

UNSRs Urge Kenya to Stop Evictions

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COVID-19 crisis: Kenya urged to stop all evictions and protect housing rights defenders

GENEVA—The Kenyan Government must halt all evictions during the COVID-19 crisis and protect the safety of human rights defenders who are under threat for working for the rights of the evictees, the new UN Special Rapporteurs on the right to housing, Balakrishnan Rajagopal, and on the situation of human rights defenders, Mary Lawlor, said today.

The experts' call comes after the massive and forceful eviction of residents of Kariobangi and Ruai informal settlements, in Nairobi, and the harassment of a housing rights defender threatened with "disappearance."

"Not only does destroying the homes of thousands of persons without any alternative accommodation constitute a grave violation of their right to housing, but doing so in the current context of a pandemic violates multiple human rights norms and exacerbates its potential impact on the rights to health and life of thousands of Kenyans," the experts said.

The Special Rapporteurs are also concerned that they continue to receive reports of new evictions conducted in the past few days, despite the Government's announcement that it would establish a moratorium banning them during the COVID-19 crisis.

Evictions in Kariobangi and Ruai informal settlements

On the morning of 4 May, despite a court order issued the day before restraining authorities from conducting the eviction, around 8,000 persons were forcibly removed from Kariobangi and their houses flattened.

The Kenyan Government had only notified them verbally 24 to 48 hours in advance, and had not taken any measure to provide them with food, temporary shelter, access to water and sanitation or any type of compensation. Thousands of people are currently homeless and in need of urgent assistance.

On 15 May, more than 1,500 people were forced out of their homes in Ruai at night, during curfew hours and in heavy rainfall. Affected families were not provided with shelter and have been sleeping out in the cold under the rain.

"The Kenyan authorities have the obligation to stop any further contemplated evictions, urgently provide assistance to the evictees, guarantee their rights to shelter, food, water

and sanitation,” the UN experts said. “They must also put in place a plan, with the full participation of the evictees, to find a long-term solution to their housing needs.”

Threatened with “Disappearance”

Rights defender Ruth Mumbi gathered and published testimonies of the victims of the Kariobangi evictions, encouraging human rights organisations and journalists to document the impact of the dislodgment. She raised awareness on the dire humanitarian situation and collected funds to assist the evicted families.

On 12 May, an individual claiming to be a police officer called Mumbi and threatened to ‘disappear’ her if she did not stop advocating for the eviction victims. When she reported the threat to the police, they initially refused to log the incident in their records or take any immediate steps to guarantee her safety. She has since been able to file a complaint following interventions by human rights organisations.

The UN experts expressed grave concern for Mumbi’s safety and called on the Kenyan Government to conduct a prompt and thorough investigation into the threats she has received, as well as the initial refusal of the police to record the incident.

“Forced disappearances are a grave and flagrant violation of human rights, and the Government has the obligation to guarantee Ms. Mumbi’s protection from such a threat, whether it comes from public officials or third parties acting with the acquiescence or knowledge of the State,” they said.

The experts’ call has been endorsed by the UN Working Group on Enforced or Involuntary Disappearances: Luciano Hazan (Chair), Tae-Ung Baik (Vice Chair), Bernard Duhaime, Houria Es-Slami, and Henrikas Mickevičius; the Special Rapporteur on the right to food, Michael Fakhri; and the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller.

ENDS

Mr. Balakrishnan Rajagopal (United States) is the [UN Special Rapporteur on adequate housing](#) as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. He took up his mandate in May 2020. Mr. Rajagopal is a Professor of Law and Development at the Department of Urban Studies and Planning at MIT. He is the founder of the Displacement Research and Action Network at MIT. He has conducted over 20 years of research on social movements and human rights advocacy around the world, focusing, in particular, on land and property rights, evictions and displacement. He has a law degree from University of Madras, India, a master’s degree in law from the American University as well as an interdisciplinary doctorate in law from Harvard Law School. He served as a human rights advisor to the World Commission on Dams, with the UN High Commissioner for Human Rights in Cambodia. He has published numerous books and scholarly articles, including research reports on evictions, displacement, human rights and housing.

Ms. Mary Lawlor (Ireland) is the new [Special Rapporteur on the situation of human rights defenders](#). She took up her mandate in March 2020. Ms. Lawlor is currently an Adjunct Professor of Business and Human Rights in Trinity College Dublin. She was the founder of Front Line Defenders - the International Foundation for the Protection of Human Rights Defenders. As Executive Director from 2001-2016, she represented Front Line Defenders and had a key role in its development. Ms. Lawlor was previously the Director of the Irish Section of Amnesty International from 1988 to 2000, became a Board member in 1975 and was elected Chair from 1983 to 1987. She has a BA in Psychology and Philosophy and postgraduate degrees in Montessori Teaching and Personnel Management.

The Special Rapporteurs are part of what is known as the [Special Procedures](#) of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organisation and serve in their individual capacity. For more information and **media requests** please contact Jon Izagirre (41 22 91 79715 / jizagirre@ohchr.org), Adriana Zarraluqui (+41 22 91 79965 / azarraluqui@ohchr.org) or write to srhousing@ohchr.org / defenders@ohchr.org

For media enquiries regarding other UN independent experts, please contact Jeremy Laurence (+ 41 79 444 7578 / laurence@ohchr.org) and John Newland (mediaconsultant2@ohchr.org)

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Photo: Demolitions in Kariobangi North on Monday, 4 May 2020. Source: Douglas Okiddy/*The Star*.