The Right to Housing: Discrimination of Low-Income and Other Marginalized Communities During Mega-Events

Contact Information:
Robin A. Sheehan, Frank C. Newman Intern
Representing Human Rights Advocates through
University of San Francisco School of Law’s
International Human Rights Clinic
Tel: 415-422-6961
rasheehan@usfca.edu
Professor Connie de la Vega
delavega@usfca.edu
Introduction

Low-income and marginalized communities are frequently subject to discrimination and violations of their right to adequate housing during mega-events. There is usually an influx of foreign capital and massive infrastructural improvements in cities hosting mega-events like the FIFA World Cup and Olympics; however, low-income communities usually do not enjoy these benefits. The Olympic Games aim to promote “peace, solidarity and respect of universal fundamental principles.” Violations of the right to housing are in complete contradiction to the spirit and ideals of international mega-events, such as the Olympics and FIFA World Cup.

Human Rights Advocates (“HRA”) applauds the Human Rights Council (“HRC”) for Resolution A/HRC/RES/13/10 acknowledging the work of the Special Rapporteur on adequate housing calling on host states to promote the right to adequate housing during mega-events. Despite this resolution, violations of the right to housing continue to be a concern during mega-events. On 14 June 2013, the United Nations Special Rapporteur on adequate housing, Raquel Rolnik, stated “experience has shown that these events often result in forced evictions, displacement, sweeping operations against the homeless and a general augmentation of the cost of adequate housing.” In planning and preparing for these events, host states should ensure that low-

---

2 Id at 9.
3 Id at 9.
income individuals receive protection from forced evictions, criminalization for homeless status, rapid increases in housing prices, and access to low-income housing after the event.

HRA raised this issue in 2012 during the 19th session; however, in light of recent reports, HRA would like to raise this issue again and provide updates to the Special Rapporteur’s 2009 report on this topic. During the Sochi Olympic Games, it was reported that more than 1,000 people were relocated under legislation known as Law 301, which allowed the seizure and demolition of privately owned plots of land and buildings in preparation for the Olympics. Many of the evicted claimed that the compensation received was inadequate. Moreover, there have been reports of intimidation, harassment and censorship of journalists and civil society activists for raising concerns about housing issues relating to the Olympics. In addition to the recent issues in Sochi, there are also reports that violations of the right to housing continue to threatened low-income and other marginalized communities in the upcoming FIFA World Cup and Olympics hosted by Brazil.

The HRC should encourage states hosting mega-events to uphold their obligations to promote and protect the right to adequate housing during mega-events. Part I of this report discusses a host state’s duties under international law in regards to the right to housing. Part II provides an overview of past violations of the right to adequate housing during mega-events. Part III describes the current bidding and regulatory processes of the Fédération Internationale de

---

7 Id.
Football Association (“FIFA”) and the International Olympic Committee (“IOC”) and discusses recommendations for improvements. Lastly, Part IV discusses good state practices in prior events and Part V discusses possible issues arising in upcoming mega-events.

I. State’s Duty to Protect the Right to Adequate Housing

States hosting mega-events have a duty to ensure that both public and private entities do not discriminate against poor communities or violate their right to housing. The right to housing is recognized as a fundamental human right and is enshrined in both Article 25 of the Universal Declaration of Human Rights (“UDHR”) and Article 11 of the International Covenant on Economic, Social and Cultural Rights (“ICESCR”).\(^\text{10}\) Moreover, the Guiding Principles on Business and Human Rights, places a burden on states to “protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.”\(^\text{11}\) During mega-events, states must uphold their duties under the UDHR and ICESCR in addition to taking affirmative steps to monitor, prevent, and punish violations of the right to housing by private enterprises.

