

**AN EXAMINATION OF CHILDREN'S RIGHT TO EDUCATION DURING  
FORCEFUL EVICTIONS: A CASE STUDY OF EMBOBUT WARD IN  
ELGEIYOMARAKWET COUNTY, KENYA**

**BY**

**CHELIMO MAURICE KIPKEU**

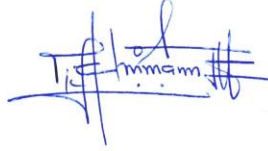
**C53/61885/2013**

**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTER OF  
ARTS IN HUMAN RIGHTS OF THE UNIVERSITY OF NAIROBI**

**JUNE,2021**

## DECLARATION

This research project is my original work and has not been presented for examination or any other academic award in any other institution.



2<sup>nd</sup> July 2021

Signature: .....

Date: .....

**Chelimo Maurice Kipkeu**

**C53/61885/2013**

## SUPERVISORS

This research project has been submitted with our approval as the University Supervisors.



Signature: .....

Date: 2<sup>nd</sup> July 2021

**Dr. Francis E. A. Owakah (Ph.D.)**



Signature: .....

Date: 2<sup>nd</sup> July 2021

**Dr. Jacinta Mwende Maweu(Ph.D.)**

## **DEDICATION**

I dedicate this research project to my wife Felisters Komen, my children Samantha Jerono Kipkeu, and Sheldon Francis Kipkeu, for their encouragement and endless support during this study.

## **ACKNOWLEDGEMENT**

I wish to thank my supervisors, Dr. Francis E. A. Owakah and Dr. Maweu Jacinta Mwende for their unwavering support and guidance throughout my study. I want to appreciate the efforts of my lecturers at the Centre for Human Rights and Peace (CHRP) for their commitment and knowledge they imparted in me. Ladies and gentlemen at the CHRP; your guidance was valuable during my entire course work and for enabling me to prepare this research project.

I wish to thank my parents Mr. and Mrs. Benjamin Chelimo and the rest of the family and relatives for their encouragement and prayers during this study. Finally, I appreciate my colleagues, friends, and classmates for their contributions, directly or indirectly, to the success of my study. I highly appreciate all insights and contributions that enabled my success during this journey.

## TABLE OF CONTENTS

<b>DECLARATION</b> .....	<b>ii</b>
<b>DEDICATION</b> .....	<b>ii</b>
<b>ACKNOWLEDGEMENT</b> .....	<b>iv</b>
<b>LIST OF ABBREVIATIONS AND ACRONYMS</b> .....	<b>vi</b>
<b>ABSTRACT</b> .....	<b>vii</b>
<b>CHAPTER ONE: INTRODUCTION</b> .....	<b>1</b>
1.1 Background of the Study .....	1
1.1.1 Embobut Forest forced eviction .....	2
1.1.2 Children rights to Education .....	5
1.2 Statement of the problem .....	7
1.3 Purpose of the Study .....	8
1.3.1 Specific aims of the study .....	9
1.4 Research Questions .....	9
1.5 Significance of the Study .....	9
1.6 Scope of the Study .....	10
1.7 Definition of Terms .....	10
<b>CHAPTER TWO: LITERATURE REVIEW</b> .....	<b>13</b>
2.1 Introduction .....	13
2.1.1 The Sengwer Community: A profile .....	13
2.1.2 Embobut Forest evictions .....	15
2.1.3 Human rights violations during forceful evictions .....	16
2.1.4 Impact of forceful eviction on children’s right to education .....	19
2.1.5 Educational Challenges During Forceful Evictions .....	21
2.2 Theoretical framework .....	22
2.2.1 Human rights-based approach .....	22
2.2.2 Capabilities approach .....	23
<b>CHAPTER THREE: RESEARCH METHODOLOGY</b> .....	<b>26</b>
3.1 Introduction .....	26
3.2 Research Design .....	26
3.3 Study Population .....	26

3.4 Sample Size and Sampling Procedure .....	27
3.5 Data Collection Procedure and Research Instruments .....	27
3.6 Data Analysis Techniques .....	29
3.7 Ethical Statement .....	29
<b>CHAPTER FOUR: DATA ANALYSIS, PRESENTATION AND INTERPRETATION .....</b>	<b>31</b>
4.1 Introduction .....	31
4.1.1 Respondents Response on Awareness of Embobut Evictions .....	31
4.1.2 Forceful Evictions in Embobut Forest .....	31
4.2 Impact of forceful evictions on child right to education .....	34
4.2.1 School interruption during an eviction .....	34
4.2.2 Impact on School Attendance .....	35
4.2.3 Impact on Educational Infrastructure .....	36
4.2.4 Impact on enrollment .....	37
4.3 Rights to Education Violated During Embobut Evictions .....	38
4.3.1 Understanding of children’s rights to education .....	38
4.3.2 Examples of the children’s rights to education .....	38
4.3.2.1 The right to access education .....	39
4.3.2.2 The right to a safe and good school environment .....	39
4.3.2.3 The right to health .....	40
4.4 Forceful Eviction and Educational Challenges in Embobut ward .....	41
<b>CHAPTER FIVE: FINDINGS, CONCLUSION AND RECOMMENDATION .....</b>	<b>42</b>
5.1 Introduction .....	42
5.2 Major Findings of the Study .....	42
5.3 Conclusion .....	43
5.4 Study Recommendations .....	44
<b>REFERENCES .....</b>	<b>46</b>
<b>APPENDICES .....</b>	<b>52</b>
Appendix I: Introduction Letter .....	52
Appendix II: Focus Group Discussions Guide .....	53
Appendix III: Key Informant Interview Questions .....	54

Appendix IV: Fieldwork Letter .....	55
Appendix V: Research Permit .....	56
Appendix VI: Turnitin Report .....	57

## **LIST OF ABBREVIATIONS AND ACRONYMS**

**AGFE:** Advisory Group On Forced Evictions

**CA:** Capabilities Approach

**CSO:** Curriculum Support Officer

**FGD:** Focus Group Discussion

**FPP:** Forest Peoples Programme

**HR:** Human Rights

**ILO:** International Labor Organization

**IP:** Indigenous People

**ITPC:** Indigenous and Tribal Peoples Convention

**KFS:** Kenya Forest Service

**KII:** Key Informant Interviews

**MDG:** Millennium Development Goals

**NCST:** National Council of Science and Technology

**OHCHR:** Office of the United Nations High Commissioner for Human Rights

**PTR:** Pupils Teacher Ratio

**SCDE:** Sub County Director of Education

**SPSS:** Statistical Package for Social Sciences

**TSC:** Teachers Service Commission

**UN:** United Nations

**UNDRIP:** United Nations Declaration on the Rights of Indigenous Peoples

**UNESCO:** United Nations Educational Scientific and Cultural Organization

**UNICEF:** United Nations Children's Fund



## ABSTRACT

The purpose of this study was to examine the impact of forceful evictions on the right to education of the Sengwer child in the Embobut forest. Specifically, the study sought to identify specific rights to education that are violated during forceful evictions. After identifying the specific rights to education that are violated, the study evaluated the educational challenges experienced due to forced evictions in Embobut ward, Elgeyo Marakwet County. The study adopted a qualitative approach using focus group discussions (FGD) and key informant interviews (KI). The key informants comprised fifteen (15) teachers and two (2) head teachers within two selected schools, and one Curriculum Support Officer (CSO) from the area. The focus group discussion comprised of sixteen (16) household heads (eight people in each group) from the Maron sub-location where the Sengwer indigenous community resides. The data was analyzed through thematic analysis where data was assigned codes to enable content description by theme. Two theories were used: the human rights based approach (HRBA) and the capability theory. These two share a common purpose as they seek to empower human beings to seek and enjoy human rights to the maximum. The two are united in their focus on human dignity and equality. The main findings of the study were that, during forceful evictions, the Sengwer child's right to education was violated in a number of ways. The forceful evictions involved removal from place of residence and school ending up in congested temporary camps not conducive for learning. The latter in turn impacted negatively on the Sengwer child's right to basic education; right to health; right to clothing, food, and, shelter and right to access adequate learning materials. The study also found out that during the 2014 forceful evictions, a number of learning institutions were closed down. These included three (3) unregistered ECDE centers and one (1) unregistered public primary school, which was one of the two schools under study. The closure had its own effects on the Sengwer's child right to education that include low enrolment and low school attendance occasioned by increased absenteeism. A significant finding was that, while Embobut ward witnessed low enrolment, there was relative rise in enrolment in the neighboring schools unaffected by the evictions. Based on these findings, the study concluded that Embobut evictions negatively impacted the Sengwer's child right to education. In line with the findings and conclusion, the researcher made a number of recommendations. First, the Kenyan government needs to look for alternative land to, permanently, resettle the Sengwer indigenous people as a community so; they are able to enjoy all the rights other citizens enjoy under the constitution and related international human rights instruments. Second, that, the Kenyan government should initiate dialogue with all the residents, local authorities, school authorities likely to be affected by the evictions on the importance of forest conservation. This will end further encroachment of the forest, the displacement of the Sengwer community, and the disruption of schooling and other educational activities. It will also end violations of children's rights to education in the Embobut ward. Finally, that, policy guidelines to be put in place to mitigate the human suffering and guarantee the Sengwer child's rights to education.

# CHAPTER ONE

## INTRODUCTION

### 1.1. Background of the Study

The committee on Economic, social, and cultural rights, in their general comment No. 7 of 2013, defined forced eviction as the dislodgment of persons and families or communities from where they live (Committee on Economic, Social, and Cultural Rights, general comment No. 7 2013). This removal, according to the committee is either permanent or temporary and against the will of the evictees.

The UN Basic Principles and Guidelines on Development-based Eviction and Displacement (2007) are in tandem with the above definition; however, it considers forced eviction as a limiting factor. From the principles and guidelines, forced eviction removes, or bounds the ability of the evictee(s) to live or work in a particular place, without the provision of avenues for legal redress or protection mechanisms.

A survey carried out by Housing and Land Rights Network, India, in 2018 (HLRN, 2019), indicates that at least 11.3 million people were either evicted or on the verge of being evicted by the Indian government alone. In Africa, for instance, Housing and Land rights network, in a combined petition to halt Rural forced evictions in Zimbabwe, acknowledged that 1000 households in Mzaro farm were given eviction orders signed by the government (Housing And Land Rights Network, 2019). In Kenya, the most recent cases of forced evictions are the Mau evictions and Embobut forest evictions. In their report, *Days in the Cold*, the Kenya Human Rights Commission (KHRC, 2014), approximates the number of people evicted from the forest to be between 15,000 to

27,000 people, however, the report admits that the number of persons and households evicted are unquantifiable.

