



Human Rights Advocates

P.O. Box 5675, Berkeley, CA 94705 USA

Mega-Events and the Right to Housing

Contact Information:

**Jess Weinger, Frank C. Newman Intern
Representing Human Rights Advocates through
University of San Francisco School of Law
International Human Rights Law Clinic**

Tel: 415-422-6961

jlweinger@usfca.edu

Professor Connie de la Vega

delavega@usfca.edu

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I. Introduction

Mega-events such as the Olympics and FIFA World Cup are often breeding grounds for blatant violations of the right to adequate housing. Forced evictions and other actions have violated the rights of people in communities near infrastructures for these events, with the majority of the violations committed against people living in poverty and indigenous peoples. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living issued a major report on this topic,¹ and the Human Rights Council (HRC) has taken steps to address these issues through resolutions.²

In the Report of the Special Rapporteur, several violations were detailed as the negative housing legacy of mega-events. First, displacement and forced evictions have been commonly carried out by countries hosting mega-events. Existing housing is often demolished in order to make way for new infrastructure and developments such as stadiums, housing, and transportation for athletes and foreign visitors. This is often done without first consulting with the affected communities, and the residents of those communities may not receive adequate compensation or alternative housing accommodations, and they may be unable to return to the redevelopment site after the event. Displacement through forced evictions has been carried out through the use of violence and harassment against residents of local communities.³

¹ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, A/HRC/13/20 (18 Dec. 2009).

² See Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events, A/HRC/RES/13/10 (14 Apr. 2010); Adequate housing as a component of the right to an adequate standard of living, A/HRC/RES/25/17 (14 Apr. 2014).

³ Report of the Special Rapporteur, *supra note 1*, at 6.

Such displacement can also occur due to gentrification and rising housing costs in and around host cities, as well as reductions of available social and low-cost housing, and the criminalization of homelessness.⁴ Development in host cities and surrounding areas can attract higher-income earners, which raises property values and rental prices. This often forces the prior residents to leave the area and relocate, due to being unable to afford to stay in their home communities.⁵ Such developments often involve the destruction of low-cost housing and informal settlements, which creates a shortage of affordable housing and causes areas surrounding mega-event sites to become inaccessible to lower-income earners from those communities.⁶ Additionally, homeless people in affected communities are often removed by local authorities, who also criminalize sleeping on streets, begging, and other activities. Homelessness may also be exacerbated through displacement caused by the lack of social or affordable housing, and the destruction of informal and temporary settlements.⁷ The burden of these actions by national and local authorities tends to fall squarely on the shoulders of the most vulnerable residents of communities in and around mega-events host cities.⁸

In 2010, one year after the report from the Special Rapporteur was published, the HRC passed a resolution on adequate housing as a component of the right to an adequate standard of living, in the context of mega-events.⁹ The resolution directly calls upon governments to “integrate housing concerns into the bidding and planning process at an early stage and, in this regard, to assess the impact on the affected population throughout the process.” It also calls

⁴ *Id.* at 7-9.

⁵ *Id.* at 7.

⁶ *Id.* at 8.

⁷ *Id.* at 9.

⁸ Fair Play for Housing Rights: Mega-Events, Olympic Games and Housing Rights, Centre on Housing Rights and Evictions (COHRE) (2007), at 77, *available at* http://tenant.net/alerts/mega-events/Report_Fair_Play_FINAL.pdf.

⁹ Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events, A/HRC/RES/13/10 (14 Apr. 2010), *supra note 2*.

upon states “to explore alternatives to evictions and to undertake any such evictions as may be necessary in accordance with the domestic legal framework and in full compliance with the relevant provisions of international human rights law, including those for adequate and effective remedies.”¹⁰

In 2014, the HRC adopted another resolution which reinforced their apprehensions regarding housing in general.¹¹ They expressed their deep concerns and called upon governments “to give due consideration to the human right to adequate housing as a component of the right to an adequate standard of living, and to issues related to universal access to decent and sustainable housing in the elaboration of the post-2015 development agenda.”¹²

Despite these positive measures, evidence shows that countries continue to violate these principles when hosting mega-events. While these resolutions are helpful in stressing the importance of protecting the right to adequate housing, more needs to be done to ensure that governments and private actors do not continue to violate their obligations to protect the right to adequate housing when they host mega-events. Brazil, Qatar, Russia, and Greece have recently hosted such events. There is evidence of human rights abuses in these countries which must be remedied, and they must work to prevent future violations.

