**20 years Special Rapporteur on the right to adequate housing:**

**Taking Stock and way forward**

On the occasion of the 20 year-anniversary of the mandate of the Special Rapporteur on the right to adequate housing, the Special Rapporteur, Mr. Balakrishnan Rajagopal, invites States, national and local Governments, National Human Rights Institutions, civil society organisations, UN agencies and inter-governmental entities, and others, to share their views on the achievements of the mandate since its establishment and on future challenges.

The survey will assist the Special Rapporteur in drafting his next thematic report to the Human Rights Council, which will be devoted to taking stock and identifying future priorities.

This stock-taking exercise looks at all areas covered by the [scope of the mandate](https://www.ohchr.org/EN/Issues/Housing/Pages/Mandate.aspx) and the various ‘means of action’ used by the Special Rapporteur during the past 20 years. The objective is to identify, in particular:

1. main contributions of the Special Rapporteur to the promotion and realization of the right to adequate housing at local, country, regional or global level;
2. core lessons learned;
3. aspects that could be strengthened, for example, with respect to working methods and collaboration with UN bodies, States, and regional and national human rights mechanisms, civil society, the business sector and other stakeholders; and the
4. challenges and positive developments concerning the realization of the right to adequate housing in in your country, at regional or global level.

The report of the Special Rapporteur will be presented to the Human Rights Council in March 2021, and will be available in all official UN languages. Due to limited capacity for translation, we kindly request that you submit your answers, if possible, in English (preferred), Spanish or French.

The report with not identify the submitting institution, organization or State, except if indicated otherwise at the end of this questionnaire. Please feel free to limit responses to particular questions, areas or priorities that you consider important.

The Special Rapporteur would in particular welcome any impact stories related to the work of the mandate. For ease of reference a word version of the survey has also been made available, but preference is to complete the [survey online](https://docs.google.com/forms/d/e/1FAIpQLSfVBIoJkNAXqOg_ExxYNIsZSZAgVBs2tHhQMKiuFqfCA_J3ng/viewform). In case you have difficulties accessing the online questionnaire, you can also return this document to [srhousing@ohchr.org](mailto:srhousing@ohchr.org) by **1 November 2020**.

You are also welcome to submit additional reports or documentation to the Special Rapporteur by writing to [srhousing@ohchr.org](mailto:srhousing@ohchr.org).

**Questions**

Basic information

1. Name of Individual, Organization, Institution, or Agency

     Human Rights Litigation and International Advocacy Clinic, University of Minnesota, in consultation with a diverse coalition seeking to protect and advance the rights of LGBTQI+ Kenyans and non-citizens. Because of fears of retaliation including physical harm, many remain anonymous.

Type of Entity\*

☐ National Government or federal governmental agency

☐ Inter-governmental organization or UN agency

☐ Local or regional government, agency, or mayor

☐ Association, tenant union or housing cooperative

☒ **NGO network, umbrella organization**

☒ **Community-based NGO**

☒ **Academia**

☐ Foundation

☐ National human rights organization, ombudsperson

☐ Real estate, urban planning or construction

☐ Real estate investor or investment fund

☐ Trade Union

☐ Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

☐Public administration

☒**Advocacy**

☐Funding

☐Legal Assistance

☐Networking

☒**Policy**

☒**Research**

☐Technical Assistance

☐Training

☐N/A

☐Other:

3. City/Town

     Minneapolis

4. State/Province

     Minnesota

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries)

     Kenya

6. Contact e-mail (will remain confidential) in case we have questions:

Main contributions of the housing mandate

7. In your view, what are the main contributions and achievements that the UN Special Rapporteur on the right to adequate housing made for the protection and realization of the right to adequate housing during the last twenty years, alone or in collaboration with other stakeholders:

* at the international level?
* at the regional level?
* at the national or local level? (if reference is made to multiple States, please specify the countries concerned)

8. Please indicate any specific actions, working methods or approaches (*see list below for easy reference*) that, in your view, were particularly effective in in promoting, protecting or realizing the right to adequate housing. Wherever possible, please include illustrations of their impact and explain how the work of the UN Special Rapporteur contributed to housing rights struggles on the ground. Please tell us your story.

