

## 1. Introduction

The Republic of Angola acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 10 April 1992 and as such has the duty to promote, protect and fulfil the human rights contained in it. According to the Constitution of Angola the provisions of this treaty, and other international human rights treaties ratified by the state, should be applied by the courts even when not invoked by the parties to a dispute.<sup>1</sup> Angola has also ratified a number of other international human rights treaties including the International Covenant of Civil and Political Rights (ICCPR) and its first optional protocol; The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and its optional protocol; and the Convention on the Rights of the Child (CRC) and its optional protocols. In 2007, as part of its candidacy for the United Nations (UN) Human Rights Council, the country pledged to ratify a number of treaties it had not yet ratified including the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment (CAT).<sup>2</sup>

Angola has also established a number of institutions in order to achieve the promotion and protection of all human rights enshrined in the constitution and in human rights treaties ratified by the government. These include the Office of the Justice Ombudsman; the Parliamentary Commission on Human Rights, Petitions, Complaints and Citizens' Suggestions; the Office of Human Rights of the Ministry of Justice and a Constitutional Court which was established on 25 June 2008. There are also a number of non-governmental organizations and associations working in the area of human rights in Angola. However, despite the government's undertaking to take appropriate

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<sup>1</sup> Article 21(3) of the Constitution of the Republic of Angola

<sup>2</sup> Angola's voluntary pledges to protect human rights were set out in a letter dated 3 May 2007 from the Permanent Representative of Angola to the UN addressed to the President of the General Assembly.

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steps to implement the United Nations (UN) Declaration on Human Rights Defenders<sup>3</sup> in accordance with the Kigali Declaration<sup>4</sup>, the Angolan authorities have intimidated and harassed civil society in the country, making it harder for them to carry out their human rights work. For example, members of the Angolan housing rights organization, SOS-Habitat, have been arrested and detained on a number of occasions while trying to prevent forced evictions. Furthermore, in 2007 the Director of the Angolan Government's Technical Unit for the Coordination of Humanitarian Aid (UTCAH) threatened to ban SOS-Habitat and three other human rights organizations; Mãos Livres, the Association for Justice, Peace and Development (AJPD); and the Open Society Foundation.

Angola emerged from a 27-year-long civil war in April 2002. The civil war and 13-year-long war of independence that preceded it destroyed most of the country's infrastructure and created a challenge for the progressive realization of economic, social and cultural rights by diverting a lot of the country's budget to the war. A large number of people were displaced from their homes and the system for registering land and housing collapsed. The war resulted in hundreds of thousands of internally displaced persons building houses and occupying land over which they had no title. According to the UN, in 2001 Angola had a slum population of over 4 million in urban areas<sup>5</sup>. Statistics that are more recent are not available. Most of these have lived in the settlements for decades and some were even born there. Thousands have subsequently been forcibly evicted from their homes since 2001. Despite this situation, Amnesty International is concerned to note that Angola's report to the

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<sup>3</sup> Officially known as the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

<sup>4</sup> The Kigali Declaration was adopted by the African Union (AU) Ministerial Conference on Human Rights in May 2003.

<sup>5</sup> <http://data.un.org/Data.aspx?d=CDB&f=srID%3A30018>

Committee on Economic, Social and Cultural Rights (CESCR) – which is the country’s initial, second and third report - does not make reference to forced evictions.

Angola has taken some strides towards the promotion of rights contained in the ICESCR. Concerning the right to adequate housing, this includes the enactment of a Housing Law (*Lei do Fomento Habitacional*) in September 2007<sup>6</sup>. However, Amnesty International is concerned that despite the country’s apparent commitment to human rights, the government of Angola has continued to violate certain rights of its citizens contained in the ICESCR, in particular the right to adequate housing, by allowing forced evictions to be carried out within its territory.

