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**Mega-Events, Urban Development, and Human Rights: The Duty to Prevent and Protect  
Against Evictions and Ensure the Right to Adequate Housing**

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## **Introduction**

Today more than half of the world's population lives in cities, and by the year 2030, that percentage will increase to 81 percent.<sup>1</sup> The trend of mass urbanization has had a devastating impact on the right to adequate housing, as every year hundreds of thousands of men, women, and children are forced from their homes to make room for the development of the next "world class city" or mega-event.<sup>2</sup>

This report will examine the impact of large-scale urban development on the right to adequate housing. Mega-events such as the Olympics and FIFA World Cup, along with urban development projects, represent examples of rapid urban renewal projects that threaten the right to adequate housing. By focusing on examples of past human rights abuses stemming from mega-events and urban development projects, as well as best practices regarding same, this report will highlight the threats and opportunities presented by the worldwide urbanization trend.

Human Rights Advocates ("HRA") is concerned that the rapid urban renewal trend has created an environment that is complicit to human rights abuses. With a massive amount of capital flooding into cities prior to mega-events, the most marginalized communities are often neglected, and evictions are justified as necessary for a successful mega-event. The need to build new infrastructure often disproportionately affects the poor, who receive little in the way of compensation and do not get to enjoy the benefits of the new infrastructure.

### **I. The State Duty to Protect the Right to Adequate Housing and Prevent Forced Evictions**

The right to adequate housing is enshrined in article 11 of the International Covenant on Economic, Social and Cultural Rights. Forced evictions constitute gross violations of

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<sup>1</sup> COHRE, "Right to the City", World Urban Forum, 20 March 2010.

<sup>2</sup> COHRE, "Global Survey on Forced Evictions", 2008, p. 17.

human rights, and are prima facie incompatible with a state's obligations to ensure the right to adequate housing.<sup>3</sup>

This obligation is of crucial importance during rapid urban renewal projects such as mega-events, where the right to adequate housing becomes perilous. A winning bid for a mega-event, as with plans for rapid urban development, often leads to a massive influx of foreign capital and increases in construction projects. These infrastructural aspirations accelerate the process of urban development for the purposes of city beautification, the improvement of sanitation, new housing, and the improvement of existing housing.<sup>4</sup> Despite these infrastructural improvements, the experience for low-income communities and informal settlements has been largely negative, as private interests have trumped human rights in the mega-event context.

During these infrastructure projects, states have a duty to provide secure tenure and protections against forced evictions.<sup>5</sup> If evictions are absolutely necessary, they should only occur in exceptional circumstances and comply with the procedural protections set out by the Committee on Economic, Social, and Cultural Rights General Comment No. 7.

#### **a. The Duty to Respect and Protect the Right to Adequate Housing: Private Entities**

The Guiding Principles on Business and Human Rights obliges state parties to “protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.” States must ensure that mega-events and urban renewal projects are not used as an excuse by private entities to forcefully evict urban populations. States are accountable for monitoring housing practices in their cities, and should take effective steps to prevent, investigate, punish, and redress abuses by private entities.

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<sup>3</sup> Committee on Economic, Social and Cultural Rights, general comment No. 4, para. 18.

<sup>4</sup> OHCHR, Fact Sheet No.25, Forced Evictions and Human Rights.

<sup>5</sup> Committee on Economic, Social, and Cultural Rights, general comment No. 4, op. cit., para. 7.

The Organization for Economic Cooperation and Development (“OECD”) Guidelines state that business enterprises should “[r]espect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.” Governments have the right to prescribe the methods by which corporations operate within their jurisdiction.<sup>6</sup> State parties entertaining bids from mega-event sponsors can demand that international instruments such as the OECD are included in all contractual agreements, and such a stipulation would be binding on any private entity seeking to profit from rapid urban renewal. Transnational corporations must refrain from any behavior that would violate international laws, and should prevent host countries from violating the right to housing.

