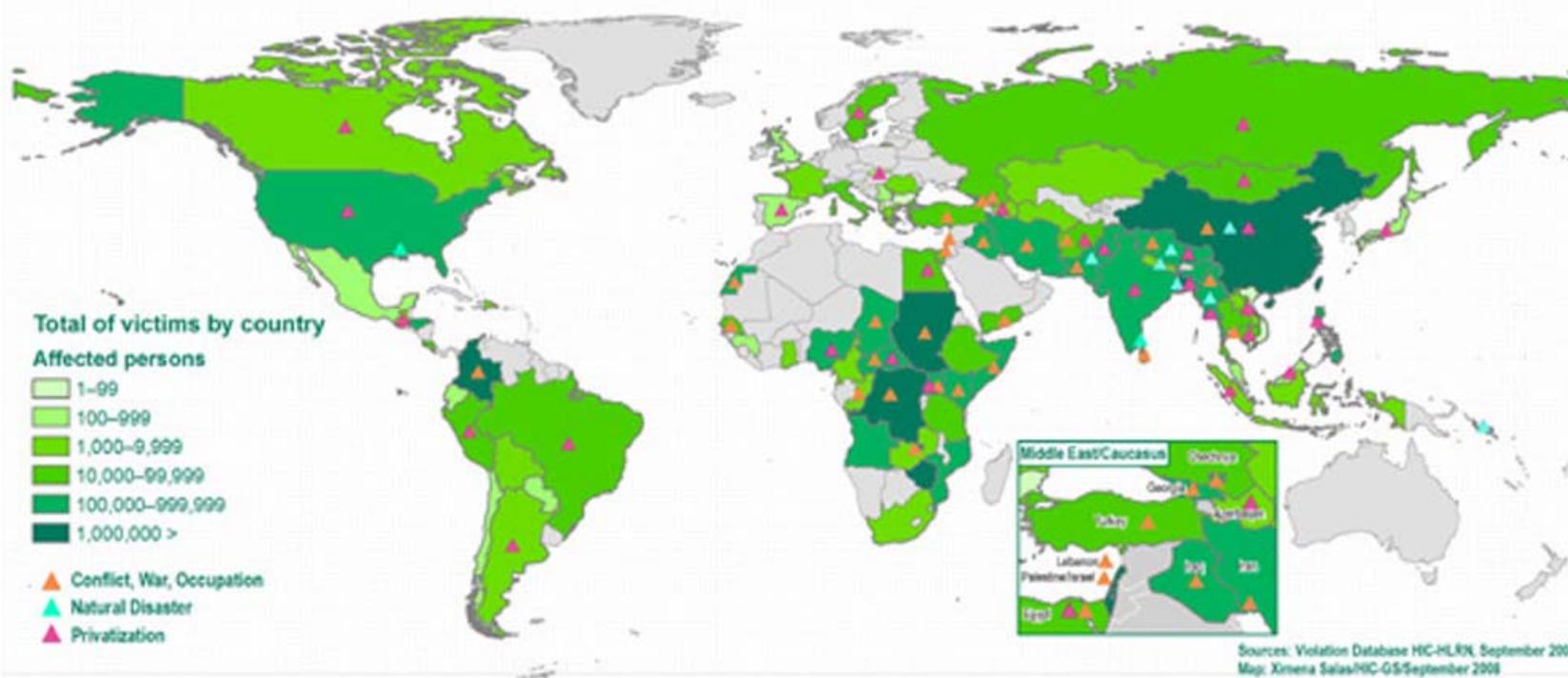


Housing and Land Rights Violations, 2006–2008

Due to forced eviction, dispossession, destruction and privatization

Habitat International Coalition (HIC)

Housing and Land Rights Network (HLRN)



HOUSING AND LAND RIGHTS CRISIS! 2008

VIOLATIONS ESCALATING AROUND THE WORLD

HABITAT INTERNATIONAL COALITION, *Housing and Land Rights Network*



**Housing and Land Rights Network
HABITAT INTERNATIONAL COALITION**



Housing and Land Rights Crisis! 2008: Violations Escalating around the World

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Executive Summary

On the occasion of International Housing and Land Rights Day 2008, Habitat International Coalition (HIC) and its Housing and Land Rights Network (HLRN) have issued their annual report on global trends in housing and land rights violations, with a special focus on the urbanization context. In its third year of production, the ***Housing and Land Rights Crisis!*** report, aided by HLRN's *Violation Database* (VDB), was produced in cooperation with HIC Members and structures, and is based on the best available information. The combined cases of new and enduring housing rights violations reveal at least 78 million victims in 84 surveyed countries worldwide since 2006. However, as the report indicates, that number is likely an underestimation, due to the paucity of verifiable data.

As an advanced tool for monitoring the human right to adequate housing (HRAH), the report provides a global perspective on housing and land rights, emphasizing the interconnectivity among seemingly disparate factors. It also reveals some of the gaps in information and demonstrates the need for more and better monitoring.

The report's accompanying HIC *Housing and Land Rights Violations* map depicts the violations contained in the VDB as a graphic call to action. It provides a pictorial analysis of collected data over the past three years (2006–2008), explaining the sometimes-surprising context of housing and land rights violations. Following the background and an explanatory note of the methodology used for the present review, the report provides an analysis of trends by region and by prominent themes that clarify the context and causes of much of the recent and enduring violations of housing and land rights across the planet.

In **sub-Saharan Africa**, the rate of urbanization one of the highest in the world and urban population growth throughout Africa has become synonymous with slum growth. Where 72% of city dwellers live in slums, various socioeconomic and political factors drive this phenomenon in Africa, including poverty and unemployment, macroeconomic instability, discrimination, war and violence, HIV/AIDS, and environmental hazards and disasters.

Cameroon, Nigeria, Zimbabwe and Ghana governments lead by example of forced evictions throughout the review period, while the most-prominent housing rights violations in the Congos, the Central African Republic, Kenya, Uganda, Somalia and Burundi arose from internal conflicts in 2006–2008. Refugee populations have been particularly affected, as in Tanzania, which expelled Rwandan and Burundi refugees *en masse* in 2007. Evictions under the pretext of environmental protection are also on the rise in the region.

Urbanization, natural disaster and conflict in **Asia** also have led to the displacement, eviction and/or dispossession of over 62 million people since 2006. In Indonesia, India, China, Bangladesh, Cambodia and the Philippines, confiscations of the lands where the urban poor reside continue at an alarming rate, affecting some 1 million people. In India, China, and Bangladesh, discrimination coupled with urbanization continues to drive violations of HRAH. Notable is China's long occupation of Tibet and the ongoing project to eliminate Tibetan nomads' livelihood and, generally, to

assimilate Tibetan communities into urban centres dominated by Chinese settlers in Tibet.