These countries are obligated to protect the right to adequate housing under the Universal Declaration of Human Rights (UDHR),¹³ which has reached the level of customary international

¹⁰ *Id.* at Paragraph 3(e).

¹¹ Adequate housing as a component of the right to an adequate standard of living, A/HRC/RES/25/17 (14 Apr. 2014).

¹² *Id.*

¹³ Universal Declaration of Human Rights (10 Dec. 1948), available at <http://www.un.org/en/documents/udhr/>.

law,¹⁴ and Brazil, Greece, and Russia also have these obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR),¹⁵ to which Qatar is not a party. Under the UDHR, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing,” and other livelihood protections.¹⁶ Additionally, Article 11 of ICESCR provides that state parties, “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions,” and obligates states to “take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”¹⁷

While governments must be held accountable under domestic and international law, the Fédération Internationale de Football Association (FIFA) and the International Olympics Committee (IOC), and their corporate sponsors, must also be held accountable as private actors. Both FIFA and the IOC have a charter¹⁸ or statutes¹⁹ that govern the conduct of their members and set forth guiding principles, such as non-discrimination and other ethical principles. Their immense influence on governments whose countries host mega-events including the World Cup and the Olympics can and should be used to create positive change by ensuring governments comply with the organizations’ principles and international human rights laws. The opposite has

¹⁴ Narendra Mohan Kommalapati, *The Universal Declaration of Human Rights*, Amnesty International (9 Dec. 2007), available at http://www.amnesty.org.au/china/comments/the_universal_declaration_of_human_rights/.

¹⁵ International Covenant on Economic, Social and Cultural Rights (3 Jan. 1976), available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

¹⁶ UDHR, *supra*, Article 25, Paragraph 1.

¹⁷ ICESCR, *supra*, Article 11.

¹⁸ Olympic Charter, Fundamental Principles of Olympism (Sept. 9, 2013), available at http://www.olympic.org/Documents/olympic_charter_en.pdf.

¹⁹ FIFA Statutes Regulations Governing the Application of the Statutes, Standing Orders of the Congress (May 2008), available at http://www.fifa.com/mm/document/affederation/generic/01/09/75/14/fifa_statutes_072008_en.pdf.

been true, however, as pressure from these organizations regarding development and infrastructure in host cities has contributed to the housing rights violations committed against local communities. FIFA and the IOC have a duty to choose host countries wisely, based on their records of upholding human rights, and to work with those countries to ensure that they comply with ethical principles and international human rights law. Recent events have shown that mega-events continue to be detrimental to housing rights in host countries, and both these private actors and the countries that host them must be held accountable for past violations and work to prevent future violations.

II. Recent Events

A. Greece

Athens hosted the Olympics in 2004 and, there, Roma people in and around the city were evicted from their settlements, and homelessness was exacerbated²⁰ under the pretext of construction for the 2004 Olympic Games.²¹ In 2002, local government officials signed an agreement which stipulated that families that left their homes would receive subsidies to help them temporarily rent alternative accommodations and that the municipality would then permanently relocate and re-house them. Instead, the municipality forced new conditions on the Roma that were not part of the agreement, delayed payments for their subsidies, and failed to fully adhere to its obligations under the contract.²²

²⁰ Helen Jefferson Lenskyj, *The Olympic Affordable Housing Legacy and Social Responsibility*, available at <http://library.la84.org/SportsLibrary/ISOR/ISOR2006r.pdf>.

