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Forced Eviction is a Human Rights Violation



Presented by North East Secretariat on Human Rights - NESoHR

Human Rights

- To be conscious of the human dignity and equality of all persons irrespective of their race, caste, gender, religion or community.
- To affirm the indivisibility and interdependence of all human rights, whether civil, cultural, economic, political or social.
- To implement each of these rights and freedom in a fair and equitable manner, without prejudice.

What is forced eviction?

It is a forcible removal of individuals, families, communities or ethnic or religious identity groups against their will from their houses, land or neighborhood or region directly or indirectly.

- When examining human rights violations, it is inappropriate to take just one right but it should be on a broad range, because it causes infringement of several other human rights.
- Forced eviction is one such human rights violation .
- States often forcibly remove individuals, families, communities, ethnic or religious identity groups against their will directly or indirectly from their homes, land or neighborhood.

This is a gross human rights violation

Forced eviction should not be simply viewed as a human rights violation, because it causes disastrous side – effects. Here in Sri Lanka the state gives various reasons for forced evictions as follows

1. Development - Gal-oya, Mahawali - projects
2. Urban development - Anurathapura new town
3. War against terrorism - Evacuating people in Colombo and Mannar
4. Environmental protection - Wilpattu, Kumana park protection
5. Coal Power plant projects - Sampoor, Noraisolai
6. Erecting dams - Gal-Oya ,Mathuru Oya
7. Security - Mass arrest in Colombo
8. Riots - 1958, 1977, 1983 ethnic cleansing
9. Colonization- Amparai, Batticaloa , Trincomalie
10. High Security Zone (HSZ) – Trincomalee, Vavuniya, Pallay, Islands, Sea coastal areas, etc.

Effects of forced eviction

1. Dismantle all what people build over years or decades or centuries
2. Destroying the livelihood
3. Destroying culture
4. Destroying communities
5. Destroying families
6. Destroying millions of houses
7. Landlessness
8. Ethnic cleansing
9. Famine and starvation
10. Unemployment
11. Violence against women and children
12. Disease
13. Security of water
14. Lack of sanitation

What are arguments for forced eviction?

- To built new improved housing
- To beautify the site of city
- To protect public health / hygiene
- To protect the pedestrians
- To construct roads infrastructure
- To protect Historical Buildings
- To provide "Good Scenery" to foreign guests
- To construct facilities for International events
- To construct government buildings
- To increase arable land for agriculture
- To mete out punishment for political activities
- To eradicate safe havens for terrorists.
- To carry our development project
- To protect dwellers from threat of Tsunami, flood, cyclone
- To separate ethnic, racial, linguistic or religions groups
- To maintain national security

The above mentioned reasons may appear as just reasons but they lead to Human Rights Violations and destruction.

States very often use terms such as "unavoidable", "In the public interest" or "to protect the sovereignty of the country" to a planned eviction.

Forced eviction and Human Rights

- The Right to adequate housing in the most obvious Human Right Violation by forced eviction.
- More than 50 constitutions recognize, the constituent elements of housing rights as human rights.
- The right to adequate housing which is widely recognized under international human rights law includes the Right to be protected from forced eviction.

Some of the Human Rights instruments which protect the right to be protected from forced eviction

1. Universal declaration of Human Rights (Art 25, para 1)
2. International Covenant on Economic, Social and Cultural Rights (Art 11, para1)
3. International Convention on the Elimination of all forms of Racial discrimination (Art 5 (e) (iii))
4. The Convention on the Elimination of all forms of discrimination against women (Art 14, Para 2(h))
5. Convention on the Rights of the child (Art 27)
6. Declaration on social progress and development
7. The Vancouver Declaration on Human Settlements 1976
8. Declaration on Race and Racial Prejudice adopted by the UNESCO 1978
9. Declaration on the Right to Development
10. Geneva Convention 1949 and Protocols

What are other human Right Violations which follows forced eviction?

- 1. Right to adequate housing**
- 2. Right to freedom of movement**
- 3. Right to choose one's residence**
- 4. Right to life**
- 5. Right to security of a person**
- 6. Right to freedom of expression**
- 7. Right to join organization of one's choice**
- 8. Right to information**
- 9. Right to popular participation**
- 10. Right to education of children**
- 11. Right to work**
- 12. Right to health**
- 13. Right to family life**
- 14. Right to privacy and security of the home**
- 15. Right to remain in one's home or land**
- 16. Right to return to one's home**

What can be national legislative and policy responses to forced eviction?

1. To protect from illegal eviction and harassment.
2. To protect the housing rights
3. To enact laws against forced removal or arbitrary eviction.
4. To provide alternative accommodation to anyone evicted.
5. To enshrine protection against forced eviction for minority ethnic groups.
6. To eliminate any practice of forced eviction

What are the responses by the civil society to forced evictions?

- International, National, Local NGOs and community based organizations (CBO) should be aware of this and involve in activities to oppose any planned forced evictions.
- They should closely monitor any forced eviction.
- To advocate alternatives to forced eviction
- To organize affected people to fight against forced eviction.
- To provide legal education.
- To generate greater global awareness about forced eviction.
- To engage in a global campaign for housing rights.
- To help the state to draft a housing rights bill which includes substantial protection against forced eviction.
- To give great importance to engage fully to prevent and eliminate practices of all forms of forced eviction.
- To toil hard to obtain political support and alert public opinion to deter planned forced eviction.

Conclusions

- No Human Rights treaty states an explicit "rights not to be evicted"
- It links with the rights to housing and other rights.
- However, within the human rights frame work forced eviction is not only a great social injustice but also a gross and systematic fundamental, internationally recognized human rights violation.
- Let us therefore demand for a renewed commitment by the International Community and governments to abolish all forms of practice of forced eviction.
- Let us oppose and deter all practices of forced eviction in our land.

'Thank you