Amnesty International has focused its work in Angola on the right not to be forcibly evicted, which forms part of the right to adequate housing as a component of the right to an adequate standard of living. Since 2001, the organization has monitored and documented numerous cases of forced evictions in Angola, which the Committee on Economic, Social and Cultural Rights (CESCR) - in General Comments 4 and 7, recognized as a *prima facie* violation of the provisions of the ICESCR. This submission will therefore cover the organisation’s concerns about this right, using documented cases, specifically:

- The violation of the right not to be forcibly evicted,
- The violation of the obligation progressively to realize the right,
- The lack of legislation against forced evictions,
- The lack of security of tenure,
- The lack of legislation to prevent and punish forced evictions by third parties, and
- The lack of judicial remedies for victims of forced evictions.

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<sup>6</sup> Lei de Base de Fomento Habitacional (Housing Law) 3/07 of 3 September 2007

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## **2. Article 11 – The right to an adequate standard of living and forced evictions**

Article 11 of the ICESCR enshrines the right of all to an adequate standard of living. In General Comment 4 the CESCR concluded that forced evictions are a prima facie violation of the right to an adequate standard of living and incompatible with the provisions of the ICESCR. Since July 2001, over 10 000 families have been forcibly evicted and had their homes destroyed in the Angolan capital of Luanda, without any of the due process requirements and procedural protections laid out by the CESCR in General Comment 7 being met. Most forced evictions have occurred in the two southern Luanda municipalities of Kilamba Kiaxi and Samba, where pressure on the land for luxury housing developments is greater.

The justifications given by the authorities for the forced evictions in Luanda have varied:

- **To move people from dangerous areas:** e.g. in Boavista neighbourhood in 2001 forced evictions were reportedly carried out in order to move residents who were living beside a dangerous cliff. This area was then reportedly fenced-off to prevent others from constructing homes in the area. Subsequently, the land was used for the expansion of the Luanda port and the creation of a garden. Those forcibly evicted were re-housed in tents in Zango, a neighbourhood in the Cacuaco municipality, some 40 km. from the centre of Luanda, where they lived for at least two years before being re-housed in social housing in the Zango area.
  
- **To make way for housing projects:** e.g. in the Kilamba Kiaxi municipality forced evictions were repeatedly carried out between 2004 and 2006 in, among others, the Cambamba I and Cambamba II communities to make way for the Nova Vida housing project, largely, a luxury housing development.

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However, over 300 residents who several times had their homes demolished remain on part of the land and have built shelters from the ruins of their homes. They remain under threat of further forced evictions.

- **To make way for infrastructure for public good:** e.g. in Soba Kapasa forced evictions were carried out between 2001 and 2003 to make way for the Luanda Provincial Hospital, which was eventually inaugurated in February 2006. However, not all the area that was cleared in this neighbourhood was used for the construction of the hospital. Residents in Soba Kapassa had obtained planning permission from the provincial governor to build a well planned, housing estate with amenities. Over 1,000 high quality houses had already been completed using durable materials. However, they were demolished and residents evicted without compensation.
- **To return the land to rightful occupants:** e.g. in Wenji Maka forced evictions were carried out on several occasions between 2004 and 2006 in order to return the land, which belonged to the Catholic Church prior to independence, to the church. This land was formally given back to the Catholic Church by the Angolan government in 1998 in response to a request by the late Pope John Paul II during his visit to Angola in 1992. The church intended to build a university or a sanctuary on this land. Reportedly, when granting title over the land to the Catholic Church, the Angolan authorities did not take into consideration those people already occupying the land. The Church has not reclaimed the land and the residents remain under threat of further forced evictions.

Amnesty International has documented these forced evictions in two reports. The first of these, *Angola: Mass forced evictions in Luanda – a call for a human rights-based*

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*housing policy* (AI Index: AFR 12/007/03) was published in November 2003 and covered forced evictions between 2001 and 2003. The second, *Angola: Lives in Ruins: Forced evictions continue* (AI Index AFR 12/001/07), documented cases of forced evictions between 2004 and 2006. Both these reports focussed on forced evictions that occurred in the Angolan capital of Luanda.

