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## **Greece (and other countries): Housing Rights Abuses Challenged**

### **Centre on Housing Rights and Evictions (COHRE) Statement to the Fifth Human Rights Council, June 11-18, 2007**

***[disseminated with highlights and updates on Greece by Greek Helsinki Monitor]***

The Centre on Housing Rights and Evictions (COHRE) welcomes presentation this week of the report by UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari. COHRE takes this opportunity to praise the positive role Special Rapporteur Kothari has continued to play in challenging and resolving housing rights abuses worldwide, and to welcome in particular the “Basic Principles and Guidelines on Development-Based Evictions and Displacement”, developed and presented this year. The UN Special Rapporteur on the Right to Adequate Housing remains a key component of the UN human rights machinery, particularly in developing, presenting and formulating standards, as well as in acting on particular housing rights emergencies. With this year’s report, the current mandate holder has continued to demonstrate the quality of his own personal integrity. The current report also embodies the high standards of conduct exemplified by the Special Procedures as a whole.

COHRE joins the Special Rapporteur in noting with concern a number of negative housing rights developments taking place during the previous year. Like the Special Rapporteur however, we are heartened by the growth of grassroots, national and international initiatives to challenge these abuses, as well as of other efforts to end, once and for all, the abuse of persons and communities working to attain secure, adequate housing, and with it, a life of dignity. Indeed, in South Africa and elsewhere, COHRE has worked together with the Special Rapporteur to find positive solutions to the problems of duress caused by substandard housing and displacement. Like the Special Rapporteur, we have in the past year been engaged in manifold efforts to develop a constructive approach to ending housing rights abuse.

Below are brief descriptions of a number of actions in which COHRE has been involved, since the previous report by the Special Rapporteur. They provide a non-exhaustive summary of areas of concern, as well as endeavours to identify and bring forward positive action in the resolution of systemic abuse. Also detailed below are a number of positive developments in multi-lateral efforts to improve the international human rights system in areas of

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relevance to COHRE's work, and in particular to strengthen the international justice framework as concerns economic, social and cultural rights

### **Human Rights Abuses Due to the Olympic Games and Other “Mega Events”**

This year's report by the Special Rapporteur devotes explicit attention to the problem of development-based forced evictions and displacement. Like the Special Rapporteur, COHRE has devoted increasing focus on the problem of abuses of fundamental human rights in the context of development. During the period, COHRE published comprehensive evidence that the hosting of “Mega Events”, as currently practiced, has significant negative impacts on poor and marginalized people and communities, including forced evictions, dramatic rises in the cost of housing, and criminalisation of the homeless.

More than three years of research by COHRE, together with a number of UN bodies and academic institutions, documented practices including:

- More than 1.25 million people have already been displaced in Beijing, China, in preparation for the 2008 Games. COHRE's research reveals that a total of 1.5 million people will be displaced from their homes by the time the Games commence in August 2008. These figures do not include approximately 400,000 migrants living ‘temporarily’ in 171 neighbourhoods in situations of extreme insecurity, having come to Beijing due to lack of livelihood opportunities in rural areas. Victims of forced evictions, their legal representatives and housing rights defenders who oppose or challenge evictions are subject to ongoing intimidation, harassment and, in some instances, imprisonment for their activism.
- Five years before the Olympic Games are due to be staged in London, England in 2012, over 1,000 people face the threat of displacement from their homes, and housing prices are escalating. **Approximately 2,700 Roma were directly affected by the preparation and staging of the Olympic Games in Athens, Greece** (<http://www.cohre.org/store/attachments/Fact%20Sheet%20-%20Athens.doc>). The staging of the Olympic Games exacerbated the escalation of housing costs in Sydney, Australia. Between 1993 (when Sydney was selected as the Host City of the 2000 Summer Olympic Games) and 1998, Sydney's rents increased by 40 percent, compared with Melbourne, the Australian city with the next biggest increase in rents, which was only 9.6 percent over the same period. Approximately 30,000 poor residents were displaced from their homes in Atlanta, USA, by gentrification, the demolition of public housing, rental speculation, and urban renewal projects associated with the Olympics. African-Americans were disproportionately affected by displacements, housing unaffordability, and harassment and arrests of the homeless. The criminalisation of homelessness was a key feature of the 1996 Atlanta Games: 9,000 arrest citations were issued to homeless people in Atlanta in 1995 and 1996 as part of the Olympic Games ‘clean up’. Negative housing rights impacts were also documented by researchers in Barcelona, Spain and Seoul, South Korea.