²¹ UN Committee on Economic, Social and Cultural Rights (CESCR), *UN Committee on Economic, Social and Cultural Rights: Concluding Observations: Greece*, 7 June 2004, E/C.12/1/Add.97, available at: <http://www.refworld.org/docid/42d26c904.html>

²² *Greece: Preparing for the Olympic Games – Evicting the Roma*, Amnesty International (July 2004), available at <http://www.amnesty.org/en/library/info/EUR25/004/2004/en>.

However, Greece also exhibited one positive use for Olympic infrastructure after the mega-event. Athens turned the Olympic Village into affordable housing for people from low-income families, who were assigned housing based on a national lottery. This new community included a health clinic, schools, bus lines, and other infrastructure.²³ This is one way host countries could feasibly repurpose infrastructure from mega-events to benefit local communities, and especially low-income populations that were adversely affected by the event.

B. Brazil

When Brazil hosted the World Cup in 2014, families in host cities were forced out of their homes without adequate notice, there was a lack of prior consultation with those affected, and adequate alternative housing or legal remedies were not provided. Indigenous people were dispossessed from their lands,²⁴ and hundreds of thousands of people were forcefully evicted, particularly from low-income communities and favelas to make room for luxury high-priced housing.²⁵ Brazil must prevent similar abuses in preparation for the 2016 Olympics.

Reports from Amnesty International, however, show that people have been forcefully evicted from their homes in Rio de Janeiro, again without prior notice or consultation, with entire communities fighting imminent eviction, and local businesses being forced out.²⁶ Construction projects for infrastructure such as stadiums and bus lines, as well as the modernization of the port have already involved substantial violations, according to independent research by international

²³ Violet Law, *A Problem of Olympic Proportions*, Summer 2006, available at <http://archive.clamormagazine.org/issues/37/economics.php>.

²⁴ Annual Report 2013: Brazil, Amnesty International, available at <http://www.amnesty.org/en/region/brazil/report-2013#page>.

²⁵ Andrea Dip, *Brazil's 2014 World Cup: Rights Abuses Revealed in Report*, Huffington Post (Dec. 14, 2011), available at http://www.huffingtonpost.com/2011/12/12/brazil-world-cup-abuses_n_1143905.html.

²⁶ *Striving for Excellence: Mega-Sporting Events and Human Rights*, Institute for Human Rights and Business at 16, (Oct. 2013), available at http://www.ihrb.org/pdf/2013-10-21_IHRB_Mega-Sporting-Events-Paper_Web.pdf.

organizations.²⁷ Authorities there have an obligation under both the UDHR and ICESCR to stop the pattern of abuse by consulting with the local affected populations, ending forced evictions, and providing safeguards and remedies where evictions do occur.

C. Qatar

Qatar will host the World Cup in 2022, and human rights abuses are already evident. According to a recent report by the Human Rights Watch, the laborers who are among the workforce preparing for the event face sub-standard and dangerous housing conditions.²⁸ Migrant workers comprise 94% of the workforce, and most live in labor camps and are vulnerable to human rights violations by the state.²⁹ While local regulations set high standards for their housing and living conditions, these regulations were shown to have been violated in all six of the labor camps that Human Rights Watch visited.³⁰ Overcrowding and unsanitary conditions were rampant.³¹ Authorities in Qatar must conform to the provisions of the UDHR, as customary international law, by ensuring that adequate housing conditions are provided for these laborers, and prevent any forced evictions and other abuses to local populations ahead of the 2022 World Cup.

D. Russia

Forced evictions and other housing rights violations were also evident in Russia before and after the 2014 Sochi Olympics. There, Sochi residents were cut off from public

²⁷ Amnesty International, *Brazil: Forced evictions must not mar Rio Olympics* (Nov. 14, 2011), available at <https://www.amnesty.org/en/news/brazil-forced-evictions-must-not-mar-rio-olympics-2011-11-14>.