## II. Mega-Events and Urban Development: The Nature of the Threat

### **a. Evictions**

Mega-events have had a devastating impact on housing rights. In 2004 alone, over 20 percent of global evictions were caused by mega-events.<sup>7</sup> When infrastructure such as roads, airports, and new forms of public transit are constructed in a short period of time, urban settlers are especially at risk of eviction. Often these risks are exacerbated by a culture of complicity to human rights violations during the build up to a mega-event, since re-creating the international image of a city will take precedence over housing rights.

In this environment of haste, affected communities are not consulted with, and alternatives to evictions are not explored. In the city of Seoul, Korea, 15 percent of the population was evicted and 48,000 buildings were demolished.<sup>8</sup> In New Dehli, 35,000 people

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<sup>6</sup> *OECD Guidelines*, I. Guidelines and Principles, 5. Adhering countries can make reference to the Guidelines in their bilateral investment treaties with non-adhering countries so as to make the latter aware of the expectations of those companies.

<sup>7</sup> COHRE, “Fair Play and Housing Rights”, June 2007, p. 199.

<sup>8</sup> Solomon J. Greene; “Staged cities; mega events, slum clearance, and global capital” in *Yale Human Rights and Development Law Journal*, vol. 6, 2003, pp. 171, 179.

were forcefully evicted before the Commonwealth Games.<sup>9</sup> These forced evictions did not comply with the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, as affected communities were not consulted with prior to evictions, the evictions took place in the presence of a large police force, and in the majority of evictions, compensation was not provided and relocation sites did not include adequate amenities.<sup>10</sup> Because relocation sites lack amenities such as water, access to affordable transportation, schools and health care services, affected communities were worse off after the forced evictions.<sup>11</sup>

The Olympic games in Beijing showed the potential for positive impacts of mega-events. Massive infrastructural projects included a new airport, new trains and metro railways, and two new ring roads.<sup>12</sup> Two natural gas lines, as well as 640 kilometers of sewage pipes were installed to improve the environmental impact of the Olympics. These rapid urban renewal projects are examples of the potential for positive impacts of mega-events on urban residents. But since urban residents were relocated far away from these improvements, they did not enjoy the benefits of new infrastructures.

The 2008 Beijing Olympics remains the high-water mark for human rights abuses and forced evictions in the mega-event context. An estimated 1.5 million people were evicted due to the Olympics.<sup>13</sup> Marginalized people such as vagrants, street beggars, and unlicensed taxi operators were imprisoned without due process rights in “re-education through labor” camps.<sup>14</sup> Groups who are particularly vulnerable to evictions were disproportionately

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<sup>9</sup> COHRE, “Fair Play and Housing Rights”, June 2007, p. 28.

<sup>10</sup> Id.

<sup>11</sup> Id. at 32.

<sup>12</sup> Id. at 74.

<sup>13</sup> Center on Housing and Eviction, “One World, Whose Dream? Housing Rights Violations and the Beijing Olympic Games.” July 2008, p. 6.

<sup>14</sup> Id.

affected, as most of the evicted were migrant workers.<sup>15</sup> The poor and vulnerable, who had the misfortune of living on land set to be developed for the Olympics, were often evicted by unidentified men, at odd hours of the day, and any resistance from housing activists was met with harassment, bribery, or detention.<sup>16</sup> Whole communities were evicted without notice, and given no legal recourse or compensation. The Olympic games were utilized as an inducement for local residents to vacate their homes quickly, or risk receiving lower compensation for their land.<sup>17</sup>

### **b. Gentrification**

Another form of displacement occurs indirectly through the process of gentrification. As urban development projects increase the value of land, higher income homeowners displace low-income residents, creating an inaccessible housing market for the urban poor. With higher income groups moving into city centers, low-income communities are further marginalized and forced to the outskirts of the city, where they lack access to public infrastructure such as transportation, jobs, and schooling. As an example, after London received a winning bid for the 2012 Olympics, land prices for areas surrounding the Olympic site increased between 1.4 and 4.6 percent.<sup>18</sup> The increase in land prices that accompanies a mega-event can cause long-term displacements of urban residents from city centers. These long-term displacements are not as readily apparent as evictions in the planning stages of a mega-event, but they can be equally devastating to urban populations.

