

Media Release - 25th February 2004

Forced evictions reach crisis levels leaving millions homeless worldwide

A leading international human rights organisation, the Centre on Housing Rights and Evictions (COHRE), called for a five-year moratorium today after its research revealed that more than six million people are illegally evicted from their homes every year. COHRE believes actual global eviction figures are far higher.

"The practice of forced evictions has reached epidemic proportions – to the extent that comprehensively monitoring the practice has become a virtual impossibility. More than 330,000 people in Kibera, Kenya, are to be forcibly evicted from their homes in the next two weeks, with evictions scheduled to begin this Friday. In the last two months, more than a quarter of a million people were forcibly evicted in India (150,000 in New Delhi and 75,000 in Kolkata) and Indonesia (more than 15,000 in Jakarta) alone. The evictions in New Delhi and Kolkata were carried out in December and January, the coldest months during winter in India," said Scott Leckie, Executive Director of COHRE.

"Given the difficulties in monitoring evictions of individuals, rural evictions and the evictions that occur during war, the global forced eviction figure in all likelihood exceeds fifteen million annually. Such disturbingly large figures testify to the fact that forced evictions are out of control and one of the most widespread human rights violations in the world today," added Leckie.

COHRE's research identifies four major excuses used by perpetrators of forced evictions. These are:

- **Development and Infrastructure projects are responsible for the mass forced evictions of hundreds of thousands of people.** Currently, forced evictions are underway in Kibera, Kenya, to make way for Nairobi's southern by-pass and to clear areas surrounding power and railway lines. They are expected to leave more than 330,000 on the streets. Earlier this month, 2,000 people were rendered homeless in a Kenyan slum when state authorities bulldozed 400 structures without any notice on a Sunday morning, while residents were attending mass at church. In Guatemala, residents who were forcibly evicted by paramilitary groups two decades ago, for the construction of the Chixoy Dam funded by the World Bank, are yet to receive adequate compensation and live in abject poverty.
- **Large international events including global conferences and international sporting events such as the Olympic Games are mostly accompanied by forced evictions.** Nearly 100,000 families (amounting to over 300,000 people) have been evicted thus far in Beijing, China, in preparation for the 2008 Olympics. Beijing Police placed more than 200 people under house arrest last week before they could petition city leaders about the illegal evictions.
- **Urban redevelopment and 'beautification' initiatives have resulted in thousands of urban poor being forcibly removed from their homes.** Daily evictions are continuing in Jakarta, Indonesia, in a bid to 'beautify' the city, with more than 10,000 people being evicted since November. Evictions are also underway in Pommahakan, at the centre of Bangkok, Thailand, in a bid to reshape the historic Rattanakosin Island at the centre of the Thai capital – an urban 'beautification' process that will relocate more than 10,000 from their homes.
- **Political strife resulting in ethnic cleansing of entire communities and groups.** Nearly 600 people were made homeless in the last month due to Israeli military incursions into Palestinian – controlled areas in Gaza.

"A largely ignored but alarming fact is that some tactics used to evict people not only render them homeless but also pose a serious threat to their lives, especially when slum fires are deliberately lit. Devastating slum fires in Cambodia, Ethiopia and Kenya in recent months have left thousands on the streets. This is a common and highly dangerous form of eviction," said Leckie of COHRE.

Five days ago, a large slum fire, the second this year in Nairobi, Kenya, left 30,000 homeless and reports claim that residents suspect they are being forced out of the area to make way for new roads. In most cases, residents forced to flee their homes in the slums rarely receive adequate compensation or resettlement.

"We were told we would get some support but many people have received nothing; we need support otherwise we will end up on the streets," said an evicted man standing outside the charred remains of his home near Addis Ababa, Ethiopia, which was burnt down in May last year.

Even though international law requires all countries to protect anyone evicted from their homes from

becoming homeless even if the eviction is technically legal, governments in both industrialised and developing nations still largely ignore this obligation. In New York City, more than 30,000 people are evicted from their homes each year and a majority of them end up on the streets.

Leckie said, "It is disturbing to see governments in both developing and industrialised countries carrying out forced evictions and systematically denying people their housing rights. The impact of forced evictions on families and communities is devastating and long-lasting, leading to homelessness, physical and mental trauma, loss of livelihoods and lower standards of health."

To combat this global crisis, COHRE has appealed for a **Five-year Moratorium on Forced Evictions** in all countries, and has called upon governments and their agents, transnational corporations, private sector developers, multilateral economic and funding institutions such as the World Bank and other perpetrators to abide by it..

"COHRE calls upon all States to use this five-year period to bring their domestic laws and policies into full conformity with international human rights standards on forced evictions, cancel and suspend all planned forced evictions with immediate effect, ensure that no public or private institution carries out forced evictions and prohibit forced evictions in law," said Leckie.

