



BRIEFING

FORCED EVICTIONS



Amnesty International

Rida Nimr sits amid the ruins of her former family home in Jabal al-Mukabbir neighbourhood south of the Old City, Jerusalem © AI

Cover photo: A woman carrying her child picks up wood from the rubble of demolished houses in Chika, Abuja, Nigeria. More than 2 million people have been forcibly evicted from their homes in different parts of Nigeria since 2000

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‘The practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing.’

UN Commission on Human Rights 1993

FORCED EVICTIONS

Every year hundreds of thousands of women, men and children are made homeless and destitute in a series of entirely unnatural disasters. They are forced out of their homes and off their lands, with little notice or none at all, often with the threat or use of violence. They lose their livelihoods, their neighbourhoods and social networks, their access to basic services such as schools, medical care, water and sanitation.

This catastrophe is most often inflicted in the name of development: to ‘regenerate’ the city, to build a road or a dam, or to create a tourist resort. The people targeted are almost always poor, and often belong to the most marginalised social groups, including ethnic minorities and Indigenous Peoples. And the perpetrators, more often than not, are the governments that are supposed to protect them.

For instance, more than 100,000 people in Nairobi’s slums could be at risk of eviction as a result of the Nairobi River Basin Programme, a multi-stakeholder initiative aimed at benefiting the Nairobi River basin’s ecosystem. Those leading this initiative include several Kenyan government ministries, UN agencies and the private sector.

FORCED EVICTIONS VIOLATE HUMAN RIGHTS

Forced evictions are among the most widespread forms of human rights violation, and they affect people in both developed and developing countries. For instance Italy’s ‘Nomad Plan’, which envisages the destruction of Roma settlements, is likely to leave more

than 1,000 people homeless. The UN Committee on Economic, Social and Cultural Rights defines forced evictions 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’.

Such evictions violate not only the right to housing, but also the rights to information, participation, and remedy. Without timely, relevant and accurate information about plans for eviction, rehabilitation or compensation, the people affected cannot challenge an eviction order or seek legal redress.

FORCED EVICTIONS AND THE LAW

According to international human rights law, it is the duty of governments to respect, protect and fulfil the right to adequate housing and therefore prevent forced evictions.

The right to adequate housing is enshrined in numerous international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 11.1 of the covenant recognises ‘the right of everyone to an adequate standard of living ... including adequate food, clothing and housing’.

Under international human rights law evictions may be carried out only as a last resort once all feasible alternatives have been explored, and only if procedural and legal safeguards are in place. These safeguards include:

N'DJAMENA, CHAD BROKEN HOMES, BROKEN LIVES



N'Djamena, May 2008 © AI

Between February 2008 and late July 2009 tens of thousands of people were made homeless in N'Djamena, the capital city of Chad. The country's president had issued a decree allowing the destruction of illegal buildings in the city, and the authorities took advantage of it to flout the law. They forcibly evicted the residents and demolished their homes without any prior consultation.

In many cases residents were given little or no time to relocate. The vast majority of families who lost their homes received no alternative housing or any other form of compensation. Some went to live with family members or relatives, others returned to their villages of origin. Many remained in their neighbourhoods, living in the ruins of their old homes.

Many people also lost their place of business, and vital tools and materials. The forced evictions thus not only destroyed their homes but also severely hampered their chances of rebuilding their lives.



- genuine consultation with the people affected
- reasonable and adequate notice
- provision of legal remedies (such as damages or restitution) for infringement of rights
- provision of legal aid to people who need it to seek redress from the courts.

Governments are under an obligation to ensure that no-one is made homeless or vulnerable to the violation of other human rights. Anyone who has been evicted has a right to adequate compensation for any property – whether possessions, buildings or land – which has been lost or damaged.

SECURITY OF TENURE

People are most vulnerable to forced eviction if they lack security of tenure: the certainty that their rights to ownership or occupation of a home are recognised and protected by the law. Insecurity of tenure can affect an entire community – for example people who have settled on vacant land in a city, or an Indigenous community whose traditional territory is unrecognised by the state. Or it can affect individuals who lack documentation of ownership or tenancy.

