3 Mar. 2006), <http://setecidades.dgabc.com.br/materia.asp?materia=517667>

146 ‘Após despejo, sem-teto faz protesto hoje’, *Diario do Grande ABC*, (13 Mar. 2006), <http://setecidades.dgabc.com.br/materia.asp?materia=519145>

147 ‘200 famílias são desalojadas em Mauá’, *Diario Do Grande ABC*, (25 May 2006), <http://setecidades.dgabc.com.br/materia.asp?materia=530769>

had increased. There was no court order or due process; instead residents were threatened and blackmailed into accepting compensation for far less than the actual value of the land. Residents were also pressured to sign documents stating that they would not pursue legal action or make further claims. The homes in which the evictees had lived for 20 years were demolished by tractors.¹⁴⁸

Eviction of indigenous groups

- Amnesty International reported a forced eviction of a community of 400 indigenous Guarani-Kaiowá people in the State of Mato Grosso do Sul, in December 2005. Some 150 Federal Police violently evicted the Guarani-Kaiowá from an area of 500 hectares previously approved as Indian land by the President of Brazil. However, the Supreme Court suspended the ratification process and upheld the eviction order. The Brazilian Constitution, in fact, obliges the Federal Government to transfer ancestral lands to the country's Indian population. However, this process has met with strong resistance from powerful landowners. The evicted people were left homeless and moved to a margin of their land at the edge of a busy highway, with insufficient shelter, food and sanitation.¹⁴⁹

- In January 2006, armed police evicted the Tupinikim and Guarani Indian communities of Córrego D'Ouro and Olho D'Água in the State of Espírito Santo. Police destroyed homes with bulldozers and used tear gas and rubber bullets on residents, injuring at least 20 people. The Tupinikim and Guarani communities have been attempting to attain official recognition of their traditional land, which has been in the hands of the Aracruz Celulose company for almost 40 years. The company had obtained an eviction order from a local court. Residents reported that they had not received notice prior to the eviction¹⁵⁰

In July 2006, a dispute occurred over land close to São Mateus and Conceição da Barra, in the State of Espírito Santo, belonging to the Aracruz Cellulose company. A community of Quilombolas (an ethnic minority descended from slaves brought to Brazil in the 1600s) occupied the land in order to collect wood and cultivate land. The Quilombolas argued that the land had traditionally belonged to them. A court in Linhares, however, had decided on the reconstitution of ownership to the Aracruz Cellulose company. Police forcibly evicted the Quilombolas and arrested 85 people.¹⁵¹

Candongá Dam

- On 23 June 2004, the Candonga Consortium began filling the reservoir of the Candonga Dam in the Doce River Valley in Minas Gerais State. The old district of São Sebastião do Soberbo was completely flooded, causing an estimated 234 residents to lose their homes. The Doce River had been the source of the community's livelihood for over 300 years, as residents lived from farming, fishing, gold digging and mining. The Candonga Dam is administered by a consortium formed by the Vale do Rio Doce Company and the multinational alumin-

148 'Prefeitura do Rio Despeja outra comunidade', *Fazendo Media*, (25 Aug. 2006), <http://www.fazendomedia.com/novas/politica250806.htm>

149 Amnesty International, 'Indigenous Brazilians forced from their land', [article on website], (Feb. 2006), <http://web.amnesty.org/wire/february2006/Brazil>

150 Survival International, 'Brazil: Twenty Tupinikim and Guarani Indians injured in police evictions', (27 Jan. 2006), <http://www.survival-international.org/news.php?id=1359>

151 CEDEFES, 'Quilombolas são retirados de suas terras tradicionais' [article on website], (20 July 2006), <http://www.cedefes.org.br/new/index.php?conteudo=materias/index&secao=3&tema=31&materia=2809>

ium producer Novalis (formerly Alcan). This consortium negotiated with the residents on compensation and resettlement, but only individually not collectively, thus reducing the bargaining power of the community. The negotiations were reportedly dominated by violence and threats. Following these negotiations, many families signed agreements with the consortium to exchange their house for a new house in a city settlement built by the company. This 'New Soberbo' was built on the land of the Farm Gambá. However, as the owners of the farm did not want to sell their land, they were forced to do so by a court order.

Forty-one families moved voluntarily out of Old Soberbo, but others refused to leave their homes, and were increasingly pressured by the consortium. In May 2004, a force comprised of civil, federal, and military police, forcibly evicted the last resisting 14 families. During this operation, the entire village was destroyed. Police demolished personal property and reportedly beat several residents. People live now in 'New Soberbo' where their new accommodation is much smaller. Moreover, they cannot live off the river anymore and, also have lost their gardens, both of which were crucial to their survival. The relocated persons have also not received titles to their new homes.¹⁵²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

CHILE

- One hundred and thirty-three men, women and children were arrested for illegal occupation during a violent eviction in La Florida in Santiago in October 2005. The affected people, who had lived in the 'Villa Nuevo Amanecer', assert that the Government had assigned these houses to them, but authorities claimed that the houses were designated for other settlers, and forcibly evicted them.¹⁵³

- The informal settlement 'La Toma' in Peñalolén, Santiago Province, with 1 800 inhabitants, was built seven years ago. During two eviction waves in April and May 2006, police and soldiers brutally evicted approximately 500 inhabitants. Some residents received a subsidy for basic housing from the Ministry of Housing and Urbanism, but several did not receive compensation or alternative housing. The eviction was carried out violently: beatings were reported, and houses and personal belongings were destroyed. The Municipality of Peñalolén plans to set up a park in the area. The eviction was followed by a protest and a group of evictees entered a hunger strike.¹⁵⁴

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

152 The Global Justice Center, Movimento dos Atingidos por Barragens – Minas Gerais – MAB-MG, Comissão Pastoral da Terra – CPT, Núcleo de Assessoria às Comunidades Atingidas por Barragens – NACAB, and Associação dos Moradores do Novo Soberbo – AMNSO, Official correspondence nº 266/04 JG/RJ to Miloon Kothari, United Nations special rapporteur on adequate housing, (20 Nov. 2004),

<http://www.global.org.br/english/arquivos/candongenglishfinal.pdf#search=%22Candong%20dam%22>

153 '133 detenidos de violento desalojo de toma en La Florida', *El Mostrador*, (31 Oct. 2005),

http://www.elmostrador.cl/modulos/noticias/constructor/noticia_new.asp?id_noticia=172631

154 'Chile: Brutal desalojo en la toma de Peñalolén', Ainfos, (8 June 2006), <http://www.ainfos.ca/ainfos336/ainfos24681.html>

COLOMBIA

In the period under review, there have been several reports of mass evictions of Colombia's indigenous people from their homes and lands. The indigenous communities of Columbia have demanded that the Government grant them cultivable land in compliance with accords signed by the administration of former President Andrés Pastrana. As the Government continues to neglect its promises, indigenous protesters have occupied several farms and estates.

- In September 2005, indigenous people occupied La Emperatriz farm in the reserve of Huellas in Caloto, in the State of Cauca. Only a few days later, an armed police force arrived and used tear gas, beat residents, and destroyed their food stocks. Thirty-five indigenous people were injured while resisting the eviction. Police allegedly impeded ambulances from leaving the farm. An unknown number of people were arrested and ill-treated. The people eventually left voluntarily in order to facilitate negotiations with the local government.¹⁵⁵
- In October 2005, indigenous people occupied land throughout the State of Cauca. In November 2005, one man was killed when a 500-strong police force attempted to evict approximately 400 members of the Páez (Nasa) indigenous communities from the El Japio farm, in the Municipality of Caloto, Cauca. The indigenous people had occupied the farm for about one month. Nearly 50 people were injured during the eviction, which lasted several days.¹⁵⁶
- Forced evictions and displacement still occur in the context of Colombia's armed conflict. In April 2006, 704 indigenous people from the Olave community were forcibly removed from their homes in the Municipality of Istmina del Medio San Juan following threats against the community's leaders. A support organisation provided the displaced with temporary shelter. However, many cases of disease, such as tuberculosis, were reported due to the unhygienic conditions, and the lack of water and basic sanitation facilities in the temporary shelter. Several NGOs provided assistance to the displaced.¹⁵⁷
- In April 2006, anti-riot police forcibly evicted 70 families from a settlement known as 'la Tormenta'. The families had occupied this land close to the '1 de Mayo' and '7 de Agosto' districts at the River El Salao in Barranquilla two months earlier. Authorities claimed the eviction was for the safety of the residents, as the settlement was built too close to a stream and could be dangerous during the winter season. There had been attempts to negotiate between settlers and authorities, but the two sides could not agree on a solution. Authorities wanted to register the squatters for the provision of alternative housing, but they refused. During the eviction, bulldozers destroyed the squatters' dwellings, provoking protest by the settlers who reacted by throwing stones.¹⁵⁸
- The Municipality of Cali ordered the eviction of more than 1 200 families living in Brisas del Bosque in the District of Aguablanca in Cali. The families had lived in improvised shelters for a few months, but the Municipality planned to set up an ecological park in the area. Without prior warning, hundreds of police arrived in the middle

155 Asociacion de Cabildos Indigenas del Norte del Cauca, (ACIN), 'El Gobernador Juan Jose Chaux, no actua con la razon sino con el odio hacia los indios', [article on website], (6 Sep. 2005), <http://www.nasaacin.net/noticias.htm?x=1392>

156 'One killed in Cauca eviction' [article on website], (13 Nov. 2005), http://www.americas.org/item_23027

157 Organizacion Panamericana de la Salud, *Evento: Desplazamiento masivo en Chocó, Colombia*, (12 Apr. 2006), <http://www.col.ops-oms.org/desastres/2006/desplazamientos/informeno02abril122006.pdf>

158 'Pedrea en desalojo de 'La Tormenta'', *El Heraldo*, (11 Apr. 2006), <http://www.elheraldo.com.co/antiores/06-04-11/locales/noti7.htm>

of the night in June 2006 and forcibly evicted the settlers. Police set fire to shelters and the evictees' personal belongings. Several people were injured during the operation and had to be hospitalised. One six-month-old boy died from the effects of tear gas.¹⁵⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

COSTA RICA

- After a three-year legal struggle between 112 peasant families and the American multinational Standard Fruit Company, a court ruled that the families would be allowed to return to the land from which they had been evicted in April 2003, until the dispute was settled. However, only one day later, a second court order prohibited their return. The families returned despite the second order. In July 2004, police and the security forces of the Standard Fruit Company forcibly evicted them a second time. The eviction was accompanied by violence, and police killed two people during the operation. The families settled afterwards in the Cathedral of San Jose because they had nowhere else to go.¹⁶⁰
- In July 2004, about 20 families, residents of the Hotel Santa Tereza (also known as 'Hotel Descasados') in San Jose were evicted by the new owner of the hotel, the company Luminar Participações, belonging to the French Exclusive Group. The company intended on transforming the place into a four-star hotel and so had given residents – some having lived there for nearly 20 years – three months' notice to leave. When the residents failed to comply, their water and power was cut off, and security guards of the French Hotel Group arrived and threw all of the residents' belongings in the streets.¹⁶¹
- During three eviction drives in March 2006, police and Special Forces evicted approximately 1 000 families from the informal settlement of Libertad II in San Jose (better known as 'la Managuita'). Most affected people were Nicaraguan immigrants, many of them having lived in the area for 20 years. The Constitutional Court had ordered the eviction. Parts of the area were cleared to make way for a children's park, others were allegedly unsafe to live in. The Municipality tried to find temporary shelter for the people left homeless, but they did not offer them any adequate alternative accommodation or compensation.¹⁶²
- In May 2006, police forcibly evicted some 5 000 residents of the informal settlement 'La Candela' located near the international airport Juan Santamaría in the West of San Jose. Ninety per cent of the evictees were Nicaraguan immigrants. The land on which the settlement had been set up in 2002 belonged to a private bank.

159 'Desalojo a sangre y fuego contra humildes pobladores que exigen un techo para vivir', *Indymedia Colombia*, (22 June 2006), <http://colombia.indymedia.org/news/2006/06/45281.php>

160 'Campeiros impedidos de recuperar terras tomadas por transnacional', *Adital*, <http://www.adital.org.br/site/noticia.asp?cod=12957&lang=ES>

161 'Difícil separação : Fim do "hotel dos descasados" gera polêmica', *El Veja*, (2 June 2004), <http://veja.abril.uol.com.br/vejarj/020604/cidade.html>

162 'Triste destino del nica pobre: rodar y rodar...', *El Nuevo Diario*, (4 Mar. 2006), <http://www.elnuevodiario.com.ni/2006/03/04/nacionales/14120>

The Constitutional Court of Costa Rica had ordered the eviction. The evictees were promised a subsidy so they could rent alternative accommodation for a period of three months.¹⁶³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

CUBA

- In August 2005, police and employees of the Housing Department forcibly evicted Juan Artigas's family from their home in Banes, Holguin Province. Housing officials claimed that the family had illegally occupied the house, after Mr Artigas's mother, the owner of the house, had allegedly emigrated to the United States. However, the family asserted that Ms Artigas had died in Cuba. Police used excessive force during the eviction, and several members of the family were beaten. The residents protested against the eviction and threw rocks at the police. Mr Artigas and two other members of his family were arrested on charges of 'disrespect for the authorities'.¹⁶⁴

- Police evicted the family of Armando Chacon in Cienfueguero in September 2005. The family had illegally occupied the house a month before, as they could not find a place to live and had exhausted all bureaucratic procedures to find a home. During the eviction, Armando Chacon set fire to himself and suffered serious burning.¹⁶⁵

- In October 2005, about one hundred police officers and civil employees forcibly evicted the Cuban dissident Ernesto Martinez and his family from their home in La Habana. The authorities claimed that the family had illegally occupied the house. But the family asserted that the house belonged to Martinez's brother. According to dissident groups, the eviction was carried out to intimidate Martinez.¹⁶⁶

- The Revolutionary National Police and housing authorities forcibly evicted a family, including a 98-year-old woman in Santa Clara, in January 2006. Housing authorities claimed that the tenants had illegally occupied the building. The official owner of the house had left Cuba.¹⁶⁷

ICESCR: No

ICCPR: No

OP1-ICCPR: No

163 'Costa Rica: inician desalojo de nicaragüenses', *El Mundo*, (3 May 2006), <http://www.elmundo.com.sv/vernota.php3?nota=54240&fecha=03-05-2006>

164 'Violento desalojo provoca protesta de vecinos', *Cuba Net*, (5 Sep. 2005), <http://www.cubanet.org/CNews/y05/sep05/06a1.htm>

165 'Cienfueguero desalojado se da candela', *Cuba Net*, (8 Sep. 2005), <http://www.cubanet.org/CNews/y05/sep05/09a3.htm>

166 'Disidentes cubanos denuncian arresto y desalojo de activistas', *Cuba Encuentro*, (24 Oct. 2005),

http://www.cubaencuentro.com/es/encuentro_en_la_red/cuba/noticias/disidentes-cubanos-denuncian-arresto-y-desalojo-de-activistas

167 'Desalojada una anciana en sillón de ruedas', *Cuba Net*, (25 Jan. 2006), <http://www.cubanet.org/CNews/y06/jan06/25a5.htm>

DOMINICAN REPUBLIC

- The National Housing Institute ordered the eviction of approximately 90 houses from the Cristo Rey suburb of Santa Domingo in April 2004. The Institute claimed to be the owner of the land. Employees of the Institute and police arrived at the neighbourhood early in the morning without warning and started demolishing the houses. Violence broke out during the eviction; residents threw rocks at the police and police responded with guns and tear gas. Over 30 people were arrested and detained by the police. The evicted were low-income families who were not provided with alternative accommodation or compensation.¹⁶⁸
- In October 2005, the State Prosecutor of San Pedro de Macorís accompanied by a military contingent forcibly evicted 26 residents of several public houses that had been constructed by the State to house victims of hurricane Georges. The evictees had illegally occupied the houses.¹⁶⁹
- Police, under the direction of a bailiff, carried out an eviction in Villa Eloisa, in November 2005. Several families had built their houses on the land in question and lived there for several years. The landowner – who had never before used the land – asked the authorities to clear it. The eviction proceedings became violent. Three people were shot and the police arrested 21 evictees. Most houses were demolished, and members of the demolition brigade were accused of stealing money and goods from the evicted people. The evictees were left homeless; they were not offered alternative accommodation or compensation.¹⁷⁰
- In November 2005, police forcibly evicted more than 150 families, who had occupied the land of the private company Domilandia in Marbella II, Santo Domingo. Although a land court had ordered the eviction, the affected families had not been notified of the operation. The eviction turned violent and two people – one police officer and one resident – were shot. Police arrested several people, demolished most of the houses and damaged personal property.¹⁷¹
- In January 2006, within the framework of the Agrarian Reform Project AC-529, the Department of Agriculture (IAD) evicted 51 farmers in Neiba, Bahoruco Province. The eviction had been ordered by the ruling Dominican Liberation Party (PLD) and appears to have benefited other farmers and officials who support the party. The 51 families were evicted despite the fact that they had title deeds on the land.¹⁷²
- In February 2006, military and police forcibly evicted dozens of people who had been living in the Juanillo Township, near Higüey, for more than 30 years. Two journalists who tried to film the eviction were subjected to physical and verbal aggression by soldiers.¹⁷³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

168 'Republica Dominicana : Cientos de viviendas destruidas durante desalojo a familias pobres', *Alter Presse*, (14 Apr. 2004), http://www.alterpresse.org/spip.php?article1326&var_recherche=cristo%20rey

169 'Viviendas generan conflictos en batey', *Alter Presse*, (5 Oct. 2005), http://www.alterpresse.org/article.php3?id_article=3360

170 'Hieren tres en desalojo Villa Eloisa', *El Nacional*, (25 Nov. 2005), <http://www.elnacional.com.do/app/article.aspx?id=43365>

171 'Definen "batalla" desalojo mataron dos', *El Nacional*, <http://www.elnacional.com.do/app/article.aspx?id=41871>

172 'Denuncian Gobierno intenta desalojo en terrenos del IAD', *Hoy Digital*, (23 Jan. 2006), <http://www.hoy.com.do/app/article.aspx?id=62902>

173 'Reporters covering eviction in Cap Cana subjected to aggression from soldiers', *Dominican Today*, (15 Feb. 2006), <http://www.dominicantoday.com/app/article.aspx?id=10403>

ECUADOR

- In June 2006, police forcibly evicted at least 32 farming families from their land in Yucca in Palenque Canton. The farmers had lived on the land for several decades, had paid taxes on it and a number were in possession of documents proving their entitlement to the land. Several authorities condemned the eviction and blamed former Governor Néstor Coello for ordering the National Institute of Agricultural Development (INDA) to carry out the eviction. The operation was marked by violence, several cases of abuse against the farmers were reported and some people were injured. Police demolished the farmers' houses and burnt their equipment.¹⁷⁴
- In June 2006, the police and armed forces violently evicted the inhabitants of the Communities '15 de Abril', 'Payamino', and 'Río Punino' in Orellana, who had occupied the facilities of the oil company Perenco in neighbouring 'Campo Coca-Payamino'. In April 2005, the company had promised to give the residents compensation for the construction of a water pipe through their land. The company never fulfilled the agreement for compensation, and in protest the residents had occupied the company's land. The operation left two people injured, and two human rights activists were arrested.¹⁷⁵
- Approximately 100 people living near the Guayaquil lagoon in Guayas Province had their cardboard shelters destroyed and were evicted and rendered homeless in July 2006. The reason given for the eviction was that the area was dangerous due to the contamination around the lagoon.¹⁷⁶

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

EL SALVADOR

- In July 2005, the Mayor of Antiguo Cuscatlán ordered the eviction of nine families of the La Cuchilla community in Antiguo Cuscatlán. Employees of the Mayor's office demolished the families' homes without prior notification. No alternative housing or compensation was provided to the people, although a number of them had lived in the area for over ten years. Reports indicated that the remaining inhabitants of the community were also pressured to leave their homes. The La Cuchilla community is located close to the Multiplaza commercial centre, and several companies are interested in developing the area.¹⁷⁷
- Sixty families, who lived in the La Escuelona student centre in San Salvador, were forced to leave in January 2006 as the school year started. The families had settled in the centre after they had been displaced by the eruption of the Ilamatepec volcano. The evictees were not provided with any alternative accommodation or compensation. Lacking alternative housing, many chose to return to live in the dangerous volcano area.¹⁷⁸
- Security forces evicted five families and a fishermen's cooperative from their homes at the beach San Marcelino, in San Pedro Masahuat in June 2006. The community had lived at the beach for several decades, but the

174 'Propiedad de tierras determinará el INDA', *La Hora*, <http://www.lahora.com.ec/frontEnd/main.php?idSeccion=446620>

175 'Policía desalojó en Ecuador a vecinos que tomaron petrolera en Orellana', *Fuerteventura*, (21 June 2006), <http://www.fuerteventuradigital.com/noticias/Otros/2006/06/21/212854.asp>

176 'Desalojan a personas que habitaban cerca de laguna de oxidación', *Cre*, (17 July 2006), <http://www.cre.com.ec/Desktop.aspx?id=143&e=83202>

177 'Familias denuncian desalojo por parte de Alcaldía', *Diario Co Latino*, (7 July 2005), www.diariocolatino.com/nacionales/detalles.asp?NewsID=8542

178 'Desalojo Forzado en Laderas de Volcán', (17 Jan. 2006), <http://www.desastres.org/noticias.php?id=17012006-1>

alleged owner of the land accused the families of illegally occupying it. A judge from Mercantil de San Salvador had ordered the eviction despite several residents possessing title deeds to the land. The evictees remained on farms in the neighbourhood, living in temporary shelters constructed with assistance from the Municipality.¹⁷⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

GUATEMALA

Thousands of rural workers have been evicted from their homes in at least 63 eviction cases since President Óscar Berger assumed office in Guatemala in 2004. Many evictions were carried out with excessive use of force: including beatings, the demolition of homes, and even killings. According to Amnesty International, land disputes have been triggered by extreme poverty, serious inequalities of land distribution and poor enforcement of labour rights.¹⁸⁰

- Amnesty International reported that in May 2004 approximately 500 police officers forcibly evicted 52 families from the Chitocán community in northern Guatemala. Police burnt and destroyed workers' land and housing. The evictees received no prior notice of the eviction, nor were they provided with alternative housing or compensation.¹⁸¹
- Some 90 indigenous Q'eqchi families of rural workers were violently evicted from the Trece Aguas farm in 2004. Protesting their unpaid redundancies, the workers had occupied land on the farm which they considered as just compensation in lieu of payment.¹⁸²
- In June 2005, approximately 300 officers of the civil police evicted an estimated 350 indigenous people from the Los Encuentros property. The people were given time before the eviction to remove all their property. Faced with such a large police force, the people had no choice but to leave. They had lived on the land since 2001.¹⁸³
- In November 2005, police forcibly evicted approximately 200 farmers from the community El Terrero in Jalapa. The community resisted the eviction and at least ten people were severely injured during the ensuing violence. The landless farmers had occupied the land about two years previously, but a regional court had ordered their eviction. There had been attempts to negotiate, but without results.¹⁸⁴
- In February 2006, armed soldiers and anti-riot police violently evicted about 800 farmers from the San Jose la Moca coffee farm, in the Municipality of Tinta y Senahú, in Alta Verapaz. The security forces burned the homes

179 'Desalojan a cinco familias', *La Prensa Grafica*, <http://www.laprensagrafica.com/departamentos/529537.asp>

180 Amnesty International, 'Rural communities in Guatemala violently evicted' *The Wire*, (June 2006), <http://web.amnesty.org/wire/June2006/Guatemala>

181 *ibid.*

182 Amnesty International, 'Guatemala: Evictions are not the answer to land conflicts', [press release on website], (29 Mar. 2006), <http://news.amnesty.org/index/ENGAMR340112006>

183 'Finca Los Encuentros, Escuintla Desalojan a 110 familias indígenas', *La Hora*, (9 June 2005), http://www.lahora.com.gt/05/06/09/paginas/nac_3.htm#n5

184 'Violento desalojo de campesinos deja al menos nueve heridos', *Terra*, (Nov. 2005), <http://www.terra.com.gt/noticias/nacionales/articulo/html/nac42722.htm>

and personal property of the evictees. The farm workers had lived and worked on the land all their lives. During 2002, after the collapse of coffee prices, the landowners offered the workers ownership of land instead of payment. However, talks on this proposal failed. In 2006 the landowners accused the workers of illegally seizing the land and forcibly removed them.¹⁸⁵

On 2 July 2006, the farmers reportedly reoccupied the property and were again violently evicted. This eviction was carried out with excessive use of force resulting in the death of one worker and over 30 injured.¹⁸⁶

- In March 2006, employees of a landowner evicted the members of the Pulay community, who had occupied the Quiché farm some eight years previously. There had been no court order. Several people were severely injured during the eviction and one person was killed.¹⁸⁷

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

HONDURAS

- During June 2005, State security forces violently evicted an unknown number of members of the indigenous Lenca community of Las Golondrinas in the Municipality of Marcala, La Paz. A transport company was reportedly interested in the land which the community occupied. Police arrested several leaders of the community.¹⁸⁸

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

MEXICO

- In February 2005, Federal police evicted four Tzozil Maya families from the Sol Paraiso Montes Azules Nature Reserve. The indigenous people were accused of invading the reserve, which is an environmentally protected area. Four men were arrested. The families were provided with temporary shelter.¹⁸⁹

- In June 2005, police forcibly evicted five families of approximately 30 people from the estate Maquixco in Teotihuacán, which they had occupied for more than 30 years. In 1973, the father of the current owner allowed them to settle on the land and they had lived there ever since. In 2005, the son who inherited the lands obtained

185 'Denuncian violento desalojo en A. Verapaz, policas queman los ranchos', *Telediario*, (2 Feb. 2006) www.telediario.com.gt/article.php?sid=25642

186 'Campesinos/tierras: Realizan investigación de conflicto campesino', *Cerigua*, (17 July 2006), <http://www.cerigua.org/portal/modules.php?op=modload&name=News&file=article&sid=5327>

187 'Desalojo en Quiché deja víctima mortal y dos heridos', *Prensa Libre*, (7 Mar. 2006), <http://www.prensalibre.com/pl/2006/marzo/07/136218.html>

188 International Alliance of Inhabitants, 'Honduras, Denuncia otro violento desalojo a la comunidad Lenca de las Golondrinas', [article on website], (29 June 2005), <http://habitants.org/pipermail/habitantes/2005-July/000141.html>

189 'Acusan de ecocidio a cuatro indígenas por vivir en Montes Azules', *Proceso*, (10 Feb. 2005), <http://www.proceso.com.mx/noticia.html?nid=29783&cat=1>

an eviction order from the regional court. All the homes of the families were destroyed. The evictees were not compensated for their loss despite the fact that they had lived on the land for most of their lives.¹⁹⁰

- In November 2005, approximately 400 police violently evicted 40 families from El Suspiro farm in the Municipality of Las Margaritas. The police carried out the eviction without prior warning or a court order. They beat residents, damaged their homes and property and reportedly stole their personal belongings. The eviction was apparently the result of a dispute between the affected community and members of the Independent Centre of Workers and Peasants. The evicted community, however, asserted that they had possessed and lived on that land for over 80 years.¹⁹¹
- In November 2005, police forcibly evicted some 20 families from the Colonia Labradores Blancos and demolished all their homes. While the police were acting on a court order, the judge responsible later denounced the demolition of the homes. The families were left homeless and lost most of their possessions during the operation.¹⁹²
- In December 2005, 26 indigenous Nahuatl people were evicted from a public estate which they had occupied several months before in Huejulta. Approximately 200 police officers forcibly removed and arrested them. A group of farmers of the Chacatitla community had demanded the eviction.¹⁹³
- In March 2006, 450 police evicted 73 families and demolished their homes in Loma Linda. The houses had been illegally built by the State's Housing Department in the environmentally protected area of Zapalinamé. Some of the evictees were transported with their belongings to an alternative location, while others preferred to stay with relatives.¹⁹⁴
- In 1980, a plot of farm land known as Cantera de Villagrán in the State of Hidalgo was appropriated by the state to build the Industrial Complex Tepeji del Río. The farmers, who had to leave their land at the time, never received the compensation which the Government had promised them. Following this, approximately 200 farmers reoccupied and cultivated the land in protest to demand the compensation. In March 2006, Ministerial Police and Municipal Public Security forcibly evicted them, again without compensation. During the operation, violence broke out and at least 12 people were injured and 73 arrested.¹⁹⁵
- In May 2006, Police forcibly evicted a group of informal street vendors from the Street Rafael Velarde in Ciudad Juárez, State of Chihuahua. As their belongings had been confiscated and taken to an unknown location, the street vendors lodged a complaint with the Municipality and threatened to start a hunger strike.¹⁹⁶

