



Housing Rights  
for Everyone,  
Everywhere

# Housing Rights Bulletin

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International  
Events and Forced  
Evictions - p.4

## 2004 Athens Olympic Games bring misery to Roma Communities in Greece

As the world's attention turns to Greece for the 2004 Summer Olympic Games, to witness the excitement and glory of the world's biggest sporting competition, there is a lesser-known and darker side to the staging of the Games of the XXVIII Olympiad. The Athens games once again reveal that events of such magnitude are almost always accompanied by human rights violations such as the forced eviction of whole communities in host cities. Nearly 140 Roma (formerly known as Gypsy) from the Marousi community have been forcibly evicted and several other Roma communities threatened with forced eviction in the Greater Athens area in the last two years, as preparations for the Olympic Games have gained momentum.

Local organisations in Greece such as the *Greek Helsinki Monitor* report that a majority of the Roma families who were forcibly evicted from their homes have not been provided with adequate compensation, reparation or resettlement. Even when resettlement and compensation have been granted to Roma families of the Marousi community, only Greek Roma have been eligible, with non-Greek Roma who have legal residency status (such as Albanian Roma) excluded from the process.

Preparations for the Olympic Games in Athens have been a double-edged sword. While it has created massive employment and economic opportu-



Main Olympic Stadium in Athens (Photo: from the documentary film "Uprooted" by Cameron Hickey and Lauren Feeney)

-nities for many Greeks, it has also caused uncertainty and severe economic hardship to Roma communities in the Greek capital. Municipal authorities have used the upcoming Games as a pretext to carry out forced evictions of Roma communities, even when the land they inhabited was not required for the construction of Games-related infrastructure.

According to the Greek National Commission for Human Rights "the holding of the Olympic Games has been an occasion for driving the Roma out of many regions. Local communities (very often untruthfully) invoked the need for the construction of sports facilities in order to get rid of the Roma, as was the case in Mexico in 1968."

The municipalities of Halandri, Aghia Paraskevi, Aspropyrgos and Aharnai / Menidi – all of which are in the Greater Athens area – have resorted to such arguments to threaten Roma settlements with forced eviction or to actually carry out such evictions.

In the second scenario, the actual construction of infrastructure for the Olympic Games has led to the forced eviction of a Roma community. The settlement of the Roma community of Marousi was located in the Greater Athens area adjacent to the main Olympic Complex.

Although no other Roma settlement has been directly affected by the actual construction of Games-related  
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# Editorial

The importance of global mega-events such as the Olympic Games in fostering cooperation and dialogue among the world's peoples and nations is indisputable. Such events, through the bringing together of humanity in all its diversity to celebrate excellence in sport and other pursuits, have the potential to promote peace and global solidarity.

However, the staging of such large events can also result in thousands of people around the world being forcibly evicted from their homes and plunged into severe economic hardship. This is indeed the unfortunate darker side of global mega-events – most of which have the highest ideals of promoting and protecting universal ethical principles at their core. It is unfortunate that events which have the potential to unite people from all corners of the world in pursuit of common goals, may also cause misery and hardship

to large numbers of people. The forced evictions of Roma families in Athens in the run up to this summer's Games reveal that racial minorities and other marginalized groups are among the most vulnerable in such situations. It is disheartening that poor planning and implementation of preparations for events such as the Olympic Games results in undermining the very spirit and ideals of the Olympic Movement.

All of us at COHRE are confident that a better way of preparing for the Olympics is possible and that preparations for the Games do not need to be accompanied by large-scale human misery. COHRE is of the view that international events such as the Olympic Games do not need to be preceded by forced evictions, and where forced evictions cannot be avoided their impact can be dramatically minimized if governments and international agencies such as the International Olympic Committee approach the planning process from a human rights framework.

This issue of COHRE's Housing Rights Bulletin has a special focus on the widespread prevalence of housing rights violations in affluent First World countries. The features on Greece and Australia show that housing rights violations such as forced evictions and homelessness are not limited to the less affluent parts of the world, but also occur in some of the most wealthy and developed nations in the world.

These examples are testimony to the fact that housing rights for all cannot be secured unless the political will to do so exists. The need for resolve and commitment to successfully tackle the global issues of widespread homelessness, deplorable housing conditions and brutal forced evictions has never been greater.

Scott Leckie  
Executive Director

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## World Charter of the Right to the City

The idea to develop a World Charter of the Right to the City was first conceived at the World Social Forum in Porto Alegre in 2000. Under the Charter, the right to the city is defined as the equitable use of cities so that the values of sustainability, democracy and social justice are upheld and safeguarded. It acknowledges the collective right of the inhabitants of cities – especially the most vulnerable and marginalized groups – to act and organize to achieve appropriate living standards.

The World Charter of the Right to the City is congruent with all international human rights standards and recognizes the right to land, means of subsistence, work, health,



education, culture, adequate housing, social protection, safety, a healthy environment, sanitation, public transportation, entertainment and information. It recognizes the right to meet and organize and upholds the rights of minorities and immigrants.

The Charter also recognizes the right to the preservation of cultural heritage and ethnic, sexual and cultural plurality in cities.

The Charter identifies the interdependent relationships between urban populations, resources, the environment, economic relationships and quality of life for present and future generations. It calls for profound structural changes in production and consumption standards and current forms of territorial and natural resource appropriation. It also advocates developing solutions for the *continued on p.9*



Photos from the documentary film "Uprooted" by Cameron Hickey and Lauren Feeney

## European Committee on Social Rights called to act on human rights violations of Roma in Greece

### Olympics Special

The housing crisis and widespread human rights violations experienced by Roma people in Greece have recently been brought to the attention of the European Committee of Social Rights. The Committee was alerted to the fact that Greece has failed to adopt laws or take concerted action to combat discrimination and racial segregation in the field of housing in the last two decades, and that in reality discrimination and segregation have worsened. The *European Roma Rights Centre* (ERRC) filed a complaint against Greece with the Committee earlier this year regarding its treatment of Roma people, alleging Greece is in breach of several international and regional legal standards including the European Social Charter (ESC).

