



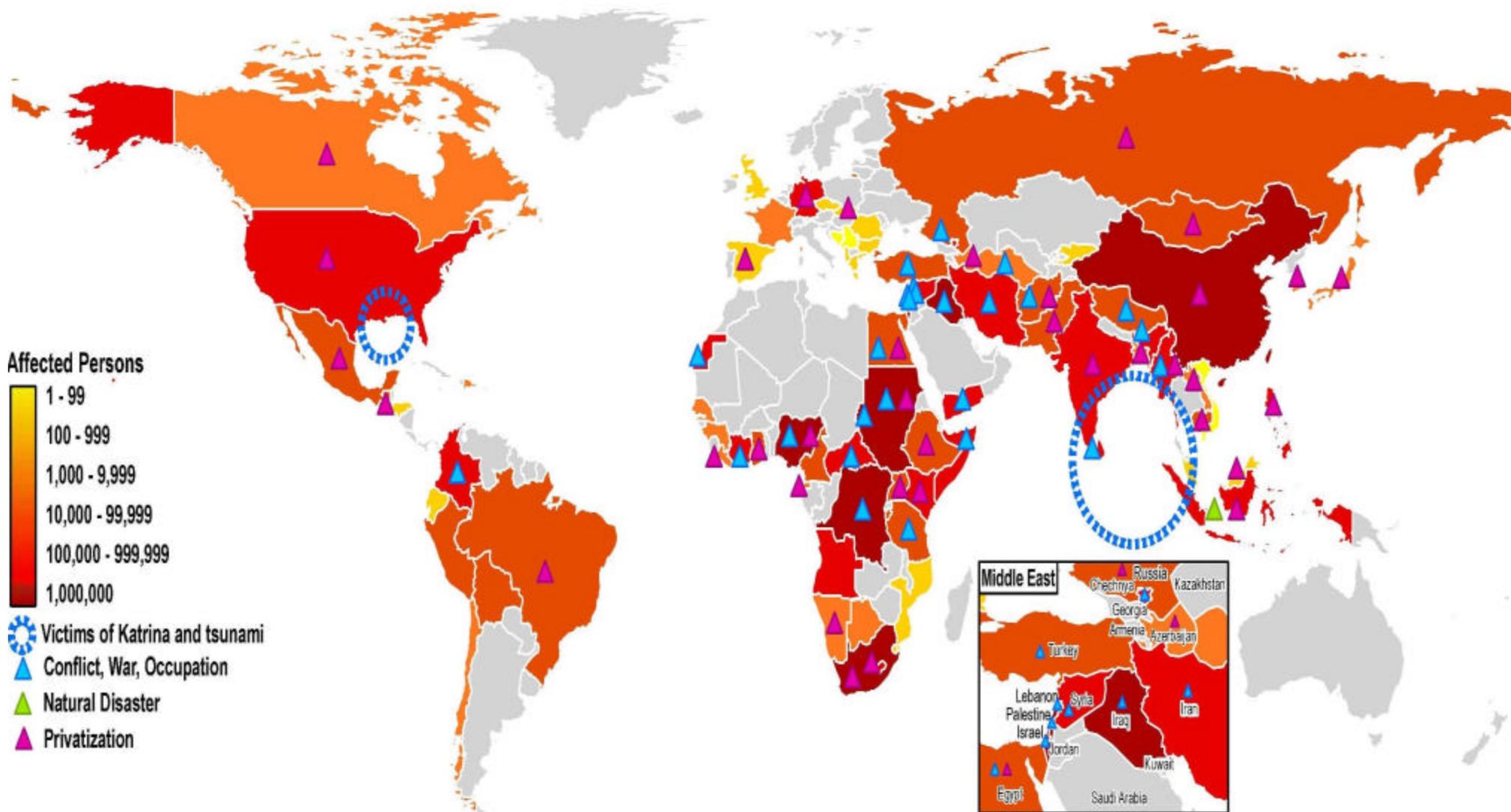
# Victims of the Violation of Housing and Land Rights

Total of Victims per Country from 2004-2007

Violations in the Context of Privatization, Natural Disaster, Internal Conflict, War and Occupation

Habitat International Coalition (HIC)

Housing and Land Rights Network (HIC-HLRN)



Sources: Violation Database HIC-HLRN, September 2007

Map: Ximena Salas/HIC-GS/September 2007





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*Housing and Land Rights Crisis! 2007: Violations Escalating around the World*

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# HOUSING AND LAND RIGHTS CRISIS! 2007

## VIOLATIONS ESCALATING AROUND THE WORLD

HABITAT INTERNATIONAL COALITION, *Housing and Land Rights Network*

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## Introduction

In addition to the nearly one billion slum dwellers and the variously enumerated (100 million to 1 billion) homeless persons currently in the world,<sup>1</sup> the data available on forced evictions indicates that today at least 8 million people remain illegally evicted and forcibly displaced on 1 October 2007. This day, which the UN system commemorates every first Monday in October as *World Habitat Day*, is also known popularly as the *International Housing and Land Rights Day*.