Often, forced evictions are distressing and the impacts on the vulnerable members of the society are dire. Besides acknowledging the fact that forced eviction aggravates the vulnerability of the evictees, the United Nations Human Rights Commission considers it a violation of rights, especially, the right to the basic human needs, education, work, human security, self-determination, and movement without restrictions (United Nations Human Rights Commission Resolutions 1993/77 and 2004/28).

### **1.1.1. Embobut Forest forced eviction**

Embobut forest is in Embobut ward, Elgeyo Marakwet County, Kenya. The forest covers an approximate area of 22,000 hectares, registered as a protected land in 1948 by the colonial government. It is among the other nine forests that include Elgeyo, Kesup, Sabor, Penon, Kaptagat, Cheptongei, and Cherenganyi, (County Government of Elgeyo Marakwet, 2018). The residents of Embobut ward utilize the forest for honey, herbal medicine, and other assorted forest products.

The Sengwer community are the main inhabitants of the forest, however other inhabitants encroached the forest from the Marakwet community. The community claims the forest as their ancestral land; that is why they have had a cultural and spiritual connection to the forest (County Government of Elgeyo Marakwet, 2018).

Since 2009, The Kenyan government has been spearheading efforts to evict the Sengwer people from the Embobut forest. In January 2014, against a court injunction that restrained the government from evicting Embobut forest dwellers (Joseph M. Kurui & 4

others V Ministry of Forestry and Wildlife & 3 others (2017) eKLR, 2013), forest guards burned up to 1500 homes (Amnesty International, 2018). On 14 January 2018, armed Kenyan Forest Service guards shot dead one man and seriously injured others during a forced eviction. Since 29 December 2017, more than 300 houses were burnt (UN-HABITAT, 2018). Among other fundamental rights, the evictions violated Sengwers' child right to education.

The Embobut evictions are unique and recurrent. Research conducted by Kuto (2016), indicates that the Kenyan Government had forcefully evicted Sengwer indigenous people from the Embobut forest over 20 times. This is worsened by the fact that the Sengwer indigenous people have nowhere to go. The Kenyan government does not provide alternatives for the evictees, yet the Embobut forest is their Ancestral land. Article 63 (2) (d) (ii) of the Kenyan constitution, 2010, safeguards the right of the indigenous people to their ancestral land. The Indigenous and Tribal Peoples Convention (1989) is an International Labor Organization Convention (ILO-Convention 169, or C169) concerning indigenous and tribal peoples, and a forerunner of the Declaration on the Rights of Indigenous Peoples. This convention seeks to bind all state signatories to have indigenous peoples exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live. In this way, the IP are able to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live, and that their laws, values, customs and perspectives are taken into account as enshrined in article 5(b) of the ITPC (1989).

The Declaration on the Rights of Indigenous Peoples (UNDRIP or DOTROIP) is a non-legally binding resolution passed by the United Nations in 2007. It delineates and defines the individual and collective rights of Indigenous peoples, including their ownership rights to cultural and ceremonial expression, identity, language, employment, health, education, and other issues. It emphasizes the rights of Indigenous peoples to maintain and strengthen their own institutions, cultures and traditions. It also enables them to pursue their development in keeping with their own needs and aspirations. The declaration prohibits discrimination against indigenous peoples, while promoting their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development.

The general goal of the UNDRIP is to encourage countries to work alongside indigenous peoples to solve global issues, such as development, multicultural democracy, and decentralization. The spirit of Article 31 is such that indigenous peoples will be able to protect their cultural heritage and other aspects of their culture and tradition in order to preserve it from over-controlling nation-states.

Because of the lack of resettlement alternatives for the Sengwer indigenous people, by the government, the researcher has carefully chosen the term “forceful evictions” over “involuntary resettlement”. By evicting the Sengwer indigenous people, the state will be violating their right as enshrined in the UNDRIP and Article 56 of the CoK 2010 since they are being forced to move out in a cruel and inhuman manner against their will.

The lack of alternatives to cushion the evictees from the effects of the evictions aggravates the vulnerability of the evictees. Kuto (2016), in her findings points out that,

the Embobut evictions aggravated the Sengwer indigenous people's inability to fight poverty, access health services, fight hunger, and above all access education. Amnesty International (2011), had similar findings. They pointed out that these evictions render the evictees more vulnerable to other human rights violations

### **1.1.2. Children rights to Education**

The United Nation's office of High Commissioner for Human rights, in factsheet No. 25 (OHCHR, 1996), acknowledges the concern of the international community that, forceful evictions violate human rights. It goes further to state that evictions rob the evictees of their means of production or interrupt schooling or stop school-going children from attending school completely.

During forceful evictions, education suffers the most. Most governments; do not provide alternatives for the affected school-going children. In Embobut evictions, the government targeted adults who, encroached the forest and own land. Children are not landowners yet they suffer double vulnerability; from the shocks of traumatizing evictions and their right to education, that determines their future wellbeing and that of their community (ActionAid International, 2013).

Further, two conflicting debates often surround the Embobut forest evictions, the conservation debate, and the human rights debate. The conservation versus human rights debate involves the need to conserve the forest and the need to observe and protect the rights of the Sengwer indigenous community. These debates seldom mention the right of the child to education yet the children represent the future of the community.

Various international human rights instruments guarantee the right to education. These instruments obligate member states to ensure that basic education is not only free and compulsory but also accessible and quality. Article 28 of the Convention on the Right of the Child, for instance, obliges member states to ensure that primary education is not only mandatory but also available and accessible (UN General Assembly, 1989, Art. 28). Article 17 of the African Charter on Human and Peoples Rights also guarantees the right to Education (Mbondeniyi, 2011).

The Kenyan government, not only ratified these treaties and other international and regional treaties that protect the right to education, but it also domesticated them in their laws; The Kenya Constitution 2010, the Children's Act 2001, and the Basic Education Act (No 14 of 2013) form part of these domestic laws.

Article 53(1) (b) of the Kenyan Constitution 2010, for instance, guarantees the right to free and compulsory basic education for every child. Article 55(a) requires the State to ensure that young people have access to adequate education and training. Moreover, Article 56(b) gives the right to equal opportunities in education for minorities and marginalized groups (Kenyan Constitution, 2010). All these instruments are supposed to create a setting favorable to the enjoyment and realization of the right to education.

Despite the global, regional, and domestic efforts to promote the right to access basic education, the persistent Sengwer families' evictions from Embobut forest have often disrupted education thus denying the Sengwer children an opportunity, to, alongside other Kenyan children, enjoy this right (Right to Education Country Factsheet -Kenya, 2014).

This research, therefore, revolves around the impact forceful evictions have on the right to education of the Sengwer child in Embobut ward, Elgeyo Marakwet County. It is clear that the evictions are violent; they occasion displacements with destructive consequences. To this end, therefore, the Sengwer child suffers not only violation of Article 43 of the Kenya Constitution 2010, but these destructions affect access to education. They deny the Sengwer Children a future in which they can make choices that are independent and meaningful in terms of enjoyment of human rights and the full development of a human being in the context of Economic Social Cultural Rights (ESCR). It denies them the rights which define and are concerned with the basic social and economic conditions needed to live a life of dignity and freedom, relating to work and workers' rights, social security, health, education, food, water, housing, healthy environment, and culture.

## **1.2. Statement of the Problem**

The Sengwer Indigenous community has suffered a series of forced evictions from the Embobut forest for some time now (Kenrick, 2014). These have often affected the economic, social, and cultural rights of the community. The evictions focused on the inhabitants who are perceived to have encroached on Embobut forest, which is a protected area. During these evictions, homes, commercial enterprises, and schools are destroyed, thus leaving school-going children with no alternative other than to stay out of school.

In evicting the community, there is little regard, by the authorities, for the children's right to education and the future of the community. During these evictions and subsequent displacements, there is no provision for alternative educational arrangements. Research by Amnesty International in 2011 showed that a significant percentage of school-going



children often suffer severe disruption in their studies owing to the eviction, while others drop out of school.

Scanty literature on children's right to education during forceful evictions further complicates the above problem on the government's failure to provide viable alternatives to the school-going children during evictions. Scholars/ researchers such as Islam (2016), Plesis (2016), and human rights institutions such as UN-HABITAT (2018), KNHRC, (2018), have focused on other Rights prisms, such as housing, land, and health, violated during evictions. They give an economical look at the child's right to education. This brings to existence various study gaps. Moreover, most of these studies were done in European and some third world countries with limited literature on Kenya, especially with indigenous people.

The lack of consideration for the plight of the Sengwer child in their ancestral land at the expense of government interest in conservation efforts, and the existence of study gaps on rights to education during evictions, presents an emerging dilemma.

This study, therefore, examines the violation of Sengwer's child right to education and the attendant impact during forceful evictions. It aims at filling these gaps by answering the question: What are the impacts of forced eviction on children's education rights in Embobut forest in ElgeyoMarakwet County?

### **1.3. Purpose of the Study**

The general purpose of the study was to examine the overall impact of forceful eviction on the Sengwer community's economic, social and cultural life.

### **1.3.1. Specific aims of the study**

The following specific objectives guided the study;

- i) To examine the impact of forced eviction on the right to education for the Sengwer child;
- ii) To identify the specific rights to education that are violated during evictions in Embobut ward;
- iii) To examine the educational challenges experienced by children due to forced eviction in Embobut ward.

### **1.4. Research Questions**

- i) What are the impacts of forced eviction on the right to education for the Sengwer child?
- ii) What educational challenges are brought about by the forceful eviction of the Sengwer community from the Embobut forest?
- iii) What are some of the children's rights violated during the forceful eviction of the Sengwer community from Embobut forest?

### **1.5. Significance of the Study**

The right to education is a fundamental human right entitled to every child. The study findings will inform governments and government agencies while carrying out evictions. It will guide them to engender human rights, particularly children's right to education in their evictions plans, especially for protection.

The outcomes of the research bring new knowledge on the promotion and protection of the rights of the child to education during forceful evictions. It can be useful in understanding the national, regional, and global dynamics of forced evictions and their

effects on child right to education. The study informs both national and international human rights laws specifically those bordering on the right to education.

This research will be significant to Kenya's Ministry of Education, Kenya National Human Rights Commission, and other non-state actors interested in knowing the status of the Sengwer indigenous child's right to education and how the Embobut forced eviction affects it.