* [thematic reports](https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx) submitted to the General Assembly and the Human Rights Council and their recommendations, including the collection of information, good practices, and events related to their development or dissemination ;
* principles and guidelines developed to assist with the implementation of the right to housing, such as the:

1. [Basic principles and guidelines on development-based evictions and displacement](https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)
2. [Guiding Principles on security of tenure for the urban poor](http://www.undocs.org/A/HRC/25/54)
3. [Guidelines for the implementation of the right to adequate housing](http://www.undocs.org/A/HRC/43/43)
4. [Guidance notes on COVID-19 and the right to adequate housing](https://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx)

* [country visits](https://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx) and the recommendations formulated in the country visits reports;
* [communications](https://spcommreports.ohchr.org/TmSearch/Results) sent to States and other stakeholders;
* [press statements](https://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?SID=Adequate_Housing), media interviews, op-eds, social media, or other awareness raising such as participation in documentary films;
* Bilateral or other diplomatic engagement and advice or assistance provided to States for policy or law-making;
* collaboration with other international, regional or national human rights mechanism, including submitting briefs or amicus curiae submissions to national courts or international human rights bodies;
* work with regional and local governments, civil society organizations, business, financial institutions or other stakeholders;
* participation and engagement with other UN programmes and agencies, in international or national events, conferences or processes;
* Training activities and/or publication of handbooks, tools for monitoring the right to adequate housing, law or policy-making

Enter here your response(s):

      As advocates working on human rights violations against LGBTQI+ citizens and non-citizens in Kenya, we welcome the multiple mentions of vulnerability to violations facing LGBTQI+ citizens, refugees and other displaced persons in the multiple reports of the Special Rapporteur.

Enhancing the impact of the housing mandate

9. Do you have any suggestions on how the UN Special Rapporteur could further improve his working methods, approach or collaboration in relation to:

* [thematic reports](https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx) submitted to the General Assembly and the Human Rights Council;
* Guidance and standard setting, such as the development of principles and guidelines for the implementation of the right to housing;
* [country visits](https://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx), and potential follow-up activities to them and to their recommendations;
* [communications](https://spcommreports.ohchr.org/TmSearch/Results) sent to States and other stakeholders;
* [press statements](https://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?SID=Adequate_Housing);, media interviews, op-eds, use of social media and other awareness raising activities;
* bilateral or other diplomatic meetings and advice or assistance provided to States for policy or law-making
* collaboration with other international, regional or national human rights mechanism, including amicus curiae submissions presented to national courts;
* participation and engagement with other UN bodies, in international processes or events;
* work with regional and local governments, civil society organization, business, financial institutions or other stakeholders;
* training activities and/or publication of handbooks, tools for monitoring the right to adequate housing or to assist law and policy-making;
* Other activities not listed above?

Enter here your response(s)

      This requires further consultation in light of the changing situation in Kenya and the world situation confronting LGBTQI+ refugees, but some initial requests include

* coordination with the UN High Commissioner for Refugees on the housing crisis for refugees and asylees living in Kenya, many for years, with no prospect of resettlement in the short term;
* bilateral, diplomatic relations with the Kenyan government and a possible visit to Kenya, and
* a thematic report to examine the intersection of violations of the right to housing and Sexual Orientation and Gender Identity, and the rights of refugees, asylees and displaced persons.

Lessons learned

10. In your view, what are the main lessons learned that could be drawn from the first twenty years of the housing mandate in order to strengthen further the respect, protection and fulfilment of the right to adequate housing for all?

Directions for the future

11. What are the main obstacles, in your country, to the realization of the right to adequate housing for all? Please cover urban and rural dwellers and any groups that may be at risk to face inadequate housing conditions due to their gender, age, disability, ethnic origin, housing status (homelessness), social or national origin, migration status, sexual orientation, religion, political or other opinion, or other grounds.

