



KENYA

STATEMENT BY

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AFFAIRS**

**AT THE FOURTH SESSION OF THE UNITED NATIONS
HUMAN RIGHTS COUNCIL**

GENEVA, 14 MARCH 2007

Mr. President,
Madam High Commissioner,
Excellencies,
Ladies and Gentlemen,

On behalf of the Government and the people of Kenya, allow me to extend our congratulations to you, Mr. President, for the exemplary manner in which you are guiding the work of the Council in its first year.

Mr. President,

The Kenya Government takes cognizance of the issues before the Council and notes the challenges faced by the Council in carrying out its mandate. It is of vital importance that the Council should develop effective working methods to enable it to respond to crises which have a profound effect on human rights around the world.

Mr. President,

This session comes at a time when Kenya is focusing towards greater respect and promotion of human rights. In this regard, the Government has devoted enormous resources towards securing the socio-economic rights of the poor and marginalized, by making interventions targeted at enhancing national development and alleviating poverty, one of the greatest obstacles to the enjoyment of human rights. These efforts form part and parcel of the Government's national *Economic Recovery Strategy for Wealth and Employment Creation* which is the driving force of our national development.

Mr. President,

Kenya is committed to the institutional building process within the new Human Rights Council and in particular the principle of the Universal Periodic Review. We view the principle of Universal Periodic Review as a major tool in strengthening the existing human rights mechanisms. We have continued to support the work of Working Groups on the Universal Periodic Review and underscored the importance of widening its scope to cover all countries with the same universal approach.

Mr. President,

We also support the on-going efforts on the review of Special Procedures in the promotion and protection of human rights and will support the election of mandate holders based on regional and gender balance.

Mr. President,

Kenya has over the last four years extended invitations to several rapporteurs, the last of which – The Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People - visited Kenya from 4th – 14th December, 2006. He will be presenting his report at this Session.

Mr. President,

Kenya is also keenly following the modalities that the Council will put in place to strengthen the implementation of the Durban Declaration and Programme of Action. As you are aware, Kenya is characterized by diversity of peoples in terms of race, ethnic and religious practices. We fully share and uphold the principles and values contained therein.

Mr. President,

Kenya has ratified several international and regional human rights instruments, and taken steps to give them domestic effect. We have established public bodies such as the Kenya National Commission on Human Rights (KNCHR) as an independent body empowered to investigate complaints about human rights abuses, educate the public on human rights, recommend measures to promote human rights and formulate and implement programmes to promote human rights. The proposed constitution of Kenya has one of the most modern and progressive Bill of Rights incorporating all the three generations of human rights. Our Government is committed to facilitating the enactment of a new Constitution.

The Government has appointed a Multi-Sectoral Steering Committee to co-ordinate the development of a National Policy and Action Plan for the Promotion and Protection of human rights. This committee comprises of Government Ministries and departments, the civil society and private sector. The Committee will deliberate on Kenya's human rights challenges and priorities and devise specific strategies for addressing these challenges within achievable time frames. The government, through the Ministry of Justice & Constitutional Affairs, is spearheading this process. The National Policy and Action Plan for the promotion and protection of human rights is an important operational framework for responding to human rights challenges. It will also serve as a tool for holding the Government accountable and will be the core instrument for the realization of human rights by all Kenyans.

The Government has established an Inter-Agency Committee comprising of key ministries, civil society organizations working on human rights and the Kenya National Commission on Human Rights to advise the Government on its human rights obligations.

Mr. President,

When the current Government came to power in January 2003, it realized that corruption is the single largest contributor to extreme levels of poverty and the greatest obstacle to the realization of socio-economic rights. It therefore made the fight against corruption a top priority and embarked on a detailed Plan of Action covering the following broad areas:

- Enactment of the necessary legislation to establish a legislative platform on which to anchor the war on corruption;
- Vigorous enforcement of anti-corruption laws through investigation of offences of corruption and economic crimes as well as recovery of corruptly acquired property;
- National public education aimed at stigmatizing corruption and inducing behavioral change;
- Implementation of macroeconomic and structural reforms to reduce the incidence and demand for corruption by scaling down the role of the public sector and bureaucracy; and
- Elaboration of Codes of Ethics, efficiency, accountability and transparency measures targeting public servants in the conduct of public affairs.

We have realised positive results the most dramatic being revenue collection which has gone up from 190 billion Kenya shillings to over 350 billion Kenya shillings and now projected to rise to 460 billion Kenya shillings.

We acknowledge that there are many challenges that remain to be addressed. This positive results will enable our people to enjoy increased social economic and cultural rights.

Mr. President,

The Kenya Government has in the last four years made serious efforts in fulfilling its reporting obligations under various international instruments. The Government has also made considerable progress in enacting pro-human rights legislation such as the Refugees Act, the National Gender Commission Act, the Persons with Disabilities Act and the Sexual Offences Act.

In November 2003, the Government launched a massive reform programme known as the Governance, Justice, Law and Order sector (GJLOS) programme. It aims at reforming the entire legal and justice sector with a view to establishing an effective, fair and efficient system of governance and administration of justice that will respect, promote and protect human rights.

In conclusion, Mr. President, this Council has a daunting task ahead of it. It will only succeed if its members develop a cooperative work ethic rather than a confrontational and condemnatory attitude which characterized its predecessor, the Commission. It behoves us all as members of the international community to work together to promote and protect human rights of all persons everywhere. Together we shall succeed in this noble endeavour. We in Kenya wish to assure you of our *unflinching* support. **Thank you.**