### **1.6. Scope of the Study**

The study was limited to Embobut ward, in the sub-county of Marakwet East because, in the whole County, Embobut forest inhabitants are the ones adversely affected by the forced evictions compared to other forest inhabitants across Cherangani hills. The justification for the choice of the area is because of the high level of vulnerability in the region because of unwarranted eviction that leads to disruption of livelihoods, which ultimately disrupts the education of the Sengwer indigenous children.

### **1.7. Definition of Terms**

#### **Agency**

Agency refers to the individual's capacity to act independently, and to make their choices freely. In this study, agency refers to the capacity of individuals to act independently through making their own free choices. This is contrasted to human actions that are determined outside their will by structural factors that influence human activity. These may include but limited to government activities, social class, ethnicity, religion and gender, that determines or limits an agent and their decisions.

**Structure**

This refers to a system of influence for instance, social stratifications, gender, religion, ethnicity, and laws that direct activities and decisions. In this study, Structure is used to mean socially constructed relationships that involve power relations in which decisions are made, imposed and executed without considering the agent.

**Conservation**

This refers to a measured use and security of natural resources, such as forests, marshlands, or vanishing species. In this study, conservation is used as the care and protection of all natural resources including forests, diversity of species, and ecosystems so that they can persist for future generations.

**Forced eviction**

This refers to the uprooting of the human population from their homes located within the forest contrary to their will. In this study, forced eviction is used to mean the permanent or temporary removal, against their will, of individuals, families and/or communities from the homes and/or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.(See Committee on Economic, Social and Cultural Rights General Comment No. 7 at <https://www.ohchr.org/EN/Issues/ForcedEvictions/Pages/Index.aspx>).

**Indigenous peoples**

This refers to inheritors and practitioners of unique cultures and ways of relating to people and the environment. They are seen to have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which

they live. In this study, indigenous Peoples is used to refer to the Sengwer of Elgeyo Marakwet County, who exhibit distinct social and cultural features believed to share collective ancestral ties to the lands and natural resources within the Embobut forest.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1. Introduction**

This chapter consists of the following; the profile of the Sengwer community, activities involved in forceful evictions, children's rights violated during forceful evictions, the impact of forceful evictions on children's rights to education, and the theoretical literature of the study, which includes; human rights-based approach, and capability theory.

##### **2.1.1. The Sengwer Community: A profile**

The Sengwers are an indigenous community, mainly hunters and gatherers, found in the rift valley region, Kenya. Currently, they live in West Pokot, Trans-Nzoia, and Elgeyo Marakwet Counties but majority live in the Cherangany forest.

The elders in the Sengwer community have a strong influence; they head the patrilineage that the Sengwer community organizes themselves around. This organization and leadership have enabled them to endure modern forms of self-organization. Though the elders are still recognized, the elites have taken a vital role in leading the community in their pursuit of property and social recognition. In this regard, the elites from the Sengwer community created several Civil Society Organizations and Community-Based Organizations that became the vehicles of their struggle. These organizations have Sengwer Cultural Centre as their umbrella organization (IWGIA, 2012; KARI, 2006).

Before the introduction of Christianity, the Sengwer indigenous people believed in divination. This, according to Spear and Waller (1993), led to the emergence of a Line of diviners such as the Meturona, the Kachepkai, and the Talai diviners, (Spear & Waller, 1993). In addition, the Sengwer community carry out their cultural rite and rituals inside the Embobut forest on “sacred altars” (KUTO, 2016).

Historically, Sengwer were hunters and gatherers. They also practiced beekeeping and other livestock (sheep, goats). Today, they keep cattle and cultivate small family gardens in the glades and the forest (ActionAid, 2016). Traditionally, the community did barter trade. They exchanged dry meat and honey with milk and food crops (IWGIA, 2012). Though this form of barter has been replaced by modern economic activities such as SMEs and agribusiness, the Sengwer community is still honey-gatherers and practice small-scale agriculture (IWGIA, 2012).

In the 1920s and 30s, usufructuary rights were accorded to the Sengwer Indigenous people over their land and the right to execute farming activities on the glades. This right subsisted until the 1970s when new conservation policies prohibited them from living in and hunting in the forest (IWGIA, 2012).

The British settlers, in the early 19<sup>th</sup> and 20<sup>th</sup> centuries, evicted the Sengwer community from their lands. Since then, the Kenyan government has continued to carry out a series of evictions on the indigenous community from the Embobut forest. Through its enforcement agencies, the Kenyan government has had the houses of the evictees razed in the name of fortress conservation (Brockington, 2002).

These forceful evictions by the Kenyan government saw the rights of the evictees violated, specifically, the right to their customary sustainable use of forests. It has deprived them of means of subsistence, integral to their forest life, identity, and cultural survival. This goes contrary to the provisions of article 63 of the Kenya constitution 2010 that cushions indigenous communities against removal from their ancestral land without their free, prior, and informed consent.

According to Action Aid (2016), the natural resources of Embobut Forest make up the main source of the Sengwer's livelihood. Their culture and health system also depend on the forest. According to Kuto (2016), the Embobut forest and glades were the key source of clean water and major grazing field for the Sengwer community. This explains why they are very much attached to the forest, and the reason behind the recurrent evictions and encroachments.

### **2.1.2. Embobut Forest evictions**

Forceful evictions entail the removal of the human population from their homes, contrary to their will (Islam, 2016). Out of the approximately 65 million people affected by forceful evictions globally, about 80 percent are forest inhabitants, who majorly, rely on forest resources (FAO&UNHCR, 2018). These dwellers do not have an alternative place to reposition themselves.

According to Plessis (2016), the destruction of property often characterized forceful evictions. In most cases, evictees lose their valuable assets, their social connections, their livelihoods, and their access to vital amenities and services. In other instances, the evicting authorities mete out violence, including rape, physical attack, and killing, against the evictees to force them to conform (Plessis, 2016).



In research documented by Amnesty International (2011), on the operations Murambatsvina in Zimbabwe, it is evident that the government of Zimbabwe destroyed the livelihoods and the way of life of the evictees. The entire exercise involved the demolition of Houses and destruction of properties. Similarly, schools were not spared either. The Government destroyed school infrastructures, thus adversely interrupting the education of school-going children (Amnesty international, 2011).

These circumstances, often, replicate themselves in other areas facing eviction challenges. In Kenya, for instance, the Embobut forest evictions posed similar threats to the Sengwer indigenous people. Besides evicting over 15,000 people from the forest (The Star, 2014), The KFS wardens razed their houses and property (Bonaya, 2018).

In all these evictions, children suffer most, as several of them do not access education (Amnesty International, 2011). The Zimbabwe case, for instance, impacted negatively on school attendance because their households were thrown into crisis; Many impacted families could no longer afford necessities such as food, housing, clothing, school fees, and transportation, because of these, many children and young people dropped out of school (Amnesty International, 2011). Media reports, also, show that fifteen primary schools were shut down during the Embobut evictions. Besides, several early childhood education centers were abandoned, in the process; Over 5000 schoolchildren were affected by the evictions (The Star, 2014).

### **2.1.3. Human Rights violations during forceful evictions**

Despite many states putting in place elaborate measures to safeguard the rights of the child to education, thousands of school-going children still face an array of challenges in accessing education, these challenges may be social, economic, cultural, or even political.

Forced evictions pose some of these challenges; it violates a range of human rights, which include the right to housing, right to land, right to good health, right to own property, right to education, among other rights (UN-HABITAT, 2018). Violation of any of these rights exacerbates the violation of the right to education, be it directly or indirectly. In most cases, the evictions interrupt schooling denying school-going children the right to access quality education.

Most schools are closed while some are demolished compelling the children to seek education in other areas away from their homes (Bonaya, 2018). This makes it hard, for school-going children, especially those living with disabilities, to physically access schools.

Although the Kenyan government has implemented free primary education, children still find it hard to attend school during and after forceful evictions. Their parents cannot provide them with basic needs and take them to school. There is evidence that forced eviction depletes the resources of the evictees; it also disrupts their livelihood, rendering them poor; these hampers- most often, the Economic accessibility of children to schools. Most parents will not be able to pay levies for their children. They cannot afford the requisite and most basic learning materials. Although everyone is affected by the costs of accessing education, livelihood disruption further hinders the capability of those affected by forceful eviction to meet primary education costs (Amnesty International, 2011).

Forced evictions deny children the right to adequate infrastructure. According to a report by Action Aid international (2013), in every learning institution, there ought to be a sufficient number of classrooms. These classrooms ought to be accessible to all. The report further indicates that each institution must have suitable and distinct hygiene amenities for girls and boys (ActionAid International, 2013).

The children have a right to a safe and non-violent environment. However, during forced evictions, the distance that the children travel exposes them to dangers. The surging number of pupils, also, makes the school congested thus compromising the safety of the environment. Forced evictions, therefore, make the children unsafe both en route to, and in school (ActionAid International, 2013).

Most neighboring schools experience an upsurge of pupils due to the closure of schools purported to be within forested areas. This results in congestion and a poor learning environment (ActionAid International, 2013), thus compromising the quality of education.

According to Ballet et al. (2011), poverty hinders the attendance to and learning of children at school. They affirmed that scarce resources force parents to put their children into child labor, a condition that leads to a conflict between school attendance and paid labor. To them, in such a scenario, addressing poverty is prioritized based on the notion that downscaling limitations on household expenditure will enhance school attendance (Ballet et al., 2011). This thus encourages absenteeism and school dropouts.

Most children in Murambatsvina for instance, ceased attending school to stay home with their families. This is because the Zimbabwean government did not take viable actions to

ensure the least interruption of the teaching and learning in primary school institutions, and during the relocation Operations to Garikai settlements, the State was not to support their continuation with their education (Amnesty International, 2011)

In their report, KNCHR (2018) pointed out that evictions of the Sengwer indigenous community from the Embobut forest have negatively impacted the right to education. The report indicates that, for the last 37 evictions that the government has carried out in Embobut, 67 public institutions have been destroyed, these include, religious institutions, and schools, including ECDE schools. This denied several Sengwer children the right to an education that would have positively contributed to their future wellbeing and that of the community (KNCHR, 2018).

In most cases, forceful evictions are conducted in the middle of the year. In this situation, most parents are caught unawares and therefore unable to come up with alternative measures for the children to remain undisrupted in school. Most of those children are never enrolled in new schools (Amnesty International, 2011).

Creemers, Kyriakides, and Antoniou (2012) notes that schools ought to offer an empowering environment, for instance, they ought to facilitate the construction of adequate school physical infrastructure, enough personnel, learning materials, requisite utilities such as water, electricity, etc. This will fuel learning for all the pupils. Furthermore, it is also imperative to give suitable training and sustenance for teachers.

