

Forced Evictions and Housing Rights:

review experiences and a forward looking for UN-HABITAT.



Claudio Acioly Jr.

Chief Housing Policy Section

Claudio.acioly@unhabitat.org

0.

**Keeping our goal clear
and on focus.**



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1.

Achievements at the international level: a framework for action.

In 1976 two treaties came into force in international law that embody the highest ideals that have ever been expressed in law, let alone in international law. They are the Covenant on Civil and Political Rights and the Covenant on Economic, Social & Cultural Rights.

Human Rights Versus Classical Liberalism: a study in the theory of value, James Syfers, in "Not for Sale: In defense of public goods. An Anthology". A. Anton, M. Fisk and N. Holmstrom (eds). Oxford: Westview Press, 2000.

The Nations that have ratified these treaties – and that now includes the majority of nations on earth – have in so doing surrendered a large measure of their sovereign powers over the populations of their countries, have committed themselves to making periodic reports to the UN on their progress.

They have thus made themselves parties to the greatest collective project ever undertaken by our species. The success of this project over the next century will depend in part on the removal of many obstacles; some of these obstacles are entrenched political and economic interests, and some are ideas, attitudes, and habits of thought that are equally well entrenched.

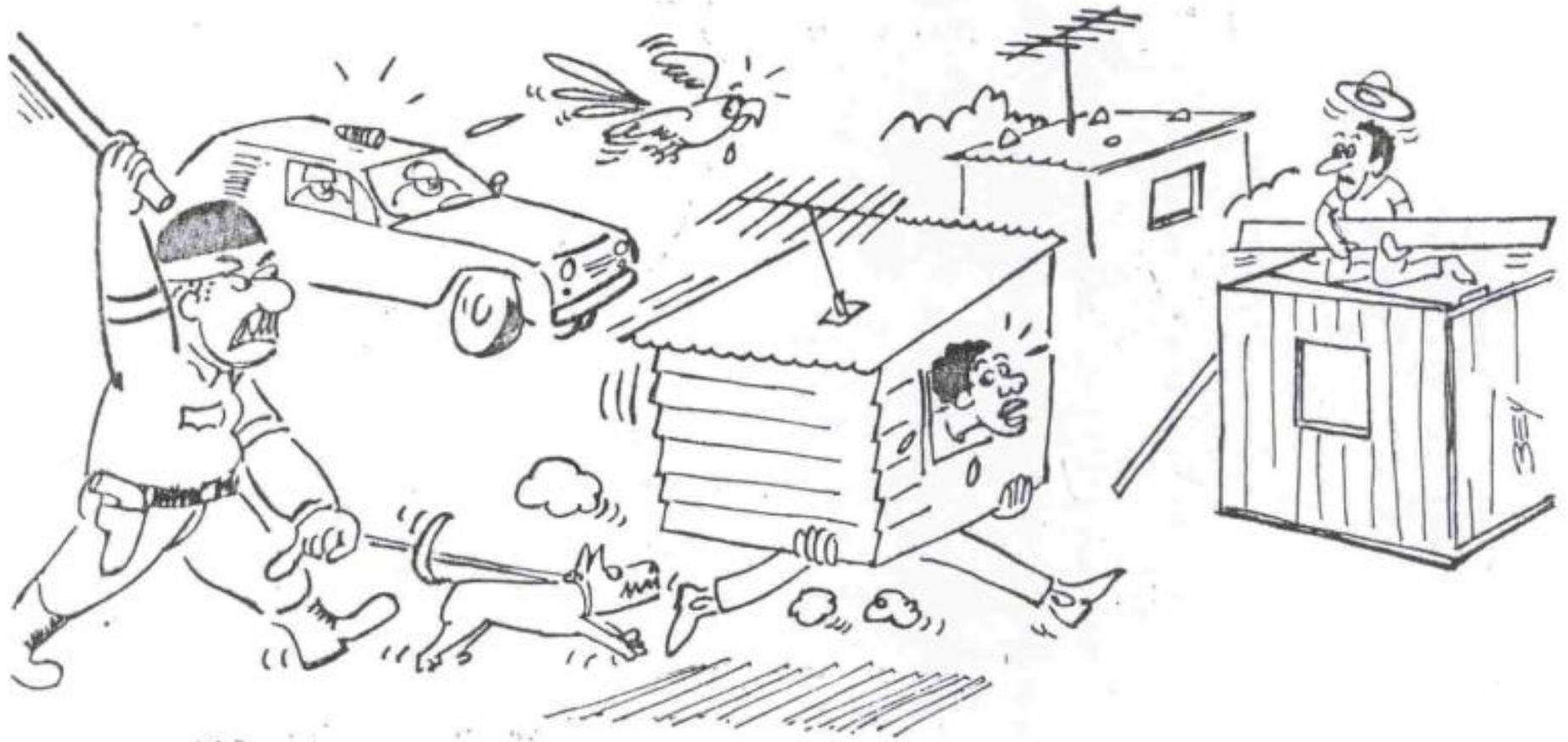
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2.

**Evictions, relocation,
resettlement,
displacement:**

**Denominations for an old phenomenon
of social exclusion**



By Bey Aires





By Bey Aires

Shock as man found living in nest like bird

By Kimani Kim

The 'house' perched atop a tree in a busy intersection of Mandela and Kilwa roads in Dar es Salaam has lately attracted the attention of motorists and pedestrians. The tarpaulin and cardboard structure strongly secured on tree branches is home to a man whose age is estimated at between 20 and 25 years.

The unidentified young man according to people familiar with the surroundings has made the tree perched nest his home for the last five months.

Fruit and maize vendors who sell their products under the tree said the man usually wakes up very early and briefly returns to the abode at noon to take a shower under the tree using a five-litre container.

"He usually sleeps for a few hours and then leaves. We do not know where he works but appears quite normal and rarely engages in conversation," a fruit seller told Sunday Citizen this week.

His shelter also made of old sacks and umbrellas is meticulously raised and secured with ropes to enable him

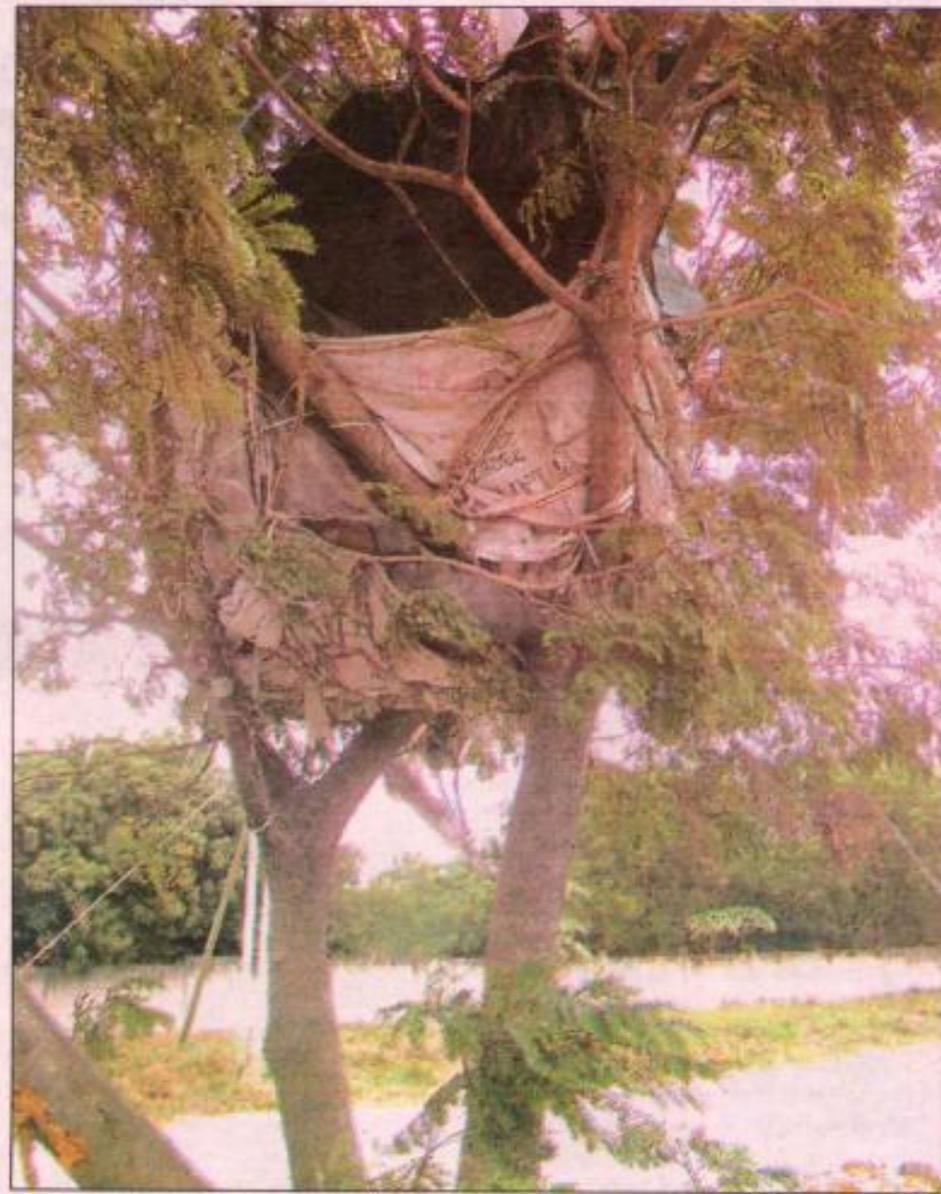
in Dar es Salaam. Curious onlookers have been trooping to inquire the whereabouts of the 'tenant.'

A spot check revealed a sizeable base in between the branches and lined with tattered clothes formed the 'bed' while a rope inside had a few clothes to indicate indeed someone lives there. A piece of cloth with Tanzanian flag colours is raised on one edge of the nest.

There was, however, no sign that any cooking takes place there or under the tree. Sunday Citizen was told that the owner of the abode has not been seen for the last three days.

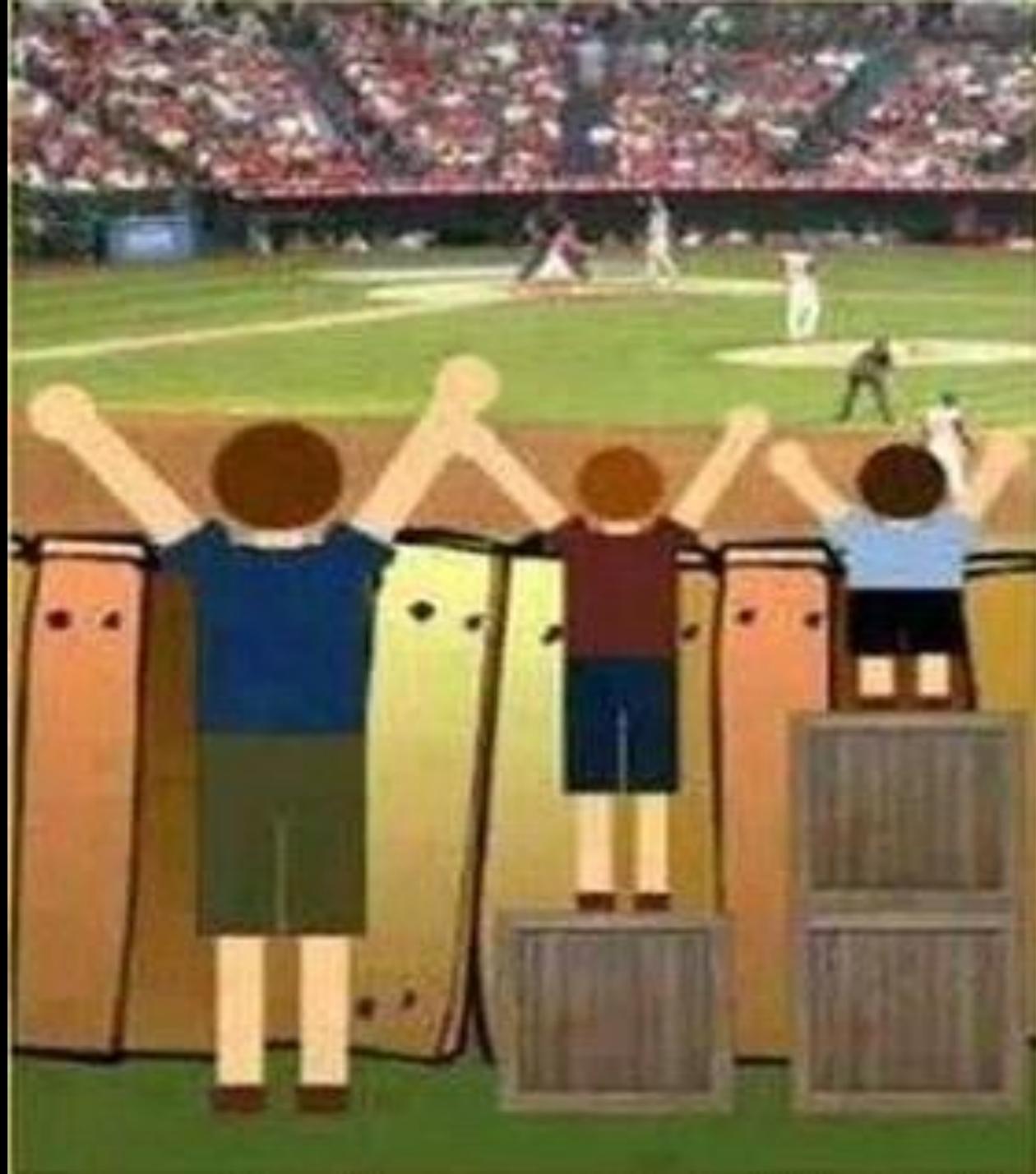
Mohamed Suleiman who sells oranges there said he has regularly spotted the man. "He seems to always mind his own business and has never uttered a word to me. But he acts abnormally." "He wakes up very early in the morning and comes back at 10 am to rest for about two hours and then leaves," Mohamed said, adding that sometimes he does physical exercises like jogging around before taking a shower beneath the nest.