LGBTQI+ persons face discrimination when seeking healthcare, housing, and employment. One key reason is the Kenyan government’s criminalization of same sex conduct, which acts in tension with other provisions of Kenyan law that formally prohibit discrimination. In this generalized context, LGBTQI+ refugees have additional vulnerabilities caused by their insecure status. Throughout Kenya, LGBTQI+ refugees have extreme difficulty locating legal housing outside refugee camps. Given the pervasive homophobia in Kenya, LGBTQI+ Kenyans also report arbitrary evictions if the landlord discovers their status.[[1]](#footnote-2)

One recent academic study of LBQ women refugees reported prevalent rates of forced eviction by Kenyan landlords.[[2]](#footnote-3) The study found that these evictions came about after the landlord or neighbors learned of LBQ refugees’ nationality and private lives.[[3]](#footnote-4) A Reuters’ report provides examples of the hardships LGBTQI+ Kenyans face when trying to find and keep housing, stating, “Scores of LGBT+ refugees are in desperate need of emergency shelter after facing homophobic threats, violence and eviction warnings from community members in a Nairobi slum...” In the same article, people interviewed talked about personal interactions: “[t]he people here threaten and insult us. They say we are spreading disease and teaching their children to be homosexuals...” and “They said either we go, or they will kill us. We are so scared to leave our rooms. At night, we take turns to stand guard.”[[4]](#footnote-5)

LGBTQI+ refugees in Kenya continue to face high rates of sexual and gender-based violence[[5]](#footnote-6) and some of this violence has been linked to the lack of adequate housing. A study and analysis by the Women’s Refugee Commission (WRC) reported that every refugee research participant of diverse sexual orientation and gender identity reported having suffered sexual or other gender-based violence upon their arrival in Kenya and many on more than one occasion.[[6]](#footnote-7) In another study, 42% of LGQ women refugees interviewed indicated that they had experienced sexual violence and an addition 16% indicated they had been the victim of intimate partner or domestic violence.[[7]](#footnote-8)

The WRC report confirmed that trans women, trans men, LGBTQ+ adolescents, unaccompanied boys and young men, refugees selling sex, and detainees appear particularly vulnerable to sexual violence, exploitation, and abuse.[[8]](#footnote-9) The study documents how dire living conditions, discrimination, and deprivations in social and economic rights including housing and health increase the vulnerability among refugee youth and refugees with diverse sexual orientation and gender identity to sexual exploitation.[[9]](#footnote-10)

The discrimination is further exacerbated by the COVID-19 pandemic as many Kenyans have been subjected to forced evictions. Risk factors of COVID-19 amongst Kenyan refugees is greater than that of the general public, especially those who identify as LGBTIQ+ due to the inability to exit the camp to work and provide for themselves. The Special Rapporteur on Housing has already affirmed that LGBTI, refugee, and other marginalized populations are particularly vulnerable at this time.[[10]](#footnote-11)

COVID-19 social distancing requirements have been the cause of great fear amongst LGBTIQ+ refugees living in safe-houses in Nairobi. In an effort to avoid drawing attention from police, one group of LGBTIQ+ refugees split into two houses.[[11]](#footnote-12) For those refugees this meant paying double their usual amount in rent, which is extremely difficult considering almost none of them had jobs as they claim that Kenyans will not hire them because of they are refugees or effeminate.[[12]](#footnote-13) Another safe house in Nairobi was subjected to a raid by police, where they arrested a transgender woman and her roommate because they found lubricant in her bedroom drawer.[[13]](#footnote-14) Police then told them that they could either buy their freedom or be charged with sex crimes.

