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Agenda Item 8: Activity Report of the Chairperson of the Working Group on Economic, Social and Cultural Rights

Honourable Chairperson and Commissioners,

Amnesty International welcomes the opportunity to address the African Commission on Human and Peoples' Rights on the theme of economic, social and cultural rights in Africa. We would like to express concern at the continued practice of forced evictions in several countries in Africa. In line with the African Commission's 2012 Resolution on the Right to Adequate Housing and Protection from Forced Evictions, Amnesty International is calling for an end to forced evictions across Africa including through the adoption of legislative measures that explicitly prohibit forced evictions.

Amnesty International has documented forced evictions carried out by government authorities, often to make way for infrastructure development projects, and by private entities during the period of review. The evictions have been carried out in the absence of due process requirements as outlined in international human rights standards, including the lack of adequate notice, genuine consultation and legal remedy. Thousands of people have been left homeless and vulnerable to other human rights abuses as a result of the evictions.

In this statement we focus on forced evictions in two countries: Nigeria and Kenya.

NIGERIA

In Nigeria, in August 2015, the Kaduna State government, as part of its efforts to reclaim land allegedly belonging to public institutions, began demolishing structures located on the said lands. The first phase of this exercise was carried out in Bayan Alhudda-Hudda community in Zaria city on 5 August, amidst heavy rainfall. This demolition exercise that affected 92 homes was carried out by the Kaduna State Urban Planning and Development Authority accompanied by several armed men in police and military uniforms. Residents, many of whom are poor, were evicted without prior consultations, compensation and relocation. Three other communities in Kaduna State could be at risk of a similar fate if the Kaduna State High Court decides against them.



Similarly, in September 2015, about 10,000 people were forcibly evicted in Badia East,¹ Lagos State, by workers of the Lagos State Building Control Authority and the Lagos State Physical Planning and Development Authority accompanied by several armed police officers.² The demolition of homes in Badia East took place on 18, 19, and 22 September, purportedly in compliance with a court judgment in favour of a private individual. The demolitions took place only one day after possession notices were served on the residents, on 17 September, 2015. There were no eviction notices, prior consultations with affected residents, nor any steps taken by the State government to relocate affected persons and ensure that no one was left homeless as a result of the eviction. Those affected by this eviction had little or no time to remove their belongings before their homes were demolished, and many, having nowhere to go, continued to live at the demolition site for up to two weeks after the evictions.

KENYA

In Mombasa, Kenya, scores of families living in Jomvu, an informal settlement along the A 109 highway in Mombasa, awoke to the sound of a bulldozer and the arrival of armed police on the night of 17 May 2015. Even as they desperately tried to salvage their belongings, the bulldozer demolished their homes and small businesses. It was a terrifying ordeal, which left many people homeless. The demolitions were carried out by the Kenya National Highways Authority as part of preparations for a highway expansion project. The highway expansion project involves widening part of the road to ease traffic congestion. It has been financed by the African Development Bank, the German Development Bank, the European Investment Bank, the EU-Africa Infrastructure Trust Fund, and the Government of Kenya.

According to eyewitnesses, the bulldozer systematically demolished shops and homes that bore yellow crosses. Those operating the bulldozer and the police did not inform Jomvu residents about the purpose of the demolition or on whose orders they were acting. The demolition stopped at around 4am, although not all of the marked structures had been demolished. While leaving the area and declaring their intention to return the following day, those carrying out the demolitions advised people whose houses or businesses had been marked to demolish their structures by themselves. Many people started tearing down their homes and shops soon after the bulldozer left the area, in order to try and save valuable building material for reuse.

¹ Amnesty International has also previously documented forced evictions in Badia East, Lagos State in 2013. See Amnesty International, *If You Love Your Life, Move Out! Forced Eviction in Badia East, Lagos State, Nigeria* (Index: AFR 44/006/2013)

² In 2010, the Lagos State Physical Planning and Development Agency (LSPPDA) was renamed Lagos State Physical Planning Permit Authority (LASPPPA). Amnesty International's sources (eyewitnesses and victims) still refer to the agency with its old name LSPPDA. According to these sources, the workers from the agency said they were from the LSPPDA. Also, residents of Badia East told Amnesty International that in 2013 the workers who carried out the demolition exercise wore LSPPDA vests.



The demolitions at Jomvu constitute forced evictions and a violation of international human rights law. They rendered more than a hundred people homeless and destroyed livelihoods. Following Amnesty International's research and advocacy, the Kenya National Highways Authority expressed regret for the forced evictions and agreed to provide remedies to all those affected. At the time of preparing this submission, affected families in Jomvu were still waiting to be provided with effective remedies.

ABSENCE OF LEGISLATION THAT EXPLICITLY PROHIBITS FORCED EVICTIONS

People living in informal settlements throughout Africa continue to live a precarious life and are often subject to violent and illegal evictions. Affected communities and civil society organizations have limited means of holding governments accountable and ensuring that they comply with their domestic and international human rights obligations in the absence of robust national legislation that explicitly prohibits forced evictions.

Amnesty International therefore urges the African Commission, and the Working Group on Economic, Social and Cultural Rights, to request for country visits to Kenya and Nigeria 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, including Kenya and Nigeria 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.