190 'Tarda desalojo 32 años', *El Universal*, (9 June 2005),

http://www2.eluniversal.com.mx/pls/impreso/noticia_busqueda.html?id_notia=68681&tabla=CIUDAD_h

191 'A golpes, policías estatales desalojan a 40 familias en Las Margaritas', *Proceso*, (23 Nov. 2005),

<http://www.proceso.com.mx/noticia.html?nid=35141&cat=1>

192 'Sentencia de desalojo no incluía la demolición de viviendas: juez', *Vanguardia*, (24 Nov. 2005),

<http://srv2.vanguardia.com.mx/hub.cfm/FuseAction.Detalle/Nota.497903/SecID.18/index.sal>

193 'Detienen a 26 indígenas durante desalojo de un predio', *El Universal*, (28 Dec. 2005), <http://www.eluniversal.com.mx/notas/322716.html>

194 'Aplican operativo de desalojo en Loma Linda', *Vanguardia*, (2 Mar. 2006),

<http://srv2.vanguardia.com.mx/hub.cfm/FuseAction.Detalle/Nota.517735/SecID.17/index.sal>

195 'Desalojo de campesinos deja 12 heridos en Hidalgo', *El Universal*, (13 Mar. 2006), <http://estadis.eluniversal.com.mx/estados/60479.html>

196 'Piden informales la devolución de su mercancía', *El Diario*, (2 June 2006),

<http://www.diario.com.mx/portada/juarez/nota.asp?notaid=8cf9bfa3838cfc3f89f16e10a1ee59f4>

- In June 2006, approximately 1 400 police evicted nearly 700 traders from the market area ‘Perinorte’ in Tlalnepantla, Morelos State. ‘Perinorte’ had existed for over 20 years, and for the past ten years the area had struggled against a planned eviction. The traders had to make way for construction of a new commercial centre. While some attempted to resist the eviction, no violence broke out. As a result of the eviction, traders and their families were deprived of their livelihoods.¹⁹⁷

- In June 2006, Some 200 officers of the Federal and Municipal Police forces violently evicted the occupants of 20 houses in the district La Misión in Tuxtla Gutiérrez, Chiapas State. The settlers had occupied the area since 1999. The land belonged to the company Calpan, which had sold several hundred houses in the area, but the remaining ones were left empty and were subsequently occupied. During the eviction, police arrested 21 people.¹⁹⁸

- In June 2006, the Secretariat of Infrastructure and Urban Development removed 13 families from the neighbourhood of Costero Boulevard in Ensenada, State of Baja California. The residents, who had illegally occupied the area, entered into an agreement with the authorities to be relocated to a temporary housing complex. Due to its intentions to enlarge the boulevard, the Municipality has plans to remove more people in order to finish the project.¹⁹⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

NICARAGUA

- In October 2005, police illegally evicted approximately 1 500 families who had been living in the neighbourhoods of San Bartolo, Júcaro, Conchital y San Cayetano, in San Rafael del Sur. Police destroyed 16 homes before the Court of Appeals of Managua declared the eviction to be illegal.²⁰⁰

- In December 2005, police evicted a group of families from the Memorial Sandino neighbourhood in Managua State. A private company had claimed to be the owner of the land and demanded the eviction. Police arrived in the middle of the night to carry it out. It was the third time the families had been evicted.²⁰¹

- In April 2006, a large police force violently evicted 12 families from the Mahogany estate in Rama City, with a court order. Police set fire to some of the homes and possessions of the families and threatened further violence if they did not leave the estate. Three people were injured when some residents resisted the actions of the police.²⁰²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

197 ‘Adiós a Perinorte’, *Vivir Aquí*, (2 June 2006), http://www.viviraqui.com.mx/municipios_n.php?nid=415

198 ‘Empresa beneficiada con el Fobaproa promueve desalojo’, *Proceso*, (5 June 2006), <http://www.proceso.com.mx/noticia.html?nid=41061&cat=1>

199 ‘Prolongarán el Bulevar Costero’, *El Vigía*, (20 June 2006), <http://www.elvigia.net/noticias/?seccion=generales&id=26905>

200 ‘Mandan a suspender brutal desalojo’, *El Nuevo Diario*, (8 Nov. 2005), <http://www.elnuevodiario.com.ni/2005/11/08/nacionales/5250>

201 ‘Nuevo desalojo en Memorial Sandino’, *El Nuevo Diario*, (21 Dec. 2005), <http://www.elnuevodiario.com.ni/2005/12/21/nacionales/8561Managua>

202 ‘¿Policía participó en violento desalojo?’, *El Nuevo Diario*, (28 Apr. 2006), <http://www.elnuevodiario.com.ni/2006/04/28/nacionales/18195>

PARAGUAY

- In November 2004, police and soldiers violently evicted some 500 farmers in Cuapé, San Pedro. One person was killed and more than 50 people were arrested. The farmers had illegally occupied a rural property rented by a Brazilian soybean manufacturer. The settlers argued that the extensive cultivation of soybeans and the use of agricultural toxins by the Brazilian farmer was detrimental to the environment.²⁰³
- In December 2005, police set fire to the homes of 145 families of the settlement of Edelira in Itapúa. The families had occupied the area six years previously and had cultivated the land. The local Government ordered the eviction, following a change of ownership and the new owner's demands to clear the land. Police also destroyed all plantations of the settlers and arrested several people.. The affected families asked the Government for assistance as they had lost everything in the eviction.²⁰⁴
- In June 2005, two people were killed during a confrontation between landless farmers and employees of the Brazilian landowner of a soybean farm in Vaquería. One hundred farmers had illegally occupied the farm. Police intervened and arrested 69 of the 100 occupiers.²⁰⁵
- In April 2006, the Municipality of Asunción evicted 15 families from public land in the Trinidad district, Asunción. Reportedly, the residents had not been consulted or given any prior notice of the eviction. Although the Municipality claimed that the families had been offered alternative shelter, the evictees claimed that they had nowhere to go.²⁰⁶
- On 6 September 2006, police and employees of landowners forcibly evicted approximately 120 farming families from the Comisión Vecinal 03 de Junio estate, in Caazapá. The Public Prosecutor had ordered the eviction alleging that the families had occupied the land illegally. The families had lived on the land for six years. During the eviction campaign, their houses were burned and personal belongings were taken by the police. Several people were arrested and detained.²⁰⁷
- On 15 September 2006, a community of farmers was violently evicted from the land of Comisión Vecinal Paraguay Pyahu, San Pedro. The families had occupied the land for four years.²⁰⁸

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

203 'El desalojo en San Pedro', *Indymedia Colombia*, (5 Nov. 2004), http://colombia.indymedia.org/news/2004/11/18500_comment.php#18502

204 International Alliance of Inhabitants, 'Paraguay: MCNOC denuncia desalojo violento', [article on website], (17 Dec. 2005), <http://habitants.org/pipermail/habitantes/2005-December/000302.html>

205 'Matan a dos "sin tierra" en Paraguay', *Los Tiempos*, (25 June 2005), http://www.lostiempos.com/noticias/25-06-05/25_06_05_inter8.php

206 'Desalojan a 15 familias del barrio Trinidad', *Jakueke*, <http://www.jakueke.com/noticia.php?id=1926>

207 'Siguen persecuciones', *Adital*, (21 Sep. 2006), <http://www.adital.com.br/site/noticia.asp?lang=ES&cod=24505>

208 *ibid.*

PERU

- In December 2005, police forcibly evicted 22 families who had occupied a plot of land in Huancayo. The Municipality ordered the eviction because the settlers had built their houses without authorisation. The eviction caused a violent confrontation between police and the settlers which resulted in six persons being injured, among them children. More than 100 people were left homeless.²⁰⁹
- In February 2005, approximately 250 police officers forcibly evicted an indigenous community of Chorinashi people from the lands which the community had occupied for centuries. The judge of the town of Atalaya had ordered the eviction to protect a forestry concession of a Spanish investor, while accusing the indigenous people of invading the forest. The indigenous community had previously tried to find a peaceful solution to the conflict without any success.²¹⁰
- In February 2006, police forcibly evicted more than 100 people from their homes in Pucallpa. The farmland belonged to the Instituto Superior Tecnológico Suiza. The eviction was accompanied by violent confrontations which resulted in six people being injured and ten arrested.²¹¹
- National Police violently evicted squatters in Villa Maria del Triunfo in June 2006. Nearly 200 people had illegally occupied land in the area known as 'Nuevo Milenio'. Reportedly, it was the second time that the group had attempted to settle on the land. Both times police evicted them.²¹²
- In September 2006, police violently evicted eight families of the Jesús Oropeza Chonta informal settlement in the area of Zapallal en Puente Piedra in Lima. Their houses, situated on an access road, were demolished rendering the residents homeless.²¹³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

UNITED STATES OF AMERICA

Despite its immense wealth and power, the United States of America (US) is one of the worst housing rights violators in the world. The number of homeless people has grown while the Government continued to decrease the amount of public housing units and subsidies available. The figures on homelessness and evictions also reveal patterns of discrimination against African-Americans, Native Americans and Latinos.²¹⁴

209 'Policía desalojó a 22 familias que ocupaban terreno en Huancayo', *24 Horas*, (29 Dec. 2005), <http://www.24horas.com.pe/noticia.php?id=20051229006>

210 'En Perú desalojo de indígenas ashaninkas por concesión forestal', *Actualidad Etnica*, (14 Feb. 2005), http://www.etniasdecolombia.org/periodico_detalle.asp?cid=2356

211 'Violento desalojo en Pucallpa', *24 Horas*, (10 Feb. 2006), <http://www.24horas.com.pe/noticia.php?id=20060210010>

212 'Violento desalojo en Villa María del Triunfo', *RPP*, (5 June 2006), http://www.rpp.com.pe/portada/nacional/40364_1.php

213 'Violento enfrentamiento en Zapallal por desalojo', *La Republica*, (22 Sep. 2006), <http://www.larepublica.com.pe/content/view/124540/34/>

214 UN-HABITAT, *Forced Evictions – Towards Solutions?*, (2005), <http://www.unhcr.org/pmss/getPage.asp?page=bookView&book=1806>

Millions are affected by homelessness in the United States, and more are at risk because of a growing shortage of affordable housing. There are 4.7 times more poor households in need of rental housing than there are available affordable units. Some 14.3 million households, representing almost one in seven households, are severely burdened by the cost of housing, meaning that housing payments account for more than 50 per cent of their income. Of these, some 12.5 million are at grave risk of becoming homeless, because wage levels, particularly for those working at minimum wage, are insufficient to meet the rising costs of housing. According to a federal government survey, 44 per cent of homeless people report that they work either full or part-time and yet are still unable to afford housing. Full-time minimum wage workers cannot afford basic one bedroom apartments at the market rate and 38 per cent of elderly renters are severely cost burdened.²¹⁵

While federal housing programs offer assistance to low-income people, these are not adequately funded. For instance, only 34 per cent of the United States' 9.9 million households which are all eligible for housing assistance actually receive it. Indeed, many cities have stopped accepting applications for housing assistance programs because waiting lists have become so long.²¹⁶ According to the National Low Income Housing Coalition, in Fiscal Year 2006, the public housing capital fund (used for modernisation and rehabilitation of public housing) would be cut by \$252 million. The public housing operating fund (used for building maintenance, utilities, resident services, etc.) will be cut by \$25 million. The Resident Opportunities and Self Sufficiency (ROSS) Program, which was designed to link public housing residents with supportive services, resident empowerment activities and other assistance, would be cut in half. Similar cuts in housing programs meant to assist the poor have been seen across the board.²¹⁷

- In November 2004, the tenants of the Harbor Island Apartments in the city of Alameda in California were forced to leave their homes, although their lease had not yet expired. Some 400 households were affected by the eviction, including 320 school children. The owner of the complex, Fifteen Asset Management LLC, had plans to undertake renovation of the building. The building had been neglected by the owner for years and was in a very bad condition. Most tenants were low-income families, and about half of them received housing subsidies. The Fifteen Group offered a moving stipend of \$1 000, but tenants had to first completely vacate their homes before they could receive the money. Moreover, the money was inadequate to cover moving costs, and many cheques, in fact, were invalid.²¹⁸

- Between June and December 2005, the town of Brookhaven, Suffolk County, in the State of New York evicted at least 100 tenants from 11 rented homes in Farmingville, giving the people only a few hours to leave. Some people had nowhere to go and set up tents in the backyard of the property where they lived for several months. All the evictees were Latino immigrants. Immigrant rights advocates accused the town Government of pursuing a systematic campaign to rid Farmingville of Latino immigrants. Authorities denied that the town was targeting immigrants and claimed that the evictions were justified because the buildings were overpopulated and had poor sanitation facilities. In December 2005, however, a US Federal District Court ruled the town's actions illegal.²¹⁹

215 Testimony of the National Law Center on Homelessness and Poverty to the Inter-American Commission on Human Rights (Mar. 2005).

216 *ibid.*

217 Testimony of the National Law Center on Homelessness and Poverty to the Inter-American Commission on Human Rights (Apr. 2005).

218 'Harbor Island: Looking Back on Egregious Evictions', *Alameda Sun*, (10 Nov. 2005), www.alamedasun.com/editorial/111005editorial1.htm

219 'Eviction Powers Revoked', *NY Newsday*, (17 Dec. 2005), <http://www.virtualboricua.org/Docs/nd103.html>

- In September 2005, Islip town officials, armed Suffolk police officers and fire workers arrived at the Fairwood Gardens apartments in Islip, Long Island, New York. They inspected 63 units and told the nearly 100 inhabitants of the apartments to leave by midnight or to risk arrest. About half of the residents left, because they did not want to risk arrest. Some found shelter with relatives, others moved to emergency shelters or local motels. Police did not implement the threat and the remaining residents were not served with an eviction notice. Town officials justified the evictions for safety reasons, including violations such as broken smoke detectors or illegal uses of PVC piping. Residents speculated that the landlord wanted to sell the building, and that the eviction was connected to the projected construction of a luxury apartment complex next door.²²⁰

- In January 2006, approximately 100 residents of the Magnolia Cove Apartment Complex in East Point, Georgia were told to leave their homes immediately, after the Georgia Natural Gas company shut off gas service to the complex. The eviction came without warning to the tenants, and they did not have sufficient time to find alternative accommodation. Most had already paid rent for the next month. The Mayor's office said it would assist the evictees to find alternative accommodation.²²¹

Evictions in New Orleans following hurricane Katrina

In August and September 2005, the City of New Orleans was evacuated due to hurricane Katrina, which devastated large parts of the city. When residents began returning, many found their homes demolished or unsafe for habitation. The Governor of the State of Louisiana, Kathleen Blanco, issued an executive order preventing evictions in devastated areas until 25 October 2005. However, thereafter several thousand tenants received eviction orders, as their homes were apparently unsafe to inhabit. There have been many reports of people being evicted although their apartments had not suffered flooding or destruction. As their homes were intact, these people had not been eligible for housing assistance. Many believed that landowners took advantage of the catastrophe to get low-income tenants evicted, so they could remodel their damaged buildings and charge higher rent. Several reports indicate that managers of buildings forced residents to leave their apartments without formal eviction notices, claiming their buildings were uninhabitable and would remain so during repairs.²²²

- In December 2005, the City of New Orleans announced that it would tear down 2 500 buildings on the grounds that these were unsafe. A judge allowed a settlement between the city and property developers that 120 buildings would be served with notice seven to ten days in advance, while the other 1 900 buildings would be provided 30 day's notice. Many residents protested that the City was still not providing enough time, as some residents needed time to search the ruins for their belongings and many were still waiting for insurance assessments to be completed. Nevertheless, in March 2006, the first bulldozers moved in to demolish the damaged buildings.²²³

220 'Whirlwind of defiance follows an eviction raid', *New York Times*, (2 Oct. 2005).

221 'Surprise Evictions Anger Residents', *11Alive*, (7 Jan. 2006), http://www.11alive.com/news/news_article.aspx?storyid=74258

222 See for example: 'Landlord with Boston ties lashed for Katrina evictions', (29 Jan. 2006), www.boston.com/news/local/articles/2006/01/29/landlord_with_boston_ties_lashed_for_katrina_evictions

223 'New Orleans homeowners to be notified of demolition plans', *WISV*, (18 Jan. 2006), <http://www.wistv.com/Global/story.asp?S=4378052>

- Approximately 12 000 families made homeless by the hurricane were moved to hotel rooms across the country. On 13 February 2006 – only six months after the disaster – the Federal Emergency Management Agency (FEMA) stopped payment for hotel rooms. People were forced to either leave their temporary homes or pay for their hotel room themselves. Many did not receive written notice of termination of the program until two weeks before their eviction. Most of the evictees received rent-assistance from FEMA in order to temporarily pay for rent. However, the transitional assistance was not sufficient to secure accommodation in New Orleans or to remain in the hotels.

The Government of the United States has largely supported the UN guiding principles on Internally Displaced Persons (IDPs). Principle 18 states that IDPs have a right to basic shelter, housing, and medical care; and that they must fully participate in decisions regarding their future in partnership with the competent authorities. The Government of the United States therefore did not meet its responsibilities by ending hotel payments without alternative arrangements only six months after a disaster of enormous magnitude. Moreover, there was inadequate participation of the affected families regarding their resettlement arrangements.²²⁴

- In April 2006, approximately 200 homeless people were evicted from Ala Moana Beach Park in Honolulu, Hawaii, to make way for repairs. People were temporarily moved to an area close to the Police Headquarters. However, the closure of the park might become permanent, which would leave the homeless without a place to go.²²⁵

ICESCR: No

ICCPR: Yes

OP1-ICCPR: No

VENEZUELA

- In January 2006, employees of the Ministry of Housing evicted at least 368 families from their homes adjacent to the Caracas viaduct. After heavy rains and landslides, the area was considered to be in danger of further landslides, as well as the collapse of the viaduct. Many of the evictees had no immediate housing alternatives, although the Ministry of Infrastructure assured affected families that they would be given one of three options: a home in a safer location, a subsidy to purchase a home, or alternative housing under construction for the evicted families in Miranda State.²²⁶

224 'Motion filed to stop evictions of Katrina evacuees from hotels', *Associated Press*, (12 Feb. 2006); and correspondence from the National Economic and Social Rights Initiative (NESRI), www.nesri.org

225 'Government has role in reducing homelessness', *Starbulletin*, (2 Apr. 2006), <http://starbulletin.com/2006/04/02/editorial/editorial01.html>

226 'Minvih acelera proceso de desalojo en el barrio Nueva Esparta', *ABN*, (7 Jan. 2006), http://www.abn.info.ve/go_news5.php?articulo=32396&lee=2

- After an earthquake in January 2006, the Corporation of Municipal Services of Libertador in the Federico Quiroz District evicted 328 people from their homes. The earthquake had damaged 27 houses in the area affecting 120 people. The Municipality cleared the area for safety reasons because of repeated earthquakes. The affected people were transferred to a shelter.²²⁷
- In January 2006, Police evicted approximately 700 families from nine 'unsafe', illegally occupied buildings in Quebradas Anauco Gamboa and Cotiza in Caracas. All the affected people were relocated. The buildings were destroyed.²²⁸
- In January 2006, the Ministry of Housing evicted some 300 families, because they had illegally occupied buildings in Base Libertador, State of Aragua. The National Fund for Urban Development had designated the buildings for other people.²²⁹
- In February 2006, approximately 270 police officers forcibly evicted the 20 residents of a building located at Urdaneta Avenue in Caracas. The building had been occupied a few weeks before. Among the evictees were several pregnant women. Authorities brought them to the homes of relatives where they found temporary shelter.²³⁰
- In April 2006, Police violently evicted approximately 12 families from land which they occupied in Bolivar. The families had lived on the land for a few months, and they were evicted without prior notice. Police arrested ten people for illegal occupation of private property. All possessions that the families were unable to take away were destroyed by bulldozer. The eviction was carried out, after a developer purchased the land with plans to build a residential complex.²³¹
- The Venezuelan National Guard evicted more than 100 families who had occupied a plot of land in the district Ojo de Agua in the Municipality of Baruta, Caracas. The land was allegedly not safe to live on, being situated near a gorge and a gas plant. The families had lived on the land for several years and some had paid for their plots.²³²

ICESCR: No

ICCPR: Yes

OP1-ICCPR: No

227 'Corporación de Servicios Municipales desalojó 328 personas del barrio Federico Quiroz', *Globovision*, (8 Jan. 2006), <http://www.globovision.com/news.php?nid=17642>

228 'Alcalde Barreto informó el desalojo de 9 inmuebles invadidos en Caracas' *El Tiempo*, (12 Jan. 2006), <http://www.eltiempo.com.ve/noticias/default.asp?id=60529>

229 'Ministerio para la Vivienda ordenó desalojo de invasores en el urbanismo Base Libertador', *Globovision* [article on website], (17 Jan. 2006), <http://www.globovision.com/news.php?nid=18380>

230 'Se usaron 270 policías para desalojar un edificio', *El Universal*, (13 Feb. 2006), http://www.eluniversal.com/2006/02/13/ccs_art_13412G.shtml

231 'Detenidos invasores por resistir desalojo', *Nueva Prensa*, (26 Apr. 2006), <http://www.nuevaprensa.com.ve>

232 'Guardia Nacional desalojó a un grupo de los invasores de Ojo de Agua', *El Universal*, (8 Aug. 2006), http://www.eluniversal.com/2006/08/08/ccs_art_08401B2.shtml

Asia and the Pacific

BANGLADESH

Dhaka evictions

- In 2000, a High Court order ruled that all people encroaching on land should be removed from the banks of the Buriganga River near Dhaka's river port. The Government of Bangladesh and environmentalist groups argued that evictions were necessary in order to clean the polluted river. However, other civil society groups have argued that the Government has not been truly serious about stopping pollution, as the only step taken towards improving the environment has been to evict encroachers. The Bangladesh Inland Water Transport Authority (BIWTA) has demolished approximately 1 800 illegal structures since 2001, and the evictions continue. One of the largest eviction drives was carried out in October 2003, when the BIWTA destroyed 576 illegal structures. In July 2004, officers from the Deputy Commissioner's Office and from BIWTA dismantled another 199 structures.²³³ Although the encroachments are a source of pollution, in dealing with the problem, the Bangladesh Government must follow international legal obligations by negotiating with the residents, providing adequate notice, providing legal remedies, and ensuring that evictions do not render any residents homeless.
- In December 2003, the House Building Research Institute (HBRI) evicted the Kalyanpur settlements in Dhaka with only one day's notice. Authorities used bulldozers to destroy 3 000 structures, rendering approximately 20 000 people homeless. Schools and clinics run by various organisations were also demolished. Many people had been living in the settlements for over 10 years. As they had not been given sufficient notice, many people were unable to remove their possessions and so lost their personal property as well as their homes.²³⁴
- On 27 May 2004, the Dhaka City Corporation and the Dhaka Metropolitan Police conducted a drive to demolish illegal shops and stands from roads and footpaths at Dholaikhal in order to ease pedestrian and vehicular traffic. The City Corporation reportedly provided only two days' notice.²³⁵
- Rajdhani Unnayan Katripakkha (Rajuk), a body operating under the Ministry of Housing and Public Works, is responsible for planning and implementing urban development in Bangladesh. In January 2005, Rajuk evicted several thousand people from the Amtoli slum in Banani, Dhaka. Without prior notice, Rajuk officials and police bulldozed homes and destroyed the personal possessions of those residents who were unable to retrieve their property. A Rajuk official explained that the eviction was undertaken because the Amtoli slum had become a haven for criminals, and also, as part of an environmental drive. Rajuk reported that the residents, who had been living for years next to the Gulhsan-Baridhara Lake, had polluted the lake water.²³⁶

233 'Buriganga: Eviction is not the only solution', *Weekly Holiday*, (12 Mar. 2004), <http://www.weeklyholiday.net/120304/env.html>; 'Floods halt Buriganga eviction drive', *The Daily Star*, (25 July 2004), <http://www.thedailystar.net/2004/07/25/d407252505100.htm>; Sharier Khan, 'Bangladesh's Showpiece River Faces Decay', *OneWorld South Asia*, (4 Nov. 2003), <http://southasia.oneworld.net/article/view/71965/1/>

234 'Eviction ordeal of slum dwellers: Authorities hardly issue any prior notice although it is their legal right', *The Daily Star*, (19 July 2004), <http://www.thedailystar.net/2004/07/19/d407192502118.htm>

235 'City corporation, police clear Dholaikhal roads, footpaths', *Bangladesh Web*, (28 May 2004),

<http://bangladesh-web.com/view.php?hidDate=2004-05-28&hidType=LOC&hidRecord=000000000000000009673>

236 'Rajuk evicts Amtoli slum', *The Daily Star*, (13 Jan. 2005), <http://www.thedailystar.net/2005/01/13/d50113011414.htm>

- In June 2005, bulldozers of the Water Development Board destroyed about 150 small shops and houses of poor people, which had been built illegally along the Dhaka-Narayanganj-Demra (DND) embankment. Those residents who returned to rebuild their homes or who escaped the initial demolitions remain under threat of eviction.²³⁷

Evictions in other areas

- Hired personnel forcibly evicted over 400 families out of the Achchiya Colony, a large slum in Chittagong, Bangladesh's second largest city, in March 2004. Reportedly, the eviction resulted from a dispute over the ownership of the land among different members of one of the city's influential families, and was not ordered by the authorities.²³⁸

- In March and April 2004, the Chittagong Development Authority (CDA) cleared several streets of unauthorised structures, ostensibly to reduce traffic. Security personnel also evicted approximately 120 shops along the Chittagong-Cox's Bazaar Highway to clear the area for a road extension project. The businesses had occupied the area for over 30 years.²³⁹

- Officers of the Bangladesh National Party and the local administration evicted some 300 people from Government-owned land in Parbatipur Upazila in June 2005. The justification for the eviction was the building of an Ashrayan project, a rehabilitation programme for landless people. However, the evicted people were also poor and landless and had been living on the land for about 40 years.²⁴⁰

- In July 2005, police and city officials evicted some 1 000 families from the Chittagong Port, rendering them homeless. The settlers had occupied the land for over 30 years, and the Port Authority had served the squatters with several eviction notices. Residents filed a legal case seeking to stay on the land, as they had no alternative site on which to live. However, the court ruled that the eviction could proceed. Several hundred police officers forcibly evicted the occupiers. People resisted and clashes with police left over 50 people injured.²⁴¹

- In May 2006, local authorities and police evicted over 100 families from Jalisha village in Dumki Upazila, claiming that residents had settled on land reserved for an Ashrayan project. The families had settled on the land several years previously, after having been made homeless by erosion. From then until 2005, when the Upazila administration stopped accepting payments, the families had been paying fees to the Upazila administration for the use of the land.²⁴²

- In July 2005, local police and officials forcibly evicted more than 1 000 people from the Lal Diar Char area in Patenga, using bulldozers to destroy their houses. Clashes between residents and the police broke out during the eviction and at least 60 persons, including women and children, were injured. The eviction was carried out

237 'Eviction drive on DND dam stops', *The Daily Star*, (25 June 2005), <http://www.thedailystar.net/2005/06/25/d50625070785.htm>

238 'Midnight mass eviction—Armed goons evict 400 dwellers from Achchya slum in Ctg,' (22 Mar. 2004), *The Daily Star*, www.thedailystar.net/2004/03/22/d40322070273.htm

239 'Illegal occupiers', *The Bangladesh Observer*, (20 Mar. 2004), www.bangladeshobserveronline.com/new/2004/03/20/district.htm

