

HUMAN RIGHTS LIVE HERE

DEMAND DIGNITY



DEMAND DIGNITY



DE

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, 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 have 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 leaflet 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 **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 appropriate safeguards are followed, a lawful eviction that involves the use of force does not violate the prohibition on forced evictions.



© Private

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. These evictions have been carried out by police officers, soldiers, municipal officials and private security guards, often using excessive force and firearms. Police have on some occasions also arrested and briefly detained those resisting the evictions and members of the local housing rights organization, SOS-Habitat, who were trying to persuade the authorities to stop the forced evictions.

Few families have been compensated for their losses. Some were rehoused about 30 to 40 kilometres from the city in areas lacking jobs, schools, hospitals, basic services and sanitation. However, the vast majority have been left to fend for themselves. Many have been the victims of repeated forced evictions and hundreds of families remain without shelter, living in the ruins of their former homes.

The end of the 27-year-long civil war in 2002 brought new opportunities for development and reconstruction which increased pressure on urban land. Although there have been fewer forced evictions since 2006, they continue to be reported, most recently in the Iraque and Bagdad neighbourhoods of Luanda where several thousand people may have been left homeless following forced evictions in July 2009. Most of Luanda's estimated population of 4.5 million remain at risk of losing their homes to make room for up-market housing, offices and infrastructure projects.

HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA

CHAD



Children walk through demolished houses in Chagoua 2, N'Djamena, Chad, May 2008. The majority of families who lost their homes have not been rehoused or otherwise compensated for their loss.

BROKEN HOMES, BROKEN LIVES

Tens of thousands of people have been made homeless after being forcibly evicted from their homes in N'Djamena, the capital of Chad, since February 2008. Houses and other structures have been demolished in several neighbourhoods, and the demolitions continue, with more people at risk of being forcibly evicted.

The first wave of demolitions followed an armed attack on N'Djamena in February 2008 by a coalition of opposition armed groups. On 22 February 2008, President Idriss Déby Itno issued a decree authorizing the destruction of illegally constructed buildings and structures in two neighbourhoods of N'Djamena: Gardole and Walia Angosso. The demolition programme was later extended into other areas such as Farcha, Atrone and Chagoua.

Most of the forced evictions have been carried out by the security forces. In some cases they reportedly used violence. Flouting the law and denying due process, the authorities did not consult residents before evicting them. In many cases residents were given little or no notice. Rarely did they have the opportunity to challenge the evictions through the courts.

The vast majority of families who have lost their homes have not received alternative housing or any other form of compensation. Some went to live with family members or relatives, others returned to their villages of origin. Many remained in their neighbourhoods, often living in the ruins of their old homes.

KNOW YOUR

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 and details of the action to be taken;
- information on the proposed evictions and the grounds upon which they are based; the land or housing is to be used, to be made available to the evictees, or to be resold;
- government officials or their representatives and anyone carrying out the eviction to be properly identified;
- evictions not to take place in particularly vulnerable situations; and
- provision of legal remedies;
- provision, where possible, of legal aid to persons who are evicted.

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 the loss of housing.

Forced evictions also contravene Article 17 of the African Charter on Human and Peoples' Rights, which Angola, Chad, Equatorial Guinea, and the Central African Republic have ratified. Article 17 provides for the right to the highest attainable standard of living and prohibits interference with a person's private life.

Finally, forced evictions contravene Article 11 of the African Charter on Human and Peoples' Rights, which Angola, Chad, Equatorial Guinea, and the Central African Republic have ratified. In particular, forced evictions by governments violate the right to health, and Article 18(1) on the right to a fair trial. The African Commission on Human and Peoples' Rights issued its decision in 2001 by the African Commission on Human and Peoples' Rights in *Economic Rights Action Center*.

