



Incidents of Infrastructure Development That Dispossess and Displace People:

Baseline assessment of women's wealth, wellbeing and habitat



**Women, Land and Homes Project
Final Report July 2020**

About the Study

This is a collaborative project of Mazingira Institute (MI), Pamoja Trust (PT) and the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) on the potential losses (wealth, wellbeing and habitat) occasioned to a sample of households potentially affected by evictions due to the development of the planned A-104 road construction. It is a gender-sensitive study, focusing specifically on women within the households selected. These were purposively selected and analysed in the categories of households of single, married, separated and widowed women. The study includes an assessment of impacts due to any previous instances of displacement for any reason. The baseline survey was conducted in March 2019.

The study applies HIC's framework, first tried in Kenya in the aftermath of post-election violence of the year 2008, to infrastructure development-related displacements. This framework examines human rights deprivation in relation to wealth, wellbeing and habitat, arising from such displacement. By assessing the impact, the model lays the ground for ascertaining redress mechanisms. It also lays the groundwork for further investigation of the impact of customary practices on women's housing and land rights.

Key Findings

Extensive infrastructural development has characterised Kenya's drive toward realisation of agenda 2030. Despite the good intentions of these projects, the social and economic effects arising from population displacement are less attended to. Such consequences, losses and damages can be grave for inhabitants of informal settlements already experiencing the pain of economic marginalisation and insufficient livelihood sources, as well as poor living conditions. The disruptive forces of infrastructural displacement can also tear apart social capital significant for low-income populations in terms of their subsistence and resilience.

The study addresses a gap in knowledge, using a human rights framework to assess likely consequences to adult women and members of their households. These include children whose schooling and early childhood development may be affected. It is a baseline survey of potential loss and damage due to the particular planned construction of the A-104 road between the James Gichuru – Waiyaki Way junction to Kinoo, in Nairobi.

Using the model developed for assessing impacts of the post-election violence (PEV) in Kenya in 2008, the study provides baseline data on the potential impacts on wealth, welfare and habitat (land and housing) of the women concerned.

The main key finding is the impact of previous losses of access to land and housing in terms of women's wellbeing. The large majority (81%) of women surveyed had suffered distress as a result of previous moves, sometimes more than once. The incidence was highest for separated and widowed categories. Thus, for women, the planned eviction is but one in a series of upheavals affecting their lives. The study will therefore be followed up by a more extensive enquiry into women's housing histories and the link to customary practices.

In terms of wealth, the planned relocation through eviction due to road construction will affect households' assets, income, means of livelihood and schooling. Assets measured include vehicles and valuable documents. A significant number of respondents (76% in the married women category) own vehicles, usually a bicycle or motor-cycle (boda boda) and fear loss or damage due to displacement. Most respondents own documents that have both sentimental and material value. These include land title deeds, school and birth certificates. Title deeds are signifiers of wealth and security as well as being used as credit collateral and thus financial security. The majority of women value their location at the sites surveyed as places of earning a livelihood and view the planned road construction with trepidation. The majority (63%) are self-employed. Apart from threatening livelihoods, relocation may increase dependence on relatives or put strain on any relief services offered by the government or non-state actors. Such services are not found currently in the three study settings.

Fear of losing income is rife among the inhabitants especially when the planned construction means relocating their business sites (food hawking, shop keeping, casual jobs, salons etc.). Women's ability to meet their practical needs (food, shelter and clothing) will be undercut by the estimated switching costs (new rents, new school uniforms, transportation among others). Fifty-six percent cited a high switching cost of Ksh 20,000, three times the average monthly earnings. This excludes the cost of transportation to work or school.

The majority (72%) reported that they have school-going children within the current locality. Among these, only 39% are willing to incur the school switching costs after displacement. This economic impact is untenable given the low income of the women and the type of livelihood they are engaged in. Implicitly, more than a third of all households will be unable to register their children in school, disrupting valuable education and development for the children.

Loss of wellbeing, the study's capture of women's housing histories, including previous displacement, revealed the shocking response that the large majority of respondents (81%) had experienced distress following previous relocations. A number of women wept as they answered the question. The finding applied most to separated women (93%), followed by widows (83%) single women (80%) and only a bit less (while still high) to married women at 70%. The finding has prompted further investigation of women's housing histories to understand the dynamics, in some cases reviewing the same subjects to get more detail on the circumstances. The link to women's experiences of involuntary relocation or even forced eviction as a result of customary practices is the major purpose of this follow-up study.

Well-being is also affected by ongoing and continuous disruption of local market stalls in anticipation of the upcoming eviction due to road construction. It undercuts respondents' livelihoods and access to food. Artificial food shortages are forcing people to walk longer distances and cutting into women's time. Further social losses are incurred in terms of disruptions to associations built on good neighbourliness for in-kind exchange of household needs including borrowing. Women who have enjoyed the financial and social prestige of being landladies are losing out due to the mass exodus of tenants from houses bordering the roads.

Children's schools, day care structures, playgrounds and recreational spaces are being, or planned to be, disrupted as new slip roads and access roads are done, undercutting the psychosocial wellbeing of the community. Switching costs are already being incurred between school terms. The disruption to low-cost day care centres affects wellbeing as well as wealth of parents who must choose between going to work or staying at home to watch over their infants.

Children's leisure needs are hard to meet as places are sought, often far from home. Where physical displacement is already occurring, the women, especially those lacking vehicles, incur additional transportation cost or opt to walk long distances between their homes and workplaces. The physical drain on respondents matches the drain on resources and anxiety.

Such impacts due to the loss of access to land and housing are hardly considered by governments and their development partners when drawing up resettlement plans. This study makes a contribution to remedying this.

Loss of habitat, road construction means that houses within the road reserve are taken off whether inhabited or not. Those living close by also have to bear with noise from heavy machinery if they cannot move easily. Thus, whether physical displacement occurs or not, there will be some damage to the habitat.

The large majority of households studied were tenants (81%). The level of services they have access to is somewhat consistent with other informal settlements in Nairobi, namely while almost all have electric light (95%) other services are less available. Most (81%) cook with gas and 70% have a latrine in the compound or house within which they most often live in in a rented room. A significant number (17%) use "flying toilets" as sanitation. This is a term used to describe defecation in waste paper or plastic bag, then sometimes buried but most often thrown on a garbage heap. Incidentally, production of plastic bags is now banned in Kenya.

The road infrastructure construction affects water supplies accessed by residents. Pipes are cut off or exposed to pollution by the ongoing works. Sewerage pipes going through the area are affected, even though most residents do not access them, instead using pit latrines. This means that not only does acquisition of water get more difficult but infection from waterborne diseases may increase. People have to rely on available water sources traded from more distant neighbourhoods, and there are likely

to be greater problems and cost seeking healthcare. Importantly, the costs of acquiring water fall on the women who also have to carry or transport it.

The destruction of facilities related to habitat extends to community worship centres, a majority of which are situated by the roadside. Congregations are already gathering in the open or walking long distance to get to their places of worship. Noteworthy are the socio-economic roles played by these worship centres, hence, their destruction undercuts both community cohesion and informal economic exchanges among the congregants.

