

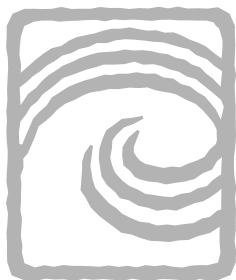


FORCED EVICTIONS

Violations of Human Rights

COHRE June 2002

8



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Violations of Human Rights

Global Survey on Forced Evictions No. 8

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Forced Evictions: Violations of Human Rights - Global Survey No. 8

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Copies are available from:

COHRE
83 Rue de Montbrillant
1202 Geneva, Switzerland
tel: 41.22.734.10.28
fax: 41.22.733.83.36
e-mail: cohre@cohre.org
www.cohre.org

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Please send criticism or corrections to Steven@cohre.org

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Preface

Every year, the forced eviction of millions of persons from their homes represents one of the most common, yet often times unrecognised, violations of human rights in the world. The arbitrary loss of one's home places people in all corners of the globe in situations of increased vulnerability, at times going so far as to render those persons homeless. Forced eviction contravenes both the letter and the spirit of international human rights law, and erodes the basic day-to-day security that many of us take for granted. Poverty, racial and gender discrimination, political oppression, civil and international conflict, and even "economic development" are all reasons which can lead to the forced eviction of people from their homes and the disintegration of entire communities. Yet, housing rights, and the right not to be forcibly evicted from one's home, are increasingly gaining prominence within the international human rights field and are increasingly seen as essential components for a human life of dignity. It is in this spirit that the Centre on Housing Rights and Evictions (COHRE) is especially pleased to present Global Survey 8 on the practice of forced eviction. As many readers may notice, Global Survey No. 8 has grown considerably from the previous edition. COHRE hopes that this increase in information can assist other organisations and advocates in their efforts to promote, protect and enforce housing rights within their own spheres of influence and expertise.

In fact, the growth of COHRE as an organisation has continued since the publication of our previous Global Survey 7. In the past three years, COHRE has expanded and strengthened its regional programmes, which now include the Asia and Pacific Programme based in Melbourne, Australia; the Africa Programme based in Lagos, Nigeria; and the Americas Programme based in Pôrto Alegre, Brazil. Also, in addition to its Women and Housing Rights Programme, COHRE has added a second thematic programme, the Housing and Property Restitution Programme, which is devoted to finding durable solutions to ensure the voluntary, safe and dignified return of refugees and internally displaced persons by securing possession of, and secure tenure in, their former homes.

COHRE has also benefited from the hard work and enthusiasm of several new consultants, including Harriet Martin (Media Officer), Ken Fernandes (Asia and Pacific Programme Coordinator), Depika Sherchan (Asia and Pacific Programme Assistant), Bret Thiele (Legal Officer), Fionn Skiotis (Documentary Filmmaker), Mayra Gómez (Research Officer), Yousif Ahmed (Africa Programme), Leticia Marques Osorio (Americas Programme Coordinator) and Steven Ablondi (Senior Research Officer). COHRE's consultancy staff brings to the organisation a wealth of diverse background and experience, and all have contributed to the continued success of COHRE.

All of these programmes ensure that COHRE's activities in the areas of women's rights, refugee and IDP return, the Americas, Africa and Asia will increasingly grow to help make housing rights a reality in the lives of many of the world's most marginalised and traumatised peoples. The reach and effectiveness of our work towards reducing the prevalence, scale and violence associated with forced evictions will continue, and we hope that you will join us in the effort. It is through this cooperation and solidarity that greater respect may be given to the right to adequate housing. We at COHRE believe that everyone, no matter who they are and no matter where they live, has a right to an adequate place in which to live.

Though we have grown a great deal in recent years, some things have remained the same at COHRE. First and foremost, COHRE is committed to promote and protect the right to housing and the right to be free from the practice of forced eviction for everyone, everywhere. In keeping with this aspect of our mandate, we continue to monitor forced evictions, collect and disseminate information on forced evictions, lobby the United Nations

to adopt improved international human rights standards on forced eviction, and assist in local struggles against forced evictions in every region of the world. And so, because millions of people continue to be forcibly evicted from their homes each year and because several million more people are currently threatened with forced eviction, COHRE has published this eighth Global Survey on Forced Evictions.

Global Survey No. 8 is very much a collective and collaborative effort, involving many people, organisations, movements and groups throughout the world, and we owe a great deal of thanks to the efforts of other advocates who have helped to make this publication possible. As in the past, we are particularly grateful to the more than one hundred people and groups who provided COHRE with information on past and pending evictions in the places where they work and reside. A report such as this one would simply not be possible without the detailed information, most of it first-hand, provided directly to COHRE by the global COHRE network. In addition to COHRE staff, several COHRE interns were also essential for the production of this survey. COHRE would like to thank all those who worked to provide the information and data forming the basis of Global Survey No. 8. In particular, COHRE would like to thank Michael Donovan, who contributed to the research on forced evictions within the Americas, and who helped immensely with the production of this report. Finally, COHRE would like to thank funding agencies that have provided financial support for this publication.

Although we are troubled at the need for a publication such as this one, and while we are continually dismayed at the true scope of the problem of forced eviction, we at COHRE hope that this Global Survey 8 contributes in a meaningful way to the global struggle against the practice of forced evictions in which we and so many of our friends and colleagues are engaged. We welcome your comments and feed-back on this Survey as well as any information about forced evictions in your region at any time. If you know of an organisation or individual who may benefit from this Survey, we encourage you to pass it along or to put them in touch with COHRE.

Geneva, June 2002



Introduction

Forced evictions continue to occur on a large scale in virtually all countries in all parts of the world. This is despite the many positive developments in recent years that significantly strengthened legal protection against forced eviction under international human rights law, and which continue to confirm that forced evictions are a gross violation of human rights, and despite the many ongoing efforts by human rights organisations to eliminate the practice. This Global Survey marks the eighth and most extensive compilation on forced evictions published by COHRE since this series began in 1990 and addresses forced evictions that COHRE has monitored between January 1998 to the end of 2000.

The practice of forced eviction shares many characteristics with related phenomenon such as internal displacement, population transfer, mass exodus, refugee movements and ethnic cleansing. However, under international law forced eviction is regarded as a distinct practice generating particular legal obligations on behalf of States and particular rights for people threatened by this practice. This is evidenced by the international legal standards specifically addressing forced evictions adopted by a range of human rights bodies in recent years, and the manner by which forced evictions are addressed within all national legal jurisdictions. Perhaps most notable among these is General Comment No. 7, adopted by the UN Committee on Economic, Social and Cultural Rights in 1997 (please see section 4). General Comment No. 7 affirms that forced eviction violates the International Covenant on Economic, Social and Cultural Rights and defines the practice in terms of concrete elements that lend themselves to judicial enforcement.

While there are many conceptual areas of convergence between the various manifestations of displacement, several key factors distinguish forced evictions from related phenomena involving the coerced removal or flight of persons from their homes. These can be divided into eight key distinctions:

1. Forced evictions always raise issues of human rights (other forms of displacement might not invariably involve human rights concerns);
2. Forced evictions are generally planned, foreseen or publicly announced (other types of coerced movement may occur spontaneously and not necessarily be part of a State policy or legal regime);
3. Forced evictions often involve the conscious use of physical force (other kinds of displacement do not always involve physical force);
4. Forced evictions raise issues of State responsibility (determining legal responsibility for a forced eviction will often be much easier than doing the same for other manifestations of displacement);
5. Forced evictions affect both individuals and groups (most other forms of displacement are only mass in character);
6. Forced evictions are generally regulated or legitimised by national or local law (other types of displacement may be more random or simply not addressed legally);
7. Forced evictions are always sought to be justified (rarely are evictions carried out which do not involve a rationalization of the process by those sponsoring the evictions in question); and

8. Not all evictions are forced eviction, and evictions can sometimes be consistent with human rights (most other forms of displacement cannot be justified on human rights grounds, whereas evictions may be justified for reasons of public order, the safety and security of the dwellers and threats to public health).

The forced evictions covered in this Global Survey occur largely as a result of development projects, discrimination, urban redevelopment schemes, gentrification, urban beautification, land alienation in both rural and urban areas and in situations of armed conflict and ethnic cleansing, or their aftermath. Examining the practice of forced eviction from a human rights perspective reveals that the reasons and justifications commonly provided by governments for implementing forced evictions, and the manner in which evictions are carried out, rarely meet the international standards required by human rights law and rarely correspond to basic notions of human dignity.

Estimated Number of Reported Forced Evictions by Region: 1998-2000*

	Families/Households	Persons
Africa	321.487	1.607.435
Europe	6.779	23.728
The Americas	26.927	135.569
The Pacific, Asia & The Middle East	504.565	2.529.246
Total	856.045	4.294.978
<i>Total Number of Threatened Evictions</i>	<i>725.794</i>	<i>3.628.988</i>

*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 “hundred” = 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 Global Survey examines cases involving the eviction of nearly 4.3 million persons in sixty-three countries who were forcibly evicted from their homes during 1998-2000. Often, these evictions were accompanied by severe violence, with victims many times detained, arrested, beaten, tortured, and in some cases, killed. This compilation, of course, captures only a representative cross-section of a much wider practice that affects, to one degree or another, all countries. Indeed, exceptionally few nations - including strong human rights supporters where the rule of law prevails - have succeeded in protecting all categories of people from unlawful, illegal, unjust or plainly unfair forced evictions.

This report seeks to record instances of forced eviction on the basis of information COHRE has received directly from affected persons and groups and where the cases at hand are particularly noteworthy. As such, this study does not purport to be comprehensive in terms of representing the universal scale of the practice of forced evictions. Without a doubt, the actual number of forced evictions occurring between 1998-2000 is bound to be considerably higher than the nearly 4.3 million reported here. Yet, this report serves as an indicator of the manner by which this single practice - replicated across the globe - can result in millions of persons suffering what in most cases are entirely unnecessary and avoidable violations of basic human rights.

It must be emphasised that the absence of a particular country in this survey should not be viewed necessarily 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 may be due to a reasonable eviction policy. In other instances countries which have not found mention here can sometimes provide dreadful examples of large-scale forced evictions, contrary to human rights law, and their omission is simply due to the lack of availability of accurate data.

Though the sheer numbers of forced evictions paint an ugly picture, it is the human cost associated with forced eviction that best measures the toll that this practice takes. As this Global Survey shows, evicted people not only lose their homes and neighbourhoods, in which they have often invested a considerable proportion of their incomes over the years, but they are also often forced to leave behind personal possessions, since little warning is given before bulldozers or demolition squads destroy their settlements. Forced evictions are inevitably traumatic, they cause injury, they affect the most vulnerable, and they place victims at risk of further violence.

Evictees often lose those relationships which provide a safety net or survival network of protection against ill health, income decline or the loss of a job, and which allow many daily tasks to be shared. Sources of livelihood are frequently lost as evictees are forced to move away from the area where they had a job or a source of income. In particular, women evictees face unique challenges, suffering disproportionately from violence before, during, and after a forced eviction. Women also often have to manage multiple responsibilities as the primary caretakers of children, the sick, and the elderly in situations of forced eviction and homelessness.

In those few cases where resettlement is offered, more often than not, it is inadequate and poorly situated. Problematically, compensation - whether in the form of a new dwelling, resettlement or monetary - is rarely provided to evictees. Yet, if forced evictions are, as international human rights law rightly concludes, a violation of human rights, then surely those facing this practice are entitled by these same laws to just and satisfactory compensation for the wrongful act carried out against them. The issue of compensation for forced evictions is an area where COHRE plans to devote expanded attention in the future. If States were compelled to provide evictees with compensation equivalent to the value of the land, housing and possessions lost as a result of a forced eviction, governments around the world would be required to spend literally billions of dollars to offset the human rights violations they actively committed or passively allowed to occur. The international community must hold evicting States accountable not only for the initial rights violation, but also to the duty to prevent homelessness and to compensate justly and satisfactorily any and all persons illegitimately evicted from their homes and lands.

COHRE is particularly concerned with the various forms of violence -physical, psychological, sexual, structural-associated with forced eviction. Having monitored the practice of forced evictions in many regions of the world over the past several years, COHRE has come to realize that in many respects the process of forced eviction (in its various manifestations), as well as its impact on everyday lives, not only often takes place within the context of, but actually parallels what occurs during and after war and armed conflict situations.

For example, to implement a forced eviction, it is now common practice for governments to employ armed police officers, SWAT teams, criminal gangs and hired thugs, as well as bulldozers and other heavy equipment to ensure a complete and successful eviction. COHRE continues to receive regular reports of the use of severe violence during forced eviction including killing, beating, rape and other forms of torture. COHRE firmly opposes such violence in all instances and believes that these injustices must be exposed. Those persons or institutions carrying out such violence should be held criminally liable and prosecuted accordingly.

In addition, the past few years have been witness to the emergence of some particularly complex and volatile situations of forced eviction. For example, displaced persons who fled their homes during the unrest in places such as Kosovo and East Timor are now seeking to return to their homeland and their homes. Upon their return, however, returnees have frequently found their houses occupied by displaced persons from other ethnic groups, who themselves cannot return to their original homes because they face the same predicament. Given such scenarios, COHRE believes that the world needs to examine the broader theme of housing and property restitution in the context of post-conflict reconstruction and development much more thoroughly than it has to date, for this situation also raises clear issues of forced eviction and demands appropriate and meaningful responses. To this end, COHRE has established its Housing and Property Restitution Programme. This program works for the voluntary, safe and dignified return of refugees and internally displaced persons by establishing laws and mechanisms for the return of their housing. In addition to providing considerable input to the United Nations High Commissioner's for Refugees (UNHCR's) policy on housing and property restitution, COHRE was responsible for the design and eventual establishment of the UN Transitional Authority's Housing and Property Directorate (HPD) in Kosovo. COHRE has designed similar programmes for East Timor and the Republic of Georgia, and plans to carry out related activities in Armenia and Azerbaijan.

International Standard Setting relating to the Practice of Forced Evictions

Housing rights have continued to receive considerable attention at the United Nations over the past three years, much of which came about due to initiatives first envisioned and proposed by COHRE. With regard to issues of forced eviction, COHRE helped to achieve two notable resolutions, which once again brought forced eviction to the fore of international attention. In 1998, the **UN Sub-Commission on the Promotion and Protection of Human Rights** (formerly the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities) adopted two resolutions addressing forced evictions.

Resolution **1998/9** entitled "**Forced evictions**" reaffirmed once again that persons have a right to be free from arbitrary or discriminatory evictions, and that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted arbitrarily or on a discriminatory basis from one's home, land or community. This resolution also recognized that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions, and strongly urges Governments to undertake immediately measures, at all levels, aimed at eliminating the practice of forced evictions by, inter alia, repealing existing plans involving arbitrary forced evictions and legislation allowing arbitrary forced evictions and ensuring the right to security of tenure for all residents.

Sub-commission resolution **1998/26** entitled "**Housing and property restitution in the context of the return of refugees and internally displaced persons**" recognizes that the right of refugees and internally displaced persons to return freely to their homes and places of habitual residence in safety and security forms an indispensable element of national reconciliation and reconstruction and that the recognition of such rights should be included within peace agreements ending armed conflicts, and urges all States to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to resolve outstanding housing and property problems focused with particularity on housing and property restitution for returning refugees and IDPs.

Privatisation and neo-liberalisation have become the dominant economic paradigms throughout the globalising world. It is commonly forgotten that these processes which have generated so much wealth, also frequently place low-income people in situations where they face significant reductions in the availability of low cost or social housing and the erosion of social assistance entitlements. As a result, large numbers of the poor are being evicted for non-payment of rent and are falling into homelessness. In such situations, it must be recognised that even otherwise legitimate evictions contravene international law if those evicted are rendered homeless.

Though this Global Survey does not necessarily provide answers to the questions that these and other cases raise, COHRE believes that documenting these tough cases will contribute to an understanding of the complexities and nuances raised by the practice of forced eviction, particularly in these economically and politically volatile times.

In order to assist in the struggle to prevent forced evictions and to remedy those evictions that have already occurred, COHRE published Sources No. 3: Forced Evictions and Human Rights: A Manual for Action. Sources No. 3 provides human rights practitioners, community-based organisations and individuals with the tools necessary to promote and protect the right to adequate housing, and in particular the right to be free from forced eviction. COHRE hopes that Sources No. 3, as well as this Global Survey No. 8, will aid in the effort to combat forced evictions wherever they may occur.

In the descriptions of forced evictions outlined in Section 2, information is provided on the context within which the eviction took place, where possible. Immediately following the descriptions of the evictions in each country, information is provided on the State's legal recognition of the right to adequate housing under international and national legislation. Under each State we have noted:

1. Whether the country in question has ratified the International Covenant on Economic, Social and Cultural Rights (CESCR), the most important international legal treaty containing housing rights, adopted by the United Nations in 1966 and which came into force in 1976.

Article 11(1) of the **International Covenant on Economic, Social and Cultural Rights** guarantees the right to adequate housing using the following terminology:

The States parties to present Covenant recognize the right of everyone to an adequate standard of living for himself [herself] and his [her] family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

If the country has ratified the CESCR and is thus legally bound to comply with Article 11(1) and the remaining provisions of the Covenant, this is indicated by CESCR: Yes. If the country has not ratified the CESCR, this is indicated by CESCR: No.

2. Whether the country in question has recognised the right to adequate housing in their national constitution. If the country has included housing rights provisions within the national constitution this is indicated with: Constitution: Yes; if not, this is indicated with: Constitution: No.

Global Survey No. 8 will be made available to governments, United Nations agencies and human rights bodies, and to the many community-based and non-governmental organizations involved in the international movement against forced evictions. It is COHRE's sincere belief, based on many years of experience trying to prevent forced evictions, that documenting and exposing the widespread and often violent practice of forced eviction to the international community can assist in ensuring that the practice of forced eviction is confronted from a human rights perspective and that forced evictions can actually be prevented.

The position of international human rights law on forced evictions is becoming increasingly clear. Thinly veiled arguments by governments in defence of the practice are unacceptable. In many cases forced evictions are accompanied by other gross violations of human rights. COHRE is convinced that by exposing concrete cases of forced eviction, pressure can be brought to bear on States that are planning to forcibly evict their residents. We hope that States can be persuaded to reconsider their use of forced eviction, thereby abiding by their respective international human rights and moral obligations.



Forced Evictions 1998 – 2000

Asia, the Pacific & the Middle East

AFGHANISTAN

According to Amnesty International reports, in August 1999, the then ruling Taliban forcibly evicted and displaced tens of thousands of Tajiks from the Shamali plains. The Taliban systematically burned houses and crops and destroyed the agricultural infrastructure of Tajik civilians living the area. The Taliban also forced hundreds of children and young men to cut Tajik-owned vine trees and to seal the Tajik's irrigation tunnels. In addition, some eight thousand children, women and elderly men were separated from their male relatives and sent to the deserted Sarshahi camp near Jalalabad.¹

CESCR: Yes

Constitution: No

BANGLADESH

From May 1999, one hundred thousand people (twenty thousand households) in forty-four settlements within Dhaka, the capital, lost their homes and belongings during a forced eviction that occurred without any prior written notice. Only loudspeaker announcements were made the day before. The bulldozers and demolition crews were accompanied by thousands of police in riot gear, who responded to resistance with beatings, shootings and tear gas.

A majority of those evicted were single mothers with children, many working in the city's two thousand garment factories located around the city centre. Most lived close to their jobs, since they could not afford transport, and relocation to peripheral urban areas meant loss of jobs.

The Government's action violated the Local Government Act, the Constitution of Bangladesh, and international covenants, conventions and commitments that have been recognised by the international community and signed by the Bangladesh Government.

In the absence of any compensation or relocation alternatives, most communities have built shacks in other (inappropriate) places; some are renting in nearby slums that were not evicted. Some families moved into shacks with other relatives. The destruction of their houses has caused an enormous economic and social loss to these families and has meant deteriorating health, interruption of children's education, loss of jobs, and has put enormous strain on relatives and friends.

The Home Minister promised to resettle many communities in the very distant Kalapani, Mirpur (where a daily commute would cost 50 Tk per day, meaning most of their earning would be spent on transportation), but this never happened.²

¹ Amnesty International, **Amnesty International Annual Report** (2000).

² For information on this forced eviction in Dhaka, Bangladesh, please see the publication from COHRE and the Asian Coalition for Housing Rights "Forced Evictions in Bangladesh – We Didn't Stand a Chance," (2000).

- During the 1990s, some 63,407 Jumma refugees returned to Bangladesh from India. Many of them are still living as refugees in camps, waiting for the National Government to come good on their promises of providing land and food. In 1999, some 3,055 families could not return to their lands, which were occupied illegally by Bengali settlers. Additionally, some forty villages of the returnees are still under the occupation of the Bangladesh Security Forces. Due to this situation, forty-one families of the Jumma refugees took shelter at Dighinala Model Government Primary School nearly two years ago. On 20 August 1999, the Khagra Chari district administration with the help of police personnel evicted them from the school. The Jumma reported that women and children were beaten during the eviction, with at least twenty-five Jumma women and children injured; twelve of them critically. Teargas shells were also used during the eviction. The forty-one families were left homeless.³

- COHRE undertook a fact-finding mission to Bangladesh in August 2000 in order to investigate reports of widespread forced eviction. The findings of the mission, published in *Forced Eviction in Bangladesh: We Didn't Stand A Chance*,⁴ concluded that between May 1999 and August 2000 the Government of Bangladesh ordered the forced eviction of approximately 19,432 families, rendering over a hundred thousand men, women and children homeless.

CESCR: Yes

Constitution: Yes

BURMA (Myanmar)

In December of 1998 they ordered us to relocate from our village to Kaw Tha Say, but I moved to another village instead. There are no longer any people in my old village because they only gave us 3 days to relocate. They said if they saw us in our village after 3 days they would kill us.

- "Naw K'Ser Tee" Kyauk Kyi township
(taken from an interview by the Karen Human Rights Group).

Since 1990, Burma has been run by a military dictatorship called the State Peace and Development Council (SPDC). Throughout the past decade, the junta systematically violated human rights in Burma to suppress the pro-democracy movement and terrorize ethnic groups. More than a dozen armed ethnic groups continued to rule or to exercise some governmental functions in peripheral ethnic minority areas under various cease-fire agreements negotiated with the junta between 1989 and 1995.

There are 135 "national races" in Burma, including the majority Burman group. Ethnic minority groups comprise approximately one third of the population, and live mostly in the seven ethnic minority states surrounding the central Burma plain.

³ "Forced Eviction of the Jumman Refugees from Transit Camp" Jumma Peoples Alliance, Bangkok. Available on-line at: <http://www.thirdculture.com/jpa/>

⁴ Centre on Housing Rights and Evictions, *Forced Evictions in Bangladesh: We Didn't Stand A Chance*, Geneva: COHRE 2000.

Forced evictions of ethnic minorities are used as a political and military strategy of repression in Burma. Troops of the SPDC have been systematically destroying villages, crops and food supplies and shooting villagers on sight, all in an effort to undermine opposition forces by driving the civilian population out of the region. Evictions also serve as warnings to the rural population not to associate with anti-government rebels. To induce fear within the villages, the army has also resorted to executing anyone suspected of even the most remote contact with the opposition forces, even if that contact occurred years or decades ago.

At the same time, people in the plains near the Sittaung River are fleeing because of the ever-increasing burden of forced labour, cash extortion, and heavy crop quotas which are being levied against them even though their harvests have failed for the past two years. For uprooted villagers, the lack of food is the greatest concern.⁵

Shan State

In central Shan State, the SPDC has destroyed over fourteen hundred villages making over three hundred thousand people homeless. This campaign began in 1996 by relocating and destroying about four hundred villages in an attempt to undermine the Shan United Revolutionary Army (SURA). Villagers were given three to seven days to move to Army-controlled sites, after which many of their homes were burned and anyone seen in their villages was shot on sight. When this operation failed to have any effect on the SURA, the SPDC expanded the relocation area and also forced many of those already relocated to move again to tightly controlled sites. By early 1998 this forced relocation campaign had expanded to cover all the villages in an area of seven thousand square miles, and the area is still being expanded despite the fact that many of these villages have never had any contact whatsoever with Shan opposition groups.⁶

- The relocation of thousands of Shan to make way for the Salween dam is a convenient means for the SPDC to weaken the Shan minority. Although the dam is yet to be built, the Shan in the area have been moved to camps far away from the region. Villages in Kunhing Township, along the banks of the Salween and its tributary, Nam-pang, have been depopulated and relocated.⁷ Thai and Burmese NGOs believe that once the dam is completed, millions of people will be negatively affected.⁸
- An estimated eighty thousand to one hundred thousand Shan refugees from the region have already fled to Thailand and more continue to do so, with many ending up in the illegal workforce, working as cheap labour on plantations, construction sites, in sweatshops or as bonded labour in Thai brothels.⁹ The SPDC freely allows the ethnic Shans to flee into Thailand, and has now begun a practice of stripping them of their Burmese identity papers as they leave in order to ensure that they can never return.¹⁰
- In February 2000, Amnesty International interviewed Shan refugees from Laikha, Murngpan, Kunhing, and Namsan townships, central Shan State. All except one stated that they had been forcibly relocated by the SPDC military.¹¹

5 Human Rights Year Book, 1999 – 2000, Human Rights Documentation Unit, Thailand, p. 130 (2000).

6 Briefing document, Shan Human Rights Foundation (March 1999).

7 “Army wiping out population in the flood area of the dam project,” report from Shanland.org.

8 “Thousands Relocated for Proposed Burma Dam,” *World Rivers Review* (February 2000).

9 The Thai authorities do not permit Shan refugees to live in camps.

10 Human Rights Year Book, 1999 – 2000, Human Rights Documentation Unit, Thailand, p. 133 (2000).

11 Amnesty International, “Myanmar: Exodus From the Shan State,” AI index number 16/011/2000. Available on-line at: <http://www.amnesty.org>

- During the first five months of 2000, another 5.300 Shan civilians fled to Thailand to escape forced labour, extrajudicial killings, and ill-treatment at the hands of the Myanmar military.¹²

Karen State

Over the last few years, the State Peace & Development Council (SPDC) forcibly relocated and destroyed over two hundred villages covering at least half the geographic area of Karenni (Kayah) State in eastern Burma. As a result, at least twenty thousand to thirty thousand people have been displaced, forced to move into military-controlled camps where many of them have been starving and dying of disease, or to flee to the forest where they face similar suffering as well as the possibility of being shot on sight by government patrols. Some have escaped to Thailand, but the vast majority are still struggling to survive in Burma.

- The government military launched a massive relocation of Karen villages in Palaw and Theyetchaung Township in 1997. Most villages were forced to move to a designated area that was controlled by the Burmese army. The army has executed many villagers in this area accusing them of have contact with the resistance group.¹³

- Some 1.220 Karens were forced to leave the village of Wa Mae Kala, with many of the villagers either moving to camps in Thailand or forced to be porters for the Burmese army.¹⁴

- Since January 1999 over fifteen hundred refugees have arrived in the Karenni refugee camps in Thailand. The overwhelming reason for this sudden, large migration seems to be a shortage of food as a result of the unpredictable weather and the inability to work on farms out of fear of being shot or enslaved by the Burmese Army.¹⁵

- Over ten thousand refugees have fled to Thailand from the Dooplaya district after government forces gained control of the area. Villagers who remained in the area were forced to work on construction projects as forced labourers. In 1998, some fifteen villages were given three days to collect their belongings and move to a new area. Suffering from lack of food at the relocation site, some villages paid extortion money to return to their fields. Others who could not pay were made to porter for the military.¹⁶

12 Ibid.

13 The Current Human Rights Situation in Eastern Pa'an District," Karen Human Rights Group #98-08 (18 November 1998).

14 **Bangkok Post** (16 September 1998).

15 An Independent Report by the Karen Human Rights Group, KHRG #99-04 (24 May 1999).

16 "Thousands Relocated for Proposed Burma Dam," **World Rivers Review**, p. 129 (February 2000).

- Over the past two years, the rate of forced eviction has risen in Papun and eastern Nyaunglebin districts as part of the Government’s plan to wipe out Karen villages.¹⁷
- In 1998, in Pa-an district, the military evicted some five hundred people in attacks on villages. In 1999, residents of Taw Oak, Meh Pleh Toh, Toh Thu Kee, all Karen majorities, were forced to move to new areas away from Pa-an. The military said that anyone remaining in the villages “will be in our gun sites.”¹⁸ The Karen National Union (KNU, the main Karen opposition group) also reported that the military was clearing landmines by using villagers as human minesweepers.¹⁹
- In 2000, the SPDC issued an order that all villages in the Meh Pleh Hta area were to be cleared out and that all villagers remaining there would be shot.²⁰
- In January 1999, the Government burned all the houses in Lu Ah village and sent the people to another region in retaliation for a small rebellion in the area, even though the villagers were not involved in the conflict.²¹
- The forced relocation in April 1999 of the villages of Baw Bpee Der, Myau Oo and Aung Chan Tha was instigated as a warning not to associate with anti-government forces. Some villages were saved, but only by paying heavy bribes to the army.²²
- A troop of 150 men from the Light Infantry Battalion burnt down a Karen village, Kyo Ko in Tenasserim Township, Tenasserim Division, on 20 September 2000.²³

The following list shows thirty-nine villages known to have been forcibly relocated, and whose inhabitants still have not been allowed to return home. Some of these villages have been forced to move two or three times in the past several years, to a relocation site, then back to their villages, then to another relocation site, and so on. This list is far from complete.²⁴

17 Ibid, p.135.

18 Ibid, p.130.

19 The Current Human Rights Situation in Eastern Pa’an District,” Karen Human Rights Group #98-08 (18 November 1998).

20 Ibid.

21 “Death Squads And Displacement, Systematic Executions, Village Destruction and the Flight of Villagers in Nyaunglebin District,” Karen Human Rights Group, KHRG #99-04 (24 May 1999). Available on-line at: <http://www.ibiblio.org/freeburma/humanrights>

22 Ibid.

23 Ibid.

24 Ibid.

Table 4. Forced Relocation of Villages in Karen State

From	Township	To	Order Date
Baw Bpee Der	Mone	Mone town outskirts	4/99
Myau Oo	Mone	Mone town outskirts	4/99
Aung Chan Tha	Mone	Mone town outskirts	4/99
Kyaut Bu Daung	Mone	Mone town outskirts	4/99
Sweh Dtee	Kyauk Kyi	Baw Ka Hta/	15/1/99
Noh Nya Thu	Kyauk Kyi	Yan Myo Aung	7/1/99
Kya Plaw	Kyauk Kyi	Yan Myo Aung	7/1/99
Leh Wain Gyi	Kyauk Kyi	Pa Hee Ko	3/1/99
Ma Oo Bin	Shwegyin	Than Seik/Min Lan	1/99
Kyi Pin Su	Shwegyin	Than Seik/Min Lan	1/99
Leh Bain (Leh Pa)	Mone	Yan Myo Aung.	1/99
Lu Ah	Mone	Yan Myo Aung.	1/99
Hintha Weh	Kyauk Kyi	Kaw Tha Say	1/99
Nga Peh Inn	Kyauk Kyi	Paleh Taw	12/98
Shan Su	Shwegyin	Paleh Taw	12/98
Kaw Chay Moo	Kyauk Kyi	unspecified	10/98
Lan Gweh	Kyauk Kyi	unspecified	10/98
Twa Ni Gone	Mone	Yan Myo Aung	1997/98
Bpa Reh Si	Mone	Yan Myo Aung	1997/98
Myeh Yeh	Mone	Yan Myo Aung	1997/98
Noh Htaw Hta	Mone	Yan Myo Aung	1997/98
Ta Maw Ma	Mone	Yan Myo Aung	1997/98
Po Thaung Su	Mone	Thit Cha Seik	1997
Nga Law Der	Mone	Thit Cha Seik	1997
Oo Chit Kin	Mone	Thit Cha Seik	1997
Ter Bpaw	Mone	Thit Cha Seik	1997
Tha Htay Gone	Mone	Thit Cha Seik	1997
Thay Ko Bu	Shwegyin	none specified	1997
Thein Kyo	Shwegyin	none specified	1997
Kyaw Ah Gweh Hta	Shwegyin	none specified	1997
Doh Ko Wah	Shwegyin	none specified	1997
Bplaw Hta	Shwegyin	none specified	1997
Meh Theh	Shwegyin	none specified	1997
Toh Kee	Shwegyin	none specified	1997
Wah May Kyo	Shwegyin	Than Seik/min Lan	1997
Deh Oo Po	Shwegyin	Than Seik/min Lan	1997
Saw Theh Kee	Shwegyin	Than Seik/min Lan	1997
Bweh Si Kee	Shwegyin	Than Seik/min Lan	1997
Maw Pi Yah	Shwegyin	Baw Hta	1997
Zee Byu Gone	Tantabin	Taw Ma Aye	1999

Mon State

- In Mon state, the military has confiscated thousands of farms and forced villagers to work the land.²⁵
- Some thousand villagers in Mergui district fled to Thailand because of the military's revenge persecution after attacks by Mon soldiers.²⁶
- In May 1999, land was confiscated by the military to make way for a gas pipeline. No compensation was provided; instead the affected villagers were forced to work on the construction without payment.²⁷
- Hundreds of Mon families from a rural area in Bokepyin Township fled to Thailand because of military action by the Burmese army in retaliation to rebel attacks.²⁸
- Roads built by the SPDC in Mon state regularly "pave the way" for mass evictions. For example, the Ye-Tavoy road, built in 1999, resulted in the confiscation of houses, plantations and farmland. No compensation was ever given.²⁹
- In May 2000, some thousand people of Paukpyinwin were displaced because they celebrated the unofficial Mon National Day. Already in this district, some five thousand persons in 1999 were displaced for supposedly supporting rebel forces.³⁰
- During 2000, hundreds of villages were displaced in the Kya Inn Seiki township area after military operations against rebels. Most of the displaced ended up in Thai camps.³¹
- The construction of a gas pipeline in Tenasserim district caused the eviction of five villages. The villagers, who were given three days to leave the area, received no compensation for their losses.³²

Members of the Burmese majority are also subjected to forced eviction, particularly to make way for urban commercial or public construction, and increasingly for tourism development. The SPDC continued to relocate citizens out of cities and into new towns. Persons relocated to these "new towns" suffered from greatly reduced infrastructure support and living standards, and residents targeted for displacement continued to be given no option but to move, usually on short notice.³³

CESCR: No

Constitution: No

25 **The Mon Forum** November 1998.

26 **The Mon Forum** 31 July 1999.

27 **The Mon Forum** 30 June 1999.

28 **The Mon Forum** (July 1999).

29 **The Mon Forum** (November 1999).

30 **The Mon Forum** (May 2000).

31 **The Mon Forum** (June 2000).

32 **The Mon Forum** (November 2000).

33 U.S. Department of State, "Myanmar (Burma) Human Rights Report 2000."

CAMBODIA

Evictions and forcible confiscation of land by military and civilian authorities continued to rank as one of Cambodia's most pervasive human rights problems. The lack of a just and functioning legal system and an effort by the Government to develop the country economically has contributed to many illegal "land grabs" from rural and urban residents. Additionally, years of bitter civil conflict and government corruption has left the country with a land-ownership mess. Nearly 80 percent of the nation's land is still owned by the state and only 14 percent of all land in Cambodia is properly registered with the national land management system. Around one fourth of the land in Phnom Penh is secured by legal title. Land disputes involving powerful officials and business people have increased in the last few years, leaving the poor and vulnerable landless.

One NGO, Legal Aid of Cambodia, estimated its land-related caseload at around six thousand families, with the vast majority of the conflicts involving military commanders or provincial and local officials. In 2000, Oxfam International surveyed four thousand landless families, of which 390 had lost their lands because of government seizure.³⁴ Particularly vulnerable to land confiscation were Cambodia's indigenous ethnic minorities in the northeast, whose lands were threatened by logging concessions and industrial plantations.³⁵

- Three people were injured when military police in Siem Reap evicted a hundred people from homes which were built on the grounds of a former military hospital. The three were hurt when they tried to remove their belongings from homes set afire by police. Siem Reap officials have disagreed about the property's rightful owner since it was relinquished by the departing Vietnamese military in 1989. Military police have hassled families living by the hospital for many years, and squatters requested that military and local police postpone any action at least until the end of the rainy season.³⁶
- Hundreds of Vietnamese villagers were evicted from their homes near the Monivong Bridge, Phnom Penh, in 1999. The Government attempted to justify the evictions, claiming that the area was polluted and that the residents were illegal immigrants. More than a thousand villagers living in floating homes and sampans were removed. Human rights groups had grave concerns that the Vietnamese villagers were legal residents in the country, and claimed that the authorities had no process to find out whether the villagers were legal.³⁷
- According to Human Rights Watch, in November 1999, Phnom Penh municipal authorities evicted approximately six hundred ethnic Vietnamese residents from a floating village on the Bassac River, charging that they were illegal immigrants. A number of those evicted told rights workers that they were long-time Cambodian citizens and that local authorities had confiscated their identity documents before the eviction. The villagers were forced to float downstream to a location near the Vietnamese border, where they have remained.³⁸
- Outside Phnom Penh, two hundred armed soldiers arrived with bulldozers just before harvest time in March 2000 and tore up the fields and thatched huts of some one hundred subsistence farmers. The cause of the eviction was a local general deciding to build a casino in the area. No relocation plan was offered, and the families ended up homeless on the streets of Phnom Penh.³⁹

34 Oxfam International, *International Development Report on Findings of Landless*, p. 12 (June 2000).

35 Human Rights Watch, "Human Rights Developments: Cambodia," *World Report 2001*, HRW: New York (2001).

36 "Evictions Turn Violent in Siem Reap," *Cambodia Daily* (12 August 1999).

37 Asian Human Rights Commission, *Cambodia News Reports* (9 November 1999).

38 Human Rights Watch, *Focus on Human Rights: Cambodia* (January 2000). Available on-line at: <http://www.hrw.org>

39 "Pushed From the Land, And the Trees," *The New York Times* (6 April 2000).

- January and February 2000 saw increasing reports from Phnom Penh on forced evictions, particularly in the largest slum community, Bassac, along the river bordering the city and subject to a city “beautification” plan.⁴⁰
- In March 2000, sixty homes that had been built for widows, orphans and disabled veterans was burned down to make way for a property development.⁴¹
- In July 2000, nine people were detained for resisting eviction from their homes by military police, who were seizing the land to give to military officers and business people.⁴²

CESCR: Yes

Constitution: Yes

CHINA

At the site of the Three Gorges Dam project, protests continue against the displacement and resettlement policies of the Chinese Government.

So far on the project, hundreds of millions of yuan in resettlement funds have disappeared into the pockets of local officials. Slopes on which displaced farmers are supposed to restart their lives have proven to be too steep to create terraces for farming, and few of the jobs in industry promised to villagers have materialised. People who complain against the dam face intimidation, violence and even imprisonment. Three activists complaining about the resettlement programmes received jail sentences of three to seven years for “disturbing Three Gorges resettlement.”⁴³

- A recent report by Chinese journalist Wang Yusheng details how five representatives from a town slated to be submerged by Three Gorges Dam have been arrested for organising petitions protesting corruption in the resettlement program.⁴⁴

- A serious threat for rural re-settlers is the institutionalised discrimination they face in the official assessment of compensation according to residential status. Families that are registered as rural households receive less housing compensation than do urban residents, even though the cost of construction materials is the same for both. For example, in Yunyang County, compensation for every square metre of brick and concrete buildings is 300 yuan for county-seat residents, 225 yuan for township-seat residents and 180 yuan for rural residents. In Zigui, the rates are 480 yuan, 200 yuan and 150 yuan. Many farmers who were interviewed said, often in very emotional terms, that they regarded the compensation as insufficient to re-establish their homes.⁴⁵

- The resettlement plans of the Chinese Government must be questioned, especially in light of the case of the Xiaolangdi dam project, partly financed by the World Bank, and hence under stringent criteria for the proper resettlement of villages. In practice there have been serious problems meeting resettlement targets. The International Rivers Network cited a case in which people from a village called Kuangkou were promised non-agricultural jobs. However, in a 1999 article by two resettlement officials, the authors said that appropriate

40 Asian Coalition for Housing Rights, E-News No 22 (March 2000).

41 “Army wiping out population in the flood area of the dam project,” report from Shanland.org.

