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UN EXPERT BODY CONCERNED ABOUT CONTINUED FORCED EVICTIONS IN KENYA

On 8 March 2014 the UN Committee on Economic, Social and Cultural Rights, an independent body of experts tasked with reviewing the implementation of the International Covenant on Economic, Social and Cultural Rights, published its Concluding Observations after assessing Kenya's compliance with the Covenant.¹ While the Committee welcomed, among other developments, the incorporation of the rights set out by the Covenant in the 2010 Constitution and the recognition of these rights in rulings of High Court, the expert body expressed concern over Kenya's failure to expedite the adoption of laws and policies that are crucial for the realisation of economic, social and cultural rights, including the state's failure to implement decisions of the Kenyan courts in this regard.

The Committee further expressed concern with Kenya's lack of progress with respect to a number of human rights enshrined in the Covenant including the rights to housing, health, water, sanitation, education, work and social security.

With regard to the right to housing, the Committee expressed concern "at the lack of effective measures to provide social housing for low-income families, [and] at the large proportion of the population living in informal settlements in poor living conditions with limited access to basic services, including water and sanitation, healthcare and education."² The Committee also repeated its previously expressed concern that forced evictions are continuing and that several people, including residents of informal settlements, remain at risk of being forcibly evicted due to their lack of security of tenure.³

The Concluding Observations also noted with concern the insufficient access to safe drinking water and adequate sanitation for large sections of the population with huge disparities between urban and rural areas, and formal and informal settlements.

In light of these concerns, the Committee made several recommendations to the government of Kenya.

¹ E/C.12/KEN/CO/2-5 available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fKEN%2fCO%2f2-5&Lang=en

² Para 45.

³ Para 47.

These include:

- taking all necessary measures to provide affordable social housing units for low-income families and to improve living conditions in informal settlements, including through the adoption of the Housing Bill and the Community Land Bill, and of the National Slum Upgrading and Preventing Policy, and allocating sufficient budgetary resources to ensure the implementation of such measures;
- taking concrete steps to guarantee security of tenure for all, including residents of informal settlements;
- referencing its General Comment No. 7 (1997) on the right to adequate housing and the Basic Principles and Guidelines on Development-Based Evictions and Displacement the Committee called for prioritizing the enactment of the Community Land Bill and the Evictions and Resettlement Bill to address the issue of forced evictions;
- implementing judicial orders that provide remedies to victims of forced evictions as a matter of priority and adopting a national-level moratorium on mass evictions until adequate legal and procedural safeguards are in place; and
- increasing budgetary allocation to improve the access to water and sanitation, particularly in urban informal settlements and rural areas.

Many of the concerns expressed by the Committee and its recommendations echo calls by Amnesty International as well as national and international human rights organizations.

Amnesty International is therefore calling on the Government of Kenya to take note of the concerns expressed by the Committee and urgently and effectively implement the recommendations made by the expert body on all economic, social and cultural rights including the rights to housing, water and sanitation.

Amnesty International submitted a briefing entitled *Kenya: Submission to the United Nations Committee on Economic, Social and Cultural Rights: 57th Session* (Index: AFR 32/3413/2016) in February 2016. It provided the Committee with information related to concerns around the right to housing (including on forced evictions), water and sanitation based on the organisation's documented research over many years. The organisation is calling for the adoption of a law that explicitly prohibits forced evictions in line with Kenya's national and international human rights obligations.

The Amnesty International briefing to the Committee can be accessed via the following link:

<https://www.amnesty.org/en/documents/af32/3413/2016/en/>