#### **2.1.4. Impact of forceful eviction on children's right to education**

Education, according to a report by Action Aid International (2013), is a Fundamental Human Right. According to the report, education equips citizens with skills, knowledge, and abilities to claim other fundamental rights.

Laura et al. (2017) considered education as an enhancer, if guaranteed, of all rights and freedoms, and an inhibitor of the same if they violate. Violation of education rights, therefore, entails limiting evictees' skills, knowledge, and ability to claim and enjoy other fundamental rights.

From research conducted by Kuto (2016) titled "Sengwer Women's Experiences of Evictions and their involvement in the struggle for Sengwer land rights," she found out that women suffer a lot during evictions. Their violated right to education makes them ignorant of their legal rights or mechanisms against violence. To her, Sengwer women were ignorant of their legal rights on the harm caused to them during Embobut forest evictions.

Education is the engine for political, economic, social, and cultural development (Action Aid International, 2013). It is perceived as a salient tool that underprivileged people emancipate themselves from poverty to fully take part in society (OHCHR, 1999). Failure to provide this education right, therefore, aggravates the vulnerability of already poor people.

Marcus (2014) contended that, in most cases, uneducated married girls lack the requisite knowledge and power to act in ways that promote their children's health. To him, a lack

of education affects a girl's economic prospects and the survival prospects of their children (Marcus, 2014).

Concisely, education can be a means of getting out of poverty (Marcus, 2014). It is a vital aspect of reducing poverty globally. Education broadens employment opportunities, increases income levels, and enhances maternal and child health. Countries with well-established and managed education systems experience improved social services, lesser crime rates, and better economic growth.

#### **2.1.5. Educational Challenges During Forceful Evictions**

According to Donnelly (Donnelly, 2013), children, Just as adults, are entitled to claim general human rights vis-a-vis specific rights that guarantee them their special needs. To him, it's upon the duty bearers to ensure these rights are protected and guaranteed.

There are international, regional, and national human rights instruments that obligate governments to engender child rights in their laws and policies. The convention on the rights of the child, for instance, spells out the fundamental rights that must be guaranteed for children to develop to their full potential ( Lundy, McEvoy and Byrne 2011).

Despite these existing laws and policies that touch on the rights of the child, children still face a lot of challenges in the enjoyment of these rights. Duty bearers often, through their actions or inactions fail to protect and promote the enjoyment of these rights. Forceful eviction activities, for instance, impact the wellbeing and the rights of children more than any other category. Dixon and Nussbaum (Dixon & Nussbaum, 2011), assert that governments ought to prioritize the rights of children before enacting any law.

According to Anyon (2014), all government policies, be it education policies or public health policies, touch on children to some level. Therefore, policy-making processes that overlook the rights of the child frustrates the future of society.

Societal changes often have an unbalanced, and undesirable impact on children, change of family structure, unstable employment patterns, globalization, global warming, and dwindling safety nets adversely impact children (Mallett, 2017). These can be overwhelming especially during armed conflict and other emergencies.

Spong et al. (2012) opine that any society's future well-being largely depends on the healthy development of its children. Further, they state that children are more vulnerable than adults, especially when exposed to poor living conditions such as poverty. To them, disease, malnutrition, and poverty make the future of children bleak and that of their societies.

Research findings indicate that the future development of children is shaped by their initial experiences. The path of their growth defines their role, or cost, to society throughout their lives. Therefore from these observations, policymakers can consider relocating families, that is when evictions occur, to areas where children can continue enjoying their rights and privileges for instance good schooling, proper healthcare facilities, and good shelter so that their growth cannot be deterred as a result of evictions.

## **2.2. Theoretical framework**

This study adopts two theories, the Human rights-based approach and the capabilities theories. These theories share a common purpose and concentrate specifically on human rights, dignity, and equality (Polly Vizard, Sakiko Fukuda-Parr & Diane Elson, 2011).

### **2.2.1. Human rights-based approach**

The Rights-Based framework avers that every person is entitled to basic education (Ingrid, 2006). The framework emphasizes the realization of the right to access quality and respect for human rights in education (UNICEF, 2007). The framework obligates duty bearers to recognize and respect the rights of children while they are in school, particularly respect for their identity, agency, and integrity (UNICEF, 2007).

According to Vizard et al. (2011), the approach to human rights stresses the significance of ideals such as dignity, freedom, equality, and non-discrimination, etc., and the essential engagements to protect and promote these rights.

The approach focuses on the role of the state to fulfill, respect, and safeguard those internationally defined human rights. Thus, the approach aims at supporting and empowering human beings to claim their rights (UNICEF, 2007).

The argument is relevant to the study since the need of protecting children's rights to education is paramount for their future development. The framework underpins the study by providing a theoretical basis to understand how forced evictions affect the children's right to education and disrupt educational infrastructure in the Embobut ward.

### **2.2.2. Capabilities approach**

The capability approach is a theory found in moral and political philosophy focusing on well-being, development, and justice. Within moral and political philosophy, the theory is traceable to philosophers such as Karl Marx, Aristotle, and Adam Smith. The approach's key modern proponents are Martha Nussbaum and Amartya Sen.



Robeyns (2012) takes the theory as a framework for the evaluation of the well-being of a person and social arrangements. It focuses on, rights, duties, inequality, social justice, and living standards (Clark, 2005). According to the theory, what people can do and be determines their freedom to realize their well-being, and the life they are successfully able to lead (Sen 1992; Robeyns 2005; Qizilbash 2008; Sen 2009; Robeyns 2016).

The CA is generally understood as a conceptual framework for three areas; 1) the assessment of individual well-being, 2) the evaluation and assessment of social arrangements, and 3) the design of policies and proposals about social change in society. It prioritizes people's beings and doings, and their opportunities to realize those beings and doings (particularly opportunities to get an education, their capacity to enjoy their freedom of movement, and helpful social associations (Crocker and Robeyns, 2009)

The theory also focuses on early childhood as a moment when essential forms of support for human development are present or absent (Rosalind Dixon and Martha C. Nussbaum, 2012). Unterhalter and Brighouse (2007) advanced these by deducing three important but distinct grounds of analysis that ought to be considered in the capabilities approach to education: an instrumental value, intrinsic value, and positional value. According to them, Positional value corresponds to education's ability to reduce class, gender, etc. inequalities; the instrumental value reflects the educational capacity to ease access to social opportunities, like job creation. The intrinsic value finally refers to the gains that a person gets from education, regardless of their instrumental and positional performances (Jerome Ballet, Augendra Bhukuth, and Katia Radja, 2011).

Rosalind et al. (2012) proposed that unless the necessary skills are available, rights are not fully secured. To them, affirmative government action is necessary for the realization of all human capabilities, this is because of the social and economic conditions that characterize all human capabilities. These include averting injurious actions by others. They argue that the state is obliged to protect the children from the vulnerabilities and shocks occasioned by others' decisions (Rosalind et al., 2012)

This study adopts the theory as it postulates that an individual or group's capabilities in achieving their basic needs are vital especially opportunities for education and supportive social relationships. Children's rights to education empower the children's ability to be independent in the future and achieve their full potential. Besides, the Sengwer have been settled in the Embobut forest that gave them the capability to have economic and social wellbeing. Therefore, the theory anchors forced Eviction and children's rights to education as variables in the study.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1. Introduction**

This chapter presents the research design, target population, sample size and sampling techniques, data collection procedure, data analysis techniques, and ethical considerations.

#### **3.2. Research Design**

A research design, argues Tromp (2006), is the structure of the research; it includes an outline for data collection, measurement, and analysis (Garg, 2014). The study employed a qualitative case study.

According to Baxter and Jack (2008), a qualitative case study ensures that the phenomenon under study is investigated through a range of lenses, which allows for several aspects of the phenomenon to be discovered and understood. Tromp (2006), contends that case study design enables the researcher to better understand the problem, in this case, children's right to education during forceful eviction. This design enabled the researcher to collect qualitative data on the specific rights to education violated during the Embobut evictions, the impacts of violation of these rights, and the educational challenges experienced due to the forced evictions in Embobut ward, Elgeyo Marakwet County.

### **3.3. Study Population**

According to Mugenda (1999), the entire group of individuals, objects, and events that share a similar visible characteristic are referred to as the target population. Thus, the population targeted by the study are the Sengwer indigenous people living in Maron sub-location in Embobut ward, fifteen (15) teachers and two (2) head teachers within two (2) public primary schools in the epicenter of the evictions. The Curriculum Support Officer (CSO), Embobut zone also constituted the study population.

### **3.4. Sample Size and Sampling Procedure**

The sample size of the study comprised of fifteen (15) teachers and two (2) head teachers within the two (2) affected public primary schools in Embobut zone, The Curriculum Support Officer (CSO), Embobut zone and sixteen (16) household heads from Maron sub location. The study adopted a purposive sampling frame in which out of the 15 primary schools in the ward two schools were sampled. The rationale for this was that the two schools have a homogeneous population of the Sengwer children, and the schools fall within the epicenter of the forceful evictions. According to Etikan et al. (2016), purposive sampling leads to targeted respondents who provide rich information and it will enable the researcher to limit the whole population from participating for relevancy of the study.

### **3.5. Data collection procedure and Research instruments**

The study relied on primary and secondary sources of data. To get the primary data, the researcher carried out Key Informant Interviews (KII) and Focus Group Discussions. The researcher developed open-ended interview questions for interviewing the key informers and for the Focus Group Discussion.

Two (2) FGDs were conducted in the study area comprising 16 participants (8 participants for each FGD with eight (8) male and eight (8) female purposively drawn from different households. The aim was to get insights from members of the community on the impact of forceful evictions on the children's right to education in the area. The discussion was held at place convenient for the participants' mobilization, identification, and security purposes. The focus group discussions (FGDs), was anchored on the specific research objectives of the study. The discussion took approximately thirty minutes. With the FGDs, the researcher sought to get data on the study objectives, specifically on the specific rights to education that are violated during forceful evictions. During these interviews, the researcher took notes of the responses from the respondents. The collected responses were analysed in relation to the study objectives. Finally, the FGDs findings were compared to those of Key Informant Interviews to check for consistency and differences in observations.

The use of KI comprised one Curriculum Support Officer, two head teachers, and fifteen teachers from the public primary schools in the study area. The choice of the fifteen (15) teachers was informed by the place of duty as at the time the forced evictions took place. The Key Informant's Interview enabled the researcher to obtain in-depth data, from the respondents, and expert views on objective numbers 2, and 3 concerning the outcomes of the forceful eviction on children's rights to education, and the educational challenges experienced due to forced evictions.