On the occasion of International Housing and Land Rights Day 2007, Habitat International Coalition (HIC) and its Housing and Land Rights Network (HLRN) are reporting on global trends in housing and land rights violations and solutions. In its second year the *Housing and Land Rights Crisis! 2007* report, aided by HLRN's *Violation Database*, this monitoring and documentation initiative, in cooperation with HIC Members and structures, arose from the urgent need to chart the struggles experiences at the local level and to understand how these struggles are globally linked. It is intended that this report, based on the best available information, marks one step in a continuing process emphasizing the interconnectivity among seemingly disparate factors. The following annual report summarizes data currently held in HIC-HLRN's publicly accessible *Violation Database*, mindful of the fact that the findings reflect reliably documented cases and not all current violations. As dramatic as the findings are, they represent only a significant fraction of a tragically larger, unreported phenomenon.

For its part, UN Habitat is promoting its World Habitat Day 2007 theme, "A Safe City Is a Just City," while the best available information on this World Housing and Land Rights Day suggests that, for the most-vulnerable in our urban and rural societies everywhere, personal and tenure security are embattled from all sides. This report tells how affected inhabitants are systematically brutalized across the planet, while a companion report from HLRN this day shows also how authorities worldwide also share a common practice of persecuting housing and land rights defenders.<sup>2</sup> Thus, authorities and other offending parties mutually form a pincer maneuver that deepens poverty and deprivation with impunity. Often these practices accompany the ideological pretext of empowering markets over eroding state-supported services and protections, as well as the disingenuous pretense of ensuring "security" for that impoverishing process to continue unopposed.

The present report relies on case information from a variety of verified sources, all of which are contained in HLRN'S *Violation Database* (VDB) [[http://www.hlrn.org/welcome\\_violation.php](http://www.hlrn.org/welcome_violation.php)]. This has been coordinated with the mapping efforts of HIC's activist General Secretariat as part of an ongoing campaign, launched today, to raise global awareness of the issues and to pose alternatives to forced eviction, privatization and speculation that deprives 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 this year's violations maps, visit [http://campaign.hic-net.org/eng\\_maps.asp](http://campaign.hic-net.org/eng_maps.asp) and good practice cases, visit <http://www.hic-net.org/indepth.asp?PID=5>] That campaign and its products, like the VDB present and future monitoring contributions, rely heavily on HIC member vigilance and active input.

## Methodology

HIC's *Housing and Land Rights Network* 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: (1) forced eviction, (2) demolition/destruction, (3) dispossession/ confiscation, and (4) violations arising from the privatization of public goods and services. The present report covers the period between the last International Housing and Land Rights Day (2 October 2006).

While violations of the human right to adequate housing (HRAH) can affect any of the right's indivisible, legally defined elements,<sup>3</sup> the VDB groups the multitude of cases under four main categories:

- ◆ **Forced eviction:** defined for the purposes of international law as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”<sup>4</sup> The UN Commission on Human Rights has affirmed that forced evictions constitute a “gross violation of human rights.”<sup>5</sup> Forced evictions are a widespread and growing phenomenon affecting millions of people globally. 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 involve 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 process does not necessarily accompany damage or destruction of the affected home; however, forms of dispossession may also 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; however, the manner and consequences, nonetheless, may breach binding human rights treaty obligations. 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 the hungry market. Such policies, often still

implemented without the concerned public's input, can produce land and housing dispossession, increase living costs, and generating forced evictions and resettlement. 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 is deepening poverty as a countercurrent to putative efforts at meeting the Millennium Development Goals, especially Goal 7, Target 11, supposedly seeking the improvement of living conditions for those very same communities.

Any one of these pernicious phenomena individually could escape a narrower definition of a "gross violation" of HRAH, the VDB tries to capture them all, but also to avoid multiple entry of indicators (of affected persons, losses incurred, etc.) in a case being by multiple counting of one multidimensional occurrence. Thus, the number on the clickable regions on the VDB website map or in its search engine are the actual number of occurrences, even though a single occurrence naturally may contain more than one type of violation.