Protracted conflict in Afghanistan, Thailand, Sri Lanka, and Pakistan has been a significant source of forced eviction and internal displacement. Since May 2008, aerial bombardment and artillery shelling by the Sri Lankan government have forced more than 70,000 people in the south to flee their homes. The evictions recorded in the VDB reveal that conflict between an armed opposition group and the Pakistani government has led to Asia's biggest new displacement in 2007.

Throughout **Europe**, trends of urbanization and privatization, including through real estate investment trusts (REITs), continue to diminish low-cost and social housing, as revealed in the cases of England, Scotland and Germany. Discriminatory housing policies across Western, Eastern and Central Europe have facilitated evictions, displacement and dispossession. The Roma population stands out as a particularly targeted group in the Czech Republic, Greece, Romania, Russia, and Italy.

New conflicts, such as in the separatist regions of South Ossetia and Abkhazia, in the Caucasus, have led to the large-scale displacement of civilians and the directed destruction and looting of multiple villages. However, the loss of shelter has afflicted low-income inhabitants across Europe by more-subtle forms of intimidation, which leads to concern that the true level of deprivation may be under-reported.

Between 2006 and 2008, many of the same problems highlighted in HLRN's last report remain largely unresolved in **Latin America**. There extreme rates of poverty and unemployment are key contributors to inadequate shelter and informal settlements. Expanding slums and the growing economic disparity between the rural and urban populations are linked to urban migration and the lack of employment. Meanwhile, the increase in prices of basic necessities, has created a protracted cycle of poverty and inadequate shelter. Although some states in this region have enacted laws that enable needy occupants to claim tenure rights to unused land, the legal process can be inefficient and fail to protect against forced eviction. The attempted criminalization of land rights activists also has emerged, as in the case of Brazil.

Informal settlements are a constant and increasing official target of destruction in states such as Brazil, Costa Rica, Argentina and Guatemala. Moreover, private companies, including multinationals, constitute an increasing source of local conflict leading to land and housing losses of vulnerable communities. Exemplary are the evictions called for in Mexico's infamous La Parota Dam construction. Armed conflict also remains a cause of housing and land rights violations, notably in Colombia.

The housing and land rights conditions in **Middle East and North Africa** are especially marked by occupation, colonization, war and conflict. In addition, corruption, deregulation, privatization and urbanization processes all resulted in official violations by commission and omission.

In Palestine/Israel, Israeli government plans for East Jerusalem, West Bank, and the Naqab have continued to cause constant forced eviction and dispossession of the

indigenous Palestinian people through multiple schemes: implantation of Jewish settlers, construction of the *Hafrada*/Apartheid Wall, erecting “concentration” townships to complete the separation program that dispossesses and displaces Palestinians as a matter of policy. Morocco’s occupation of the Western Sahara continues to ensure the displacement and effective homelessness of 165,000 Sahrawi people, while implanting its own population in the occupied zone. Destruction of housing and infrastructure remained a matter of record and enduring consequence of the U.S.-led occupation of Iraq throughout the review period. The general security situation has spawned displacement of Iraqis on a grand scale, seeking refuge in neighboring and distant countries.

In **North America**, privatization of social housing persists, while “urban renewal” projects threaten the existence of popular neighborhoods and communities across Canada and United States. As natural disasters in the United States have left thousands homeless, in New Orleans, reconstruction efforts following Katrina have favored high-cost housing to the detriment—and even unwarranted demolitions—of previously existing low-income units. Returning is not an option for many of the city’s urban poor. Housing options are foreclosing also due to the financial crisis that loomed over this 2006–2008 review, posing more threats to burdened mortgage holders. Irresponsible bank management and a fixation on private ownership may have triggered the current phase of the housing crisis in the United States, but its repercussions are globally felt and still feared.

Throughout 2006–2008, violations of HRAH occurred in all regions of the world, despite the Millennium Development Goal No. 7 and the 153 states party to the International Covenant on Economic, Social and Cultural Rights and/or other international law obliging the state to respect, protect and fulfill HRAH. A multitude of factors have driven these violations. Forced eviction, dispossession, destruction and privatization schemes continue as the most-prominent causes depriving people of their housing rights and deepening poverty across the planet. Remedying this crisis requires international collaboration in the defense and enforcement of HRAH with particular attention to the themes, vulnerable groups and situations that cross regions. The report identifies the most prominent of these to include:

1. Gender and endemic discrimination on the basis of sex;
2. Rural de-development and urbanization that push rural people off their land;
3. Conflict, occupation and war, where housing and land rights violations can constitute war crime and/or crime against humanity;
4. Indigenous, pastoralists, and traveling peoples, as consistently vulnerable and violated groups;
5. Homelessness as a common result of violations by omission or commission;
6. Privatization, affecting housing affordability in every region; and
7. Large-scale Infrastructure and dam projects that typically result in displacement without adequate protections or reparation.

This year, the HIC-HLRN report recognizes the continuing need for more and better information of housing and land rights violations, noting significant gaps in reliable

data. A story remains to be told of threats and violations against the right to adequate housing in many countries. Nonetheless, the available case reports illustrate a shared responsibility in every region to redouble state efforts to respect, protect and fulfill the human right to adequate housing for all. Governments, other parties and civil society still need to find ways together to support and improve people's own solutions to unmet housing needs and, especially, to prevent forced evictions and other poverty-deepening practices catalogued in the HLRN Violation Database.



HOUSING AND LAND RIGHTS CRISIS! 2008

VIOLATIONS ESCALATING AROUND THE WORLD

HABITAT INTERNATIONAL COALITION, *Housing and Land Rights Network*

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Introduction

Today, our world has nearly 1.6 billion inadequately housed people¹ and between 100 million and 1 billion homeless persons.² According to UN-HABITAT estimates, current trends indicate that, by 2030, 40% of the world's population will need access to housing.³ Against this background, official violence, dispossession and the effects of privatization continue to violate housing and land rights of the most vulnerable communities, generate more homelessness and deepen poverty across the planet. This annual HIC-HLRN report takes stock of these major types of violations, which are graphically updated in the accompanying map of *Housing and Land Rights Violations, 2006–2008*.

The UN system commemorates the first Monday in October as *World Habitat Day*, also known popularly as *International Housing and Land Rights Day*. The international day is also the occasion for Members of Habitat International Coalition (HIC) and its Housing and Land Rights Network (HLRN) to reflect on housing and land rights conditions globally and their contributions to resolving habitat problems.