The study collected secondary data from the existing records and reports obtained from the CSOs office, Head teacher's office, and other relevant literature on school progress and performance of pupils during the forceful evictions. The study purposively sampled

one sub-location out of the seven sub-locations mainly because the Sengwer indigenous community lives in the area. Therefore, the researcher considered the sampled area more suitable for the study because large numbers of the affected members were of the Sengwer community.

The study selected the targeted interviewees who were to constitute focus group discussion (FGD) teams from the population by intentionally identifying people close to the epicentre of the eviction activities. Other considerations for choice included; accessibility, capacity to communicate, familiarity and some knowledge of human rights as well as willingness and readiness to take part, voluntarily and give open, and reflective opinion. The key informants (KI) made this possible; they not only supplied expert information for the research, but they also involved in a formal relationship with the members of the FGD.

### **3.6.Data Analysis Techniques**

Migrant et al. (2006) averred that analysis of data entails working with information collected to support the program/agency goals and plans. Kothari (2007), points out that data ought to involve editing, coding, classification, and tabulation of the collected information for it to be agreeable to analysis.

After the data collection, the researcher familiarized himself with the data. He then assigned codes to describe the content. The researcher identified research themes or patterns within the data collected. The researcher finally examined the themes and interpreted the data based on these themes.

### **3.7. Ethical Statement**

To safeguard the dignity of the participants, the researcher guaranteed the confidentiality of the information gathered from the research interviews. The study was explained to the interview participants. The researcher used pseudonyms to obscure the identity of the respondents. This helped the researcher to gain the respondent's trust and confidence. The Researcher also sought informed consent from all the participants. He asked those who were willing to accept to be interviewed, voice recorded, and information they gave to be jotted down in a notebook. The researcher sought research approval from the University of Nairobi and National Commission for Science, Technology and Innovation (NACOSTI) before conducting the research.

## **CHAPTER FOUR**

### **DATA ANALYSIS, PRESENTATION, AND INTERPRETATION**

#### **4.1.Introduction**

This chapter contains data analysis, presentation, and interpretation of the study findings, and the results in line with the study objectives. It presents data analysis of the interviews with the Key informants i.e., the teachers, headteachers, and Curriculum Support Officer (CSO), and focus group discussions for the heads of households. The study findings were presented using narratives, and content analysis that is found suitable for variables under the study.

##### **4.1.1. Respondents' Response on Awareness of Embobut Evictions**

The study aimed at finding out whether respondents were aware of Embobut Forest Evictions. This was aimed at establishing whether the respondents were in a position to give information that would aid in achieving the study objectives. From the discussions, all the members of both FGDs confirmed that they were aware of the evictions since they were residents as well as the victims of the forceful evictions. This was in tandem with the responses of the key informants who revealed that they were aware of the Embobut evictions.

##### **4.1.2. Forceful evictions in Embobut forest**

This section is concerned with the account of eyewitnesses and what they saw takes place during forceful evictions in the Embobut forest between January 2014 and December 2017. The researcher asked the FGD members to narrate their experience during the



Embobut Forest evictions. This was to prepare the members for the discussion and to enable them to link the activities of forced eviction to education rights.

The FGDs revealed that the eviction process was violent and resulted in the displacement of Sengwer families thus disrupting their way of life. Majority of the FGD members indicated that, during the eviction day, houses were burned down, the police shot at the evictees injuring some, and the KFS officers destroyed property. A member in one of the FGDs revealed that during the evictions, the Forest wardens and police officers, transported in Lorries from Chesoi and other parts of the sub-county, torched their houses and shot at them aimlessly. Another member pointed out that the events were so abrupt that they did not salvage anything from their houses. He observed that:

The police attacked us very early in the morning, they burned our house and granaries, and we didn't save anything, even our children's clothes (respondent FGD, 2020)

In agreement, another participant in the FGD added that;

The entire population that was forcefully evicted from the forest had nowhere to go. Some settled in school compounds within the area, others settled at identified church compound, and others constructed makeshift houses/ tents below the road (respondent FGD, 2020).

The focus group discussion revealed that the evictions rendered the evictees squatters, some of them were pushed to live along the Embolot escarpments, while others set camps along the roadside. This heightened tension among other villages within the region. During the discussions, a household head in one of the FGDs indicated that cases of land boundaries became rampant as the new comers increased the population of those living by the roadside and along the escapements. The conclusion was that the forceful eviction indeed resulted in another conflict among villages that had earlier coexisted peacefully.

One participant noted:

Those evicted from the forest encroached on other people's lands claiming that it was their ancestral land too and as a result, Kaptoboko and Kacheseke villages fought over land, each village claiming ownership (respondent FGD, 2020).

Virtually all the participants in the FGDs agreed that the prolonged stay in makeshift shelters, lack of land to cultivate, and the lack of grazing fields for their livestock rendered the Sengwer food insecure and compromised their health and that of their children.

A participant in the FGD noted

Since the government burnt our houses, evicted us from our ancestral land, and denied us access to the forest, we are unable to grow crops, take our animals to the forest to graze or even collect firewood. We now rely on well-wishers to give us food (respondent FGD, 2020).

Rampant cases of divorce and domestic violence were among the themes that cropped up during the FGDs as one of the social problems occasioned by the Embobut evictions. Some participants noted that forceful evictions were not only instrumental in marriages being dysfunctional, but also led to increased cases of separation and family disintegration. In one of the FGDs, a female participant explained how she has been left to fend for large family of seven children having been abandoned by her husband, who was traced to Kapyego staying alone. She explained that one reason why the husband had abandoned them was the fact that he, an adult male and father could not share a tent with his teenage daughters as it was considered taboo.

These findings are in line with those made by Plessis (2016) who noted that, during forceful evictions, property is destroyed, valuable assets are lost, and largely victims lose their social connections, livelihood, and access to vital social services. Plessis also

observed that during forceful eviction, government agents often mete out violence, including rape, physical attack, including loss of life (Ibid).

#### **4.2. Impact of forceful evictions on child right to education**

The specific objective of this study was to examine the impact of forceful evictions on children's rights to education. From the key informant interviews and FGDs, the study discusses the following themes that featured prominently. These include school interruption, school attendance, and destruction of school infrastructure, school enrolment, and government alternatives to schooling during evictions.

##### **4.2.1. School interruption during an eviction**

The study sought responses from the respondents as to whether Embobut evictions interrupted schooling. The response from the FGD pointed to a swift and hurried operation that interrupted all normal activities in the area. This include all learning and schooling activities. One participant observed that:

The government gave a short notice for the people to vacate. Parents did not have adequate time to prepare to take their children to alternative schools that were not affected by the evictions (respondent FGD, 2020).

The above finding also featured in most of the key informant interviews where one Key informant observed that;

The evictions took place in January 2014 when schools had just opened and parents had spent most of their resources during the Christmas festivities. The operation was so abrupt that parents were unable to transfer their children to the neighboring schools (respondent KII, 2020).

On whether schools were closed, it was apparent, from the discussions that only three (3) unregistered ECDEs and one (1) unregistered primary school were closed. These institutions were right at the epicenter of the evictions, a finding that corroborates the

study assumption that evictions affected schooling and learning activities in Embobut ward.

From the interviews, it arose that although one of the schools under study was not closed, most children stopped going to school and that those who were able to attend school transferred to neighboring schools within the area, a distance of over 8 kilometers from the affected schools. Reinforcing this observation, one respondent noted that;

The Embobut evictions paralyzed education; children were displaced with their parents. It made it difficult for them to access schools especially the young ones and those living with disabilities (respondent KII, 2020).

This finding agrees with Bonaya (2018), who observed that on the overall, evictions compel children to seek education in other areas away from their homes. The study findings correspond with KNHCR report (2018) and that of Amnesty International (2011). Both reports observe that evictions of the Sengwer indigenous community from the Embobut forest negatively impacted the right to education by denying several Sengwer children the right to education that would have positively contributed to their future wellbeing and that of the community (KNCHR, 2018). A Significant percentage of school-going children were made to suffer severe disruption in their studies owing to the eviction, while others drop out of school (Amnesty International, 2011).

#### **4.2.2. Impact on School Attendance**

The study requested respondents to give information on pupils' attendance during forceful evictions. From the discussions, all the FGD members agreed that the Embobut Evictions negatively affected school attendance. All the key informants who made similar observations echoed this;

Although most learners transferred from the schools under study to other schools, the attendance was irregular because they lacked basic needs such as food, uniforms, and learning equipment. Since the government did not mitigate the situation by providing a feeding program in schools, most parents preferred retaining their children at home rather than having them to starve at home and school (respondent FGD, 2020).

These findings are in line with those of Balletet *al.* (2011) and a report by Amnesty International (2011). The former observed that scarce resources compel parents to put their children into child labor, a condition that leads to a conflict between school attendance and paid labor. To them, in such a scenario, addressing poverty is prioritized based on the notion that downscaling limitations on household expenditure will enhance school attendance. This encourages absenteeism and school dropouts. A report by Amnesty International (2011) noted that forced eviction depletes the resources of the evictees, disrupting their livelihood thus rendering them poor. This hampers the economic accessibility of children to schools (Amnesty International, 2011).

#### **4.2.3. Impact on Educational infrastructure**

The study aimed at getting information from the FGDs and Key informants on whether school infrastructure was destroyed due to Embobut evictions. All the responses from the FGD members and Key informants indicated that no school infrastructure was destroyed due to Embobut evictions. This is a positive finding; it shows that, since schools are left intact during evictions, learners can continue with their schooling in the Embobut ward after the evictions. These findings contradict Plessis (2016) that destruction of property often characterized forceful evictions. Despite this, the neighboring schools had a shortage of physical infrastructure due to the increased number of transfers of learners from the affected schools.

One interviewee observed that;

The population of the neighboring schools increased unexpectedly, classes became smaller, and the furniture was not sufficient for the learners. The pupil textbook ratio was even affected too because the schools had not anticipated and planned for the influx of pupils. He indicated that the shortages made it difficult for the learners to concentrate in class (respondent KII, 2020).

#### **4.2.4. Impact on enrollment**

The study sought to find out the impact of forceful eviction on enrollment. Interviews with the key informants revealed that enrolment rates decreased in the affected schools while correspondingly increasing in the neighboring schools that were not affected by forceful evictions.

Information from most key informant revealed that although schools that were not affected by the eviction had a surge in new enrollments in various classes, ECDE classes, in the same schools, attracted low enrollments. These sentiments also came out of the FGDS.

