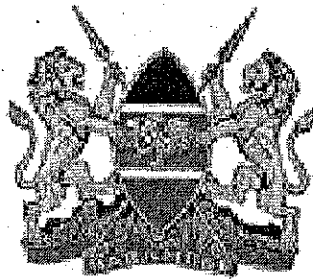


**REPUBLIC OF KENYA**



**STATEMENT  
BY  
AMB. DR. STEPHEN NDUNGU KARAU**

**AMBASSADOR/PERMANENT REPRESENTATIVE  
OF THE REPUBLIC OF KENYA**

**DURING THE 29<sup>th</sup> SESSION OF THE  
OF THE  
UNITED NATIONS HUMAN RIGHTS COUNCIL**

**25<sup>th</sup> JUNE 2015**

**Mr. President,**

On behalf of the Kenyan delegation allow me to begin by expressing our sincere appreciation to the Troika- Namibia, China and Germany for their commitment and assistance during Kenya's second Universal Periodic Review.

We also wish to acknowledge the delegations who contributed actively to the review of Kenya in January 2015. Their statements and recommendations will contribute immensely to our continued efforts in the fulfilment of our human rights obligations.

**Mr. President,**

Out of the 253 recommendations made by State delegations during the review, Kenya accepted 192. The acceptance of such a large number of recommendations bears testimony to the importance and commitment that Kenya attaches to its human rights obligations and the UPR process in furthering the human rights agenda. Indeed, Kenya is already addressing most of the recommendations made, in line with its Constitutional imperatives and its development blue print- Vision 2030. We are, therefore, confident that their full implementation will contribute to the

formulation and development of effective public policies in the country.

**Mr. President,**

During the January session, 61 recommendations, though pivotal in improving the human rights situation in Kenya, were noted. Out of the 61, 33 of them related to the ratification of various international instruments that Kenya is not a State party to, 7 to the abolition of the death penalty and 5 to laws relating to freedom of expression and information among others. About 2/3 of the noted recommendations were stated in absolute terms which in our view amounts to limiting the Government's ability to prioritize, taking into account its resources and circumstances when determining the most effective way to fulfil its obligations.

The recommendations relating to the ratification of international instruments is a case in point. The Constitution of Kenya, 2010, introduces a more detailed procedure for the ratification of any treaty that would be binding on Kenya. All treaties are ratified on a case by case basis after extensive internal analysis, public participation and concurrence by Parliament. These processes take time and it is critical that all recommendations that we accept

under the UPR are implemented in a timely and comprehensive manner in accordance with Constitutional provisions.

Another example, relates to recommendations relating to budgetary increases to various sectors. Kenya was given a recommendation to increase the budget allocation to the health sector to 15% of GDP. While the Government is committed to providing quality healthcare in Kenya, there is uncertainty as to whether the allocation will have attained that threshold by the next UPR review, given the financial challenges the country is facing. The same goes for the recommendation on the allocation of at least 10% of the state budget to agriculture development in line with the Maputo Declaration. The recommendation to allocate more resources to the various National Human Rights Institutions also falls within this category. The resources allocated to these sectors will depend on the government's overall ability to raise the necessary funds. However, we are grateful to our development partners who give budgetary support to Kenya and we wish to use this opportunity to call upon them to continue doing so.

Although, the recommendations on the abolition of the death penalty in its absolute form were noted, the Government continues to take steps towards its abolition. Since the Review,

the Honourable Attorney General has directed the Power of Mercy Committee to work with other stakeholders to initiate a National dialogue on the abolition of the death penalty as a way of promoting human worth and dignity.

**Mr. President,**

Allow me now to comment briefly on some of the other noted recommendations on various outstanding bills and Acts: *The Kenya Information and Communication Act, the Media laws, the Freedom of Information Bill, 2014, Data Protection Bill 2013 and The Public Benefit Organization Act, 2013.* We wish to inform the Council that the Bills and the Acts are still undergoing stakeholders' consultations and analysis with a view to improving their content and to secure consensus on the same. We undertake to update the Council on the progress.

**Mr. President,**

We wish to emphasize that the noting of the recommendations does not imply a bar to their full implementation. The Government recognizes the importance of the UPR process in improving the situation of human rights in Kenya. It will therefore take all the necessary and possible steps, taking into account, budgetary considerations, public participation and the various processes

taking place in the country, to ensure that all recommendations are effectively implemented. It should be noted that the Constitution of Kenya embraces a comprehensive Bill of rights which reflects international human rights standards. Based on the Constitutional provisions, Kenya's courts of Law ensure that laws are interpreted in a way that complies with the rules of international law and human rights instruments that Kenya is a State Party to.

**Mr. President,**

In closing

Allow me to underscore the fact that Kenya has fully and unreservedly embraced the UPR process as a most effective tool for policy development initiatives and programmatic interventions for effective realization of human rights and fundamental freedoms. The UPR has helped in the definition of our human rights priorities, and facilitated the exchange of international experience and best practices to strengthen our laws, policies and institutions.

**I thank you**