This year, UN HABITAT has chosen the theme of “harmonious cities” to promote the ideals of development amid the problems and effects of rapid urbanization, particularly emphasizing the impacts on the environment, the growth of slums and the urbanization of poverty.⁴ The UN HABITAT theme not only reflects the hyper rate of urbanization, but also invokes the challenges in new settings and circumstances in which to satisfy the human need for shelter, including access to basic services such as water, sanitation, energy and livelihood.⁵ City inhabitants may aspire to universal satisfaction of that need and implementation of the corresponding human right to adequate housing (HRAH). However, economic and social divisions, privatization, divergent legal systems, violent conflict, resource scarcity and the survival crisis in rural areas inhibit such harmony. The present report and map illustrate some of these current trends needing urgent correction.

Partly as a result of improved monitoring and documentation, available data on forced evictions confirm that the rate of displacement has been rising dramatically over the past four years alone. The HIC-HLRN Violation Database contains statistical data and case details that, although not exhaustive, cover evictions taking place in over 80 countries during 2006–2008.⁶ It is estimated that between 38 and 70 million people will have been newly evicted between 2000 and 2020, the end date for MDG 7's minimal Target 11, which aims to improve the living and housing conditions of 100 million slum dwellers.⁷ Given current trends in slum growth, actual achievement of that target, nonetheless, may leave a burgeoning 400 million new slum dwellers no better off.

Today, the world's 3.4 billion urban inhabitants reside in various types of settlements.⁸ Urbanization, with its many benefits, is posing ever more-serious threats to human well-being. With the projected future of the global majority expected to reside in urban centers, it has become vital to take a critical look at the urbanization process and its attendant risks. Inescapable is the tragic phenomenon of disappearing peasantries, by which multiple forces dispossess rural and agricultural communities and cause their desperate flight to urban centers for economic survival.

With the soaring rates of urbanization, slum formations already host some 1 billion inhabitants.⁹ The rate varies across regions, but it is estimated that, globally, at least one in every three urban dwellers lives in inadequate housing with few or no basic services.¹⁰ Moreover, 70% of the urban housing stock in sub-Saharan Africa, 50% in South Asia and 25% in Latin American and the Caribbean is noncompliant with local housing standards.¹¹ Poverty is not only one of the key driving aspects of urban migration, but is also a fundamental cause of slum development. With poorly distributed public resources, continued decreases in public housing budgets, land and housing speculation and urban renewal toward the creation of “world class cities” contribute to inflated property prices and shrinking economic opportunities for impoverished residents.¹² Responding to the unaffordability of available housing stock, slums arise as the last resort for many impoverished and disadvantaged people. With growing poverty levels, so, too, does the slum stock expand ever so rapidly.

Urbanization is often accompanied by rapid economic globalization, increased privatization, land speculation and large-scale development and infrastructure projects, including those in remote areas to serve urban consumption patterns. Forced evictions coincide with homelessness, slumification and spatial segregation of urban centers. Four principle processes reviewed in this report are forced eviction, dispossession, demolition/damage and privatization. The policies and practices that engage these processes deprive people of their human right to adequate housing, and deepen poverty in general.

Methodology

The present report relies on case information from verified sources, all of which are contained in HLRN's [Violation Database](#) (VDB). This has been coordinated with the mapping efforts of HIC's activist General Secretariat as part of an ongoing campaign to raise global awareness of the issues and to pose alternatives to forced eviction, privatization and speculation that deprive people of the human right to adequate housing. (For more information on the HIC campaign, visit <http://campaign.hic-net.org/default.asp> or for good practice cases, visit <http://www.hic-net.org/indepth.asp?PID=5>) That campaign and its products, like the VDB's present and future monitoring contributions, rely heavily on HIC member vigilance and active input.

HIC's Housing and Land Rights Network (HLRN) developed the VDB as an exercise primarily for its Members to help them collect and share both statistical and narrative data on four of the most-common categories of contemporary housing and land rights violations. While violations of the right to adequate housing can affect any of the right's indivisible, legally defined elements,¹³ the VDB and this report focus on violations to housing and land rights arising from the following four phenomena:

- ◆ **Forced eviction:** defined in international law as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land [that] they occupy, without the provision of, and access to appropriate forms of legal or other protection.”¹⁴ The UN Commission on Human Rights has affirmed that forced evictions constitute a “gross violation of human

rights.”¹⁵ While the state *always* stands as the primary duty holder under international law, increasingly third parties (e.g., other states, local militias, corporations, international financial institutions, etc.) are found to be indirectly and directly—at times, even partners—in causing forced evictions.

- ◆ **Housing and land dispossession/confiscation** and
- ◆ **Housing and land demolition/destruction:** These two categories refer to serious violations that do not necessarily involve forced eviction, but nonetheless constitute the loss and/or destruction of housing and related resources, including land. Broadly, they encompass the arbitrary denial of access to one’s housing and land, but some significant cases involve dispossession or confiscation (depending on the locally applicable term), and/or coercive and/or uncompensated transfer of ownership/tenure to another favored party. While that appropriation process does not necessarily accompany damage or destruction of the affected property, however, forms of dispossession also may involve outright destruction of property by infamous and less-subtle means such as the Caterpillar D–9 bulldozer or other lethal weapons. While not all dispossession processes result in damage and destruction, all destruction/demolition of homes effectively cause dispossession by transforming the housing to rubble. Therefore, it is the particular application of violence that distinguishes these common violations, requiring their methodological distinction as two separate-but-often overlapping categories in the VDB.
- ◆ **Privatization of public goods and services** may not *prima facie* violate human rights. In fact, HIC Members also report that some forms of privatization are actual preferable to inefficient former state monopolies. However, the manner and consequences of privatizations, nonetheless, may breach binding human rights treaty obligations of the state. The privatization of vital water and energy sources, as well as the very land under which entire communities make their livelihood, has had crushing effects on already-vulnerable people. Suitable collectivized land management everywhere is under pressure to break up into private plots so that they can be bought and sold easier in a hungry market, typically widening the breach between rich and poor. The present-day patterns of deprivation also manifest out of the trend toward ever-greater privatization of housing stock, including social, administrative (workers’) and even cooperative housing, and/or related public assets. This process counters efforts at achieving the Millennium Development Goals, especially Goal 7, Target 11, supposedly seeking the improvement of living conditions for those very same communities.

The Findings

The data available on forced evictions and contained in the VDB indicate that more than 78 million people remained evicted and forcibly displaced globally as of 6 October 2008. In addition to increasing rapidly in the past few years, evictions are also becoming more violent and on a much grander scale. Community leaders and human rights defenders are particularly at risk, with many governments unwilling either to be challenged on their unlawful housing and land policies or to compromise on adequate solutions for all.

