



FORCED EVICTIONS

Violations of Human Rights

COHRE December 2006

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Global Survey on Forced Evictions

Violations of Human Rights

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DRAFT

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DRAFT - The final version will be printed and distributed in a different format and may have text altered.

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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".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.²

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

¹ 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.)

² Note that the City is appealing the decision and residents are counter-appealing.



1

Introduction

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 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.



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 have allowed private developers to take over a redevelopment of the city. The commercialisation of urban land has led to 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 of the 1 125 homes that had been demolished in December 2002. Police reportedly fired in the air, beat residents, and detained 2 residents for several days without charge.³

- In March and April 2003, the Samba Municipality demolished more than 70 homes of the Comuna Benefica, 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.⁴

- 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.⁵

- In September 2005, in Bairro Cidadania, Viana Municipality, municipal fiscal agents and armed police forcibly evicted over 300 families and destroyed their property. It was the fifth time in a year that these families were subjected to forced evictions. They were left without shelter or means to rebuild their homes.⁶

- 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 sufficient 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 in the remains of their destroyed homes.⁷

- 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 Cambamba II, police reportedly beat and

³ Amnesty International, *Angola: mass forced evictions in Luanda – a call for a human rights-based housing policy* [pdf on website], (12 Nov. 2003), <http://web.amnesty.org/library/Index/ENGAFR120072003?open&of=ENG-AGO>

⁴ *ibid.*

⁵ ‘Angola: Stop forced Evictions’ *Pambazuka News* [online newspaper], (22 Feb. 2006), www.pambazuka.org/en/category/advocacy/32209

⁶ *ibid.*

⁷ SOS Habitat [personal communication], (Nov. 2005); see also www.christian-aid.org.uk/news/stories/051125s.htm

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.⁸

- 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.⁹ 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.¹⁰

ICESCR: Yes

ICCPR: Yes

1OP-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 stating that, between 1986 and 1996, "wildlife

⁸ SOS Habitat [personal communication], (May 2006).

⁹ UNOCHA/IRIN News, *HRW calls for humane treatment of expelled DRC workers* [article on website], (26 Apr. 2004)
http://www.irinnews.org/report.asp?ReportID=40757&SelectRegion=Southern_Africa&SelectCountry=ANGOLA

¹⁰ UNOCHA/IRIN News, *Angola-Guinea: Deported Guineans complain of ill treatment* [article on website], (11 June 2004),
http://www.irinnews.org/report.asp?ReportID=41644&SelectRegion=West_Africa&SelectCountry=ANGOLA-GUINEA

biomass more than doubled” in the CKGR.¹¹ 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 was the Government’s intention, they do not accept that the forced evictions were therefore justified. According to other organisations, however, 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 homeland 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 their land. Later, many of the Basarwa/San were dissatisfied with the relocation and some even 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 have brought a case against the Government to Botswana’s High Court. The court heard final arguments on 8 September 2006 and a ruling is expected on 13 December 2006.¹²

ICESCR: No

ICCPR: Yes

1OP-ICCPR: No

Burundi

- Following the signing of a ceasefire between the Government of Burundi and several rebel groups in 2003, hundreds of thousands of displaced persons returned home. However, due to fighting between the Government and the National Liberation Forces, the remaining Hutu rebel group, some 40 000 persons were displaced from the capital Bujumbura in spring 2004.¹³

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

¹¹ IRIN News ‘BOTSWANA: Culture under threat – Special Report on the San Bushmen’ [article on website], (5 Mar. 2004), http://www.irinnews.org/S_report.asp?ReportID=39864&SelectRegion=Southern_Africa

¹² Survival International, ‘Bushmen case - court to rule on 13 December’ [article on website], <http://www.survival-international.org/news.php?id=1852>

¹³ Global IDP Project, ‘Still no end to displacement, despite political process’ [article on website], (11 Apr. 2006), <http://www.internal-displacement.org>

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

ICESCR: Yes

ICCPR: Yes

IOP-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 develop 953. In some cases, Government has sold land to private developers after evicting inhabitants. In other cases, it has used foreign aid to construct new housing compounds, which are then 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. Eighteen 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

¹⁴ Global IDP Project, 'Some 40 000 flee ongoing fighting every month' [article on website], (1 Mar. 2006), <http://www.internal-displacement.org>

¹⁵ UNOCHA/IRIN News, 'DRC: Hundreds protest their eviction from Virunga National Park' [article on website], (Sep. 2005), http://www.irinnews.org/report.asp?ReportID=48983&SelectRegion=East_Africa; UNOCHA/IRIN News, Uganda-DRC: Evicted Ugandans stranded at border in dire need [article on website], (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

- 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). However, the UNHCR told the Sudanese were 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 unfruitful negotiation, Egyptian riot police officers 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 sufficient, and at least 23 families were refused housing. The people who were left homeless protested by a sit-in and hunger strike. The Governorate of Port Said refused, nonetheless, to provide 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

¹⁸ Egyptian Centre for Housing Rights, Correspondence.

¹⁹ *ibid.*

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)

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.*

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 2 million faddans – in which luxury homes and villas had been constructed – were generally not affected.

- 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 Gharbia leaving residents homeless. Several residents resisted the eviction. The police responded with violence — injuring several people. In the Al-Gharbia Governorate, all land is marked as agricultural land. Theoretically, it is illegal to construct homes in this Governorate because the Government failed to identify land to be used for construction.²⁸
- 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 on 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

1OP-ICCPR: No

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/base.cfm?page=article&num=6119&consol=close&kwrd=OMCT&cfid=4006081&cftoken=71495905>

Equatorial Guinea

Equatorial Guinea is Africa's third largest oil producer. However, in spite of this wealth, the Government has carried out forced evictions without providing alternative housing or compensation.

- Amnesty International reported the forced eviction of 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, the authorities did not provide alternative accommodation or compensation, and the evictees were rendered homeless.³¹

ICESCR: Yes

ICCPR: Yes

1OP-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 homeland. 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 legalised the Park's boundaries, thus making it illegal for the 50 000 tribal people living in the park to remain. 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. Thousands were forced to abandon their homes. These incidents followed elections in which the opposition won an unprecedented number of seats. It seemed

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>

that the brutal use of force by EPRDF Government officials against innocent farmers was meant in retaliation for election results.³³

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

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 requests from the community, the Government did not provide compensation for destroyed housing.³⁴

ICESCR: Yes

ICCPR: Yes

1OP-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 claimed that the exercise would begin on 28 February 2006. The notice does 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 on 8 April when a boat disaster involving evictees was reported on a local radio station. A wooden motorised boat, carrying over 150 evictees, capsized in the Volta Lake. According to the Regional Police Commander, the boat was carrying more than

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>

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).

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 denies any link between the eviction and the boat disaster, the helmsman of the boat, Mawuli Akimbola, insists 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

- 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

1OP-ICCPR: Yes

Kenya

Currently there are approximately 170 informal settlements in Kenya's capital Nairobi, housing over 2 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 the last four decades, the new Government (elected in 2002) seemed to accept the settlements. Policy announcements also indicated a commitment by the National

³⁵ Centre on Housing Rights and Evictions (COHRE) 'Sacked from their own country: Forced Evictions from Digya National Park, Ghana,' (2006).

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>

Government to slum upgrading and appropriate resettlement. However, in February 2004, various Kenyan Ministries announced an unprecedented series of mass evictions that threatened over 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. But the sheer number of people to be affected by the 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 before the evictions would proceed.³⁹

The eviction of Raila Village affected approximately 2 000 people and some 500 persons in neighbouring Soweto West. On 8 February 2004, tractors began destroying the houses in Raila Village within the path of a planned bypass. The Government also demolished schools, churches and a clinic. Furthermore, in December 2004, two schools in Kibera were demolished, and, in Nairobi’s Majengo slums, 80 families were left homeless.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 Balози 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

³⁹ Centre on Housing Rights and Evictions (COHRE), *Listening to the Poor? Housing Rights in Nairobi, Kenya*, (Mar. 2005), pp. 38 - 40, http://www.cohre.org/view_page.php?page_id=120

⁴⁰ *ibid.*, pp. 40 - 43.

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*, Update 1, (Mar. 2006).

⁴⁴ *ibid.*

⁴⁵ *ibid.*

⁴⁶ *ibid.*

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

Forest areas

In the last two years, the majority of forced evictions in Kenya have been carried out in forest areas. Government officials blame settlers and tribal people in Kenya's forests for Kenya's increasing deforestation and the environmental damage. Evictions have been characterised by violence, destruction of property and schools, a lack of adequate resettlement, and, in some cases, a blocking of aid for the evictees. The Government has also failed to make allowance for traditional forest dwellers, such as the Ogiek, who have lived in the forests for centuries. The Ministry of Environment announced in April 2006 that evictions in forest areas will continue.⁴⁸

- In March 2005, the Government of Kenya started to remove tribal people from Mau Forest in Narok South. The evictions were taking place in the forest that has hosted some of Kenya's oldest communities, such as the Ogiek and Maasai people. Many families, mostly of Ogiek descent, settled, and bought titles to land in Narok South after Kenyan Independence in 1963. A December 2004 report found, however, that 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. In Narok South, 25 schools were burned and at least 6 000 pupils had to leave of school as a result of the burning. 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

- Over 2 000 families were forcefully evicted from Sururu forest in the Rift Valley Province in July 2004. This eviction occurred despite the fact that the land the families were occupying had been given to them by the government.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 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

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

⁴⁸ 'Evictions will go on to save forests, says top official', *Daily Nation* [online newspaper], (5 Apr. 2006)

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

⁵⁰ COHRE and Hakijamii Trust, *Kenya Housing Rights Update* (Aug. 2006), 'Forest evictions: a way forward?'

⁵¹ *ibid.*

because the new area allocated was already inhabited by other people and the land was not fertile.⁵²

- 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, burnt the homes of 4 000 people in Eburru Forest, 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, children (half of the affected population) can no longer attend school, all residents, particularly children, lack food, proper clothing and shelter, no relief food has been sent by the government or any other agency and there are no medical services to deal with the likely increase in disease. The Government recently announced it would only resettle 250 'squatters'.⁵⁴

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

ICESCR: Yes

ICCPR: Yes

1OP-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

1OP-ICCPR: Yes

Namibia

- Thirty families 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

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

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* [online news service], (24 Mar. 2006), <http://news.bbc.co.uk/2/hi/africa/4841486.stm>; Dorcas Nyambayi, 'State defends forest evictions', *The Standard*, (27 Mar. 2006), http://www.eastandard.net/hm_news/news.php?articleid=38553; 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), 'Forest evictions: a way forward?'

⁵⁶ 'Justice demanded in LAC citizen Saga', *The Analyst* [online newspaper], (13 Jan. 2005), <http://www.analystnewspaper.com/JusticedemandedinBassasaga.htm>

agreement, the City's executive management committee declared that "all decisions taken on the matter have already been executed."⁵⁷

- 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 driving 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

10P-ICCPR: Yes

Nigeria

The Government of Nigeria is consistently one of the worst violators of housing rights in the world, with over 2 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 the officials, often committed in disregard to 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% of the community. The State Government gave the community a mere 48 hours notice to leave their homes, despite not having court order for the evictions, as is required by law. According to 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 community reportedly had legal title to the area given to them by the Federal Government as compensation for having been

⁵⁷ 'Where to for Pietersen Flats tenants?', *The Namibian* [online newspaper], (21 May 2003), <http://www.namibian.com.na/2003/Mar./national/03D0D9C398.html>

⁵⁸ 'Trouble at Farm Otjiku', *All Africa* [online newspaper], (24 Jan 2005), <http://allafrica.com/stories/200501241183.html>

⁵⁹ 'Namibia: Police Drive Evicted Farmers From Kavango', *The Namibian*, (30 Aug. 2006), <http://allafrica.com/stories/200608300182.html>

⁶⁰ Amnesty International Press Release, *Nigeria: Forced evictions in Lagos make thousands homeless*, (24 Jan 2006), <http://web.amnesty.org/library/Index/ENGAFR440032006?open&of=ENG-NGA>

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

previously moved from another area in Lagos. Some of the affected persons are also legal tenants of land owned by the Railway Corporation.⁶²

- More than 60 families were forcibly evicted from Warri Corner in Delta State in June 2004. The Government argued that Warri Corner, an informal settlement, was sheltering militant groups, illegal oil traders, and sea pirates.⁶³

- In 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. Some of the residents were given five days' warning, while others given no warning at all. State government forces used tear gas on residents.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

⁶² Amnesty International, 'Nigeria: Mass forced evictions in Lagos must stop', (31 Oct. 2003), <http://web.amnesty.org/library/Index/ENGAFR440342003?open&of=ENG-2E5>

⁶³ *ibid.*

⁶⁴ *ibid.*

⁶⁵ *ibid.*

⁶⁶ Unrepresented Nations and Peoples Organization UNPO, [Summary] *Ogoni: The Demolition of the Agip Waterside*, (13 Mar. 2005) http://www.unpo.org/news_detail.php?arg=43&par=2332, see also, Movement for the Survival of the Ogoni People (MOSOP), www.mosop.org

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 Press Release, *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>

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 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 a difficult feat, particularly for those who have recently had their homes and possibly much of their property destroyed.⁶⁸

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

- In December 2005, as a 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 slum and hundreds of slum dwellers 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

IOP-ICCPR: No

Somalia

- Ongoing war and clashes between rival clans have caused the displacement of thousands of Somalis. The Internal Displacement Monitoring Centre estimates that in south and central Somalia, some 50 000 persons were displaced during 2005 alone.⁷¹

ICESCR: Yes

ICCPR: Yes

IOP-ICCPR: Yes

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 ANC-led Government has created 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

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* [article on website], (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'' [online news service], *BBC News*, (25 Aug. 2006), <http://news.bbc.co.uk/1/hi/world/africa/5285556.stm>

⁷¹ Global IDP Project, *Somalia: Window of opportunity for addressing one of the world's worst internal displacement crisis*, (10 Jan. 2006), <http://www.internal-displacement.org>

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 has obtained urgent eviction orders under the pretence of being concerned for the health and safety of residents. However, evictions have been carried out in the middle of the night and without notice. While conditions in many of the buildings are appalling, the procedures used by the municipality are grossly unfair, including the use of Apartheid-era laws and regulations. In addition, 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 pro bono legal support from the Wits Law Clinic and Webber Wentzel Bowens, more than 300 residents from buildings in Berea, and 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.

- 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 Alexander building in Hillbrow because of claims that the building was unsafe.⁷⁴

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

⁷³ 'Christmas on the street', *The Independent Online* [online newspaper], (10 Jan. 2004), http://www.int.iol.co.za/index.php?set_id=1&click_id=13&art_id=qw10737332415E123

⁷⁴ 'Hillbrow Roads Closed for Evictions' [online newspaper], *SABC News*, (14 Jan. 2005), http://www.sabcnews.com/south_africa/crime1justice/0,2172,95726,00.html,

- 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 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 Wattvill, 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 with violence, 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

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 shacks.⁸⁰

- In April 2006, the Sheriff of Cape Town, backed by police and private security guards, forcibly evicted 110 persons from their flats on Gympie 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

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* [online newspaper], (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* [online newspaper], (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* [online newspaper], (7 Sep. 2006), http://www.iol.co.za/index.php?set_id=1&click_id=124&art_id=vn20060907093809180C238043

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

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 squatter camp 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 slum 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

1OP-ICCPR: Yes

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 dispossessions 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

⁸¹ Gympie Street Residents Committee, Press release, (8 Apr. 2006).

⁸² 'Squatters stone police after forced removal', *Pretoria News* [online newspaper], (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).

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

- In 2004, construction of the Merowe dam, a government-backed hydropower project, started in Marawi. An estimated 55 000 to 70 000 people will be forced to relocate by the time the dam is completed. The Government resettled 6 000 persons in 2003 and 2004, and several thousands more in 2005 and 2006. While the majority of the resettled farmers would have preferred to stay as close as possible to their former land and to water resources, the Government has 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 oppose their displacement because the soil at the resettlement areas is of poor quality compared to the fertile farmland by the Nile.

Since construction has begun 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 injured several. It was reported that the villagers had gathered in the school to discuss how the dam affected their lives.⁸⁵

Recently, dam construction rendered approximately 2 200 families homeless. On 7 August 2006, the authorities reportedly began filling the reservoir without providing warning to affected persons. The flooding that followed has destroyed over 700 homes and left 380 houses uninhabitable, as well as destroying fields of crops and thousands of livestock. The dead animals have contaminated the water and there have been reports of incidences of diarrhoea and other diseases.⁸⁶

- 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. People returned to Shikan, however, the police forcibly evicted them again in August 2005. These regular demolitions of squatter settlements and camps are enforced despite 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.⁸⁷

- 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

⁸⁵ *Sudan Tribune* [online newspaper], www.sudantribune.com; *Wikipedia* [online encyclopaedia], www.wikipedia.com

⁸⁶ Leadership Office of Hamadab Affected People (LOHAP), *Merowe Dam Update: More than 2,200 Amri families homeless*, (15 Aug. 2006)

⁸⁷ UNOCHA/IRIN News, 'Sudan: Khartoum destruction triggers southern returns' [Online news service], (7 Oct. 2005) http://www.irinnews.org/report.asp?ReportID=49414&SelectRegion=East_Africa; see also Amnesty International, *African Commission on Human and Peoples' Rights: Oral statement on forced evictions in Africa* [article on website], (11 May 2006) <http://web.amnesty.org/library/Index/ENGAFR010052006?open&of=ENG-ZWE>

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.⁸⁸

ICESCR: Yes

ICCPR: Yes

1OP-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.

- The Kakira Sugar Works demolished a trading centre in Kampala in July 2003, leaving nearly 600 persons homeless. No compensation was offered, although the residents had paid for the accommodation units that were destroyed.⁸⁹

- In May 2004, the Uganda Wildlife Authority embarked upon restoring the Mt. Elgon National Park's boundaries. Throughout the demarcation process, the park's residents accused the authorities of grabbing their land. The Daily Monitor reported that at least 1 200 persons were evicted and made homeless. The newspaper reported that the authorities made boundaries without any respect for the people living in the area, and the Uganda Wildlife Authority reportedly destroyed houses and crops.⁹⁰

- Authorities from the Lira Municipality demolished 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. The President stated that the people must be offered compensation.⁹¹

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

⁸⁸ Dr. Sima Samar, the Special Rapporteur for Human Rights in Sudan, speaking at press conference [transcript]

⁸⁹ 'Kakira razes katooke shops', *AllAfrica* [online newspaper], (10 July 2003) <http://allafrica.com/stories>

⁹⁰ 'Besigye to resettle evicted Mt. Elgon park residents', *The Daily Monitor* [online newspaper], (19 Jan. 2006), <http://www.monitor.co.ug/news/news011923.php>

⁹¹ 'State house to settle Lira Road row', *All Africa* [online newspaper], <http://allafrica.com/stories/200502281104.html>

Zimbabwe

In 1999, the Government of Zimbabwe embarked on a controversial land reform programme by encouraging groups of people, headed by war veterans, to invade and take over farms from white farmers. The land reform led to the displacement of many thousands of people, many of them moving into the urban areas, where they settled wherever they could. However, the Government decided to destroy these 'illegal' settlements and this led again to mass evictions that were continuing into 2006.⁹²

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 have died during the demolitions. There are also reports that police deterred civil society organisations from providing 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, suggest that the reasons for the launch of Operation Murambatsvina are predominantly political. Many argue 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 have suggested that the operation was a pre-emptive strategy to disperse the threat of social unrest in light of economic hardship in Zimbabwe and offered a distraction from the economic crisis facing the country. 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

⁹² Centre on Housing Rights and Evictions (COHRE), *Land Housing and Property Rights in Zimbabwe* [pdf on website], (Sep. 2002), http://www.cohre.org/view_page.php?page_id=120

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, [pdf on website], 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.

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.

- 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 relocated first to Caledonia Farm and then to Hopley farm, where they were left with no shelter and little means of accessing food.⁹⁶ Prior to this, in September 2004, Amnesty International reported violence in a previous attempt to evict residents of Porta Farm, which left 10 residents dead. Riot police had fired tear gas directly into the homes of the Porta Farm residents.⁹⁷

Other evictions

- In April 2004, the Government of Zimbabwe seized the Kondozi Farm in Manicaland in April 2004, despite a court ruling in favour of the owners. More than 5 000 farm workers 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

- Although Operation Murambatsvina officially ended in 2005, forced evictions continued the following year. SW Radio Africa reported that 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

IOP-ICCPR: No

The Americas

Argentina

Buenos Aires

- In December 2004, police and municipal officials evicted approximately 80 families from the former Suchard factory in Flores, a suburb of Buenos Aires. The people had lived in the former

⁹⁶ Amnesty International and Zimbabwe Lawyers for Human Rights, Zimbabwe. *Shattered Lives—the case of Porta Farm*, (Mar. 2006), pp. 10-13 [pdf on website], http://www.zlhr.org.zw/downloads/ai_zlhr_shattered_lives.pdf

⁹⁷ Amnesty International, *Zimbabwe: ten dead following police misuse of tear gas* [online press release], (22 Sep. 2004) <http://web.amnesty.org/library/Index/ENGAFR460272004?open&of=ENG-ZWE>,

⁹⁸ 'Arda starts operation on the Kondozi Farm', *The Herald* [online newspaper], (16 Apr. 2004), http://www.zimbabwesituation.com/apr16a_2004.html#link23; 'Kondozi seized in latest farm raid', *Zimbabwe Independent* [online newspaper], (16 Apr. 2004) <http://www.thezimbabweindependent.com>

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

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>

factory since the 1980s. However, the Municipality ordered the former factory'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 about 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 building was unsafe and that the eviction was undertaken in the interests of residents' safety. The residents said they would be the first to admit 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

- In September 2005, about 450 police officers evicted over 100 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 – had filed a case against the settlers, and the court had 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

¹⁰¹ 'Desalojaron a varias familias en Flores', *La Nacion* [online newspaper], (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* [online newspaper], (15 Dec. 2005), http://www.lanacion.com.ar/Archivo/nota.asp?nota_id=663296

¹⁰³ 'Desalojan a 27 familias en Balvanera', *Clarín* [article on website], (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* [article on website], (17 Aug. 2005), <http://www.clarin.com/diario/2005/08/17/laciudad/h-1034761.htm>

¹⁰⁵ 'Desalojaron a unas cien familias de Rafael Calzada', *Inforegion* [article on website], (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* [article on website], (18 Oct. 2005), http://www.clarin.com/diario/2005/10/18/index_diario.html

¹⁰⁷ 'Violento desalojo de predio ocupado en reclamo de viviendas', *Página 12* [article on website], (21 Sep. 2006), <http://www.pagina12.com.ar/diario/ultimas/20-73328-2006-09-21.html>

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 are 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 as they lost everything during the eviction, they were left 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 home. 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
- 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 eviction 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 inundated, and inhabitants were supposed 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 these houses following a storm that had demolished their houses and left them homeless in December 2005. After the Municipality ordered their eviction, police used excessive

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', *Pagina 12* [article on website], (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* [article on website], (22 Sep. 2005), <http://www.po.org.ar>

¹¹¹ 'El desalojo se paró por ahora', *Tiempo Fueguino* [article on website], <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* [article on website], (20 Feb. 2006), <http://www.lineacapital.com.ar/?noticia=6820>

force during the eviction and several people were injured by 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 a couple 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 Tafi del Valle, where they had lived all their lives. One individual had demanded the eviction claiming that 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

IOP-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 to return the land to its owner. The families had only one hour notice to remove all their property. The people had lived on the estate since 2001. The evictees reported that police used excessive force during the eviction and the Municipal hospital confirmed that one person had been shot in the shoulder, but the police denied the allegations.¹¹⁷

- In February 2005, the Bolivian National Police evicted around one hundred 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

¹¹³ 'Chaco: un desalojo violento derivó en un escándalo con denuncias de clientelismo', *Clarín* [article on website], (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* [article on website], (Apr. 2006), www.infobae.com/notas/nota.php?Idx=248113&IdxSeccion=150803

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

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

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

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 all over the country would be cleared. Shortly after the announcement the army and police started evicting people who occupied plots of land illegally in the country's capital La Paz. During several 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 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 most of their property and were not compensated in any way for the loss of their homes and belongings.¹²¹

