



# FORCED EVICTIONS

Violations of Human Rights

*COHRE December 2006*

**10**



# Global Survey on Forced Evictions

*Violations of Human Rights*

COHRE December 2006

**DRAFT**

10

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Prepared by: COHRE Global Forced Evictions Programme (GFEP)

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## Preface

'Freedom from fear of forced eviction' is one of the best definitions I have heard for the concept of secure tenure. Unfortunately, millions of people do not experience this freedom, and live instead in constant fear of eviction. Millions of others 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 forced evictions to be a gross and systematic violation of human rights, governments continue to use forced eviction as a tool of development. Part of the struggle against this widespread practice is clearly a need to change the mindset of such leadership. It is crucially important to get the message across to governments that forced evictions are unjust, illegal and invariably counterproductive to genuine human development; and that alternatives to eviction therefore urgently need to be found. What makes this task very difficult, though, is the fact that the mindset is rooted in very powerful economic forces.

There are a myriad of underlying causes for the rapid growth of urban informal settlements and slums, particularly in developing countries. To take one example, agricultural trade policy can result in the collapse of labour-intensive rural economies, which can lead to rural-to-urban migration, and that migration can then lead to the growth of slums and homelessness in urban areas, particularly when combined with the privatisation of government housing, as well as the lack of government social support for the poor.

Yet developed country governments often set conditions upon developing country governments to implement policies, such as reducing agricultural trade barriers, privatising housing, and spending less on social services. Developing country governments must agree to these conditions in order to access loans and grants with which to sustain their country's economy. 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 economic development policies 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, has 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".<sup>1</sup>

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.<sup>2</sup>

Not only is this judgement a victory for the inner city poor of Johannesburg, it also advances 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, court judgements cannot be an end in themselves. Merely preventing an eviction and allowing people to stay where they are is not sufficient. Under current circumstances, they are still vulnerable and living in highly inadequate housing conditions. In the case of the inner city of Johannesburg, and other cases like it, protection by the law is only a first step, and development needs to follow.

COHRE's *Global Survey* series is an effort to highlight these very important issues. In this edition, we present examples of forced evictions from 71 countries. We owe a great deal of thanks to the efforts of organisations, activists, advocates, evicted persons, journalists, and others who contributed information on evictions in the places where they live. In addition we would like to thank all COHRE staff who participated in the production of this report, particularly the COHRE Global Forced Evictions Programme (GFEP) researchers: Daniel Bailey, Julián Díaz Bardelli, Ariel Fuentes, Daniel Manrique, Cíntia Beatriz Müller, Leda Pereyra, Depika Sherchan, and Sebastián Tedeschi. In particular, COHRE would like to thank Deanna Fowler and Caroline Schlauffer who produced this report. Finally, COHRE would like to thank the funding agencies that have provided financial support for this publication.

Jean du Plessis  
COHRE Acting Executive Director

Geneva, December 2006

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<sup>1</sup> Neil Fraser, City of Johannesburg quoted in 'Sinkholes and Ripple Ponds', City of Johannesburg website, 10 March 2003, ([www.joburg.org.za/citichat/2003/mar10\\_citichat.stm](http://www.joburg.org.za/citichat/2003/mar10_citichat.stm).)

<sup>2</sup> Note that the City is appealing the decision and residents are counter-appealing.