Mohamed said he does not know



A nest-like 'house' on a tree at the junction of Mandela/Kilwa Road in Dar es Salaam, a spot an unidentified young man has turned into his home for the last five months, without catching the eye of Temeke District Council officials who have their offices just a stone-throw away.



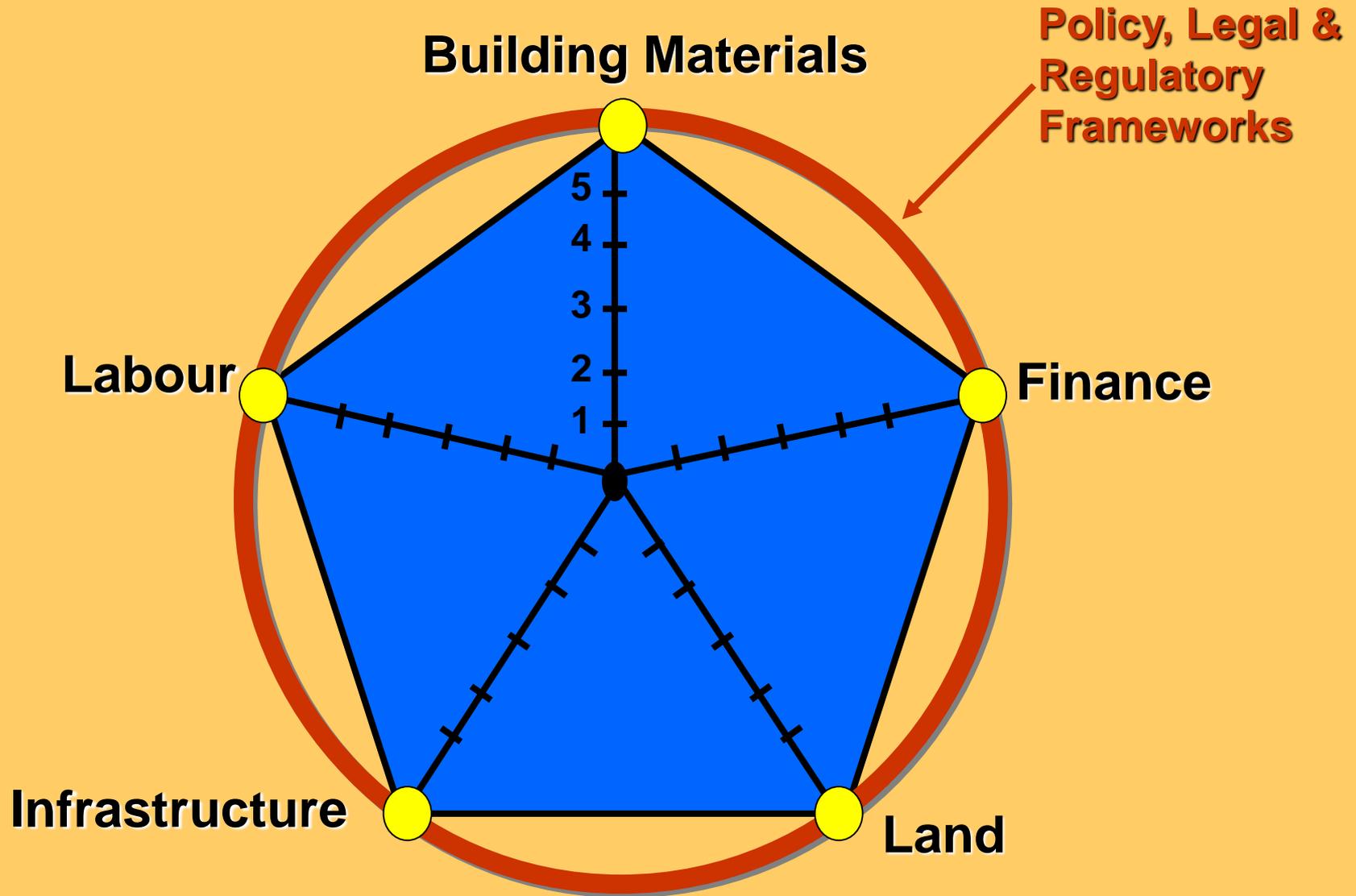


3.

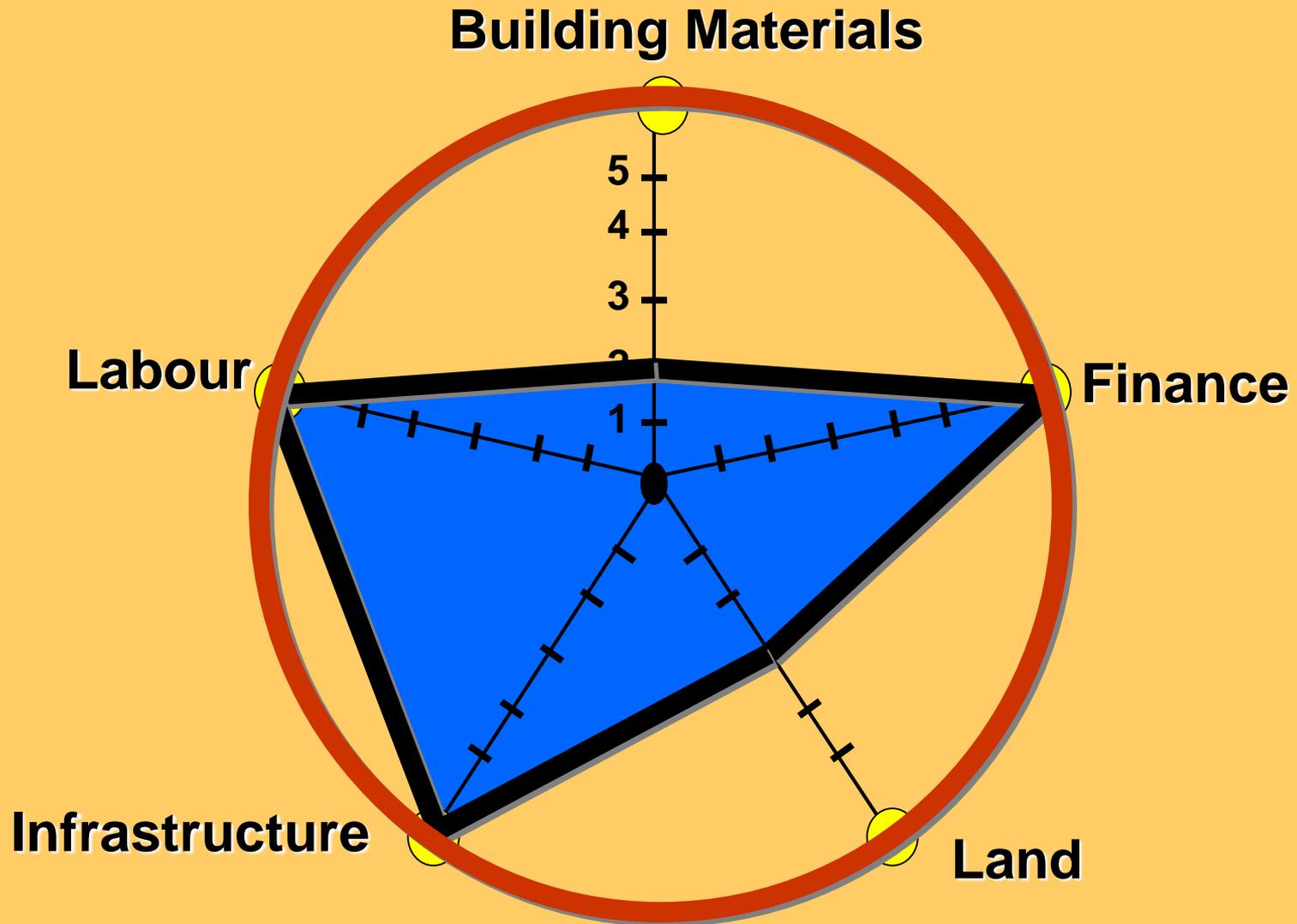
Understanding the meaning of Housing:

It is surprising to find such a
diversity of notions.

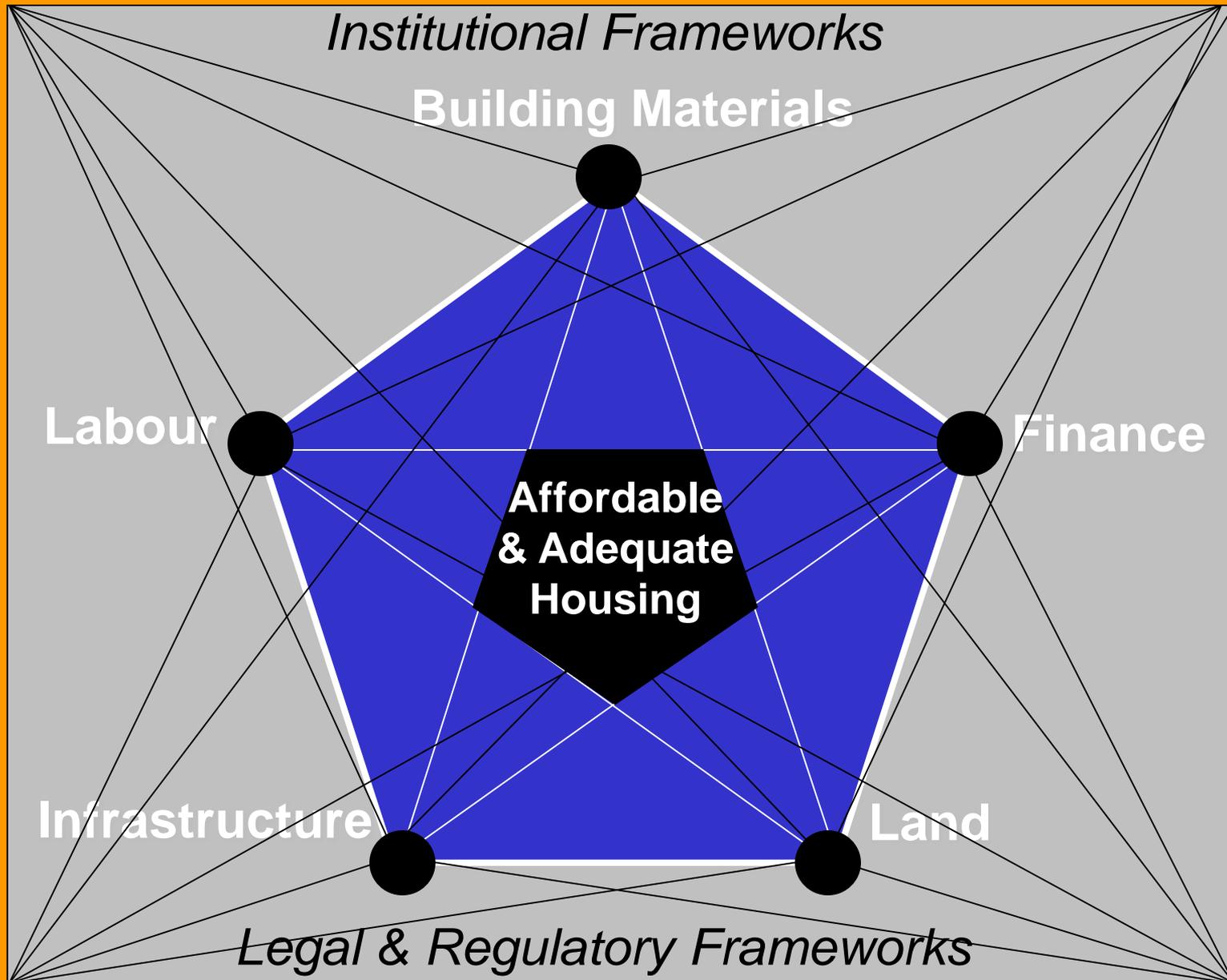
The Housing Diamond of Perfect Equilibrium of Inputs



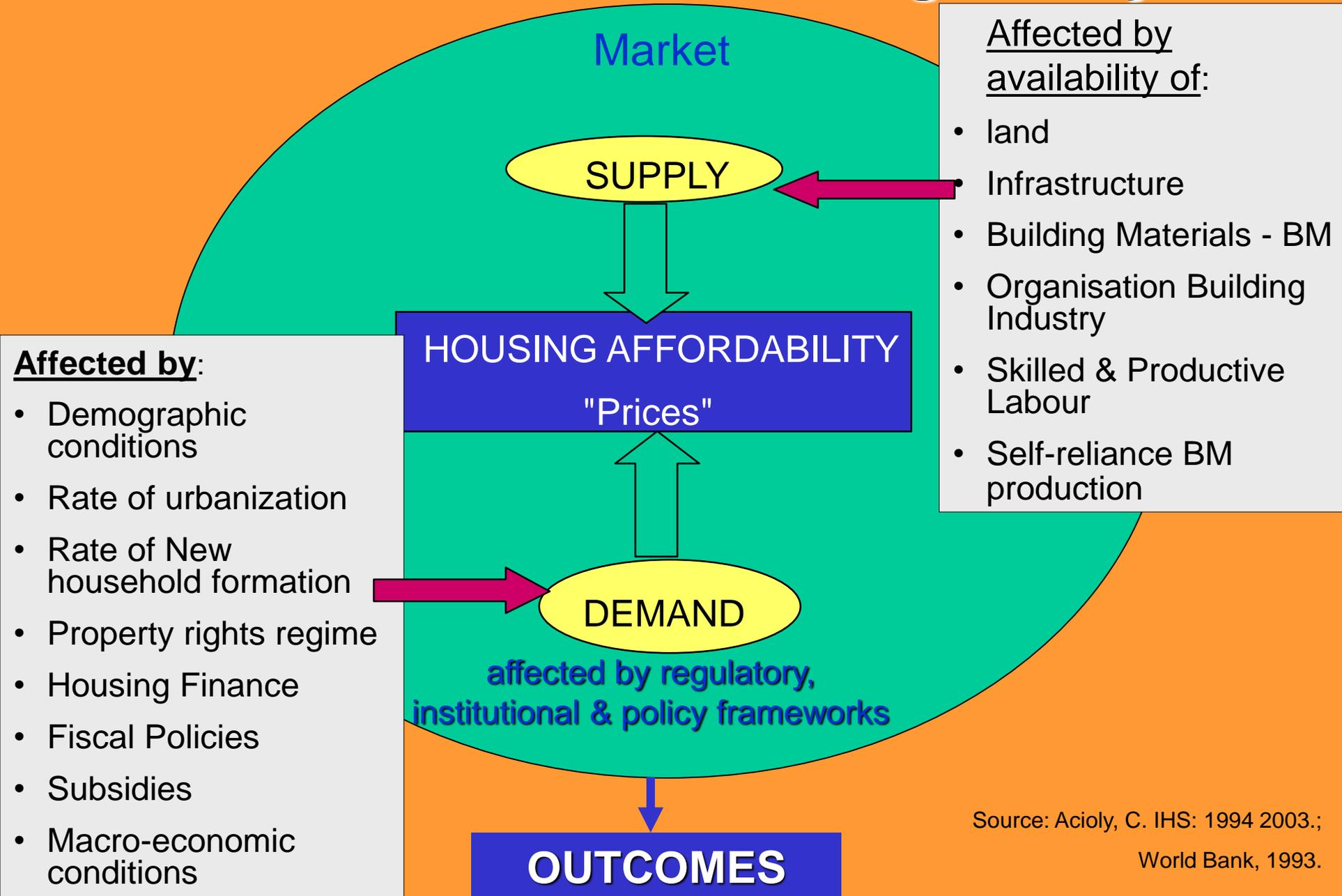
Scarcity of Land & Building Materials



What is the ultimate goal?