Many people, especially those living in urban slums or informal settlements, whether on private or public lands, lack clear legal protection from eviction or arbitrary rent increases. This increases their vulnerability to forced evictions, when private parties claim ownership of land on which the settlements stand, or when the authorities launch urban development and ‘city beautification’ projects.

The UN Committee on Economic, Social and Cultural Rights recognises legal security of tenure as a key component of the right to adequate housing. ‘Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups’.

Insecurity of tenure creates insecurity in all aspects of life. The estimated 7,000 residents of Deep Sea settlement in Nairobi, Kenya, live under constant threat of forced eviction. Lack of

‘The bulldozers came just after midnight and the police and city council askaris [security personnel] ordered us to vacate the houses and take our children with us...’

Jane Atieno, Deep Sea settlement resident

clarity about who owns the land that the settlement occupies has led to residents being forcibly evicted by different government authorities and private individuals and companies.

On 23 September 2005, the homes of about 850 families were demolished by government-owned bulldozers.

One of the residents, Jane Atieno, told Amnesty International: ‘The bulldozers came just after midnight and the police and city council askaris [security personnel] ordered us to vacate the houses and take our children with us... We inquired from the police and the security personnel as to why they



PORGERA, PAPUA NEW GUINEA HOMES AND LIVELIHOODS DESTROYED BY POLICE

Between April and July 2009, police officers raided villages in the highlands of Papua New Guinea leaving more than 1,000 people homeless, and destroying belongings, gardens and livestock. There was no prior warning, consultation or offer of alternative accommodation. The area most affected by the police raids was Wuangima, situated next to the Porgera gold mine.

Local residents who witnessed a police action on 27 April told Amnesty International that the police entered Wuangima from several vantage points, effectively surrounding the houses. Many residents fled in fear for their lives when they saw the heavily armed Mobile Squad police setting fire to houses. Those who remained in their houses at the beginning of the raid reported that the police pointed their weapons directly at them and threatened to shoot them if they did not leave immediately.

One woman told Amnesty that a police officer struck her on the shoulder with a rifle butt when she refused to leave

her house, pointing the gun at her and threatening her. She was nursing a young child at the time. Another resident, John Irapu, refused to leave. The police locked him in his house, then poured fuel on the house and set fire to it. Neighbours helped him escape.

The police and Barrick Gold Corporation, the company operating the Porgera mine, initially claimed that the buildings burned down in Wuangima were temporary makeshift shacks, inhabited by 'in-migrants from other parts of Papua New Guinea... temporarily residing in these crude shelters adjacent to the mine so that they could partake in illegal mining and other illicit activities.' However, Amnesty's investigations revealed that at least 130 buildings, including well-established solid houses used as permanent family homes, were destroyed.

Many families from Wuangima now depend on relatives for shelter, with some extended families accommodating 20 people in homes that previously housed 10.

A resident of Wuangima with the charred remains of her house, August 2009 © AI

wanted to demolish the houses. They continually told us, "We are on duty"... After some minutes they fired teargas in the whole area. People were scrambling to get all they could from their houses... The bulldozer started flattening our houses with all the belongings inside.' Residents were evicted without adequate notice, without any attempt at consultation, or any of the safeguards required under international law. No alternative housing was offered, and no compensation given. The only warning was a general newspaper notice, which the residents only learned about after the eviction.

Since then, Deep Sea residents have faced several threats and attempts at evictions. Living in the shadow of forced evictions has a deep psychological impact and often discourages people from making long-term plans or improving their housing. As one Deep Sea resident said: 'Every time I hear a vehicle pulling over near the settlement, my first thought is always that it's a bulldozer yet again and that our houses would be demolished in order to make us leave this place.... The other day we heard that a nearby settlement was being demolished and we think we would be next.'

EXCESSIVE FORCE

Forced evictions are often violent. The authorities or private companies carrying out evictions commonly employ armed police officers, SWAT teams, criminal gangs or hired thugs. At best, they intimidate the residents and damage property. At worst, they inflict serious injury and even death.