In June 2007, COHRE published this research, as well as legal research on human rights obligations in the context of “Mega Events”, in the comprehensive report, *Fair Play for Housing Right* (<http://www.cohre.org/mega-events>). The report calls for the International Olympic Committee (IOC) and other mega-event governing bodies to

fully integrate housing rights considerations into the selection criteria used for judging bids to host a mega-event. It also emphasises the need for event organisers to incorporate housing rights considerations into all aspects of the preparation and staging of the event. The report shows that governments, municipal authorities, event organisers, bid committees, and even corporate sponsors, athletes and spectators, all have a role to play in respecting and upholding the housing rights of local residents.

### **Australia**

COHRE welcomes the report of the Special Rapporteur on Adequate Housing after his mission to Australia in August 2006. We agree that, in light of the extent of homelessness in Australia, the lack of affordable housing, and the housing conditions of indigenous Australians in particular, Australia is not fulfilling its obligations under the ICESCR. We support the recommendations of the Special Rapporteur, in particular that the Australian government institute a national housing policy, in consultation with those affected by violations of the right to adequate housing, and take steps to properly incorporate the rights in the Covenant into domestic law.

### **Greece**

**Greece won COHRE's 2006 Housing Rights Violators award as a result of a pattern and practice of forced evictions of Roma. Since the December 2006 award, no change in practice has been documented in Greece. In the period since June 1, 2007 alone, authorities forcibly evicted some 100 Albanian Romani families legally residing in Greece from the Votanikos state-owned area of Athens, without any proper legal procedure, and announced they would also evict an additional 100 Romani families living nearby. They then regularly harassed some 30 of the Romani families evicted from Votanikos who had resettled in a disused factory at 120 Iera Odos St., threatening them with violent action, arrest, prosecution and deportation if they did not leave. On June 10, six of these families felt coerced enough to in fact leave the disused factory premises. They settled once more in an open area they thought was state property. The Roma concerned, in both evictions, were provided with no alternate accommodation. Greek officials attending a June 7 meeting of the OSCE to discuss the crisis of forced evictions of Roma in the OSCE region were entirely unaware that Greece had been found in violation of three aspects of European Social Charter Article 16 for systemic violations of the rights of Roma to adequate housing, including as a result of a pattern and practice of forced evictions of Roma. [GHM note: for a background and updates on the Votanikos eviction see <http://deviousdiva.com/2007/06/08/votanikos/> and for an update on the completion of the eviction this morning <http://deviousdiva.com/2007/06/11/evictions-complete/>].**

### **India**

COHRE is concerned about the acquisition of lands in West Bengal, India, for Special Economic Zones and other major industrial projects. It is estimated that at least

10,000 hectares of land will be acquired for these projects, leading to the evictions of villagers currently living in these areas. COHRE notes with concern the violent response of state security agencies to protests against these evictions in Nandigram in January and March this year, which led to the deaths of at least 14 protestors. COHRE calls on the Indian government to order an independent inquiry into these deaths, and to immediately begin a consultation process with villagers affected by Special Economic Zones, to ensure that arbitrary forced evictions do not take place.

### **Israel/Palestine**

Jointly with the Badil Resource Center for Palestinian Residency & Refugee Rights (BADIL), COHRE has continued to seek due legal remedy for residents of Kafr Bir'im, Israel, and landholders belonging to the Bedouin community of Arab As-Subieh, Israel. These approximately 5,500 people in the Galilee region of Israel were forcibly displaced and then arbitrarily and illegally deprived of their land, through a system of state-sanctioned confiscations in effect since the late 1940s.

Residents of the Palestinian Christian village of Kafr Bir'im were forced out of their homes in 1948. Israeli authorities initially claimed that the displacement of the residents of Kafr Bir'im was due to security reasons and promised that they would be allowed to return to their village in two weeks. However, the Israeli government never allowed the residents to return and confiscated over 12 square kilometres of land. Today the former inhabitants of Kafr Bir'im and their families, totalling approximately 2,500 people, live as internally displaced persons in Israel or as refugees in Lebanon.

