



DEFEND DEFENDERS

East and Horn of Africa Human Rights Defenders Project

UN Human Rights Council – 60th regular session

Item 6: UPR adoptions – Kenya

Oral statement

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[Video statement – Check against delivery]

Mr. President,

We welcome Kenya's acceptance of 233 out of the 339 recommendations it received during its fourth UPR review, but we flag that this rate of acceptance (69%) is mediocre. Kenya noted recommendations offered by states from all regional groups, including on ratifying international instruments, such as the International Convention for the Protection of All Persons from Enforced Disappearance. We regret Kenya's refusal to accept a recommendation on "[adopting] comprehensive anti-discrimination legislation, covering all its forms, including those based on economic status or disability" (no. 56.50, offered by Cameroon).

On the positive side, we welcome the government's acceptance of recommendations pertaining to:

- (1) **Investigations.** These include recommendations to "investigate allegations of extrajudicial executions, enforced disappearances and excessive use of force by security agents" (54.27, offered by Colombia) and "conduct impartial and effective investigations into the excessive use of force against protesters and bring those responsible to justice" (54.44, offered by Switzerland).
- (2) **Civic space.** These include recommendations on "[bringing] legislation and practices governing peaceful assembly into full conformity with the [ICCPR]" (54.68, offered by Montenegro) and "[respecting] the right to freedom of expression and peaceful assembly and [taking] concrete measures to protect those exercising these rights, including human rights defenders, from physical attacks, harassment and intimidation by police" (54.61, offered by Norway).

We are concerned, however, about the **disconnect** between the official discourse and the practice. When we examine details of the government's replies, we understand that it prioritised broad, vague recommendations over specific, action-oriented, measurable ones. To take two examples: the government noted a recommendation (no. 56.68, offered by Sweden) to "establish an independent mechanism to investigate violence against peaceful protestors, disappearances and abductions with a view to holding those responsible to account." It also refused to "fully implement the National Coroners Service Act 2017 to provide a framework for addressing enforced disappearances and holding perpetrators accountable" (recommendation no. 56.73, offered by the Netherlands).

This leads us to question the authorities' commitment to ensuring full accountability. In a context in which June 2024 protests against a Finance Bill, protests that took place a year later, as well as "Saba Saba" protests, were met with brutal force, resulting in dozens of killings and the use of terrorism-

related offences against protesters under the Prevention of Terrorism Act 2012, this is of utmost concern – all the more since impunity for these acts remains complete.

Kenya's membership in the Human Rights Council should be an opportunity not only to reconsider its position on rejected UPR recommendations, but also, and more fundamentally, to change course and uphold its citizens' rights.

Thank you for your attention.