ICESCR: Yes

ICCPR: Yes

1OP-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. Then for two years the building sheltered some 80 families, including approximately 100 children, until police forcibly evicted them in August 2005. Violence

¹¹⁸ 'Gasifican y desalojan ocupantes del Tunari', *Los Tiempos* [article on website], (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* [article on website], (9 June 2006), <http://www.laprensagrafica.com/lodeldia/1454.asp>

¹²⁰ 'Gobierno ordeno desalojo de avasalladores de las tierras', *La Patria* [article on website], <http://www.lapatriaenlinea.com/content/view/8229/>

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

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 the building on Tenente Pena Street. The homeless families had occupied the insolvent steel mill in 2004. The owner of the property had demanded the eviction of the families which the local court of Sao Paulo granted. The families were informed on the day of the eviction. The evictees had been promised relocation, but once they were evicted, no 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 forcibly evicted about 140 persons from an occupied building on Rio Branco Avenue in central Sao Paulo. The owner of the building had demanded the building. The squatters reportedly left the building without any resistance.¹²⁴

- During the same month, police also evicted 80 families from their shelters in Bom Retiro, central Sao Paulo, 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.¹²⁵

- In October 2005, around 50 military police officers evicted 27 families, who had occupied land in the Park São Rafael in Sao Paulo and had put up shelters. The affected people were not provided with a relocation site or compensation.¹²⁶

- 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 Paulo's centre. The squatters had lived in the building since 2003, but the company Transbrasil, who owns the property, demanded the eviction. After several unsuccessful attempts to negotiate with the owner, the squatters left the building.¹²⁷

- In December 2005, the Municipality of Sao Bernardo in Sao Paulo 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.¹²⁸

¹²² Forum Centro Vivo, *Violações dos direitos humanos no centro de Sao Paulo*, (2005), p. 31, www.polis.org.br/download/241.pdf_leituraDOSSIE2edicaoor

¹²³ *ibid.*, p. 48

¹²⁴ 'PM realiza reintegração de posse de casarão no centro de SP', *Folha* [article on website], (13 Sep. 2005), <http://www1.folha.uol.com.br/folha/cotidiano/ult95u113004.shtml>

¹²⁵ 'PMs e sem-teto entram em confronto na região central de SP', *Folha* [article on website], (15 Sep. 2005), <http://www1.folha.uol.com.br/folha/cotidiano/ult95u113089.shtml>

¹²⁶ 'PM acompanha reintegração de posse em São Paulo', *Folha* [article on website], (13 Oct. 2005), <http://www1.folha.uol.com.br/folha/cotidiano/ult95u113706.shtml>

¹²⁷ 'PM acompanha reintegração de posse no centro de São Paulo', *Folha* [article on website], (4 Oct. 2005), <http://www1.folha.uol.com.br/folha/cotidiano/ult95u113763.shtml>

¹²⁸ 'População será retirada de favela em S.Bernardo', *Diario Do Grande ABC* [article on website], (29 Dec. 2005), <http://setecidades.dgabc.com.br/materia.asp?materia=508296>

- In January 2006, some 200 people were evicted from an abandoned factory on João Caetano Alves Street, in the Mooca district of Sao Paulo. The evictees had occupied the factory three months before. No alternative housing was provided to them.¹²⁹

- In February 2006, the Sub-prefecture of Perus evicted several people from their makeshift shelters on Ligeira Street in the district of Sol Nascente, in Perus, Sao Paulo. 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.¹³⁰

- Representatives of the slum community of Diadema accused the Ecovias company of demolishing houses belonging to the community, in Sao Paulo, in February 2006. Ecovias administrates the Anchieta-Imigrantes highway and reportedly was responsible for the destruction of several houses nearby the highway. However, the company denied the accusation, and argued that an agreement had been made with the affected residents.¹³¹

The Landless Workers' Movement

Land disputes and evictions continue in Brazil, a nation where land-ownership is highly concentrated among a relative few. Brazil's Landless Workers Movement – *Movimento dos Trabalhadores Rurais Sem Terra* (MST) – struggles for the implementation of the country's land reform. In Brazil, 3 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.¹³²

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 arriving without notice and threatening and taking violent actions 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 removed to temporary lodgings in neighbouring cities.¹³³

¹²⁹ 'Famílias montam acampamento no Brás após serem despejadas', *Centro de mídia independente* [online newspaper], (17 Jan. 2006), <http://www.midiaindependente.org/pt/green/2006/01/342986.shtml>

¹³⁰ 'Subprefeitura de Perus remove construções feitas de sucata', *Panorama Brasil* [article on website], (17 Feb. 2006), http://www.panoramabrasil.com.br/noticia_completa.asp?p=conteudo/txt/2006/02/17/21537433.htm

¹³¹ 'Moradores de Diadema pedem ação do Estado contra despejos', *Diario Do Grande ABC* [article on website], (16 Feb. 2006), <http://politica.dgabc.com.br/materia.asp?materia=515413>

¹³² Movimento dos Trabalhadores Rurais Sem Terra, <http://www.mstbrazil.org>

¹³³ 'Polícia desaloja sem-terra de fazenda no Paraná', *Folha* [article on website], (7 July 2004), <http://www1.folha.uol.com.br/folha/brasil/ult96u62275.shtml>

- In January 2005, armed military police evicted 39 persons from the farm Fazenda Matão in Parana State after a court had ordered the eviction. The farm had been occupied by the MST. Police destroyed all the canvas tents that the squatters had put up.¹³⁴
- 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 São Paulo Foundation for the Care of Minors, and the Foundation had demanded the eviction. The evicted families moved to the Marinheirão 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.¹³⁵
- In January 2006, the MST initiated an offensive in the region of Pontal do Paranapanema to protest against the lack of implementation of the land reform. In a joint action several farms were occupied, and as soon the settlers were evicted they moved to another farm. The action happened in the cities of Mirante do Paranapanema, Teodoro Sampaio, Caiuá, Presidente Venceslau and Santo Anastácio.¹³⁶
- 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 did not have any title deeds. The occupiers left without resistance.¹³⁷
- In a violent eviction, 31 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 on 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.¹³⁸

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.¹³⁹
- 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

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

¹³⁵ Movimento dos Trabalhadores Rurais Sem Terra, *PM cerca ginásio em Batatais onde estão Sem Terra acampados* [article on website], (25 Feb. 2005), <http://www.mst.org.br/informativos/minforma/ultimas539.htm>

¹³⁶ 'Movimento dos sem-terra completa 11 invasões em cinco dias' *Folha* [article on website], (11 Jan. 2006), <http://www1.folha.uol.com.br/folha/brasil/ult96u75072.shtml>

¹³⁷ 'MST desocupa fazenda no DF e exige ação contra pistoleiros', *Diario Do Grande ABC* [article on website], (28 Apr 2006), <http://geral.dgabc.com.br/materia.asp?materia=526417>

¹³⁸ 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>

¹³⁹ NGO *Terra de Direitos* [correspondence from], <http://www.terradedireitos.org.br>

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.¹⁴⁰

- 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.¹⁴¹

- In November 2004, federal police evicted homeless families who had occupied the National University of Pará. A court had ordered the eviction of the squatters. At first, the squatters tried to resist the eviction by barricading themselves, but then they left peacefully and violence was avoided.¹⁴²

- In a major armed operation to enforce a court order, military police evicted approximately 3 000 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 arrested. After the eviction, approximately 2 500 persons found temporary shelter in a sports gymnasium. The Centro de Midia Independente reported that due to the poor living conditions in the gym, four people died and many fell ill.¹⁴³

- During two days in May 2005, 80 officers of the military police evicted 40 families from the Jardim Passaúna National Park in Curitiba in the State of Parana. The eviction had been ordered by the local court. Inhabitants and local organisation had negotiated with the authorities to find a relocation plan, but they could not agree on a solution.¹⁴⁴

- In February 2006, police evicted approximately 300 families from the Rosalina community in Fortaleza, State of Ceará. The homes of the affected families were demolished during the eviction. The eviction turned violent 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 is planned. Authorities are actually planning on housing the evicted families in the new complex. There is, however, not enough room for all evictees and not all of the low-income families are eligible for loans. Moreover, the people have been waiting for over ten years for the complex to be built.¹⁴⁵

- 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 belongs to a factory-owner, named Jean Lieutaud. The regional court had decided on the restitution of the land to the

¹⁴⁰ *ibid.*

¹⁴¹ *ibid.*

¹⁴² Universidade Federal do Para, *Retirada de invasores continua nesta quarta* [article on website], (30 Nov. 2004), http://www.ufpa.br/portalufpa/imprensa/clipping.php?id_clip=486&data=20041130

¹⁴³ ‘Livro aponta desocupação do Parque Oeste como violação de direitos humanos’, *Centro de Midia Independente* [article on website], (14 Feb. 2006), <http://www.midiaindependente.org/pt/blue/2006/02/345459.shtml>

¹⁴⁴ ‘Despejo em ocupação’, *Adital* [article on website], (20 May 2005), <http://www.adital.com.br/site/noticia.asp?lang=PT&cod=16694>

¹⁴⁵ 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

owner. The evicted families remained homeless, as they had nowhere to go, and the eviction came as a surprise to them.¹⁴⁶

- In March 2006, military police forcibly evicted the slum area of Jardim Paradiso in the Municipality of Paço and burned down several houses. Some 700 families, who had lived in the area for over three years, were affected by the eviction. The belongings 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 belongs to a private owner, the demand for the eviction came from a lawyer.¹⁴⁷

- In May 2006, officials from the Procurator's Office and military police evicted approximately 200 families from their wooden barracks of the Jardim Canaã slum 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.¹⁴⁸

- In August 2006, the Municipality of Rio de Janeiro ordered the eviction of the residents of the Canal do Cortado 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 had increased. There was no court order or due process; instead residents were threatened and blackmailed to accept compensation much less than the actual value of the land. Residents also had to sign documents stating that they would not pursue legal action or make further claims. The homes in which inhabitants of the slum area had lived for 20 years were demolished by tractors.¹⁴⁹

Eviction of indigenous groups:

- Amnesty International reported a forced eviction of a community of 400 to 700 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 is 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.¹⁵⁰

- January 2006, 20 Tupinikim and Guarani Indians were injured when an armed police force evicted them from the land they occupied in Córrego D'Ouro and Olho D'Água in the State of Espírito Santo. Police destroyed homes with bulldozers and also used teargas and rubber bullets on residents. The Tupinikim and Guarani communities, have been attempting to attain official recognition of their traditional lands, however, the land has been in the hands of the Aracruz

¹⁴⁶ 'Famílias são despejadas de 'garimpo'', *Diario do Grande ABC* [article on website], (3 Mar. 2006), <http://setecidades.dgabc.com.br/materia.asp?materia=517667>

¹⁴⁷ 'Após despejo, sem-teto faz protesto hoje', *Diario do Grande ABC* [article on website], (13 Mar. 2006), <http://setecidades.dgabc.com.br/materia.asp?materia=519145>

¹⁴⁸ '200 famílias são desalojadas em Mauá', *Diario Do Grande ABC* [article on website], (25 May 2006), <http://setecidades.dgabc.com.br/materia.asp?materia=530769>

¹⁴⁹ 'Prefeitura do Rio Despeja outra comunidade', *Fazendo Media* [article on website], (25 Aug. 2006), <http://www.fazendomedia.com/novas/politica250806.htm>

¹⁵⁰ Amnesty International, *Indigenous Brazilians forced from their land*, [article on website], (Feb. 2006), <http://web.amnesty.org/wire/february2006/Brazil>

Cellulose company for almost 40 years. The company had obtained an eviction order from a local court, however residents report that they did not receive notice prior to the eviction¹⁵¹

In July 2006, a dispute over land belonging to the Aracruz Cellulose company flared again. A community of Quilombolas occupied land close to São Mateus and Conceição da Barra, in the State of Espírito Santo, in order to collect wood and cultivate land. The Quilombolas (an ethnic minority descended from slaves brought to Brazil in the 1600s) 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.¹⁵²

Candongá Dam

- On June 23 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, and an estimated 234 residents lost 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 aluminium producer Novalis (formerly Alcan). This consortium negotiated on compensation and resettlement with the residents, 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 residents signed agreements with the consortium to exchange their house for a new house in a city 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 by a court order.

Forty-one families moved voluntarily out of Old Soberbo, but others refused to leave their home, and they were increasingly pressured by the consortium. In May 2004, a police force comprised of civil, federal, and military police, evicted the last resisting 14 families by force. 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 never received the property titles of their new homes.¹⁵³

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

¹⁵¹ Survival International, *Brazil: Twenty Tupinikim and Guarani Indians injured in police evictions*, (27 Jan. 2006), <http://www.survival-international.org/news.php?id=1359>

¹⁵² 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>

¹⁵³ Global Justice Centre, <http://www.global.org.br/english/arquivos/candongenglishfinal.pdf#search=%22Candongá%20dam%22>

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 the squatters.¹⁵⁴

- The informal settlement ‘La Toma’ in Peñalolén, Santiago Province, with its 1 800 inhabitants, is Chile’s biggest informal settlement. The slum was built seven years ago. During two eviction waves in April and May 2006, police and soldiers brutally evicted approximately 500 inhabitants. Some residents had 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.¹⁵⁵

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

Colombia

In the period under review, there are several reports of mass evictions of Colombia’s indigenous people, whose rights are still systematically violated, have been reported. The indigenous community demands that the Government of Colombia grants 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 in the eviction. Police allegedly impeded ambulances from leaving the farm. An unknown number of people were arrested and ill-treated. After the operation, the people left voluntarily in order to facilitate negotiations with the local government.¹⁵⁶

- 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.¹⁵⁷

¹⁵⁴ ‘133 detenidos deja violento desalojo de toma en La Florida’, *El Mostrador* [article on website], (31 Oct. 2005), http://www.elmostrador.cl/modulos/noticias/constructor/noticia_new.asp?id_noticia=172631

¹⁵⁵ ‘Chile: Brutal desalojo en la toma de Peñalolén’, Ainfos, (8 June 2006), <http://www.ainfos.ca/ainfos336/ainfos24681.html>

¹⁵⁶ 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 idios* [article on website], (6 Sep. 2005), <http://www.nasaacin.net/noticias.htm?x=1392>

¹⁵⁷ ‘One killed in Cauca eviction’[article on website], (13 Nov. 2005), http://www.americas.org/item_23027

- Forced evictions and displacement still occur in the context of the 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. An indigenous organisation provided the displaced with temporary shelter. However, many cases of diseases, such as tuberculosis, were reported due to the unhygienic conditions, and the lack of water and basic sanitation facilities in the temporary shelter. Several international NGOs provided assistance to the displaced.¹⁵⁸

- In April 2006, anti-riot police forcibly evicted 70 families from a settlement known as 'la Tormenta'. The families had occupied these lands 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 of negotiations 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' sheds provoking protest of the settlers who reacted by throwing stones.¹⁵⁹

- The Municipality of Cali ordered the eviction of 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 plans on setting up an ecological park in the area. Hundreds of police arrived in the middle of the night in June 2006 to forcibly evict the settlers without having given them prior warning. 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.¹⁶⁰

ICESCR: Yes

ICCPR: Yes

1OP-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 peasants 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. They returned despite the order, and then in July 2004, police and the security forces of the Standard Fruit Company forcibly evicted them. The eviction was accompanied by violence, and police killed two people during the operation. The peasants settled afterwards in the Cathedral of San Jose because they had nowhere else to go.¹⁶¹

¹⁵⁸ Organizacion Panamericana de la Salud, *Evento: Desplazamiento masivo en Chocó, Colombia* [article on website], (12 Apr. 2006), <http://www.col.ops-oms.org/desastres/2006/desplazamientos/informeno02abril122006.pdf>

¹⁵⁹ 'Pedrea en desalojo de 'La Tormenta'', *El Heraldo* [online newspaper], (11 Apr. 2006), <http://www.elheraldo.com.co/antiores/06-04-11/locales/noti7.htm>

¹⁶⁰ 'Desalojo a sangre y fuego contra humildes pobladores que exigen un techo para vivir', *Indymedia Colombia* [article on website], (22 June 2006), <http://colombia.indymedia.org/news/2006/06/45281.php>

¹⁶¹ 'Campesinos impedidos de recuperar tierras tomadas por trasnacional', *Adital* [article on website], (7 July 2004), <http://www.adital.org.br/site/noticia.asp?cod=12957&lang=ES>

- In July 2004, about 20 families, ‘guests’ of the Hotel Santa Tereza – 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 demanded that all residents – some have lived there for nearly 20 years – to leave. When the residents did not leave after a three months notice, their water and power was cut off, and security guards of the French Hotel Group arrived and threw all belongings of the residents in the streets.¹⁶²

- During three eviction drives in March 2006, police and Special Forces evicted approximately 1 000 families from the slum area of Libertad II in San Jose (better known as ‘la Managuita’). Most affected people are Nicaraguan immigrants, and many of them have been living in the area for 20 years. The eviction had been ordered by the Constitutional Court. 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.¹⁶³

- In May 2006, police also 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 slum had been set up in 2002 belongs to a private bank. The Constitutional Court of Costa Rica had ordered the eviction. The evictees were promised a subsidy so they could rent alternative accommodation during three months.¹⁶⁴

ICESCR: Yes

ICCPR: Yes

IOP-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 claim that the family illegally occupied the house, since Mr Artigas’s mother, the owner of the house, allegedly emigrated to the United States. However, the family asserts 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 for ‘disrespect for the authorities’.¹⁶⁵

- 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 resources to find a home. During the eviction, Armando Chacon set fire to himself and suffered serious burning.¹⁶⁶

¹⁶² ‘Difícil separação : Fim do “hotel dos descasados” gera polêmica’, *El Veja* [article on website], (2 June 2004), <http://veja.abril.uol.com.br/vejarj/020604/cidade.html>

¹⁶³ ‘Triste destino del nica pobre: rodar y rodar...’, *El Nuevo Diario* [article on website], (4 Mar. 2006), <http://www.elnuevodiario.com.ni/2006/03/04/nacionales/14120>

¹⁶⁴ ‘Costa Rica: inician desalojo de nicaragüenses’, *El Mundo* [article on website], (3 May 2006), <http://www.elmundo.com.sv/vernota.php3?nota=54240&fecha=03-05-2006>

¹⁶⁵ ‘Violento desalojo provoca protesta de vecinos’, *Cuba Net* [article on website], (5 Sep. 2005), <http://www.cubanet.org/CNews/y05/sep05/06a1.htm>

¹⁶⁶ ‘Cienfueguero desalojado se da candela’, *Cuba Net* [article on website], (8 Sep. 2005), <http://www.cubanet.org/CNews/y05/sep05/09a3.htm>

- 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 illegally occupied the house. But the family asserts that the house belongs to Martinez's brother. According to dissident groups, the eviction was carried out to intimidate Martinez.¹⁶⁷

- 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.¹⁶⁸

ICESCR: No

ICCPR: No

1OP-ICCPR: No

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 claims to be the owner of the land. Employees of the Institute and police arrived at the slum early in the morning without warning and started demolishing the wooden 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.¹⁶⁹

- 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 the hurricane Georges. The evictees had illegally occupied the houses.¹⁷⁰

- A mass eviction was carried out by the police under the direction of a bailiff in Villa Eloisa, in November 2005. Several families had built their house on the land in question and lived there for several years. The landowner – who had never before claimed the land – asked the authorities to clear it. The eviction turned very violent, three people were shot, and the police arrested 21 evictees. Most houses were demolished, and members of the demolition brigade were accused of taking money and goods from the evicted people. The evictees were left homeless; they were not offered alternative accommodation or compensation.¹⁷¹

- 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

¹⁶⁷ 'Disidentes cubanos denuncian arresto y desalojo de activistas', *Cuba Encuentro* [article on website], (24 Oct. 2005), http://www.cubaencuentro.com/es/encuentro_en_la_red/cuba/noticias/disidentes-cubanos-denuncian-arresto-y-desalojo-de-activistas

¹⁶⁸ 'Desalojada una anciana en sillón de ruedas', *Cuba Net* [article on website], (25 Jan. 2006), <http://www.cubanel.org/CNews/y06/jan06/25a5.htm>

¹⁶⁹ 'Republica Dominicana : Cientos de viviendas destruidas durante desalojo a familias pobres', *Alter Presse* [online newspaper], (14 April 2004), http://www.alterpresse.org/spip.php?article1326&var_recherche=cristo%20rey

¹⁷⁰ 'Viviendas generan conflictos en batey', *Alter Presse* [online newspaper], (5 Oct. 2005), http://www.alterpresse.org/article.php?id_article=3360

¹⁷¹ 'Hieren tres en desalojo Villa Eloisa', *El Nacional* [online newspaper], (25 Nov. 2005), <http://www.elnacional.com.do/app/article.aspx?id=43365>

eviction turned violent and two people – one police officer and one squatter – were shot. Police arrested several people, and demolished most houses and personal property.¹⁷²

- 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 measure was 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, although they had title deeds on the land.¹⁷³

- 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.¹⁷⁴

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

Ecuador

- In June 2006, police forcibly evicted 33 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 some had documents proving their entitlement to it. Several authorities condemned the eviction and blamed former Governor Néstor Coello for the operation. Coello had ordered the National Institute of Agricultural Development (INDA) to carry out the eviction. The operation was accompanied with violence, several cases of abuses against the farmers were reported and a few people were injured. Police demolished the farmers' houses and burnt equipment.¹⁷⁵

- 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 the residents compensation for the construction of a water pipe through their land. The company never fulfilled the agreement for compensation, and in return the residents protested by occupying the company's land. The operation left two people injured, and two human rights activists were arrested.¹⁷⁶

- Approximately 100 people living near the Guayaquil lagoon in Guayas Province were evicted and rendered homeless in July 2006. Police destroyed their cardboard shelters after residents had been notified of the eviction in advance. The reason given for the eviction was that the area was dangerous due to the contamination around the lagoon.¹⁷⁷

¹⁷² 'Definen "batalla" desalojo mataron dos', *El Nacional* [online newspaper], <http://www.elnacional.com.do/app/article.aspx?id=41871>

¹⁷³ 'Denuncian Gobierno intenta desalojo en terrenos del IAD', *Hoy Digital* [article on website], (23 Jan. 2006), <http://www.hoy.com.do/app/article.aspx?id=62902>

¹⁷⁴ 'Reporters covering eviction in Cap Cana subjected to aggression from soldiers', *Dominican Today* [online newspaper], (15 Feb. 2006), <http://www.dominicantoday.com/app/article.aspx?id=10403>

¹⁷⁵ 'Propiedad de tierras determinará el INDA', *La Hora* [online newspaper], <http://www.lahora.com.ec/frontEnd/main.php?idSeccion=446620>

¹⁷⁶ 'Policía desalojó en Ecuador a vecinos que tomaron petrolera en Orellana', *Fuerteventura* [article on website], (21 June 2006), <http://www.fuerteventuradigital.com/noticias/Otros/2006/06/21/212854.asp>

¹⁷⁷ 'Desalojan a personas que habitaban cerca de laguna de oxidación', *Cre* [article on website], (17 July 2006), <http://www.cre.com.ec/Desktop.aspx?Id=143&e=83202>

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: Yes

El Salvador

- In July 2005, the Mayor of Antiguo Cuscatlàn ordered the eviction of nine families of the La Cuchilla community in Antiguo Cuscatlàn. Employees of the Mayor's office demolished the families' houses without prior notification. No alternative housing or compensation was provided to the people, although some of them had lived in the area for over ten years. Reports indicate that the remaining inhabitants of the community are being pressured to leave their houses, as well. The La Cuchilla community is located in proximity of the Multiplaza commercial centre, and several companies are interested in developing the area.¹⁷⁸

- The 60 families, who had lived in the La Escuelona student centre in San Salvador, were forced to leave in January 2006 as the school year started. The families 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.¹⁷⁹

- 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 alleged owner of the land accused the families of illegally occupying it. A judge from Mercantil de San Salvador ordered the eviction despite several residents possessing title deeds on the land. The evictees stayed in the neighbourhood and found temporary shelter in farms that were constructed with assistance from the Municipality.¹⁸⁰

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: Yes

Guatemala

Since President Óscar Berger assumed office in Guatemala in 2004, thousands of rural workers have been evicted from their homes in at least 63 eviction cases. Many evictions have been carried out with excessive use of force: beatings, the demolition of houses, and even killings have been reported. According to Amnesty International, land disputes are triggered by extreme poverty, serious inequalities of land distribution, and poor enforcement of labour rights.¹⁸¹