The Context of Housing Policy



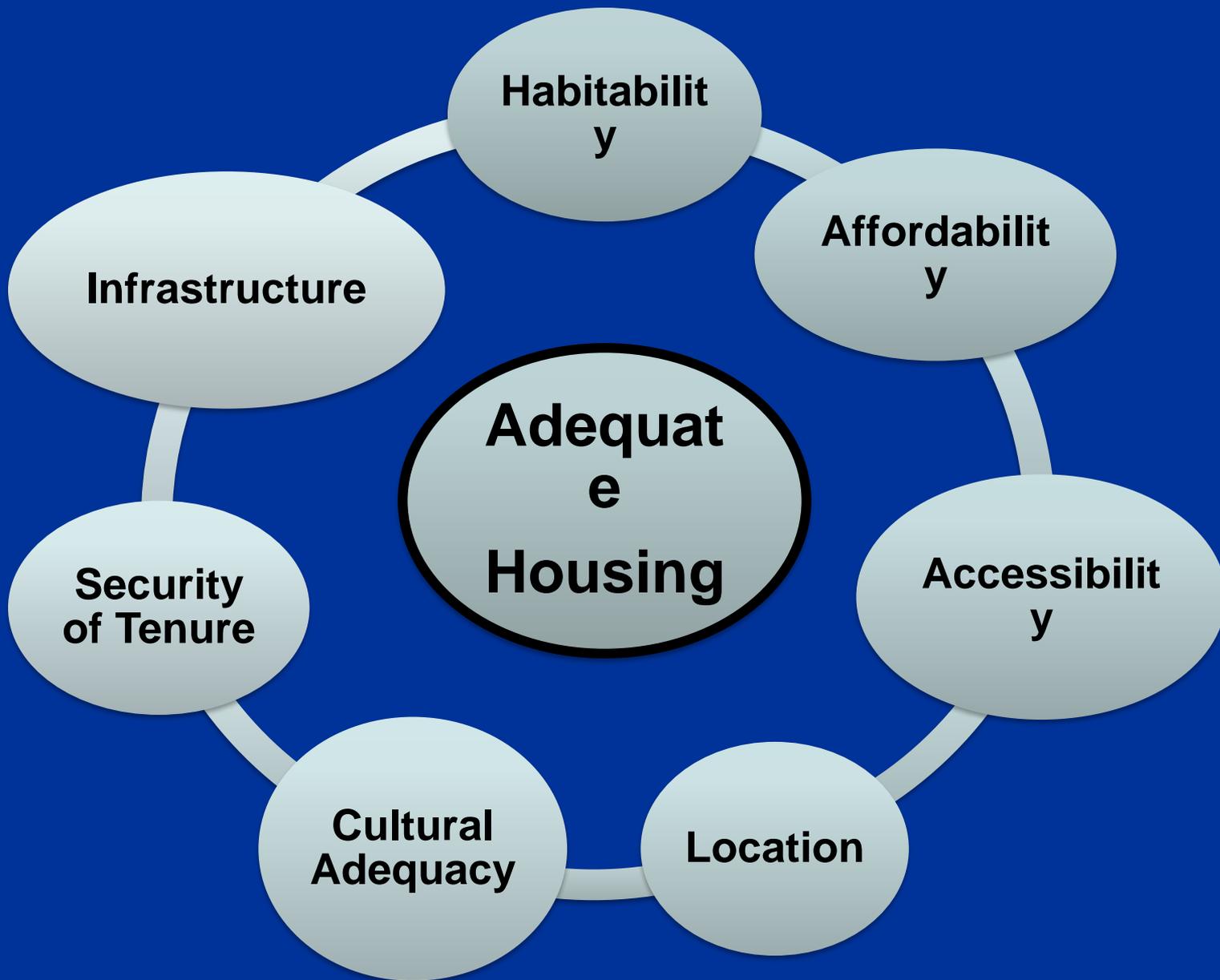
Source: Acioly, C. IHS: 1994 2003.;

World Bank, 1993.

4.

**The progressive realisation of
the right to adequate housing:**

a policy and political choice.



The Right to Adequate Housing

The right to live somewhere in peace, safety and dignity, with access to basic infrastructure, in a location that allows adequate access to jobs and opportunities and urban services, all at an affordable price.



Security
of
Tenure



Provision of
services,
materials,
infrastructur
e



Affordability



Habitability



Accesibility



Location



Cultural
Adequacy



UDHR (1948)

“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services,..”

(Article 25)

ICESCR (1966)

“States parties recognize the right to everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”

(Article 11 (1))

Adequate Housing (Fact Sheet)

1. The right to adequate housing contains freedoms
2. The right to adequate housing contains entitlements
3. Adequate housing must provide more than four walls and a roof (dignity)
4. Protection against forced evictions

Key Concepts – Housing Rights

Forced Evictions (1)

- **CESCR General Comment 7** defines forced evictions 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. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights”*.



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5.

**The mandate:
A rights-based approach to
urban development**



UN-HABITAT Goal

“Adequate Shelter for All”

Habitat Agenda Paragraph 60:

“Adequate shelter means more than a roof over one’s head. It also means adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure, such as water-supply, sanitation and waste-management facilities; suitable environmental quality and health-related factors; and adequate and accessible location with regard to work and basic facilities: all of which should be available at an affordable cost.”

“We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments.”

The Istanbul Declaration (para. 8) and the Habitat Agenda (para. 39).

Housing Rights in the Habitat Agenda (1996)

- Governments reconfirmed their commitment to housing rights:
 - *“We reaffirm our commitment to: ensuring the full realization of the human rights set out in international instruments and in particular, in this context, the right to adequate housing” (para. 26)*
- Paragraph 61 clarifies actions needed for the progressive realization of housing rights:
 - Prevention of homelessness and discrimination in housing;
 - Promotion of security of tenure;
 - Prevention of illegal eviction;
 - Promotion of access to information, land, services and financing for affordable housing.
- **Habitat Agenda** also recognized vital role of NGOs and CBOs in the process of realizing these rights

Observation for the way forward 2

1. The role of UN-HABITAT is to hold countries accountable and call upon their commitments and obligations, advise and recommend.
2. Many believe that the implementation of the Habitat Agenda is UN-HABITAT's responsibility
3. Civil society organisations and Habitat Agenda partners are equally responsible for its implementation through working closely with or pressing their governments to implement the contents of the Habitat Agenda amongst other things.

6.

Global and local trends:

**urbanisation and the growth
of slums.**

Slums: UN-HABITAT's rights-based definition

“A slum household is a group of individuals living under the same roof in an urban area who lack one or more of the following five conditions:

- **Access to drinking water**
- **Access to sanitation**
- **Durability of housing**
- **Sufficient living area**
- **Secure tenure**

Rio de Janeiro, Brazil



Slums: Past, Present & Future

	Urban Growth	Slum formation
Sub-Saharan Africa	4.6	4.5
Southern Asia	2.9	2.2
Western Asia	2.9	2.7

Observation for the way forward 3

1. Getting the right data and unfolding the policy implications are some of the fundamental monitoring roles of UN-HABITAT
2. Unfolding the implications and disseminating experiences in addressing the problem is another critical role for UN-HABITAT
3. Supporting governments, civil society and partners in developing evidence-based policies and responses are also critical roles for UN-HABITAT

7.

**Kibera, Nairobi: the largest
slum of Africa!**

Getting the facts right.

Kibera





Observation for the way forward 4

1. The numbers about Kibera kept being inflated and became conventional wisdom spread by the press, local actors, government, UN-HABITAT, international organisations
2. Conventional wisdom is often wrong, leading to fabrication of facts and processes.
3. This has serious implications for the credibility of any organisation or individual, be UN-HABITAT and all NGO's working in this field who embraced the lie!
4. This lesson is important for those working with evictions.

8.

The problem:

Forced Evictions are still on the rise

→ violate the human right to adequate housing

→ jeopardise MDG achievement





Evictions in Pictures: Nairobi, Kenya











Cities Without Slums: The Zimbabwean Way!

- May 2005 government launched Operation Murambatsvina - nationwide evictions and demolitions of slums and backyard constructions
- Over 500 settlements were flattened
- 700 000 families were displaced (UNHabitat, 2005)
- The evictions were succeeded by another “reconstruction” programme named Operation Garikai

Evictions in Pictures: Harare



Evictions in Pictures



Evictions in Pictures: Porta Farm

Before



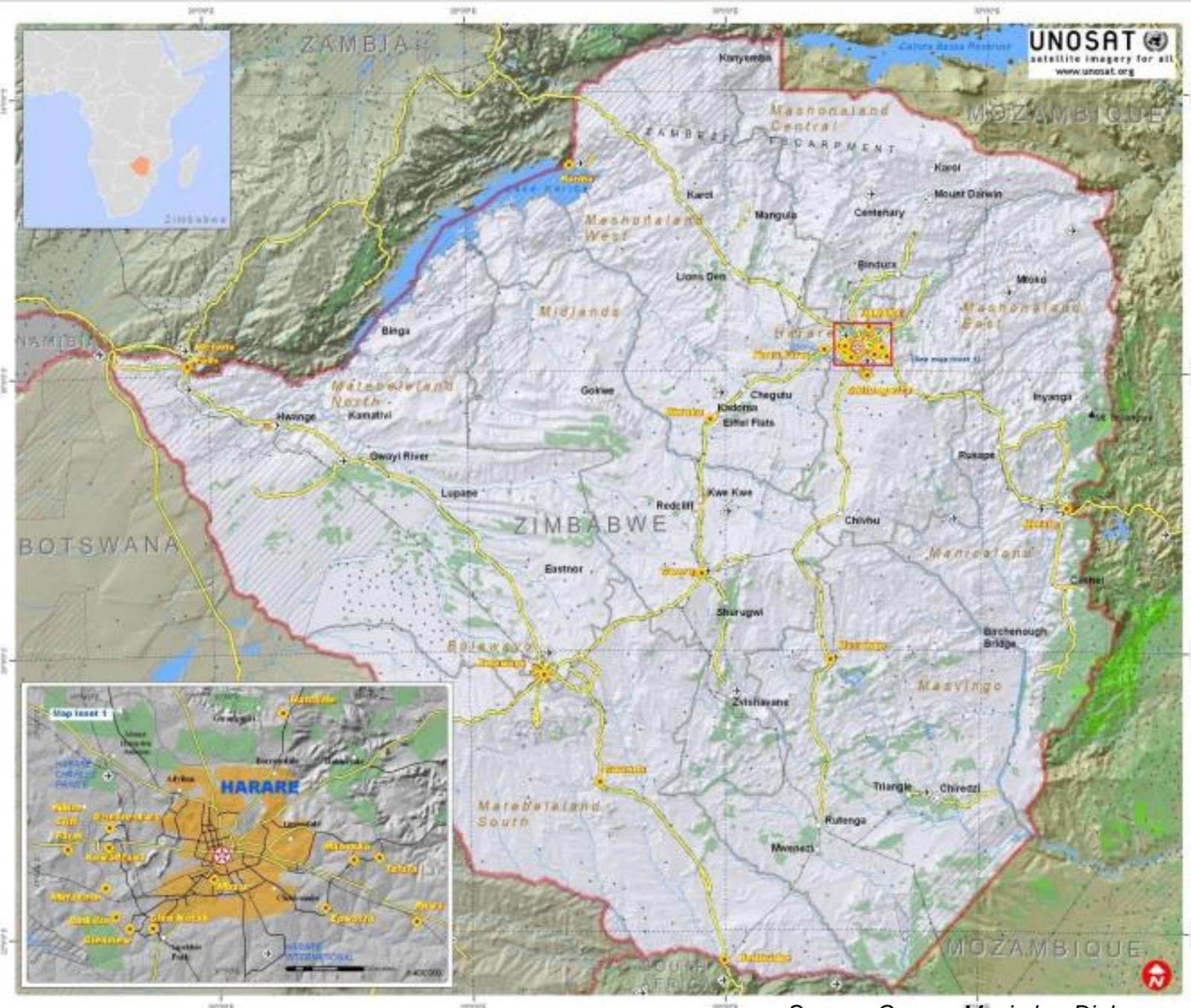
After



Total population	5993
Households	1318
Average period	7 years
History of evictions	58%
Housing waiting list	29%
Work-related reasons	27%
Water taps	14

Source: *Dialogue on Shelter* (2003)

Source: George Masimba, *Dialogue on Shelter*. IHS, 2008.



Reported Cases of Destroyed Housing during "Operation Murambatsvina" (19 May- 9 July 2005)

"Operation Murambatsvina" began 19 May 2005 and has left an estimated 300,000 people homeless as of 9 July according to ITN reports. The areas with destroyed housing shown on this map were identified through press reports and have not been independently verified.

Cities and towns with reported cases of destroyed housing and business. Coordinates may not be exact.

