

Resolution

The Kenyan government together with private developers, forcibly evicted residents of Mukuru Kwa Njenga in December 2021 under the pretense of opening the Catherine Ndereba Road. More than 40,000 people were displaced and injured, while some lost their lives. In addition, valuable property was destroyed. Those affected are still living in inhumane conditions and are subjected to poor physical health, psychological trauma, homelessness, fear of social discrimination, and continue to experience intimidations and threats of arrests.

Mukuru Council, in collaboration with CBOs, youth groups, community health workers, gender defenders, human rights defenders, civil society, local leaders, affected resident, schools, business communities, Wapewape Market, and neighborhood associations held an interfaith prayer rally on 1 February 2022 at the demolition site of Milimani Village Kwa Njenga. Under the theme "**Amani ya Mungu kwa Mukuru**," the prayer rally aimed to heal, comfort, engender hope, unite, and initiate an alternative approach to finding solutions and social cohesion through mediation.

Remembering the Mukuru Interfaith Council prayer rally that sought to restore peace and harmony in Mukuru Kwa Njenga;

Enhancing collaboration between the Mukuru Interfaith Council and stakeholders to enhance mediation efforts, counseling, palliative care, treatment and referral services for displaced and affected residents;

Reiterating a call for the immediate reconstruction of houses demolished during the forced evictions;

Deploring any act of cruel, inhuman, degrading treatment and/or punishment, arbitrary arrest, retribution, threats of harm, or profiling to either youth or the less-fortunate persons affected by land development;

Advocating the enumeration and asset inventory with a view to reparation for those affected by the gross violation of forced eviction¹;

¹ In fulfilment of the criteria specified in international law *ad minimum*, as specified in Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, <https://undocs.org/A/RES/60/147>.

We the residents of Milimani Village Kwa Njenga village and other stakeholders:

Demand that the state and its organs respect, protect and fulfill the human right to adequate housing through their obligation to serve the community and protect all persons against illegal acts, including the gross violation of forced eviction²;

Demand also that the Ministry of Interior and Coordination of National Government to ensure security during reconstruction of demolished structures;

Call on all competent government institutions to investigate the loss of lives and livelihood as a result of the December 2021 forced evictions and destruction at Mukuru Kwa Njenga and hold accountable those responsible;

Initiate a platform for interfaith and community forums to exercise their human rights to freedom of expression and information, peaceful assembly, association and participation in public life for the purposes reporting, sharing information and deliberation on all matters related to housing and land development and governance³;

Call on the President of the Republic of Kenya promptly to organize a visit to the Mukuru Kwa Njenga village, guarantee security of tenure for the residents, and issue a moratorium on all evictions until proper guidelines are adopted in law, in accordance with the state's relevant human rights obligations and global policy commitments.

At Nairobi, XX February 2022

Endorsers/signatories:

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² United Nations Commission on Human Rights, "forced eviction," resolution 1993/77, 10 March 1993, para. 1, <http://www.hlrn.org/img/documents/ECN4199377%20en.pdf>, which "Affirms that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing;" and "Prohibition of forced evictions," resolution 2004/28, 16 April 2004, para. 1, http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf, which ""Reaffirms that the practice of forced eviction that is contrary to laws that are in conformity with international human rights standards constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing." See also: UN Committee on Economic, Social and Cultural Rights (CESCR), Concluding Observations: Kenya, E/C.12/KEN/CO/2-5, 07 March 2016, paras. 47–48, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/KEN/CO/2-5&Lang=En; CESCR, Concluding observations: Kenya, E/C.12/KEN/CO/1, 01 December 2008, para. 31, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fKEN%2fCO%2f1&Lang=en.

³ As guaranteed in articles 19, 21, 22 and 25, respectively, of the International Covenant of Civil and Political Rights, UN General Assembly resolution 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976. (1966), which Kenya ratified on 23 March 1976.