- 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

¹⁷⁸ 'Familias denuncian desalojo por parte de Alcaldía', *Diario Co Latino* [article on website], (7 July 2005), www.diariocolatino.com/nacionales/detalles.asp?NewsID=8542

¹⁷⁹ 'Desalojo Forzado en Laderas de Volcán', (17 Jan. 2006), www.desastres.org/noticias.asp?id=17012006-1

¹⁸⁰ 'Desalojan a cinco familias', *La Prensa Grafica*, <http://www.laprensagrafica.com/departamentos/529537.asp>

¹⁸¹ Amnesty International, 'Rural communities in Guatemala violently evicted' *The Wire* [article on website], (June 2006), <http://web.amnesty.org/wire/June2006/Guatemala>

pillaged the farm and workers' homes. The evictees had not received prior notice of the eviction and were not provided with alternative housing or compensation.¹⁸²

- Some 90 indigenous Q'eqchi families of rural workers were violently evicted from the land on the Trece Aguas farm in 2004. Protesting their unpaid redundancies, the workers had occupied land on the farm in what they considered was just compensation.¹⁸³

- In June 2005, approximately 300 officers of the civil police evicted approximately 350 indigenous people from the Los Encuentros property. The eviction was carried out without incident, as the people were given time before the eviction to remove all their property and voluntarily left when faced with such a large police force. The people had lived on the land since 2001.¹⁸⁴

- In November 2005, Police forcibly evicted approximately 200 farmers from the community El Terrero in Jalapa. At least ten people were severely injured during the eviction, as the operation was accompanied by great violence from both sides. The landless farm workers had occupied the private plot of land about two years ago, but a regional court ordered their eviction. There had been attempts to negotiate, but these were without results.¹⁸⁵

- 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 houses and personal property of the evictees. The farm workers had lived and worked on the land all their lives. But when, in 2002, the coffee price collapsed, the landowners had offered the workers ownership of land instead of payment. The labour dispute was, however, never resolved and landowners accused the workers of illegally seizing the land. Workers were consequently removed by force.¹⁸⁶

The farmers reportedly reoccupied the property and were again violently evicted on 7 July 2006. The eviction was carried out with excessive use of force that left one worker dead and over 30 injured.¹⁸⁷

- In March 2006, employees of a landowner evicted the members of the Pulay community, who had occupied the Quiché farm some eight years ago. There had been no court order. Several people were severely injured during the eviction and one evictee was killed.¹⁸⁸

ICESCR: Yes

ICCPR: Yes

10P-ICCPR: Yes

¹⁸² *ibid.*

¹⁸³ Amnesty International, *Guatemala: Evictions are not the answer to land conflicts*, [press release on website], (29 Mar. 2006), <http://news.amnesty.org/index/ENGAMR340112006>

¹⁸⁴ 'Finca Los Encuentros, Escuintla Desalojan a 110 familias indígenas', *La Hora* [article on website], (9 June 2005), http://www.lahora.com.gt/05/06/09/paginas/nac_3.htm#n5

¹⁸⁵ 'Violento desalojo de campesinos deja al menos nueve heridos', *Terra* [article on website], (Nov. 2005), <http://www.terra.com.gt/noticias/nacionales/articulo/html/nac42722.htm>

¹⁸⁶ 'Denuncian violento desalojo en A. Verapaz, policias queman los ranchos', *Telediario* [article on website], (2 Feb. 2006) www.telediario.com.gt/article.php?sid=25642

¹⁸⁷ 'Campesinos/tierras: Realizan investigación de conflicto campesino', *Cerigua* [article on website], (17 July 2006), <http://www.cerigua.org/portal/modules.php?op=modload&name=News&file=article&sid=5327>

¹⁸⁸ 'Desalojo en Quiché deja víctima mortal y dos heridos', *Prensa Libre* [article on website], (7 Mar. 2006), <http://www.prensalibre.com/pl/2006/marzo/07/136218.html>

Honduras

- In June 2005, State security forces violently evicted members of the indigenous Lenca community of Las Golondrinas in the Municipality of Marcala, La Paz. It seems that a transport company was interested in the land the community occupied. Police arrested several leaders of the community.¹⁸⁹

ICESCR: Yes

ICCPR: Yes

1OP-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 other members of the families were provided with temporary shelter.¹⁹⁰

- In June 2005, police forcibly evicted five families – nearly 30 people – from the estate Maquixco in Teotihuacán, which they had occupied more than 30 years ago. In 1973, the father of the current owner allowed them to settle on the lands and they had lived there ever since. But the son who inherited the lands demanded an eviction order from the regional court which was granted. All the homes of the families, in which they had lived almost all their lives, were demolished with heavy machinery. The evictees were not compensated for their loss.¹⁹¹

- In November 2005, 400 police violently evicted 40 families from El Suspiro farm in the Municipality of Las Margaritas. The police did not have a court order, and carried out the eviction without prior warning. Police beat residents, damaged their homes and property and reportedly stole their personal belongings. The eviction was apparently caused by a dispute over the land between the affected community and members of the Independent Centre of Workers and Peasants. The evicted community, however, assert that their ancestors have possessed and lived on that land for over 80 years.¹⁹²

- In November 2005, police forcibly evicted some 20 families from the Colonia Labradores Blancos and demolished all their houses. While the police were acting on a court order, the judge responsible denounced the demolition of the houses after the eviction. The families were left homeless and lost most of their possessions during the operation.¹⁹³

¹⁸⁹ 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>

¹⁹⁰ ‘Acusan de ecicidio a cuatro indígenas por vivir en Montes Azules’, *Proceso* [article on website], (10 Feb. 2005), <http://www.proceso.com.mx/noticia.html?nid=29783&cat=1>

¹⁹¹ ‘Tarda desalojo 32 años’, *El Universal* [article on website], (9 June 2005), http://www2.eluniversal.com.mx/pls/impreso/noticia_busqueda.html?id_notia=68681&tabla=CIUDAD_h

¹⁹² ‘A golpes, policías estatales desalojan a 40 familias en Las Margaritas’, *Proceso* [article on website], (23 Nov. 2005), <http://www.proceso.com.mx/noticia.html?nid=35141&cat=1>

¹⁹³ ‘Sentencia de desalojo no incluía la demolición de viviendas: juez’, *Vanguardia* [article on website], (24 Nov. 2005), <http://srv2.vanguardia.com.mx/hub.cfm/FuseAction.Detalle/Nota.497903/SecID.18/index.sal>

- In December 2005, 26 indigenous Nahuatl people were evicted by the police from a public estate 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.¹⁹⁴

- 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.¹⁹⁵

- A plot of farm land known as Cantera de Villagrán in the State of Hidalgo had been appropriated by the state in 1980 to build the Industrial Complex Tepeji del Río. The farmers, who had to leave their land at the time, never received the compensation the Government had promised them. Following this, approximately 200 peasants reoccupied and cultivated the land in protest to demand the compensation. But in March 2006, Ministerial Police and Municipal Public Security forcibly evicted them. As the peasants tried to resist eviction, violence broke out. Twelve people were injured and police arrested 73 peasants. The peasant farmers have still not received their compensation.¹⁹⁶

- Police forcibly evicted a group of informal street vendors from the Street Rafael Velarde in Ciudad Juárez, State of Chihuahua in May 2006. Since their belongings were confiscated and brought to an unknown location, the street vendors made a complaint at the Municipality and threatened to start a hunger strike.¹⁹⁷

- In June 2006, approximately 1 400 police evicted nearly 700 merchants from the market area 'Perinorte' in Tlalnepantla, Morelos State. 'Perinorte' had existed for over 20 years, and in the last ten years the area had struggled against an eviction. The retailers had to make room for a construction of a new commercial centre. While some merchants attempted to resist the eviction, no violence broke out. Following the closure of 'Perinorte', the evicted merchants and their families were deprived of their livelihood.¹⁹⁸

- 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 in June 2006. The settlers had occupied the area in 1999. The land belongs to the company Calpan, which had demanded the eviction. In the 1990s Calpan had sold several hundred houses in the area, but the remaining ones were left empty and consequently occupied. During the eviction, police arrested 21 persons.¹⁹⁹

- In June 2006, the Secretariat of Infrastructure and Urban Development relocated 13 families from the neighbourhood of Costero Boulevard in Ensenada, State of Baja California. The

¹⁹⁴ 'Detienen a 26 indígenas durante desalojo de un predio', *El Universal* [article on website], (28 Dec. 2005), <http://www.eluniversal.com.mx/notas/322716.html>

¹⁹⁵ 'Aplican operativo de desalojo en Loma Linda', *Vanguardia* [article on website], (2 Mar. 2006), <http://srv2.vanguardia.com.mx/hub.cfm/FuseAction.Detalle/Nota.517735/SecID.17/index.sal>

¹⁹⁶ 'Desalojo de campesinos deja 12 heridos en Hidalgo', *El Universal* [article on website], (13 Mar. 2006), <http://estadis.eluniversal.com.mx/estados/60479.html>

¹⁹⁷ 'Piden informales la devolución de su mercancía', *El Diario* [article on website], (2 June 2006), <http://www.diario.com.mx/portada/juarez/nota.asp?notaid=8cf9bfa3838cfc3f89f16e10a1ee59f4>

¹⁹⁸ 'Adiós a Perinorte', *Vivir Aquí* [article on website], (2 June 2006), http://www.viviraqui.com.mx/municipios_n.php?nid=415

¹⁹⁹ 'Empresa beneficiada con el Fobaproa promueve desalojo', *Proceso* [article on website], (5 June 2006), <http://www.proceso.com.mx/noticia.html?nid=41061&cat=1>

residents, who illegally occupied the area, had signed an agreement with the authorities to be relocated to a temporary housing complex. The Municipality is planning on enlarging the boulevard. In order to finish the project, the Municipality plans to remove more people.²⁰⁰

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

Nicaragua

- In October 2005, armed employees of a landowner in San Bartolo, Jícaro, El Coyolar y San Cayetano, in San Rafael del Sur violently evicted more than 1 500 persons who had been living in the area for several years. The owner is planning to build a hotel on the site. The eviction was carried out violently, and the armed employees demolished several houses. The Court of Appeal of Managua ordered a halt to the eviction. The affected people, however, had already lost their homes.²⁰¹
- Police forcibly evicted four families from their homes in El Coyolar and El Zapote, in San Rafael del Sur, in October 2005. Police reportedly beat people and threatened them with death. Ten days following the eviction, over 1 000 settlers, who had lived in the area for several years, received information that private developers claimed their land and, although many settlers possessed title deeds, the regional court of the District of Managua had ordered the eviction of the area.²⁰²
- In December 2005, police evicted a group of families from the Memorial Sandino neighbourhood in Managua State. A private company 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.²⁰³
- In April 2006, a large police force violently evicted 12 families from the Mahogany estate in Rama City, with a court order. Police started burning 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.²⁰⁴

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

²⁰⁰ 'Prolongarán el Bulevar Costero', *El Vigía* [article on website], (20 June 2006), <http://www.elvigia.net/noticias/?seccion=generales&id=26905>

²⁰¹ 'Mandan a suspender brutal desalojo', *El Nuevo Diario* [article on website], (8 Nov. 2005), <http://www.elnuevodiario.com.ni/2005/11/08/nacionales/5250>

²⁰² 'Campesinos desalojados por vivir cerca de playas', *El Nuevo Diario* [article on website], (24 Oct. 2005), <http://www.elnuevodiario.com.ni/2005/10/24/nacionales/4102>

²⁰³ 'Nuevo desalojo en Memorial Sandino', *El Nuevo Diario* [article on website], (21 Dec. 2005), <http://www.elnuevodiario.com.ni/2005/12/21/nacionales/8561Managua>

²⁰⁴ '¿Policía participó en violento desalojo?', *El Nuevo Diario* [article on website], (28 Apr. 2006), <http://www.elnuevodiario.com.ni/2006/04/28/nacionales/18195>

Paraguay

- In November 2004, police and soldiers forcibly evicted some 500 farmers in a violent eviction drive in Cuapé, San Pedro. One person was killed during the operation and more than 50 people were arrested. The farmers had illegally occupied a rural property rented by a Brazilian soybean manufacturer. The conflict had started when the settlers began to demonstrate against the extensive local culture of soybean and the use of agricultural toxins by the Brazilian farmer, arguing that it was detrimental to the environment.²⁰⁵
- In December 2005, police set fire to the homes of 145 families of the settlement of Edelira in Itapúa, without providing notice. The families had occupied the area six years previously and had cultivated the land since. 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 persons for illegal occupation of land. The affected families asked the Government for assistance as they lost everything in the eviction.²⁰⁶
- In June 2005, two people were killed during a confrontation between landless farmers who had occupied a soybean farm and employees of the Brazilian landowner in Vaquería. Sixty-nine farmers had illegally occupied the farm of the Brazilian company. Police stepped in and arrested some 70 occupiers.²⁰⁷
- 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.²⁰⁸
- 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 the families 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 shortly detained.²⁰⁹
- On 15 September 2006, another 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.²¹⁰

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

²⁰⁵ 'El desalojo en San Pedro', *Indymedia Colombia [online newspaper]*, (5 Nov. 2004), http://colombia.indymedia.org/news/2004/11/18500_comment.php#18502

²⁰⁶ International Alliance of Inhabitants, *Paraguay: MCNOC denuncia desalojo violento* [article on website], (17 Dec. 2005), <http://habitants.org/pipermail/habitantes/2005-December/000302.html>

²⁰⁷ 'Matan a dos "sin tierra" en Paraguay', *Los Tiempos* [article on website], (25 June 2005), http://www.lostiempos.com/noticias/25-06-05/25_06_05_inter8.php

²⁰⁸ 'Desalojan a 15 familias del barrio Trinidad', *Jakueke* [article on website], <http://www.jakueke.com/noticia.php?id=1926>

²⁰⁹ 'Siguen persecuciones', *Adital* [article on website], (21 Sep. 2006), <http://www.adital.com.br/site/noticia.asp?lang=ES&cod=24505>

²¹⁰ *ibid.*

Peru

- In December 2005, police forcibly evicted 22 families who occupied a plot of land in Huancayo. The Municipality ordered the eviction because the settlers had built their houses without authorisation. The operation caused a violent confrontation between police and the settlers that left six persons injured, among them children. Due to the eviction more than 100 people were left homeless.²¹¹
- In February 2005, approximately 250 police officers forcibly evicted an indigenous community of Chorinashi people from the lands the community had occupied for centuries. The judge of the town of Atalaya ordered the eviction to protect a forestry concession conceded to 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.²¹²
- In February 2006, police forcibly evicted more than 100 people from their homes in Pucallpa. The farmland that the homeless people had occupied belongs to the Instituto Superior Tecnológico Suiza. The eviction was accompanied by violent confrontations between the police and squatters. Six people were injured and ten were arrested.²¹³
- 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 the group had attempted to settle on the land. Both times police evicted them.²¹⁴
- In September 2006, police violently evicted eight families, including several children, who were residents of the Jesús Oropeza Chonta slum in the area of Zapallal en Puente Piedra in Lima. Their houses were demolished with heavy machinery; easy to access because they were situated on an access road. People remained homeless.²¹⁵

ICESCR: Yes

ICCPR: Yes

IOP-ICCPR: Yes

United States of America

The United States of America (US), despite its immense wealth and power, is one of the world's worst housing rights violators. The number of homeless people has been growing in the last few years, and the Government continues 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.²¹⁶

²¹¹ 'Policía desalojó a 22 familias que ocupaban terreno en Huancayo', *24 Horas* [article on website], (29 Dec. 2005), <http://www.24horas.com.pe/noticia.php?id=20051229006>

²¹² 'En Perú desalojo de indígenas ashaninkas por concesión forestal', *Actualidad Etnica*, (14 Feb. 2005), http://www.etniasdecolombia.org/periodico_detalle.asp?cid=2356

²¹³ 'Violento desalojo en Pucallpa', *24 Horas*, (10 Feb. 2006), <http://www.24horas.com.pe/noticia.php?id=20060210010>

²¹⁴ 'Violento desalojo en Villa María del Triunfo', *RPP*, (5 June 2006), http://www.rpp.com.pe/portada/nacional/40364_1.php

²¹⁵ 'Violento enfrentamiento en Zapallal por desalojo', *La Republica*, (22 Sep. 2006), <http://www.larepublica.com.pe/content/view/full/124540/34/>

²¹⁶ UN-HABITAT, *Forced Evictions – Towards Solutions?*, (2005), <http://www.unhcr.org/pmss/getPage.asp?page=bookView&book=1806>

While millions are affected by homelessness, and more are at risk because of the lack 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 in the United States, 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 full or part-time and yet are still unable to afford housing. Full time minimum wage workers cannot afford basic one bedroom apartment at the fair market rate and 38 per cent of elderly renters are severely cost burdened.²¹⁷

While federal housing programs offer assistance to low-income people, they 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.²¹⁸ According to the National Low Income Housing Coalition, in Fiscal Year 2006 alone, the public housing capital fund (used for modernisation and rehabilitation of public housing) will 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, 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 all across the board.²¹⁹

- 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 expired yet. Some 400 households were concerned 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 receive housing subsidies. The Fifteen Group offered a moving stipend of \$1 000, but tenants had to first completely vacate their home until they received the money. Moreover, the money was inadequate to cover moving costs, and many cheques, in fact, bounced.²²⁰

- Between June and December 2005, the town of Brookhaven, Suffolk County, State of New York evicted at least 100 tenants from 11 homes in Farmingville, giving the people only a few hours to leave their rented homes. Some people had nowhere to go and set up tents in the backyard 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 claim the evictions were justified because the buildings were overpopulated and had poor sanitation facilities. They denied that the town was targeting immigrants. In December 2005, however, a US Federal District Court ruled that the

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

²¹⁸ *ibid.*

²¹⁹ Testimony of the National Law Center on Homelessness and Poverty to the Inter-American Commission on Human Rights (Apr. 2005).

²²⁰ 'Harbor Island: Looking Back on Egregious Evictions', *Alameda Sun* [online newspaper], (10 Nov. 2005), www.alamedasun.com/editorial/111005editorial1.htm

town's action was illegal, and that Brookhaven cannot evict tenants with a few hours' notice unless the house clearly poses an imminent danger.²²¹

- 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 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 follow through with 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 detector or illegal uses of PVC pipes. However, residents speculate that the landlord wants to sell the building, and that the eviction is connected to the projected construction of a luxury apartment complex next door.²²²

- 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 finding a new place.²²³

Evictions in New Orleans following the 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. Since then, however, several thousand tenants have received eviction orders, as their homes are apparently unsafe to live in. There have been many reports of people being evicted although their apartments did not suffer flooding or destruction. As their homes were intact, these people had not been eligible for housing assistance. Many believe that landowners took advantage of the catastrophe to get low-income tenants out, so they can 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 building was uninhabitable and would remain so during repairs.²²⁴

- In December 2005, the City of New Orleans announced that it would tear down 2 500 buildings, which are reportedly unsafe. A judge allowed a settlement between the city and property developers that 120 buildings would be served with notice 7 – 10 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 are still waiting for insurance assessments to be completed. Nevertheless, in March 2006, the first bulldozers moved in to demolish the damaged buildings.²²⁵

²²¹ 'Eviction Powers Revoked', *NY Newsday* [online newspaper], (17 Dec. 2005), <http://www.virtualboricua.org/Docs/nd103.html>

²²² 'Whirlwind of defiance follows an eviction raid', *New York Times* [online newspaper], (2 Oct. 2005), www.nytimes.com/2005/10/02/nyregion/nyregionspecial2/02lievic.html?pagewanted=2&ei=5070&en=6b1cb4684b4f4636&ex=1159675200

²²³ 'Surprise Evictions Anger Residents', *11Alive* [article on website], (7 Jan. 2006), http://www.11alive.com/news/news_article.aspx?storyid=74258

²²⁴ See for example: 'Landlord with Boston ties lashed for Katrina evictions' [online newspaper] (29 Jan. 2006), www.boston.com/news/local/articles/2006/01/29/landlord_with_boston_ties_lashed_for_katrina_evictions

²²⁵ 'New Orleans homeowners to be notified of demolition plans', *WISN* [article on website], (18 Jan. 2006),

- 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 their hotel room themselves. Many did not receive written notice of termination from 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 is not sufficient to secure accommodation in New Orleans or to remain in the hotels.

The Government of the United States has largely backed the UN guiding principles on Internally Displaced Persons (IDPs). However, 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, no participation of the affected families regarding resettlement arrangements was planned.²²⁶

- In April 2006, approximately 200 homeless people were evicted from Ala Moana Beach Park in Honolulu, Hawaii, to make way for repairs. The homeless were temporarily moved to an area close to the Police Headquarters. The closure of the park might, however, become permanent, leaving the homeless without a place to go.²²⁷

Venezuela

- In January 2006, employees of the Ministry of Housing evicted approximately 400 families from their homes in the district of Barrio Nueva Esparta in Caracas. The area they live in is considered dangerous, as a viaduct is about to be built close to the homes of the affected families, and the viaduct risks collapsing due to heavy rains. While about 200 families were relocated, the remaining ones were not provided with access to alternative housing. In Miranda State, more buildings are under construction in order to relocate the evictees. A further 500 families are threatened with being evicted from the area.²²⁸

- 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 already demolished 27 houses in the area. The Municipality cleared the area for safety reasons because the area has repeatedly witnessed earthquakes. The affected people were transferred to a shelter.²²⁹

<http://www.wistv.com/Global/story.asp?S=4378052>

²²⁶ 'Motion Filed to Stop Katrina Evictions', *The Guardian* [online newspaper], (13 Feb. 2006), www.guardian.co.uk/us/latest/story/0,,5614439,00.html and correspondence from the National Economic and Social Rights Initiative (NESRI), www.nesri.org

²²⁷ 'Government has role in reducing homelessness', *Starbulletin* [article on website], (2 Apr. 2006), <http://starbulletin.com/2006/04/02/editorial/editorial01.html>

²²⁸ 'Minvih acelera proceso de desalojo en el barrio Nueva Esparta', *ABN* [online news service], (7 Jan. 2006), http://www.abn.info.ve/go_news5.php?articulo=32396&lee=2

²²⁹ 'Corporación de Servicios Municipales desalojó 328 personas del barrio Federico Quiroz', *Globovision* [article on website], (8 Jan. 2006), <http://www.globovision.com/news.php?nid=17642>

- 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 consequently destroyed.²³⁰
- 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.²³¹
- 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 the evictees found temporary shelter.²³²
- In April 2006, Police violently evicted approximately 12 families from land 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 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 on it.²³³
- 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. Allegedly, the land was not safe to live on, as it is situated close to a gorge and to a gas plant. The families had lived on the land for several years, and some had paid for their plots.²³⁴

ICESCR: No

ICCPR: Yes

1OP-ICCPR: No

Asia and the Pacific

Bangladesh

Dhaka evictions

- In 2000, a High Court order stated that all people encroaching should be removed from the banks of the Buriganga River near Dhaka’s river port. The Government of Bangladesh and environmentalist groups have argued that evictions are necessary in order to clean the polluted river. However, other civil society groups argue that the Government is not 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

²³⁰ ‘Alcalde Barreto informó el desalojo de 9 inmuebles invadidos en Caracas’ *El Tiempo* [article on website], (12 Jan. 2006), <http://www.eltiempo.com.ve/noticias/default.asp?id=60529>

²³¹ ‘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>

²³² ‘Se usaron 270 policías para desalojar un edificio’, *El Universal* [article on website], (13 Feb. 2006), http://www.eluniversal.com/2006/02/13/ccs_art_13412G.shtml

²³³ ‘Detenidos invasores por resistir desalojo’, *Nueva Prensa* [article on website], (26 Apr. 2006), <http://www.nuevaprensa.com.ve>

²³⁴ ‘Guardia Nacional desalojó a un grupo de los invasores de Ojo de Agua’, *El Universal* [article on website], (8 Aug. 2006), http://www.eluniversal.com/2006/08/08/ccs_art_08401B2.shtml

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.²³⁵ Although the encroachments are a source of pollution, in carrying out forced evictions, the Bangladesh Government must follow international legal obligations by providing of adequate notice, providing legal remedies, and ensuring that evictions do not render residents homeless.