²⁸ Human Rights Watch, *Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022* (2012), available at http://www.hrw.org/sites/default/files/reports/qatar0612webwcover_0.pdf.

²⁹ *Id.* at 31.

³⁰ *Id.* at 65.

³¹ *Id.*

transportation and their communities by the construction of roads and Olympic venues, and were not provided with adequate water or other resources to meet their household needs.³² While some new homes were provided for Sochi residents who were displaced by construction of Olympic infrastructure, many were not consulted beforehand and were forced to relocate against their will under a law that allowed for the seizure and demolition of privately owned parcels of land in preparation for the Olympics. Residents reported inadequate compensation, harassment, and intimidation.³³

For example, one family reported that authorities had been threatening to evict them from the Sochi area without any form of compensation. Authorities claimed the family's home was constructed illegally, despite the fact that they had been living there for sixteen years and the government had collected taxes on the residence. They threatened to demolish the family's home without providing assistance with resettlement or any monetary compensation.³⁴ Others reported similar housing rights violations, such as one woman who was thrown out of her home at gunpoint by riot police, along with thirteen of her family members. This was also done without adequate compensation for the family to reestablish themselves in their new location.³⁵

Using Law 301, officials decided that the family could be evicted and the house demolished in order to make way for the Sochi-Adler highway, since Adler, where the family lived, was the site of some Olympic venues. Officials saw no human rights or other legal violations, despite the

³² Human Rights Watch, *Russia: Olympic Construction Devastates Sochi Village* (Dec. 30, 2013.), available at <http://www.hrw.org/news/2013/12/29/russia-olympic-construction-devastates-sochi-village>.

³³ Katya Golubkova and Melissa Akin, *Sochi Olympics 2014: Construction and Forced Evictions Mark Olympic Showcase in Russia*, Huffington Post (Nov. 4, 2012), available at http://www.huffingtonpost.com/2012/11/04/sochi-olympics-2014_n_2070784.html.

³⁴ Russia: As Olympics Launch, Sochi Abuses Loom, Human Rights Watch (17 July 2012), available at <http://www.hrw.org/news/2012/07/17/russia-olympics-launch-sochi-abuses-loom>.

³⁵ Sergei L. Loiko, *Sochi Olympic Winter Games at root of residents' housing woes*, Los Angeles Times (6 Feb. 2014), available at <http://www.latimes.com/world/la-fg-sochi-dark-side-20140207-story.html#ixzz2swhaR6O1>.

fact that the highway had already been built, miles from the home, before the family was forced out and the house demolished.³⁶ The Russian government is obligated to remedy and prevent these and similar housing rights violations under the UDHR and ICESCR.

III. Accountability for Private Actors: FIFA, the IOC, and corporate sponsors

Generally, governments have an obligation to make sure that private entities follow the law, but here they do not have the same type of jurisdiction over these international private actors. FIFA, the International Olympic Committee (IOC), and their corporate sponsors have a duty to use their influence wisely and to work with national governments and local authorities to protect the rights of local communities while hosting mega-events. Protecting human rights standards must be the benchmark used by the IOC and FIFA for determining the host city. Otherwise, the high demands on governments from these organizations can harm local populations. Further, they must ensure that affected people are consulted and part of a collaborative effort to ensure that their rights are protected. They must not be complicit in human rights abuses perpetrated their names, and must publically and unequivocally condemn past and ongoing human rights violations in the states that host mega-events including the Olympics and the World Cup.

These duties stem from multiple sources. First, the Council adopted guiding principles on business and human rights.³⁷ The first foundational principle states, “Business enterprises should respect human rights. This means that they should avoid infringing on the human rights

³⁶ *Id.*

³⁷ Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy Framework, United Nations Office of the High Commissioner on Human Rights (HR/PUB/11/04), available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

of others and should address adverse human rights impacts with which they are involved.”³⁸

This obligation “exists independently of States’ abilities and/or willingness to fulfill their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights.”³⁹ This includes duties to prevent, mitigate, and remedy adverse human rights impacts, which would include violations of the right to housing.