### **Mapping the Housing and Land Rights Crisis**

The HIC *Housing and Land Rights Crisis ! 2007* map depicts these violations contained in the VDB as a graphic call to action. It provides a pictorial analysis of collected data over the past three years (2004–07), explaining the sometimes-surprising context of housing and land rights violations. Within that period, the post-tsunami relief and reconstruction process (2005–07) actually has generated new forms of deprivation for many whose new living conditions and further dispossession are further impoverishing them.<sup>6</sup> The map's dashed circles illustrate where the postdisaster housing rights crisis is depriving both the vulnerable people of the tsunami aftermath across a southern swath of Asia and the predominantly Black Hurricane Katrina refugees across the Gulf of Mexico coast of the United States of any shelter.

The (appended) HIC *Housing and Land Rights Crisis ! 2007* map 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. Often, multiple duty holders carry out such large-scale forms of forced eviction and now are liable for reparation for 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 Habitat Day.

## Regional Analyses from the VDB, 2007

### *Africa*

*Relevant HRAH norms:*

- *African Charter on Human and People's Rights (1986):* Articles 14, 16;
- *Right to Organize and Collective Bargaining Convention (1998);*
- *Addis Ababa Document on Refugees and Forced Population Displacement in Africa (1994);*
- *New Partnership for Africa's Development (2001);*
- *State ratifications of ICESCR and ICERD.*

In 2004–07, war continues to be a persistent cause of massive displacements and forced evictions. Sudan (Darfur), the Central African Republic, the Democratic Republic of Congo and Somalia have been the locations of the greatest displacement, with a combined victim population in excess of 4 million.

Beautification, and other city-development plans favoring wealthier citizens and foreign investors have caused considerable housing rights violations in Africa. These have resulted in authorities conducting forced evictions of the impoverished inhabitants, most often without appropriate consultation, notice, compensation or relocation. Duty-bound State authorities and their global partners owe reparations to millions of affected persons across Africa. Most of the victims from Zimbabwe and Nigeria's beautification schemes<sup>7</sup> remain without adequate housing and without compensation from the state.

Dam projects also present a growing concern in Africa, especially as the number of international investors promoting such projects increases. Dam projects risk environmental degradation, but also uproot riverine communities and livelihoods. Specifically, dam projects tend to devastate communal infrastructures, including tribal and cultural networks of kinship, and historical antiquities. In addition, dams prevent natural river flows and construction creates stagnant pools of water that host infectious disease vectors, while decreasing water levels and make arid precious arable land downstream. The victims of past, ongoing and projected dam projects have exceeded the 40 – 80 million people mark.<sup>8</sup>

Both environmental conservation and environmental degradation proved to be significant causes of violations in Kenya, Ethiopia, Ghana and Tanzania, in the last period, Kenyan and Ethiopian governments have evicted indigenous populations under the pretext of “forest preservation.” In Kenya, evictions went without adequate compensation, despite government assurances to recognize the lands of indigenous populations.

Finally, despite laudable efforts of Uganda and South Africa to apply the right to adequate housing violations continue. In South Africa, the land tenure system is complex and tenancy disputes have resulted in evictions by municipal authorities and private companies. While in Uganda, despite President Yoweri Museveni's commendable stance against forced evictions, local authorities continue the practice.

## **Asia**

### *Relevant HRAH norms:*

- *State ratifications of ICESCR and ICERD.*

Throughout Asia, development, privatization and urban “beautification” schemes have evicted and dispossessed of over 4.6 million people since 2004. In India, Indonesia, Bangladesh, Pakistan, Japan, China, Cambodia and the Philippines, “development” has brought about violent evictions of urban and rural poor without remedy. In November 2006, similarly, 30,000 Chennai, Tamil Nadu slum dwellers were forcibly evicted for urban development and “beautification.” No provision of alternative housing and no financial compensation have yet been given. Indonesia and Cambodia governments sanctioned evictions, having become especially violent. Local officials have mobilized municipality guards, policemen, soldiers, and armed gangs to destroy villages and grab land for commercial development.<sup>9</sup> Trends of privatization and commercial development in China, coupled with corruption, have left over 1 million Chinese evictees with no effective legal recourse to remedy. Protesters and petitioners fighting the arbitrary and illegal demolitions and confiscations have been threatened, beaten, imprisoned, and killed. In addition, various large-scale infrastructure projects such as the Lyari Expressway, in Pakistan, the Double-Double Track Railway project, in Indonesia, and China’s Three Gorges Dam continue undeterred by the social and environmental costs. Upon completion will have displaced over 1.7 million.