UNHCR presented a statement that they were “constructing or renovating isolation and quarantine facilities, including through the issue of refugee housing units, repurposed tents, hospital tents, and semi-permanent structures.”[[14]](#footnote-15) While these efforts are greatly appreciated and necessary, still up to 30 people live in one camp section in extremely close proximity putting them at a greater risk of contracting the virus.[[15]](#footnote-16)

The conditions within the refugee camps are substandard. LGBTQI+ refugees are refused from mixing with the general population and face extreme discrimination. The most recent review of Kenya’s compliance with the UN Committee for the Elimination against Racial Discrimination (CERD) noted that residence in camps does not represent a durable solution for inhabitants. It is noteworthy that Kenya’s encampment policy effectively prohibits refugees from leaving the camps. Those who flee are exceptionally vulnerable to harassment, exploitation, and both state-sponsored and private violence.

The ICCPR codifies the freedom to choose a residence restricted only for reasons of national security, public order, public health or morals or the rights and freedoms of others.[[16]](#footnote-17) The ICCPR and the General Comment on Article 12 explain the interrelatedness within other articles of the Covenant, such as Article 2 banning discrimination.[[17]](#footnote-18) General Comment 27 on Article 12 articulates that no one shall be forced to overcome obstacles to move and further places a restriction on excessive applications for permission to seek alternative residence.[[18]](#footnote-19)

The most recent review of Kenya’s compliance with the Convention for the Elimination of Racial Discrimination (CERD) issued extensive recommendations on the treatment of refugees and asylum seekers but first praised the Kenyan Government for hosting refugees. CERD emphasized the need for the international community to increase their role in caring for refugees. Rights concerns by the Committee for the Elimination of Racial Discrimination included the restrictions on freedom of movement and the substandard conditions in the camp. Policy recommendations for the Kenyan Government were to develop “in consultation with the groups concerned and in partnership with the Office of the United Nations High Commissioner for Refugees and other relevant organizations, a long-term strategy for the durable solution of local integration of the refugees, especially with regard to education and access to decent livelihoods, as residence in camps does not represent a durable solution for their inhabitants.”[[19]](#footnote-20)

The number of refugees living in the urban centers of Nairobi and Mombasa is estimated at up to 150,000.[[20]](#footnote-21) The Government stated in its 2019 Report to the Human Rights Committee that “[t]here is no impediment for foreigners who have obtained all necessary documentation to be in the country, to move and reside anywhere in Kenya.”[[21]](#footnote-22) However, like other refugees, LGBTQI+ refugees face long and cumbersome hurdles when they attempt to obtain the necessary documentation to seek adequate and secure lodging. This impediment is especially grave for this population given the particular difficulties faced by people living in camps who identify or are identified as LGBTQI+.

The Kenyan Government has a heightened responsibility towards refugees in its territory as it has recently assumed authority over refugee status determination.[[22]](#footnote-23) All of the changes implied by the transfer of authority has led to a problematic backlog of cases.[[23]](#footnote-24) This in turn has the discriminatory effect of keeping asylum seekers from accessing housing, health services, work, and education because they lack a refugee alien identification card.[[24]](#footnote-25)

Kenya’s 2010 Constitution provides for freedom for all refugees to enter, remain, and reside anywhere in the country. However, since 2014, Kenya’s encampment policy “effectively prohibits refugees from leaving the camps.”[[25]](#footnote-26) Kenya's new encampment policy requires refugees to have a movement pass to move beyond certain designated areas.[[26]](#footnote-27) This policy makes those who do flee the camps especially vulnerable to harassment, exploitation, and violence by police or private individuals. The Humanitarian Policy Group has observed one of the most crucial consequences of this deprivation, which is that[[27]](#footnote-28) A lack of documentation also causes people to live in fear and restricts their ability to access goods and services such as banking.