The central cause of forced evictions is a lack of secure tenure.¹⁶ In many cities, evictions have resulted from state or private strategies aimed at retaining large tracts for land speculation or large development and infrastructure projects.¹⁷ Evictions and forced displacements of indigenous and pastoral populations also form another prominent source of deprivation in the past few years. Also, due to large-scale private and state development schemes, mass expulsions and evictions are forcing indigenous peoples off of their lands held for generations. These communities are at a particular risk, because of the organic links they have with their land, encompassing cultural identity, religion, family and livelihood.¹⁸

On the occasion of International Housing and Land Rights Day 2008, Habitat International Coalition (HIC) and its Housing and Land Rights Network (HLRN) are reporting on global trends in housing and land rights violations, with a special focus on violations related to urbanization. In its third year of production, the ***Housing and Land Rights Crisis 2008!*** report, aided by [HLRN's Violation Database](#) (see below) and in cooperation with HIC Members and structures, arose from the urgent need to chart the struggles at the local level and to understand how they are globally linked. It is intended that this annual report, based on the best available information, marks one step in a continuing process that emphasizes the interconnectivity among seemingly disparate factors and the indivisibility of rights affected. This year's report summarizes data currently held in HIC-HLRN's publicly accessible *Violation Database*, mindful of the fact that the findings reflect reliably documented cases, but not an exhaustive inventory of current violations. As dramatic as the findings are, they represent only a significant fraction of a tragically larger, unreported phenomenon.

This report analyses data from 83 countries. The data collected not only cover a broader collection of countries than those covered in previous reports, but are maintained as frequently as possible, in order to account for new violations accurately. Thus, represented are historic cases with enduring consequences, as well as more-recent cases, including the losses from the recent Georgian conflict. While each region is unique in the obstacles faced, the political context and the resources available, all share a common thread: namely, that no region is free from gross violations of housing and land rights. Moreover, while the extent of violations also varies from country to country, a shared experience that links all the violations is the urbanization process, with its push and pull factors, and the greater concentration of consumption and living space.

The sources of violations to the human right to adequate housing (HRAH) are numerous and varied by context. In his 2008 report, the UN Special Rapporteur on adequate housing Miloon Kothari classified the main obstacles to the realization of the right to housing globally as:¹⁹

1. inadequate legislation and policies for implementing the right to adequate housing;
2. homelessness;
3. forced evictions;
4. discrimination and segregation in housing stock;

5. inadequate access to water and sanitation; and
6. lack of affordability.

Mapping the Housing and Land Rights Crisis

The HIC *Housing and Land Rights Violations, 2006–2008* map here depicts the violations contained in the VDB as a graphic call to action. It portrays collected data over the past three years (2006–2008), explaining the sometimes-surprising context of housing and land rights violations. Within this period, large development and infrastructure projects as part of state attempts to either privatize or implement urban renewal policies have had a catastrophic affect on the number of victims.

The (appended) HIC map *Housing and Land Rights Violations, 2006–2008* goes one step further; it gives special recognition to evictions in situations of conflict, occupation and war, with their intractable features of forced evictions and displacement.

The map is a product of Habitat International Coalition's [Housing and Land Rights Campaign 2008](#) and HLRN'S [Violation Database](#) (VDB), charting documented cases provided by HIC Members and other reliable sources through January 2006–September 2008. Like this report, it reflects four of the most-common types of violations of the human right to adequate housing: (1) forced eviction, (2) demolition, (3) dispossession and (4) deprivation arising from privatization of social housing, land and services. The map also recognizes common causal and contextual factors, including natural disaster, privatization policies, and conflict, occupation and war. The data collected in the VDB demonstrate how violations of rights to adequate housing and land degrade living conditions and deepen poverty in all regions. This map also reflects enduring violations that result from conflict, occupation and war, as well as the denial of refugees' and displaced disaster victims' rights. Uncharted areas shown as gray do not imply a lack of violations, but indicate a shortage of verifiable data and the need for more and improved monitoring and documentation.

Often, multiple duty holders carry out such large-scale forms of forced eviction and now are liable for reparation to many thousands throughout the review period. Of course, the composite violation of long-standing displaced persons continues. Thus, responsible parties accrue accountability and reparations duties also on this World Habitat/International Housing and Land Right Day.

Regional Analyses from the VDB, 2006–2008

Each of the following reviews of regional HRAH violations takes into consideration the treaty-bound obligations of the concerned states. The applicable international and regional norms that guarantee the human right to adequate housing are cited first for each regional analysis that follows. For further information on the applicability of these and other norms, please consult the "[Legal Sources](#)" section for any element of the human right to adequate housing in the HLRN "[Toolkit](#)."

Africa

Relevant HRAH norms:

- *African Charter on Human and People's Rights* (1986): Articles 14, 16;
- *Addis Ababa Document on Refugees and Forced Population Displacement in Africa* (1994);
- *New Partnership for Africa's Development* (2001);
- State ratifications of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* and the *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*;
- *The Millennium Declaration*, the MDGs, Goal 7, target 11.

The urbanization rate in sub-Saharan Africa is among the highest in the world.²⁰ While, overall, Africa's urban inhabitants are fewer than the continent's rural population, in the next 20 years African cities are expected to hold the majority. Urban population growth throughout Africa has become synonymous with slum growth, the slum growth rate now approximating the urban growth rate at 4.53 and 4.58, respectively.²¹ Currently 72% of African city dwellers live in slums.

Various factors drive this phenomenon. Socioeconomic and political factors are main contributors to both the increasing rates of slum development and the widespread lack of adequate housing. These factors include poverty and unemployment, macroeconomic stability, discrimination, war and violence, HIV/AIDS, disasters and environmental hazards.

Urban beautification and renewal schemes are prevalent sources of violations and are increasingly present as African countries come out of war and internal conflict and begin to rebuild. Cameroon is one of the most notable recent offenders, evicting 5,000 people and destroying 250 homes in August 2008 alone. However, Nigeria has consistently been one of the worst state violators of housing and land rights globally. Since 2000, the Nigerian government forcibly has evicted over 2 million people in different parts of the country. National and local governments provide wide-ranging justifications, including development plans, beautification of cities, privatization, and the cleaning up of crime. In September 2007 alone, between 22,300 and 27,300 people were evicted in cities across the country. Nigerian authorities often carry out evictions violently, in disregard to the residents' documented property ownership and without sufficient notice. Zimbabwe remains the most notorious evictor, however, where displacements beginning with the

2005 Murambatsvina operation have uprooted and dispossessed nearly 1 million without reparation of any kind.²²

Private companies also have led to serious violations in the region. While dam projects are still by the far the largest source of violations, next to conflict and war, private development projects are increasingly becoming a bad omen for many the poor and indigenous populations. In Accra, Ghana in 2006, some 2,000 traders and local vendors were evicted from state-owned lands leased to a private company to develop a commercial center.²³ In August 2008, a private company in South Africa illegally evicted 7,945 people.²⁴