- In December 2003, the House Building Research Institute (HBRI) evicted the Kalyanpur slums in Dhaka with only one day's prior notice. At Kalyanpur, authorities destroyed with bulldozers 3 000 structures, making approximately 20 000 people homeless. Schools and clinics run by various organisations were also demolished. Many people have been living in the slum area for over 10 years. As they had not been given sufficient notice, many people were unable to remove their possessions and so lost personal property as well as their homes.²³⁶

- 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 two days' notice.²³⁷

- Rajdhani Unnayan Katripakka (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 reportedly become a haven for criminals, and also, as part of an environmental drive. Rajuk reported that residents, who had been living for years by the Gulshan-Baridhara Lake, polluted the lake water.²³⁸

- 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 or who escaped initial demolition remain under threat of eviction.²³⁹

²³⁵ 'Buriganga: Eviction is not the only solution', *Weekly Holiday* [online journal], (12 Mar. 2004), <http://www.weeklyholiday.net/120304/env.html>; 'Floods halt Buriganga eviction drive', *The Daily Star* [online journal], (25 July 2004), <http://www.thedailystar.net/2004/07/25/d407252505100.htm>; Sharier Khan, 'Bangladesh's Showpiece River Faces Decay', *OneWorld South Asia* [online journal], (4 Nov. 2003), <http://southasia.oneworld.net/article/view/71965/1/>

²³⁶ 'Eviction ordeal of slum dwellers: Authorities hardly issue any prior notice although it is their legal right', *The Daily Star* [online newspaper], (19 July 2004), <http://www.thedailystar.net/2004/07/19/d407192502118.htm>

²³⁷ 'City corporation, police clear Dholaikhal roads, footpaths', *Bangladesh Web* [online newspaper], (28 May 2004), <http://bangladesh-web.com/view.php?hidDate=2004-05-28&hidType=LOC&hidRecord=000000000000000009673>

²³⁸ 'Rajuk evicts Amtoli slum', *The Daily Star* [online newspaper], (13 Jan. 2005), <http://www.thedailystar.net/2005/01/13/d50113011414.htm>

²³⁹ 'Eviction drive on DND dam stops', *The Daily Star* [online newspaper], (25 June 2005), <http://www.thedailystar.net/2005/06/25/d50625070785.htm>

Evictions in other areas

- Hired personnel forcibly evicted over 400 families out of the Achchiya Colony, a large slum in Chittagong, Bangladesh's second biggest city, in March 2004. Reportedly, the eviction resulted from a dispute over the ownership of the land among different family members from one of the city's influential families, and was not ordered by the authorities.²⁴⁰
- In March and April 2004, the Chittagong Development Authority (CDA) cleared several streets of unauthorised structures in order 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.²⁴¹
- 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.²⁴²
- On 12 July 2005, police and city officials evicted over 1 000 people 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 persons injured.²⁴³
- In May 2006, local authorities and police evicted over 100 families Jalisha village in Dumki Upazila also arguing that residents had settled on land reserved for an Ashrayan project. Several years ago, the families had settled on the land after having been made homeless by erosion. They had been paying fees to the Upazila administration for the use of the land, since that time until 2005, when the Upazila administration stopped accepting payments.²⁴⁴
- In July 2005, local police and officials forcibly evicted more than 1 000 persons from the Lal Diar Char area in Patenga, using bulldozers to destroy the 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 to recover over 20 acres of land that had been illegally 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.²⁴⁵

²⁴⁰ 'Midnight mass eviction—Armed goons evict 400 dwellers from Achchya slum in Ctg,' (22 Mar. 2004), *The Daily Star* [online newspaper], www.thedailystar.net/2004/03/22/d40322070273.htm

²⁴¹ 'Illegal occupiers', *The Bangladesh Observer* [online newspaper], (20 Mar. 2004), www.bangladeshobserveronline.com/new/2004/03/20/district.htm

²⁴² 'Landless evicted to rehabilitate landless', *The Daily Star* [online newspaper], (25 June 2005), <http://www.thedailystar.net/2005/06/25/d50625070280.htm>

²⁴³ 'Eviction drive in Ctg: over 50 injured in clash with police', *The New Nation* [online newspaper], (12 July, 2005) <http://nation.ittefaq.com/artman/exec/view.cgi/32/19982>

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

²⁴⁵ 'Police-squatter clash over CPA land leaves 60 injured-Plot recovered after 35 years', *Bangladesh Web* [online newspaper], (13 July 2005), <http://bangladesh-web.com/news/view.php?hidDate=2005-07-13&hidType=LOC&hidRecord=0000000000000000052192>

- 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 made homeless.²⁴⁶

- 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 argued 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.²⁴⁷

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

Cambodia

- In May 2006, police in full riot gear and workers of the Sour Scrun 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 has made it difficult and expensive for many people to travel to their employment. Moreover, human rights monitors reported that the relocation sites lack 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 persons. Police threatened residents with violence. People 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 have 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.²⁴⁸

- In March 2005, police enforced a court order and forcibly evicted 218 families from the land 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 are plans to build a casino resort for 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.²⁴⁹

²⁴⁶ 'In the name of establishing Adarshagram ,65 Santal families evicted in Dinajpur', *Bangladesh Web* [online newspaper], (27 July 2005), <http://bangladesh-web.com/news/view.php?hidDate=2005-07-27&hidType=NAT&hidRecord=00000000000000054079>

²⁴⁷ 'Police-people clash over eviction drive injures 12', *The Financial Express* [online newspaper], (21 Oct. 2005), http://www.financialexpress-bd.com/index3.asp?cnd=10/21/2005§ion_id=3&newsid=4477&spcl=no

²⁴⁸ 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>

²⁴⁹ 'Evictions fuel social unrest in Cambodia', *Voice of America* [online newspaper], (7 Apr. 2005), www.voanews.com/english/archive/2005-04/2005-04-07-voa30.cfm?CFID=36745459&CFTOKEN=73009222

- 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 are fishermen who have been running food stalls on that beach and have lived there for many years. The Municipality has not provided 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.²⁵⁰
- 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.²⁵¹ 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 been attempting to advocate for an alternative. However, in July 2006, the Ministry of the Interior carried out the eviction. 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. More than 100 of the 168 families opted to remain in Phnom Penh and live with relatives and friends rather than accept the relocation.²⁵²
- 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. Allegedly, two individuals claimed the land was theirs and asked the Air Force to forcibly evict the families. The evicted families were prevented from returning to their land and left homeless and without farmland – their source of livelihood. Only two of the 18 families received compensation of US\$200.²⁵³
- 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 settlers' homes and crops, and carried out the eviction with violence injuring

²⁵⁰ Asian Human Rights Commission (AHRC), *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), [Newspaper].

²⁵¹ 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).

²⁵² 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.

²⁵³ Asia Human Rights Commission [article on website], (6 Sep. 2006), <http://www.ahrchk.net/ua/mainfile.php/2006/1950/>

seven villagers. The families, who had lived on the land for over 20 years and therefore have lawful ownership of the land based on the 2001 Land Law, were left homeless.²⁵⁴

ICESCR: Yes

ICCPR: Yes

IOP-ICCPR: Yes

China

As one of the fastest growing economies in the world, China has also been experiencing one of the largest building booms, which has been accompanied by forced evictions on a massive scale. At least 1.25 million households have been demolished and nearly 3.7 million people were evicted throughout China in the past decade. The Government of China has argued that these evictions are legitimate because evictees are provided with relocation and compensation. However, many evictees argue that this assistance has been grossly inadequate, as the Government generally provides relocation to less valuable land and smaller housing units that are located far from urban centres, sources of employment, and transportation options. If residents object to relocation, they may negotiate the level of compensation, but they cannot stop the eviction process once a Government panel has ruled on a compensation dispute.²⁵⁵ Moreover, relocations have been carried out in spite of insufficient consultation with affected persons. This has led to numerous protests and even suicides.²⁵⁶

In March 2004, the National People's Congress approved a draft constitutional amendment to protect individual property rights. However, forced evictions have not ceased. Protests have intensified, even though many protestors have been arrested. Despite harsh laws and low tolerance for dissent, people increasingly try 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.²⁵⁷

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.²⁵⁸ China's Security Minister, Zhou Yongkang, admitted that land disputes and economic inequality led to nearly 74 000 protests and riots in 2004 and reportedly the number of protests had increased to 87 000 in 2005.²⁵⁹

²⁵⁴ 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/>

²⁵⁵ HIC-HLRN/COHRE Parallel Report to the UN Human Rights Committee, 2005

²⁵⁶ 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>

²⁵⁷ 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

²⁵⁸ '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-a043-15cf5fd8941.html>

²⁵⁹ 'Shandong: 20 injured in more protests against land seizure', *AsiaNews.it* [online news service], (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 projected to grow, as the city is preparing for the World's Fair 2010. Human Rights in China (HRIC) reported that in preparation for the World's Fair, the Shanghai Government plans to clear a total of six square kilometres of land, affecting nearly 20 000 households. 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. HRIC reports that the notice states 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.²⁶⁰

Indeed, protests by citizens are not rare in Shanghai; many people have taken to the streets to complain about inadequate financial compensation provided by the Government. For example, BBC reported in May 2003, that police detained more than 130 people, who had demonstrated against the demolition of their neighbourhood.²⁶¹

2008 Olympics, Beijing

- The Beijing Municipality has evicted over 400 000 residents since 1991, the majority of whom were evicted in preparation for the 2008 Olympics, replacing the well-established communities with shopping centres, office buildings, expensive residential buildings, and sports facilities. Residents have been relocated to the city outskirts, 25 to 60 kilometres from their previous homes. HRIC has reported that courts have received instructions not to take up any cases seeking compensation.²⁶²

The evictions in Beijing began on 15 July 2001, only two days after the city was awarded the 2008 Olympic Games. The same month, the 800 years old Jiaodoakou neighbourhood was flattened and its 2 000 households destroyed. In November 2004, police evicted another 1 000 families from Nanyingfang, located in the Chaoyang district in Beijing, to make way for a shopping centre. Residents were offered compensation, but the amount was well below market price and was not sufficient to purchase another home in central Beijing. Reports indicate that several residents were dragged out of their homes by force, and at least one woman was injured. In May 2005, more than 500 police destroyed the Silk Alley outdoor market and dispersed its 270 vendors, depriving them of their livelihood.²⁶³

Rural evictions

Increasingly, China's rural population is facing forced evictions. The rapid expansion of China's cities has brought a rise in the demand for the land surrounding urban areas. A 2006 report from the Ministry of Labour and Social Security reported that 40 million farmers had lost their land

²⁶⁰ 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* [online newspaper], (11 Mar. 2004), <http://www.china.org.cn/english/2004/Mar/90011.htm>; 'Concern grows after forced evictions', *China Daily* [online newspaper], (18 May 2004), http://www.chinadaily.com.cn/english/doc/2004-05/18/content_331434.htm

²⁶¹ 'Dozens held in Shanghai protest' *BBC News* [online news service], (2 May 2003), <http://news.bbc.co.uk/2/hi/asia-pacific/2994731.stm>

²⁶² 'Thousands of homes destroyed to make way for Olympic tourists', *The Times Online* [online newspaper], (26 May 2005), <http://www.timesonline.co.uk/article/0,,3-1628199,00.html>

²⁶³ 'China evicts families from Beijing', (16 Nov. 2004), *Taipei Times* [online newspaper], <http://www.taipetimes.com/News/world/archives/2004/11/16/2003211284>

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 lands from 3 million farmers annually for the next five years.²⁶⁴ There are reports of corrupt deals between government authorities and private developers, in which farmers are forcibly evicted and receive only a fraction of the actual worth of their land in compensation. The Ministry of Labour and Social Security admits that cases of illegal land seizures had risen by 20 per cent in the first five months of 2006.²⁶⁵ Protests regarding these land disputes are growing in China's countryside, and they are increasingly accompanied by violence. When residents resist eviction, local authorities and developers often hire security personnel to forcibly take possession of the land.²⁶⁶

- In June 2005, clashes between farmers and private security personnel killed six people and injured hundreds in the village of Shengyou, some 200 kilometres south-west of Beijing. Residents were resisting the takeover of their property by the state-owned Hebei Guohua Dingzhou electricity company, which is planning 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 Hebei Guohua company in exchange for their land. Local officials had approved the sale and people were forced to move. The farmers, however, refused to comply with the resettlement plans and, despite the increasingly violent attempts to force them to move, many of them have been living in tents on the land ever since.²⁶⁷

- 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.²⁶⁸

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.²⁶⁹

- 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

²⁶⁴ 'Forty million Chinese farmers lose land', *Al Jazeera* [online news service], (16 Mar 2006), <http://english.aljazeera.net/news/archive/archive?ArchiveId=24679>

²⁶⁵ *ibid.*

²⁶⁶ 'China's rural millions left behind', *BBC News* [online news service], (7 Mar. 2006), <http://news.bbc.co.uk/2/hi/asia-pacific/4782194.stm>

²⁶⁷ 'China: Dramatic footage shows farmers rioting over land', *Radio Free Europe* [online news service], (16 June 2005), <http://www.rferl.org/featuresarticle/2005/06/aa48697a-adc3-4d11-a043-15cf5fd8941.html>

²⁶⁸ 'Thousands of farmers hold protest over land grab', *The Standard* [online newspaper], (4 July 2005) www.thestandard.com.hk/stdn/std/China/GG04Ad02.html

²⁶⁹ 'Violence erupts during forced eviction', *The Epoch Times* [online newspaper], (11 Feb. 2004), <http://www.theepochtimes.com/news/4-2-11/19685.html>

developer, who acquired the land for only 1.3 per cent of its market value. The planned construction calls for the eviction of a further 728 households.²⁷⁰

- 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 several who resisted eviction. At least 11 persons were hospitalised after the incident. The Municipality undertook 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 livelihood, as their shops and businesses in the area were also destroyed.²⁷¹

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. While structural work was completed in May 2006, several generators are yet to be installed. 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 as Beijing, Shanghai, or Xinjiang Province.²⁷² From the onset, Chinese central authorities had no clear estimates of the rural population at the Yangtse and thus of how many people are entitled to compensation. The World Organization Against Torture reported that dozens of residents and relocatees, who have been petitioning and protesting against the conditions of the resettlement, have been harassed, injured, or detained over the past 10 years.²⁷³

ICESCR: Yes

ICCPR: No

10P-ICCPR: No

Georgia

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

²⁷⁰ 'Concern grows after forced evictions', *China Daily* [online newspaper], (18 May 2004), http://www.chinadaily.com.cn/english/doc/2004-05/18/content_331434.htm

²⁷¹ 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>

²⁷² 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>

²⁷³ 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&cfd=3909325&cftoken=22677938

difficulties. Many IDPs being evicted were concerned with inadequate compensation. They reported to the NRC that they had been told that if they did not accept the deal, they would be evicted without compensation. Others evictees reported various bureaucratic problems, including delays in the registration of the families who could get compensation.²⁷⁴

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

India

Mumbai evictions

- Between December 2004 and March 2005, the Mumbai authorities have 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 \$36 billion, directed by the McKinsey multinational consultancy and designed to transform Mumbai into the ‘next Shanghai’ by 2010.

This programme calls for the reduction of slums to 10 per cent of their current extent. However, given the city’s present rate of building houses for relocation purposes – 3 000 units per year – it is clear that there is no real plan to adequately accommodate the hundreds of thousands of people already evicted or the 2.2 million still facing eviction.

The Mumbai authorities had stated that only slums which have come up after 1995 would be demolished. After slum-dwellers and community organisations protested, 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 before 2000. SS Tinaikar, who was the city’s senior official in the early 90s, was aptly 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.”²⁷⁵

- 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 with the lack of provision of basic services. If the Maharashtra State Government makes progress in the implementation of

²⁷⁴ 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)

²⁷⁵ ‘Poor squeezed out by Mumbai’s dream plan: India’s biggest city is razing its shanty towns’, *The Guardian* [online newspaper], (1 Mar. 2005), <http://www.guardian.co.uk/india/story/0,12559,1427647,00.html>

the resettlement program, the World Bank will review the suspension. There are still 3 000 households that due to be relocated.²⁷⁶

- 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. The officials used bulldozers to destroy the houses and then set fire to the slums. Residents had been given only 12 hours notice of the demolition. During the forced eviction, police beat people and dragged them out of their houses 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 who were evicted in the 2004–2005 eviction drives, but instead became a site of eviction itself.²⁷⁷

Evictions in Manipur State:

- In November 2004, after having given only two days' notice, officers of the Imphal police force dismantled and demolished over 70 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.²⁷⁸

- 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 set aside a fund to pay compensation to the evictees, but the affected people have so far not been offered any compensation or alternative accommodation.²⁷⁹

- 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 drive. Manipur University reportedly called for the eviction due to plans to upgrade the University. Reportedly, the eviction was rushed in order to prepare for a visit of the Prime Minister.²⁸⁰

- In November 2004, the Manipur State Government also decided to evict approximately 300 people living or doing business along the Moirangkhom-Singjamei section of route NH-39.

²⁷⁶ 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>

²⁷⁷ 'NGO appeal against slum demolitions in Mumbai', *One World Net* [article on website], (22 May 2005), <http://www.tiss.edu/news103.pdf>

²⁷⁸ 'Demolition Paves Way for Assembly, High Court Complex', *The Imphal Free Press* [online newspaper], (3 Nov. 2004), <http://www.kanglaonline.com/index.php?template=headline&newsid=20337&typeid=1>

²⁷⁹ 'Eviction drive launched for cultural complex', *The Sangai Express* [online newspaper], (24 Oct. 2004), www.e-pao.net/GP.asp?src=1.10.251004.oct04

²⁸⁰ 'Shops, Houses Near MU Gate Demolished, 300 Left Homeless', *The Imphal Free Press* [online newspaper], (22 Oct. 2004), <http://www.kanglaonline.com/index.php?template=headline&newsid=20215&typeid=1>

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.²⁸¹

- 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'.²⁸²

- In November 2005, Manipur State Authorities also evicted people from several villages in the Langol forest area, arguing that the residents were occupying the forest reserve land illegally. However, reports suggest that the eviction was carried out to make way for the construction of the Imphal Capital Project that includes a new State Assembly building, shopping complexes, and recreation centres. The affected families settled in the area before British colonial rule and had been paying taxes for their homes for several decades. However, 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 and demolished several houses. 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.²⁸³

- 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 had not provided notice to the residents and did not allow them enough time to collect their belongings before the demolition. With no alternative housing, many stayed in the area and tried to rebuild their shelters.²⁸⁴

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 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 allotted alternative accommodation. The accommodation in the resettlement sites of Bawana and Holambi Kalan was unsuitable. The conditions were highly inadequate 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.²⁸⁵

²⁸¹ 'Mass Scale Eviction Drive on the Card', *The Sangai Express* [online newspaper], (1 Nov. 2004), <http://www.e-pao.net/GP.asp?src=5.12.021104.nov04>

²⁸² 'Govt Eviction Drive Targets Tiddim Road Encroachers', *The Imphal Free Press*, [online newspaper], (29 Dec. 2004), <http://www.kanglaonline.com/index.php?template=headline&newsid=21482&typeid=2>

²⁸³ Highway Bandh Called Over Eviction Move', *The Imphal Free Press* [online newspaper], (13 Nov. 2004), <http://www.kanglaonline.com/index.php?template=headline&newsid=20604&typeid=1>

²⁸⁴ '12 women injured during eviction drive at Sendra', *The Imphal Free Press* [online newspaper], (3 Oct. 2006), www.kanglaonline.com/index.php?template=headline&newsid=34172&typeid=1

²⁸⁵ 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>

- 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 evictees seek shelter at Nirmal Chaya, a custodial home. However, many refused for a number of reasons: the Nirmal Chaya shelter has had previously documented conditions of abuse; it is at a distance that would force women to give up current employment in their area; it is only a temporary shelter allowing stays up to a maximum of three months; and it does not accept women with children. The NDMC ordered the eviction in order to use the building to house municipal employees.²⁸⁶

Evictions in Kolkata

- The Kolkata Municipal Corporation (KMC) evicted over 30 000 Rabindra Sarovar residents living along the railways in December 2005. 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 shanties near the Charu Market overbridge and they were evicted by force on 27 December. Clashes between settlers and police broke out. One police officer was killed in the violence.²⁸⁷

- In November 2005, the Calcutta Metropolitan Development Authority (CMDA) and police evicted all hawkers, including food vendors and other small businesses, around Howrah station to de-clutter the station and decrease traffic congestion.²⁸⁸

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.²⁸⁹

Evictions of indigenous people

- In July 2003, employees of the Maharashtra State Farming Corporation (MSFC) and police destroyed nearly 200 huts 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

²⁸⁶ 'NDMC workers attack homeless', *The Times of India* [online newspaper], (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

²⁸⁷ 'Cop killed in eviction melee – Defiant settlers fight pitched battle, 27 arrested', *The Telegraph* [online newspaper], (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

²⁸⁸ 'De-clutter Drive at Stations', *The Telegraph* [online newspaper], (1 Dec. 2005), www.telegraphindia.com/1060112/asp/calcutta/story_5705077.asp

²⁸⁹ 'KMC Initiative: Drive Peaceful, NGO Should for Homeless', *Express News Service*, (12 Nov. 2006)

living on this land for decades were rendered homeless through this operation. No notice had been given to these people.²⁹⁰

- 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 the Sterile Industries India Limited and local police to make way for bauxite mine and refinery plant to be operated by Sterile Industries in Lanjigarh. Police and workers of Sterile Industries demolished the entire village with bulldozers. There are 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.²⁹¹

- In April 2005, the Barratry Junta Party-led Madhya Pradesh Government forcibly evicted several Adivasi villages from forest land, claiming that they were encroachers. Armed forest personnel drove the villagers away and destroyed their 151 homes and a school, and confiscated food stores, goats, cattle, and chicken. Most tribal people had lived in this area for centuries, and many of them are in possession of title deeds. The Government authorities have not provided compensation for losses or resettlement.²⁹²

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 persons. Several hundred Dalits were left homeless due to the attack. After the incident, several human rights organisation 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.²⁹³

- 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.²⁹⁴

- 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

²⁹⁰ Asian Human Rights Commission (AHRG), '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>

²⁹¹ 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>

²⁹² 'A standoff in the forest', *Frontline Magazine* [online journal], (May 2005), <http://www.hinduonnet.com/fline/fl2211/stories/20050603002008700.htm>

²⁹³ 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), www.omct.org/base.cfm?page=article&num=4936&consol=close&kwrd=SCR&cfid=2183509&cftoken=95143610

²⁹⁴ 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>

a High Court directive to remove all encroachers from roads, footpaths and pavements. Authorities did not provide an alternative location where people could carry on with their businesses. The High Court order also targeted over 150 unauthorised slums in the city that remain under threat of eviction.²⁹⁵

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

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 a small 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.²⁹⁶

However, Governor Sutiyoso has 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.²⁹⁷ The Indonesian Human Rights Commission, known as Konmas HAM, estimates that 60 526 families were rendered homeless from 2003 to 2004 in Jakarta Province, all of which were carried out with violence.²⁹⁸ 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 2006.²⁹⁹ Many of those evicted since 2003 have not received any compensation for the loss of their homes, property and lands. The authorities have also failed to provide alternatives for resettlement and rehabilitation of the majority of those who have been forcibly evicted.³⁰⁰

- On 23 August, security officers, police, and firemen began forcibly evicting approximately 2 000 households from Jembatan Besi, West Jakarta, rendering 7 500 people homeless. The eviction drive was completed in October 2003.³⁰¹

- 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.³⁰²

²⁹⁵ 'Demolition drive irks Orissa vendors', *NDTV* [online news service], (13 June, 2004),

www.ndtv.com/morenews/showmorestory.asp?slug=Demolition+drive+irks+Orissa+vendors&id=55464

²⁹⁶ Human Rights Watch, *Condemned Communities: Forced Evictions in Jakarta*, vol 18 no. 10 (C), (Sep. 2006).

²⁹⁷ 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&SWTCHLANG=EN

²⁹⁸ Komisi Nasional Hak Asasi Manusia/ National Human Rights Commission et. al., *Pengurusan 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.

²⁹⁹ Internal Report by Lembaga Bantuan Hukum Jakarta (LBH) in coordination with Urban Poor Consortium, *Forced Evictions in Jakarta, Indonesia* (2006).

³⁰⁰ *ibid*, World Organization Against Torture (OMCT) and HLRN, (1 Dec. 2003).