There were a number of forced evictions in Angola between 2001 and 2003 and Amnesty International's initial report documented three of the major incidents of forced evictions during this period, which occurred in the neighbourhoods of Boavista, Benfica and Soba Kapasa. In these areas local government officials failed to provide full and truthful information about plans for eviction and there was little meaningful consultation with residents or effort to find an alternative to evicting them from their homes. None of the evictions was carried out on the basis of a court order. Evictions were carried out violently and the authorities responsible for ensuring respect for the law failed to take appropriate action to stop the abuses or to investigate allegations of human rights violations. Some people were left without shelter, seriously endangering their health. Many lost their possessions. Those who were evicted may not have been living in adequate housing before being evicted but most were ejected into even worse conditions. For many, the evictions also entailed loss of employment or schooling. For all, the psychological impact was severe: victims spoke of being discriminated against because they were poor and being treated like cattle or chickens.

*In Boavista, more than 4,000 families who had reportedly lived near a dangerous cliff were forcibly and violently evicted from the neighbourhood in Luanda between June and September 2001. These families were relocated to Zango and Terra Nova in the municipality of Viana, where they lived in tents for several years. Half of them were rehoused in 2003 and the rest*

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*were rehoused in permanent houses by the end of 2006, however as late as 2004 some families were still living in tents. Apparently, some of the houses built for them had instead been given to others by government officials.*

*In Soba Kapassa, Kilamba Kiaxi municipality, the residents' initiative to turn their neighbourhood into a carefully planned housing estate was thwarted by the government. Between October 2001 and February 2003, the authorities demolished 1,167 houses and forcibly evicted residents from Soba Kapassa. On 22 November 2002, after some houses had already been demolished, the then Luanda Provincial Governor, announced publicly that houses were to be demolished in order to construct the Luanda Provincial Hospital, which was to be built with funds provided by the Chinese government. The new hospital was inaugurated on 3 February 2006 in the Kilamba Kiaxi municipality. After the demolition of their homes, the former residents went to live with relatives or in rented accommodation elsewhere. There is no record that the government attempted to rehouse these victims or that it paid them any compensation.*

*Most of the residents of the more than 470 houses in Benfica Commune demolished between July 2001 and April 2003 were given new houses in Panguila, Cacuaco Municipality. However, the government failed to provide housing to 16 families.*

Forced evictions in Luanda did not end in 2003. From January 2004, there were a number of forced evictions, particularly in several neighbourhoods in the Samba, Kilamba Kiaxi and Viana municipalities. The forced evictions occurred more than once in some areas as residents forcibly evicted from their homes returned to the ruins and attempted to rebuild their homes only to be subsequently re-evicted. No alternative

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accommodation was provided for the residents forcibly evicted, many of whom could not provide for themselves. Nor were they compensated for their losses.

Most of the forced evictions in these areas were related to urban development projects. Government officials, including the Luanda Provincial Governor, often justified forced evictions by claiming that the houses were built “randomly and illegally” on land owned by the government and earmarked for development projects, including housing, or that the land belonged to private individuals.

*Forced evictions in the Kilamba Kiaxi neighbourhoods of Cambamba I and II, Banga Wé and 28 de Agosto started in September 2004 after the land where they are sited was apparently granted by the authorities to the Nova Vida (New Life) housing project, without legally expropriating it. Residents had possessed the land since colonial times and in some cases had title to the land. There were several attempts to forcibly evict over 1,000 families from the area between September 2004 and well into 2006. On each occasion, they had their homes demolished and other property destroyed or stolen.*

*On 2 May 2006 the Prime Minister stated before the National Assembly that the neighbourhoods of Cambamba I and II had been selected for a pilot project for urbanization and that all who were legally occupying the land, either in terms of statute law or customary law, would receive compensation. However, according to him, the Governor of Luanda had decided to halt the payment of the compensation because certain individuals were attempting to take advantage of the situation to claim compensation which was not due*



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*to them.<sup>7</sup> Although some have since received some compensation, many have not and remain homeless.*

In 2007, there were further house demolitions in the Cambamba neighbourhoods, reportedly carried out by, or on behalf of, the developer *Jardim do Éden* (Garden of Eden). The same developer, *Jardim de Eden*, was also responsible for small-scale forced evictions in Camama, Kilamba Kiaxi municipality and in Bairro Iraque. There were also evictions in 2007 in Comandante Jika neighbourhood, of about 230 families, many of whom have lived there for over a decade. It appears that *Jardim de Eden* offered residents of Camama an amount of money (reports vary between US \$1,000 and \$2,500) as compensation, an amount the residents consider inadequate. In Comandante Jika residents had recently entered into negotiations with the project developers and apparently, it was decided that they would receive compensation equivalent to US \$86,000. However, it was to be in the form of houses in Panguila, a neighbourhood some 30 kilometres from central Luanda. Only 90 families were reportedly rehoused there and 193 families remained in Comandante Jika.

