ENFORCING HOUSING RIGHTS IN KENYA:
LEGAL AND POLICY CONSIDERATIONS

By

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DECLARATION

I, ROBERT CHESANG, do hereby declare that this is my original work and has not been submitted for a degree in any other University.

Signed……………………………..

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This Thesis has been submitted for examination with my knowledge and approval as the University Supervisor.

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ABSTRACT

Housing rights are basic and fundamental rights that rank at par to the right to life. Article 43(1)(b) of the Constitution of Kenya and a plethora of international human rights instruments have established housing rights but despite the textual protection of the human right to housing, this right has not been accompanied by any significant enjoyment. In the African continent at present millions of people are living as slum-dwellers, street families, squatters, refugees or displaced and at the moment more than four million Kenyans live in deplorable and dehumanising conditions in slums. The challenge facing the enjoyment of the right to housing is its enforcement. The Constitutional obligation to guarantee housing rights compels the Government of Kenya to place sufficient legal and policy emphasis on the full realization of housing rights. This thesis argues that housing rights can be actualised as promised under the Kenyan Constitution, regional and international instruments. To actualise the right to housing as provided for under the Constitution, the right must be met by a clear policy, legal and institutional framework to regulate incidental factors that may influence the actualisation of the right to housing to ensure its full enforcement.