On 19 July 2010 an unarmed 74-year-old, Jackson Maina Kihato, was shot dead by police in Kabete, Nairobi, Kenya during a protest against the forced eviction of 1,000 people from their homes and market stalls. He had tried to remonstrate with police who were beating a woman protester.

In 2009 villagers living near the Porgera gold mine in Papua New Guinea were burned out of their homes (see above).

International law requires governments to protect all people from violence by state and non-state actors, and they must protect the right to peaceful protest.

LACK OF REHABILITATION

Evicted people, after losing their homes, possessions, neighbourhoods

and social networks, almost always find themselves in worse conditions after the eviction.

The UN Committee on Economic, Social and Cultural Rights says: 'Where those affected [by evictions] 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.'

This is rarely the case. Few are rehoused. Many, especially those without legal title, are left out of the resettlement process altogether and forced into homelessness. Those who are rehoused are often moved to the city outskirts, hidden from the public eye. They live in even more deprived slums, with even less access to basic services – water, sanitation, schools, medical care and jobs. Formal security of tenure is rarely provided for those who agree to move. Many somehow rebuild their lives, only to face another forced eviction.

SAMBOK CHAB, PHNOM PENH, CAMBODIA DUMPED ON AN EMPTY FIELD

In June 2006 Sambok Chab, a slum in Phnom Penh, was cleared by riot police. Thousands of people lost their homes, their livelihoods or both to make way for a private real estate company to develop the land. To this day, many of those evicted still live in deplorable conditions.

The Phnom Penh municipal authorities failed to meaningfully consult with affected communities about the evictions or their resettlement needs. A few of the affected families who owned houses in Sambok Chab were rehoused but far from the city, their work, and their schools. The vast majority of Sambok Chab residents were made homeless.

Srey Mona and her three children were resettled on a flood plain in Dangkor district, over 20 kilometres from the city centre and their old home. They were eventually given a plot measuring four by six metres at Andong village, an empty field 24km from the city with no shelters, sewage system, safe water

supply, electricity, roads, schools, clinics or markets. Here, she lost her opportunity to earn daily income to support her family and a life with dignity. She told Amnesty: 'In Phnom Penh, my son and I were scavenging recyclables. We would earn from 3,000 to 5,000 Riel each day [approximately 0.75 to 1.25 US dollars].' Commuting to the city would cost more than she would be able to earn in a day.

Pen Sary, 28, a single mother of an eight-month-old baby, was told by security forces that she would be given new land at a new site, and did not need to bring any of her belongings. 'The situation at that time was out of control so I just followed what they told me to do. They told me they would find a job for me and give me land. They would build factories, hospitals, schools and more. But when I arrived, everything was empty. The land was muddy and flooded, and I felt hopeless.'

Since, there have been reports of widespread disease and poverty. Four years later, New Andong remains a severely deprived area.



Above: Homeless former tenants at Sambok Chab, 2006 © Licadho
Right: Andong village, July 2006. A month after the forced evictions, the resettlement site was under water © CLEC



TARGETING THE POWERLESS

ENDANGERING WOMEN

Forced evictions are far from gender neutral: women and girls bear the harshest effects.

The UN Special Rapporteur on violence against women (VAW) noted the dangers to women in her May 2009 report: 'Large development projects or major international events may involve large scale evictions of poor people from their homes and land in order to free up desired locations or build infrastructure for the event. The impact of these forced evictions, often by militia or armed forces, is profoundly devastating for women and is correlated with heightened rates of physical, psychological and economic violence before, during and after the evictions. This is true both in terms of VAW at the hands of State authorities, non-State actors, community members, as well as domestic violence.'

In some countries, especially in Africa and South Asia, women are not entitled to own property or inherit land. An alarming number of widows are forced out of their homes, usually by their in-laws.

Although female-headed households make up a high proportion of the population in urban poor settlements, the authorities often fail to recognise their existence and therefore exclude them from resettlement processes.

This discrimination also makes women more vulnerable to forced eviction in the first place. While forced evictions are often carried out on a mass scale, women are also more likely than men to be evicted individually by landlords or family members. Women are perceived as less able to resist, whether through legal or any other action. The constant threat of forced eviction for many women living in slums adds to their insecurity. Landlords of the rented homes of slum-dwellers have been responsible for violent crimes against tenants, particularly women, who fail to pay their rent on time.