One head of household in one of the FGDs noted that;

Our children that had reached school going age experienced delayed enrolment because of the distance to the ECDE centers (respondent FGD, 2020).

The evictions and subsequent displacement took place during rainy season making it another factor accounting for low enrolment. As one key informant observed;

It was rainy season then, so I could not risk my child crossing the footbridges that were not even in good condition. I therefore preferred to let my child stay at home until the government provided a solution (respondent KII, 2020).

It therefore emerged from the FGDs and key informant interviews that the evictions impacted on enrolment rate. Parents were reluctant to enroll their young children in ECDEs because of the distance to the schools, poverty, health-related issues, and their uncertainty of the length of time they would stay squalidly in the camps.

### **4.3. Rights to Education Violated During Embobut Evictions**

The study sought to know the FGD participants' understanding of children's rights to education. The study findings were that the Sengwer's child right to education was violated during the forceful evictions. The findings are discussed in the following subsections.

#### **4.3.1. Understanding of children's rights to education**

The findings revealed that most of the FGD members understood what children right to education meant. From the discussions, all the participants agreed that every child is supposed to get an education regardless of who they are or where they are. They all agreed that the government and the parents have an obligation to ensuring that the children go to school without any obstacles.

It emerged from the discussions that the participants identified education as a vessel for developing their community. A contributor in one of the FGD pointed out that the Sengwer community had lagged behind in development because most of their children, who would have transformed the community, did not go to school.

The participant, pointing at a modern housing structure observed that;

Our senator comes from that place. Had all our children gone to a school like him, they would have joined hands in ensuring that our community is developed and the government does not harass us. The tarmac road you see here, we got it for the first time since independence. The road has tarmac because we have our child at the top to negotiate on our behalf (respondent FGD, 2020).

#### **4.3.2. Examples of the children's rights to education**

The study sought to have the interviewees identify examples of the children's rights to education and how these rights were affected during the forceful evictions. Among those identified, include: right to access education; right to a safe schooling environment; right

to good health; right to clothing, food, and shelter; and, the right to have requisite learning materials. From the interviews, it was clear the informants had an idea of how these rights are violated during violent evictions.

#### **4.3.2.1. The right to access education**

From the FGDs, it emerged that the forceful evictions violated the Sengwer child the right to access education. The closure of the three (3) schools and one ECDE centres and the one (1) public primary school denied many Sengwer children the right to access education since those of school going age could not enrol in the neighbouring schools due to distance. These findings are in tandem with Bonaya (2018) who observed that during evictions, most schools are closed compelling the children to seek education in other areas away from their homes. This makes it hard, for school-going children, especially those living with disabilities, to physically access schools.

#### **4.3.2.2. The right to a safe and good school environment**

From the FGDs and key informant interviews, the study found that during evictions, the right to a safe and good school environment is not guaranteed. The heads of households revealed that after the displacements, the safety of their children, from home to school, was compromised.

One participant stated that;

It was a risky venture for their children to cross the footbridges to school especially that of the Embolot River. Furthermore, the evictions took place during rainy season with possibility that attending school in far off places would result in children being rained on and books being destroyed. Nevertheless, significantly, the rains occasioned swelling in most rivers and their tributaries making difficult and precarious crossing makeshift bridges (respondent FGD, 2020)



The study revealed that, due to the forceful evictions, sanitation in schools was compromised thus threatening the health of the children and made the environment not conducive for learning.

One key informant indicated that;

The upsurge of pupils in the neighboring schools because of evictions led to congestions. Thus, in most neighboring schools, the classroom could not support proper learning as the Pupil Teacher Ratio exceeded the recommended. He further stated that some of the schools reported a shortage of desks that compelled learners to stand during lessons (respondent KII, 2020).

These findings run contrary to the National School Health policy that obligates all learning institutions to provide safe and accessible physical environments (MoH, MoE, 2009). From the FGDs, the government ought to have considered allocating funds to improve the infrastructure of the schools that witnessed an increase in the number of learners due to the evictions.

#### **4.3.2.3. The right to health**

Although article 53 (1) (C) of the Kenyan constitution 2010 guarantees every child the right to basic nutrition, shelter, and health care, the Embobut evictions denied the Sengwer child this fundamental right. The study findings revealed that during the eviction, the child's right to health was compromised.

The study found out that the evictions were carried out during the rainy season resulting in many families being subjected to days in the cold. One key informant observed, most children came to school with cold-related sicknesses, while multiple interviews both with key informants and with FGDs revealed that they could not easily access clinics or health

care facilities, moreover, they could not access the forest to fetch herbal medicine for their sick children.

These findings were in line with the KHRC's (2014) report- *Days in the Cold: KHCR's Report into the Embobut Evictions*, which revealed that the evictions led to several cold-related ailments. The report further revealed that women, the elderly, and children were the most affected.

#### **4.4. Forceful Eviction and Educational challenges in Embobut ward.**

The section presents information on the educational challenges experienced due to Embobut forceful evictions. In the interview with the key informants, it was revealed that Embobut evictions resulted in educational challenges such as congestion in neighboring schools, inadequate learning facilities, and materials, poor school infrastructure, and increase in poverty cases. It also emerged, from the findings, that due to poverty occasioned by the evictions, most learners failed to transition to other levels of education.

One interviewee observed that;

During and after the evictions, there was a general drop in transition rates in the Embobut zone especially the transition of learners from ECDE to primary, and from primary to secondary. In the case of ECDE, most parents were not able to take their children to primary school because the schools were far. In the case of the transition from primary to secondary schools, the affected parents could not afford to buy their children the requisites items like uniforms and personal items for them to join form one (respondent KII, 2020).

Information from one key informant pointed to a situation where;

The evictions escalated absenteeism, high dropout; early pregnancies that made marriages become rampant. The evictions disturbed the children's harmony, lowered academic performance in most of the affected schools due to disturbance caused by the evictions (respondent KII, 2020).

## **CHAPTER FIVE**

### **SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS**

#### **5.1. Introduction**

The chapter contains a summary of the major findings, conclusions of the study, and recommendations. It also presents directions for further studies.

#### **5.2. Major Findings of the Study**

The study findings indicated that the majority of respondents were aware of Embobut forest evictions. It established that the Embobut evictions displaced parents. It rendered them poor and vulnerable making them lose the means to support their children to access education.

The study further established that the Embobut evictions interrupted schooling. It revealed that the evictions led to the displacement of learners and the closure of three unregistered ECDE centers and one primary school. Further, it established that due to the impacts of the evictions on the community such as disruption of livelihoods, cases of absenteeism went up and school attendance by learners was adversely affected.

The study revealed that the Embobut evictions influenced Enrollment rates. In the affected schools, enrolment rates decreased, while it drastically increased in neighboring schools that were not affected by forceful evictions. However, in both the affected and unaffected schools, ECDE classes witnessed low enrollments.

The study also established that the respondents understood children's right to education. The respondents highlighted and discussed the right to a safe school environment, the

right to access basic education, the right to good health, and the right to clothing, food, shelter, as the specific children's rights to education that were violated during the forceful eviction.

The study revealed that Embobut evictions resulted in educational challenges such as the poor transition of learners, absenteeism of learners, and increase in drop out cases, early marriages of learners, inadequate learning facilities, and increase in poverty cases.

### **5.3. Conclusion**

The study established that forceful evictions have negative impacts on a child's right to education; It violates the right to a safe school environment, right to access basic education, right to good health, right to clothing, food, and shelter, and right to access good and sufficient school infrastructure. From the study, it is evident that the Embobut evictions contributed to low school attendance rates and influenced enrolment rates in the Embobut zone. Further, the evictions resulted to other educational challenges such as the poor transition of learners, dropout cases increased, and a rise in early marriages. The study thus concludes that the Kenyan government, as a duty bearer, has an obligation of guaranteeing the enjoyment of the right to education by putting in place measures that will curb the educational challenges occasioned by the evictions. These include solving the protracted land tenure problem, engaging stakeholders before evictions to devise ways of protecting the right to education from the eviction challenges, and coming up with enabling policies that ensure the education of the child is not disrupted during evictions.

#### **5.4. Study Recommendations**

Based on the findings of the study, the researcher made the following recommendations;

1. That, the Kenyan government should dialogue with all the stakeholders (residents, local authorities, school authorities, etc.) and put in place policies and guidelines that will guide evictions and boost children's rights to education. Failure to dialogue will result in contravention of paragraph 13 of the CESCR General comment 7(OHCHR, 1997) that obligates member states to consult with affected persons to explore feasible alternatives to the evictions. Further, it will inhibit realization of article 13 of the Economic Social and Cultural rights.
2. That, the Kenyan government moves quickly and permanently resettles the Sengwer indigenous people. Section II (B) paragraph 16 of the UN-Basic Principles and Guidelines on Development Based Evictions and Displacement (UN-HRC, 2007) guarantees the Sengwer indigenous people the right to resettlement, which includes the right to alternative land of better or equal quality. Equally, Article 63 (2)(d)(ii) of the Kenyan Constitution 2010 gives them the right to their ancestral land. Section 4.9.5 and 4.10.4, of Eviction and Resettlement Guidelines (Ministry of Lands , 2009) obligates the Kenyan government to ensure that evictees are resettled or made to access productive land. Resettling the Sengwer indigenous people will end further encroachment of the forest, the displacement of the Sengwer community, and the disruption of schools. It will also end violations of children's rights to education in the Embobut ward.

3. That, the Ministry of Education and National Government Constituency development fund (NG-CDF) to allocate educational emergency funds. They should also request independent agencies to give free scholarships to children to support their education in an event of forceful evictions. Article 56 (b) of the Kenyan constitution expressly obligates the Kenyan government to put in place affirmative action plans that will ensure that marginalized groups are provide with special opportunities in educational and economic fields.
4. That, further studies of similar nature be conducted especially focusing on:
  - a) Other counties with cases of forceful evictions to compare findings on the effects of forceful evictions on children's rights to education.
  - b) Extent to which secondary schools are affected by forceful evictions for comparative purposes.
5. That incase of evictions, the evictees to be compensated adequately according to the human rights standards. Article 10 of the UNDRIP sanctions member states not to forcibly remove the indigenous peoples from their lands or territories without their free and prior consent. In case the evictions are inevitable, the compensation ought to be just, fair, and where possible, with the option of return. (UN General assembly, 2007)
6. As a temporary measure, the government, well-wishers and local population should organize for temporary facilities such as tents to support learning activities as long term solution is awaited.

