ABSTRACT

This study examines the enforcement of the right to housing in Kenya with a view to determining the implications of denial of that right to the citizens.

The human right to adequate housing is the right of every woman, man, youth and child to acquire and sustain a secure home and community in which to live in peace and dignity. Everyone shares the right to a decent standard of living and essential to the achievement of this standard and to the fulfillment of human life beyond simple survival is access to adequate housing. Housing fulfills physical needs by providing security and shelter from weather and climate. It fulfills psychological needs by providing a sense of personal space and privacy. It fulfills social needs by providing a gathering area and communal space for the human family, the basic unit of society. It also functions in many societies by fulfilling economic needs by functioning as a center for commercial production.

Migration to urban centers, conflicting needs for existing land, population growth and insufficient financial and natural resources have resulted in widespread homelessness and habitation in inadequate housing. In the developing countries, children, men and women sleep in sidewalks, live in ghettos and slums or stay in buildings which other people have abandoned. The classic example in Kenya is the sprouting slums which include Muthurwa, Mathari and Kibera. These places of residence lack proper sanitation and further more affect the right of the child to an adequate standard of living as provided for by the Convention on the Rights of the Child, enacted on 2nd September 1990. These persons live in unhealthy and unworthy conditions and many of them die each year including children who die of diarrhea.

As important as they maybe, sanitary conditions are not the only problem. The denial of the right to adequate housing brings in its wake, dramatic consequences and it also causes numerous violations in human rights in areas such as employment, education, health, social ties, and participation in decision making (denial of civil rights, among others). The United Nations Human Settlements Programme [un-habitat] estimates that there are over 100 million homeless people and over 1 billion people worldwide inadequately housed. This