



# HOUSING AND LAND RIGHTS NETWORK

## Habitat International Coalition

### URGENT ACTION APPEAL

#### **Koto Ward's Forcible Eviction of Homeless Persons from Tatekawa River Bed Park (Tokyo, Japan)**

Forced evictions, dispossession, illicit use of force, deprivation of the means of subsistence

#### **Case JAP-FE 150212**

With information from the Sanya Welfare Center for Day-Laborers' Association and the The Association of Homeless People in the Tatekawa River Bed Park Area (Tokyo, Japan), we have learned that Tokyo's Koto Ward officials, police and hired security guards have committed the forced eviction of homeless persons in Tatekawa River Bed Park. On 8 February, they have destroyed homes and belongings of residents, detaining one elderly man who later had to be hospitalized. These violent acts not only have condemned to destruction the last of 16 structures housing impoverished Japanese citizens, but also signal officials' failure to pursue civil solutions to the larger problem of poverty in the world's second-largest economy. The violation of these citizens' human right to adequate housing lies at the core of larger official deprivation that violates a bundle of human rights.

#### **Background**

Living structures built by homeless persons in public areas such as along riversides and in parks perfectly encapsulate the paradox of unemployment and poverty in our society. They are a form of resistance, as well as a practical solution.

Across Japan, homeless people have resorted to life in public space, building tents and simple huts covered with plastic sheets to shelter themselves. The Tatekawa River Bed, in east-central Tokyo, is one of those spaces that are extremely crucial for the homeless people to survive literally day by day.

The threats of forced eviction against the homeless have been increasing in Tokyo: recently, a similar situation occurred in the Shibuya area of central Tokyo. The tense situation still continues in Tatekawa, as well as in Arakawa City. [See also Urgent Action appeal Case JAP-FE 111211.] To the homeless, public space is essential to their survival.

Tatekawa River Bed Park covers approximately 2.5 km of land and serves as a very important community passageway for local residents. At the end of last year, officials began paperwork for administrative subrogation (a legal procedure for eviction) against 15 structures located in the park sheltering the homeless persons.

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On 27 January 2012, without prior explanation, the Koto Ward mobilized over 100 guards and agents using violence to enforce the construction of a fence around the 15 structures belonging to individuals. They lashed out against homeless persons and allies who were protesting and asking for an explanation for the sudden closure by punching, kicking, and dragging them off. In particular, one [Tosnet](#)-hired private security guard even removed his uniform badge before engaging in abusive acts that clearly violate regulations set out in the Private Security Industry Act. Ward officials on site not only ordered the guards to act in this way, but also displayed malicious intent and initiated violent responses of their own. A majority of the guards are actually irregular workers subject to poor labor conditions and low wages. The fact that the ward would use these impoverished workers to forcibly remove another group of impoverished persons from the park is extremely regrettable.

Thus, Koto Ward officials have sealed off one-third of Tatekawa River Bed Park so that no one may pass through. Numerous residents have been inconvenienced by the closure of this large portion of the park. The enclosure fence has locked in homeless persons residing in the park, allowing only restricted entry and exit. As a result, have been unable to go to their work, further denying their right to livelihood, ultimately forcing them out and posting new eviction orders on the remaining structures.

On 6 February 2012, Ward officials issued an order to carry out the subrogation against the last remaining tent, which belonged to an elderly man. Confined by the fence, the remaining man has been unable to leave to go to work. The subrogation date is given as between 6 and 10 February. The man living in this structure is in his mid-60s and is not in the best of health. He was willing to relocate, but, making the preparations at his own pace, it is not clear whether he would be able to finish within the timeframe.

Nonetheless, on 8 February 2012, hired guards, ward officials and police committed the forced eviction of the elderly man. They pushed and carried out the homeless persons and their allies who had been protecting the space, and destroyed the elderly man's tent structure. The guards surrounded and "detained" the man in the park following the eviction, isolated from his friends and supporters. When representatives of the Sanya Welfare Center tried to convince the ward officials and guards to release the man, they refused. Ultimately, due to the stress of the situation, a doctor and then an ambulance had to be called for the elderly man. The guards and official continued to isolate the man and refused to allow anyone he knew to accompany him to the hospital. Instead, police rode with him in the ambulance.

Prior to committing this brutality, the Riverside and Green Department at the Koto Ward Office repeatedly had assured that they would hold talks with the inhabitants and refrain from using force. Assured by these promises, homeless persons in the park had moved to a new location in the park so as to not get in the way of construction. They did not realize the officials' underhanded duplicity, as they already were pursuing the administrative subrogation and gratuitous evictions.