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1.0 Introduction

Infrastructural development pace in developing countries has reached a crescendo level. This is especially true when one examines the massive investment in road, dam, power, mining and irrigation schemes. The pace and focus come on the heels of the global agenda 2030 on sustainable development which among other issues aim at: eradicating poverty, eliminating inequalities, including gender inequality, building peaceful, just and inclusive societies, safeguarding human rights and protecting the planet, all require these massive investments to realize. The mantra behind the sustainable development goals (SDGs) being “leave no one behind”. A look into recent and current development practices, however, points to increased physical and socio-economic displacement, marginalisation and deepening inequalities as a result of massive infrastructure development. The question therefore begs, do these interventions use the optics of a human rights approach? If so, are these provisions actualised by duty bearers in the process of infrastructure planning and development?

Infrastructural development is almost synonymous with displacement as long as it is carried out within the precincts of human habitation. The most obvious form of displacement involves dislocation from one's habitat. Such involuntary or forced displacement is often viewed as a necessary evil. Perhaps the belief here is that modernization of infrastructure automatically leads to greater good. As Indian Prime Minister Jawaharlal Nehru put it, "if you are to suffer, you should suffer in the interest of the country."¹ Displacement or the involuntary and forced relocation of people therefore, has come to embody and define the most negative impacts of development projects. These displacements come in multiple forms but largely as physical or economic displacement of individuals or communities.

Displacements due to infrastructure developments can sometimes be traumatic and dehumanizing. This is because they mostly affect and disrupt families by displacing their livelihood, kinship systems, cultural identity and informal social networks. These activities may require permanent or short-term resettlement of individuals or communities to new locations (physical displacement), or permanent or short-term restrictions in access to land or resources (economic displacement). The challenge, therefore, lies in implementing projects that achieve national or regional development goals while also generating positive social and economic outcomes for displaced populations. Such projects, besides conformity to international best practices on compensation, must be in line with the regime of human rights. Such rights must safeguard the quality of life, the status of property, psycho-social health and livelihoods of the affected communities before and after displacement. Moreover, they need to pay detailed attention to the intersectionality arising from both structural and political capital of the affected groups.

Displacement for “development” has tended to impoverish and marginalise those displaced. A critical look at SDG 9 on industry and infrastructure demonstrates the risk of development work taking two steps forward and another back. Globally, upwards of 15 million people per year are directly affected by resettlement associated with economic development, often infrastructure-related projects.² Unless assisted to relocate and restore their production systems and livelihoods, such land acquisition, aimed at promoting economic development, may instead put displaced people at risk of impoverishment. This is especially true for those who may already be vulnerable,

¹ Jawaharlal Nehru, speaking to villagers who were to be displaced by the Hirakud Dam, near Sambalpur, Odisha, India, upon laying the first batch of concrete on 12 April 1948, cited in Arundhati Roy, “The Greater Common Good,” *Outlook* (24 May 1999), at: <https://magazine.outlookindia.com/story/the-greater-common-good/207509>; and Esther Duflo and Rohini Pande, “Dams,” *The Quarterly Journal of Economics*, Vol. 122, No. 2 (May, 2007), pp. 601–646, p. 601, at: <https://www.jstor.org/stable/25098854>.

² Cernea M.M, “Reforming the foundations of involuntary resettlement: Introduction,” in Cernea, M.M. and H.M. Mathur, eds., *Can compensation prevent impoverishment?* (Oxford: Oxford University Press, 2008), pp. 1–11;

characterized by life in the informal settlements, joblessness, landlessness and illiteracy. People's livelihoods would be disrupted even if they are not required to physically relocate, due to disruptions of social and environmental order that make continuity of their normal livelihoods within the same space untenable.

Displacement arising from such infrastructural development results in loss of social networks, intangible capital, and livelihoods at large. However, the former two components are hardly considered in the context of compensation. On this cue, resettlement practices are found to pay the least attention to other elements of life that area affected by displacement or infrastructure development.³ This trajectory is important to ponder over given that land creates place attachment and as such, displacement or any form of infrastructural squeeze on people's daily lives can have grave emotional and social impacts.

1.1 International legal instruments on development-based displacements

An array of international legal instruments, conventions and treaties, speak to the subject of displacement and provide guidelines for human-friendly displacements. They include among others the Universal Declaration of Human Rights (UNDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women (CEDaW) and the International Convention on the Elimination of All Forms of Racial Discrimination.

1.2 UN Basic Principles and Guidelines on Development-Based Evictions

The UN Basic Principles and Guidelines on Development-based Evictions and Displacement, reflect on human rights norms related to evictions and displacement. The document recognises that forced evictions are often linked to the absence of legally secure tenure. For instance, it provides that urban or rural planning and development processes should involve all those likely to be affected and should include the following elements⁴:

- Appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives;
- Effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; a reasonable time period for public review of, comment on, and/or objection to the proposed plan; opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.

By implication, any displacement not performed in a manner consistent with international and national legal standards is considered "forced eviction." To this end, Human Rights Council states that, "the practice of forced eviction constitutes a gross violation of human rights, in particular the

³ Cernea, op. cit. and Human Rights Watch (HRW), *What is a house without food? Mozambique's coal mining boom and resettlements* (New York: HRW, 2013), at: <https://www.hrw.org/report/2013/05/23/what-house-without-food/mozambiques-coal-mining-boom-and-resettlements>.

⁴ United Nations, UN Basic Principles and Guidelines on Development-based Evictions and Displacement (Basic Principles and Guidelines), Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18 para. 37, at: https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf.

right to adequate housing.”⁵ The prohibition against forced evictions is also found in several international legal instruments.⁶

Forced eviction involve “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.”⁷ Forced evictions do not include all involuntary evictions, but rather those that fail to ensure and implement legal protections for evicted individuals and communities, including protections provided by national and international law (whichever is the higher standard) and full and fair compensation⁸. Forced evictions include both physical and economic displacement activities that are not consistent with these standards.

Forced evictions thus constitute gross violations of human rights. They further violate, directly and indirectly, the full spectrum of civil, cultural, economic, political and social rights enshrined in international instruments, including:

- The right to life (International Covenant on Civil and Political Rights—ICESCR, art. 6.1)
- Freedom from cruel, inhuman and degrading treatment (ICESCR, art. 7)
- The right to security of the person (ICESCR, art. 9.1)
- The right to an adequate standard of living, including the right to adequate housing, food, water and sanitation (ICESCR, art. 11, and related Human Rights Council resolutions)
- The right to non-interference with privacy, home and family (International Freedom of movement and to choose one’s residence (ICESCR, art. 12.1)
- The right to health (ICESCR, art. 12)
- The right to an effective remedy (International Covenant on Civil and Political Rights—ICCPR, arts. 2.3 and 26)
- The right to property (Universal Declaration of Human Rights, art. 17)
- The rights to vote and take part in the conduct of public affairs (ICCPR, art. 25).