## **2.1 Procedural requirements and protections**

In all the cases of forced evictions described above the procedural requirements and protections set out in General Comment 7 were not implemented. Those forcibly evicted did not receive notification. Nor were there any discussions with them concerning any feasible alternatives or information given to them about the evictions before they occurred, despite the provisions of Angolan law requiring access to information and an opportunity to be consulted for all affected by expropriation for public interest.<sup>8</sup> The majority of those affected by forced evictions in Angola have not received access to legal remedies nor to compensation for property affected during the

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<sup>7</sup> Governo denuncia aproveitamento indevido de indenizações por expropriações, Notícias Lusófonas, 2 May 2006

<sup>8</sup> See discussion below on legislation.

evictions. In Boavista, forced evictions resulted in residents being left homeless, some for up to three years. Some families forcibly evicted from the Kilamba Kiayi municipality between 2004 and 2006 remain homeless, living in the ruins of their homes. They did not receive adequate compensation nor alternative accommodation. The Angolan government needs to outline what is being done to ensure these families receive adequate compensation and to provide alternative accommodation for those who cannot provide for themselves, especially those who continue to live in the ruins of their homes after several attempted cases of forced eviction.

## **2.2 Reporting guidelines**

CESCR General Comment 7 requires states to provide information relating to the number of persons evicted within the last five years and the number of people currently lacking legal protection against evictions. In addition, it requires States to provide information regarding legislation concerning security of tenure and the prohibition of forced evictions, as well as measures taken during urban renewal programmes guaranteeing protection from eviction or rehousing based on mutual consent. Angola's report to CESCR is lacking this information and attempts to acquire it from government websites and directly from the authorities in Angola have proved futile. As the Committee pointed out in General Comment 7, effective monitoring of the right to adequate housing is not possible in the absence of such information. Amnesty International requests that this information is made readily available

In addition, the Angolan authorities appear to have indefinitely postponed the visit of the Special Rapporteur on the Right to adequate housing as a component of the right to an adequate standard of living. The organization is concerned that, despite the Angolan government's verbal commitment to the protection and promotion of the economic, social and cultural rights of its citizens, it has failed to cooperate with

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international human rights institutions in this regard, especially concerning the right to adequate housing.

### **3. Article 2(1) – Progressive realization of rights**

Since the end of the civil war in 2002, Angola has taken limited steps towards the progressive realization of the right to adequate housing in the country. These steps include the enactment in 2004 of the Land Law (*Lei da Terra*) and the Law of Urban and Territorial Management (*Lei de Ordenamento do Territorio e Urbanismo*),<sup>9</sup> commonly known as the Land Laws, as well as a Housing Law in 2007, which specifically recognizes the right to adequate housing.

All land in Angola is state-owned, but individuals may acquire title over land for construction of homes or agricultural purposes. The Land Laws and their accompanying regulations,<sup>10</sup> which were passed in 2006, make provisions for the acquisition of title over land in Angola and limited provision on the expropriation of land. The government has also committed itself to the adoption of a housing programme in recognition of the right to adequate housing. These housing programmes are to occur within the legal framework of the Housing Law, which provides for social housing and enables provincial governments to establish facilitating programmes to resolve the housing problem in the country.

Despite these improvements, Amnesty International is concerned that the Angolan authorities have failed to fully comply with their duty to progressively realize the rights contained in the ICESCR - especially with regard to the right to adequate housing - by

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<sup>9</sup> Lei da Terra (Land Law) 9/04 of 9 November 2004 and Lei do Ordenamento do Territorio e Urbanismo (Law of Urban and Territorial Management) 3/04 of 25 June 2004

<sup>10</sup> The accompanying regulations are Regulamento Geral dos Planos Territoriais – Urbanístico e Ruraris; Regulamento de Licenciamento das Operações Urbanístico de Loteamentos e Obras de Construção; Regulamento Geral de Edificações Urbanas; and Regulamento Geral de Concessão de Terrenos

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failing to enact relevant legislation and to provide judicial remedies for those whose rights have been violated; as well as by taking retrogressive steps.

