



Kenya: Stop forced evictions from Nairobi's Kibera settlement, say UN rights experts

GENEVA (26 July 2018) – UN human rights experts* have condemned the massive eviction of residents of the Kibera informal settlement in southwest Nairobi, and are urging the Kenyan authorities to halt all mass evictions until adequate legal and procedural safeguards are in place.

The Government has bulldozed hundreds of houses and destroyed at least five schools. The eviction operation which started in the early hours of 23 July 2018 is expected to leave more than 30,000 people homeless. It has already left about 2,000 children without schooling.

"The destruction of houses, schools and a place of worship in one of the poorest communities of Kenya flies in the face of commitments made by the Government to the UN's Sustainable Development Goals" said Leliani Farha, the UN Special Rapporteur on the right to adequate housing.

The evictions were carried out in spite of an earlier agreement – between the Kenya Urban Roads Authority, the National Land Commission and the Kenya National Commission on Human Rights – that would have set in motion a resettlement and compensation process in compliance with human rights.

"These evictions were started without adequate notice, and with no arrangements for resettlement and compensation in place. Residents watched their homes and schools being bulldozed, and later searched for their belongings and school books in the rubble of destroyed buildings. Many had nowhere to go and were forced to spend their night in the open during the East African winter," Ms Farha added.

"Forced evictions constitute a gross violation of human rights, as they affect the human rights to adequate housing, food, water, health, education and work. In this case, the eviction even infringes a judicial injunction not to evict Kibera residents, and casts doubt on whether mandatory safeguards provided under the Kenya Lands Law and a national law to protect people forced to leave their homes were adhered to.

"Under international human rights standards, all those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties," Ms Farha stressed.

The demolitions have taken place to allow for the construction of a public road.

"Even if the project was justified for the public good, the human rights of all affected people should be respected," noted Dante Pesce, the Chair of the UN Working Group on Business and Human Rights.

"Under the [UN Guiding Principles on Business and Human Rights](#), the Government has an obligation to protect against business-related human rights abuse, and business enterprises have a responsibility to respect human rights, including identifying, preventing, mitigating and accounting for how they address adverse human rights impacts caused by them.

"This would have required a proper consultation with the affected communities, an in-depth assessment of the impacts, including through the collection of data to assess how many residents and properties would be affected, and an official resettlement action plan with adequate compensation. But, as these requirements have been lacking, this action does not meet the expectations under international human rights standards," Mr. Pesce made clear.

"The Kenyan authorities must halt all ongoing demolitions and destruction of people's homes in Kibera. They should also take all necessary steps to guarantee the rights to adequate housing and to education through a participatory process with affected individuals where compensation, resettlement and reintegration of children in school facilities are addressed," the UN experts said.

The experts urged the Government to adopt laws requiring appropriate consultation, resettlement and compensation for development-based evictions in line with international human rights standards as recommended by the Committee on Economic, Social and Cultural Rights.

ENDS

* *Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Ms Leliani Farha, and The Working Group on human rights and transnational corporations and other business enterprises was established by the UN Human Rights Council in June 2011. Its current members are: Mr. Dante Pesce (current Chairperson), Ms. Anita Ramasastry, Mr. Michael Addo, Mr. Surya Deva (current Vice-Chairperson), and Mr. Pavel Suljandziga.*

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UN Human Rights, country page – [Kenya](#)

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