1.3 The Kampala Convention

Development-induced displacement is a significant driver of internal displacement in Africa, and has become one of the pressing human rights concern in the recent years.⁹ The pursuit of development projects as panaceas for economic development has remained a popular viewpoint with the political elites around the continent. In a bid to address this form of displacement, the African Union in 2009 adopted the African Union Convention for the Protection and Assistance of Internally Displaced Persons (otherwise referred to as the Kampala Convention) with a mandate to prevent development-induced displacement.¹⁰ It sought to mitigate conflicts between the essence of

⁵ Commission on Human Rights, “forced eviction,” resolution 1993/77, 10 March 1993, at: <http://www.hlrn.org/img/documents/ECN4199377%20en.pdf>; and “Prohibition of forced evictions,” resolution 2004/28, 16 April 2004, para. 1, at: http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf.

⁶ Additionally, ICESCR provides authoritative guidance related to forced evictions in General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions, 16 May 1997, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en.

⁷ UN Office of the High Commissioner on Human Rights and UN Habitat, Forced Evictions, Fact Sheet No. 25/Rev. 1, 2014, p. 3, at: <http://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>.

⁸ See, particularly, Basic Principles and Guidelines, op. cit.

⁹ Romola Adeola, “The right not to be arbitrarily displaced under the United Nations Guiding Principles on Internal Displacement,” *African Human Rights Law Journal*, Vol. 16, No. 1, (2016), 83–98, p. 85.

¹⁰ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted at the Special Summit of the African Union Heads of States and Government in Kampala, Uganda (19–23 October 2009), at: <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>.

development project and respect for the rights of displaced persons. Article 10 of the Convention for instance implores on the need for a balance to be struck between the imperative of development and the protection of persons likely to be displaced is emphasized.

While the Kampala Convention does not explicitly prohibit internal displacement, it subjects the form of displacement to the test of arbitrariness. Article 4(4) of the Convention recognises the right of all persons to be prevented against arbitrary displacement. By incorporating the notion of “arbitrariness” in the contextual interpretation of its text, the Kampala Convention seeks to strike a balance between the development imperative and the protection of development-induced displaced persons. Three procedural requirements are proposed to be considered in turn to achieve this state: first, states must conduct prior-impact assessments; second, there must be consultation with persons likely to be displaced; and third, there must be a consideration of feasible alternatives to the development project.

1.4 Kenya policy framework

Since 2008 when Vision 2030 was adopted, Kenya has pursued a rigorous infrastructure-led economic development which comes with significant demand for land. This long-term development blueprint for delivering a globally competitive Kenya envisages an interconnected country through a network of roads, railways, ports, airports, waterways, and telecommunications. The likelihood of development-induced displacement is therefore unavoidable and Kenya like other African countries reeling from the influence of local citizens and international policies and norms, have developed laws to regulate processes of displacement in such circumstances. Kenya has effected far-reaching improvements in its Development-induced Displacement and Resettlement (DIDR) framework informed by a long history of controversies surrounding DIDR and the land acquisition, displacement and resettlement praxis.

The Kenyan journey runs from the development of National Land Policy, NLP, (GoK, 2009), the Land Act of 2012 (GoK, 2012b), NLC Act of 2012 (GoK, 2012c) and the Community Land Act of 2016 (GoK, 2016a). These policy and legal frameworks have been a major step toward the attainment of international standards in DIDR. The place of DIDR is also fortified by provisions of Chapter Five of the Constitution of Kenya 2010 (GoK, 2010)¹¹ and further supplemented by amendments to the Environmental Management and Coordination Act (GoK, 2015a). This however has not spared populations from different parts of the Country from incidents-prone displacement, hence the projects focus to assess women’s wealth, wellbeing and habitats and potential losses in times of infrastructure development.

2.0 Methodology

The assessment adopted a descriptive survey design. The pre-tests were carried out in two stages. The first phase was conducted on site (Kangemi) with five (5) respondents, namely; two married women, a single woman, separated woman and a widow. The second phase was conducted off study sites, with four respondents across (married, single, separated, divorced) categories. The respondents were first trained on women’s land and property rights as part of contextualisation of the HI’s model and deepening respondents’ civic awareness. The purpose and potential use of the study and its findings were explained to the respondents to facilitate informed consent and a buy-in at the piloting stage. After the pre-test, adjustments were done to the survey instrument following

¹¹ The Constitution of Kenya (2010), Clause 27. Government of Kenya (GoK), The Constitution of Kenya, 2010 (Nairobi, Kenya: Government Printer National Council for Law Reporting with the Authority of the Attorney General, 2010), at: <https://www.wipo.int/edocs/lexdocs/laws/en/ke/ke019en.pdf>.

the respondents request that an additional affirmative question on whether they have ever experienced violations of their land and housing rights be included. This proved doubly important as it helped frame the later survey on customary practices

Sampling process was layered/stratified across the four desired population categories: single; widow; separated and married women. These categories and characteristics fitted the desired judgement of the research team and the need to examine the differential impact of displacement on women based on the listed intersectionality. Thus, 120 women equally spread across the four categories were recruited for the study. The sample size was stratified across three locations, namely; Kangemi, Uthiru and Kinoo.

Community mobilisation was carried out by 11 women leaders from the three study sites. These mobilisers were trained on land and property rights before embarking on the exercise. This being a project for women, it was important to use the group with lived experience, potentially impacted as part of gaining their reflection on the subject matter and as part of gaining community ownership of the research process. Four women and one man with background in social sciences were trained on the objective of the study, the ethics of conducting a study on a sensitive and emotive topic of land and displacement including other arenas that violate rights to safe and appropriate habitat. To test their comprehension of the tool and ability to execute the tool, they conducted sample interviews on the study site with purposively selected women.

The final interviews were carried out off the three study sites to avoid raising curiosity and associated tensions within the community as disruption was in progress. As such, all the respondents who travelled to the interview site were reimbursed the bus fare. The interviews lasted eight working days with each enumerator handling three interviews per day. Data collected through surveys were analysed through IBM SPSS statistics version 20. Sample proportions of key attributes were computed and tests of group differences on the basis of identified categories were cross-tabulated and computed for necessary correlations.

2.1 Conceptual framework

As shown in Figure 2.1 at the end of this document, a human rights-based model aiming at reparative justice was used for the overall study of Women, Land and Homes carried out on behalf of HIC-HLRN in Kenya in 2018–2020.

This framework, which captures the context for measuring the potential losses due to development of the planned A–104 road construction, was evolved from previous work in Kenya measuring the impact of Post-Election Violence (PEV) in 2007–2008. After that time, measurements of the impacts of evictions and forced re-locations led to the search for reparative justice in the law courts.

For Women, Land and Homes, the aim was to explain the search for gender justice within an overall context of reparative justice. The framework supported the study in tools development and in the final analysis of findings. The three pillars that anchored the framework of measuring human rights deprivation through loss and damage were: wellbeing deprivation; wealth deprivation; and habitat deprivation. These pillars were used to design the study tools and have guided the presentation of the findings in this report.

