Nairobi, 19th March, 2018

2018 STATE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THE REPUBLIC OF KENYA: STATEMENT BY THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

Your Excellency the President of the Republic of Kenya, Hon Uhuru Kenyatta;

The Kenya National Commission on Human Rights makes this address on the basis of its constitutional mandate as prescribed under Article 59 and within the general functions and powers under Article 252 of the Constitution; and the statutory reporting obligations pursuant to the KNCHR Act of 2011 (Revised 2012); with the specific mandate to promote a culture of human rights in the Republic of Kenya.

The National Commission’s broad mandate is to enhance the promotion and protection of human rights and fundamental freedoms for everyone in Kenya. The National Commission plays both an overseer and advisory role towards a society that upholds human rights for all. We monitor Government and private institutions, carry out investigations on alleged human rights violations and in appropriate cases we seek redress for those whose rights have been violated.

Our operations are guided by the United Nations approved principles on establishment and functioning of independent National Human Rights Institutions otherwise referred to as the Paris Principles. We are the principal State organ mandated to ensure compliance with international and regional human rights treaties and conventions that Kenya has ratified.

Your Excellency, it is in this respect that the National Commission wishes to address you on the State of Human Rights and Fundamental Freedoms in the Country:

1. Your Excellency, this State of Human Rights and Fundamental Freedoms statement by the National Commission comes ahead of your 5th State of The Nation Address. It is part of our deliberate efforts within our mandate to increase and create awareness on the human rights status in Kenya while endeavoring to hold the Government accountable in the promotion and protection of human rights.

Your Excellency, the Kenya National Commission on Human Rights issues this statement in the spirit and letter of the National Values and Principles of Governance that are spelt out under Article 10(2) of the Constitution. These are: patriotism, national unity, sharing and devolution of power, rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized; good governance, integrity, transparency and accountability and sustainable development.

As a National Commission, we wish to commend the State for ratifying key human rights treaties and conventions which impose upon Kenya the obligation to respect, protect, fulfil and promote human rights for all. The treaties also create reporting obligations on Kenya with respect to steps taken to implement the provisions of the various regional and international instruments.

The National Commission continues to support the Office of the Attorney General and Department of Justice towards timely state reporting in line with its commitments under the various international bodies. The National Commission also keeps track on the implementation of recommendations of these Treaty bodies. On this score, the National Commission lauds the State for submission of its reports to the treaty body monitoring mechanisms and encourages the State to do so for the few outstanding ones such as the International Covenant on Civil and Political Rights, the Convention Against Torture, African Charter on the Rights and Welfare of the Child as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The National Commission notes with concern that while Kenya has largely complied with its reporting obligations internationally, the State continues to lag behind in reporting under the African Human Rights System.

2. **Your Excellency**, Kenya has ratified key regional instruments including; The African Charter on Human and Peoples' Rights (Banjul Charter); the African Charter on the Rights and Welfare of the Child, the Maputo Protocol and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. However, Kenya has not made a declaration under Article 34(6) of the Protocol thus it does not accept the jurisdiction of the court to receive complaints from individuals and NGOs on rights violations.

**Your Excellency**, Kenya is yet to ratify several treaties and Optional Protocols. Specifically, the National Commission calls for Kenya to ratify the following treaties with regards to human rights:

i. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (The Kampala Convention);
ii. The African Charter on Democracy, Elections and Governance;
iii. The Protocol on the Statute of the African Court of Justice and Human Rights;
v. International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;
vi. The International Convention for the Protection of All Persons from Enforced Disappearance;
vii. The Optional Protocols to the International Covenant on Civil and Political Rights;
viii. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT);
ix. The Optional Protocol to the Convention on the Rights of Persons with Disabilities and
x. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

3. Your Excellency, the National Commission wishes to address you on the current status of Civil and Political Rights in Kenya. On the political rights front, Kenyan eligible voters participated in the General Elections on 8th August 2017, the second under the country’s 2010 Constitution. The General Election was indicted by the Supreme Court of Kenya in its ruling on 1st September, 2017 and that led to the subsequent repeat Presidential Election held on 26th October 2017 culminating in your swearing in as the President of the Republic of Kenya on 28th November, 2017.

Since then, Your Excellency, there has been a spate of events leading to violation of rights and fundamental freedoms and threatened violation of others. The National Commission has been particularly concerned about the hardline stances by contenders of political divides that threw the country into political and economic uncertainty. The forced disenfranchisement of a section of the Kenyan voters and intimidation of poll officials in the repeat Presidential Election of 26th October 2017 was a cause of great concern to Kenyans.