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<sup>15</sup> COHRE, “Fair Play and Housing Rights”, June 2007, p. p. 199.

<sup>16</sup> “Demolished: forced evictions and the tenant’s rights movement in China”, Human Rights Watch, Vol.16, No. 4; 2004.

<sup>17</sup> *Id.* at 8.

<sup>18</sup> “Hosting the 2012 Olympic Games: London’s Olympic preparations and housing rights concerns”, 2001, COHRE, p. 31.

### **c. Reductions in Social Housing**

Social housing is often reduced during rapid urban development. As the Special Rapporteur on adequate housing noted in her report on the right to adequate housing in the context of mega-events, 6,000 people were made homeless in the lead up to the Sydney Olympic games, and 1,200 thousand special purpose low-housing units were destroyed in the lead-up to the games. Host countries should implement infrastructural development with a view towards improving the long-term housing stock for low-income residents of a city. In this regard, London has undertaken to utilize the 2012 Olympic infrastructure for low-income social housing after the games. In order to ensure the urban poor may also benefit from Olympic infrastructure, these types of policy decisions should become common practices.

### **d. Slum Settlements**

The number of urban people living in slums worldwide is estimated to be 828 million.<sup>19</sup> This number is growing due to worldwide urbanization trends. In order to improve its international image in preparation for the influx of athletes and visitors, a host-city will feel the need to remove signs of poverty and eradicate urban slums. Between 2004 and 2010, ‘beautification’ was used as justification to clear 200,000 slum dwellers in New Delhi.<sup>20</sup> In order to construct rental housing for the 2010 FIFA World Cup in South Africa, 20,00 people were evicted from an informal settlement and relocated to areas outside of the city.<sup>21</sup> Instead of upgrading the conditions for slum settlers, these evictions tend to make life worse for the urban poor, and relocate entire communities far away from access to transportation, jobs, school, and health services.

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<sup>19</sup> Millennial Development Goals Report, 2011, p. 57.

<sup>20</sup> Habitat International Coalition, “Planned Disposition: Forced Evictions and the 2010 Commonwealth Games, February 2011, p.4.

<sup>21</sup> Caroline Newton, “The reverse side of the medal: about the 2010 FIFA World Cup and the beautification of the N2 in Cape Town”, Springer Netherlands, vol. 2, No. 1, 2009, p. 9.

Today over 2.6 billion people lack access to toilets or improved sanitation. Those without access to basic sanitation do not enjoy the right to adequate housing. If mega-events are to leave a lasting positive legacy on the host country's urban residents, these residents must be able to enjoy the positive infrastructural improvements from mega-events, and not be relocated outside of city centers where these improvements take place. Instead of implementing mass evictions and causing long-term housing problems, preparations for mega-events should be planned with a view towards upgrading slums and informal settlements, using the unprecedented increase in construction projects to improve access to sanitation and an upgrade in housing conditions.

Currently the Millennial Development Goal ("MDG") of halving, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation is not on track, and the sanitation target will not likely become fulfilled until 2049. It will be crucial to view mega-events as an opportunity to improve access to sanitation and water. If mega-events can leave a positive housing legacy by improving housing conditions through slum upgrading, the MDG goals may be fulfilled earlier.

#### **e. Criminalizing the Homeless**

In order to clear any unsightly or undesirable populations from city centers, host-cities will adopt ordinances that criminalize homelessness and forbid the homeless from residing in areas close to events. During the 1996 Olympics in Atlanta, an estimated 30,000 poor and marginalized people were evicted or displaced due to the 1996 Olympic games.<sup>22</sup> The Quality of Life Ordinance criminalized people sleeping in derelict buildings, begging, or

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<sup>22</sup> COHRE, "Fair Play and Housing Rights", June 2007, p. 113.



walking through parking lots if they did not own a car. An estimated 9,000 homeless people were issued arrest citations due to the Olympic games.<sup>23</sup>

After the negative legacy from the Atlanta Olympic games, there have been positive developments with respect to the homeless in the mega-event context. Before the 2004 Olympics in Sydney, Australia enacted a Homeless Ordinance establishing that “unfortunates” would not be criminalized or arrested during the Olympics.<sup>24</sup> All host-countries should adopt similar regulations before any mega-event. Rapid urban renewal must not continue to negatively affect the urban poor and marginalized communities, and those accountable for these human rights abuses should implement policy changes in order to avoid long-term development problems.

