

OFFICIAL COVER FOR STATEMENT



KENYA

STATEMENT BY

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AT THE HIGH LEVEL SEGMENT OF THE SEVENTH SESSION OF THE UN HUMAN RIGHTS
COUNCIL
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Mr. President,
Distinguished Members of the Human Rights Council,
Your 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 have steered the Council's institution-building process since your election as the President of the Council.

Mr. President,

The establishment of the Council was an important milestone in the fight for the cause of humanity and the human rights of every person. The Council continues to offer an opportunity for interactive dialogue on how to promote and protect civil, political, economic, social and cultural rights, including the right to development in our respective states. Of critical importance is the opportunity for states to share best practices in overcoming the different challenges which they face in this endeavour.

Mr. President,

Since its inception, the Council has made some effort to distinguish itself from its predecessor in its methods of work. It is therefore imperative that it continues to deal with human rights violations, guided by the principles of transparency, universality and impartiality, devoid of double-standards and non-selectivity.

The Council is crucial for the protection of human rights worldwide and provides a unique opportunity to promote the human rights agenda, by advocating and promoting strong and effective mechanisms through international dialogue and cooperation. Of special mention is the Universal Periodic Review (UPR) of all 192 UN member states. This is a crucial milestone in the progress towards the objective of reforming human rights as a pillar of the United Nations.

Another key element in this regard, is the system of special procedures. These should be adequately used, to enable the standing nature of the Council to respond promptly with objectivity, impartiality and without confrontation, to situations of violations of human rights having due regard, not only to the structural issues, but also to the context and substance as would pertain to a given situation.

Mr. President

My Government wishes to recognize the Council's critical role in strengthening the rights of women. Specifically, the Council should ensure that the rights of women are engendered in all special procedures and mechanisms of the Council.

Mr. President,

This session comes at a time when Kenya is emerging from a major political challenge, arising from the post election violence that erupted following the announcement of the Presidential results in December, 2007. In this regard, we witnessed cases of unprecedented violence in some parts of the country, perpetrated and fuelled mainly through incitement and manipulation of ethnic differences. Over 1000 Kenyans have lost their lives, about 350,000 Kenyans are internally displaced and property worth billions of shillings destroyed.

Mr. President,

My Government has subsequently put in place effective mechanisms aimed at bringing these acts of violence to and end. It has also provided and coordinated humanitarian assistance to the displaced people. Specifically, the Government has put in place three High Level government committees namely; Humanitarian Services, Communication and Transport committees to provide a rapid response to the situation. The Humanitarian Services Committee is coordinating the assistance, including distribution of food aid and general welfare of the internally displaced persons (IDPS). These committees are supported by relevant key sectors, such as NGOS, The Kenya Red Cross Society and UN agencies.

Mr. President

In seeking to resolve the political crisis that engulfed the country, my Government welcomed a mission by Dr. Kufuor, President of Ghana, then Chair of the African Union, from 8th – 10th

January, 2008. As a follow up to that mission, the Government received the mission of Eminent African personalities led by Mr. Kofi Annan, the former Secretary General of the United Nations, which is still in the country. The process of National dialogue aimed at addressing the political impasse, was launched on 29th January, 2008.

Mr. President,

I am pleased to report that on 28th February 2008, an Agreement was signed between President Mwai Kibaki and the Hon. Raila Odinga which is a triumph for dialogue and diplomacy and also for peace and reconciliation. This agreement seeks, inter alia, to move the country forward, begin the healing and reconciliation process and provide a means to implement a coherent and a far reaching reform agenda, to address the root causes of the conflict, and to create a more secure country for all Kenyans. The Agreement has been fully supported by both sides of the political divide and warmly welcomed by Kenyans.

Mr. President,

Over the last five years, my Government has made substantial progress towards establishing Kenya as a human rights state. There is ample evidence of a more open society, the practice of arbitrary detentions without trial is now a thing of the distant past and more print and electronic media have been licensed, in furtherance of the right to and freedom of information. Indeed, there is broad consensus that the country is, and has been, on the road to democracy and better governance and there is urgent need to return to that road given the challenging events of the past few months.

Mr. President,

To consolidate these gains, the process of developing a National Policy and Action Plan for the Promotion and Protection of human rights is ongoing, through a participatory and consultative process bringing together Government Ministries and departments, the civil society and private sector. To curb mal-administration, the Government has set up the Public Complaints Standing Committee (Ombudsman's Office) to handle complaints against public officials and institutions in a coordinated manner.

Mr. President,

Kenya has also made substantial progress in the promotion and protection of Social, Economic and Cultural rights. My Government has created a specific Ministry for Housing, developed a National Housing Policy and is upgrading informal settlements under the Kenya Slum Upgrading Programme (KENSUP). All these efforts are geared towards the realization of the right to housing.

My Government has also enacted a number of laws and developed policies to operationalise measures aimed at promoting mental and physical health. On the right to education, Kenya has

realized substantial gains from the universal free primary education first implemented in 2003. School enrolment has increased and so has the number of children joining secondary schools. A free school-feeding programme caters for the most vulnerable children in arid and semi-arid areas. Since January 2008 free tuition has been introduced in secondary schools.

Mr. President

My Government's Legislative agenda to ensure and enhance the right to work has been very successful. In 2007 alone, The Employment Act (2007), The Labour Relations Act (2007), The Work Injury Benefits Act (2007) and The Occupational Safety and Health Act, (2007) were enacted.

Mr. President,

We are cognizant of the fact that our country's future depends on a solid foundation of democracy, constitutionalism, rule of law, respect for human rights and equity of resources and opportunities. President Mwai Kibaki said the following on 28th February 2008, the day the National Accord and Reconciliation agreement was signed, "We have been reminded that, as a nation we have more things that unite us than divide us.....we must do all in our power to safeguard the foundation of our National peace, social cohesion, economic growth and political stability" Kenyans are determined, now more than ever before, to forge ahead and build a country wherein each of our countrymen and women and our children will enjoy security, freedom and justice.

Mr. President,

Let me conclude by stating that Kenya will continue to support initiatives and reforms of the Council, aimed at creating a stronger, efficient and, most important, an impartial body that respects dialogue and inspires confidence in us all.

I thank you, for your kind attention