42 “Poipet Evictions: Arrest of Protestors Decried,” *The Cambodian Daily* (3 July 2000).

43 “China: Involuntary Resettlement,” World Bank, Report No. 11641-CHA (8 June 1993).

44 *South China Morning Post* (15 May 2000).

45 Ibid.

arrangements for the Kuangkou resettlers to live and work in the city of Yima failed to materialize, as most of the city-run enterprises were operating at a loss and could hardly take care of their existing employees. The Yima City Government had to change the original resettlement plan by asking the resettlers to invest the very money they had received as compensation into four local factories as a precondition for their employment.⁴⁶ A World Bank report cited the Chinese Government as saying that 46 percent of China's resettlers displaced for water control projects had yet to be "properly resettled" and that they "were at great risk of poverty."⁴⁷

Tibet

In Tibet, the Chinese Government is reportedly forcibly taking land and homes from Tibetans, without any compensation offered, in order to build new housing developments. The Government argues that it does not have to pay compensation to those forcibly evicted because it says that the Government already owns the land and therefore does not have to pay for it. The new housing developments are generally for new Chinese immigrants recently arrived in Tibet.⁴⁸

Numerous cases have been reported over the past two years concerning the forceful removal of juvenile monks and nuns from religious institutions in Lhasa, the capital of Tibet, and in other towns across the region. In one case, approximately thirteen nuns from Potoe Nunnery and twenty monks from Sera Monastery in Phenpo Lhundup County were forced from their respective religious institutions.

- Discrimination in housing allocation in urban and rural areas has significantly lowered the living standards of Tibetans compared to Chinese immigrants. A comparison between a Chinese and Tibetan town in close proximity in Eastern Tibet revealed substantial housing inequalities. The Chinese town, Liang He Gu, has Chinese Government built housing with basic health clinics, running water and abundant electricity. The nearby Tibetan town of Dhargye had no electricity, no health clinic and no government benefits.

- Twenty-eight year-old Buchung was a nomad from Damshung County, Lhasa Municipality who escaped to India in January 2000. He stated that

[T]here are nine members in my family. When we took the animals grazing we would live in large traditional tents, but otherwise we lived in mud houses. Many Chinese settlers came to the area over the last few years, and with their arrival the local authorities also decided to install electricity. We were very excited at this new development, but we soon found out that we would be unable to afford it. The authorities collected 50 yuan from each family for the "privilege" of using electricity, and then a further 40 yuan per month for each 100-watt light bulb. Most Tibetan families in my area could not afford this, but the Chinese would use a lot of electricity, and leave lights on even when they went out. I think they were paying a lot less than us, or else received the power free of charge.

- A Tibetan farmer from a village in northwest Sichuan described how substantial differences in living standards exist even when Tibetans and Chinese live in close proximity.

46 "Evaluation of the Xiaolangdi project," International Rivers Network. Available on-line at: <http://www.irn.org/>

47 World Bank, "China: Xiaolangdi Resettlement Project," Report No. 12527-CHA, p. 2-3 (1994).

48 Information on Tibetan cases of forced eviction is from the Tibetan Centre for Human Rights and Democracy. Available on-line at: <http://www.tchrd.org/home.shtml>

The Chinese do have running water [in their houses] but not a single Tibetan family has running water. The Chinese houses do have some kind of sewerage system; it's not very good, but it is some kind of system, and they also have electricity, which the Tibetan families don't have. Even where the [Tibetan and Chinese] houses are mixed together, the Tibetans do not have electricity.

- The demolition of traditional old Tibetan structures continues in Lhasa. By mid-1997, less than two hundred authentic Tibetan buildings remained. Many of the existing old houses are in serious dilapidation, caused by decades of neglect. Continued demolition presents an acute threat to the authenticity of Lhasa as a living historic city.

Specific cases of eviction and forced relocation include:

- In 1997, around 150 traditional Tibetan houses were demolished in the eastern part of Lhasa. The authorities told residents that their houses were 'unsafe,' and that they could no longer live there. Instead of providing them with alternative accommodation in Lhasa, the residents were expelled back to their native villages. No compensation was offered. After the houses were demolished, apartment buildings for Chinese government officials and settlers were constructed on the site.

- An eighteen year-old called Dadon arrived in Nepal in September 1998, and related the following story:

My mother formerly had a house in the Rabsel Tashi Khangsar (RTK) area of Lhasa, but due to some 'official reconstruction' of the RTK quarter, we were told to move. The authorities promised to allocate my family another house in the same area after the work was complete, but failed to actually fulfil their promise. In the end they simply told us it wasn't possible, and we were forced to buy a small house near the RTK quarter's management offices.

- One girl from Lhasa told the Tibetan Centre on Human Rights and Discrimination in January 2000 that these evictions were becoming more and more common. She stated:

The housing authority in Lhasa is much feared - they often order Tibetans out of their houses, telling them their houses are unsafe. If this was really true, and if they really cared, they would simply repair the problem. But once the family has moved out, they simply demolish the house and build a new apartment block or office building on the site. Sometimes they don't even bother to lie. Some friends of my parents, a family of five, were told to leave their three-room apartment because a road and new houses were to be constructed. They were allocated a new two-room apartment in compensation that was much smaller than their previous home. However, because it was new, the authorities called it an 'upgrade,' and made the family pay 50.000 yuan.

- The Tibet Heritage Fund in Lhasa reported a similar case in April 1998. The residents of Dakpo Trumpa House were told that the house was to be demolished to make way for a new block of apartments, and that they would have to move out. They were only given two days notice, but were told that they would receive an apartment equal in size to their old one once the construction was complete. They were given 40.000 yuan as compensation. They were then charged 80.000 yuan for the 'upgrade' of the new flat allocated to them.

CESCR: Yes

Constitution: Yes

FIJI

Ethnic tensions between the indigenous Fijians and Fijians of Indian descent (or Indo-Fijians) has been common over the past two years, resulting in insecurity and the seizure of property owned by Indo-Fijians. During May 2000, Fijian supremacists led by George Speight seized parliament and took Indo-Fijian Prime Minister Mahendra Chaudhry hostage. During this time, many violent incidents occurred across the country. Rebel sympathizers seized public and private property, Indo-Fijian settlements were terrorised by Fijians, and Indo-Fijian businesses were looted and burned.

- The Muaniveni and Baulevu areas near Nausori, in Naitasiri province, experienced a particularly high level of violence, including looting, arson, and physical intimidation, directed against Indo-Fijians.
- On 19-20 June 2000, fifty-two Indo-Fijian homes were attacked in Muaniveni.⁴⁹ The Indo-Fijian families in the area reportedly left their homes at night to avoid the attackers. Some residents reported that they went to the nearest police station to report the attacks, only to find that some of the police officers had assisted the attackers.⁵⁰

CESCR: No

Constitution: Yes

INDIA

According to the Indian National Institute of Urban Affairs, nearly thirty million Indians will be living in urban slums in 2001. More than five million people live in slums in Mumbai, nearly the same number in the eastern city of Calcutta, while the national capital, New Delhi, is home to an estimated three million slum dwellers.

As a democracy, the Indian state governments are said to be wary of relocating slum dwellers for fear of losing the political support of people who make up a sizable chunk of the population of India's metropolises. Yet, many forced evictions of slums dwellers do occur, and resistance is strong because of lack of relocation schemes or policies for resettling slum residents. This is despite the Maharashtra Project Affected Persons Rehabilitation Act (1986), which, while allowing the State to acquire land for the purpose of public interest through purchase and exchange or by compulsory acquisition, requires the State Government to arrange to provide civic amenities in the area where it relocates affected persons.

In 1999, the Bharatiya Janata Party (BJP) drafted a national slum policy that advocated removal of all "untenable" slums. The definition of what constituted an untenable slum was left out, leaving the forced eviction of slum dwellers open to political expediency. The situation is aggravated by the fact that both central and state planning functions do not have a focused strategy towards tackling the housing or land related issues in cities.⁵¹

Unfortunately, ending forced evictions does not translate into providing adequate housing. Gita Dewan Verma, a former consultant to the Government on housing issues, said in *The Hindu* newspaper, "it is not eviction from squalid conditions that violates the right to decent housing, but conditions which force people to settle in them in the first place."⁵²

49 U.S. Department of State, "Fiji Human Rights Report 2000." Available on-line at: <http://www.state.gov>

50 Fijilive.com (Archives) (26 May 2000).

51 Minar Pimple and Lysa John "Security Of Tenure Policies in Indian Cities: Security Of Tenure - Experience Of Mumbai." Available on-line at: <http://users.iafrica.com/i/if/ifasrech/fr/pimple.htm>

52 *The Hindu* (12 August 2000).

Mumbai

In Mumbai (formerly Bombay), a city of twelve million people, there has been a systematic programme of slum clearance. The State Government of Maharashtra, of which Mumbai is part, has pledged that it will re-house any evicted slum dweller that can prove that they were resident in the city on 1 January 1995. Arrivals to the city after that date would presumably have to return to their former village or move illegally to another slum. The Government has also drawn up guidelines for the services that should be provided for the resettled slum dwellers. Nonetheless, many NGOs reported that both these ordinances have been ignored in Mumbai. The drive to modernise the city to achieve its political leaders' vision of developing the "new Singapore of Asia" in the global economy, is being achieved through attacks on the rights of many of its poor citizens.⁵³ Proof of the policy concerning resettlements' stagnation came to light in 2000, when a shantytown collapsed, killing scores of residents in Mumbai, in the suburb of Ghatkopar. For years, city authorities had distributed leaflets in Ghatkopar warning of possible landslides. But no attempt was made to move the people to a safer place. On the contrary, the slum population grew over the years.⁵⁴

- In 1998, the demolition squads of the Brihanmumbai Municipal Corporation (BMC) evicted 167,000 people from their homes in the city's slums without providing resettlement plans.
- The community of Prakash Nagar, Mumbai, was demolished on 12 February 1999 to make way for a new flyover.⁵⁵ Some three hundred families lived in the community. The flyover was one of fifty-five whose construction was announced by the then State Government formed by the Shiv Sena - BJP combine under the World Bank supported Mumbai Urban Transport Project (MUTP). The open plot on which the community was established was deemed as necessary for the storage and generation of construction equipment for the flyover.

The bulldozers came unannounced one afternoon when only half the community was at home. The male members of the community were immediately 'sent away' by the women in the community to take refuge in safer places where they could escape brutal harassment at the hands of the police. There was a desperate attempt made by the residents to salvage as many of their possessions as possible, round up the children and run for safety. Single women were at a distinct disadvantage since they lacked the support required to simultaneously rescue their belongings, their children and themselves.

Possibly realizing the finality of this eviction, the community struggled to retain their foothold. A tense drama that lasted nearly a week unfolded between the authorities and the residents that included violent exchanges between the two groups. At one point, members of the community resorted to stone throwing in order to defend themselves against the onslaught of battering from the police. This enraged the authorities further. The police responded by firing bullets into the air to disperse the group and issued arrest warrants for community leaders and NGO representatives intervening in support of the community.

53 *The Lancet*, Volume 354, Number 9184 (25 September 1999).

54 Inter Press Service (July 2000).

55 Centre on Housing Rights and Evictions, "The Impact of Forced Eviction on Women In Palestine, India And Nigeria, p. 49 (June 2001).

One women's experience of the eviction highlights the plight and vulnerability of women-headed families in coping with the emergencies and violence of forced eviction.

At the time of the demolition I was attending to some chores in the house. My three children were eating their lunch at the doorstep. When the police were first sighted there was a sudden commotion as people ran helter-skelter to save their belongings and themselves. Unlike the others who had their husbands to help them pack to carry their belongings, and herd their children away from the site, I knew I would not be able to save anything in my house. The best I could do, being on my own, was to gather my children and take them a few metres away from the house, out of harm's way, or so I thought. We squatted at a distance and watched as the police and the BMC men broke down the houses and came down upon any of the residents who were in their way.

Suddenly I found that two of the policemen were standing in front of me. Spewing filthy language, one of them kicked the plate of rice out of my son's hand. Then, pushing the children out of the way they began to beat and kick me. They called me a bitch and a prostitute and said they would teach us a lesson for our audacity (of residing in that area). By the time they were done I had bruises all over my body, a broken rib, hand and teeth. I lay there bleeding till the demolition activity abated and some of my neighbours and the community worker had arrived to take stock of the damage.

I was taken to the Bhabha hospital, the local municipal hospital, but the doctors refused to look at me without the permission of the police, and the police of course would not even entertain my case. The police were also there and they instructed the hospital to deny us. Along with others, I also went to Sion Hospital (a municipal hospital in another locality); they too said that they would attend to me only after a police statement declaring violence by the police has been made. As if the police would lodge a complaint against themselves!!! Finally we obtained treatment, but only by attributing our injuries to domestic injuries. My case paper for instance only declares that I have been hit by a 'lathi' (stick) without mentioning who used it against me.

- In Mumbai, the Vadodara Municipal Corporation (VMC) demolished settlements in Chikoowadi. The land belonged to the Collectorate, an organisation of slum dwellers, and the residents had been living there for more than thirty-five years. NGOs working with the slum dwellers reported that the compensation was inadequate and failed to provide for the loss of the homes.⁵⁶
- Ambedkar Nagar was a slum of five thousand people living on 8.000 m² of reclaimed land on the southern tip of Mumbai. These people were imported by labour contractors from the villages of India to build the modern skyline of Mumbai. Once the building work was finished they stayed to work on the fish docks, as labourers and servants. They settled on an area of tidal mangrove swamp that they reclaimed from the sea. Over the past ten years, the slum dwellers of Ambedkar Nagar have faced eviction forty-five times. Each time, the demolition squad has destroyed some or all the huts so that the slum dwellers have been forced to repeatedly rebuild their shelters. On the morning of 18 May 1998, despite promises made to lawyers, the demolition squad and police moved into the slum once again to carry out an eviction and cleared the site. By that evening, all that remained of Ambedkar Nagar was a temple to the Hindu deity Ganesh, the god of auspicious events.⁵⁷ The resettlement site allocated to the slum dwellers is adjacent to the old slum. The haste with which the authorities conducted the eviction meant that the slum dwellers were inadequately surveyed. Less than a third of the original households were allocated new plots of about 9 m² on which to build shelter. Water, sanitation, and drainage were

⁵⁶ "NGOs oppose eviction of slum-dwellers," Indian Express Newspapers (Bombay) (24 March 1999).

⁵⁷ Ibid.

not provided. The rest of the people were forced to divide the remaining land between them. Most of the slum dwellers had no choice but to rebuild their crude shelters of bamboo and plastic on the tidal mangrove swamp. These people now live in the Arabian Sea.

- Mumbai police evicted thirty-five Bengali-speaking families who had Indian passports but were falsely “identified” as Bangladeshis.⁵⁸
- In February 2000 over fifteen hundred families who lived for many years along the railway lines in Mumbai were evicted, breaching any trust which had developed and rendering moot the ongoing negotiations about relocation. The railway authorities evicted them on the pretext that they were clearing illegal structures erected after 1 January 1995, which could therefore be demolished without the provision of alternative land. The Railway Slum Dwellers’ Federation sought a meeting (to no avail) with the evictors to demonstrate that the information they had gathered about these settlements (to justify the evictions) was erroneous regarding the claim that many structures had been built post-1995.⁵⁹
- The Central and Western Railway demolished some thirty thousand huts along the railways in July 2000, and no record was kept of where the people went.⁶⁰

Delhi

Delhi has about twelve hundred slum clusters, comprising six hundred thousand huts and more than three million people. Another 1.5 million live in the forty-four resettlement colonies, just outside the city. By law, rehabilitation schemes for evicted slum dwellers offer three options. If the land-owning agency agrees to forfeit the land, the slums can be allowed to remain where they are and basic amenities provided to them. But if the land owning agency wants the land back, the Government will resettle the squatters, allotting each family eighteen square metres of land, provided the agency gives Rs 29,000 for rebuilding each jhuggi. (The state pays another Rs 10,000 a house, and the squatter has to raise Rs 5,000). The third option: if the agency parts with a portion of the land, the squatters can be relocated in multi-storeyed structures there, funded by the agency and the state.

However, in practice, authorities are not always abiding by the law. For example:

- Over the year 2000, New Delhi saw numerous evictions of slum dwellers from colonies attached to railway properties and elsewhere. The Prime Minister told the rail authorities not to forcibly evict anyone without making alternative arrangements. Yet, the authorities went ahead with the evictions, without offering compensation, despite the Indian Supreme Court verdicts in the past on the need for provisions for alternative arrangements.⁶¹
- The two-decade old Chandrasekhar Azad slum was entitled to relocation under the Delhi Government’s scheme but the Railways Authority, who evicted the families, had no rehabilitation policy. Eviction notices made it clear that no alternative would be offered.⁶²

58 Ibid. (24 July 1999).

59 Available on-line at: <http://www.homeless-international.org>

60 “India’s moral dilemma over evicting poor,” *Christian Science Monitor* (15 August 2000).

61 *The Hindu* (28 March 2000).

62 Available on-line at: <http://www.homeless-international.org>

- The Delhi Development Authority (DDA) evicted a hundred families in the Subhash Nagar slum. The land is now used as a park, and the families received no compensation.⁶³
- Some 150 families were uprooted from a slum at Raghbir Nagar although residents lived in the area for more than twenty years. In trying to find new accommodation, Raghbir Nagar residents went to another slum, but suffered from attacks by the residents already living there.⁶⁴
- In October, three thousand residents from Gautam Nagar slum were relocated at Mithapur near the Haryana border. The farmers of the area resented the outsiders so much that they flooded slum dwellers' homes.⁶⁵
- The shantytowns next to the river Yamuna in Delhi were the centre of a major offensive by Delhi Police to deport Bangladeshi immigrants during 2000. The Home Ministry ordered the process of identifying Bangladeshi illegal aliens, sealing their homes and taking their belongings. Press reports claim that there were many cases of harassment or torture, and allegations that anyone who was Bengali, regardless of their legal status, was deported. By August 2000, some two hundred families had been deported.⁶⁶
- In March 2000, some five thousand slum dwellers were moved outside Delhi in one of the few resettlement schemes to be realised. However, many residents could not afford the travel fare to their work, and the promised school and health clinic were never built. A news report quoted Anil Laul, a town planner involved in resettlement work, as saying that, "There is no paucity of funds or land. It is just that the will to work for the welfare of slum dwellers does not exist."

Other Areas

- City-based voluntary organisations, including Swashraya and Sahiyar, criticised the Vadodara Municipal Corporation for evicting 135 families of slum-dwellers from Chhani without providing a proper alternative site. It was reported that the families had already been evicted twice because they had no proper homes allocated to them. Police armed with hockey sticks carried out the eviction.⁶⁷
- Some three thousand Chakmas were forcibly evicted from Arunachal Pradesh state because of growing antagonisms against the tribes. In recent years, both local groups, most notably the All Arunachal Pradesh Students' Union (AAPSU), and the State Government itself, have called for the Chakmas' expulsion from the state. The Chakmas are a mostly Buddhist tribal group, whose ancestral home is in the Chittagong Hill Tracts of what is now Bangladesh.⁶⁸
- Since 25 July 2000, there has reportedly been a series of actions against refugees in the Mizoram state of India. Mizoram state borders the Chin-Burmese state in Myanmar and about 40,000 - 50,000 Chin refugees have taken shelter in the Mizoram state as a result of military repression. The Chin ethnic people are Christians and it is reported that they have been subjected to forced conversions, mass instances of slave labour, looting of homes, and rape of women by the Myanmar army which has created an exodus of Chins crossing into Mizoram state in India.⁶⁹

63 **The Week** (30 April 2000).

64 *Ibid.*

65 *Ibid.*

66 "Delhi crackdown unsettles Bangladeshis," *India Abroad News Service* (9 August 2000).

67 *Indian Express Newspapers (Bombay)* (24 March 1999).

68 U.S. Committee for Refugees (USCR), "Northeast India's Hidden Displacement" (2000).

69 "India: forced repatriation of Chin-Burmese refugees," (16 August 2000). Available on-line at: <http://www.omct.org>

- The Calcutta Port Trust (CPT) evicted more than seven thousand settlers from its labour quarters near Gate 3 of Netaji Subhas Dock on Brace Bridge Road. Mr. Kanai Biswas, CPT's land inspector who led the eviction drive, said about nine hundred families were illegally occupying 952 labour quarters for the last thirty years. The CPT built a container complex at the site, but no compensation was provided for the settlers.⁷⁰
- Some three hundred Muslim refugees from Indian-controlled Kashmir crossed into the Pakistani side of the disputed territory after being beaten and threatened by Indian troops. The refugees said they had been abused for several days and eventually threatened with death unless they left their village about three kilometres (two miles) from the unofficial border between India and Pakistan. A refugee told how he brought his wife and one year-old son across the border after being beaten repeatedly for several days by an Indian officer. The Pakistan Government said it was the biggest single influx of refugees from Indian-controlled Kashmir in at least two years. There are more than fifteen thousand registered refugees from 2.800 families in the Pakistani zone of Kashmir, staying in some fifteen camps.⁷¹
- In June 1999, the village of Khargam in Kashmir was destroyed by “cross-fire” between Muslim separatist guerrillas and Indian security forces. According to villagers, it was an act of vengeance by army and police, who sealed off the village, found and shot two guerrillas, torched the community with kerosene and kept watch while it burned for hours.⁷²

CESCR: Yes

Constitution: No

INDONESIA

East Timor

Some 18.091 persons were displaced between November 1998 and March 1999 as a result of militia/ security-force activities. It is generally recognised that these forces had the backing and support of the Government in Jakarta. The UN reported that the displacement and evacuation of people, along with the intimidation, terror and destruction of property that occurred, would not have been possible without the active involvement of the Indonesian army, and the knowledge and approval of the top military command.⁷³

These internally displaced people have become a target for killings by militia groups, as clearly demonstrated by the attacks on the Liquiça Church on 6 April 1999 and on the home of Manuel Carrascalao on 17 April 1999. In Viqueque, at least five hundred people left their homes for unknown locations to seek refuge. Similar situations can also be found in Bobonaro, Ermera and Suai.⁷⁴

Following the Government's proposal to grant more autonomy or (possibly) independence, the security forces launched a campaign of intimidation and violence, which led to the displacement of sixty thousand persons fleeing from their villages to urban centres and taking refuge with friends, family or within the churches.⁷⁵

70 **The Statesman** (INDIA) (4 September 2000).

71 “284 refugees arrive in Pakistan side of Kashmir,” Associated Press (27 June 2000).

72 “Ten Years of Ruin In Kashmir,” **The Washington Post** (21 June 1999).

73 United Nations Commission on Human Rights (CHR), **Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M.Deng, to the Commission on Human Rights in accordance with Commission resolution 1999/S-4/1 of 27 September 1999.** p. 17-19 (6 April 2000).

74 Available on-line at: http://www.ess.uwe.ac.uk/Timor/death_squads7.htm

75 United Nations Commission on Human Rights (CHR), **Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M.Deng, to the Commission on Human Rights in accordance with Commission resolution 1999/S-4/1 of 27 September 1999.** p. 17-19 (6 April 2000).

Large-scale human rights violations and mass destruction occurred following the announcement of the ballot results. 80 percent of the population was displaced within East Timor (hiding in the hills) and 240,000 fled or, as is reported most often to have been the case, were forcibly relocated, principally to West Timor but also to other parts of Indonesia.⁷⁶

Aceh

Twenty-three years ago, a small group of separatists declared Aceh's "independence" from Indonesia and have been fighting a guerrilla war ever since. Although the rebels have grown stronger over the past two years as exiles returned from abroad and the political climate within Indonesia has allowed more channels for expression of popular support, the rebels have never been particularly respectful of other people's rights and are by no means universally well liked in Aceh.⁷⁷ When Suharto was forced to step down as Indonesia's President in May 1998, the Acehnese expected rapid change. But violence became the norm in the area. At the same time, security forces have stepped up counterinsurgency efforts in response to attacks on patrolling security forces by rebels. These operations include house-to-house sweeps and checkpoint searches that have been accompanied by arbitrary arrest and detention, torture, extrajudicial killings, and other serious abuses. Displacement reached a peak in June and July 1999, with an estimated 150,000 - 200,000 IDPs.⁷⁸ There have been reports that both the army and the rebels have manipulated flows of displaced persons. Aid workers have alleged that soldiers have prevented villagers from leaving their homes and, in other cases, have emptied camps by force.

CESCR: No

Constitution: No

ISRAEL AND THE OCCUPIED TERRITORIES

They did not allow us to take anything. It was immediate. We were out of the house in five minutes.

- Ibtisam Ghayad, expelled from the village of Sheba with her husband, thirteen year-old son, and nine other relatives in December 1998.

Since the founding of Israel in 1948, the country has been in a state of war with many of its Arab neighbours. After the 1967 war, Israel occupied the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. The international community does not recognise Israel's sovereignty over any part of these occupied territories. Israel's violation of human rights, particularly concerning the practice of forced eviction, arises from its policies and practices against the Palestinians who reside in these occupied territories.

Palestinians formed a majority of the population in Palestine before the Second World War. In 1948, some seven hundred thousand Palestinians were forcefully expelled and have remained refugees in several countries in the Middle East and around the world. In 1967, several hundreds of thousands more fled or were expelled from the Israeli occupied areas. It is estimated that the total population of Palestinian refugees around the world has reached four to five million. Israel has rejected the right of return of these refugees.

⁷⁶ Ibid.

⁷⁷ Although there has been an overall increase in support for the rebel movement, the popularity of the rebels among ordinary Acehnese has continued to wax and wane depending on the perceived viability of other means of achieving greater autonomy.

⁷⁸ "East Timorese Trickle Home From West Timor; Widespread Displacement in Aceh," U.S. Committee for Refugees (24 November 1999).

The despair and indignity caused by forced eviction is pronounced among the Palestinians since property ownership is highly emphasised among them for a range of reasons. Real estate has traditionally been a favoured form of investment throughout the region. Moreover, in the occupied territories there is a lack of alternative opportunities for investment. Additionally, fathers have traditionally been under an obligation to provide a house for their sons upon marriage.⁷⁹

Factors Behind the Demolitions

The Israeli Government has tried to control the development of Palestinian communities through the demolition of their houses. Israel contends that house demolitions are merely an act of law enforcement. Homes are destroyed, or a demolition order is issued, on the pretext that they are “illegal”: that is, they are homes built without permits. The owners were not given permits because they “violate” existing zoning laws. Yet, the zoning laws for Palestinians are strict, and are based on outlines that date from a 1942 British zoning proposal.⁸⁰ Palestinians are not allowed to build in approximately 60 percent of the West Bank, 40 percent of Gaza Strip and 87 percent of Jerusalem. It is almost impossible for Palestinians to obtain a building permit because of discriminatory building regulations.⁸¹ Palestinians who start to build, attempting to house their families, without permits are then threatened with the demolition of their homes.⁸² While restricting Palestinian development, Israel freely builds on these same lands in the Occupied Territories, to house Israelis alone. This is illegal under international law.

The Palestinian Society for the Protection of Human Rights and the Environment claim that many homes in the occupied territories are situated near recent Israeli settlements or by-pass roads that prevent territorial contiguity between Palestinian population centres. Others neighbour Israeli military installations or are located in the path of planned future settlements or by-pass roads.⁸³ Some cases include:

- A road to the Efrat settlement was announced on 28 October 1998 to the residents of Al Khader and Ortas villages. The road would be carved through their property. Work on the road began on the same day. The residents of the village had been informed about the intention to construct a road, but had not been shown any maps.
- The paving of a bypass on 15 November 1998 resulted in the confiscation of an estimated 3.200 dunums of land.⁸⁴ The road is designed to link the settlements of Almon and Kfar Adomim. It cut through land belonging to Palestinian residents of the villages of Anata and Hizma. The road is 3.200 metres long and 100 metres wide. Confiscation of the land was carried out by a military order issued in accordance with the British Mandate Law and the Jordanian Law of 1953 that allow the seizure of property for the general interest. Construction of the road included the demolition of twenty houses along its route. The owners of these houses received no demolition warnings.

79 Marianne Heiberg and Geir Øvnsen, “Palestinian Society in Gaza, West Bank and Arab Jerusalem, A Survey of Living Conditions,” Institute for Palestine Studies (1994).

80 Ibid.

81 The cost of a building permit in East Jerusalem can amount to US\$20.000 and take five years to obtain. The number of permits issued in the West Bank has been at less than one-tenth of the rate required by the natural development and population growth taking place.

82 Marianne Heiberg and Geir Øvnsen, “Palestinian Society in Gaza, West Bank and Arab Jerusalem, A Survey of Living Conditions,” Institute for Palestine Studies (1994).

83 1999 Annual Report of the Palestinian Society for the Protection of Human Rights and the Environment (1999). Available on-line at: <http://www.lawsociety.org/>

84 One dunum is equal to 1000 square metres (10.760 square feet).

- On 18 November 1998, Israeli authorities started work on a bypass linking the settlement of Kfar Tafouh with the settlement of Ele which lies to the south of Nablus. The road cut through the villages of Yutma, Asawya and Aluban Asharqi.

Palestinian homes have also been demolished as punishment. During the past four years, 786 homes were destroyed as reprisals against those who took part in actions against the Israeli military or settlers.⁸⁵

South Lebanon

During the early 1990s, the Israeli military and its auxiliary Lebanese militia, the South Lebanon Army (SLA), expelled civilians from their homes and villages in southern Lebanon. Human Rights Watch reported that these expulsions increased dramatically in 1998 and 1999.⁸⁶ The exact number of evictions is unknown because no Government has maintained comprehensive statistics. Some of the reported cases include:

- In May 1998, an SLA security officer arrived at midnight at the home of sixty-four year-old Muhamed Moussa in the village of Sheba. He instructed Mr. Moussa and his twenty-nine year-old daughter, Mona, who was a teacher at a local school, to report to the SLA security office in nearby Hasbaiya the next day. When they arrived at the office the next morning, with Mona’s five month-old daughter in tow, they were transported to the Zumrayya crossing and expelled.

- In January 1999, twenty-five members of one extended family were expelled from Sheba, including the family’s sixty year-old matriarch and sixteen children between the ages of nine months and thirteen years old. A joint force of Israeli and SLA security forces carried out the eviction. The twenty-five adults and children were then crammed into two cars, including the trunks, and expelled at the Zumrayya crossing point.

Table 5. Reported House Demolitions in the West Bank, 1997

The Israeli Civil Administration (the military body that rules the West Bank by decree) released a report in April 1998 giving numbers for demolitions in 1997:

	Homes built without permit	House demolition orders	Demolitions
1997	701	615	233
Jan-March '98	74	74	57
Total	775	689	290

Jerusalem and the West Bank

The Israeli Government has a policy to maintain the artificial demographic ratio of five Jews to one Palestinian. Present birth rates and migration mean that the ratio could soon be three Jews to two Palestinians. Former Israeli Prime Minister Netanyahu approved this plan on 16 June 1998.⁸⁷ This policy has created the campaign against Palestinian homes in Jerusalem and the West Bank. Many evictions were the result of a recommendation for ninety-five thousand new homes for Israelis around Jerusalem including some thirteen thousand in occupied Palestinian areas.

85 “Home Demolitions,” Hanthala Palestine Organisation. Available on-line at: <http://hanthala.virtualave.net/unof.html>

86 Human Rights Watch, “Persona Non Grata: The Expulsion of Civilians from Israeli-Occupied Lebanon,” (July 1999).

87 Agence France Press (21 June 1998).

Demolitions in 1998⁸⁸

- On 3 February 1998, five homes were destroyed in the Jerusalem and Ramallah areas, including a horse riding academy owned by Ibrahim Mohammed Arifai, close to Anata village in Jerusalem. He was given no warning of the demolition. Additionally, the home of Kayed Rashid Abu Sara in Jaba near Ramallah was demolished creating six homeless people. Also destroyed were homes in Qalandia Refugee Camp, Raft village and Ras Karkar village, all near Ramallah.
- In February, the Sara'ya (a Bedouin tribe) suffered from the confiscation of 3.500 dunums from the Wadi Abu Hindi area of Abu Dis, near Jerusalem, when four hundred of the family were issued evacuation orders.⁸⁹
- Two homes were destroyed by the Israeli military on 11 February in the al Dahariyya area in Hebron. The homes were owned by Ahmad Mansiq and Anwar Abu Shurq and located in Area C of the West Bank.
- The Israeli army destroyed fifty tents and evicted 137 Jahalin Bedouin from their traditional encampment to make way for the expansion of the Jewish settlement of Ma'aleh Adumim on 16 February. Additionally, the home of Anwar al Nibils in al Tur village in Jerusalem was destroyed making twelve people homeless. A further five homes were destroyed in Bethlehem district, three in Hossan village and two in Zatarra village.
- On 25 February the home of Kamal Hamed al Sidaiyi in al Tur village in Jerusalem was destroyed. This four room 130 metre home housed twelve people.
- Six people were made homeless on 26 February, when the house of Jamil Ahmed al Qawasmi was demolished.
- On 3 March, the home of Yussef Mohammed and Zuhur al Attrash, from Qalqis south of Hebron, was destroyed with no warning. The home was completed in 1992, and housed twelve people. The family has lived on this land since Turkish times. Ms. al Attrash was wounded during the demolition by Israeli soldiers, and was treated in hospital.
- On 4 March, five homes were destroyed, including the home of Mohammed Issat al Jabari in a-Ram. His home, in which eight people lived, was built in 1995, without a permit. Four homes in Yatta, south of Hebron, owned by Nesar Nesar al Najadi, Oudeh Nesar al Najadi, Khalil Suleiman al Najadi, and Salem Suleiman Najadi were also destroyed. Some thirty-two people lived in these homes.
- On 1 April, Israeli soldiers evicted Sumoud Camp from a tent site in Siwaneh. The eleven families moved into an empty building in Sheikh Jarrah where they have remained ever since.
- On 23 April, Israeli officials demolished a small Bedouin encampment in Nabi Samuel just outside the Israeli-annexed borders of East Jerusalem.
- Jewish settlers from Ateret Cohanim took over a home in the Muslim Quarter of Jerusalem's Old City on 25 May, evicting the Palestinian residents of the home and throwing out their belongings.

88 All reports, unless noted otherwise, come from the article "Home Demolitions," Hanthala Palestine. Available on-line at: <http://hanthala.virtualave.net/ishomes.html>

89 "The Result of Expanding the Ma'ale Adomim Settlement," Palestinian Society for the Protection of Human Rights and the Environment (1999).

- On the 2 June, Israeli officials demolished four Palestinian homes in and around Jerusalem including the home of a family of nine. This included a 240 sq. metre home in Jabal Mukabber and a 24 sq. metre building in A-Tur. An additional Palestinian home in Nabi Samuel just north of Jerusalem was also demolished, as well as a home in the nearby village of Biddu.⁹⁰
- In the early hours of 8 June, Israeli settlers from the El'ad Association took over four homes in Silwan bringing the number of homes occupied by settlers to seventeen. A private Israeli security company, paid for by the Ministry of Housing, was protecting the settlers' new homes.⁹¹ Ir Shalem, an Israeli organisation which advocates for equal rights for Jews and Arabs in Jerusalem claimed in a suit against El'ad that Ariel Sharon, now Israeli Prime Minister, ordered the Association to receive planning and/or project management permits behind the back of the Israel Lands Administration.⁹²
- On 10 June, six homes were destroyed in the Bethlehem region. One home belonged to Issa Ali Issa, who lived alone. The other five houses belonged to Mahmoud al Rasedh, his sons, and his brother. These five families, fifty-four people in total, were made homeless by these demolitions.
- The Ministry of Interior on 15 June destroyed three homes in Jabal al Mukaber, a Palestinian village located within the Israeli municipal boundaries of Jerusalem for allegedly having been built on "green land." The homes included that of Amin Shkirat, which housed eight people and in which they had lived for eight years. The family had paid Jerusalem property taxes since 1994; the home of Riad Ja'abid and his family of fifteen was destroyed, a home built on land which had been in his family for generations; and the two-family home of Soufian Ahmed Mashahereh, in which seven people had lived since 1993, was also destroyed.
- On 16 June, Israeli army forces destroyed two homes in Beit Hanina which belonged to Abdullah and Kefah Jabarin, and Abdullah's brother Abdel Qader Jabarin. The families had lived in these homes since 1993, and each housed a family of six. The demolitions occurred after the two families had paid a fine of US\$1.300 to the Jerusalem municipality for allegedly building on "open space."
- Four homes were destroyed in the Ramallah region on 17 June, in an area near the Green Line. One was the home of Amran Yousef and his family of sixteen in Shuqbah region near Ramallah - they had previously lived in two rooms, and had built a two-room addition to the house. Their original house was built with a permit, but the additions were not granted a permit. Additionally, the two-room home of Sharifa Sabti, which housed nineteen people, was also destroyed in the Um Safeh region near Ramallah. Also, the four-room home of Yousef Hassan, in which five people lived, was also destroyed. Finally, a one-room house belonging to Subhi al Qedar, in which four people lived, was destroyed in the Shuqbah region, near Ramallah.
- On the 18 June, six homes were destroyed in the Bethlehem area: five homes in al-Rashaida village displacing fifty-four people and one house in the Tekoa village displacing two people.
- On 22 June, Israeli armed forces demolished one Palestinian home in the village of al-Walajeh, located on the southwestern borders of Jerusalem. The home belonged to Mustafa Khalil Al-Tin and housed ten people. Mustafa Al-Tin had built the house in 1993. He had not applied for a building permit at the Jerusalem municipi-

90 Agence France Press (2 June 1998).

91 Ha'aretz (9 June 1998).

92 Ha'aretz (5 June 1998).

pality, because he considered the land to be part of the West Bank (and not located within the Jerusalem municipal boundaries), especially since he himself is holding a West Bank identity card. However, soon after construction was completed, Mr. Al-Tin received notice from the Jerusalem municipality informing him that his home was built “illegally.” The case was petitioned in the Israeli High Court in 1996, but the Court approved the municipality’s demolition order.

- Five houses were destroyed in the Hebron region on 23 June, including the home of Ali Daoud and his twenty-five member family in al Dirat, east of Yatta in the Hebron region; four corrugated metal structures in Kashem al Qoum, east of Karmiel settlement between Hebron and the Dead Sea. They belonged to four members of the al Najada family; and twelve tents belonging to thirty members of the Kababish family in al Aouja region near Jericho.

- Three houses were destroyed in Kattana village, northwest of Jerusalem on 25 June. One was the home of Nijem Taher Alem al Faqieh, in which five families lived since 1997. Thirty-six people lived in this home.

- On 9 July, three homes were destroyed in the West Bank. One was the home of Abdel Rahim Abdel Salim and his five-member family in Kharbatha Beni Hareth, near Ramallah. In Anata, near Jerusalem, the home of Salim Shawamreh in which thirteen people lived was destroyed. Israeli soldiers injured Salim, his wife, and his daughter during the demolition. In al Jib village, the home of Mohammed Hamis Sha’abne and twelve of his family was destroyed. The family lived in one room of fifty metres. Their home was located near the Pisgat Ze’ev settlement near Jerusalem.

- On 13 July, in Silwan village, in Jerusalem, the foundation of the new home of Majidda Sabri Said Karami was destroyed. She had hoped to move out of her parent’s over-crowded house, into the new house specially designed for her, as she is blind.

