



Contemporary jurisprudence on forceful evictions and the right to housing under the 2010 Constitution

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“Women, Land and Homes: Assessment of
Impacts Dispossession” Workshop

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Analysis of case law

1. Parties (Interested parties and amicus curiae)
2. Claims of violations and evidence(urban and rural)
3. Right to housing and interconnected rights (Art 10, 28, 29, 40, 43,44,47, 53,55)- women rights?
4. Art 40 v Art 43
5. Progressive realization of rights (Art 21)
6. Reliance of international law (2(5) and (6)
7. Remedies (Art 23)- Structural interdicts and constitutional damages for violation of rights

Case law

Urban areas – informal settlements

- 1. Mitubell Welfare Society v AG and 2 Others [2013] eKLR- High Court and Court of Appeal[2016] eKLR.**
- 2. Satrose Ayuma and 11 Others v Redisterred Trustees of Kenya Railways Staff Retirement Benefits Scheme and 3 Others (UN Special Rappoeteur on Adequate Housing as an Interested Party)**
- 3. une Seventeenth Enterprises Limited v Kenya Airports Authority and 5 Others[2014] eKLR.**

Cont'd.

- 3. Susan Waithera Kariuki and 4 Others v. Town Clerk Nairobi City County Council and 3 Others [2013] eKLR**
- 4. William Musembi and Others v Moi Educational Center and Others (High Court and Court of Appeal)**
- 5. Ibrahim Sangor Osman v Minister of State for Provincial Administration and Internal Security and 3 Others [2011] eKLR (Malcolm Langford (Amicus Curiae))**
- 6. Kepha Omondi and Others v Attorney General and others [2015] eKLR**

Cont'd.

Rural areas: Forests

Joseph Letuya and 21 Others v Attorney General and 5 Others [2014] eKLR

Urban Areas: Business premises

Veronica Njeri Waweru and 4 Others v City Council of Nairobi and 2 Others [2012] eKLR

Cont'd.

- **Urban areas: evictions v contractual duties**
 1. **Stanely Kamare and 26 Others v National Housing Corporations and 2 Others [2015] eKLR**
 2. **Justus Mathumbi and Others v Attorney General and Others [2018] eKLR**