



PUBLIC STATEMENT

STATE OF HOUSING RIGHTS AND FORCED EVICTIONS IN AFRICA

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

During its 50th ordinary session, to be held in Banjul, The Gambia
24 October – 7 November 2011

Amnesty International is concerned that across Africa hundreds of thousands of people are forcibly evicted from their homes by the authorities each year. The evictions are conducted without due process safeguards, prior consultation, or provision of adequate alternative housing and compensation. Most of those who are evicted are left homeless. There are frequent reports of excessive use of force by officials carrying out the evictions.

Forced evictions not only violate the right to adequate housing but also lead to violations of other economic, social and cultural rights, as people may no longer be able to access clean water, food, sanitation, work, health and education. They have catastrophic consequences on people's lives, and drive people deeper into poverty.

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 human rights standards, including the African Charter on Human and Peoples' Rights.

In many countries, people who have been forcibly evicted are denied access to justice and effective remedies. The consequences of forced evictions continue to manifest years after they were carried out as communities struggle to access essential health services, water, sanitation and education. Those who are responsible for these human rights violations have still not been brought to account.

Amnesty International urges the African Commission on Human and Peoples' Rights to call on all member states to:

- Immediately cease forced evictions and ensure that any evictions which are carried out comply with international and regional standards.
- Enact and enforce a clear prohibition against forced evictions.
- Adopt legislation setting out safeguards that must be complied with before any eviction is carried out, based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, and which comply with international and regional human rights standards.
- Take immediate measures to confer a minimum degree of security of tenure to all people currently lacking such protection, in genuine consultation with the affected people and communities.
- Ensure that any alternative housing provided to people complies with international and regional standards on adequacy of housing
- Ensure that all victims of forced evictions have access to effective remedies and reparations, which includes restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

CHAD

In Chad, thousands of people have been forcibly evicted and their houses destroyed in various areas of N'djamena, the capital of Chad, since February 2008. The evictions were conducted without due process, adequate notice, consultation, alternative housing or compensation. The vast majority of the people who have lost their homes since the beginning of this exercise have been left not only homeless but also jobless and denied effective remedies. Some victims went to court and won cases against the government, but court decisions have been ignored by the Chadian national authorities and the N'Djamena municipality.

The authorities began forcibly evicting communities in N'Djamena in February 2008, during a state of emergency declared after an attack on the city by a coalition of armed opposition groups. National and municipal authorities have ever since continued to demolish homes and businesses across the city, forcibly evicting residents claiming that these new waves of evictions are part of a plan to redevelop the city. Many more people are threatened with losing their homes.

Most of the sites from where people have been forcibly evicted were still unoccupied by the end of May 2011. In some areas it appears that plots have been allocated to other people while many of those evicted remain without access to adequate housing.

EGYPT

In Egypt, thousands of families living in informal settlements officially classified as “unsafe areas” due to risks of rockfalls, floods, fires and other dangers, continue to face forced evictions. The residents of “unsafe areas” are not consulted over official plans devised by governorates in cooperation with the Informal Settlements Development Facility (ISDF), a fund that coordinates government efforts for informal settlements. They are not consulted over alternatives to eviction nor adequately warned about their eviction date or provided legal means to challenge it.

In July 2011, with only a day prior warning, the armed forces demolished the homes of over 200 families from Zerzara informal settlement in Port Said, in the north of Egypt, leaving about 70 families homeless. The remaining families were offered alternative housing at the edges of the city. This took place as part of an ISDF project to start constructing 68 buildings to rehouse on-site the residents of Zerzara within eight months. About 1,500 families continue to live in shacks in Zerzara, where they have been deprived of clean water and sanitation for over 20 years, not knowing when their relocation will take place and facing the threat of forced eviction.

Since the Supreme Council of the Armed Forces (SCAF) assumed power in February 2011, forced evictions by armed forces have increased as squatting of empty government housing units has spread in the aftermath of the “25 January Revolution”. In July 2011, about 200 families were forcibly evicted from the Suzanne Mubarak dwellings, where they had squatted, in the upgraded area of Al-Duwayqa in Cairo. Most of them were made homeless. Those perceived as leaders among the squatters were arrested prior to the wave of eviction and brought before military prosecution for alleged possession of weapons.