240 'Landless evicted to rehabilitate landless', *The Daily Star*, (25 June 2005), <http://www.thedailystar.net/2005/06/25/d50625070280.htm>

241 'Eviction drive in Ctg: over 50 injured in clash with police', *The New Nation*, (12 July, 2005) <http://nation.ittefaq.com/artman/exec/view.cgi/32/19982>

242 '100 families evicted for Ashrayan project', *The Daily Star*, (21 May 2005), <http://www.thedailystar.net/2006/05/21/d60521070493.htm>

to recover over 20 acres of land that had been occupied. Although people had been occupying the land for over 35 years, the Chittagong Port Authority had received a High Court verdict that authorised the eviction.²⁴³

- In July 2005, police evicted 65 indigenous Adivasi Santal families from their homes at Baradal village in Parbatipur Upazila in order to establish a project to rehabilitate landless people. Police arrived without any prior notice and destroyed the homes of all the families, who were consequently made homeless.²⁴⁴
- In October 2005, the local magistrate and police evicted and demolished 93 businesses and five to seven homes in Sadar Upazila. As a justification for the eviction authorities stated that people had occupied the Government's land illegally. During the eviction campaign, several people were injured in clashes with police. Although the authorities alleged that people had occupied the Government's land illegally, the owners of the structures stated that they had leased the land from the Government and had been providing regular payments for 32 years.²⁴⁵

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

CAMBODIA

- In May 2006, police in full riot gear and workers of the Sour Srun Company demolished Sambok Chap Village (Village 14) and evicted approximately 1 300 families. The residents were removed by truck to villages located approximately 20 kilometres from the city centre. The distance of the resettlement sites from the city made it difficult and expensive for many people to travel to their employment. Moreover, human rights monitors reported that the relocation sites lacked basic facilities such as running water, electricity and health care. Many evictees attempted to return to the land on which they had lived. However, on 6 June 2006, 700 police officers in riot gear arrived at night and forcibly evicted the remaining people. Police threatened residents with violence and they were left with no chance to take their personal belongings and furniture with them. While the Municipality offered compensation to some residents, the amount was reportedly below the market value of the properties. Most people had lived on the land for over five years, thus satisfying the requirements of Article 38 of the 2001 Land Law, which grants ownership to someone who has possessed property in a non-violent, continuous, open, obvious, and good-faith manner for five years.²⁴⁶
- In March 2005, police enforced a court order and forcibly evicted 218 families from the land which they occupied in Poipet Commune, many of whom had lived there for eight years or more. The court granted the land rights to a village chief. The land had increased in value and there were plans to build a casino resort for

243 'Police-squatter clash over CPA land leaves 60 injured-Plot recovered after 35 years', *Bangladesh Web*, (13 July 2005), <http://bangladesh-web.com/news/view.php?hidDate=2005-07-13&hidType=LOC&hidRecord=0000000000000000052192>

244 'In the name of establishing Adarshagram ,65 Santal families evicted in Dinajpur', *Bangladesh Web*, (27 July 2005), <http://bangladesh-web.com/news/view.php?hidDate=2005-07-27&hidType=NAT&hidRecord=0000000000000000054079>

245 'Police-people clash over eviction drive injures 12', *The Financial Express*, (21 Oct. 2005), http://www.financialexpress-bd.com/index3.asp?cnd=10/21/2005§ion_id=3&newsid=4477&spcl=no

246 Cambodian League for the Promotion and Defense of Human Rights, *Frenzied development in Cambodia pushes its people out of the capital to squalid conditions* [report on website], (14 June 2006), <http://www.licadho.org/articles/20060614/39/index.html>

tourists. The eviction was accompanied by violent clashes between the residents and security forces. Five villagers who armed themselves and attempted to resist the eviction were shot dead.²⁴⁷

- In June 2006, the Municipality of Sihanoukville sent an armed police force and workers with bulldozers and trucks to evict 32 families from the beach of Ochateal in Commune no. 4. The police officers and workers tore down wooden food stalls and homes and removed the belongings of the residents. Police reportedly used excessive force during the eviction. The evicted families were fishermen who had been running food stalls on the beach and had lived there for many years. The Municipality did not provide alternative accommodation or compensation to the affected people. The beach area was leased to Sok Kong, president of the Sokimex petroleum company, for the construction of a hotel complex and golf course.²⁴⁸

- In July 2006, armed police forcibly evicted 168 families living near Monivong Hospital in Phnom Penh. Many of the residents had lived on the land since 1988 when the Hospital Chief at the time invited hospital staff, approximately 40 families, to move to the land to be near their employment. Again in 1993, the Hospital Chief invited a further 100 families to the area. The community built their own homes, roads and drainage systems, and attained access to clean water and electricity systems. The residents united to form the AB Preah Monivong Community, which, at one point, was awarded a Certificate of Appreciation by City Hall for being a model community.²⁴⁹ However, on 22 February 2005, the Ministry of the Interior notified the 168 families that they had decided to transfer the hospital to the Kith Meng's Royal Group. The community, supported by local and international NGOs, had attempted to advocate for an alternative. However, in July 2006, the Ministry of the Interior evicted them. Families of police officers were compensated with US \$1 000 and civilian families with US \$500. Families were allocated plots in Ang Snuol district, Kandal province, over 30 kilometres outside of Phnom Penh. At the time of the eviction, the relocation site lacked access to water, sanitation facilities, electricity, and schools. Finding this unacceptable, more than 100 of the 168 families opted to remain in Phnom Penh and live with relatives and friends rather than accept the relocation.²⁵⁰

- In June 2006, members of the Air Force expelled 18 families from their land in Ampil Choam Klaing village in Treng Trayeung commune, Phnom Srouch district, Kompong Speu province. The soldiers also burnt their homes and plantations. Reportedly, two individuals had claimed that the land was theirs and had asked the Air Force to forcibly evict the families. The evicted families were prevented from returning to their land and were left homeless and without access to their farmland – their source of livelihood. Only two of the 18 families received compensation of US \$200.²⁵¹

- In September 2006, Senator Mr. Ly Yong Phat, with the collaboration of the police, evicted approximately 250 families in Chi Khor Leu commune, Sre Ambel district, Koh Kong province. Police bulldozed the residents'

247 'Evictions fuel social unrest in Cambodia', *Voice of America*, (7 Apr. 2005),

www.voanews.com/english/archive/2005-04/2005-04-07-voa30.cfm?CFID=36745459&CFTOKEN=73009222

248 Asian Human Rights Commission (AHR), 'Authorities destroy people's livelihood and freedom of enterprise', [article on website], (30 June 2006)

<http://www.ahrchk.net/ua/mainfile.php/2006/1814/>; Kay Kimsong and Jason McBride, 'S'ville Vendors Who Lost Their Homes Seek to Rebuild Nearby', *The Cambodia Daily* (3 July 2006).

249 Cambodia Human Rights Action Committee (CHRAC), 'Concerns on eviction of 168 families in Preah Monivong Hospital', (29 June 2006),

<http://www.licadho.org/pressrelease.php?perm=120>; Cambodia Human Rights Action Committee (CHRAC), [personal communication], (29 Aug. 2005).

250 Cambodian League for the Promotion and Defense of Human Rights, *Concern about the forced eviction of 168 families living near Prevah Monivong hospital* [press statement on website], (2 July 2006), <http://www.licadho.org/press/files/121JointPREvictionPreahMonivongCommunity06.pdf>; 'Last Families Evicted from Monivong Hospital Site', *The Cambodia Daily*, 13 July 2006.

251 Asia Human Rights Commission [article on website], (6 Sep. 2006), <http://www.ahrchk.net/ua/mainfile.php/2006/1950/>

homes and crops, and violently implemented the eviction, injuring seven villagers. The families had lived on the land for over 20 years and therefore had lawful ownership of the land based on the 2001 Land Law. The eviction left the families homeless.²⁵²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

CHINA

As one of the fastest growing economies in the world, China has also been experiencing an unprecedented building boom, which has been accompanied by forced evictions on a massive scale. At least 1.25 million homes have been demolished and nearly 3.7 million people evicted throughout China in the past decade. The Government of China has argued that these evictions are legitimate because evictees were provided with relocation and compensation. These evictions have been implemented without consultation or consideration of alternative options. In addition, many evictees have argued that this assistance was grossly inadequate. The government generally provided relocation to less valuable land and smaller housing units located far from urban centres, sources of employment, and transportation options. If residents objected to relocation, they could attempt to negotiate the level of compensation, but they could not stop the eviction process once a Government panel ruled on a compensation dispute.²⁵³ Moreover, relocations have been carried out in spite of insufficient consultation with affected persons. This has led to numerous protests and even suicides.²⁵⁴

In March 2004, the National People's Congress approved a draft constitutional amendment to protect individual property rights. However, forced evictions did not cease. Despite harsh laws and low tolerance for dissent, people have increasingly tried to resist eviction and organise protests against the violations of their rights. In response to such protests, the Government, local authorities, and police have committed further human rights violations, including arbitrary detention, imprisonment, and torture.²⁵⁵

According to reports, more than three million people were involved in 58 000 public protests in 2003, mostly stemming from illegal land grabs, forced evictions and relocations.²⁵⁶ China's Security Minister, Zhou Yongkang, admitted that land disputes and economic inequality had led to nearly 74 000 protests and riots in 2004. Reportedly the number of protests increased to 87 000 in 2005.²⁵⁷

252 Asian Human Rights Commission, 'Two villagers shot and several injured during the illegal forced eviction in Koh Kong'[article on website], (28 Sep. 2006), <http://www.ahrchk.net/ua/mainfile.php/2006/1998/>

253 HIC-HLRN/COHRE Parallel Report to the UN Human Rights Committee, 2005

254 See: 'China: Forced Evictions Spur Protests. China Should Implement New Constitutional Protections for Property Rights', Human Rights Watch [online press release], (25 Mar. 2004), <http://hrw.org/english/docs/2004/03/22/china8159.htm>

255 Centre on Housing Rights and Evictions (COHRE), *Evictions Monitor* vol. 1 no. 3, [pdf journal], (Aug. 2005), http://www.cohre.org/view_page.php?page_id=176

256 'China: Dramatic footage shows farmers rioting over land', *Radio Free Europe* [website], (16 June 2005), <http://www.rferl.org/featuresarticle/2005/06/aa48697a-adc3-4d11-a043-15cf5fdf8941.html>

257 'Shandong: 20 injured in more protests against land seizure', *AsiaNews.it*, (15 Nov. 2006) <http://www.asianews.it/view.php?l=en&art=7758>

Shanghai evictions

- According to the Shanghai Statistical Bureau, the Municipality relocated 40 000 households to the outskirts of the city in 2004 alone. Evictions are expected to increase as the city is preparing for the 2010 World Expo. COHRE estimates that some 400 000 people will be relocated to suburbs surrounding Shanghai as part of a comprehensive urban development scheme which includes the World Expo, large infrastructural development and market-rate commercial and residential development. Shanghai's Huangpu District Property Management Bureau issued a notice in August 2005 warning district residents to leave the clearance area by 22 December 2005. The notice stated that there would be no room for residents to negotiate the compensation or terms of the clearance operation and also warned that the consequences for anybody protesting the clearance operation would be serious.²⁵⁸

Protests by citizens are not rare in Shanghai; many people have taken to the streets to complain about evictions and the inadequate financial compensation provided by the Government. The BBC reported in May 2003 that police had detained more than 130 people for demonstrating against the demolition of their neighbourhood.²⁵⁹

2008 Olympics, Beijing

- Between 2003 and 2006, approximately 557 800 people, or some 206 000 households were displaced in Beijing, China, in preparation for the 2008 Games. COHRE estimates that up to 1.5 million people will have been displaced from their homes by the time the Games commence in August 2008. These figures do not include approximately 400 000 migrants living 'temporarily' in 171 neighbourhoods in situations of extreme insecurity, having come to Beijing due to lack of livelihood opportunities in rural areas. Victims of forced evictions, their legal representatives and housing rights defenders who have opposed or challenged evictions have been subject to ongoing intimidation, harassment and, in some instances, imprisonment for their activism. COHRE further estimates that as many as 33 000 people each year have been pushed into poverty, or deeper poverty, because their homes and neighbourhoods were demolished due to Olympic Games preparations.²⁶⁰

Rural evictions

Increasingly, China's rural population is facing forced evictions. A 2006 report from the Ministry of Labour and Social Security reported that 40 million farmers had lost their land and livelihood in the last decade, due to the rapid industrialisation and urbanisation which are fuelling China's high economic growth. The report also forecasts that the Government will requisition land from three million farmers annually for the next five years.²⁶¹

258 Centre on Housing Rights and Evictions, *Fair Play for Housing Rights: Mega-Events, Olympic Games and Housing Rights*, (Jun. 2007); Human Rights in China (HRIC), 'Woman and Teenager Forcibly Detained in World's Fair Clearance' [article on website], (24 Jan. 2006), <http://www.hrichina.org/public/contents/press?revision%5fid=26708&item%5fid=26707>; 'Beijing: Relocation, Not Eviction', *China Daily*, (11 Mar. 2004), <http://www.china.org.cn/english/2004/Mar/90011.htm>; 'Concern grows after forced evictions', *China Daily*, (18 May 2004), http://www.chinadaily.com.cn/english/doc/2004-05/18/content_331434.htm

259 'Dozens held in Shanghai protest' *BBC News*, (2 May 2003), <http://news.bbc.co.uk/2/hi/asia-pacific/2994731.stm>

260 Centre on Housing Rights and Evictions, *Fair Play for Housing Rights: Mega-Events, Olympic Games and Housing Rights*, (Jun. 2007)

261 'Forty million Chinese farmers lose land', *Al Jazeera*, (16 Mar 2006), <http://english.aljazeera.net/news/archive/archive?ArchiveId=24679>

There have been reports of corrupt deals between government authorities and private developers, in which farmers have been forcibly evicted and received only a fraction of the actual worth of their land in compensation. The Ministry of Labour and Social Security has admitted that cases of illegal land seizures rose by 20 per cent in the first five months of 2006.²⁶² Protests regarding these land disputes have increased in China's countryside, increasingly accompanied by violence. When residents have resisted eviction, local authorities and developers have often hired security personnel to forcibly take possession of the land.²⁶³

- In June 2005, clashes between farmers and hundreds of hired thugs armed with pipes, flare guns and shot-guns killed six people and injured more than a hundred in the village of Shengyou, some 100 kilometres south-west of Beijing. Residents resisted the takeover of their property by the state-owned Hebei Guohua Dingzhou electricity company, which has planned to build a power station on their lands. The tensions go back to 2003, when the farmers refused to accept an offer of compensation from the company in exchange for their land. The company offered to pay US \$1 800 per acre, but residents insisted that this was insufficient and less than national standards. The farmers remained on their 67 acres, despite the increasingly violent attempts to force them to move.²⁶⁴

- In July 2005, police evicted up to 7 000 farmers from their land in Guangdong province. Reportedly, village leaders were bribed into signing blank contracts with the local land administration, who then sold the land to developers. Thousands of farmers tried to stop the bulldozers from levelling about 670 hectares of land near Sanshangang village. In the resulting clashes with the police, several people were arrested.²⁶⁵

Other evictions in China

- In February 2004, a construction company forcibly evicted seven families from their homes in Dalian, Liaoning Province. The construction crew began dismantling homes while people were still occupying the houses and reportedly beat several of the evictees.²⁶⁶

- In May 2004, three residents were arrested after they refused to move from their homes to make way for the construction of a department store in Hunan Province. In the first phase of construction, 372 households were removed. The evictees were offered compensation, but according to residents, the amount was far below the market price and many refused to accept. Reportedly, the eviction was the result of a deal between the local Government and a property developer who acquired the land for only 1.3 per cent of its market value. The planned construction called for the eviction of a further 728 households.²⁶⁷

- Local officials of the city of Xi'an mobilised a team of municipal workers and civilians to forcibly evict more than 30 households in the city's Lianhu District in April 2005. The group of more than 120 people were armed with knives and clubs and accompanied by earth movers. The group reportedly threatened people and beat

262 *ibid.*

263 'China's rural millions left behind', *BBC News*, (7 Mar. 2006), <http://news.bbc.co.uk/2/hi/asia-pacific/4782194.stm>

264 Philip P. Pan, 'Chinese Peasants Attacked in Land Dispute' *The Washington Post*, (15 June 2005); A12, http://www.washingtonpost.com/wp-dyn/content/article/2005/06/14/AR2005061401542_pf.html

265 'Thousands of farmers hold protest over land grab', *The Standard*, (4 July 2005) www.thestandard.com.hk/stdn/std/China/GG04Ad02.html

266 'Violence erupts during forced eviction', *The Epoch Times*, (11 Feb. 2004), <http://www.theepochtimes.com/news/4-2-11/19685.html>

267 'Concern grows after forced evictions', *China Daily*, (18 May 2004), http://www.chinadaily.com.cn/english/doc/2004-05/18/content_331434.htm

several who resisted eviction. At least 11 persons were hospitalised after the incident. The Municipality implemented the eviction in order to widen Beimadao Lane. Residents were offered compensation but had refused, stating that the offer was below the market value of the area. Many of the evictees not only lost their homes, but also their livelihoods, as their shops and businesses in the area were also destroyed.²⁶⁸

Three Gorges Dam

- The construction of the world's largest hydroelectric dam, the Three Gorges Dam at the Yangtse River in Hubei province, began in 1994. Structural work was completed in May 2006. The dam is expected to become fully operational in 2009, by which time it is estimated that more than 1.4 million people will have been displaced, according to official figures, but non-governmental organisations and activists estimate that it could be as high as 1.9 million. Since the 1990s, over a million villagers have been resettled – primarily to new cities above the reservoir's shoreline, with some forced to move as far away as Beijing, Shanghai, or Xinjiang Province.²⁶⁹ From the onset, Chinese central authorities had no clear estimates of the rural population at the Yangtse and thus of how many people were entitled to compensation. In July 2006, the World Organization Against Torture reported that dozens of residents and relocatees, who had been petitioning and protesting against the conditions of the resettlement, had been harassed, injured, or detained over the previous 10 years.²⁷⁰

ICESCR: Yes

ICCPR: No

OP1-ICCPR: No

GEORGIA

- Due to the Abkhazia war, the Government of Georgia is facing a growing problem with meeting the housing needs of internally displaced people (IDPs). In June 2006, Georgian authorities evicted 1 400 IDP families who had been living in hotels in Batumi on the Black Sea coast for more than a decade. The Kazakh TuranAlem Bank, which bought the Meskheli hotel, offered compensation of US \$7 000 to residents. However, housing and land prices had increased to such an extent that there was little available to purchase for this amount. The Norwegian Refugee Council (NRC) reported that the compensation process in various eviction cases had been fraught with difficulties. Many IDPs being evicted were concerned with inadequate compensation. They reported to the

268 Human Rights in China (HRIC), *Violence and Harassment in Xi'an Clearance*, (4 Apr. 2005)

<http://www.hrichina.org/public/contents/press?revision%5fid=21485&item%5fid=21484>

269 International Rivers Network, 'Three Gorges Dam: The Great Wall Across the Yangtze' [article on website], (2006), <http://www.irn.org/programs/threeg/>; Three Gorges Probe, 'Three Gorges Dam: Fact Box' [article on website], (2 May 2006),

<http://www.threegorgesprobe.org/tgp/index.cfm?DSP=content&ContentID=15281>

270 World Organization Against Torture (OMCT), *China: Forced resettlement, ill-treatment of villagers, recovery of Mr. Fu Xiancai* [Journal on website], (3 July 2006), www.omct.org/base.cfm?page=article&num=6158&consol=close&kwrd=OMCT&cfid=3909325&cftoken=22677938

NRC that they had been told that if they did not accept the deal, they would be evicted without compensation. Other evictees reported various bureaucratic problems, including delays in the registration of the families who were entitled to compensation.²⁷¹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

INDIA

Mumbai evictions

- Between December 2004 and March 2005, the Mumbai authorities demolished 90 000 homes, affecting approximately 350 000 slum and pavement dwellers. In Maharashtra State, of which Mumbai is the capital, the Congress-NCP Government came to power in October 2004, having promised to provide security of tenure. However, once in power, it began implementing a development programme budgeted at US \$20 billion and designed to transform Mumbai into the ‘next Shanghai’ by 2013.

This programme included plans for the reduction of slums to about 10 to 20 per cent of their current extent. However, given the city’s rate of building houses for relocation purposes – 3 000 units per year – it was clear that there was no real plan to adequately accommodate the hundreds of thousands of people already evicted or the hundreds of thousands still facing eviction.

The Mumbai authorities stated that only slums which had arisen after 1995 would be demolished. After slum-dwellers and community organisations protested against this, members of the Government of India, including National Congress Party President, Sonia Gandhi, publicly denounced the slum demolitions, and protection was extended to slums built up to 2000. SS Tinaikar, who had been the city’s senior official in the early 1990s, was quoted in *The Guardian*, saying: “By demolishing slums before you build low cost public housing all that will happen is that the slum will simply slowly spring up again.”²⁷²

- The Mumbai Urban Transport Project (MUTP) is an ambitious road and rail renewal plan involving the involuntary resettlement of more than 17 000 households. The project is partly financed by the World Bank. As of March 2006, approximately 14 000 households had been resettled to new dwellings. However, due to the Government’s sluggishness in implementing the resettlement program, the World Bank suspended its financial support in February 2006. Many of the relocated people also faced problems at the resettlement sites due to the lack of provision of basic services. The World Bank indicated that if the Maharashtra State Government

271 Internal Displacement Monitoring Centre, *Georgia: IDP plight still precarious despite new leadership’s initiative*, www.internal-displacement.org, [online database] 12 Apr. 2005; Internal Displacement Monitoring Centre, ‘IDPs in hotels in Bakhumi, Adjara Province, receive \$7000 from new owner to vacate the hotels’ [article on website], (June 2006),

[http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/547FA72204ADA573C12571D2006831CB?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/547FA72204ADA573C12571D2006831CB?OpenDocument)

272 ‘Poor squeezed out by Mumbai’s dream plan: India’s biggest city is razing its shanty towns’, *The Guardian*, (1 Mar. 2005),

<http://www.guardian.co.uk/india/story/0,12559,1427647,00.html>; Bombay First and McKinsey & Company, Inc., *Vision Mumbai: Transforming Mumbai into a world-class city*, (Sep. 2003), <http://www.bombayfirst.org/McKinseyReport.pdf>; Indian People’s Tribunal, *Bulldozing Rights*, (June 2005).

made progress in the implementation of the resettlement program, they would review the suspension. There are still 3 000 households that are due to be relocated.²⁷³

- In May 2006, approximately 500 police officers and Mumbai Collectorate officials demolished around 5 000 houses in the slum communities of Indira Nagar and Janata Nagar in Mandala, Mumbai. They used bulldozers to destroy the houses and then set fire to the area. Residents had been given only 12 hours notice of the demolition. During the forced eviction, police beat people and dragged them out of their homes by force, and destroyed personal belongings and even the residents' food supplies. Reportedly, there are plans to resettle the people whose houses were demolished, but no action has been taken to date. Mandala had in fact been earmarked as a rehabilitation site for people evicted in 2004–2005, but instead became a site of eviction itself.²⁷⁴

Evictions in Manipur State:

- In November 2004, after having given only two days' notice, officers of the Imphal police force dismantled and demolished more than 73 homes of Village No 97 in Chingmeirong, Imphal. The eviction was intended to make way for the construction of a new State Assembly House and High Court.²⁷⁵

- In October 2004, police evicted all businesses and organisations located in the Palace Gate complex in Imphal and destroyed all buildings in the area. The eviction was undertaken to make way for the construction of a cultural complex funded by the Indian Government. Occupants were given two days notice. Two women's groups refused to leave, arguing that two days was insufficient notice. Police then arrested Nupi Samaj, the leader of the protest. The Government had reportedly set aside a fund to pay compensation to the evictees, but the affected people have thus far not been offered any compensation or alternative accommodation.²⁷⁶

- In October 2004, Imphal police evicted approximately 300 people from their homes, and destroyed shops east of the Manipur University's main gate. The evictees had settled on the land in 1975. Although the land belongs to Manipur University, University authorities had never before objected to their presence. Residents were given two days notice and were not provided with compensation or alternative accommodation. Police destroyed property and possessions of the affected people during the eviction. Manipur University had apparently called for the eviction due to plans to upgrade the University. Reportedly, the eviction was rushed in order to prepare for a visit by the Prime Minister.²⁷⁷

- In November 2004, the Manipur State Government decided to evict approximately 300 people living or doing business along the Moirangkhom-Singjamei section of route NH-39. The eviction was reportedly carried out to reduce traffic congestion in the commercial centre of Imphal and to prepare the road for the forthcoming Indo-ASEAN motor rally.²⁷⁸

273 The World Bank, 'World Bank suspends support to major Indian Urban Transport Initiative', [article on website], (2 Mar. 2006), <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20839854~pagePK:34370~piPK:34424~theSitePK:4607,00.html>

274 'NGO appeal against slum demolitions in Mumbai', *One World Net*, (22 May 2005), <http://www.tiss.edu/news103.pdf>

275 'Demolition Paves Way for Assembly, High Court Complex', *The Imphal Free Press*, (3 Nov. 2004), <http://www.kanglaonline.com/index.php?template=headline&newsid=20337&typeid=1>

276 'Eviction drive launched for cultural complex', *The Sangai Express*, (24 Oct. 2004), www.e-pao.net/GP.asp?src=1.10.251004.oct04

277 'Shops, Houses Near MU Gate Demolished, 300 Left Homeless', *The Imphal Free Press*, (22 Oct. 2004), <http://www.kanglaonline.com/index.php?template=headline&newsid=20215&typeid=1>

278 'Mass Scale Eviction Drive on the Card', *The Sangai Express*, (1 Nov. 2004), <http://www.e-pao.net/GP.asp?src=5.12.021104.nov04>

- Manipur State authorities and police demolished 200 households and shops along Tiddim Road and Wahengleikai Road in Imphal in December 2004. The structures were considered ‘illegal encroachments’.²⁷⁹
- In November and December 2005, the Manipur State Directorate of Settlement and Land Records, the Forest Department, and police forcibly evicted more than 40 families from several villages in the Langol forest reserve and demolished houses. The authorities argued that the residents were occupying the land illegally. However, reports suggested that the reason for the eviction was to make way for the construction of the Imphal Capital Project that included a new State Assembly building, shopping complexes, and recreation centres. The affected families had settled in the area before British colonial rule and had been paying taxes for their homes. Authorities stated that the evicted families did not receive compensation because they had no official permission to live on the land. Another 40 families still face eviction.²⁸⁰
- In October 2006, police evicted the residents of 62 houses situated on Sendra Road in Loktak Lake, Moirang, Manipur State. Police used excessive force and at least 12 women were injured during the eviction. The authorities did not give notice to the residents and did not allow them enough time to collect their belongings before the demolition. With no alternative housing, many remained in the area and tried to rebuild their shelters.²⁸¹

Evictions in New Delhi

- Between February and June 2004, officials of the Municipal Corporation of Delhi (MCD) and the Delhi Development Authority (DDA) forcibly evicted approximately 130 000 residents of Yamuna Pushta, one of India’s oldest informal settlements, located in the Yamuna Riverbed area. These demolitions followed a High Court decision that authorised the removal of all informal structures in the Yamuna River bed. The Delhi High Court had stated that all encroachment on the Yamuna River bed was illegal and that the slums were polluting the river. The demolitions were accompanied by excessive use of force and arrests of slum dwellers. The evictees were not offered compensation for the loss of their homes and possessions, and reportedly only a quarter of the affected people were provided with alternative accommodation. The accommodation in the resettlement sites of Bawana and Holambi Kalan was unsuitable and basic services such as water and sanitation facilities were insufficient. Furthermore, the distance of the resettlement sites made it difficult to access schools, places of work, hospitals, and clinics.²⁸²
- In October 2004, the New Delhi Municipal Council (NDMC) and police forcibly evicted approximately 100 women and children living in a homeless shelter, the Palika Hostel. This had been the only shelter in New Delhi that was open for women and their children. According to the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN), police used violence against the women and stole or destroyed property during the eviction. The Municipal Council suggested that evictees seek shelter at Nirmal Chaya, a custodial home.