“Conservation” projects and manifest discrimination coincide in HRAH violations in India, Myanmar, Kyrgyzstan, Bangladesh and occupied Tibet. Government-led forestry “conservation” projects in Bangladesh and India have resulted in the forced removal and displacement of thousands of indigenous Adivasis. Bangladesh’s Vested Property Act continues to deprive hundreds of thousands of minority Hindus of land rights, despite its repeal in 2001.<sup>10</sup> In China, the “Comfortable Housing Programme,” ostensibly designed to improve the lives of impoverished Tibetans, has facilitated the forced removal and relocation of 250,000—nearly one-tenth of the Tibetan population—from scattered rural hamlets to new “socialist villages.” Tibetans have been ordered to build new housing largely at their own expense, without their consent, in culturally inappropriate sites that deny them access to traditional means of subsistence.<sup>11</sup>

Protracted conflict is also a significant source of forced eviction and internal displacement in Asia. Since mid-2006, a dramatic escalation in the civil war in Sri Lanka between government forces and the rebel Liberation Tigers of Tamil Eelam (LTTE) has resulted in over 4,000 deaths and the displacement of hundreds of thousands of people.<sup>12</sup> Violence in Afghanistan, Philippines, Myanmar and Timor L’Este, combined with that in Sri Lanka, has internally displaced over 900,000 people across Southern Asia.<sup>13</sup>

## **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.*

In Europe, privatization has emerged as a primary obstacle to States' ensuring an adequate standard of housing for all. The imposition of cost ceilings on the provision of housing assistance in Germany, and the significant transfer of social housing units to private investors throughout Western Europe have contributed to increased rental housing costs and severely impairing low-income renters' ability to secure adequate housing. In Britain, privatization and commercial development associated with the 2012 Olympic Games prospectively will escalation housing prices and lead to the eviction and displacement of over 1,000 people, five years in advance of the games. COHRE announced in 2007 that the Olympic venues and facilities in London will disproportionately affect marginalized groups: poor, low-income earners, residents of public housing, and ethnic minorities (e.g., Gypsies and Irish Travellers) already facing housing discrimination at the municipal level.

Discriminatory housing policies have facilitated evictions, displacement and dispossession. Roma, throughout the continent, have been subject to the most severe and apparent discrimination resulting in appalling violations of HRAH. In Greece, local authorities in Patras and Chania have destroyed more than 70 Roma homes since July 2006 in government sanctioned "cleaning operations." More than 200 homes remain under eviction threat. Despite two rulings of the European Committee of Social Rights in 2005 and 2006, finding Greek housing and accommodation policies affecting Roma to violate Article 16 of the European Social Charter. Greece systematically continues forcibly to evict Roma families without providing adequate compensation and resettlement. International treaty obligations under CEDaW, ICESCR, CERD, CRC and MWC), are not implemented. The denial of secure tenure of adequate housing to Romani families and their relocation to isolated industrial locations also compromises their access to health care, employment, and education.

## **Latin America and the Caribbean**

### *Relevant HRAH norms:*

- *Charter of Organization of American States (1951) and Protocols of Buenos Aires (1967) and 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.*

Land disputes were a leading cause of housing rights violations during the period in Latin America and the Caribbean, affecting both indigenous and local communities. Land scarcity has forced thousands of impoverished rural people into major urban centres, where many frequently end up in even worse situations. Often, as with a recorded case from Para, Brazil communities have been summarily evicted by an absentee land claimant for development enterprises, despite constitutional provisions protecting the “social function” of land, or. Many states in this region, including Brazil and Ecuador have laws that enable occupants to claim land rights, but the legal process is inefficient and can fail to protect communities from imminent forced eviction. Land-based communities across Mexico, as in the cases of Oaxaca, Chiapas and La Parota, are struggling to retain their land tenure and rights to housing in their communities. And, in the rural areas the economic decline of certain key agricultural crops and urbanization have caused the eviction of rural workers. Since the ascension of President Óscar José Rafael Berger in 2004, the VDB counts at least 63 evictions cases in Guatemala triggered by land disputes, declining prices of coffee and lack of enforcement of labor rights.

Armed conflict remains a cause of housing and land rights violations in the region, whereas armed groups in Columbia still cause displacements by violent forced eviction. Beautification of cities and privatization of public lands lead to slum clearance and depopulate of villages, affecting urban, rural and indigenous communities across the continent.

### ***Middle East and North Africa***

*Relevant HRAH norms:*

- *Rabat Declaration (1995);*
- *Manama Declaration (2000);*
- *Arab Charter on Human Rights (2004):* Articles 1, 2, 26, 31, 34, 37, and 38 [not in force]
- *State ratifications of ICESCR and ICERD.*

Throughout the MENA region, sustained conflict, occupation, and war remain the primary sources of gross violations of HRAH. Conflict in Sudan, Yemen, Lebanon and Iraq and the maintenance and expansion of Israeli occupation in Palestine has affected over 13,906,810 to date.