NAME	LONGITUDE	LATITUDE
Harare	30.9136	-17.8633
Victoria Falls	27.8371	-17.8314
Shurungwi	31.6756	-18.9745
Midvale	31.1838	-17.8370
Tobes	30.2414	-17.8374
White Cliffs	30.9033	-17.8333
Harold	31.1697	-17.8333
Illovo	31.8272	-17.8344
Okurima	30.9481	-17.8077
Indaba	30.9336	-17.8972
Olusivani	30.9728	-17.9083
Epworth	31.1473	-17.89
Dzimbodzo	30.9287	-17.8075
Indaba	30.9123	-17.8087
Coronation	30.9384	-17.8275
Kaunda	28.8183	-18.87
Evans	31.27	-17.9
Dunwoody	28.7812	-18.9722
Orpen	28.8177	-18.9434
Umlilo	28.8981	-18.9287
Orpen	28.8017	-18.9481
Indaba	28.9914	-18.1149
Chimpenza	31.4	-18.8133
Victoria Falls	30.7587	-17.81

● Housing Destroyed ● Town/City
✦ Airport ✦ Village
— Primary Road — Railway
— Access Road/way — International Border
— Main River — Deciduous Forest
— Urban Area — Evergreen Forest
— Lake — National Park

Projection: Spherical Equal-Area (SIRGAS)
 Units: Meters 1:500,000
 Data Sources: UNOSAT, ITN, IHS, IHS, IHS, IHS, IHS
 Date: 19 May - 9 July 2005
 Map Date: 9 July 2005

The acquisition and use of foundation geographic names and related data therein have not been verified to be correct and do not imply official endorsement or acceptance by the United States.

This map was produced for the UNOSAT project funded by UNOSAT and supported by UNOSAT. UNOSAT is a 170-party consortium providing geospatial imagery and related geographic information to UN member states and development agencies, and their implementing partners. Please visit www.unosat.org for more information.

Source: George Masimba, *Dialogue on Shelter*. IHS, 2008.

The United Nations Housing Rights Programme (UNHRP) was launched in April 2002, as a joint initiative by UN-HABITAT and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

[Read more...](#)

HOUSING RIGHTS NEWS



UN Special Envoy on Zimbabwean evictions briefs Security Council

New York - 27/07/2005

The United Nations Special Envoy on housing evictions in Zimbabwe, Mrs. Anna Tibaijuka, today briefed the Security Council on her two-week visit to the southern African country where the demolition of housing and markets have left some 700,000 people without homes or businesses.

LINKS

- [Office of the High Commissioner for Human Rights](#)

PUBLICATIONS

- [International Guidelines on Housing Rights](#)
- [Indigenous Peoples' Right to Adequate Housing: Global Overview](#)

CONTACT US

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Observation for the way forward 5

1. The numbers and intensity of evictions, like in the cases of Kibera's total population and Port Harcourt's slum clearance, are close to conventional wisdom
2. The need to nail down data and typology of evictions can not be more emphasized as critical condition to move forward any agenda on the theme
3. UN-HABITAT is not able to accomplish this without full engagement of civil society actors and Habitat Agenda partners in the countries

9.

Forced Evictions as a theme:

Who is interested? How popular is this theme in development practice?

Publication Title	No. of downloads
May 2008 Downloads	Totals: 5,357
Enhancing Urban Safety and Security - Global Report on Human Settlements 2007	313
The Challenge of Slums - Global Report on Human Settlements 2003	230
Gender in Local Government“ A sourcebook for Trainers	199
Participatory Budgeting in Africa - A Training Companion	108
2006 Annual Report	96
Financing Urban Shelter - Global Report on Human Settlements 2005	96
Habitat Debate Vol. 13, No. 4, Healthy Cities	81
Inclusive and Sustainable Urban Planning: A Guide for Municipalities	67
Brochure - World Habitat Day, 6 October, 2008	63
Habitat Debate Vol. 13, No. 2, A look at the urban informal economy	57
Rental Housing: An essential option for the urban poor in developing countries	53
Tools to Support Participatory Urban Decision Making	51
Local Elected Leadership Series - Key Competencies for Improving Local Governance	50
Cities in A Globalizing World - Global Report on Human Settlements 2001	49
Housing and Urban Upgrading in Yantai	48
An Urbanizing World “ Global Report on Human Settlements 1996	46
Habitat Debate Vol. 12, No. 1, Towards sustainable energy in cities	44
Habitat Debate Vol. 13, No. 1, Financing for the Urban Poor	43
Habitat Debate Vol. 13, No. 3, A safe city is a just city	40
Climate Change, The Role of Cities	37
A better childhood in the city	36
Analytical Perspective of Pro-poor Slum Upgrading Frameworks	36
Forced Evictions - towards solutions? First Report of the Advisory Group on Forced Evictions to the Executive Director	34

Out of **505**
Publications

23rd
Position

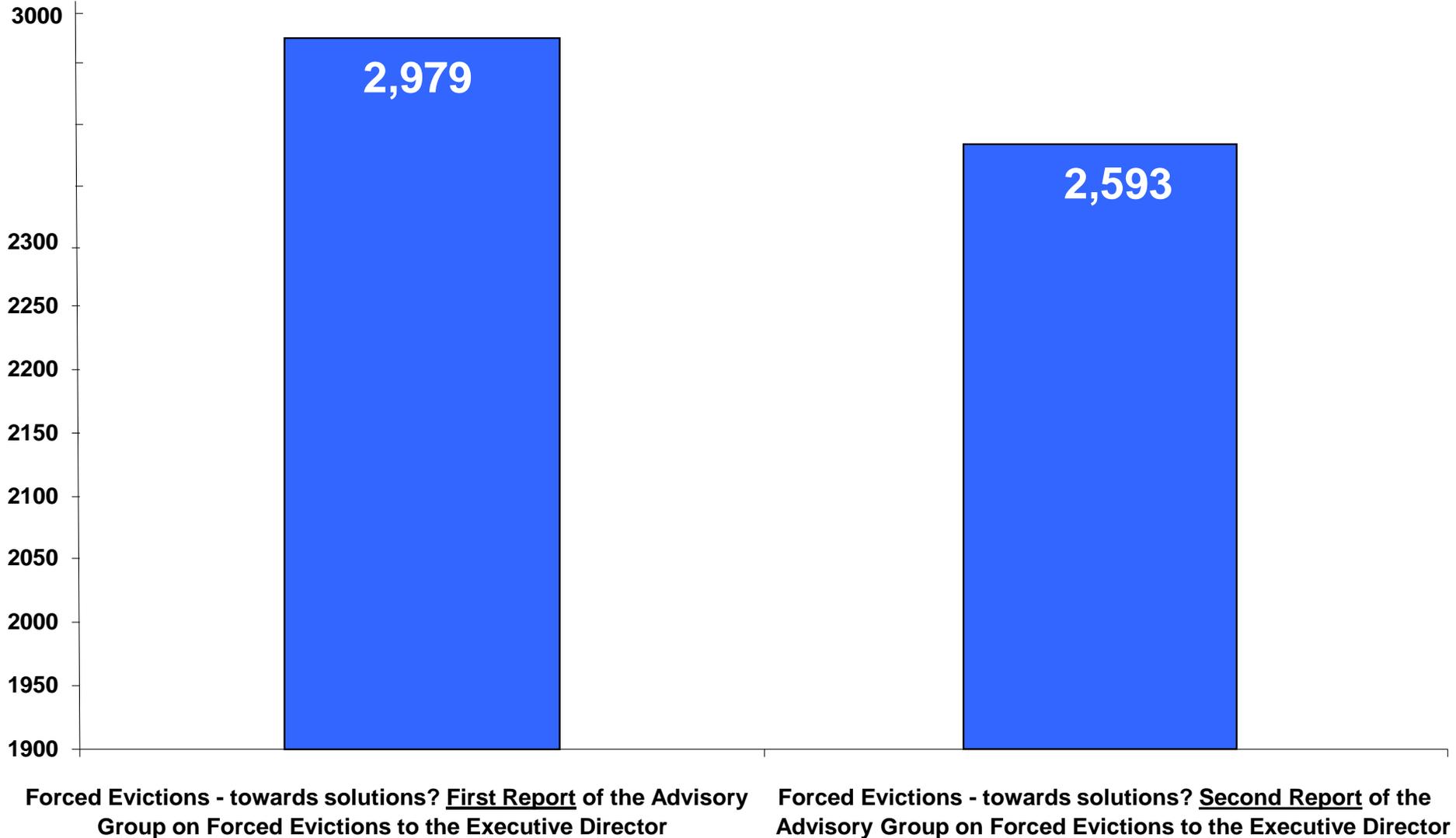
From where are the Publications Downloaded in May 2008?

India	292
United States of America	284
United Kingdom	185
Kenya	165
Germany	132
Canada	121
South Africa	116
Australia	96
Spain	95
Netherlands	94
Philippines	90
Mexico	87
Brazil	86
Nigeria	86
Indonesia	82
Italy	75
Somalia	66
Ethiopia	63
France	57
Cameroon	54

Countries where evictions are being reported?

Arrows point from the central box to the following countries: India, United States of America, Kenya, Germany, South Africa, Philippines, Mexico, Nigeria, Indonesia, Italy, Somalia, Ethiopia, and Cameroon.

Download Statistics for AGFE Reports from the UN Habitat Website (January 2005 – September 2008)



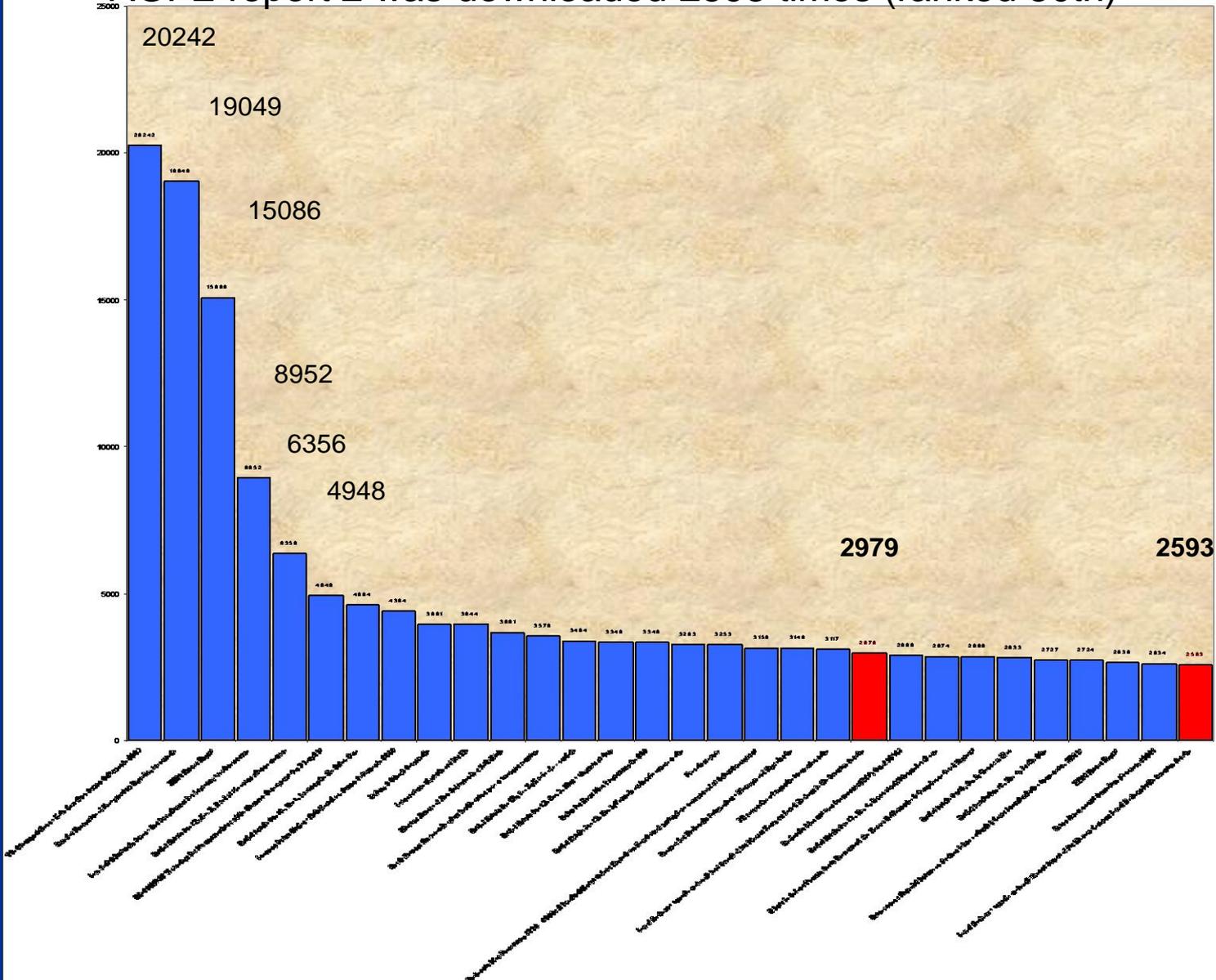
Launched at the Governing Council
Meeting of 2005

Printed in April 2007

Top 30 Publication Downloads (Nov 2005 to Present)

AGFE report 1 was downloaded 2979 times (ranked 21st)

AGFE report 2 was downloaded 2593 times (ranked 30th)



The Top 30 Titles Downloaded from UN-HABITAT website	Downloads
The Challenge of Slums - Global Report on Human Settlements 2003	20242
Analytical Perspective of Pro-poor Slum Upgrading Frameworks	19049
2006 Annual Report	15086
Local Elected Leadership Series - Key Competencies for Improving Local Governance	8952
Habitat Debate Vol. 13, No. 2, A look at the urban informal economy	6356
UN-HABITAT'S strategy for the implementation of the Millennium Development Goal 7 target 11	4948
Habitat Debate Vol. 13, No. 1, Financing for the Urban Poor	4604
Financing Urban Shelter - Global Report on Human Settlements 2005	4394
Water, A Shared Responsibility	3961
International Migrants and the City	3944
Situation Analysis of Slum Settlements in Addis Ababa	3681
Rental Housing: An essential option for the urban poor in developing countries	3570
Habitat Debate Vol. 13, No. 3, A safe city is a just city	3404
Habitat Debate Vol. 12, No. 3, Cities - Magnets of Hope	3349
Water for Asian Cities Programme, Lao PDR	3340
Habitat Debate Vol. 12, No. 1, Towards sustainable energy in cities	3283
Poverty mapping	3253
Sustainable Cities Programme, 1990 - 2000: A Decade of United Nations Support for Broad-based participatory management of Urban Development	3159
Business for Sustainable Urbanisation - Challenges and Opportunities	3140
72 respuestas a Preguntas Frecuentes sobre el Presupuesto Participativo	3117
Forced Evictions - towards solutions? First Report of the Advisory Group on Forced Evictions to the Executive Director	2979