The frequent forced evictions of Roma by, or with the consent of, the Greek authorities have been well documented by groups such as the ERRC and *Greek Helsinki Monitor*. Roma in Greece have been subjected to forced evictions, abusive police raids and destruction of property. In a number of cases, the purpose and/or effect of forced evictions was to relocate Roma to racially segregated areas.

Research conducted by the ERRC reveals that few evicted Roma have been provided with alternative accommodation and that the adverse effects experienced by Roma from forced evictions in Greece are further aggravated by the lack of adequate resettlement plans.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights, which contains one of the strongest expressions of the right to adequate housing, Greece's legislative framework fails to adequately protect housing rights in accordance with international standards – especially with respect to racial discrimination in the field of housing. International covenants ratified by Greece have great significance in its domestic laws because the Greek Constitution states that such international standards are an integral part of Greek law after ratification. There is evidence that by pursuing policies of racial segregation and forced evictions and failing to secure adequate living standards for a large number of Roma, Greece has fallen significantly short of its obligations under the ESC.

According to Article 16 of the ESC

“full development of family life” includes recognition of the right to adequate housing. The critical role of the right to housing was recognized by the Committee of Independent Experts overseeing the ESC, which stressed “the need to consider family welfare in terms of the right to receive adequate housing and essential services (such as heating and electricity), these being necessary for the welfare and stability of families.”

Local authorities that do not wish to assist Roma residents often use the excuse that the Roma mostly live in informal settlements and do not fall within the official ambit of their local administration, and that councils are therefore not responsible for their welfare. For example, Roma living in segregated, informal settlements are in practice not afforded the same legal protection given to residents of formal housing from forced evictions. In many cases, the informal Roma housing settlements also do not have access to basic amenities such as electricity, water, heating, sewage and solid waste removal, and are overlooked in the planning and implementation of urban grids for the purposes of public services such as  
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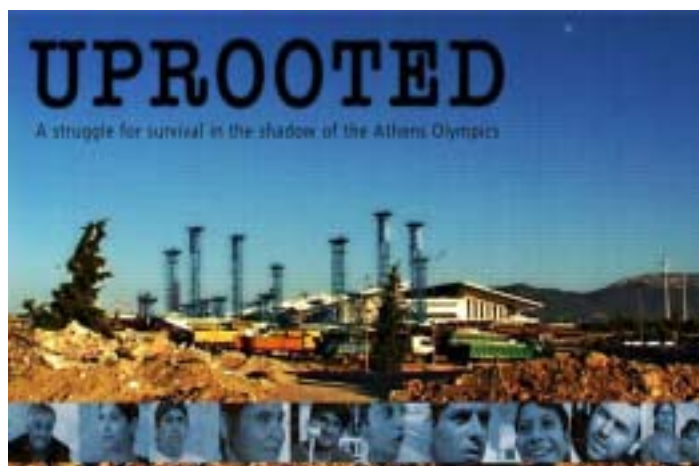
# International Events and Forced Evictions

## Olympics Special

International events such as large sporting events, global conferences and trade fairs have become increasingly commonplace in the last two decades. Whereas such events were quite rare some 30 years ago, we now live in a time of unprecedented mobility where people, products and events span the far corners of the world. Large international events are for the most part positive global developments which support and foster mutual understanding and cooperation among nations and peoples. The host nations, cities and multinational corporations sponsoring large international events often benefit from publicity, tourism and infrastructure development. However, the staging of these events also continues to cause serious harm to hundreds of thousands of people around the world every year. The preparations for large international events often lead to thousands of people being forcibly evicted from their homes, facing increased poverty, vulnerability and marginalisation.

Prior to the 1936 Olympic Games in Berlin, Germany, the Nazi government mounted a campaign to eliminate any evidence of poverty from the streets of the capital. Homeless persons and those living in inadequate housing and poorer neighbourhoods were evicted from their dwellings and the city in order to present a positive and “rosy” image to the international community that was to descend on Berlin for the Games. Although one would think that such practices could not occur in this day and age and were the anomalous products of a particularly evil regime, reports indicate that such inhumane and illegal practices continue to occur today in relation to large international events such as the Olympic Games.

Research conducted by COHRE reveals that cases of forced evictions almost invariably precede the staging of events such as the Olympic Games. Thousands of people were evicted in cities hosting the Games in recent times including Barcelona, Spain (1992), Atlanta, USA (1996) and Sydney, Australia (2000) to a lesser degree. The 1988 Seoul Olympics in South Korea led to the forced relocation of approximately 720,000 people in Seoul and Incheon. More recently, COHRE has found that more than 300,000 people have thus far been evicted in Beijing, China, the host of the 2008 summer Olympic Games, and there have been reports of evictions of a Roma settlement in Athens in the run up to the 2004 Games as outlined earlier. In the context of the Olympic Games, most forced evictions are related to either the construction of Games-related infrastructure or “beautification” initiatives in the host cities. COHRE’s research reveals that most communities and individuals are evicted due to the construction of



Publicity poster for the documentary film “Uprooted” by Cameron Hickey and Lauren Feeney on the social impact of the Athens Games

subways, stadiums and Olympic villages or through host cities being cleared of homeless people and other visible signs of poverty.

Similarly, the staging of global conferences such as the Asia Pacific Economic Cooperation (APEC) meeting has also resulted in local government authorities in host cities brutally evicting the poorer and more vulnerable sections of society, in order to “beautify” the city. A case in point was the eviction and deportation of more than 900 Cambodian beggars who lived on the pavements of Bangkok, Thailand, in the run up to last year’s APEC meeting. Prostitutes and homeless people were also forcibly removed from the streets of Bangkok in the mass clean-up that took place before the conference. It is often the more socio-economically disadvantaged sections of society who are adversely affected by the staging of such events – the same people who typically lack access to the justice system or political leverage to remedy their situation.

As the frequency and size of large international events are likely to increase in coming years, it is of paramount importance that steps are taken to ensure that the planning and development processes linked to the hosting of international events are more sensitive to the social impact such measures may have on the marginalised sections of society in host cities.

The fact that people lose their homes and become marginalized and impoverished due to the preparations for the Olympic Games contradicts the very ideals of the Olympic Movement, which aims to promote peace, dialogue and development amongst the world’s people through the celebration of sport and excellence.

