

# URGENT ACTION

## MORE THAN 50,000 FACE FORCED EVICTION

**The Kenyan authorities are preparing to forcibly evict more than 50,000 people, most of them slum-dwellers living alongside the country's railway lines, especially in the capital, Nairobi. This is to make way for improvements to the railway, but will leave these people destitute.**

The state-owned rail company, Kenya Railways, put notices in newspapers on 21 March, telling people living and working in shacks by the railway lines that they would be prosecuted unless they tore down their shacks and left within 30 days. A forced eviction on such a large scale is likely to involve excessive use of force by the police or others carrying it out. It will involve the destruction of the slum-dwellers' homes and the stalls they use to sell vegetables and anything else they can manage.

The people affected by the eviction order, who live and work on the land reserved for the railway, which extends 100 feet (approx 30 metres) to either side of the railway line, have lived there for several years. Thirty days is not enough time for them to find an alternative place to live. As the government has not offered them alternative housing or other resettlement options, they are likely to lose their homes, possessions and incomes. Their access to clean water, sanitation and healthcare, already precarious, will be badly affected.

Under international human rights law, including treaties to which Kenya is a state party, evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored in genuine consultation with the affected communities. Governments are obliged to ensure that no one is rendered homeless or vulnerable to the violation of other human rights as a consequence of eviction.

### **PLEASE WRITE IMMEDIATELY in English or your own language:**

- Calling on the authorities to ensure that Kenya adopts and implements guidelines on evictions that conform with international human rights standards, before proceeding any further with the proposed evictions for the railway reserve;
- Urging them to ensure that there is genuine consultation with affected communities on all aspects of the project to upgrade the railway system;
- Urging them to identify in consultation with affected communities, all feasible alternatives to eviction, put in place procedural and legal safeguards and develop a comprehensive relocation and compensation plan for the affected communities.

### **PLEASE SEND APPEALS BEFORE 27 MAY 2010 TO:**

Mr Nduva Muli  
Managing Director  
Kenya Railways Corporation  
PO Box 30121 - 00100, Nairobi,  
Kenya

**Fax: +254 20 340049**

**+254 20 221456**

**Email: [contact@krc.co.ke](mailto:contact@krc.co.ke)**

**Salutation: Dear Mr Muli**

Hon. John Mwau  
Assistant Minister of Transport  
Ministry of Transport  
Transcom House  
Ngong Road  
PO Box 52692  
Nairobi, Kenya

**Fax: +254 202730330**

**Salutation: Dear Assistant Minister**

**Email: [ps@transport.go.ke](mailto:ps@transport.go.ke)**

**And copies to:** Diplomatic representatives of Kenya accredited to your country. **Also send copies to representatives of your own country based in Nairobi. Call on them to visit the affected communities in advance of the planned evictions and raise these issues urgently with the Kenyan government.**

Please check with your section office if sending appeals after the above date.

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### ADDITIONAL INFORMATION

As a response to similar planned evictions in 2005, the government commissioned a study, the Relocation Action Plan for Improving Safety along the Kenya Railway line. It was finalized in 2005 and published the following year. It revealed that 50,000 people or more in Nairobi alone lived or worked within the land reserved alongside the railway and many thousands more used the tracks as a route to walk to and from their homes. It emphasized the need to ensure an ordered relocation process: this plan has never been implemented and the authorities have not said whether it will be followed in the evictions that are now proposed.

As a state party to the International Covenant on Economic, Social and Cultural Rights, the Kenyan government is obliged to "respect, protect and fulfill the right to adequate housing." This includes a prohibition on forced evictions. Forced evictions also contravene Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to protection of the law against arbitrary or unlawful interference with a person's privacy, family or home. Kenya is party to the ICCPR. The African Commission on Human and Peoples' Rights has also affirmed that forced evictions contravene the African Charter on Human and Peoples' Rights, to which Kenya is a party.

The Kenyan government has made commitments to various international bodies that it will adopt eviction guidelines, which will incorporate safeguards and due process. In November 2008 the UN Committee on Economic, Social and Cultural Rights recommended that protection against forced eviction should be included in Kenya's new constitution. In 2009 it called for the establishment of a legal framework for eviction based on internationally acceptable guidelines. A national task force is already in place in the Ministry of Lands to develop such a framework. In the absence of such guidelines, large-scale forced evictions of people living in informal settlements are regularly carried out in a manner that contravenes international human rights standards.

UA: 80/10 Index: AFR 32/004./2010 Issue Date: 15 April 2010

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