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STOP

FORCED EVICTIONS IN AFRICA



HOUSING
IS A HUMAN RIGHT

AMNESTY
INTERNATIONAL



Across Africa hundreds of thousands of people each year are left homeless when they are forcibly evicted from their homes by the authorities. In most cases evictions are conducted without any due process, consultation, adequate notice or compensation.

The effect of forced evictions can be catastrophic, particularly for people who are already living in poverty. Forced evictions result not only in people losing their homes (which they may have built themselves) and personal possessions, but also their social networks. After forced evictions, people may no longer be able to access clean water, food, sanitation, work, health and education. Officials carrying out the evictions often use excessive force against residents, and sometimes firearms.

Over the years Amnesty International has documented cases of mass forced evictions in Angola, Chad, Egypt, Equatorial Guinea, Ghana, Kenya, Nigeria, Sudan, Swaziland and Zimbabwe. Governments across Africa have acted in violation of regional and international law, including the African Charter on Human and Peoples' Rights.

Years after being forcibly evicted, millions of people remain homeless and destitute, and many have been driven deeper into poverty. They have neither been rehoused nor compensated for their losses and most do not have access to justice and effective remedies. Those responsible for these human rights violations have not been brought to account.

Human rights activists in many African countries have stood up, often in the face of violent government repression, to demand their right to adequate housing and to call on their governments to end forced evictions. Too often their calls have fallen on deaf ears.

Despite the destitution and the suffering that has resulted from forced evictions, hope is found in the brave and motivated people from the affected communities determined to continue the struggle for their human rights. This booklet explains the right to adequate housing which includes the right not to be forcibly evicted – rights that belong to all human beings, everywhere.

WHAT ARE “FORCED EVICTIONS”?

A forced eviction is the removal of people against their will from the homes or land they occupy without legal protections and other safeguards.

Evictions may be carried out only as a last resort, once all other feasible alternatives have been explored and only after appropriate procedural and legal safeguards are in place. These include genuine consultation with the affected people, prior adequate and reasonable notice, adequate alternative housing and compensation for all losses, safeguards on how evictions are carried out, and access to legal remedies and procedures, including access to legal aid where necessary. Governments are also required to ensure that no one is rendered homeless or vulnerable to other human rights violations as a consequence of an eviction.

Not every eviction that is carried out by force constitutes a forced eviction. If all the legal safeguards and protections required under international law are put in place and complied with, and if the use of force is proportionate and reasonable, then the eviction would not violate the prohibition on forced evictions.



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ANGOLA

The immediate aftermath of a demolition operation in the Cambamba I and II neighbourhoods in Luanda, Angola, November 2005. Many of Luanda's approximately 4.5 million residents risk losing their homes to up-market housing and other developments.

FORCIBLY EVICTED MORE THAN ONCE AND STILL AT RISK

More than 10,000 families in Luanda, the Angolan capital, have been made homeless after being forcibly evicted from their homes since July 2001. Thousands more were evicted in other cities during 2010. Police officers, soldiers, municipal officials and private security guards, often using excessive force and firearms, carried out these evictions. Police have on some occasions also arrested and briefly detained those resisting the evictions and members of the local housing rights organization, SOS-Habitat. In Lubango, in southern Angola, where some 4,000 families became homeless following forced evictions in March and September 2010, at least two children were reported to have died during the eviction process.

Few families have been compensated for their losses. Some of those forcibly evicted in Luanda were rehoused 30 to 40km from the city in areas lacking jobs, schools, hospitals and basic services. In Lubango they were taken to an empty plot of land 10km from the city. Only 600 of the 4,000 families were given tents. However, the vast majority of the evicted families have been left to fend for themselves. Thousands of families remain without shelter, living in the ruins of their former homes, in tents or in the open air.

The end of the 27-year-long civil war in 2002 brought new opportunities for development and reconstruction which increased pressure on urban land, particularly in Luanda. Most of the city's estimated 4.5 million population are at risk of losing their homes to make room for up-market housing, offices and infrastructure projects. The number of forced evictions in Luanda increased in 2009, when several thousand people were left homeless following forced evictions in July in the neighbourhoods of Iraque and Bagdad. Since 2009, urban regeneration has extended to other cities where thousands of families are also at risk of losing their homes.

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CHAD



Children playing in the ruins of demolished homes in Chagoua 2, N'Djamena, September 2010. More than two years after the demolitions, the site remains empty and nothing has been built there.

STILL DENIED JUSTICE: CONTINUING FORCED EVICTIONS IN N'DJAMENA

Thousands of people have been forcibly evicted and their houses destroyed in various areas of N'Djamena, the capital of Chad, since February 2008. Houses were still being demolished at the end of 2010 and more and more people were at risk of being forcibly evicted. Evictions were conducted without due process, adequate notice, consultation, alternative housing or compensation.