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# Human Rights Violations Continue Unabated in the Occupied Territories

Human rights violations have escalated in the Occupied Territories in the last three months, with Israeli troops stepping up operations to demolish Palestinian homes in Gaza and seizing large areas of agricultural land belonging to Palestinians northeast of Khan Yunis. The recent demolitions – which constitute a war crime under the Geneva Conventions of 1949 – and seizure of land were carried out with the approval of the Israeli High Court, the highest judicial body in Israel.

The first spate of mass demolitions this year occurred in early May when the Israeli military demolished 80 buildings in Rafah, leaving more than 1000 Palestinians homeless. The demolitions in Rafah were carried out by the Israeli authorities with no prior warning to residents, and came after 13 Israeli soldiers were killed in ambushes in Gaza.

However, there was a temporary halt in the destruction of Palestinian homes when an injunction banning the demolitions was issued on Friday 14 May, after the Palestinian Centre for Human Rights (PCHR) filed a petition to the Israeli High Court. Just two days later the High Court lifted the temporary injunction stating that demolition of homes in “exceptional cases” and for “military necessities” was permitted under Israeli law. This ruling was widely condemned by international human rights groups such as COHRE and Amnesty International as it paved the way for further human rights violations to be carried out against the occupied Palestinian population.

Since early May, Israeli troops have also seized large areas of agricultural land belonging to Palestinians in the village of al-Qarar near the “Kissufim” settler road northeast of Khan Yunis.



In mid-June, the Israeli military issued orders to Palestinian civilians revealing the impending seizure of their agricultural lands. The PCHR filed an appeal to the Israeli High Court to halt the seizures on 28 June, in response to which the Court issued a temporary injunction banning the seizure of Palestinian lands. However, a few days later the final ruling on the matter by the Israeli High Court was yet again in favour of the Israeli occupying forces.

COHRE’s Executive Director, Scott Leckie, who is an expert on housing and property restitution said, “The recent decisions of the Court to lift injunctions banning the demolition of Palestinian homes and seizure of Palestinian lands clearly show Israel’s total disregard for international human rights and humanitarian law. If the highest Israeli judicial body sanctions crimes such as destruction of homes and land theft, it is clear that Palestinians have no recourse to any form of justice.”

In early July, Israeli troops with the permission of the High Court demolished 75 houses, which left nearly 700 Palestinians homeless, and flattened about 300 donums of agricultural

land in the village of al-Qarar. At least 2500 donums of agricultural land were also destroyed by Israeli troops in the town of Beit Hanoun at the same time. The recent incursions into Palestinian areas, demolition of homes and seizure of land have been accompanied by extra-judicial killings and indiscriminate shelling, which have left more than 50 Palestinians dead since the beginning of May.



The incursions by Israeli troops in al-Qarar and Beit Hanoun came only days after the International Court of Justice’s Advisory Ruling on 9 July that the wall being built by Israel in the West Bank is in breach of international law. Israel has long claimed the wall is a “Terror Prevention Fence” to protect Israelis from terrorist attacks by militant Palestinian groups. The ICJ Ruling also called for the destruction of the wall and advised Israel to compensate Palestinians who have suffered through its construction.



If completed, the wall will isolate nine Palestinian villages, which are home to more than 20,000 people, from the

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# Public housing on the decline in Australia

Public housing is officially in decline in Australia. The Federal Government's 2004 Budget presented in May this year ignores housing-related issues and fails to address the problem of rising homelessness in Australia. There is no real increase in expenditure for the provision of public housing in the Budget despite waiting lists for public housing extending up to 10 years. Though the Budget forecasts a surplus of A\$2.4 billion and provides substantial tax cuts for high-income earners, there is no real increase in expenditure on crisis accommodation and support services for people who are at risk of or experiencing homelessness.



Melbourne Skyline (Photo courtesy of VCOSS)

Philip Lynch, Coordinator of the Homeless Persons' Legal Clinic at the Public Interest Law Clearing House (PILCH) stated: "It is a national disgrace that Australia – one of the most resource-wealthy nations in the world – has failed to respond to rising homelessness across the country and has neglected public sector housing despite increasing demand." On the last Census night, in 2001, there were almost 100,000 people experiencing homelessness in Australia. Despite this large number, the Federal Government decreased Commonwealth expenditure on public housing by over A\$296 million in real terms between 1996 and 2003. This decline in government spending is testimony to the fact that the Howard Government has failed to fulfil its international legal obligations.



Photo courtesy of VCOSS

As a signatory to the International Covenant on Economic, Social and Cultural Rights, Australia is legally obliged to devote the maximum of its available resources to ensure that all Australians have access to adequate housing and social security. Lynch added that retrogressive measures in government spending on public housing in a country as wealthy and affluent as Australia is prohibited under international human rights law.



Photo courtesy of VCOSS

Cassandra Goldie, Senior Legal Officer with COHRE's Asia-Pacific Programme said, "It is disheartening that the Opposition, in its response to the Federal Government's 2004 Budget, also failed to present alternative policies that can tackle the problem of rising homelessness in Australia."

"It is ironic that a country that prides itself on giving a 'fair go to all' has failed to respond to the plight of nearly 100,000 homeless Australians. It is imperative that the Howard Government respect the fundamental human rights of all Australians and substantially increase spending on public housing and homelessness assistance, instead of providing tax breaks for the rich," added Goldie.

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## 2004 Athens Olympic Games...*from p.1*

infrastructure, local government authorities such as the Municipality of Nea Alikarnassos in Crete have openly claimed that they want the land on which Roma settlements are built to construct sports facilities and other infrastructure required for the 2004 Summer Games.