- Early on the morning of 28 December 1998, the Palestinian town of Kifal Harith was entered by members of the Israeli Civil Administration, the army, the Border Patrol and the police, accompanied by a wrecking crew and two bulldozers. They proceeded to demolish the house of Mahmud Shakur, in which seven people had lived for over ten years. The wrecking crew, soldiers, and Civil Administration officials then proceeded to the house of Husam Abu Yakub, uprooting olive trees and gardens of village residents on the way. The Abu Yakub family tried to stop the demolition of their three-room home, where they had been living for the past three years. They pleaded with the soldiers not to destroy the house, and when Husam, his wife, and their three small children refused to leave, the army threw a canister of tear gas inside the house. Several family members fainted from the gas and needed medical assistance. The Civil Administration contractor then sent his African guest workers to quickly remove the family’s belongings, and the house was bulldozed as the family and neighbours looked on.⁹³

93 This report appeared at Ariga.com. Available on-line at: <http://www.ariga.com/5759/halperoo2.htm>

Demolitions in 1999⁹⁴

During the first six months of 1999, Israel confiscated twenty-five hundred acres of land for the purpose of Israeli settlements and infrastructure, and a total of thirty-five hundred acres have been levelled in order to facilitate the further expansion of settlements and bypass road construction.⁹⁵

- During 1999, the expansion of the Israeli settlement of Ma'ale Adomim forcibly relocated twenty-five Bedouin families (two hundred people) from all three Jahaleen tribes, who have been living there since 1952. Muhammad Al Jahaleen, a member of the Anata Land Defence Committee, said that settlement expansion would lead to the expulsion of an additional five hundred people from the Al Salamat family. It is the second time in four years that the Al Salamat family had their homes demolished by Israeli occupying forces.
- On 24 July 1999 the Israeli Civil Administration demolished the house of Ibrahim Halasa, located near Ma'ale Adumim settlement, on the claim that the house was built on state land. The house sheltered nine persons. This was the fourth time that the Halasa home had been demolished. The first demolition took place in 1988. The Israeli army and police used excessive force during the demolition and arrested Ibrahim (then sixty-five years old) and his daughter Aliyah (then sixteen years old).
- On 11 July 1999, the Israeli authorities demolished two houses in al-Walajeh owned by Muhammad and Ahmad Khalifeh on the pretext that they were built without a permit. Ten people were injured because of the excessive use of force deployed by the Israeli security forces.
- On 30 August 1999, a house under construction, owned by Bassam Adama, was demolished in at-Tor neighbourhood on the Mount of Olives. The house was intended to shelter seven persons.
- Israeli bulldozers demolished a 240m² house in Beit Hanina on 25 October 1999. The house was owned by Kamel Abu Dheileh, Odeh Khader and Najwah Imteir and sheltered twenty-four persons. The house had been built in 1991 without the requisite permit and the Jerusalem municipality had already imposed a fine on the owners. Because the court was still examining the case, the owners' lawyer assured them that the demolition would be postponed. Furniture and other personal belongings were destroyed with the house.
- On 26 October 1999, the house of Ihab Naser in Issawiya was demolished. Naser lived in the 100m² house with his wife and his mother. The family was informed on the day of the demolition that the land had been confiscated. The demolition came unexpectedly, because the municipality had requested that the family initiate licensing procedures only three months earlier. The area was designated as a green area (to be used by the public) by the municipality and thirty-seven other houses in the area received demolition orders.
- On 15 November 1999, the Jerusalem municipality demolished the house under construction of Muhammad al-Jabari in Jabal al-Mukabber. The house was intended to shelter sixteen persons.
- In the Gaza, 22 November 1999, Israeli occupation forces demolished six Palestinian houses. Some two hundred soldiers and thirty bulldozers carried out the eviction, which was done without prior notice.⁹⁶

94 Unless stated otherwise, individual reports come from "Jerusalem Under Barak - Settlement Expansion & House Demolition," Palestinian Society for the Protection of Human Rights and the Environment (2001).

95 Figures from B'Tselem, The Israeli Information for Human Rights in the Occupied Territories. Available on-line at: <http://www.btselem.org>

96 Press release from the Palestinian Centre for Human Rights (23 November 1999).

- On 23 November 1999, the Israeli authorities demolished the house that Ihab Naser from Issawiya was rebuilding after it had been demolished on 26 October. Another house in Issawiya owned by Hussein Khalil was demolished the same day. Khalil and fifteen family members had been living in the house that covered about 140m².

Demolitions in 2000

- On 1 February 2000, the municipality demolished the house of Abderraziq al-Sheikh from Issawiya for the second time in less than ten months. The bulldozers were accompanied by a large group of Israeli soldiers. Al-Sheikh was temporarily living in rented accommodation in Sheikh Jarrah and was preparing to move into the new house that had just been completed. The construction of the house had cost an estimated US\$40,000.
- On 8 March 2000, the Jerusalem municipality demolished the house of Abdallah as-Salaymeh in the Wadi Qaddoum area in Silwan on the claim that the house was built without a permit. The demolition made nine persons homeless. The Israeli security forces severely beat two sons of Salaymeh when they tried to prevent the bulldozers from demolishing their home.
- Three rooms owned by Muhammad Dirbas, Omar Dari and Yousef Muhaysen were demolished in Issawiya on 18 April 2000. Muhaysin had built the room in preparation to build a house for his family. Muhammad Dirbas and Omar Dari had both built their rooms for agricultural purposes.
- On 5 June 2000, the Jerusalem municipality demolished the house of Hasan Shehadeh in al-Walajeh. The demolition made seven people homeless. The bulldozers were accompanied by an estimated two hundred Israeli Border Police officers. Twelve inhabitants of al-Walajeh, some of them elderly people, were injured in clashes with the police when they tried to stop the demolition. The Israeli authorities claimed that the house was built without a permit.
- On Israeli Interior Ministry orders, the house of Hamza al-Mughrabi in Jabal al-Mukabber was demolished on 13 June 2000. The house sheltered ten persons. Al-Mughrabi stated that he had obtained a permit from the Jerusalem municipality to renovate his house in 1992. Because part of the house started to collapse, he had to conduct renovations. The Interior Ministry then claimed that the house was built illegally. Al-Mughrabi had received an order to appear in a court hearing over the planned demolition on 12 July, but the bulldozers arrived before the case was heard. The family was given half an hour to evacuate the house and the furniture was destroyed along with the house. One demonstrator who tried to stop the bulldozers was arrested.
- On 14 August 2000, the municipality demolished two houses in Silwan under the pretext that they had been built without a permit. Early in the morning, bulldozers, accompanied by large forces of police and Border Police, came to demolish the house of Jamal Dakaydik. Dakaydik, his wife and three children had been living in the house for only two months. According to Dakaydik's affidavit, the Israeli authorities did not give the family time to salvage the furniture before the demolition. Later that morning, the municipality bulldozers demolished the house of Muhammad al-Tawil. The house had cost 100,000 Jordanian Dinars to build and the seventeen-member family was just preparing to move into the house. Al-Tawil stated that the family had applied for a building permit from the municipality numerous times in the past three years, but to no avail.
- Three houses under construction were demolished on 29 August 2000 in the Ras Khamis neighbourhood of Shu'fat. Early in the morning, Israeli security forces closed the Shu'fat refugee camp. The bulldozers came

from the nearby settlement of Pisgat Ze'ev and demolished the houses under construction that belonged to Ibrahim 'Alqam, Ahmad Hushiye al-Zghari and Muhammad Abu Ghalieh.

Since the current Intifada broke out at the end of September 2000, Israel has escalated a vicious attack on Palestinian property, with large-scale demolition of civilian homes and of Palestinian security installations under the pretext that the houses demolished were being used for rock throwing or shooting. The policy of demolishing Palestinian homes has resulted in displacing and uprooting hundreds more Palestinian families, leaving them homeless.

During the first six months of the Intifada, the area worst hit by Israel's demolition policy has been the Gaza Strip, where Israeli forces have destroyed Palestinian houses, stores and industrial and agricultural installations. According to the Palestinian Society for the Protection of Human Rights and the Environment, and information obtained from the Palestinian Centre for Human Rights in Gaza, Israeli forces have knocked down 120 Palestinian homes (108 in the Gaza Strip and 12 in the West Bank), and 77 agricultural installations (76 in the Gaza Strip and one in the West Bank), including fifty buildings used for storing agricultural tools and products as well as water wells and pumps, fifteen ponds and twelve poultry farms. The destruction also included four car repair workshops, two gas stations, and ten stores in the West Bank. They have also destroyed a number of walls surrounding houses and water pumps and irrigation networks.

Destruction of property in the Palestinian territories includes the following:

- On 7 October 2000, Israeli forces razed two buildings, containing a total of thirty-two apartments, which were demolished before people had the opportunity to empty them of furniture and other belongings.
- On 29 October 2000, Israeli forces knocked down Omar Al Makam's 180m² house in Rafah.
- On 3 November, Israeli authorities knocked down two houses in Rafah belonging to twenty-five year old Mahmoud Abu Rayash, (150 m²), and Suleiman Al Riyati, age forty, (200 m²).
- On 8 November, Israeli forces razed five houses in the same area, belonging to Hisham Abu Shusha, (150 m²), Akram Jaradat, (220 m²), Ayub Al Rimilat, (50 m²), Mohammad Al Wakili, (60 m²) and Saleem Jaradat (70 m²).
- On 11 November, Israeli forces knocked down Abdul Hafith Al Najar's 200m² house in Khan Younis.
- On 13 November, in Khan Younis, Israeli forces demolished Suleiman Al Samiri's 150m² house, Ayish Abu Hadaf's 120m² house, the 200m² home of Mohammad Al Baz' and the 150m² home of Khalaf Abu Ajaj.
- Near Netsarim junction on 14 November, Israeli forces demolished the home of Abed Abu Hadaf along with that of Fawzi Irheem (150m²).
- On 20 November, five houses were demolished by Israeli forces that belonged to the Al Jafarawi family in Deir Al Balah, as well as two houses belonging to Hussein Abu Bukra and Khaled Al Hussary.

- On 21 November, Israeli forces razed the 200m² Rafah home of Sami Jarbou (seven inhabitants); Ashur Abdeen's 200m² house (fifteen inhabitants); Nayif Abdeen's 250m² house (twelve inhabitants); Adnan Abdeen's 160m² house (six inhabitants); Ali Abdeen's 160m² house (eight inhabitants); Ahmad Al Kudra's 150m² house (nine inhabitants), Mohammad Al Fara's 60m² holiday home; Salti Abu Azim's 100m² house (ten inhabitants); Salem Abu Azim's 75m² house (seven inhabitants); Ahmad Abu Hameed's house and a 12m² room belonging to Ahmad Abu Mghaisib.
- On 22 November, Israeli forces razed Abdul Hakeem Abu Holly's 200m² house; Manar Al Fara's 200m² house; Abed Al Ghamri's 200m² house; Abed Abu Eed's 150m² house (two inhabitants) and Khadra Abu Eed's 120m² house (one inhabitant).
- On 24 November, Israeli forces knocked down a 500m² house belonging to Abed Madi.
- On 26 November, Israeli forces knocked down Awad Al Sameeri's old house and Yusif Abu Holly's 250m² house (nine inhabitants).
- On 27 November, Israeli forces demolished Al Mughani's 100m² house and Ishak Al Alami's 110m² house.
- On 28 November, Israeli forces destroyed Suleiman Abu Rizik's 90m² house, Mohammad Brais' 120m² house, Selim Al Mityib's 148m² house, Al Ghafri's 80m² house, Nayif Al Mityib's 120m² house, Mohammad Abu Hassan's 500m² house, Sami Al Kudra's 80m² house, Abed Abu Ghayad's 150m² house and Ismail Safi's 120m² house.
- On 29 November, Israeli forces demolished Yassin Al Masri's house in the Palestinian village of Al Khader. The house was 120 m²; its owner lives in Jordan.
- On 30 November, Israeli forces knocked down Ibrahim Al Sameeri's 120m² house and Ra'ed Al Sameeri's 150m² house on the road to Kisufeem settlement in the Gaza Strip.
- On 3 December, Israeli forces demolished three houses in the Palestinian village of Al Aoja belonging to Ibrahim Al Basayta and his children.
- On 6 December, Israeli forces demolished Audi Al Ghafri's 150m² house and Hamid Haji's 80m² house, along with Hamid Haji's 250m² house.
- On 9 December, Israeli forces demolished Ahmad Al Majayda's 150m² house, which sheltered seven people.
- On 10 December, Israeli forces demolished Salim Dalul's 40m² house.
- On 12 December, Israeli forces razed Salem Abu Samra's 280m² house, Omar Bashir's 260m² house, and Yusif Bashir's 220m² house.
- On 17 December, Israeli forces demolished Fawzi Abu Samra's three-storey house (400m²) northeast Kfar Daroom settlement in Deir Al Balah. The house sheltered twelve people.

- On 30 December, Israeli forces knocked down Anwar Kishta's 100m² house in Rafah, which accommodated seven people.

- On New Year's Day, Israeli forces destroyed three houses southwest of Kfar Daroom settlement in Deir Al Balah belonging to Nasra Abu Mghaisib (180m²), Fatma Abu Bukra (160m²) and Intisar Abu Bukra (140m²).⁹⁷

CESCR: Yes

Constitution: No

JAPAN

- Osaka City evicted homeless persons who had found shelter in Nagai Park without negotiating or offering any acceptable alternative. Homeless persons living in Ueno Park, Tokyo, however, have been able to negotiate a settlement with local authorities in which they received a promise not to be evicted by force and will be provided with alternative space within the Ueno Park in which they can set up their tents. The settlement calls for future negotiations.⁹⁸

CESCR: Yes

Constitution: No

MALAYSIA

Whenever there's an eviction, it's the women who don't get to go to work, it's the women who have to manage with the children in the tents - yes, they live in the tents, and it's the women who have to somehow manage the food. It's also the women who are responsible for raising funds for the evicted families. We would like to surface these issues that most political parties just seem to gloss over.

- Irene Xavier, president of Sahabat Wanita

The struggle against land acquisition and forced eviction, both urban and rural, has been one of the most prevalent struggles of the 1990s in Malaysia. Forced evictions in Malaysia can be divided into two main concerns. One is forced evictions as they affect the indigenous population, and the massive evictions of squatters due to government development policies.

Indigenous groups are the descendants of the original inhabitants of Malaysia, amounting to around 10 percent of the population. While they have the same constitutional rights as the rest of the population, in practice, administrative regulations often disallow these groups from local political participation.

In 2001, the Government provided some US\$26 million (100 million ringgit) to the Orang Asli community to eradicate poverty, improve education and social welfare, and improve infrastructure in resettlement villages.

However, uncertainty surrounding all indigenous land ownership (both on the peninsula of Malaysia and in Malaysia Borneo) makes them vulnerable to exploitation from mining and logging companies. Additionally, in

⁹⁷ Many of the demolition cases here were conducted as reprisal measures against civilians, and this violates Article 33 of the 4th Geneva Convention 1949, which stipulates, "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited."

⁹⁸ Asian Coalition for Housing Rights (2001).

the event of such dispossession occurring, under national legislation the state is not obliged to pay any compensation or allocate an alternative site.⁹⁹

Indigenous persons in peninsular Malaysia (known as Orang Asli) claim that land reserved for them has declined since 1990. National NGOs back this up, stating that over the past ten years the Malaysian state has overseen the erosion of customary native rights over land. Laws allowing condemnation and purchase of land do not require more than perfunctory notifications in newspapers to which indigenous people may have no access. The result was that many indigenous people were deprived of their traditional lands with little or no legal recourse.¹⁰⁰ In addition, NGOs and others working for the rights of indigenous people are often detained under the draconian Internal Security Act of 1960 that, among other things, allows detention without trial.¹⁰¹

Cases include:

- In Bukit Unggul in Bangi, Selangor, the Temuans had to make way for the construction of a university on their land, only to be asked to move again - to make way for a golf course.¹⁰²
- Two groups of nomadic Penans in the Ulu Limbang, Limbang District and Ulu Mogoh, Tutoh, Baram District in July 2000 made strong appeals to the Government to end logging practices that were destroying the traditional lives of the forest inhabitants, forcing them away from their traditional villages.¹⁰³ They presented to the 2000 Commission on Human Rights a report "Not Development, but Theft," detailing how logging companies use police force and intimidation to appropriate land from indigenous communities.¹⁰⁴
- In Sarawak, a state of Malaysia on the island of Borneo, a total of some ten thousand tribal people have been forced off their traditional lands so that the Malaysian Government can build the Bakun dam.¹⁰⁵ The dam is the largest ever to be built in South East Asia. A majority of the people are against the dam, which has destroyed ancient and religious sites important to the tribes. By September 1999, the natives from the Kayan, Kenyah, Lahanan, Ukit and Penan ethnic groups from fifteen longhouses were uprooted from their homes to Sungai Asap, about 30km from the dam site. Resettlement towns have also destroyed the indigenous people's way of life, causing many people to now work in the cash economy, forcing families apart, as sons and husbands leave home to find work in the small towns and palm oil plantations. Additionally, investigations by Sahabat Alam Malaysia (SAM) officials showed that the so-called assurances of benefits to be obtained have remained mere promises that have yet to be met.¹⁰⁶ Additionally, each of the families are being asked to pay 52,000 ringgit (approximately US\$13,700) for their apartments, far more than most of them have received in compensation.¹⁰⁷

In urban areas, evictions are common to ordinary Malaysians. Housing shortages, causing high property and rental prices, inevitably helps to foster a situation in which there are serious housing rights violations. Large

99 Colin Nicholas, Center for Orang Asli Concerns. Available on-line at: <http://www.xlibris.de/magickriver/oa.htm>

100 U.S. Department of State, "Country Report for Malaysia," (February 2001).

101 Harakahdaily.com (Opposition party's online news).

102 Amnesty International, **Amnesty International Annual Report** (2000).

103 Sahabat Alam Malaysia, press release "Nomadic Penans appeal for urgent action," (6 July 2000).

104 Available on-line at: <http://www.umwelt.org/regenwald/pdf/penan.pdf>

105 International Rivers Network. Available on-line at: <http://irn.org/programs/bakun/aa.000509.html>

106 Sahabat Alam Malaysia press release, "Call Off Bakun Project," (12 March 2000).

107 "Dam Forces Indigenous People Into The Middle Of Nowhere," **The Independent** (London) (11 June 2001).

numbers of people cannot afford adequate housing. Therefore, many build their houses in squatter areas. Although initially meant to be temporary, these often ultimately become their permanent homes.

Particularly in the 1990s, squatter clearance became more aggressive. The Kuala Lumpur City Hall and the Selangor State Government have committed themselves to clear the existing squatter settlements by the year 2002. It was reported that the Government would not offer any compensation to the evicted.¹⁰⁸ During the past two years, twenty-one squatter areas have been fully or partially demolished. These evictions will involve more than five thousand households, or about forty thousand people. According to a census from 1997, Selangor has some 170,000 persons living as squatters.

Proper statistics are missing in Malaysia on who has already received compensation or conditions of relocation when offered. However, many documented cases detail how squatters are relocated and paid RM300 (US\$64.95) to RM5,000 (US\$1,082.5) compensation. Government low cost flats were sold to them for RM25,000 (US\$5,412.50). There have been many cases where squatters are unable to repay their loans and are thus forced to sell or give up their flats. Some of them go back to squatter areas. There are also many reports that evicted squatters are not paid any compensation.¹⁰⁹

Some cases include:

- In March 1998 in Kota Kinabalu, over eight hundred squatter families had their homes destroyed by the local council, although most had occupied their homes since 1984.¹¹⁰
- The Petaling Jaya Municipal Council took down twenty-three squatter homes, leaving some four hundred persons homeless. The houses were demolished to make way for a highway. Offers of new homes were only forthcoming for half the squatters.¹¹¹
- Sixty-eight families in Kampung Sungai Rumput were forcefully evicted in October 1998. No alternative accommodation was offered and the families ended up living in tents.¹¹²
- A squatter community in Kampung Benggali was demolished, forcing 128 families to a new designated area. Many of the squatters had lived in the area for fifty years. All the families protested against the area allocated to them, particularly because the area lacked an access road.¹¹³
- In March 1998, some one hundred families were forcibly evicted from their homes in Kampung Sungai Rumput, Bandar Utama. Some of the squatters moved to new accommodation, but most were made homeless because they could not afford the down payments on the new flats.¹¹⁴

108 "Officers Demolish Squatter Houses," *New Straight Times* (5 January 1998).

109 From a report by Dr. Syed Husin Ali, President of Parti Rakyat Malaysia (PRM or Malaysia People's Party), to the Asian Human Rights Commission (February 2000).

110 "Squatters sue council for loss of homes," *The Star* (4 March 1998).

111 "Squatter houses pulled down," *New Straight Times* (18 March 1998).

112 Malaysian Democracy Society, letter of appeal (November 1998).

113 "Perak to relocate squatter colony," *New Straight Times* (14 January 1999).

114 "Squatters fail to stop demolition," *The Star* (18 March 1998).

- In May 1998, the Petaling Jaya Municipal Council demolished some one hundred homes for the widening of a main road. No compensation was offered.¹¹⁵
- In Kuala Lumpur, sixty homes were destroyed in a violent eviction that saw some forty people arrested. The compensation offered to the squatters was deemed inadequate.¹¹⁶
- In June 1999, squatter families in a settlement near Kuala Lumpur were forcibly evicted from the land they had lived in for up to forty years. Eighty-one houses were flattened to make way for a planned real estate project. With no roofs over their heads, many of the evicted residents are trying to rebuild houses in the same area while others are staying in makeshift shelters.¹¹⁷
- A squatter community in Tasik Utara (located in Johor Bahru, a stronghold of the ruling party) was evicted to make way for the construction of a golf course. The squatters were relocated to a temporary housing scheme in Tampoi, where they are still living since 1974. This area was cleared in 2000 for a new housing development scheme, which did not include squatter involvement.¹¹⁸
- In November 2000, seven thousand squatters from Pulau Gaya in Borneo, off the Kota Kinabalu waterfront, were evicted from their homes. Government officials refused to provide information on the compensation or relocation plans for the squatters. The massive eviction operation was conducted at dawn and involved some thousand police and other security enforcement agencies.¹¹⁹

CESCR: No

Constitution: No

PHILIPPINES

The Philippine's Urban Development and Housing Act (1992) defines the urban poor as people without houses and whose income falls below the poverty threshold set by the Government. Non-governmental organisations also include the absence of security of tenure as a characteristic of urban poverty. Using these two definitions, the nationwide urban poor population is estimated at fourteen million to seventeen million people or two to three million households.

This high population of urban poor is continually growing through mass migration from the countryside. People migrate due to insurgency and counter-insurgency operations in the countryside and due to what NGOs call "development aggression" – a situation where people are displaced because of the Government's programs and projects.

The largest areas under development in the Government's modernisation plan – called Philippines 2000 – that links the five provinces of Cavite, Laguna, Batangas, Rizal, and Quezon in the CALABARZON growth zone. Domestic and foreign investors are being provided with huge tax incentives to establish industrial plants in the zone. At the southern tip of the zone, in Batangas, the results are evident in spiralling land prices, which have tripled over the past two years. Vulnerable communities are being evicted from their land to make way for speculators and assorted projects.

115 "Squatters houses demolished," *New Straight Times* (13 May 1998).

116 "Residents fail to stop demolition," *The Sun* (28 May 1998).

117 "Evictions drown out clamour for cheap housing," *Asia Times on Line* (atimes.com) (13 July 1999).

118 *Asia Intelligence Wire* (2 November 2000).

119 "Borneo: 7.000 evicted so where do they go?" *Borneo Bulletin* (27 November 2000).

The Urban Poor Associates (UPA), an NGO based in the Philippines, reported that fourteen thousand families were evicted in the first six months of 1998 nationwide. In 1999, it was estimated that 165,000 families were evicted. Another UPA study counted twenty-nine demolition cases affecting 6,059 families or 36,354 people just in Metro Manila during 2000. Of these, only 1,342 families, or barely 22 percent, were relocated. But even then, the UPA study noted that the government relocation sites were inadequate because they lack basic services. The study also found that demolitions in 2000 were largely in pursuit of government infrastructure projects. Certainly, the lack of cheap housing exacerbates the problem of forced eviction. From 1993 to 1997, only 108,138 socialised housing units were built for the poor compared to 833,274 units built that cater mostly to the middle class.¹²⁰

In cities and urban areas, police and military troops have openly participated in the demolition of communities so that work can begin on unpopular government or privately owned construction projects. In 2000, the Government complained that squatter obstruction was the reason why foreign-funded government projects could not be implemented. Yet, many squatters are not so much against the projects as against the inadequacy of government resettlement sites. In the Pineda demolition case cited below, the Asian Development Bank, the main funding agency of the project, instructed the Government to stop the evictions because the Kasiglahan relocation sites were not yet ready or adequate.

For 2000, UPA was able to collect the following information.¹²¹ As they freely admit, for every eviction reported, two others go unreported.

Table 6. Reported Demolitions in Cities and Municipalities, Philippines

City/ Municipality	# of Demolitions	#Families	Government land	Private Land	Violent
Mandaluyong	1	300	1	-	-
Malabon	1	30	1	1	1
Navotas	3	175	3	-	-
Quezon City	3	2275	1	1	-
Pasig City	1	277	1	-	1
Paranaque	2	316	2	-	2
Taguig	1	450	1	-	1
Makati	7	286	6	1	2
Muntinlupa	1	1,000	1	-	1
Caloocan	1	500	1	-	1
TOTAL	29	6,059	25	4	11

120 Papers from the Public Forum on the Philippines, "The Estrada Government Amidst the Crisis: Can it Deliver its Promises to the Poor?" presented by Gwen Ngolaban, Executive Director, Fellowship for Organizing Endeavors (FORGE) Utrecht, the Netherlands (23 April 1999).

121 Demolition Monitor: Year 2000, Urban Poor Associates. Available on-line at: <http://www.locoa.net/upa/phil-monitor1-1.htm>

For Metro Manila itself, UPA provided the following figures:

Table 7. Reported Number of Evicted Families in Metro-Manila, 1997-2000

Year	No. of Families Evicted	No. of Families Relocated	Percentage of Families Relocated
1997	8.067	2.589	32.09 %
1998	3.754	3.346	89.13 %
1999	7.873	3.587	45.56 %
2000	6.059	1.342	22.14 %

In 1999, half the evictions took place on privately owned lands. In 2000, less than ten percent of the evictions took place on private property, mirroring the slowdown in the real estate industry. Some of the larger cases include:

- In December 1999, a housing demolition in General Santos City involved army special forces. The residents invoked the law (Urban Development and Housing Act) that provided for proper consultation and notification of any impending eviction and the provision of a proper relocation site. But the soldiers, displaying a court order, demolished their homes anyway.¹²²
- A project by the Department of Public Works and Highways (DPWH) evicted some 2,000 families during the middle of 1999. The DPWH's project was a flood control project along the Kaloocan, Malabon and Navotas rivers. None of the evicted families were offered compensation.¹²³
- The Task Force Detainees of the Philippines (TFDP) has documented some 102 cases of demolition where 21,828 houses were destroyed from January to August of 1999. In December 1998, TFDP cited a case in General Santos City in Mindanao, where some fourteen thousand families were forcibly driven away from their community because of a government airport and road improvement project. The displaced residents were not provided with relocation provisions.¹²⁴
- Newspaper reports accused the Department of Environment and Natural Resources (DENR) of allowing the eviction of seven thousand peasants from the Negros Occidental Agricultural College (NOAC) allegedly so that a private firm, Tri-Partners, Inc. can convert a thousand hectares of the reservation to coffee plantations for the food giant Nestle.¹²⁵
- Some 374 families lost their homes in the Sea Wall, CCP Complex, Pasay City on 8 February 1999. The demolition occurred upon the order of the Commission on the Settlement of Land Problems (COSLAP). The National Anti-Poverty Commission said that the demolition was unlawful because the affected residents were not pro-

122 "Legitimate Protests Suppressed," Asian Human Rights Commission, *Solidarity*, Volume 9, Number 5 (May 1999).

123 E-mail from Peter Shimokawa, Urban Poor Associates (20 July 1999).

124 "Urban poor, demolition and the right to adequate housing," Task Force Detainees of the Philippines (TFDP) (14 April 2000).

125 "Evicted farmers," *Business World* (Philippines) (17 December 1998).

vided with a relocation site. The demolition crew also burnt down housing materials belonging to the residents. Reports state that the authorities harassed residents when they tried to protest the demolitions.¹²⁶

- According to Amnesty International, during 2000, an escalation of armed conflict in central Mindanao led to the displacement of over four hundred thousand civilians amid reports of indiscriminate bombings and human rights violations by the Armed Forces of the Philippines (AFP). There were reports of indiscriminate aerial and artillery bombardment of civilian areas suspected of containing MILF forces, and of extrajudicial executions, “disappearances” and torture of those thought to have links to the MILF.¹²⁷

- The Pasig River project saw the forced eviction of some ten thousand families during 1999 and 2000. Around half were evicted to a resettlement site in Kasiglahan. However, the Government began to encounter implementation problems in the later part of 2000. Personnel changes meant that the relocation scheme became poorly run, and in 2000, the Government pushed through its remaining eviction operations in the face of resistance from families still living near the project, and several violent demolitions took place. In late 2000, the Asian Development Bank intervened to stop the forced evictions along the Pasig River.¹²⁸

- Farmers living near the Pampanga River were forcibly evicted to make way for the Pampanga Delta Development Project being implemented by the Korean owned Han Jin Construction Corporation and funded by the Japanese International Cooperating Agency.¹²⁹

CESCR: Yes

Constitution: Yes

SOLOMON ISLANDS

Amnesty International reported that between seven thousand and ten thousand people fled their homes in rural Guadalcanal during the year, following threats, abductions, looting and burning of their property by armed political groups.¹³⁰

CESCR: Yes

Constitution: No

SRI LANKA

For the past seventeen years, the Sri Lankan Government has fought the Liberation Tigers of Tamil Eelam (LTTE), an insurgent organisation fighting for a separate ethnic Tamil state in the north and east of the country. The Government continues to provide relief to those displaced by the conflict. Yet, the ongoing war with the LTTE continues to be accompanied by serious human rights abuses by both sides of the conflict.

- In April 1998, some thousand persons were forcibly evicted by the Sri Lankan army (SLA) from Upparu, 15km south of Trincomalee. The SLA maintained a close watch on the proceedings and prevented any photographers

¹²⁶ “Widespread demolition worries urban poor dwellers,” Ecumenical Commission for Displaced Families and Communities (ECDFC), Philippines Human Rights Update, Volume 12, Number 5 (16 February 2000).

¹²⁷ Amnesty International, *Amnesty International Annual Report* (2001).

¹²⁸ UPA homepage, available on-line at: <http://www.locoa.net/upa>

¹²⁹ Asian Coalition for Housing Rights (2001).

¹³⁰ Amnesty International, *Amnesty International Annual Report* (2001).

to come near the village. The army claimed that the Liberation Tigers of Tamil Eelam (LTTE) would use the village as a staging post for attacks. The people had been asked to leave by the SLA and had to evacuate their homes immediately, leaving behind their valuables. Villagers said that they had been displaced in 1990 from Upparu and lived as refugees at Clappenburg camp in Trincomalee. They had been reluctantly resettled in Upparu in 1994.¹³¹

- In 1999, the police evicted some thousand people including pregnant women and children from the land they were occupying in Modera. The families who were evicted alleged that the police beat residents, including children, and demolished their huts before driving them onto the road. Police also said the move-on request was made because of allegations that the squatter settlement was contributing to criminal activity in the area. After they were evicted, the displaced people took refuge in a community centre run by the Colombo Municipal Council. But, the Council told them to move to a nearby park. Last reports received by COHRE state that the Government and the local council were squabbling over the responsibility for the evicted. The evicted families claim that the police had demolished their homes overnight and attacked residents. They asked why the officials did nothing when they put up the houses six months ago. The families claim that some residents and the police were against their settlement because the land that was occupied by them was earlier used for various illegal activities.¹³²

CESCR: Yes

Constitution: Yes

THAILAND

Thailand's hill tribe people are a small and discriminated-against minority, mostly living in the remote highland areas of the northern and southwestern parts of the country. Some of the tribes include the Karen, Hmong, Mien and Khahaw.

The hill tribes suffer from overt racism and ignorance about their culture from outsiders. To cite one example, the Asian Development Bank proposed to reduce the "population of people in mountainous areas and bring them to normal life." With the encouragement of various international agencies and foreign environmental organisations, Thailand's half a million hill-tribe members face various kinds of resettlement threats.¹³³

More positively, the hill tribes control the Community Forests Support Group (Kong Tun Chumchon Rak Pah), which raises funds to protect the forests and traditional ways of life. Funds are also used to support the villagers' efforts to campaign for legal amendments to allow for community rights in forest management.

After years of campaigns, the Forestry Department finally adopted, albeit reluctantly, the concept of community forests, which allow the locals to manage forests in their vicinities. However, when the people-sponsored version of the community forest bill entered the legislative process in 2000, it was taken over by the state-sponsored bill that still gives the Forestry Department ultimate authority to evict forest dwellers.

¹³¹ Tamil Net (April 1998).

¹³² E-mail from Shelani de Silva, Center for Justice, Equality and Peace in South Asia (August 1999).

¹³³ "Racial Oppression and Forest Cleansing in Northern Thailand," paper presented in the 7th International Conference on Thai Studies, University of Amsterdam (July 1999).

Forest villagers in the North rallied in Chiang Mai to voice their concerns over the hijacking of the legislation. Government ministers and provincial authorities verbally attacked the hill tribe people, saying that they had no right to reside on Thai soil.¹³⁴ Unfortunately, the public is indifferent to the continued forced eviction of ethnic minorities in the forests. In the public's eyes, the hill tribes are blamed for environmental and harmful land management practices, despite evidence to the contrary.¹³⁵ The highland people are made a scapegoat for the deforestation of Thailand¹³⁶ that has been wrought mainly by timber companies and state-funded activities like road and dam building.¹³⁷

Land speculators are also partly to blame for pressure on tribal lands. Forest-dwellers argue that their communities are often older than the forestry laws and the greenery around their communities is clear proof of their forest conservation culture. But the Forestry Department, on dubious environmental grounds, insists on evicting forest-dwellers. According to press reports, the Forestry Department continues to allow commercial tree farms, mines and tourism to exploit natural forests despite the severe environmental destruction. The requirements and needs of the hill tribe people are ignored.

Additionally, the civil war in Burma, forcing many refugees to flee across the Thai border, has also created a large number of forced evictions among the hill tribes. The Thai authorities' standard response to border area migration is a blanket eviction of all people.

- In the beginning of 1999, thousands of villagers and hill tribe people in Nan province were evicted from their land in Doe Phi Khan National Park.¹³⁸
- The Forestry Department issued an order during 2000 to evict the residents of Takhianthong on grounds that they are encroaching on national forest.

However, the Thai-Karen forest dwellers have lived in Thung Yai long before the advent of the Forestry Department and its draconian national park demarcation. Many homes were burnt down illegally, as the army admitted after the action. In command of the soldiers was Lt-Gen Taweeep who admitted the action was illegal but blamed it on the soldiers' lack of legal knowledge. "They were just doing their job," he told a newspaper reporter from the Bangkok Post.¹³⁹

- An unspecified number of Thai Karen villagers were evicted from Thung Yai Naresuan wildlife sanctuary. Government officials said that the eviction would be limited to those without Thai identification cards. However, many Thai-born hill tribe villagers never receive Thai nationality.¹⁴⁰
- In April 1998, the Thai military forcibly evicted an entire Mon village existing for over twenty years, in the Bangsaphan district, and forced residents to "go back to Burma."¹⁴¹

134 The hill tribes have resided in Thailand for hundreds of years, but many are denied citizenship.

135 Most conservation organisations recognise that indigenous inhabitants play a positive part in protecting endangered species and the integrity of forest areas under threat. Please visit the Rainforest Foundation www.savetherest.org for more information.

136 Thailand's forest cover has dwindled from more than 60 percent a few decades ago to just 27 percent now.

137 "Hill Tribes' Anger Boils Over," *Asia Times* (29 July 1999).

138 *Bangkok Post* (8 January 1999).

139 "Constitution challenge to Evictions: Some Karen falling prey to corruption," *Bangkok Post* (7 November 2000).

140 *Ibid.*

141 *The Mon Forum* (31 July 1999).

- In early 2000, all 189 residents in Hin Taek - one of the oldest surviving hill tribe villages in Thailand - were forced to relocate. Thai military personnel said that the village was being forced to move because they were cutting down trees and polluting the watershed. However, local NGO sources monitoring the area said there was no proof that this village was involved in deforestation or contamination of water supply. Villagers were offered relocation, but it was reported that the relocation site resembled a kind of concentration camp.¹⁴²
- Over one million acres of land in eight districts was declared national park in August 2000. At least 170,000 villagers were evicted because the forestry law does not allow people to live in the park, no matter how long they have been there. Press reports claimed that many villagers had settled on the land over two hundred years ago.¹⁴³

Other reported forced evictions in Thailand include:

- The State Railway of Thailand removed over thirteen thousand families from fifty-two communities encroaching on its land designated for development schemes.¹⁴⁴
- Two hundred families from Ban Laem Chabang were forcibly evicted to facilitate construction of a port. Relocated families were offered land deeds and compensation, but villagers were reluctant to take up the offer, saying the compensation was insufficient because most of the evicted will also lose their jobs.¹⁴⁵
- The building of the Rasi Salai Dam, finished in 1999 across the Moon river in Si Sa Ket, displaced over one thousand villages. Only half of the population displaced by the dam received any compensation. The Thailand Department of Energy Development and Promotion Department has maintained that the forest and land along the riverbanks is public property. A study by a Khon Kaen University lecturer showed that villagers occupied the lands for hundreds of years, farming the rich sediment from the seasonal flooding.¹⁴⁶

CESCR: Yes

Constitution: No

142 "Saving An Akha Community In North Thailand: A Perspective on Huai Mahk Akha Village," from a paper by Dr. Cholthira Satyawadhna, Pathumthani, Thailand (2000). Available on-line at: <http://www.akha.org>

143 **Bangkok Post** (20 August 2000).

144 **Bangkok Post** (12 February 1999).

145 **Bangkok Post** (12 August 2000).

146 **Bangkok Post** (10 September 1999).

Africa

BOTSWANA

- Municipal government officials from Gaborone have used the catastrophic floods of 2000 as a means to forcibly evict hundreds of families from land they settled decades ago. Ms. Goratwang Bua was one resident of the Content Farm squatter camp in Sebele, a suburb on the outskirts of Gaborone, where she lived for twenty-three years. After having her house swept away by the floods, she and a host of other victims initially received relief accommodation from the Government of Botswana in the form of tents. After the floods destroyed her home, she along with her six children and three grandchildren lived in a six by three-metre tent.¹⁴⁷

In March 2000, officers from the Gaborone Disaster Preparedness committee and the Gaborone City Council stormed the squatter camp, arriving in the latest model Land Cruisers, to reclaim the tents from the haggard dwellers and threatening them with forced eviction. According to news reports, Ms. Grace Munisola, a City Councilperson and member of the Disaster Preparedness Committee in Gaborone announced to the dwellers: “We have come to tell you that we will give you [one week] to look for alternative accommodation. We are going to take back the tents and the mattresses given to you as part of emergency relief.”¹⁴⁸

CESC: No

Constitution: No

CAMEROON

- On 8 December 1999, the United Nations Committee on Economic, Social and Cultural Rights, in considering the initial periodic report of Cameroon, expressed concern about the reportedly high incidence of forced evictions in the rural areas of Cameroon, which had not been adequately addressed in the written replies by the State party.¹⁴⁹

CESCR: Yes

Constitution: No

DEMOCRATIC REPUBLIC OF CONGO

The people of the Democratic Republic of Congo continue to suffer from a devastating conflict between the Government and the rebel Congolese Rally for Democracy (CRD). The conflict has drawn in troops from Burundi, Rwanda and Uganda siding with the CRD, while troops from Angola, Namibia, Zimbabwe and others have become involved in support of the Government. The resulting military stalemate has left the Congolese Government in control of the western half of the country and the CRD in control of the eastern half.