### III. Accountability for Human Rights Violations During Rapid Urban Development

States cannot remain complicit during evictions carried out by third parties during preparations for mega-events. This duty obliges state parties not only to respect the right to adequate housing and freedom from forced evictions, but also to enforce the law against third parties who conduct evictions.<sup>25</sup>

The duty to uphold international law not only applies to state-actors. Transnational corporations seeking to profit from urban renewal projects such as FIFA, the IOC, and mega-events have a responsibility to respect the right to adequate housing. Furthermore, transnational corporations should avoid causing or contributing to adverse human rights impacts through their own activities, and seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations.<sup>26</sup>

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<sup>23</sup> Id.

<sup>24</sup> Id. at 127.

<sup>25</sup> Committee on Economic, Social and Cultural Rights, general comment No. 7, para. 8.

<sup>26</sup> Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework.

### **a. Host Countries**

The onus of respecting, protecting, and remedying the right to adequate housing ultimately lies with host countries. Host countries should monitor the human rights impacts of mega-events, analyze the human rights records of potential mega-event sponsors, ensure that private entities respect the right to adequate housing and comply with international law in all contractual agreements pertaining to urban development, and hold private entities accountable for human rights violations.

### **b. Lenders and Sponsors**

Transnational corporations have a strong influence on the development process, and should continue to exercise discretion when allocating funds for the rapid urban development process. If the right to adequate housing and freedom from forced evictions is protected during the planning and implementation stages of rapid urban renewal, then costly corrective measures could be avoided. On 10 August 2011, the World Bank suspended lending to the Royal Cambodian Government until a land dispute is resolved with the residents of the Boeung Kak Lake community. The World Bank should be commended for the cessation of lending until this matter is resolved, especially given the prevalence of evictions in Cambodia, with 70,000 people in Phnom Penh facing the threat of impending evictions to make room for urban development.<sup>27</sup>

The Boeung Kak land grab was an example of a corrupt and illegal urban eviction that displaced local residents without adequate due process. Boeung Kak Lake was the largest lake in the city and centrally located in Phnom Penh. With a heavy tourist presence, the land was becoming increasingly valuable. In 2008, the entire lake and surrounding 133

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<sup>27</sup> Land and Housing Working Group, *Land and Housing Rights in Cambodia Parallel Report 2009*, at 6 (April 2009).

hectares was sold to Shakuku Corporation, which is controlled by a Cambodian senator.<sup>28</sup> Shakuku paid \$79 million for the land, a fraction of its estimated fair market value.<sup>29</sup> The land deal threatens 4,500 families surrounding the lake, some of whom do not have title to the land, yet do have tenure rights under the land law because they have been living in the area for over five years. Residents were presented with three options: 1) a 20 kilometer relocation to a settlement outside the city, 2) \$8,500 in compensation, or 3) alternative on-site housing to be built no earlier than 2012.<sup>30</sup> In the meantime, Shukaku began filling the lake with sand, reportedly for the purpose of building upscale residencies and an economic park.<sup>31</sup> These actions have sparked years of protests and subsequent arrests of land-activists.

In order to avoid blatant human rights violations, as in the Boeung Kak Lake example, transnational corporations should not wait until the media and public protests spotlight the plight of affected communities. If businesses avoid violating the right to adequate housing at the outset of planned development, and involve affected communities in the decision making process, profits will increase in the long-term by avoiding costly corrective measures, and urban development will enjoy a sustainable human rights and investment climate.