In May 2010, more than 10,000 people in Ambatta, N'Djamena, were at risk of being made homeless. They had been ordered by the authorities to leave their homes by the end of the rainy season, around mid-October, to enable the construction of “modern houses”. Although their houses had not yet been demolished at the end of January 2011, the people of Ambatta still live in fear of losing their homes. There has been no consultation or offer of alternative housing by the Chadian authorities and they feel that they could be evicted at any time.

The vast majority of the people who have lost their homes since the beginning of this exercise have been denied justice. They have not been given alternative housing or any other form of compensation from the government. Some victims went to court and won cases against the government, but even so they failed to gain redress. Court decisions have been ignored in most cases.



EGYPT

Children stand in the ruins of demolished homes in Establ Antar, Egypt, August 2009.

MILLIONS LIVING IN CONDITIONS UNFIT FOR HUMAN HABITATION

Millions of Egyptians continue to live in sprawling informal settlements in conditions not fit for human habitation. About a million live in areas classified by the authorities as “unsafe”, facing possible rockslides, floods, fires and other dangers.

In 2008 a rockslide in Muqattam Hill in the informal settlement of Manshiyet Nasser in the east of Cairo, home to about a million people, killed at least 119 people. This happened despite prior warnings; local officials were subsequently tried and convicted. The then President established the Informal Settlement Development Facility (ISDF) to identify areas that are unsafe, deal with informal settlements and co-ordinate government efforts. However, it has become evident that plans are being developed and implemented without the active participation of affected communities and with the use of forced evictions.

Evicted families have been relocated far from their previous homes and livelihoods or have been made homeless. Some of those have been left homeless, live in tents and wooden shacks in or near the rubble of their previous homes, waiting for the local authorities to address their grievances. The relocated do not have security of tenure and are cut off from their social networks and sources of income. Women have been hit especially hard.

Egyptian authorities continue to ignore the rights of residents of informal settlements as they implement the Greater Cairo 2050 strategy. This threatens the future of 35,700 families in 33 “shack areas” facing demolition in Cairo and Giza by 2015.

EQUATORIAL GUINEA



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A street in Kogo, Equatorial Guinea, May 2009. The entire right-hand side of the street was razed in February to make way for a marina and a promenade.

NEW WEALTH DRIVING PEOPLE FROM THEIR HOMES

More than 1,500 families have been forcibly evicted from their homes since 2003 to make room for roads, up-market housing and hotels and shopping centres as well as private residences for President Obiang and members of his family. Homes have been demolished in the capital, Malabo, and on the mainland, in the major city of Bata, as well as in other large towns. Many of the houses demolished were solid structures in well-established neighbourhoods and the vast majority of the occupants had title to the land.

Despite promises of relocation for some of the victims, to date no one has been rehoused or compensated. Even the houses promised will have to be bought at a cost that far exceeds the victims' ability to pay, and they are located far from the city and from work and schools.

Thousands more are at risk as the authorities continue with their programme of urban regeneration and extend it to other cities and towns. The new wealth from oil discovered in the mid-1990s has led to pressure on the land for commercial use and housing. In addition, the authorities have started to redevelop cities and their infrastructure. The media has reported that the authorities intend to rid the cities of the "chabolismo" (shanty towns).

Under these initiatives, hundreds of families throughout the country remain at risk of being forcibly evicted from their homes.

KNOW YOU

INTERNATIONAL STANDARDS ON EVICTIONS

Forced evictions are a violation of human rights – a violation that should be prohibited and prevented. The UN Commission on Human Rights has affirmed that forced evictions constitute gross violations of a range of human rights, including the right to adequate housing.

Under international human rights law, evictions may be carried out only if all other feasible alternatives to eviction have been explored and exhausted, and if they are taken place with communities. Evictions can only be carried out if adequate legal protections are in place. These protections include:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice for affected persons prior to the eviction to enable them to seek redress;
- information on the proposed evictions and the extent of the land or housing to be used, to be made available to those affected;
- government officials or their representatives and anyone carrying out the eviction to be properly identified;
- evictions not to take place in particularly vulnerable situations, including natural disasters, war, or other emergencies;
- provision of legal remedies;
- provision, where possible, of legal aid to persons in need of it.

Governments must also ensure that evictions do not result in a violation of other human rights, and provide compensation for all losses suffered, regardless of whether they result in displacement.

Forced evictions also contravene Article 17 of the African Charter, which Angola, Chad, Equatorial Guinea, and the Central African Republic have ratified. Article 17 provides for the right to privacy and protection against interference with a person's private life.