³⁰¹ *ibid*.

³⁰² *ibid*.

- In September 2003, security officers demolished 700 houses in Kampung Baru, making 3 100 people homeless. The residents had received several notice letters. Reportedly, there are plans to build a housing and shopping complex in the area.³⁰³
- 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, allegedly, officials sexually abused a teenage girl.³⁰⁴
- 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.³⁰⁵
- 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.³⁰⁶
- 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, during two evictions that were carried out on the same day. Residents received compensation of approximately US \$50. Most evictees had lived on the site since 1991.³⁰⁷
- 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 each time. The Municipality is planning to reclaim the north coast and build an upmarket housing and business area.³⁰⁸
- The Jakarta Municipal Government additionally 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.³⁰⁹ In September 2005, the eviction of

³⁰³ *ibid.*

³⁰⁴ 'West Jakarta to continue with forced evictions', *The Jakarta Post* [online newspaper], (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* [online newspaper], (3 Oct. 2003), http://www.indonesia-house.org/focus/HumanRights/100303one_eviction_thousand_homeless.htm

³⁰⁵ *ibid.*, World Organization Against Torture (OMCT) and HLRN, (1 Dec. 2003)

³⁰⁶ *ibid.*

³⁰⁷ 'Over 300 families lose homes in forced evictions', *Jakarta Post* [online newspaper], (13 Oct. 2004), <http://www.rghr.net/mainfile.php/0642/813>

³⁰⁸ '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

³⁰⁹ '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

sidewalk merchants at Kampung Rambutan terminal, East Jakarta, caused clashes between merchants and security officers of East Jakarta Municipality³¹⁰

- The Central Jakarta Municipality mobilized 1 300 security officers to destroy 220 houses in Tanah Abang in November 2005. Authorities declared the reason for the eviction was to clear the area of prostitution. Police demolished the makeshift homes and several kiosks as part of a plan to make the city more attractive.³¹¹

Other evictions in Indonesia:

- In April 2006, some 500 residents were forcibly evicted in the Serpong district Tangerang. Many of the residents had bought the land in the 1950s.³¹²

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

Iraq

The United Nations High Commissioner for Refugees (UNHCR) estimates that there are at least 1.6 million Iraqis internally displaced with at least another 1.6 – 1.8 million in neighbouring states.³¹³ Many of these IDPs and refugees had fled their homes 30 years ago or more, however, Internal Displacement Monitoring Centre estimates that there are approximately 425 000 IDPs due to recent sectarian violence from February to November 2006.³¹⁴

- The military offensive launched by US 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 flee their homes due to 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.³¹⁵

As the occupying power during 2003, the US was legally bound to respect the provisions of the ICESCR, which was ratified by the Iraqi Government in 1976. The US is also bound by the Geneva Conventions not to destroy civilian housing or undertake collective punishment. The US forces' targeting of civilian areas for bombardment amounts to collective punishment of Iraqis, and thus, a violation of the Geneva Conventions.

³¹⁰ 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>

³¹¹ 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>

³¹² 'Residents block road, burn tires', *Jakarta Post* [online newspaper], (18 Apr. 2006), www.asia-pacific-action.org/southeastasia/indonesia/netnews/2006/ind15v10.htm

³¹³ 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)

³¹⁴ 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/idmc/website/countries.nsf/\(httpEnvelopes\)/3439F8A8E69E0D2CC125715E0058C43D?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/3439F8A8E69E0D2CC125715E0058C43D?OpenDocument)

³¹⁵ 'Battle rages in centre of Falluja' BBC, (10 November 2004), http://news.bbc.co.uk/1/hi/world/middle_east/3998049.stm

- Since 2003, many people who have lost their homes due to the US-led occupation of Iraq have occupied public buildings, particularly in Baghdad. However, in September 2006, approximately 500 families were made homeless as Government officials forced them out of the public building without any notice or relocation plan.³¹⁶

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

Israel and occupied Palestine

Badil Resource Center for Palestinian Residency and Refugee Rights and Internal Displacement Monitoring Centre (IDMC) report 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 wires, 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 the 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 nearly 15 000 persons had been displaced as a result of the Wall as of June 2006.³¹⁷

- Israeli Defense Forces demolished 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 must cease such acts of collective punishment immediately.”³¹⁸ Various official and unofficial reasons are 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 partly or completely destroyed in Rafah, Gaza.
- In January 2004, the homes of two families were partly or completely destroyed in Tulkarem Refugee Camp.

³¹⁶ ‘Iraq: Homeless families seek government action’ *IRIN News* [online newspaper], (26 Sep. 2006),

http://www.irinnews.org/report.asp?ReportID=55719&SelectRegion=Middle_East&SelectCountry=IRAQ

³¹⁷ 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).

³¹⁸ ‘Annan calls on Israel to halt destruction of Palestinian homes in Gaza’, *UN News Centre* [online news service], (17 May 2004), <http://www.un.org/apps/news/story.asp?NewsID=10759&Cr=palestin&Cr1>

- In February 2004, 70 people were made homeless when 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.
- 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.³¹⁹
- 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.³²⁰

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

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. However, homelessness remains a problem in Japan.³²¹

ICESCR: Yes

ICCPR: Yes

1OP-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 so were rendered homeless by the eviction. Reports indicate that the police used excessive force during the operation. The people had come from other areas of Kyrgyzstan to the Bishkek to find employment, and had moved into the vacant, unfinished building.³²²

³¹⁹ 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

³²⁰ 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>

³²¹ Asian Coalition for Housing Rights (ACHR) [article on website], *Forced evictions in Nagoya*, (Jan. 2005), <http://www.achr.net/Evictions%20Asia/Japan%20Evictions.htm>

³²² World Organization Against Torture (OMCT), *Forced Eviction of 64 Families in Bishkek, Kyrgyzstan* [article on website], (3 May 2004),

ICESCR: Yes
ICCPR: Yes
1OP-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.³²³ 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.³²⁴

ICESCR: Yes
ICCPR: Yes
1OP-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 at least 11 squatter settlements 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 three illegal structures, while eight were dismantled by their owners. LPPB owns the land and wants to develop the area. The LPPB was planning to allocate low-cost housing to qualified local squatters, but this had not been addressed prior to the eviction.³²⁵

- In August 2004, the Sabah Forestry Department, the Police, and Rela officers (members of a volunteer corps controversial for their violent tactics) forcibly evicted several hundred local villagers for allegedly encroached 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 handcuffed 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

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

³²³ 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>

³²⁴ 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* [online newspaper] (22 Nov. 2006), http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=77078

³²⁵ ‘Illegal Tebobon dwellings demolished’, *Daily Express News* [online newspaper], (5 Feb. 2004), <http://www.dailyexpress.com.my>

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.³²⁶

- 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.³²⁷

- In April 2005, enforcement staff from the State Land and Survey Department, escorted by police, demolished dozens of houses in a squatter colony 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.³²⁸

ICESCR: No

ICCPR: No

1OP-ICCPR: No

Myanmar

- Amnesty International reported in May 2004 that the Muslim ethnic minority – known as the Rohingyas – in Northern Rakhine State, western Myanmar, regularly suffer from several forms of human rights violations, including the confiscation of their land and forced eviction by the army and police forces. Much of the land confiscation in Northern Rakhine State is related to the establishment of ‘model villages’. The Myanmar Government has relocated Rakhine Buddhists and other non-Rohingyas to Northern Rakhine State and developed housing and provided land to them for farming. In other cases, the NaSaKa military and police have confiscated land from the Rohingyas as they expand their bases, and also for commercial purposes. Rohingya people are rarely offered compensation or alternative accommodation. Furthermore, they are often forced to build the houses and other facilities of the model villages without payment, on land which was confiscated from them. The NaSaKa has confiscated land to establish shrimp farms and rice fields and, reportedly, have forced Rohingya people to work in the same fields that were confiscated from them. In other cases, the NaSaKa have rented out land to the same people from which it was confiscated. As a result of such discriminatory practices, tens of thousands of Rohingyas have fled to Bangladesh and other countries.³²⁹

- The State Peace and Development Council (SPDC) – the military junta Government of Myanmar – has further attempted to consolidate its control over the country. In the Karen districts in eastern Myanmar, the Government has displaced thousands of villagers belonging to the Karen ethnicity since November 2005. Army soldiers forcibly relocated the population of several villages from the hills to the plains, where the SPDC can have greater control over them. The army has forced villagers to dismantle their homes with seven days notice, and threatened to burn villages down and shoot residents if they do not comply. Villagers are then required to

³²⁶ ‘Villagers claim wrongful eviction’, *Daily Express News* [online newspaper], (9 Sep. 2004), <http://www.dailyexpress.com.my>

³²⁷ ‘22 illegal structures demolished in Sandakan’, *Daily Express Malaysia* [online newspaper], (25 Aug. 2004), <http://www.dailyexpress.com.my>

³²⁸ ‘Squatter homes flattened’, *The Star Online* [online newspaper], (13 Apr. 2005)

³²⁹ 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>

transport their own building materials to new sites and rebuild their homes. The army officers reportedly beat residents who did not build homes to a certain standard. In the new locations there are inadequate water resources and residents are not able to keep livestock and are not provided sufficient space for farming. Instead, residents are forced to survive as day labourers. The SPDC has also exploited villagers for forced labour.³³⁰

ICESCR: No

ICCPR: No

1OP-ICCPR: No

Nepal

- In June 2006, police evicted members of the Maoist Victims Association who had created a camp in Kathmandu. Approximately 150 police forced the people into vans and arrested eighty 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.³³¹

ICESCR: Yes

ICCPR: Yes

1OP-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, however, 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 the number of people affected, the implementation of the Lyari Expressway project has continued. There have also been reports that the project has demolished many homes that do not fall under the path of the expressway, as these evictions give the Government access to valuable land.³³²

³³⁰ 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>

³³¹ 'Nepal police evict homeless from makeshift camp', *Rajdhani* [article on website], (6 June 2005), http://news.monstersandcritics.com/mediamonitor/article_1006106.php/Nepal_police_evict_homeless_from_makeshift_camp_reports_daily

³³² UN-HABITAT, *Forced Evictions – Towards Solutions?* [article on website], (2005), <http://www.unchs.org/pmss/getPage.asp?page=bookView&book=1806>

- Between the beginning of 2001 and April 2006, approximately 11 000 houses and 3 100 commercial buildings have been destroyed in several eviction drives; and the destruction has left approximately 30 000 people without work. Injuries and deaths have 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.³³³

Other Karachi evictions

- The Human Rights Commission of Pakistan reported that in April 2004, the Karachi City administration demolished over one hundred houses at Anwar Shah Goth, in North Karachi, despite a court injunction to abstain from the eviction. Reportedly, many people had bought their homes over 25 years ago.³³⁴

- 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 over 100 people homeless, even though the KBCA does not have the authority to conduct evictions. The community has tried to negotiate with the Karachi Government, but evictees have not been compensated or relocated.³³⁵

- 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.³³⁶

- 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 affected families, even though most houses had legal titles issued from 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 demolition of their homes. The local government argued that the settlement 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.³³⁷

³³³ 'Made homeless and out in the cold', *The Jang* [online newspaper], (15 Jan. 2006), <http://www.jang.com.pk/thenews/jan2006-weekly/nos-15-01-2006/kol.htm#2>,

³³⁴ Human Rights Commission Pakistan (HRCP), *State of Human Rights 2004 – Housing* [article on website], (2004), http://www.hrcp-web.org/pdf/ar_2004/6-3.pdf

³³⁵ Urban Resource Centre, *Eviction Watch Report Karachi, January – June 2005* [article on website], <http://www.urckarachi.org/evic.htm>

³³⁶ *ibid.*

³³⁷ *ibid.*

- 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 and 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.³³⁸

- On 25 April 2006, 100 houses near Graveyard Masira Colony Landhi were demolished.³³⁹

- 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 four protesters and injured several other people. The Urban Resource Centre reported that the City plans to demolish 750 more houses in the area.³⁴⁰

ICESCR: No

ICCPR: No

IOP-ICCPR: No

Papua New Guinea

- In December 2003, heavily armed police forcibly evicted some 10 000 people from their homes in Madang, and burnt all houses to the ground. Earlier, a national court had ordered the eviction and relocation of the squatter settlement. However, no alternative housing was provided for these families. Reportedly, police also obstructed efforts of NGOs to give food and other emergency assistance to those rendered homeless by the eviction.³⁴¹

ICESCR: No

ICCPR: No

IOP-ICCPR: No

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 a several decades. Once completed, the Northrail-Southern Linkage Project is expected to alleviate existing traffic congestion in Metro Manila, improve transport between the airports

³³⁸ *ibid.*

³³⁹ *ibid.*

³⁴⁰ *ibid.*

³⁴¹ 'Protests against eviction of squatters in PNG's Madang province', *Radio New Zealand International* [online news service], (17 Dec. 2003), <http://www.rnzi.com/pages/news.php?op=read&id=7867>

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 (145 000 people) have been moved (22 000 families from the Northrail tracks and 7 000 from the Southrail tracks) 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 present, so that as few as half of the evicted families received compensation or were relocated. Living conditions at most of the relocations sites are grossly inadequate due to a lack of potable water, electricity and sanitation facilities. Local NGOs in Manila report 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 is double that experienced by communities living adjacent to the railway tracks. Each family is provided with a loan, payable in 25–30 years with interest rates between 6–9 per cent. In many cases the loan is not sufficient to construct a house. Large numbers of homes at Cabuyao are incomplete, without roofs and with dirt floors.³⁴²

Other evictions

- Forced evictions and demolitions of homes have also been carried out in preparation for the 12th ASEAN Summit in Cebu in December 2006. Forty-two families (210 persons) were left homeless when their houses situated at the front of the Shangri-la Mactan Island Resort and Spa in Mactan Island were demolished by the police. The cleared land will be used as a parking lot for Summit participants. Reports indicate 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 were arrested and detained during the demolitions.

More than 600 homes were also demolished in Mandau City in preparation for the Summit. Only 100 families were provided with temporary accommodation and 500 families remain homeless. Furthermore, the temporary accommodation lacks basic services, such as electricity and water.³⁴³

- 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, leaves families without secure tenure. The water at the site is reportedly contaminated and unsafe for drinking.³⁴⁴

³⁴² 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

³⁴³ Urban Poor Associates [personal communications], (Nov. 2006).

³⁴⁴ 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).

- In November 2004, the Philippine Armed Forces evicted approximately 80 families of retired soldiers from the Camp Aquino reserve in Tarlac City, where they had lived for about 20 years. The military is undertaking a modernisation programme and is developing a housing project on the site. While the new project will house up to 5 000 soldiers, retired army personal and their families do not have the right to live in any of the new houses. The affected families were not provided with alternative accommodation or compensation.³⁴⁵

- 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' houses without prior notice. MMDA officers and police set fire to the housing materials and possessions the families had been forced to leave behind.³⁴⁶

- 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.³⁴⁷

- In October 2006, the Army evicted the residents of at least 50 shanties in Fort Bonifacio, Taguig City, claiming the residents, who are mostly retired soldiers, had encroached on land reserved for the expansion of the Libingan ng mga Bayani, the Memorial Cemetery, in which soldiers are buried. On 30 August 2006, 106 homes were destroyed at nearby Sitio Masagana. A total of 300 homes will be affected.³⁴⁸

ICESCR: Yes

ICCPR: Yes

1OP-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 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 are waiting 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 concerned communities. To house all people displaced by the tsunami, an estimated 100 000 permanent homes will have to be built or repaired.³⁴⁹

³⁴⁵ 'Families living inside military camp face eviction', *Sun Star Baguio* [online newspaper], (16 Mar 2004), <http://www.sunstar.com.ph/static/bag/2004/03/16/news/33.families.living.inside.military.camp.face.eviction.html>

³⁴⁶ *Asian Coalition for Housing Rights* (ACHR) [Correspondence].

³⁴⁷ 'Tough love', *Philippine Daily Inquirer* [online newspaper], (10 Apr. 2005), http://news.inq7.net/archive_article/index.php?ver=0&index=1&story_id=33216

³⁴⁸ 'Army evicts squatters from Fort Bonifacio', *Manila Times* [online newspaper], (13 Oct. 2006), www.manilatimes.net/national/2006/oct/13/yehey/metro/20061013met4.html

³⁴⁹ Amnesty International, *Sri Lanka: Waiting to go home -the plight of the internally displaced* [article on website], (29 June 2006), <http://web.amnesty.org/library/Index/ENGASA370042006?open&of=ENG-LKA>

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: Yes

Thailand

- The Port Authority of Thailand resettled the residents of about 900 shacks 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 have returned to the Lock 7 slum, as they have nowhere else to go.³⁵⁰

- 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 lack legal titles to their land. Tourism developers are now trying to exploit this and claim land from villagers who are rebuilding. Along the coastline of Phang Nga Province, hundreds of families have been evicted by developers claiming to be the rightful owners.³⁵¹

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: No

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.³⁵²

- In June 2006, officials of the Istanbul Municipality and police demolished 20 barracks inhabited by Roma in the Cebeci Quarter in Gaziosmanpaşa. About 30 persons who tried to resist the demolition were arrested.³⁵³

- In July 2006, officials of the Municipality of Istanbul and hundreds of police officers demolished approximately 120 houses 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.³⁵⁴

³⁵⁰ 'A wasteland of despair', *The Nation* [online newspaper], (14 Nov. 2005), http://www.nationmultimedia.com/2005/11/14/national/index.php?news=national_19145753.html

³⁵¹ 'In Thailand, a 'land grab'', *The Christian Science Monitor* [online journal], (8 Apr. 2005) <http://www.csmonitor.com/2005/0408/p07s02-woap.html>

³⁵² 'Istanbul municipality razes homes in flood area', *Terra Daily* [online newspaper], (11 Oct. 2004), <http://www.terradaily.com/2004/041011101154.rmn7mp3.html>

³⁵³ IDEA, *Turkey: Roma districts demolished during Urban Transformation Projects* [online article], (11 Aug. 2006), <http://www.idebate.org/roma/topicarticle.php?id=308>

³⁵⁴ *ibid.*

- 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.³⁵⁵

- In August 2006, the Municipality of Ankara demolished some 170 houses 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 is planned.³⁵⁶

ICESCR: Yes

ICCPR: Yes

1OP-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 houses were destroyed and more than 500 people, mostly of Kazakh ethnicity, lost their property. This action was reportedly done by the direct order of President Niyazov. The owners of the destroyed properties were not given compensation or alternative housing.³⁵⁷

- In July 2004, Government of Turkmenistan officials and police forcibly evicted nearly 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 or offered alternative accommodation. Most of them had to move in with members of their extended family, others were left homeless. Furthermore, the city plan calls for another 400 houses in Keshi to be dismantled. Residents who protested were detained and warned not to express publicly their opinion.³⁵⁸

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

Viet Nam

- In 2005, local Government officials of the Hai Tien Province reportedly forced eight families of Khmer Krom origin to sign documents giving up their homes and land. The Khmer Krom is an indigenous ethnic Khmer minority living in southern Viet Nam. Human Rights Solidarity reports that the Khmer Krom persons were threatened and beaten until they signed documents that transferred the ownership of their land to the officials. The Vietnamese Government has also appropriated land from the Khmer Krom to allocate to Vietnamese farmers or for infrastructure projects.³⁵⁹

³⁵⁵ *ibid.*

³⁵⁶ *ibid.*

³⁵⁷ 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

³⁵⁸ *ibid.*

³⁵⁹ Human Rights Solidarity, 'The Khmer-Krom: Marginalised in Their Own Land' [article on website], (22 Aug. 2005), <http://www.hrsolidarity.net/mainfile.php/2005vol15no03/2441>

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: No

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 plans to build social housing on the site for poor families in the area, which could include housing for the evicted families.³⁶⁰

ICESCR: Yes
ICCPR: Yes
1OP-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.³⁶¹

ICESCR: Yes
ICCPR: Yes
1OP-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 made homeless.³⁶²

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: Yes

Czech Republic

- The Municipality of Bohumin notified 280 residents of a hostel for low-income people – the majority of whom are Roma – that the residents would be forcibly removed from the building on

³⁶⁰ European Roma Rights Centre (ERRC), 'Albania: Roma Housing Rights abuses', [online press release], (9 Aug. 2006), <http://www.errc.org/cikk.php?cikk=2612>

³⁶¹ European Roma Rights Centre (ERRC), 'Repeated Eviction of Romani Community in Bosnia and Herzegovina', [online press release], <http://www.errc.org/cikk.php?cikk=1939&archiv=1>

³⁶² European Roma Rights Centre (ERRC), 'Romani Communities under Threat of Forced Eviction in Bulgaria', <http://www.errc.org/cikk.php?cikk=2664&archiv=1>

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 concerned families moved out under this pressure, mainly into the already overcrowded flats of their extended families, which are 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 has since carried out a range of punitive measures against these people. This includes 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 are blocked. The Municipality has issued monthly bills to the families concerned for the services of this 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 contravene Czech and international human rights law.³⁶³

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

France

- In August 2006, French police blocked access to a former university residential building in Chachan, a suburb of Paris. The building had been inhabited by more than 1 000 people, mainly from immigrant backgrounds. The eviction order was issued after negotiations between the occupants and authorities broke down. Police then forcibly removed over 500 squatters, including children. Sixty-nine people were arrested, and 49 of them face deportation for being undocumented immigrants. The building had been occupied in 2001 by immigrants who had been unable to obtain subsidised housing.³⁶⁴

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

Greece

Roma communities in Greece face pervasive and persistent discrimination in access to housing. Not only do they often experience extremely poor housing conditions, lacking even access to basic services like water and electricity, they frequently face 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 period, they lodged 323 lawsuits against Roma families

³⁶³ European Roma Rights Centre (ERRC), 'Forced eviction crisis in the Czech Republic', [online press release], <http://www.errc.org/cikk.php?cikk=2308&archiv=1>

³⁶⁴ Party for Socialism and Liberation, 'Racist evictions in France target immigrants', [online news article], (28 Aug. 2006), http://www.pslweb.org/site/News2?ServSessionIdr005=17lwt0t02.app7b&page=NewsArticle&id=5549&news_iv_ctrl=1261

for illegal settlement under the Sanitary Regulations.³⁶⁵ While authorities are meant to provide some form of alternative accommodation under this law, it rarely occurs 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, candidly 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.”³⁶⁶

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.”³⁶⁷ 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”.³⁶⁸

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, amounting to 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. Unfortunately, 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.³⁶⁹

- 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 in order to transfer their

³⁶⁵ Hellenic Police to Greek Helsinki Monitor [document], (26 July 2006), ‘ref. no. 4808/4/76-2-μζ’,

³⁶⁶ Translated by GHM from the Greek [Article], original available at

http://www.mpa.gr/article.html?doc_id=464049,

³⁶⁷ *ERRC v. Greece* (complaint No 15), the decision on the merits is available at http://www.coe.int/t/e/human_rights/esc/4_collective_complaints/list_of_collective_complaints/RC15_merits.pdf, p. 15.

³⁶⁸ See *Conclusions XVIII-1 (Greece)*, available at

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, pp. 19–22.