2.2 Understanding the framework

At the top of Figure 2.1, the search for reparative justice within a gender framework is shown to be linked to understanding how redress can be achieved by measuring the impacts of violations. Violations of rights cause impacts. Impacts warrant redress.

The Mazingira and Pamoja study team identified types of cases where women's access to land and homes might be violated, and these are listed on the extreme right of Figure 2.1. Infrastructure development and customary practices were selected for further investigation. The Wealth, Wellbeing and Habitat framework of understanding and measuring impacts is shown in the lower part of Figure 2.1.

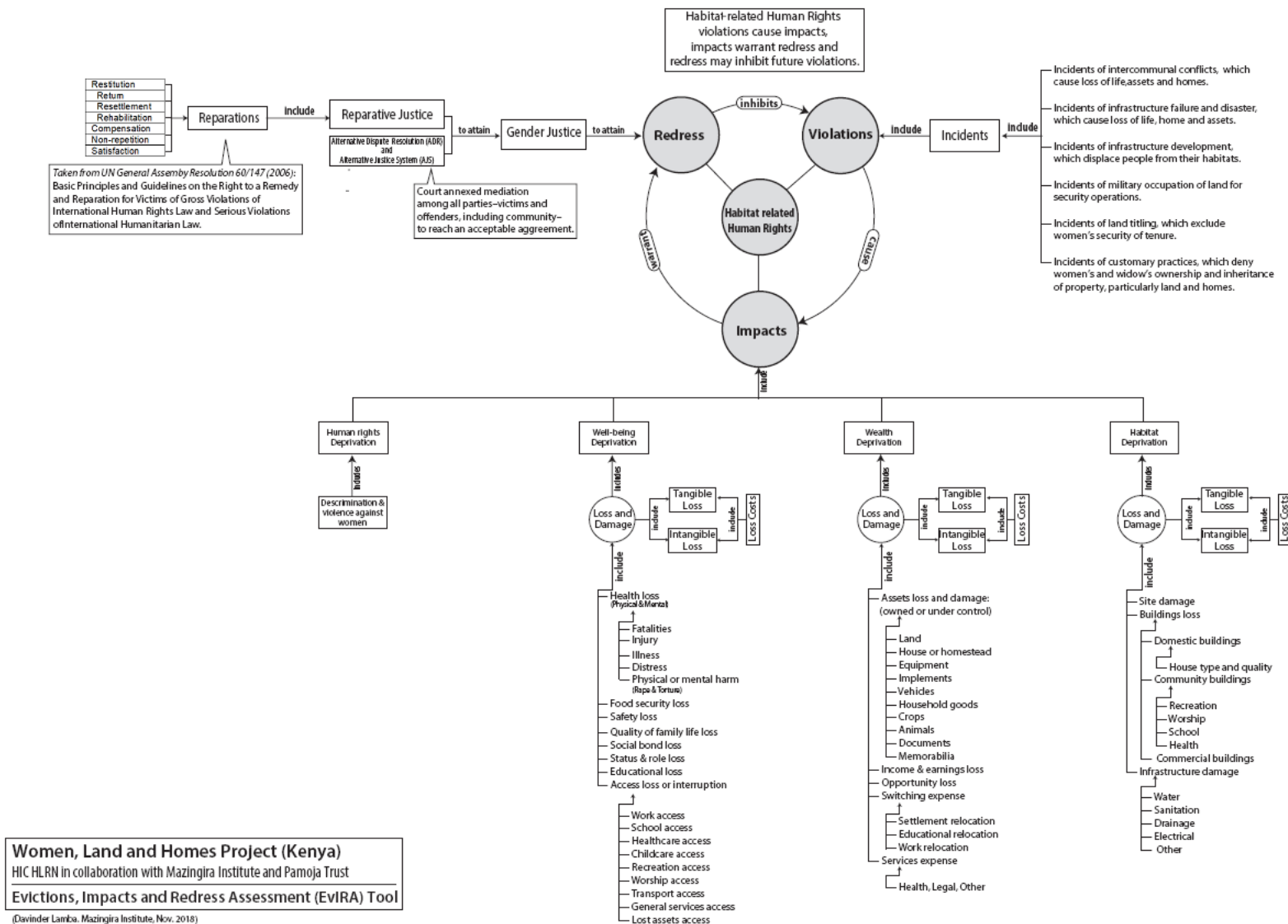


Figure 1: Graphic illustration of the EvIRA Tool and its application in Kenya, Source: Davinder Lamba, Mazingira Institute

3.0 Study Findings

The research team from Mazingira Institute and Pamoja Trust conducted a survey of a purposive sampling of respondents selected for their characteristics Kenyan women facing eviction due to a major infrastructure-development project. Consistent with the objectives of the study, they formed a homogeneous purposive sample sharing these characteristics, in addition to the fact that the women were low-income inhabitants of the area targeted for removal. The sample size was 120 women, comprised of 30 respondents from each of four categories of marital status: single, married, separated and widowed.

Table 1: Characteristics of the Respondents		
Marital status	Number	Percent
Single	30	25.0
Married	30	25.0
Separated	30	25.0
Widow	30	25.0
Totals	120	100.0

Household Size

Over half of the respondents (58.0%) had 4–7 household members, while 40% had up to three. Single women had fewer household members while 90.0% of married women reported 4–7 household members. About half the separated women and widows had 4–7 household members. Larger-size households are disadvantaged, being more likely to incur higher switching costs. Large household predominate, especially among widows.

Table 2: Cross Tabulation of Marital Status by Household Size				
Marital status	Household Size			Total
	0–3	4–7	8–11	
Single				
Number	18	10	1	29
Percent	62.1%	34.5%	3.4%	100%
Married				
Number	2	27	1	30
Percent	6.7%	90.0%	3.3%	100%
Separated				
Number	14	16	0	30
Percent	46.7%	53.3%	0.0%	100%
Widow				
Number	13	16	1	30
Percent	43.3%	53.3%	3.3%	100%
Totals				
Number	47	69	3	119
Percent	39.5%	58.0%	2.5%	100%

Reasons for Leaving Home

Just over half the women indicated that they left their native homes to secure employment opportunities, with marriage and joining family came in second at 13.3%. Only a few indicated post-election violence, education or need for a better life as reasons for relocation from their original homes. However, this was followed up in the enquiry on customary practices as women and girls do not have rights to natal land and may have to leave home due to family pressures. It is clear that physical displacement will disfavour women's economic incentives for moving into the current place

of residence. Displacement due to road construction will affect women's distance to work and transport costs, but basically will wipe out their current employment.