The eviction at Tatekawa River Bed Park is taking place as redevelopment is unfolding in surrounding areas. The preparations for the opening of [Tobu Railway Co. Ltd.](#)'s 634m-high "[Sky Tree](#)" (terrestrial broadcasting tower) in Sumida Ward, in May 2012, have accompanied a pronounced increase in evictions of homeless persons and environmental "upgrading" in Koto and other neighboring wards. In Sumida Ward, guards are known to harass homeless persons by threatening, "We'll have you out of here by the time the Sky Tree opens." The construction that is currently taking place in Tatekawa River Bed Park is part of a concentrated effort to lure new tourists to visit the Sky Tree. The newly built Kayak & Canoe Facility at Tatekawa River Bed Park, entrusted to a private corporation, will charge recreation fees. In effect, as the traditional public commons is being chipped away and sold

off to private corporations, the poor are being cruelly thrown out to re-make the city for the wealthy alone.

## **Official Reasoning**

There is no legal basis whatsoever for the closure of Tatekawa River Bed Park. Koto Ward has closed the park in a failed attempt to hide the protesting homeless persons and their hasty eviction from public view. The Waterside and Green Parks Department Director Araki has said that "I decided to go through with the closure at my own discretion."

On its homepage, Koto Ward explains the closure of Tatekawa River Bed Park as necessary "in order to protect the security of residents." However, for several years already, homeless persons staying within the park have developed friendly relations with local residents. Normally greetings are exchanged and some residents share clothing and/or food. To use violence to close the park and then blame the presence of tent structures as "the problem" threatens to spoil the relationship between homeless persons and their neighbors. In Koto Ward, incidents of youth attacking homeless persons are on the rise. On 11 December 2011 one man sleeping in a Koto Ward park was attacked and severely injured with three ribs broken. By engaging in acts like forcibly evicting homeless persons from the park and insinuating that homeless persons are somehow "dangerous," the ward is only encourage "anti-homeless" other attacks on homeless persons. The ward needs immediately to put an end to such fear mongering.

## **Legal Obligations**

Japan ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), in 1979. States party to ICESCR, under Article 11, recognize the human right of everyone to "an adequate standard of living, including...adequate housing, and to the continuous improvement of living conditions. These evictions also have an impact on the congruent rights of the inhabitants related to adequate housing, including the right to food, the right to water, the right to health, the right to education and the right to work and means of subsistence, as well as the inhabitants' congruent civil and political rights to information and participation. These rights, as integral to the right to housing, are also supported in General Comments No. 4 (1991) and No. 7 (1997) of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which oversees compliance with the Covenant. These international instruments recognize that "forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances."

The Special Rapporteur to the UN Human Rights Council on adequate housing recently has stressed that the forced evictions carried out with conduct such as that exhibited by Koto Ward officials and their agents would constitute a gross violation of human rights, in particular the right to adequate housing. He has noted that, in general, women, children and elderly persons are always the most affected by forced evictions, especially those already living in vulnerable situation.

Already in 1993, the UN Commission on Human Rights affirmed that that the practice of forced evictions constitutes a gross violation of human rights, in particular the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing. Thus, international law imposes certain minimum norms and obligations which State parties to the Covenant must respect, including the need to inform affected people well in advance, to agree with them on a plan for rehousing with secure tenure, and provide adequate compensation, as well as reparations in the case of forced eviction.

To ensure these rights and the corresponding obligation of States, it is understood that officials and their agents at all levels are prohibited from forcefully evicting anyone without (1) effective and sufficient consultations with the interested parties, and (2) provision of appropriate and sufficient alternative measures. In other words, it guarantees those who suffer eviction the access to appropriate measures, particularly the rights to alternative living space in order to secure an adequate living, and to assure the economic activities where they reside. The actions taken by Koto Ward officials and their agents are wrongful acts that violate these basic principles of human rights, and should be legally recognized as such.

In the case of these evictions, Koto Ward authorities not only are violating State obligations of Japan under ICESCR, but, in doing so, have deceived the affected population by concealing information about their fate as premeditated by the local authorities, or of recourse in pursuit of other options. These duty-bearing officials have failed to provide any sustainable alternative, neither in the form of monetary compensation or alternative housing. Moreover, Koto Ward's planning and execution of these violations reveal a deep prejudice and material discrimination against the homeless.

### **Actions Already Taken**

Although the Tatekawa River Bed Park inhabitants and Sanya Welfare Center for Day-Laborers' Association have tried to negotiate with Koto Ward authorities, the officials, police and hired agents have used violence to prevent the homeless persons freedom of movement, access to information and to intimidate them and their defenders. The officials' violent and threatening approach destroys a completely peaceful and democratic process, which is their chosen way of resolving the matter.

