



**STATEMENT PRESENTED BY THE KENYA NATIONAL COMMISSION ON HUMAN
RIGHTS NHRI TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
DURING ITS 71ST ORDINARY SESSION**

(Affiliate Status Number ACHPR NO.17)

April 2022

Thank you, Honourable Chairperson. Honourable members of the Commission, representatives from State Parties, National Human Rights Institutions, Civil Society Organizations and all distinguished guests, greetings from the Kenya National Commission on Human Rights. My name is Roseline Odede and I am pleased to make the Statement of the Kenya National Commission on Human Rights highlighting the human rights developments in Kenya from November 2021 to April 2022. The Kenya National Commission on Human Rights was established under Article 59 of the Constitution of Kenya, 2010 and operationalized under the Kenya National Commission on Human Rights Act, 2011, a successor to the Kenya National Commission on Human Rights established under the Kenya National Commission on Human Rights Act, 2002.

I. Summary of positive human rights developments (November 2021-April 2022)

- a. The Refugee Act, 2021 was enacted in November 2021; a progressive law on management of refugees and inclusion of asylum seekers in the country's socioeconomic development.
- b. The process of ratification of the African Disability Protocol and the Protocol on the Rights of Older Persons in Africa was completed in February 2022.
- c. The Ministry of Health has introduced the Persons with Disabilities Bill, 2021 to Parliament. The Bill seeks to overhaul the 2003 Persons with Disabilities Bill to bring it in line with the Constitution and international human rights instruments on persons with disabilities.
- d. The Kenya National Bureau of Statistics is conducting a Support needs survey for persons with disabilities to determine their support needs.
- e. Kenya has commenced the process of considering the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances.
- f. The National Police Service has launched the POLICARE initiative to prevent and respond to cases of sexual and gender-based violence and to provide comprehensive and free support services to survivors of sexual and gender-based violence.
- g. In March 2022, the Judiciary launched the first ever specialized Court to handle sexual and gender-based violence (SGBV) cases, which would work to enhance access to justice for victims of SGBV.
- h. Ongoing plans led by the Ministry of Health to refurbish the Mathari National Teaching and Referral hospital, a referral institution specializing in mental health and psychiatry.
- i. Parliament vetted and approved the appointment of KNCHR Commissioners in February 2022.

II. Summary of negative human rights developments (November 2021- April 2022)

- a. Increased cases of extrajudicial killings and enforced disappearances and low investigation and prosecution of responsible persons.

- b. Increased cases of insecurity and loss of lives in several counties. In Marsabit, 20 lives were lost between October and November 2021 and in Laikipia and Samburu, 14 lives were lost in November 2021.
- c. Evictions and demolitions of homes without due process continue. In November 2021, hundreds of residents of Mukuru Kwa Njenga slums in Nairobi were left homeless after the Government demolished their homes to pave way for road construction. The Commission however acknowledges the administrative action by Kenya Police Service through a circular dated January this year outlining guidelines for the conduct of evictions from public and private land/property which positively seeks to inculcate due process in the manner evictions are carried out.

III. Recommendations

- a. The Government should lift reservations made to Article 14 (2) (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.
- b. Parliament should amend the Penal Code to specifically provide for a distinct definition of enforced disappearance as a criminal offence.
- c. The State should operationalise the National Coroners Service Act, No. 18 of 2017
- d. The IPOA, Internal Affairs Unit and Office of the Director of Public Prosecutions should investigate and prosecute cases of extrajudicial killings and enforced disappearances.
- e. The State should provide adequate alternative settlements or compensation for families affected by development-related evictions.
- f. Parliament should fast-track the enactment of the Persons with Disabilities Bill, 2021 as well as the Mental Health (Amendment) Act.

We remain committed to support the African Commission on Human and people's Rights and look forward to continue engaging with the Kenyan state with this mechanism towards promotion and protection of human rights.

I THANK YOU

CHAIRPERSON;
KENYA NATIONAL COMMISSION ON HUMAN RIGHTS