In Iraq, systematic and widespread violations have occurred as a result of ongoing military operations and a rise in sectarian violence since 2006. IDPs in the country are projected to have reached 1.9 million, though these figures may not accurately reflect the true situation, where structured assessment is lacking.<sup>14</sup> In Lebanon, resettlement and reconstruction efforts following the summer war have lowered the numbers of IDPs since last year’s International Housing and Land Rights Day, However the destruction of homes and infrastructure, the presence of cluster bombs, and loss of livelihoods are significant obstacles to the return and sustainable reintegration of displaced people.<sup>15</sup>

The Israeli colonization and occupation of Palestine constitutes the longest and most-systematic pattern of housing and land rights violations in the Middle East/North Africa (MENA) region. In the West Bank, Israel’s construction of the locally dubbed “Apartheid

Wall” in breach of international law continues unabated, affectively annexing illegal settler colonies to Israel and bringing about the destruction of Palestinian homes and villages, orchards and livelihoods in its path. According to B'Tselem, in the last three years (2004–07) Israeli occupation forces (IOF) demolished 465 houses in the West Bank and East Jerusalem alone, leaving 1,663 Palestinians homeless. Land confiscation and dispossession also continue inside the Green Line (1948–49 Armistice Line forming Israel’s recognized border). In July 2007, Israel’s parliament began action that explicitly legislates the parastatal Jewish National Fund’s chartered practice of barring non-Jews from leasing land and housing it holds. That legal bar affects 13% of the area within the State of Israel, including properties belonging to Palestinian refugees. House demolitions have had a severe impact on the Palestinian people, affecting not only the economy and agriculture, but also causing severe trauma, especially affecting children and women.

The disproportionate effect of HRAH violations continued to affect minority and indigenous communities as a common theme in MENA. The destruction and displacement in Kurdish areas of Iraq and Turkey have had enduring effects, while, in Syria, dispossession of Kurds takes the forms of “denationalization” of individuals, annulling their tenure and inheritance rights. Like in Israel, demographic manipulation, including population transfer, effectively dispossesses and internally colonizes minority and indigenous populations, with eviction, dispossession and village demolition notably arising in the period in the ethnically Arab region of Ahwaz, in Iran.

The HRAH situation in rural areas of Egypt and Morocco needs more attention. People are to leave their lands out of economic need resulting from, as well as contributing to the thrust of urbanization. Rural indigenous and their local cultures are being absorbed into homogenizing cities, where rural “refugees” struggle to achieve economic and social stability. Concerned civil organizations estimate that one-quarter of Egypt’s farmers and their families (some 6.5 million people) are now landless and destitute from ten years of land privatization enforced under Law 96 without the promised replacement lands and housing. Meanwhile, the deepening plight of pastoral communities in their struggle for access to natural resources (land and water) is analogous across borders, where land rights underlie the causes and potential solutions to conflicts, with Darfur offering the starkest example.

Slums and their poverty are main sites of disorder, inadequate living conditions and most-common evictions. Although slums are a solution to deeper economic policy and governance problems, the living conditions that they host constitute a clear violation of human rights. They stand as an emphatic reminder of the link between national economic policy and needed problem solving toward realizing human rights (e.g., to adequate housing, the right to water, etc.) and eradicating poverty.

### ***North America (Canada and United States of America)***

*Relevant HRAH norms:*

- *Charter of Organization of American States (1951) and Protocols of Buenos Aires [U.S] (1967) and 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*

In North America, as in Europe, the increasing privatization of housing stock has led to the forced eviction of low-income tenants in urban centers, accompanying the dramatic net loss of affordable housing. Gentrification is an issue of primary concern as communities are being forced out of their locales under the banner of urban regeneration, the benefits of which they cannot afford. The effective criminalization of the homeless population is also a salient trend in both Canada and the United States, despite each country's commitment to social and civil rights in the Charter and Constitution respectively.

Preparations for the 2010 Olympic Games in Vancouver reinforce the *pre-existing* process of gentrification typical in Canadian cities. Despite Vancouver's commitment to safeguard public housing and maintain controls over the property market in the first "socially sustainable" games, traditionally low-income communities inhabiting the downtown eastside (DTES) have been subject to a rash of forced evictions with limited notice and without compensation. Hundreds of poor and elderly residents already have been evicted as developers convert buildings that previously housed them into boutique hotels and tourist facilities. Landlords are evicting tenants in order to renovate their properties and place them back on the market at inflated rents.<sup>16</sup> Since the city's election as host of the games, the DTES has lost over 700 units of low-income housing, exacerbating an affordable-housing shortage. Concurrent with gentrification is the emerging stigma attached to those low-income residents suffering from mental illness and addiction. As these residents are forced out of their private dwellings, they are particularly challenged in relocation as they face discrimination and exclusion in private-sector housing.