279 ‘Govt Eviction Drive Targets Tiddim Road Encroachers’, *The Imphal Free Press*, (29 Dec. 2004),

<http://www.kanglaonline.com/index.php?template=headline&newsid=21482&typeid=2>

280 ‘Highway Bandh Called Over Eviction Move’, *The Imphal Free Press*, (13 Nov. 2004),

<http://www.kanglaonline.com/index.php?template=headline&newsid=20604&typeid=1>

281 ‘12 women injured during eviction drive at Sendra’, *The Imphal Free Press*, (3 Oct. 2006),

www.kanglaonline.com/index.php?template=headline&newsid=34172&typeid=1

282 World Organization Against Torture (OMCT) and HIC-HLRN, ‘Over 300,000 people to be forcefully evicted from Yamuna Pushta in Delhi: 40,000 homes demolished so far’ [article on website], (5 May 2004), http://www.hlrn.org/cases_files/IND-FE-050504.doc; United Nations, ‘UN Expert on Housing “Deeply Concerned” Over Forced Evictions in Indian Capital’ [article on website], (29 Oct. 2004),

<http://www2.unog.ch/news2/documents/newsen/hr04107e.htm>

However, many refused for a number of reasons: the Nirmal Chaya shelter had previously documented conditions of abuse; it was at a distance that would force women to give up current employment in their area; it was only a temporary shelter allowing stays up to a maximum of three months; and it did not accept women with children. The NDMC had ordered the eviction in order to use the building to house municipal employees.²⁸³

Evictions in Kolkata

- In December 2005, the Kolkata Municipal Corporation (KMC) evicted over 30 000 Rabindra Sarovar residents living along the railways. The area had been home to some residents for over 50 years. After a persistent local campaign against the evictions, as well as efforts from international NGOs, the Kolkata Municipal Authority agreed to provide a relocation site for residents and the majority of residents agreed to the relocation. However, some 1 000 people refused to leave their homes near the Charu Market overbridge and they were evicted by force on 27 December. Clashes between settlers and police broke out and one police officer was killed in the violence.²⁸⁴
- In November 2005, the Calcutta Metropolitan Development Authority (CMDA) and police evicted all hawkers, including food vendors and other small businesses, around Howrah station in an effort to 'de-clutter' the station and decrease traffic congestion.²⁸⁵
- On 12 November 2005, the Kolkata Municipal Corporation's irrigation department spearheaded an eviction drive of approximately 700 families, or 4 000 people, from their homes from Chitpur Bridge to Lal Bridge, along the banks of the Bagbazar Canal. Residents left peacefully without resistance, but NGOs protested that the announcement on a public address system on the previous day was inadequate notice.²⁸⁶

Evictions of indigenous people

- In July 2003, employees of the Maharashtra State Farming Corporation (MSFC) and police destroyed nearly 200 homes and more than a thousand acres of crops belonging to Adivasi families in Rahata taluka, Ahmednagar district, Maharashtra State. Several hundred people, who had been living on this land for decades, were rendered homeless through this operation. Authorities did not provide notice.²⁸⁷
- In February 2004, 35 Adivasi families were evicted from Kinari village in Lanjigarh Block, Kalahandi District, Orissa. This forced eviction was reportedly carried out by Sterile Industries India Limited and local police to make way for a bauxite mine and refinery plant to be operated by Sterile Industries in Lanjigarh. Police and

283 'NDMC workers attack homeless', *The Times of India*, (17 Nov. 2004), <http://timesofindia.indiatimes.com/articleshow/914749.cms>; Housing and Land Rights Network of Habitat International Coalition, 'A hundred women and children evicted from a night shelter in New Delhi, India' [article on website], Case IND 041104 (4 Nov. 2004), http://www.hlrn.org/cases_files/IND%20041104.doc

284 'Cop killed in eviction melee – Defiant settlers fight pitched battle, 27 arrested', *The Telegraph*, (28 Dec. 2005), www.telegraphindia.com/1051228/asp/calcutta/story_5650632.asp; Asian Human Rights Commission, 'India: Calcutta High Court again violates fundamental rights of thousands through barbaric eviction order', [article on website], (10 Nov. 2005), www.ahrchk.net/statements/mainfile.php/2005statements/369; 'HC sets Dec 15 as squatters new deadline' *Express News Service*, (30 Nov. 2005), <http://cities.expressindia.com/fullstory.php?newsid=159475>

285 'De-clutter Drive at Stations', *The Telegraph*, (1 Dec. 2005), www.telegraphindia.com/1060112/asp/calcutta/story_5705077.asp

286 'KMC Initiative: Drive Peaceful, NGO Should for Homeless', *Express News Service*, (12 Nov. 2006)

287 Asian Human Rights Commission (AHRC), 'India: Adivasi community unable to grow food, asserts their right to land in Maharashtra' [article on website], (14 Apr. 2005), <http://www.ahrchk.net/ua/mainfile.php/2005/1044>

workers of Sterile Industries demolished the entire village with bulldozers. There were reports of further plans to displace another 12 villages with a total of over 10 000 inhabitants. Adivasi people depend on their land and the forest for their livelihood.²⁸⁸

- In April 2005, the Barratry Junta Party-led Madhya Pradesh Government forcibly evicted several Adivasi villages from forest land, claiming that they had encroached on the land. Armed forest personnel drove the villagers away and destroyed 151 homes and a school, and confiscated food stores, goats, cattle and chicken. Most of the people had lived in this area for centuries, and many of them were in possession of title deeds. The Government authorities did not provide compensation for losses or resettlement.²⁸⁹

Evictions in other areas

- In May 2004, approximately 200 members of the Gounder caste attacked a Dalit locality in Caliphate village, in Tamil Nadu in the south of India. The mob burnt nearly 100 homes and people's possessions and injured 14 people. Several hundred Dalits were left homeless due to the attack. After the incident, several human rights organisations wanted to carry out a fact-finding mission on the events, but police officials denied them access and the Assistant Superintendent of Police reportedly threatened them.²⁹⁰

- In June 2004, the authorities of the State of Goa destroyed 250 homes of sex workers, as well as approximately 800 homes of other residents of Bain beach. The eviction was carried out at the height of the monsoon season, and most evictees were left homeless. The High Court in Mumbai had ordered the State of Goa to conduct a socioeconomic study of the Bain neighbourhood and offer a viable rehabilitation plan before effecting the removal of the houses. The State of Goa offered housing to the sex workers in a former children's home, surrounded by barbed wire, where they could participate in courses to learn handicrafts. However, the sex workers did not agree that this was an adequate employment alternative and urged the State to find another proposal. There was no mutually agreed upon plan prior to the forced eviction.²⁹¹

- The Orissa State Government launched a massive demolition drive in the cities of Bhubaneswar and Cuttack and bulldozed nearly 1 800 shops in June 2004. The evictions followed a High Court directive to remove all encroachers from roads, footpaths and pavements. Authorities did not provide any alternative location where people could carry on with their businesses.²⁹²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

288 Asian Centre for the Progress of People (ACPP), 'Stop Mining Projects that Affect Livelihood of Villagers in Orissa' [article on website], (16 Mar. 2004), <http://www.acpp.org/uappeals/2004/04031605.html>

289 'A standoff in the forest', *Frontline Magazine*, (May 2005), <http://www.hinduonnet.com/fline/fl2211/stories/20050603002008700.htm>

290 World Organization Against Torture (OMCT) and HIC-HLRN, '200 upper caste members attack a Dalit locality in South India and burn 100 houses: Police fail to offer protection and subsequently try to suppress evidence' [article on website], (15 June 2004), <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=4&articleId=4936&itemAdmin=article>

291 Human Rights Watch, 'India: Eviction of sex workers boosts HIV risk' [article on website], (7 July 2004), <http://hrw.org/english/docs/2004/07/06/india9010.htm>

292 'Demolition drive irks Orissa vendors', *NDTV*, (13 June, 2004), www.ndtv.com/morenews/showmorestory.asp?slug=Demolition+drive+irks+Orissa+vendors&id=55464

INDONESIA

Jakarta evictions

The vast majority of the urban poor living in Jakarta do not have secure tenure – in fact, the government has not officially registered most of the land on which they live. Until recently, most residents have had some measure of security – as many have lived on sites for decades without contestation, many have paid local officials for permission to live at sites, and many have paid land taxes and have received various government utility services.²⁹³

However, Governor Sutiyoso initiated demolition drives against tens of thousands of such urban poor dwellings. From August through November 2003 alone, the Jakarta city administration evicted a total of over 20 000 city dwellers from their homes.²⁹⁴ The Indonesian Human Rights Commission, known as Konmas HAM, has estimated that 60 526 families were rendered homeless from 2003 to 2004 in Jakarta Province as a result of violent evictions from land on which they lived.²⁹⁵ The Legal Aid Board (LBH) of Jakarta and Urban Poor Consortium (UPC) also report that 1 180 families were evicted in Jakarta from January to September 2006.²⁹⁶ Many of those evicted since 2003 did not receive any compensation for the loss of their homes, property and land. The authorities also failed to provide alternatives for resettlement and rehabilitation for the majority of those forcibly evicted.²⁹⁷

- On 23 August, security officers, police, and firemen began forcibly evicting approximately 2 000 households in Jembatan Besi, West Jakarta. The eviction drive was completed in October 2003 and rendered 7 500 people homeless.²⁹⁸
- Several days after the Jembatan Besi eviction began, North Jakarta municipality security officers demolished the homes of 550 people in Sunter Jaya Tanjung Priok, North Jakarta.²⁹⁹
- In September 2003, security officers demolished 700 houses in Kampung Baru, rendering 3 100 people homeless. The residents had received several notice letters. Reportedly, there were plans to build a housing and shopping complex in the area.³⁰⁰
- In October 2003, police forcibly evicted 520 households at Tanjung Duren Selatan and several hundred households in Tambora in West Jakarta. During the evictions at Tanjung Duren Selatan, nine people suffered minor injuries due to excessive use of force by security personnel. On the same day, police also forcibly evicted thousands more from their homes in Cengkareng, West Jakarta. During clashes with police, a man was killed and officials allegedly sexually abused a teenage girl.³⁰¹

293 Human Rights Watch, *Condemned Communities: Forced Evictions in Jakarta*, vol 18 no. 10 (C), (Sep. 2006).

294 World Organization Against Torture (OMCT) and HLRN, 'More than 20 000 people evicted in Indonesia', (1 Dec. 2003), www.omct.org/base.cfm?page=article&num=3837&consol=close&kwrd=SCR&cfid=1474174&cftoken=371446&SWITCHLNG=EN

295 Komisi Nasional Hak Asasi Manusia/ National Human Rights Commission et. al., *Pengukuran dalam Perspektif HAM: Studi Kasus di Provinsi DKI Jakarta Periode 2003-2004* (Evictions from a Human Rights Perspective in Jakarta Province for the Period of 2003–2004), (2006) p. 101.

296 Internal Report by Lembaga Bantuan Hukum Jakarta (LBH) in coordination with Urban Poor Consortium, *Forced Evictions in Jakarta, Indonesia* (2006).

297 *ibid.*, World Organization Against Torture (OMCT) and HLRN, (1 Dec. 2003).

298 *ibid.*

299 *ibid.*

300 *ibid.*

301 'West Jakarta to continue with forced evictions', *The Jakarta Post*, (2 Oct. 2003),

http://www.indonesia-house.org/focus/HumanRights/100203wjakarta_to_continue_forced_evictions.htm; Evi Mariani, 'One eviction, thousands homeless', *The Jakarta Post*, (3 Oct. 2003), http://www.indonesia-house.org/focus/HumanRights/100303one_eviction_thousand_homeless.htm

- Also in October 2003, security officers and police demolished a further 429 houses located on the bank of the Cipinang River, rendering some 1 800 people homeless.³⁰²
- In order to clear land for the Banjir Kanal Timur (East Jakarta Flood Canal), authorities demolished 44 houses in Cipinang Muara village, 237 in Cipinang Besar Utara, and 148 in Cipinang Besar Selatan, in Jakarta. In another operation, some 1 000 local security officers evicted approximately 4 000 residents of Kali Adem, in the Muara Angke village located on the bank of Angke River.³⁰³
- In October 2004, municipal public order officers, police and the military forcibly evicted some 450 persons in the Pinang Ranti sub district of East Jakarta and demolished another 200 homes in Srengseng Sawah in South Jakarta. Residents received compensation of approximately US \$50. Most evictees had lived on the site since 1991.³⁰⁴
- The North Jakarta Municipality evicted 50 fisher families from Ancol Timur, North Jakarta, in April 2004, rendering some 160 people homeless. The fishermen had been living in Ancol Timur for over 30 years. They had already been evicted several times, but had rebuilt their homes each time. The Municipality was planning to reclaim the north coast and build an upmarket housing and business area.³⁰⁵
- The Jakarta Municipal Government also removed several thousand sidewalk vendors in eviction drives. Ahead of the presidential election in June 2004, the Jakarta administration removed all street vendors from the city's busy areas in a month-long eviction campaign. Many vendors lost their kiosks and goods in the operation.³⁰⁶ In September 2005, the eviction of sidewalk traders at Kampung Rambutan terminal, East Jakarta, caused clashes between traders and security officers of the East Jakarta Municipality³⁰⁷
- The Central Jakarta Municipality mobilized 1 300 security officers to destroy 220 houses in Tanah Abang in November 2005. According to the authorities, the reason for the eviction was to clear the area of prostitution. Police demolished homes and several kiosks as part of a plan to make the city more attractive.³⁰⁸

302 *ibid*, World Organization Against Torture (OMCT) and HLRN, (1 Dec. 2003).

303 *ibid*.

304 'Over 300 families lose homes in forced evictions', *Jakarta Post*, (13 Oct. 2004), <http://www.rghr.net/mainfile.php/0642/813>

305 'Fishermen families evicted for fourth time', *Jakarta Post*, (12 Apr. 2004), http://www.asia-pacific-action.org/southeastasia/indonesia/netnews/2004/ind_16v8.htm#Fishermen%20families%20evicted%20for%20fourth%20time

306 'City evicts vendors in run-up to election', *Jakarta Post* (17 May 2004), http://www.asia-pacific-action.org/southeastasia/indonesia/netnews/2004/ind_21v8.htm#City%20evicts%20vendors%20in%20run-up%20to%20election

307 Urban Poor Linkage Indonesia, 'Sidewalk merchants reject eviction', [article on website], (17 Oct. 2005), <http://www.uplink.or.id/content/view/162/48/lang,en>

308 Urban Poor Linkage Indonesia, 'After Lebaran the eviction began again', [article on website], (22 Nov. 2005), <http://www.uplink.or.id/content/view/181/48/lang,en>

Other evictions in Indonesia:

- In April 2006, some 500 residents were forcibly evicted in the Serpong district Tangerang. Many of the residents had reportedly bought the land in the 1950s.³⁰⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

IRAQ

The United Nations High Commissioner for Refugees (UNHCR) estimated that as of November 2006, there were at least 1.6 million Iraqis internally displaced, with at least another 1.6 – 1.8 million in neighbouring states.³¹⁰ Many of these IDPs and refugees had fled their homes 30 years ago or more, however, Internal Displacement Monitoring Centre estimates that there were approximately 730 000 IDPs due to sectarian violence in 2006.³¹¹

- The military offensive launched by United States forces in the Iraqi city of Fallujah in November 2004 reduced much of the town to rubble due to continuous aerial bombing. Due to the military offensive, the population of Fallujah fell from over 300 000 to less than 50 000. A majority of Fallujah residents were forced to abandon their homes as a result of the destruction of public and private property in the offensive. US forces cut electricity and water supplies soon after the offensive began, leaving the remaining residents in desperate need of basic resources.³¹² As the occupying power during 2003, the United States was legally bound to respect the provisions of the ICESCR, which was ratified by the Iraqi Government in 1976. The United States is also bound by the Geneva Conventions not to destroy civilian housing or undertake collective punishment. The US targeting of civilian areas for bombardment amounted to collective punishment of Iraqis, and thus, a violation of the Geneva Conventions.

- Since 2003, many people who have lost their homes as a consequence of the US-led occupation of Iraq have occupied public buildings, particularly in Baghdad. However, in September 2006, approximately 500 families were made homeless as Iraqi Government officials forced them out of the public building without any notice or relocation plan.³¹³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

309 'Residents block road, burn tires', *Jakarta Post*, (18 Apr. 2006), www.asia-pacific-action.org/southeastasia/indonesia/netnews/2006/ind15v10.htm

310 United Nations High Commissioner for Refugees, 'UNHCR Update on the Iraq Situation', (Nov. 2006), as cited at IDMC, [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/B6C0B024031DFA0F802570B8005A74D6?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/B6C0B024031DFA0F802570B8005A74D6?OpenDocument)

311 IDMC, '425,000 newly displaced from their homes due to increase in violence which began in February 2006 (as of November 2006)' [article on website], <http://www.internal-displacement.org>

312 'Battle rages in centre of Falluja' BBC, (10 Nov. 2004), http://news.bbc.co.uk/1/hi/world/middle_east/3998049.stm

313 'Iraq: Homeless families seek government action' *IRIN News*, (26 Sep. 2006), http://www.irinnews.org/report.asp?ReportID=55719&SelectRegion=Middle_East&SelectCountry=IRAQ

ISRAEL AND OCCUPIED PALESTINE

Badil Resource Center for Palestinian Residency and Refugee Rights and Internal Displacement Monitoring Centre (IDMC) has reported that approximately 70 per cent of the Palestinian people are refugees or internally displaced persons (IDPs). Palestinians have been displaced in waves for many decades, but most recently, policies of the Israeli occupation regime have led to many thousands of people being displaced through home demolitions, land confiscations, and the Wall.

The Wall, which has been under construction since 2002, is in some places a concrete wall of 8–9 metres high with sniper positions every 300 metres, and in other places, an electric fence with trenches, barbed wire, sensors and cameras. Based on the most recently approved route of 30 April 2006, the Wall follows the Green Line (the 1949 armistice line) for only 20 per cent of the route. Most of the Wall is being built inside the 1967 borders of the West Bank, isolating approximately 10.1 per cent of Palestinian land. The amount of land *de facto* annexed by the Wall will be 46 per cent, if Jewish colonies are included in the estimates. The Palestinian Central Bureau of Statistics estimated that, as of June 2006, nearly 15 000 persons had been displaced as a result of the Wall.³¹⁴

- Israeli Defence Forces demolished the homes of over 19 000 people in the Gaza Strip in 2004. UN Secretary General, Kofi Annan said in a statement of 17 May 2004, “As the occupying power, it [Israel] must cease such acts of collective punishment immediately.”³¹⁵ Various official and unofficial reasons have been given for such demolitions and evictions, including: the demolition of homes in Arab areas for lack of building permits (although the demolition of homes without building permits in Jewish areas is rare); Israeli retaliation for actual or suspected Palestinian attacks on Israeli civilians and soldiers; the prevention of attacks on Israeli citizens by Palestinian militants who use the houses, allegedly, to smuggle weapons; and to attack Palestinian civilians sought by the Israeli authorities.

Specific examples of the demolitions include:

- In January 2004, 475 people were affected when at least 25 homes were partially or completely destroyed in Rafah, Gaza.
- In January 2004, the homes of two families were partially or completely destroyed in Tulkarem Refugee Camp.
- In February 2004, 70 people were rendered homeless when their homes were bulldozed at Al-Azza Refugee Camp.
- In May 2004, 34 houses were completely destroyed at Khan Yunis Refugee Camp, leaving 299 people homeless.
- In May 2004, 880 people were made homeless when 80 houses were destroyed in Zayton Refugee Camp. This incursion left 14 Palestinian civilians dead and 30 others injured.

³¹⁴ Badil Resource Center for Palestinian Residency and Refugee Rights and Internal Displacement Monitoring Centre, *Displaced by the Wall: Forced Displacement as a Result of the West Bank Wall and its Associated Regime*, (Sep. 2006).

³¹⁵ ‘Annan calls on Israel to halt destruction of Palestinian homes in Gaza’, *UN News Centre*, (17 May 2004), <http://www.un.org/apps/news/story.asp?NewsID=10759&Cr=palestin&Cr1>

- In September 2004, 100 people were made homeless, with 35 homes totally destroyed and others damaged in Khan Yunis Refugee Camp. Several people were injured and one man was killed.³¹⁶
- From June to September 2006, 3 400 Palestinians were displaced in the Gaza Strip due to ‘Operation Summer Rains’, an Israeli military operation undertaken in response to the kidnapping of an Israeli soldier.³¹⁷

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

JAPAN

Homelessness is a growing problem in Japan. On 24 January 2005, approximately 600 police officers, guards, and city officials forcibly removed 3 000 homeless people from Shirakawa Park in the central part of the City of Nagoya. The homeless persons had lived in tent houses in the park. City authorities prematurely ended resettlement negotiations with the homeless people, claiming that they disturbed the ‘proper use’ of the park and renovation work for the preparation of the Aichi Expo in March 2005. Officials provided accommodation in a temporary shelter for evictees.³¹⁸

- In preparation for the World Rose Congress and National Urban Greenery Fair, the City of Osaka forcibly evicted 22 homeless people living in Utsubo Park and Osaka Castle Park. The violent evictions were carried out on 27 January 2006. One person was arrested and three were injured. The majority of the homeless moved to other parks in Osaka. The City of Osaka claimed that an offer of temporary accommodation had been refused by all of the affected people as an unsuitable arrangement.³¹⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

KYRGYZSTAN

- In March 2004, law enforcement officials forcibly evicted 64 families, a total of 327 persons, from a building in Bishkek, the country’s capital. The people had lived in the building since 1999 and were evicted without prior notice. They were not provided with alternative housing or compensation and were thus rendered homeless by the eviction. Reports indicated that the police used excessive force during the operation. The evicted

316 Centre on Housing Rights and Evictions (COHRE), *Evictions Monitor*, vol. 1 no 2, (Dec. 2004), http://www.cohre.org/view_page.php?page_id=176

317 Badil, ‘A Piecemeal Approach to International Law Will not Bring Peace’ [Statement to the Human Rights Council], (4 July 2006), <http://www.badil.org/Publications/Press/2006/press423-06.htm>

318 Asian Coalition for Housing Rights (ACHR), *Forced evictions in Nagoya*, (Jan. 2005), <http://www.achr.net/Evictions%20Asia/Japan%20Evictions.htm>

319 UN-HABITAT, *Forced Evictions - Towards Solutions? Second Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT*, (Apr. 2007).

people had come from other areas of Kyrgyzstan to Bishkek to find employment and had moved into the vacant, unfinished building.³²⁰

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

LEBANON

- During the Israeli-Hezbollah war between 12 July and 14 August 2006, Israeli forces destroyed at least 15 000 civilian houses in Lebanon and displaced up to a million people, according to a report by Amnesty International.³²¹ A Commission of Inquiry, formed by the UN Human Rights Council, reported that Israel was guilty of “excessive, indiscriminate and disproportionate use of force”. The Commission found that “cumulatively, the deliberate and lethal attacks by the Israeli Army on civilians and civilian objects amounted to collective punishment”, which is a violation of the Geneva Conventions.³²²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

MALAYSIA

- In a joint exercise, the Town Planning and Housing Board, Sabah Electricity Company, the Water Department, the National Registration Department, the Immigration Department and the police tore down approximately 24 homes in Kg Tebobon, Menggatal in February 2004. The Town Planning and Housing Board (LPPB) had served the residents with an eviction notice six months prior to the operation. The enforcement team demolished illegal structures, while at least eight owners dismantled their own homes. LPPB owned the land and wanted to develop the area. The LPPB planned to allocate low-cost housing to qualified local squatters, but this had not been addressed prior to the eviction.³²³

- In August 2004, the Sabah Forestry Department, the Police, and Rela officers (members of a volunteer corps known for their violent tactics) brutally evicted several hundred local villagers for allegedly encroaching on forest reserve land. The officers arrived at the villagers’ homes without prior notice and forced the residents out of their houses. The officers demolished some of the 72 homes with bulldozers, set fire to the remaining ones and confiscated the villagers’ property, including all livestock. During the eviction, Forestry Department officials also confiscated several cars, motorbikes and chainsaws belonging to villagers. Residents were hand-

320 World Organization Against Torture (OMCT), ‘Forced Eviction of 64 Families in Bishkek, Kyrgyzstan’ [article on website], (3 May 2004),

<http://www.omct.org/base.cfm?page=article&num=4866&consol=close&kwrd=ADV&grp=Documents&cfid=3909325&cftoken=22677938>

321 Amnesty International, ‘Israel/Lebanon Deliberate destruction or “collateral damage”? Israeli attacks on civilian infrastructure’ [article on website], (23 Aug. 2006), <http://web.amnesty.org/library/Index/ENGMDE180072006?open&of=ENG-LBN>

322 ‘Report of the Commission of Inquiry on Lebanon pursuant to Human Rights Council Resolution S-2/1’ [report on website], (10 Nov. 2006),

<http://www.ohchr.org/english/bodies/hrcouncil/docs/Col-Lebanon.pdf>; ‘UN finds ‘flagrant violations’ in Israeli prosecution of war’, *The Daily Star*,

(22 Nov. 2006), http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=77078

323 ‘Illegal Tebobon dwellings demolished’, *Daily Express News*, (5 Feb. 2004), <http://www.dailyexpress.com.my/news.cfm?NewsID=24575>

cuffed and sixteen men were arrested and detained for two to three weeks. Reportedly, the land on which the residents had set up their village – Kampung Puteri Tambaung – was not classified as forest reserve. The evictees, who were left homeless, were forced to seek shelter with friends and relatives or rent rooms in lodging houses.³²⁴

- In August 2004, at Bandar Ramai Ramai, the Sandakan Municipal Council, the Immigration Department, police and Rela demolished 22 illegal structures and detained three workers who were unable to produce immigration documents.³²⁵

- In April 2005, enforcement staff from the State Land and Survey Department, escorted by police, demolished dozens of houses in an informal settlement near Canada Hill, outside the centre of Miri. The houses had been built decades previously on State-owned land where commercial development had since been planned. The squatters were caught by surprise, as they had not received a clear and accurate eviction notice. The squatters were reportedly resettled 25 kilometres outside of town.³²⁶

ICESCR: No

ICCPR: No

OP1-ICCPR: No

MYANMAR

- Amnesty International reported in May 2004 that the Muslim ethnic minority – known as the Rohingyas – in Northern Rakhine State, western Myanmar, were regularly subjected to several forms of human rights violations, including the confiscation of their land and forced eviction by the army and police forces. Many of the land confiscations in Northern Rakhine State were related to the establishment of ‘model villages’. The Myanmar Government had relocated Rakhine Buddhists and other non-Rohingyas to Northern Rakhine State and had developed housing and provided farm land to them. In other cases, the NaSaKa military and police had confiscated land from the Rohingyas for expansion of their bases and also for commercial purposes. The affected Rohingya people were rarely offered compensation or alternative accommodation. Furthermore, they were often forced to build the houses and other facilities of the model villages without payment, on land previously confiscated from them. The NaSaKa confiscated land to establish shrimp farms and rice fields and, reportedly, forcing Rohingya people to work in the same fields that had been confiscated from them. In other cases, the NaSaKa rented out land to the same people from whom it had been confiscated. As a result of such discriminatory practices, tens of thousands of Rohingya fled to Bangladesh and other countries.³²⁷

- The State Peace and Development Council (SPDC) – the military junta Government of Myanmar – further consolidated its control over the country through land confiscations, forced evictions, dispossession and displacement. In the Karen districts in eastern Myanmar, the Government displaced thousands of villagers belonging to the Karen ethnicity since November 2005. Army soldiers forcibly relocated the population of several villages

324 ‘Villagers claim wrongful eviction’, *Daily Express News*, (9 Sep. 2004), <http://www.dailyexpress.com.my/news.cfm?NewsID=29245>

325 ‘22 illegal structures demolished in Sandakan’, *Daily Express Malaysia*, (25 Aug. 2004), <http://www.dailyexpress.com.my/news.cfm?NewsID=28974>

326 ‘Squatter homes flattened’, *The Star Online*, (13 Apr. 2005).

