

AMNESTY INTERNATIONAL

Public Statement

AI Index: AFR/28/001/2006 (Public)
News Service No: 098
19 April 2006

Ghana: Forced evictions in the Digya national park area must stop

Amnesty International and the Centre on Housing Rights and Evictions (COHRE) have expressed their serious concern about the recent forced eviction of hundreds of residents from the Dudzorme Island within the Digya National Park in the Tapa-Abotoase area of Lake Volta, Ghana, and the planned forced eviction of thousands more. These forced evictions have deprived residents, including women and children, of their homes and, in most cases, of their means of earning a living. The organisations are also deeply concerned about the death of more than 100 of those forcibly evicted, when a ferry forcibly removing them from the island capsized on 8 April.

The Game and Wildlife Division argue that the forced evictions are necessary because the land was set aside as a forest reserve. Amnesty International and COHRE have been informed that the forced evictions were carried out without adequate prior consultation, adequate notice and compensation or alternative accommodation. This is in violation of Ghana's regional and international human rights obligations, including the right to adequate housing, which includes the right not to be forcibly evicted.

The Dudzorme Island community were reportedly first threatened with evictions in June 2002. In January 2003, as a result of a campaign by local and international non-governmental organisations, including COHRE and the Center for Public Interest Law (CEPIL), against these planned forced evictions, the Minister for Land and Forestry decided to suspend the evictions. However, on 5 February 2006 the Government served an eviction notice on the community, with less than one month's notice. In late March and early April, officials of the Forestry Commission forcibly evicted residents from Dudzorme Island.

Sources confirmed to Amnesty International and COHRE that there was inadequate prior consultation with the community. Furthermore, insufficient notice of less than one month was given to the residents, in contrast to the 90 days absolute minimum recommended by the United Nations Special Rapporteur on the Right to Housing as a component of the right to an adequate standard of living. Evictees reported that they were forced out of their houses, subsequently forced on to the boat, and in the process some of them were beaten with sticks. Amnesty International and COHRE are furthermore concerned that the authorities have reportedly neither provided alternative housing nor compensation, which violate the right to adequate housing including the right not to be forcibly evicted.

The organisations are concerned that the rest of the up to 7,000 community members residing in the Digya National Park may face similar forced evictions.

Victims report that, in the process of forcibly evicting those residents, the overloaded ferry, which was taking them from the island in the Afram Plains area to Abotoase in the eastern part of the region, capsized. 58 persons have been confirmed dead and 71 have been registered as survivors, although not all have been found. Initial official reports indicate that the number of deceased is considerably lower.

Amnesty International and COHRE are deeply concerned about the manner in which these evictions appear to have been carried out, particularly about the use of excessive force, including the reported forcing of people onto the ferry without putting adequate safeguards for their safety in place.

Amnesty International and COHRE call on the Ghanaian authorities to:

- immediately cease all forced evictions in this area and in other parts of Ghana;
- as a matter of urgency, ensure that all evictees are provided with basic shelter and housing as well as access to food, safe drinking water and sanitation, and medical services;
- immediately establish an independent commission of inquiry into the circumstances surrounding the ferry disaster and other allegations of human rights abuses in the context of the forced evictions. Such a commission should inquire into actions or omissions by the relevant authorities which may have led to the overcrowding of the ferry. The Commission of Inquiry should be independent and impartial, and its terms of reference and results should be made public. If the Commission establishes evidence of crimes committed in the context of forced evictions, these should be thoroughly investigated by the relevant authorities, and those suspected of being responsible brought to justice;
- identify, in consultation with those affected, adequate alternative accommodation to all those rendered homeless by the recent forced evictions, and establish adequate mechanisms for compensation and other remedies for victims of past forced evictions;
- take steps to ensure adequate opportunities to earn a living for those whose livelihoods have been affected by the forced evictions;
- ensure that any legal use of force must respect the principles of necessity and proportionality, as well as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law-enforcement and human rights standards;
- place a moratorium on all future evictions until such time as a human rights based housing policy is developed and implemented.

Background information

Prior to the forced evictions, many of the evictees had lived in the Digya National Park, Afram Plain District, Ghana for over 30 years. They are part of a community of approximately 7,000, and live mainly on fishing.

Amnesty International has reported cases of forced evictions in many countries in Africa, including Angola, Nigeria, Sudan, Swaziland and Zimbabwe. COHRE estimates that forced evictions in Africa have affected over one million people in the last year.

COHRE is an international NGO which strives to promote the right to adequate housing, including the right to protection from forced eviction, for everyone, everywhere. COHRE has offices in a number of countries, including Ghana. COHRE has special consultative status with the Economic and Social Council of the United Nations; as well as observer status with the African Commission on Human and Peoples' Rights.

Forced eviction has been defined by the Committee on Economic, Social and Cultural Rights, 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.*" (UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, The Right to Adequate Housing (Art. 11(1) of the Covenant): forced evictions, UN Doc. E/C.12/1997/4, para 3).

The UN Commission on Human Rights has considered that "the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing"" (UN Commission on Human Rights, Resolution 1993/77, para 1). Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which Ghana is a party, states "*The States Parties to the present Covenant recognize the*

right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." Forced eviction has been defined by the UN Committee on Economic, Social and Cultural Rights (CESCR), 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." (UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, *The Right to Adequate Housing (Art. 11(1) of the Covenant): forced evictions*, UN Doc. E/C.12/1997/4, para 3).

In addition to depriving people of their homes, forced evictions are often associated with violations of other human rights including the rights to health, to education to earn a living, the right to freedom of movement, the right to privacy and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.