Official attempts to "reclaim" parks by simply evicting inhabitants and demolishing their simple homes take the place of fulfilling government obligations to address the social and economic causes that force people to live on the street. Such failed governance evades viable solutions and deprives countless numbers of poor people of what meager shelter they have, deepening their poverty and making survival that much harder.

The central and local Japanese governments should assume responsibility and liability for the poverty created through its economic policies, and exacerbated by forced eviction. Instead, as Sanya Center Association asserts, government bodies are trying to hide the problem from the view of citizens by attacking, dispossessing and excluding those already displaced and disenfranchised from society, and destroying their lives. We strongly urge Koto Ward officials and their agents to fulfill their binding obligation to secure basic human rights and well-being for the homeless, and seriously reconsider its approach to urban governance.

### **Actions Required**

In order to fulfill their legally binding obligations, Koto Ward officials must carry out the following urgent actions:

- Ensure full reparations for victims of forced eviction, including urgent measures to guarantee adequate alternate dwellings for the inhabitants;
- Reopen the Tatekawa River Bed Park to the public without delay;
- Publicly apologize for the violent tactics ordered and used by its staff, police and its agents;
- Halt the administrative subrogation against homeless persons' living structures;

- Desist from inciting fear and discrimination to influence public opinion against homeless persons;
- Rehabilitate the image and dignity of homeless persons through respectful behavior and reparative public information;
- Hold public and private parties accountable for their abusive and violent behavior toward homeless persons and the underhanded nature of this eviction;
- Enter into good-faith consultation with the homeless persons to arrive at a durable and rights-based solution to their homeless condition;
- Redirect local development to ensure benefits for the poor;
- Cease and desist from further demolitions and forced evictions;
- Implement international human rights norms, in particular the minimum requirements established in the CESCR General Comment No. 7 on forced eviction;
- Investigate and prosecute the use of excessive force by the officials, police and hired agents in the course of forced evictions already committed;
- Implement obligations in accordance with the international law to respect, protect and fulfill; the right of all to legal protection, including for their right to adequate housing, the right to the participation and of self-expression; and nondiscrimination, as well as the rights to adequate food (to feed oneself), to water, health, education, information, decent work and the right to the means of subsistence.

### **Your Action!**

We suggest that you please write to the responsible authorities in Koto Ward, urging them to take the necessary actions outlined above.

A sample letter is provided below, or you may send your letter automatically from the HLRN website at: <http://www.hlrn.org/english/cases.asp>

Koto Ward mayor  
 Public Hearing Section  
 Public Relations Division, Policy Management Department  
 Tel: +81-3-3647-2364  
 Fax: +81-3-36474133  
 Email: [https://www.city.koto.lg.jp/pub/req/mail.php?fcon\\_id=22032](https://www.city.koto.lg.jp/pub/req/mail.php?fcon_id=22032) (Online form only, see attached photo for fill-out instructions)

Waterside and Green Parks Department  
 Tel: 03-3647-2538  
 Fax: 03-3647-9287

We also recommend sending your opinion to your local Japanese Embassy.

We ask you also to copy your Urgent Action letter and/or any related action to HIC-HLRN at [urgentactions@hlrn.org](mailto:urgentactions@hlrn.org) and to Sanya Welfare Center for Day-Laborer's Association 1-25-11, Nihontei, Taito, Tokyo  
 Tel/Fax: 03-3876-7073  
 Email: [san-ya@sanpal.co.jp](mailto:san-ya@sanpal.co.jp)  
 Blog: <http://www.ica.apc.org/nojukusha/san-ya/>

Twitter: @sanyadesu

Please feel free to forward/share this Urgent Action appeal.

See the original Japanese statement of the The Association of Homeless People in the Tatekawa River Bed Park Area and Sanya Welfare Center for Day-Laborer's Association at: [http://san-ya.at.webry.info/201202/article\\_9.html](http://san-ya.at.webry.info/201202/article_9.html).

### **Sample Urgent Action letter:**

Dear :

We have learned from the Sanya Welfare Center for Day-Laborers' Association and the The Association of Homeless People in the Tatekawa River Bed Park Area that Koto Ward officials, police and hired security personnel have committed the forced eviction of homeless persons in Tatekawa River Bed Park. According to reports, on 8 February, these agents of Koto Ward have destroyed homes and belongings of residents, detaining one elderly man who later had to be hospitalized. These violent acts not only have condemned to destruction the last of 16 structures housing impoverished Japanese citizens, but also signal officials' failure to pursue civil solutions to the larger problem of poverty in the world's second-largest economy. The violation of these citizens' human right to adequate housing lies at the core of larger official deprivation that violates a bundle of human rights.