The Roma community living in Marousi – a suburb of Athens – was directly affected by the construction of Olympic facilities because their settlement is located in the vicinity of the main Olympic stadium. In 2002, the Marousi

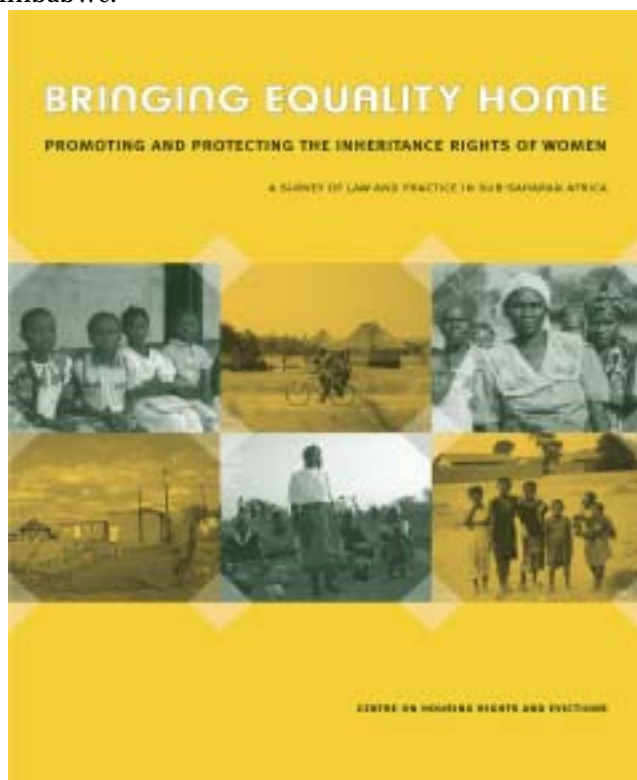
Roma were asked to vacate their settlement because the 2004 Olympic Games Committee had decided to construct a parking lot and road enlargements. Initially, the Marousi municipal authority came to an agreement with the community, which stipulated that adequate compensation and resettlement would be provided to the community in exchange for vacating the land they had been living on for decades. This agreement was signed in August 2002 between the Marousi Mayor, Panagiotis Tzanikos, and a *continued on p.8*



# Bringing Equality Home: Promoting and Protecting the Inheritance Rights of Women

Inheritance is an issue that is integral to women's lives, of fundamental importance in regard to how wealth is transferred within a society and how woman's housing and land is protected. Inheritance has been identified as one of the primary and systemic reasons for the disproportionately high levels of poverty and housing insecurity amongst women around the world. Women's housing rights are enshrined in several international legal standards and the UN Commission on Human Rights affirmed in 2002 that discrimination against women with respect to accessing, acquiring and securing land, property and housing constitutes a violation of a woman's human right to protection against discrimination.

Despite the existence of these international legal safeguards, women's rights to housing and land continue to be violated throughout the world. One of the most widespread violations is the denial of women's right to inheritance. COHRE's latest publication titled *Bringing Equality Home: Promoting and Protecting the Inheritance Rights of Women, A Survey of Law and Practise in Sub-Saharan Africa*, examines these issues from a human rights perspective and explores strategies for change. *Bringing Equality Home* reports on the legal and practical situation of inheritance rights in ten sub-Saharan countries. The countries included in the study are: Botswana; Ethiopia; Ghana; Nigeria; Rwanda; Senegal; South Africa; Swaziland; Zambia and Zimbabwe.



The publication reveals the complexities surrounding the issue of inheritance and concludes that denial of women's inheritance cannot be attributed to any one factor. For example, under the dual legal systems existing in all countries examined, customary law does not allow women, regardless of marital status, to own or inherit land, property and housing in their own names, and statutory law in most cases fails to adequately address or amend the inequities and discrimination faced by women. For women in most sub-Saharan countries, rights to housing, land and property are entirely dependant on their relation to male relatives. Thus, when a spouse or father passes away, women are often left without legal protection and can fall prey to property grabbing by avaricious relatives.

*Bringing Home Equality* also identifies other factors impacting on women's right to inheritance: the erosion of basic safety nets due to poverty, lack of access to justice systems, lack of legal education, traditional practices, beliefs and stigmas, and violence all contribute to holding women back from seeking their inheritance. The rapid spread of HIV/AIDS in the region has also compounded the already complex obstacles women face with regard to housing.

*Bringing Equality Home* provides an overview of the legal tools already existing in these sub-Saharan countries, those that are in need of reform, and those that are lacking and must be put in place. The publication concludes that a human rights framework will not only provide legal mechanisms, but also a system that translates "needs" into entitlements and "charity" into rights, and in which women are not passive objects of others' change but active instruments in their own change. It stresses the importance of moving beyond mere legislative changes and striving for the implementation of legal frameworks that would allow women to own and inherit property. It also recommends that gender-biased policies, customary law, traditions, social norms and attitudes that women should not own housing and property independently of a man, must be changed through education and awareness-raising at all levels.

The publication is available in PDF Format on the COHRE website at: [www.cohre.org](http://www.cohre.org). Alternatively, to obtain a copy of the publication please contact COHRE's Women's Housing Rights Programme on [women@cohre.org](mailto:women@cohre.org) or the International Secretariat on [cohre@cohre.org](mailto:cohre@cohre.org).

# 2004 Athens Olympic Games...from p.6

representative of the Roma association *Elpida*.

The agreement, which affected a total of 137 persons, was by no means a fair and just one as it stated that compensation and resettlement was limited to Greek Roma and purposely excluded non-Greek Roma, such as the Albanian Roma, with legal residency status in Greece. According to the terms of the agreement, 40 Greek Roma families were to be paid a reasonable sum of money to be used as a monthly rent subsidy. The agreement also stipulated that the Roma families would be resettled in heavy-duty prefabricated houses that would be constructed by the Marousi Municipal Authority. In the longer term, the agreement also underlined that this relocation would be temporary and that the Municipality would work towards guaranteeing permanent resettlement to the families.



Photo: from the documentary film "Uprooted" by Cameron Hickey and Lauren Feeney

On the basis of this agreement, the Roma families started leaving their settlement. Some of the families opted for rented housing whilst others sought temporary accommodation in the homes of relatives. Although the Roma community of Marousi honoured their part of the agreement, it soon became evident that the Municipal Authority was not prepared to implement its various obligations under the arrangement. According to reports from the *Greek Helsinki Monitor*, the Municipal Authority soon defaulted on the payment of rent subsidies to the Roma families.