Under Article 11 of the ICESCR, state parties have a duty to “take appropriate steps to ensure the realization” of the right to an adequate standard of living, including the right to housing.\(^\text{12}\) General Comment No. 4 (1991) of the ICESCR (“Comment 4”), states that the right to adequate housing is “the right to live somewhere in security, peace and dignity.”\(^\text{13}\) Comment 4 emphasizes that adequate housing encompasses legal security of tenure, including protection from

---

\(^{10}\) Fair Play and Housing Rights, supra n. 1 at 30-31.
\(^{13}\) General Comment No. 4 (1991) of the ICESCR, para 7. (hereinafter “Comment 4”).
forced evictions.\textsuperscript{14} The comment also states that affordable housing should be available and must not be overcrowded or poorly constructed, and should be located in places giving accessibility to job opportunities, healthcare services, schools, child-care centers and other social facilities.\textsuperscript{15}

States also have a duty to ensure that all members of the community are represented and not subject to discrimination during mega-events. Article 26 of the ICCPR prohibits direct and indirect discrimination “on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”\textsuperscript{16} Additionally, local communities have the right to participate in the decision-making of public housing strategies.\textsuperscript{17} Public housing strategies should “reflect extensive genuine consultation with and participation by, all of those affected.”\textsuperscript{18} Political and business elites organize mega-events and low-income and marginalized communities are frequently left out of the discussion of housing strategies.\textsuperscript{19} States have a duty to ensure that low-income communities and marginalized groups are represented in the process of hosting a mega-event and are protected from discrimination.

\textbf{II. Mega-Events: Past Violations of the Right to Adequate Housing}

Although states have an affirmative duty to respect and protect the right to housing, host-states frequently violate this right during mega-events. Low-income and other marginalized communities are often negatively impacted by the rapid urbanization taking place during mega-events. There is usually an influx in foreign capital and massive infrastructural improvements in

\begin{itemize}
\item \textsuperscript{14} \textit{Id.} at para. 8(a).
\item \textsuperscript{15} \textit{Id.} at para. 8(c) & (f).
\item \textsuperscript{16} International Covenant on Civil and Political Rights, United Nations, art. 26. 1976. (hereinafter “ICCPR”)
\item \textsuperscript{17} Human Rights Council Report of the Special Rapporteur 13/20, Report of the Special Rapporteur on adequate housing as a of the right to an adequate standard of living, and on the right to non-component discrimination in this context, Raquel Rolnik, A/HRC/13/20, (December 2009), p. 12. (hereinafter “Report of the Special Rapporteur on adequate housing”); \textit{see also} Comment 4, supra n. 13 at para 12.
\item \textsuperscript{18} \textit{Id.}
\item \textsuperscript{19} \textit{Id.}
\end{itemize}
cities hosting mega-events like the FIFA World Cup and Olympics; however, low-income communities usually do not enjoy these benefits. Efforts to beautify host cities and eliminate signs of poverty often lead to forced evictions and displacement of low-income communities living in slum settlements or low income housing. Gentrification also decreases low-income communities’ access to adequate housing as housing prices skyrocket and availability of low-income housing decreases. Frequently, host cities criminalize homelessness by passing new laws or ordinances, such as criminalizing sleeping in derelict buildings.

A. Discrimination of Marginalized and Low-Income Communities

Violations of the right to housing during mega-events usually have a disproportionate impact on “the most disadvantaged and vulnerable sectors of society, such as low-income populations, ethnic minorities, migrants, the elderly, persons with disabilities, and other marginalized groups,” such as street vendors and sex workers. During the 1996 Olympics in Atlanta, a disproportionate amount of the displacements of were experienced by African-Americans. Roma communities were the main target of displacement during the 2004 Athens Olympics and during the 2008 Beijing Olympics most of the eviction victims were migrant workers. In the planning and preparation for mega-events, the housing needs of low-income and other marginalized communities must be taken into consideration.

