

AMNESTY INTERNATIONAL

MEDIA BRIEFING

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'People Live Here' Campaign

I. What is a forced eviction?

A forced eviction is the removal of people against their will from the homes or land they occupy without the provision of, or access to, due process and other legal protections.

Forced evictions are a violation of human rights and governments are obliged to prohibit and prevent them, but very often do not.

This does not mean that governments can't carry out evictions at all. They can, but only after they have put all the necessary legal protections in place. Because evictions have such devastating impacts on people's lives, governments also need to ensure that evictions are a last resort.

It is not use of force which makes an eviction a forced eviction; it is the failure to comply with all the legal safeguards required under international law. If all of these legal safeguards are applied and people refuse to leave, then governments can use force but only to the extent that is strictly required and consistent with international standards. .

The safeguards that governments must put in place to prevent forced evictions include:

- All affected people must be consulted and alternatives that they propose must be considered; evictions must be a last resort
- All affected people must receive adequate prior notice of the eviction
- Everyone who is affected must have access to legal procedures and remedies including legal aid if necessary
- Government officials or their representatives must be present at the eviction
- Anyone carrying out the eviction must be clearly identified
- Evictions should not take place at night or in bad weather unless agreed with the community
- Government must ensure that nobody is rendered homeless or vulnerable to human rights violations
- Those who are unable to provide for themselves must be given adequate alternative housing.
- All persons must be given compensation for their losses

Government officials regularly deny that they have any responsibility for the people they force from their homes, claiming that they are squatting or living there "illegally". This ignores the fact that many people are forced to live in slums and inadequate housing because of the lack of other affordable housing options and the failure to implement planning and housing policies which prioritize people living in poverty. Irrespective of whether people are squatting or have legal title to the homes or land that they occupy, under international law, no evictions may be carried out without the safeguards listed above.

II. What is security of tenure?

Security of tenure means legal protection against forced evictions and protection from harassment and other threats from landlords or anyone else. The vast majority of people living in settlements considered “illegal” or “irregular” by the authorities have little or no security of tenure. This not only makes them vulnerable to forced evictions but often also leads to them having no or inadequate access to clean water, sanitation, education and health. It can also lead to their being excluded from laws and protections that apply to other urban residents (such as rent control or requirements on landlords to provide services).

Everyone is entitled to a minimum degree of security of tenure, regardless of whether they own their home or live in a slum that government considers “illegal”.

III. What is the right to adequate housing? Do governments have to give everyone a home?

The right to adequate housing is guaranteed under Article 11 of the International Covenant on Economic, Social and Cultural Rights, under the African Charter on Human and People’s Rights and many other international treaties.

It does not mean that the government has to build a house for everyone but it does require it to ensure, among other things, that:

- Everyone has at least a minimum degree security of tenure and protection against forced evictions
- Rules and regulations about housing construction, planning and zoning promote housing for all and try and make it easier rather than harder for people living in poverty to build or maintain their homes
- The costs of housing and materials to build homes are affordable, particularly for the poorest people
- That there is a housing policy in place which prioritises a basic level of housing for everyone and also the needs of the most disadvantaged groups and also sets out how the government will progressively improve housing conditions
- All programmes on housing and any resources that it allocates prioritise those who are worst off
- To tackle homelessness and discrimination in the housing sector, whether it is by public or private actors
- That people don’t live in dangerous locations (because of pollution or risk of natural disasters) and can access clean water, sanitation, schools, healthcare services, jobs and other public services
- It is taking steps to ensure that progressively everyone has a place where they can live in security, peace and dignity
- People are able participate in and are consulted over decisions that will affect their lives
- Anyone whose right to housing is violated is able to access an effective remedy

IV. Is Amnesty International only focusing on slums in Africa?

No, this work forms part of a global campaign by Amnesty International and the organisation is also focusing on the rights of people living in slums and informal settlements in Asia, the Americas, Europe and in the Pacific region.

V. What is the week of action on forced evictions?

People who live in slums and informal settlements, and who are affected by forced evictions, supported by Amnesty International and partners, will hold mass public events in Chad, Egypt,

Ghana, Kenya, Nigeria and Zimbabwe from 17 to 24 March to voice their concerns and demands for housing rights to their governments.

The aim of the week of action is to put pressure on governments in Africa to immediately end forced evictions and adopt legislation setting out safeguards that must be complied with before any eviction is carried out, in line with international and regional human rights standards.

Public support will be reflected in a petition with key demands to governments and local authorities in Africa which you can view at www.amnesty.org/end-forced-evictions, along with a solidarity photo action at www.flickr.com/groups/people-live-here/. We are particularly encouraging civil society organisations and individuals in Africa but also other people around the world, some of them affected by forced evictions, to add their support and solidarity.

The public action will take place while African housing ministers meet for the fourth session of the African Ministerial Conference on Housing and Urban Development (AMCHUD) in Nairobi from 20 – 23 March. The theme of the fourth session of AMCHUD is “Territorial planning and access to basic services for all”. Unfortunately civil society is not invited and informal settlement residents have no way to participate.

To counter this exclusion, Amnesty International has invited informal settlement residents from Kenya, Nigeria, Ghana, and Zimbabwe to a “People Live Here” public forum to be held on Thursday 22 March in the same venue as AMCHUD. We hope to invite AMCHUD representatives, a Commissioner from the African Commission on Human and Peoples’ Rights, and national and international media to our forum. This will give slum residents the opportunity to present the key concerns and demands from their communities.

Notes to editors

The definition of forced eviction is the one identified by the UN Committee on Economic, Social and Cultural Rights. For more information see General Comment 7, available at: <http://www2.ohchr.org/english/bodies/cescr/comments.htm>