Table 3: Reasons for Leaving Original Home

Marital status		Reasons for leaving original home									Total
		Job search	Marriage	Educ- ation	Business	Join family	Post- election violence	Native	Loss of partner	Better life	
Single	Number	20	1	1	3	2	1	1	1	0	30
	Percent	66.7%	3.3%	3.3%	10.0%	6.7%	3.3%	3.3%	3.3%	0.0%	100.0
Married	Number	17	4	2	1	5	0	1	0	0	30
	Percent	56.7%	13.3%	6.7%	3.3%	16.7%	0.0%	3.3%	0.0%	0.0%	100%
Separated	Number	18	4	1	1	4	0	0	2	0	30
	Percent	60.0%	13.3%	3.3%	3.3%	13.3%	0.0%	0.0%	6.7%	0.0%	100%
Widow	Number	14	7	0	1	5	1	1	0	1	30
	Percent	46.7%	23.3%	0.0%	3.3%	16.7%	3.3%	3.3%	0.0%	3.3%	100
Totals	Number	69	16	4	6	16	2	3	3	1	120
	Percent	57.5%	13.3%	3.3%	5.0%	13.3%	1.7%	2.5%	2.5%	0.8%	100.0%

3.1 Wealth

Owned Household Assets, Potential Damages and Losses

This section of the survey considered a number of assets and their centrality to the lives of the affected households, as well as potential impacts in the event of loss or damage due to forced relocation. Development induced displacement might deprive households of their assets which range from tangible to intangible assets. Loss of assets might have negative impact on business as well as income since households will have to spend time relocating, leaving their business unattended. Families who are forced to relocate due road construction are more likely to move their business and lose out on customers. Ownership of household assets and valuables were assessed as follows:

Table 4: Vehicle Ownership

Marital status			Vehicle ownership		Total
			Yes	No	
	Single	Number	5	25	30
		Percent	16.7%	83.3%	100.0%
	Married	Number	15	15	30
		Percent	50.0%	50.0%	100.0%
	Separated	Number	4	26	30
		Percent	13.3%	86.7%	100.0%
	Widow	Number	5	25	30
		Percent	16.7%	83.3%	100.0%
Totals		Number	29	91	120
		Percent	24.2%	75.8%	100.0%

Overall, half of the women (51.7%) owned bicycles, with single women taking the lead at 80%, whereas only 20% of Widows owned bicycles. For motorcycle, which is commonly referred to as "boda boda" and a common means of transport in the city, only less than a quarter (20.7%) owned them. None of the single, married or separated women owned any motor vehicle but widows at 20% indicated saloon car ownership. See the table next page.

Table 5: Type of vehicle owned

Marital status			Type of vehicle				Total
			Saloon	Boda boda	Bicycle	Other	
	Single	Number	0	1	4	0	5
		Percent	0.0%	20.0%	80.0%	0.0%	100.0%
	Married	Number	3	3	8	2	16
		Percent	18.8%	18.8%	50.0%	12.5%	100.0%
	Separated	Number	0	1	2	0	3
		Percent	0.0%	33.3%	66.7%	0.0%	100.0%
	Widow	Number	1	1	1	2	5
		Percent	20.0%	20.0%	20.0%	40.0%	100.0%
Totals		Number	4	6	15	4	29
		Percent	13.8%	20.7%	51.7%	13.8%	100.0%

Ownership of Valuable Documents

Document possession is key to laying claim to any property. Overall, 20.2% possessed a title deed. Under half of the widows (31%) and married women (30%) were in possession of a title deed. Only a few of the separated women (3.6%) owned a title deed consistent with separated women (38%) indicating they had never owned land.

Table 6: Valuable documents kept at home

Marital status			Important documents kept at home			Total
			Title deed	Certificate	Other	
	Single	Number	4	23	0	27
		Percent	14.8%	85.2%	0.0%	100.0%
	Married	Number	9	21	0	30
		Percent	30.0%	70.0%	0.0%	100.0%
	Separated	Number	1	23	4	28
		Percent	3.6%	82.1%	14.3%	100.0%
	Widow	Number	9	18	2	29
		Percent	31.0%	62.1%	6.9%	100.0%
Totals		Number	23	85	6	114
		Percent	20.2%	74.6%	5.3%	100.0%

Employment, Income and Expenditures

Overall, the majority of the women interviewed were self-employed, and only 4.2% were employed in a private company while 5.1% were unemployed. Self-employment, which is usually running a fruit and vegetables kiosk and fetches little income, is consistent with the majority of women earning between KES 2,500 and 7,500 per month.

Table 7: Employment Status

Marital status			Employment status				Total
			Employed in private company	Self-employed	Unemployed	Casual	
	Single	Number	3	20	1	6	30
		Percent	10.0%	66.7%	3.3%	20.0%	100.0%
	Married	Number	0	21	4	5	30

		Percent	0.0%	70.0%	13.3%	16.7%	100.0%
	Separated	Number	0	19	0	10	29
		Percent	0.0%	65.5%	0.0%	34.5%	100.0%
	Widow	Number	2	17	1	9	29
		Percent	6.9%	58.6%	3.4%	31.0%	100.0%
Totals		Number	5	77	6	30	118
		Percent	4.2%	65.3%	5.1%	25.4%	100.0%

Monthly Income

Overall, the majority of the women surveyed had incomes below KES 32,600 per month. Looking at these figures in detail we see that the income spread very much favours married women as compared to the other categories, especially widows. Whereas 33% of married women had incomes over KES 32,600 per month, only less than a quarter (7%) of widows and separated women earned above this amount. See the table next page.

Table 8: Monthly Income (KES)				
Marital status	2500–12,500	12,600–32,500	32,600–47,600	Total
Number	10	12	5	27
Single				
Percent	37%	44%	19%	100%
Number	6	10	8	24
Married				
Percent	25%	42%	33%	100%
Number	10	16	2	28
Separated				
Percent	36%	57%	7%	100%
Number	15	10	2	27
Widow				
Percent	56%	37%	7%	100%
Number	41	48	17	106
Totals				
Percent	39%	45%	16%	100%

Continuation of Work in Post-displacement

Overall, more than half (54%) indicated inability to continue with work in case of displacement. This is consistent with over half of the women (65.3%) being self-employed running small businesses on the roadside, which they would lose in the event of displacement but more than half of widows (58.6%) and single women (55.2%) expressed ability to continue working even after being displaced.

Table 9: Continuation of Work in Case of Displacement					
Marital status			Ability to continue with work in case of displacement		Total
			Yes	No	
	Single	Number	16	13	29
		Percent	55.2%	44.8%	100.0%
	Married	Number	7	19	26
		Percent	26.9%	73.1%	100.0%
	Separated	Number	12	18	30
		Percent	40.0%	60.0%	100.0%
	Widow	Number	17	12	29
		Percent	58.6%	41.4%	100.0%

Totals	Number	52	62	114
	Percent	45.6%	54.4%	100.0%

Settlement Relocation Cost and New House Rent

Very few respondents answered this question. Generally, the separated women estimated they would spend over KES 20,000.

Table 10: Relocation Expenses (KES)					
Marital status		5,000–10,000	11,000–15,000	Above 20,000	Total
Single	Number	24	1	1	26
	Percent	92.3%	3.8%	3.8%	100.0%
Married	Number	24	1	0	25
	Percent	96.0%	4.0%	0.0%	100.0%
Separated	Number	22	3	1	26
	Percent	84.6%	11.5%	3.8%	100.0%
Widow	Number	19	5	0	24
	Percent	79.2%	20.8%	0.0%	100.0%
Totals	Number	89	10	2	101
	Percent	88.1%	9.9%	2.0%	100.0%

Education loss

Children in School

Of the expenses to be incurred by moving a child's school, the highest was new uniforms (39.50%). This was closely followed by school fees (37%) then other schooling costs at 18%. Transport, electricity and water bills were scarcely mentioned. Transport and electricity/water bills were scarcely mentioned.