¹⁴⁷ Mmegi/The Reporter, “Officers Take Tents from Flood Victims,” (10 March 2000).

¹⁴⁸ Ibid.

¹⁴⁹ UN Doc. E/C.12/1/Add.40 at para. 24 (8 December 1999).

- In the only specific housing-related report to emerge from the war-torn country, the United Nations Special Rapporteur on the human rights situation in the Democratic Republic of the Congo reported that in 1998 two hundred families were evicted from their homes in Matadi-Mayo, a commune of Mont Ngafula, despite the fact that they all held legal title to their homes.¹⁵⁰

CESCR: Yes

Constitution: Yes

EGYPT

- On 23 May 2000, the United Nations Committee on Economic, Social and Cultural Rights, in considering the initial periodic report of Egypt, found that forced evictions without alternative housing or compensation being provided had been occurring in poor communities like the “potters’ village” and the “Ayn Hilwan” area in Cairo.¹⁵¹

CESCR: Yes

Constitution: No

KENYA

The Government of Kenya, led by President Daniel arap Moi, has continued to stall on the implementation of reforms designed to strengthen democracy within the country. The result has been a worsening political and economic crisis. From 1996 to 2000, the standard of living for the average Kenyan has dropped, while the international donor communities’ attention continued to focus more on financial corruption and less on human rights. Human Rights Watch has reported the use of State-sponsored gangs to carry out retaliation against opponents to the Government as well as State violence against certain ethnic groups.¹⁵² There have also been reports of land confiscation occurring within the context of clashes between various ethnic and religious groups.

- Global IDP Survey reported that on 24 December 2000 over two thousand residents of the Maela refugee/IDP camp were evicted and the camp subsequently destroyed by government forces.¹⁵³

- In June 2001, some five thousand persons were forcibly evicted from the Muoroto settlement in Mombasa. The residents of Muoroto were not given time to remove their belongings and witnessed the destruction of their homes, and personal property as government bulldozers crushed their homes and possessions. In total, their property was estimated to have been worth Ksh. 7 million (or approximately US\$90,000). Thousands of persons were left homeless and the Government of Kenya failed to provide alternative housing or land for the affected families and individuals.¹⁵⁴

CESCR: Yes

Constitution: No

150 UN Doc. E/CN.4/1999/31 at para. 78 (8 February 1999).

151 UN Doc. E/C.12/1/Add.44 at para. 22 (23 May 2000).

152 Human Rights Watch, “Human Rights Developments: Kenya,” in **World Report 2000**, New York: HRW (2000).

153 Global IDP Survey, “Kenya: Physical Security and Freedom of Movement,” in **Global IDP Database** (2000).

154 **The Nation**, “No Land For Squatters,” (21 June 2000).

LIBERIA

Liberians were subjected to human rights abuses by government police and security forces, and continued to suffer violence at the hands of Liberian rebels in an incursion from Guinea as well as at the hands of other armed groups in a spillover from the Sierra Leonean conflict.¹⁵⁵ In recent years, the Government of Liberia has carried out forced evictions in the capital of Monrovia. Much of the area outside the capital is controlled by various warring factions that carry out land confiscation and forced evictions as a means of acquiring control over additional territory. The Liberian Refugee, Repatriation and Resettlement Commission reported that in September 2000 an estimated 110,000 displaced persons had returned to their home areas and that an estimated 40,000 displaced persons remained in Monrovia. One of the major reasons cited for the slow return was the lack of funds to build housing for returnees.¹⁵⁶

- According to reports from the Pan African News Agency, in February 2000 the Government of Liberia forcibly evicted thousands of Liberian citizens from their homes near the presidential residence in Monrovia.¹⁵⁷ The evictees were reportedly denied due process and were arbitrarily evicted. “We wrote the President yesterday telling him that we are not aware of any eviction order and that he should stop his security men from harassing us,” said Dr. George Clarke, co-chairperson of the fifty-member committee representing the affected community. Dr. Clarke told the Pan African News Agency that residents of the area were not served any notice, and that the move by President Taylor’s security forces to evict the residents came as “a complete surprise.” The Pan African News Agency also reported that on 14 February 2000, members of Taylor’s notorious elite presidential guard known as Anti-Terrorist Unit moved into the vicinity, a few yards from the presidential residence known as the Executive Mansion and began forcibly evicting residents from their homes. The security officers were quoted by residents as having said they were acting upon Taylor’s orders. President Taylor moved into the Executive Mansion in December 1999 from his private Congotown residence east of Monrovia where a similar eviction of persons from their private property had also taken place in prior months.

- The Press Union of Liberia reported that in early 2000 poor residents from Buzzi Quarters in Monrovia were abruptly evicted without the provision of alternative housing.¹⁵⁸

CESCR: Yes

Constitution: No

NIGERIA

The overall human rights situation in Nigeria improved during 2000, but human rights abuses continued, including violations of housing rights. In particular, women are routinely denied their right to equality with respect to the inheritance of property, including housing. Additionally, forced evictions have continued to be carried out in oil producing areas as well as in informal settlements both in and around Lagos.

- On 13 May 1998, the United Nations Committee on Economic, Social and Cultural Rights found that the Government of Nigeria had undertaken massive and arbitrary forced evictions and urged the Government of Nigeria to cease forthwith all forced evictions and to take such measures as are necessary in order to alleviate the plight of those who are subject to arbitrary evictions or who are too poor to afford a decent accommodation.¹⁵⁹

¹⁵⁵ Human Rights Watch, “Human Rights Developments: Liberia,” in **World Report 2000**, New York: HRW (2000).

¹⁵⁶ Ibid.

¹⁵⁷ Pan African News Agency, “Thousands of Evictees Ask Taylor to Halt Move,” (16 February 2000).

¹⁵⁸ Press Union of Liberia, reported by Star Radio in its “Liberian Daily News Bulletin,” (23 February 2000).

¹⁵⁹ UN Doc. E/C.12/1/Add.23 at para. 42 (13 May 1998).

- The United Nations Special Rapporteur on the human rights situation in Nigeria reported that cases of violations of housing rights occurred in June 1998 in the Agodi area of Ibadan in Oyo state, and in August 1998 in the Kuchingoro area of the Federal Capital Territory. Residents claimed they received eviction notices ranging from twenty-one days prior to the evictions to the day the evictions took place. The victims were neither rehoused, resettled nor compensated.¹⁶⁰

- The Social and Economic Action Center (SERAC) reported that the Government of Nigeria forcibly evicted over a million residents and bulldozed their homes in Port Harcourt, Rivers State and Kado Village near Abuja. In Port Harcourt, SERAC reported that the Rivers State Governor, Mr. Peter Odili, ordered on 21 July 2000 the eviction of persons from an estimated forty thousand housing units, rendering hundreds of thousands of persons homeless. In Kado Village, the Abuja Task Force evicted over two thousand persons from the Rainbow Town area and levelled their houses.¹⁶¹ These reports were verified by Newswatch, which similarly reported that the Government of Rivers State evicted hundreds of poor and low-income residents from approximately one thousand homes in the Rainbow Town area. The homes, built in the 1960s with foreign humanitarian aid, were demolished to make way for 240 high-income homes.¹⁶² “[Governor Peter] Odili is bent on destroying our houses. Most of us have no place to live. What will he gain by destroying houses belonging to a thousand poor men to make way for 240 houses owned by rich men as indicated in the new plan by Genprogetti?” proclaimed one of the evictees [the Government recruited Genprogetti Nigeria Limited, Port Harcourt, a consultant firm to redesign the estate].

- The struggle by the Rainbow Town landlords and their tenants has attracted the watchful eyes of several human rights bodies. In a letter dated 6 September 2000, to Mr. Peter Odili [the Governor of Rivers State], Mr. Eze Onyekpere, executive director of Shelter Rights Initiative, reminded the Government of Nigeria that there was no valid revocation of the occupancy rights of the original allottees, who had legal titles to the land. Mr. Onyekere also said that due process of law was not followed in the process leading to the demolition of the homes and the eviction of residents. “This is born out of the fact that there was no court order for repossession of land by the State Government,” Mr. Onyekere stated.

Mr. Onyekere also said his fact-finding mission following the demolition of Rainbow Town houses revealed that the residents who were evicted traced their title to the Nigerian Army, who have been recognised by the original allottees as tenants in the estate. “Under Nigerian Law, the definition of tenant is very wide and includes all persons who occupy premises lawfully either upon the payment of regular or subsidised rent or no rent at all ...” said Mr. Onyekpere. According to him, the fact that the original tenants, the Nigerian Army who are still in possession of the land and permitted the evictees to remain on it, did vest in the evictees a right cognisable under the law and which can only be terminated through due process of the law. He said the State Government owes the evictees compensation, and urged the Government to re-settle and render a public apology to the victims with an acknowledgement that what was done to them was wrong, and an injustice that would not be allowed to be repeated.

Shelter Rights Initiative said it intends to end the matter if the Governor ensures that the State complies with national legislation and international human rights law. Shelter Rights Initiative said that if the Rivers State Government decides to be insensitive and arrogant, “[w]e shall be left with no alternative but to take up this

¹⁶⁰ UN Doc. E/CN.4/1999/36 at para. 51 (14 January 1999).

¹⁶¹ Reported by Bunmi Ogunmodede in *The Comet* (11 August 2000).

¹⁶² *Newswatch*, “New Face for Rainbow Town,” (4 December 2000).

matter with the appropriate national and international committees that monitor Nigeria's international obligations under the convention of economy, social and cultural rights." He also said Shelter Rights Initiative would institute a court action up to the Supreme Court of Nigeria to ensure that justice was done for the landlords and their tenants.

- The California Global Corporate Accountability Project reported that on 4 January 1999 the Government of Nigeria, allegedly aided by Chevron, attacked the villages of Opia and Ikenyan in Delta State, where villagers had demanded compensation for oil-related environmental damage. At least four persons were killed and hundreds more had their homes burned. Chevron is alleged to have requested the military intervention and to have provided helicopters and boats, along with pilots and crews, to transport its security personnel along with the Nigerian military forces.¹⁶³

CESCR: Yes

Constitution: Yes

RWANDA

In 1998, the Government of Rwanda controversially resorted to mass relocation of villagers to government-controlled camps, ostensibly to combat an insurgency operation in the northwest of the country. In late 1998, the Government again displaced these evictees to supervised "villages."

- Human Rights Watch, reported that the Government of Rwanda continued a program of "villagisation" as part of its National Habitat Policy. Although enforced less harshly than in preceding years, as late as mid-2000 authorities still required people to move against their will to government-designated settlements. Some homeowners were forced to dismantle their own houses before moving. Lacking the necessary resources to build new houses, hundreds of thousands of people lived in temporary shelters made of tree limbs, leaves, and pieces of plastic. Some cultivators were forced to cede their fields to serve as settlement sites. Many village residents had to walk miles further each day to reach their fields or sources of water and firewood than when they lived in their previous homes. Difficulty in reaching fields and insecurity over land tenure resulting from "villagisation" caused a decline in agricultural production, which was still further exacerbated by drought. Toward the end of the year, serious food shortages threatened regions where "villagisation" was most advanced.¹⁶⁴

Although the government was harshly criticized for the "villagisation" program, to the point of some international organisations blocking the use of relief funds to the effected Northwest areas, some human rights activists believe it is the international response to, not the actual program, that is most hurting the rural poor. No one claims a government can never relocate some of its people – only that the rule of law must be observed (see particularly the "comprehensive human rights guidelines on development based displacement," provided in the annex to this report, paragraph 27 of which requires any resettlement site to be safe, secure, accessible, affordable and habitable).

Strong arguments can be made that the Government of Rwanda acted in a legal manner while faced with an implacable dilemma. Remnants of the interhamwe, the group that arose in the northwestern province and

¹⁶³ California Global Corporate Accountability Project, "New Findings Released by the California Global Accountability Project on U.S. Oil Companies Operating Abroad," in *Human Rights Advocates*, Vol. 37 (Summer 2001).

¹⁶⁴ Human Rights Watch, "Human Rights Developments: Rwanda," *World Report 2001*, New York: HRW (2001); see also Human Rights Watch, "Uprooting the Rural Poor in Rwanda," (June 2001).

committed genocide in 1994, had regularly infiltrated back to this area. As they have no legal goals- only to overthrow the existing government of Rwanda - the government was compelled to take decisive security action.

In no other areas of Rwanda were people without either a house (the UN has built in excess of a hundred thousand houses to alleviate the problem of secondary occupancy) or emergency shelter kits (the same as given to the displaced in the Balkans to endure European winters). Absent the “embargo” against the northwest, lifted in 2000, it is clear that people there have equal access to such relief.

CESCR: Yes

Constitution: No

SIERRA LEONE

In recent years, Sierra Leone has been embroiled in a conflict between government forces, aided by troops from the Economic Community of West Africa States Monitoring Group (ECOMOG), and the Revolutionary United Front (RUF). All factions have violated human rights. However, the RUF has been notorious for carrying out extremely violent and systematic abuses against innocent civilians. The conflict has resulted in over ninety thousand refugees living in Liberia and fifty thousand internally displaced persons.

- In January 1999, the RUF launched an offensive on the capital of Freetown. The RUF eventually withdrew from the capital and relocated to the east. In doing so, the RUF systematically carried out severe human rights abuses against innocent civilians, including the burning of urban dwellings in Freetown. Most housing in the towns of Masiaka and Songo, as well as entire villages in the countryside, were similarly destroyed.¹⁶⁵ In Freetown alone, housing authorities recorded the destruction of 5,788 homes and residential buildings.¹⁶⁶

CESCR: Yes

Constitution: No

SOUTH AFRICA

Post-apartheid South Africa has become a model for how States can incorporate international human rights laws and standards into their domestic legal systems. South Africans enjoy a constitutionally protected right to adequate housing, including prohibition against forced eviction. Yet, notwithstanding such legal protections, the land tenure system in South Africa continues to be a complex issue, rooted in decades of Apartheid policies and other racist practices. This situation has resulted in forced evictions carried out by private individuals and entities as well as municipal governments.

- The Sowetan (Johannesburg newspaper) reported that thousands of landless persons were recently evicted from plots of land that they were misled to believe were available for purchase. The Pan Africanist Congress reportedly duped thousands into believing they could acquire plots of land near Kempton Park for Rand 25 (approximately US\$3). Many, believing they had rightfully purchased the land, built their homes and settled in the area. A criminal probe into the fraudulent sale is pending.¹⁶⁷

¹⁶⁵ See Human Rights Watch, “Human Rights Developments: Sierra Leone,” in *World Report* 2000, New York: HRW (2000).

¹⁶⁶ *Ibid.*

¹⁶⁷ *The Sowetan* (5 July 2001).

- Persons were evicted from two hundred homes and small businesses, which were then demolished, after the buildings were declared illegal by the Nelspruit City Council in July 2000. One evicted resident mentioned that the council gave her permission to build there ten years ago and provided journalists with a Council map indicating her stand, number 6462.¹⁶⁸ Other evicted residents also stated they were given permission to build by the City Council and even provided with permits for water and sanitation services.
- Peoples Dialogue for Land and Shelter reported the demolition of four houses in an informal settlement near Durban in April 1999. The houses had been paid for and constructed by a partnership between the Homeless Peoples Federation and the Ministry of Land Affairs. It was reported that the Durban Metropolitan Council claimed not to be responsible for the forced evictions, three of which occurred without eviction orders, and laid blame on the Southern Central Local Council. Peoples Dialogue stated that the forced evictions and demolitions illustrated that local officials were not as serious about fighting homelessness as some federal ministers.
- Inter Press Service reported that in mid-December 1999, more than seven hundred people - 366 farm workers and their families - were forced to leave the white-owned citrus farm they had worked on for decades. Most of the farm workers had lived on the land now known as the Maswiri Boerdery since they were born. Many began their poorly paid working lives when they were children.¹⁶⁹
- Tripod, a member of the Community/Civil Service, reported that on 6 July 1998, about four hundred families of homeless people were evicted by the owner of the land where they were staying, and moved onto a rubbish dump by city councillors in the Maraisburg district of Roodepoort, next to Johannesburg. The site is right next to a lake, and bounded on other sides by landfill sites and mine dumps. The families were left there with no running water, and no sanitary facilities. There were only six taps on site to serve the people, who numbered over two thousand. After protest by the local residents over the conditions at the site, a total of eighteen temporary toilets were installed. Yet, environmental hazards abound. The ground under the site is contaminated with a variety of chemicals. The site was an open dump, and nobody knows what was deposited there, but from time to time, underground fires start by spontaneous combustion. The ground is further polluted with both cyanide and sulphuric acid. The lake is also known to be polluted, and there are signs around the lake warning of this pollution, and bathing is prohibited. Adding to these problems, the area is also prone to flooding during the summer. The local residents are very concerned that these homeless people have been moved onto this dangerous site without any prior warning or consultation with them. Local residents have formed a committee, which has met with the council and is applying pressure to have the families moved to a suitable site. They have started both protest and legal action, which will continue until the families are moved to a more suitable location which has better facilities and is less dangerous to their health. The local council tried to cover up what appears to be bad management in this case by claiming that the move was an emergency situation, in which they only had a few hours notice of the evictions.¹⁷⁰

CESCR: Signatory

Constitution: Yes

¹⁶⁸ African Eye News Service, "Small Businesses to be Bulldozed," (17 July 2000).

¹⁶⁹ Danielle Owen, "Forced Evictions of Farm Workers Underway," *World News*, Inter Press Service (14 December 1999).

¹⁷⁰ Information available on-line at: http://members.tripod.com/~andy_100/

SUDAN

Sudan has suffered tremendous violence on account of a decades-long civil war between the Government and the National Democratic Alliance (NDA), a coalition of armed opposition groups. The Government controls most of the north of the country with the south controlled by various opposition factions. Much of the conflict is spurred on by racial and religious animosities, often manipulated by the Government and opposition groups for their own ends.

According to Human Rights Watch, the Government of Sudan continued to be a gross violator of human rights, but in 2000 took some positive steps to address some of these abuses.¹⁷¹ The Sudanese Peoples Liberation Army (SPLA), the main opposition force in the south of the country, and the South Sudan Defence Forces (SSDF) both continue to commit numerous human rights abuses.¹⁷²

- Human Rights Watch reported that in May 1999, government forces attacked oil-rich areas south of Bentiu which had been controlled by the SSDF. The government forces, led by General Paulino Matiep, burned tens of thousands of Nuer civilians out of their homes.¹⁷³
- Human Rights Watch also reported that in western Darfur, Masaalit farmers complained they were victims of nomadic Arab militias armed by the Government. After the Government gave thirty new government posts to Arabs, marginalising the Masaalit majority, there were reports of hundreds of nomad militia attacks on Masaalit villages, killing hundreds, displacing thousands, and destroying villages, including some 2.673 houses.¹⁷⁴
- Global IDP Survey reported that evictions were used by all sides in the Sudanese conflict, including militias engaged in factional or tribal warfare. Citing United Nations sources, Global IDP Survey reported that systematic attempts were made to evict indigenous peoples from the oil-rich Upper Western Nile region of the country.¹⁷⁵
- Recent reports have noted “numerous relocations or forced evictions ... took place in 1998 and 1999.” Unfortunately, the evictees were not adequately protected under existing Sudanese law. It was also reported that the Sudanese legal system failed to apply the protections enumerated in Decree 941, which requires that demolitions should only take place after the displaced persons have been given alternative accommodations with adequate services and only after appropriate notice has been given to the persons whose houses are being destroyed so as to allow them time to move to their new residence.¹⁷⁶
- Human Rights Watch reported that the Government of Sudan has failed to maintain embankments along the Nile River. In 2000, in the Dongola area some of these embankments failed. This preventable disaster has resulted in the flooding of villages leaving fifty thousand persons homeless.¹⁷⁷

CESCR: Yes

Constitution: No

171 Human Rights Watch, “Human Rights Developments: Sudan,” in **World Report 2000**, New York: HRW (2000).

172 Ibid.

173 Ibid.

174 Ibid.

175 Global IDP Survey, “Sudan: Causes and Background of Displacement,” in **Global IDP Database** (2000).

176 Curtis Doebbler, “The Human Rights of Internally Displaced Persons in Sudan,” (1999).

177 Human Rights Watch, “Human Rights Developments: Sudan,” in **World Report 2000**, New York: HRW (2000).

SWAZILAND

- In 2000, armed forces of the Government of King Mswati III, arriving in the nighttime hours, evicted Chiefs Mtfuso Dlamini and Mliba Fakudze and their subjects from KaMkhweli and Macetjeni outside Manzini.¹⁷⁸ The evictions plunged Swaziland into an unprecedented political crisis, with worker and student organisations leading protests against what they perceived to be official excesses. An Appeals Court ruled in December 2000 that the eviction of the two chiefs and their subjects was unlawful and that they be allowed to return. Many of the evicted subjects were once prosperous but most now live in poverty. Most now reside in tents on barren mountainsides near Ngcoseni with little food. The evictions occurred right at the beginning of the rainy season, and thus the evictees are now facing health problems due to the inclement weather. Furthermore, the forced evictions have disrupted children's education.

CESCR: No

Constitution: No

TANZANIA

- In August 2000, nearly seven hundred persons were evicted from Nyamome Village, Serengeti District, and deported to Kenya by the Government of Tanzania, allegedly because of their stand pertaining to the December 2000 elections. The Government of Tanzania claimed the evictees were Kenyan immigrants and were trucked to the border after being homeless for three days. At the border, they were denied entry into Kenya as the Kenyan authorities claimed they were actually citizens of Tanzania. The evictees then spent the next several days in tents outside a Tanzanian police station near the border. Baton wielding police under the command of the Sirare Area District brutally evicted the Nyamome villagers from the tents, scattering hundreds into the bush and forcing them to seek refuge with residents on both side of the border.¹⁷⁹

- In 2001, Food First Information and Action Network (FIAN) issued a report in which it examined forced evictions occurring in the gold mining area of the Mwanza Region in Northern Tanzania. The evictions, according to FIAN, occurred throughout 1999 due to the activities associated with the Geita Gold Project, a surface mining operation in Geita District. In 1999, the mining activities resulted in the forced eviction of at least 960 villagers and the subsequent destruction of their farms.¹⁸⁰

CESCR: Yes

Constitution: No

UGANDA

From 1998 through 2000, the National Resistance Movement continued to govern Uganda as a one-party State. Violent opposition groups, including the Lord's Resistance Army (LRA - primarily based in the north) and the Allied Democratic Forces (ADF - primarily based in the west), continued to control areas throughout the country. Both the LRA and the ADF have carried out particularly violent human rights abuses.

¹⁷⁸ African Eye News Service (15 December 2000).

¹⁷⁹ *The Nation*, "Campaigns Linked to Eviction," (30 August 2000).

¹⁸⁰ Food First Information and Action Network, "Gold Mining in the Geita District of Northern Tanzania," (2001).

- In the west, the ADF has displaced thousands of villagers from their homes.¹⁸¹ The ADF violence has resulted in nearly a hundred thousand internally displaced persons and the local population is suffering from inadequate shelter, food and medicine.¹⁸²
- In April 2000, 120 families were left homeless after forced evictions from their mostly one-room homes in the Safina zone, Luzira.¹⁸³
- New Vision reported that on 24 February 2000 security and army personnel, supervised by Lt. Eugene Arigye, carried out forced evictions against Rwandese Hutu refugees from the Juru transit camp in Nakivale refugee resettlement, used to screen new arrivals from Tanzania.¹⁸⁴ It was reported that the security and army forces used guns and batons while carrying out the evictions, that the camp was completely destroyed, and that the refugees lost their UNHCR and Red Cross housing and food provisions.

CESCR: Yes

Constitution: No

ZIMBABWE

- Members of the self-proclaimed War Veterans Association evicted hundreds of commercial farmers and their workers in 2000. These evictions occurred with the tacit approval and support of the Government of Zimbabwe pursuant to a Land Acquisition Act, although most were carried out in contravention of that Act's legal protections.¹⁸⁵ The Zimbabwe Financial Gazette reported that on 4 May 2000 the Zimbabwe Government deployed two thousand Zimbabwe National Army (ZNA) soldiers to manage and direct the invasions and seizures of more than a thousand white-owned commercial farms by independence war veterans. Authoritative sources within the ruling ZANU PF party and the ZNA itself attributed the success of the invasions, launched three months ago, to the skills and co-ordination efforts of the soldiers as opposed to the efforts of the veterans themselves. Although South Africa's Sunday Independent reported that twelve hundred troops had been deployed to mastermind the invasions, sources told the Financial Gazette that the number of troops involved was closer to two thousand.¹⁸⁶
- The Zimbabwe Homeless Peoples' Federation (ZIHOPFE) reported that the Harare Municipal Commission ordered forced evictions in and around Harare. The Harare Municipal Commission ordered these evictions, contravening its prior agreement to enter into dialogue with persons affected by, or potentially to be affected by, these actions and to act in the best interests of those residing in inadequate housing conditions. The latest victims are the Jo'burg Lines of Mbare where two hundred families had their homes razed to the ground in a pre-dawn raid. Over half a million Harare residents stand to lose their homes if the Council goes ahead with the planned evictions and demolishes all outbuildings in Harare.¹⁸⁷

181 Human Rights Watch, "Human Rights Developments: Uganda," in **World Report** 2000, New York: HRW (2000).

182 Ibid.

183 **New Vision**, "Luzira Homeless Seek Bidandi, Appeal To Museveni," (21 April 2000).

184 **New Vision**, "Army Evicts Rwandese," (27 February 2000).

185 Zimbabwe News, News Africa (22 September 2000).

186 **Financial Gazette**, "2,000 Soldiers Deployed To Manage And Direct Farm Invasions," (4 May 2000).

187 Zimbabwe Homeless Peoples' Federation, Urgent Action (April 2001).

The Zimbabwe Financial Gazette also reported that it was the black farm workers who suffered most from the forced evictions that took place with respect to the occupation of commercial farms. Many have been evicted by “war veterans,” and many have been dumped on barren State-owned land far from any resources or employment opportunities. For instance, more than twelve thousand families from former commercial farms in Mashonaland West province had either settled of their own volition or been dumped on the vast piece of land that forms the State-owned Chihwiti Farm. They are among several thousand others nationwide who face a bleak future after being retrenched as a result of their employers’ farms and properties being seized by the Government for its fast-track land reforms.¹⁸⁸

Editors note: Developments on the ground have superseded the events reported here. The COHRE Africa Programme dispatched a mission to Zimbabwe, the report of which has subsequently been published as **Land, Housing and Property Rights in Zimbabwe**. This mission report provides a concise legal examination of the land reform and resettlement program gone sour.

CESCR: Yes

Constitution: No

The Americas

ARGENTINA

Forced and violent evictions continued between 1998 and 2000 in Argentina as a result of the growing demand for urban housing and the unequal distribution of available land. For example, according to René Boneto, Secretary General of the Argentine Agrarian Federation, the number of farms in Argentina was reduced by 31 percent from 1992 to 1997, when thousands of heavily indebted small farmers, incapable of competing with large-scale agribusiness, lost their lands. Small farmers who now swell the ranks of the unemployed and homeless in Buenos Aires and in the largest provincial cities now have an accumulated debt of nearly US\$7 billion.¹⁸⁹

Yet, the plight of the landless has not gone unnoticed. Landless peasants have received the support of many groups including the local Catholic Church and workers unions. In the northeastern province of Misiones along the Brazilian border, Catholic Bishop Joaquín Pina supported the demands of around 8.500 families who decided to occupy both previously untouched public land and private land abandoned by large logging companies.

The plight of the landless was most visible during a national strike on 8 September 1998 where demonstrators and union members claiming to represent some 3.7 million families - out of Argentina’s total population of 35 million - who were forced to leave the countryside and live in shanty towns on the outskirts of cities or as illegal squatters in empty houses.¹⁹⁰ Approximately 150,000 persons live illegally in three thousand occupied homes in the nation’s capital.¹⁹¹ With a depressed economy, these families have little hope of improving their

¹⁸⁸ *Financial Gazette*, “Dumped Farm Workers Suffer Double Blow,” (7 December 2000).

¹⁸⁹ Valente, Marcela, “Landlessness Draws Attention to ‘The Other Argentina,’” *Inter Press Service* (8 September 1998).

¹⁹⁰ *Ibid.*

¹⁹¹ Horacio Aizpeolea, “La ciudad: una dolorosa realidad,” *El Clarín* (9 May 2001).

housing situation any time in the near future. In fact, rising urban poverty rates have pushed more than one hundred thousand of Buenos Aires' citizens into extreme poverty in which they earn less than the amount to satisfy their minimum nutritional needs.¹⁹²

Land inequality combined with economic recession has generated an explosive growth in the number of evictions. In early 2001, the Argentine Congress voted to make judicial eviction sentences immediate. In the first trimester of 2001, there were thirty-five recorded evictions in Buenos Aires, while in the last trimester of 2000, there were between fifty and sixty evictions. As of May 2001, there were 477 eviction orders currently pending in Buenos Aires alone.¹⁹³ An estimated seventy thousand people live in temporary housing, largely comprised of cheap rooming houses, funded by the Buenos Aires Government.¹⁹⁴ To comply with the Argentine Government's favourable treatment for married couples, many squatters are resorting to marriage rather than face imminent eviction. In February 2001, twenty-four couples married in a collective ceremony in the outskirts of Neuquén to avoid eviction.¹⁹⁵ Other strategies have been more desperate - at the age of thirty-one years, Rubén Aurelio Arias, chose self-immolation rather than eviction.¹⁹⁶

- On 13 March 1999, the police forcibly evicted the occupants in Santo Vega and Ingeniero Huergo neighbourhoods of the province of Buenos Aires. Some one hundred families who were living in cardboard shacks were evicted and an unreported number of persons were wounded.

- On 27 November 2000, the police attempted to evict two hundred families from an apartment building located on 1258 Avenida Corrientes in Buenos Aires. In response, five hundred residents of the apartment building - most of them immigrants from Peru, Paraguay, and the Dominican Republic - resisted for nine hours.

The Argentine newspaper, *La Nación*, reported that the eviction reached its height of tension when a male resident stood on his balcony and threatened to commit suicide if the police did not withdraw. Much of the residents' anger stemmed from their feeling of betrayal from a previous agreement signed the week before between delegates of the apartment and the Ministry of Social Welfare.

This agreement provided that the majority of the employed residents could reside in modest hotels while the unemployed would receive temporary accommodation paid by the Government. Most importantly, the resettlement was postponed until 7 December when families with children would be least inconvenienced since children would be on vacation from school.¹⁹⁷ The eviction order came from an acting judge, Carlos Ferrario, who claimed to be unaware of the 7 December eviction date that his superior, Judge Juan Gutiérrez Cabello, then on vacation, had already approved. After a series of negotiations after the attempted eviction, the Ministry of Social Welfare, agreed to compensate the families between US\$150 and US\$300 depending on the circumstances.¹⁹⁸

192 The minimum level to satisfy the nutritional intake of a family of two adults and two children is 280 Argentine pesos a month. See Aizpeolea (2001).

193 Ibid.

194 Ibid.

195 *El Clarín*, "En Neuquén se casaron 24 parejas para recibir viviendas," (9 March 2001).

196 *El Clarín*, "Disturbios en Neuquén: murió por evitar un desalojo," (15 February 2001).

197 Martín Sasone, "Desalojan a 500 personas de un edificio de la calle Corrientes," *El Clarín* (28 November 2000).

198 *La Nación*, "Caos en la avenida Corrientes: intentaron desalojar a 200 personas," (28 November 2000).

- On 28 February 2000, more than fifteen residents were wounded during an eviction of between eight hundred and twelve hundred people in the Villa Olimpo shantytown of Lomas de Zamora. More than three hundred police and army infantry officers participated in the brutal eviction with the support of assault cars, water canon and a helicopter.

The eviction, which began in the morning and lasted until 6:00pm, was violent, due to both the resistance of the residents and the disorganisation of the police.

Police Commissioner, Daniel Rago, told La Nación newspaper that the “unnecessary repression” was justified because the settlers were “looking for a confrontation with the police.” Andrea Castro, one of those evicted, expressed her anger with the police action, saying, “We did not have time to take any of our homes - they came and destroyed everything.”

CESCR: Yes

Constitution: Yes

BRAZIL

Land disputes and evictions continued in Brazil, a nation that has one of the most concentrated land structures in the world. The Government’s last agricultural census of 1985 carried out by the *Instituto Brasileiro de Geografia e Estatística*, Brazilian Institute of Geography and Statistics, showed that 1.2% of landowners own nearly 42 percent of the land, while 53 percent of farmers own only 1.2% of cultivated land.¹⁹⁹ In terms of the size of land plots, a more recent report from Brazilian President Fernando Cardoso’s office showed that large land holdings of over a thousand hectares occupy 50 percent of cultivated land. By contrast, small and medium holdings of fewer than one hundred hectares occupy only 17.9% of cultivated land.²⁰⁰ Such an unequal land distribution motivates many of Brazil’s five million landless families²⁰¹ to often illegally occupy areas to protest against the fact that 90 percent of Brazil’s land belongs to the most wealthy 20percent of the population.²⁰²

Beyond a rural question, the lack of availability of land pushes thousands of Brazilians to urban areas where many of them live in cardboard or tin shacks (“*barracos*”) in Brazil’s shantytowns known as “*favelas*.” Low-income Brazilians also may choose to live in *cortiços*, collective multi-family buildings. The conditions within *cortiços* are most often unsanitary and the dwellings are often crumbling and insecure. Each family lives in a room called “*cômodo*,” which measures at maximum four by two metres; they must share the bathroom and laundry area collectively. It is often the case that residents form large lines to use the scarce bathrooms and that drug traffic is common around these areas.²⁰³

Around thirty million people left the Brazilian countryside between 1960 and 1980, migrating mainly to industrial centres.²⁰⁴ Mass migration combined with an inefficient local government are the reasons behind why some three million residents of São Paulo currently live in illegal boarding houses, abandoned buildings or

199 Cited in Amnesty International, “Brazil: The Criminalization of Rural Activism: The Case of Frei Anastácio Ribeiro,” AI-index: AMR 19/027/1996 (1 October 1996).

200 Presidência da República, Governo Fernando Henrique Cardoso Agrarian Reform in Brazil 1997, p. 56. Source: Instituto Nacional de Colonización y Reforma Agraria (INCRA). Cited in Amnesty International, “Brazil: Corumbiara and Eldorado de Carajás: Rural Violence, Police Brutality and Impunity,” AI-index: AMR 23/006/1997 (2 January 1997).

201 Cited in AP Worldstream, “Landless peasants invade 15 ranches in northeastern Brazil,” (2 April 1999).

202 BBC News, “Brazil Jails Police Peasant Killers,” (18 August, 2000).

203 Vera Fontes, Centro Gaspar Garcia de Direitos Humanos, São Paulo, E-mail to COHRE International Secretariat (5 July 2001).

204 Latin American Newsletter Daily Report, “Brazil’s Income Distribution Improves Slightly,” (1 August 2000).

squatter settlements.²⁰⁵ According to research conducted by the Catholic University of São Paulo (*Universidade Católica de São Paulo*), the extreme poverty found in the poorest favelas indicate a wider social exclusion that affects three times as many residents. The research indicates that seventy-three of the city's ninety-six designated districts can be described as areas of social exclusion where access to health, education, housing, and income is precarious. Approximately 9.9 million people live in these areas - this is roughly equivalent to the entire population of Somalia.²⁰⁶ Even though these conditions are deplorable, they are often better than in rural areas of the country. For example, whereas 92 percent of city dwellers are connected to a central water supply, only 25 percent of rural inhabitants have potable water.²⁰⁷

While often unorganised groups participate in urban land invasions, such groups as the Movement of Landless Rural Workers (*Movimento Dos Trabalhadores Sem Terra, MST*) are highly organised. MST alone has helped establish more than thirteen hundred new rural settlements since the group was formed in 1984.²⁰⁸ The MST has gained considerable public support for its tactic of occupying unproductive land in order to pressure the Government to implement agrarian reform.²⁰⁹ However, this growing movement and others have been accompanied by a recent increase in human rights violations in the context of land disputes, with frequent reports of excessive use of force, ill-treatment, torture and extrajudicial executions by military police carrying out land evictions. Amnesty International reports that the charge of "forming a criminal gang" appears to be increasingly used as a means of harassing those campaigning for agrarian reform. For example, in November 1995 in the state of São Paulo, Diolinda Alves de Souza and Márcio Barreto, both members of the MST, were held in custody in high security prisons for two weeks, charged with "forming a criminal gang." The detentions appeared to be a manoeuvre to force rural workers to leave an estate they were occupying.²¹⁰

Nonetheless, areas with high numbers of land occupations have shown an increase in violence. Prominent among these was the southern state of Paraná, where from 1997 to late June 2000, fifteen labourers were killed and twenty more survived attempted homicides. While eighteen were injured in police actions in 1999 - some of them during evictions - this number soared to 232 in the first half of 2000.²¹¹

UPDATE: COHRE'S Global Survey No. 7 on Forced Eviction reported that the Corumbiará massacre on 9 August 1995 left at least eleven people (nine peasants and two military police officers) dead and over a hundred people wounded as a result of the violent confrontation between Rondônia State Military Police and a group of five hundred squatter peasant families. One of the detained, Sérgio Rodriguez Gomes, was murdered after the police handed him over to private gunmen in military barracks some days after the eviction operation.²¹² Autopsy reports later revealed that six of the ten peasants killed were shot in the back, some were shot in the head, and some at close range.²¹³ The death of Ercílio Oliveira de Campos was particularly brutal - an autopsy revealed that he received nineteen bullets in the heart, lungs and head.²¹⁴

205 Cited in *The New York Times*, "Sao Paulo's 'roofless' seize downtown buildings," (7 April 2001).

206 Cited in Movimento de Defesa dos Moradores da Favela, São Paulo—Uma Cidade Dividida,"In *Habitación, Habitat e Direitos Humanos: As Favelas de São Paulo e Sua Luta Visionária Contra o Desabrigo*," (1996).

207 Ibid.

208 Zander Navarro, "Breaking New Ground: Brazil's MST," *NACLA*, Volume 33 (5), March/April, p. 37 (2000).

209 Amnesty International (2 January 1997).

210 Amnesty International (2 January 1997).

211 Human Rights Watch, "Human Rights Developments: Brazil," *World Report 2001*, New York: HRW (2001).

212 Amnesty International, "Brazil: This Is Not Justice - Corumbiara Tragedy Continues," *AI Index AMR 19/025/2000 - News Service No. 173* (8 September 2000).

213 Amnesty International (2 January 1997).

214 Ministério Público do Estado de Rondônia Procuradoria de Justiça Relatório Referente ao "Caso Corumbiara" (18 September 1996). Cited in Amnesty International (2 January 1997).