Downloads from UNHABITAT website

Publication	Year	Number of Downloads
Forced Evictions - Towards Solutions? First Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT 2005	2010	888
Forced Evictions - Towards Solutions? Second Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT 2007-	2010	785
Quick Guides for Policy Makers 4; EVICTION: Alternatives to the whole-scale destruction of urban poor communities 2008	2010	585

Downloads from UN-HABITAT website, 2011 (up to 22 Sept)

Publication	YEAR	Number of Downloads
Forced Evictions - Towards Solutions? First Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT 2005	2011	362
Forced Evictions - Towards Solutions? Second Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT 2007	2011	634
Quick Guides for Policy Makers 4, Asia; EVICTION: Alternatives to the whole-scale destruction of urban poor communities 2008	2011	434
Quick Guide 4: Eviction 2011	2011	421
Forced Evictions, Global Solutions 2011	2011	205

Number of Visitors to Housing Rights Documentation at UN-HABITAT's site

From

Jan 1, 2008 (12:00 AM)

To

Sep 1, 2011 (2:59 AM): **56,633 visits**

Google Searches

Situation on 22nd Sept 2011

Publication	Year	Number of Downloads
Forced Evictions- towards solutions		2,589
Forced Evictions - towards solutions? Second Report of the Advisory Group on Forced Evictions to the Executive Director.-		46
Other publications not available on google print		

Observation for the way forward 6

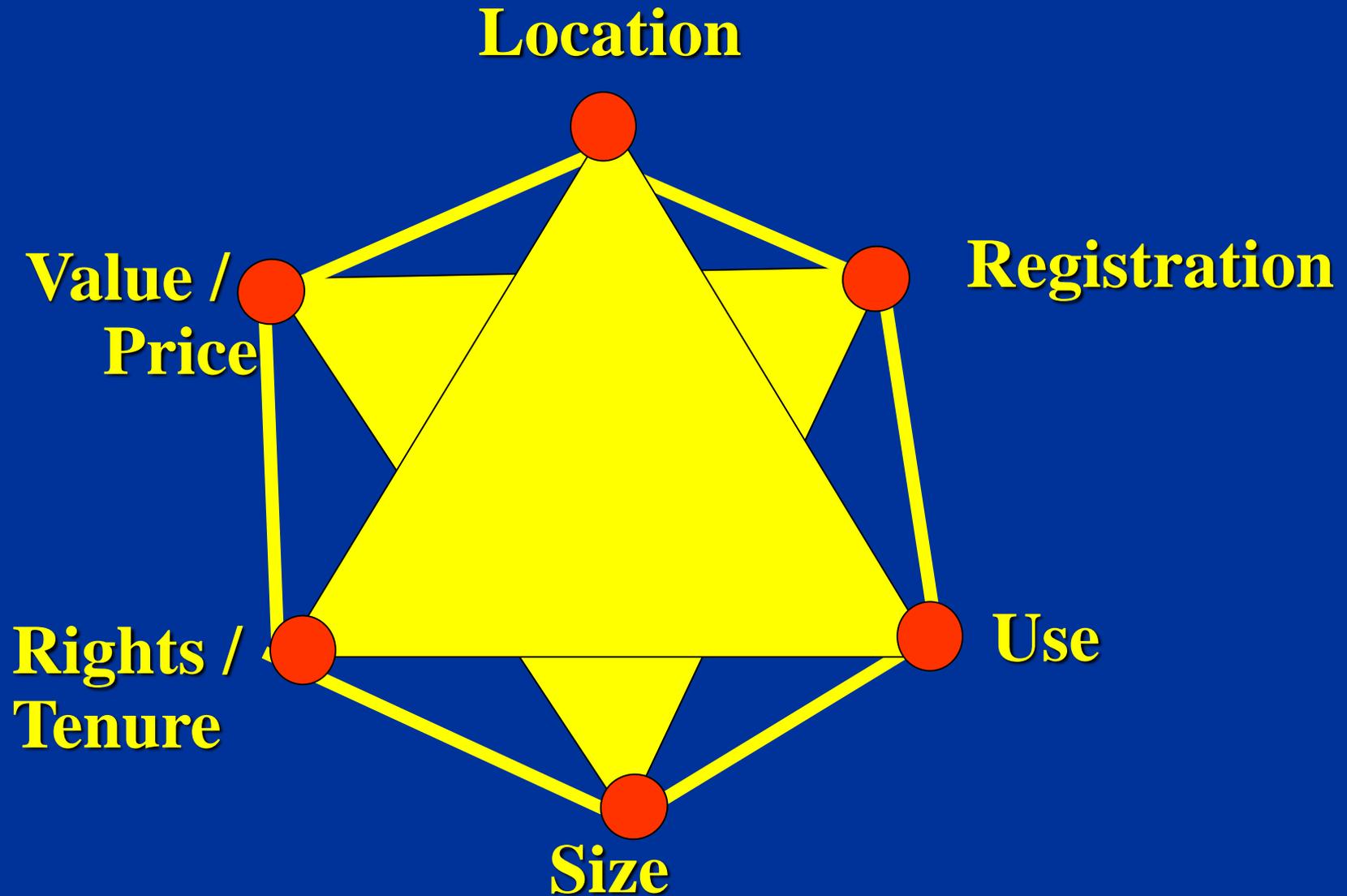
1. There seems to exist a discrepancy between the interest manifested by hits and visitors to the website and the intensity and scale that we are all claiming about evictions
2. Better counting, reporting and monitoring are necessary in support to our arguments for policy changes and improved security of tenure in line with the human rights to adequate housing
3. Stronger and wider partnership, institution building and capacity development are vital

10.

LAND:

A vital element in the eviction equation where policies and instruments are in great need.

Land has several attributes:



Tenure security for UN-HABITAT

UN-HABITAT sees tenure security as “the right of all individuals and groups to effective protection by the state against forced eviction.”

Under international human rights law, secure tenure is one of the seven components of the right to adequate housing, which is again linked to land.

Tenure security for UN-HABITAT

Under international human rights law,

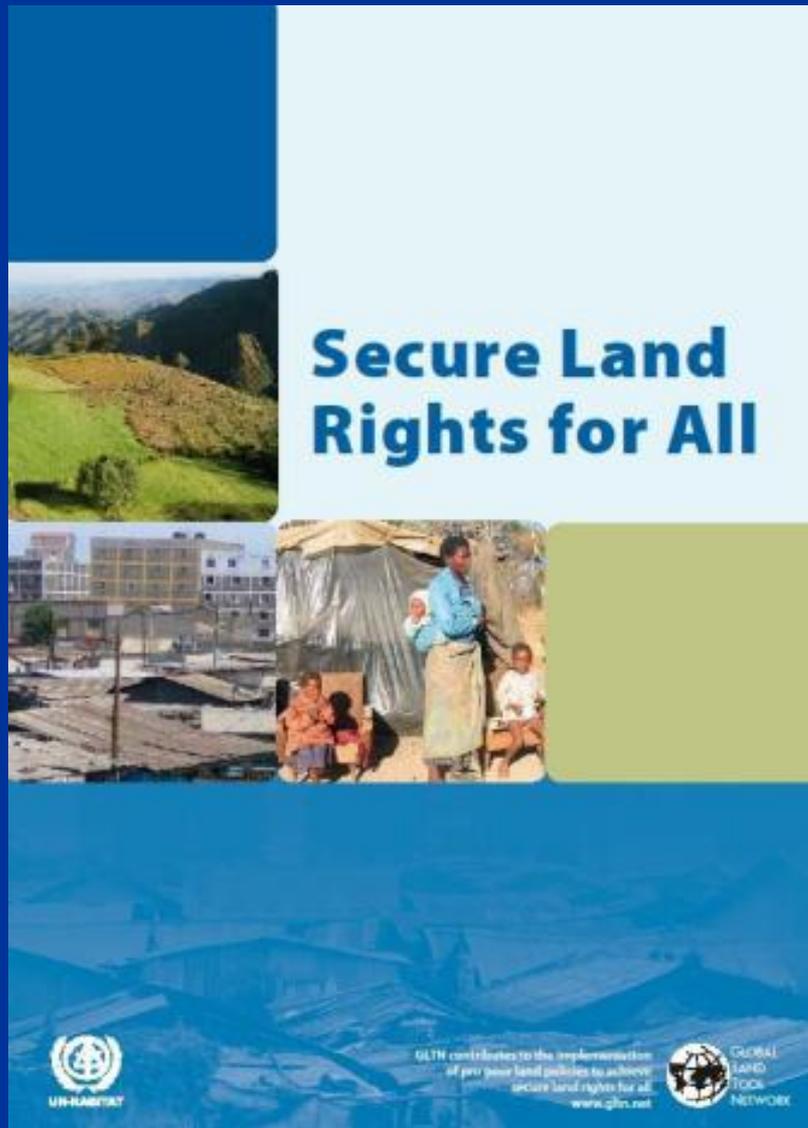
The seven (7) components of the right to adequate housing:

1. availability of services, materials, facilities and infrastructure,
2. affordability,
3. habitability,
4. accessibility,
5. location and
6. cultural adequacy.
7. security of tenure

All these human rights apply equally to men and women, and women's equal rights to adequate housing, land and property is firmly entrenched in international law.

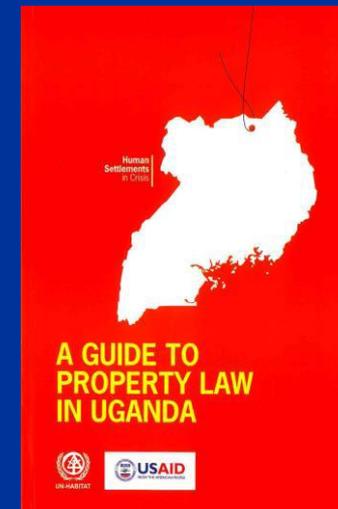
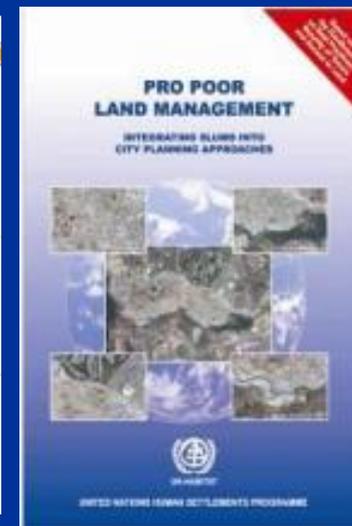
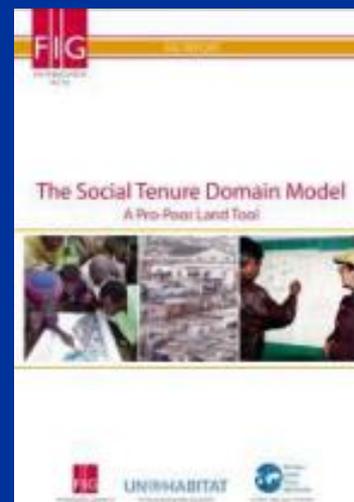
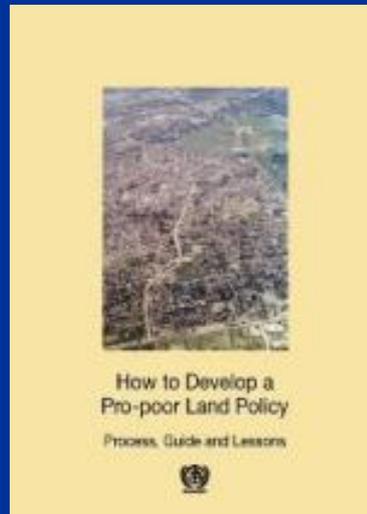
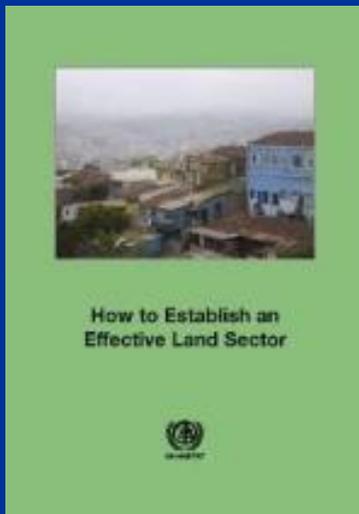
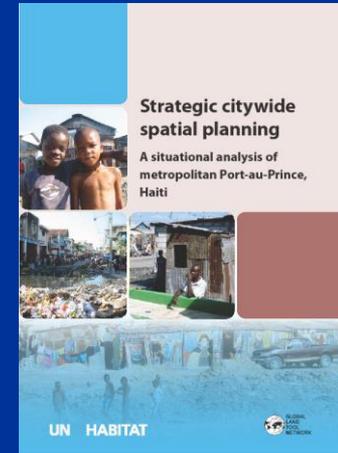
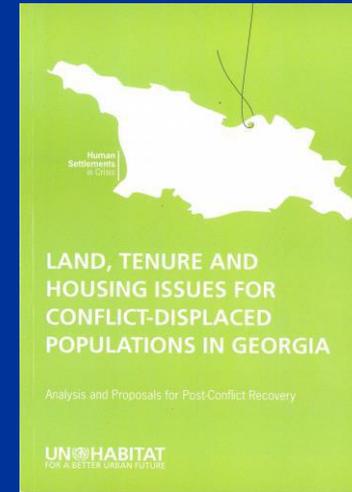
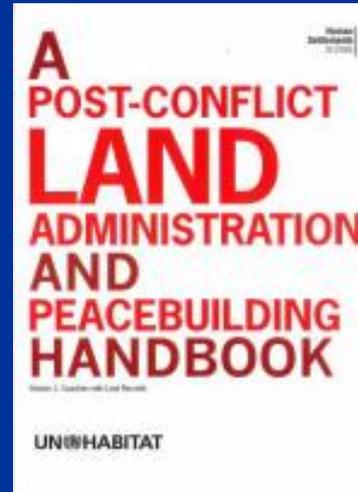
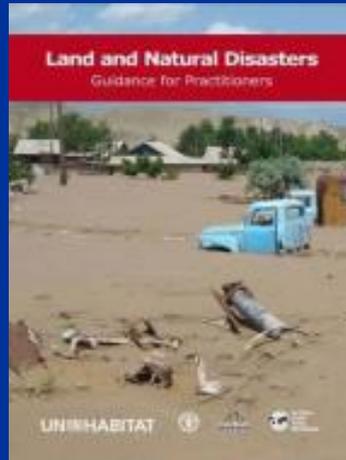
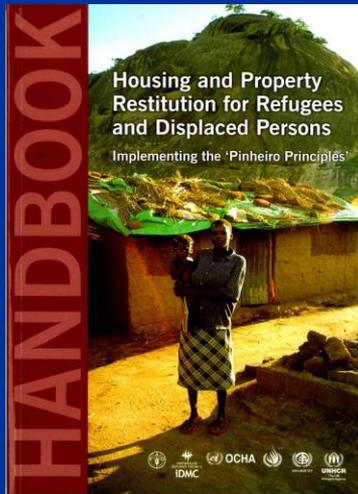
Land Tenure

The way land is held or owned by individuals and groups, or the set of relationships legally or customarily defined amongst people with respect to land. In other words, tenure reflects relationships between people and land directly, and between individuals and groups of people in their dealings in land.