Gentrification and privatization trends in the United States are most poignantly exemplified by reconstruction initiatives in New Orleans in the wake of Hurricane Katrina. A mere 1,097 out of 8,000 units of low-income housing developments, representing more than half of all public housing in the city, have been opened since the 2005 storm. Contrary to the notion of reconstruction and recovery, over 5,000 public housing units are to be demolished and replaced with housing aimed at individuals with "a wider range of incomes."<sup>17</sup> No specifications have been made as to how many units, if any at all, will be reserved for low-income residents.

In Atlanta, as in Toronto, the criminalization of the homeless population through by-laws against panhandling, and loitering in public spaces, is paralleled by a decrease in funding for public housing initiatives and emergency shelters. Among the antihomeless legislation introduced in several Canadian cities and provinces during the 1990s, most controversial is British Columbia's "Safe Streets Act," implemented since January 2005. That law aims "to ensure public street safety of citizens from aggressive solicitation," by rendering illegal, solicitation activities geared toward survival as well as homeless individuals' ability to "sleep rough" while simultaneously providing no additional funding for social services (primarily shelter) to absorb the resultant increase in need. Essentially, such laws serve as handy pretexts for punishing the poor.

## Thematic Analyses from the VDB, 2007

Violations of HRAH occurred in all regions of the world, despite 153 states being 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 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. Remedying this crisis requires international collaboration in the defense and enforcement of HRAH in cases of:

1. **Gender:** women are often double victims, namely victims by virtue of their circumstance and by virtue of their gender. While most states have actively promoted the rights of women, violation to their property rights (i.e., housing and land) continue, often due to the misapplication and misunderstanding of religious and cultural standards. Children often suffer directly as a result of violations against women, thus creating additional groups of victimization.
2. **Rural de-development and urbanization:** As outlined in the regional sections of this report, mass resources and policy bias toward urban development at the expense of rural survival coincides with an unprecedented growth of new urban slum populations globally, as well as populate the squatted periurban zones newly incorporated into cities.<sup>18</sup> Affecting and, simultaneously, being affected by urbanization is the lack of proper rural development, including impoverishing privatizations of lands and water, which has handicapped rural producers and resulted in the resort to migration to cities. When this policy is accompanied by institutional discrimination, it can affect entire classes of citizens. Black American farmers in the U.S. cumulatively have lost 98% of their lands in this way since 1920.<sup>19</sup>
3. **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 and Western Sahara, have the added long-term effects of stunting meaningful development and creating refugees. Occupation renders not only traps the current generation in stagnation, but also promises to deprive future generations. New displacements due to conflict during the review period have affected populations in Ahwaz (Iran), Central African Republic, Sri Lanka and Uganda, among others.
4. **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,<sup>20</sup> increasingly laws are being aimed 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 beautification plans and dams, are not only forcing these populations off their ancestral lands, but, also, forcing them into lifestyles foreign to their cultures and traditions.

5. **Homelessness:** The VDB does not track data on homeless specifically, but the cases it contains nonetheless reveal causes and consequences of homelessness. Surprisingly, a trend of mounting official violence toward the poor, the homeless, and the 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.<sup>21</sup> In the course of any year, 3.5 million people in the U.S. experience homelessness.<sup>22</sup> Meanwhile, U.S. cities have been responding by applying the criminal justice system to penalize further those people living by necessity in public spaces. Laws criminalizing homeless people's only options (sleeping/camping, eating, sitting, and begging in public spaces), usually including criminal penalties for violations. 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 means the expansion of, and public investment in prison construction. For example, the U.S. has the world's highest prison population rate (over 2.3 million, or 738 per 100,000 population),<sup>23</sup> and now is projecting its prison population to grow another 200,000 by 2011.<sup>24</sup> England has the highest prison rate in Europe, and foresees that to expand through 2013.<sup>25</sup> Never before have democratic societies resorted to incarcerating so many of their fellow citizens and residents. 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.
6. **Privatization:** Privatization in the 21<sup>st</sup> Century is characterized by an extraordinary drive toward production and concentrated consumption. Unfortunately, thus far, such production has conspicuously benefited the rich at the expense of the poor. Rights to adequate housing are dismissed in exchanged for ownership. While the sacrament of ownership, as distinct from adequate housing and secure tenure, has led so many vulnerable new subprime mortgage holders to ruin, while sparking a global financial crisis as a consequence in 2007. Increasingly, a pattern of forced evictions being carried out by private companies, even as courts and constitutions rule such actions illegal. More and more, private companies are plowing through peoples rights to land and housing undeterred by law or policy safeguards. The lack of international and/or national laws to govern the actions of private entities raises global alarm as victim numbers swell.
7. **Large-scale Infrastructure and Dam Projects:** One significant outpost of privatization gone wrong is the flourishing of dam projects globally. As noted in the Regional Analyses above, dam projects 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 concentration of population and consumption, dams degrade rural survivability and raise the rural/urban linkage to high relief, while also demonstrate how related resettlement of affected populations, without exception, deepens their poverty.