External conflict and war, as mentioned, continue to be a significant source of forced evictions and displacements throughout Africa. Much of the displacement recorded in the VDB are from violations arising from internal conflicts in Burundi, the Congos (DRC and Brazzaville), the Central African Republic, Somalia and Sudan, where the war in Darfur has all but obscured its deep roots in that conflict over land use. In Somalia, between February and April 2007, local power struggles have led to the displacements of 320,000 and, in February 2008, warring factions displaced another 60,000.²⁵ In relation to conflict and war, refugee situations also are causing increased instability in the Africa regions, particularly in states receiving refugee populations. Consequently, some states are evicting large refugee populations. For example, in 2007, Tanzania expelled 15,000 Rwandan and Burundian refugees from a total targeted population of 60,000 to be expelled *en masse*.²⁶

Evictions under the pretext of environmental protection are also becoming increasingly common in states with large forest reserves. In 2006, Ghana evicted 7,000 indigenous people from Digya National Park, in order to take designate the land as a forest reserve.²⁷ Over the reporting period, Kenya's forest protection schemes have led to the eviction of 109,945 people, including 2,945 indigenous persons, from the Mau, Surkiru, Mt. Elgon and Karruri forests.²⁸

Asia

Relevant HRAH norms:

- State ratifications of *ICESCR* and *ICERD*;
- *The Millennium Declaration*, the MDGs, Goal 7, target 11.

Urbanization, natural disaster, and conflict have led to the displacement, eviction and dispossession of over 62 million people throughout Asia since 2006. In Indonesia, India, China, Bangladesh, Cambodia and the Philippines, official acts in the form of land confiscations of the urban poor continue at an alarming rate, affecting up to 1 million people. In Indonesia alone, 4,646 families, approximately 18,584 individuals, currently face eviction from under the freeways of Jakarta and, throughout the review period, have been struggling to keep their humble homes.²⁹ In a drive to recreate the urban space, the Indonesian and Jakarta governments are attempting to force these families to relocate to

distant sites that lack adequate services, prevent them from accessing job opportunities and, thus, institutionally deny them an adequate standard of living.

In India, China, and Bangladesh, discrimination coupled with the drive toward urbanization continue to drive violations of HRAH. In October 2007, China forcibly relocated 60,000 Tibetan nomadic herders from the Qinghai province (Amdo, occupied Tibet) and has plans to "relocate" 40,000 more by 2010.³⁰ Officially, the forced displacement of Tibetan herders into various towns and villages is part of the Chinese government's initiative to "protect the environment" of the grasslands. Unofficially, these forced relocations manifest China's long-term project to destroy the nomadic, rural lifestyle of Tibetans and to assimilate Tibetan communities into urban centres dominated by Chinese settlers in Tibet.³¹

Since 2006, a multitude of natural disasters occurring across Asia have caused devastating destruction, housing losses and, in some instances, have facilitated land confiscations in pursuit of urbanization and gentrification initiatives. The May 2008 earthquake in China resulted in the displacement of approximately 5 million people, many of whom still inhabit temporary shelters awaiting compensation and rehabilitation. Floods in Afghanistan, torrential rains in Bangladesh, and the monsoon in Nepal have left thousands homeless, while in the wake of the May 2008 cyclone Nargis in Myanmar, the government has engaged in massive land confiscations. The loss of markers indicating land ownership in the Irrawaddy Delta facilitated the government's farming land grab, dispossessing over 6,000 people. Additionally, many victims have been forced to return to the remnants of their dwellings with no provision of aid or assistance.³²

Protracted conflict in Afghanistan, Thailand, Sri Lanka, and Pakistan has been a significant source of forced eviction and internal displacement. Since May 2008, aerial bombardment and artillery shelling by the Sri Lankan government have forced more than 70,000 people in the south to flee their homes. As of 31 July 2008, the conflict between government forces and the rebel Liberation Tigers of Tamil Eelam (LTTE) has displaced at least 423,704 individuals, including 194,000 since April 2006.³³ In Pakistan, conflict between armed opposition groups and the government has led to Asia's biggest new displacement in 2007, with between 400,000 and 900,000 people forced to flee their homes toward the end of the year.³⁴

Europe

Relevant HRAH norms:

- *European Convention on Human Rights and Fundamental Freedoms* (2000): Article 8(2), Article 1 of Protocol No.1, Article 2(1) of Protocol No.4;
- *Charter of Fundamental Rights of the European Union*: Article 34.3;
- *European Social Charter* (1961, Amended 1996): Articles 16, 19, 23, 30, and 31; Additional Protocol: Article 4;
- State ratifications of *ICESCR* and *ICERD*;
- *The Millennium Declaration*, the MDGs, Goal 7, target 11.

Europe is undergoing urban growth and shrinking towns at the same time, amid external and internal immigration to the global metropolis. Inner-city social divisions increase through gentrification, real estate speculation, condominium conversions, general liberalization of legal regulations, policies favoring private ownership, with marginalization or demolition of popular neighborhoods. Access to adequate housing for low-income people is generally declining.

Discriminatory housing policies across Western, Eastern and Central Europe have facilitated evictions, displacement and dispossession. While, in 2006, in the Czech Republic, the European Court of Human Rights (ECHR) set an antidiscrimination precedent through its judgment to protect the rights of the Roma to equal education³⁵; in July 2007, another ECHR ruling in Croatia sanctioned such segregation.³⁶ In Greece, Romania, Russia, and Italy, discrimination against the Roma persists despite those states' ratification of ICESCR and ICERD. In Italy, authorities regularly conduct evictions of Roma across the country. Since 2007, Italy has evicted over 6,000 Roma, in some cases, expelling them from the country. The majority of Roma families subjected to evictions and home demolitions have received no compensation or alternative accommodation, and have been denied due process.³⁷

Since August 2008, conflict in Georgia, concentrated in the separatist regions of South Ossetia and Abkhazia, has led to the large-scale displacement of civilians and the directed destruction and looting of multiple villages. To date, the South Ossetian villages of Kekhvi, Nizhie, Achaveti, Verkhnie Achaveti and Tamarasheni have all been burnt and looted in the context of Georgian and Russian military operations that breach conventional and customary international humanitarian law. At least 500 families lost their homes and possessions in these attacks, while the full extent of the damage is yet to be ascertained. As of 12 August 2008, UNHCR estimated that approximately 100,000 people have been internally displaced, or forced to flee. 30,000 South Ossetians have fled over the Russian border to North Ossetia, several thousand have fled to Georgia in the south, and 12,000 people are estimated to be displaced within South Ossetia. Some 2,000 civilian casualties have been reported as primarily due to Russia's counter-offensive in mid-August. Refugees are currently sheltered in accommodation centers, such as school gymnasiums.³⁸