Finally, forced evictions contravene Article 16 of the African Charter, which Angola, Chad, Egypt, Equatorial Guinea, and the Central African Republic have ratified. Article 16 provides for the right to health, and Article 18 provides for the right to a fair trial, which was affirmed in 2001 by the African Commission on Human and Economic Rights Action and

OUR RIGHTS!

that governments are obliged to
also recognized that forced
in particular the right to

but only as a last resort, once
genuine consultation has
when appropriate procedural

with those affected;

evicted people prior to the eviction;

and, where applicable, on the alternative purpose for which
made available in reasonable time to all those affected;

people to be present during an eviction;

properly identified;

in bad weather or at night unless the affected people consent;

people who are in need of it to seek redress from the courts.

ensure that no one is rendered homeless or vulnerable to the
effects as a consequence of eviction. Adequate alternative housing
options must be made available to those affected prior to eviction,
rent, own, occupy or lease the land or housing in question.

to give effect to the International Covenant on Civil and Political Rights,
Guinea, Kenya, Nigeria and Zimbabwe have all ratified.

the right to the protection of the law against arbitrary or unlawful
interference with privacy, family or home.

to give effect to the African Charter on Human and Peoples' Rights.

Guinea, Ghana, Kenya, Nigeria and Zimbabwe have ratified this
provisions breach Articles 14 and 16 on the right to property and the
(1) on the state's duty to protect the family. This principle was
affirmed by the African Commission on Human and Peoples' Rights in the case of *Social
Center & The Center for Economic and Social Rights v. Nigeria*.

GHANA



Thousands of people who live alongside railway lines are at risk of being forced from their homes without compensation or being given anywhere else to go.

LIVES AND LIVELIHOODS UNDER THREAT

Across Ghana, thousands of people live with the constant threat of being forcibly evicted from their homes and forced evictions take place on a regular basis.

In Accra, residents of the two biggest slums in Ghana, Old Fadama and Agbogbloshie, are repeatedly told that they are to be forced from their homes which will then be demolished. The slums are home to thousands of people, many of whom moved to Accra for work and a better life. In October 2009, people were forcibly evicted from a slum called “Abuja” in Accra.

The Ghanaian authorities regularly deny that they have any responsibility for the people they force from their homes, claiming that they are there “illegally”. The authorities do not adequately consult residents about their plans, do not give adequate notice of eviction and do not provide alternative housing or compensation for losses. When evicted, many residents face homelessness and destitution and have no choice but to live in the ruins of their former homes or move to another slum area.

In November 2010, the government signed a US\$6 billion deal with a Chinese company to rehabilitate Ghana’s railway lines, which are currently either abandoned or little-used. Thousands of people who live next to the railway lines are now at risk of forced eviction as the authorities have no plans to provide adequate alternative housing or compensation to the railway dwellers.

Evictions often involve excessive use of force by police and security forces. In September 2010, two people were killed and 15 seriously injured after police and soldiers reportedly fired live ammunition and tear gas at a crowd protesting against the demolition of their businesses at Canoe Beach, Tema.

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KENYA

A woman crosses over the river in the Mathare informal settlement, Nairobi, Kenya, February 2009. Proposals to beautify the river will mean the destruction of all structures within 30m of it. Residents fear that evictions will be carried out without genuine consultation, adequate notice or the provision of alternative accommodation or compensation.

NO SECURITY OF TENURE IN INFORMAL SETTLEMENTS AND SLUMS

Millions of Kenya's urban poor live with no guarantee of security of tenure. This is the result of the systematic failure of Kenyan officials over the years to recognize the proliferation and reality of informal settlements and slums and to plan accordingly.

Millions of people therefore face the daily risk of forced evictions from their homes and informal business, with catastrophic consequences for themselves.

Since the establishment of the very first informal settlements in Kenya, there have been large-scale forced evictions carried out in a manner that contravenes international human rights standards. Mass forced evictions have usually involved government projects or private developers claiming ownership of land on which some of the settlements stand.

By the end of 2010, more than 50,000 people living alongside railway lines were living with the threat of forced evictions. In March 2010, the state-owned Kenya Railways Corporation issued a 30-day notice to quit, announcing evictions relating to an upgrading project. Although the evictions were not carried out during 2010, the Corporation did not formally withdraw the threat. Most of the people have been living and working on these lands for years and a 30-day notice period was wholly inadequate. No comprehensive resettlement or compensation plan was announced.

The government pledged to develop guidelines on evictions in 2006 and formed various task forces to carry out the work. There has, however, been no discernible progress since then, while forced evictions in Nairobi and other areas continue.



NIGERIA

A bulldozer demolishes buildings on Njemanze Street in Port Harcourt, November 2009.

MORE THAN TWO MILLION PEOPLE FORCIBLY EVICTED

More than 2 million people have been forcibly evicted from their homes in different parts of Nigeria since 2000. Most were already marginalized and many had lived for years without access to clean water, sanitation, adequate health care or education. Forced evictions are carried out without adequate prior consultation, adequate notice and compensation or alternative accommodation.

