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Introduction

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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 in their borders. The power to hold governments accountable and halt 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 forced evictions implemented between January 2003 and December 2006, as well as cases of threatened evictions.

The term ‘forced eviction’ 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* (CESCR) is the key legal 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 forced eviction on individuals, families and communities cannot be overemphasised. Forced eviction most often affects those who are already disadvantaged, including: the poor, women, indigenous groups, ethnic, religious and racial minorities, occupied peoples and others lacking security of tenure.

Forced evictions 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	1,967,486
Europe	16,266
The Americas	152,949
Asia and the Pacific	2,140,906
Total	4,277,607

* 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, grassroots 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 nearly 4.3 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.

Global Survey No. 10 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 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 a tool in the struggle to achieve this goal.