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Item 8: Activity Reports of Members of the Commission and Special Mechanisms

xi): Working Group on Economic, Social and Cultural Rights

Chairperson, Honourable Commissioners,

I welcome this opportunity to reiterate before the African Commission on Human and Peoples' Rights (African Commission or Commission) Amnesty International's calls for an end to forced evictions across Africa. We recognise and welcome the African Commission's pronouncement in its Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights that states parties to the African Charter on Human and Peoples' Rights have the immediate obligation to, "refrain from and protect against forced evictions from home(s) and land, including through legislation." However, although this obligation is well recognised under international law, countries across Africa continue both to allow and to participate in forced evictions.

We have documented the use of violence and arson by private individuals to illegally evict communities from informal settlements and the refusal and failure of governments to prevent these evictions. We have also documented forced evictions carried out with the active participation of government authorities and the police in a number of countries in the continent. We would like to illustrate the extent of forced evictions with three examples of countries where forced evictions are of particular concern to Amnesty International. These countries are Kenya, Nigeria and Egypt.

Over half of Kenya's population live in slums and informal settlements. In Nairobi, residents of slums and other informal settlements often lack security of tenure, which increases their vulnerability to forced evictions. There is no specific law in Kenya that protects against forced evictions, although the right to adequate housing is recognised in the Constitution. However, the Ministry of Land, Housing and Urban Development is in the process of introducing an evictions and resettlement bill to Parliament, and we urge the African Commission to ask the government of Kenya to ensure that the legislation complies with international law on forced evictions.

The Cabinet Secretary for Lands, Housing and Urban Development has on two occasions publicly stated her commitment to end forced evictions; on 10 October 2013 and 9 December 2013. However, evictions from informal settlements continue to be carried out illegally and in contravention of the constitution and relevant international human rights standards. In one case documented by Amnesty International, 400 households were evicted from the City Carton settlement near Wilson Airport in Nairobi in the early hours of the morning on 10 May 2013. Without notice, groups of men armed with crowbars, sledgehammers and machetes dismantled homes and looted property, whilst the police who accompanied them surrounded the area and did nothing to prevent the destruction of homes and theft of goods. Residents reported that police used teargas and live ammunition against some of the residents when they tried to resist the eviction. The residents were given no alternatives for resettlement and the Government authorities have failed to take any action to provide effective remedies to families who were made homeless and are now living in make-shift shelters beside their demolished homes.

In another case an estimated 3000 residents in Deep Sea settlement in Westlands in Nairobi are at risk of imminent eviction due to government plans to build a bypass known as "Missing Link 15B" which will cut through their settlement. Contrary to requirements under international human rights law the government has not engaged in genuine consultation with the Deep Sea community about alternatives to eviction or about resettlement options. On 28 February 2014 the government informed the community that they must vacate Deep Sea within 2 months. Amnesty International is deeply concerned that if appropriate safeguards and due process requirements, including genuine consultation with affected people are not put in place immediately, residents of Deep Sea could be at risk of forced eviction.

Similarly, people living in informal settlements in Nigeria continue to live a precarious life and are often subject to violent and illegal evictions. Since 2009, Amnesty International has documented several cases of forced evictions in the three major cities of Port Harcourt, Abuja and Lagos. Large-scale evictions and the demolition of the homes of thousands of people have taken place in the absence of legal and procedural safeguards, including opportunities for genuine consultation, adequate notice, access to legal remedies, and provision of adequate compensation and adequate alternative housing. Those forcibly evicted have been rendered homeless and vulnerable to other human rights violations.

In Port Harcourt over 25,000 people were forcibly evicted from the waterfront communities of Njemanze and Abonnema Wharf in August 2009 and June 2012, respectively. In both instances, the residents did not have sufficient time to pack their belongings, but were forced to flee their homes with the few items they could carry. Some of those forcibly evicted from Abonnema Wharf had been victims of earlier forced evictions in Njemanze. At least 12 people were shot at and seriously injured in Bundu waterfront community, Port Harcourt, in October 2009, when security forces opened fire on a crowd of people peacefully protesting against the proposed demolition of their homes.

In 2011, Amnesty International documented the forced eviction of hundreds of people from their homes in the Panteka settlement and market in Abuja. At least one person died when the Task Force on Environmental Sanitation, accompanied by armed police and soldiers, burnt down structures in Panteka. In Lagos over 4,000 people were forcibly evicted and rendered homeless in Makoko settlement in July 2012. A Makoko community leader was shot dead by security forces during a protest against the forced evictions.

On 23 February 2013 the Lagos state government forcibly evicted close to 9000 people living in Badia East. At least 266 structures that served as homes and businesses of affected people were razed to the ground with the support of heavily armed police personnel. The Lagos state government failed to ensure that legal and procedural safeguards were in place before carrying out the evictions. Over a year after the Badia East forced eviction and after intense pressure from human rights organisations, the Lagos state government initiated a process for compensation for affected persons. The process and the compensation amount, however, falls below international human rights standards and fails to provide Badia East residents an effective remedy for the violation of their human rights.

Also, in Egypt the authorities have failed to uphold the right to adequate housing for the estimated 12 million people who live in informal settlements. Egyptian law does not fully guarantee the right to adequate housing, or protect those living in informal settlements, including against forced evictions. The authorities continue to carry out forced evictions in slums and to demolish housing and other informal infrastructure. Amnesty International is concerned about a plan to develop the Greater Cairo region by the 2050s, which if implemented in the absence of legal and procedural safeguards against forced evictions may also lead to forced evictions on a massive scale. The plan, announced in late 2008, aims to “redistribute” about two-thirds of greater Cairo’s projected population of 30 million in the year 2050 into new cities on the outer fringes. Clearing the capital of its “shacks” to make way for investment projects appears to be an underlying objective of the Cairo 2050s plan.

Amnesty International urges the African Commission, and the Working Group on Economic, Social and Cultural Rights, to engage in promotional and protective missions to Kenya, Nigeria and Egypt to call on these states to immediately cease forced evictions and to provide effective remedies to those who have been subjected to forced evictions including compensation and the provision of alternative housing.

We further urge the African Commission to call on all state parties, and particularly Kenya, Nigeria and Egypt to:

1. Adopt and implement legislation that explicitly prohibits forced evictions. The legislation should comply with international human rights law especially with regard to the legal and procedural safeguards against forced eviction, the provision of effective legal remedies, alternative housing for all those who cannot provide for themselves, rehabilitation, compensation for all losses and guarantees of non-repetition;
2. Adopt moratoria on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards and laws; and
3. Develop and effectively implement comprehensive guidelines covering the responsibility of state officials to carry out evictions in accordance with international human rights law, based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and other international rights standards.