³⁶⁹ Centre on Housing Rights and Evictions (COHRE), ‘Forced Evictions of Roma Communities in Greece in Relation to the Preparation of the Olympic Games’, [notes presented to the UN Committee on Economic, Social and Cultural Rights, April 2004 and Greek Helsinki Monitor], <http://www.greekhelsinki.gr>

sheds on the neighbouring plot of land where the Greek Roma families live. 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.³⁷⁰

Other evictions

- In Aghia Paraskevi, several homes of Roma families were demolished by Municipal authorities throughout 2005. In February 2005, a bailiff demolished the house of Mr Thanassis Mitrou, a Romani man. Again on 31 March 2005, a bailiff and police using a bulldozer demolished the house 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 has been provided to the Roma families who were forcibly evicted from Aghia Paraskevi.³⁷¹

- 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.³⁷²

- 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. However, beginning on 24 August 2006, before a pending ruling could be issued regarding authorisation of these measures, the municipal authorities began to demolish the remaining Roma homes in Makrigianni and Riganokampos districts, claiming these were 'cleaning operations of abandoned sheds'. The Municipality also claimed that some Roma families (varying from 5 to 17 in different statements) have been relocated to rented homes, when in fact, a few 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.³⁷³

- 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 at the Council of Europe (COE), Thomas Hammarberg. 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.³⁷⁴

³⁷⁰ Greek Helsinki Monitor, <http://www.greekhelsinki.gr>

³⁷¹ *ibid.*

³⁷² *ibid.*

³⁷³ 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

³⁷⁴ *ibid.*

ICESCR: Yes
ICCPR: Yes
1OP-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 2003.³⁷⁵

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: Yes

Italy

- Research by the European Roma Rights Centre (ERRC) indicates that Roma are repeatedly and systematically subjected to forced eviction in Italy, generally without provision of basic procedural guarantees and 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 constitutes a violation of Article 31(1) of the Revised Charter, taken together with Article E;
 - forced eviction and other sanctions constitute a violation of Article 31(2) of the Revised Charter, taken together with Article E;
 - the lack of permanent dwellings constitutes a violation of Articles 31(1) and 31(3) of the Revised Charter, taken together with Article E.³⁷⁶

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: Yes

Montenegro

- On 11 May 2005, police and local authorities demolished the homes of 10 Roma families in the village of Tuzi, leaving some 40 persons homeless. The families had been given a 10-day notice of the eviction, but none had received alternative accommodation.³⁷⁷

³⁷⁵ The Irish Traveller Movement [website], <http://www.itmtrav.com>, and reported by COHRE [article on website], www.cohre.org/ireland

³⁷⁶ European Roma Rights Centre (ERRC), '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
1OP-ICCPR: Yes

Russian Federation

- The ERRC reported 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 houses 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.³⁷⁸

- The ongoing conflict in Chechnya has caused hundreds of thousands of people to flee the area since 1999. Many displaced persons have 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.³⁷⁹ The Russian Government opened 'Temporary Accommodation Centres' in Chechnya for the returnees. Their capacity, however, was not sufficient to accommodate all the affected people, and the camps' conditions were often sub-standard. Yet in spite of 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.³⁸⁰ While there had been no reports that people were physically forced to return to Chechnya, authorities actively pursued a policy of pressuring the IDPs to go back.³⁸¹

ICESCR: Yes
ICCPR: Yes
1OP-ICCPR: Yes

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 is owned by the Slovak National Railroad Company, ZSR, which hired the private security company to evict the Roma. The evictees had occupied the building illegally, and were not provided with any alternative accommodation.³⁸²

³⁷⁷ ERRC, 'Forced evictions of Roma in Serbia and Montenegro' [online article]
<http://www.errc.org/cikk.php?cikk=2337&archiv=1>

³⁷⁸ ERRC, 'Right organizations condemn Roma evictions in Russia' [online article],
<http://www.errc.org/cikk.php?cikk=2607>

³⁷⁹ 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*.

³⁸⁰ 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>

³⁸¹ International Displacement Monitoring Centre, 'Patterns of displacement: Russian Federation' [online database],
<http://www.internal-displacement.org>

³⁸² European Roma Rights Centre (ERRC), '40 Roma homeless following evictions in Slovakia' [online article]
<http://www.errc.org/cikk.php?cikk=2502&archiv=1>

- In another case reported by the Slovak newspaper Korzar, bulldozers destroyed five makeshift shacks which housed 38 Roma in the village of Furca. The demolition was carried out on 24 July 2004 in the presence of 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.³⁸³

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

Spain

- On 10 February 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 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.³⁸⁴

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: Yes

United Kingdom

- In January 2004, Constant & Co, a private company acting as representatives of the Chelmsford Council, forcibly evicted 20 Traveller families from the Meadowlands Caravan Park in Chelmsford Borough, and moved or destroyed the families' homes. The people were evicted without notice and given no explanation of why the eviction was taking place. The employees of the private bailiff company threatened people with violence. The following day, the evicted families attempted to locate their homes at the place where they had been told their homes were moved, but found that their homes and belongings had been burned. The evicted Travellers were not compensated for the loss of their homes and possessions. The owner of the land – Ms Buckland, a pregnant woman with three children – was among the evictees. Indeed, in the United Kingdom, traveller communities are often evicted even though they have legal title to the land they are evicted from. The evictions took place on the grounds that the Travellers had not submitted planning applications prior to commencing with construction on the sites. Travellers reported, however, that they had filed applications and were turned down.³⁸⁵

- In 2004, bailiffs evicted over 50 Traveller families from their land at Wolvey Road in Bulkington (Warwickshire) and Little Waltham (Essex). This was despite the fact that the individuals owned the land and they had lived there for more than two years. The Travellers were

³⁸³ ERRC, 'Eviction fever in Slovakia' [online article] <http://www.errc.org/cikk.php?cikk=2109&archiv=1>

³⁸⁴ ERRC, 'Bulldozers in Valencia leave ten Romani families homeless' [online article], <http://www.errc.org/cikk.php?cikk=2343&archiv=1>

³⁸⁵ 'Meadowlands Travellers Eviction' *Indymedia UK*, [online news service] (29 Jan. 2004), <http://www.indymedia.org.uk/en/2004/01/284565.html>

told that their site was illegal because they had not applied for planning permission to erect buildings and develop roads.³⁸⁶

- The Leeds City Council ordered the eviction of 12 Irish Traveller families, known as the Maloney Community, from their land at Wakefield, West Yorkshire in June 2004. The Maloney Community had been evicted and moved 50 times. Although the families had lived in the Leeds area for approximately 30 years, the evictions became increasingly frequent. At times, the community was forced to move every few days. A judgement from the European Court of Human Rights in Strasbourg stated that the eviction breached the families' right to respect for their home under article 8 of the European Convention for the Protection of Human Rights. Nevertheless, the Maloney Community lost the appeal against the eviction in a House of Lords ruling.³⁸⁷

- 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.³⁸⁸

- On 29 November 2005, police evicted 200 persons living in London's oldest squat, St Agnes Place. The street was occupied in 1969 and the squatters had rebuilt most of the buildings themselves during over 30 years of living in the area.³⁸⁹

- In March 2006, police and private contractors, Constant & Co, cleared part of the Five Acres Farm, a Traveller site in Essex. With an enforcement order from Basildon Council, officers used diggers to destroy the homes of four families. Other Travellers living on the site had obtained injunctions and the pending judicial review hearings prevented Basildon Council from evicting further families.³⁹⁰

ICESCR: Yes

ICCPR: Yes

1OP-ICCPR: No

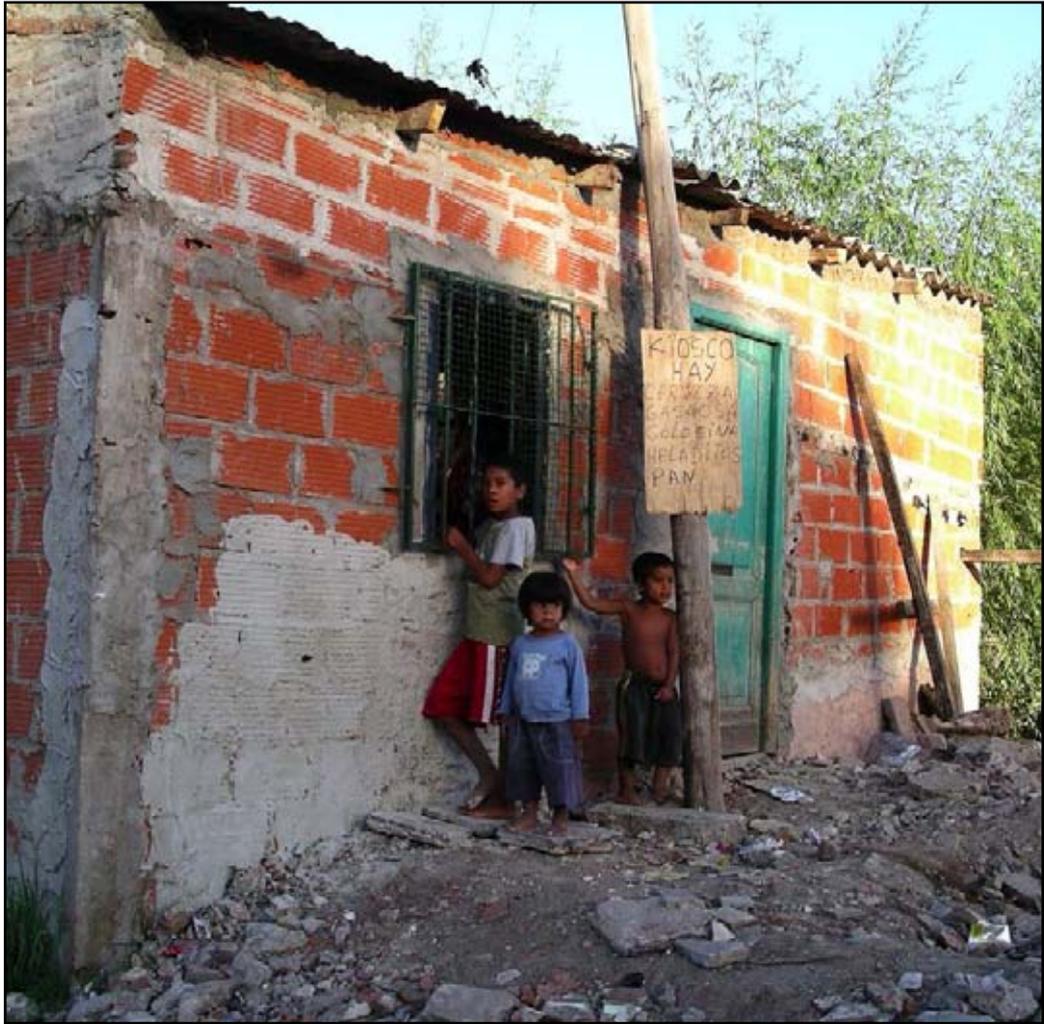
³⁸⁶ Centre on Housing Rights and Evictions (COHRE), *Evictions Monitor*, vol. 1 no. 2 [pdf on website], (Dec. 2004), http://www.cohre.org/view_page.php?page_id=176

³⁸⁷ 'Gypsy family loses eviction appeal over human rights', *The Guardian* [online newspaper], (9 Mar. 2006), <http://politics.guardian.co.uk/homeaffairs/story/0,,1726831,00.html>

³⁸⁸ *BBC News*, 'Flat tenants evicted after order', BBC, [online news site] (10 Mar. 2005), <http://news.bbc.co.uk/1/hi/england/kent/4336783.stm>

³⁸⁹ St Agnes Place, [website] <http://www.stagnesplace.net>

³⁹⁰ *BBC News*, 'Bailiffs clear travellers' plot', BBC [online news service], (21 Mar. 2006), <http://news.bbc.co.uk/1/hi/england/essex/4828842.stm>



3

Threatened or Planned Forced Evictions

Africa

Botswana

- Since April 2006, residents of the Letoreng settlement near Sefhare in Tswapong South have been living 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, supports the residents and asked the National Land Board to instead upgrade the settlement and issue residents with plot certificates.³⁹¹

Cameroon

- On 22 March 2005, the State Property and Land Tenure Minister announced that they would evict people residing in the marshlands in the Bastos and Njongolo neighbourhoods in Yaounde. 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 are null and void because they were issued in contravention of the law.³⁹²

Ethiopia

- In November 2005, the Ethiopian Government signed an agreement with the Dutch preservation organisation African Parks Foundation on 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. World Rainforest Movement 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.³⁹³

Ghana

- In May 2002, the Accra Metropolitan Authority (AMA) served an eviction notice to the residents of the Agbogbloshie/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

³⁹¹ 'BCP opposes Letoreng evictions', *Daily News Online* [online newspaper], (19 Apr. 2006), www.gov.bw/cgi-bin/news.cgi?d=20060419

³⁹² 'Yaounde marshland residents face eviction', *The Post* [online newspaper], (25 March 2005), http://www.postnewsline.com/2005/03/strongyaounde_m.html

³⁹³ 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>

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.³⁹⁴

With the help of support organisations such as the People's Dialogue on Human Settlements, residents have begun showing how this can be done. The Daily Graphic reports that residents have given 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). Residents are also monitoring the area to prevent people from dumping refuse into the lagoon or building structures that encroach on the KLERP boundaries. The AMA has continued to insist that it will press ahead with the planned evictions in the interest of the KLERP. The Chairman of AMA's Environmental Management Sub-committee, Mr Phillip Nii Lante Lamptey, has 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.³⁹⁵

- 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 squatters 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) from railway lines.

However, residents claim that they are not squatters, because they paid money for their land and were given receipts by the railway authority. The Ministry has admitted that some officials may have taken money in exchange for land. Residents are asking for refunds and for a longer notice period before being evicted. The residents state that, as of 19 July 2005, the Ministry had provided no public education, despite its promise.³⁹⁶

Kenya

- In February 2004, various Kenyan Ministries announced an unprecedented series of mass evictions that threatened over 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 illegally built on land set aside for road reserves and all settlements built near roads, railway tracks, or power-lines faced eviction. Raila Village in Kibera was the first eviction to be implemented. But the sheer number of people to be affected by the evictions provoked strong local, national, and international criticism. To its credit, the Government did respond to the concerns and suspended its eviction plans. Nevertheless, some uncertainty was created when various Ministers declared that the

³⁹⁴ Centre On Housing Rights and Evictions(COHRE) [pdf on website], *A Precarious Future: The Informal Settlement of Agbogbloshie*, www.cohre.org/ghana

³⁹⁵ 'AMA rejects move by Sodom and Gomorrah Squatters to give the place a facelift' [online news service], Ghana News Agency, (11 July 2005), <http://www.ghanaweb.com/GhanaHomePage/regional/artikel.php?ID=85569>

³⁹⁶ 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' [online newspaper], *Daily Graphic*, (5 Oct. 2006).

suspension did not apply to their departments. In the eyes of many, it is just a matter of time before the evictions proceed.³⁹⁷

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.³⁹⁸ In Lilongwe about 70 per cent of the population live in illegal settlements.³⁹⁹

Morocco

- In January 2006, the Moroccan Delegate Minister in charge of housing announced that all houses that were built illegally or do 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.⁴⁰⁰

Niger

- Authorities of Niger's capital Niamey decided on the eviction of hundreds of families living in the forest, or greenbelt, which surrounds Niamey. The local government gave the squatters an ultimatum to vacate the area by April 2006, but people did not leave. Some have lived in the area for over 20 years, and are not willing to move without being provided alternative accommodation. The forest area was set up with support from the United Nations and the World Bank to protect the city from desertification and the extremes of Niger's climate.⁴⁰¹

Nigeria

- 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 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

³⁹⁷ COHRE, *Listening to the Poor? Housing Rights in Nairobi, Kenya* [pdf on website], (Mar. 2005), pp. 38–40, http://www.cohre.org/view_page.php?page_id=120

³⁹⁸ 'Deadline for Malawi demolitions', *BBC News* [online news service], (5 Aug. 2005), <http://news.bbc.co.uk/2/hi/africa/4748279.stm>

³⁹⁹ 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,,contenMDK:20011723~menuPK:355892~pagePK:141137~piPK:141127~theSitePK:355870,00.html>

⁴⁰⁰ 'Some 500 000 Moroccans live in houses due for demolition, Minister', *Maghreb Arabe Presse* [online newspaper], (5 Jan. 2006), http://www.map.ma/eng/sections/social/some_500000_morocca/view

⁴⁰¹ 'City Takes Step to Protect Forest', *Inter Press Service News Agency* [online news service], (2 Aug. 2006), <http://ipsnews.net/africa/nota.asp?idnews=34210>

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.

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. However, the FCDA draws 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. But 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 weekly. Approximately 25–28 of the 49 targeted settlements in Abuja remain under threat of demolition for non-indigene residents. All of the indigenes in the 49 settlements remain under threat of eviction. Although the FCDA has assured them that they will provide resettlement, residents have not been consulted on the plans and are concerned that the resettlement will not be adequate

After public outcry, 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 a difficult feat, particularly for those who have recently had their homes and possibly much of their property destroyed.⁴⁰²

- Twenty-six local communities in Lagos State are threatened with forced eviction by the planned Lekki Free Trade Zone (LFTZ) project. The LFTZ project is 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 the 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. To date, there has not been an offer of compensation or an adequate resettlement site. Furthermore, the local residents have not been consulted on the issue.⁴⁰³

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 poverty-stricken inner city slums. The city authorities seek urgent eviction orders, using Apartheid-era

⁴⁰² COHRE interviews with affected communities, FCDA officials, and Nigerian organisations, 1–11 November 2006.

⁴⁰³ 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).

laws, on the basis of concerns for the health and safety of residents.⁴⁰⁴ 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. However, the City of Johannesburg is currently appealing this decision and the residents are counter-appealing.

- Wynberg residents in Johannesburg – approximately 1 000 people who have been renting rooms in disused factories for almost 20 years – are threatened with losing their dwellings because the owners of the land are applying for eviction orders in order to sell the properties to developers.⁴⁰⁵

Swaziland

- In January 2006, Swazi authorities began to clamp down on illegal urban settlements and unplanned housing. The Swaziland National Provident Fund earmarked 40 houses 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.⁴⁰⁶

- Another 100 homes in the royal village of Ludzidzini face destruction. The Government will evict the residents to make way for an extension of King Mswati's home. The land will be used to accommodate the King's growing number of wives and their children.⁴⁰⁷

- In May 2006, the Swazi Observer reported that hundreds of residents living within Masundwini and Lusekwaneni areas face eviction for settling illegally and constructing structures on 'sacred' land. The settlers were notified of the planned evictions, and said they would comply with the decision, even if they had nowhere to go.⁴⁰⁸

Tanzania

- As of September 2006, the Government of Tanzania is planning to evict the residents of over 100 bungalows from the Arumeru district of Arusha to make way for the construction of a road. The almost 600 affected people have been given notice to vacate their home, and the construction of the road could start at any time. Some of them have lived in the area since the

⁴⁰⁴ Centre on Housing Rights and Evictions (COHRE), *Any Room for the Poor: Forced Evictions in Johannesburg, South Africa*, (Mar. 2005)

⁴⁰⁵ 'Threat of Mass Eviction of Alexandra Residents from Wynberg factories', *Indymedia* [article on website], (25 Apr. 2005), http://southafrica.indymedia.org/archives/archive_week_redirect.php?category_id=1&day=17&month=4&year=2005

⁴⁰⁶ 'Swaziland: Urban cleanup response to unplanned settlements', *IRIN news* [online newspaper], (31 Jan. 2006), www.irinnews.org/report.asp?ReportID=51457&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND

⁴⁰⁷ *ibid.*

⁴⁰⁸ 'Hundreds face eviction', *The Swazi Observer* [online newspaper], (23 May 2006), <http://www.observer.org.sz/main.asp?id=21950&Section=main>

1960s. Although the residents have been demanding compensation for the loss of their homes, they have not been allocated any alternative accommodation or compensation.⁴⁰⁹

Uganda

- In January 2005, the Uganda Railways Corporation alerted people residing in its reserves that all structures built less than 30 metres from the railway line would face demolition. People have been issued several warnings to vacate the buildings, but they have refused to leave. The Uganda Railways Corporation has contracted a private firm, Muziira Auctioneers Limited, to demolish the structures. It is unknown how many people will be affected by the forced eviction.⁴¹⁰

Zimbabwe

- In June 2006, the Government of Zimbabwe announced that it will evict about 4 000 black farmers who illegally occupied commercial farms in the Masvingo province. Among the affected people are many war veterans. Residents argue that the Government had encouraged them to occupy farms belonging to white farmers in 2000.⁴¹¹

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 4 640 families 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.⁴¹²

- 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 80s, Argentina’s military junta planned on constructing a freeway (the AU3) in the area and intend to take over the area. The project was, however, aborted, and the area was illegally occupied primarily by low-income families. Now, the City Government is planning to sell the land to private investors for development. Some 1 600 families are threatened with eviction. The Municipality proposes different alternatives to the citizens in forms of credits and subsidies. But not all settlers will be able to access the program. The credits and subsidies are planned particularly for those who occupy strategic places of the AU3. Critics argue that in Argentina’s

⁴⁰⁹ ‘Tension high as Arumeru residents prepare for eviction’, *Ipp Media* [online newspaper], (21 Sep. 2006), <http://www.ippmedia.com/ipp/guardian/2006/09/21/74849.html>

⁴¹⁰ ‘Bantafiza’s house faces demolition’, *The Daily Monitor* [online newspaper], (21 Jan. 2005), <http://www.monitor.co.ug/archives/a2005/jan/news/0121/news01214.php>

⁴¹¹ ‘Harare to evict 4 000 black farmers’, *Mail & Guardian* [online newspaper], (2 June 2006), http://www.mg.co.za/articlePage.aspx?articleid=273459&area=/breaking_news/breaking_news_africa

⁴¹² ‘La zona a urbanizar en Retiro cubre un total de 18 hectáreas’, *Clarín* [online newspaper], (16 Feb. 2006), <http://www.clarin.com/diario/2006/02/16/elpais/p-01001.htm>

precarious housing situation, the Government should not develop commercial and high standard housing, but rather affordable houses for low-income residents.⁴¹³

- As of May 2004, approximately 65 families who had occupied a building on Solis Street in Buenos Aires were threatened with eviction. The building belongs to the National Administration of Social Security (ANSES). Residents proposed that they pay rent for the rooms they occupy, but ANSES did not want to negotiate.⁴¹⁴

- In 2004, a court ordered the eviction of nearly 250 families, who live under precarious conditions in the settlement 5 de Maio, in Barcena, Jujuy Province. The settlers have lived in the area since 2001. The eviction order has been postponed several times, and after negotiations, the Ministry of Infrastructure and Environment has committed itself to the relocation of the families. However, no place has been provided to them as yet.⁴¹⁵

- A community of over 100 families living in Barrio Tarapaya in Santiago del Estero Province are threatened with eviction, as the army claims ownership of their land. The settlers have title deeds for the land given to them in 1999 by the previous Governor, Carlos Juárez. However, the army and the courts do not accept the validity of the title deeds, and the families were served with eviction notices in December 2005.⁴¹⁶

- In February 2006, 42 families (approximately 130 persons) 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 belongs to the real estate company Zanni. The families had occupied the building many years ago, but now the owner has plans to redevelop the area. There have been discussions concerning the relocation of the families to a settlement at Ibarlucea Canal.⁴¹⁷

- The eviction of some 30 families was announced in the district of La Voz del Interior in Cordoba. A court ordered the eviction of the residents due to delays in payment. The company charged with the construction of these public buildings (Rubín Diseños y Construcciones) asked for a much higher price and interest rates, which residents are unable to pay. Moreover, the houses were unfinished and the area lacks infrastructure.⁴¹⁸

- A large deposit of precious stones was discovered on a area in Wanda at the Parana River where approximately 200 families live. The families now fear eviction because developers want to mine the area. The Municipality had provided the land to low-income families.⁴¹⁹

⁴¹³ 'Aceleran la recuperación de la ex AU 3 para hacer parques y casas', *Clarín* [online newspaper], (27 Oct 2005), <http://www.clarin.com/diario/2005/10/27/laciudad/h-03815.htm>

⁴¹⁴ 'Desalojo en puerta, y con una causa federal', *Página 12* [online newspaper], (17 May 2004), <http://www.pagina12.com.ar/diario/elpais/1-35451-2004-05-17.html>

⁴¹⁵ 'Inminente desalojo del asentamiento 5 de Mayo', *Ciudad Jujuy* [online newspaper], (5 May 2005), http://elindep.ciudadjujuy.com.ar/leernoticia.php?ed=ed_05_05_2005&id=1

⁴¹⁶ 'Tierras del Tarapaya: vecinos en lucha', *Indymedia* [online newspaper], (7 Dec 2005), <http://argentina.indymedia.org/news/2005/12/356078.php>

⁴¹⁷ 'Inminente desalojo en Nuevo Alberdi', *DERF* [online newspaper], (29 Dec 2005), http://www.derf.com.ar/despachos.asp?cod_des=55487

⁴¹⁸ 'Temer desalojos masivos en barrio Los Boulevares', *La Voz del Interior* [online newspaper], <http://www.lavozdelinterior.net/nota.asp?nrc=383117>

⁴¹⁹ 'Temer desalojo por denuncia de que bajo el barrio hay piedras valiosas', *Territorio Digital* [online newspaper], (13 Jan 2006), <http://www.territorioidigital.com/nota.aspx?c=5699557621595196>