Many other land activists gave testimony of their torture by police officials to the *Comissão Externa de Representação da Câmara dos Deputados* (CER) in June 1995. Jeremias Gonçalves, eighteen years old, was beaten while lying face down; Messias Ramos da Cruz was shot in the neck and beaten with a rifle butt while lying on the ground; Wanderlei Antonio Coelho was shot twice in the legs and once in the foot as well as being beaten; Felipe Sviderski had his ribs broken; while he was lying face down José de Souza Teixeira was hit with a rifle butt which smashed his ear and knocked out four of his teeth; Luiz de Souza was shot in the leg and beaten around the face and body with a truncheon; Jaime Alves was shot in the mouth and beaten; Genaro Rodrigues was kicked in the face; three young women, Zelina, twenty six years old, Idalina Lúcia da Silva Medeiros, nineteen years old, and one adolescent girl, Paula Alves, fifteen years old, were also beaten.²¹⁵

The combined trial of fifteen Military Police officials and two land activist leaders that started on 14 August 2000 ended on 6 September 2000 with the acquittal of the senior officer in charge of the operation. All but three of the twelve military police on trial were acquitted for lack of evidence.

In the course of one of the trials, State Attorney Tarciso Leite de Mattos referred to the landless as “Nazis” and told the jury that, “Either Brazil does away with the landless movement, or they will do away with Brazil.” After three weeks of proceedings, the jury convicted both of the two landless leaders for their role in the conflict, and the court sentenced officers Cícero Pereira Leite Neto to six years and two months in prison and Claudemir Gilberto Ramos to eight years and six months in prison. After the initial convictions of the two officers, the jury acquitted nine military police officers and convicted one ranking officer, Captain Vitório Régis Mena Mendes, who was sentenced to nineteen years in prison for three homicides.²¹⁶ Other police personnel, civilian gunmen and a local landowner reportedly implicated in the crimes were never brought to trial. By contrast, during the same trial, the two land activists were convicted of the murder of two military police officers, despite the apparent lack of any evidence proving their individual criminal responsibility.²¹⁷

Forced evictions continued throughout Brazil from 1998 to 2000. Some specific examples follow.

- An alarming amount of forced evictions occurred in Paraná state. Human Rights Watch reported that during the course of forced evictions in 1999, the police in Paraná arrested 173 people, mostly without probable cause, detaining them for extended periods in police lockups and jails.²¹⁸ Between 1995 and January 2001, 130 evictions occurred in Paraná state alone.²¹⁹ Following the pattern established in Paraná, the police carried out further forced evictions and in the first six months of 2000 the police arrested, again mostly without probable cause, 141 persons and detained them for extended periods of time.²²⁰
- Police used tear gas, rubber bullets and nightsticks on 19 May 2000, to evict some two thousand squatters from the homes they built on land illegally occupied seventeen years ago in São Paulo. Many squatters told reporters the land they were evicted from in Guaianazes, a low-income district in São Paulo’s east zone, was legally sold to them by an attorney representing the property’s owners. TV Globo aired footage showing several squatters waving what they claimed were receipts proving their purchase.²²¹ None of these residents were

215 Amnesty International (2 January 1997).

216 Human Rights Watch, “Human Rights Developments: Brazil,” *World Report 2001*, New York: HRW (2001).

217 Amnesty International (8 September 2000).

218 Human Rights Watch, “Human Rights Developments: Brazil,” *World Report 2001*, New York: HRW (2001).

219 Informativos.Net, “La Comisión de DH de la OEA, investiga pinchazos telefónicos,” (14 January 2001).

220 Ibid.

221 AP Worldstream, “Police use tear gas and rubber bullets to evict squatters,” (19 May 2000).

relocated following the eviction, and 150 families constructed cardboard shacks in nearby slums.²²² Following the event, José Antonio de Lima Filho, president of the Brazilian housing organisation, *União dos Moradores*, remarked “The police tell us that justice is blind. More than that, it is blind to the poor.”²²³

- In July 2000 Brazilian Police carried out an operation to remove rural landless workers from at least two “fazendas,” or large rural estates, where the peasants had been living. The police forcibly evicted landless persons from two estates: the Estate Santa Maria, in the municipality of Jaguapitã, in the northeastern region of the state, where eighty families lived; and one hundred families at the Jacutinga estate. As in previous cases of forced evictions in Paraná, police denied access to the estates by prohibiting entrance of agents from the Pastoral Land Commission, community leaders, and the press. Including these forced evictions, the police violently forced labourers off lands on twenty-four occasions during the first six months of 2000 in Paraná state.²²⁴
- The violent eviction of four hundred landless Brazilian farm workers who had occupied the Agua da Prata ranch near the town of Querencia do Norte left one person dead and several injured. Although some three hundred police troops were sent in to carry out the court-ordered eviction on 21 November 2000, the police maintained that the killing of thirty-six year-old Sebastiao da Maria was committed by the owners of the ranch. Following the events, a spokesperson for MST that organised the occupation, argued that Maria was executed outside the property for being one of MST’s leaders.²²⁵

CESCR: Yes

Constitution: Yes

CANADA

In Canada, many evictions occur in the private sector as a result of landlords bringing an Application to Evict cause of action against the tenant. Applications to Evict do provide tenants with some degree of due process and therefore are not considered *per se* forced evictions as defined in international law. Yet, notwithstanding the protections against arbitrary eviction found in the Applications to Evict process, any eviction, even those otherwise deemed legitimate, contravenes international law if it renders the evictee homeless. In addition to private Applications to Evict, many persons are evicted due to public policy decisions such as those dealing with urban renewal projects and public infrastructure construction. Again, if those policies result in evictions that render the respective evictees homeless, those policies violate international law.

The following are just some examples of unlawful evictions that have occurred in Canada from 1998 to 2000.

- The City of Toronto has reported a 40 percent increase in the number of persons staying in homeless shelters from 1998 to 1999, up from twenty-two thousand to thirty thousand.²²⁶ The Homeless Action Group has noted that evictions have increasingly resulted in homelessness in the city of Toronto, Ontario.²²⁷ The Group has reported that the virtual abolition of rent control and the so-called Tenant Protection Act, adopted in 1998 by the Progressive Conservative Government of Ontario, has resulted in increasing numbers of people being evicted from their homes, rendering many homeless.

222 Soraya Agége, “Famílias expulsas montam barracas de plástico,” *Folha de São Paulo*, p. C-4 (25 May 2000).

223 Soraya Agége, “Após despejo, 200 famílias acampam em Guaianazes,” *Folha de São Paulo*, p. C-5 (22 May 2000).

224 Ibid.

225 AP Worldstream, “Farm Worker Killed During Violent Eviction in Southern Brazil,” (23 November 2000).

226 City of Toronto, “Report Card on Homelessness 2001,” Toronto: City of Toronto (2001).

227 Homeless Action Group, *Annual Report: April 1, 2000 – March 31, 2001*, Toronto: HAG (2001).

- The City of Toronto's bids for the 2004 and 2008 Olympic Games have also resulted in evictions or potential evictions. According to the Bread Not Circuses Coalition, the list of social costs from the Olympics is a long one: tenant evictions, loss of affordable housing stock, increased housing costs, speculative pressures in neighbourhoods next to Olympic venues, massive arrests of homeless people, conversion of boarding houses into tourist accommodation and cut-backs to funding for homeless shelters.²²⁸ Although the City of Toronto has promised to ameliorate or minimize these costs, according to the Bread Not Circuses Coalition the Olympic bids have already resulted in evictions rendering persons homeless.²²⁹

CESCR: Yes

Constitution: Yes

COLOMBIA

In the early 1990s, Colombians faced a new threat: sustainable development and claims by both Government and private groups that the poor barrios were a threat to the fragile environment. Since then, continued pressure to remove squatters has tested the abilities of residents to defend against eviction. The uncertainty has also discouraged investment by both residents and the city government.²³⁰ This was ironic given that much of the 280 tons of garbage produced by the city daily is sent to poor neighbourhoods, such as the southern neighbourhood of Doña Juana, where it causes serious ecological harm.²³¹

While many Colombians are under threats resulting from the expansion of infrastructure in urban areas, evictions in rural Colombia occur under quite a different context. In departments such as Cesar, rural Colombia is experiencing increasing land concentration as large landowners, cattle-ranchers and drug-traffickers vie to secure possession of large tracts of land. Many of these areas have much fertile land suitable for export crops, cattle ranching and the cultivation of illicit crops such as coca and marijuana.²³² Increasing conflict between the nation's two largest guerrilla groups - the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia and the *Ejército Nacional de Liberación* (ELN), National Liberation Army - have also destroyed the land and homes of several residents. The conflict between the Colombian armed forces, left-wing guerrilla groups, and right-wing paramilitary organisations has generated what Catherine Bertini, Executive Director of the United Nations World Food Programme, refers to as "the biggest humanitarian crisis in the Western Hemisphere." Nearly a million Colombians have been left displaced²³³ - farmhands, small and medium landowners, teachers, public officials, university students, priests, social and political leaders, indigenous people, and Afro-Colombian communities form parts of the displaced masses.²³⁴ The years 1998-2000 were particularly brutal for the displaced - today the number of displaced persons is triple that of 1996. The Consultancy on Human Rights and Displacement (CODHES) calculated that 308,000 Colombians were displaced in 1998 (an average of eight families per hour).²³⁵ The numbers dropped in 1999 to 288,000 displaced persons, and then rose to 308,000 displaced persons in 2000. In terms of land, CODHES reports that ninety thousand families were forced to abandon over three million hectares of land between 1996 and 1999.²³⁶

228 Bread Not Circuses Coalition, "Stop Playing Games With Toronto," Toronto BNCC (2001).

229 See *ibid*.

230 Margaret Everett, "Human Rights and Evictions of the Urban Poor in Colombia," Land Lines, Published by the Lincoln Institute of Land Policy (November 1999).

231 *El Tiempo*, "Síndrome de Doña Juana," (28 February 2001).

232 Amnesty International, "Hacienda Bellacruz: Land, Violence, and Paramilitary Power," AI-index: AMR 23/006/1997 (2 January 1997).

233 CODHES, "1999: Desplazamientos sin tregua," *CODHES Informa*. Bulletin No. 28, p. 2 (22 February 2000).

234 CODHES, "Forced to Leave," *CODHES Informa*, Bulletin No. 31 (10 August 2000).

235 United States Committee for Refugees, "1999 Country Report: Colombia." Available on-line at:

http://www.refugees.org/world/countryrpt/amer_carib/1999/colombia.htm

236 CODHES, "War Displacement, and Poverty," *CODHES Informa*, Bulletin No. 30 (10 August 2000).

Fleeing from counter-insurgency and other violent activities means that peasants have to abandon everything, leaving them in an ever-worsening economic and social situation. Afterwards, they are most often forced to live in illegal settlements. The City Council of Medellín estimated that the city would have to supply eighty thousand homes, the equivalent to a new city,²³⁷ to provide shelter to the displaced. Beyond the inadequate supply of affordable housing, the displaced are most often unemployed and unemployable in cities. Even the most basic requirements for legal employment - the national identity certification (*cédula*), and, if the applicant is a man, the selective service card (*libreta militar*) - are often unmet. Forced to flee in haste, some victims elude their assassins undocumented, while others, terrified of being hunted, destroy their documents and try to acquire new identities. While several grassroots legal organisations provide documentation services, displaced young men are disadvantaged if they cannot present evidence of abiding with the nation's mandatory draft. According to Colombian law, if a man is under twenty-eight years of age and single, he is eligible to fight in the nation's forty year-old civil war - that is, to be sent back to the very bloodbath from which he fled.²³⁸

Besides recuperating from the psychological trauma of displacement and eviction, those left homeless are particularly vulnerable to "social cleansing" in Colombia. In the late 1980s and early 1990s, death squads with names like Muerte a Gamines (Death to Street Children), acted in accord with local businesses and with the help of special police units and laid the base for urban "social cleansing." Wearing ski masks and carrying automatic weapons, the death squad members rode motorcycles in twos throughout the poorest areas of cities like Bogotá, shooting randomly at the homeless. In the first six months alone of 1989, for example, over forty bodies of what are called *desechables* - the expendables - appeared along roads on the outskirts of Bogotá. Between 1988 and 1993, the nongovernmental Center for Research and Popular Education (CINEP) documented 1.926 cases of "social cleansing" throughout Colombia. Some of the bodies were burned with acid to prevent tracing them back to the crime scenes.²³⁹

- On the night of 14 February 1996, forty heavily armed paramilitary group members evicted over 250 peasant farmers and their families (nearly two thousand people) from the lands they had been occupying for ten years on the Bellacruz Hacienda, located between the municipalities of Tamalameque, Pelaya and La Gloria, in the Colombian north-eastern department of Cesar. When some of the families refused to abandon their lands, the paramilitary group known as Los Paracos reportedly beat and whipped them and burned their houses.

A victim described the event to Amnesty International representatives*:

At 8:00pm on 14 February, a heavily armed paramilitary group came to each farmstead, kicked the doors down and proceeded to violently force us out of our houses; they stole our money, electrical goods and household items, and set fire to our houses. They beat adults and children with sticks, rifles and rejos (knotted whips). They used machetes to cut short the hair of those who wore it long. They set fire to and destroyed the schools and their furniture and teaching materials. They insulted us and forced us to point out to them the people whose names were included on a list in their possession and who are our leaders and representatives. They gave us five days to abandon the land, and told us to keep a distance of at least a hundred kilometres, or otherwise they would not answer for our lives.

237 *El Mundo* (Medellín) (8 July 1999). Cited in CODHES, "Noticias: Julio del 2000." Available on-line at: <http://www.codhes.org.co>

238 Michael Donovan, "After the Smoke Clears: The Urban Survival of Colombia's 1.900.000 Displaced Persons," *Common Sense* (April 2000).

239 Stephen Dudley, "Walking Through the Nightscapes of Bogotá," *NACLA Report on the Americas*, Volume XXXII, No. 2, p. 13 (September/October 1998).

Despite police and military presence, there was no action on their part to prevent or stop the paramilitary actions, or to detain those responsible in and around the ranch. The attacks took place in close proximity to a military camp three kilometres from the San Carlos area of the ranch. A military base, *the Base Militar del Batallón Héroes de Corea* (Heroes of Korea Battalion Military Base) is situated just six kilometres away from the ranch, and there is also a police post at two kilometres distance. According to the testimony of some of the peasant farmers, members of the Colombian Army actually witnessed the events, and some soldiers were later identified as having been part of the paramilitary group.

In 1997, the government resettled most of the families on three estates in other parts of the country. However, FIAN recently reported that this did not rehabilitate their situation, which is still beset with a number of severe problems. Not only is the land of poor quality, but also the farmers have yet to receive titles. They are still excluded from agricultural extension services, as they have been unable to meet one of the basic requirements of the resettlement program for displaced people as outlined by Colombian Law 160 of 1994. This obliges displaced persons to take a credit to pay 30 percent of the acquired land, while the remaining 70 percent is to be subsidised by the state. Due to a lack of assistance in credit and extension services from the state, it has been impossible for the evictees of Bellacruz to generate sufficient income. The beneficiaries lag behind in their payments and now run the risk of losing their land. The affected families from Bellacruz refused to pay the 30 percent of the land assigned to them. They felt that the state had failed to protect their lives and property against the paramilitary attacks, and they expect that under these circumstances at least they deserve guaranteed resettlement.²⁴⁰ Many of the evictees of four years ago remain displaced.

* Source: Amnesty International, "Hacienda Bellacruz: Land, Violence, and Paramilitary Power," AI-Index: AMR 23/006/1997 (2 January 1997).

- The Nizkor International Human Rights Team of Equipo Nizkor reported paramilitary raids in 1998 on the village of Guaduas including wanton destruction of houses and forced displacement.²⁴¹
- Between 18-21 February 1999, the paramilitary *Autodefensas Unidas de Colombia* (AUC) group, occupied and pillaged the town of El Salado, forcibly conscripting seventy-five of its inhabitants. These acts displaced a total of two thousand inhabitants who fled to the cities of Carmen del Bolívar and Cartagena.²⁴²
- Approximately five thousand soldiers and police officers in Colombia's rural municipality of Toledo in Santander Province, participated in the eviction of U'Wa from their homes. This forced eviction on 26 January 2000 was to facilitate the oil mining of the area by the U.S. oil company Occidental Petroleum. The reserves in the U'Wa land are valued at US\$1.3 billion.²⁴³
- In the 11 February 2000 eviction of 450 indigenous U'Wa from a highway that they blocked in protest of oil mining on their ancestral lands, four children were reported dead and twelve wounded. Although the information about the incident varies from the U'Wa and the authorities, both sides agreed that the eviction transformed into a pitched battle. The events occurred on a stretch of highway between Pamplona and Saravena.²⁴⁴

240 FIAN, "Colombia: Help the Displaced Families of Hacienda Bellacruz," FIAN Intervention No. 0028UCOL (18 December 2000).

241 Nizkor International Human Rights, *Newsletter* (April 2001).

242 CINEP Human Rights Team, "El desplazamiento forzado: Entre las vías de hecho y la improvisación gubernamental," CINEP (1999).

243 Comisión Andina de Juristas, "Cronología Andina—Enero 2000." Available on-line at: <http://www.cajpe.org.pe/cronolog/eneco4.htm>

244 Comisión Andina de Juristas, "Cronología Andina—Febrero 2000." Available on-line at: <http://www.cajpe.org.pe/cronolog/febco4.htm>

Occidental has admitted that it pressured the Colombian police to carry out the eviction that led to violence against the U'wa, Guahibo and other local supporters in the area, and also admitted to being in the area during the forced eviction from the Gibraltar 1 well site.²⁴⁵

- At least six Colombians were killed and two hundred people were wounded, among them ninety police officers, in a clash between residents and the police during a massive eviction of a squatter community in the La Candelaria neighbourhood of Montería. *Semana* magazine estimated that the disturbances affected twelve thousand families.²⁴⁶ The 6 March 2000 eviction came after negotiations between the squatters and the Government broke down - the municipal government refused the squatters' proposal to buy the land and convert it into public housing.²⁴⁷ Among the dead included Roberto Antonio Yanes, a twenty-five year-old street vendor who received two gunshots, and twenty-one year-old Walter Álvarez, a street vendor who died from three gunshots to the head from a revolver. A police officer was also left in a coma.²⁴⁸ Following the eviction, Mayor Francisco Burgos placed the city under curfew and prohibited the sale of alcohol.²⁴⁹ Unknown assassins in the La Colina neighbourhood of Montería assassinated the city councilperson Guillermo Cordoba Galaralaga, a well-known housing activist, in his home. Equally frightening, a group known as "Death to Invaders" ("*Muerte a Invasores*," MUI) disseminated thousands of pamphlets in which they threatened social cleansing. In local radio stations, the leader of MUI threatened the squatters and promised to "eliminate leaders, coordinators, representatives and journalists and everyone who continues to destabilize the peace of the city."²⁵⁰

- Equipo Nizkor reported that on 17 May 2000, several families were violently evicted from the Bosconia neighbourhood in the city of Manizales. Their homes were destroyed and the evictees were beaten according to Equipo Nizkor. On the day preceding the eviction, community activists had tried to prevent the eviction through legal means and negotiation with police officials.²⁵¹

- Squatters clashed with police who evicted thirty-five residents from homes in the San Pedro El Ferrocarril in northern Bogotá on 7 July 2000. Some of the families had been living on public land for more than three decades. The land was sold by the local government to the Exito Company for the construction of a giant department store.

CESCR: Yes

Constitution: Yes

245 *El Tiempo* (Colombia), Transcript of Panel III Hearings of the Criminal Justice, Drug Policy and Human Resources Subcommittee (21 February 2000); Media Advisory, U'wa Defense Working Group, U'wa Communique (22 February 2000), Cited in *Drillbits & Tailings*, Volume 5, Number 3 (28 February 2000).

246 *Semana*, "Sabor amargo deja desalojo en Montería," (7 March 2000).

247 Informativos.Net, "2 personas muertas y 70 heridas es el resultado de un desalojo de tierras en Colombia," (8 March 2000).

248 *El Espectador*, "Toque de queda en Montería," (7 March 2000).

249 EFE News Services, "Colombia-Justicia: al menos 175 heridos en trifulca entre desalojados y policías," (7 March 2000).

250 Efe News Services, "Colombia-Violencia: grupo amenaza con 'limpieza social' a ciudad bajo toque de queda," (12 March 2000).

251 Equipo Nizkor, "La policía municipal de Manizales procede con violencia desproporcionada contra un colectivo en un conflicto que se encontraba en vía de negociación," (25 May 2000).

CUBA

Human Rights Watch reported that peaceful opponents of the Cuban Government were subject to eviction throughout 1998-2000. Such evictions could very likely result in homelessness due to the fact that housing in Cuba is owned by the Government.²⁵² Cuba also has strict laws regulating intra-national migration. For example, those Cubans who arrive from the countryside into Havana without written permission can be evicted according to Cuban law. Such was the case on 24 May 2001, when a pregnant woman from Santiago de Cuba was evicted from her residence in Havana.²⁵³ Other violations of housing rights included:

- In a few cases, the Cuban Government used housing regulations to harass independent reporters. In January 1999 housing authorities in Santiago notified Margarita Sara Yero, the director of the Turquino Correspondence of the Independent Press Agency of Cuba (*Agencia de Prensa Independiente de Cuba*, APIC) that she would be evicted from her home, where she had resided for thirty-five years. The officials apparently claimed that she had abandoned her home, but several neighbours affirmed her residency. On 1 February 1999, police and housing officials called her neighbours to a public meeting, where they reportedly stated that Ms. Yero did not belong to the local CDR and had not cast votes for Communist Party candidates. The next day, the local housing authority apparently sent Ms. Yero a written notification of her imminent eviction.²⁵⁴
- On 23 September 1998, officials told independent journalist Mercedes Moreno, that according to housing regulations, she could not reside legally in her sister's Havana home and imposed heavy fines on both women. Housing inspectors returned on 21 October and advised the family that another visiting relative was not authorised to stay with them and had twenty-four hours to leave. Housing authorities went to the home of Miriam García Chávez, the president of the Independent Teachers' College, on 3 October 1998, after she had taken in Efrén Martínez Pulgarón and his mother. The officials told Ms. García Chávez that her visitors had seventy-two hours to leave her residence. Mr. Martínez Pulgarón said that for over two years he and his mother have not been able to find permanent housing, due to the Government's intimidations of landlords or others who have offered them a place to stay.²⁵⁵
- In November 2000, Havana Press reported that the National Police evicted Madelaine Velázquez Betancourt in Havana. She was later sanctioned by the municipal tribunal of Puerto Padre to three-years house arrest for the crime of purchasing her home. In Cuba private property is outlawed and the sale of homes is illegal. This law is in violation of Article 17 of the Universal Declaration of Human Rights that affirms that every person has the right to individual and/or collective property and that no one should be arbitrarily deprived of his or her property.²⁵⁶

CESCR: No

Constitution: Yes

²⁵² Human Rights Watch, "Human Rights Developments: Cuba," **World Report 2001**, New York: HRW (2001).

²⁵³ Dorka de Céspedes, "Desalojo y lesiones," **Havana Press** (29 May 2001).

²⁵⁴ Ibid.

²⁵⁵ See Human Rights Watch, "Routine Repression," Chapter VIII in **Cuba's Repressive Machinery: Human Rights After the Revolution**. New York: Human Rights Watch (June 1999).

²⁵⁶ Dorka de Céspedes, "Descabellado desalojo," **Havana Press** (21 November 2000).

DOMINICAN REPUBLIC

The United Nations Committee on Social, Economic and Cultural Rights remained concerned about the number, and degree of force, of evictions in the Dominican Republic. In the height of the nation's urban renewal campaign - between 1986 and 1992 - some thirty thousand families in the capital city of Santo Domingo saw their homes destroyed.²⁵⁷ Though eviction numbers have decreased, Government officials continue to evict residents in illegal and often violent ways. The most unprotected group in the Dominican Republic continues to be Haitians or Dominicans of Haitian descent, particularly women. Haitian women are not allowed access to jobs in the cane fields and do not have rights of residency beyond that accorded to the wife of a cane worker. Should their husbands die, they are not even entitled to his pension. If husbands are deported, wives have no means of income and fear eviction from their homes. Despite the protest of several human rights groups, out of the eighty thousand Haitians and Dominicans of Haitian descent living in the Dominican Republic, only four thousand have legal status²⁵⁸ - leaving the majority without welfare benefits, pensions, health care and education.

- On 31 August 1999, one person was killed and another three injured during an eviction in the La Caleta neighbourhood of Santo Domingo. The victim, Juan Hernández Fabian, was shown on national television with dozens of rubber bullets lodged in several parts of his body. The eviction in "La Caleta" made it possible for the Government to privatize the lands and ownership of the National Sugar Board (CEA).²⁵⁹
- Hundreds of people were evicted on 24 May 2000 in the midst of a wave of land occupations by squatters during the period of transition towards the populist president, Hipolito Mejía. The nation watched on television as police officers tore down tin shacks that were rapidly built by squatters on land owned by the National Sugar Board.²⁶⁰
- In July 2000, brigades of workers using heavy machinery, flattened more than one hundred homes in the Los Libertadores neighbourhood in the city of Azua, located 120 kilometres southeast of Santo Domingo. A businessman who claimed the land ordered this action. Without homes or compensation, the residents of Los Libertadores and others in Azua protested against the eviction. The protest and ensuing confrontation between police and civilians left at least eight wounded from gun shot wounds, numerous vehicles destroyed and businesses damaged.²⁶¹

CESCR: Yes

Constitution: Yes

ECUADOR

The Quito-based Ecumenical Commission of Human Rights (*La Comisión Ecumenica de Derechos Humanos*, CEDHU) denounced an eviction in Guayaquil of hundreds of homes. The eviction was part of the Guayaquil Municipality's Urban Plan that called for the widening of the Pio Jaramillo Avenue by thirty-two metres, a

257 Edmundo Moriel and Manuel Mejía, "Urban Renewal and Evictions in Santo Domingo," Chapter III in **Evictions and the Right to Housing**. London: International Development Research Council (2000).

258 Dorothy Bruce, "Trouble In Paradise: Haitians Living In The Dominican Republic Are Abused and Marginalized by Society, According to a New Charity Report," **The Ethnic News Watch Journal** (17 April 1998).

259 Efe News Services, "R. Dominicana desalojo: un muerto y tres heridos en desalojo de ocupantes de tierras," (31 August 1999).

260 Efe News Services, "R. Dominicana—Desalojos: la policía desaloja a cientos de invasores ilegales de tierras," (24 May 2000).

261 Efe News Services, "R. Dominicana protestas: al menos 8 heridos de bala en enfrentamientos en Ciudad Azua," (14 July 2000).

stretch along the Coviem, Pio Jaramillo, Guayaquil Independiente, Ruminhui, Jacobo Bucaram, 25 y 17 de Septiembre, Santiago de Guayaquil # 1 y 2, Independiente, Libertad and La Paz neighbourhoods. Many residents had been living in the area for twenty-five years and had land titles to prove their ownership.²⁶²

CESCR: Yes

Constitution: Yes

GUATEMALA

While the Guatemalan Government has complied with some of the measures outlined in the 1996 Peace Accords, its tolerance for violent land evictions concerned several domestic and international human rights groups. In its report on the second semester of 1996, the United Nations Human Rights Mission in Guatemala (MINUGUA) cited a September 1996 instance in Los Ocós, San Marcos, in which the eviction of campesinos occupying a farm by the National Police left one person dead and dozens of others injured. The North American Congress on Latin America (NACLA) documented the massive eviction of three villages carried out by national police and military forces in Sayaxché, El Péten. During this eviction, one man and one infant were killed and another man was shot and killed by anti-riot forces while protesting the arrests of several peasant leaders. Sixty houses and some 218 acres of crops from the villages of El Cedral, Selimón, and Las Mercedes were destroyed.²⁶³

While indigenous rural groups persistently call upon the Government to uphold Article 67 of the Constitution (protection of indigenous land), the judicial system routinely recognises individual claims thus exposing indigenous land to expropriation, sale or break-up. Many indigenous groups retain some form of collective title or claim to the land but divide property into individual family plots in order to prevent usurpation by non-community members. By doing so, they lose a collective right to protection.²⁶⁴

Land conflicts have various sources. In Quiche, some internally displaced persons (IDPs) were declared dead by their relatives during their flight, and returned to find their land purchased at low cost by other groups brought in by the Army during the war. In Alta Verapaz, refugees who returned under a grant of *de jure* title to land remain confounded by the *de facto* presence of IDPs who refuse to give up their occupation. On some occasions, landowners troubled by usurpation of their property will offer to sell a portion of land to a group of peasants who are unaware that the section is occupied by another group. In addition, demographic increases, exhaustion of soils, and deforestation increase usurpation.²⁶⁵

To resolve land conflicts, the Guatemalan Congress approved Article 37 of the Agreement on Socio-economic Issues and the Agrarian Situation that specifically requires the National Government to carry out a “legal reform” and a “prompt resolution of land conflicts.” While the Arzú Administration (1996-2000) complied with some of the land reform measures outlined in the Agreement, such as the establishment of institutional mechanisms like the Presidential Office for the Resolution of Land Conflicts (CONTIERRA), the regime’s tolerance for

262 Equipo Nizkor/ Derechos Human Rights/ Serpaj Europa, “Solicitud de Acción: Ecu - Piden ayuda para impedir el desalojo forzoso de más de 1000 viviendas en Guayaquil,” (1 July 1999).

263 James Black, “Scorched Earth In A Time of Peace,” **NACLA**, Volume 32 (1), p. 11-15 (July/August 1998).

264 Celilia Bailliet, “Unfinished Business: the IDP Land Question,” **Forced Migration Review**, Volume 7, p. 17 (April 2000).

265 Cecilia Bailliet, “Preventing Internal Displacement: Conciliating Land Conflicts in Guatemala,” **Refugee Survey Quarterly**, Volume 19 (3) (2000).

terror campaigns and forced evictions and its lack of support and funding for mediation and development programs reveals its “role as guardian of the traditional structures of rural power” as Guatemala analyst James Black contends.²⁶⁶

Indeed, since the signing of the Peace Accords in 1996, there has been little change in national patterns of land tenure. Arable holdings remain unequally distributed. In 1997, 65 percent of arable land was in the hands of just 2.6% of the population. In addition, 81 percent of farms, largely owned by subsistence farmers, were minuscule at 1.5 acres or less. Such land inequality has generated a wave of occupation of farms most often carried out by indigenous communities seeking to reclaim land taken in favour of *ladino* proprietors, or by *finca* employees seeking to protest working conditions and low pay.

While the Government has reported that evictions are only carried out peacefully and pursuant to judicial order, the Inter-American Court on Human Rights (IACHR) has received reports of evictions carried out by landowners who have employed violence. Guatemala is one of the most violent Latin American countries. On weekdays an average of twelve homicides are committed, rising to thirty on any given weekend.²⁶⁷ Not only are occupants often hurt during evictions, but also police officers are sometimes seriously injured. A total of seventy-five police officers were killed in the line of duty during 2000 while another 115 were wounded, including Agent Gilberto Lara who lost an eye during an eviction on 11 December 2000.²⁶⁸

- In February 1998, multimillionaire Rafael Castillo Blamex, owner of the National Brewery liquor monopoly and RAYO-VAC batteries, succeeded in obtaining his first legal eviction using national police forces. Community leaders of the Committee for Peasant Unity (CUC) maintain that Castillo Blamex changed the property title so that his name, rather than the farmers, appeared on the property title. In 1994, representatives in the Property Registry of Quetzaltenango, refused to allow the farmers to see the title because it was “being repaired.” Though in 1992 the association had land titles in which Castillo Blamex’s name did not appear, by February 1998 the business magnate possessed a 1990 title for the properties with his name as the legal owner.²⁶⁹

- The Nabalija Agricultural Company attempted to evict several Ixil communities in Chajul, Guatemala, from their land, according to Defensoría Maya, a non-governmental organisation that works to defend human rights and the rights of indigenous peoples. The company intends, through coercive measures and unfounded accusations, to evict communities from their land in Xachboj, Chaxa, Santa Rosa, Cimientos, Chiul, San Marcos, and Kumlaj. The Nabalijá enterprise claims to own 2.702 hectares²⁷⁰ in the town though the indigenous people have lived on the land for more than eight hundred years.²⁷¹ A recent act of intimidation occurred on 19 September 2000, when agents of the Public Ministry and the National Civil Police arrived in a helicopter with an eviction order. The residents peacefully rejected the authorities’ instructions. The next day, Army and Civil National Police (PNC) officers gathered in the central park of Chajul at the same time the peasants were gathering to prepare a statement of repudiation of the events.²⁷²

266 Ibid., at p. 12.

267 Agence France Presse, “75 policas han muerto este año en Guatemala,” (28 December 2000).

268 Ibid.

269 James Black, “Scorched Earth In A Time of Peace,” *NACLA*, Volume 32 (1), p. 13 (July/August 1998).

270 The equivalent of 60 “caballerías” in Guatemala (1 caballería = 45.12 hectares).

271 “Empresa privada intenta despojar de sus tierras a comunidades del pueblo Maya Ixil,” (27 September 2000). Available through Informativos.Net, on-line at: <http://www.informativos.net>

272 Guatemala Human Rights Commission/USA, “Company Attempts Evictions in Quiche 9/23/00,” Update #19/00, Volume 12, No. 19 (30 September 2000).

- The Guatemalan Settlers Front (FREPOGUA) condemned the 20 September 2000 eviction of residents from the El Morlón settlement in Amatitlan, Guatemala. William Mazariegos, coordinator of FREPOGUA, indicated that by carrying out the eviction, the Government violated Decree 87-97 that protects people living on state-owned territory from eviction. For the past five years, 176 families living in the El Morlón settlement have been affected by the actions of the authorities, which include the illegal capture of leader Luis Sánchez and intimidation and threats against residents. Settlement residents have presented concrete evidence proving that the land they occupy is indeed state-owned property, but due to irregular actions, the land has been transferred to the Diaz Shuart family. Luis Fernando Sánchez, president of the neighbourhood committee, stated that despite the court's decision that declared private ownership of the land, the residents have proven in the Real Estate Ownership Registry that the land belongs to the State.²⁷³

CESCR: Yes

Constitution: Yes

HAITI

Human Rights Watch reported that in the town of Anse-d'Hainault, supporters of a mayoral candidate who narrowly lost an election to the Fanmi Lavalas (the party of former president Jean-Bertrand Aristide) candidate set houses on fire and ransacked a community radio station, reportedly wounding twelve people.²⁷⁴

CESCR: No

Constitution: Yes

HONDURAS

Despite various activities involving high representatives of the Honduran Government, land titles have still not been handed over to thousands of peasants who received land under the Agrarian Reform Program in Honduras over twenty years ago. In 2000, three hundred thousand Honduran families were landless or had land of less than one hectare.²⁷⁵ The Honduran authorities' failure to legalize the land transferred under this program facilitates evictions as was evidenced in January and April 2001 by the eviction of a peasant community in La Morazán.²⁷⁶

- The Association of Non-governmental Organizations (*Asociación de Organismos no Gubernamentales*, ASONOG) reports on the impact of mining projects in Honduras. ASONOG has reported specifically on the General Mining Law, enacted in December 1998, which gave mining companies nearly unlimited power to petition for the forced removal of traditional communities from their ancestral lands. The law was written by ANAMINH, a mining association made up of U.S. and Canadian companies. One example of the negative impact of mining interests is the case of Greenstone Resources Limited, a then-Canadian mining company. Greenstone Resources gained concession for several hundred acres in Copán in western Honduras and promptly moved to forcibly evict the local residents. The community fought off Greenstone for two years, during which time the company shut off their water and intentionally ran over one resident with a bulldozer. The community eventually was forced off its land but still does not have legal title to the new lands that were promised them.²⁷⁷

²⁷³ Ibid.

²⁷⁴ Human Rights Watch, "Human Rights Developments: Haiti," *World Report 2001*, New York: HRW (2001).

²⁷⁵ Ricardo Falla, "Una toma de tierras abre puertas a la reforma agraria," *Revista Envío* (Managua, Nicaragua) (September 2000).

²⁷⁶ FIAN, "Honduras: New Eviction of the La Morazán Co-operative," Fian Intervention No. 0112AHNS (30 April 2001).

²⁷⁷ Rights Action, *Information Bulletin* (2001). ASONOG has initiated a campaign to protect the rights of rural and indigenous communities and can be reached at: ASONOG, Apdo. Postal 218, Santa Rosa de Copán, Honduras, Central America.

- Hurricane Mitch forced thousands of Hondurans to emigrate from the riversides and other high-risk zones where they lived. Some peasant organisations were able to appeal to the floating mass of people searching for land and to organize land takeovers. On 14 May 2000, seven hundred landless peasants of Aguán, on Honduras' northern coast, occupied lands that belonged to the now dismantled Regional Military Training Center (CREM) and are currently claimed by local cattle ranchers and farmers.²⁷⁸ Currently, the Aguán Campesino Movement (Movimiento Campesino del Aguán, MCA) claims that the ranchers are in illegal possession of the lands because in 1993, at the request of the Honduran Congress, the Attorney General's office formerly transferred these lands to the National Agrarian Institute (INA) to be distributed among landless peasants. Even though many of the ranchers had land titles, the Aguán Campesino Movement justified their takeover by arguing that the land purchases were illegal and the titles therefore invalid. This was because the lands the ranchers purchased from the municipality of Trujillo were neither common nor national (without title), but were registered in the name of the state.²⁷⁹

In 1991, the Honduran Government promulgated the new Municipalities Law, according to which (Article 68) the municipalities were allowed to sell all non-deeded lands. The municipality of Trujillo sold the lands that had once belonged to the CREM to local ranchers for just US\$1.30 - US\$1.95²⁸⁰ per hectare. In other words, the municipality sold for less than fifty thousand dollars lands that had earlier cost the Government \$17 million. Furthermore, this sale was illegal.

While the group has proceeded to petition for land titles and defend their rights to a sympathetic National Agrarian Institute (INA), a number of armed attacks by the ranchers against the encampment have occurred. In July 2000, when the peasants stepped up their pressure on the Attorney General to annul the deeds issued by the municipal government, the cattle ranchers were themselves pressuring the District Attorney's office to evict the campesinos. On 8 July, the ranchers sent their farmhands to set fire to a field near the encampment, but four hundred peasants were waiting for them. They surrounded the farmhands, capturing fourteen of them and confiscating one AK-47 assault rifle, three pistols, a machine gun and twelve machetes, which they later turned in to the Police's General Criminal Investigations Office (DGIC). During another attack on 23 July, the peasants captured more farmhands and confiscated three firearms.

By far, the most violent acts occurred on 27 July 2000, when mercenaries fired at the home of Henry Osorto, who was meeting with the District Attorney to discuss the eviction proceedings. As large groups of assassins advanced toward the house, Henry's brother, Diógenes Osorto, fled from the building with an AK automatic rifle in hand and headed into some scrub about a hundred metres from the highway. There he ran into a group of evictors and was killed in the ensuing exchange of fire. His body was discovered two days later in the same spot.

The next day when several peasants attempted to work on lands they had prepared on the other side of Henry Osorto's house they were met by gunfire. The peasants reacted by taking over the strategically important Trujillo highway. This highly-charged atmosphere did not calm down until a high-level commission named by the President of the Republic, consisting of the Ministers of Government and of Security, the Director General of the National Preventive Police, the head of the armed forces' Joint Chiefs of Staff and the former Land Reform Director, arrived on the scene. The current Director was not included because the ranchers did not consider him

278 Ricardo Falla, "Una toma de tierras abre puertas a la reforma agraria," *Revista Envío* (Managua, Nicaragua) (September 2000).