### **Conclusion: Revealing Numbers and Hidden Dimensions**

Viewing recorded cases together in HIC's present **Housing and Land Rights Crisis ! 2007** map (visit [www.hlrn.org](http://www.hlrn.org) ) and HIC-HLRN **Violation Database** (visit [http://www.hlrn.org/welcome\\_violation.php](http://www.hlrn.org/welcome_violation.php) ) reveals patterns at national, regional and global scales. The documentation brought forward by HRAH documenters and defenders so far indicates the need for a much higher degree of monitoring of cases, particularly in determining the economic losses that demonstrate how—and how much—violations deepen poverty.<sup>26</sup> However, the VDB contains some cases, such as the Merowe Dam displacements (Sudan) and the historic expulsion of Palestine refugees (ca. 1948), that exemplify how recording values variously enable an assessment of material consequences, liabilities and reparations needed to restore rights. By providing a field for users to pose solutions also, the VDB maintains a focus on civil society action, needed social transformation and remedy.

The VDB and the present report faithfully present those cases and their elements available in the public record. However, therein lie the limitations to this analysis. Many cases of dispossession and eviction, for example, are not recorded here as violations, while better data and deeper investigations would demonstrate structural causes for making vulnerable people homeless through “legalized” means. Privatization emerges as a common factor in such cases as widespread housing losses of laid-off workers in newly privatized enterprises in Egypt, or the grinding degradation and loss of housing for “rent refugees in Germany. Their evictions are the product of unquestioned economic forces engineered to increase owner profits by way of enabling legislation. Their putative legality conceals any record of deprivation; whereas, data of such cases in Germany, for example, remains confidential as a function of courts’ privacy protection. The selectivity of case categories contained in the VDB and the absence of sufficient social indicators and data in most countries conceal a yet-untold story. Other countries such as Australia, Algeria and Argentina appear as gray areas in the HIC *Housing and Land Crisis 2007* map only for lack of available documentation. Their ambiguous appearance does not suggest an absence of forced eviction, dispossession and destruction of people’s habitat and exemption from the effects of privatization. These are areas needing greater monitoring and documentation input by HIC Members and others.

While the present tools depict important global trends and patterns, they mark only the beginning of a process to complete the global assessment of violations. With the Violation Database and such analytical and actionable initiatives as the HIC Housing Rights Crisis ! map, increased networking fact gathering and critical assessment based on HRAH are still need to determine states’ consistency with their treaty obligations, as our common normative framework for respect, protection and fulfillment of human rights as well as the pursuit of MDG 7.

For more information on these cases or to join HIC's *Housing Rights Campaign* (October 2007-January 2008), go to HIC websites:

[www.hic-net.org](http://www.hic-net.org) / [www.hlrn.org](http://www.hlrn.org) / [www.hic-sarp.org](http://www.hic-sarp.org) / [www.hic-mena.org](http://www.hic-mena.org)