Roma families who had moved to rented accommodation struggled to meet their monthly rental payments when the subsidy payments stopped coming from the Municipal Authority. This led to landlords evicting a number of Roma families from their rented accommodation from September 2003. Several of the affected Roma families have voiced their concern that the agreement was merely a pretext to lure them to vacate the land they have been living on so Olympic related infrastructure could be constructed, and that the Municipal Authority of Marousi never intended to honour the arrangement.



A building in the Athens Olympics Village  
Photo: from "Uprooted" by Cameron Hickey and Lauren Feeney

In January 2004, the Marousi Municipal Authority claimed to have paid all 40 of the Roma families the money it owed them – which in some cases was in excess of more than six months of accrued subsidies. However, a letter dated 12 February 2004 from the Mayor of Marousi to the Greek Ombudsman's Office mentioned that only 14 Roma families had been paid all the subsidies they were owed up to January 2004 and that 21 others had only received payments up to November 2003. By May 2004, payments from the Municipal Authority for the period since January 2004 had defaulted once again causing severe economic hardship to the families. The Mayor of Marousi made a statement in March 2004, saying that the families would cease receiving monthly rent subsidies until they had filed applications for housing loans for Roma. According

to the Mayor, payments would resume once all the families had made loan applications. Such a move by the Municipal Authority arguably raises questions about its commitment to abide by its contractual obligations, as no such provision exists in the agreement signed in 2002.



Roma women collecting water on roadside  
Photo: from "Uprooted" by Cameron Hickey and Lauren Feeney

In addition to the Municipal Authority's failure to provide the promised rent subsidies, reports also indicate that no initiative was taken to implement the resettlement part of the agreement. There has been no response from the Mayor's office to questions from the families about when the resettlement arrangements will be ready or where they will be situated.

The plight of the Marousi Roma community is merely one example of the widespread practise of illegal forced evictions of "undesirable" Roma in Greece. In most cases, local municipal authorities are the ones carrying out forced evictions and failing to implement resettlement and compensation initiatives even when such measures have been agreed upon.

As the world counts down the days to the opening ceremony of the Athens Olympics and local authorities strive to present the city in the best possible light, it is important to consider how this may affect the Roma community there.

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## 2004 Athens Olympic Games...from p.8

The run up to the Olympic Games could well bring about further forced evictions of “visible” Roma communities in a last minute bid to “clean up” and “beautify” the greater Athens area, before the world’s cameras descend on Greece.



Olympics-related construction in Athens  
Photo: from “Uprooted” by Cameron Hickey and Lauren Feeney

Local NGOs have expressed concern that the predicament of Roma communities affected by the Olympic Games could be neglected altogether by local authorities once the event is over. Several international and local NGOs, including COHRE, have repeatedly asked the International Ol-



Photo: from “Uprooted” by Cameron Hickey and Lauren Feeney

-ympic Committee to intervene in the matter to ensure that such injustices do not eventuate. COHRE also made a presentation about Olympics-related forced evictions in Greece to the 32<sup>nd</sup> Session of the UN Committee on Economic, Social and Cultural Rights in Geneva in April. COHRE called upon the Committee to raise this issue in its constructive dialogue with Greece and make evident in its concluding observations that the run up to the Olympic Games should not lead to further forced evictions of Roma communities in Athens. Scott Leckie, Executive Director of COHRE said, “Local

authorities in Greece must abide by international human rights law and standards related to the enjoyment of housing rights and ensure that no further violations take place.



A *paranga* or shantytown in Athens where Roma families live  
Photo: from “Uprooted” by Cameron Hickey and Lauren Feeney

Forced evictions and discrimination against racial minorities goes against the very spirit and ideals of the Olympic Movement, which aim to foster peace, solidarity and respect for universal fundamental ethical principles.”

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## World Charter of the Right...from p.2

negative effects of globalisation, privatization of natural resources, world poverty and environmental fragility.

However, one fundamental question arises: if many of the rights included in the Charter already exist in international human rights standards, is there a need to draw up a new declaration on the Right to the City? Several NGOs including COHRE are of the view that the Charter has the potential to introduce several new and important elements to international human rights protection mechanisms. These include the right to participatory and transparent management by local government, good governance, participatory



budgeting, increasing regulation that calls for clarity regarding housing and environmental rights in cities,

promotion of the social function of property, access to public services, and other matters related to urban space such as community policing.

According to Leticia Osorio, Coordinator of COHRE’s Americas Programme, the Charter provides a new opportunity to discuss, at the international level, human rights that have been disregarded in the past or were insufficiently assured through General Comments or Observations issued by international human rights treaty bodies. Osorio added, “The Charter has the potential to enhance the right to participation in public policy making and the inclusion of all affected persons in decision-making  
*continued on p.10*

## World Charter of the Right...*from p.9*

processes that determine urban development, social policies and public expenditure." Several NGOs and social movements, mostly from South America, met in Quito, Ecuador last month during the Social Forum of the Americas to improve the contents of the Charter and thereby its effectiveness. The groups also discussed strategies that would support the implementation and adoption of the Charter by local authorities, countries and civil society.



According to Osorio, the Charter will be most effective if it clearly defines the *obligatory subjects* of the rights referred to in the charter, such as municipalities, other local government bodies involved in managing cities and



the private sector, and also defines their respective levels of responsibility. Osorio added that the Charter should clearly indicate the *subjects of rights*, taking into account the implications of various terms such as person, inhabitant or citizen. According to Osorio, "The term 'person' is the most appropriate, since it carries no exclusion and recognizes the universality of the beneficiaries of the rights. The term 'inhabitant' is more restrictive as the person must live and be domiciled in a city to be fully entitled to the rights that are provided by the Charter. This could place temporary residents, especially migrant workers,

at a disadvantage. Likewise, the notion of citizenship, although a valuable tool for understanding the acquisition of rights through belonging to a community, becomes an exclusionary concept when considered in legal terms at local or national level."



COHRE is currently collaborating with the POLIS Institute, the Brazilian National Forum for Urban Reform, Habitat International Coalition, the Latin American Association of Promotion, Action Aid America, the Observatory of Metropolises and the International Observatory of City Rights to improve the contents of the Charter and thereby its effectiveness as a tool in the international human rights system.

