STATEMENT OF THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS
PRESENTED BEFORE THE 19TH SESSION OF THE HUMAN RIGHTS COUNCIL
DURING THE PRESENTATION OF REPORT OF THE SPECIAL RAPPORTEUR ON
INTERNALLY DISPLACED PERSONS ON HIS MISSION TO KENYA
7TH MARCH 2012

1. Madam President, on behalf of the Kenya National Commission on Human Rights, I express our sincere appreciation for the opportunity to address the Human Rights Council. I also thank the Special Rapporteur on IDPs for presenting a comprehensive mission report. We fully support the report.

2. Since its inception the Commission has profiled rights of IDPs in Kenya through monitoring and reporting on their situation, undertaking targeted capacity building, lobbying and advocacy initiatives. It has also supported IDPs groups in the country to create publicity about their challenges.

3. In February, Kenya marked the 4th year anniversary of signing of the National Accord that restored peace in the country following the post election violence in 2007/8. Resettling IDPs and addressing their human rights situation was one of the short term recommendations in the accord.

4. Madam President, we acknowledge the Government’s commendable efforts to allocate budgetary resources for protection and assistance to IDPs. We also have a draft policy and a draft bill on IDPs which is soon to be tabled in parliament. The judiciary has progressively interpreted article 43 (b) of the Constitution on the right to adequate housing in the context of forced evictions.

5. However, as the report has rightly noted, the Government has been weak in securing durable solutions for IDPs and ensuring their substantive participation in the return, resettlement and integration process. Also the slow progress in adopting the draft policy on IDPs and other relevant policies is an impediment to providing adequate protection to all IDPs in Kenya.

6. Madam President, the lack of a comprehensive and reliable data on IDPs is making it difficult to provide protection and assistance to all IDPs. For instance, last week there was confusion in parliament over the fate of a group of IDPs in Subukia that the government referred to them as “fake IDPs” while some Members of Parliament insisted they were genuine. This is the situation we are experiencing in Kenya.

7. While Government has mainly focused on victims of post election violence, persons displaced by other causes receive minimal protection and assistance. Displacements continue to occur. In the last two months over 10,200 people have been displaced due to two separate conflicts among warring communities in Muhoroni in the west and Moyale in the north of Kenya.
Kenya. Over 80,000 people were displaced by flooding last year. Thousands more have been displaced by evictions, resource based conflicts, and boundary clashes.

8. Evictions continued to occur into the first quarter of the year. I refer the Council to paragraph 82(c) of the December 2004 Kenya mission report and paragraphs 191, 192 and 211 of the February 2010 follow up report of Special Rapporteur on housing. These reports called for adoption of policy and legislative framework on evictions and urged government to honour its commitment to implement a moratorium on forced evictions. None has happened.

9. Madam President, as the next general election approaches we fear there might be reoccurrence of displacement. There is need for heightened monitoring and contingency planning.

10. The Commission reaffirms the need for time bound commitment by the Government to adopt and implement the draft policy and bill on IDPs, eviction guidelines and other relevant policies, fast track the resettlement of the remaining IDPs and forest evictees, and compile comprehensive data on IDPs. The Government should also honour its commitment to implement a moratorium on forced evictions.

11. Madam President, the Commission will study the report and identify specific recommendations in the report to implement and engage relevant Government ministries and departments, civil society, humanitarian actors, development partners, members of the protection working group on IDPs and the public to create awareness about it and advocate for its implementation.

12. We are looking forward to work closely with the Special Rapporteur on IDPs in this regard.

13. Thank you very much Madam President.

Signed by:

[Signature]

Commissioner Fatuma Ibrahim Ali