Media brief

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Safeguarding Constitutional Gains of Human Rights Defenders

Champion of rights better known as Human Rights Defenders (HRD's) are person (s) in a society who individually and in association with others, promote and strive for the protection and realization of human rights and fundamental freedoms.…..Article 1, UN declaration on the rights and responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

In Kenya today, HRDs continue to live in distress as they are targeted and at risk of prosecution by state and non-state actors. Notwithstanding many HRDs who work both as professionals and volunteers continue to soldier on at a personal expense and sacrifice. Their zeal to ensure the space for human rights work does not shrink amidst deliberate and calculated efforts from varied influential political and social circles continues to strengthen their will to be Champions of Rights.

It is in this regard that the Kenya National Commission on Human Rights (KNCHR), in pursuant of its mandate of promoting and protecting human rights in Kenya resolved to support the work of HRDs.

Contribution of HRDs to democracy in Kenya

The work of champions of human rights in Kenya dates back to pre-colonial Kenya and especially during the struggle for independence. The need for citizens to freely express their needs without oppression or biased response is what could be termed locally as one of the genesis of the human rights movement in Kenya.

Their further existence and push for space to be heard has been strengthened through the years by the growing practice of democracy. Today, one of the biggest fruits of human rights defenders in Kenya is the new constitution of 2010, which further dedicates a chapter on the Bill of rights to which the state must comply with. The Bill of Rights further reflects international standards for the protection of HRDs by according relevant rights such as the rights of assembly, association and speech, rights of arrested persons and rights to a fair trial. The Constitution further protects HRDs through institutional mechanisms such as the establishment of 3 independent National Institutions that include the KNCHR, the office of the Ombudsman and the Gender and Equality Commission.
Report on the State of human rights defenders in Kwale, Busia and Marsabit Counties

Champions of rights; a Report on the situation of Human Rights Defenders (Busia, Kwale and Marsabit Counties) sought to better understand the situation of HRDs with a focus of identifying the challenges they face, gaps in their existing capacities to conduct their work and in order to find solutions on how these issues can be addressed. The data collected confirms the following:

1. Human Rights Defenders continue to be exposed to arbitrary arrests and have false charges placed against them further denying them the right to fair trial leading to wrongful convictions.
2. HRDs lack support from the communities under which they operate through non recognition of their efforts amidst great sacrifice and their quest to ensure respect for human rights.
3. Cultural practices that violate human rights hinder the extent to which the HRDs deliver on their mandates. Treading these waters calls for a balance that ensures that certain groups are not alienated from enjoying the rights and that culture is upheld.

So as to facilitate the work of HRDs we make the following recommendations;

- That the national and county governments enact legislations that ensure a conducive and facilitative work environment for HRDs
- That security agents desist from arbitrary arrests and harassment of HRDs
- That county and national governments guarantee an enabling environment for the work of HRDs.
- That county and national governments establish avenues that facilitate engagement with human rights defenders.
- That civil society organizations maintain strong linkages with HRDs at grassroot levels to strengthen information sharing and capacity building.

A strong vibrant and independent civil society is a prerequisite to the full realization of the democratic gains articulated in the constitution. The continuous demonstration of intolerance to any form of dissent by the government has constrained democratic and introduced a narrative of fear and intimidation in the public. High levels of insecurity country wide have provided a justification for over securitization and excessive use of force and firearms purportedly to safeguard national security but which in reality will result in defeating the Bill of Rights. This state of affair constitutes a serious threat to the realization of the aspirations of the Kenyan people for a government based on essential values of human rights, equality, freedom, democracy, social justice and the rule of law.

To access the full report visit our website www.knchr.org or talk to us on our KNCHR Facebook page. Follow and join the conversation with human rights defenders through the twitter handle @HRD_knchr.

Mimi ni shujaa wa Haki, Je wewe?