327 Amnesty International, ‘Myanmar/ The Rohingya Minority: Fundamental Rights Denied’ [article on website], (19 May 2004), <http://web.amnesty.org/library/Index/ENGASA160052004?open&of=ENG-MMR>

from the hills to the plains, where the SPDC could have greater control over them. The army forced villagers to dismantle their homes with seven days' notice, and threatened to burn villages down and shoot residents if they did not comply. Villagers were then required to transport their own building materials to new sites and rebuild their homes. The army officers reportedly beat residents who did not build homes to certain standards. In the new locations there were inadequate water resources and residents were not able to keep livestock and were not provided sufficient space for farming. Instead, residents were forced to survive as day labourers. The SPDC also exploited villagers for forced labour.³²⁸

ICESCR: No

ICCPR: No

OP1-ICCPR: No

NEPAL

- In June 2006, police evicted members of the Maoist Victims Association who had created a camp in Kathmandu. Approximately 150 police officers forced the people into vans and arrested 80 persons during the operation. The Maoist Victims Association is an organisation of people who have been internally displaced due to Maoist violence during their conflict with the Government of Nepal.³²⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

PAKISTAN

Lyari Expressway evictions

In 2001, the Government of Pakistan and the Karachi City Government started massive bulldozing operations in preparation for the US \$1.5 billion Lyari Expressway Project on the banks of the Lyari River. For this project, an estimated total of 77 000 families (230 000 persons) will be evicted. Many of the affected people live in settlements that are more than 100 years old. There are plans to relocate the evictees, but the relocation sites are located approximately 30 kilometres outside of the city and many lack basic services, such as water or electricity. Moreover, approximately 5 000 businesses, 58 mosques, churches and temples, and several schools will be destroyed. Due to the eviction, the schooling of several thousand students will be severely disrupted, and around 40 000 people will lose their jobs. While compensation is provided to the evictees, it equals less than 10 per cent of their homes' market value. The affected communities have not been consulted on the imminent evictions. Many of those facing eviction have legal tenancy rights that have been recognised by the Courts. Although the High Court of Sindh ordered the Government to review the design of the project so as to minimise

328 Karen Human Rights Group (KHRG), 'Forced Relocation, Restrictions and Abuses in Nyaunglebin District' [article on website], (10 July 2006), <http://www.khrg.org/khrg2006/khrg06f6.html>

329 'Nepal police evict homeless from makeshift camp', *Rajdhani*, (6 June 2005), http://news.monstersandcritics.com/mediamonitor/article_1006106.php/Nepal_police_evict_homeless_from_makeshift_camp_reports_daily

the number of people affected, the implementation of the Lyari Expressway project has continued. There have also been reports that the project demolished many homes that did not fall in the path of the expressway in order to give the Government access to valuable land.³³⁰

- Between the beginning of 2001 and May 2006, approximately 11 397 houses and 3 100 commercial buildings were destroyed in several eviction drives.³³¹ The removals also left approximately 30 000 people without work. Injuries and deaths were also been reported after people protested and refused to move for the bulldozers. In January 2006, the Karachi City Government forcibly evicted residents of Rehmatia Colony and Prem Nagri without giving prior notice, and without paying compensation or providing alternative residences. The City authorities demolished 600 housing units and a temple. The police reportedly used excessive force during the eviction and a number of community activists were injured and many others arrested.³³²

Other Karachi evictions

- The Human Rights Commission of Pakistan reported that in April 2004, the Karachi City administration demolished 104 houses at Anwar Shah Goth, in North Karachi, despite a court injunction. Reportedly, many of the residents had bought their homes over 25 years previously.³³³

- The Urban Resource Centre reported that in November 2004, the Karachi Building Control Authority (KBCA) demolished 40 houses in the Shah Rasool Colony, in Clifton, Karachi, rendering 250 people homeless. The demolition took place on the night before the religious holiday of Eid. The community tried to negotiate with the Karachi Government, but evictees were not compensated or relocated.³³⁴

- The City District Government of Karachi (CDGK) demolished over 1 000 homes opposite the main gate of Karachi University in February 2006. City officials argued that the evictions were necessary as those evicted were illegally occupying land over a water pipeline. The City provided no prior notice or compensation to the affected families.³³⁵

- On 9 March 2006, the City demolished 150 houses in Yousuf Goth in New Karachi and 300 houses in other parts of New Karachi Town to make way for a road extension project. The City did not provide compensation to the affected families, even though most residents had legal titles issued by the Sindh Katchi Abadi Authority.

- On 10 March 2006, the Town administration demolished over 200 homes in Shaheed-e-Millat Colony Korangi Sector 3½ for a road extension project. The City did not provide compensation.

- On 13 March 2006, the Town administration officials demolished 1 250 homes in Jumma Goth — a 30 year old settlement. The affected families lost their household property along with their homes. Police used tear gas and batons when residents tried to resist the demolitions. The local government argued that the settlement

330 UN-HABITAT, *Forced Evictions – Towards Solutions?*, (2005), <http://www.unhcr.org/pmss/getPage.asp?page=bookView&book=1806>

331 Asian Coalition for Housing Rights, *Eviction Alert* (25 Aug. 2006).

332 'Made homeless and out in the cold', *The Jang*, (15 Jan. 2006), <http://www.jang.com.pk/thenews/jan2006-weekly/nos-15-01-2006/kol.htm#2>,

333 Human Rights Commission Pakistan (HRCPP), *State of Human Rights 2004 – Housing*, (2004), p. 264, http://www.hrcp-web.org/pdf/ar_2004/6-3.pdf

334 Urban Resource Centre, *Eviction Watch Report Karachi, January – June 2005*.

335 *ibid.*

was illegal, as it was located on a main water supply pipeline. However, a survey showed that there were various high-rise buildings illegally constructed on the same pipeline, which were not demolished.³³⁶

- On 22 April 2006, the CDGK demolished 40 houses in Allah Wali Colony Block 6, PECHS Jamshid Town Karachi. The CDGK bulldozed houses that had been built in 1954, without providing compensation or alternative accommodation. This was in spite of a case pending in the Sindh High Court concerning the planned eviction, and a hearing scheduled on the matter for the following week.³³⁷
- On 25 April 2006, 100 houses near Graveyard Masira Colony Landhi were demolished.³³⁸
- In May 2006, the CDGK demolished 250 houses in the Sikander Goth settlement, Karachi. The eviction was carried out in order to clear the land for a high-rise building, and the builder's private guards reportedly helped demolish the houses. The residents had not been given prior notice of the eviction. They tried to resist the operation, and in the ensuing protests, police killed one protester and injured one other person. The Urban Resource Centre reported that the City planned to demolish 750 more houses in the area.³³⁹

ICESCR: No

ICCPR: No

OP1-ICCPR: No

PAPUA NEW GUINEA

- In December 2003, heavily armed police forcibly evicted more than 12 000 people from their homes in Madang, and burnt over 200 houses to the ground. Earlier, a national court had ordered the eviction and relocation of the settlement. However, no alternative housing was provided for these families. Police also obstructed efforts of NGOs, including the PNG Red Cross, to give food, transportation and other emergency assistance to those rendered homeless by the eviction.³⁴⁰

ICESCR: No

ICCPR: No

OP1-ICCPR: No

336 *ibid.*

337 *ibid.*

338 *ibid.*

339 *ibid.*

340 'Protests against eviction of squatters in PNG's Madang province', *Radio New Zealand International*, (17 Dec. 2003), <http://www.rnzi.com/pages/news.php?op=read&id=7867>; 'Police in PNG's Madang province ban NGOs from assisting settlers' *Radio New Zealand International* (30 Dec. 2003), <http://www.rnzi.com/pages/news.php?op=read&id=7984>; 'PNG squatters face eviction without hope of appeal', *Radio New Zealand International*, (13 Oct. 2003), <http://www.rnzi.com/pages/news.php?op=read&id=6905>

THE PHILIPPINES

Although housing rights are protected legally by both the Philippines Constitution and the Urban Development and Housing Act of 1992 (UDHA), hundreds of thousands of people have been evicted in the name of ‘beautification’ and ‘development’.

North and South Rail Project evictions

The number of evictions in Metro Manila has increased significantly since 2005 due to the rehabilitation of the Philippines National Railway system, known as the Northrail-Southern Linkage Project. Most of those affected are informal settlers who have lived along the railway tracks for several decades. Once completed, the Northrail-Southern Linkage Project is expected to alleviate existing traffic congestion in Metro Manila, improve transport between the airports and seaports of the Manila-Clark-Subic economic triangle, and provide easy access to Central and Northern Luzon’s new economic growth areas. Research by Urban Poor Associates (UPA) has found that the project will be responsible for the forced eviction of 80 000 families (400 000 people) – the largest planned displacement in the history of the Philippines.

- To date, approximately 29 000 families (22 000 families from the Northrail tracks and 7 000 from the Southern rail tracks, approximately 145 000 people in total) have been moved to several relocation sites at a distance of up to 40 kilometres from Metro Manila. The Government began the implementation of the project before a comprehensive relocation plan was in place, with the result that as few as half of the evicted families received compensation or were relocated. Living conditions at most of the relocation sites were grossly inadequate due to a lack of potable water, electricity and sanitation facilities. Local NGOs in Manila reported that most of the families who were moved from the Northrail tracks had to live in tents for several months at the relocation sites. According to Urban Poor Associates, the incidence of hunger in the relocation sites was double that experienced by communities living adjacent to the railway tracks. Each family was provided with a loan which was payable in 25–30 years with interest rates between 6–9 per cent. In many cases, the loan was not sufficient to construct a house. Large numbers of homes at Cabuyao remain incomplete, without roofs and with dirt floors.³⁴¹

Other evictions

- Forced evictions and demolitions of homes were also carried out in preparation for the 12th ASEAN Summit in Cebu in December 2006. Forty-two families (210 persons) were left homeless when their homes, situated at the front of the Shangri-la Mactan Island Resort and Spa in Mactan Island, were demolished by the police. The cleared land was intended to be used as a parking lot for Summit participants. Reports indicated the demolitions were violent with police using water cannons and truncheons to disperse the barricade put up by those trying to resist the demolitions. Many were hurt, including women and children, and 12 people were arrested and detained during the demolitions.

³⁴¹ Urban Poor Associates [personal communications]; Quijano, S., Lorenzana, A., *Railway Rehabilitation Project in the Eyes of Different Stakeholders*, Urban Poor Associates, Task Force Housing Rights Along the Railways, Cordaid, p. 2, 2006; LOCOA, ‘*Philippine gov’t commits massive HR violations in railroad projects*’ [article on website], (6 May 2006), http://www.locoa.net/home/?doc=bbs/gnuboard.php&bo_table=p_co_training&wr_id=11

More than 600 homes were also demolished in Mandau City in preparation for the Summit. Of these, only 100 families were provided with temporary accommodation and 500 families remained homeless. Furthermore, the temporary accommodation lacked basic services, such as electricity and water.³⁴²

- In April 2003, security forces forcibly evicted 115 Manobo indigenous families living in the Municipality of Quezon, Bukidnon Province. This eviction was carried out, reportedly, to secure the land for commercial interests. The affected families had not been given prior notice of the eviction and did not receive compensation for the loss of their homes, all of which were demolished and burnt. Fifty-eight families found shelter with relatives, while the other 57 families were transferred to the Lumintao Elementary School where they found temporary shelter. After two months, the Lumintao Sub-district officials resettled the 57 families to a new site. The uncertain legal status of that resettlement site, however, has left the affected families without secure tenure. In addition, the water at the site was reportedly contaminated and unsafe for drinking.³⁴³
- On 21 January 2005, the Metro Manila Development Authority (MMDA) demolished the houses of seven families living under the bridge in Barangay Sta. Cruz, Quezon Avenue, Quezon City. Two truckloads of demolition crews from the MMDA and police officers demolished the seven families' homes without prior notice. MMDA officers and police set fire to the housing materials and possessions, which the families had been forced to leave behind.³⁴⁴
- Officials of the Metro Manila Development Authority (MMDA) forcibly evicted 78 families living under the President Quirino Avenue Bridge and along the Estero de Paco in Manila in April 2005. The MMDA stated that the eviction was in line with the Government's beautification drive. Many of the evictees had been living under the bridge for over 10 years. People were notified a few days before the eviction. The Government provided compensation of P 5 000 per family, which evictees argued was insufficient for long-term rental accommodation.³⁴⁵
- In October 2006, the Army demolished some 184 houses, evicting 300 families in Fort Bonifacio, Taguig City. Authorities claimed that the residents, who were mostly retired soldiers, had encroached on land reserved for the expansion of the Libingan ng mga Bayani, the Memorial Cemetery, in which soldiers were buried. A total of 300 homes were expected to be affected.³⁴⁶
- On 30 August 2006, an army task force demolished 106 houses in Sitio Masagana, Western Bicutan, Taguig, which they claimed were a danger to civil aviation because they were in the airport's flight path. Officials from

342 Urban Poor Associates [personal communications], (Nov. 2006).

343 Asian Human Rights Commission, quoted in: UN-HABITAT and OHCHR, *Indigenous peoples' right to adequate housing: A global overview, United Nations Housing Rights Programme Report No. 7*, Nairobi, (2005).

344 *Asian Coalition for Housing Rights (ACHR)* [correspondence].

345 'Tough love', *Philippine Daily Inquirer*, (10 Apr. 2005), http://archive.inquirer.net/view.php?db=0&story_id=33216

346 Anthony Vargas and Jonathan Hicap, 'Army evicts squatters from Fort Bonifacio', *The Manila Times*, (13 Oct. 2006), www.manilatimes.net/national/2006/oct/13/yehey/metro/20061013met4.html

Fort Bonifacio Satellite Government Center said that terrorist groups could use the area to target planes with shoulder-mounted rocket launchers.³⁴⁷

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

SRI LANKA

- In response to the Tsunami of December 2004, the Government of Sri Lanka established a coastal buffer zone in order to protect the area against the event of a future tsunami. Hundreds of thousands of people living within the buffer zone were moved to transitional shelters inland, where they waited for permanent housing. Many fishing communities had to be evicted by force, as they were not willing to abandon their homes by the sea. The resettlement was carried out without consultation with the affected communities. To house all people displaced by the tsunami, an estimated 100 000 permanent homes would have to be built or repaired.³⁴⁸

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

THAILAND

- The Port Authority of Thailand resettled the residents of approximately 900 houses from the Klong Toey's Lock 7 slum community in Bangkok. Most of the residents had already been moved in 1996 to new accommodation in Soi Watcharapol. In November 2005, the remaining families were also resettled to a new area. The evicted people were to rent the land at the resettlement site, and the Government had provided residents with a loan to construct houses. Several people, however, did not have sufficient money to pay for the loan and rent, and they were left homeless. Some people returned to the Lock 7, as they had nowhere else to go.³⁴⁹

- After the Tsunami disaster in December 2004, many villagers along the coastline of Khao Lak, and other tourist areas, have been involved in battles over land ownership. Families who were displaced by the Tsunami often lacked legal titles to their land. Tourism developers have tried to exploit this and claimed land from villagers who were rebuilding their homes. Along the coastline of Phang Nga Province, hundreds of families have been evicted by developers claiming to be the rightful owners of the land.³⁵⁰

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

347 Jesse Edep and Jonathan M. Hicap, 'Nine people hurt in demolition attempt' *The Manila Times*, (31 Aug. 2006), <http://www.manilatimes.net/national/2006/aug/31/yehey/metro/20060831met11.html>

348 Amnesty International, 'Sri Lanka: Waiting to go home -the plight of the internally displaced', (29 June 2006), <http://web.amnesty.org/library/Index/ENGASA370042006?open&of=ENG-LKA>

349 'A wasteland of despair', *The Nation*, (14 Nov. 2005), http://www.nationmultimedia.com/2005/11/14/national/index.php?news=national_19145753.html

350 'In Thailand, a 'land grab'', *The Christian Science Monitor*, (8 Apr. 2005) <http://www.csmonitor.com/2005/0408/p07s02-woap.html>

TURKEY

- In October 2004, police, municipal service workers and demolition crew members violently evicted and destroyed the buildings of 16 families in Istanbul's Alibeykoy area.³⁵¹
- In June 2006, officials of the Istanbul Municipality and police demolished 20 barracks inhabited by Roma in the Cebeci Quarter in Gaziosmanpaa. About 30 persons who tried to resist the demolition were arrested.³⁵²
- In July 2006, officials of the Municipality of Istanbul and hundreds of police officers demolished approximately 120 homes of Roma families residing in the Kadıköy Küçükbakkalköy district. The families had been notified of the eviction two months before the operation, which was carried out as part of the implementation of an urban transformation project.³⁵³
- A two-storey building inhabited by six Roma families in the port city Zonguldak was demolished by the Municipality in July 2006. The 45 residents were left homeless.³⁵⁴
- In August 2006, the Municipality of Ankara demolished some 170 homes of Roma in the Gültepe (Çinçin) district, Ankara. The demolitions were ostensibly carried out to make room for the construction of a housing project in the area. A further destruction of 400 houses has been planned.³⁵⁵

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

TURKMENISTAN

- In 2003, the Russian human rights organisation Memorial reported the illegal eviction of a settlement located 10 kilometres from the Caspian port city of Turkmenbashi. Nearly 100 homes were destroyed and more than 500 people, mostly of Kazakh ethnicity, lost their property. This action was reportedly undertaken on the direct order of President Niyazov. The owners of the destroyed properties were not given compensation or alternative housing.³⁵⁶
- In July 2004, Government of Turkmenistan officials and police forcibly evicted around 900 residents from their homes in Keshi, a suburb of Turkmenistan's capital, Ashgabat. Residents were told that the Government was planning new upmarket building projects. The evictees were not compensated nor offered alternative accommodation. Most of them had to move in with members of their extended families, while others were left homeless. Furthermore, the city plan called for another 400 houses in Keshi to be dismantled. International Helsinki

351 'Istanbul municipality razes homes in flood area', *Terra Daily*, (11 Oct. 2004), <http://www.terradaily.com/2004/041011101154.rmn7mp3.html>

352 IDEA, 'Turkey: Roma districts demolished during Urban Transformation Projects', [online article], (11 Aug. 2006), <http://www.idebate.org/roma/topicarticle.php?id=308>

353 *ibid.*

354 *ibid.*

355 *ibid.*

356 International Helsinki Federation for Human Rights, 'Turkmenistan: Illegal Evictions a Routine Practice' [article on website], (16 July 2004), http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=6010

Federation for Human Rights reported that some residents who protested were detained and "warned not to express publicly their opinion."³⁵⁷

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

VIET NAM

- In 2005, local Government officials of the Hai Tien Province reportedly forced eight families of Khmer Krom origin (an indigenous ethnic Khmer minority living in southern Viet Nam) to sign documents giving up their homes and land. Human Rights Solidarity reported that the Khmer Krom people were threatened and beaten until they signed documents that transferred the ownership of their land to the officials. The Vietnamese Government also appropriated land from the Khmer Krom to allocate to Vietnamese farmers or for infrastructure projects.³⁵⁸

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

³⁵⁷ *ibid.*

³⁵⁸ Human Rights Solidarity, 'The Khmer-Krom: Marginalised in Their Own Land', (22 Aug. 2005), <http://www.hrsolidarity.net/mainfile.php/2005vol15no03/2441>

Europe

ALBANIA

- In August 2006, the Mayor of Elbasan ordered the forcible eviction of 21 Roma families living on Maji Street. This eviction rendered 109 persons homeless. The Municipality had notified the affected community only a week before the eviction, and the families were not allowed to remove their personal belongings before the destruction of their homes. The Roma families had occupied the houses since 1991. The Municipality planned to build social housing on the site for poor families in the area, which could include housing for the evicted families.³⁵⁹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: No

BOSNIA AND HERZEGOVINA

- On 24 March 2004, police evicted several Roma families from their temporary residence in Banja Luka without providing them with an alternative site. The evicted families reportedly moved to the outskirts of town where they were again evicted by police.³⁶⁰

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

BULGARIA

- On 31 August 2005, at least 24 Roma homes in the Hristo Botev neighbourhood of Sofia were demolished and approximately 150 Roma people were rendered homeless.³⁶¹

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

359 European Roma Rights Centre, 'Albania: Roma Housing Rights abuses', [online press release], (9 Aug. 2006), <http://www.errc.org/cikk.php?cikk=2612>

360 European Roma Rights Centre, 'Repeated Eviction of Romani Community in Bosnia and Herzegovina', [online press release], <http://www.errc.org/cikk.php?cikk=1939&archiv=1>

361 European Roma Rights Centre, 'Romani Communities under Threat of Forced Eviction in Bulgaria', <http://www.errc.org/cikk.php?cikk=2664&archiv=1>

CZECH REPUBLIC

• The Municipality of Bohumin notified 280 residents of a hostel for low-income people – the majority of whom were Roma – that they would be forcibly removed from the building on 30 June 2005 if they did not vacate the premises voluntarily beforehand. The Municipality intended to replace the current accommodation serving poorer and low-income groups with luxury flats. Most of the affected families moved out under this pressure, primarily into the already overcrowded flats of their extended families, which were mostly located in marginalised Romani neighbourhoods. Several families, however, were unwilling to leave the hostel, explaining that the alternative accommodation offered was far too expensive. Some people refused to leave the building and legally challenged the eviction orders. The Municipality thereafter carried out a range of punitive measures against these people. This included engaging a private security company to guard the door of the hostel and block everyone but those living there from entering the building. Even close family members of residents were prevented from entering the building. The Municipality issued monthly bills to the affected families for the services of the security company. Another punitive measure taken by the Municipality was to change the rent basis from ‘per family’ to ‘per person’. For some of the families this meant a six-fold rent increase. These measures clearly contravened Czech and international human rights law.³⁶²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

FRANCE

• In August 2006, French police forcibly removed 508 people, including 114 children, from a former university residential building in Chachan, a suburb of Paris. More than 1 000 people, mainly immigrants, had occupied the building in 2001. The eviction order was issued after negotiations between the occupiers and authorities broke down. Police arrested 69 people, 49 of whom faced deportation for being undocumented immigrants.³⁶³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

GREECE

Roma communities in Greece have faced pervasive and persistent discrimination in access to housing. Not only have they often experienced extremely poor housing conditions, lacking even access to basic services such as water and electricity, they have frequently faced segregation and forced eviction by local authorities and police.

According to data from the Greek police, between 1 January 1996 and 30 June 2006, police officers took part in 79 forced evictions of Roma communities ordered by courts (and many more without a court order). In the same

³⁶² European Roma Rights Centre, ‘Forced eviction crisis in the Czech Republic’, [online press release], <http://www.errc.org/cikk.php?cikk=2308&archiv=1>

³⁶³ Party for Socialism and Liberation, ‘Racist evictions in France target immigrants’, [online news article], (28 Aug. 2006),

http://www.pslweb.org/site/News2?}ServSessionIdr005=17lwtn0t02.app7b&page=NewsArticle&id=5549&news_iv_ctrl=1261

period, they lodged 323 lawsuits against Roma families for illegal settlement under the Sanitary Regulations.³⁶⁴ While authorities were meant to provide some form of alternative accommodation in terms of this law, it has rarely occurred and no criminal proceedings have ever been brought against any local authority for failure to provide suitable accommodation.

The Deputy Minister of Interior, Public Administration and Decentralization, Athanasios Nakos, noted on 25 June 2004: “All of us remember the commitments made in 1996, to the effect that within 10 years, no Gypsy will be living in a tent. Unfortunately today, 8 years later, the everyday reality of the Greek Gypsies belies, in the most unequivocal manner, those commitments.... In the field of housing and infrastructure, the steps that were made are small.”³⁶⁵

In a landmark decision of June 2005, the European Committee of Social Rights (ECSR) concluded that Greek policies on housing of Roma breached the right to adequate housing in Article 16 of the European Social Charter. The Committee found that there were: “insufficient number of dwellings of an acceptable quality to meet the needs of settled Roma”, “insufficient number of stopping places for Roma who choose to follow an itinerant lifestyle or who are forced to do so”, and “systemic eviction of Roma from sites or dwellings unlawfully occupied by them.”³⁶⁶ A year later, the Committee concluded that the situation in Greece was still not in conformity with Article 16 since “there is still a shortage of housing” and “Roma families still do not have sufficient legal protection.”³⁶⁷

Athens Olympics 2004

In preparation for and during the 2004 Olympic Games, Greek authorities undertook forced evictions, targeting Roma families in the Greater Athens Area.

- In 2002, the Roma community of Marousi was asked by the Marousi Municipal authorities to vacate their settlement so that the 2004 Olympic Games Committee could construct a parking lot and road enlargement. The Marousi Mayor signed an agreement with a representative of the 40 families, consisting of 137 people, stating that adequate compensation in the form of rent subsidies and resettlement would be provided. However, the agreement excluded 20 Albanian Roma families, who were forcibly evicted despite their having legal residency status in Greece. The municipal authority failed to implement the resettlement part of the agreement and defaulted on the payment of rent subsidies to the Roma families. This led to landlords evicting a number of the Roma families from their rented accommodation in 2003 as they were unable to pay their rent without the Government subsidies.³⁶⁸

364 Hellenic Police to Greek Helsinki Monitor [document], (26 July 2006), ‘ref. no. 4808/4/76-2-’,

365 Translated by GHM from the Greek [article], http://www.mpa.gr/article.html?doc_id=464049

366 *ERRC v. Greece* (complaint No 15), p. 15,

http://www.coe.int/t/e/human_rights/esc/4_collective_complaints/list_of_collective_complaints/RC15_merits.pdf

367 See Conclusions XVIII-1 (Greece), pp. 19–22,

http://www.coe.int/t/e/human_rights/esc/3_reporting_procedure/2_recent_conclusions/1_by_state/Greece_2006_XVIII_1_A4_EN.pdf

368 Centre on Housing Rights and Evictions (COHRE), *Fair Play for Housing Rights: Mega-events, Olympic Games and Housing Rights*, (2007), www.cohre.org/mega-events

- On 17 August 2004, Patras Municipal employees staged a ‘cleaning operation’ against Albanian Roma living in Riganokampos, on a plot of land belonging to the University of Patras. The Municipality offered compensation to two Greek Roma families to transfer their sheds on the neighbouring plot of land where the Greek Roma families lived. However, no such arrangements were made for the 35 Albanian Roma families, the majority of whom were away from their homes for seasonal agricultural work in other parts of Greece. The Albanian Roma families were consequently forcibly evicted without compensation and without adequate notice.³⁶⁹

Other evictions

- In Aghia Paraskevi, several homes of Roma families were demolished by Municipal authorities throughout 2005. In February 2005, a bailiff demolished the home of Mr Thanassis Mitrou, a Romani man. Again on 31 March 2005, a bailiff and police using a bulldozer demolished the home of Mr Giorgos Kalamiotis. The home of another Roma family would also have been demolished on that day if the NGO Greek Helsinki Monitor (GHM) had not taken legal action to stop the demolition. On 26 September 2005, a bailiff, with an excavating machine and with police present, demolished the home in which Andreas Mitrou, his wife and three children lived. Then, on 2 December 2005, the bailiff attempted to demolish three more homes but the Roma families protested, resulting in the crew leaving but not before giving the families an ultimatum of 10 days before they would return to carry out the eviction. No adequate resettlement or compensation were provided to the Roma families who were forcibly evicted from Aghia Paraskevi.³⁷⁰

- On 18 July 2006, in the Kladiso area of Hania, Crete, an inter-municipal ‘ecological’ company, with police assistance, demolished 10 Roma homes without a court order while the occupants were away.³⁷¹

- On 27 July 2006, the Patras Municipal authorities demolished 13 Roma homes in the Makrigianni district of Patras while the occupants were away for seasonal work. On 2 and 3 August 2006, they also served notice of urgent police measures to evict approximately 45 Roma families residing in the Makrigianni district of Patras. On 24 August 2006, before a pending ruling could be issued regarding the authorisation of these measures, the municipal authorities began to demolish the remaining Roma homes in Makrigianni and Riganokampos districts, claiming these actions were ‘cleaning operations of abandoned sheds’. The Municipality also claimed that some Roma families (varying from 5 to 17 in different statements) had been relocated to rented homes, when in fact, a small number of families were each given compensation of a few hundred euros and, in some cases, an oral promise of a rent subsidy if they agreed to move out.³⁷²

- During the morning of 26 September 2006, a family of eight was rendered homeless – hours before the visit to the settlements by the Commissioner for Human Rights of the Council of Europe (COE), Thomas Hammarberg.