GHANA

In Ghana, thousands of people living and working next to railway lines are being threatened with forced eviction to make way for the redevelopment of the railway system.

The plans for redevelopment of the railways have been developed without any consultation with these communities. There are also no plans in place to provide resettlement and alternative housing to the residents.

In Old Fadama, Ghana’s biggest slum, between 55,000 and 79,000 people live without security of tenure and under the constant threat of forced eviction. Ghanaian officials have frequently denied that they have any responsibility towards residents of informal settlements, claiming that they are there “illegally”.

Ghana’s laws do not provide adequate protection against forced eviction and the authorities have failed to put in place adequate safeguards to prevent people being forcibly evicted in violation of their human rights. There is no reference to housing rights in the Constitution, and the Constitution fails to make other social and economic rights enforceable in the courts. A 2002 High Court of Justice of Ghana ruling brought by the Accra Metropolitan Authority against the residents of Old Fadama held that there was no legal protection against their eviction, reflecting the absence of Constitutional or legal provisions that would give effect to Ghana’s international legal obligations.

KENYA

Numerous large-scale forced evictions have been documented in Kenya. Over 50,000 people living along railway lines remain under threat of forced eviction after a 30-day notice to quit was issued by the Kenya Railways Corporation in March 2010 and still hasn't been lifted. Negotiations between the affected communities and the Kenya Railways Corporation on the relocation of affected residents are currently ongoing but there is no resolution yet. Smaller scale forced evictions also continue to take place.

The new Constitution of Kenya guarantees the right to adequate housing. This right has been interpreted in two cases by the High Court to include protection against forced evictions. However, the government is yet to put in place a legal framework setting out safeguards that must be complied with for all evictions despite first pledging to do so in 2006 and in subsequent policy documents including the official Land Policy of 2009 (Sessional Paper No.3 of 2009 on National Land Policy, Government of Kenya, 2009 ("Land Policy"). The government should ensure full and effective implementation of the constitutional guarantee to the right to adequate housing, by prohibiting forced evictions, adopting national eviction guidelines and providing all persons with a minimum degree of security of tenure.

NIGERIA

On 28 August 2009, Njemanze informal settlement in Port Harcourt, Rivers State, was demolished as part of the state authorities' urban renewal programme for the city. It is estimated that up to 17,000 people including children, women and the elderly were forcibly evicted and left vulnerable to other human rights violations.

The authorities did not consult the residents, provide them with adequate notice, alternative accommodation and/or compensation. Two years later, many remain homeless, like young boys from Njemanze who now live under a flyover. Others have found a place to live in a neighbouring waterfront, but are struggling to earn a living after losing the livelihoods they depended on. Women were particularly negatively impacted in terms of loss of livelihood because their businesses and trading were often localized within Njemanze. As a result, many parents can no longer afford to pay for their children to go to school.

In Njemanze waterfront, house owners were not told how much they would receive until shortly before the demolition took place, when they were invited to collect their money. A few of the house owners were never paid at all. Communication between the state authorities and waterfront residents has been almost exclusively with house owners. Tenants have been entirely excluded from the enumeration and valuation processes and are not offered any compensation and alternative housing.

ZIMBABWE

Amnesty International is concerned about the failure by the government of Zimbabwe to provide effective remedies to people who were forcibly evicted in 2005 under Operation Murambatsvina. More than 700,000 people had their homes or livelihoods or both destroyed during the government's programme of mass forced evictions. A few of the victims were allocated incomplete housing structures or unserviced plots of land under the government's rehousing programme, known as Operation Garikai. The majority of the victims of the 2005 forced eviction were forcibly settled in rural areas while those who remained in urban areas were settled in existing housing stock leading to over crowding in low income suburbs. Thousands of people living in these Operation Garikai settlements were pushed deeper into poverty after losing their homes and livelihood and face numerous problems including lack of access to education, adequate health, water and sanitation.

Amnesty International's research in 2010 found that the government's failure to provide for adequate healthcare, including maternal health care, at Hopley Farm, one of the Operation Garikai settlement in Harare, exposed pregnant women and girls as well as their newborn babies to ill-health or even death. In 2011 Amnesty International documented more than 2,000 pupils attending unregistered schools started by communities in Operation Garikai settlements after government failure to provide for access to free, compulsory and quality primary education for children affected by the mass evictions.

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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.

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