DISCRIMINATION

It is often the most marginalised groups in society who are victims of forced evictions. Draconian planning laws are frequently used to further disenfranchise and segregate these communities.

For instance, Palestinians living under Israeli occupation in East Jerusalem

NAIROBI, KENYA A VIOLENT LANDLORD



'I have stayed in this house for about six months having lived in my former house for the last 16 years... My former landlord would be very unreasonable in his treatment when it came to delay in rent payments even though he would increase the rent payable regularly and at his whim... Before I left the house, I owed just one month's rent arrears and the landlord became very violent towards me. One day he came to the house with some youth and broke down the main door and part of the roof. He threw all my personal belongings out of the house and told me to leave. After I returned my property back into the house, he warned that he would do the same thing the next day... I left that house the following day.' *Flora, Mkuru Kwa Njenga settlement, talking to Amnesty International, February 2010*



and the rest of the West Bank face such tight restrictions on what they can build that their right to adequate housing is violated. The Israeli authorities routinely order the destruction of 'illegal' homes and other structures built without the permits – which they rarely grant to Palestinian residents. Demolition crews, accompanied by security officials, may arrive at any time, giving families little notice to remove their possessions.

Under Israeli military law applied to Palestinians in most of the West Bank, evicted families are not rehoused or compensated. Those evicted would face homelessness and destitution were it not for relatives, friends and charities. While homes are often targeted, Israeli authorities have also issued demolition orders against Palestinian schools, clinics, roads, water cisterns, electricity pylons, sheds and animal shelters.

In Romania, a pattern of forced evictions and threats of eviction targeting Roma communities perpetuates racial segregation. In recent years, Romani communities have been evicted and relocated next to garbage dumps, sewage treatment plants or industrial areas on the outskirts of cities. Communities living near these areas rarely welcome their new neighbours

and many instances of hostility and harassment towards the new arrivals have been reported.

In 2004, more than 100 Roma were forcibly evicted by municipal authorities from a building in the centre of Miercurea Ciuc – the capital of Harghita County in central Romania. The building in which the families lived was dilapidated and the municipality carried out the eviction on grounds of safety. But the authorities failed to carry out a full and informed consultation process with the affected communities. The evicted families were moved to metal cabins next to a sewage treatment plant. Although the relocation was supposed to be temporary, five years later, the evicted families are still there. Their living conditions fuel discrimination against Roma and further exclude them from society around them.

RESISTING EVICTION

Communities have responded to forced evictions in varied ways including peaceful sit-ins, protest marches, vigils, negotiations with municipal authorities and legal remedy. Residents of Nairobi's Deep Sea Settlement, with the help