369 Greek Helsinki Monitor, <http://www.greekhelsinki.gr>

370 *ibid.*

371 *ibid.*

372 Centre on Housing Rights and Evictions (COHRE) and Greek Helsinki Monitor, ‘Government of Greece Fails to Stop Forced Eviction of Roma’ [online media release], (17 Oct. 2006), http://www.cohre.org/view_page.php?page_id=217

On the following day, two Roma were arrested for adding protective nylon covers to their homes. They were remanded in custody and then taken to court the next day where they were acquitted. On 12 October 2006, two more Roma were arrested for doing repair work on their home. They were held in custody and taken to court the next day. One was acquitted, but the other was referred to the juvenile court.³⁷³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

IRELAND

- In 2002, Ireland enacted Section 24 of the Public Order Act, as amended by the Housing (Miscellaneous Provisions) Act. This Act is a retrogressive eviction law, which is particularly harsh for Traveller communities. Under this Act, police are empowered to arrest Travellers for trespass, without a warrant, if they do not move immediately upon spoken request. Police can also confiscate homes of Travellers, imprison residents for a month and impose fines of up to 3 000. Moreover, the police are allowed to evict Travellers, even if they are waiting to be provided with housing by local authorities. The Irish Traveller Movement received reports of over 150 incidents of Travellers being requested to move their vans between July 2002 (the date the law became active) and October 2003.³⁷⁴

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

ITALY

- Research by the European Roma Rights Centre (ERRC) have indicated that Roma have been repeatedly and systematically subjected to forced eviction in Italy, generally without provision of basic procedural guarantees or the provision of alternative accommodation. Therefore in June 2004, the ERRC, in collaboration with a number of local partners, lodged a collective complaint against Italy with the European Committee of Social Rights. The Committee held unanimously that:

- The insufficiency of camping sites for nomadic Roma constituted a violation of Article 31(1) of the Revised Charter, taken together with Article E;
- Forced eviction and other sanctions constituted a violation of Article 31(2) of the Revised Charter, taken together with Article E;
- The lack of permanent dwellings constituted a violation of Articles 31(1) and 31(3) of the Revised Charter, taken together with Article E.³⁷⁵

³⁷³ *ibid.*

³⁷⁴ The Irish Traveller Movement [website], <http://www.itmtrav.com>, and reported by COHRE [article on website], www.cohre.org/ireland

³⁷⁵ European Roma Rights Centre, 'Italy systematically frustrates right to adequate housing of Roma' [online article], <http://www.errc.org/cikk.php?cikk=2589&archiv=1>

ICESCR: Yes
ICCPR: Yes
OP1-ICCPR: Yes

MONTENEGRO

On 11 May 2005, police and local authorities demolished the homes of 10 Roma families in the village of Tuzi, leaving approximately 48 people homeless. The families had been given a 10-day notice of the eviction.³⁷⁶

ICESCR: Yes
ICCPR: Yes
OP1-ICCPR: Yes

RUSSIAN FEDERATION

- The ERRC reported on the forced eviction and destruction of homes belonging to more than 200 Roma, including over 100 children, in the village of Dorozhnoe, in Russia's Kaliningrad region. From 29 May to 2 June 2006, regional authorities bulldozed 37 homes and set fire to the ruins. The evictions had been ordered by the local High Court after proceedings that reportedly denied the Roma communities fundamental due process.³⁷⁷
- The ongoing conflict in Chechnya caused hundreds of thousands of people to flee the area since 1999. Many displaced persons settled in neighbouring Ingushetia, one of the poorest republics of the Russian Federation. Between 2003 and 2005, Russian authorities closed several camps of internally displaced persons (IDPs) in Ingushetia, which had sheltered more than 12 000 people.³⁷⁸ The Russian Government opened 'Temporary Accommodation Centres' in Chechnya for the returnees. However the capacity of these centres was insufficient to accommodate all the affected people and the camps' conditions were often sub-standard. Yet despite such poor conditions, a survey carried out by Médecins Sans Frontières in 2003 showed that 98 per cent of internally displaced Chechens in Ingushetia did not wish to return to Chechnya at that time, citing fear of insecurity and lack of housing as the main reasons.³⁷⁹ While there were no reports that people were physically forced to return to Chechnya, authorities actively pursued a policy of pressuring the IDPs to go back.³⁸⁰

ICESCR: Yes
ICCPR: Yes
OP1-ICCPR: Yes

376 European Roma Rights Centre, 'Forced evictions of Roma in Serbia and Montenegro' [online article] <http://www.errc.org/cikk.php?cikk=2337&archiv=1>

377 European Roma Rights Centre, 'Right organizations condemn Roma evictions in Russia' [online article], <http://www.errc.org/cikk.php?cikk=2607>

378 International Displacement Monitoring Centre, 'IDP Database: Russian Federation' [online database], <http://www.internal-displacement.org>; Rachel Denber, Human Rights Watch, "'Glad to be Deceived": the International Community and Chechnya', *World Report 2004*, <http://hrw.org/wr2k4/7.htm>

379 Médecins Sans Frontières (MSF), 'The trauma of ongoing war in Chechnya', (13 Sep. 2004), <http://www.reliefweb.int/library/documents/2004/msf-che-30aug.pdf>

380 International Displacement Monitoring Centre, 'Patterns of displacement: Russian Federation' [online database], <http://www.internal-displacement.org>

SLOVAKIA

- On 15 June 2005, a private security agency forcibly evicted 40 Romani people from an abandoned apartment building in Kosice. The families had lived in the building for more than 10 years. The building was owned by the Slovak National Railroad Company, ZSR, which hired the private security company to evict the Roma. The evictees were not provided with any alternative accommodation.³⁸¹
- In another case reported by the Slovak newspaper Korzar, bulldozers destroyed five homes, which housed 38 Roma in the village of Furca. The demolition was carried out on 24 July 2004 in the presence of the police. The families had received an eviction notice only one day prior to the eviction. Reportedly, a bus took the evictees to their registered place of permanent residence, although most of the residents had lived in Furca for several years.³⁸²

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

SPAIN

- On 17 January 2005, Valencia municipal authorities demolished several publicly-owned buildings in which Roma had lived. The eviction was carried out in the presence of the police and rendered approximately 10 Roma families homeless. The families were not given official notice of their eviction and were offered alternative accommodation for only three days. A further 40 Roma families from the same settlement were threatened with forced eviction. However, the Valencia authorities refused to give a specific date for the eviction. On 28 June 2005, the remaining buildings were demolished without warning and none of the 40 families were provided with alternative accommodation.³⁸³

ICESCR: Yes

ICCPR: Yes

OP1-ICCPR: Yes

UNITED KINGDOM

- In January 2004, the Chelmsford Borough Council forcibly evicted 28 Traveller families from the Meadowlands Caravan Park, from land which Travellers had purchased in 2001. Some 100 police officers implemented the eviction, in which a number of people were arrested and injured, and one caravan was burned. The evictions took place with a court order, on the grounds that the Travellers had not submitted planning applications prior to commencing with construction on the sites. Travellers reported that they had filed applications and had been turned down.³⁸⁴

381 European Roma Rights Centre, '40 Roma homeless following evictions in Slovakia' [online article] <http://www.errc.org/cikk.php?cikk=2502&archiv=1>

382 European Roma Rights Centre, 'Eviction fever in Slovakia' [online article] <http://www.errc.org/cikk.php?cikk=2109&archiv=1>

383 European Roma Rights Centre, 'Bulldozers in Valencia leave ten Romani families homeless' [online article], <http://www.errc.org/cikk.php?cikk=2343&archiv=1>

384 Dominic Casciani, 'The battle for Gypsy land' *BBC News online*, (20 Apr. 2004), http://news.bbc.co.uk/2/hi/uk_news/3639495.stm

- On 30 June 2004, bailiffs evicted 21 Traveller families from their land at Wolvey Road in Bulkington, Warwickshire. This was despite the fact that the individuals owned the land and had lived there for more than two years. The High Court had ruled in April 2004 that the Travellers had illegally constructed roads and fences without planning permission.³⁸⁵
- The Leeds City Council ordered the eviction of the Maloney family from a public recreation area which they occupied near Leeds in June 2004. The Maloney family had been evicted and moved 50 times. A judgement from the European Court of Human Rights in Strasbourg stated that the eviction breached the family's right to respect for their home under article 8 of the European Convention for the Protection of Human Rights. Despite this judgement, the Maloney family lost their appeal against the eviction in a March 2006 House of Lords ruling.³⁸⁶
- In March 2005, police evicted the residents of five flats in the Royal Fountain Mews Hotel in Kent. The police reported that they had reason to believe the residents had been taking or dealing drugs in the flat. However, the evictees had not been charged with any offence. The residents were given only a few hours to pack their belongings.³⁸⁷
- On 29 November 2005, police evicted 150 people living at St Agnes Place, London. The street was occupied in 1974 and people had rebuilt most of the buildings themselves over the course of 30 years of living in the area.³⁸⁸

ICESCR: Yes

ICCPR: Yes

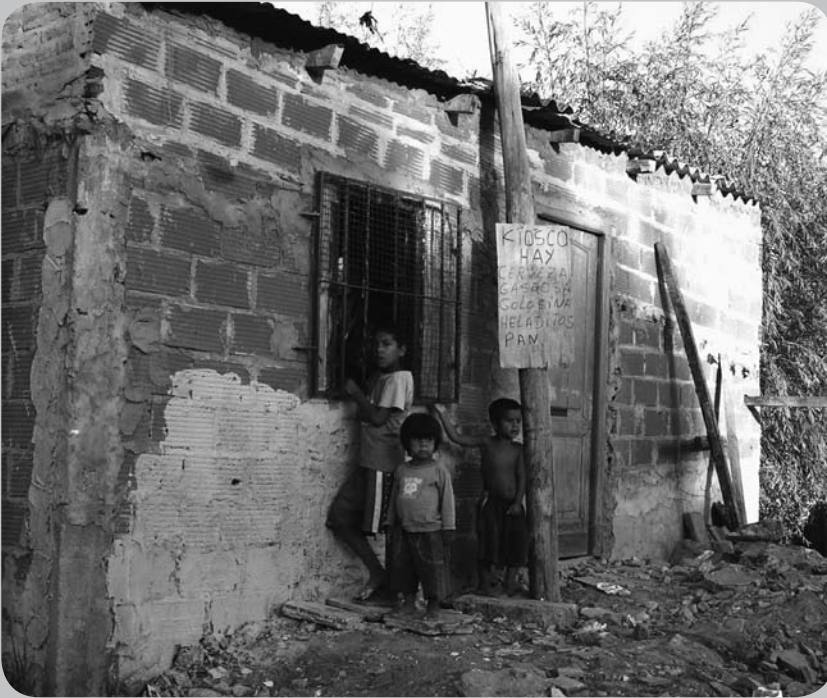
OP1-ICCPR: No

385 'Evicted travellers back in town' *BBC News online*, (10 Aug. 2004), http://news.bbc.co.uk/2/hi/uk_news/england/coventry_warwickshire/3550260.stm

386 'Gypsy family loses eviction appeal over human rights', *The Guardian*, (9 Mar. 2006), <http://politics.guardian.co.uk/homeaffairs/story/0,,1726831,00.html>

387 'Flat tenants evicted after order', *BBC News*, (10 Mar. 2005), <http://news.bbc.co.uk/1/hi/england/kent/4336783.stm>

388 St Agnes Place, [website] <http://www.stagnesplace.net>



Villa La Cava, San Isidro, Argentina

3 THREATENED OR PLANNED FORCED EVICTIONS

Africa

BOTSWANA

- Since April 2006, residents of the Letoreng settlement near Sefhare in Tswapong South have lived under the threat of forced eviction from their ancestral land. When neighbouring farmers began to expand their farms beyond their boundaries and into the Letoreng settlement, the Government threatened the Letoreng with eviction, as their settlement had never been recognised. The opposition party (Botswana Congress Party), however, supported the residents and asked the National Land Board to instead upgrade the settlement and issue plot certificates to the residents.³⁸⁹

ETHIOPIA

- In November 2005, the Ethiopian Government signed an agreement with African Parks Foundation, a Dutch conservation organisation, for the management of the Omo National Park. Government officials legalised the Park's boundaries, thus making it illegal for the 50 000 tribal people living in the Park to remain in the area. The World Rainforest Movement reported that Ethiopian Park officials persuaded tribal people to sign away their land, without compensation, on documents which they could not read. The African Parks Foundation stated that it could not interfere with the plans of a sovereign government. The Suri, Dizi, Mursi, Me'en and Nyan-gatom tribal peoples have lived on this land for hundreds of years. The World Rainforest Movement warned that an eviction could be disastrous, not just for indigenous peoples' survival strategies, but also for the environment – as tribal peoples have been an integral part of the ecosystem for millennia.³⁹⁰

GHANA

- In May 2002, the Accra Metropolitan Authority (AMA) served an eviction notice on the residents of the Agbog-bloshie/Old Fadama settlement to make way for the Korle Lagoon Environmental Restoration Project (KLERP). The Ghanaian division of the Centre for Public Interest Law (CEPIL) applied for a High Court injunction to stop the eviction, but this was rejected by the Accra High Court on 24 July 2002. The eviction has been postponed repeatedly, but is still scheduled to occur. COHRE commissioned a study to evaluate the AMA's claims and found that, while many of its statements about the poor living conditions in the settlement were true, the settlement could be developed in situ and could easily co-exist with the KLERP. Therefore, the removal of the settlement could not be justified.³⁹¹

With the help of support organisations such as the People's Dialogue on Human Settlements, residents have begun to demonstrate how such co-existence could be implemented. The Daily Graphic reported that residents gave the settlement 'a facelift' by creating 15 access roads for emergency vehicles, and by using their own savings and donated funds to purchase drainage materials worth 33 million cedis (approximately US \$3 700).

389 'BCP opposes Letoreng evictions', *Daily News Online*, (19 Apr. 2006), www.gov.bw/cgi-bin/news.cgi?d=20060419

390 The World Rainforest Movement, 'Ethiopia: Dutch conservation organization involved in eviction of thousands of tribal people' [article on website], (Apr 2006), <http://www.wrm.org.uy>

391 Centre On Housing Rights and Evictions(COHRE) [pdf on website], *A Precarious Future: The Informal Settlement of Agbogbloshie*, www.cohre.org/ghana

Residents also monitored the area to prevent people from dumping refuse into the lagoon or building structures that encroached on the KLERP boundaries. The AMA continued to insist that it would press ahead with the planned evictions in the interest of the KLERP. The Chairman of AMA's Environmental Management Subcommittee, Mr Phillip Nii Lante Lamptey, said: "The place is not conducive for human settlement and any move to give it a facelift would be stopped." He also criticised organisations supporting the residents and said they would do better to help them resettle elsewhere because their occupation of Old Fadama was illegal.³⁹²

- In 2005, the Chief Director of the Ministry of Ports, Harbours and Railways announced that the demolition of hundreds of shacks and kiosks along railway lines would start in early August 2005. The Chief Director explained that the authorities would precede the eviction with an intensive public education programme, but would not offer the residents compensation or relocation because they had settled there illegally and in violation of the regulation that all structures should be at least 100 feet (30 metres) away from railway lines.

However, residents claimed that they were not squatters, because they paid money for their land and were given receipts by the railway authority. The Ministry admitted that some officials may have taken money in exchange for land. Residents have asked for refunds and for a longer notice period before being evicted. On 8 August 2005, CEPIL filed a motion at the Fast Track Court on behalf of 770 affected people, seeking compensation.³⁹³

KENYA

- In late January 2004, various Kenyan Ministries announced plans for an unprecedented series of mass evictions that threatened up to 300 000 residents of Kibera, alone—Nairobi's largest informal settlement. The planned evictions were justified on the grounds that the informal settlements were illegally situated either on 'dangerous' public land (rail reserves or areas under electrical power lines) or on land reserved for future road-construction. That meant that all structures and settlements built on land set aside for road reserves, near roads, railway tracks or power-lines faced eviction. Raila Village in Kibera was the first to be evicted. But the sheer number of people to be affected by the evictions provoked strong local, national and international criticism. The Government responded to the concerns and suspended its eviction plans. Nevertheless, some uncertainty was created when various Ministers declared that the suspension did not apply to their departments. In the eyes of many, it has remained just a matter of time before the evictions would proceed.³⁹⁴

- Between 2004 and 2006, the Government of Kenya carried out a massive programme of evictions in forest areas of Kenya. Estimates have indicated that in six forests alone, more than a hundred thousand persons were forcibly evicted between July 2004 and June 2006. Evictions in a number of forest areas reportedly continued and humanitarian groups expressed concerns about the increase in internally displaced persons from forest areas in Kenya. The Government of Kenya has indicated that evictions in forest areas will continue.³⁹⁵

392 'AMA rejects move by Sodom and Gomorrah Squatters to give the place a facelift', Ghana News Agency, (11 July 2005), <http://www.ghanaweb.com/GhanaHomePage/regional/artikel.php?ID=85569>

393 Centre on Housing Rights and Evictions (COHRE), *Evictions Monitor* [pdf on website], vol. 1 no. 3, (Aug. 2005), http://www.cohre.org/view_page.php?page_id=176; 'Railway company issues ultimatum', Daily Graphic, (5 Oct. 2006); Centre for Public Interest Law (CEPIL) (Aug. 2007), <http://www.cepil.org.gh/courtcases.htm>

394 Centre on Housing Rights and Evictions (COHRE), *Listening to the Poor? Housing Rights in Nairobi, Kenya*, (Jun. 2006), http://www.cohre.org/view_page.php?page_id=120

395 Centre on Housing Rights and Evictions, *Nowhere to go: Forced evictions in Mau Forest, Kenya* (May 2007), www.cohre.org/kenya; 'Evictions will go on to save forests, says top official', Daily Nation, (5 Apr. 2006).

MALAWI

- In August 2005, Malawi housing officials announced that the Government would be evicting hundreds of people from illegal settlements in Malawi's capital Lilongwe, and would use force if necessary. The Housing Department announced that the Government would evict those living illegally on land meant for industrial development.³⁹⁶ In Lilongwe about 70 per cent of the population live in illegal settlements.³⁹⁷

MOROCCO

- In January 2006, the Moroccan Delegate Minister in charge of Housing announced that all houses that were built illegally or did not meet construction norms would be destroyed due to urban development projects. The planned evictions would affect some 500 000 people all over the country.³⁹⁸

NIGER

- Authorities of Niger's capital Niamey ordered the eviction of hundreds of families living in the forest, or greenbelt area, which surrounds Niamey. The local government gave the families an ultimatum to vacate the area by April 2006, but people did not leave. Some had lived in the area for over 20 years, and were not willing to move without being provided with alternative accommodation. The forest area was established with support from the United Nations and the World Bank to protect the city from desertification and the extremes of Niger's climate.³⁹⁹

NIGERIA

- Under the orders of the Minister of the Federal Capital Territory, Mallam Nasir Ahmad El-Rufai, the Federal Capital Development Authority (FCDA) carried out mass forced evictions in Abuja in an attempt to re-initiate a Master Plan that was approved in 1979. The Plan was designed to guide the creation of the new capital and development of the capital territory until 2000. The Master Plan was developed when the Government of Nigeria decided to move the national capital from Lagos to Abuja. The aim of the Master Plan was to create an orderly capital as a solution to the chaotic, rapidly expanding Lagos. The Master Plan called for the resettlement of people living in traditional villages in the capital territory to neighbouring states. However, the Government never fully implemented the resettlement plan. Instead, those living on the land when the Federal Capital Territory (FCT) was created – generally termed 'indigenes' – were allowed to remain. These settlements have expanded in the past 30 years as indigenes allocated land or rented housing to non-indigenes who moved to Abuja for employment and were unable to access affordable formal housing. This resulted in the formation of extensive informal, unplanned and unauthorised settlements within the area designated for the capital city.

396 'Deadline for Malawi demolitions', *BBC News*, (5 Aug. 2005), <http://news.bbc.co.uk/2/hi/africa/4748279.stm>

397 The World Bank, 'World Bank Says World's Worst Slums Can Be Transformed' [article on website], (3 June 1996), <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/MALAWIEXTN/0,,contentMDK:20011723~menuPK:355892~pagePK:141137~piPK:141127~theSitePK:355870,00.html>

398 'Some 500 000 Moroccans live in houses due for demolition, Minister', *Maghreb Arabe Presse*, (5 Jan. 2006), http://www.map.ma/eng/sections/social/some_500000_morocca/view

399 'City Takes Step to Protect Forest', *Inter Press Service News Agency*, (2 Aug. 2006), <http://ipsnews.net/africa/nota.asp?idnews=34210>

The FCDA has targeted over 49 such settlements in Abuja for demolition, arguing that land was zoned for other purposes under the Master Plan and, in some cases, had already been allocated to private developers. However, the FCDA has drawn a distinction between indigene and non-indigene residents when carrying out evictions and demolitions. The FCDA has a policy to provide full resettlement to indigenes, in keeping with the original intentions of the Master Plan. Because the FCDA has not yet been able to complete resettlement sites for indigenes, it has refrained from evicting them. However, there is no such policy for non-indigenes. Evictions of non-indigenes commenced as early as 2003, but the most contentious demolitions began in late 2005 and have been ongoing. Approximately 25–28 of the 49 targeted settlements in Abuja have remained under threat of demolition for non-indigene residents. All of the indigenes in the 49 settlements thus remain under threat of eviction. Although the FCDA assured them that they would provide resettlement, residents have not been consulted on the plans and have been concerned that the resettlement will not be adequate

After public outcry, the FCDA attempted to enumerate non-indigenes before demolitions and offered those affected with access to a plot of land in relocation sites that were under construction. However, non-indigenes had to pay 21 000 Naira (approximately US \$170) for administrative fees, and a further 600 Naira (approximately US \$4.88) per square metre of land. Thus access to a 500 square metre plot would cost 321 000 Naira (approximately US \$2 612). They would further be required to build a home based on certain planning standards within two years or lose their rights to the relocation plot. In a country where over 70 per cent of the population lives on under a dollar day, this would be a difficult feat, particularly for those who have had their homes and possibly much of their property destroyed.⁴⁰⁰

- Twenty-six local communities in Lagos State are threatened with forced eviction by the planned Lekki Free Trade Zone (LFTZ) project, a multi-billion dollar joint venture between the Lagos State Government and a consortium of Chinese businessmen. The Lagos State Government is planning to create the Free Trade Zone on the land of pastoral and fishing villages. If the project is implemented, hundreds of thousands of people will be removed from their ancestral land and their means of livelihood.⁴⁰¹

400 COHRE interviews with affected communities, FCDA officials, and Nigerian organisations, (1–11 Nov. 2006).

401 Social and Economic Rights Action Center, 'Imminent Forced Eviction of Twenty-six Communities under the Lekki Free Trade Zone (LFTZ) Project in Lagos, Nigeria', (13 Sep. 2006).

SOUTH AFRICA

- Johannesburg's Inner City Regeneration Strategy could lead to the forced eviction of a minimum of 25 000 people, or as many as 70 000 people, from dilapidated buildings in the inner city. The city authorities sought urgent eviction orders, using Apartheid-era laws, on the basis of concerns for the health and safety of residents.⁴⁰² The High Court of South Africa ruled that the City of Johannesburg's housing policy failed to comply with section 26 of the Constitution, which provided for the right to have access to adequate housing. This was due to the City's failure to provide suitable relief for, and to give adequate priority and resources to the inner city poor living in a crisis situation or otherwise in desperate need of accommodation. The Judge dismissed the eviction applications brought by the City against the residents. He also interdicted the City from evicting or seeking to evict the residents until adequate alternative accommodation in the inner city area had been provided. However, the City of Johannesburg will appeal this decision in 2007 at the Supreme Court of Appeals, with a counter-appeal from residents.