Latin America and the Caribbean

Relevant HRAH norms:

- *Charter of Organization of American States (1951) and Protocol of Buenos Aires (1967) and Protocol of Washington (1992);*
- *American Convention on Human Rights (1969) and Protocol of San Salvador (1988);*
- *American Declaration on the Rights and Duties of Man (1948): Article 9, Article 23;*
- *American Declaration of Human Rights and the Environment (2003);*
- *State ratifications of ICESCR and ICERD;*
- *The Millennium Declaration, the MDGs, Goal 7, target 11.*

Between 2006 and 2008, many of the same problems highlighted in the last report remain largely unresolved. Extreme rates of poverty and unemployment are key contributors to inadequate shelter and informal settlements in Latin American and the Caribbean. An important trend in the past few decades has been the urbanization of poverty and expanding slums. The growing economic disparity between the rural and urban populations has contributed to the urban migration and the lack of employment, combined with the increase in prices of basic necessities, has created a protracted cycle of poverty and inadequate shelter. Although many states in this region, including Brazil and Ecuador, have enacted laws that enable occupants to claim land rights, the legal process is inefficient at protecting communities from imminent forced eviction.

Informal settlements are becoming an increasing target of states in the region. States are both using violence more and more when carrying out evictions and employing various political strategies to “legalize” forced evictions. Beautification of cities and privatization of public lands lead to slum clearance and depopulated villages, affecting urban, rural and indigenous communities across the continent. Often under the guise of promoting public security, urban renewal, or public park developments, evictions are carried out without prior notice and without compensation or alternative housing for the victims. Within the reporting period, data collected shows Brazil, Costa Rica and Argentina to be the worst violators. Both the Brazilian and Argentinean governments have announced plans to remove all “illegal” settlements and *favelas* (shantytowns). In 2006, the Argentinean government evicted 2,500 people as part of an attempt to empty illegal settlements.³⁹ Costa Rica also has focused on removing many of the informal settlements around the capital of San Jose and, in 2006, the state evicted 1,000 Nicaraguan refugees and migrants from the Libertad II settlement.⁴⁰ Guatemala has continued particularly ruthless forcible evictions against its indigenous communities in the past few years.⁴¹

As detailed in previous reports, human rights defenders continue to be attacked. The Brazilian government has been especially harsh with the Rural Landless Workers’ Movement (MST). Using various tactics, including violence and repression, the Brazilian state has sought to criminalize the MST. In June 2008, the state evicted 300 landless people, including women and children, who belonged to the MST. This was the first time that a people’s movement has been so directly targeted in Brazil.⁴²

Private companies remain an increasing source of local conflict. With various development projects throughout the region, private entities are becoming major perpetrators of violations. Local traders, indigenous communities, informal settlements, and slums have all been targeted by private companies to make way for infrastructure constructions. The evictions have differed from state to state, depending on the context, but the evictions are, nevertheless, becoming increasingly violent. Guatemala deserves particular attention for the variety of evictions carried out within the context of privatization and private development. Over the reporting period the Guatemalan government evicted 800 coffee farmers from Alta Verapez after coffee prices plummeted, allowed a Canadian mining company to evict 2,415 indigenous people off their land for private development.⁴³ The government continued its attacks on the Q’eqchi people who make up the Soledad Sayaxut community, with 150 people left homeless after the last state eviction.⁴⁴

In other states, environmental protection has also been used as an excuse for evictions. In June 2006, the Colombian government evicted 6,000 people from an ecological park under this pretext. As detailed in the previous report, dam construction remains a major source of violation and conflict over evictions and dispossession, as in Mexico's infamous case of La Parota Dam.⁴⁵

Armed conflict remains a cause of housing and land rights violations in the region, whereas armed groups in Colombia still cause displacements by violent forced eviction. Besides persistent displacements from previous events, over the reporting period, 700 people were left homeless in the Olav community due to internal conflict.⁴⁶

Middle East and North Africa

Relevant HRAH norms (all states):

- *Rabat Declaration (1995);*
- *Manama Declaration (2000);*
- *Arab Charter on Human Rights (2004):* Articles 1, 2, 26, 31, 34, 37, and 38;
- *State ratifications of ICESCR and ICERD;*
- *The Millennium Declaration, the MDGs, Goal 7, target 11.*

Algeria, Egypt, Libya, Mauritania, Sudan, Tunisia:

- *African Charter on Human and People's Rights (1986):* Articles 14, 16;
- *Addis Ababa Document on Refugees and Forced Population Displacement in Africa (1994);*
- *New Partnership for Africa's Development (2001).*

Further violations took place in the Middle East/North Africa (MENA) region throughout 2008. In addition to occupation, colonization, war and conflict, local government policies added more distortion to the already existing housing and land rights violations, and further increased the gap between the rights people *should* hold and what they *actually* enjoy. Deregulation in the forms of privatization, corruption and urbanization processes all resulted in many official violations.

In Egypt, the plans of urbanization are mainly based on forced eviction of the poor people on behalf of foreign and local investors with opaque systems of allocating lands to the projects that increase land prices and housing costs, affecting thousands of units of unoccupied housing stock. Meanwhile, 40 percent of Egypt's nearly 80 million people live on around US\$1 a day, and inflation has risen above 20 percent.⁴⁷

In Palestine, Israeli government plans for East Jerusalem, West Bank, and the Naqab continued to cause constant forced eviction and dispossession. Forced displacement and land loss due to Israel's *Hafrada/Apartheid Wall* has called for improved monitoring, recording the facts of population transfer offenses and Israel's reparation duties.⁴⁸ The cumulative number of dispossessed and evicted people due to Israel's state conduct now exceeds 6 million reparation rights holders.

During the review period, Lebanon has endured displacement and habitat destruction as the result of internal conflict and Israeli air attacks. Iraq's displacement has mounted since the U.S.-led invasion and occupation. The situation in Morocco, was different, as the authorities proceed to eliminate the shanty towns that have spread over the countryside, particularly in Casablanca and Tangiers. Morocco's continued occupation of Western Sahara prolongs both war-induced Sahrawi displacement and the implantation of its settlers.

North America (Canada and United States of America)

Relevant HRAH norms:

- *Charter of Organization of American States* (1951) and *Protocol of Buenos Aires* [U.S.] (1967) and *Protocol of Washington* (1992);
- *American Convention on Human Rights* (1969);
- *American Declaration on the Rights and Duties of Man* (1948): Article 9, Article 23;
- *American Declaration of Human Rights and the Environment* (2003);
- State ratifications of *ICESCR* and *ICERD*;
- *The Millennium Declaration*, the MDGs, Goal 7, target 11.