279 Ibid.

280 Equivalent to 20-30 Honduran lempiras.

impartial. The commission was not there to solve the land problem, but to ensure a peaceful climate that would prevent more bloodshed. Tensions were so high that in the capital city of Tegucigalpa, it was rumoured that civil war had broken out in Aguán.²⁸¹

CESCR: Yes

Constitution: Yes

JAMAICA

In July 1999, at least thirty homeless people were forcibly transported from the country's major tourism city of Montego Bay to the neighbouring parish of St. Elizabeth, allegedly on the orders of government officials. Jamaica Labor Party (JLP) spokeswoman on legal affairs, Senator Dorothy Lightbourne, remarked, "Clearly it was degrading and inhumane treatment. We're claiming interference with their rights to liberty and freedom of movement." Apart from violations of constitutional rights, protesters of the eviction charged the Government with false imprisonment and assault.²⁸² Though a settlement awarded the victims a package of US\$440 a month to be distributed in terms of benefits and services such as medication, clothing, and bedding only the equivalent of US\$274 had been spent on five victims five months after the settlement, according to the Jamaica Observer.²⁸³

CESCR: Yes

Constitution: No

MEXICO

Between eighteen and nineteen thousand eviction orders were waiting to be implemented in Mexico City in 1998 - orders that would displace approximately fifty thousand into homelessness.²⁸⁴ Many of these people face eviction due to an illegal termination of rental contract, illegal occupation, or frozen rent payments. This massive number would be equivalent to 138.8 daily evictions.²⁸⁵ The reasons behind evictions in Mexico City include an insufficient supply of affordable housing and a high number of buildings that are illegally occupied. In 1998, Universal newspaper estimated that in Mexico City 212 buildings were illegally occupied and contained an average of six families per unit.²⁸⁶

Excessive force was evident in several evictions throughout Mexico. After the eviction of Nuevo México in 1998, the evictees filed sixteen separate complaints to the Ministerio Público. Víctor Delgado, the representative of the evictees, claimed that he was illegally detained during the eviction and locked in a room where various police officers threatened, "calm your people or we'll kill you here."²⁸⁷

Based on these and other reports, The Committee on Economic, Social and Cultural Rights (CESCR) urged Mexico to comply with its written and oral questions concerning forced evictions. Nevertheless, the Committee reported in 1999 not to have received a satisfactory answer to its queries about the extent of the problem and

281 Ibid.

282 Dionne Jackson Miller, "Rights-Jamaica: Homeless Evictions Trigger Political Fallout," Inter Press Service (11 August 1999).

283 "Payments to MoBay Street People Hit Snag," *The Jamaica Observer* (14 February 2001).

284 *Reforma*, "Mediará gobierno del DF en 19 mil casos de desalojo," p. 1 (7 February 7 1998). COHRE would like to thank Araceli Noemí Barragán Solís of the Documentation Center at COPEVI in Mexico City for her assistance.

285 *El Universal*, "Temer aumento del número de desalojos," p. 3 (3 February 1998).

286 Ibid.

287 *Reforma*, "Emprenden acción legal desalojados," (26 January 1998).

the measures taken by the Government to protect all citizens against forced evictions. Moreover, the Committee remains concerned about the housing shortage and the unsatisfactory condition of a high percentage of the housing stock, especially in rural areas where a significant number of dwellings lack electricity, adequate sewage disposal and piped water.²⁸⁸

The Committee asked to receive more detailed information on the number of forced evictions and the manner in which these are carried out. The Committee also recommended that the Government establish mechanisms that record evictions and their follow-up, take immediate remedial action against forced evictions, and report back to the Committee in its fourth periodic report.

Examples of forced evictions abound:

- More than two hundred soldiers evicted thirty-six families from a building on Donceles Street even though some of the families had resided in the building in the historic centre of downtown Mexico City for forty years.²⁸⁹ The landholders justified the eviction by telling reporters that they sought to convert the building into a hospital for dogs. Yet, even before the police told the residents this reason, officers broke down the door of the building and began to tear down the walls on 7 January 1998.²⁹⁰ Afterwards, Mexico City authorities relocated the families to a sports facility where they lived for twenty days until they were resettled elsewhere.²⁹¹

- In the Ecoguardas ecological reserve in Ajusco, four hundred Mexican families were violently evicted from their homes; an action that left five wounded. Several years before the eviction, members of the community had collectively purchased the land, according to the *Cronica* newspaper. José Antonio Dominguez, a settler in Ajusco claimed that “it is not fair that in a matter of minutes everything we had was destroyed and we were left only with garbage. They robbed our stereos and televisions.” Members of the community reported that the eviction on 10 January 1998 was unannounced and that the authorities had never consulted them. Reports of members being beaten were also noted.²⁹² The eviction was the first in which Mexico City mayor Cuauhtémoc Cárdenas resorted to using riot police, who destroyed the makeshift dwellings and burned the homes.²⁹³ A month after the eviction, several local groups including Convergencia Urbana, Sistema de Información y Ahorro para Vivienda, Frente de Organizaciones Sociales, Campamentos Unidos, and Democracia y Justicia Social A.C., protested in front of the national legislature demanding an end to violent evictions in Mexico City.²⁹⁴

- Four persons injured, one person wounded, and another one with a reported nervous breakdown was the toll for an eviction in Mexico City on 29 January 1998. At 10:30am, three hundred soldiers along with sixty paramilitaries dressed in civilian clothes destroyed doors, windows, and furniture in the process of the eviction of four families. As the families had been living in the buildings for an average of thirty years, nine other families in the building resisted the eviction. According to the *El Día* newspaper, the family had stopped making rental payments a year before because their rent was being paid to someone who was not the official owner.²⁹⁵

288 “Concluding Observations of the Committee on Economic, Social and Cultural Rights: Mexico,” UN Doc. E/C.12/1/Add.41 (8 December 1999).

289 *El Día*, “Las 36 familias desalojadas en Donceles 64, fueron reubicadas,” (10 January 1998).

290 *Reforma*, “Desalojan a 36 familias del centro,” p.1 (8 January 1998).

291 *El Día* (10 January 1998).

292 María del Pilar Martínez, “Desalojo en el Ajusco: cinco heridos, machetazos y pedradas,” *Cronica* (21 August 1998).

293 Pepe Grillo, “‘Indiferencia’ después del desalojo en el Ajusco,” *Cronica* (12 January 1998).

294 Servicio Universal de Noticias, “Oposición desalojos violentos,” (30 September 1998).

295 *El Día*, “300 granaderos desalojaron a 4 familias en la calle industrial,” p. 14 (30 January 1998).

- Fourteen families were evicted from Ecatepec without receiving prior notification according to La Jornada newspaper. The families were residents of the Potrero del Rey, Luis Donaldo Colosio and Independencia settlements.²⁹⁶ A month later, one hundred families in a nearby neighbourhood resisted their eviction armed with clubs, stones and iron bars. The residents attributed the evictions to land disputes between informal land renters and members of the Guadalupe Victoria cooperative.²⁹⁷

On 10 June 1998, a joint team of Mexican police officers and soldiers evicted several farmers from the pro-Zapatista (EZLN) hamlet, San Juan de la Libertad in Chiapas. This action resulted in the death of six civilians and one soldier. One thousand soldiers participated, using helicopters and dozens of armed military vehicles such as the Hummer. The operation also affected Tzotzil indigenous communities surrounding the area, many of whom fled into the forest to avoid the escalation of conflict. This action was the fourth eviction in Chiapas of an area legally governed by Zapatista sympathizers. Earlier evictions included Taniperlas (11 April 1998), Amparo Aguatinta (1 May 1998), and Nicolás Ruiz (3 June 1998). The conflict came forty-eight hours after the Zapatista-Mexican Government mediator, Monseñor Samuel Ruiz, withdrew from the negotiation table denouncing the Government's "lynching," "aggression," and "religious persecution." The violence in Chiapas follows a long history of repression of indigenous people in that area.

A 1998 COHRE report on low intensity warfare in Chiapas, found that twenty thousand persons - mostly of indigenous origin - were displaced from their homes between 1994 and 1998. Many of these evictions were carried out by paramilitaries. Testimony from a typical eviction was obtained by the *Centro de Derechos Humanos Fray Bartolomé de las Casas* (Fray Bartolomé de las Casas Human Rights Center, CDHFBC). María (not her real name) describes the 21 November 1997 eviction in Chenalho municipality in the Los Altos region*:

My husband and I were together in our little home, on Wednesday morning, when we heard some shots near the hill where we have our home. I saw a group of men burning the home of our neighbour ... I ran to my parent's house, and from there we saw everything, we saw armed men burning many homes, running from one home to the next, firing off many shots, burning many homes.

* Source: Obtained from Centro de Derechos Humanos Fray Bartolomé de las Casas, San Cristobal de las Casas, Chiapas, Mexico. Cited in COHRE (1998).

- According to El Día newspaper, seven hundred families were evicted in Tláhuac on 23 October 1998 without previous notification. Though the action was overseen by representatives from the Human Rights Commission of Mexico City, the televisions and stereos of some of the evicted were illegally confiscated by the police.²⁹⁸
- Police chain-sawed and destroyed seventeen homes in Lázaro Cárdenas, Michoacán state though the residents had occupied the property for more than thirty years. During the eviction a police officer torched one house without allowing the residents to remove their belongings. The equivalent of twenty tons of corn from nearby fields was destroyed.²⁹⁹
- Armed with machetes, iron bars, and pistols, a gang of thirty people violently evicted squatters in the Mirador neighbourhood of Hermosillo on 20 April 1999. The action, which was not stopped by local police forces, left sixty children homeless. Once detained after the eviction, the thugs reported that they were hired by the landowner Ricardo Sanchez Velasco and paid one hundred Mexican pesos along with a steak for their services.

296 *La Jornada*, "Vecinos de Ecatepec se quejan por el desalojo de tres predios," p. 51 (9 June 1998).

297 *La Jornada*, "Con piedras y palos impiden familias ser desalojadas de un predio irregular," Zona Conurbada Section, p. 33 (9 July 1998).

298 José Francisco Montaña, "Comienza la lucha por vivienda de los desalojados en Tláhuac," *El Día*, Metrópoli Section, p. 21 (25 October 1998).

299 Adán García, "Destruyen 17 casas para sacar a colonos," *Reforma*, Estado Section, p. 14 (8 August 1999).

Vehicles levelled the cardboard homes without regard for the belongings of the families or for the children who remained inside. Following the eviction, dozens of police officers arrived along with ambulances, which transported four pregnant women to the hospital. Despite the gunfire during the eviction, there were no reports of serious injuries.³⁰⁰

- Without a judicial order or previous consultation with residents, Mexican police and paramilitaries in Chiapas used tear-gas and rifles during the course of an eviction on 2 March 2000. The eviction was also politically charged given that the evictees were affiliated with the opposition party, PRD, and the evictors were led by members of the ruling PRI party. The action was later denounced by the human rights organisation, *El Centro de Derechos Humanos Fray Bartolomé de las Casas*, based in San Cristóbal de las Casas.³⁰¹
- Human Rights Watch reported further evictions and violence in Chiapas between pro-government civilians and real or alleged opponents of the PRI. On 3 August 2000, members of Peace and Justice, a right-wing paramilitary group, attacked the community of El Paraíso in Yajalón municipality, expelling sixty families, burning houses and beating inhabitants. The Government of Mexico, with large numbers of security forces in Chiapas, needs to take measures to protect its citizen's housing rights. Such protection should be feasible, particularly in orchestrated and large-scale evictions such as those that occurred in El Paraíso.³⁰²
- On 11 August 2000, a group of Zapatista sympathizers evicted more than one hundred farmers who were aligned with the ruling political party, the PRI. The action occurred in Pavo Real in the municipality of Ocosingo as reported by Agence France Presse.³⁰³
- In Isidro, Jalisco state, three hundred peasant families continue to lack sufficient access to productive resources as a result of the 1992 eviction by the transnational company, Nutrilite. According to FIAN, this company took illegal possession of 280 hectares of community land ("ejido") and established an agribusiness on the land, used existing wells, dug three new ones, constructed a dam, and effectively dried up important parts of the local peasants' water supply. A year later, in 1993, a court decision declared that the ejido peasants must be given back their land. Although the company and peasants did reach an agreement, the company failed to comply. The situation has become more tense as is seen by the murder of a peasant leader, Gerardo Avalos Lemus, in 1999. No legal action followed and the company continues to divert the water as a means of forcing the peasants out of the area. Currently, eighty-five peasant families remain landless and three hundred ejido families suffer insufficient access to land and water.³⁰⁴
- The division of the communally owned "ejidos" as ordered by the amendment of Article 27 in 1992 has continued to generate problems of land theft and homelessness. Though the PROCEDE program aimed to divide land equally among the former collectives, one half of the former owners of the Sayula ejido in Jalisco did not receive land and another thirty were victims of land theft. Since 1995, irregular and fraudulent land registries have arisen, enabling people external to the Ejido to receive land. This often occurs with the complicity of public servants of the agrarian authority and with the influential leaders of the Ejido. The discriminated peasants, who protested against these actions suffered repression and repeated threats. The persecution of the peas-

300 Servicio Universal de Noticias, "Desalojo Violento Hermosillo," (21 April 1999).

301 Gabriela Coutiño, "Intervino la policía chiapaneca en desalojo violento de predio en Chiapas," *El Financiero*, Society Section, p. 42 (3 March 2000).

302 Human Rights Watch, "Human Rights Developments: Mexico," *World Report 2001*, New York: HRW (2001).

303 Agence France Presse, "Al: derechos humanos en peligro ante proximidad de comicios en Chiapas," (16 August 2000).

304 FIAN, "Mexico: TNC Steals Land and Water in San Isidro (Jalisco)," Update No. 0018UMEX (8 September 2000).

ants who defended their traditional land rights reached a peak when the victims' spokesperson, Raúl González Vásquez, was murdered on 24 January 2000, and his brother Carlos González Vásquez was also found dead on 7 April 2000. In July 1999, the peasants managed to present their case to the Agrarian Ministry in the City of Mexico. Until now there has been no solution to the conflict.³⁰⁵

CESCR: Yes

Constitution: Yes

NICARAGUA

While Nicaragua's long history of violent internal conflict has come to an end, the issue of ownership of land still divides the country. In 1979, the left-wing Sandinista revolution swept to power, nationalised land and redistributed it to peasant co-operatives. In the 1990s, victims of a decade of American-sponsored low-intensity warfare, the Sandinistas lost elections and political power {interested readers are encouraged to research the 1984 International Court of Justice ruling³⁰⁶ ordering the United States to desist activities and pay substantial reparations to Nicaragua (unilaterally ignored); the proffered 1987 United Nations Security Council resolution calling on States to observe international law (vetoed by the United States); and, finally, the 1987 General Assembly resolution³⁰⁷ condemning international terrorism, passed by 153 for and 2 against (the United States and Israel)}. The land reform programs the Sandinistas initiated in the 1980s became a target for conservative politicians. Today three distinct groups are competing for land: relatives of landowners whose land was seized by the Sandinistas in the 1980s, former contra rebels who were promised land to fight the Sandinistas, and the evicted poor who were given land in the 1970s and 1980s and then made homeless by reclaimants. Across Nicaragua, it is the same story. In addition, Washington has re-joined the fray, threatening to cut aid unless U.S. citizens who lost land during the revolution are compensated.³⁰⁸

Among those vying for land is the family of Anastasio Somoza, the dictator deposed by the Sandinistas. The family has received nothing through the courts, though as Luis Sevilla Somoza, the nephew of Anastasio Somoza, explains they are hoping to make deals with bankrupt cooperatives, "Way down deep inside they feel bad because they are on someone else's land. But they are good people." The Somoza family is accused of abusing four decades of political power to amass more than 350 properties for their own personal wealth.³⁰⁹

Currently, the Somozas are seeking control of a coffee co-operative in the rich hills outside Managua. The Sandinistas gave the workers the farm - though no title. That means no credit to plant and pay wages. Luis Sevilla Somoza argues, "The proof is never there. If anyone has got a gripe about our properties please come to the courts and we'll present our documents and you present yours and nobody has ever done that."³¹⁰

On the other side of the land conflict are the peasants who work the land. Dolores Esquivel, the vice president of the co-operative claims, "Losing this land would be like losing part of my body ... I worked here since I was fourteen. We won't stand for some outsider, some Yankee taking it away ... I feel the land is mine. I won it."³¹¹

305 FIAN, "Peasants Victims of Land Theft and Repression in the Sayula Ejido, Jalisco, Mexico," FIAN Hotline 9/2000. Available on-line at: <http://www.fian.org>

306 Case concerning military and paramilitary activities in and against Nicaragua, ICJ Reports 1984

307 Judgment of the International Court of Justice of June 27 1986 concerning military and paramilitary activities in and against Nicaragua: need for immediate compliance. G.A. Resolution 41/31 of 3 November 1986.

308 See the Prinzipolka case in the Nicaragua section in the "Threatened Forced Evictions."

309 Tom Gibb, "Nicaragua Crippled by Land Disputes," BBC World Service (18 June 2000).

310 Ibid.

311 Ibid.

Nicaragua is today the poorest country of mainland America. Land seizures and evictions are sparking endemic violence between Contras, Sandinistas and former landowners.³¹² The wave of evictions that occurred during the last three years has received the attention of the Nicaraguan Communal Movement (*Movimiento Comunal Nicaragüense, MCN*) whose representative, Mario Ordóñez is actively campaigning for peasant land rights. He argues that the national police, judges, and landowners falsify information in order to evict poor people from their residences. Several human rights groups have also shown that many former landowners who seek to reclaim their lands have already been compensated by the Government.³¹³

- The Nicaraguan Center for Human Rights (CENIDH) protested the 25 January 1999 eviction of the Rubén Darío settlement, arguing that evictions could only be legally implemented if under the order of a judge. The Mayor's office notified residents in this downtown area of Managua that they would have to move so that the Presidential Palace could be constructed. The residents were offered a resettlement package to be relocated to the Ciudad Sandino zone, but did not accept the offer because water and electrical services were not guaranteed in the offer. Gonzalo Carrión of CENIDH also demanded to know why the Police forces had accompanied the notification from the Mayor's Office, implying it was a legal process.³¹⁴

- The eviction of poor squatters in the "Memorial Sandino" area of western Managua received international attention. In the morning of 11 March 1999, three hundred people were violently evicted from their homes in the neighbourhood leaving seven persons wounded and twenty-five people detained. These lands were donated in 1990 by the Nicaraguan Government to the Centro Sandino Group, an organisation founded by Rosario Murillo, the wife of former president Daniel Ortega. Later Ms. Murillo gave these lands to ex-military personnel, ex-members of the Contras, and the Nicaraguan Environmentalist Movement (MAN).³¹⁵

It has yet to be determined who ordered the massive eviction. According to the Police Commissioner, Franco Montealegre, the eviction was based on a judicial order, while the acting judge, José Gonzalo Calero Centeno, maintains that he ordered the maintenance of public order not an eviction. Evictions would have to be overseen by representatives of the court, which did not occur in Memorial Sandino. In fact, it would have been unusual if it had been a court ordered eviction since the residents were evicted on Saturday - a day when court representatives do not work. Other officials such as Commissioner Arnoldo Pastrán of the Third District, held that a judicial order was not necessary. He invoked Article 3 of Police Code Law 288 that gives the police the power to immediately support and protect anyone who requires their help to maintain the custody of their goods or land that are in danger of theft.³¹⁶

- International observers documented the "chiapisation" of the Muy Muy community in Nicaragua. With the assistance of two busloads of anti-riot police from Managua, fourteen homes were destroyed in an eviction of families in La Ranchería, Matagalpa. The National Union of Farmers and Cattle Ranchers (La Unión Nacional de Agricultores y Ganaderos) reported that these lands belonged to the Muy Muy indigenous community not to the reclaimant, Mr. Reynaldo Valenzuela. The indigenous community has been to court four times with Valenzuela, of which all four cases were decided in favour of the Muy Muy community.³¹⁷ This was mainly due to the evidence of royal land titles given to the community that document how the lands were purchased by the Muy

312 Ibid.

313 Moises Castillo Zeas, "Ola de desalojos es un crimen social," *El Nuevo Diario* (21 April 2001).

314 Karla Castillo, "Sin orden judicial no hay desalojos," *El Diario* (23 January 1999).

315 Nuevo Diario, "Daniel dio orden de violento desalojo," (21 March 1999).

316 Mario Mairena Martínez, "Autoridades 'patinan' en caso Memorial Sandino: desalojo provoca tremendo enredo," *El Nuevo Diario* (13 March 1999).

317 Francisco Mendoza, "Desalojo en Ranchería con los antimotines," *El Nuevo Diario* (25 August 1999).

Muy from Philip V of Spain for two hundred pounds of gold. Despite the evidence in favour of the Muy Muy, the community lost 8.400 hectares of land³¹⁸ in La Ranchería.³¹⁹ Food First International demanded that the president of the Supreme Court of Nicaragua, Guillermo Vargas, conduct an exhaustive investigation into the actions of the judges who ordered the “violent eviction” of the Ranchería estate in Matagalpa.³²⁰

- Four persons, including a three year-old girl, were wounded during an eviction of a poor family in Masachapa. The family had been living on the land for a week to shelter their children and grandchildren. Marlene Cruz Uclés claimed that twenty-one years ago, the Sandinista Government awarded her the land with a certificate of adjudication. Capitan Francisco Vargas, head of Public Security of the Seventh District Police Force, justified the eviction, charging that the documents in favour of Cruz Uclés were invalid since they did not describe the specific dimensions of the land. In addition, the police applied unnecessary force.³²¹

- Two civilians were left with gun shot wounds and three police officers with wounds from machetes after a violent eviction of eighty families in the Matasanos area south of Matagalpa on 29 August 2000. Following the eviction, Edmundo Gutiérrez of the Nicaraguan Center for Human Rights, in Matagalpa, argued that the eviction was carried out without showing the residents a judicial order. The residents also told the press that the reclaimant, Antonio Arauz Centeno, was compensated on three different occasions for the land after it was confiscated following the Sandinista revolution. The families were not squatters, but were given the option to rent the land from the government office, the National Corporation of Public Administration (CORNAP).³²²

- According to Agence France Presse, neighbours of the Hialeah slum in southeast Managua confronted an unannounced eviction in the morning of 28 September 2000. Troops arrived in the morning with an eviction order and proceeded to destroy the makeshift cardboard and plastic homes. One of the evictees, Josefina Mojica, pleaded, “They are inhumane, how can they believe to launch tear gas when there are so many children- and children sleeping which is even worse?”³²³

More than two hundred squatters who were living on 9.1 hectares³²⁴ were forcibly evicted using tear gas and rubber bullets. Some of these persons were forced to live in Hialeah because the construction of a new highway, the “pista suburbana,” had altered the drainage system. With heavy rains in August and September, the construction site’s drainage formed channels that effectively flooded the resident’s homes near the construction site.³²⁵

- More than twenty police officers evicted an indigenous community from its land known as La Central, three kilometres from the San Isidro junction on the night of 31 November 2000. To protest the evictions, members of the indigenous community of San Isidro occupied the land. During the eviction, police detained thirty of the evictees including representatives of the indigenous group, Enoc Tinoco, Alvaro López Martínez, and Alejandro Rizo Blandón. Though the lands were located within an autonomous indigenous area established by the Nicaraguan Constitution, Judge Irma Patricia Pérez Altamirano ordered the eviction and the possession of 455

318 Equivalent to 12.000 manzanas.

319 Mario Mairena Martínez, “Indígenas denuncian despojo y persecución,” *El Nuevo Diario* (6 April 2001).

320 EFE News Services, “RFA-Nicaragua: Denuncian ante el supremep actuación juices que ordenaron desalojo,” (21 October 1999).

321 José Luis Palacios G., “Desalojo en Masachapa: cuatro personas y una niña fueron echadas y golpeadas,” *La Prensa* (24 August 2000).

322 Rafael Lara, “Sangriento desalojo en zona de Matagalpa,” *El Nuevo Diario* (30 August 2000).

323 Agence France Presse, “Pobladores y policia se enfrentan por desalojo de tierras en Nicaragua,” (28 September 2000).

324 9.1 hectares equals 13 “manzanas” in Nicaragua (1 manzana = 0.70 hectares).

325 Juan Rodríguez, “Violento desalojo policial,” *La Prensa* (Managua, Nicaragua) (29 September 2000).

hectares³²⁶ to be awarded to the Nicaraguan Bank of Industry and Commerce (BANIC). La Central's non-indigenous tenant, Pablo Valdivia, had defaulted on several payments and the repossession was viewed by the Judge as the equivalent to payment. However, according to William Rivas, the lawyer for the indigenous community of San Isidro, the bank was awarded 455 hectares,³²⁷ though the tenant only rented 175 hectares³²⁸ from the indigenous group. More important, as a result of the rent arrears of ten years, the indigenous community of San Isidro nullified the rent contract with Valdivia, making it illegal for him or his family members to mortgage the land. To this end, BANIC did not have the legal right to usurp lands that did not belong in any way to Valdivia.³²⁹

- Although Teresa Aguirre was given a land title from the Agrarian Reform Ministry eighteen years ago, she was forcibly evicted from her home in the Los Jardines area of San Juan de la Concepción on 21 December 2000. On that day, Police Capitan César Cuseda, eight police officers, and a group of paid thugs arrived at the homes without an eviction order.

El Nuevo Diario newspaper of Managua reported that the men told the residents that on their land, they, not a judge were in control. Without consulting the tenants, the group violently broke into the homes, pushed two boys out and proceeded to destroy the structures. After throwing all the belongings out of the home, the group of thugs lit the homes on fire and then built a fence surrounding the area to prevent the families from reconstructing their homes. A witness to the eviction hopes that the police will be punished by the Police Commissioner, Franco Montealegre, because "many volunteers participated who left the army, but continue to act like they are in command."³³⁰

CESCR: Yes

Constitution: Yes

PARAGUAY

On 8 May 2000, 830 families who belonged to the Comisión Vecinal Caaovetí organisation were evicted by the Paraguayan military from a building in the city of Caazapá. Alberto Areco, the leader of the National Federation of Farmers (*Federación Nacional Campesina*, FNC) represented the evictees and denounced the eviction in front of the President of the Human Rights Commission of the Paraguayan Senate, Luis Alberto Mauropasado. Areco argued, "[T]he Government used all its fury to defend the interests of large-land holders. Many of my friends have fractures, gun-shot wounds, and every type of mistreatment resulting from eviction."³³¹ Areco also claimed that a protest march that would have involved four hundred people affected by the eviction was prevented by the police.

CESCR: Yes

Constitution: Yes

³²⁶ Equivalent to 650 manzanas.

³²⁷ Equivalent to 650 manzanas.

³²⁸ Equivalent to 250 manzanas.

³²⁹ Francisco Mendoza S., "Desalojo en San Isidro," *Nuevo Diario* (1 December 2000).

³³⁰ *Nuevo Diario*, "Violencia policial en desalojo," (2 January 2001).

³³¹ Alberto Bastia, "Denunciaron torturas y asesinatos cometidos contra labriegos paraguayos," (11 August 2000).

PERU

Clashes between squatters and property-owners in a shantytown near the Peruvian capital, Lima, left at least four people dead and at least ten injured on 27 January 2000, according to BBC News. The violence took place in the area of Villa el Salvador when homeless people, who took over plots of land and erected makeshift homes, were confronted by gangs of men, armed with guns, iron bars and knives. Some area residents admitted they had decided to pay groups of men to get rid of the squatters by force.

Opposition parties accused President Fujimori of offering the squatters plots of land in return for their vote in the upcoming presidential election. They claimed that many of the squatters erected banners supporting “Peru 2000,” a slogan used by the ruling alliance. Squatter Ises Sulca said they had called their township Peru 2000 “because we need the Government to help us and with this name they are bound to do so.” President Fujimori said he condemned the violence, but said police would not take action to reinstate the families.³³²

CESCR: Yes

Constitution: Yes

UNITED STATES OF AMERICA

In the United States of America, many evictions occur in the private sector as a result of landlords bringing Unlawful Detainer causes of action against the tenant. Unlawful Detainer actions do provide tenants with some degree of due process and therefore are not considered *per se* forced evictions as defined in international law. Notwithstanding the protections against arbitrary evictions that Unlawful Detainer actions provide, however, any eviction, even those otherwise deemed legitimate, contravene international law if it renders the evictee homeless. In addition to private Unlawful Detainer actions, many persons are evicted due to public policy decisions such as those dealing with urban renewal projects, public infrastructure construction or drug laws calling for property forfeiture penalties. Again, if those policies result in evictions that render the respective evictees homeless, those policies violate international law. In any event, the lack of affordable housing in the United States, compounded by gentrification, employment that doesn’t provide a liveable wage, and the above-mentioned public policies have all contributed to incredibly large numbers of persons being evicted as well as to the problem of homelessness.

A study by The Urban Institute found that at least 2.3 million adults and children are likely to experience a spell of homelessness at least once during a year. The study highlighted that as many as half of all homeless adults become homeless because they are evicted or experience some other problem with a landlord or with paying their rent.³³³ Several studies show that providing legal assistance or legal representation to tenants in eviction proceedings greatly increases the likelihood that the tenant can win the case or reach an agreement with the landlord.³³⁴ Such legal assistance, however, is rarely provided free of charge, and therefore most potential evictees cannot acquire adequate legal assistance and representation.

The following are general statistics on the intersection of evictions and homelessness as well as some examples of evictions, including unlawful evictions, that have occurred in the United States from 1998 to 2000.

³³² BBC News, “Peru Squatters Fight for Land,” (28 January 2000).

³³³ Burt, Martha R. et al., **Homeless Programs and the People They Serve**, Washington DC: The Urban Institute (1999).

³³⁴ See, e.g., *ibid.*; Pew Partnership, **Thriving Neighborhoods**, Richmond: Pew Charitable Trust (2001).

- The Greater Cincinnati Coalition for the Homeless has found that eviction is one of the leading precursors for homelessness.³³⁵
- In 2000, the United Way found that 25 percent of homeless persons in Santa Cruz, California, became homeless due to being evicted.³³⁶
- The Chicago Reporter reports that the Chicago Housing Authority (CHA) has been filing hundreds of eviction lawsuits to push families out of public housing as the agency moves to demolish some complexes and redevelop others.³³⁷ According to Henry Lee Johns, a board member of “It’s Time for a Change Resident Management,” the CHA is trying to displace low-income residents from public housing built on land that is increasing in value due to its proximity to Chicago’s affluent and expanding Gold Coast area.³³⁸ In one example from 1998, Angenita Ramsey, a forty-three year-old unemployed and partially blind women, ended up in a homeless shelter when the CHA police put her out of her Henry Horner apartment on 7 September 2000, even though the CHA regulations stated she should have been allowed to live rent-free.³³⁹
- The lack of universal or affordable health care in the United States also results in homelessness. For example, in late 2000, Jasmine Ferguson became ill with a serious heart condition. Her medical doctor advised her to leave her job, even though she had just recently begun working for her employer and her employer-provided health insurance had not yet taken effect. Because her illness was diagnosed prior to her health insurance being approved, she ended up without health insurance and couldn’t afford to pay her rent. In October 2000 she was evicted, along with her young daughter. Both ended up homeless.³⁴⁰
- The United States also has numerous informal settlements, often constructed by persons who would otherwise be homeless. People living in informal settlements in the United States receive virtually no housing rights and thus are often evicted. For instance, in May 1999, an informal settlement near Los Angeles, California was bulldozed on orders of the owner of the otherwise unused real estate, rendering scores of persons homeless.³⁴¹ The property owner solicited the assistance of local law enforcement in carrying out this mass eviction.³⁴²
- Gentrification has also resulted in evictions around the U.S. For example, there were over six hundred evictions in San Francisco’s Mission District between June 1999 and June 2000. Many of those people were rendered homeless. San Francisco even saw the eviction of persons from its largest homeless shelter. The Mission Rock Shelter was the largest homeless shelter in the city, and provided temporary housing for up to six hundred homeless people. It was funded by The City of San Francisco, but in September 1999, the City rushed

335 The Greater Cincinnati Coalition for the Homeless, **Causes of Homelessness**, Cincinnati: GCCH (2001).

336 See Donna Merooke, **Housing Crisis**, Santa Cruz: Santa Cruz Tenant’s Rights Union (2001).

337 Brian J. Rogal, “CHA Families Exit as Eviction Threat Grows,” in **The Chicago Reporter**, Chicago: TCR (March 1999).

338 Ibid.

339 Ibid.

340 Jasmine Ferguson, testimony before the U.S. House Appropriations Sub-Committee on Labor, Health and Human Services, and Education.

341 Claudia Peschiutta, “Jurassic Park Extinct: Crews Clear out One of Area’s Most Established Homeless Encampments,” in **The Los Angeles Times**, Los Angeles (26 May 1999).

342 Ibid.

to close Mission Rock, and evict its tenants, so the property could be used for a five thousand-space parking lot for the new Pacific Bell Baseball Stadium.³⁴³ The tenants had their personal possessions discarded and again found themselves living on the streets.

CESCR: No

Constitution: No

VENEZUELA

Ignoring police codes and the economic conditions that compel people to invade lands, several Venezuelan officials used repressive means to deal with squatters. For example, the Governor of Nueva Esparta State, Juan Abraham, established a decree that called for “eight days of imprisonment for all found squatting”³⁴⁴ regardless of whether the occupants lived on public or private land. It was argued that repressive decrees such as those instigated by Governor Abraham reflected the Government’s attempts to control a wave of increased squatting in Venezuela. Though there are no figures that document this rising trend, the comments of agrarian expert Olivier Delahaye of the Central University of Venezuela relate current political opposition to squatting. Delahaye stated, “in those times that the peasants have seen a possibility of expressing their historical aspirations of land tenure, they decided to carry out land invasions as was done after the death of Juan Vicente Gómez in 1935, in October of 1945, after the fall of dictator Marcos Perez Jiménez in January 1958, and both before and after each presidential election of this year [2000].”³⁴⁵

In turn, the rise of Hugo Chávez to power in Venezuela was accompanied by the adoption of a new land law and the creation of the National Institute of Land (INT). According to the Venezuelan Program of Education-Action for Human Rights (El Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA), these changes constitute the most important changes in property law during the last four decades. Among the more innovative strategies is a land tax on those large landholdings where the land is kept abandoned and unproductive. Article 307 of Venezuela’s new constitution also gives the state the power to expropriate and tax large tracts of idle land in order to establish the necessary means to “transform the land into productive economic units.”³⁴⁶

Though the above law may ultimately benefit communities of squatters who seek a regularisation of their land, Venezuela’s underlying problem of an inadequate property registry remains. A recent study headed by Venezuela’s National Housing Council (*Consejo Nacional de la Vivienda*, CONAVI) found that “in metropolitan areas more than 40 percent of the population resides in invaded lands that belong to the municipality or private landholders.”³⁴⁷ Beyond urban areas, twelve million Venezuelans live without legal title to their land.³⁴⁸ For this reason and others, many Venezuelans were violently evicted from 1998 to 2000.

- In the prefecture of the municipality of San Francisco in Venezuela’s Zulia State, agents ignored the police code and demolished two hundred homes or “ranchos” at 4:00am on 19 October 1999.³⁴⁹ Similar violations

343 Tom McKay, “Everything They Owned ... : Homeless People Seek Justice in Small Claims Court,” in *Poor Magazine*, San Francisco: PPN (2000).

344 *El Nacional* (23 February 2000) Cited in PROVEA, XII Informe Annual “Situación de los Derechos Humanos en Venezuela,” Caracas: PROVEA (2000).

345 *El Universal*, p. 2-4 (29 February 2000). Cited in PROVEA (2000).

346 In the original Spanish version, Article 307 of the Venezuelan Constitution reads: “La Ley dispondrá lo conducente en materia tributaria para gravar las tierras ociosas y establecerá las medidas necesarias para su transformación en unidades económicas productivas, rescatando igualmente las tierras de vocación agrícola.”

347 *El Universal*, p. 4-1 (10 October 1999). Cited in PROVEA (2000).

348 *Ibid.*

349 *Panorama*, p. 4-1 (20 October 1999). Cited in PROVEA (2000).

occurred in the village of El Desecho in the municipality of Iribarren, Lara State, when the police evicted a group of families who had occupied the land for over thirty years.³⁵⁰

- During a wave of land occupations in Bejuma in Venezuela's Carabobo State, approximately ten thousand squatters secured land. A force of three hundred soldiers attempted to evict six hundred of these settlers from the most important sectors of the neighbourhood - an action that left one child dead, seven wounded, twenty detained, and two police cars bombed. PROVEA argued that the Government criminalised the occupants after the eviction. General Edgar Bolívar assured the press that "95 percent of the squatters were not habitants from this municipality,"³⁵¹ while the Governor of Caradobo, Henrique Salas Feo, spoke of "guerrilla political groups"³⁵² that were involved. The residents of these areas later denounced all accusations and pointed to police abuse of innocent persons, including children.
- In an area known as La Curva de Colón in the state of Zulia, three hundred persons were evicted after an official from Venezuela's National Agrarian Institute (IAN) authorised the use of the lands for homes.³⁵³ Peasant leader Daniel Camargó argued that the residents "were right to protest because they had been fighting for lands through legal means and now they are being the victims of abuse from the army." Camargó noted that the IAN had made an error in conceding the lands to the squatters because land concession is only done after paying the residents an amount indicated by a land assessment."³⁵⁴
- On 20 October 2000 in La Mariposa neighbourhood of Caracas, twenty-two families were evicted by the military from an area they had illegally occupied for eight months. The explanation given was that the action was taken as a preventative measure in the case of an eventual overflowing of the dam.³⁵⁵
- Judge Migdalis Rodríguez ordered the eviction of three squatter areas in the San Felix area of Caracas on 15 November 2000. The residents protested this action, arguing that the eviction was unannounced and that they were not given alternative housing after the incident.³⁵⁶

CESCR: Yes

Constitution: Yes

350 *El Impulso*, p. D-10 (28 April 2000). Cited in PROVEA (2000).

351 *El Nacional*, p. D-8 (19 February 2000). Cited in PROVEA (2000).

352 *El Universal*, p. 1-2 (14 February 2000). Cited in PROVEA (2000).

353 *Panorama*, p. 1-15 (24 May 2000). Cited in PROVEA (2000).

354 *Ibid.*

355 *El Universal*, "Desalojada finalmente La Mariposa," p. 4-2 (20 October 2000).

356 *El Carabobeño*, "Desalojadas tres invasiones en la zona industrial Chirica," p. D-8 (15 November 2000). Cited in PROVEA (2000).

Europe

Although forced evictions continue to take place in Europe, many countries in this region do have relatively good records with respect to housing rights. Across the European Union (E.U.) there exists a wide consensus that having a home is a social right and that public authorities should take steps to ensure this right. On average, eight out of ten European Union citizens think that the “right to housing” should be respected under all circumstances (see Table 1. below).

Table 1. Right of Housing Should Be Respected Under All Circumstances

Country	Share (%) reporting
Greece	93
Portugal	92
Spain	92
France	90
Finland	89
Luxembourg	89
Sweden	87
Germany	86
Denmark	84
Ireland	84
EU-15	83
Belgium	82
Austria	80
Italy	78
Netherlands	74
United Kingdom	70

Source: Eurobarometer 52.1 – Autumn 1999. Cited in Dragana Avramov, Liana Giorgi, and Angelika Kofler, “European Housing Policies Compared,” The Interdisciplinary Centre for Comparative Research in the Social Sciences (ICCR), IMPACT: The Housing Dimension of Welfare Reform Working Paper, 2000.

Many E.U. member countries protect the right to housing under national legislation. For example, in some European countries, owners and landlords cannot legally evict a tenant because they find another one willing to pay more. However, a landlord can terminate a tenancy by a regular notice based on terms foreseen in the rental agreement and in the tenancy law, or may seek an extraordinary termination if a tenant does not meet his or her obligations. Legally-defined reasons for termination of tenancies include: end of contract, demolition or refurbishing, owner’s need for personal use of a dwelling, rent arrears (debt), and tenant’s unacceptable behaviour or use of an apartment contrary to terms of the tenancy agreement. Termination of regular tenancy requires a period of notice that usually varies between two months and a year, depending on the duration of tenancy. Extraordinary termination of tenancy due to a tenant’s violation of contractual terms such as default of payment, disturbance of domestic peace or misuse of the apartment does not require a period of notice. It does, however, entail a judicial procedure of eviction that may last as long as one year.