Some HLP-related Tools

See <http://www.gltm.net>



Land Tenure

- It is about the man-man-land (human-human-land) relationship (Bohannen). It is concerned with the individual, collective and societal interests in land and its resource content. It is about the relationships among individuals, and their behaviour relative to one another, in relation to their interests in land, to space units and to the resources they contain. A land tenure system does not have to be legal and/or contain real registered rights or be written and official (Fourie:1994).

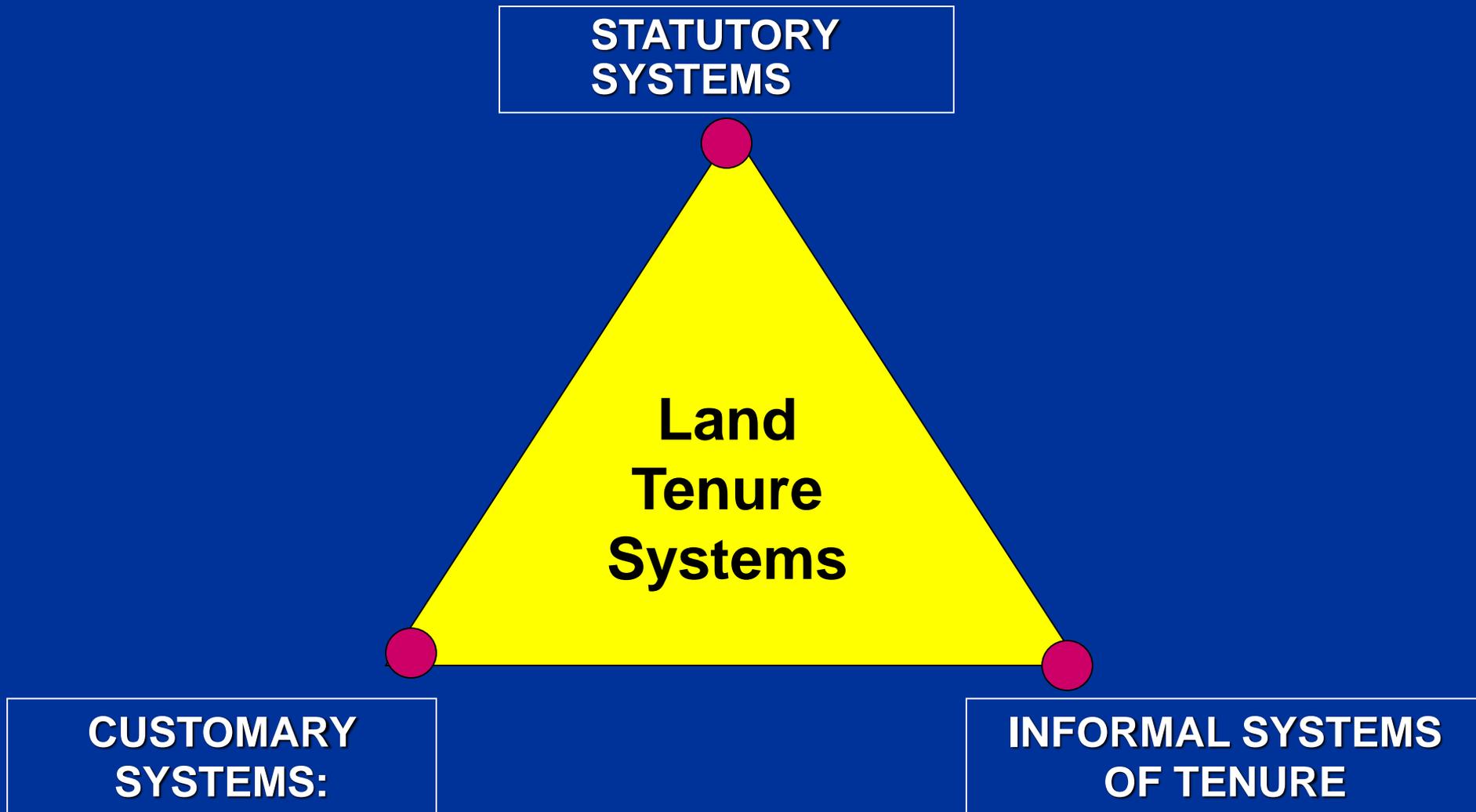


GLOBAL LAND TOOL NETWORK

W W W . G L T N . N E T



THE COMPLEXITY OF LAND TENURE

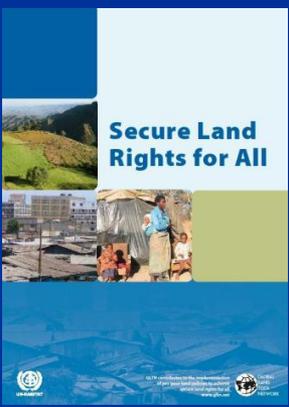
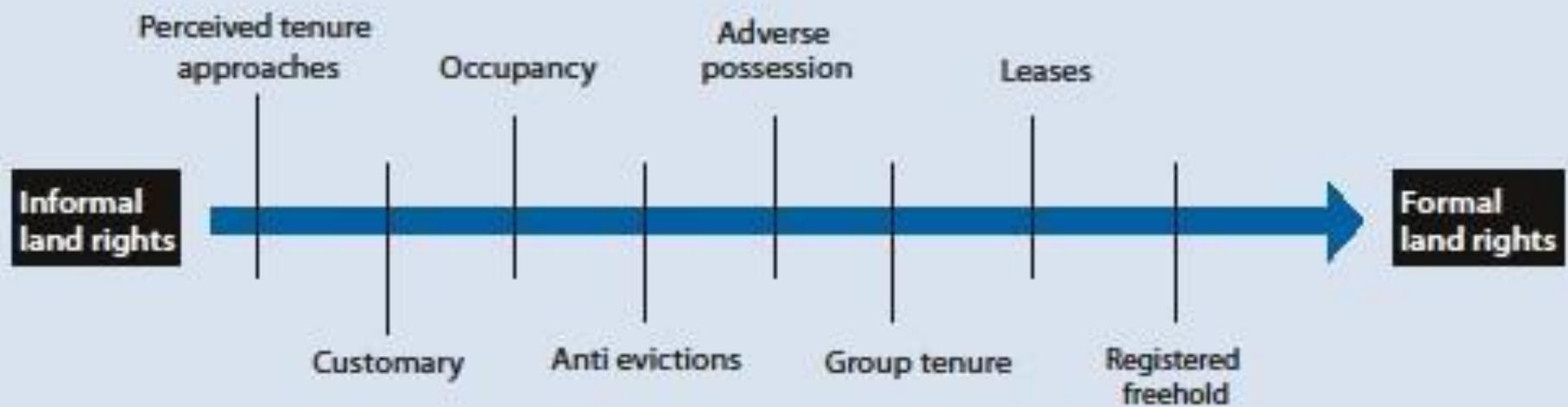


Legal Pluralism: Diagram



Source: John W. Bruce, 2009

Continuum/range of land rights



Observation for the way forward 7

1. The focus on land rights and on the legal protection is extremely important but not sufficient
2. Land management instruments that safeguards the public interest and benefits the collectivity must be disseminated e.g. land sharing, plus-valia, land value capture, development rights, adverse possession (eg. Colombia, Brazil, India, Thailand)
3. Knowledge, institutional capacity and empowerment are vital to move this agenda locally, nationally and globally, with stakeholders' roles well-defined.

11. **UN HABITAT**

**Office of the High Commissioner
for Human Rights**



UNHRP

**United Nations Housing
Rights Programme**

A difficult and bumpy road

The United Nations Housing Rights Programme (UNHRP)

UN  **HABITAT**

**Office of the High Commissioner
for Human Rights**



the Commission on Human Settlements adopted a resolution entitled “The realization of the human right to adequate housing” in May 1997. The resolution recommended that UNCHS (Habitat) and OHCHR elaborate a joint programme *“to assist States with the implementation of their commitments to ensure the full and progressive realization of the right to adequate housing.”*

Most recently, the Commission on Human Rights in April 2001 adopted resolution 2001/28 on “adequate housing as a component of the right to an adequate standard of living,” which requested the two agencies to

“strengthen their cooperation and to consider developing a joint housing rights programme.”

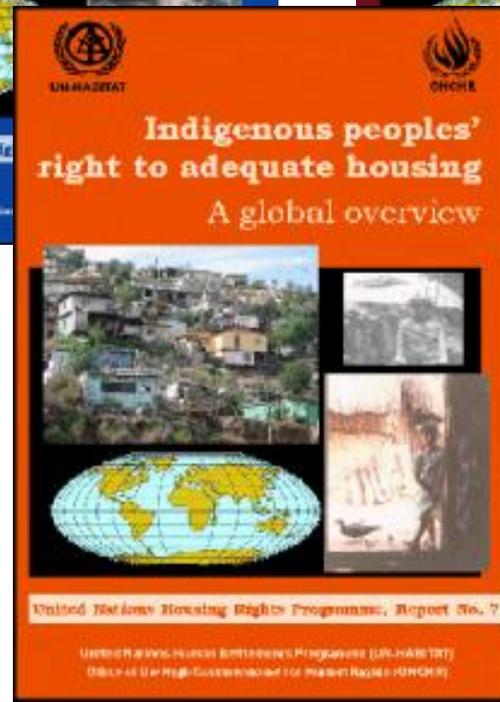
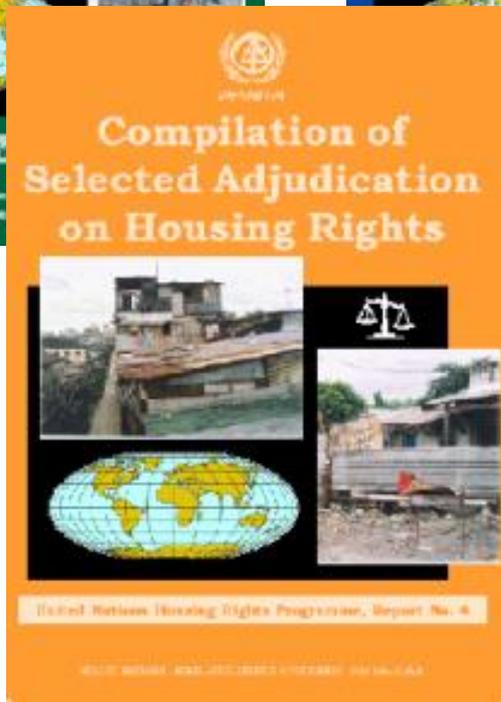
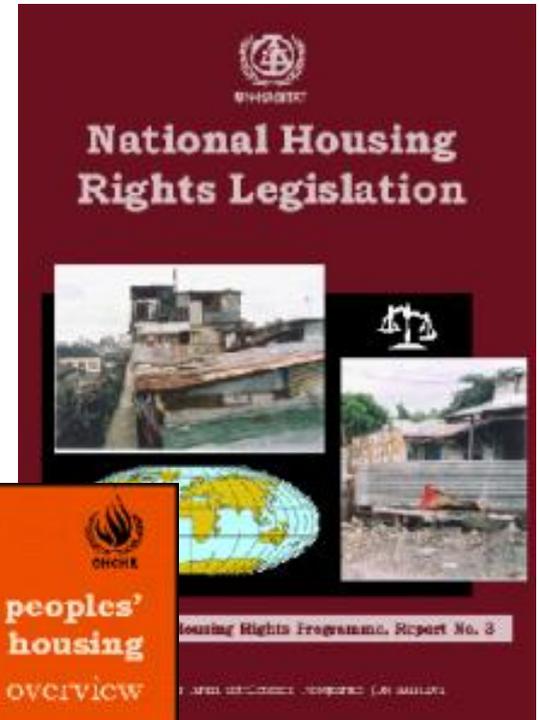
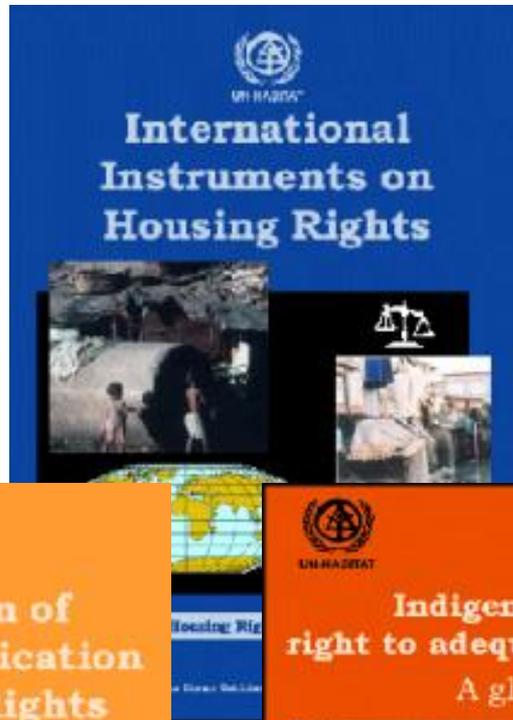
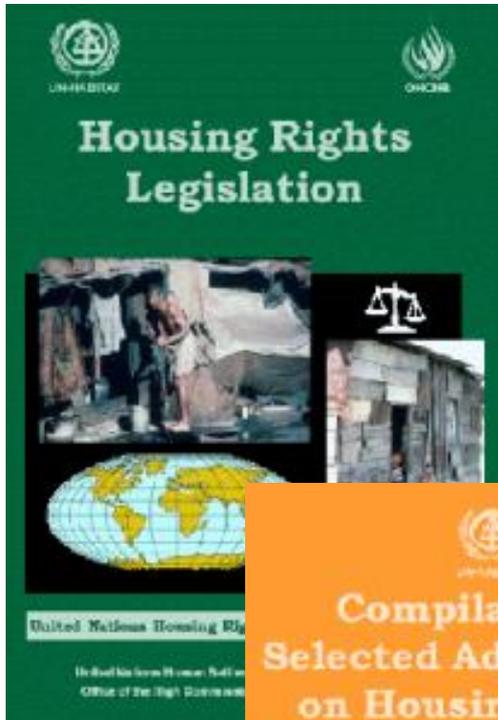
UNHRP Objectives and Mandates

