



10th December 2016

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS CHAIRPERSON REMARKS DURING THE INTERNATIONAL HUMAN RIGHTS DAY ON 10TH DECEMBER 2016 IN ISIOLO.

Salutations....

Ladies and Gentlemen;

KNCHR is pleased to join the international community as the World commemorates the **2016 International Human Rights Day** under the theme of: "*Stand up for someone's right today*". The day affords us all an opportunity to review the gains, challenges and areas of improvement in the human rights sector. As a National Human Rights Institution, KNCHR works with state and non-state actors both locally and internationally to promote the inculcation of a culture of respect for human rights within the Country. This is to ensure compliance with the Constitution of Kenya (2010) and international human rights standards and principles.

Ladies and Gentlemen;

The theme of this year's Celebrations calls on all people to be champions for human rights and especially the vulnerable. KNCHR is happy to be here to Commemorate this day.

The Constitution (2010) provides for devolved governments. State obligation to promote human rights is therefore shared between both the National and County governments. This year KNCHR is commemorating the International Human Rights Day here at **Isiolo** and also in **Kwale, Garissa, Vihiga, Wajir, Elgeyo Marakwet** and **Laikipia**. In doing so, we hope that the County Governments will scale up interventions to ensure realisation of human rights.

We note for instance that the Fourth Schedule of the Constitution provides for allocation of responsibilities and places a number of functions within the mandate of the County Governments that would contribute to the realisation of Economic, Social and Cultural rights. Even as we state this we

are aware and emphasize that human rights are in fact indivisible and interrelated and that the failure to attain Economic, Social and Cultural rights would also impede the realisation of Civil and Political rights.

KNCHR recently signed an MOU with the Council of Governors and looks forward to working with County Governments to see that they adopt a rights-based approach to development. Kenya's Constitution places human rights at the front and centre of Good governance. To complement the robust provisions of the Constitution, Kenya has also adopted the National Human Rights Policy and Action Plan. These two instruments provide a solid conceptual framework within which we can as a country progress the realisation of human rights.

It is impossible to promote Human Rights in the absence of a strong and vibrant civil society and Human Rights Defenders who are operating within a conducive environment. We therefore continue to call on the Government of Kenya to encourage and support the growth of the Civil Society sector and desist from actions that can be interpreted as seeking to restrict Civic space.

As articulated in Article 19 of the Constitution, *the purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities...*" Restriction or non-attainment of human rights impacts negatively on the dignity of individuals and limits the *promotion of social justice and the realisation of the potential of all human beings*. This underscores the centrality of Economic, Social and Cultural rights.

At the KNCHR we are perturbed at the reports of high prevalence of corruption and mismanagement of resources in the country both the national and county levels. Corruption often has the effect of diverting much needed resources aimed at improving services resulting in either the complete failure to provide the service or compromising the quality of the service.

Ladies and Gentlemen;

As we commemorate the **International Human Rights Day** here in Isiolo County, it is our hope as a Commission that the County government has made efforts to understand, appreciate devolution and its impact on the enjoyment of human rights; and that *wananchi* have been sensitized on their role in decision making brought about by devolution so that they can live enriched lives. While the Constitution provides for the progressive realization of human rights, there is need for the country's leadership to put more effort

in moving policies from paper to action especially in prioritisation of resources for efficient service delivery.

Ladies and Gentlemen;

With regard to **Isiolo County**, the following matters require the urgent intervention of the County government:

- i. Promote the integration of human rights' values and indicators in the County Integrated Development Plan;
- ii. Work in collaboration with the Kenya Wildlife Services to develop sustainable solutions to the ever present human and wildlife conflict;
- iii. Within the framework of the County Policing Authorities develop counter terrorism interventions that do not target the civilian population and expose them to extortion by security agencies as has been reported to us. As a Commission, We continue to reiterate that pursuit of security and promotion and respect for human rights are mutually reinforcing and;
- iv. Resolve the source of conflict resulting from ethnic and clan clashes which lead to loss of lives thus hampering the enjoyment of the right to life as provided for under Article 43 of the Constitution and hampering their economic rights. KNCHR is calling on County Governments and the political leadership to utilize alternative means of resolving disputes to forestall standoffs in the future.

As we celebrate the **International Human Rights Day** today, the Commission wish to make special mention in respect to the status of the various human rights issues in Kenya.

- i. **Access to justice:** There has been improvement in access to justice following the radical changes that were effected in the Judiciary. We believe existing challenges will be addressed with the composition of the judiciary now complete.
- ii. **Transitional justice:** The Truth Justice and Reconciliation Commission came up with recommendations on how to resolve past injustices and violations of human rights. The Commission calls for the necessary regulations and guidelines towards implementation of the TJRC report.
- iii. **Right to life:** Since 2011, KNCHR in conjunction with Civil Society Organizations has received complaints on extrajudicial killings and forced disappearance. Several such complaints have been documented around the country and this has curtailed the enjoyment of fundamental human rights and freedoms.
- iv. **Freedom of information and Association:** Several cases have also been reported of Journalists and Civil Society Organizations who were attacked and threatened with death while in the course of their

work.. The Commission will continue to advocate and call for the enhancement of freedom of information in Kenya as enshrined in Article 35 of the Constitution.

- v. **Freedom of assembly, demonstration, picketing and petition:** As enshrined in Article 37 of our Constitution this right was largely violated during the demonstrations against the Independent Electoral and Boundaries Commission. There was loss of lives, damage to property and injuries. KNCHR condemned the use of excessive force by the authorities during the protests and also called on the members of the public to also adhere to their duty to respect the rights of other people as they enjoy their freedom of assembly.
- vi. **Economic, social and cultural rights:** The Commission wish to reiterate the need for the national and county governments to enhance the citizens' right to clean water and sanitation, food, education and health.
- vii. **Rights of women:** Gender based violence and the cultural practices that violate the rights of women are still being reported. The advocacy for the implementation of the two thirds gender rule under the Constitution is still on going with little progress.
- viii. **Respect, promotion, protection and fulfilment of the rights of children:** Cases of child abuse in the form of forced early marriages, FGM and child labour still persist. There is also discrimination on intersex children since they are denied registration. Cases of child trafficking have also been reported in Kenya.
- ix. **Rights of persons with disabilities:** The UN Convention on the Rights of Persons with Disabilities is also part of Kenyan law since Kenya has ratified it. There are challenges to enjoyment of human rights by persons with disabilities that persist.

Ladies and Gentlemen;

In conclusion, the call "*To stand up for someone's rights*" presupposes an understanding of what these rights are. This places a responsibility on all to empower themselves with a knowledge of the rights. At KNCHR we will continue to work to increase public understanding of their rights and obligations as provided for under the Constitution of Kenya.

At this juncture, I wish to acknowledge the support of the Royal Netherlands Embassy, OHCHR and GoK, in making this event possible. I also appreciate the good work and collaboration of our local partners, the County Government of Isiolo and **Isiolo Peace Link** for collaborating with KNCHR to make the commemoration of International Human Rights Day here a huge success.

KAGWIRIA MBOGORI- CHAIRPERSON