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- <sup>1</sup> Graham Tipple and Suzanne Speak, "Who is homeless in developing countries," *IDPR*, Vol. 28, No. 1 (2006).
- <sup>2</sup> "A Pattern of Persecution: The Growing Attack against Housing and Land Rights Defenders" A Solidarity Appeal to End The Global Attack on Human Rights Defenders (Cairo: HLRN, 1 October 2007).
- <sup>3</sup> Based on the UN Committee on Economic, Social and Cultural Rights' General Comment No.4: "the right to housing": (1) security of tenure; (2) Public goods and services; (3) environmental natural resources (land & water); (4) affordability; (5) accessibility (physical); (6) habitability; (7) location; (8) cultural appropriateness; (9) participation, self-expression and peaceful assembly; (10) education, information, capability and capacity building; (11) movement, resettlement, restitution, rehabilitation, return, compensation (i.e., reparation); and (12) security (physical) and privacy.
- <sup>4</sup> Committee on Economic, Social, and Cultural Rights, General Comment 7 (1997), paragraph 3.
- <sup>5</sup> Commission on Human Rights, Resolution 1993/77, para. 1.
- <sup>6</sup> *Post-Tsunami Relief and Rehabilitation: A Violation of Human Rights*, Fact-finding Report No. 8 [mission to tsunami-affected areas of Tamil Nadu, India, and Sri Lanka] (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, 2005); *Battered Islands: Report of a Fact-finding Mission to Tsunami-affected Areas of the Andaman and Nicobar Islands*, Fact-finding Report No. 9 (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, 2006); *Do People's Voices Matter? The Human Right to Participation in Post-tsunami Housing Reconstruction*, Fact-finding Report No. 10 [tsunami-affected areas of Tamil Nadu and Pondicherry] (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, December 2006).
- <sup>7</sup> *HLRN's 2004–06 Housing and Land Rights Crisis Report*.
- <sup>8</sup> International Rivers Network, "Affected Peoples", at: <http://www.irn.org/basics/affected/>
- <sup>9</sup> Human Rights Watch, "Condemned Communities: Forced Evictions in Jakarta," [hrw.org/reports/2006/indonesia0906/](http://hrw.org/reports/2006/indonesia0906/)
- <sup>10</sup> HIC-HLRN Violation Database, [http://www.hlrn.org/welcome\\_violation.php](http://www.hlrn.org/welcome_violation.php).
- <sup>11</sup> *Ibid.*
- <sup>12</sup> Internal Displacement Monitoring Centre, "Internal Displacement in Asia and the Pacific," at: [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/950E70BFEA0B6CD7C12572BF003DB87F/\\$file/Global\\_Overview\\_2006\\_Asia.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/950E70BFEA0B6CD7C12572BF003DB87F/$file/Global_Overview_2006_Asia.pdf)
- <sup>13</sup> *Ibid.*
- <sup>14</sup> Internal Displacement Monitoring Centre, "Iraq: an Internal Displacement Crisis," 30 March, 2007, [www.internal-displacement.org](http://www.internal-displacement.org).
- <sup>15</sup> Internal Displacement Monitoring Centre, "Lebanon: displaced return amidst growing political tension" (15 December 2006), [www.internal-displacement.org](http://www.internal-displacement.org).
- <sup>16</sup> COHRE, "Fact Sheet: Vancouver 2010," HIC-HLRN, Violation Database, <http://www.hlrn.org/violation/Fact%20Sheet%20-%20Vancouver.doc>, original at: <http://www.sportanddev.org/data/document/document/352.pdf>.
- <sup>17</sup> HIC-HLRN, Violation Database, [www.hlrn.org](http://www.hlrn.org), "5,000 Public Housing Units in New Orleans Are to Be Razed" (15 June 2006).
- <sup>18</sup> *State of the World's Cities 2006/7* (Nairobi: UN HABITAT, 2006), the flagship report of the United Nations Human Settlements Programme (UN-HABITAT).
- <sup>19</sup> See ruling in *Pigford v. Glickman*, 185 F.R.D. 82, 110 (D.D.C 1999). Also Joseph Schechla, "Investing in Housing, and Racism affecting people of African descent" Fourth Session of the Working Group on People of African Descent, Geneva, 25 October–05 November 2004, at: <http://www.hlrn.org/documents/Schechla%20WGPAD%20complete..pdf>.
- <sup>20</sup> See Declaration on the Rights of Indigenous Peoples, A/61/L.67, adopted 13 September 2007, at: [http://www.hlrn.org/documents/Declaration%20on%20Right%20of%20Indigs%20A\\_61\\_L.67%20en.pdf](http://www.hlrn.org/documents/Declaration%20on%20Right%20of%20Indigs%20A_61_L.67%20en.pdf).
- <sup>21</sup> In 2005, 71 percent of the 24 cities covered in the U.S. Conference of Mayors' Status Report on Hunger and Homelessness in America's Cities: A 24-city Report (2005) reported a 6% increase in requests for emergency shelter; whereas, in 24 U.S. cities, an average 14% of emergency shelter requests and 32% of family shelter request went unmet. National Coalition for the Homeless, and National Law Center on Homelessness and Poverty, *A Dream Denied: The Criminalization of Homelessness in U.S. Cities* (Washington: NCH and NLCHP, January 2006), 8.
- <sup>22</sup> Martha Burt et al., *Helping America's Homeless* (Washington: The Urban Institute Press, 2001), 49–50.
- <sup>23</sup> Roy Walmsley, "Prison Population List (seventh edition) King's College London International Centre for Prison Studies.
- <sup>24</sup> Associated Press, "U.S. prison population projected to soar by 200,000 in five years," *International Herald Tribune* (14 February 2007), at: <http://www.ihf.com/articles/2007/02/14/news/prison.php>. See also *Forecasting America's Prison Population 2007–2011: Public Safety, Public Spending* (Washington: Pew Charitable Trust, June 2007).

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<sup>25</sup> Nisha de Silva, Paul Cowell, Terence Chow, Paul Worthington, "Prison Population Projections, 2006–2013, England and Wales," The Research, Development and Statistics Directorate, Home Office (London: Home Office, July 2006), at: <http://www.homeoffice.gov.uk/rds/pdfs06/hosb1106.pdf>.

<sup>26</sup> 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.