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## European Committee on Social Rights...*from p.3*

transportation and schooling. A 1983 Ministerial Decree entitled "Sanitary provision for the organized relocation of wandering nomads", which prohibited the Roma from living amongst the rest of the Greek population, thus leaving them susceptible to forced evictions and abusive police raids, was only amended in July 2003. Although the 1983 Decree was amended last year, there are no indications that Greek authorities have acted to design or implement policies aimed at alleviating the suffering caused to countless Roma during the period the Decree was in effect.

In addition, amendments to the law do not remedy many of the problems that are the basis of the complaint by



Roma woman with child in Athens  
Photo: from "Uprooted" by Cameron Hickey and Lauren Feeney

the ERRC to the European Committee on Social Rights. According to the ERRC, the existence of legal frameworks that provide for the resettlement of other categories of people, such as those who are victims of earthquakes, but are not available to Roma, are testimony to the discriminatory practices of the Greek authorities.

The ERRC has called for the development of a policy that clearly provides for the resettlement of Roma, and also notes in the complaint that the amended Decree continues to penalize Roma for the failure of the government to provide or ensure adequate housing for them. In addition, the law continues to allow the criminal prosecution of Roma for creating illegal settlements, even when they have been relocated by local authorities.

The Centre on Housing Rights and Evictions (COHRE), which has monitored the situation of Roma in Greece in partnership with the ERRC, has raised concerns that forced evictions

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## European Committee on Social Rights...*from p.10*

of Roma will continue to occur under Greek legislative and administrative provisions authorizing evictions of persons from property under certain conditions. Malcolm Langford, Senior Legal Researcher at COHRE, said, "These laws are not consistent with international legal standards on forced evictions. The systematic practice of forced evictions of Roma also provokes the concern that these general laws are more likely to be used against Roma, on account of their race and poverty."

Langford added, "While evictions in some cases are unavoidable, COHRE is concerned that the Greek authorities are more likely to proceed with the eviction of Roma, and less likely to



Photo: from "Uprooted" by Cameron Hickey and Lauren Feeney

devise appropriate alternative solutions, than is the case with the non-Roma majority." COHRE will submit an *amicus curiae* brief in support of the complaint filed by the ERRC with the Committee, which will present in greater detail the relevant international and regional

laws and jurisprudence on forced evictions, the right to housing and its relation to Article 16 of the European Social Charter. COHRE's brief argues the Committee should urge the Greek government to provide adequate reparations for Roma who suffered losses during the approximately twenty year period in which the 1983 Ministerial Decree was used by public authorities to forcibly evict Roma.

The brief also urges the Committee to advise the Greek government to use all appropriate means to protect and promote the right to adequate housing and guarantee protection against forced evictions. The brief will be submitted to the Committee this month.

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## International Events and...*from p.4*

Contradictions between the actual objectives of the Olympic Games and their potential social impact needs to be addressed not only to provide adequate protection to potential victims of forced evictions, but also to guarantee that the Olympic Movement fulfils its objective of promoting peace, development and international dialogue.

While some information exists regarding the link between preparations for Olympic Games and instances of forced evictions, COHRE has identified a clear need for more research to assess the extent to which Games preparations have caused forced evictions. It is also important to determine whether these events were the only factors causing forced evictions or if other factors also need to be taken into account. COHRE is undertaking a project funded by the *Geneva International Academic Network* that will assess the scale of this phenomenon with a view to finding practical and collaborative ways to reduce the negative impact such events have on housing rights. The project will examine realistic

policy, planning and legal measures that all cities hosting the Olympic Games can take to find alternatives to forced evictions. Ultimately, the project will seek to transform the planning and convening of Olympic Games into processes that clearly promote and foster recognized international human rights standards.

Although the relationship between a country's human rights record and the awarding of the Olympic Games has been addressed for several years, rarely has the planning process leading up to the actual event itself been treated as a vehicle for improving the protection of human rights. By focusing on the specific practice of forced evictions prior to the Olympic Games, COHRE's project will strive to distinguish the scale of displacement carried out prior to the event and identify the common and distinct features of the planning processes in cities where these events have taken place. The project will compare the different planning and development approaches taken by cities organizing the Olympic Games and seek to pinpoint particular practices that have either

induced or prevented forced evictions from taking place. The project aims to distinguish and clearly outline policies and practices that lead to comparatively greater or lesser human rights violations resulting from the removal of people from their homes and lands to free urban land for the construction of Games related infrastructure. It is hoped that the project will result in the elaboration of concrete policies with the International Olympic Committee, to prevent the occurrence of forced evictions in relation to the Olympic Games. COHRE hopes the strategies, measures, approaches and frameworks developed during the project can then be applied or adapted to other international events such as world fairs, global and regional conferences and other global show case events.

In this project, COHRE will partner with UN-Habitat, the Special Adviser to the UN Secretary General on Sport for Development and Peace, the Graduate Institute of International Studies, the Geneva School of Architecture, the University of Wisconsin, the University of Toronto and the New York University Law School.



# La Carta Mundial por el Derecho a la Ciudad como Carta de Derechos

Desde el Foro Social Mundial de Porto Alegre de 2000 comenzó a transitarse un camino en vistas a promover la aprobación de una Carta Mundial por el derecho a la Ciudad. El proceso comenzó con la redacción de una Carta de los Derechos Humanos en la Ciudad y a partir del III Foro Social Mundial se reelaboró el trabajo en vistas a construir una Carta Mundial por el Derecho a la Ciudad. La Carta tiene como antecedentes el llamado *Tratado sobre Urbanización*, firmado por varias redes sociales de todo el mundo en ocasión de ECO-92; la *Carta Europea de salvaguarda de los Derechos en la Ciudad*, asumida por más de doscientas ciudades Europeas en Saint-Denis, el 2000; la experiencia de Brasil con el *Estatuto da Cidade*, la *ley federal de desarrollo urbano*, y las Convenciones Internacionales que protegen los Derechos Económicos Sociales y Culturales y los Comentarios Generales del Comité DESC de las Naciones Unidas.