- **General objective:** *To support a human-rights based approach to human settlements development*
- **Specific objective:** *To assist States and other stakeholders with the implementation of their commitments in the Habitat Agenda to ensure the full and progressive realization of the right to adequate housing as provided for in international instruments*
- **Mandates:**
 - Resolution 16/7 by Commission on Human Settlements adopted in May 1997
 - Resolution 2001/28 by Commission on Human Rights adopted in April 2001

UNHRP - Activity Areas

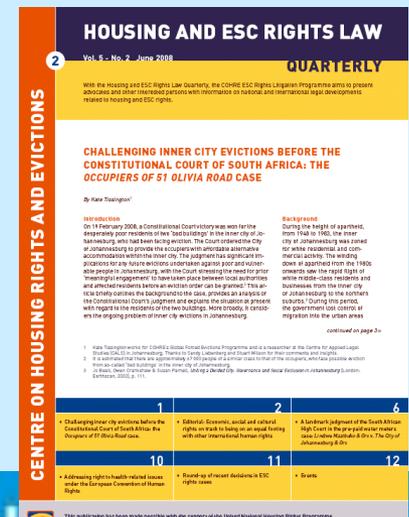
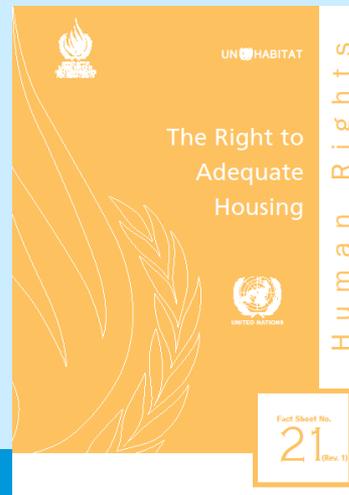
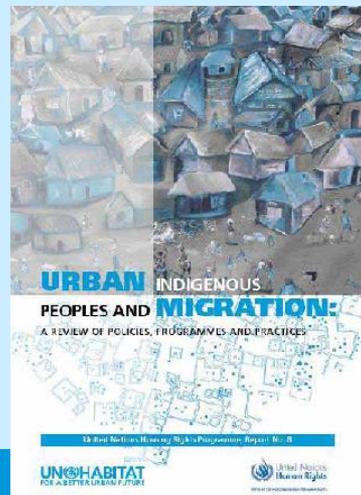
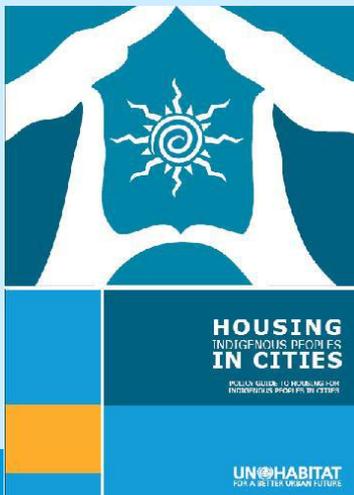
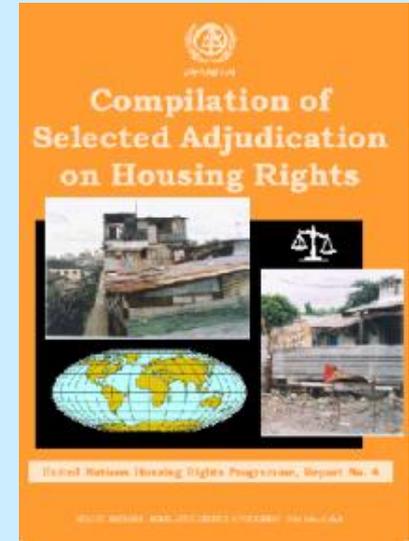
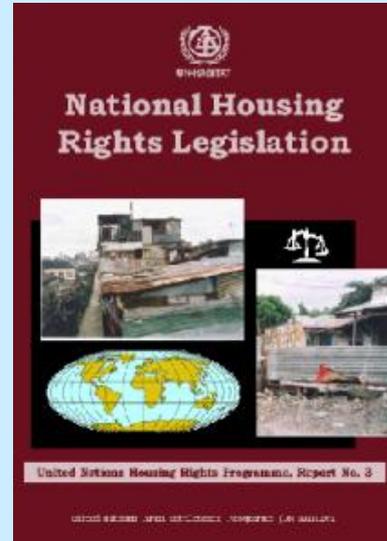
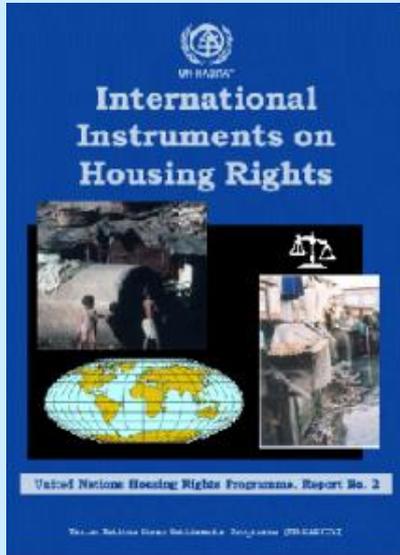
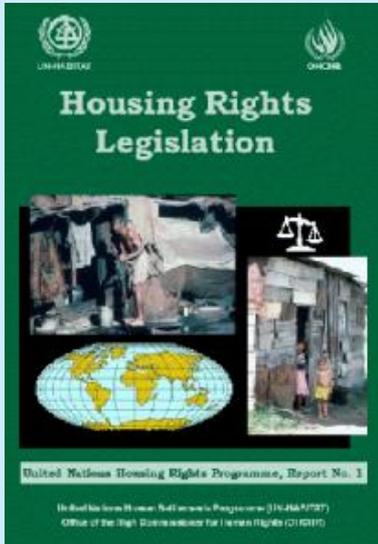
- Research and analysis on housing rights
- Advocacy, outreach and learning from partners
- Capacity-building and technical cooperation
- Monitoring and evaluation of progress of realisation on housing rights
- Support to UN human rights mechanisms, including Special Rapporteur on adequate housing

Research and analysis: Knowledge creation for advocacy - The UNHRP Report Series



Actors and Experience

Knowledge for advocacy - UNHRP Report Series



UNHRP outputs

The cover features the UNHABITAT logo at the top left, the United Nations logo at the bottom center, and the title 'The Right to Adequate Housing' in large white text. The background is a stylized orange and white graphic of a flame or leaf. The text 'Human Rights' is written vertically on the right side. A box at the bottom right contains 'Fact Sheet No. 21 (Rev. 1)'.

HOUSING AND ESC RIGHTS LAW

Vol. 5 - No. 2 June 2008 QUARTERLY

2

With the Housing and ESC Rights Law Quarterly, the COHRE ESC Rights Litigation Programme aims to present advocates and other interested persons with information on national and international legal developments related to housing and ESC rights.

CHALLENGING INNER CITY EVICTIONS BEFORE THE CONSTITUTIONAL COURT OF SOUTH AFRICA: THE OCCUPIERS OF 51 OLIVIA ROAD CASE

By Kate Tissington¹

Introduction

On 19 February 2008, a Constitutional Court victory was won for the desperately poor residents of two 'bad buildings' in the Inner City of Johannesburg, who had been facing eviction. The Court ordered the City of Johannesburg to provide the occupiers with affordable alternative accommodation within the Inner city. The judgment has significant implications for any future evictions undertaken against poor and vulnerable people in Johannesburg, with the Court stressing the need for prior 'meaningful engagement' to have taken place between local authorities and affected residents before an eviction order can be granted.² This article briefly outlines the background to the case, provides an analysis of the Constitutional Court's judgment and explains the situation at present with regard to the residents of the two buildings. More broadly, it considers the ongoing problem of inner city evictions in Johannesburg.

Background

During the height of apartheid, from 1948 to 1983, the inner city of Johannesburg was zoned for white residential and commercial activity. The winding down of apartheid from the 1980s onwards saw the rapid flight of white middle-class residents and businesses from the inner city of Johannesburg to the northern suburbs.³ During this period, the government lost control of migration into the urban areas

continued on page 3»

¹ Kate Tissington works for COHRE's Global Forced Evictions Programme and is a researcher at the Centre for Applied Legal Studies (CALS) in Johannesburg. Thanks to Sandy Liebenberg and Stuart Wilson for their comments and insights.

² It is estimated that there are approximately 67 000 people of a similar class to that of the occupiers, who face possible eviction from so-called 'bad buildings' in the inner city of Johannesburg.

³ Jo Beal, Owen Crankshaw & Susan Parnell, *Undoing a Divided City: Governance and Social Exclusion in Johannesburg* (London: Earthscan, 2002), p. 111.

1	2	6
• Challenging inner city evictions before the Constitutional Court of South Africa: the Occupiers of 51 Olivia Road case.	• Editorial: Economic, social and cultural rights on track to being on an equal footing with other international human rights	• A landmark judgment of the South African High Court in the pre-paid water meters case: <i>Lindwe Mazibuko & Ors v. The City of Johannesburg & Ors</i>
10	11	12
• Addressing right to health-related issues under the European Convention of Human Rights	• Round-up of recent decisions in ESC rights cases	• Events

This publication has been made possible with the support of the United National Housing Rights Programme, <http://www.unhabitat.org/unhrp>, and the Canadian International Development Agency, <http://www.acdi-cida.gc.ca/index-e.htm>.

The views expressed in this publication are not necessarily shared by the UN, UN-Habitat or CIDA.

ISSN 1812-240 X

CENTRE ON HOUSING RIGHTS AND EVICTIONS

Housing Rights Documentation Centre

www.unhabitat.org/unhrp

UN HABITAT
FOR A BETTER URBAN FUTURE

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HOUSING RIGHTS

 "We [the Heads of State or Government] reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments." (Istanbul Declaration (paragraph 3) and the Habitat Agenda (paragraph 29)).

The United Nations Housing Rights Programme (UNHRP) was launched in April 2002, as a joint initiative by UN-HABITAT and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The substantive focus of the programme is grounded in the Habitat Agenda which states that "Within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing" (paragraph 61). The development objective of the UNHRP is to assist States and other stakeholders with the implementation of their commitments in the Habitat Agenda to ensure the full and progressive realization of the right to adequate housing as provided for in international instruments.

LINKS

- Office of the High Commissioner for Human rights

PUBLICATIONS

- Forced Evictions - towards solutions? First Report of the Advisory Group on Forced Evictions to the Executive Director
- Forced Evictions - towards solutions? Second Report of the Advisory Group on Forced Evictions to the Executive Director
- Indigenous Peoples' Right to Adequate Housing: A Global Overview

REPORTS

- Report of the International Expert Group Meeting on Urban Indigenous Peoples and Migration
[English](#) [Spanish](#)

CONTACT US

HOUSING RIGHTS NEWS

Advisory Group to assess alleged evictions in United States
Nairobi - 30/07/2009

The Advisory Group on Forced Evictions (AGFE) is currently undertaking a fact-finding mission to the city of New Orleans, in the United States.

[See all Feature Stories on Housing rights](#)

REPORTS ON HOUSING RIGHTS

Executive Summary Report of the Advisory Group on Forced Evictions (AGFE) to the Executive Director of UN-HABITAT

The report entitled 'Finding solutions to forced evictions' provides a priority to meet the MDGs and implement the

Promotion of indigenous peoples' rights to adequate housing and rights to the city



POLICY GUIDE TO HOUSING
FOR INDIGENOUS PEOPLES

UN HABITAT
FOR A BETTER URBAN FUTURE



World Urban Forum 4
第四届世界城市论坛
03-07 November 2008 Nanjing, China

HARMONIOUS URBANIZATION

Invitation to the Special Session on
"Challenges Faced by Indigenous Peoples in Urban Areas"
5 November 2008, 09:00 – 12:00, room M 303A



Development of housing rights monitoring and evaluation mechanism

Indicator number	Underlying concept	Housing rights indicator
HRI-1	Habitability (<i>Crowding</i>)	Average number of persons per room
HRI-2	Habitability (<i>Durability/quality</i>)	Proportion of households living in permanent structures in compliance with building codes and bye-laws
HRI-3	Accessibility of services (<i>Water</i>)	Proportion of households with access to potable water
HRI-4	Accessibility of services (<i>Sanitation</i>)	Proportion of households with access to adequate sanitation
HRI-5	Affordability	Proportion of monthly household median housing expenditure to total monthly household income
HRI-6	Security of tenure	Proportion of households with legally enforceable contractual, statutory or other documents that provide security of tenure
HRI-7	Homeless population	Current number of homeless persons per 100,000 population
HRI-8	Forced eviction	Persons subjected to forced evictions per 100,000 population over a 5 year period
HRI-9	Legal framework (<i>International norms</i>)	Can international norms and standards on rights to adequate housing be invoked in domestic courts?
HRI-10	Legal framework (<i>Timeliness of dispute settlement</i>)	Average number of months taken to settle disputes related to the right to adequate housing in the courts and tribunals
HRI-11	Legal and institutional framework (<i>Legal entitlements and local mechanisms</i>)	Is there a legal entitlement to free or subsidized access to information/consultation, legal aid and redress in cases of violation of the right to adequate housing?
HRI-12	Institutional policy framework (<i>Housing assistance</i>)	What is the proportion of a target group (e.g. those living below poverty line) that receive assistance related to housing?

