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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the International Federation of Human Rights
Leagues (FIDH), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2007]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Adequate housing as a component of the right to an adequate standard of living in Kenya

Following a visit at the Kieni Village in Thika District, Central Province (Kenya), Miloon Kothari, the UN Special Rapporteur on Adequate Housing made the following recommendations in a report¹ dated 2004: *“The population in Huruma village is living in extreme poverty, and in such an emergency situation, the Special Rapporteur recommends that the Government establish an emergency assistance programme to ensure that immediate steps are taken to remedy this and similar situations.”*

The FIDH fact-finding mission which was held in Kenya on January 2007 on the issue of « migration and human rights », has concluded that since Miloon's visit no specific measures were taken by the national authorities to improve the living conditions of the inhabitants of the Kieni Village as well as of approximately 380,000 internally displaced persons (IDPs) who are facing a disastrous humanitarian situation.

Forced to leave their original place of living, IDPs often lose all their property and are obliged to start a new life without perspective of safe return, resettlement, or compensation. If not “hosted” in isolated camps like the Kieni village visited by Special Rapporteur and the FIDH delegates, IDPs are usually landless, and labelled as squatters or slum dwellers. In such living conditions, they face difficulties to find a job or a source of income to pay for medicine or the school fees of the children. Access to public health facilities is also compromised.

Except from urgent assistance provided by humanitarian organisations for one or two months after their displacement, IDPs are left alone as, until now, no particular attention was given to their situation by national authorities or United Nations agencies.

Various causes for displacement include flooding, droughts, state instigated evictions, fights between communities for basic resources, political persecution, and politically motivated displacements often accompanied by organised violence benefiting from impunity. Politically motivated ethnic clashes started one year before the December 1992 first multi-party general elections, when KANU leaders (presidential party of Arap Moi) who wanted at any cost to preserve their political, social and economic “privileges” fuelled ethnic rivalries into violence in many parts of the Rift Valley, Nyanza and Western Provinces. According to FIDH member organisation in Kenya, Kenya Human Rights Commission (KHRC), from 1991 to 1996, over 15,000 people died and almost 300,000 were displaced in the Rift Valley, Nyanza and Western Provinces. In the run-up to the 1997 elections, fresh violence erupted on the Coast, killing over 100 people and displacing over 100,000, mostly pro-opposition people. Other incidences of politically instigated clashes were experienced between 1999 and 2005 mostly in the Rift Valley, Nyanza and the Western Kenya regions.

This violence aimed at creating animosity between communities to split their political inclinations, to frighten whole communities and induce them to vote for the ruling party as a guarantee for their security, or to drive out communities with divergent political view from specific electoral areas. Such recurrent violence every five years at the time of the

¹E/CN.4/2004/48/Add.3, 19 February 2004

general elections was facilitated by the fact that the perpetrators and instigators still benefit from impunity. This on-going impunity is indeed worrisome for the near future considering the forthcoming 2007 general elections. There are already many indicators of violence in Subukia, Gucha, Laikoni and Mount Elgon which seems to have been fuelled for political reasons and which led to the forced displacement of hundreds of persons in April 2007.

Consequently, FIDH and KHRC urge the Human Rights Council to

- **demand that the Kenyan authorities decisively deal with politically instigated ethnic clashes at the time of general elections. The Kenyan Government should formulate a policy and administrative framework for the prevention of such displacements. One of the main tools to achieve such prevention is to effectively fight against impunity through prompt arrest and prosecution of those individuals responsible for fuelling ethnic clashes for political gain;**
- **call upon the Kenyan authorities to consider IDPs as vulnerable individuals and as such to immediately take all the necessary measures to respect their rights, notably the right to adequate housing as a component of the right to an adequate standard of living, the right to health and medical care, the right to work and the right for return, resettlement and reintegration, as guaranteed in the human rights international instruments ratified by Kenya and in the United Nations Guiding Principles on IDPs.**
- **FIDH and KHRC would also like to request that the Special Rapporteur follow-up on the implementation of its recommendation made in his 2004 report to the Commission in its sixtieth session.**