The expenses to be incurred in case of school change mentioned by separated women were new uniforms (40.0%) and school fees (60.0%). Overall single and separated women are more burdened with new school requirements than the other two categories of women.

The majority of widows (70%), single (61%), married (87%) and separated women (67%) had children in schools located in the area under threat of eviction.

Table 11: Displacement and Education Losses					
Marital status			Children in school in the area		Total
			Yes	No	
	Single	Number	17	11	28
		Percent	60.7%	39.3%	100.0%
	Married	Number	26	4	30
		Percent	86.7%	13.3%	100.0%
	Separated	Number	20	10	30
		Percent	66.7%	33.3%	100.0%
	Widow	Number	21	9	30
		Percent	70.0%	30.0%	100.0%
Totals		Number	84	34	118
		Percent	71.2%	28.8%	100.0%

However, most of the women (61%) said they would not have to relocate their children to a different school although around half of the separated women (52%) would have to.

Table 12: Willingness to Move					
Marital status			Relocating children to a different school		Total
			Yes	No	
	Single	Number	8	17	25
		Percent	32.0%	68.0%	100.0%
	Married	Number	12	16	28
		Percent	42.9%	57.1%	100.0%
	Separated	Number	14	13	27
		Percent	51.9%	48.1%	100.0%
	Widow	Number	8	19	27
		Percent	29.6%	70.4%	100.0%
Totals		Number	42	65	107
		Percent	39.3%	60.7%	100.0%

Table 12: Projected Expenses Moving to New School								
Marital status			Additional expenses due to school transfer					Total
			New uniforms	School fees	Transport	Other schooling costs in new location	Electricity/water bills	
	Single	Number	4	1	0	2	0	7
		Percent	57.1%	14.3%	0.0%	28.6%	0.0%	100.0%
	Married	Number	3	6	0	2	0	11
		Percent	27.3%	54.5%	0.0%	18.2%	0.0%	100.0%
	Separated	Number	4	6	0	0	0	10
		Percent	40.0%	60.0%	0.0%	0.0%	0.0%	100.0%
	Widow	Number	4	1	1	3	1	10
		Percent	40.0%	10.0%	10.0%	30.0%	10.0%	100.0%
Totals		Number	15	14	1	7	1	38
		Percent	39.5%	36.8%	2.6%	18.4%	2.6%	100.0%

Paying school fees

Ninety nine percent of all respondents considered paying school fees without fail as an important undertaking.

3.2 Wellbeing

This was assessed according to: Health and distress, food security, safety and quality of family life. By far the most important finding of the survey is that the large majority of all the women had experienced distress as a result of at least one previous move.

Health Services

Distance to a health centre for the majority of the women was below 1 KM. Only a 3.8% of widows and 4.2% of single women had to access a health centre that was over 2 KM away.

Table 13: Distance to Healthcare Centre		
Marital Status	Distance to a Health Centre	Total

			0.0-0.5 KM	0.6-1 KM	1.1-1.5 KM	1.6-2.0	2.1-2.5KM	
	Single	Number	8	13	0	2	1	24
		Percent	33.3%	54.2%	0.0%	8.3%	4.2%	100.0%
	Married	Number	6	8	2	5	3	24
		Percent	25.0%	33.3%	8.3%	20.8%	12.5%	100.0%
	Separated	Number	11	10	1	2	2	26
		Percent	42.3%	38.5%	3.8%	7.7%	7.7%	100.0%
	Widow	Number	11	10	0	4	1	26
		Percent	42.3%	38.5%	0.0%	15.4%	3.8%	100.0%
Totals		Number	36	41	3	13	7	100
		Percent	36.0%	41.0%	3.0%	13.0%	7.0%	100.0%

Stress and Distress

Overall, the majority (81.5%) of the women had suffered distress due to previous moves, with the highest being separated women at 93%. The high percentage of separated women suffering distress is consistent with more than half of them (70%) losing access to food as a result of previous moves. As in most variables, married women were better off than the other categories.

Table 14: Psychological Distress					
Marital Status			Distress as a result of leaving either original or any previous home		Total
			Yes	No	
	Single	Number	24	6	30
		Percent	80.0%	20.0%	100.0%
	Married	Number	21	9	30
		Percent	70.0%	30.0%	100.0%
	Separated	Number	27	2	29
		Percent	93.1%	6.9%	100.0%
	Widow	Number	25	5	30
		Percent	83.3%	16.7%	100.0%
Totals		Number	97	22	119
		Percent	81.5%	18.5%	100.0%

Overall, almost all the women anticipated distress in the event of further eviction. All the widows and the separated women anticipated such distress. The 100% of separated women anticipating distress is consistent with 93.1% of separated women having suffered distress previously. In comparison with other categories, the married women were better off.

Table 15: Anticipated Distress Due to Displacement					
Marital status			Distress anticipation		Total
			Yes	No	
	Single	Number	29	1	30
		Percent	96.7%	3.3%	100.0%
	Married	Number	26	4	30
		Percent	86.7%	13.3%	100.0%
	Separated	Number	30	0	30
		Percent	100.0%	0.0%	100.0%
	Widow	Number	30	0	30
		Percent	100.0%	0.0%	100.0%
Totals		Number	115	5	120
		Percent	95.8%	4.2%	100.0%

Food Security

Overall, over half (58%) of the women had lost access to food from previous moves, the majority being separated women at 70%. Less than half of married women (40%) had lost access to food due to any previous move, thus married women are again seen to be better off. The more than half of separated women (70%) losing access is consistent with 93% of separated women experiencing psychological distress due to previous loss of habitat.

Table 17: Food Access as a Result of Previous Eviction					
Marital Status			Loss of access to food as a result of leaving either original or any previous home		Total
			Yes	No	
	Single	Number	17	13	30
		Percent	56.7%	43.3%	100.0%
	Married	Number	12	18	30
		Percent	40.0%	60.0%	100.0%
	Separated	Number	21	9	30
		Percent	70.0%	30.0%	100.0%
	Widow	Number	19	11	30
		Percent	63.3%	36.7%	100.0%
Total		Number	69	51	120
		Percent	57.5%	42.5%	100.0%

Overall, over half (60%) of the women are now food secure. But interestingly more of the married women (45%) are currently food insecure compared to widows (44%), separated (34.6%) and single women (26.9%). The more than half of separated women (65.4%) who have recovered their food security is an improvement of the 70% who were food insecure. This may be due to buying from the main Kangemi Food Market.

