



Forced Evictions

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INTRODUCTION

Every year, millions of people around the world are threatened by evictions or forcibly evicted, often leaving them homeless, landless, and living in extreme poverty and destitution. Forced evictions commonly result in severe trauma and set back even further the lives of those that are often already marginalized or vulnerable in society.

Forced eviction occurs throughout the world, in developing and developed countries alike, in the context of development or emergencies and reconstruction. Accelerating urbanization, climate change and globalization, financial and other global crises have contributed to making forced evictions even more acute and complex.

Forced evictions constitute a distinct phenomenon under international law. Many of their consequences are similar to those of arbitrary displacement and other practices involving the coerced and involuntary displacement of people from their homes, lands and communities.

The international community has repeatedly stated that forced evictions are a gross violation of human rights, in particular the right to adequate housing.¹ This statement recognizes that human rights are interdependent, indivisible and interrelated. In addition to being a violation of the prohibition on arbitrary or unlawful interference with the home, forced evictions all too often result in other severe human rights violations, particularly when they are accompanied by forced relocation or homelessness. For instance, if no adequate alternative housing is provided, victims of forced evictions are put in life- and health-threatening situations and often lose access to food, education, health care, employment and other livelihood opportunities. Indeed, forced evictions often result in losing the means to produce or otherwise acquire food or in children's schooling being interrupted or completely stopped.

Forced evictions commonly result in people being pushed into extreme poverty and as such pose a risk to the right to life itself. They have also been found to be tantamount to cruel, inhuman or degrading treatment, particularly when carried out with violence or with discriminatory intent. During forced evictions, people are frequently harassed or beaten and occasionally subjected to inhumane treatment or killed. Women and girls are particularly vulnerable to violence, including sexual violence, before, during and after an eviction. Forced evictions may also result in indirect violations of political rights, such as the right to vote, if persons are rendered homeless. They can also have a profound detrimental psychological impact on evictees, in particular children, who have been found to suffer both short- and long-term effects.

¹ United Nations Commission on Human Rights resolutions 1993/77 and 2004/28.

In the context of forced evictions, the right to a remedy and to judicial or other accountability mechanisms, including to challenge the reasons for the forced eviction, is often denied, resulting in further human rights violations related to access to justice.

Development-based evictions are often planned or carried out to serve the “public good” or “public interest”, but do not provide protection for the most vulnerable, procedural guarantees or due process. This is the case of many development and infrastructure projects, such as large dams or mining and other extractive industries, large-scale land acquisitions, urban renewal, city beautification, or major international business or sporting events.

Problematically, evictions in the name of development in general do not benefit those most in need. For instance, rather than applying a human rights framework by which security of tenure and active, free and meaningful participation of slum dwellers in development decisions are prioritized, some countries have used slum clearance and forced evictions in an attempt to meet Millennium Development Goal 7, running counter to the spirit of the Goal, which aims to achieve significant improvement in the lives of at least 100 million slum dwellers by the year 2020.

Post-conflict and post-disaster reconstruction or the improper use of disaster risk reduction laws or housing building standards may also become an excuse for evicting and displacing people from their homes.

Evictions are not an inevitable side-effect of urbanization, development and reconstruction. They are the result of human interventions.

This Fact Sheet examines the prohibition on forced evictions under the international human rights framework, specific obligations of States and others to refrain from and prohibit forced evictions, and how, when violations of rights and obligations do occur, there can be accountability and remedies.

I. WHAT ARE FORCED EVICTIONS?

Definition

Forced eviction is “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” (Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on the right to adequate housing: forced evictions).

Various elements, separately or combined, define a forced eviction:

- A permanent or temporary removal from housing, land or both;
- The removal is carried out against the will of the occupants, with or without the use of force;
- It can be carried out without the provision of proper alternative housing and relocation, adequate compensation and/or access to productive land, when appropriate;
- It is carried out without the possibility of challenging either the decision or the process of eviction, without due process and disregarding the State’s national and international obligations.

Types of evictions

Forced evictions from housing and land occur in many different situations, both in urban and in rural areas, and in developing and developed countries. The scale of eviction varies from a single individual, family, group or community to a neighbourhood, large-scale displacements, and involving thousands or tens of thousands of people. Here are situations that can lead

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