An extensive study by the Norwegian Refugee Council and the Harvard International Human Rights Clinic has documented that refugees have had increasing problems obtaining documentation for internal travel since 2014.[[28]](#footnote-29) This report found four key factors in the process conducted by the Kenyan Government’s Refugee Affairs Secretariat that ought to be addressed: 1) stalled or suspended registration and registration processes; 2) process inconsistencies; 3) lack of clear information; and 4) burdensome administrative issues and travel costs associated with registration processes.[[29]](#footnote-30)

The 2017 study reported that over the previous five years, Kenyan authorities had added layers of complexity to the process, making it more difficult for refugees to access documentation. Bureaucratic inefficiencies in assessing refugee claims result in unnecessary delays in resettlement. Nongovernmental leaders have reported that UNHCR and Kenyan Government officials used to consult on a working committee to coordinate. Unfortunately, the Kenyan Government has added bureaucratic steps – the current procedure is that UNCHR submit requests for resettlement, and multiple Kenyan Government agencies need to approve various statuses.

LGBTQI+ refugees face unique and additional obstacles in terms of life within a refugee camp. For that reason, in the Kakuma camp there is a separate physical space for LGBTQI+ refugees. The reasoning behind this solution is that officials have to date been unable to guarantee the safety of LGBTQI individuals from attacks within the camp. In some cases, LGBTQI+ refugees in Kakuma have been relocated outside of the camp due to safety concerns. In December 2018, for example, LGBTQI+ individuals were attacked following the pride parade in Kakuma. Following the attacks, UNHCR transported individuals to Nairobi with the intention of keeping them safe. However, living conditions in Nairobi are also very difficult for LGBTQI+ non-citizens. In its October 2019 report, the Women’s Commission on Refugees concluded, “[a]lthough Nairobi is comparatively more tolerant than Kakuma or Kampala, refugees still grapple with homophobia and transphobia, insecurity, exploitation, harassment, and violence."[[30]](#footnote-31)

For refugees who are not safe in the camp, the limited choice of residence seriously endangers their safety. Current limits on travel outside camp are that to move beyond 25 km from the camp, a refugee must have approval, which is difficult to get. Our interviews suggest that there are only three common reasons why permission is granted: if medical attention is not available at camp; if education not available at camp; or at the prerogative of UNHCR. Security concerns inside the camp fall under the third and the most common request by LGBTQI+ refugees is to move to Nairobi or other urban centers.

Over recent years there has been a dramatic influx of LGBTQI+ refugees from neighboring countries as well as legal advances and setbacks., the international human rights system has strengthened attention to and codification of LGBTQI+ rights[[31]](#footnote-32) and the Kenyan Government has continued to host refugees from neighboring countries in the face of diminishing support from the international community. In reviewing Kenya’s compliance with its human-rights obligations including the right to housing, it is critical to note, the external pressure caused by decreasing options for refugee resettlement and the need for the international community with UNHCR to support the Kenyan Government under the principle of burden sharing.

12. Have, in your view, certain regions, countries, situations or particular issues not received adequate attention? If so, please indicate how, this could be addressed, taken into consideration the limited resources available to the UN Special Rapporteur.

     An important issue to address is the denial of housing based on sexual orientation or gender identity especially for those in particularly precarious situations such as refugees and asylees.

13. What are, in your view, major developments occurring in your country and/or geographical region that may contribute to strengthening the respect, protection and fulfilment of the right to adequate housing? Are there ways, in your view, in which the Special Rapporteur on the right to adequate housing could support the unfolding of these positive developments?

Other issues

14. Please indicate here any other recommendation or issue that you would like to bring to the attention of the Special Rapporteur.

Confidentiality

15. Please indicate: \*

☒The information submitted can be made public on the OHCHR website or referred to in his official report indicating my institution/ organization and/or country.

☐The information submitted in this questionnaire should only be used in anonymous form to inform the forthcoming report of the Special Rapporteur.

Thank you for your feedback!

Please enter your responses in the [online survey](https://docs.google.com/forms/d/e/1FAIpQLSfVBIoJkNAXqOg_ExxYNIsZSZAgVBs2tHhQMKiuFqfCA_J3ng/viewform) or submit this form back to: [srhousing@ohchr.org](mailto:srhousing@ohchr.org) before 1 November 2020.