Additionally, business enterprises are required to, “(a) avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur,” and to “(b) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”⁴⁰ Despite these obligations and statements by FIFA and the IOC to the contrary, human rights violations, including violations of the right to housing, have been rampant during mega-events.⁴¹ FIFA, the IOC, and their corporate sponsors must adhere to these principles and ensure that their practices do not violate human rights laws.

Second, the Olympic Charter contains strong language regarding the principles behind the Olympics. From the start, in Fundamental Principle 1, the Charter expresses the Olympic philosophy of “social responsibility and respect for universal fundamental ethical principles.”⁴² The sixth principle states, “Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the

³⁸ *Id.* at 13.

³⁹ *Id.*

⁴⁰ *Id.* at 14.

⁴¹ David Crane, *IOC and FIFA Should Take Action on Human Rights Abuses*, JURIST – Forum (17 Feb. 2014), available at <http://jurist.org/forum/2014/02/david-crane-sochi-olympics.php>.

⁴² Olympic Charter, *supra*.

Olympic Movement.”⁴³ Governments that continually violate the right to housing when their countries host the Olympics not only violate international human rights standards, but also the stated principles of the Olympic Charter as well. The IOC has a duty to hold governments to these standards, and must be held accountable for ignoring the violations that occur in Olympic host countries.

In 1999, the IOC adopted Agenda 21: Sport for Sustainable Development, which provides some guidance.⁴⁴ This document addresses the social and economic impacts of the Olympics. It defines sustainable development as the need for “economic, social, and political development particularly geared to the benefit of the poorest members of society,”⁴⁵ and includes boosting housing strategies among the goals identified.⁴⁶ The IOC should update this document to reflect current housing concerns, and make it binding, rather than simply inviting IOC members to comply with its guidelines.⁴⁷

Similarly, FIFA has its own set of statutes that govern membership and conduct, and contain guiding principles.⁴⁸ Under Article 2, subsection A, the first objective of FIFA is “to improve the game of football constantly and promote it globally in the light of its unifying, educational, cultural and humanitarian values, particularly through youth and development programmes.”⁴⁹ Article 3 is a non-discrimination provision that strictly prohibits “Discrimination of any kind against a country, private person or group of people on account of

⁴³ *Id.*

⁴⁴ Agenda 21: Sport for Sustainable Development (1999), available at http://www.olympic.org/Documents/Reports/EN/en_report_300.pdf.

⁴⁵ *Id.* at 17.

⁴⁶ *Id.* at 31.

⁴⁷ *Id.* at 48.

⁴⁸ FIFA Statutes, *supra*.

⁴⁹ *Id.* at 5.

ethnic origin, gender, language, religion, politics or any other reason,” and makes such discrimination punishable by suspension or expulsion from FIFA.⁵⁰ FIFA must fulfill its duties under international human rights law and its own statutes and ensure that countries that host its World Cup remedy the egregious housing rights violations that have already occurred repeatedly, and prevent future violations in host countries.

IV. Recommendations

Human Rights Advocates (HRA) requests that the Human Rights Council:

- 1) Urge the Working Group on Business and Human Rights to include FIFA and the IOC in its discussions, in particular with respect to accountability, enforcement, and remedies for these kinds of international organizations;
- 2) Urge the Special Rapporteur on the Right to Housing to monitor the topic of mega-events as they relate to the right to adequate housing, and include methods of accountability and remedies; and
- 3) Continue to include the impact of mega-events on the right to housing in its resolutions and reports, and to urge governments to affirmatively protect this right.

HRA also urges FIFA and the IOC to engage in practices that protect the right to housing for communities impacted by their mega-events. This includes working with national and local governments to protect the rights of their communities while hosting mega-events, and using human rights standards as a benchmark for determining host cities.

⁵⁰ *Id.*

Finally, HRA urges FIFA and the IOC to develop methods for accountability and remedies for human rights violations.