In North America, as in Europe, the privatization of social housing and projects of "urban renewal" threaten the existence of popular neighborhoods and communities. In Vancouver, Canada, the ongoing gentrification of the downtown east side (DTES) threatens to newly displace up to 4,000 low income hotel residents, community members who are rallying together to challenge the city. In July 2008, 46 community organizations called for a moratorium on market housing development in the DTES, in order to give its current and long-term, low-income inhabitants an opportunity to prepare a vision for the future of their neighborhood—a proposal to remain, and for their right to adequate housing to be respected.⁴⁹

Gentrification and privatization trends also persist in the United States. In September, 2007, over 100 low income Harlem tenants were evicted and their building demolished as part of a spree of evictions conducted under the guise of "urban renewal."⁵⁰

Natural disasters in the United States (and Oceania) have left thousands homeless. In New Orleans, reconstruction efforts following Katrina centred on high-cost housing to the detriment—and even unwarranted demolitions—of previously existing low-income units. Those continually denied return and housing rights in the city follow a familiar pattern of racial and class discrimination.⁵¹

The reduction of low-income housing options increasingly characterises a common form of deprivation in the United States and Canada. As the rush to freehold tenure has created its own limits in the mortgage crisis, rental housing for the poor is shrinking. In the United States, project-based Section 8 contracts (housing subsidies) aiding 1.1 million families will expire over the next ten years. Quite apart from the mortgage crisis, the steady erosion of affordable rental housing⁵² likely will continue at the rate of 41,000 units each year. By eviction and other administrative means, homelessness is

institutionally guaranteed to rise. Trends augur that the attendant eviction and privatization factors there will remain the subject of future HLRN monitoring and mapping.

Thematic Analyses from the VDB, 2006–2008

Violations of HRAH occurred in all regions of the world, despite 153 states party to the International Covenant on Economic, Social and Cultural Rights and/or other international law obliging the state to respect, protect and fulfill the human right to adequate housing. A multitude of factors have caused these violations, as demonstrated by the contents of the VDB and this summary. The violations involving forced eviction, dispossession, destruction and privatization schemes continue to be the most-prominent causes of violations that deprive people of their housing rights and deepen poverty across the planet. Across these practices flow the currents of gender and ethnic discrimination. Remedying this crisis at its roots requires international collaboration in the defense and enforcement of HRAH in the contexts of:

8. **Gender:** women are often face multiple forms of discrimination, by virtue of their gender and other circumstances such as ethnicity, caste, or other social affiliation. While most states have actively promoted the rights of women, violation to their property rights (i.e., housing, land, natural resources, inheritance) continue, often due to the misapplication and misunderstanding of social, religious and cultural standards. Children often suffer indirectly as a result of violations against women, thus creating additional groups of victims.
9. **Rural “de-development” and urbanization:** As outlined in the regional sections of this report, the policy bias toward urban development continues at the expense of rural survival. That coincides with an unprecedented growth of new urban slum populations globally. This involves also the progressive incorporation of the squatted periurban zones into cities.⁵³ Affecting and, simultaneously, being affected by urbanization is the lack of proper rural development in such zones, including the privatization of lands and water, which has handicapped and impoverished rural producers and resulted in their resort to urban migration. When this policy is accompanied by institutional discrimination, it can affect entire classes of citizens. For example, Black American farmers in the United States cumulatively have lost 98% of their lands in this way since 1920.⁵⁴
10. **Conflict, Occupation and War:** An ever-present fixture of violations, conflict, occupation and war continue to generate forced evictions and massive displacement. Occupation, in particular, as seen in the cases of Palestine, Tibet, Cyprus and Western Sahara, have had the added long-term effects of stunting meaningful development and creating refugees. Occupation not only traps the current generation in stagnation, but also promises to deprive future generations of their development options. New displacements due to conflict during the review period have affected populations in Ahwaz (Iran), Central African Republic, Sri Lanka and Uganda, among others.
11. **Indigenous, Pastoralists, and Traveling Peoples:** With some positive exceptions, not least including the UN General Assembly’s recent adoption of the Declaration on the Rights of Indigenous Peoples,⁵⁵ increasingly law aims at

eliminating human diversity by making it illegal for traveling and migrating populations, including the Roma and pastoralists, to maintain their unique ways of life. In these instances, States, and particularly those of the global North, are implementing ideological decisions to punish those who are already impoverished and/or pursue a lifestyle other than what the decision makers identify as the norm. Additionally, indigenous and pastoralist peoples are losing their rights to maintain timeless traditions. As the regional analyses illustrates, various “development” projects, including tourism projects and dams, are not only forcing these populations off their ancestral lands, but, also, forcing them into lifestyles alien to their cultures and traditions.

12. **Homelessness:** The VDB does not track data on homelessness as a condition, but only certain of its causal violations. VDB cases, nonetheless, reveal both sources and consequences of homelessness. Surprisingly, a trend of mounting official violence toward the poor, homeless and vulnerable is notable also in Northern countries. Homelessness is a symptom of much deeper societal and political causes, including poverty and a lack of State responsibility to ensure the social welfare of its citizens. For example, while housing and homelessness crisis in the United States has deepened since 2001, demands for emergency shelter far exceed supply.⁵⁶ In the course of any year, 3.5 million people in the United States experience homelessness.⁵⁷ Meanwhile, U.S. cities have been responding by applying the criminal justice system to penalize further those people living by necessity in public or other untenured spaces. Laws criminalizing homeless people’s only options (sleeping/camping, eating, sitting, and begging in public spaces), usually including criminal penalties. European countries and Canada are following the U.S. model of “governing social marginality” with an expanding prison population. The criminalization of homelessness extends beyond just the violation of basic rights.

Specifically, the criminalization of homelessness also has contributed to the expansion of, and public investment in jails and prisons. These measures not only afflict society’s poorest and most vulnerable, but also now target them explicitly for their poverty and, in particular, their homelessness. Meanwhile, the poor, underhoused and homeless figure also as the most vulnerable to acts of crime against their persons and possessions, including those committed by third parties as well as government officials.⁵⁸

13. **Privatization:** Despite the ideological promises of privatization, the conversion of housing and other social resources into private interests in the 21st Century is more often characterized by an extraordinary drive toward production and concentrated consumption, conspicuously benefiting the rich and transnational corporations. Low-income inhabitants often endure higher costs for basic needs as a result. Under direct or indirect social housing privatization, the option of adequate housing at an affordable rent is often replaced with ownership at a higher price. The drive to private ownership, as distinct from a range of adequate housing and secure tenure options, has led so many vulnerable subprime mortgage holders to ruin, while sparking a global financial crisis in 2007. More affordable and flexible rental housing options are still needed, while privatization coincides with a real narrowing of those options.