Since 1948, the Israeli government has also engaged in a process of gradually confiscating lands owned by Bedouins of Arab As-Subieh. The tribe's ownership of land diminished from 18 square kilometres to small plots on a strip of land now known as the village of Shibli, due to illegal appropriation of their lands by the Israeli state. Once confiscated, the Bedouin lands were nationalised and turned over to persons of Jewish origin for settlement and development. The community, currently consisting of about 3,000 people, has been forced to change its way of life to the detriment of its history, identity and cultural heritage.

COHRE's research has revealed that at present, the 1.2 million Palestinians who have Israeli citizenship (so-called 'Arab Israelis') and constitute about one fifth of Israel's population, own less than three percent of the land. The communities of Kafr Bir'im and Arab As-Subieh have suffered the expropriation of some 30 square kilometres of land and are yet to receive fair and effective compensation or remedies for the illegal acts to which they have been subjected.

COHRE and BADIL seek:

- Immediate annulment of all laws and policies that arbitrarily confiscate Palestinian land, as well as of those laws and policies which are racially discriminatory in purpose or effect against any person or group, and in particular against Palestinians;
- An immediate halt to all pending and planned forced evictions of, and land expropriations from, Palestinians in Israel;

- Full property restitution to all affected persons and their communities, as well as due just compensation and remedy for all harms suffered;
- Appointment of a Special Rapporteur to study the situation of Palestinian citizens of Israel;
- Establishment of a register to account for the lost of property of Palestinian citizens of Israel since the UN Conciliation Commission for Palestine (UNCCP) ceased to function.

### **Kenya**

In May 2007, COHRE, Hakijamii Trust, Kenya Land Alliance, the Kenya National Commission on Human Rights and Amnesty International released a report on the forced eviction of at least 50,000 person from Mau Forest in Kenya. The report, titled *Nowhere To Go*, calls on the government of Kenya to declare and enforce a moratorium on mass evictions in forest areas until human rights-based evictions guidelines are in place. The Mau forest evictions were part of a wider government campaign which has led to more than 100,000 people being forcibly evicted from their homes and lands in Kenyan forests since 2004.

Most of the evictions that have taken place in the last two years were carried out by Kenyan authorities without adequate human rights protections, including adequate notice, consultation with residents on alternatives to evictions and ensuring that no-one was rendered homeless. Evictions were executed with excessive force and the authorities responsible for ensuring respect for the law failed to take appropriate action to stop the abuses or to investigate allegations of human rights violations.

Many of the victims of the Mau Forest evictions were made homeless and now live in temporary structures by the side of the road. The proposed resettlement scheme in Molo has not been implemented and the land allocated has been bought privately by a member of the national cabinet.

The forced evictions have largely failed to protect the forests – in many cases people have simply returned to their former homes because they have nowhere else to go. The fact that people have returned to Mau forest demonstrates the failure of the current Government policy to achieve its environmental objectives. COHRE urges The government to work proactively and without delay with the affected communities and civil society to find solutions that respect both the environment and human rights.

While the Kenyan government has justified its actions by claiming the forest evictions were carried out to protect the environment, sufficient consideration does not appear to have been given to ways in which residents came to live in the forest areas, or to court injunctions against the evictions.

On 22 May 2007, it was reported that the District Commissioner for new District Narok South, Mr Ahmed Omar, called for the further eviction of approximately 10,000 persons who have returned to Mau Forest. COHRE has called on the Ministry of Environment to withdraw this new threat. COHRE also calls on the Kenyan government to live up to its international human rights obligations, complete the drafting of the national guidelines on evictions and act immediately to provide secure

and appropriate accommodation for all evicted families. The government should also compensate them adequately for destroyed property.

### **Nigeria**

In 2006, COHRE and the Social and Economic Rights Action Centre (SERAC) undertook a fact-finding mission to Abuja, Nigeria to investigate the forced eviction of approximately 800,000 people from their homes in the capital since 2003. These evictions are an attempt by the government to redress 30 years of deviations from the city's Master Plan, in which land has been misallocated or developed 'improperly'. From 2003-2007, the Minister of the Federal Capital Territory, Mallam Nasir Ahmad El-Rufai, ordered mass demolitions of businesses and homes, including over 49 informal settlements.