### **c. IOC and FIFA**

The duty to protect the right to adequate housing begins at the bidding stage of a mega-event, and recently the IOC has implemented a policy that represents a best practice with respect to mega-events. Since 2008, host cities are required to explain the post-event housing use of new infrastructure. Also, the 2012 candidature questionnaire specified that a

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<sup>28</sup> Lake Inferior: Cambodia's Disappearing Capital, *ECONOMIST*, Jan. 31, 2009

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

perspective host city must cooperate with the government and local NGOs towards environmental sustainability.<sup>32</sup>

The IOC and FIFA have failed to hold countries accountable for human rights abuses, demand transparency during infrastructural development, or demand the cessation of evictions and the criminalization of homelessness without due process rights. Unfortunately, FIFA remains secretive concerning the process of selecting a host-country.<sup>33</sup> Multiple attempts from Special Rapporteurs in the past have yet to yield to transparency, and therefore there remains an accountability gap.<sup>34</sup> The IOC, on the other hand, has made public a very detailed candidature and bidding process. Furthermore, the IOC maintains the right to revoke a winning bid if the host country is in noncompliance with the Olympic code of ethics. The IOC and FIFA should continue to improve the bidding process by prompting perspective host countries to include housing impact assessments in their bids, along with guarantees to ensure the protection from forced evictions, legal protections for the homeless, as well as plans to improve access to low-income housing after the event.

#### **d. The Human Rights Council**

The HRC should be commended for enacting the Guiding Principles on Business and Human Rights, especially the foundational principle obliging state parties to “protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.” The HRC should take further steps to outline the international legal obligations of state parties and private entities during mega-events, urging relevant treaty bodies to draft guidelines on adequate housing in the mega-event context.

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<sup>32</sup> COHRE, “Fair Play and Housing Rights”, June 2007, p. 113.

<sup>33</sup> 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, Raquel Rolnik. December 2009, p. 15.

<sup>34</sup> Id.

On 18 December 2009, the Special Rapporteur on adequate housing (“SR”) issued a report analyzing the impact of mega-events on human rights. HRA commends the HRC for passing a resolution on 25 March 2010 acknowledging the work of the SR on this issue by calling on states to strive to promote the right to adequate housing during mega-events. The upcoming mega-events in London, Russia and Brazil represent a crucial opportunity to call attention to housing rights during rapid urban development and analyze the impact of mega-events from a human rights perspective.

As the SR noted, state parties must be urged to include adequate housing guarantees in their bid proposals to host mega-events, and conduct housing impact assessments before, during, and after mega-events. States should ensure that affected communities receive protection from forced evictions, participate in the decision making process during urban development stages, and receive adequate compensation. These key policy recommendations should become common practices for all states undergoing rapid urban development.

#### IV. Future Threats and Opportunities

With the 2012 Olympics taking place this summer in London, the upcoming 2014 Winter Olympics in Sochi, Russia, and the 2014 FIFA World Cup and 2016 Olympics set to take place in Brazil, the Human Rights Council (“HRC”) should continue to urge state parties to take steps to uphold the right to adequate housing, outlining the dangers to housing rights and highlighting best practices for mega-events. Creating these obligations will incentivize state parties undergoing rapid urban development to take affirmative steps to protect housing rights.

##### **A. London**

London should be commended for including an environmental impact assessment in their bid candidature, as well as a commitment to devote 50 percent of new housing to social

housing, and limit construction projects that will lead to forced evictions.<sup>35</sup> Unfortunately, London's residents have been indirectly evicted by skyrocketing rent prices between five and 15 times the normal rates in the build up to the 2012 Olympics.<sup>36</sup> Without rent control safeguards in place, landlords have been inserting clauses in tenancy contracts increasing rent prices during the Olympic period. The Housing Act of 1988 allows landlord to increase rent prices at the end of a lease as long as a tenant receives two months notice.