## REFERENCES

- Amnesty International. (2018). *Families Torn Apart: Forced Evictions of Indigenous People In Embobut Forest, Kenya*. London: Amnesty International Ltd.
- ActionAid International. (2013). *Success Stories: Action for Children's Rights in Education*.
- AGFE. (2007). *Forced Evictions – Towards Solutions?* Second Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT. Nairobi: UN-HABITAT.
- Amnest International. (2018) *Urgent Action*. Indigenous Community Forcibly Evicted, 1-2. Nairobi, Kenya.
- Amnesty International. (2011). *left Behind: The Impact of Zimbabwe's Mass Forced Evictions on the Right to education*. London: Amnesty International Ltd.
- Anyon, J. (2014). *Radical possibilities: Public policy, urban education, and a new social movement*, Routledge.
- Bhan, G. (2016). *In the public's interest evictions, citizenship, and inequality in contemporary Delhi* (Vol. 30). University of Georgia Press.
- Bonaya, A. G. (2018). *Compulsory acquisition and the right to property: the gaps in the legal framework, practices, and possible solutions*.
- Bourmayan, V. (1975). *The basic structure, the veil of ignorance, and the least well-off, in Rawls' Theory of justice* (Doctoral dissertation, Concordia University).
- Brighouse, E. U. (2007). *Distribution of What for Social Justice in Education? The Case of Education for All by 2015*. In E. U. Walker M. (Ed.), *Amartya Sen's Capability Approach and Social Justice in Education* (pp. 67-86). New York: Palgrave Macmillan.
- Chaudhry, S. (March 2014). *How to Respond to Forced Evictions*. New Delhi: Housing and Land Rights Network Habitat International Coalition.
- Clark, D. A. (2005). *The Capability Approach: Its Development, Critiques, and Recent Advances*. Institute for Development Policy and Management, University of Manchester, UK, Global Poverty Research Group.

- Creemers, B., Kyriakides, L., & Antoniou, P. (2012). *Teacher professional development for improving the quality of teaching*. Springer Science & Business Media.
- Dee, T. S. (2007). Teachers and the Gender Gaps in Student Achievement. *Journal of Human Resources* 42(3), 528-554.
- Dixon, R., & Nussbaum, M. C. (2011). *Children's rights and a capabilities approach The question of special priority*. Cornell L. Rev., 97, 549.
- Donnelly, J. (2013). *Universal human rights in theory and practice*. Cornell University Press.
- FAO & UNHCR. 2018. *Managing forests in displacement settings: guidance on the use of planted and natural forests to supply forest products and build resilience in displaced and host communities*, by A. Gianvenuti, A. Guéret, and C. Sabogal. Rome, 84 pp.
- Forced Evictions in India in 2018: *An Unabating National Crisis, Housing, and Land Right Network*, New Delhi, 2019
- Garg, C. R. (2014). *Research Methodology* (Third ed.). New Delhi: New Age International (P) Limited.
- Henry, G. T. (2010). *Introduction to Research Methodology*. Nairobi: The Olive Marketing and Publishing Company.
- Housing And Land Rights Network. (2019). *Joint Urgent Action Appeal: Stop Rural Forced Evictions in Zimbabwe*. Zimbabwe People's Land Rights Movement.
- Igoe, D. B. (2006, January). *Eviction for Conservation: A Global Overview*. Conservation and Society.
- Ingrid, R. A. (2006). *Three models of education: rights, capabilities, and human capital*. *Theory and Research in Education*, 4 (1), 69-84.
- Islam, M. R. (2016). *Forced eviction in Bangladesh: A human rights issue*. 59(4) 494 – 507.
- Jérôme Ballet, Augendra Bhukuth, and Katia Radja. (2011). *Rethinking Access to Education through the Capability Approach: The Case of Street Children*. In J. B. Mario Biggeri (Ed.), *Children and the Capability Approach* (pp. 271-304). PalgraveMacmillan.
- Joseph M. Kurui & 4 others V Ministry of Forestry and Wildlife & 3 others (2017) eKLR, E & L PETITION NO. 6 OF 2013 (The Environment and Land Court of Kenya at Eldoret March 2013). Retrieved from <http://www.kenyalaw.org>



- Kenrick, J. (2014). *The case of the Cherangany Hills, Kenya - State forest protection is forcing people from their lands*. Forest Peoples Programme.
- Kenrick, J. (2014, November). *Governance regarding land and water distribution in Africa*.
- KHRC. (2014). *DAYS IN THE COLD: KHRC's Report into the Embobut Forest Evictions*. Nairobi: Kenya Human Rights Commission.
- KNCHR. (2018). *the report of the high-level independent fact-finding mission to Embobut forest in Elgeyo Marakwet County*. Nairobi.
- Kothari, B. L. (2007). *Research Methodology: Tools and Techniques*. Jaipur, India: ABD Publishers.
- Kuto, M. C. (2016). *Forced Evictions of the Sengwer and other Forest Indigenous Peoples in Kenya. 9th Session of the UN Expert Mechanism on the Rights of Indigenous* (pp. 1-4). Geneva: OHCHR.
- Kuto, M. C. (October 2016). *Sengwer Women's Experiences of Evictions*. Forest People's Program.
- Laura Lundy, Karen Orr, and Harry Shier. (2017). *Children's Education Rights Global Perspectives*. (M. P.-B. Martin D. Ruck, Ed.) Abingdon: Routledge.
- Lavrakas, P. J. (Ed.). (2008). *Encyclopedia of Survey Research Methods*. SAGE Publications Ltd.
- Lee, S. E. (2013). *Education as a Human Right in the 21st Century*. Democracy & Education, 21.
- Lewin, K. M. (2015). *Fundamentals of Educational Planning* – 98. Paris: UNESCO.
- Lundy, L., McEvoy, L., & Byrne, B. (2011). *Working with young children as co-researchers: An approach informed by the United Nations Convention on the Rights of the Child*. Early education & development, 22(5), 714-736.
- M. Rezaul Islam, N. W. (2016). *Forced eviction in Bangladesh: A human rights issue*. 59 (4), 494–507.
- Mallett, C. A. (2017). *The school-to-prison pipeline: Disproportionate impact on vulnerable children and adolescents*. Education and urban society, 49(6), 563-592.
- Marcus, R. (2014). *Poverty and violations of children's right to protection in Low- and Middle income countries: A review of the evidence*. London: Overseas Development Institute.

- Mbondenyi, M. (2011). *International Human Rights and their Enforcement in Africa*. Nairobi: Law Africa.
- Migrant & Seasonal Head Start. (2006). *Introduction to Data Analysis Hand Book*. Washington, DC: Academy for Educational Development.
- Ministry of Lands (2009). *Eviction and Resettlement Guidelines* Nairobi Republic of Kenya
- MoH & MoE. (2009). *National School Health Policy*. Ministry of Public Health and Sanitation and Ministry of Education. Nairobi: Republic of Kenya.
- Mugenda, O. M. & Mugenda, A. G. (2003). *Research Methods: Quantitative and Qualitative Approaches*. Nairobi: Acts Press.
- Ngcobo, S. P. (2014). *Forced relocation from informal settlements to the periphery and effects on livelihoods: a case of Diepsloot, Johannesburg* (Doctoral dissertation, University of Witwatersrand).
- No REDD in African Network. (March 12, 2014). *The Forced Relocation of Sengwer People proves the urgency of canceling REDD*. No REDD in African Network.
- Nussbaum, M. C. (1997). *Capabilities and Human Rights*. 66 (2), Fordham Law Review, 273.
- Nyametso, J. K. (2011). *Improvement of squatter settlements: the link between tenure security, access to housing, and improved living and environmental conditions* (Doctoral dissertation, University of Otago).
- OHCHR. (1999). *CESCR General Comment No. 13: The Right to Education* (Art. 13): Adopted at the Twenty-first Session of the Committee on Economic, Social, and Cultural Rights.
- OHCHR. (1997). *General Comment No. 7: The Right to Adequate Housing (Art. 11.1): Forced Evictions*, UN-CESCR
- Orodho, J. A. (2009). *Elements of education and social science research methods*. Kazezia Publishers, Nairobi.
- Plessis, M. L. (2016). *Dignity in the Rubble: Forced Evictions and Human Rights Law*. Research Gate.
- Polly Vizard, Sakiko Fukuda Parr & Diane Elson. (2011). *Introduction: The Capability Approach and Human Rights*. Journal of Human Development and Capabilities, 12 (1).

- Rabar, B. (2012). *Draft Eviction and Resettlement Guidelines and Draft Bill, 2012*. Hakijamii. Creative Bridge.
- Right to Education Initiative (2014). Right To Education Country Factsheet -Kenya.
- Roberts, H. (2017). *Listening to children: And hearing them. Research with children* (pp. 154-171). Routledge.
- Robeyns, I. (2003, July 9). *The Capability Approach: An Interdisciplinary Introduction*.
- Robeyns, I. (2012, April 14th). *Capability ethics*. New York: Blackwells.
- Rosalind Dixon and Martha C. Nussbaum. (2012, May). *Children's Rights and Capabilities Approach: The Question of Special Priority. Public and Legal Theory Working Paper, No. 384*.
- Sang Joseph K. (April 2001). *The Ogiek in Mau Forest. Case study 3 – Kenya*. Nairobi.
- Sarah, A. (2014). *Encroachment, Evictions, and Resettlement Policies in Uganda: A case study of Mount Elgon Communities*. Master Thesis in International Relations, Norwegian University of Life Sciences (NMBU), Department of International Environment and Development, Noragric.
- Sihanya, B. (2011). *Constitutional implementation in Kenya, 2010-2015: Challenges and prospects*.
- Spong, C. Y., Berghella, V., Wenstrom, K. D., Mercer, B. M., & Saade, G. R. (2012). *Preventing the first cesarean delivery: summary of a joint Eunice Kennedy Shriver national institute of child health and human development, society for maternal-fetal medicine, and American college of obstetricians and gynecologists' workshop*. *Obstetrics and gynecology*, 120(5), 1181.
- Sweetland, L. (2014). *Integrating Justice and Fairness as a Resolution to Indigenous Environmental Harm*. Arizona State University.
- Tauli-Corpus Victoria, L. F. (2019). *India Must Prevent the Eviction of Millions of Forests Dwellers*. Geneva: OHCHR. Surname?
- The Children's Act, No. 8 of 2001*. (2001). National Council for Law Reporting.
- The Constitution of Kenya*. (2010). Nairobi: National Council for Law Reporting.
- The Inspection Panel. (2014). *Investigation Report May 22, 2014. Kenya Natural Resource Management Project*. Nairobi.
- The Star (Nairobi). (2014, January 31). All of Africa. (M. Ndanyi, Ed.) Retrieved July 16, 2018, from <http://allafrica.com/stories/201401310581.html>