A significant proportion of tenants face legal eviction by the accumulation of arrears in rent and utility bills. In Greece, four of every ten households were in arrears with their rent payment. In countries for which data is available from the European household panel survey, it is the unemployed, single parents and couples with children who are particularly likely to accumulate arrears with housing payments. “The problem increases with the number of children, e.g. 9 percent of couples with one dependent child, 13 percent with two and 21 percent with three or more dependent children,”³⁵⁷ were in arrears with rent and utility (electricity, water, gas) bills in 1994.

Measures to avoid evictions based on tenant’s default of payment are implemented in many countries. The legal framework of preventive action includes a broad range of social assistance programmes offered to tenants threatened by a loss of a home. Measures range from assumption of rent arrears and counselling, to transitional measures such as a stay of eviction or postponement of the enforcement of court orders to evict.³⁵⁸

While some of these legal protections also apply in many non-E.U. member States, forced eviction remains a significant problem within many of the countries of Eastern Europe. Vulnerable populations, including ethnic minorities such as the Roma, continue to suffer housing rights abuses disproportionately, including forced eviction. Human Rights Watch reported in 2001 that several municipalities in Serbia, Croatia, Hungary, and Greece forced Roma to abandon their homes, usually citing spurious zoning laws.³⁵⁹

Furthermore, war-torn areas of Europe, including the Balkan States, continue to struggle to find a durable peace in the aftermath of war. These countries continue to face a sizeable housing crisis, rooted in the violence and massive refugee movements of the 1990s, and which still pose significant challenges within the region.

BOSNIA AND HERZEGOVINA

- In 1998, ethnically motivated violence, often related to minority returns, continued to occur throughout Bosnia. According to Human Rights Watch, in the towns of Stolac and Capljina, approximately one hundred Bosniak houses were damaged in 1998, following a pattern of violence similar to that which occurred in 1996 and 1997, and Bosniak returnees were also often victims of physical assaults and intimidation. The situation improved somewhat thereafter, but local police continued to fail to protect citizens and property, or to hold the perpetrators accountable for their crimes.³⁶⁰
- In April 1999, the United Nations Human Rights Commission adopted a resolution which, among other issues, once again called attention to the plight of “floaters,” those people who had been evicted from their homes and who remained in their local towns without alternative housing.³⁶¹ That resolution stated, “Authorities and political leaders [should] cease undermining efforts to ensure the right to return,” and, to that end the Committee urged “that divisions along ethnic lines be eliminated, manipulation of returnees and displaced persons be stopped and high priority given to the situation of ‘floaters’ in Banja Luka and other municipalities in the Republika Srpska.”³⁶²

357 EUROSTAT, 1998: 204. Cited in Dragana Avramov, Liana Giorgi, and Angelika Kofler, “European Housing Policies Compared,” The Interdisciplinary Centre for Comparative Research in the Social Sciences, **IMPACT: The Housing Dimension of Welfare Reform Working Paper**, 2000.

358 Dragana Avramov, Liana Giorgi, and Angelika Kofler, “European Housing Policies Compared,” The Interdisciplinary Centre for Comparative Research in the Social Sciences, **IMPACT: The Housing Dimension of Welfare Reform Working Paper**, 2000, p. 16-17.

359 Human Rights Watch World Report 2001.

360 Human Rights Watch, “Human Rights Developments: Bosnia and Herzegovina,” **World Report 2000**, New York: HRW (2000); see also “The situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina,” Commission Resolution 1999/18, UN Doc. E/CN.4/RES/1999/18 (1999).

361 Ibid.

362 Ibid.

- According to the International Helsinki Federation for Human Rights, during a series of evictions that occurred in the city of Tuzla, police acted violently during evictions within that city and the neighbouring municipality Banovici, using batons.³⁶³

CESCR: Yes

Constitution: Yes

CROATIA

While the Government of Croatia abolished several discriminatory wartime housing laws by 1998, abuses of housing rights remained commonplace throughout 1998-2000. In particular, for those inside or able to return to Croatia, lack of access to housing has remained a key obstacle. Evicted Serbs unable to return to their own occupied homes have rarely been provided with acceptable alternative accommodations or compensation. Discrimination without hope of redress in housing and employment, as well as an increase in violence against ethnic Serbs in some parts of the country, were further impediments to return.³⁶⁴

- According to the Global IDP Database of the Norwegian Refugee Council, property destruction, forced evictions and looting were common forms of violence against ethnic Serbs in the Danube region during 1999.³⁶⁵ Housing disputes and incidents remained unsolved as a result of conflicting instructions and ethnic bias on the part of some local officials. According to the United States Department of State, “Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. OSCE [Organization for Security and Co-operation in Europe] monitors reported a decrease in the number of ethnically motivated incidents over previous years, but verbal and legal harassment, forcible evictions, and assaults occurred regularly. During 1999 in the Danubian region, international monitors recorded 1.017 cases of ethnically motivated intimidation and housing disputes. This figure included approximately sixty-one physical assaults and several incidents of throwing grenades onto property. In cases throughout the country regardless of ethnicity, incidents of looting by the person occupying a home, upon his or her departure, were common. Police responses were often inadequate due to conflicting instructions on how to handle disputes over housing. The bias of some local officials and the inability of police to rectify the problems underlying the harassment caused many incidents to go unreported.”³⁶⁶

- In 1999, Human Rights Watch reported that many times the courts in Croatia refused to hear cases of Serb plaintiffs trying to reoccupy their property, and courts in Eastern Slavonia issued eviction notices to displaced Serbs occupying Croat houses, who in turn also faced harassment and threats from Croat returnee owners.³⁶⁷

- Human Rights Watch also reported that few of those forced out were able to reoccupy their own property and that some were moved to collective centres. Despite widespread destruction of Serb-owned property in war-affected areas, a discriminatory Reconstruction Act prevented all but a handful of Serbs from receiving government reconstruction assistance.³⁶⁸

363 International Helsinki Federation for Human Rights (2001).

364 Human Rights Watch, “Human Rights Developments: Croatia,” *World Report 2000*, New York: HRW (2000).

365 Norwegian Refugee Council, “Profile of Internal Displacement: Croatia,” Compilation of the information available in the Global IDP Database (as of 10 November 2000). Available on-line at: <http://www.idpproject.org/>

366 As quoted in Norwegian Refugee Council, “Profile of Internal Displacement: Croatia,” Compilation of the information available in the Global IDP Database (as of 10 November 2000). Available on-line at: <http://www.idpproject.org/>

367 Human Rights Watch, “Human Rights Developments: Croatia,” *World Report 1999*, New York: HRW (1999).

368 Ibid.

- In Vukovar, the police looked on as returnees took the law into their own hands and forcibly evicted people from their apartments in plain view of the police. The housing commission did not implement the governmental “Return Programme” but was even involved in cases of forcible evictions, advising those who could not find accommodation to move into “someone’s empty flat.”³⁶⁹

CESCR: Yes

Constitution: No

CZECH REPUBLIC

The eviction of Roma (also known outside Europe as “Gypsies”) from their apartments because of their failure to pay rent remains a serious problem. Although this procedure is often in accordance with Czech law, such measures contravene international human rights law because of a lack of due process in the eviction cases and a lack of alternative housing provisions. Further, this tactic is often short sighted from a social policy point of view because the Roma are among the poorest in Czech society and are often not able to ensure housing for themselves both reflecting and perpetuating racial and economic inequalities. The Czech Helsinki Committee has noted that timely social support is necessary to prevent Roma from ending up on the streets.³⁷⁰

- The overall housing conditions of the Roma remains very poor in the Czech Republic, characterised by inadequate hygiene conditions, a lack of appropriate facilities and sanitation, as well as insecurity of tenure. Cases of evictions remain frequent and go along with an ongoing process of ghettoisation of the Roma community, being carried out by national and local authorities.³⁷¹

CESCR: Yes

Constitution: No

GERMANY

- On the morning of 24 February 1998, a masked special police unit with automatic pistols burst into a squat at Pfarrstrasse in Berlin. One squatter watched as his dog was shot three times and killed. Local authorities said the eviction proceeded “with few incidents.” 260 police were called in to evict fifteen people from the house. The local mayor had told police that there were not to be any squat evictions without his prior notice, however he was on holiday at the time. Berlin’s conservative Interior Minister, Joerg Schoenbohm, commented: “I will see to it that there are no more squats in the future.”³⁷²

CESCR: Yes

Constitution: Yes

369 International Helsinki Federation for Human Rights (2001).

370 Ibid.

371 Nathalie Mivelaz, “Roma in the Czech Republic: OMCT expresses its concern about their situation before the UN Committee on Economic, Social and Cultural Rights.” (Geneva, May 2001).

372 Written with information from “Junge Welt,” Cited in Squat!Net, “Police Fired Shots During Squat Eviction In Berlin,” (25 February 1998). Available on-line at: <http://squat.net>

GREECE

From 1998 to the end of 2000, Greek authorities continued the practice of forcibly evicting Roma from their settlements. Discrimination against Roma in Greece took centre stage in 2000 as Roma rights were considered in a special session at the United Nations and within European institutions. Harassment and discrimination against ethnic and religious minorities such as the Roma remained issues of concern as the Government's plan to remove the bearer's religion from state-issued identity cards focused public attention on entrenched intolerance for religious minorities.

- In August 1998, Greek authorities expelled approximately three thousand Roma from Evosmos, without providing them with alternate accommodation.³⁷³ The Manchester Guardian reported that this area had been a Roma community for thirty years.³⁷⁴
- The European Roma Rights Center reported that on 16 February 1999, authorities in Aspropyrgos, Attica, entered the Roma camp of Nea Zoe and destroyed the dwellings and property of approximately one hundred inhabitants. Six employees of the Aspropyrgos municipality, twelve local police officers, as well as the Deputy Mayor Constantinos Tsiggos participated in the operation.

Upon entering the settlement, the officials told the Roma that five of the barracks had to be evacuated so that they could be destroyed. The barracks were then levelled by bulldozers and the remaining debris was set on fire. The Roma were reportedly not shown any document or court order authorising the action. According to testimonies of the Roma residents, they were not given enough time to remove all of their belongings from their homes. The inhabitants of some of the barracks were not in the camp at the time. One woman who was present while her dwelling was destroyed was critically ill. The police watched the proceedings but did not intervene. Authorities allegedly also told the Roma inhabitants that they would be evicted from the entire region.³⁷⁵

- The Group for Initiative against Racism and Xenophobia of Heraklion reported on 13 March 1999, that the municipality of Alikarnassos on the island of Crete had issued 102 Roma families with a protocol of administrative eviction on the basis of a two year-old decision of the municipal council (no. 329/97) to evict all "tent-dwellers," a euphemism for Roma. Some five hundred Roma had lived for about fifteen years on a site between a main road and the industrial zone in Alikarnassos, without access to water, electricity, sewage or rubbish collection. The municipality allegedly wanted to turn the area into a sports centre and recreational site.³⁷⁶
- The Athens-based non-governmental organisation Greek Helsinki Monitor reported that on 21 June 1999, the Public Prosecutor of Athens, together with policemen and bulldozers, visited the Roma settlement in the Pefkakia region of the municipality of Agia Paraskevi, approximately ten kilometres north of Athens. They went to execute an eviction order against two Roma who had been charged *in absentia* of trespassing on private land in 1997. Without first identifying the Roma, police asked two Roma families living on the private plots in question to take their personal belongings out of their shacks and leave the area so the bulldozers could destroy the shacks. The Roma argued that they needed time to remove their belongings. Lengthy negotiations followed

373 European Roma Rights Center, **Roma Rights Quarterly**, No. 2, Budapest: ERRC (2000).

374 Jonathan Steele, "Gypsies Feel Lash of Europe's Hatred," **Manchester Guardian Weekly**, p. 3 (19 April 2000).

375 Ibid.

376 European Roma Rights Center, "Municipal authorities in Greece expel Roma," **Roma Rights Quarterly**, No. 2, Budapest: ERRC (1999).

and the Roma signed a declaration that they would vacate the area in ten days. However, the Roma in question were illiterate and could not read the eviction order. After they consulted a lawyer it was discovered that the two Roma women against whom the court decision had been taken did not live at the site.³⁷⁷

- The European Roma Rights Center also reported that in August 1999, thirty-five Roma families - including ten Roma families from Albania - were evicted from private land in the Paralimni area of Ioanina, which they had been renting for 10.000 drachmas each (approximately US\$25) per month. Most of them had been living in the region for almost four years without basic infrastructure. Without producing an eviction order, police asked Roma to pack up their belongings and leave the site. Bulldozers entered the community and razed everything to the ground. The eviction took place despite municipal promises -witnessed by human rights activists and faculty members of the local university- for alternate solutions. Roma from Paralimni were afterwards seen scattered in all directions, moving towards neighbouring camps.³⁷⁸ Afterwards, Mr. Emmanouilides, the mayor of Anatoli, the municipality which governs Paralimni, reportedly declared that Roma were not welcome in the region, that they were troublemakers and were not keeping the settlement clean.³⁷⁹

- In December 1999 the mayor of Ano Liosia, Mr. Papadimas, taking advantage of differences between local and non-local Roma, divided the group of tent-dwellers in two. Promising relocation and humane living conditions to those Roma already in possession of local residence permits, the mayor proceeded to evict the remainder. Those with residence permits -ten out of twenty families- were transferred from the fenced camp to nearby settlements intended for earthquake victims. The others were then expelled.³⁸⁰

- Municipal councils continued to issue orders for the eviction of Roma communities. In October 1999, the Rio council voted to evict all Roma for alleged criminality, poor hygiene, and trespassing. A December 1999 meeting spearheaded by rights groups resulted in a halt to evictions until local authorities could provide satisfactory alternative housing. In May 2000, the municipal council in Nea Kios decided to evict all Roma in the area. On 25 May 2000, armed police raided local Roma settlements and subjected residents to mistreatment, including the beatings of two teenage boys and the denial of medical treatment to their ill father. The family, along with three nephews and an ailing elderly Roma woman, was accused of “stealing electricity” and detained. The detainees were not informed of their rights or permitted to make phone calls, and were denied food and blankets brought by family members. The ombudsperson lodged a complaint with municipal authorities.³⁸¹

- On 31 May 2000 the Municipal Council of New Yiryntha, Greece issued an order calling for the settlement of Roma at Athiganoi to be evicted immediately. This eviction order was ostensibly to be completed so that road-widening works could begin. However, the preamble to the order makes reference to derogatory stereotypes of the Roma. The order requested the assistance of the Public Prosecutor, the Police, the Prefectural Authority, and all other agencies for the eviction of the Athiganoi. The forced evictions were completed by 31 August 2000.³⁸²

377 European Roma Rights Center, “Police attempt to evict families from settlement in Greece,” *Roma Rights Quarterly*, No. 4, Budapest: ERRC (1999).

378 Ibid.

379 European Roma Rights Center, “Mayor of Greek city makes racist comments about Roma; more evictions of Roma in Greece,” *Roma Rights Quarterly*, No. 4, Budapest: ERRC (1999).

380 Ibid.

381 Ibid.

382 International Helsinki Federation for Human Rights, *Report of the OSCE Implementation Meeting on Human Dimension Issues: Greece (Excerpts on Roma)*, Warsaw (17-27 October 2000).

- Human rights activists and politicians were denied access to Nea Kios on 8 June 2000 by “citizen brigades” that blocked the streets in the presence of police officers and harassed journalist Panos Lambrou of Epochi. Non-Roma citizens subsequently torched a Roma hut and shot a Roma teenager. Protests by rights groups led to a 16 June 2000 Ministry of Justice decision to investigate allegations of police abuse in Nea Kios.
- Police raided a Roma settlement by the River Gallikos in Salonica on 6 July 2000 in search of drugs, weapons, and criminal suspects. One hundred Roma were detained but no drugs or weapons were found. The Prefecture of Salonica denounced the racist character of the police operation.³⁸³
- In May and August 2000, the municipal councils of Nea Kios, Nea Tirynta and Midea (in Argolida, Peloponnese) all unanimously decided that the Roma population in their respective localities was to be blamed for the rising criminality, despite the lack of police data to this effect. In an attempt to single-handedly tackle the problem, they decided to evict the Roma without suggesting concrete solutions for their relocation.³⁸⁴
- In the case of Nea Alikarnassos in Crete, despite the agreement of both the Prime Minister’s Office for Quality of Life and local NGOs over the relocation of Roma families and the intention of creating a self-managed settlement, the Mayor began serving eviction orders to the Roma in August 2000 in an effort to move them from his town.³⁸⁵
- Greek authorities used bulldozers to forcibly evict Roma from the greater Athens area in order to begin construction of sports facilities for the 2004 Athens Olympics. A large number of Roma families were illegally evicted from settlements and were victims of police brutality. According to activists within the region the Government has not done enough to improve the conditions of the Roma who live in shabby tents, often near garbage dumps, and face segregation in housing, employment and education.³⁸⁶

In greater Athens, efforts to prevent evictions or find alternative sites to house the Roma living in Aspropyrgos, Ano Liosia, Aghia Paraskevi, Halandri and Nea Ionia have failed as local authorities claimed that they want the land on which Roma live to build sports or other facilities for the 2004 Olympic Games in Athens.³⁸⁷ The European Roma Rights Center, in co-operation with the Athens-based non-governmental organisation Greek Helsinki Monitor has documented several cases of Roma being evicted from settlements near Athens to clear ground for the 2004 Olympics.³⁸⁸ The city of Athens has undertaken massive construction efforts to this end; however, no adequate housing alternatives have been provided for the approximately three thousand Roma tent-dwellers of Aspropyrgos and Ano Liosia in the suburbs of Athens. These people live without any infrastructure, close to garbage dumps. In July 2000, authorities of these two municipalities started what they called “cleaning operations,” as a result of which Roma were evicted from their communities and their shacks levelled. They were reportedly not shown proper legal authorisations prior to the forced evictions.

383 International Helsinki Federation for Human Rights (2001).

384 European Roma Rights Center, “Mayor of Greek city makes racist comments about Roma; more evictions of Roma in Greece,” *Roma Rights Quarterly*, No. 4, Budapest: ERRC (1999).

385 Ibid.

386 International Helsinki Federation for Human Rights, *Report of the OSCE Implementation Meeting on Human Dimension Issues: Greece (Excerpts on Roma)*, Warsaw (17-27 October 2000); European Roma Rights Center, *Roma Rights Quarterly*, No. 3, Budapest: ERRC (2000); Human Rights Watch, “Human Rights Developments: Greece,” *World Report 2001*, New York: HRW (2001).

387 Ibid.

388 European Roma Rights Center, “Greek authorities evict Roma,” *Roma Rights Quarterly*, No. 4, Budapest: ERRC (2000).

Greek and Albanian Roma families in the garbage dump settlement were ordered to leave within three days. The Greek ombudsperson tasked with investigating complaints of human rights abuse, contacted Aspropyrgos Municipality and questioned the eviction's legality, yet the inquiry was ignored. The eviction of Roma tent dwellers in the upper part of the dump occurred prior to the Aspropyrgos operation when the mayor of Ano Liosia offered Roma families 100.000 drachmas (US\$266) to leave and then levelled their huts.³⁸⁹ In a letter to the Greek Ombudsman dated 4 September 2000, the Mayor of Aspropyrgos claimed that the town had only "cleaned" the area, and not actually evicted any of the Roma living at Aspropyrgos.³⁹⁰

- The World Organisation Against Torture (OMCT) expressed its deep concern over the human rights violations of the Roma population living in Attica (Greater Athens and adjacent municipalities) and called upon the International Olympic Committee and the Greek authorities to take appropriate action. According to the OMCT, besides repeated denial of their fundamental human rights, the Roma population living in Attica has also been facing repeated threats of, or actual, forced eviction, allegedly as part of the "preparation" of Athens for the 2004 Olympic Games. Local authorities (in Aghia Paraskevi, Ano Liosia, Aspropyrgos, Halandri and Nea Iona) have openly claimed that they want the land on which the Roma occupy, or can be settled to, in order to build sports facilities for the 2004 Athens Olympic Games.³⁹¹

CESCR: Yes

Constitution: Yes

HUNGARY

- In 1998, a wave of evictions of Roma took place in Hungary. The Hungarian daily Magyar Hírlap reported on 10 December 1998 that in mid- November 1998, authorities in the 8th District of Budapest had begun evicting families illegally residing there. The 8th District of Budapest is home to a large part of Budapest's Roma community. Similar evictions of Roma families in the 11th District of Budapest were also reported to the European Roma Rights Center (ERRC) in November 1998.³⁹²

- In July 2000, a group of Roma families from Zamoly travelled to Strasbourg seeking political asylum in France. These Roma families lodged a complaint with the European Court of Human Rights seeking compensation for human rights abuses they had suffered in Hungary, including persecution and discrimination. The complaint charged that the families' homes had been destroyed illegally by the Zamoly municipal government. The families were evicted from temporary accommodation in the local cultural centre after six months, and although new homes were built for them in 2000, the Roma said they did not occupy them because they feared racially motivated attacks.³⁹³

- On 9 August 2000, the European Roma Rights Center sent a letter to Hungarian prime minister Viktor Orban protesting a spate of discriminatory Roma evictions in Ózd. The ERRC also expressed concern that new legislation, in effect since May 2000, permitting a notary public to order evictions expanded the power of local officials to remove Roma from their homes. Although judicial review of a notary's eviction order is possible,

389 Human Rights Watch, "Human Rights Developments: Greece," *World Report 2001*, New York: HRW (2001).

390 European Roma Rights Center, "Snapshots from around Europe: Threatened evictions of Roma in Greece," *Roma Rights Quarterly*, No. 4, Budapest: ERRC (2000).

391 World Organization Against Torture (OMCT), Press release 27/6/2001.

392 European Roma Rights Center, "Székesfehérvár in perspective: Roma and housing in Hungary," (Winter 1998).

393 Human Rights Watch, *Human Rights Watch World Report 2001* (2001).

injunctive relief is not provided by the new law, leaving families homeless while they challenge evictions.³⁹⁴ The situation is particularly alarming because, unlike in previous years, no moratorium was accepted for evictions during the winter months.

- On 19 October 2000, according to the Roma Press Center, a group of Roma families was evicted from apartments in Budapest's 8th District by a local government notary order. Among others was a family of five Roma children and their mother who had moved to Budapest from the countryside in order to find work. As they could not afford the high costs of renting an apartment, they had been squatting in an apartment in Budapest's 8th District. According to current regulations, after the eviction they should have been accommodated in a temporary family hostel. However, the 8th District does not have such a facility, and the one they were sent to was under reconstruction, so the family had no choice but to spend the following nights in the subway.³⁹⁵

- The Roma Press Center reported that at 07:00 on 30 November 2000, in the town of Monor, thirty kilometres southwest of Budapest, a Roma family of five adults and two small children was evicted from the municipally owned flat in which they had lived for years. The eviction was carried out by approximately twenty armed police officers and about twelve masked guards. The eviction was first attempted on 27 October 2000, but when more than fifty local Roma families protested they managed to postpone the eviction of three Roma families. During the protest, organised by the Budapest-based Foundation for Roma Civil Rights, protesters gathered in and around the families' units, physically hindering the eviction. These families were among approximately twenty families to be displaced by a wave of evictions of Roma in the town. The mayor reportedly stated that the local government has no obligation to accommodate the evicted families. According to legal defence activists and the local Roma community, the mayor rejected the accusations that the local government is taking these measures in order to expel the Roma population from Monor.³⁹⁶

- Local government officials reportedly showed Roma organisations in Ózd lists with the names of 172 Roma and families slated for eviction. Of these, in addition to the twelve families from Number 11 Árpád Vezér Road who had already been evicted, thirty-one families had reportedly received eviction notices. In recent months, the European Roma Rights Center has also received reports that approximately fifty Roma in the town of Kunszentmiklós and fifty Roma in the southern city of Szeged have been expelled from their housing. Due to forced evictions in recent months, approximately one hundred Roma have been put on the street in Budapest.³⁹⁷

CESCR: Yes

Constitution: Yes

³⁹⁴ Ibid.

³⁹⁵ European Roma Rights Center, "Violent evictions of Roma in Hungary," *Roma Rights Quarterly*, No. 4, Budapest: ERRC (2000).

³⁹⁶ Ibid.

³⁹⁷ European Roma Rights Center, "Unhousing Roma," *Roma Rights Quarterly*, No. 4, Budapest: ERRC (2000).

IRELAND

- The number of evictions rose in Ireland between 1998 and 2000 as a result of declining public housing and increased rents resulting in part from the booming Irish economy. The Irish tenants support group, Threshold, documented that the number of illegal evictions in Dublin doubled in one month alone - from April to May 2000.³⁹⁸
- Though the economy grew at an explosive rate between 1998 and 2000, the construction of public housing has been declining since 1995. In 2000, local authorities provided 3.200 new houses and sold 2.100 existing public houses. In turn, this net increase of 1.100 houses did not make much of an impression on the thirty-seven thousand people who were on public housing waiting lists in 1998. Affordable housing in the private market became even scarcer as housing became ever more expensive during these years. For instance, in some urban areas, the demand was so high that landlords were able to increase rents; rents in the private sector went up by 12 percent in 1997 and again by 20 percent throughout the course of 1998.³⁹⁹

Such a situation forced many Irish to illegally reside in buildings and await imminent eviction from authorities. In Dublin, for example, it is not uncommon for landlords, wishing to make a quick profit out of the housing crisis, to fill dilapidated houses with beds and rent each out for 50 Irish pounds (45 Euros) per week. The condition of much of this type of rented accommodation is appalling, repairs are rarely carried out, appliances often don't work and only rent collection is done promptly. Tenants are fully aware that they are effectively without rights in these accommodations, that they can be evicted at will and that they have no effective legal means of forcing landlords to uphold their minimal legal responsibilities.⁴⁰⁰

The nature of illegal evictions in Ireland is, however, unique among other countries, particularly for its lack of physical violence towards evictees. Tenant support groups rarely receive reports of violent evictions. Rather, the usual scenario in which illegal evictions are enacted is when a landlord or a landlord's agent changes the locks while the tenant is away from the premises, or in some cases while they are still present. Anecdotal evidence suggests that the Garda (Irish Police) often lend legitimacy to the proceedings by their presence even when they do not provide direct assistance to the landlord.⁴⁰¹

Even if the eviction is illegal, what rights the tenants have are mitigated if there have been any breaches of the tenancy. Courts will only take injunctive action if the tenant approaches *ex parte* hearings with what is known as "Clean Hands." The cost can also be prohibitive when solicitors and barristers are involved. There is a waiting list of six to nine months for legal aid, making the options for those of limited means even further reduced.

398 RTÉ News, "Threshold expresses concern as illegal evictions double in Dublin," (2 June 2000).

399 Ibid.

400 Chekov Feeney, "Housing Crisis: It's Christmas Come Early for Landlords," *Workers Solidarity*, No. 55 (October 1998).

401 Russell Chapman, E-mail sent to COHRE International Secretariat June 2001. Chapman notes in his e-mail, "The information contained in this e-mail is a general guide only. It is not a definitive interpretation of the law. For further info contact Threshold or seek further advice." Threshold, 13 Lower Ormond Quay, Dublin 1. Tel No. 01 872 6311 Fax No. 01 872 6063. www.threshold.ie, e-mail: advice@threshold.ie

The following figures document the number of illegal evictions or attempted illegal evictions in Dublin as compiled by the Threshold Dublin Advice Office. These statistics only give an indication of the problem and most likely under-represent the true number of evictions. This is due to the fact that not everyone who is subject to an illegal eviction contacts Threshold. Nevertheless, it is worth noting that the rise in illegal evictions or attempted illegal evictions was disproportionate to the increase in the number of clients that contacted Threshold. Though the number of clients who contacted Threshold from 1998 to 2000 rose by 7 percent, the number of illegal evictions or attempted illegal evictions rose by nearly 70 percent.⁴⁰²

Table 2. Cases of Illegal Evictions or Attempted Illegal Evictions in Dublin: 1998-2000

	1998	1999	2000
January	19	13	19
February	13	7	19
March	15	18	20
April	14	8	22
May	16	8	59
June	24	23	46
July	29	23	31
August	19	8	18
September	13	30	28
October	25	16	37
November	9	6	25
December	6	7	17
TOTAL	202	167	341

Source: Threshold Dublin Advice Office. Figures sent to COHRE International Secretariat by Russell Chapman, Dublin Services Co-ordinator.

CESCR: Yes

Constitution: No

ITALY

Forced evictions in Italy occur mainly in the private rent sector. Local and central governments can only dispossess owners if the eviction is enacted in the public interest, i.e. highway construction, and if the Government compensates these dispossessed owners.⁴⁰³

A very small number of legal evictions occur in the social rent sector, where arrears in rent payment are generally tolerated. Those legal evictions that do occur are generally enacted under the following circumstances:

- Persistent arrears in payments without any low-income or “special need” justification;
- Outrageous behaviour against neighbours or the housing itself;
- (Rare) means tested with negative outcome due to changing conditions (i.e. increased income or ownership of another home).

402 9,000 Clients contacted the Dublin Advice office in 2000, 8,000 in 1999, and 8,400 in 1998. See Chapman (2001).

403 Teresio Poggio, (Sociology Department, Università degli Studi di Trento and Consultant, Habitat International Coalition), E-mail to COHRE International Secretariat (3 July 2001).

The following table details the number of legal evictions in Italy, with emphasis on insolvency and end of contract eviction.

Table 3. Legal Evictions in Italy's Housing Sector: Instances and Sentences 1995-1998 (in thousands)

	1995	1996	1997	1998
Landlords instances of insolvency eviction*	34.8	40.6	41.9	43.2
Landlords instances of end of contract eviction	41.7	34.4	22.6	20.8
Total new instances of eviction	76.5	75.0	64.5	64.0
Insolvency eviction disposed by the judge*	22.4	29.2	31.9	30.6
End of contract eviction disposed by the judge	32.7	31.7	20.9	17.0
Total eviction disposed by the judge	55.2	60.9	73.6	47.6

Notes: data are rounded; executions of eviction sentences are delayed by law.

* Data refers more generally to "non-fulfilment" of tenant; insolvency is the typical cause.

Source: ISTAT, Compendio statistico italiano 2001, based on data provided by the Ministry of Justice.

Although these statistics depict the extent of legal evictions, few studies depict the incidence of forced or illegal evictions in Italy.

Eviction, even of illegal occupants, is often stymied by progressive policies, such as when city squatters and local government agree on "popular re-qualification" projects whereby a squatter begins to pay low rent to the public landlord. In addition, the tenant is required to devote resources to maintain the property.⁴⁰⁴ Another positive policy was the approval of the Testo Unico 286/98, which gives foreigners "regularly present on the national territory" equal standing with Italian citizens regarding access to residential and public housing, and credit on favourable terms for building, acquiring or renting their first home.⁴⁰⁵

Despite these positive measures, Italy has continued to forcibly evict and displace large numbers of its Roma population. Many Roma in Italy live segregated from non-Roma Italians. In some areas, Roma are excluded and ignored, living in filthy and squalid conditions without basic infrastructures. Their settlements are often called "illegal" or "unauthorised." They live in insecure conditions and can be evicted at any moment, and frequently, they are.⁴⁰⁶

- In recent years, the Italian police and other authorities have conducted abusive raids in Roma camps and police misconduct has been commonplace. The European Roma Rights Center has documented numerous cases of police abuse, including abusive raids, evictions and arbitrary destruction of property.⁴⁰⁷
- On 14 April 1999, at about 08:30 police evicted around one hundred Roma from two slum houses in Via Castiglia, Milan, where they had been squatting. The evicted Roma were not offered alternative housing. The eviction was executed by approximately thirty police officers. They gave the Roma two hours to move out.⁴⁰⁸

404 Ibid.

405 "Concluding Observations of the Committee on Economic, Social and Cultural Rights: Italy." UN Doc.E/C.12/1/Add.43 (23 May 2000).

406 International Helsinki Federation for Human Rights (2001).

407 Ibid.

408 European Roma Rights Center, "Roma in Italy: forced nomadism," *Roma Rights Quarterly*, No. 2, Budapest: ERRC (1999).

- In June 1999, a group of skinheads in Naples raided a Roma camp in a revenge attack, after a Roma car-driver had seriously wounded two girls riding on a motor scooter. The camp was burnt down in this racially charged incident.⁴⁰⁹

CESCR: Yes

Constitution: No

THE NETHERLANDS

Accessibility to the social rental-housing sector is a known problem within the Netherlands. An increasing number of tenants find it difficult to maintain themselves in the social sector. Cuts in public finances brought about annual rent increases of 5.5% on average for the period 1990-1994.⁴¹⁰ Housing costs have consequently grown considerably. This factor has caused an increase in rent arrears. On average, the arrears amounted to €408 in 1994, which was equivalent to the average rent for one and a half months in the social rental housing sector.

- Data from NIBUD (the National Institute for Individual Budgeting Advice) show that some two hundred thousand households are in serious debt. One hundred thousand of these households are in the lower income categories and also suffer from rent arrears.

- Subletting occurs when the tenant does not live in the house but rents it to someone else (e.g. because the tenant wants to have a possibility to return to it or simply to make money). Sometimes the house is crowded with more people than it was originally intended for. This can cause severe nuisance to neighbours and damage to the sanitary services. People who sublet have no rights in court, not even to alternative housing.⁴¹¹

- In the social sector, ever-stricter rules are applied in case of rent arrears. In some municipalities, housing corporations try to find ways to accommodate these households by offering them the opportunity to apply for a new short-term lease under strict conditions of payment, accepting social and budgeting help. After they have fulfilled their obligations, they are offered a normal lease. The number of tenants that are in serious financial difficulties is rising. It is expected that the number of evictions will also rise.

- The Committee on Economic, Social and Cultural Rights viewed with concern the problem of the acute shortage of housing, forced evictions and homelessness that affects the island of St. Maarten, a Dutch possession. These problems are compounded by the influx of migrants, by cyclones, and by a sharp decline in the annual expenditure dedicated to housing by the Dutch Government.⁴¹²

CESCR: Yes

Constitution: Yes

⁴⁰⁹ See Steele, at p. 3 (19 April 2000).

⁴¹⁰ Henk de Feijter, "Access to Housing in the Netherlands," *Annual Report for the European Observatory on Homelessness*, Feantsa, Brussels, p. 44 (2000).

⁴¹¹ Ibid.

⁴¹² "Concluding Observations of the Committee on Economic, Social and Cultural Rights: Netherlands." UN Doc. E/C.12/1/Add.25 (16 June 1998).

ROMANIA

- The Bucharest-based Romanian non-governmental organisation Roma CRISS reported that on 26 September 2000, at 11:00 a police unit from the Bucharest police station no. 11, led by the chief of the station, Colonel Rusu Marcel, evicted twelve Roma families from an apartment building at 7 Medeleni Street, Sector 3, Bucharest. Non-Roma families who lived in the same building were reportedly not evicted. According to the testimony of the evicted Roma, they did not receive prior notice of the evictions, nor did the police present them with warrants for eviction.⁴¹³

CESCR: Yes

Constitution: No

RUSSIAN FEDERATION

Ingushetia is one of the poorest republics in the Russian Federation and continues to host between 120.000 and 179.000 displaced persons, according to the United Nations High Commissioner for Refugees. These displaced persons remain heavily dependent on the food aid provided by the international community and the federal authorities. The self-reliance capacity of the local population which hosts about 70 percent of the displaced in Ingushetia is also stretched and cases of evictions of displaced families are increasing.⁴¹⁴

- The United Nations High Commissioner for Refugees (UNHCR) continues to monitor the situation with regard to eviction of internally displaced persons (IDPs) from their temporary accommodations. At the beginning of October 2000, thirty-seven IDPs were evicted from the private sector, and as many as 282 IDPs lived under pressure to vacate their living premises. UNHCR and its partners intervened by mediating and providing alternative living arrangements such as donating tents, and finding other settlements or host families.⁴¹⁵

CESCR: Yes

Constitution: Yes

SPAIN

Approximately seventy families were evicted daily in Spain during 1999, representing more than a 50 percent increase from 1998. In numbers, Spanish authorities conducted 25.684 evictions in 1999 and 16.970 in 1998. Such a rise in evictions puzzled housing experts in the context of the economic boom in 1999 and its effect on lowering unemployment. In fact, many experts expected a decline in evictions rather than an increase. The month of July 1999 was particularly acute as the police implemented 3.344 evictions in the country.⁴¹⁶

- Police forces evicted thirty Arabs in Almería and failed to relocate them, forcing them to sleep on the street for several nights. The Spanish newspaper, *El País*, reported that the destruction of the thirty homes of Arabs was preceded by a similar eviction of sixty Arabs two months before. The Government justified both evictions on grounds of public health and hygiene, although they did not offer any alternatives for the Arabs who were left homeless.⁴¹⁷

413 European Roma Rights Center, "Romanian police evict Roma," *Roma Rights Quarterly*, No. 4, Budapest: ERRC (2000).

414 Norwegian Refugee Council, "Profile of Internal Displacement: Russian Federation," *Compilation of the information available in the Global IDP Database* (as of 23 March 2001). Available on-line at: <http://www.idpproject.org/>

415 *Ibid.*

416 *El País*, "La policía atendió 25.684 desahucios en 1999, el 50% más que un año antes," p. 6 (31 January 2000).

417 *El País*, "Los 30 magrebíes desalojados en El Ejido duermen en las calles," p. 6 (31 January 2000).

- According to the Spanish press, at 07:00 on 8 July 1999, fifty police officers evicted approximately one hundred Romanian Roma families comprising approximately a thousand individuals from the Malmea area in the Fuencarral District of Madrid, where they had been living. Employees of the municipality, some of whom were driving bulldozers, also took part in the eviction. During the raid, police officers destroyed the makeshift housing in which the Roma had been living. The expelled Roma were reportedly not given time to gather their belongings, and many were forced to abandon their possessions. Virtually all of the Roma concerned were seeking asylum in Spain.⁴¹⁸

CESCR: Yes

Constitution: Yes

SWEDEN

- A recent Swedish study concluded that evicted people who are not relocated experience far more difficulties than those who are relocated by the Swedish Government. Non-relocated persons had a higher incidence of mental illness, were over-represented in the police register, and required far more medical treatment, than relocated persons. Those who are not relocated, according to the study, are subject to severe social marginalisation and are at a high risk of permanent homelessness.⁴¹⁹

CESCR: Yes

Constitution: Yes

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The number of people who lost their homes in the UK and Northern Ireland as a result of eviction reached its highest point in 1999 - a level higher than the worst point of the economic recession nine years ago. Analysts attribute the rise in evictions to two phenomena: (1) private landlords who were driven by profits in the booming house market and (2) "social" landlords - housing associations and local authorities - whose rents rose faster than inflation and as a result forced tenants into arrears. An amendment to the 1988 Housing Act also facilitated evictions by reducing the number of weeks required to give associations grounds for repossession. While associations had mandatory grounds to evict tenants after they were more than thirteen weeks behind in their rent, in 1996, they could repossess a home on mandatory grounds after only eight weeks.⁴²⁰ The fear is that with rents rising above the rate of inflation, many people cannot afford them and are being forced to endure poor conditions at the bottom end of the rented property sector.⁴²¹

- The risk of eviction was greatest in the North, with a threefold rise since the early 1990s in many areas. But even in the prosperous South, evictions showed a marked increase, doubling in Maidstone, Kent, and rising by half in the sought-after London borough of Wandsworth. The figures, compiled by the Lord Chancellor's Department, show that the number of court-ordered evictions reached 71.256 in 1999, compared to 62.439 in 1991-92.⁴²² Don Foster, the Liberal Democrats' environment spokesperson, explained, "At a time of supposed economic growth, it appears that there are actually more people losing their homes than at the height of the

418 European Roma Rights Center, "Forced eviction of 1000 Roma in Spain," *Roma Rights Quarterly*, No. 3, Budapest: ERRC (1999).