B. Forced Evictions and Removal of Informal Housing

Forced evictions are a prima facie violation of the right to adequate housing and frequently occur during preparations for mega-events. Forced evictions are "the permanent or temporary

---

20 Fair Play and Housing Rights, supra n. 1 at 73-75.
21 Report of the Special Rapporteur on adequate housing, supra n. 17 at 4.
22 Id at 9-10.
23 Id.
24 Fair Play and Housing Rights, supra n. 1 at 31.
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.”25

If evictions are necessary, there are certain procedural protections that should be applied
to ensure that violations of the right to housing do not occur. In her 2009 report, the Special
Rapporteur laid out some of the procedural protections that should be followed when evictions are
necessary, such as consultation with those affected, reasonable notice of the date of evictions, and
provisions of legal aid for people needing to seek legal remedies.26 The Special Rapporteur also
stated that “even when evictions are justified and practiced according to the appropriate procedural
protections, they should not result in individuals being rendered homeless, and the State must take
all appropriate measures, to the maximum of its available resources, to ensure that adequate
alternative housing, resettlement or access to productive land is available.”27

Additionally, those evicted should be adequately compensated. Adequate compensation
for both tenants and land owners who are forced to relocate includes compensation for loss of any
goods or property and provisions of adequate resettlement.28 Resettlement also “implies relocation
within a reasonable distance from the original site, with access to essential services such as water,
electricity, job opportunities, schools, hospitals and transport facilities in the area selected.”29

Despite these clear standards, forced evictions and removal of informal housing (or slum
settlements) occur frequently to build new infrastructure and beautify cities for mega-events. In

25 UN Committee on Economic, Social and Cultural Rights, General Comment No. 7 on the Right to Adequate
Housing and Forced Evictions, (1997).
26 Report of the Special Rapporteur on adequate housing, supra n. 17 at 11-12.
27 Id.
28 Fair Play and Housing Rights, supra n. 1 at 33.
29 Id.
preparation for the 1988 Olympics in Seoul approximately fifteen percent of the population was forcefully evicted.  

Prior to the 1992 Barcelona Olympic Games, approximately 200 families were evicted to construct new city ring roads. During the 2008 Beijing Olympics approximately 1.5 million people were evicted in the preparations for the event. Many of the evictions were of low-income individuals and were performed without notice or compensation. Approximately 35,000 families were evicted from public lands in New Delhi to prepare for the 2010 Commonwealth Games. In South Africa, over 20,000 residents of the Joe Slovo informal settlement were relocated to construct the N2 Gateway housing project for the 2010 World Cup. Residents were moved to impoverished areas on the outskirts of the cities. The frequency of forced evictions and destruction of informal settlements is astounding. Host-states must work to reduce these occurrences and follow the procedural mechanisms laid out by the Special Rapporteur if evictions and relocations are necessary.

**C. Gentrification and Reduction in Low-Income Housing**

Gentrification and reductions in low-income housing are also common occurrences during mega-events and infringe on low-income communities right to adequate housing. The right to housing requires "adequate basic infrastructure and adequate location with regard to work and basic facilities - at a reasonable cost." Sharp increases in housing costs, with a subsequent

---

30 Report of the Special Rapporteur on adequate housing, supra note 17 at 6-7.
31 Id. at 7.
34 Report of the Special Rapporteur on adequate housing, supra note 17 at 7.
35 Id.
36 Id.
37 Fair Play and Housing Rights, supra n. 1 at 260.
reduction in low-income or government-subsidized housing, indirectly causes the displacement of low-income and other marginalized communities during mega-events.\textsuperscript{38} This \textit{de facto} expulsion from mega-event areas further impoverishes these communities as they are pushed to the outskirts of the city and face reductions in employment opportunities, access to and schools, and increased commuting costs.\textsuperscript{39}

Prior to the 1996 Olympic Games in Atlanta, annual rent increases rose to 7.9 percent compared to a 0.4 percent increase in 1991.\textsuperscript{40} Meanwhile, approximately 1,200 social housing units were destroyed for Olympic preparations.\textsuperscript{41} During this time approximately 15,000 low-income residents left the city of Atlanta.\textsuperscript{42} Prior to the 2012 London Olympics, housing costs skyrocketed near the event cite, while the rest of the city’s rent prices were down by 0.2 percent.\textsuperscript{43} Moreover, the Clays Lane Estate, a low-income housing building located on the Olympic Park site was demolished because it did “not meet the Government’s Decent Homes Standard.”\textsuperscript{44} The demolition of the Clays Lane Estate resulted in a loss of 450 low-income housing units.\textsuperscript{45}

The potential long-term impact on housing prices, coupled with the reduction in socialized housing during these events, can create permanent displacement of low-income individuals.\textsuperscript{46} Host states should establish rent control mechanisms and ensure that affordable housing remains in city centers.