Table 16: Food Recovery in Post-displacement						
Marital Status			Food Security Recovery			Total
			Yes	No	3	
	Single	Number	17	7	2	26
		Percent	65.4%	26.9%	7.7%	100.0%
	Married	Number	11	9	0	20
		Percent	55.0%	45.0%	0.0%	100.0%
	Separated	Number	17	9	0	26
		Percent	65.4%	34.6%	0.0%	100.0%
	Widow	Number	13	11	1	25
		Percent	52.0%	44.0%	4.0%	100.0%
Totals		Number	58	36	3	97
		Percent	59.8%	37.1%	3.1%	100.0%

Source of food

Nearly all the women (97%) were buying food from the market. Only 3% were receiving food through donations either from church or relatives. It is worth noting that 1 widow was receiving donation from church while 1 separated woman and 1 widow were receiving donations from relatives. Married women have been better off in most cases and all of them indicated they buy food from the market.

Table 17: Source of Food in Post-displacement

Marital status			Source of food			Total
			Buying food from market	Donations from church	Donation from relative	
	Single	Number	29	0	0	29
		Percent	100.0%	0.0%	0.0%	100.0%
	Married	Number	30	0	0	30
		Percent	100.0%	0.0%	0.0%	100.0%
	Separated	Number	29	0	1	30
		Percent	96.7%	0.0%	3.3%	100.0%
	Widow	Number	25	1	1	27
		Percent	92.6%	3.7%	3.7%	100.0%
Totals		Number	113	1	2	116
		Percent	97.4%	0.9%	1.7%	100.0%

Safety and Security

Overall, most of the women (70%) felt safe at their current place of residence. More separated women (43%) than married (37%), widows (25%) and single women (17%) felt unsafe. The higher number of separated women feeling unsafe compared to other categories is consistent with 93% of them suffering distress due to previous loss of habitat.

Table 18: Safety at Place of Residence

Marital status			Safety		Total
			Yes	No	
	Single	Number	25	5	30
		Percent	83.3%	16.7%	100.0%
	Married	Number	19	11	30
		Percent	63.3%	36.7%	100.0%
	Separated	Number	17	13	30
		Percent	56.7%	43.3%	100.0%
	Widow	Number	21	7	28
		Percent	75.0%	25.0%	100.0%
Total		Number	82	36	118
		Percent	69.5%	30.5%	100.0%

Intangible Losses during Eviction

Quality of Family Life Lost

The attachment and familiarity that a family has developed living in one area is heavily destabilized by incidences of displacement and evictions. The way of living of a family unit has to change to conform to new life that it has to adopt in their new residence.

The quality of where they are moving is likely to be given little attention since the preoccupation at the time of movement is often to get shelter. A lot of compromises are thus inevitable. Among the issues lost is the social bond i.e., the degree to which an individual is integrated into the society, or 'the social'. Social bond is the binding ties or social bonding to the family. Social bond also includes social bonding to the school, to the workplace, to the church/place of worship, and to the community as a whole. This bond is normally significant in surviving socio-economic shocks within

among persons in the informal settlements. Disrupting these ties deepens the vulnerability among a group least likely to have any form of formal insurance.

Access to Worship Sites

The respondents reported currently accessing place of worship/church at 82.5%. When they were asked whether they've lost access to church/other place of worship after relocation, 52.5% answered Yes while 47.5% answered No. At 48%, those reporting inability to access places of worship cannot be ignored given the centrality of such sites in social and economic transactions among members of the community.

Place of Employment/Source of Income

The workplace remained a very important place for almost all the women interviewed. The majority (98%) considered the place of employment as most important.

3.3 Habitat

Land Ownership and Tenancy Status

Land remains an emotive subject in the country and the desire to own land of your own is assumed as pivotal security for many households. Forty two percent of the women interviewed had owned land of their own with 58% holding that they had never owned any land of their own. Single (20%) and separated (38%) women owned land. On the other hand, widows (67%) and married (41%) said they had less often owned land. Widows are more likely to suffer land loss through displacement and are likely to be burdened by long process of reclaiming it or compensation. Sometimes land compensation takes long with a lot of documentation which might distress the women. Loss of land is also associated with loss of income in terms of interest and income from alternative uses like building rentals.

Table 19: Land Ownership						
Marital status			Land ownership			Total
			Yes	No	22	
Total	Single	Number	6	24	0	30
		Percent	20.0%	80.0%	0.0%	100.0%
	Married	Number	12	17	0	29
		Percent	41.4%	58.6%	0.0%	100.0%
	Separated	Number	11	17	1	29
		Percent	37.9%	58.6%	3.4%	100.0%
	Widow	Number	20	10	0	30
		Percent	66.7%	33.3%	0.0%	100.0%
		Number	49	68	1	118
		Percent	41.5%	57.6%	0.8%	100.0%

Overall, the majority (82%) of the women were tenants. However more married women (31%) than widows (17%) separated women (17) single (10%) and live in their own house. Less than half of married women (31%) living in their own house is consistent with the under half of them (25%) who indicated they have ever owned a house of their own.

Table 20: Tenancy Status					
Marital status			Tenancy status		Total
			Owner	Tenant	
	Single	Number	3	27	30
		Percent	10.0%	90.0%	100.0%
	Married	Number	9	20	29
		Percent	31.0%	69.0%	100.0%
	Separated	Number	5	25	30
		Percent	16.7%	83.3%	100.0%
	Widow	Number	5	25	30
		Percent	16.7%	83.3%	100.0%
Total		Number	22	97	119
		Percent	18.5%	81.5%	100.0%

Overall, the majority (91.7%) of the women stayed in a house whose walls and roof are made of iron sheets. This is consistent with empirical observations showing a high percentage of houses in

informal settlements are made of iron sheets. Only 1 single woman lived in a house made of stone walls and iron sheet roof.

Table 21: House Structure									
Marital status			House structure						Total
				Iron sheets	Iron-sheet walls	Stone roof cement	Stone walls	Stone walls and iron-sheet roof	
	Single	Number	3	0	25	0	1	1	30
		Percent	10.0%	0.0%	83.3%	0.0%	3.3%	3.3%	100.0%
	Married	Number	2	0	27	1	0	0	30
		Percent	6.7%	0.0%	90.0%	3.3%	0.0%	0.0%	100.0%
	Separated	Number	1	0	29	0	0	0	30
		Percent	3.3%	0.0%	96.7%	0.0%	0.0%	0.0%	100.0%
	Widow	Number	0	1	29	0	0	0	30
		Percent	0.0%	3.3%	96.7%	0.0%	0.0%	0.0%	100.0%
Total		Number	6	1	110	1	1	1	120
		Percent	5.0%	0.8%	91.7%	0.8%	0.8%	0.8%	100.0%

Nearly all (95%) of the surveyed women were using electricity as the source of light. Only 1 single woman, 1 married and 1 widow were using kerosene as a source of light whereas only 1 single woman was using a candle.

