



Housing Coalition Statement on BBI Report Recommendations on Socio-Economic Rights

The Housing Coalition, is a network of Community Based Organizations and Civil Society Organizations engaged in preservation and protection of the Right to Adequate Housing Kenya. We note with appreciation the Government of Kenya's ambition to build a united nation that is responsive to the urgent need for prosperity, fairness and dignity for all Kenyans through the Building Bridges Initiative (BBI) Process. The Housing Coalition has reviewed the BBI report as presented to Kenyans on 26th October 2020 and noted progressive proposals to provide a mechanism for monitoring, evaluating and enforcing implementation of economic and social rights under Article 43 of the Constitution.

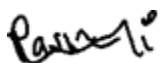
The Building Bridges Initiative proposes to amend Article 132 of the Constitution (Functions of the President) to provide for the President to report on the progress in achieving the economic and social rights guaranteed under Article 43 by submitting a report for debate to the National Assembly. The report also proposes the establishment of the Ward development fund for capital expenditure in the Counties for purposes of Article 43 (Economic and Social Rights) of the Constitution.

We acknowledge that since the Promulgation of the Constitution in 2010, The Chapter on Economic and Social Rights Article 43 has utterly failed the poor with only incremental reforms in the past decade. We also note that Economic and Social Rights are a core enabler for all human beings to live in dignity. Article 43 rights including the right to adequate housing, health, water and sanitation have also being the most violated rights especially for the low income earners and urban poor living in informal settlements.

We therefore propose to further strengthen the provisions on Economic and Social Rights in the Constitution the following measure have to be taken into consideration within the BBI process:

1. The inclusion of protection from forced eviction as an additional clause under Article 43 1 (b) of the Constitution with the obligation on the state to protect this right.
2. The establishment of a monitoring and accountability framework is welcome, to further reinforce this, we propose establishment of a Socio-economic Rights Council to be housed within the Kenya National Commission on Human Rights to oversee and implement this framework.
3. We also propose to have "immediate" realization of socio-economic rights under Article 43 , the Constitution call on "progressive" realization has been at the core of delaying implementation of these rights
4. That monitoring of socio-economic rights should encompass citizen led monitoring for enhanced accountability
5. The Referendum Bill in it's Memorandum of objects and reasons proposes a mechanism for monitoring, evaluating and enforcing implementation of economic and social rights under Article 43, however there is no proposal for an implementing legislation.
6. Annually under the Kenya National Bureau of Statistics (KNBS) there is need to publish "Shared Prosperity Index" with socio-economic rights as a key indicator to development. This will enhance accountability and implementation of these rights.

Signed



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On behalf of the Housing Coalition

Organizations

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