### **3.1 Lack of legislation**

Article 2(1) of the ICESCR requires States to take steps to achieve progressively the full realization of the rights contained in the covenant. Steps to achieve the full realization of these rights include the adoption of legislation. The CESCR General Comment 3 recognizes that in some cases legislation is highly desirable and in some cases even indispensable. Angola lacks legislation that guarantees the right to adequate housing and in particular guarantees protection against forced evictions. Furthermore, there is a gap between legislation and implementation and existing provisions that can be used to protect the rights of individuals are not implemented.

#### *(i) Legislation against forced evictions*

CESCR General Comment 7 states that 'legislation against forced evictions is an essential basis upon which to build a system of effective protection'. It further states, 'relevant legislation must specify in detail the precise circumstances in which such interferences [evictions] may be permitted.' Although certain provisions of the Angolan Constitution, Civil law and various other laws<sup>11</sup> may be used to contest arbitrary expropriation of property, forced evictions are not expressly prohibited in Angolan law. If anything, the Land Laws substantially weaken the Constitutional and Civil law protection of individuals against forced evictions and leave them more vulnerable to the possibility of evictions.

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<sup>11</sup> Other laws include the Land Laws and the accompanying regulations; a *Lei dos Diamantes* (Diamond Law) 16/94 of 7 October 1994; *Lei de Bases do Ambiente* (Environmental Law) 5/98, of 19 June 1998; Normas do Procedimento e da Actividade Administrativa (Norms for Administrative Procedures and Activities) Decreto-Lei n. 16-A/95 of 15 December 1995

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In terms of the Land Law, individuals can no longer acquire rights over land through long-term occupation<sup>12</sup> and authorities may remove informal settlers from land they occupy if they still do not have rights over the land three years after the publication of land regulations.<sup>13</sup> Neither the regulations nor the land laws require any of the procedural protections contained in General Comment 7 of CESCR to be carried out when removing these individuals from the land. Given the history of Angola - where hundreds of thousands of people left their homes to escape 40 years of war and are consequently living on land without title, many of whom were born on such land - this provision will result in hundreds of thousands of internally displaced persons who have lived on their land for decades being left vulnerable to forced evictions.

The authorities need to ensure that those who have occupied land without title for years are not forcibly evicted from the land and left homeless. In addition, they should ensure the population is aware of the provisions of this law and to facilitate legalisation of land by those who currently occupy it without title; especially given that it has already been a year since the passing of the land regulations and the majority are still ignorant of how to acquire rights over the land they occupy.

Although the Land Laws, the General Regulation on the Granting of Land (*Regulamento Geral de Concessão de Terrenos*) and the Regulation on Territorial Plans (*Regulamento Geral dos Planos Territoriais – Urbanístico e Ruraris*) set out some procedural requirements for expropriation of land, these provisions do not fully comply with the requirements set out by the CESCR. The Land Law requires authorities to compensate those affected by expropriation. In addition, the Law of Territorial and Urban Management relating to urban and territorial planning requires that all stakeholders, including the formal and informal residents of areas affected by

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<sup>12</sup> Lei da Terra, article 84

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expropriation be given access to information concerning the plan for the use of the land being expropriated. This includes full disclosure before and after approval of the plans as well as an opportunity to be consulted.<sup>14</sup> However, many of the other due process requirements for evictions are not provided in the law, nor are the Basic principles and guidelines on development-based evictions and displacement developed by the UN Special Rapporteur on the Right to Adequate Housing<sup>15</sup> taken into account.