14. Large-scale Infrastructure and Dam Projects: One significant outpost of development gone wrong is dam construction. Dams not only destroy ecosystems, human connections to habitat and cultural endowment, they also lead to the loss of precious arable land. While justified to generate energy for greater urban consumption, dams and their consequent displacements degrade rural survivability and raise the rural/urban linkage to high relief. Most dam projects, as well as mining operations, also demonstrate how related resettlement of affected populations, without exception, deepens their poverty.⁵⁹ In recognition of these consequences, this review period has seen the development of UN Basic Principles and Guidelines on Development-based Evictions and Displacement.⁶⁰

Conclusion: Revealing Numbers and Hidden Dimensions

Viewing recorded cases together in HIC's present [Housing and Land Rights Violations, 2006–2008 map](#) and HIC-HLRN [Violation Database](#) reveals patterns of illegal and destructive conduct at national, regional and global scales. The documentation brought forward by HRAH documenters and defenders so far indicates, at once, the potential value of such monitoring, and the need for more and better monitoring of cases, especially in currently undocumented countries.

Many cases recorded in the VDB lack precise numbers and details of those persons affected, and some lack any numbers at all. Therefore, while the VDB and mapping seek to depict the real nature and volume of the problems, the numbers of victims provided in the *Housing and Land Rights Violations, 2006–2008* map, for example, should be taken as illustrative, not indicators of absolute certainty. What is likely, however, is that the global numbers are far greater than those captured and recorded here.

The VDB and the present report faithfully present those cases and their elements available in the public record. Therein lies one of the limitations of this analysis: the lack of any reliable record. For example, many 2006–2008 cases of dispossession, destruction and eviction are not recorded here as violations. Meanwhile more and better data and deeper investigations of all kinds of HRAH violations would demonstrate further the structural causes that make vulnerable people more impoverished through locally “legalized” means of deprivation. Thus, recording the loss of housing or housing affordability due to privatization remains a methodological challenge. Statistics on homelessness arising from various causes are found elsewhere.⁶¹

Privatization emerges as a common factor in housing losses of laid-off workers in privatized state enterprises, as in Egypt, or the grinding degradation and loss of housing for “rent refugees” in Germany. The resulting evictions are the product of unquestioned economic forces engineered to increase owner profits with enabling legislation. Their putative legality conceals any record of deprivation; whereas, data of such cases in Germany, for example, remain confidential as a function of courts' privacy protection.⁶² Meanwhile, a paucity of data on dispossession, eviction, confiscation and/or privatization cases there makes Germany appear with no recorded violations in the VDB.

Other countries such as Australia, Cuba, Finland and Saudi Arabia appear also as gray areas in the HIC *Housing and Land Rights Violations, 2006–2008* map, only for lack of available documentation. Their ambiguous appearance does not suggest an absence of forced eviction, dispossession, destruction of people's habitat and exemption from the effects of privatization. Rather, these are areas needing greater monitoring and documentation input by HIC Members and concerned others.

The VDB exercise reveals that one area of potential improvement in monitoring activities is in determining the economic and other nonmaterial losses that arise from a violation and, thus, demonstrating how—and how much—such violations deepen poverty.⁶³ Monitors generally do not collect or report such data. However, the VDB contains some cases, such as the current Merowe Dam displacements (Sudan) and the historic expulsion of Palestine refugees (ca. 1948), that already exemplify how recording values can enable an assessment of material consequences, liabilities and reparations⁶⁴ needed to restore rights. By providing a field for users to pose solutions for each entry, the VDB also promotes a monitoring exercise that maintains a focus on civil society action, needed social transformation and remedy.

While the present monitoring tools depict important global trends and patterns, they mark only the beginning of a process to complete the global assessment of violations. The HLRN Violation Database and such analytical and actionable initiatives as the HIC *Housing and Land Rights Violations, 2006–2008* map, increased networking, fact gathering and critical assessment based on HRAH can help determine how states can remain consistent with their human rights treaty obligations. These obligations to respect, protect and fulfill the human right to adequate housing also guide the pursuit of MDG 7.

The *Housing and Land Rights Violations, 2006–2008* map and this report both show that governments, their supportive UN agencies, other international actors and global civil society need to strive further to uphold such basic human rights as adequate housing and to enable people and governments a wider choice of solutions to the threats to human welfare. Among the practical options needed is greater appreciation and support for the social production of habitat, whereby governments and other sectors support the people's process to build solutions, and to it better. Housing rights violations negate the good efforts of communities, governments and others to ensure adequate housing in the interest of "social progress and better standards of life in larger freedom." States and governments are treaty bound to ensure progressive realization of the human right to adequate housing, to prohibit and prosecute violators, and to avoid violating HRAH by commission or omission. The present report illustrates how we have fallen short of upholding those civilized obligations. Nonetheless, as civil society, we remain voluntarily committed to solutions consistent with our common HRAH framework.

For more information on these cases and practical solutions, go to HIC websites:

www.hic-net.org / www.hlrn.org / www.hic-sarp.org / www.hic-mena.org / <http://www.hic-al.org>

Open the HLRN Violation Database at:
http://www.hlrn.org/english/welcome_violation.asp

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- ⁵⁹ Michael Cernea, "Impoverishment Risks and Reconstruction: A Model for Population Displacement and Resettlement," in Michael M. Cernea and Christopher McDowell, eds., *Risks and Reconstruction: Experiences of Resettlers and Refugees* (Washington: World Bank, 2000), p. 498.
- ⁶⁰ See Amnesty International India, Housing and Land Rights Network and Youth Unity for Voluntary Action, *A Handbook on UN Basic Principles and Guidelines on Development-based Evictions and Displacement* (New Delhi: HLRN, 2007); and online version of the Basic Principles and Guidelines, at: http://campaign.hic-net.org/eng_newsdetail.asp?PID=378 and http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf.
For England, Scotland, Wales, see Communities and Local Government, at: <http://www.communities.gov.uk/housing/housingresearch/housingstatistics/housingstatisticsby/homelessnesstatistics/>; for the United States
- ⁶² *A Pattern of Persecution: The Growing Attack against Housing and Land Rights Defenders* (Cairo: HLRN, October 2007), at: <http://www.hlrn.org/img/cases/UA-HR%20Defenders%203.pdf>.
- ⁶³ A methodology for calculating losses arising from such violations is found in the HLRN *Housing and Land Rights "Toolkit"*, particularly in the "Loss Matrix," step 7.

⁶⁴ Reparations, in this context, are meant to conform with the definition and composite elements of reparation as provided in “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,” A/RES/60/147, 21 March 2006.