\textsuperscript{38} Report of the Special Rapporteur on adequate housing, supra note 17 at 6-9.
\textsuperscript{39} Id.
\textsuperscript{40} Id at 6-7.
\textsuperscript{41} Lucy Amis, IHRB, supra n. 8 at 9.
\textsuperscript{42} Id.
\textsuperscript{43} Fair Play and Housing Rights, supra n. 1 at 185; see also Report of the Special Rapporteur on adequate housing, supra note 17 at 6-7.
\textsuperscript{44} Report of the Special Rapporteur on adequate housing, supra note 17 at 8-9.
\textsuperscript{45} Lucy Amis, IHRB, supra n. 8 at 10.
\textsuperscript{46} Fair Play and Housing Rights, supra n. 1 at 197-199.
D. Criminalization of the Homeless

Adoption of laws criminalizing homelessness is another form of discrimination that occurs in preparation for mega-events. Frequently, host states and cities enact legislation criminalizing acts such as sleeping in the street and begging.\(^{47}\) During the 1988 Seoul Olympic Games, homeless people were held in detention facilities outside the city.\(^{48}\) City authorities in Seoul also created lists of places where homeless people were banned during the 2002 World Cup.\(^{49}\) Furthermore, 9,000 homeless people were issued arrest citations after the city of Atlanta enacted the Quality of Life Ordinance that criminalized sleeping in derelict buildings and begging during the 1996 Olympics.\(^{50}\)

Similar legislation is enacted during mega-events to criminalize informal activities. Frequently, “street vendors and sex workers are targeted by laws that forbid them to carry out their activities in the city while the event is taking place.”\(^{51}\) During the 2010 World Cup in South Africa, there were reports of forced removal of street vendors from commercial exclusion zones.\(^{52}\) These removals reportedly lead to the loss of livelihoods of many street vendors in South Africa.\(^{53}\)

III. Accountability for the Violation of the Right to Adequate Housing: The International Olympic Committee (“IOC”) and Fédération Internationale de Football Association (“FIFA”)

---

\(^{47}\) Report of the Special Rapporteur on adequate housing, supra note 17 at 9-10.

\(^{48}\) Id at 10.

\(^{49}\) Id.

\(^{50}\) Id; see also Fair Play and Housing Rights, supra n. 1 at 119.

\(^{51}\) Report of the Special Rapporteur on adequate housing, supra note 17 at 9.

\(^{52}\) Lucy Amis, IHRB, supra n. 8 at p 3 and 13.

\(^{53}\) Id.
The IOC and FIFA have failed to hold these states accountable for their obligations under the ICESCR. International sports governing bodies, such as the IOC and FIFA, set out the terms and rules that all actors must follow in the staging of mega-events.\textsuperscript{54} The ideals of integrity and sustainability are embedded in the internal processes of both the IOC and FIFA, however, when it comes to ensuring respect for human rights in practice these organizations appear to be lacking.\textsuperscript{55} The Special Rapporteur has criticized FIFA’s bidding process for its lack of transparency and the IOC still lacks effective practices to ensure protection of housing rights.\textsuperscript{56}

The IOC and FIFA, as some of the most prominent mega-event organizing bodies in the world, should implement policies that other mega-events can be modeled after.\textsuperscript{57} In addition to the Olympics and World Cup, other cultural and political events, such as the World Exposition, IMF/World Bank conference, and even the Miss World Pageants, have the ability to negatively impact vulnerable communities’ rights to housing.\textsuperscript{58} The destruction of shantytowns and forced evictions during Nigeria’s attempt to beautify the city of Abuja in preparation for hosting the 2002 Miss World Beauty Pageant lead to the displacement of approximately 1,000 households.\textsuperscript{59} All trends indicate that international mega-events are likely to become more frequent in the future.\textsuperscript{60} During future events both FIFA and the IOC should demand host countries follow their obligations under the ICESCR and ensure protection for low-income communities from forced evictions, gentrification, and criminalization of homelessness.