En el discurso de movimientos sociales de América Latina, de organizaciones no gubernamentales, de algunos sectores académicos, de gobiernos locales y de funcionarios públicos se comienza poco a poco a hacer referencia al *derecho la ciudad*. Si bien no hay un Estatuto internacional que



proteja el Derecho a la Ciudad, hay muchas reglas dispersas sobre todo en el ámbito de los derechos económicos sociales y culturales que protegen derechos que podrían estar incluidos en una *Carta Mundial del Derecho a la Ciudad*.

En los términos de la Carta, el Derecho a la Ciudad es definido como el usufructo equitativo de las ciudades dentro de los principios de sustentabilidad, democracia y justicia social. Es entendido como un derecho colectivo de los habitantes de las ciudades, especialmente de los grupos vulnerables y desfavorecidos, que les confiere la legitimidad de acción y organización con base en sus usos y costumbres, para lograren el pleno ejercicio del derecho a un nivel de vida adecuado.

El derecho a la ciudad es interdependiente a todos los derechos humanos internacionalmente reconocidos, concebidos integralmente. Luego, incluye el derecho a la tierra, a los medios de subsistencia, al trabajo, a la salud, educación, cultura, habitación, protección social, seguridad, medio ambiente sano, saneamiento, transporte público, entretenimiento e información. Además, incluye el derecho a libertad de reunión y organización, el respeto a minorías y a la pluralidad étnica, sexual y cultural; el respeto a los inmigrantes y la garantía de preservación de la herencia histórica y cultural.



Este derecho presupone la interdependencia entre la población, recursos, medio ambiente, relaciones económicas y calidad de vida para presentes y futuras generaciones.

*continuado encendido p.13*

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## Human Rights Violations Continue...*from p.5*

city of Ramallah. The construction of the wall commenced in 2002 and has resulted in the uprooting of trees and destruction of several houses. The wall has also prevented Palestinians from farming their land and accessing schools, hospitals, water sources and other basic amenities.

However, the recent Advisory Ruling by the ICJ appears to have had little impact on the Israeli government,



which has ignored repeated calls from the international community and numerous UN resolutions to abide

by its international legal obligations. Leckie, commenting on the recent events in the Occupied Territories, said "The Israeli government's brutal policies, including the continued practice of house demolitions, arbitrary theft of Palestinian lands and the imposition of apartheid-like planning laws are testimony to its preparedness to disregard the most basic human rights of the Palestinians."

# La Carta Mundial por el Derecho...de p.12

Implica en profundos cambios estructurales en los padrones de producción y consumo y en las formas de apropiación del territorio y de los recursos naturales. Referencia la construcción de soluciones contra los efectos negativos de la globalización, de la privatización, de la escasez de los recursos naturales, del aumento de la pobreza mundial, de la fragilidad ambiental y sus consecuencias para la supervivencia de la humanidad y el planeta.

Pero surge un interrogante, si algunos derechos de la Carta ya están protegidos por otros Instrumentos Internacionales de Derechos Humanos, y son obligatorios para las ciudades de nuestros países, ¿Cuál es valor de enunciarlos en una nueva declaración? COHRE cree que la Carta propone algunos elementos novedosos al sistema internacional de protección de los derechos humanos especialmente en los que se refiere a gestión participativa y transparente de los gobiernos locales, presupuesto participativo, regulación más amplia del derecho a la vivienda y medio ambiente, promoción del uso social del suelo urbano, servicios públicos, algunos aspectos de los derechos culturales y otras cuestiones sobre el espacio urbano como la policía comunitaria y acceso a la justicia.

Por ello consideramos que la Carta de centrarse en estos nuevos aportes puede ser una nueva oportunidad para rediscutir en el ámbito internacional estándares de derechos humanos que en el pasado fueron descartados o quedaron insuficientemente asegurados a través de las Observaciones o Comentarios Generales de los órganos de fiscalización de los Tratados Internacionales de Derechos Humanos. Por otra parte la Carta debe resaltar cuestiones específicas de la gestión y al desarrollo de las ciudades de modo de profundizar los niveles de protección que hacen los tratados en un ámbito local a los habitantes. La



Carta bien podría referirse a derechos de participación en las políticas públicas, la obligación de que los afectados participen en las decisiones urbanas, en las políticas sociales, en la orientación de gasto público, etc.

Diversas organizaciones y movimientos sociales de América Latina que apoyan la Carta van a reunirse en Quito, Ecuador, durante el Foro Social de las Américas en Junio de 2004, para profundizar la discusión sobre el contenido de la Carta y establecer estrategias para hacerla efectiva y adoptada por autoridades locales, países y la sociedad civil. Para acompañar este proceso COHRE ha preparado un documento que apunta a entender la **Carta del Derecho a la Ciudad como carta de derechos**.

Considerarla como una **carta de derechos** es la opción más valiosa desde el punto de vista de su eficacia como instrumento de lucha de los movimientos sociales. Además brinda una estratégica oportunidad para incorporar en un texto jurídico exigible muchas de las interpretaciones que han hecho los Comité de Derechos Económicos Sociales y Culturales de la ONU sobre el alcance del derecho a la vivienda, a los servicios públicos y a una vida digna y con calidad. COHRE sugiere que la Carta incorpore definiciones sobre aspectos fundamentales del derecho

internacional para que adquiera credibilidad y efectividad.

El primer punto es la necesidad de enunciar *principios generales* que orienten la interpretación del articulado de la Carta. Para ello se retoman los principios del *Tratado por ciudades, villas, poblados justos, democráticos y sustentables (Tratado de Urbanización)*, y los elaborados en los Foros Sociales Mundiales de Porto Alegre. Algunos de esos principios son: gestión democrática de la ciudad; función social de la ciudad y de la propiedad; ejercicio pleno de la ciudadanía; derecho a la ciudad; prioridad a los grupos vulnerables en la participar en el planeamiento, diseño, ejecución, control, mantenimiento, rehabilitación y mejoramiento de su hábitat.

El segundo punto es la necesidad de establecerse los *sujetos obligados* por la Carta y los niveles de responsabilidad entre los Municipios y los funcionarios que gobiernan las ciudades por una parte y los agentes del sector privado por otro.