SWAZILAND

- In January 2006, Swazi authorities began to clamp down on illegal urban settlements and unplanned housing. The Swaziland National Provident Fund earmarked 40 homes for demolition in the Madonsa settlement outside the commercial town of Manzini in order to construct new houses. The Madonsa community has taken the Fund to court to stop their evictions.⁴⁰³

- At the same time, another 100 homes in the royal village of Ludzidzini faced destruction. The Government threatened to evict the residents to make way for an extension of King Mswati's home. The land was to be used to accommodate the King's growing number of wives and their children.⁴⁰⁴

- In May 2006, the Swazi Observer reported that hundreds of residents living within Masundwini and Lusekwaneni areas faced eviction for settling illegally and constructing structures on 'sacred' land. The settlers were notified of the planned evictions, and said that they would comply with the decision, even if they had nowhere else to go.⁴⁰⁵

402 Centre on Housing Rights and Evictions (COHRE), *Any Room for the Poor: Forced Evictions in Johannesburg, South Africa*, (Mar. 2005), www.cohre.org/southafrica

403 'Swaziland: Urban cleanup response to unplanned settlements', *IRIN news*, (31 Jan. 2006), www.irinnews.org/report.asp?ReportID=51457&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND

404 *ibid.*

405 'Hundreds face eviction', *The Swazi Observer*, (23 May 2006), <http://www.observer.org.sz/main.asp?id=21950&Section=main>

The Americas

ARGENTINA

- The Government of Argentina, The City Government of Buenos Aires, and the Puerto Madero Corporation are planning a city development project in Buenos Aires – known as ‘Retiro 2010’. Approximately 25 000 people living in Villa 31 and Villa 31 bis, Buenos Aires will be evicted to make way for a commercial area, which will include office buildings, hotels, shops, and public spaces. At this point, there has been little official information concerning plans for the future resettlement of the current inhabitants, but reportedly, they will be offered an alternative option. The affected community has not been consulted and has not been informed about possible alternatives. People have lived in Villa 31 and 31 bis for several decades.⁴⁰⁶
- In 2001, the City of Buenos Aires proposed a plan to redevelop the AU3 area within the framework of the *Programa de Recuperación de la Traza de la Ex AU3*. In the 1970s and 1980s, Argentina’s military junta planned to construct a freeway (the AU3) and intended to take over the area. The project was, however, aborted and the area was occupied primarily by low-income families. The City Government planned to sell the land to private investors for development. More than 1 100 families have been threatened with eviction. The Municipality proposed different alternatives to the citizens in forms of credits and subsidies. However, not all settlers would be able to access the program, as credits and subsidies were planned particularly for those who occupied strategic places of the AU3. Critics have argued that in the context of Argentina’s precarious housing situation, the Government should not develop commercial and high standard housing, but rather affordable houses for low-income residents.⁴⁰⁷
- In February 2006, 42 families (130 people) living in a building in Nuevo Alberdi, Santa Fe Province received eviction notices ordering them to vacate the building. The District’s Court of Appeal ordered the eviction of the building because it belonged to the real estate company Zanni. The families had occupied the building many years ago, but the owner had plans to redevelop the area. There have been discussions concerning the relocation of the families to a settlement at Ibarlucea Canal.⁴⁰⁸
- The company Madera Dura del Norte S.A. claimed to be the owner of some 156 000 hectares of forest land in Sol de Mayo in Santiago del Estero Province, home to approximately 1 500 families. Local farmers reported that the company had committed numerous acts of violence against them. In February 2006, workers of the company and police arrived with earthmovers and burnt the forest and shot at the farmers with rubber bullets. Several people were injured. The farmers, whose ancestors lived on the land for over a century, asked for an investigation of the incidents.⁴⁰⁹

406 ‘La zona a urbanizar en Retiro cubre un total de 18 hectáreas’, *Clarín*, (16 Feb. 2006), <http://www.clarin.com/diario/2006/02/16/elpais/p-01001.htm>;
‘Que no desaloje la Villa 31’, *Página 12* (11 Aug. 2007), <http://www.pagina12.com.ar/diario/elpais/1-89531-2007-08-11.html>; ‘Los más pobres en tierras muy caras’, *Página 12* (30 Jul. 2007), <http://www.pagina12.com.ar/diario/elpais/1-88908-2007-07-30.html>

407 ‘Aceleran la recuperación de la ex AU 3 para hacer parques y casas’, *Clarín*, (27 Oct 2005), <http://www.clarin.com/diario/2005/10/27/laciudad/h-03815.htm>

408 ‘Inminente desalojo en Nuevo Alberdi’, *DERF*, (29 Dec 2005), http://www.derf.com.ar/despachos.asp?cod_des=55487

409 ‘El MOCASE denuncia violenta represión policial y parapolicial a campesinos’, *Prensa de Frente*, (9 Feb. 2006), <http://www.prensadefrente.org/pdfb2/index.php/a/2006/02/09/p1053>

BRAZIL

- In February 2006, Indymedia reported that the ‘Prestes Maia’ in Sao Paolo, the largest informally settled building in South America, was under threat of eviction. The building was to be returned to its owner Mr Hamuche & Co who had left the building unused for the past 15 years. Four hundred and sixty-eight families, more than 1 600 people – including some 400 children – would be rendered homeless through the eviction.⁴¹⁰
- Approximately 70 families living in the area known as ‘Vila Itororó’ in Sao Paolo have been threatened with forced eviction. The City Hall intended to ‘revitalise’ the area through the construction of new bars, restaurants and cinemas. The Municipality planned to relocate the residents or to offer them compensation if they returned to their places of origin. However, some of the residents have lived in the area all their lives and spent great effort on building their homes and the area’s infrastructure.⁴¹¹
- Several Quilombo communities have been threatened with eviction in order to clear land for the expansion of the Space Launch Centre in Alcântara State of Maranhão. Quilombolos are members of an ethnic minority who trace their lineage back to slaves who were brought to Brazil in the seventeenth century. The implementation of the expansion of the Centre would result in the forced displacement of more than 1 500 inhabitants. No resettlement projects have been presented or discussed with the affected communities. Since 1991, Quilombolos have suffered forced resettlements and threats of forced evictions as a consequence of a Federal Government led effort to install the Space Launch Centre in Alcântara. During the 1990s, approximately 1 350 people were resettled to locations with poor agricultural and subsistence conditions. The Government did not provide families with any financial compensation, and did not adequately consult them to find a mutually agreeable solution.⁴¹²
- More than 400 families of the Quilombo community located at Mata Cavallo, in the Municipality of Nossa Senhora do Livramento who received the right to the land in 1999, have been threatened with forced eviction. Farmers wanted the ownership of the land and requested the court of Mato Grosso to evict the Quilombo community.⁴¹³

PERU

- A pending road project, the ‘*Periferico Vial Norte*’, will affect eight districts of the city of Lima. In the district of San Juan de Lurigancho, 430 families are immediately threatened with eviction. Approximately half of the affected families do not possess any form of land title and live in inadequate housing conditions. The Municipality of Lima contracted a commission to organise the resettlement of the residents.⁴¹⁴

410 ‘South America’s largest squatted highrise building is under threat’, *Indymedia*, (9 Feb. 2006), <http://www.indymedia.org/or/2006/02/833052.shtml>

411 “‘Revitalização’ da Vila Itororó”, *Centro de mídia independente*, (11 Apr. 2006), <http://www.midiaindependente.org/pt/blue/2006/04/350870.shtml>

412 UN- HABITAT, *Forced Evictions – Towards Solutions?*, (2005), <http://www.unchs.org/pmss/getPage.asp?page=bookView&book=1806>; see also www.cohre.org/quilombos

413 ‘Quilombolas apelam contra despejo determinado pela Justiça Federal’, *24Horas*, (26 Jan. 2006), <http://www.24horasnews.com.br/index.php?mat=166044>

414 UN- HABITAT, *Forced Evictions – Towards Solutions?*, (2005), p. 61, <http://www.unchs.org/pmss/getPage.asp?page=bookView&book=1806>

Asia and the Pacific

BANGLADESH

- Civil war and persecution of religious minorities have displaced hundreds of thousands of indigenous people referred to as 'Jumma', who live in the Chittagong Hill Tracts in south-east Bangladesh. Forcible relocation of the Jumma people has been a strategy of the military since the late 1970s, and relocations and land grabbing by the military continues. The Asian Centre for Human Rights reported that in March 2005, the Deputy Commissioner of Khagrachari served acquisition notices to the indigenous Jumma landowners in order to acquire 45 acres of land for the purpose of constructing headquarters for a battalion. This construction would displace 174 families. Most of these Jumma people had been removed or had been forced to flee several times already. The Bangladesh army also sought to establish new camps near Bandarban, which would lead to the displacement of approximately 25 000 indigenous people. Additionally, the Government has planned to relocate thousands of Bengali people into the area, which would likely cause further displacement of indigenous people.⁴¹⁵
- Coal mining projects in the town of Phulbari in Dinajpur have threatened the eviction of several thousand indigenous people from 150 villages of the area. All houses, schools, and shops within the mining area face removal if the planned project proposed by Asia Energy is implemented. It was reported that the people would be compensated for their loss of land and property. The indigenous people, mainly from the Santal tribe, have lived on this highly fertile land for centuries.⁴¹⁶
- A planned 'eco-tourism' project in the Modhupur Forest will displace 25 000 indigenous people, primarily from the Garo and Khasis tribes. Indigenous inhabitants have been living in the Modhupur Forest for over a century. The Modhupur National Park Development Project is planned and partly financed by the Government of Bangladesh and reportedly supported by the Asian Development Bank. Although the Government has stated that it would not forcibly remove the indigenous people from the forest, local people fear eviction. In 2001, the Government started building a boundary wall around the area. Once the wall is finished, it will encircle some 5 000 indigenous people living in five villages; anyone living inside the Park would be treated as an illegal inhabitant and could be evicted. When the affected community peacefully protested against the Park project in January 2004, police intervened with excessive force against the demonstrators. One man was killed and several others, including women and children, were injured.⁴¹⁷

415 Asian Centre for Human Rights, 'Destruction of a people: Jummas of the CHTs' [article on website], (25 May 2005), <http://www.achrweb.org/Review/2005/74-05.htm>

416 'The human cost of coal', *Probe News Magazine*, (June 2006)

<http://www.probenewsmagazine.com/index.php?index=2&contentId=1289&PHPSESSID=a323a1b2142811e6f701cda91d60e8cd>

417 'Bangladesh eco-protest', *The Observer*, (25 Apr. 2004), <http://travel.guardian.co.uk/countries/story/0,,1202442,00.html>

CAMBODIA

- The Asian Human Rights Commission reported that the Royal Cambodian Armed Forces attempted to forcibly evict over 40 families in June 2006 from their lands in Tuk Chenh village in the Phnom Sruoch province, claiming that the villagers had stolen the land. The villagers, however, argued that the land had been theirs since 1995 when it had been distributed to them. During the attempted eviction, armed soldiers threatened villagers and set fire to homes. The villagers, however, succeeded in defending their homes. People have expressed concern that the soldiers would return, leading to violence between soldiers and villagers.⁴¹⁸
- In a similar case, 3 170 families settled in Boeng Pram village in Battambang Province in 2005. Reportedly, the 10 000 hectares of land were allocated to the Royal Cambodian Armed Forces, but senior provincial officers sold it to private developers. The villagers feared eviction through either the Armed Forces or the private developers. In July 2006, 20 armed soldiers came to the village and forced the villagers to sign away their land. During this action, 10 villagers were arrested.⁴¹⁹
- In July 2006, the Phnom Penh Municipality also issued eviction notices to 150 families of a settlement known as Group 78. The Municipality of Phnom Penh claimed that the community had illegally occupied Group 78 land, and claimed that the land was Government property. However, the Government did not provide any documentation to support their assertion. The Sour Srun Company has also claimed that it owns a portion of the Group 78 land. However, it has likewise failed to provide any documentation to support this assertion.

The community living on Group 78 land has produced documentation supporting their possession of the land and occupation since the early 1980s. The community has farmed the land for over 20 years, built structures on the land and used the land as collateral for loans. Some families retain receipts, which were issued by the commune and local authorities in the early 1990s, recognising their occupation of the plots on the site. Furthermore, the community has satisfied the requirements of Article 38 of the 2001 Land Law, which grants ownership to someone who has possessed property in a non-violent, continuous, open, obvious, and good-faith manner for five years.

The Municipality of Phnom Penh attempted to negotiate with affected residents by offering the equivalent of US \$500 and a five by twelve metre plot of land to each family that agreed to move. However, with the exception of several families, the majority of residents have continued to firmly refuse the offered settlement, stating that it is inadequate, that it is not fair market value compensation and that they did not wish to leave their land.

By mid-August 2006, the Government was expected to evict another 1 400 families living nearby in Village 15. There has not been any consultation with the affected communities.⁴²⁰

418 Asian Centre for Human Rights, 'Cambodia: Army unlawfully evicts villagers' [article on website], (21 June 2006), <http://www.ahrchk.net/ua/mainfile.php/2006/1793/>

419 'Rights Group to ask RCAF chief to discipline soldiers', *The Cambodian Daily*, (10 July 2006), http://www.cambodiapolitics.org/news_06/the_cambodia_daily_06/cd_06_07/10_cd4.pdf

420 Human Rights Watch, 'Cambodia: Phnom Penh's poor face forced evictions' [article on website], (2 Aug. 2006), <http://hrw.org/english/docs/2006/08/02/cambod13889.htm>

CHINA

- Between 2003 and 2006, approximately 557 800 people (206,000 households) were displaced in Beijing, China, in preparation for the 2008 Olympic Games. COHRE has estimated that a further 120 000 homes will be demolished in 2007 and 2008. Based on these estimates, a total of 1.5 million people will be displaced from their homes by the time the Games commence in August 2008.
- In April 2005, the director of the ‘South-Nord Water Diversion Project’ announced that up to 400 000 people faced relocation for the project, which is intended to divert water from the Yangtze River to China’s north. This 60 billion dollar project will cause the displacement of residents a year from the Hubei and Henan provinces in Central China. The project is scheduled to be completed in 2050. The China Daily reported that levels of compensation for the displaced have been set at a higher rate than for previous relocations.⁴²¹
- The construction of the Xiluodu Hydropower Station project on the Jinsha River started again in December 2005, after construction had previously been halted. Once finished, the Xiluodu Hydropower Station will be the second largest hydropower station in China. The Xiluodu Dam in Yunnan Province is the first of four massive hydropower projects on the Jinsha River. The project has resulted in a large number of protests. Affected people are to be relocated and compensated. Once the hydropower station is finished, an estimated 60 000 people would lose their land in the submerged area.⁴²²

INDIA

- To implement ‘Vision Mumbai’, the plan of the Maharashtra State Government to make a world class city out of Mumbai, hundreds of thousands of slum dwellers in India’s booming city still face eviction in addition to the over 300 000 who have already been evicted.
- In the slums of Indira Nagar and Sanjay Nagar in the Bhatti Mines area, New Delhi, more than 1 621 families face relocation after the Supreme Court, in June 2006, refused their demand to delay the eviction. According to the Court’s order, the slum dwellers were to be relocated to other areas of New Delhi, but authorities are required to ensure that the evicted families are provided with all basic services at the relocation sites.⁴²³
- Nearly 600 farmers living in the Saragodu Reserve in Chikmagalur district were served with eviction notices in June 2005. The Forest Department applied for an eviction order, stating that the land belonged to the Government, and the Supreme Court thus ordered the eviction of any illegal settlers. However, residents have maintained that the land had been granted to them by the Government in the 1960s.⁴²⁴

421 ‘400 000 to relocate for water project’, *China Daily*, (6 Apr. 2005), http://www.chinadaily.com.cn/english/doc/2005-04/05/content_431415.htm

422 ‘Hydropower station construction recommences, sending mixed political messages’, *Central News Agency*, (5 Jan. 2006), <http://www.probeinternational.org/tgp/print.cfm?ContentID=14495>

423 ‘SC refuses to stay eviction of slum dwellers’, *Tribune News Service*, (28 June 2006), <http://www.tribuneindia.com/2006/20060629/delhi.htm#1>

424 ‘Govt urged not to evict growers’, *The Hindu*, (11 June 2005), <http://www.hindu.com/2005/06/11/stories/2005061102680500.htm>

‘Protest against eviction of tribal people from forests’, *The Hindu*, (31 July 2005), <http://www.hindu.com/2005/07/31/stories/2005073101380200.htm>

- The BBC reported that a few thousand non-Nicobarese Indians residing on the Andaman and Nicobar archipelago faced forced eviction if they did not voluntarily move back to the mainland. After the Tsunami disaster in December 2004, residents from India's mainland started outnumbering the indigenous population of Nicobar. In addition, resources such as water and land are scarce on the islands, and the Nicobarese tribes have asked all non-ethnic Nicobarese to leave the islands. Indian law forbids anybody other than ethnic Nicobarese tribes from living on the islands, although people from mainland India have lived on the Nicobar Islands for several decades.⁴²⁵

Sardar Sarovar Dam

- In March 2006, the Narmada River Valley Authority decided to raise the height of the Sardar Sarovar Dam on the Narmada River. This height increase in the dam wall would submerge 220 villages in Maharashtra, Madhya Pradesh and Gujarat and affect more than 35 000 families. In April 2006, Supreme Court ordered that all relocated persons had to be rehabilitated and, if compensation and resettlement were not implemented speedily, the Court would order a complete halt to the works. The construction of the Sardar Sarovar Dam and the submergence of land have led to the displacement of thousands of families in the last 20 years.⁴²⁶

In addition, an 'eco tourism project', which includes water theme parks, golf courses, hotels, restaurants, and camping facilities, located near the Sardar Sarovar site in Gujarat, has threatened six villages (900 families) with eviction. The residents of these villages lost the rights to their land during the 1961 acquisition for the dam project. At that time, however, the residents were not recognised as eligible for resettlement. They have thus remained on their land during the ongoing fight with authorities. A tourism project now threatens to destroy their homes.⁴²⁷

INDONESIA

- The Asian Human Rights Commission reported that the land belonging to the village of Tanah Awu in Central Lombok has been under constant dispute because the West Nusa Tenggara provincial authorities want to build an international airport on the land. The local Government has planned to remove the villagers from the fertile agricultural land. For the past ten years, the local Government has made no effort to consult with the local population. In June 2006, Government officials, accompanied by armed police and paramilitary officers, arrived at the village. After peasants threw rocks at them, police opened fire and several people were injured.⁴²⁸

425 'Migrants face eviction after tsunami', *BBC News*, (28 Feb. 2005), http://news.bbc.co.uk/2/hi/south_asia/4304143.stm

426 Friends of River Narmada [website], <http://www.narmada.org/sardarsarovar.html>

427 Friends of River Narmada, 'No displacement in the name of tourism' [press release on website], <http://www.narmada.org/nba-press-releases/september-2005/Sep26.html>

428 Asian Human Rights Commission, 'Indonesia: Excessive forced used by police in central Lombok' [article on website], <http://www.ahrchk.net/ua/mainfile.php/2006/1812>

JAPAN

- A village inhabited by some 200 elderly Koreans, the Utoro district near Kyoto, is threatened with eviction. In 1941, when Korea was under Japan's rule, Koreans were brought to Kyoto to build a military airbase. At the end of the War, some Koreans decided to stay in the area and they founded the village of Utoro. After the War, the land passed to Nissan Shatai, a Nissan Motor subsidiary that sold it in the 1980s to a real estate company. The real estate company has since tried to evict the elderly residents. After 10 years of legal battles, the Supreme Court decided in July 2000 that the residents had to leave Utoro. The owner of the land can legally request the forced eviction of the residents at any time.⁴²⁹

LAOS

- In March 2005, the World Bank and the Asian Development Bank approved millions of dollars in loans and guarantees for the construction of a hydroelectric dam at the Nam Theun River, in southern Laos. Construction of the Nam Theun 2 project began in early 2005 and is scheduled to be completed in 2009. Some 6 200 people are threatened with eviction to make way for the Nam Theun 2 dam and its reservoir. The dam will also have an impact on the livelihoods of thousands of people living downstream from the land; many residents fear the destruction of fisheries and the flooding of riverside gardens. The Thai-French dam developers and the Government of Laos plan to resettle the affected people to new 'model villages', to which 400 people have already moved within the framework of a pilot resettlement scheme. However, those being resettled have argued that the land is less fertile.⁴³⁰

MALAYSIA

- The Daily Express reported in March 2006 that several thousand people from 15 villages in Government reserves in the Nabawan region were threatened with eviction. Following the gazetting of the Farm Management Unit (FMU) by the Government of Malaysia about 10 years ago, people in the affected areas have no longer been allowed to carry out agricultural activities. There have been consultations with the affected people with plans to relocate many residents to the Batu Punggol area.⁴³¹

- The residents of Kampung Panji were served with several eviction orders by the Sabah Urban Development Corporation in May 2006. The residents, however, refused to comply with the order until compensation and alternative accommodation had been discussed. The company wanted to clear the area for a new development project and has threatened to demolish 14 homes.⁴³²

429 'Groups unite to save last Korean village of forced laborers in Japan', *The Korea Times*, (29 Apr. 2005), <http://times.hankooki.com/lpage/nation/200504/kt2005042817433611990.htm>

430 'Southern Laos braces for change', *BBC News*, (16 June 2004), <http://news.bbc.co.uk/2/hi/asia-pacific/3808499.stm>, see also International Rivers Network, www.irn.org

431 'Thousands in FMU areas face eviction', *Daily Express News*, (5 Mar. 2006) <http://www.dailyexpress.com.my/news.cfm?NewsID=40548>

432 'Panji folks ignoring eviction order', *Daily Express News*, (5 June 2006), <http://www.dailyexpress.com.my/news.cfm?NewsID=42408>

- A total of 78 landowners will be resettled by the Lands and Surveys Department (JTU) to make room for the construction of a water treatment plant in Kg Tambalugu. The property was acquired by the Government. Compensation and relocation are under discussion, and reportedly a site at Ulu Bakut has been identified as a relocation site for the affected residents. Reportedly, 15 families were not provided with alternative accommodation.⁴³³

MYANMAR

- The construction of the Thamanthi Hydroelectric Power Project on the Chindwin River would lead to the relocation of some 35 villages — mainly inhabited by the ethnic minority of the Kuki in the area of the Western Sagaing Division. The project is to be implemented by the National Hydroelectric Power Corporation of India. Thus far, neither the company nor the Government of Myanmar has held any consultation with the affected people or undertaken a study on the social and environmental impact of the project.⁴³⁴

PAKISTAN

- To make way for the further construction on the Lyari Expressway, the City District Government of Karachi and other government agencies plan to demolish a further 66 000 homes.⁴³⁵
- According to reports from the Urban Resource Centre of Pakistan, the Karachi City Government plans to demolish another 6 000 housing units in 20 separate informal settlements. According to the City authorities, all settlements that were created after 1985 are considered to be an illegal encroachment; and could therefore be removed at any time.⁴³⁶

THE PHILIPPINES

- For the construction of the South Rail Project an additional 50 000 people will be evicted. People will be relocated to areas approximately 30 kilometres from their present homes.⁴³⁷

433 'Eviction order hasty, says MP', *Daily Express News*, (7 Aug. 2006), <http://www.dailyexpress.com.my/news.cfm?NewsID=43629>

434 'Thamanthi dam and Kuki people's fate', *Burma Digest*, (31 July 2006)
<http://burmadigest.wordpress.com/2006/07/31/thamanthi-dam-kuki-peoples-fate>

435 UN-HABITAT, *Forced Evictions – Towards Solutions?*, (2005), <http://www.unhcr.org/pms/getPage.asp?page=bookView&book=1806>

436 Urban Resource Centre, *Eviction Watch Report Karachi*, January – June 2005, <http://www.urckarachi.org/evic.htm>

437 LOCOA, 'Philippine gov't commits massive HR violations in railroad projects' [article on website], (6 May 2006),
http://www.locoa.net/home/?doc=bbs/gnuboard.php&bo_table=p_co_training&wr_id=11

SOUTH KOREA

- Riot police attempted to evict over 1 000 elderly residents – most of them in their 60s and 70s – from their village in Pyongtaek, in the north west of South Korea in March 2006. The Ministry of National Defence had requested the eviction in order to make room for the expansion of a neighbouring US army base, Camp Humphreys. The villagers, however, resisted the eviction. During the protests, police used force and several villagers suffered injuries. Police arrested several hundred human rights activists taking part in the protests. Villagers have argued that the compensation offered was not enough to buy equivalent land elsewhere. They have demanded consultations with the Government, arguing that the consultation conducted in February, before the eviction attempt, was inadequate and did not take into account the farmers' concerns. Despite the protests, South Korean and US authorities have not withdrawn their plans to demolish the village.⁴³⁸

TURKEY

- The construction of the controversial Ilisu Dam Project on the River Tigris in south-east Anatolia in the Kurdish area of Turkey began in early August 2006. The Ilisu Dam is part of Turkey's South-eastern Anatolian Project (GAP), which has spread a network of dams and power plants across the Kurdish regions of south-east Turkey. The reservoir of the Ilisu Dam will flood 52 villages and 15 small towns. Furthermore, the historical site of Hasankeyf and hundreds of other ancient sites of Kurdish heritage will be submerged under water. A minimum of 15 000 people, with estimates of up to 78 000 people – mainly Kurds – will have to be resettled and another 32 000 will be affected by the loss of their land. In 2005, the Government of Turkey commissioned the development of a resettlement plan. According to the plan, people would have to choose between resettlement and financial compensation. However, compensation for people previously relocated by the South-eastern Anatolian Project was tied to the property of land or houses. Due to the fact that most land in south-east Anatolia is concentrated in the hands of large landowners, many landless families were not compensated. The Turkish Government promised that it would compensate the landless people, as well. The Turkish Government's decision to build a hydroelectric power plant in the Kurdish region risks escalating the conflict between the Turkish state and the Kurdish guerrillas. Given the delicate situation in the region, affected people are unlikely to voice protest against the project, lest they be prosecuted as sympathisers of the guerrillas. The forthcoming evictions should thus be seen as part of a wider pattern of human rights abuse in south-eastern Turkey. Over the past decade thousands of villagers in the region have been evicted at gunpoint by the Turkish security forces.⁴³⁹

- The Municipality of Ankara has planned the demolition of some 400 houses in the Gültepe (Çinçin) district in Ankara to make room for the construction of a housing project in the area. By August 2006, 170 homes of Roma families had been demolished.⁴⁴⁰

438 'Eviction village: A farmer's tale', *BBC News* (27 Feb. 2007), <http://news.bbc.co.uk/1/hi/world/asia-pacific/6389553.stm>; Amnesty International, 'South Korea: Elderly farmers forcibly evicted for US army base', [press release on website], (17 Mar. 2006), <http://web.amnesty.org/library/Index/ENGASA250012006?open&of=ENG-KOR>

439 European Rivers Network, RiverNet, <http://www.rivernet.org/turquie/ilisu.htm>; Ilisu Dam Campaign, www.ilisu.org.uk;

440 'Document prepared by Mr. Henry Scicluna, Council of Europe Coordinator for Activities concerning Roma and Travellers Strasbourg, 5 September 2006' HDIM.IO/477/06, (11 Oct. 2006) http://www.osce.org/documents/odhr/2006/10/21509_en.pdf

Europe

BULGARIA

- On 16 May 2006, the vice-mayor of the Sofia City Council, Tsvetan Tsvetanov, announced that all ‘illegal’ Roma settlements would be ‘liquidated’ and he gave the mayors of Sofia municipalities 20 days in which to draw up a list of such settlements. The announcement indicated that mayors would investigate ways to limit the ‘setting up and enlargement of the Roma ghettos’ within Sofia and that a Consultative Council, which had not yet been formed, would prepare a strategy for the development of the Roma community. However, no details were provided as to the content of the strategy and the announcement contained no guarantee that the human rights of Roma to protection from forced eviction would be upheld. After the announcement, several communities received eviction notices.

Up to 1 600 Roma persons living in the Serdika neighbourhood were threatened with imminent forced eviction, to take place on 30 June 2006. Some of this community, known as Batalova vodenitza or NPZ Sredetz, were threatened with eviction in 2005, and took legal action to stop the eviction. However, on 21 June 2006, the Mayor of the Sub-Municipality of Varazhdane and a Deputy Mayor of Sofia city declared that the eviction and demolition would proceed due to the ruling of the Supreme Administrative Court, which confirmed that the Mayor could proceed with the eviction. Notices were issued on 23 June 2006, giving the residents only seven days to leave. This is despite the fact that the community had lived on this land for almost a century. Although the Bulgarian media reported that some socially vulnerable families were entitled to one-time support in the amount of BGN 275 (approximately Euro 130), this compensation was extremely inadequate to cover even the most urgent needs of the families who would be rendered homeless after the evictions, and might not even be provided to all of the affected families.

On 26 June 2006, the Municipality issued eviction notices to the 16 families of another community also called Batelova vodenitza, also in the district of Vazrazhdane. Despite the community residing on this land since 1926, the families were informed that Administrative Acts had been issued against them and that they had 14 days to object. The Acts and the objections would be sent to the Regional Directorate on Control of Illegal Constructions which has the power to forbid the use of the buildings and cut off electricity and water supplies.

However, the threatened evictions provoked strong responses both locally and internationally, including a letter from four Members of the European Parliament, saying:

We strongly urge you to postpone the eviction and demolition of the houses, in order to find a lasting solution for the problem agreed upon by all parties concerned. I am convinced that further anti-Romani behaviour from the side of the mayor of Sofia will not contribute towards a better image of Bulgaria. Especially at a time of close European scrutiny of your country.⁴⁴¹

441 Members of European Parliament Hiltrud Breyer, Daniel Marc Cohn-Bendit, Els de Groen, Bart Staes to Prime Minister Sergei Stanishev of Bulgaria [Letter], (28 June 2006).

On 29 July, the Government of Bulgaria suspended the demolition of the homes of the Roma families from Batalova vodenitza. However, other Roma communities still lived under threat of forced eviction. The Sofia Municipality also issued eviction notices in June 2006 to 16 families living on Dobri Jelyazkov Street. They are members of a community who have lived on this land since 1926. In the absence of reasonable justification, adequate notice, consultation with the affected families, compensation and any provisions for alternative housing and social support for the families, such evictions constitute a gross violation of Bulgaria's obligations under international human rights law.⁴⁴²

GREECE

- In April 2005, the Municipality of Athens announced the imminent eviction of over 200 Roma households in the Votanikos district of Athens. The Roma homes were situated on land designated for the construction of a football stadium. However, the Municipality of Athens had not discussed relocation with the residents and had not presented them with a court order.⁴⁴³

FRANCE

- In the aftermath of three fires in Paris that destroyed buildings inhabited by African immigrants and killed over 40 people, Interior Minister Nicolas Sarkozy ordered the evictions of all squatters from unsafe buildings. This order affected tens of thousands of immigrants in Paris, many of whom had entered the country illegally and were thus ineligible for public housing. Paris' Municipal officers, however, expressed reservations over Sarkozy's order to have all squats emptied. In October 2005, the Mayor of Paris called on police to halt their policy on forcibly evicting squatters until alternative lodgings could be found. The Paris City Council said that the priority should be urgent investment in the renovation of sub-standard buildings.⁴⁴⁴

UNITED KINGDOM

- On 24 January 2006, the Basildon District Council voted to bulldoze the homes of some 120 Traveller families living in the area. The Council made this decision despite a pending judicial review of Council policy and pleas to await the outcome of a proposal by UK Deputy Prime Minister John Prescott to re-accommodate families at Pitsea.