- Tomaševski, K. (2001.). *Human rights obligations: Making education available, accessible, acceptable, and adaptable*. Right to education primers no. 3.
- Töns, J., & Dip, B. H. (2018). *Global Justice: A Rawlsian Perspective* (Doctoral dissertation, Flinders University, College of Business, Government, and Law.).
- Tromp, D. K. (2006). *Proposal and Thesis Writing: An Introduction*. Nairobi: Paulines Publication Africa.
- UN-CESCR. (1991). *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)* Economic, Social and Cultural Rights/ Housing, Land and Property rights (HLP)
- UN OHCHR. (2014). *Forced Evictions*. Geneva: United Nations.
- UNESCO. (1979). *The Child's Right to Education*. (G. Milalaret, Ed.) Paris: UNESCO.
- UNESCO. (2000). *World Education Report*. UNESCO.
- UNESCO. (2017). *Global Education Monitoring Report*. Paris: UNESCO.
- UN-HABITAT. (2013). *Working Paper 1. UN-HABITAT*. Nairobi: UNON, Publishing ServiceStation.
- UN-HRC. (2007). *Basic Principles and Guidelines on Development Based Evictions and Displacement*. UN-Human Rights Council
- UNICEF. (2007). *A Human Rights-Based Approach to Education for All*. (UNICEF/UNESCO, Ed.)New York: UNICEF.
- UN General Assembly, (2007). *United Nations Declaration on the Rights of the Indigenous People: Resolution/ Adopted by the General Assembly*, UN General Assembly.
- United Nations. (1989). *Convention on the Rights of the Child*. UN General Assembly.
- Van der Ploeg, L., &Vanclay, F. (2017). *A human rights-based approach to project-induced displacement and resettlement. Impact Assessment and Project Appraisal*, 35(1), 34-52.
- Van Deth, J. W., Abendschön, S., &Vollmar, M. (2011). *Children and politics: An empirical reassessment of early political socialization*. *Political Psychology*, 32(1), 147-174.
- Wachira, G. M. (2009). *Vindicating Indigenous Peoples' Land Rights in Kenya* (Doctoral dissertation, University of Pretoria).
- Wajahat, F. (2012). *Tenure Security, Home Improvement, and Access to Basic Services: Does Property Titling Matter? Evidence from Informal Settlements in Lahore*.

## **APPENDICES**

### **APPENDIX 1**

#### **INTRODUCTION LETTER**

Dear Respondents,

My Name is Maurice Kipkeu Chelimo, a postgraduate student at The University of Nairobi. I am carrying out a study on *an Examination of Children's Right to Education during (forceful) Evictions: A case study of Embobut ward in Elgeyo Marakwet County in Kenya*

Kindly spare some minutes to respond to the interview questions. You are humbly requested to be honest, and truthful as possible with your responses. The information provided is purely for scholarly work and will be treated with utmost confidence.

**Thank you.**

## **APPENDIX II**

### **FOCUS GROUP DISCUSSIONS GUIDE (FOR HOUSEHOLD HEADS)**

1. Narrate to us your experience during the Embobut forest Evictions.
2. What is our understanding of children's rights to education?
3. Kindly give examples of the children's rights to education you know. In what ways were these rights affected during the forceful eviction?
4. How have these evictions affected education in general in this area?
5. Narrate to us how schooling and learning activities were interrupted during the forceful eviction?
6. What alternative measures did the government provide for learners in the post-eviction period?

**Thank you for your contribution**

## APPENDIX III

### KEY INFORMANT INTERVIEW QUESTIONS

#### Background information

1. Your name .....
2. Age bracket.....
3. For how long have you been in your current workstation?
4. In your opinion, in what way did the Embobut forest eviction impact learning?  
Comment on the enrolment before and after the evictions? (Remained constant, went up, Dropped)
5. What are some of the educational challenges experienced in your school(s) due to forced evictions? Especially to learners?
6. In your view, what has been the impact of eviction on children's rights to education during and after forceful evictions?
7. Can you identify some specific measures put in place by the government to ensure that children's schooling was not disrupted during evictions?
8. In your view, what measures should the government take to minimize the pain experienced during forceful evictions?

*Thank you.*

**APPENDIX IV  
FIELDWORK LETTER**



**UNIVERSITY OF NAIROBI  
DEPARTMENT OF PHILOSOPHY AND RELIGIOUS STUDIES  
CENTRE FOR HUMAN RIGHTS & PEACE**

**P.O. Box 30197, 00100  
Nairobi, Kenya**

**Fax 254-2-245566**  
Telex 22095 Varsity Ke Nairobi Kenya  
**Tel. 318262 Ext.28137**  
Email:dept-philrel@uonbi.ac.ke

11<sup>th</sup> October 2020

**TO WHOM IT MAY CONCERN**

**REF: Chelimo Maurice Kipkeu: C53/61885/2013**

The above subject refers.

Mr Chelimo Kipkeu Maurice student registration number C53/85436/2016 is a student pursuing a degree of **Master of Arts in Human Rights** at the **Centre for Human Rights & Peace (CHRP)**, Department of Philosophy and Religious Studies. He has completed the mandatory twelve (12) units required for coursework and embarked on the process of writing his project.

By a copy of this letter he now hereby permitted to proceed for fieldwork. The title for the project is '*An Examination of Children's Right to Education During (Forceful) Evictions: A Case Study of Embobut Ward in Elgeiyo Marakwet County, Kenya.*'

Any assistance accorded to her will be highly appreciated.

Yours Sincerely,






A handwritten signature in black ink, appearing to read 'Francis Owakah', written over a horizontal line.

**Dr Francis E A Owakah**  
Senior Lecturer, Philosophy,  
Coordinator, Center for Human Rights & Peace (CHRP)  
University of Nairobi,  
P. O. Box 30197-00100  
GPO, Nairobi, Kenya

Mobile: +254 724 648 959  
Email: fowakah@yahoo.com  
francis.owakah@uonbi.ac.ke  
<https://www.facebook.com/fowakah>  
Consultant: African Philosophy, Culture and Value Analysis



**APPENDIX V  
RESEARCH PERMIT**

 REPUBLIC OF KENYA	 <b>NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY &amp; INNOVATION</b>
RefNo: 425858	Date of Issue: 23/November/2020
<b>RESEARCH LICENSE</b>	
	
<b>This is to Certify that Mr. Maurice Kipken Chelimo of University of Nairobi, has been licensed to conduct research in Elgeyo-Marakwet on the topic: AN EXAMINATION OF CHILDREN'S RIGHT TO EDUCATION DURING (FORCEFUL) EVICTIONS: A CASE STUDY OF EMBOBUT WARD IN ELGEIYO MARAKWET COUNTY, KENYA for the period ending : 23/November/2021.</b>	
License No: NACOSTLP/20/7848	
425858	
Applicant Identification Number	Director General NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
	Verification QR Code
	
NOTE: This is a computer generated License. To verify the authenticity of this document, Scan the QR Code using QR scanner application.	

# APPENDIX VI TURNITIN REPORT

in

08/12/2020, 13:09

Turnitin Originality Report Document Viewer

Processed on: 08-Dec-2020 12:48 EAT  
 ID: 1468522212  
 Word Count: 15625  
 Submitted: 1

<b>Similarity Index</b> <span style="font-size: 1.2em; font-weight: bold;">15%</span>	<b>Similarity by Source</b> Internet Sources: 13% Publications: 5% Student Papers: 6%
--	--

**AN EXAMINATION OF CHILDREN'S RIGHT TO EDUCATI... By Maurice Chelimo**

Include quoted  Include bibliography  excluding matches < 3 words  
 refresh download mode: quickview (classic) report Change mode print

1% match (publications) Handbook of Child Well-Being, 2014.	❑
<1% match (Internet from 05-May-2020) https://pdfs.semanticscholar.org/108c/6350e8fba598835a9a0b0b8cd78864941abf.pdf	❑
<1% match (Internet from 22-Jul-2020) http://erepository.uonbi.ac.ke	❑
<1% match (Internet from 09-Jul-2020) https://pdfs.semanticscholar.org/1fcc/56ec6eae99442c11478edee2ec5c710edce1.pdf	❑
<1% match (Internet from 22-Jul-2020) http://erepository.uonbi.ac.ke	❑
<1% match (publications) "International Human Rights of Children". Springer Science and Business Media LLC, 2019	❑
<1% match (Internet from 04-Mar-2020) https://journals.sagepub.com/doi/10.1177/0020872815580046	❑
<1% match (Internet from 18-Feb-2019) https://baadalsg.inflibnet.ac.in/bitstream/10603/22925/9/09_chapter4.pdf	❑
<1% match (Internet from 22-Jul-2020) http://erepository.uonbi.ac.ke	❑
<1% match (Internet from 22-Jul-2020) http://erepository.uonbi.ac.ke	❑
<1% match (y) http://hdl.handle.net	❑
<1% match (Internet from 14-Apr-2020) https://es.scribd.com/document/333669266/Ben-Arieh-Casas-Frones-Korbin-2013-Handbook-of-Child-Well-Being	❑
<1% match (Internet from 12-Jul-2018) http://www.hic-sarp.org	❑
<1% match (Internet from 22-Jul-2020) http://erepository.uonbi.ac.ke	❑
<1% match (Internet from 09-Apr-2018) http://etd.aau.edu.et	❑
<1% match (student papers from 17-Jul-2016) Submitted to University of Nairobi on 2016-07-17	❑
<1% match (Internet from 22-Jul-2020) http://erepository.uonbi.ac.ke	❑
<1% match (student papers from 19-Jun-2017) Submitted to The University of Manchester on 2017-06-19	❑
<1% match (Internet from 08-Apr-2014) http://www.poa-iss.org	❑
<1% match (Internet from 22-Jul-2020) http://erepository.uonbi.ac.ke	❑
<1% match (Internet from 22-Jul-2020) http://erepository.uonbi.ac.ke	❑
<1% match (Internet from 15-Sep-2020) https://www.knchr.org/portals/0/grouprightsreports/KNCHR-Fact-Finding-Mission-to-Embobut-Forest.pdf	❑
<1% match (Internet from 06-May-2020) https://redd-monitor.org/2018/06/01/kenyas-redd-programme-risks-exacerbating-violence-against-indigenous-senower-communities-in-embobut-forest/	❑