Un tercero punto a ser considerado refiere a las dificultades de aprobar una *declaración internacional de derechos* firmada por ciudades. Un primer obstáculo es que se considera que las Ciudades-como Estados *continuado encendido p.14*

# La Carta Mundial por el Derecho...de p.13



locales-tienen distintos grados de autonomía para asumir obligaciones en el ámbito internacional. Los regímenes constitucionales de los diferentes países en muchas ocasiones otorgan exclusividad al Gobierno Central o Federal para la suscripción de convenios donde se contraen obligaciones internacionales. Claro está que los Municipios pueden suscribir convenios de cooperación con sus pares, pero en muchos casos ellos gozan de una autonomía restringida y aún pueden estar sujetos a un régimen jurídico provincial que los condicione.

El cuarto punto es la consideración jurídica de los *sujetos de derechos*. Se apunta a la diferencia que existe entre los términos: persona, habitante y ciudadano. El estatus de persona es el más abarcativo ya que no tiene ningún tipo de exclusión. Esta noción indica la universalidad de los sujetos titulares de los derechos. En cambio el concepto de habitante es un poco restrictivo ya que, para poder gozar de la plenitud de derechos que otorga un estatuto determinado, dispone como requisito habitarlo, tener un domicilio. Ello podría poner en una situación incierta a los residentes temporarios, especialmente a los mi-

grantes. Finalmente la noción de ciudadanía, si bien desde la perspectiva sociológica es una herramienta valiosa para la comprensión de la adquisición de derechos en virtud de la pertenencia a una comunidad, cuando se habla en términos legales en un ámbito local o nacional se transforma en un concepto excluyente.

En quinto lugar hay que considerarse la forma de expresar las *obligaciones jurídicas* en la Carta redactada. Los términos utilizados para proteger los derechos no siempre se les pueden atribuir fuerza obligatoria y exigibilidad. Para ello se propone utilizar las obligaciones de *respetar* (no violar), *proteger* (impedir que terceros violen), *garantizar* (adoptar medidas para efectivizar o realizar los derechos) y *promover* (adoptar medidas para ampliar el nivel de protección actual del derecho) el derecho en cuestión.

Se hace también necesario analizar la compatibilidad de la *Carta Mundial por el Derecho a la Ciudad* con el derecho internacional de los derechos humanos. Entre los problemas planteados el primero es que el sistema internacional se ha desarrollado como un sistema de coordinación entre

Estados Nacionales. Allí resulta difícil la obligación de las Ciudades con ese carácter. Claro que las Ciudades, los Estados-Provincias, Regiones y Municipalidades tienen obligaciones en materia de derechos humanos pero en virtud de integrar orgánicamente a los Estados Nacionales, quienes son en definitiva responsables en el ámbito internacional por sus incumplimientos. Según el funcionamiento actual del sistema, una violación de derechos humanos de una ciudad compromete la responsabilidad internacional del Estado, y no existe ningún mecanismo establecido para recomendar o sancionar a un Municipio.



Finalmente hay que formular algunas propuestas para establecer *mecanismos de fiscalización, exigibilidad y justiciabilidad* de los derechos enunciados en la Carta.

COHRE viene trabajando junto a otras organizaciones (el Instituto POLIS; el FNURU-Forum Nacional de Reforma Urbana de Brasil; la HIC - Habitat International Coalition - de América Latina; Alop-Asociación Latinoamericana de Organizaciones de Promoción; Action Aid América, *continuado encendido p.15*



# La Carta Mundial por el Derecho...de p.14

el Observatorio das Metrópolis y el Observatorio Internacional del Derecho a la Ciudad) en la elaboración y en las estrategias de adopción de la Carta.

Como parte de ese proceso el 25 al 31 de Julio estamos organizando el Seminario: *Ciudad, Democracia y Justicia Social: estrategias para la difusión de la Carta Mundial por el*

*Derecho a la Ciudad* en el **I Foro Social de las Américas**.

Luego aprovecharemos el evento para definir estrategias de discusión y difusión de la Carta en los continentes Asiático, Europeo y Africano y organizar la discusión y difusión de la Carta por el Derecho a la Ciudad en el Foro Mundial Urbano de Barcelona, en Septiembre de 2004.

## New Developments at COHRE

COHRE would like to extend its profound gratitude to Professor Cees Flinterman for his outstanding dedication and contribution to the organisation in his role as Chairperson over the past 10 years – in fact, since COHRE's inception in 1994. The vision and input of Professor Flinterman, who stepped down recently from the COHRE Board, will be sorely missed by the organisation. John Packer, who has been a COHRE Board member since 1994, succeeds Professor Flinterman as the new COHRE Chairperson.

Melinda Ching Simon assumed the position of COHRE Deputy Director in May. She is an experienced human rights lawyer and was Amnesty International's UN Representative in Geneva for the last four years before joining COHRE. Melinda will bring to COHRE her many years of human rights and legal experience and will be a great asset to the growing global team of human rights advocates at COHRE.

COHRE is also pleased to announce the appointment of its former Deputy Director, Jean du Plessis, as the new Coordinator of COHRE's Global Forced Evictions Programme (GFEP). Jean will run the Programme from a new COHRE office based in Pietermaritzburg, South Africa. The GFEP will be collaborating with the International Organisation Development (IOD-SA) in Johannesburg,

South Africa. IOD-SA will be responsible for the global monitoring of forced evictions and the production of *Evictions Monitor*, the forced evictions newsletter.

In other news, COHRE's Melbourne office, which houses the Asia – Pacific Programme and the Media and Communications Unit, was registered as an incorporated association in Victoria, Australia recently.

COHRE would also like to welcome the following people to its global team of human rights advocates:

Abla Abdelhadi – Project Officer, Women's Housing Rights Programme  
Cassandra Goldie – Senior Legal Officer and Deputy Coordinator, Asia – Pacific Programme  
Celine Lim – Office Manager, COHRE Melbourne Office  
Sebastian Tedeschi – Research Officer, Americas Programme

COHRE would also like to thank the following people for generously giving their time as volunteers / interns:

Clay Collins  
Indivar Dutta-Gupta  
Jan-Maree Fraser  
Nicholas Juravich  
Helen Nolan  
Colette Rose  
Amy Schuler  
Vasanthi Venkatesh



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