On 22 March 2006, the Basildon District Council cleared four plots of land at Five Acre Farm, Hovefields Avenue.⁴⁴⁵ However, on 11 April 2006, Mr Justice Ouseley of the High Court ruled that the decision by Basildon District Council to bulldoze yards at Hovefields Avenue was unlawful.⁴⁴⁶

442 European Roma Rights Centre, 'Eviction threats of Roma in Bulgaria continues unabated' [article on website], (19 July 2006), <http://www.errc.org/cikk.php?cikk=2611>

443 Greek Helsinki Monitor, [Correspondence]

444 'Paris mayor calls for a halt to squatter evictions', *Expatica*, (12 Oct. 2005), http://www.expatica.com/source/site_article.asp?channel_id=1&story_id=24438

445 'Bailiffs clear travellers' plot', *BBC News*, (21 Mar. 2006), <http://news.bbc.co.uk/1/hi/england/essex/4828842.stm>

446 Grattan Puxon, 'Judge Rules Gypsy Eviction Unlawful' Ustiben report, (13 Apr. 2006).

Justice Ouseley stated: “Central Government policy and previous appeal decisions were not considered [...]. Without these, the decision cannot be seen as proportional or lawful.” Justice Ouseley criticised the Basildon District Council for ignoring the recommendations contained in the latest UK Government circular on the accommodation needs of Travellers. The contents of this circular emphasise the provision of suitable alternative land in the case of eviction.

Nevertheless, the families remain under threat of eviction. Further legal action is expected in 2007.

- Several other Traveller communities are threatened with forced evictions all over the United Kingdom. In 2005, Deputy Prime Minister John Prescott exposed a shortfall of 4 500 pitches and directed local councils to identify land with which to develop 300 new sites.⁴⁴⁷

⁴⁴⁷ Patrick Barkham, ‘Council must find land for Gypsies’ *The Guardian*, (9 Mar. 2005)



Lugbe informal settlement market, Abuja, Nigeria

4 UNITED NATIONS GENERAL COMMENT NO. 7 ON FORCED EVICTIONS

United Nations General Comment No. 7 on forced evictions

On 20 May 1997, the United Nations Committee on Economic, Social and Cultural Rights unanimously adopted General Comment No. 7 on the practice of forced evictions. General Comment No. 7 provides the most far-reaching pronouncement detailing the obligations of governments with respect to the practice of forced eviction. The General Comment outlines the prohibition on forced evictions under international human rights law, including not only the obligation of governments to refrain from carrying out forced evictions but the obligation to protect persons from forced evictions carried out by non-state actors such as corporations, international financial institutions and landlords.

UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT NO. 7 ON THE RIGHT TO ADEQUATE HOUSING (ART.11.1): FORCED EVICTIONS

1. In its General Comment No. 4 (1991), the Committee observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It concluded that forced evictions are *prima facie* incompatible with the requirements of the Covenant. Having considered a significant number of reports of forced evictions in recent years, including instances in which it has determined that the obligations of States parties were being violated, the Committee is now in a position to seek to provide further clarification as to the implications of such practices in terms of the obligations contained in the Covenant.

2. The international community has long recognized that the issue of forced evictions is a serious one. In 1976, the United Nations Conference on Human Settlements noted that special attention should be paid to “undertaking major clearance operations should take place only when conservation and rehabilitation are not feasible and relocation measures are made”. In 1988, in the Global Strategy for Shelter to the Year 2000, adopted by the General Assembly in its resolution 43/181, the “fundamental obligation [of Governments] to protect and improve houses and neighbourhoods, rather than damage or destroy them” was recognized. Agenda 21 stated that “people should be protected by law against unfair eviction from their homes or land”. Through the Habitat Agenda, Governments committed themselves to “protecting all people from, and providing legal protection and redress for, forced evictions that are contrary to the law, taking human rights into consideration; [and] when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided”. The Commission on Human Rights has also indicated that “forced evictions are a gross violation of human rights”. However, although these statements are important, they leave open one of the most critical issues, namely that of determining the circumstances under which forced evictions are permissible and of spelling out the types of protection required to ensure respect for the relevant provisions of the Covenant.

3. The use of the term “forced evictions” is, in some respects, problematic. This expression seeks to convey a sense of arbitrariness and of illegality. To many observers, however, the reference to “forced evictions” is a tautology, while others have criticized the expression “illegal evictions” on the ground that it assumes that the relevant law provides adequate protection of the right to housing and conforms with the Covenant, which is by no means always the case. Similarly, it has been suggested that the term “unfair evictions” is even more subjective by virtue of its failure to refer to any legal framework at all. The international community, especially

in the context of the Commission on Human Rights, has opted to refer to “forced evictions”, primarily since all suggested alternatives also suffer from many such defects. The term “forced evictions” as used throughout this general comment is defined 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. 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.

4. The practice of forced evictions is widespread and affects persons in both developed and developing countries. Owing to the interrelationship and interdependency which exist among all human rights, forced evictions frequently violate other human rights. Thus, while manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.

5. Although the practice of forced evictions might appear to occur primarily in heavily populated urban areas, it also takes place in connection with forced population transfers, internal displacement, forced relocations in the context of armed conflict, mass exoduses and refugee movements. In all of these contexts, the right to adequate housing and not to be subjected to forced eviction may be violated through a wide range of acts or omissions attributable to States parties. Even in situations where it may be necessary to impose limitations on such a right, full compliance with article 4 of the Covenant is required so that any limitations imposed must be “determined by law only insofar as this may be compatible with the nature of these [i.e. economic, social and cultural] rights and solely for the purpose of promoting the general welfare in a democratic society”.

6. Many instances of forced eviction are associated with violence, such as evictions resulting from international armed conflicts, internal strife and communal or ethnic violence.

7. Other instances of forced eviction occur in the name of development. Evictions may be carried out in connection with conflict over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, with land acquisition measures associated with urban renewal, housing renovation, city beautification programmes, the clearing of land for agricultural purposes, unbridled speculation in land, or the holding of major sporting events like the Olympic Games.

8. In essence, the obligations of States parties to the Covenant in relation to forced evictions are based on article 11.1, read in conjunction with other relevant provisions. In particular, article 2.1 obliges States to use “all appropriate means” to promote the right to adequate housing. However, in view of the nature of the practice of forced evictions, the reference in article 2.1 to progressive achievement based on the availability of resources will rarely be relevant. The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions (as defined in paragraph 3 above). Moreover, this approach is reinforced by article 17.1 of the International Covenant on Civil and Political Rights which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, *inter alia*, the right to be protected against “arbitrary or unlawful interference” with one’s home. It is to be noted that the State’s obligation to ensure respect for that right is not qualified by considerations relating to its available resources.

9. Article 2.1 of the Covenant requires States 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. Such legislation should include measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant and (c) are designed to control strictly the circumstances under which evictions may be carried out. The legislation must also apply to all agents acting under the authority of the State or who are accountable to it. Moreover, in view of the increasing trend in some States towards the Government greatly reducing its responsibilities in the housing sector, States parties must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies. States parties should therefore review relevant legislation and policies to ensure that they are compatible with the obligations arising from the right to adequate housing and repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant.

10. Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

11. Whereas some evictions may be justifiable, such as in the case of persistent non-payment of rent or of damage to rented property without any reasonable cause, it is incumbent upon the relevant authorities to ensure that they are carried out in a manner warranted by a law which is compatible with the Covenant and that all the legal recourses and remedies are available to those affected.

12. Forced eviction and house demolition as a punitive measure are also inconsistent with the norms of the Covenant. Likewise, the Committee takes note of the obligations enshrined in the Geneva Conventions of 1949 and Protocols thereto of 1977 concerning prohibitions on the displacement of the civilian population and the destruction of private property as these relate to the practice of forced eviction.

13. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected. In this respect, it is pertinent to recall article 2.3 of the International Covenant on Civil and Political Rights, which requires States parties to ensure “an effective remedy” for persons whose rights have been violated and the obligation upon the “competent authorities (to) enforce such remedies when granted”.

14. In cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. In this regard it is especially pertinent to recall General Comment 16 of the Human Rights Committee, relating to article 17 of the International Covenant on Civil and Political Rights, which states that interference with a person's home can only take place "in cases envisaged by the law". The Committee observed that the law "should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances". The Committee also indicated that "relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted".

15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.

17. The Committee is aware that various development projects financed by international agencies within the territories of State parties have resulted in forced evictions. In this regard, the Committee recalls its General Comment No. 2 (1990) which states, *inter alia*, that "international agencies should scrupulously avoid involvement in projects which, for example ... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation. Every effort should be made, at each phase of a development project, to ensure that the rights contained in the Covenant are duly taken into account".

18. Some institutions, such as the World Bank and the Organisation for Economic Cooperation and Development (OECD) have adopted guidelines on relocation and/or resettlement with a view to limiting the scale of and human suffering associated with forced evictions. Such practices often accompany large-scale development projects, such as dam-building and other major energy projects. Full respect for such guidelines, insofar as they reflect the obligations contained in the Covenant, is essential on the part of both the agencies themselves and States parties to the Covenant. The Committee recalls in this respect the statement in the Vienna Declaration and Programme of Action to the effect that “while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights” (Part I, para. 10).

19. In accordance with the guidelines for reporting adopted by the Committee, State parties are requested to provide various types of information pertaining directly to the practice of forced evictions. This includes information relating to (a) the “number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction”, (b) “legislation concerning the rights of tenants to security of tenure, to protection from eviction” and (c) “legislation prohibiting any form of eviction”.

20. Information is also sought as to “measures taken during, *inter alia*, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics and other sporting competitions, exhibitions, conferences, etc.) ‘beautiful city’ campaigns, etc. which guarantee protection from eviction or guarantee rehousing based on mutual consent, by any persons living on or near to affected sites”. However, few States parties have included the requisite information in their reports to the Committee. The Committee therefore wishes to emphasize the importance it attaches to the receipt of such information.

21. Some States parties have indicated that information of this nature is not available. The Committee recalls that effective monitoring of the right to adequate housing, either by the Government concerned or by the Committee, is not possible in the absence of the collection of appropriate data and would request all States parties to ensure that the necessary data is collected and is reflected in the reports submitted by them under the Covenant.



Forced evictions in Aleita, Abuja, Nigeria

5 BASIC PRINCIPLES AND GUIDELINES ON DEVELOPMENT-BASED EVICTIONS AND DISPLACEMENT

Basic Principles and Guidelines on Development-Based Evictions and Displacement*

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I. SCOPE AND NATURE

1. The obligation of States to refrain from, and protect against, forced evictions from home(s) and land arises from several international legal instruments that protect the human right to adequate housing and other related human rights. These include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Rights of the Child (art. 27, para. 3), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. In addition, and consistent with the indivisibility of a human rights approach, article 17 of the International Covenant on Civil and Political Rights states that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”, and further that “[e]veryone has the right to the protection of the law against such interference or attacks”. Article 16, paragraph 1, of the Convention on the Rights of the Child contains a similar provision. Other references in international law include article 21 of the 1951 Convention relating to the Status of Refugees; article 16 of International Labour Organisation (ILO) Convention No. 169 concerning indigenous and tribal peoples in independent countries (1989); and article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention).

3. The present guidelines address the human rights implications of development-linked evictions and related displacement in urban and/or rural areas. These guidelines represent a further development of the Comprehensive human rights guidelines on development-based displacement (E/CN.4/Sub.2/1997/7, annex). They are based on international human rights law, and are consistent with general comment No. 4 (1991) and general comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in its resolution 60/147, and the Principles on housing and property restitution for refugees and displaced persons (see E/CN.4/Sub.2/2005/17 and Add.1).

4. Having due regard for all relevant definitions of the practice of “forced evictions” in the context of international human rights standards, the present guidelines apply to acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection.^a

5. Forced evictions constitute a distinct phenomenon under international law, and are often linked to the absence of legally secure tenure, which constitutes an essential element of the right to adequate housing. Forced evictions share many consequences similar to those resulting from arbitrary displacement,^b including population transfer, mass expulsions, mass exodus, ethnic cleansing and other practices involving the coerced and involuntary displacement of people from their homes, lands and communities.

6. Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement. Evictions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law.

7. Forced evictions intensify inequality, social conflict, segregation and “ghettoization”, and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.

8. In the context of the present guidelines, development-based evictions include evictions often planned or conducted under the pretext of serving the “public good”, such as those linked to development and infrastructure projects (including large dams, large-scale industrial or energy projects, or mining and other extractive industries); land-acquisition measures associated with urban renewal, slum upgrades, housing renovation, city beautification, or other land-use programmes (including for agricultural purposes); property, real estate and land disputes; unbridled land speculation; major international business or sporting events; and, ostensibly, environmental purposes. Such activities also include those supported by international development assistance.

9. Displacement resulting from environmental destruction or degradation, evictions or evacuations resulting from public disturbances, natural or human-induced disasters, tension or unrest, internal, international or mixed conflict (having domestic and international dimensions) and public emergencies, domestic violence, and certain cultural and traditional practices often take place without regard for existing human rights and humanitarian standards, including the right to adequate housing. Such situations may, however, involve an additional set of considerations that the present guidelines do not explicitly address, though they can also provide useful guidance in those contexts. Attention is drawn to the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, the Guiding Principles on Internal Displacement, and the Principles on housing and property restitution for refugees and displaced persons.

10. While recognizing the wide range of contexts in which forced evictions take place, the present guidelines focus on providing guidance to States on measures and procedures to be adopted in order to ensure that development-based evictions are not undertaken in contravention of existing international human rights standards and do not thus constitute “forced evictions”. These guidelines aim at providing a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions do not take place, and to provide effective remedies to those whose human rights have been violated, should prevention fail.

II. GENERAL OBLIGATIONS

A. Duty bearers and nature of obligations

11. While a variety of distinct actors may carry out, sanction, demand, propose, initiate, condone or acquiesce to forced evictions, States bear the principal obligation for applying human rights and humanitarian norms, in order to ensure respect for the rights enshrined in binding treaties and general principles of international public law, as reflected in the present guidelines. This does not, however, absolve other parties, including project managers and personnel, international financial and other institutions or organisations, transnational and other corporations, and individual parties, including private landlords and landowners, of all responsibility.

12. Under international law, the obligations of States include the respect, protection and fulfilment of all human rights and fundamental freedoms. This means that States shall: refrain from violating human rights domestically and extraterritorially; ensure that other parties within the State's jurisdiction and effective control do not violate the human rights of others; and take preventive and remedial steps to uphold human rights and provide assistance to those whose rights have been violated. These obligations are continuous and simultaneous, and are not suggestive of a hierarchy of measures.

B. Basic human rights principle

13. According to international human rights law, everyone has the right to adequate housing as a component of the right to an adequate standard of living. The right to adequate housing includes, inter alia, the right to protection against arbitrary or unlawful interference with privacy, family, home, and to legal security of tenure.

14. According to international law, States must ensure that protection against forced evictions, and the human right to adequate housing and secure tenure, are guaranteed without discrimination of any kind on the basis of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or other status.

15. States must ensure the equal right of women and men to protection from forced evictions and the equal enjoyment of the human right to adequate housing and security of tenure, as reflected in the present guidelines.

16. All persons, groups and communities have the right to resettlement, which includes the right to alternative land of better or equal quality and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education.^c

17. States must ensure that adequate and effective legal or other appropriate remedies are available to any person claiming that his/her right to protection against forced evictions has been violated or is under threat of violation.

18. States must refrain from introducing any deliberately retrogressive measures with respect to de jure or de facto protection against forced evictions.

19. States must recognize that the prohibition of forced evictions includes arbitrary displacement that results in altering the ethnic, religious or racial composition of the affected population.

20. States must formulate and conduct their international policies and activities in compliance with their human rights obligations, including through both the pursuit and provision of international development assistance.

C. Implementation of State obligations

21. States shall ensure that evictions only occur in exceptional circumstances. Evictions require full justification given their adverse impact on a wide range of internationally recognized human rights. Any eviction must be (a) authorized by law; (b) carried out in accordance with international human rights law; (c) undertaken solely for the purpose of promoting the general welfare;^d (d) reasonable and proportional; (e) regulated so as to ensure full and fair compensation and rehabilitation; and (f) carried out in accordance with the present guidelines. The protection provided by these procedural requirements applies to all vulnerable persons and affected groups, irrespective of whether they hold title to home and property under domestic law.

22. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. States should refrain, to the maximum extent possible, from claiming or confiscating housing or land, and in particular when such action does not contribute to the enjoyment of human rights. For instance, an eviction may be considered justified if measures of land reform or redistribution, especially for the benefit of vulnerable or deprived persons, groups or communities are involved. States should apply appropriate civil or criminal penalties against any public or private person or entity within its jurisdiction that carries out evictions in a manner not fully consistent with applicable law and international human rights standards. States must ensure that adequate and effective legal or other appropriate remedies are available to all those who undergo, remain vulnerable to, or defend against forced evictions.

23. States shall take steps, to the maximum of their available resources, to ensure the equal enjoyment of the right to adequate housing by all. The obligation of States to adopt appropriate legislative and policy measures to ensure the protection of individuals, groups and communities from evictions that are not in conformity with existing international human rights standards is immediate.^e

24. In order to ensure that no form of discrimination, statutory or otherwise, adversely affects the enjoyment of the human right to adequate housing, States should carry out comprehensive reviews of relevant national legislation and policy with a view to ensuring their conformity with international human rights provisions. Such comprehensive review should also ensure that existing legislation, regulation and policy address the privatization of public services, inheritance and cultural practices, so as not to lead to, or facilitate forced evictions.^f

25. In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land.

26. States must ensure the equal enjoyment of the right to adequate housing by women and men. This requires States to adopt and implement special measures to protect women from forced evictions. Such measures should ensure that titles to housing and land are conferred on all women.

27. States should ensure that binding human rights standards are integrated in their international relations, including through trade and investment, development assistance and participation in multilateral forums and organisations. States should implement their human rights obligations with regard to international cooperation,⁸ whether as donors or as beneficiaries. States should ensure that international organisations in which they are represented refrain from sponsoring or implementing any project, programme or policy that may involve forced evictions, that is, evictions not in full conformity with international law, and as specified in the present guidelines.

D. Preventive strategies, policies and programmes

28. States should adopt, to the maximum of their available resources, appropriate strategies, policies and programmes to ensure effective protection of individuals, groups and communities against forced eviction and its consequences.

29. States should carry out comprehensive reviews of relevant strategies, policies and programmes, with a view to ensuring their compatibility with international human rights norms. In this regard, such reviews must strive to remove provisions that contribute to sustaining or exacerbating existing inequalities that adversely affect women and marginalized and vulnerable groups. Governments must take special measures to ensure that policies and programmes are not formulated or implemented in a discriminatory manner, and do not further marginalize those living in poverty, whether in urban or rural areas.

30. States should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions, such as speculation in land and real estate. States should review the operation and regulation of the housing and tenancy markets and, when necessary, intervene to ensure that market forces do not increase the vulnerability of low-income and other marginalized groups to forced eviction. In the event of an increase in housing or land prices, States should also ensure sufficient protection against physical or economic pressures on residents to leave or be deprived of adequate housing or land.

31. Priority in housing and land allocation should be ensured to disadvantaged groups such as the elderly, children and persons with disabilities.

32. States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.

33. Impact assessments must take into account the differential impacts of forced evictions on women, children, the elderly, and marginalized sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.

34. Adequate training in applying international human rights norms should be required and provided for relevant professionals, including lawyers, law enforcement officials, urban and regional planners and other personnel involved in the design, management and implementation of development projects. This must include training on women's rights, with an emphasis on women's particular concerns and requirements pertaining to housing and land.

35. States should ensure the dissemination of adequate information on human rights and laws and policies relating to protection against forced evictions. Specific attention should be given to the dissemination of timely and appropriate information to groups particularly vulnerable to evictions, through culturally appropriate channels and methods.

36. States must ensure that individuals, groups and communities are protected from eviction during the period that their particular case is being examined before a national, regional or international legal body.

III. PRIOR TO EVICTIONS

37. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.

38. States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.

39. During planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.

40. Prior to any decision to initiate an eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments protective of the general welfare.

41. Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary.

42. Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.

43. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.

44. All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling.^h

IV. DURING EVICTIONS

45. The procedural requirements for ensuring respect for human rights standards include the mandatory presence of governmental officials or their representatives on site during evictions. The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action.

46. Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.

47. Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected.

48. Any legal use of force must respect the principles of necessity and proportionality, as well as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law enforcement and human rights standards.

49. Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations.

50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

51. Authorities and their agents should never require or force those evicted to demolish their own dwellings or other structures. The option to do so must be provided to affected persons, however, as this would facilitate salvaging of possessions and building material.

V. AFTER AN EVICTION: IMMEDIATE RELIEF AND RELOCATION

52. The Government and any other parties responsible for providing just compensation and sufficient alternative accommodation, or restitution when feasible, must do so immediately upon the eviction, except in cases of force majeure. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions.

53. Special efforts should be made to ensure equal participation of women in all planning processes and in the distribution of basic services and supplies.

54. In order to ensure the protection of the human right to the highest attainable standard of physical and mental health, all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay, without distinction on any non-medically relevant grounds. When necessary, evicted persons should have access to psychological and social services. Special attention should be paid to: (a) the health needs of women and children, including access to female health-care providers where necessary, and to services such as reproductive health care and appropriate counselling for victims of sexual and other abuses; (b) ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation; and (c) the prevention of contagious and infectious diseases, including HIV/AIDS, at relocation sites.

55. Identified relocation sites must fulfil the criteria for adequate housing according to international human rights law. These include:ⁱ (a) security of tenure; (b) services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensuring the physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas; and (g) culturally appropriate housing. In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; freedom from violence; and access to remedies for any violations suffered.

56. In determining the compatibility of resettlement with the present guidelines, States should ensure that in the context of any case of resettlement the following criteria are adhered to:

(a) No resettlement shall take place until such time as a comprehensive resettlement policy consistent with the present guidelines and internationally recognized human rights principles is in place;

(b) Resettlement must ensure that the human rights of women, children, indigenous peoples and other vulnerable groups are equally protected, including their right to property ownership and access to resources;

(c) The actor proposing and/or carrying out the resettlement shall be required by law to pay for any associated costs, including all resettlement costs;

(d) No affected persons, groups or communities shall suffer detriment as far as their human rights are concerned, nor shall their right to the continuous improvement of living conditions be subject to infringement. This applies equally to host communities at resettlement sites, and affected persons, groups and communities subjected to forced eviction;

(e) The right of affected persons, groups and communities to full and prior informed consent regarding relocation must be guaranteed. The State shall provide all necessary amenities, services and economic opportunities at the proposed site;

(f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households;

(g) Relocation sites must not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to the highest attainable standards of mental and physical health of the inhabitants;

(h) Sufficient information shall be provided to the affected persons, groups and communities on all State projects and planning and implementation processes relating to the concerned resettlement, including information on the purported use of the eviction dwelling or site and its proposed beneficiaries. Particular attention must be paid to ensuring that indigenous peoples, minorities, the landless, women and children are represented and included in this process;

(i) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities. States should, in particular, take into account all alternative plans proposed by the affected persons, groups and communities;

(j) If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least 90 days' notice prior to the date of the resettlement; and

(k) Local government officials and neutral observers, properly identified, shall be present during the resettlement so as to ensure that no force, violence or intimidation is involved.

57. Rehabilitation policies must include programmes designed for women and marginalized and vulnerable groups to ensure their equal enjoyment of the human rights to housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman or degrading treatment, and freedom of movement.

58. Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing. This applies equally to host communities at relocation sites.

VI. REMEDIES FOR FORCED EVICTIONS

59. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

A. Compensation

60. When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services. Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.

61. All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process. Consideration of the circumstances of each case shall allow for the provision of compensation for losses related to informal property, such as slum dwellings.

62. Women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.

63. To the extent not covered by assistance for relocation, the assessment of economic damage should take into consideration losses and costs, for example, of land plots and house structures; contents; infrastructure; mortgage or other debt penalties; interim housing; bureaucratic and legal fees; alternative housing; lost wages and incomes; lost educational opportunities; health and medical care; resettlement and transportation costs (especially in the case of relocation far from the source of livelihood). Where the home and land also provide a source of livelihood for the evicted inhabitants, impact and loss assessment must account for the value of business losses, equipment/inventory, livestock, land, trees/crops, and lost/decreased wages/income.

B. Restitution and return

64. The circumstances of forced evictions linked to development and infrastructure projects (including those mentioned in paragraph 8 above) seldom allow for restitution and return. Nevertheless, when circumstances allow, States should prioritize these rights of all persons, groups and communities subjected to forced evictions. Persons, groups and communities shall not, however, be forced against their will to return to their homes, lands or places of origin.

65. When return is possible or adequate resettlement in conformity with these guidelines is not provided, the competent authorities should establish conditions and provide the means, including financial, for voluntary return in safety and security, and with dignity, to homes or places of habitual residence. Responsible authorities should facilitate the reintegration of returned persons and exert efforts to ensure the full participation of affected persons, groups and communities in the planning and management of return processes. Special measures may be required to ensure women's equal and effective participation in return or restitution processes in order to overcome existing household, community, institutional, administrative, legal or other gender biases that contribute to marginalization or exclusion of women.

66. Competent authorities have the duty and responsibility to assist returning persons, groups or communities to recover, to the maximum extent possible, the property and possessions that they left behind or were dispossessed of upon their eviction.

67. When return to one's place of residence and recovery of property and possessions is not possible, competent authorities must provide victims of forced evictions, or assist them in obtaining, appropriate compensation or other forms of just reparation.

C. Resettlement and rehabilitation

68. While all parties must give priority to the right of return, certain circumstances (including for the promotion of general welfare, or where the safety, health or enjoyment of human rights so demands) may necessitate the resettlement of particular persons, groups and communities due to development-based evictions. Such resettlement must occur in a just and equitable manner and in full accordance with international human rights law as elaborated in section V of these guidelines.

VII. MONITORING, EVALUATION AND FOLLOW-UP

69. States should actively monitor and carry out quantitative and qualitative evaluations to determine the number, type and long-term consequences of evictions, including forced evictions, that occur within their jurisdiction and territory of effective control. Monitoring reports and findings should be made available to the public and concerned international parties in order to promote the development of best practices and problem-solving experiences based on lessons learned.

70. States should entrust an independent national body, such as a national human rights institution, to monitor and investigate forced evictions and State compliance with these guidelines and international human rights law.

VIII. ROLE OF THE INTERNATIONAL COMMUNITY, INCLUDING INTERNATIONAL ORGANISATIONS

71. The international community bears an obligation to promote, protect and fulfil the human right to housing, land and property. International financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, should take fully into account the prohibition on forced evictions under international human rights law and related standards.

72. International organisations should establish or accede to complaint mechanisms for cases of forced evictions that result from their own practices and policies. Legal remedies should be provided to victims in accordance with those stipulated in these guidelines.

73. Transnational corporations and other business enterprises must respect the human right to adequate housing, including the prohibition on forced evictions, within their respective spheres of activity and influence.

IX. INTERPRETATION

74. These guidelines on development-based evictions and displacement shall not be interpreted as limiting, altering or otherwise prejudicing the rights recognized under international human rights, refugee, criminal or humanitarian law and related standards, or rights consistent with these laws and standards as recognized under any national law.

Notes

- * Contained in document A/HRC/4/18, annex 1 and E/CN.4/2006/41.
- a The prohibition of forced evictions does not apply to evictions carried out both in accordance with the law and in conformity with the provisions of international human rights treaties.
- b Consistent with Principle 6 of the Guiding Principles on Internal Displacement.
- c See general comment No. 4 on the right to adequate housing, adopted by the Committee on Economic, Social and Cultural Rights in 1991.
- d In the present guidelines, the promotion of the general welfare refers to steps taken by States consistent with their international human rights obligations, in particular the need to ensure the human rights of the most vulnerable.
- e See general comment No. 3 on the nature of States parties' obligations, adopted in 1990 by the Committee on Economic, Social and Cultural Rights.
- f See Guidelines on Housing and Discrimination contained in the 2002 report of the Commission on Human Rights Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (E/CN.4/2002/59).
- g As set forth in article 22, Universal Declaration of Human Rights; Articles 55 and 56 of the Charter of the United Nations; articles 2, paragraph 1, 11, 15, 22, 23, International Covenant on Economic, Social and Cultural Rights, articles 23, paragraph 4, and 28, paragraph 3, Convention on the Rights of the Child.
- h See section V of the present guidelines.
- i See general comment No. 4 on adequate housing adopted by the Committee on Economic, Social and Cultural Rights in 1991. See 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.



Kibera, Nairobi, Kenya

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