In the process of trying to ensure that Abuja is a safe, well-planned city, the Minister created chaos by increasing homelessness and unemployment, and by disrupting access to schools and health clinics for hundreds of thousands of people. The Minister's policy of unmitigated destruction is illegal under international law. It is also fundamentally counterproductive to the aims of the Abuja Master Plan.

Hundreds of thousands of people, including civil servants, advocates, journalists, retail workers, taxi drivers, and people working in the informal sector, live in these informal settlements due to a lack of affordable housing in the formal market. Only a handful of those evicted have been able to access plots at relocation sites due to the lack of adequate information and the high cost of these plots. Even fewer have been able to afford to build new homes. Furthermore, the FCDA has not yet followed through on the Minister's promise to provide access to water, electricity, roads, schools and health clinics in the relocation sites.

COHRE urges the government of Nigeria to halt all demolitions until such time as an adequate relocation plan has been developed in full consultation with affected people, a detailed enumeration of affected people has been completed and made public, and adequate relocation sites with all relevant facilities have been prepared. If the FCDA finds, during this process, that it does not have the resources to ensure that no person will be made homeless, then it should instead focus its efforts on upgrading and regularising the current settlements.

### **Philippines**

COHRE remains particularly concerned about the prevalence of arbitrary forced evictions in the Philippines. More than 145,000 people (29,000 families) have already been evicted from their homes in Metro Manila and Bulacan province since early 2005 due to the rehabilitation of the Philippines National Railway system, referred to as the 'Northrail-Southrail' Linkage Project. More evictions are scheduled to take place in the course of this year. COHRE and a team of international experts visited relocation sites in April 2007. Although there have been some improvements in conditions at the relocation sites since last year, access to services and livelihoods remains unsatisfactory.

COHRE is also concerned at the upsurge in violent evictions in Manila, carried out by the Metro Manila Development Authority (MMDA) this year. A total of 914 families have been evicted this year from along rivers and creeks, with another 500 facing the threat of eviction. A number of evictions have been carried out violently. COHRE and a team of international experts visited a number of these communities this year, and all present were shocked at the conditions in which the families found themselves – as no alternative accommodation had been arranged prior to the evictions. In the implementation of these evictions, Philippines authorities acted in violation of international law, as well as the domestic law of the Philippines.

However, we welcome efforts by civil society groups in the Philippines, and some local government units, to improve the housing situation of the urban poor. In this regard, the policies of the Naga city government provide a model for other local governments in the Philippines.

### **Sri Lanka**

More than 20 years of civil conflict in Sri Lanka has left approximately 750,000 people displaced from their houses and land – approximately 200,000 have been displaced since the resumption in hostilities in June 2006 alone. Thousands more remain displaced after the December 2004 tsunami. While much has been achieved in housing restitution (especially in the context of the tsunami), there is still no overall policy framework designed to secure durable solutions to displacement in the long term, where there is the legal and political space to do so. A policy for housing and property restitution will be significant to achieving durable solutions whose objective is to bring displacement to an end. COHRE is working with a range of institutions in Sri Lanka to develop such a policy.

### **Zimbabwe**

In May, COHRE and Zimbabwe Lawyers for Human Rights (ZLHR) published an elaborated legal opinion report, setting out the grounds for concluding that the Zimbabwe government's 2005 mass eviction campaign, Operation Murambatsvina, was a crime against humanity and therefore an issue for International Criminal Court. The report was published on the second anniversary of Operation Murambatsvina, and after the comprehensive failure of domestic justice proceedings in connection with the mass evictions.

Operation Murambatsvina took place between May and July 2005, though some evictions still continue, and up to 700,000 people were forcibly and often brutally evicted. A Special Envoy of the UN Secretary-General, Anna Tibajuka, made extensive recommendations at the time, but a recent report by the Advisory Group on Forced Evictions indicates they have not been implemented. Zimbabwe has not prosecuted those responsible for the action.

The independent legal opinion on crimes against humanity concludes that there is sufficient evidence that the crimes of forced displacement, Article 7(1)(d) of the Rome Statute, were committed during Operation Murambatsvina. The victims were lawfully present in Zimbabwe and the evictions were a widespread and systematic attack against a civilian population as part of a State policy. They were not justified

on grounds permitted under international law. The opinion also finds that the evictions constitute an inhumane act under Article 7(1)(k) due to the immense physical and mental suffering meted out to the victims. The Security Council therefore has authority to refer the matter to the International Criminal Court under the Rome Statute.