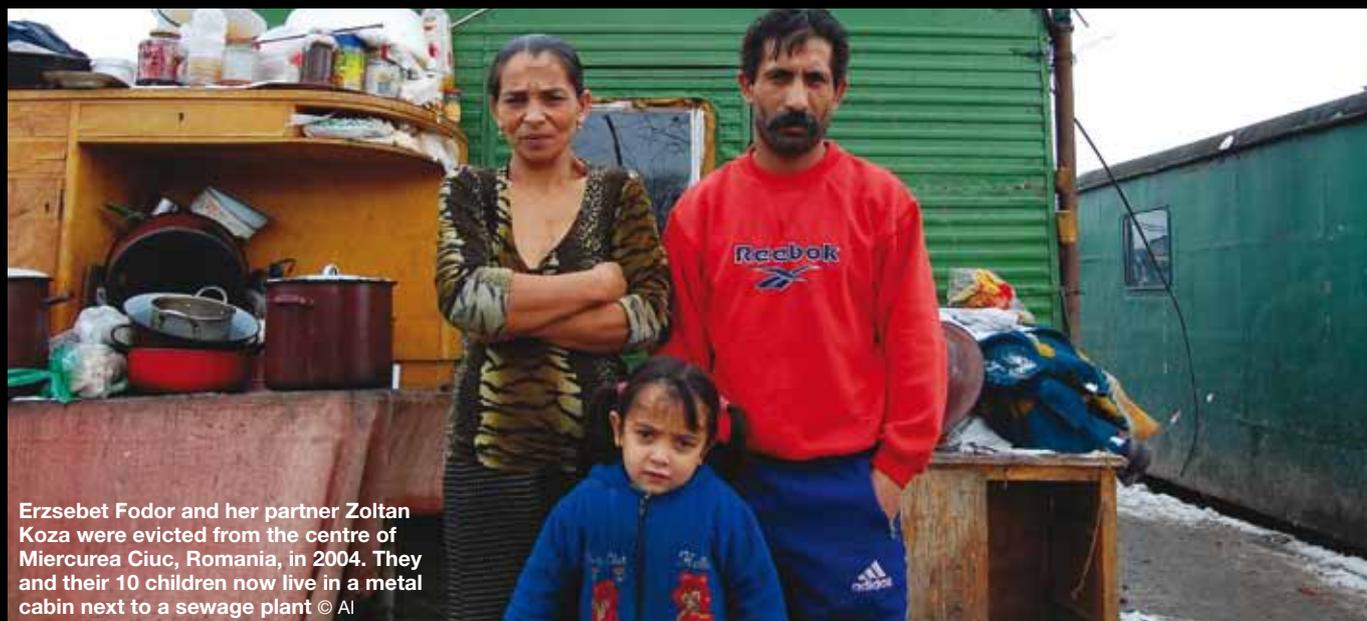
of their local church and NGOs, were able to halt a forced eviction affecting hundreds of families in 2005. Although the High Court subsequently ruled that the evictions were illegal, Deep Sea residents have had to remain vigilant against continued attempts at further evictions.

Communities resisting evictions often face harassment from interested parties or authorities. In Cambodia, community representatives in both urban and rural areas have told Amnesty International how arrests and the threat of legal action have become one of the most serious hindrances to their activism.

In Phnom Penh's Dey Kraham village, police arrested a woman community representative, Ros Pou, in September 2007. The Phnom Penh court convicted her in January 2008 for 'battery with injury' against workers of a private development company which was involved in a land dispute with her community. She was sentenced to six months' imprisonment with a further 18 months suspended. Witnesses of the incident for which Ros Pou was imprisoned say they saw no violence on her part and observers of her trial say the prosecution failed to demonstrate that she had injured any of the company workers.

AN END TO FORCED EVICTIONS

From Nigeria to Cambodia, from Romania to Papua New Guinea, it is clear that forced evictions are a global pandemic. Evictions continue with impunity because the people being evicted are poor, marginalised and ignored.



Erzsebet Fodor and her partner Zoltan Koza were evicted from the centre of Miercurea Ciuc, Romania, in 2004. They and their 10 children now live in a metal cabin next to a sewage plant © AI

'I would like to live in better conditions, for me, for my family and for the whole community. Every child should get better conditions to live in. And people should understand us, [but] they treat us like animals, and they always close the doors when they see us.'

Gabor, resident of Miercurea Ciuc, Romania, May 2009

AMNESTY INTERNATIONAL CALLS UPON GOVERNMENTS TO:

■ Respect the right to adequate housing

This means stopping and preventing forced evictions. Laws and policies to guarantee secure tenure are essential both to deter forced evictions and to ensure a minimum level of stability that allows government and communities to contribute more effectively to improving housing and living conditions.

■ Protect the right to adequate housing

This includes ensuring protection against forced evictions and harassment by landlords, companies or private individuals. This should include extending protections in rental and housing legislation to people living in slums, to enable them to challenge disproportionate rents and other forms of discrimination. Adequate safeguards must also be put in place to protect the right of Indigenous Peoples to traditional lands.

■ Fulfil the right to adequate housing

This includes developing national housing strategies, slum upgrading, social housing and other programmes, designed and implemented in a participatory manner, and ensuring that policies and programmes prioritise the most disadvantaged and vulnerable groups.

■ Ensure non-discrimination in laws, policies and programmes

This includes, for example, ensuring that women are not excluded from slum upgrading or other housing programmes because of their marital status, or discriminatory inheritance or property laws.

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