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Kenya: Legislation urgently required to halt devastating forced evictions

The Kenyan government must put an immediate end to mass evictions until legal safeguards are put in place to protect the human rights of the thousands of residents living in slums and informal settlements who are affected, said Amnesty International.

“Nearly half of Nairobi’s population live in slums and many are at risk of forced evictions which not only often make people homeless, but also involve violence and lead to loss of access to services such as water and sanitation as well as livelihoods, education and healthcare”, said Iain Byrne, head of Amnesty International’s Economic, Social and Cultural Rights team.

“Forced evictions devastate lives and need to be outlawed.”

To mark World Habitat Day, a new report by Amnesty International We are like rubbish in this country details the realities of living in Nairobi’s slums and the impact of forced evictions, focusing on two informal settlements – Deep Sea and City Carton.

In City Carton, near Wilson airport, the homes of 400 families were demolished in May 2013 by groups of men armed with hammers, crowbars and machetes. Police present at the scene used teargas and live ammunition during the demolition.

Evidence gathered by Amnesty International raises serious questions whether the use of force and firearms by police at City Carton was a necessary and proportionate response.

Amnesty International also found that the demolition of homes at City Carton had no legal basis, and that the police failed to stop the eviction or protect the residents from the armed men.

“By allowing these men to demolish people’s homes at City Carton, the police failed in their duty to protect residents and by using unnecessary force, effectively acquiesced in the forced eviction,” said Iain Byrne.

Five months after the demolition hundreds of people are still sleeping in makeshift structures and their already precarious living conditions have deteriorated sharply. They have no sanitation following the demolition of toilet blocks, residents have lost their livelihoods and children are unable to attend school. They have so far been denied the legal remedies and assistance which they are entitled to by law.

Amnesty International’s report also highlights the vulnerability of communities such as Deep Sea in Westlands. The homes and livelihoods of Deep Sea residents are likely to be destroyed due to a road construction project which will cut through the settlement’s main trading centre.

The road project is being implemented by the Kenya Urban Roads Authority (KURA), with funding from

the European Union. Despite some limited interaction with KURA, Deep Sea residents have not been engaged in genuine consultations on alternatives to evictions or on potential resettlement options.

In the absence of adequate information on the road construction, residents fear that they could be made homeless at any moment.

“The Kenyan government has an obligation to follow due process, including genuine consultation with communities who will be affected by evictions. Failure to do so in Deep Sea could result in forced evictions which are human rights violations,” said Iain Byrne.

Kenya’s Constitution specifically recognizes the right to adequate housing. However, given the scale and frequency of forced evictions in Kenya, there is an urgent need for legislation that explicitly prohibits forced evictions.

“International human rights standards are unequivocal: forced evictions are illegal, are never justified and constitute grave violation of the right to housing, not to mention other rights such as the right to life, food, health and sanitation,” said Iain Byrne.