



# Kenya National Commission on Human Rights

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1<sup>st</sup> NHRI  
LAWRENCE MUTE:

KENYA NATIONAL

COMMISSION ON

HUMAN RIGHTS

UN HUMAN RIGHTS COUNCIL: FIFTEENTH SESSION

THE UNIVERSAL PERIODIC REVIEW (UPR)

## STATEMENT BY THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

1. The Kenya National Commission on Human Rights commends the Kenyan Government for its positive engagement with the UPR process and its continued commitment to uphold its international obligations.
2. We acknowledge the Kenyan civil society for its continued support and tireless pursuit towards promotion and protection of human rights in Kenya.
3. We commend the people of Kenya for adopting a new constitution which contains a robust bill of rights, incorporating economic, social and cultural rights and containing mechanisms for the implementation of civil and political rights designed to enhance fairness, justice and equality as well as improve the standards of living of the Kenyan people. It also entrenches Kenya's National Human Rights Institution into the Constitution.
4. We will support implementation of the recommendations which the State has accepted pursuant to this process. We will monitor implementation to ensure their realisation.
5. We do note with concern though that the Kenyan government declined to accept important recommendations made during the interactive dialogue, such as the proposal to abolish the death penalty. We restate our view that overwhelming philosophical and

**Chairperson:** Florence Simbiri-Jaoko, **Vice Chair:** Hassan Omar Hassan

**Commissioners:** Fatuma Ibrahim Ali, Fatuma Adan Dullo, Lawrence M. Mute, Samuel K. Tororei, Wambui Kimathi, Winfred O. Lichuma, Anne M. Kyalo-Ngugi  
**Secretary:** Mohamed K. Hallo

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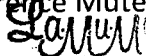
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practical reasons exist which should cause the Government to seek immediate *de jure* abolition of the death penalty. Raising awareness amongst Kenya's public in this regard should be a task which the State as much as other stakeholders should undertake concertedly.

6. We welcome the firm indication by the Government during the Working Group session that it does not support discrimination in terms of access to services. We note that Article 27 of Kenya's new Constitution provides that all have the right to equality which includes the full and equal enjoyment of all rights and fundamental freedoms. We urge the Government to ensure that the letter and spirit of this provision is enforced equally in relation to all Kenyans.
7. It is still our view that the Government should better enable UN mandate holders to visit and undertake human rights missions in Kenya: and a clear policy framework to govern this should be put in place.
8. Kenya's recovery from its post 2007 elections trauma will be aided by its new Constitution. Punishing particularly high and middle level perpetrators of the violence is a key part of the nation's recovery process. The State should continue cooperating with the International Criminal Court towards this end.
9. Finally, we welcome the UPR as a process which enables engagement amongst states on human rights issues which in Kenya's instance have genuinely reflected its people's challenges. We trust that by the end of our UPR cycle real benefits will have accrued to individuals and communities in the country.

Lawrence Mute – Commissioner



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22 September 2010