\textit{A. The International Olympic Committee}

\footnotesize{\textsuperscript{54} Id at 17.  
\textsuperscript{55} Id.  
\textsuperscript{56} Report of the Special Rapporteur on adequate housing, supra note 26 at 14-17.  
\textsuperscript{57} Fair Play and Housing Rights, supra n. 1 at 15.  
\textsuperscript{58} Id. at 21-27.  
\textsuperscript{59} Id. at 25-26.  
\textsuperscript{60} Id. at 21.}
The Fundamental Principles of the Olympics laid out under the Olympic Charter, include the encouragement of “social responsibility and respect for universal fundamental ethical principles.”\textsuperscript{61} The Code of Ethics comprises of rules on dignity, integrity, and non-discrimination and the IOC’s Ethics Commission is responsible for investigating complaints of violations.\textsuperscript{62} However, the Ethics Commission has not yet imposed severe sanctions for violations.\textsuperscript{63}

Although the IOC has failed to hold host states accountable for past human rights violations relating to the Olympics, the IOC has recently implemented promising new changes to its bidding process. The 2020 Candidature Procedure and Questionnaire required prospective host cities to submit an environmental impact assessment and to explain how their accessibility proposals and legacy plans “can contribute to sporting and social development.”\textsuperscript{64} Additionally, the IOC has established an Olympic Games Knowledge Management Program and an Olympic Games Impact study.\textsuperscript{65} These new programs collect and transfer lessons and best practices for future host cities.\textsuperscript{66} Hopefully these new programs will help foster learning about past positive practices regarding housing rights.

\textit{B. Fédération Internationale de Football Association}

FIFA has also made some positive changes in regards to its bidding agreements. Similar to the new IOC bids, FIFA’s Bidding Agreement for the 2018 and 2022 World Cups included an environmental impact assessment.\textsuperscript{67} Additionally, FIFA’s governing document, the FIFA Statutes, includes similar human rights-related concepts as the Olympic charter. The Statutes include ideals

\textsuperscript{61} Lucy Amis, IHRB, supra n. 8 at 18. 
\textsuperscript{62} Id. 
\textsuperscript{63} Id. 
\textsuperscript{64} Id at 19. 
\textsuperscript{65} Id at 25. 
\textsuperscript{66} Id. 
\textsuperscript{67} Id at 20.
such as non-discrimination through football and promoting “friendly relations …in society for humanitarian objectives.”

FIFA has also recently established new anti-discrimination policies, including new non-discrimination sections in the FIFA Code of Conduct in May 2012 and the 2013 Taskforce Against Racism and Discrimination with sanctions for displays of racism in football. Despite FIFA’s strong stance against discrimination and new bidding measures, discriminatory housing practices continue to negatively impact low-income and other marginalized communities during World Cups.

Although FIFA does ask prospective host candidates to give a general explanation of how their bid can contribute to “sustainable social and human development,” there still appears to be no formal procedures for FIFA to address violations of the right to housing. FIFA has not yet established formal social impact assessments, nor is there any explicit reference to “human rights” within FIFA’s bidding literature.

Both FIFA and the IOC appear to lack effective procedures for addressing housing rights violations. Given the frequency of housing rights violations during mega-events, both organizations should continue their positive developments in human rights procedures with an emphasis on housing rights for low-income and marginalized communities.

IV. Good State Practices and Possible Benefits for Low-Income and Marginalized Communities During Mega-Events

Low income and marginalized communities can and should benefit from mega-events. In June 2007, Jean du Plessis, the former executive director of COHRE stated that “the diversity of a

---

68 Id at 19.
69 Lucy Amis, IHRB, supra n. 8 at 6 and 19.
70 Id. at 20.
71 Id. at 20.
community should not be hidden or moved out of sight in order to host a beauty pageant. Mega-events, including the Olympic Games, can be organized without forcibly evicting people, without criminalizing the homeless and without rendering housing unaffordable.\textsuperscript{72} There are numerous examples of host cities using mega-events to implement positive measures to promote the housing needs of low-income and other marginalized communities.