- The company Madera Dura del Norte S.A. claims to be the owner of some 156 000 hectares of forest land in Sol de Mayo in Santiago del Estero Province. Local farmers have reported that the company has committed numerous violent acts against them. In February 2006, workers of the company and police arrived with earthmovers and started burning forest and shooting at the farmers with rubber bullets. Several people were injured. The farmers, whose ancestors have lived on the land for over a century, have asked for an investigation of the incidents.⁴²⁰

Brazil

- Approximately 900 families belonging to the Landless Workers' Movement, (*Movimento dos Trabalhadores Rurais Sem Terra, MST*) occupied unproductive land known as 'Chico Mendes' in Engenho São João in the Municipality of São Lourenço da Mata in 2004. The property belongs to one of the largest industrial conglomerates of Latin America, the company Votorantim. The Movement attempted to negotiate with representatives of Votorantim, but they claim that the company was unwilling to cooperate during the negotiations. More than 600 policemen arrived on the land in July 2005 and threatened the settlers. But they resisted and have been cultivating the land since that time. As of July 2006, the inhabitants of Chico Mendes are again threatened with forced eviction.⁴²¹

- Approximately 350 families have occupied the farm Cabanha Dragão in Eldorado do Sul with the support of the MST. They had demanded a resettlement on this land within the framework of the Agricultural Reform, but the National Land Reform Agency (INCRA) refused their demand.⁴²²

- Some 1 300 landless families occupied the Someco farm in the Municipality Novo Horizonte do Sul. The farm belongs to the Someco Company (*Sociedade de Melhoramento de Colonização*), and the Company has asked the local court for an eviction order. The families report that they will continue occupying land in the area.⁴²³

- In October 2005, approximately 1 000 families occupied an area belonging to an entrepreneur in Taboão da Serra. The families asked for the land to be reclaimed, but a regional court ordered the eviction of the families. The occupiers, however, say that they are determined to stay until some land is ceded to them.⁴²⁴

- Some 800 indigenous families are threatened with forced eviction from a farm close to the city of Miranda, which they had occupied a few months prior to the threat. The farm had already

⁴²⁰ 'El MOCASE denuncia violenta represión policial y parapolicial a campesinos', *Prensa de Frente* [online newspaper], (9 Feb. 2006), <http://www.prensadefrente.org/pdfb2/index.php/a/2006/02/09/p1053>

⁴²¹ Movimento dos Trabalhadores Rurais Sem Terra, *Acampamento Chico Mendes (PE) é ameaçado de segundo despejo* [article on website], (25 July 2006), <http://www.mst.org.br/informativos/minforma/ultimas2193.htm>

⁴²² 'PM gaúcha aguarda Justiça para desocupar fazenda invadida por sem-terra em Eldorado do Sul', *Radio Bras* [online news service], (12 July 2005), www.radiobras.gov.br/materia_i_2004.php?materia=232079&q=1&editoria

⁴²³ 'Quatro mil sem-terra invadem fazenda em Novo Horizonte', *Midiamax* [online news service], (4 Apr. 2006), http://www.midiamax.com/view.php?mat_id=209016

⁴²⁴ 'Acampados em Taboão da Serra aguardam reunião com governos estadual e federal', *Panorama Brasil* [article on website], (30 Nov. 2005), www.panoramabrasil.com.br/noticia_completa.asp?p=conteudo/txt/2005/11/30/21469415.htm

been recognised as aboriginal land; however, local authorities do not respect this decision and have ordered an eviction.⁴²⁵

- In February 2006, Indymedia reported that the ‘Prestes Maia’ in Sao Paolo, the largest squatter building in South America is under threat of eviction. The building will be returned to its owner Mr Hamuche & Co who has not shown interest in the building for the last 15 years. Approximately 470 families – including some 400 children – will be left homeless through the eviction.⁴²⁶

- Approximately 70 families living in the area known as ‘Vila Itororó’ in Sao Paolo are threatened with forced eviction. The City Hall intends on ‘revitalising’ the area through the construction of new bars, restaurants and cinemas. The Municipality is planning to relocate the residents or to offer them compensation if they return 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 houses and the area’s infrastructure.⁴²⁷

- To make way for the expansion of the Space Launch Centre in Alcântara State of Maranhão, several Quilombo communities are threatened with eviction. Quilombolos are members of an ethnic minority that trace their lineage back to slaves who were brought to Brazil in the seventeenth century. The implementation of the expansion of the Centre will result in the forced displacement of more than 1 500 inhabitants. At the moment, 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, some 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.⁴²⁸

- The 400 members of the Quilombo community located at Mata Cavalo, in the Municipality of Nossa Senhora do Livramento are also threatened with forced eviction. The community had received the right of the land in 1999. However, farmers requested the ownership of the land and for the court of Mato Grosso to evict the Quilombo community.⁴²⁹

- In July 2004, 350 members of the Quilombo community occupied the São Miguel farm located in the Municipality of São João da Ponte, Minas Gerais State. The Court of the Minas Gerais State conceded the land to the alleged owner of the São Miguel farm. The Quilombo community, however, refused to obey the court order.⁴³⁰

⁴²⁵ ‘Índios reúnem-se na Capital para evitar despejo em Miranda’, *Midiamax* [online news service], (16 Jan. 2006), http://www.midiamax.com/view.php?mat_id=194679

⁴²⁶ ‘South America’s largest squatted highrise building is under threat’, *Indymedia* [online news service], (9 Feb 2006), <http://www.indymedia.org/or/2006/02/833052.shtml>

⁴²⁷ ‘“Revitalização” da Vila Itororó’, *Centro de mídia independente* [online news service], (11 Apr. 2006), <http://www.midiaindependente.org/pt/blue/2006/04/350870.shtml>

⁴²⁸ UN- HABITAT, *Forced Evictions – Towards Solutions?* [pdf on website], (2005), <http://www.unhcr.org/pmsd/getPage.asp?page=bookView&book=1806>

⁴²⁹ ‘Quilombolas apelam contra despejo determinado pela Justiça Federal’, *24Horas* [online newspaper], (26 Jan. 2006), <http://www.24horasnews.com.br/index.php?mat=166044>

⁴³⁰ ‘Justiça de MG determina o despejo de quilombolas’, *Folha* [online newspaper], (4 Aug. 2004), <http://www1.folha.uol.com.br/folha/brasil/ult96u62999.shtml>

Bolivia

- Approximately 50 farmer families occupied 500 hectares in various areas of the forest reserves known as El Choré in Sara Province. The Municipal Department of Natural Resources has made efforts to obtain the legal instruments to evict informal settlers from the forest area. Police have been negotiating with the settlers to find a peaceful solution to the occupation.⁴³¹

Chile

- The prosecutor of the City of Temuco ordered the eviction of 30 people of the indigenous ‘mapuche’ Levio community in November 2005. The eviction order has created much tension. The land allegedly belongs to the State Company Ferrocarriles del Estado. The families, however, claim that the land belonged to their ancestors and therefore belongs to them.⁴³²

Colombia

- The army and police are attempting to evict approximately 200 families in La Victoria (formerly Yopal) in the Department of Casanare. The families had allegedly occupied the land illegally. In May 2005, violence between settlers and police broke out and left several people injured. Community leaders and the Municipality then started negotiating to find a peaceful solution to the conflict. The families demanded assistance to move to another location.⁴³³

- The residents of the neighbourhood of Cortés, in Pereira, Risaralda are threatened with forced eviction. The residents had occupied the public land in the 1990s. The Municipality decided to evict the district because the area is subject to flooding. In 2004, the residents were informed about the issue, and have been asked to leave the district voluntarily. Several families were relocated, but their houses have been reoccupied in the meantime. The Municipality announced that people who arrive in Cortés now will not be relocated or compensated. Some 70 low-income families will be affected by the measure.⁴³⁴

Cuba

- The family of a member of the Movement of Racial Integration is threatened with forced eviction. The Revolutionary National Police claims that the activities of the Movement are an open provocation against the Cuban State. Because the Movement partly organises their activities in the family’s house in La Habana, authorities have ordered the eviction of the family.⁴³⁵

⁴³¹ ‘Continúan las negociaciones para el desalojo en El Choré’, *El Mundo* [online news service], (27 July 2004), http://www.noticiasbolivianas.com/montre_herm.php?id=14041&periodico=El%20Mundo&palabras=desalojo&opt_fecha=200403

⁴³² ‘Comunidad mapuche en conflicto de tierras teme desalojo’, *El Gong* [online newspaper], (28 Nov. 2005), http://www.diarioelgong.cl/news/one_news.asp?IDNews=38643

⁴³³ ‘Violentos disturbios por el desalojo de 200 familias en Yopal’, *Noticias* [online newspaper], (13 May 2005), <http://noticias.canalrcn.com/noticia.php3?nt=20428>

⁴³⁴ ‘Desalojo del Cortés, irremediable’, *El Diario del Otun* [online newspaper], (27 Apr. 2006), www.eldiario.com.co/bodyindex.php?anteriores=2006-04-27&id_noticia=60871&nombre=noticias&padre=4

⁴³⁵ ‘Amenazados de desalojo miembros del Movimiento de Integración Racial’, *Cuba Net* [online newspaper], (5 Nov. 2005), <http://www.cubanet.org/CNews/y05/nov05/22a1.htm>

- Residents of the Casablanca district of La Habana protested in June 2006 against their possible eviction. For some time, authorities have ordered the approximately 60 persons to leave the area, because they allegedly occupy the area illegally. Most concerned people have lived in Casablanca for over a decade.⁴³⁶

Dominican Republic

- In February 2006, President Leonel Fernandez signed an order to carry out the eviction of farmers living in the Los Haitises National Park. Six villages, a total of 826 families, would be affected by the eviction. The Government argued that the farmers are damaging the environment of the National Park, which is an important water reserve of the Dominican Republic, because farmers have burned a large area of forest land in the National Park. The intention to remove the residents from the Haitises dates back to the 1980s, and several eviction efforts have already failed to be implemented.⁴³⁷

- The Department of Public Works ordered the eviction of some 20 families in Parque del Este. The houses of the affected families will be torn down to make way for the construction of the Las Americas Freeway. The land on which the families had constructed their houses is public land. The affected people were informed that they would not be provided with relocation or compensation for the loss of their houses. The affected families have protested; they are not against the construction work of the freeway, but they are asking for alternative accommodation.⁴³⁸

- Some 125 merchants at Feria Ganadera (Cattle Fair) are threatened with forced eviction, after the Department of Agriculture decided on the construction of a new square at the market place. The merchants will be moved to another site, but will be provided a much smaller space than they occupy at the moment. Compensation will not be offered to them.⁴³⁹

Ecuador

- Several homeless people occupied about 75 hectares of land in the City of Manta in August 2004. The Mayor of Manta, who allegedly owns parts of the land, ordered the eviction of the occupiers.⁴⁴⁰

El Salvador

- The Mayor's office of Antiguo Cuscatlàn evicted nine families from the La Cuchilla community in July 2005. Reports indicate that the Municipality continues to pressure the remaining 150 families living in the La Cuchilla community. The La Cuchilla community is

⁴³⁶ 'Vecinos de La Habana protestan por desalojo', *Cuba Net* [online newspaper], (15 June 2006), www.cubanet.org/CNews/y06/jun06/16o1.htm

⁴³⁷ 'Fernandez orders evictions in Los Haitises National Park', *Dominican Today* [online newspaper], (17 Feb 2006), <http://www.dominicantoday.com/app/article.aspx?id=10506>

⁴³⁸ Habitat International Coalition, *Desalojo en Parque del Este* [article on website], (Sep. 2005), <http://www.hic-al.org/noticias/desalojoparqueeste.html>

⁴³⁹ 'Comerciantes en Feria Ganadera se oponen a intento de desalojo', *Hoy Digital* [article on website], <http://www.hoy.com.do/app/article.aspx?id=63597>

⁴⁴⁰ 'Gobernadora debe cumplir con desalojo', *El Mercurio* [online newspaper], (20 Aug. 2004), <http://www.mercuriomanta.com/sistema.php?name=news&file=article&sid=6161>

located in proximity of the Multiplaza commercial centre, and several companies are interested in developing the area. The Mayor of Antigua Cuscatlàn has conceded, in the past, to developers, and the remaining inhabitants fear that they will also be evicted. Representatives of the La Cuchilla community declare that they would be ready to leave if they were offered an adequate alternative.⁴⁴¹

- The 14 families who lost their homes in the Italia district in San Salvador due to the Hurricane Stan in 2005 will have to leave their temporary shelter. The Government has failed to provide them with alternative housing or with any compensation.⁴⁴²

- The community of Los Almendros in Apopa is threatened with forced eviction due to delays of their loan repayments. The residents had benefited from loans from the Government after they had been affected by the 1986 earthquake. However, after the dollarisation (the pegging of the peso to the US dollar), the interest rose and it became too difficult for these low-income families to repay their loans. The responsible Government agency has served them with eviction notices in February 2005.

Guatemala

- Twenty-three landless peasant families of the indigenous El Palmar community occupied a plot of land in the Municipality Playa Grande Ixcán, Department of Quiché, and are now threatened with forced eviction. In August 2005, the families were served with an eviction notice. Representatives of the community asked for negotiations with the Municipality.⁴⁴³

Mexico

- Some 200 families of the indigenous community of Cantiles in Santa María del Oro in the State of Nayarit will be affected by the construction of the El Cajón dam. The construction work is advancing, and according to plan, the massive hydroelectric project will be completed by the end of 2006. Once finished, the reservoir of the dam will submerge the village of Cantiles, and also the small villages of Agua Sarca, Platanitos, and El Salto. In March 2006, military forces arrived in Santa María del Oro and announced to the affected community that they will be forced to leave their homes. They were informed that compensation would be provided only after having left the area. Residents claim that the compensation is largely insufficient. Most of them, nevertheless, signed a document accepting the compensation, out of fear that they would be evicted without compensation if they did not agree. There is no concrete resettlement plan for the villagers; they were only informed that they would be removed to another location. The Military informed them that if they do not leave voluntarily they will be evicted by force.⁴⁴⁴

- In December 2005, a private foundation (*Hospital de la Purísima Concepción y de Jesús Nazareno*) demanded the eviction of the 50 families living in the buildings on Serapio Rendón

⁴⁴¹ 'Comunidad de La Cuchilla reitera denuncia de desalojo', *Diario Co Latino* [online newspaper], (27 Mar 2006), <http://www.diariocolatino.com/nacionales/detalles.asp?NewsID=11818>

⁴⁴² 'Esperando el nuevo año y el desalojo', *La Prensa Gráfica*, (Jan 2006) <http://www.laprensagrafica.com/nacion/388105.asp>

⁴⁴³ 'Familias en riesgo', *Adital* [article on website], (31 Aug. 2005), <http://www.adital.com.br/site/noticia.asp?lang=ES&cod=18410>

⁴⁴⁴ 'Militares anuncian desalojo por la fuerza a 200 familias nayaritas', *La Jornada* [online newspaper], (8 Mar. 2006), <http://www.jornada.unam.mx/2006/03/08/044n1est.php>

Street 40 and 44 in San Rafael, Federal District. Some residents have lived in the building for over 40 years. The residents have asked the Government to provide them with public housing or any other support, since they lack the resources to pay rent or obtain a loan.⁴⁴⁵

- Eleven families who settled in the environmentally protected zone of Ampliación Tlacoyaque in San Bartolo Ameyalco have been threatened with eviction. The settlers had lived in the area for more than 30 years.⁴⁴⁶

Panama

- Approximately 20 families are threatened with forced eviction from a plot of land they had occupied three years ago in Pedregal in Chiriqui Province. The Ministry of Housing is planning to build a cemetery in the area.⁴⁴⁷

Paraguay

- Several poor peasant families had occupied a private plot of land in order to grow crops in Triunfo, Department Caaguazú. But in March 2006 they were informed by the National Institute of Rural Development and Land that they would have to leave the land. If they do not comply, they face forcible eviction.

- The Public Ministry announced the eviction of some 300 landless families who occupy land in the natural reserve Capiibary in San Pedro. The Ministry has attempted to evict the families several times, but they have always resisted.⁴⁴⁸

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 immediately affected families do not possess any form of land title and live in inadequate housing conditions. The Municipality of Lima has contracted a commission to organise the resettlement of the residents, but city authorities have not consulted with the residents on the matter. No date for the eviction has been fixed yet.⁴⁴⁹

Trinidad and Tobago

- Over 25 families living in Woodland were served with eviction notices by the Estate Management Business Development Company in March 2006, ordering them to leave their

⁴⁴⁵ 'Con villancicos piden a GDF vivienda por desalojo de su edificio', *La Cronica de Hoy* [online newspaper], (13 Dec. 2005), http://www.cronica.com.mx/nota.php?id_notas=216465

⁴⁴⁶ 'Prevén crisis por desalojo en zona de reserva', *El Universal* [online newspaper], (23 Dec. 2005), http://www2.eluniversal.com.mx/pls/impreso/noticia.html?id_notas=73031&tabla=ciudad

⁴⁴⁷ 'Invasores se oponen a desalojo', *Prensa* [online newspaper], (24 Jan. 2006), <http://mensual.prensa.com/mensual/contenido/2006/01/24/hoy/nacionales/478598.html>

⁴⁴⁸ 'Inminente desalojo de ocupantes de reserva', *ABC* [online newspaper], (23 Feb. 2006), <http://www.abc.com.py/articulos.php?fec=2006-02-23&pid=235760&sec=4>

⁴⁴⁹ UN- HABITAT, *Forced Evictions – Towards Solutions?* [pdf on website], (2005), p. 61, <http://www.unhcr.org/pmss/getPage.asp?page=bookView&book=1806>

homes that very same day. The people, who have lived in the area for over 20 years, are supposed to make room for the construction of new houses. There had been no consultation with the affected community, and neither the company nor authorities will provide them with alternative accommodation or compensation. Residents have organised several protests against the eviction.⁴⁵⁰

Uruguay

- Fifty unemployed, landless peasants occupied a private farm in Bella Union, in the Department of Artigas, to cultivate it, but the lessee reported them, and the Supreme Court issued an eviction order. The procedures were, however, not correctly followed and residents argue that the order is not legally binding. In January 2006, police arrived on the farm and enumerated all residents.⁴⁵¹

Venezuela

- Hundreds of families occupying several apartment blocks and buildings in West Caracas are threatened with forced eviction. A group of occupiers sought an injunction from the Supreme Justice Tribunal to prevent Caracas's Mayor Juan Barreto from taking action to remove them from occupied buildings. In recent years, the Mayor has repeatedly ordered evictions from occupied buildings.⁴⁵²

- Representatives of the San Juan Bautista Temple in Caracas demand the eviction of 40 families living on land designated for the construction of a temple. The representatives allege that they have the property rights to the land. They have attempted to negotiate with the families, but families have not agreed to leave..⁴⁵³

- Approximately 570 families living in the neighbourhood of Nueva Esparta, in Caracas, are threatened with eviction. The area in which they live is considered dangerous, as a viaduct is planned to be built close to the homes of the affected families. Four hundred families were evicted in January 2006. The authorities have not offered any relocation sites for these people yet.⁴⁵⁴

- Approximately 1 500 families are threatened with forced eviction from the lands of Ciudad Guayana, in Barrio El Llanito, called UD 329. The landless people occupied the area in early 2005 and have worked to develop the sector. The settlers stated that they are not willing to leave the land and would resist non-violently.⁴⁵⁵

⁴⁵⁰ 'Woodland squatters protest State land eviction', *Trinidad and Tobago Express* [online newspaper], (29 Mar 2006), <http://www.trinidadexpress.com/index.pl/article?id=146829832>

⁴⁵¹ 'La Policía entró al predio de Bella Unión e identificó a los ocupantes', *El Pais* [online newspaper], (19 Jan. 2006), http://www.elpais.com.uy/06/01/19/pecono_196526.asp

⁴⁵² 'Squatters try to stop evictions', *The Daily Journal Online* [online newspaper], (24 Feb. 2006), <http://www.thedailyjournalonline.com/article.asp?CategoryId=10717&ArticleId=226194>

⁴⁵³ 'Vecinos y representantes Pro-Templo de Villa Colombia exigen desalojo de pobladores de Villa Pradera', *Nuevaprensa* [online newspaper], (27 Mar. 2006), http://www.nuevaprensa.com.ve/ver_art.php?cod=41895

⁴⁵⁴ 'Insisten en desalojo del Nueva Esparta', *El Universal* [online newspaper], (21 Dec. 2005), http://www.eluniversal.com/2005/12/21/ccs_art_21102E.shtml

⁴⁵⁵ 'Desalojo para UD-329', *Correo del Caroni* [online newspaper], (31 Jan. 2006), http://www.correodelcaroni.com/component/option_wrapper/Itemid,162/?id=21408

- The renovation of the West-Central railroad requires the eviction of some 1 200 families in the States of Lara, Portuguesa, Yaracuy and Carabobo. The affected families live in a designated security zone along the railroad in question. There has been consultation between residents, local authorities and railway authorities. There are plans to relocate the affected people, but no detailed relocation plan has been designed yet.⁴⁵⁶

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 continue to this day. 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 will displace around 200 families. Most of these Jumma people had been removed or had been forced to flee several times already. The Bangladesh army has also sought to establish new camps near Bandarban, which will lead to the displacement of approximately 25 000 indigenous people. Additionally, the Government is planning to relocate thousands of Bengali people into the area, which will likely cause further displacement of indigenous people.⁴⁵⁷

- Coal mining projects in the town of Phulbari in Dinajpur threaten the eviction of several thousand indigenous people from some 150 villages of the area. All houses, schools, and shops within the mining area will 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.⁴⁵⁸

- A planned 'eco-tourism' project in the Modhupur Forest will cause the displacement of several thousand 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 will 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; anybody 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.⁴⁵⁹

⁴⁵⁶ 'Rehabilitación de ferrocarril Centro-Occidental requiere desalojo de 1.200 familias', *ABN* [online newspaper], (12 May 2005), http://www.abn.info.ve/go_news5.php?articulo=7997

⁴⁵⁷ 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>

⁴⁵⁸ 'The human cost of coal', *Probe News Magazine* [online newspaper], (June 2006) <http://www.probenews.com/index.php?index=2&contentId=1289&PHPSESSID=a323a1b2142811e6f701cda91d60e8cd>

⁴⁵⁹ 'Bangladesh eco-protest', *The Observer* [online newspaper], (25 Apr. 2004), <http://travel.guardian.co.uk/countries/story/0,,1202442,00.html>

- Fifty families have been threatened with eviction from Government land on Boral River in Natore where they have been living for over a decade. Developers claim ownership of the land and have threatened to burn peoples' houses if they do not leave.⁴⁶⁰

Cambodia

- The Asian Human Rights Commission reported that the Royal Cambodian Armed Forces attempted to forcibly evict 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 houses. The villagers, however, succeeded in defending their houses. People are concerned that the soldiers will return, leading to violence between soldiers and villagers.⁴⁶¹

- 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 fear eviction through either the Armed Forces or the private developers. In July 2006, 20 armed soldiers came to the village and pressed the villagers to sign away their land; 10 villagers were arrested.⁴⁶²

- 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 claims that the community has illegally occupied Group 78 land, and claims that the land is Government property. However, the Government has not provided any documentation to support their claim. The Sour Srun Company also claims that it owns a portion of the Group 78 land. However, it has likewise failed to provide any documentation to support this claim.

The community living on Group 78 land has produced documentation supporting their possession of the land and occupation since the early 1980s. For over 20 years, the community has farmed the land, 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 has attempted to negotiate with affected residents by offering the equivalent of US\$600 and a five by twelve metre plot of land to each family that agrees to move. However, with the exception of several families, the majority of residents continue to firmly refuse the offered settlement, stating that it is inadequate, it is not fair market value compensation, and they do not wish to leave their land.