## **B. Brazil**

The Millennial Development Goal of improving the lives of 100 million slum dwellers is not on track to be fulfilled by 2020. An estimated 826 million people live in urban slums, and these numbers are growing due to rapid urbanization. In Brazil, the host country for the 2014 FIFA games and the 2016 Olympic games, 81 percent of the population lives in cities, and 17 million households have inadequate housing standards.<sup>37</sup> In order to ensure upcoming mega-events leave a positive legacy for housing rights, and do not exacerbate the housing situation in Brazil, the SR should continue to monitor the housing situation in countries undergoing mega-event preparation, and the Brazilian mega-events should be planned with a view towards upgrading slum settlements.

The SR has stated with regard to Brazil's preparation for the upcoming events:

"I am particularly worried about what seems to be a pattern of lack of transparency, consultation, dialogue, fair negotiation, and participation of the affected communities in processes concerning evictions undertaken or planned in connection with the World Cup and Olympics."<sup>38</sup>

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<sup>35</sup> 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, Raquel Rolnik, December 2009, p. 17.

<sup>36</sup> World News, "Olympic Housing Crunch: London Landlords Evict Tenants to Gouge Tourists," 2 February 2012.

<sup>37</sup> COHRE, "Case Studies on Efforts to Implement the Right to Water and Sanitation in Urban Areas: Brazil, Kenya, Sri Lanka and South Africa." Working Paper prepared for UN-HABITAT, 20 March 2008, p. 6.

<sup>38</sup> OHCHR, "Brazil off-course for World Cup and Olympics – UN housing expert," 26 April 2011.

The use of force during evictions by Brazilian police is also troublesome. Heavily armed police have carried out thousands of evictions to make room for Olympic infrastructure.<sup>39</sup> The use of arms to forcefully evict communities is prima facie incompatible with the ICESCR, and must not continue during preparations for the multiple Brazilian mega-events.

### **C. Russia**

In Sochi, Russia, the host of the 2014 Winter Olympics, hundreds of families lost their homes through state expropriations.<sup>40</sup> These families were provided with compensation, but the procedures for eviction were not fair or transparent.<sup>41</sup> As a host of between 4 and 9 million migrant workers, Russia has used thousands of people with irregular work status to build venues and infrastructure for the 2014 Olympics.<sup>42</sup> These workers have complained that their work status has been used as a justification for withholding wages and failing to provide adequate housing.<sup>43</sup> In order to avoid a continuation of the rights abuses seen in the Beijing Olympics, Russia must uphold international law during mega-event preparations, especially for marginalized communities such as migrant workers.

### V. Recommendations

HRA advocates all state parties undergoing rapid urban development and preparations for mega-events to take affirmative steps to prevent forced evictions, ensure private entities are respecting housing rights, cooperate with affected communities regarding relocation and compensation, and specify long-term plans for using infrastructural projects as low-income housing. Specifically, HRA

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<sup>39</sup> Amnesty International, “Brazil: Forced Evictions Must Not Mar Rio Olympics.” 14 November 2011.

<sup>40</sup> Human Rights Watch, “World Report 2012”, 2011, p. 486.

<sup>41</sup> Id.

<sup>42</sup> Id.

<sup>43</sup> Id.

*Urges state parties to,*

1. Conduct housing impact assessments before, during, and after mega-events.
2. Adopt measures to protect the homeless, and eliminate practices that displace the homeless from city centers during mega-events and urban renewal.
3. Collaborate with affected communities during all stages of development.
4. Analyze the human rights records of potential mega-event sponsors, ensure that private entities respect the right to adequate housing and comply with international law in all contractual agreements pertaining to urban development, and hold private entities accountable for human rights violations.

*With respect to the Human Rights Council HRA, recommends that it:*

1. Urge relevant treaty bodies to address housing violations in the context of mega-events and urban development, laying out the duties of host countries and the obligations of IOC and FIFA to ensure adequate housing.
2. Continue to support the SR on country visits to states undergoing preparations for mega-events.
3. Urge states parties to include the measures they have taken to ensure adequate housing and protection against forced evictions in major development projects in their UPR reports.
4. Urge the Working Group on the issue of human rights and transnational corporations and other business enterprises to conduct country visits to host-countries preparing for mega-events, and make recommendations to the IOC and FIFA for protecting communities whose human rights are jeopardized by corporate activities during mega-events.