COHRE, ZLHR and Zimbabwe Watch have called on the 15 members of the UN Security Council, namely Belgium, China, France, Ghana, Indonesia Italy, Panama, Peru, Qatar, the Republic of the Congo, the Russian Federation, Slovakia, South Africa, the United Kingdom and the United States, to adopt the findings of the legal opinion and refer the issue to the International Criminal Court.

### **Optional Protocol – International Covenant on Economic, Social and Cultural Rights**

COHRE welcomes the fact that efforts to strengthen the justiciability of the rights included in the International Covenant on Economic, Social and Cultural Rights entered a new phase in May, with the tabling of a draft Optional Protocol to the Covenant -- the fruit of many years of work by Chairperson-Rapporteur Catarina de Albuquerque, as well as by COHRE and many other civil society players. Should it be adopted in a sufficiently elaborated form, the Optional Protocol has the potential to offer millions of victims of abuses of economic, social and cultural rights the chance to pursue remedy in international fora, and may additionally enable mechanisms facilitating systemic change, where this has otherwise may have been obstructed to date. Recognising that Chairperson-Rapporteur de Albuquerque has presented a draft document incorporating the widest possible range of expert and government views, and setting out the basis for a viable Optional Protocol, COHRE urges the governments of the Human Rights Council, as well as all UN Member States, to work to ensure that the draft Optional Protocol is adopted swiftly and in the strongest form possible.

### **Preserving the Independence of Special Procedures**

The current Human Rights Council is engaged *inter alia* in discussions concerning the future of the special rapporteurs and representatives, independent experts and working groups, known collectively as the “Special Procedures”. In March of this year, COHRE joined a group of non-governmental organizations organizing a global petition in support of preserving the independence of the Special Procedures. The petition calls upon UN Member States to “build on the achievements of the past in maintaining a strengthened system of Special Procedures that comprises independent experts who are able to monitor and respond rapidly to allegations of human rights violations throughout the world as effectively as possible, without interference.” As of 6 June 2007, 13,599 persons had signed the petition.

Since joining the petition, COHRE has become particularly concerned at a proposal tabled on 20 April 2007 by the Algerian government on behalf of the African Group, which would impose a “Code of Conduct” on the Mandate Holders of the Special Procedures including many specific measures apparently aimed directly at limiting the scope of action of the Mandate Holders, undermining their independence or otherwise



hindering them from continuing to fulfil the specific roles defined in their various mandates. COHRE shares the view that forty years of practice have elaborated a system of safeguards sufficient to ensure that the Mandate Holders act according to the highest standards in the exercise of their duties. The current draft includes demeaning provisions such as an oath of allegiance, as well as a number of specific measures which, if adopted, may significantly hinder the ability of the Mandate Holders to act effectively on behalf of victims of human rights. These include but are not necessarily limited to limitations on sources of possible information, requirements of first communication with governments, as well as overly formalizing strictures such as a requirement that urgent communications be channelled exclusively through Geneva government missions. In both their spirit, as well as in their content, the Algerian proposal describes a future Special Procedures operating under a shadow of perceived bad faith, shackled to a series of formalities, and hindered in essence from carrying out the human rights work entrusted to them.

We urge the Human Rights Council to consider seriously the consequences of adopting the Algerian proposal in its current form, as well as to work toward a resolution which would instead strengthen the ability of the Mandate Holders to perform their duties with the maximum possible efficiency.

### **Conclusion: Housing Rights in the Global Framework**

The Fifth Human Rights Council can build on the work undertaken during the previous Council, which among other things adopted important resolutions on the situation in the Darfur region of Sudan, as well as on economic, social and cultural rights. The Fifth Council will have a number of opportunities to review housing rights issues, to act on abuses of these and other rights crucial for the dignity of all people, as well as to strengthen the international machinery for remedying housing rights violations. We urge the governments of the Council to make the most of the short time available to the Fifth Council to ensure that further progress is made in securing the right to adequate housing, with dignity, for everyone, everywhere.