



# General Assembly

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## Human Rights Council

### Fifteenth session

Agenda item 4

### Human rights situations that require the Council's attention

## **Written statement\* submitted by the Centre on Housing Rights and Evictions (COHRE), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2010]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Housing rights concerns in specific countries**

### **Bulgaria**

COHRE remains concerned that the Romani communities of Gorno Ezerovo and Meden Rudnik in Bourgas, Bulgaria remain under imminent threat of forced eviction and we remain concerned for those who were forcibly evicted in September of last year – many of whom were made and remain homeless. We take this opportunity to inform the Council about this pressing matter and to remind the Government of Bulgaria that forced eviction is a gross violation of human rights. We call on the Bulgarian authorities to prevent any further forced evictions of these communities and to provide remedies for those already evicted.

On a more positive note, we welcome the tentative Joined Protocol of the Peshtera municipality, Biovet Company and the local Roma Initiative Committee. This tentative agreement applies a human rights framework to prevent the forced eviction of the Ediveren community in Peshtera, Bulgaria. COHRE urges the national Government of Bulgaria to take the necessary action pursuant to the agreement in order to ensure that this agreement is implemented as soon as possible.

### **Myanmar**

Displacement and forced evictions in Myanmar continue. Big projects funded by foreign money (for example, gas pipelines, dams, mining) lead to displacement and economic destruction often victimizing local communities who are excluded from any decision making process affecting them. Militarization further exacerbates displacement. The proposed five-dam cascade on the Salween River in Myanmar, for example, directly threatens the livelihoods of over seventy thousand people. Militarization, forced relocation, forced labour and land confiscation at the dam sites have increased and the State Peace and Development Council (SPDC) blatantly violates human rights of its people to gain control of the areas close to dam sites on the Salween River.

### **Cambodia**

COHRE remains concerned about continuing forced evictions in Cambodia. Legislative developments theoretically protect the rights of communities, however endemic corruption and powerful elite reap economic benefits from the country's resources create a challenging environment for the protection of housing and land rights of poor and vulnerable communities. Physical violence and even shootings against people who try to defend their housing and land rights have increased recently. In May, June and July, for instance, sit in demonstrations in a park in front of the Prime Minister's house in central Phnom Penh were brutally dispersed by when they refused to disperse. Furthermore, nearly two thousand families in eight villages in Boueng Kak Lake are presently threatened with eviction which could happen anytime before December 2010. COHRE supports the recommendations made by the Committee on Economic, Social and Cultural Rights in 2009 that Cambodia "implement a moratorium on all evictions until the proper legal framework is in place and the process of land titling is completed, in order to ensure the protection of human rights of all Cambodians, including indigenous peoples" and to "as a matter of priority undertake open, participatory and meaningful consultations with affected residents and communities prior to implementing development and urban renewal projects and to ensure that persons forcibly evicted from their properties be provided with adequate compensation and/or

offered relocation that complies with the guidelines adopted by the Committee in its General Comment No. 7 (1997) on forced evictions and guarantee that relocation sites are provided with basic services including drinking water, electricity, washing and sanitation, as well as adequate facilities including schools, health care centres and transportation at the time the resettlement takes place.”

## **Ghana**

Chapter 5 of the 1992 Constitution of Ghana does not expressly provide for the right to adequate housing. An implication of this is that the violation of the right to housing is unenforceable in the courts of Ghana.

The Rent Act 1963, (Act 220), the law regulating affairs between landlords and tenants, is currently ineffective. It does not afford any protection in practice and as a result tenants are exploited by landlords by demanding between 2-5 years rent in advance. Although the Act is currently under review, the review lacks adequate participation of the poor and the marginalized, many of whom are tenants.

A National Housing Policy initiated in 2005 is still at draft stage and as yet does not provide the necessary protection for people living in slums.

Ghana’s urban poor struggle with issues of sanitation, infrastructure, and natural disasters, including fire outbreaks (because of densely packed wooden structures) and flooding (many of Ghana’s slums are located on marginal land prone to flooding particularly those in Accra and Kumasi) they also face the challenge of forced evictions. A typical example is the Agbogbloshie slum in Accra.

While affirmative action policies and gender-neutral policies have been implemented by the government to further the rights and opportunities of women, these policies and programs have failed to address the urgent housing needs of the majority of women in Ghana and in particular those who work in the informal sector. Women’s access to the rental market are not adequately documented in Ghana, discrimination in other areas of society and limited government interventions clearly reinforce barriers women in Ghana face to affordable and adequate housing.

## **Philippines**

COHRE welcomes the commitment of the newly installed President Benigno Aquino to respect the rights of the urban poor to adequate housing, which was demonstrated when he signed a covenant with them during the elections campaign in May. COHRE looks forward President Aquino implementing this important covenant. COHRE is concerned, however, that forced evictions continue to occur in violation of national and international human rights obligations, including evictions that include the use of force and result in people being rendered homeless. COHRE is also concerned about the situation of an estimated 400,000 families threatened with eviction from their homes in Metro Manila. These include 60,000 families in the Manggahan Floodway, where the demolition of homes is imminent, and the Pasig River, where 40,000 families are set to be affected, and 2,500 families along the esteros (waterways) in Manila. COHRE would also welcome commitments of the new administration to implement the recommendations contained in the 2008 Concluding Observations of the Committee on Economic, Social and Cultural Rights (E.C.12/PHL/CO/4, paras. 29,31) on the right to adequate housing and prohibition against forced evictions.

## **Slovakia**

COHRE is gravely concerned about the threatened forced eviction of the Romani settlement in the Municipality of Plavecký Štvrtok. There, over one hundred Roma families remain under threat of forced eviction by municipal authorities. COHRE urges the Government of Slovakia to meet its obligation to protect the right to adequate housing by ensuring that this forced eviction does not occur.

## **Sudan**

We should like to bring to the attention the recent decision of the African Commission on Human and Peoples' Rights in *COHRE v. Sudan*. In that decision, the African Commission held Sudan accountable for human rights violations that have occurred in Darfur. This decision is important in that it applies an African human rights instrument by an African human rights mechanism to the atrocities occurring in Darfur. We request that the Council urge Sudan to abide by this important decision and to implement the remedies articulated therein, including that Sudan “take all necessary and urgent measures to ensure protection of victims of human rights violations in the Darfur Region” and “rehabilitate economic and social infrastructure, such as education, health, water, and agricultural services, in the Darfur provinces in order to provide conditions for return in safety and dignity for the IDPs and Refugees” as well as to ensure that the UN Principles on housing and property restitution for refugees and displaced persons (Pinheiro Principles) are applied as a framework for the right to return.

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