On 27 January 2012, without prior explanation, the Koto Ward mobilized over 100 guards and agents using violence to enforce the construction of a fence around the 15 structures belonging to individuals. They lashed out against homeless persons and allies who were protesting and asking for an explanation for the sudden closure by punching, kicking, and dragging them off. In particular, one Tosnet security guard even removed his badge and engaged in abusive acts that clearly violate regulations under the Private Security Industry Act. Ward officials on site reportedly not only ordered the guards to act in this way, but also displayed malicious intent and initiated violent responses of their own.

Thus, Koto Ward officials have sealed off one-third of Tatekawa River Bed Park so that no one may pass through. Numerous residents have been inconvenienced by the closure of this large portion of the park. The enclosure fence has locked in homeless persons residing in the park, allowing only restricted entry and exit. As a result, the park inhabitants have been unable to go to their work, further denying their right to livelihood, ultimately forcing them out and posting new eviction orders on the remaining structures.

On 6 February 2012, Ward officials issued an order to carry out the subrogation against the last remaining tent, which belonged to an elderly man. Confined by the fence, the remaining man has been unable to leave to go to his work. The subrogation date is given as between 6 and 10 February. The man living in this structure is in his mid-60s and is not in the best of health. He was willing to relocate, and was making the preparations to do so.

Nonetheless, on 8 February 2012, hired guards, ward officials and police committed the forced eviction of the elderly man. The pushed and carried out the homeless persons and their allies who had been protecting the space, and destroyed the elderly man's tent structure. The guards surrounded and "detained" the man in the park following the eviction, isolated from his friends and supporters. When representatives of the Sanya Welfare Center tried to convince the ward officials and guards to release the man, they refused. Ultimately, due to the stress of the situation, a doctor and then an ambulance had to be called for the elderly man. The guards and official continued to isolate the man and refused to allow

anyone he knew to accompany him to the hospital. Instead, police rode with him in the ambulance.

Prior to committing this brutality, the Riverside and Green Department at the Koto Ward Office repeatedly reportedly had assured that they would hold talks with the inhabitants and refrain from using force. Assured by these promises, homeless persons in the park had moved to a new location in the park so as to not get in the way of construction. They did not realize that the officials were deceiving them, as the officials already were pursuing the administrative subrogation and gratuitous evictions.

We understand that these evictions have been taking place coincident with preparations for the opening of the Sky Tree in Sumida Ward and other "upgrading" in Koto and neighboring wards. In Sumida Ward, guards reportedly harass homeless persons by threatening to "have you out of here by the time the Sky Tree opens." The construction that is currently taking place in Tatekawa River Bed Park is apparently also part of an effort to attract tourists visiting the Sky Tree. It appears that, as the traditional public commons is being sold off to private interests and corporations, the poor are being cruelly thrown out to re-make the city for the wealthy alone.

Without a legal basis for the closure of Tatekawa River Bed Park, Koto Ward appear to be trying to hide the protesting homeless persons and their hasty eviction from public view. Reports also indicate that the Waterside and Green Parks Department director has said that "I decided to go through with the closure at my own discretion."

On its homepage, Koto Ward explains the closure of Tatekawa River Bed Park as necessary "in order to protect the security of residents." However, for several years already, homeless persons staying within the park reportedly have developed friendly relations with local residents, normally exchanging greetings and even sharing clothing and/or food. To use violence to close the park and then blame the presence of tent structures as "the problem" threatens to spoil the relationship between homeless persons and their neighbors. We understand also that Koto Ward incidents of youth attacking homeless persons are on the rise. On 11 December 2011 one man sleeping in a Koto Ward park was attacked and severely injured with three ribs broken. By engaging in acts like forcibly evicting homeless persons from the park and insinuating that homeless persons are somehow "dangerous," the ward is only encourage "anti-homeless" other attacks on homeless persons. The ward needs immediately to put an end to such fear mongering.

We hope you realize that your institution bears obligations to maintain certain minimum standards of conduct breached by these actions and policies. Japan has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), in 1979. States party to ICESCR, under Article 11, recognize the human right of everyone to "an adequate standard of living, including...adequate housing, and to the continuous improvement of living conditions. These evictions also have an impact on the congruent rights of the inhabitants related to adequate housing, including the right to food, the right to water, the right to health, the right to education and the right to work and means of subsistence, as well as the inhabitants' congruent civil and political rights to information and participation. These rights, as integral to the right to housing, are also supported in General Comments No. 4 (1991) and No. 7 (1997) of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which oversees compliance with the Covenant. These international instruments recognize that "forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances."