⁴⁶⁰ 'They will torch our houses to grab khas land', *The Daily Star* [online newspaper], (24 Feb 2004), <http://www.thedailystar.net/2004/02/24/d40224070674.htm>

⁴⁶¹ 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/>

⁴⁶² 'Rights Group to ask RCAF chief to discipline soldiers', *The Cambodian Daily* [online newspaper], (10 July 2006), http://www.cambodiapolitics.org/news_06/the_cambodia_daily_06/cd_06_07/10_cd4.pdf

By mid-August 2006, the Government was expected to evict another 1 400 families living nearby in Village 15. There has been no consultation with the concerned communities.⁴⁶³

China

- In April 2005, the director of the ‘South-Nord Water Diversion Project’ announced that up to 400 000 people are facing 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 of 80 000 people a year from the Hubei and Henan provinces in Central China. The long term 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.⁴⁶⁴
- 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 huge 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 number of 60 000 people would lose their land in the submerged area.⁴⁶⁵

Georgia

- Municipal officials in Tbilisi have served eviction notices to approximately 120 refugee families from Abkhazia, who live on the right bank of the Mtkvari River in the capital Tbilisi. Tbilisi Mayor Zurab Tchiaberashvili proposed to build high standard buildings in the area. The refugees have lived in the area since 1993.⁴⁶⁶

India

- To implement ‘Vision Mumbai’, the plan of the Maharashtra State Government to make a world class city out of Mumbai, hundreds and thousands of slum dwellers in India’s booming city still face eviction in addition to the over 300 000 who have already been evicted.
- Approximately 2 000 families living in the slums of Indira Nagar and Sanjay Nagar in the Bhatti Mines area, New Delhi, face relocation after the Supreme Court refused their demand to delay the eviction. According to the Court’s order, the slum dwellers will be shifted 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.⁴⁶⁷

⁴⁶³ 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>

⁴⁶⁴ ‘400 000 to relocate for water project’, *China Daily* [online newspaper], (6 Apr. 2005), http://www.chinadaily.com.cn/english/doc/2005-04/05/content_431415.htm

⁴⁶⁵ ‘Hydropower station construction recommences, sending mixed political messages’, *Central News Agency* [online news service], (5 Jan. 2006), <http://www.probeinternational.org/tp/print.cfm?ContentID=14495>

⁴⁶⁶ Human Rights in Georgia, ‘Meria Smashes Refugees Hopes with Bulldozers’ [article on website], (Dec. 2004), <http://www.humanrights.ge/eng/stat86.shtml>

⁴⁶⁷ ‘SC refuses to stay eviction of slum dwellers’, *Tribune News Service* [online news service], (28 June 2006), <http://www.tribuneindia.com/2006/20060629/delhi.htm#1>

- Some 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 belongs to the Government, and the Supreme Court thus ordered the eviction of any illegal settlers. However, residents maintain that the land had been granted to them by the Government in the 1960s.⁴⁶⁸

- BBC reported that a few thousand non-Nicobarese Indians residing on the Andaman and Nicobar archipelago face forced eviction if they do 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. Additionally, 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 Island, although people from mainland India have lived on the Nicobar Islands for several decades.⁴⁶⁹

Sardar Sarovar Dam

- In March 2006, the Narmada River Valley Authority decided to raise the dam height of the Sardar Sarovar Dam on the Narmada River. This raise will bring 220 villages in Maharashtra, Madhya Pradesh, and Gujarat under submergence, and will affect more than 35 000 families. The Supreme Court ordered in April 2006 that all relocated persons have to be rehabilitated and, if compensation and resettlement was not carried out fast enough, the Court would order a complete halt to the works. The construction of the Sardar Sarovar Dam and the submergence of land has led to the displacement of thousands of families in the last 20 years, and only 10 per cent of the total number of affected families have been resettled.⁴⁷⁰

In addition, an 'eco tourism project', that includes water theme parks, golf courses, hotels, restaurants, and camping facilities, located near the Sardar Sarovar site in Gujarat, threatens six villages with eviction. The residents of these villages lost the rights to their lands because it was acquired in 1961 for the dam project. However, at that time, residents were not recognised as eligible for resettlement. They have thus remained on their land during the ongoing fight with authorities. Now a tourism project threatens to destroy their homes.⁴⁷¹

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, as the West Nusa Tenggara provincial authorities want to build an international airport on the land. To this end, the local Government is planning to remove the villagers from the fertile agricultural land. The land dispute has led to oppression of the peasants by the local Government for the past ten years, but there have been no efforts of consultation with the local population. In June 2006, Government

⁴⁶⁸ 'Govt urged not to evict growers', *The Hindu* [online newspaper], (11 June 2005),

<http://www.hindu.com/2005/06/11/stories/2005061102680500.htm>

'Protest against eviction of tribal people from forests', *The Hindu* [online newspaper], (31 July 2005),

<http://www.hindu.com/2005/07/31/stories/2005073101380200.htm>

⁴⁶⁹ 'Migrants face eviction after tsunami', *BBC News* [online news service], (28 Feb. 2005),

http://news.bbc.co.uk/2/hi/south_asia/4304143.stm

⁴⁷⁰ Friends of River Narmada [website], <http://www.narmada.org/sardarsarovar.html>

⁴⁷¹ Friends of River Narmada, *Press release: No displacement in the name of tourism* [article on website],

<http://www.narmada.org/nba-press-releases/september-2005/Sep26.html>

officials, accompanied by armed police and paramilitary officers, arrived at the village. After peasants had thrown rocks at the police, police opened fire and several people were injured.⁴⁷²

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 have to leave Utoro. The owner of the land can legally request the forced eviction of the residents at any time.⁴⁷³

- The Asian Human Rights Commission (AHRC) reported in January 2006 that some 30 homeless people face eviction from Utsubo Park and Osaka Castle Park in Osaka. There has been no consultation with the affected people. Although the Osaka city authorities have offered shelter for the evictees, they have failed to find a fundamental solution to address the issue of homelessness. In Osaka, there are more than 10 000 homeless people living in the streets and parks.⁴⁷⁴

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. Additionally, the dam will have an impact on the livelihoods of thousands of people living downstream from the land; many fear the destruction of fisheries and the flooding of riverside gardens. The Thai-French dam developers and the Government of Laos are planning to resettle the affected people to new 'model villages', where 400 people have already moved to in the framework of a pilot resettlement scheme. However, those being resettled argue that the land is less fertile.⁴⁷⁵

Malaysia

- The Daily Express reported in March 2006 that several thousand people from 15 villages in Government reserves in the Nabawan region are threatened with eviction. Since the Government of Malaysia gazetted the Forest Management Unit (FMU) about 10 years ago, people in the

⁴⁷² 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>

⁴⁷³ 'Groups unite to save last Korean village of forced laborers in Japan', *The Korea Times* [online newspaper], (29 Apr. 2005), <http://times.hankooki.com/lpage/nation/200504/kt2005042817433611990.htm>

⁴⁷⁴ Asian Human Rights Commission (AHRC), 'Japan: Eviction threat at Utsubo Park and Osaka Castle Park in Osaka' [article on website], (24 Jan. 2006), <http://www.ahrchk.net/ua/mainfile.php/2006/1475>

⁴⁷⁵ 'Southern Laos braces for change', *BBC News* [online news service], (16 June 2004), <http://news.bbc.co.uk/2/hi/asia-pacific/3808499.stm>, see also International Rivers Network, www.irn.org

concerned areas are no longer allowed to carry out agricultural activities. Consultation with the affected people is under way, and there are plans to transfer them to the Batu Punggol area.⁴⁷⁶

- The residents of Kampung Panji have been served with several eviction orders by the Sabah Urban Development Corporation in May 2006. The residents, however, refuse to comply with the order, until compensation and alternative accommodation have been discussed. The company wants to clear the area for a new development project.⁴⁷⁷

- 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 had previously been 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 people. Reportedly, 15 families were not provided with alternative accommodation.⁴⁷⁸

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 will be implemented by the National Hydroelectric Power Corporation of India. So far, neither the company nor the Government of Myanmar has held any consultation with the affected people. Neither the company nor the Government has undertaken a study on the social and environmental impact of the project.⁴⁷⁹

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 houses.⁴⁸⁰

- According to reports of the Urban Resource Centre of Pakistan, the Karachi City Government is planning 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 can therefore be removed at any time.⁴⁸¹

⁴⁷⁶ ‘Thousands in FMU areas face eviction’, *Daily Express News* [online newspaper], (5 Mar. 2006) <http://www.dailyexpress.com.my/news.cfm?NewsID=40548>

⁴⁷⁷ ‘Panji folks ignoring eviction order’, *Daily Express News* [online newspaper], (5 June 2006), <http://www.dailyexpress.com.my/news.cfm?NewsID=42408>

⁴⁷⁸ ‘Eviction order hasty, says MP’, *Daily Express News* [online newspaper], (7 Aug 2006), <http://www.dailyexpress.com.my/news.cfm?NewsID=43629>

⁴⁷⁹ ‘Thamanthi dam and Kuki people’s fate’, *Burma Digest* [online newspaper], (31 July 2006) <http://burmadigest.wordpress.com/2006/07/31/thamanthi-dam-kuki-peoples-fate>

⁴⁸⁰ UN-HABITAT, *Forced Evictions – Towards Solutions?* [article on website], (2005), <http://www.unhcr.org/pms/getPage.asp?page=bookView&book=1806>

⁴⁸¹ Urban Resource Centre, ‘Eviction Watch Report Karachi, January – June 2005’ [article on website], <http://www.urckarachi.org/evic.htm>

The Philippines

- For the construction of the South Rail Project another 50 000 people will be evicted. People will be relocated to areas approximately 30 kilometres from their present home.⁴⁸²
- The Zamboanga Municipality is planning to close the Zambagora market and evict hundreds of vendors in order to construct a multi-story parking terminal. After a long legal battle, the Supreme Court decided in favour of the City and ordered the eviction.⁴⁸³
- Approximately 70 families, all members of a tribal community, are facing eviction by the Department of Agrarian Reform of the Philippines. The families had settled on the land some 20 years ago. A previous eviction had been suspended after police and army had met with strong resistance by the residents. The residents would like to buy the land, but the landowner says that it is not for sale.⁴⁸⁴

South Korea

- Amnesty International reported that 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 minor injuries. Police arrested several hundred human rights activists taking part in the protests. Villagers argue that the compensation offered is not enough to buy equivalent land elsewhere, and they demand consultations with the Government, arguing that the consultation conducted in February, before the eviction attempt, were inadequate and the farmers' concerns had not been taken into account. Despite the protests, Korean and American authorities have not pulled back their plans to demolish the village.⁴⁸⁵

Sri Lanka

- The administrators of Serandip farm estate in Badulla are planning to build a large water tank to hold agricultural water for rural farmers. If the project is carried out, approximately 12 families of farm workers living on the land will be evicted and rendered homeless.⁴⁸⁶

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

⁴⁸² 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

⁴⁸³ 'Zambagora Occupants Stand to Defy Eviction', *Sun Star, Zamboanga*, (5 Jan. 2005), <http://www.sunstar.com.ph/static/zam/2005/01/05/news/zambagora.occupants.stand.to.defy.eviction.html>

⁴⁸⁴ 'Tribal folk vow to protect burial sites vs demolition', *Philippine Daily Inquirer* [online newspaper], (5 Oct. 2004), http://news.inq7.net/regions/index.php?index=1&story_id=13892

⁴⁸⁵ 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>

⁴⁸⁶ 'Tank expansion threatens estate homes', *Tamil Net* [online news service], (29 Nov. 2004), <http://www.tamilnet.com/art.html?catid=13&artid=13506>

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 65 villages and towns. Furthermore, the historical site of Hasankeyf, and hundreds of other ancient sites and Kurdish heritage will be submerged under water. A minimum of 15 000 people – mainly Kurds – will have to be resettled and another 32 000 will be affected by the loss of their land. The Government of Turkey commissioned a resettlement plan to be drawn up in 2005. According to the plan, people will have to choose between resettlement and financial compensation. However, compensation for people previously relocated by the South-eastern Anatolian Project has been tied to the property of land or houses. Since most land in south-east Anatolia is concentrated in the hands of large landowners, many landless families were not compensated. This time the Turkish Government promised to compensate the landless people, as well. The Turkish Government's decision to build a hydroelectric power plant in the Kurdish region risks an escalation of the conflict between the Turkish state and the Kurdish guerrilla and population. 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.⁴⁸⁷

- The Municipality of Ankara plans 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.⁴⁸⁸

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 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 now 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 has lived on this land for almost a century. Although the Bulgarian media reported that some socially vulnerable families are entitled to one-time support in the amount of BGN 275 (approximately Euro 130), this compensation is

⁴⁸⁷ www.ilisu.org.uk, www.ilisu-wasserkraftwerk.com

⁴⁸⁸ *ibid.*

extremely inadequate to cover even the most urgent needs of the families who will 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, which is also in the district of Vazrazhdane. Despite the community residing on this land since 1926, the families were informed that Administrative Acts have been issued against them and they now have 14 days to object. The Acts and the objections will be sent to the Regional Directorate on Control of Illegal Constructions who will have 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.⁴⁸⁹

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 live 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 has 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.⁴⁹⁰

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 are situated on land that has been designated for the construction of a football stadium. However, the Municipality of Athens has not discussed relocation with the residents and has not presented a court order.⁴⁹¹

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 concerned tens of thousands of immigrants in Paris, many of whom have entered the country illegally and thus are ineligible for public housing. Paris' Municipal officers, however, expressed reservations over Sarkozy's order to have all squats emptied, and in October 2005, the Mayor of Paris called on police to halt their policy on forcibly evicting squatters until alternative lodgings could be found. Paris City Council said the priority should be urgent investment in renovating sub-standard buildings.⁴⁹²

⁴⁸⁹ 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.

⁴⁹⁰ European Roma Rights Centre (ERRC), 'Eviction threats of Roma in Bulgaria continues unabated' [article on website], (19 July 2006), <http://www.errc.org/cikk.php?cikk=2611>

⁴⁹¹ Greek Helsinki Monitor, [Correspondence]

⁴⁹² 'Paris mayor calls for a halt to squatter evictions', *Expatica* [online newspaper], (12 Oct. 2005), http://www.expatica.com/source/site_article.asp?channel_id=1&story_id=24438

United Kingdom

- Some 1 000 travellers residing on Dale Farm near Basildon, Essex, which constitutes Britain's largest traveller community, are under threat of eviction after a decision of Basildon Council to clear the site. Dale Farm has been a refuge in the last few years for travellers evicted from other sites. The travellers own the site, but do not have proper planning permissions for putting up structures, fences and roads.⁴⁹³
- Several other traveller communities are threatened with forced evictions all over the United Kingdom. Reports indicate that the UK needs up to 2 000 more caravan stands and a further network of 2 000 stopping sites to facilitate nomadic movement.

⁴⁹³ Traveller Support, <http://www.travellersupport.org.uk>



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.



5

**United Nations
Comprehensive Human Rights
Guidelines on Development-Based
Displacement (1997)**

The Practice of Forced Evictions: United Nations Comprehensive Human Rights Guidelines on Development-Based Displacement

ADOPTED BY THE EXPERT SEMINAR ON THE PRACTICE OF FORCED EVICTIONS

Geneva, Switzerland
11-13 June 1997

PREAMBLE

Recalling the human rights standards established pursuant to the International Bill of Human Rights,

Whereas many international treaties, resolutions, decisions, general comments, judgments and other texts have recognized and reaffirmed that forced evictions constitute violations of a wide range of internationally recognized human rights,

Recalling Economic and Social Council decision 1996/290, Commission on Human Rights Resolution 1993/77, and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1996/27,

Reaffirming that under international law every State has the obligation to respect and ensure respect for human rights and humanitarian law, including obligations to prevent violations, to investigate violations, to take appropriate action against violators, and to afford remedies and reparation to victims,

Reaffirming that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Whereas the Vienna Declaration and Plan of Action stipulated that while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgment of internationally recognized human rights,

Recognizing the widespread nature of the practice of forced evictions and that when forced evictions are carried out this can occur in a variety of contexts including but not limited to conflicts over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, land acquisition measures associated with urban renewal, housing renovation, city beautification programmes, the clearing of land for agricultural purposes or macro-urban projects, unbridled speculation in land, and the holding of major international events such as the Olympic Games,

Conscious that forced evictions intensify social conflict and inequality and invariably affect the poorest, most socially, economically, and vulnerable sectors of society, specifically women, children, and indigenous peoples,

Conscious also of guidelines developed by international financial and other institutions on involuntary displacement and resettlement,

Resolved to protect human rights and prevent violations due to the practice of forced evictions,

SECTION ONE: BACKGROUND ISSUES

Scope and Nature of the Guidelines

1. The present Guidelines address the human rights implications of the practice of forced evictions associated with development-based displacement in urban and rural areas. The Guidelines reflect and are consistent with international human rights law and international humanitarian law and should be subject to the widest possible application.
2. Having due regard to all relevant definitions of the practice of forced evictions under international human rights provisions and instruments, the present Guidelines apply to instances of forced evictions in which there are acts and/or omissions involving the coerced and involuntary removal of individuals, groups and communities from their homes and/or lands and common property resources they occupy or are dependent upon, thus eliminating or limiting the possibility of an individual, group or community residing or working in a particular dwelling, residence or place.
3. While there are many similarities between the practice of forced evictions and internal displacement, population transfer, mass expulsions, mass exodus, ethnic cleansing and other practices involving the coerced and involuntary movement of people from their homes, lands and communities, forced evictions constitute a distinct practice under international law. Persons, groups and communities subjected to or threatened with forced evictions form, therefore, a distinct group under international human rights law.
4. Forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and can only be carried out under exceptional circumstances and in full accordance with the present Guidelines and relevant provisions of international human rights law.

SECTION TWO: GENERAL OBLIGATIONS

5. While forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a variety of distinct actors, responsibility for forced evictions under international law, ultimately, is held by States. This does not, however, relieve other entities from obligations in this regard, in particular occupying powers, international financial and other institutions or organisations, transnational corporations and individual third parties, including public and private landlords or land owners.
6. States should apply appropriate civil or criminal penalties against any person or entity, within its jurisdiction, whether public or private, who carries out any forced evictions, not in full conformity with applicable law and the present Guidelines.
7. States should object, through the appropriate international legal mechanisms, to the carrying out of forced evictions in other States when such forced evictions are not in full conformity with the present Guidelines and relevant provisions of international human rights law.
8. States should ensure that international organisations in which they are represented refrain from sponsoring or implementing any project, programme or policy which may involve the carrying out of forced evictions not in full conformity with international law and the present Guidelines.

SECTION THREE: SPECIFIC PREVENTATIVE OBLIGATIONS

The Obligation of Maximum Effective Protection

9. States should secure by all appropriate means, including the provision of security of tenure, the maximum degree of effective protection against the practice of forced evictions for all persons under their jurisdiction. In this regard, special consideration should be given to the rights of indigenous peoples, children and women, particularly female-headed households and other vulnerable groups. These obligations are of an immediate nature and are not qualified by resource-related considerations.

10. States should refrain from introducing any deliberately retrogressive measures with respect to de jure or de facto protection against forced evictions.

11. States should ensure that adequate and effective legal or other appropriate remedies are available to any persons claiming that his/her right of protection against forced evictions has been violated or is under threat of violation.

12. States should ensure that eviction impact assessments are carried out prior to the initiation of any project which could result in development-based displacement, with a view to fully securing the human rights of all potentially affected persons, groups and communities.

The Obligation to Prevent Homelessness

13. States should ensure that no persons, groups or communities are rendered homeless or are exposed to the violation of any other human rights as a consequence of a forced eviction.

The Obligation to Adopt Appropriate Measures of Law and Policy

14. States should carry out comprehensive reviews of relevant national legislation with a view to ensuring the compatibility of such legislation with the norms contained in the present Guidelines and other relevant international human rights provisions. In this regard, special measures shall be taken to ensure that no forms of discrimination, statutory or otherwise, are applied in relation to property rights, housing rights and access to resources.

15. States should adopt appropriate legislation and policies to ensure the protection of individuals, groups and communities from forced eviction, having due regard to their best interests. States are encouraged to adopt constitutional provisions in this regard.

The Obligation to Explore All Possible Alternatives

16. States should fully explore all possible alternatives to any act involving forced eviction. In this regard, all affected persons, including women, children and indigenous peoples shall have the right to all relevant information and the right to full participation and consultation throughout the entire process and to propose any alternatives. In the event that agreement cannot be reached on the proposed alternative by the affected persons, groups and communities and the entity proposing the forced eviction in question, an independent body, such as a court of law, tribunal, or ombudsman may be called upon.

The Obligation to Expropriate Only as a Last Resort

17. States should refrain, to the maximum possible extent, from compulsorily acquiring housing or land, unless such acts are legitimate and necessary and designed to facilitate the enjoyment of human rights through, for instance, measures of land reform or redistribution. If, as a last resort, States consider themselves compelled to undertake proceedings of expropriation or compulsory

acquisition, such action shall be: (a) determined and envisaged by law and norms regarding forced eviction, in so far as these are consistent internationally recognized human rights; (b) solely for the purpose of protecting the general welfare in a democratic society; (c) reasonable and proportional and (d) in accordance with the present Guidelines.

SECTION FOUR: THE RIGHTS OF ALL PERSONS

Integrity of the Home

18. All persons have the right to adequate housing which includes, inter alia, the integrity of the home and access to and protection of common property resources. The home and its occupants shall be protected against any acts of violence, threats of violence or other forms of harassment, in particular as they relate to women and children. The home and its occupants shall further be protected against any arbitrary or unlawful interference with privacy or respect of the home.

Assurances of Security of Tenure

19. All persons have a right to security of tenure which provides sufficient legal protection from forced eviction from one's home or land.

20. The present Guidelines shall apply to all persons, groups and communities irrespective of their tenure status.

SECTION FIVE: LEGAL REMEDIES

21. All persons threatened with forced eviction, notwithstanding the rationale or legal basis thereof, have the right to:

- (a) a fair hearing before a competent, impartial and independent court or tribunal
- (b) legal counsel, and where necessary, sufficient legal aid
- (c) effective remedies

22. States should adopt legislative measures prohibiting any forced evictions without a court order. The court shall consider all relevant circumstances of affected persons, groups and communities and any decision be in full accordance with principles of equality and justice and internationally recognized human rights.

23. All persons have a right to appeal any judicial or other decisions affecting their rights as established pursuant to the present Guidelines, to the highest national judicial authority.
Compensation

24. All persons subjected to any forced eviction not in full accordance with the present Guidelines, should have a right to compensation for any losses of land, personal, real or other property or goods, including rights or interests in property not recognized in national legislation, incurred in connection with a forced eviction. Compensation should include land and access to common property resources and should not be restricted to cash payments.

Restitution and Return

25. All persons, groups and communities subjected to forced evictions have the right to, but shall not be forced to return to their homes, lands or places of origin.

Resettlements

26. In full cognizance of the contents of the present Guidelines there may be instances in which, in the public interest, or where the safety, health or enjoyment of human rights so demands, particular persons, groups and communities may be subject to resettlement. Such resettlement must occur in a just and equitable manner and in full accordance with law of general application.

27. All persons, groups and communities have the right to suitable resettlement which includes the right to alternative land or housing, which is safe, secure, accessible, affordable and habitable.

28. 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 a time that a full resettlement policy consistent with the present Guidelines and internationally recognized human rights is in place.

(b) Resettlement must ensure equal rights to women, children and indigenous populations and other vulnerable groups including the right to property ownership and access to resources. Resettlement policies should include programmes designed for women with respect to education, health, family welfare and employment opportunities.

(c) The actor proposing and/or carrying out the resettlement shall be required by law to pay for any costs associated therewith, 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) That affected persons, groups and communities provide their full and informed consent as regards the relocation site. The State shall provide all necessary amenities and services and economic opportunities.

(f) Sufficient information shall be provided to affected persons, groups and communities concerning all State projects as well as to the planning and implementation processes relating to the resettlement concerned, including information concerning the purpose to which the eviction dwelling or site is to be put and the persons, groups or communities who will benefit from the evicted site. Particular attention must be given to ensure that indigenous peoples, ethnic minorities, the landless, women and children are represented and included in this process.

(g) The entire resettlement process should be carried out in full consultation and participation with the affected persons, groups and communities. States should take into account in particular all alternate plans proposed by the affected persons, groups and communities.

(h) If after a full and fair public hearing, it is found that there is a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least ninety (90) days notice prior to the date of the resettlement; and

(i) 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.

SECTION SIX: MONITORING

29. The United Nations High Commissioner for Human Rights and other United Nations human rights institutions should seek by all possible means to secure full compliance with the present Guidelines.

SECTION SEVEN: SAVINGS

Savings Clause

30. The provisions contained within the present Guidelines are without prejudice to the provisions of any other international instrument or national law which ensures the enjoyment of all human rights as they relate to the practice of forced evictions.



6

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