1. 1.Gay and Lesbian Coalition of Kenya,Research on the Lived Experiences of Lesbian, Bisexual and Queer Women in Kenya 29 (2016), <https://issuu.com/galckkenya/docs/research_on_the_lived_experiences_o> [↑](#footnote-ref-2)
2. Hester K.V. Moore, *“The Atmostphere is Oppressive”: Investigating the intersection of Violence with the Cisgender Liesbian, Bisexual, and Queer Women refugee Community in Nairobi, Kenya*, in LGBTI Asylum Seekers and Refugees from a Legal and Political Perspective: Persecution, Asylum and Integration (2019) at 328. [↑](#footnote-ref-3)
3. *Id.* [↑](#footnote-ref-4)
4. 4*.‘No Room’ for Gays in Kenya, Says Deputy President, Reuters* (May 4, 2015), <https://uk.reuters.com/article/uk-kenya-gay/no-room-for-gays-in-kenya-says-deputy-president-idUKKBN0NP10620150504>. [↑](#footnote-ref-5)
5. Lucas Ramon Mendos, *State-Sponsored Homophobia*, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), 13th edition, at 395 (2019). https://ilga.org/downloads/ILGA\_State\_Sponsored\_Homophobia\_2019.pdf; s*ee also* Women’s Refugee Commission, ‘*We Have a Broken Heart’: Sexual Violence against Refugees in Nairobi and Mombasa, Kenya* (October 2019), [https://reliefweb.int/sites/reliefweb.int/files/resources/SVMB-Kenya-Report-10-2019-FINAL.pd](https://reliefweb.int/sites/reliefweb.int/files/resources/SVMB-Kenya-Report-10-2019-FINAL.pdf)f. *;* Hebrew Immigration Aid Society, *Invisible in the City: Protection Gaps Facing Sexual Minority Refugees and Asylum Seekers in Urban Ecuador, Ghana, Israel and Keny*a (2013). <https://www.hias.org/sites/default/files/invisible-in-the-city\_0.pdf>. [↑](#footnote-ref-6)
6. Women’s Refugee Commission, “*We Have a Broken Heart”: Sexual Violence against Refugees in Nairobi and Mombasa, Kenya* (October 2019), 2, <https://reliefweb.int/sites/reliefweb.int/files/resources/SVMB-Kenya-Report-10-2019-FINAL.pdf>. [↑](#footnote-ref-7)
7. Moore, *supra* at 328. [↑](#footnote-ref-8)
8. *Id.* [↑](#footnote-ref-9)
9. *Id.*  [↑](#footnote-ref-10)
10. *Affordable housing for all: key to building a resilient post COVID-19 world,* Amnesty International, Oct. 5, 2020.<https://www.amnesty.org/en/latest/news/2020/10/affordable-housing-key-to-resilience-post-covid/> [↑](#footnote-ref-11)
11. Max Bearak, ”We were so ready”: *LGBT refugees in Kenya live in fear as global resettlement is put on hold,* The Washington Post, May 26, 2020.<https://www.washingtonpost.com/world/africa/kenya-coronavirus-lgbt-refugees-resettlement/2020/05/26/3550cd0c-83ef-11ea-81a3-9690c9881111_story.html> [↑](#footnote-ref-12)
12. *Id.*  [↑](#footnote-ref-13)
13. *Id.* [↑](#footnote-ref-14)
14. *Public Health During COVID-19,* United Nations High Commissioner on Refugees. <https://www.unhcr.org/en-us/health-covid-19.html> [↑](#footnote-ref-15)
15. *Keeping the Coronavirus out of Kenya’s refugee camps*, DW News, May 1, 2020. <https://www.dw.com/en/keeping-the-coronavirus-out-of-kenyas-refugee-camps/av-53302068> [↑](#footnote-ref-16)
16. ICCPR, at art. 12. [↑](#footnote-ref-17)
17. *See* Human Rights Committee, General Comment No. 27: Freedom of Movement, CCPR/C/21/Rev.1/Add. 9 ¶ 18 (Nov. 1, 1999). (reaffirming that the implementation of Article 12 must be consistent with the entire Covenant especially on the grounds of non-discrimination). [↑](#footnote-ref-18)