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Ward officials and their agents would constitute a gross violation of human rights, in particular the right to adequate housing. He has noted that, in general, women, children and elderly persons are always the most affected by forced evictions, especially those already living in vulnerable situation.

Already in 1993, the UN Commission on Human Rights affirmed that that the practice of forced evictions constitutes a gross violation of human rights, in particular the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing. Thus, international law imposes certain minimum norms and obligations which State parties to the Covenant must respect, including the need to inform affected people well in advance, to agree with them on a plan for rehousing with secure tenure, and provide adequate compensation, as well as reparations in the case of forced eviction.

To ensure these rights and the corresponding obligation of States, it is understood that officials and their agents at all levels are prohibited from forcefully evicting anyone without (1) effective and sufficient consultations with the interested parties, and (2) provision of appropriate and sufficient alternative measures. In other words, it guarantees those who suffer eviction the access to appropriate measures, particularly the rights to alternative living space in order to secure an adequate living, and to assure the economic activities where they reside. The actions taken by Koto Ward officials and their agents are wrongful acts that violate these basic principles of human rights, and should be legally recognized as such.

In the case of these evictions, Koto Ward authorities not only are violating State obligations of Japan under ICESCR, but, in doing so, have deceived the affected population by concealing information about their fate as premeditated by the local authorities, or of recourse in pursuit of other options. These duty-bearing officials have failed to provide any sustainable alternative, neither in the form of monetary compensation or alternative housing. Moreover, Koto Ward's planning and execution of these violations reveal a deep prejudice and material discrimination against the homeless.

Although the Tatekawa River Bed Park inhabitants and Sanya Welfare Center for Day-Laborers' Association have tried to negotiate with Koto Ward authorities, the officials, police and hired agents have used violence to prevent the homeless persons freedom of movement, access to information and to intimidate them and their defenders. The officials' violent and threatening approach destroys a completely peaceful and democratic process, which is their chosen way of resolving the matter.

Official attempts to "reclaim" parks by simply evicting inhabitants and demolishing their simple homes fall far short of fulfilling government obligations to address the social and economic causes that force people to live on the street. Such failed governance evades viable solutions and deprives countless numbers of poor people of what meager shelter they have, deepening their poverty and making survival that much harder.

The central and local Japanese governments must assume responsibility and liability for the poverty created through its economic policies. These conditions call for affirmative action, but are only exacerbated by forced eviction, attacking, dispossessing and excluding those already displaced and disenfranchised from society. We strongly urge you to ensure Koto Ward officials and their agents fulfill their binding obligation to secure basic human rights and well-being for the homeless, and seriously reconsider its approach to urban governance.

Specifically, in order to fulfill their legally binding obligations, Koto Ward officials must carry out the following urgent actions:

- Ensure full reparations for victims of forced eviction, including urgent measures to guarantee adequate alternate dwellings for the inhabitants;

- Reopen the Tatekawa River Bed Park to the public without delay;
- Publicly apologize for the violent tactics ordered and used by its staff, police and its agents;
- Halt the administrative subrogation against homeless persons' living structures;
- Desist from inciting fear and discrimination to influence public opinion against homeless persons;
- Rehabilitate the image and dignity of homeless persons through respectful behavior and reparative public information;
- Hold public and private parties accountable for their abusive and violent behavior toward homeless persons and the underhanded nature of this eviction;
- Enter into good-faith consultation with the homeless persons to arrive at a durable and rights-based solution to their homeless condition;
- Redirect local development to ensure benefits for the poor;
- Cease and desist from further demolitions and forced evictions;
- Implement international human rights norms, in particular the minimum requirements established in the CESCR General Comment No. 7 on forced eviction;
- Investigate and prosecute the use of excessive force by the officials, police and hired agents in the course of forced evictions already committed;
- Implement obligations in accordance with the international law to respect, protect and fulfill; the right of all to legal protection, including for their right to adequate housing, the right to the participation and of self-expression; and nondiscrimination, as well as the rights to adequate food (to feed oneself), to water, health, education, information, decent work and the right to the means of subsistence.

The over-400 Member organizations of Habitat International Coalition and its Housing and Land Rights Network, in over 100 countries, oppose the exclusion of the poor and the creation of needless deprivation and deepening poverty through forced evictions. Instead, we promote the many civil alternatives to such conduct, as developed in the norms of international law upholding human rights, in particular the human right to adequate housing and the corresponding obligations of the State. We urge you and your offices to apply the same minimum norms of conduct in the public service, and we look forward to hearing of your efforts to apply them to the reparation of harm done to the homeless persons of Tatekawa River Bed Park.

Sincerely,