Monitoring housing rights

Developing a set of indicators to monitor the full and progressive realisation of the human right to adequate housing



United Nations Human Settlements Programme (UN-Habitat)
Office of the High Commissioner for Human Rights (OHCHR)

Indicator number	Underlying concept	Housing rights indicator
HRI-1	Habitability (<i>Crowding</i>)	Average number of persons per room
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**Housing Rights Indicator 10
(HRI-10)**

Average number of months taken to settle disputes related to the right to adequate housing in the courts and tribunals

Concept to be measured: **Legal Framework: Timeliness of Dispute Settlement**

Operational definition

'Disputes Related to the Right to Adequate Housing' refer to disputes between at least two parties which substantively involve issues related to security of tenure; access to services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. Disputes may also involve housing discrimination, forced eviction, and lack of due process protections regarding housing.

		Value	Source and date of original data**	Clarification/Comments
HRI-10	Average number of months taken to settle disputes related to the right to adequate housing in the courts and tribunals*			
Qualitative self-report***				
Additional comments:				

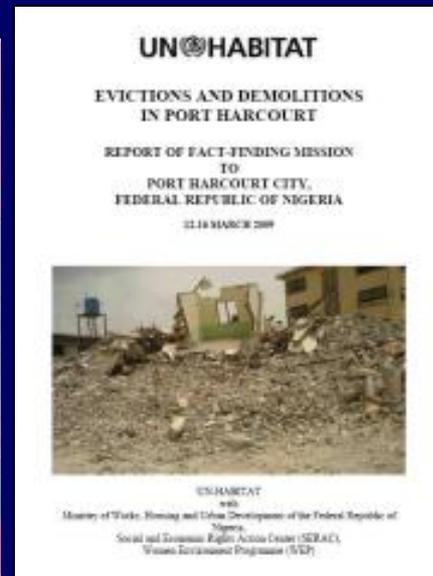
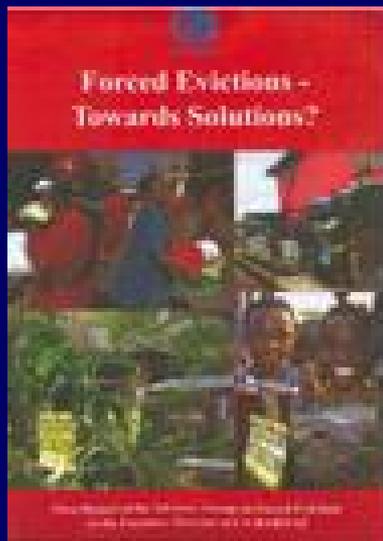
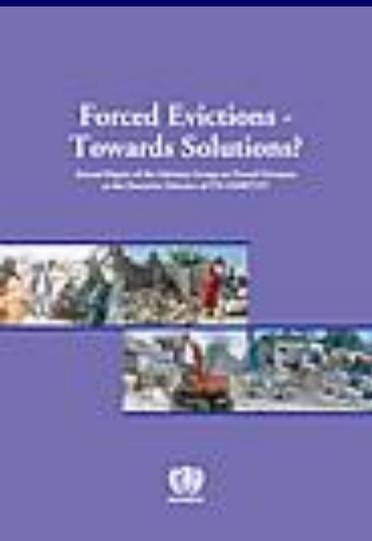
* This indicator should generate a numerical value greater than 0.

** i.e. legal experts, practitioners (related departments or national Ministries), etc.

*** Qualitative self-report data can be solicited, which would help to clarify what factors influence the timeliness of court decisions (i.e. appeals process, backlogs, etc).

Advisory Group on Forced Evictions (AGFE)

- Advises the Executive Director of UN-HABITAT in addressing unlawful forced evictions
- Promotes alternative policies
- Fact-finding missions to Greater London, Port Harcourt, Istanbul, New Orleans, Buenos Aires...
- Limitations and ambiguity!
- Roles: Advisors x Activists x expectations



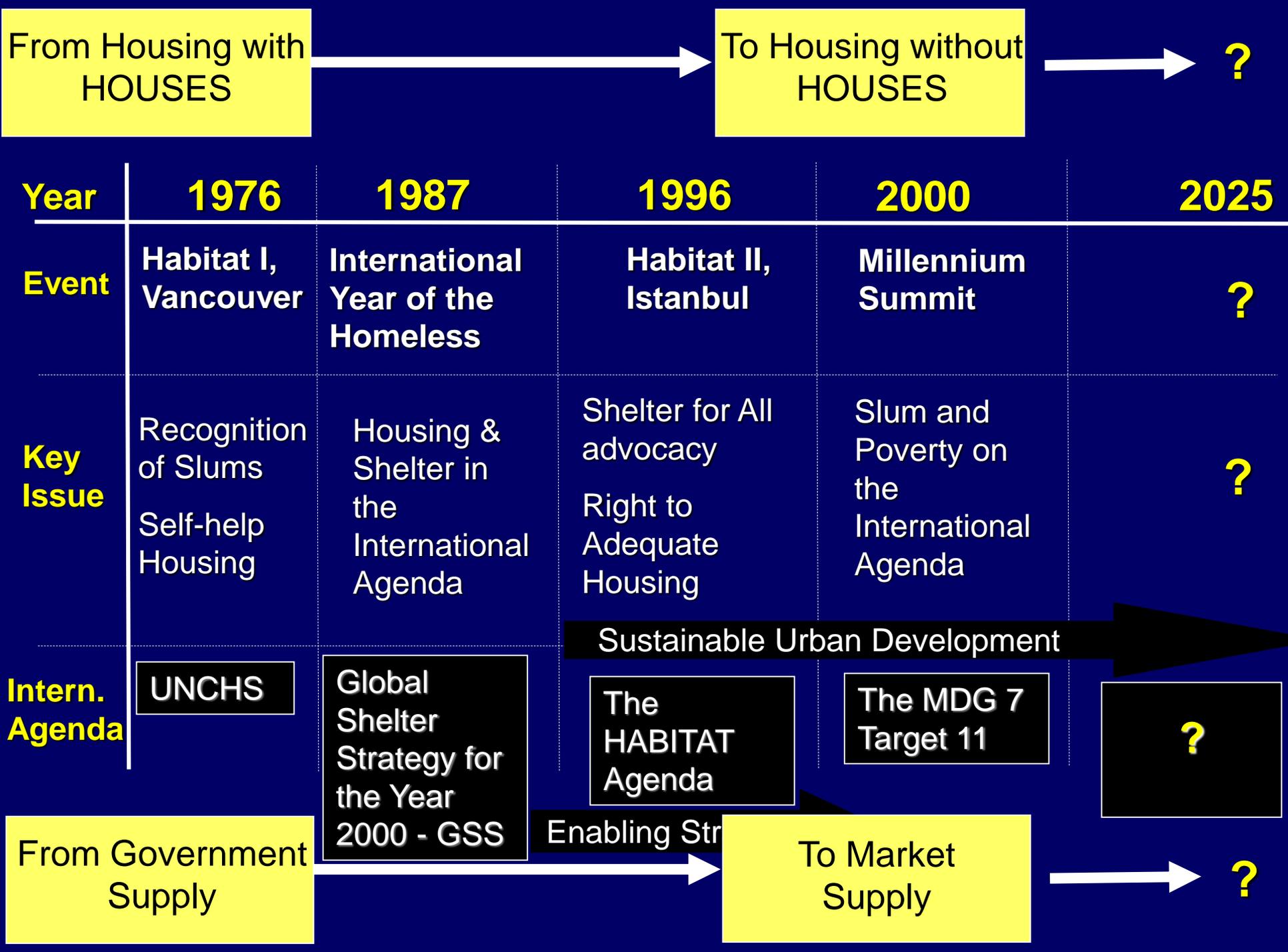
Observation for the way forward 8

1. Without funding there is little impact at any level;
2. There is a demand for quick guides and information on how to put in place appropriate housing policies
3. Language and application of human rights principles to housing and urban development are still inadequate and insufficient
4. Partnership with various institutions (national, international, local) is key to develop evidences and chances for multiplication.

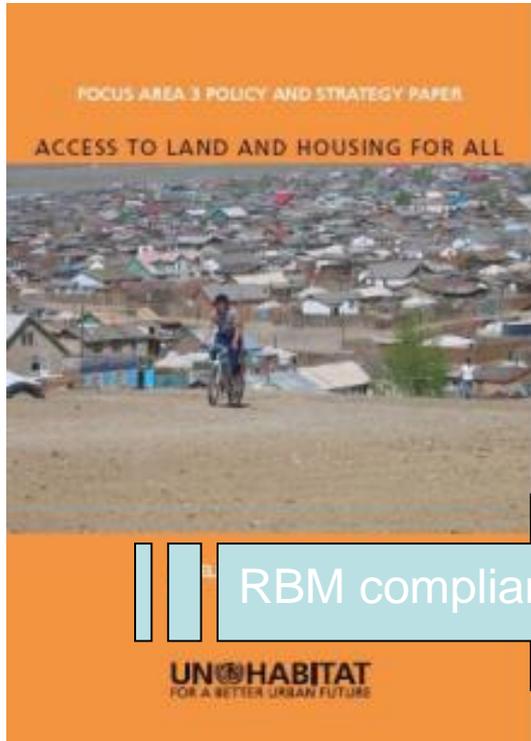
12.

**A framework for
future actions.**

The global housing strategy

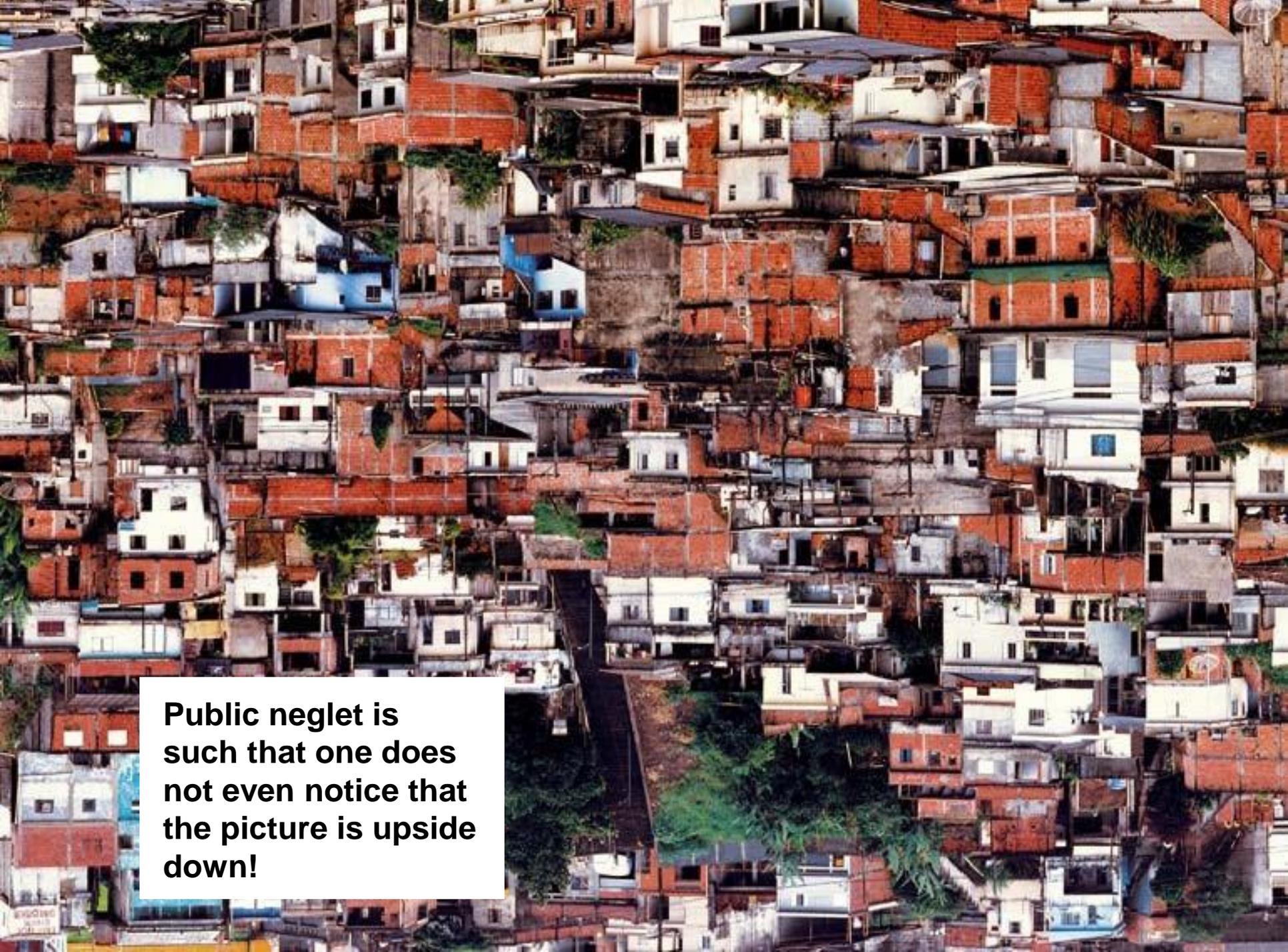


MTSIP-FA3: From Strategy to Programme Response



RBM compliance





Public neglect is such that one does not even notice that the picture is upside down!

The END



Thank You.