Table 22: Source of Light						
Marital status			Source of light			
			Electricity	Kerosene	Candles	Total
	Single	Number	28	1	1	30
		Percent	93.3%	3.3%	3.3%	100.0%
	Married	Number	29	1	0	30
		Percent	96.7%	3.3%	0.0%	100.0%
	Separated	Number	28	0	0	30
		Percent	93.3%	0.0%	0.0%	100.0%
	Widow	Number	28	1	0	29
		Percent	96.6%	3.4%	0.0%	100.0%
Total		Number	113	3	1	119
		Percent	95.0%	2.5%	0.8%	100.0%

Overall, majority (81.5%) of the surveyed women were using gas as cooking fuel. Less than a quarter of widows (20.7%), separated (20%), single (20%) women used kerosene whereas none of the married women used kerosene. Only 1 married woman and 2 separated women used charcoal as cooking fuel.

Table 23: Source of Cooking Fuel					
Marital status		Cooking Fuel			
		Gas	Kerosene	Charcoal	Total
Single	Number	24	6	0	30
	Percent	80.0%	20.0%	0.0%	100.0%
Married	Number	29	0	1	30
	Percent	96.7%	0.0%	3.3%	100.0%
Separated	Number	22	6	2	30
	Percent	73.3%	20.0%	6.7%	100.0%

Widow	Number	22	6	0	29
	Percent	75.9%	20.7%	0.0%	100.0%
Total	Number	97	18	3	119
	Percent	81.5%	15.1%	2.5%	100.0%

Source of Water for Household

More than half (55%) of the women accessed water through a tap in the house or compound while less than half (37%) bought from a kiosk and less than a quarter (8%) sourced through other means such as buying from cart pushers. Less than half of the separated women (30%) had tap water in the house or compound.

Table 24: Source of Water				
Marital status	Type of Water Source			
	Tap in house/ compound	Kiosk	Other	Total
Number Single	20	8	2	30
Percent	66.7%	26.7%	6.7%	100%
Number Married	19	8	2	29
Percent	65.5%	27.6%	6.9%	100%
Number Separated	9	17	4	30
Percent	30%	56.7%	13.3%	100%
Number Widow	17	11	1	29
Percent	58.6%	37.9%	3.4%	100%
Number Total	65	44	9	118
Percent	55.1%	37.3%	7.6%	100%

Overall, the majority (70%) of the women used latrine in compound as toilet facility while under a quarter (13%) used communal latrine elsewhere and 17% used “flying toilet” (relieving oneself in a bag and tossing the waste away together with the bag). For communal latrine, the majority who used it were the married women (23%). More widows (28%) than all the other categories used a “flying toilet.”

Table 25: Toilet facility				
Marital status	Type of Toilet Facility			
	Latrine in compound	Communal latrine elsewhere	“Flying toilet”	Total
Number Single	20	2	4	30
Percent	80%	6.7%	13.3%	100%
Number Married	17	7	6	30
Percent	56.7%	23.3%	20%	100%
Number Separated	25	3	2	30
Percent	83.3%	10%	6.7%	100%
Number Widow	17	4	8	29
Percent	58.6%	13.8%	27.6%	100%

Number	83	16	20	119
Total				
Percent	69.7%	13.4%	16.8%	100%

3.4 Overall Data Trends

The results across the entire variables accessed across the four groups of women have a clear trend whereby the single, separated and widowed women are disproportionately vulnerable, compared to their married counterparts. This sense of vulnerability is, therefore, likely to be heightened when displacement or involuntary relocation is perpetrated on them.

4.0 Conclusions and Recommendations

The study findings indicate extensive potential losses from infrastructure development. Such evictions have severe impacts on those affected, especially women. The extent of losses the four groups of women are likely to suffer is indicative of harsh outcomes from such displacements, even married women, who suffer slightly less than single women, widows and separated women, the last of whom suffer the most. Many of the consequences of forced evictions in particular are similar to those of arbitrary displacement and other practices involving coerced and involuntary displacement of people from their homes, lands and communities.

Forced eviction is a gross violation of human rights, in particular the right to adequate housing. Forced evictions also intensify inequality, social conflict, segregation and “ghettoization,” and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.

Even though development-based evictions are often carried out to serve the “public good” or “public interest,” protection for the most vulnerable and due process must be guaranteed to lessen potential negative impacts. This envisaged situation however remains very elusive and groups like women end up being disproportionately affected. The study has revealed that women in particular may suffer from a different type of displacement hitherto not much examined, namely being displaced from their homes due to traditional or customary practices. This indicates the need for further research. Such a survey is currently underway as part of this project, as of early 2020.

Numerous efforts and actions addressing forced evictions have taken place over time, resulting in international legal instruments including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para.1), the Convention on the Rights of the Child (art. 27, para.3), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination. Forced evictions also contravene the African Charter on Human and Peoples’ Rights to which Kenya is also a party to, in particular, Articles 14 and 16 on the right to property and the right to health, and Article 18(1) on the state’s duty to protect the family.

Kenya is guided by these international instruments and principles by virtue of Article 2(6) of the Constitution 2010. The stipulated international instruments were ratified as early as 1972. These provisions are further supported by the express provision of the right to adequate housing under Article 43(1) of the Constitution and in that regard, Kenya is bound to abide by the international eviction guidelines. This means, therefore, that for any evictions to be conducted if necessary, the guidelines set out in international instruments must be adhered to because Kenya is party to them through ratification.

Kenya has not yet enacted a law governing the issue of evictions and resettlement however, though numerous attempts have been made from as far back as 2006, when the Evictions and Resettlement Procedure Bill was drafted without outcome.

Integrated Development Conception

The Government of Kenya, through its state department for planning, the Ministry for Transport, Roads and Infrastructure Development, should conceive displacement and resettlement in an integrated manner, which acknowledges the socio-historical contexts in which involuntary

displacements have occurred. Such an integrated approach should take into consideration the following:

Displacing the already affected:

The contractor and the Government need to take cognisance that women within the informal settlements are already socio-economically disenfranchised. Involuntary displacement and resettlement are most likely to deepen the risks and exacerbate their vulnerability. To resolve this, the community needs to be engaged on resettlement planning to draw out their perspectives and articulate reasonable entitlements and obligations among the affected women. The study may be useful in this respect.

Building on household trust:

Post displacement, there is need for interventions that build householders' human (health, knowledge, skills) and the social (networks and relationships of trust and reciprocity) capital so that they can enhance and acquire additional material, natural and financial capital. Human and social capital are important elements in the context of livelihood transitions and restorations among the affected households.

National government:

The government should set up an inter-agency post-resettlement monitoring team to work with the affected families in restoring their livelihood activities and ensure that children's schooling is promptly restored;

There is need to provide adequate and timely notice to the potentially affected populations whether or not they are living on the road reserves/public land within the informal settlements. This provides time to the people to salvage any memorabilia and documentations in the current place of residence and negotiate with the authorities on the suitability of the alternative sites.

Non-state actors:

These groups should hold legal clinics with women victims of unplanned evictions to aid in seeking reparation and justice for the habitat, wealth and rights violations incurred due to infrastructure development.

Engaging the social specialist:

Displacement and resettlement plans need to be informed by specialists who can interrogate and synthesize the social standing and value held by different members of the society, including various different cultural groups as well as the different categories of women with them, including single, married, separated women and widows, as identified by this study.

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