Host states in the past have used mega-event infrastructural improvements to benefit low-income individuals. During the 2004 Athens Olympic Games, the city turned the Olympic Village into 3,000 new units of subsidized housing.\textsuperscript{73} This initiative reportedly benefited 10,000 residents in Athens.\textsuperscript{74} Additionally, London has plans to use the former Olympic Village for 2,818 new housing units, reserving 1,379 for affordable housing\textsuperscript{75}.

Host states have also provided extra protections for vulnerable communities during mega-events. During the 2000 Sydney Olympics, the city enacted a Homelessness Protocol to protect homeless people in public places.\textsuperscript{76} The protocol prohibited the harassment of homeless people and their forced removal, unless a threat to security was presented.\textsuperscript{77} Moreover, the government has kept this protocol since the Olympics and has recently revised it in 2010.\textsuperscript{78} The Homeless Protocol in Sydney can be used as an example of how mega-events can encourage legislation that promotes the needs of homeless and vulnerable communities.

Mega-events present an excellent opportunity for host states to perform their duties under the ICESCR and use these events to take steps towards the realization of adequate housing. Future

\textsuperscript{72} Fair Play and Housing Rights, supra n. 1 at 10.
\textsuperscript{73} Lucy Amis, IHRB, supra n. 8 at 8.
\textsuperscript{74} Id.
\textsuperscript{75} Id.
\textsuperscript{76} Id at 26.
\textsuperscript{77} Id.
\textsuperscript{78} Id.
host states should look to the good practices of former host states as examples of procedures ensuring the non-discrimination of low-income communities during mega-events.

V. Upcoming Mega Events and the Right to Adequate Housing

Despite these positive developments, there have been some concerns regarding housing rights for the upcoming 2014 FIFA World Cup and 2016 Olympic games hosted by Brazil. Amnesty International has reported that many residents in Rio de Janeiro’s low-income areas have already lost their homes to build the 2016 Olympic infrastructure.\textsuperscript{79} Other reports have alleged that 170,000 people are at risk or have already lost their home due to forced evictions in the preparation for the World Cup and Olympics in Brazil.\textsuperscript{80} The Special Rapporteur on adequate housing has expressed concern over allegations of forced evictions and the adequacy of compensation for those evicted.\textsuperscript{81} On 14 June, 2013, the Special Rapporteur called on Brazil to adopt “national regulations to guide the activities of local governments and third parties involved in these projects.”\textsuperscript{82} The Special Rapporteur also stressed the importance of creating a stable housing market and ensuring more affordable housing.\textsuperscript{83}

Without affirmative actions by host states low income communities will continue to face discrimination during mega-events. In addition to the upcoming mega-events in Brazil, Russia will be hosting the 2018 FIFA World Cup and PyeongChang, South Korea will be hosting 2018 Winter Olympics. These upcoming mega-events present an excellent opportunity to implement the positive practices of past mega-events.

\textsuperscript{80} Lucy Amis, IHRB, supra n. 8 at 10.
\textsuperscript{81} Championing Football, ACNUDH, supra n. 5.
\textsuperscript{82} Id.
\textsuperscript{83} Id.
Recommendations

Human Rights Advocates urges:

A. State parties to comply with the Human Rights Council Resolution 13/10 paragraph 3(a-f) by:

1. Developing mechanisms to monitor, prevent, and punish both public and private entities from performing forced evictions and other violations of the right to housing relating to mega-events.

2. Providing plans for the protection of low-income individuals, the homeless, and other marginalized communities during the bidding process.

3. Enacting rent control policies, protecting existing affordable housing, and providing follow-up reports regarding the development of low-income housing after the event.

4. Adopting ordinances and procedures to protect the homeless from displacement and discrimination.

B. The Human Rights Council to continue to monitor this issue.