In terms of the General Regulation on the Granting of Land when private property is expropriated for public interest there should be just and adequate compensation.<sup>16</sup> This includes compensation for necessary and useful improvements to the land, as well as, with the consent of the affected individual, the allocation of land within the same jurisdiction as the expropriated land and suitable for similar use. The authorities should give the affected person six months notice before the expropriation.<sup>17</sup> Furthermore the regulation states that competent authorities should inform interested parties of decisions that could possibly adversely affect them and the reason for these decisions.<sup>18</sup> In terms of the Regulation on Territorial Plans an environmental impact assessment, which must include hearings with the population affected, should be carried out when any infrastructure is being developed which could likely have significant environmental or social impact.<sup>19</sup> These provisions could possibly be used to ensure that future evictions are carried out in accordance with international standards, but they do not contain all the procedural requirements and protections set

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<sup>14</sup> Lei do Ordenamento do Território e Urbanismo, article 54

<sup>15</sup> UN Basic principles and guidelines on development-based evictions and displacement, E/CN.4/2006/41

<sup>16</sup> Regulamento Geral de Concessão de Terrenos, article 21

<sup>17</sup> Article 132 Ibid.

<sup>18</sup> Article 5 Ibid.

<sup>19</sup> Regulamento Geral dos Planos Territoriais – Urbanístico e Ruraris, article 143(6)

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out by the CDESCR. Furthermore, very few people have yet had access to these regulations and they have not been applied in practice in Angola.

Even the Housing Law, which expressly recognizes the right to adequate housing as a right for all, contains provisions that may leave individuals vulnerable to forced evictions. Under this law houses constructed in contravention of legal and technical norms may be demolished. The law goes on to say that individuals affected by demolitions qualify for rehousing, but it does not set out the procedure for these house demolitions or rehousing of affected individuals. Moreover it permits demolitions without the right to compensation when the construction of houses seriously contravenes legal provisions.

Amnesty International is concerned that not enough is done by the authorities to legally ensure forced evictions are no longer carried out pending the enactment of legislation that prohibits forced evictions and that sets out the procedures and conditions in which evictions may be carried out.

*(ii) Security of tenure*

Contrary to CDESCR General Comment 4 the majority of people in Angola do not possess security of tenure 'which guarantees legal protection against forced eviction, harassment and other threats'.

Due to the collapse of the system for registering land and housing during the war, many individuals occupied land without title. The authorities have tolerated long-term land occupation and house building and seemed to be aware of the difficulties of obtaining title to land. However, with increased pressure on land, Angolan authorities increasingly justified forced evictions by claiming that those being evicted were illegally occupying the land on which they resided. Even in cases where residents had

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attempted to acquire legal rights over land and some security of tenure, the authorities have permitted forced evictions. Consequently, even those with title over land in Angola are not guaranteed security of tenure.

*(iii) Legislation to prevent and punish forced evictions by private parties*

CESCR General Comment 7 requires States to 'ensure that legislative and other measures are adequate to prevent and ... punish forced evictions carried out ... by private persons and bodies.' The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or private parties who carry out forced evictions. However, not only have the authorities carried out forced evictions, but they have also failed to protect individuals from forced evictions carried out by others and to punish private parties for these evictions as required by the CESCR. Following an occasion of forced eviction in September 2005 in the neighbourhood of Cidadania, the Viana Municipal Administrator sent a letter to the Residents' Committee informing them that a private construction company, BAUHERR, was authorised to fence off the area and it should be allowed to do so without impediment.<sup>20</sup> No attempt was made to punish BAUHERR Company for the forced evictions or to prevent them from carrying out further evictions in accordance with CESCR General Comment 7, nor was any judicial remedy provided to the residents. There were also cases of forced evictions carried out on behalf of the Catholic Church in the neighbourhoods of Palanca, Sapú and Wenji Maka, in the Municipality of Kilamba Kiayi.