Forced evictions continue throughout the country. Since 2003, an estimated 800,000 people have been removed from their homes in Abuja, the capital. Between May and July 2008, forced evictions took place on an almost weekly basis in Lagos, with some communities facing their third forced eviction.

In August and November 2009, thousands of people were forcibly evicted from their homes in Njemanze waterfront and surrounding areas in Port Harcourt, the capital of Rivers state. People were given just seven days' notice and many residents were left homeless. A year later some were still living in a local church, in cars and under flyovers.

At least 200,000 more people are at risk of forced eviction in Port Harcourt, as the state government plans to demolish all waterfront settlements as part of urban renewal plans for the city.

Evictions often involve excessive use of force by the security forces. In Bundu waterfront, Port Harcourt, 12 people were shot and seriously injured in October 2009 when security officials opened fire on a crowd peacefully protesting against the planned demolition of their community.

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ZIMBABWE



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Riot police keep watch as bulldozers demolish a home in Kambuzuma, Harare, Zimbabwe, 3 June 2005. Zimbabwean police were under orders to destroy “illegal dwellings” and vendors’ shacks as part of Operation Murambatsvina, a programme of mass forced evictions that left an estimated 700,000 people without their homes, their livelihoods or both.

OPERATION MURAMBATSVINA (RESTORE ORDER) – HOMES DESTROYED, LIVELIHOODS SHATTERED

In 2005, an estimated 700,000 people lost their homes, their livelihoods or both as a result of the Zimbabwean government’s campaign of mass forced evictions and demolitions of homes and informal business structures.

The evictions and demolitions were carried out without adequate notice, court orders, or appropriate relocation measures, in violation of Zimbabwe’s obligations under international human rights law. During the evictions police and soldiers used excessive force: property was destroyed and people were beaten.

In June 2005 the government launched Operation Garikai/Hlalani Kuhle (Better Life), and claimed it would provide housing to those who lost homes during Operation Murambatsvina. However, very few of the victims of Operation Murambatsvina benefited from Operation Garikai/Hlalani Kuhle, which also failed to comply with international standards on adequate housing. Many were allocated small bare plots of land on which they had to build homes with no assistance, and at least 20 per cent of any houses built were earmarked for civil servants, police and soldiers.

To this day, many of those evicted in 2005 continue to live in deplorable conditions. Conditions in settlements such as Hopley, Harare, are dire: most people live in overcrowded makeshift shelters and few have access to safe water. There is no maternal and newborn health care available within the community. The lives of pregnant women and their babies in settlements such as Hopley are in danger because of the government’s failure to ensure access to adequate housing and essential services, including health care.

YOUR RIGHT TO SECURITY OF TENURE

Everyone is entitled to a minimum degree of security of tenure, including having legal protection from forced evictions, whether they rent or own their homes, whether they live in informal settlements or slums without legally owning the homes or land, or even if they live in emergency housing. According to the UN Committee on Economic, Social and Cultural Rights, everyone must have at least a minimum degree of security of tenure.

This means that governments should make sure that everyone:

- has legal protection against forced evictions; and
- is protected from harassment and other threats from landlords or anyone else.

Governments are required to take immediate measures to give legal security of tenure to anyone who currently lacks such protection. They must do this in genuine consultation with affected people and groups.

Governments can increase your security of tenure in many ways, not only through land ownership. The authorities could give you documents to confirm where you live; they could regularize and recognize informal settlements; they could give you a rental arrangement or the option to buy or lease the property, individually or as part of a co-operative. You should be consulted on these options. You should also be able to suggest options for your particular situation, which the government should consider. Whatever the circumstances, you should be protected against forced evictions.

RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON GOVERNMENTS IN AFRICA TO:

- Immediately stop forced evictions and ensure that any evictions which are carried out comply with international and regional standards.
- Legislate and enforce a clear prohibition against forced evictions. Adopt national guidelines for evictions, which should be based on the UN Basic principles and guidelines for development-based evictions and displacement and should comply with international human rights law.
- Take immediate measures to ensure a minimum degree of security of tenure to all people currently lacking such protection, in genuine consultation with the affected people.
- Ensure that all victims of forced evictions have access to effective remedies and the right to reparations, which includes restitution, compensation, rehabilitation, compensation, satisfaction and guarantees of non-repetition.
- Ensure that people living in slums have equal access to water, sanitation, health care, housing, education, and fair and effective policing.
- Ensure equal protection under the law to all people living in informal settlements.
- Ensure the active participation of people living in slums in any upgrading, planning and budgeting processes that affect their lives directly or indirectly. All upgrading initiatives, housing programmes and policies should be consistent with international human rights standards, particularly on the right to adequate housing.

KEEP YOUR HOME STANDING

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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