



Global Security of Tenure Seventh Human Rights Council 12 March 2008

The Centre on Housing Rights and Evictions (COHRE) welcomes the presentation today of the report by UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari.

COHRE welcomes the South African Constitutional Court ruling of 19 February, which found that the Johannesburg Municipality's attempts to eject people from their homes without meaningful engagement are illegal. Another positive development is the Pretoria High Court's ruling of 25 February, which ordered the Blouberg Municipality of Limpopo Province to rebuild 66 shacks, which it had destroyed in December last year without obtaining a court order.

Despite these and other positive achievements, the housing rights situation in South Africa remains of very serious concern.

For instance, the South African Parliament is currently considering amendments to the *Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998* (PIE Act). COHRE is concerned that the amendments would limit the scope of persons protected by the PIE Act, and thus would lead to an increase in evictions and the number of people made homeless by evictions.

At the provincial level, recently enacted legislation of the Kwa-ZuluNatal Province promotes the eradication of slums by encouraging landowners and municipalities to initiate eviction procedures in cases in which people are unlawfully occupying land or buildings. The Act erodes tenure security for potentially hundreds of thousands of people. It also contradicts national housing policy providing for *in situ* upgrading of informal settlements.

During 2007, COHRE found that the Municipality of Durban forcibly evicted more than 6,000 people, often without obtaining court orders. The Municipality has also failed to provide adequate services to hundreds of thousands of people living in informal settlements in Durban. Throughout South Africa, 942,303 people were forcibly evicted from farms from the period of 1994 to 2004. Only 1 percent of the evictions involved any legal process. Of those evicted, reportedly 77 percent were women and children.¹

In addition to concerns in South Africa, COHRE is currently following a number of other housing rights emergencies around the globe.

¹ 'Summary of Key Findings from the National Evictions Survey', Social Surveys and Nkuzi Development Association (Dec. 2005), p. 7, at http://www.plaas.uwc.ac.za/National_Evictions_Survey_summary.pdf

In Cambodia, COHRE estimates that 150,000 people are at threat of forced eviction, including approximately 70,000 people in Phnom Penh. COHRE and local civil society groups are currently calling for a moratorium on evictions until a legal framework is in place to regulate evictions in accordance with human rights obligations. We urge the Council to work in support of that effort.

In Turkey, the Fatih Municipality of Istanbul is currently destroying Sulukule, Europe's oldest Romani community, in order to build luxury housing. The Municipality has been carrying out the forced evictions throughout autumn 2007 and they are now ongoing.

In the United States, officials in New Orleans have begun to destroy four public housing complexes. As Special Rapporteur Kothari and Independent Expert MacDougall noted in a statement on 28 February, these demolitions could effectively deny thousands of African-American residents their right to return to housing from which they were displaced by Hurricane Katrina.

Finally, we regret that the events in Kenya of recent months, which have reportedly led to the displacement of up to 300,000 persons, have not yet met with a more vigorous response from the Council. There is an urgent need to ensure that all persons have access to relief services and to viable return and restitution possibilities, in conformity with the Sub-Commission's Principles on Housing and Property Restitution for Refugees and Displaced Persons.

We urge the Council to act decisively on all of the matters raised above.