In addition, COHRE also called for:

- The governments of **China, Ghana, India, Indonesia, Kenya, Thailand**, and others who are currently carrying out forced evictions to suspend their activities with immediate effect.
- The **International Olympic Committee (IOC)** to act immediately on the mass forced evictions taking place in Beijing in connection with the 2008 Olympics and to adopt strict guidelines that require host countries to refrain from carrying out such gross human rights violations.
- The Top V Sponsors (worldwide supporters of the Olympic Movement whose products, technology and expertise are crucial to the running of the Games) of the Olympic Games: **Coca-Cola, Kodak, McDonald's, Visa International, Samsung, Panasonic, Time Inc, Swatch and Xerox** to refrain from providing sponsorship assistance to host countries that carry out forced evictions and other gross human rights violations and to put pressure on those governments to comply with international legal obligations.
- The newly appointed **UN High Commissioner for Human Rights, Louise Arbour**, to publicly support the five-year moratorium and urge States to refrain from forced evictions and prosecute those perpetrating illegal forced evictions.

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Fact Sheet - Recent and Impending Forced Evictions

25th February 2004

Kenya: Over 330,000 people are to be forcibly evicted from their homes in the Kibera slums, which are situated in the most impoverished part of Nairobi, in the next two weeks for the construction of a by-pass and in a bid to clear areas close to railway and power lines. Evictions are scheduled to begin this Friday, yet residents have been offered no resettlement, and with nowhere else to go, will become homeless.

Railway Line – More than 108,000 people to be evicted and 20,210 structures to be demolished.

By-pass – Over 150,000 people to be rendered homeless and 17,600 structures to be destroyed.

Power Line – More than 76,100 people will be left homeless and 3,255 structures are expected to be torn down.

China: Over 300,000 people have been forcibly evicted thus far in Beijing in preparation for the 2008 Olympics and thousands more evictions are expected. Beijing Police placed more than 200 people under house arrest last week before they could petition city leaders about the illegal evictions. More than 40 million rural residents have lost the small pieces of land allocated to them by the government due to 'redevelopment' projects since China's economic boom in the 1990s.

India: More than 150,000 people were forcibly evicted and 18,000 makeshift dwellings demolished in New Delhi last month. The evictees have been asked to pay 7000 Rupees (about US \$ 150) for resettlement, an amount they certainly cannot afford. In December, more than 75,000 people living in

canal-side settlements in Kolkata were evicted without any notice by heavily armed policemen and paramilitary forces.

South Africa: In Johannesburg, more than 4,500 people have been forcibly evicted from their homes in recent months despite constitutional protection against evictions. Thousands more people are expected to be forcibly evicted in the coming months.

Indonesia: More than 35,000 people have been brutally evicted in Jakarta in the last six months in a bid to clean up and 'beautify' the city and thousands more forced evictions are being planned by the Jakarta City Administration.

Ghana: More than 30,000 people living in the informal settlement of Agbogbloshie in the capital Accra are under threat of being forcibly evicted by the Accra Metropolitan Authority. COHRE recently concluded a fact-finding mission in Ghana and will be releasing recommendations and a report shortly.

Israel and the Occupied Territories: In October, Israeli Defence Forces destroyed 120 houses, severely damaged 114 refugee shelters and 117 buildings in the Yibna refugee camp near Rafah in the Gaza Strip and left 1250 Palestinians homeless. Nearly 600 Palestinians were evicted from their homes in the last month due to Israeli incursions into Palestinian-controlled areas in Gaza.

Thailand: More than 100,000 people are expected to be forcibly evicted in Bangkok because of the local government's plan to 'clean up' and redevelop the city.

Liberia: More than 30,000 people sought refuge in the Ivory Coast last year after they were forcibly evicted and displaced by the violent civil conflict in Liberia.

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Background Sheet - Forced Evictions and the Five-year Moratorium

25th February 2004

The world currently faces a hidden crisis – the violent and illegal forced evictions of millions of people from their homes each year. While features of displacement facing refugees and internally displaced persons are well-known, the practice of forced evictions – the arbitrary removal of a person or group from their homes or lands without regard for their rights – has received far less attention despite the massive scale of the practice.

Forced evictions have routinely been labeled as human rights violations under international law. The UN Commission on Human Rights has stated that "the practice of forced eviction constitutes a gross violation of human rights...", and the UN Committee on Economic, Social and Cultural Rights has affirmed that forced evictions are *prima facie* incompatible with the requirements of international human rights law, particularly the right to adequate housing.

The practice of forced eviction is one of the most widespread forms of human rights violation in the world, yet it is largely overlooked by governments and the media as cause for concern. In response to this critical situation, the Centre on Housing Rights and Evictions (COHRE) is calling for a **Five-year Moratorium on Forced Evictions** in all countries, on the parts of governments and their agents at all levels, transnational corporations, local private sector developers, multilateral economic and funding institutions, such as the World Bank, and other perpetrators.

COHRE calls on all States to:

1. Cancel and suspend with immediate effect all planned forced evictions;
2. Ensure that no public or private institutions carry out forced evictions; and
3. Prohibit forced evictions in law.