18. *Id.* [↑](#footnote-ref-19)
19. International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195, ¶¶37-38. [↑](#footnote-ref-20)
20. Women’s Refugee Commission, “*We Have a Broken Heart”: Sexual Violence against Refugees in Nairobi and Mombasa, Kenya* (October 2019), <https://reliefweb.int/sites/reliefweb.int/files/resources/SVMB-Kenya-Report-10-2019-FINAL.pdf> (citing UNHCR, *Statistical Summary: Refugees and Asylum Seekers in Kenya as of 31 May 2019* (2019), https://www.unhcr.org/ke/wp-content/uploads/sites/2/2019/06/Kenya-Statistics-Package31-May-2019.pdf; UNHCR, *Navigating Nairobi: A Review of the Implementation of UNHCR’s Urban Refugee Policy in Kenya’s Capital City* (2011), UNHCR¶ 26; Danish Refugee Council, *Kenya*, <https://drc.ngo/where-we-work/east-africa/kenya>). [↑](#footnote-ref-21)
21. Kenya State Report, ¶ 100. [↑](#footnote-ref-22)
22. For additional information, see African Centre for Migration & Society - University of the Witwatersrand & Samuel Hall, *Free and Safe Movement in East Africa: Research to promote people’s safe and unencumbered movement across international borders* 35 (2018). [↑](#footnote-ref-23)
23. *Id.* [↑](#footnote-ref-24)
24. *See e.g.* Norwegian Refugee Council, Recognizing Nairobi’s Refugees: The Challenges and Significance of Documentation Proving Identity and Status (2017), available at [https://www.nrc.no/resources/reports/ recognising-nairobis-refugees---the-challenges-and-signifcance-of-documentationproving-identity-and-status/](https://www.nrc.no/resources/reports/%250Drecognising-nairobis-refugees---the-challenges-and-signifcance-of-documentationproving-identity-and-status/). [↑](#footnote-ref-25)
25. Sorcha O’Callaghan and Georgina Sturge, *Against the odds: refugee integration in Kenya*, 6 *(*HPG Working Paper)(December 2018); *see also* Robert Doya Nanima, *An Evaluation of Kenya's Parallel Legal Regime on Refugees, and the Courts' Guarantee of Their Rights*, 21 Law Democracy & Dev. 42, 54 (2017) (“The refugees are obliged to remain in areas, which have traditionally been insecure, where the rule of law is weak, and where the perpetrators of violence can act with a high degree of impunity.”). [↑](#footnote-ref-26)
26. For additional information, see African Centre for Migration & Society - University of the Witwatersrand & Samuel Hall, *Free and Safe Movement in East Africa: Research to promote people’s safe and unencumbered movement across international borders* 40-41 (2018). [↑](#footnote-ref-27)
27. O’Callaghan & Sturge, *supra* at 6. [↑](#footnote-ref-28)
28. Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School, *Recognising Nairobi’s Refugees: The Challenges and Significance of Proving Identity and Status* (November 2017), <https://hrp.law.harvard.edu/wp-content/uploads/2017/11/recognising-nairobis-refugees_nrc_ihrc_november2017_embargoed.pdf> . [↑](#footnote-ref-29)
29. *Id.* [↑](#footnote-ref-30)
30. Women’s Refugee Commission, “*We Have a Broken Heart”: Sexual Violence against Refugees in Nairobi and Mombasa, Kenya* (October 2019), <https://reliefweb.int/sites/reliefweb.int/files/resources/SVMB-Kenya-Report-10-2019-FINAL.pdf>. [↑](#footnote-ref-31)
31. *See* Human Rights Council Res. 32/2, U.N. Doc. A/HRC/RES/32/2 (July 15, 2016). [↑](#footnote-ref-32)