419 Janne Flyghed, "Are Swedish Families Evicted to Homelessness? A Study of Evictions in Sweden 1982-1994." Available on-line at: <http://www.yelah.net/articles/evicted>

420 Julian Birch, "Eviction Epidemic: Repossessions of Council and Housing Association Tenants are Rising Remorselessly, As Social Landlords Get Tough," *ROOF*, p. 23 (January/February 1999).

421 BBC News, "Evictions Soar As Rents Rise," (27 November 1999).

422 Cited in Robert Verkaik, "Property Boom Spurs Big Rise in Evictions," *The Independent* (16 July 2000).

recession in the early 1990s, and that most of these are the less well-off members of society who rent their homes ... While the property market is booming, the incentives to take action against tenants or mortgage-holders in difficulty are bound to be greater.”⁴²³

- A report by Roof, published by the homelessness charity Shelter⁴²⁴ showed that from 1993 to 1999, the number of evictions among social landlords increased by 75 percent. The rise in social evictions has been relentless since 1994, the annual rate almost doubling, from 13.499 to an estimated 23.639 in 1999.⁴²⁵ While the number of repossession orders made by the courts has remained fairly constant over the last six years, the relative contributions of mortgage lenders and social landlords have changed.

The following cases illustrate forced evictions in the United Kingdom of Great Britain and Northern Ireland.

- In Belfast, Northern Ireland, a loyalist feud between the UDA and the UVF forced five hundred people to flee their homes in August and September 2000. The population movement was documented as the largest in the province since the summer of 1971 when 2.069 Catholic and Protestant families were forced out of their homes. According to the Sunday Times of London, the focal point of the conflict was in the Shankill area of Belfast in which the UDA controlled large areas of the lower Shankill, while the UVF commands the mid Shankill area. Members of rival groups were warned that they would be killed if they stepped outside their own territory. Evidence from independent observers indicates that, while both paramilitary groups are involved, the UDA is responsible for most of the evictions - more than 80 percent of the intimidation cases are attributed to that organisation. Members of the UVF have also operated a scorched-earth policy as gangs set fire to some properties and vandalised others after moving furniture out of a number of abandoned houses.⁴²⁶

- As a result of the increased closures of British nursing homes known as “councils,” eviction notices were given to several thousand elderly British citizens. Rising costs - in medication and increased number of patients - forced hundreds of care homes to close. In 1999, seven hundred shut down in Britain out of a total of fifteen thousand translating into a loss of nearly eight thousand places for elderly residents. In 2000, councils paid for care when a person has savings of less than £18.000 (approximately US \$25.000).⁴²⁷

- In a report aimed at the housing conditions of asylum seekers, the homeless charity, Shelter found that asylum seekers housed by the government-run National Asylum Support Service (NASS) had no legal protection from eviction. As a result, those who leave the accommodation because it is sub-standard can be deemed “intentionally destitute” and therefore no longer entitled to housing.⁴²⁸ This makes it difficult for refugees to organise against poor housing standards. NASS does operate a complaints procedure, but this requires people to register complaints with the very accommodation provider who has placed them in the sub-standard accommodation. Lack of awareness of housing standards, language problems, fear of people in authority, and an unwillingness to be seen as ungrateful or as causing trouble, are all additional factors that prevent people from complaining about inadequate housing conditions.

423 Ibid.

424 Shelter runs a free, national, 24-hour housing advice line known as Shelterline. Confidential advice for anyone facing an eviction or homelessness is available; an interpreter is also available for those whose first language is not English. The number of the housing advice line is: 0808 800 4444.

425 ROOF Briefing, “Fast Facts,” p. 3 (December 1999).

426 Vincent Kearney, “Loyalist Feud Forces 500 to Flee Homes,” *Sunday Times* (17 September 2000).

427 Celia Hall, “Christmas Eviction in Nursing Home Row,” *The Daily Telegraph* (4 December 2000).

428 David Blackman, “Refugees Dumped in Unfit Homes,” *The Guardian* (31 January 2001).

A total of 154 privately rented dwellings, housing 309 people (including forty-eight children), were inspected by Shelter between January and March 2000. 34 percent were occupied by asylum seeker households before inspection and 63 percent were inspected before a household had been placed. A third (54/154) of dwellings inspected were shared houses. Twenty-three were in single-occupied homes, twenty-five were purpose-built flats or maisonettes, and twenty-three were “bedsits”. Shelter’s findings are summarised below.

- Nearly a fifth (26/154) of all dwellings were unfit for human habitation (lack of cooking facilities, serious disrepair, dampness, etc.).
- 19 percent (11/57) of occupied dwellings were infested (e.g. with cockroaches/ fleas/ bedbugs).
- Almost half (43 percent) of all bed-sits visited were unfit for human habitation per Section 604 of England’s 1985 Housing Act.
- One in ten of the occupied properties were very poorly furnished with severely inadequate facilities (e.g. rusty saucepans, dirty second-hand blankets) posing a health risk.
- Over a quarter (28 percent) were overcrowded.

• According to the homeless charity, Crisis, a third of evictions by local authorities in Britain were of vulnerable mentally ill people. In its “Pressure Points” report Crisis notes that housing is vital for mental welfare and, once made homeless, many mentally ill people may remain without permanent housing for several years. Homelessness may also exacerbate their mental health problems and make it more difficult for them to access adequate care. In Great Britain, six out of ten homeless persons - often on the streets as a result of evictions - are mentally ill.⁴²⁹

• The BBC reported on 17 September 1999 that several Roma families had been evicted from an illegal stopping site in Wrexham, north Wales. The families had been living there for thirteen years. Reportedly more than one hundred police officers, bailiffs and council officials took part in the eviction. According to the BBC, authorities told the families to “move voluntarily or be shifted forcefully.” The same source reported that on 20 September 1999 there had been complaints from the settled community about the location to which the Roma had resettled and that local authorities were considering what would be done with regards to the new settlement.⁴³⁰ Many of the families chose to stay in the park even though the High Court had ordered them to leave a month before.⁴³¹ Most of those forced to leave later resided in the council’s official camp at Ruthin Road.

• On 23 August 2000, outside Reading, police descended on six Roma sites and evicted more than five hundred people. Police then escorted the Roma to the Berkshire border.

• Derek Mead, a Somerset farmer, asked a group of Roma to leave his land. When they refused, Mead and a group of his friends sprayed an encampment of sixty travellers with ten tons of pig slurry. He claimed that police had ignored his pleas for help in evicting them. Riot police and a helicopter intervened to stop the onslaught, and suggested to Mr. Mead that he may find himself faced with the bill for the police operation. Both the Tories and Labour parties tapped in to this popular resentment by toughening up attitudes to travellers and the Roma. Shadow environment minister, Archie Norman, presented his “Common Sense on Travellers” document with the intention of catering to just these resentments. His policies would have included

429 BBC News, “Mentally Ill Face Eviction,” (26 August 1999).

430 European Roma Rights Center, “Roma evicted from site in Wales; Traveller education dealt blow in Britain,”

Roma Rights Quarterly, No. 4, Budapest: ERRC (1999).

431 Wales, “UK: Wales; New Row Over Evicted Gypsies,” (20 September 1999).

streamlining evictions and withdrawal of income support from Roma subject to eviction orders who refuse to move. This policy comes after draconian public policies led to the demolition of 67 percent of traditional Roma sites between 1986 and 1993.⁴³²

CESCR: Yes

Constitution: No

YUGOSLAVIA (THE FEDERAL REPUBLIC OF)

From 1989 to the present day, property and housing have been used as a weapon by opposing factions within the Federal Republic of Yugoslavia (FRY). This situation has been especially acute within Kosovo, although the problems of forced eviction and property destruction have not been limited to the Kosovo conflict. After the ending of Kosovo's autonomous status, there was a decade of legislation and government action which discriminated against the property and housing rights of Kosovo Albanians. The armed conflict since March 1998 saw the deliberate targeting of property, and since the conflict, forced eviction and unlawful occupations have affected all members of Kosovo's population. The resulting displacement has had severe ramifications throughout the FRY and throughout the region.⁴³³

- In the absence of any effective deterrent, the level of crime and violence continued to be high within Kosovo between 1998-2000. This applied not only to ethnically motivated crime against Serbs and other minorities, including murders, abductions, destruction of property, forced evictions, threats, and intimidation, but increasingly also to organised criminal activities which affect the security of all inhabitants of Kosovo.⁴³⁴
- The number of attacks against the Serb community increased at an alarming fashion in late 1999, driving many Serbs from their homes and impeding freedom of movement for those remaining. The Serb communities felt that they were victims of an organised campaign to expel them, in the form of repeated threats, cutting of phone lines, assaults, forced eviction, arson, burning of crops and murder.⁴³⁵ In Obilic, for example, the number of ethnic Serbs diminished weekly during late 1999, as the population faced continued intimidation, forced eviction, and house burnings.⁴³⁶
- On 30 June 1999, eighteen Krajina Serb IDPs claimed that they were forcibly evicted from their accommodation in Novo Brodo/Novo Berde (north of Gnjilane/Gjilan) by the UCK. One Krajina Serb was reportedly killed and another had his leg broken during the same incident.⁴³⁷
- On 18 July 1999, a Kosovo Serb was evicted from an apartment building in the centre of Kosovska Mitrovica/Mitrovica by a group of men claiming to be UCK "police." The men said that only they had the right to nominate occupants. Reportedly the UCK also harassed Kosovo Albanian families that had taken over some of the flats in agreement with the Kosovo Serb owners.⁴³⁸

432 Deborah Orr, "When Humans Behave Like Animals," *The Independent* (25 August 2000).

433 United Nations High Commissioner for Refugees/ Organization for Security and Cooperation in Europe, "Second Assessment of the Situation of Ethnic Minorities in Kosovo," (3 November 1999).

434 Lawyer's Committee for Human Rights, "A Fragile Peace: Threats to Justice in Kosovo," (October 1999).

435 United Nations High Commissioner for Refugees/ Organization for Security and Cooperation in Europe, "Second Assessment of the Situation of Ethnic Minorities in Kosovo," (3 November 1999); see also United Nations High Commissioner for Refugees, "Overview of the Situation of Ethnic Minorities in Kosovo," (3 November 1999).

436 Ibid.

437 Organization for Security and Cooperation in Europe, "As Seen, As Told: Part II." Available on-line at: <http://www.osce.org/kosovo/reports/hr/part2/o8-annex1.htm>

438 Ibid.

- In October 1999, attacks against minorities, particularly the Slavic Muslim and Roma/Ashkalija communities, increased in the Pec area. Several killings, a number of extortion cases, evictions and widespread incidents of threats and harassment, particularly in Pec and Istok municipalities, were reported.⁴³⁹
- UN General Assembly resolution (A/RES/54/183) of 29 February 2000 on the Situation of human rights in Kosovo called upon all authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), the local Serb leaders in Kosovo and the leaders of the Albanian community in Kosovo to: (1) condemn all acts of terrorism, sequestration or kidnapping and forced eviction from homes or places of work of any resident of Kosovo, whatever the ethnic background of the victim and whoever the perpetrators; (2) refrain from all acts of violence; and, (3) to use their influence and leadership to cooperate with the Force and the Mission in stopping these incidents and in bringing the perpetrators to justice.⁴⁴⁰
- In the third week of June 2000, serious violence broke out in Serb-controlled northern Mitrovica. During the violence, many Kosovo Albanian and Muslim Slavs, who are minorities in the northern part of the town, were harassed and evicted from their homes. For their safety, UNHCR had no choice but to evacuate several of these families to the relative safety of Albanian-controlled southern Mitrovica.⁴⁴¹
- Repeated violent flare-ups in Mitrovica provoked renewed ethnic tension and led to additional departures of Kosovo Albanian families from the northern side of the city. In July 2000 alone, more than twenty ethnic Albanian families from northern Mitrovica registered for assistance with UNHCR on the southern side of the city. Some families reported being verbally or physically threatened, having their homes attacked or entered by force, receiving phone calls warning them to leave, or being summarily evicted from their homes.⁴⁴² Displaced Kosovo Albanians were accommodated either with host families or in a temporary transit centre. UNHCR maintained daily contact with many ethnic Albanian families in northern Mitrovica and monitored the situation closely.⁴⁴³
- In and around Belgrade, and other towns in Serbia and Montenegro, many Roma IDPs live in illegal settlements, without access to electricity, drinking water or sewage systems. Occasionally, local authorities evict Roma from such illegal settlements.
- Many Albanians have been prevented from returning to their homes. According to the International Helsinki Federation for Human Rights, twenty-two Albanians were killed in the Serbian-controlled Mitrovica during 2000, fifty-four were wounded by firearms and explosives, and 116 forced evictions of Albanians from their homes or apartments took place.⁴⁴⁴ Also according to the International Helsinki Federation for Human Rights, violent acts against Serbs included grenade attacks, kidnappings, murders, arson, forced eviction from their property, intimidation, plundering or destruction of homes and property, and forced evictions. In April and May 2000 there was a significant rise of arsons of Serbian houses and property in Kosovo Polje and Obiliq.⁴⁴⁵

439 United Nations High Commissioner for Refugees/ Organization for Security and Cooperation in Europe, "Second Assessment of the Situation of Ethnic Minorities in Kosovo," (3 November 1999); see also United Nations High Commissioner for Refugees, "Overview of the Situation of Ethnic Minorities in Kosovo," (3 November 1999).

440 UN General Assembly resolution on the "Situation of human rights in Kosovo," UN Doc. A/RES/54/183 (29 February 2000).

441 Norwegian Refugee Council, "Profile of Internal Displacement: Yugoslavia (Federal Republic of)," Compilation of the information available in the Global IDP Database (as of 3 May 2001). Available on-line at: <http://www.idproject.org>

442 Ibid.

443 Ibid.

444 International Helsinki Federation for Human Rights 2001.

445 Ibid.

- On 31 March -1 April 2001, approximately two hundred Serb IDPs were evicted from a hotel they have been occupying in Becici on the Montenegrin coast, due to legal action taken by the hotel's owner, 'Electroserbia' (Serbian state electricity board). The Montenegrin Commissioner for Displaced Persons expressed disappointment over this eviction. While alternative accommodation was offered, the local media reported that over one hundred IDPs had slept outdoors during the weekend following the evictions.⁴⁴⁶
- Kosovar Serbs and other minorities continue to be forcibly evicted from their places of residence. The methods employed vary from physical force and harassment to property schemes aimed at stripping legal property rights away from homeowners. In Pristina, which unfortunately echoes schemes used in other parts of the Balkans, persons have reportedly been forced to sign documents transferring property ownership or occupancy to a person or persons who seize their property under threat.⁴⁴⁷
- According to the Organization for Security and Cooperation in Europe (OSCE), in recent years there have been daily evictions of Kosovo Serbs, Roma and Kosovo Albanians alleged to be collaborators of the political opposition. Their houses have also been looted.⁴⁴⁸
- While ethnically and politically motivated violence primarily affected the Serb population and other minorities, Albanians also suffered seriously. Albanians fell victim to ethnically motivated violence particularly in Serbian-controlled northern Mitrovica, where lack of security and lack of freedom of movement allow abuse to reign. Albanians also lived in fear and were forcefully evicted.⁴⁴⁹
- Muslim Slavs complained that they had been evicted by Kosovo Albanians from their flats in Dragas/ Dragash, Gora/ Dragashi municipality. They claimed that the people occupying their flats had no reason to do so, as their own houses had not been destroyed.⁴⁵⁰
- According to the OSCE, the property situation in Kosovo in recent years has been effected by three distinct factors:
 - a) A decade of discriminatory property legislation and government action (1989-98), leading to the stripping of property rights, unregistered property transactions and multiple claims of ownership;
 - b) Armed conflict since February/ March 1998 leading to mass destruction of property and displacement of population. This led to a desperate shortage in housing stock and general lawlessness;
 - c) A circle of violence, forced evictions and the unlawful occupation of vacant property since the conflict.⁴⁵¹

CESCR: Yes

Constitution: No

446 Norwegian Refugee Council, "Profile of Internal Displacement: Yugoslavia (Federal Republic of)," Compilation of the information available in the Global IDP Database (as of 3 May 2001). Available on-line at: <http://www.idproject.org>

447 Ibid.

448 Organization for Security and Cooperation in Europe, "As Seen, As Told: Part II." Available on-line at: <http://www.osce.org/kosovo/reports/hr/part2/o8-annex1.htm>

449 Norwegian Refugee Council, "Profile of Internal Displacement: Yugoslavia (Federal Republic of)," Compilation of the information available in the Global IDP Database (as of 3 May 2001). Available on-line at: <http://www.idproject.org>

450 Ibid.

451 Organization for Security and Cooperation in Europe, "As Seen, As Told: Part II." Available on-line at: <http://www.osce.org/kosovo/reports/hr/part2/o8-annex1.htm>



3

Planned Forced Evictions

In addition to the millions of forced evictions that occurred from the beginning of 1998 to the end of 2000, millions more still face being forcibly removed from their homes or having their homes destroyed. COHRE has documented a number of pending evictions and has taken action at the international, regional and national levels to see that they are not carried out. Notwithstanding this advocacy, an immense number of people still live under the shadow of the potential loss of their home. Following is a sampling of planned forced evictions.

ANGOLA

- Detailed reports received by COHRE indicate that some fifty thousand persons face eviction from Boavista, a poor but well-established inner-city residential area in the Angolan capital of Luanda. In July 2001, armed police began moving people out of Boavista. The provincial authorities plan to take all the residents to a field of tents, some thirty-five kilometers outside the city. Many of those already evicted have been forced to abandon their jobs in the city, as transport fares into town nearly equal their daily wages. Many of the residents have been paying land tax on their homes in Boavista, but now the government argues that the entire site is unsafe because of landslides. However, an Internet site published by a company called 'Consulted' advertises a complex of 583 flats to be constructed on the site of the Boavista settlement, marketing them as having "the best views in Luanda in the heart of the city." The website is in English which seems to suggest that the development is aimed at wealthy expatriates needing homes as the offshore oil fields increase.

Based on an urgent request from COHRE, the United Nations Committee on Economic, Social and Cultural Rights on 16 August 2001 raised serious concerns with the Angolan Government about the recent and pending evictions in Boavista. Citing its "long record of addressing the practice of forced evictions", the Chairperson of the Committee, Virginia Dandan, urged the Government to provide clarification on the current situation in Boavista within the "shortest possible timeframe." As Global Survey No. 8 was published, the Government had yet to respond.

BRAZIL

- Sixty families in Bertioga who took over a parcel of land in 1967 are now living under the threat of eviction. Plans to widen the main avenue of Bertioga would displace the residents, most of whom are economic migrants from northern Brazil.⁴⁵²

- The International Rivers Network reports that more than a thousand persons face forced eviction to make way for construction of the Cana Brava hydroelectric dam in Minaçu. The dam is part of an Inter-American Development Bank funding project.⁴⁵³

CAMEROON

- A controversial US\$3.7 billion oil and pipeline project in Chad and Cameroon, partially financed by the World Bank, will likely result in massive forced evictions. The project, the largest construction venture in sub-Saharan Africa, involves the drilling of three hundred oil wells in Chad and the construction of a 650-mile pipeline from southern Chad through Cameroon to the Atlantic Ocean. Exxon Mobil Corp. is leading a consortium, which includes Chevron, in charge of the enterprise. The project has met with stiff resistance from environ-

⁴⁵² Folha Agency of Santos, "Despejo ameaça famílias em área urbana," *Folha da São Paulo*, p. C-4 (26 April 2001).

⁴⁵³ Letter by IRN to the President of the IDB, Mr. E. Iglesias, 21 June 2001.

mental groups concerned about ecology and human rights violations by the Government of Chad. Nongovernmental organisations say the project will cut through rain forests in Cameroon and will lead to the forced eviction of inhabitants in the area.⁴⁵⁴

CHINA

Olympic Games

After Beijing won the right to host the 2008 Olympics, districts were demolished for the construction of new sporting facilities. In many cases, the residents received no compensation. There are growing fears that property developers, with government approval, will cause further mass evictions before 2008, and it has been reported that the Government has told the courts to dismiss all land compensation cases.⁴⁵⁵ The Asian Coalition for Housing Rights reported that in one area alone as many as fifty thousand still face impending forced eviction to make way for Olympic facilities and city 'beautification.'

Three Gorges Dam

When completed, the Three Gorges Dam on the Yangtze will be the largest hydroelectric dam in the world, stretching nearly a mile across and tower 575 feet above the world's third longest river. Its reservoir would force the displacement of some 1.9 million people. Construction began in 1994 and is scheduled to take twenty years at a cost of over \$24 billion.

Unfortunately, considering the problems already encountered during the resettlement of villagers, it seems that many of the displaced will be worse off than before. Already, due to the environmental and social impacts of the project, the U.S. Export-Import Bank announced that they would not guarantee loans to the U.S. companies seeking contracts for the dam. The World Bank, traditionally the biggest dam funder in developing countries, has also refrained from financing the Three Gorges Dam.⁴⁵⁶

HUNGARY

On 22 August 2000, according to the Roma Press Center, fifteen government owned flats in Budapest's 13th District, complete with unlawful tenants, were sold by auction, immediately after a five-year central government ban on the sale of municipal social rental units had elapsed. At least ten of the flats were occupied by Roma squatters. The district municipal property management department reportedly stated that this auction was a test; if successful, further flats, also occupied by squatters, would be sold. Flats were sold for up to 4 million Hungarian forints (approximately €15.300); most of them lack toilets and bathrooms and have arrears in rent and utilities. It is the responsibility of the new owners to evict the squatters. It is currently estimated that there are between two and six thousand squatters living illegally in flats in Budapest.

INDIA

Tamil Nadu District

The Indian Centre for Human Rights and the Law reported a number of human rights violations against the Irula Adivasis (tribal peoples) in the Coimbatore District of Tamil Nadu. The Irula Adivasis are protesting against the establishment of the "Coimbatore Zoological Park and Conservation Centre," which would lead to their displacement from the surrounding lands. On 25 March 2001, the home of one of the leading Irula Adivasis

⁴⁵⁴ *Washington Post*, "World Bank to Vote on Disputed African Pipeline" (2 June 2000). Organisations opposing the pipeline include the Institute for Policy Studies, Human Rights Watch, the Chadian Association for the Defence and Promotion of Human Rights, and the Center for International Environmental Law.

⁴⁵⁵ *New York Times*, "Olympic Land Grab," (8 July 2001).

⁴⁵⁶ International Rivers Network. Three Gorges Campaign available on-line at: <http://www.irn.org/programs/threeg/>

activists was burnt down in an increasing climate of repeated physical threats and property destruction to force the Irula Adivasis to give up their claims to the land.⁴⁵⁷ This conflict relates to the issue of forest exploitation. The authorities are opposed to the Adivasis cutting down trees for private use, while they tolerate that employees of the Forest Department, as well as private companies, cut trees for commercial purposes.

Amravati district

The inhabitants of sixty-one villages in and around the Project Tiger, Melghat, Amravati district, are threatened with eviction. The only glimmer of hope for the villages is a public interest litigation filed on their behalf by Khoj, a NGO based at Paratwada. Khoj says the NGO is not averse to development. Their support of the villages was entirely based on humanitarian and historical grounds that forests have been the traditional habitat of the people for many generations.⁴⁵⁸

INDONESIA

The Asian Coalition for Housing Rights reports that city authorities in Jakarta are determined to make Jakarta a city without slums; not through social development but by evicting the poor away from the city. Jakarta's media, and most of the residents, support the poor in their resistance to the forced evictions. Community groups' state that authorities regularly violate the right to livelihood and housing – rights that are enshrined in many UN treaties that Indonesia has signed.⁴⁵⁹

ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

The spate of forced evictions in Palestine shows no sign of abating. The Israeli Government continues to use laws that date back to 1945, when the area was a British protectorate, in order to support the eviction of Palestinians from the occupied territories.

The 1945 Defense (Emergency) Regulations include provisions against illegal immigration; establishing military tribunals to try civilians without granting the right of appeal; allowing sweeping searches and seizures; prohibiting publication of books and newspapers; demolishing houses; detaining individuals administratively for an indefinite period; sealing off particular territories; and imposing curfew.

Upon occupation of the territories in 1967, the Military Governor in the Occupied Territories issued a military order "freezing" the legal situation then existing there. The Defense Regulations were then introduced as part of domestic law which, Israel argues, existed in the Occupied Territories prior to occupation. To strengthen this position, Regional Commanders in the West Bank and in the Gaza Strip issued orders holding that the Defense Regulations were valid in the Occupied Territories.

Over the years, Israel used these regulations extensively in the Occupied Territories. The Regulations serve as the legal basis for the demolition and sealing of hundreds of houses. In addition, the regulations also serve to deport residents, allow for the administrative detention of thousands of persons, and also impose closures and curfews on towns and villages.

457 World Organisation Against Torture (OMCT). Available on-line at: <http://www.omct.org>

458 In India, 40 percent to 50 percent of those displaced by development projects - a total estimated at more than 33 million since 1947 - are tribal people, who account for just 8 percent of the country's population of 1 billion. *International Herald Tribune* (10 August 2001).

459 Campaign e-mail from Ted Anana, Coordinator, Eviction Watch - Asian Coalition for Housing Rights.

Since the beginning of the current Intifada against Israeli occupation, authorities partially demolished 5575 Palestinian homes and fully demolished another 480.⁴⁶⁰

MALAYSIA

Demands for forestland for logging remain high in the Sarawak region of Malaysia. Indigenous rights are routinely violated, despite statements made by the Government to the contrary. This situation is becoming ever more dire as wood exports become more important to the national economy. A new law passed by the Malaysian Government in 2001, the Land Surveyors Bill, curtails indigenous communities from using oral history to support land claims against logging companies; prevents community-based maps from being accepted in law courts; and stops communities from using non-government land surveyors to map traditional community lands. Indigenous communities, in response to the lack of government action to recognise traditional land rights, had already conducted many of these exercises the legislation outlaws. There are fears that this legislation will further impinge on the ability of indigenous groups to protect their custodial lands.⁴⁶¹

NAMIBIA

- Three women were ordered evicted from their homes in Oshakati to make way for an expansion of the University of Namibia's Northern Campus. The women allege that they were offered inadequate compensation and negotiations with the Oshakati Municipal Government have ended.⁴⁶²
- The Working Group on Indigenous Minorities in South Africa reported in 2001 that it continues its struggle to prevent the Namibian Government's planned eviction of Kxoe community members from a portion of their land in west Caprivi that has continued since May 1997.⁴⁶³

NICARAGUA

- On 19 April 2001, eight families, composed of twenty-seven children and nineteen adults, were violently evicted from their homes near the Colegio Cristo Rey area in the capital city of Managua. Fifty officers of the anti-riot Police Brigade, together with twenty contracted civilians, evicted the families, all of whom lived there for twenty years. Although the residents could not prove title and refused a resettlement package, unnecessary force was applied. The police broke down doors, attacked residents, dismantled, and ultimately destroyed the homes. Gonzalo Carrón, representative of the Nicaraguan Center for Human Rights (CENIDH) explained that "when the judges ordered the eviction, they did not order the destruction of the homes because this action goes beyond their judicial mandate. They destroyed the little those families had."⁴⁶⁴
- The "Prinzapolka case" in the Nicaraguan states of Atlántico Norte and Atlántico Sur on the Caribbean coast threatens to displace twelve ethnic Miskito communities composed of 3,800 persons.⁴⁶⁵ Doctor Mirna Cunningham of the North Atlantic Autonomous University (*Universidad de la Región Autónoma de la Costa Atlántico Norte*, URACCAN) affirmed that the eviction would destabilise three hundred surrounding communities in the two Nicaraguan states.⁴⁶⁶ Those villages which would be bulldozed would include Alamikamba, Aukamango, Klarindan, Galilea, Dos Amigos, Buena Vista, Limbayca, Tuburú, Betel, Palo Blanco, Soledad, and Tasbapouni.

460 From the Israeli Information Center for Human Rights in the Occupied Territories. Available on-line at:

http://btselem.org/Files/site/english/Law/Emergency_Regulations.asp

461 Rengah Sarawak, "Land Surveyors Bill Goes Against NCR Lands." Available on-line at: <http://www.rengah.czo.org>

462 *The Namibian*, "Osakati Women Face Eviction," (19 May 2000).

463 Available on-line through the Working Group on Indigenous Minorities in South Africa at: <http://www.senseafrica.com/greatdance/wimsa/wimsa.html>

464 Cited in Juan Ignacio Rosales, "Violento desalojo a ocho familias," *La Prensa* (Managua, Nicaragua) (20 April 2001).

465 Francisco López G., "Intentan despojar tierras a miskitos," *El Nuevo Diario* (Managua, Nicaragua) (8 February 1999).

466 Cited in Sanchez Rizo (1998).

The U.S.-based Caribbean Shipping Development Corporation demands that 58.888 hectares, that have been inhabited by indigenous communities for centuries, be “returned” to the company. The U.S. citizens, Robert Edward, Merrick Burlinson, Joseph Patten, Brown Keller, Richard Clarence, Twist Giltne, and Paul Stauder Morales, claim they purchased the 58.888 hectares in 1974.⁴⁶⁷ After the Sandinistas came to power in 1979, the lands were nationalised and declared common lands for the indigenous groups along the Prinzapolka River.⁴⁶⁸

The U.S. demandants claim that they purchased the land from Nicaraguan citizen, Albert Bel Fay, who had owned the land since 1908. However, it is not clear how Bel Fay acquired the land, given that it had been occupied by the Alamikamba and Tasbapouni groups for centuries. The U.S. citizen’s claim to private property runs in direct opposition to Article 5 of the Nicaraguan Constitution that guarantees the right of indigenous communities to be governed by their respective communal organisation. Based on Article 5, the two cases presented in Puerto Cabezas by the U.S. citizens were decided in favour of the indigenous communities. However, a new judge accepted an appeal that included penalties against the indigenous residents and the possibility of reopening the case.⁴⁶⁹

In recent times, other indigenous groups in Nicaragua have faced similar eviction attempts. During the 1980s, several groups tried to divide indigenous lands into lots to be placed on the real estate market. North of León, for instance, indigenous families protected their lands during 1996 when mercenaries hired by the Gurdían families encroached upon indigenous lands. In another case, the Tola community in the Rivas Department, had many of their lands “rented” by employees of President Arnoldo Alemán.⁴⁷⁰

Underlying this tense situation is the Nicaragua Government’s failure to officially demarcate the land that belongs to indigenous groups; a process that would end in land entitlement to the indigenous groups. To resolve this problem, a commission was formed in 1996 to formalize indigenous lands, but dissolved shortly after Arnoldo Alemán rose to presidency. Consequently, human rights organisations in Nicaragua advocated for the initiation of a project that would define the real and ancestral boundaries of indigenous lands through consultation with the indigenous councils of elders (*Consejos de Ancianos*). Without either initiative, the current laws favour the eviction of indigenous communities and the exploitation of valuable mineral and timber resources on indigenous lands.⁴⁷¹

In reaction to the threat of eviction, a group of indigenous leaders assembled to protest the unfairness of this threatened eviction. They told *El Nuevo Diario* that during the months of March and April 1999, the U.S. demandants arrived onsite at the Alamikamba community and tried to bribe the highest indigenous authorities with thirty thousand dollars to stop protesting the case.⁴⁷²

As the third case begins, representatives of the indigenous communities are prepared to take their case before the Nicaraguan Supreme Court and even before international tribunals if their land rights are not recognised.

467 Erving Sanchez Rizo, “Juez llegó a Alamikamba y Tasbapouni a notificar desalojo: 300 comunidades en peligro,” *El Nuevo Diario* (Managua, Nicaragua) (28 September 1998).

468 Moises Centeno-Rodríguez, “Gringos ahora quieren ‘arrendar,’” *El Nuevo Diario* (Managua, Nicaragua) (10 December 2000).

469 Luis Galeano, “Defendemos tierras sagradas,” *El Nuevo Diario* (Managua, Nicaragua) (9 December 2000).

470 López G. (1999).

471 *Ibid.*

472 López G. (1999).

Fearing corrupt lawyers and judges, the indigenous ex-comandante “Búfalo,” is preparing his arrows, spears, bars, bayonets, stones, and rifles - everything necessary to defend what he believes is a constitutional right to land.⁴⁷³

NIGERIA

- The Inter Press Service reported on 16 December 1999 that more than two million persons living in the sprawling Ajegunle slum in Lagos, the commercial capital of Nigeria, have been threatened with eviction to make way for modern buildings. The Lagos State Government recently announced a plan to redevelop Ajegunle with ten thousand housing units in a project to be jointly funded by the State Government, the World Bank, and the private sector.⁴⁷⁴

PAKISTAN

The construction of the Lyari Expressway Project is poised, in the words of the Government, to play an important role in progress and development of the city of Karachi. However, community groups have been trying to extract assurances from the State Secretary for Housing & Town Planning that the project will not cause any evictions, and would include welfare plans for those people affected by the project.⁴⁷⁵

SRI LANKA

- The Government of Sri Lanka, in trying to raise short-term revenue, is threatening to sell land in Colombo currently home to over one million people, most of whom live in poverty. Local groups assert that if this plan is carried through, it will result in mass evictions, creating huge social upheavals further worsening the many urban problems facing Colombo. A representative of the country’s Women’s Bank said that 51 percent of people in the city live below the poverty line, yet occupy only 6 percent of the land. To resist these pending evictions, community leaders are organising to inform people of their housing rights. Housing Rights Committees have been set up to develop networks and disseminate information to effected communities to help them resist possible eviction, basing arguments on the Government’s international human rights obligations.

SWAZILAND

- The Human Rights Association of Swaziland and the African Eye News Service reported that in August 2000 the Government of Swaziland issued eviction orders against the residents of the KaMkhweli and Macetjeni chiefdoms located outside the industrial city of Manzini.⁴⁷⁶

UGANDA

- In December 2000 the Ugandan Parliament began debate on the Condominium Property Bill. The Bill would privatise 20 percent of Uganda’s public housing and threatens the current occupants with eviction.⁴⁷⁷ If passed, the Bill would allow the National Housing Construction Corporation to sell its flats at Wandegeya, Kamwokya and elsewhere. There has been talk that the housing units would be sold to civil servants, thus prompting the eviction of current residents. Some MPs, however, seek to give the current residents priority in the sale of the flats.

473 Moises Centeno, “Indígenas resistirán,” *El Nuevo Diario* (Managua, Nicaragua) (30 April 2001).

474 Inter Press Service (16 December 1999).

475 “Lyari expressway to play important role for development of city,” *The Pakistan Newswire* (13 October 2001).

476 Africa Eye News Service, “War Drums Beat in Swaziland Chieftaincy Row,” (20 August 2000).

477 *The Monitor*, “Parliament Debate Condominium Bill,” (13 December 2000).

UNITED STATES OF AMERICA

- The United Nations Research Institute for Social Development (UNRISD) reported that the City of Chicago, State of Illinois, plans to remove twenty thousand of its forty thousand public housing units from the public housing system. Although Chicago plans on replacing the lost housing units, which consist of high-rise apartment buildings, with scattered site housing, it is unclear whether or not the plan will result in one-for-one housing unit replacement. As a result, according to UNRISD, hundreds, if not thousands, of persons risk being evicted from existing public housing without access to replacement housing.

YUGOSLAVIA (THE FEDERAL REPUBLIC OF)

Approximately twenty-seven people, including ten children under the age of ten, were forcibly evicted from their shacks on a plot in the Kosutnjak District of Belgrade on the night of 14 June 2001. These families were threatened with violence and were forced to gather their belongings within only five minutes and forced to leave their lots, where many have been residing for as many as thirteen years.

After the eviction, the Roma families were living in squalid, inadequate and insecure conditions in a park located in Kosutnjak, Zimonjiceva (near Lola Institute). There, the Roma families were living in temporary wooden shelters with no access to toilets and drinking water. It has also been reported that they have no food, except what they are able to find in garbage bins. Moreover, every night, the Roma families have had stones thrown at them from moving cars, while garbage was dumped in their settlements.

Yet, despite all these abuses, the families live in fear that they will be removed from the park at any moment, leaving them without even the most meagre alternative for where to live. According to the most recent reports the municipal inspector has demanded that the families move out of the park, potentially leaving them in an even more desperate situation.

ZIMBABWE

- The Zimbabwe Homeless Peoples' Federation (ZIHOPFE) reported that the Harare Municipal Commission has ordered forced evictions in and around Harare. Over a half million Harare residents stand to lose their homes if the Council goes ahead and demolishes all outbuildings in Harare.⁴⁷⁸

- Several commercial farmers were threatened with eviction in September 2000 by the Government of Zimbabwe after the receipt of 30-day Quit Notices. The evictions were part of an accelerated land resettlement programme.⁴⁷⁹ The Supreme Court of Zimbabwe subsequently nullified the 30-day Quit Notices, but it is unclear whether evictions will yet proceed.⁴⁸⁰

⁴⁷⁸ Zimbabwe Homeless Peoples' Federation, Urgent Action (April 2001).

⁴⁷⁹ **Financial Gazette** (Harare), "Government Eviction of White Farmers Expected This Week," (21 September 2000).

⁴⁸⁰ **Financial Gazette** (Harare), "Supreme Court Nullifies Eviction Notices," (28 September 2000).



General Comment

No. 7 on Forced Evictions

The right to adequate housing (Art.11.1): forced evictions:

20 May 1997

United Nations Committee on Economic, Social and Cultural Rights General Comment 7

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”. In 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 gen-

uine 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

Comprehensive Human Rights Guidelines on Development-Based Displacement

The Practice of Forced Evictions: 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 landowners.
- 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 with 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 that 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 the 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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BOOKS AND OTHER REPORTS

Ken Fernandes and Scott Leckie (editors), **We Shall Not Be Moved: Popular Resistance to Forced Evictions** (2002), COHRE, 200p, US\$ 20.00

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The Centre on Housing Rights and Evictions (COHRE) undertakes a wide variety of activities supporting the full realization of housing rights for everyone, everywhere.

COHRE actively campaigns against forced evictions wherever they occur or are planned, and views forced evictions—as does the United Nations and international law generally—as a gross violation of a range of human rights, in particular the right to adequate housing.

This report is the eighth in COHRE's 'Global Survey' series on forced evictions aimed at increasing awareness of the often-unknown scale of this practice. A cross-section of forced evictions carried out between 1998 and 2000 are addressed in this Survey. This report also indicates that well over ten million persons are currently threatened by pending evictions in a wide range of countries. COHRE views its Global Survey's as part of a larger process where forced evictions are increasingly addressed in human rights terms and treated accordingly by grassroots movements, NGOs, researchers, lawyers, policy-makers and legislators. This publication is also designed to provide a succinct historical and public record of one of the most widespread violations of economic, social and cultural rights and as an impetus to halt further abuses before they occur.

COHRE continues to be actively involved in the worldwide movement against forced evictions and, when requested, provides legal and advocacy assistance to potential evictees, their communities and their representatives, particularly in the framework of prevention COHRE is continually expanding its network with other organizations, movements, groups and individuals working on these issues and hopes to continue to solidify these relationships with the aim of finally eradicating the human rights violations associated with the practice of forced evictions.

CENTRE ON
HOUSING RIGHTS
AND EVICTIONS



COHRE • 83 Rue Montbrillant • 1202 Geneva • Switzerland
tel: + 41.22.734.1028 • fax: + 41.22.733.8336
e-mail: cohre@cohre.org • website: www.cohre.org