In addition, COHRE also calls for:

- All Member States of the UN Commission on Human Rights to adopt by consensus the draft resolution on forced evictions currently pending before the Commission's 60th Session, which commences in Geneva on 15 March 2004.
- All local private sector enterprises and transnational corporations to develop policies against forced evictions, publicly committing to them and ensuring their practices are in compliance with UN guidelines.
- All multilateral economic and funding institutions such as the International Monetary Fund (IMF), World Bank and the Asian Development Bank (ADB) to refrain from engaging in development and infrastructure projects that cause forced evictions and to ensure that adequate resettlement and rehabilitation policies are in place if people are evicted in connection with their development projects.
- All Governments and institutions involved in the planning, preparation and conducting of international events, in particular large events such as the Olympic Games, to refrain from carrying out forced evictions in connection with these events and calls upon the International Olympic Committee (IOC) to adopt strict guidelines that require host countries to refrain from carrying out such gross human rights violations.

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Fact Sheet - Right to Adequate Housing

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 The right to adequate housing is a fundamental human right, to which all persons are entitled. This right includes rights to protection against forced eviction, security of tenure, affordable and accessible housing, habitable housing and basic services linked to housing such as water and electricity. All nations are obligated to respect and protect the housing rights of their citizens and others residing within their borders. At a minimum, States are required to refrain from actively or passively violating these rights.

The Universal Declaration of Human Rights (1948), the cornerstone of international human rights law, applicable to all persons and binding on all nations throughout the world, states in Article 25: "All person have the right to an adequate standard of living, everyone has the right to standard of living adequate for the health and well-being of his family, including...housing."

The Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1), recognizes "the right of everyone to an adequate standard of living for himself and his family, including...housing...and to continuous improvement of living conditions." The Covenant is supported by **General Comment No 4 (1994, right to adequate housing)**, which expands the right to housing to include the right to security of tenure, right to basic services such as clean water and sanitation and the right to a habitable and accessible residence. **General Comment No 7 (1997, forced evictions)** additionally obliges all States to refrain from forced eviction and to ensure that all non-State actors who commit such crimes are punished.

The Convention on the Elimination of All Forms of Racial Discrimination (1965) guarantees "the right to everyone, without distinction as to race, colour or national or ethnic origin equality before the law, notably in the enjoyment of the following rights...the right to adequate housing."

The Convention on the Elimination of All Forms of Discrimination Against Women (1979) states in Article 14 that States must "ensure that women enjoy the right to adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply."

The Convention on the Rights of the Child (1989), Article 27 (3) obliges States to provide assistance and support to uphold a child's right to housing.

The Convention Relating to the Status of Refugees (1951) accords persons seeking refuge in a country

the right to housing equal to aliens lawfully abiding in that same country.

The Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990) protects the right to housing of migrants.

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Key Requirements of International Human Rights Law Relating to Forced Evictions

The UN Committee on Economic, Social and Cultural Rights (the Committee), the body mandated by the international community to implement and enforce the Covenant, has expressly stated in its General Comment No. 4 (1991) that "forced evictions are *prima facie* incompatible with the provisions of the Covenant, and can only be carried out under exceptional circumstances."

In its General Comment No. 7 (1997) the Committee articulated that in those "exceptional circumstances" in which forced evictions could be carried out without violating international law, certain requirements *must* be adhered to.

First, States must ensure, prior to any evictions, and particularly those involving large groups, that *all* feasible alternatives are explored *in consultation with affected persons*, with a view to avoiding, or at least minimizing, the need to use force.

Second, "evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights." Governments must therefore, "ensure that adequate alternative housing is available . . . to affected persons."

Finally, in those rare cases where eviction is considered justified, it must be carried out in strict compliance with additional relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. The Committee expressly enumerated relevant provisions of international human rights law by which States must abide. These include, *inter alia*:

- (1) An opportunity for genuine consultation with those affected;
- (2) Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (3) 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;
- (4) Especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (5) All persons carrying out the eviction to be properly identified;
- (6) Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (7) Provision of legal remedies; and
- (8) Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

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Organisational Profile: Centre on Housing Rights and Evictions

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The Centre on Housing Rights and Evictions is one of the most influential international human rights organizations dedicated to securing economic, social and cultural rights, with a special focus on housing. COHRE's work concentrates on preventing planned forced evictions and protecting housing rights.

COHRE was founded in 1994 and now has some 45 staff members working from offices in Accra (Ghana), Bangkok (Thailand), Duluth (USA), Geneva (Switzerland), Melbourne (Australia), Porto Alegre (Brazil) and Rotterdam (Netherlands).

In its ten years of existence, COHRE has played a principal role in addressing eviction issues, land and housing rights in dozens of countries. COHRE works closely with key civil society organizations around the world and has assisted in halting numerous forced evictions, which, if carried out would have added several million people to the world's homeless population. COHRE has been instrumental in reshaping international law standards on eviction issues and housing rights, through the adoption of over 50 new international standards on these issues.

COHRE has special consultative status with the Economic and Social Council of the United Nations (UN) and consultative status with the Council of Europe (COE) and the Organisation of American States (OAS). COHRE has contributed tremendously to the establishment of major institutions such as the UN Housing Rights Programme, the Housing and Property Directorate in Kosovo, the Commission on Land, Housing and Property Rights in Sri Lanka and many others.

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