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;

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

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

to ensure that the International Covenant on Civil and Political Rights,
which Liberia, Guinea, Kenya, Nigeria and Zimbabwe have all ratified. Article
17 provides for the protection of the law against arbitrary or unlawful
interference with privacy, family or home.

to ensure that the African Charter on Human and Peoples' Rights.
Liberia, Guinea, Kenya, Nigeria and Zimbabwe have ratified this treaty. In
its preamble and Articles 14 and 16 on the right to property and the right to
the state's duty to protect the family. This principle was affirmed
in the Commission on Human and Peoples' Rights in the case of *Social and
Economic Rights & The Center for Economic and Social Rights v. Nigeria*.

EQUATORIAL GUINEA



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

About 1,000 families have been forcibly evicted from their homes to make room for roads, up-market housing and hotels and shopping centres since 2003. 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 to the victims will have to be bought at a cost that far exceeds their ability to pay, and the houses are located far from the city and from their work and schools.

Thousands more are at risk as the authorities embark on a programme of urban regeneration. The new wealth brought about by the discovery of oil in the mid-1990s has led to pressure on the land for commercial purposes, as well as up-market housing. In addition, the authorities have started to rehabilitate the main cities and their infrastructure. On several occasions, the media has reported the publicly expressed intentions of the authorities to rid the cities of the “chabolismo” (shanty towns).

Under these initiatives, many more families risk being forcibly evicted from their homes.

HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA



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 KENYA'S 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 individuals and families.

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.

The estimated 7,000 residents of Deep Sea settlement live under the constant threat of forced eviction. In February 2004, an estimated 2,000 residents of Raila village, Kibera, had their homes demolished in a mass forced eviction to provide space for a road bypass. On 23 September 2005, the homes of about 850 families were demolished. In both cases, government bulldozers were used to evict residents, adequate notices were not served, and the government made no effort to resettle or compensate the victims. Hundreds of families became homeless as a result and many lost their livelihoods. A number of schools, kiosks and private health clinics were also destroyed.

The government pledged to develop guidelines on evictions and formed a task force to do this in 2006. There has, however, been no discernible progress in the task force's work over the past three years. On the contrary, forced evictions in Nairobi are ongoing.



© George Osodi

NIGERIA

A woman carrying her child collects wood from the rubble of demolished houses in the Chika area of Abuja, Nigeria, December 2005. More than 2 million people have been forcibly evicted from their homes in different parts of Nigeria since 2000.

MORE THAN TWO MILLION PEOPLE FORCIBLY EVICTED

More than two 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. In 2006, Nigeria was named one of the three worst violators of housing rights by the Geneva-based Centre on Housing Rights and Evictions.

Forced evictions are continuing 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 April 2005, bulldozers demolished houses, churches, and medical clinics in the community of Makoko, Lagos. About 3,000 people lost their homes. They said that they had not been given prior notice, were not consulted on the planned evictions, and were not given adequate alternative housing. Some of them, including children, were beaten and injured by law enforcement officials, and others had all their belongings destroyed.

In Port Harcourt, the capital of Rivers state and the most populous city in the Niger Delta, large-scale forced evictions are being carried out along the waterfront despite earlier state government promises that no evictions would take place. Thousands of people are likely to lose their homes.

HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA HUMAN RIGHTS LIVE HERE STOP FORCED EVICTIONS IN AFRICA HUMAN RIGHTS LIVE HERE STOP

ZIMBABWE



© AP/PA Photo

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 home 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. For many their lives have become even more difficult particularly as a result of violence around the 2008 elections and the deterioration of the economy which resulted in mass unemployment.

KEEP YOUR HOME STANDING

D DIGNITY DEMAND DIGNITY DEMAND DIGNITY

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 Basic principles and guidelines for development-based evictions and displacement and should comply with international human rights law.
- Take concrete 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.

JOIN THE RIGHTS JOURNEY:
www.amnesty.org/rightsjourney

Amnesty International is a global movement of 2.2 million people 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 – funded mainly by our membership and public donations.

September 2010
Index: AFR 01/006/2010
Printed by Amnesty International

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org