*The Catholic Church had been reclaiming land in these areas that it had owned prior to independence but had since been occupied. The government formally returned the land to the church in 1998 in response to a request by the late Pope John Paul II during his visit to Angola in 1992. The church*

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<sup>20</sup> Letter signed by the Viana Administrator, João Pedro Alberto, reference: OF.119/GAB.ADMV/2006



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*intended to build a university or a sanctuary on this land. When granting title over the land to the Catholic Church, the Angolan authorities did not take into consideration those people already occupying the land. In the Wenji Maka neighbourhood, for instance, over 2000 families who had lived in the neighbourhood for several years, some for decades were forcibly evicted at the request of the Catholic Church by members of the National Police from June 2004. Most of the families had been displaced by the civil war and had occupied the land for several years. The authorities failed to inform or consult them about the transfer of the land. Nor were they consulted prior to the evictions. Those unable to provide for themselves were not offered alternative accommodation. The evictions were carried out without a legal warrant by armed police officers who often used excessive force, beating residents and arresting those who resisted the evictions.*

### **3.2 Lack of Judicial remedies**

The provision of judicial remedies is another step of progressively achieving full realization of rights. Although forced evictions are not expressly prohibited by Angolan laws, there are other laws upon which those affected by forced evictions may litigate in an attempt to obtain judicial remedies. However, those attempting to litigate against forced evictions in Angola have faced numerous obstacles rendering it practically impossible to obtain judicial remedies for forced evictions in Angola. Lawyers working with the victims of forced eviction in the neighbourhood of Soba Kapassa between 2001 and 2003, prepared legal actions against provincial authorities to seek restitution of the land that the victims had occupied or compensation for the losses incurred. However, five years later, none of these cases have been tried. Neither has the case of forced evictions in the neighbourhood of Bom Jesus been tried yet. This case was instituted in 2006 in the Bengo Provincial court based on the Diamond Law (*Lei de Diamante*), which

states that when the government needs to expropriate land, it should consult and compensate the people affected. Amnesty International is concerned about the lack of progress of this and other similar cases.

### **3.3 Retrogressive steps**

Amnesty International is concerned that not only have the Angolan authorities failed to take steps to realize progressively the right to an adequate standard of living by failing to enact legislation and provide judicial remedies; but they have also taken retrogressive steps in this regard. The CESCR General Comment 3 states that a State where any significant number of its individuals is deprived of basic shelter and housing is *prima facie* failing to discharge its obligations. The same comment also states that any deliberate retrogressive measures would require careful consideration and would need to be fully justified with reference to the totality of the rights provided for in the covenant. However, the Angolan government has carried out and permitted forced evictions that have left individuals deprived of basic shelter. Many of those forcibly evicted from Kilamba Kiaxi neighbourhood remain in the ruins of their shelters.

Amnesty International is calling on the Angolan government to cease taking retrogressive steps. The Angolan authorities should respect, protect, promote and fulfil their human rights obligations in terms of the ICESCR, especially with regard to the right to adequate housing and the right not to be forcibly evicted.

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Amnesty International's recommendations for the Angolan authorities are to:

- Refrain from carrying out further forced evictions, which are a *prima facie* violation of the right to adequate housing and constitute retrogressive steps towards the realization of this right;
- Enact legislation that specifically prohibits forced evictions by private parties, as well as State institutions;
- Enact legislation that clearly sets out the procedure and conditions in which evictions may be carried out. These should be in accordance with the standards and guidelines on evictions set out by the CESCR in order to ensure a greatest possible security of tenure to all persons. The legislation should carry penalties for those carrying out forced evictions;
- Ensure that those affected by forced evictions have access to judicial remedies and that these judicial remedies are enforced;
- Provide assistance to the victims of forced evictions who remain without shelter;
- Ensure that all provincial and municipal authorities in the country understand the national law and international standards regarding evictions so as to ensure that they do not carry out or permit forced evictions;
- Ensure the population is aware of the provisions of the Land Law, the General Regulation on the Granting of Land and the Regulation on Territorial Plans and any new legislation which might be enacted in this field in the future;
- Facilitate legalisation of land by those who currently occupy it without title;
- Ensure that it keeps up-to-date information concerning the number of persons evicted within the last five years, the number of people currently lacking legal protection against evictions, as well as measures taken during urban renewal programmes guaranteeing protection from eviction or rehousing based on

mutual consent, as required by the CDESCR. This information should be easily accessible to the CDESCR and other relevant organizations and institutions;

- Enable, as a matter of urgency, the visit of the UN Special Rapporteur on the right to housing as a component of the right to an adequate standard of living to visit the country, which would enable her to assist with the development of legislation and policies that would comply with international human rights law and standards.