Your Excellency, the Right to Life was violated and threatened during the various cycles of the 2017 General Election. In the National Commission’s 2017 three election reports titled; The Fallacious Vote, Mirage at Dusk and Still a Mirage, we documented worrying trends of human rights violations that included 101 cases of deaths (10 among them children), 247 cases of injuries, 37 cases of damage to property, 64 cases of bribery, 85 cases of misuse of public resources, 46 cases of misuse of children and school grounds during campaigns, 39 cases of incitement and 123 cases of electoral related sexual and gender based violence (SGBV).

The National Commission also calls upon the Government to lift its reservation on Article 14 (2) (c) of the Maputo Protocol which states that; State Parties shall take all appropriate measures to: protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus. In view of the above statistics, the Commission calls upon the Government to ratify The African Charter on Democracy, Elections and Governance.

The National Commission on several occasions condemned the extra judicial killings and injuries to persons and has called for accountability on the officers involved. The National Commission also investigated the police brutality meted on University of Nairobi students during protests. The anti-riot police officers entered the University specifically Department of Architecture, Design and Development (ADD) and indiscriminately unleashed teargas and terror on students in the guise of quelling the University protests. Many students were seriously hurt and injured. This was the second time in a row students were being violated.

Your Excellency, the National Commission submitted its 2017 Election Report to the bicameral houses of Parliament and Senate. The report is yet to be tabled for debate in the two Legislative Houses and the National Commission calls for its speedy
deliberation. The National Commission notes with appreciation that Parliament and Senate have committed in writing to deliberate the report.

**Your Excellency,** at this juncture, the National Commission notes with utmost appreciation the magnanimous gesture of your meeting with the Opposition Leader, **Rt. Hon Raila Odinga** on **Friday, 9th March 2018.**

Your meeting at Harambee House was a true show of unity and progressive leadership that will ensure national dialogue and healing takes root following the pre and post General Election events.

We urge you **Your Excellency,** and the **Rt. Hon Raila Odinga** to remain true and firm to this new found commitment which will enhance our **national values and principles of governance** as enshrined in Article 10 of the Constitution and play your leadership role as envisaged under Article 131 (e) especially as a symbol of National Unity.

4. **Your Excellency,** the **freedom of assembly, demonstration, picketing and petition** is protected by the Constitution of Kenya. It is in the public domain that there were several demonstrations in the run up to the 2017 General Election and after. The protests were met with excessive force by law enforcement agents who indiscriminately used tear gas and water cannons to disperse crowds.

The National Commission also expresses concern over the rising cases of wanton destruction of property by the civilian during the same period. We call upon all Kenyans to exercise their rights within the prescribed confines of the law.

**Your Excellency,** based on the preliminary findings of the National Commission regarding the loss of property, we call upon the State to set up an independent mechanism to audit the losses incurred by various business ventures during the electioneering period and subsequently recommend the requisite compensation and accountability. This should be done in all counties that recorded violence.

5. **Your Excellency,** the **freedom of association and civic space** plays a pivotal role in shaping the human rights culture in our country in ensuring Government compliance with human rights obligations. In the recent past, however, there has been uneasy tensions between the Government and the Civil Society Organizations.

**Your Excellency,** Members of Civil Society Organizations, community leaders, paralegals, social workers, media practitioners, volunteers lawyers, Human Rights Defenders are central in advancing the rights of the vulnerable in our midst and advancing democratization processes in our region. The threatened arbitrary deregistration of Kenya Human Rights Commission and AFRICOG as well as the delayed operationalization of the Public Benefits Organization Act are examples of the turbulence that Non-Governmental Organizations have waded through.

The National Commission calls for the Public Benefits Organization Act to be operationalized as a matter of priority. **Your Excellency,** Article 1 of the Constitution is very clear that the **Sovereign power belongs to the People of Kenya.** The role and place of civil society institutions under the Public Benefits Act is very clear and the rule of law must be respected by all.
6. **Your Excellency**, extrajudicial killings and enforced disappearances have been a common occurrence. The National Commission strongly recommends the implementation of the Prevention of Torture Act and National Coroners Act 2017. Independent Policing and Oversight Authority and the National Police Service must thoroughly investigate extrajudicial killings and enforced disappearances and those found culpable brought to book. The National Commission also strongly urges that the State to ratify the *Convention for the Protection of All Persons from Enforced Disappearance* and also to employ and establish National and County Coroners accordingly.

**Your Excellency,** Article 131 (2e) on the Constitution gives you authority as the Head of State and Government to “ensure the protection of human rights and fundamental freedoms and the rule of law”. We therefore call upon you **Your Excellency,** to direct the security forces to forthwith end enforced disappearances, torture, extra judicial killings and arbitrary arrests. This will ensure that all security agencies operate within the rule of law according to the National Security guiding principles under Articles 238 (b).

7. **Your Excellency,** Kenya is yet to abolish the death penalty in line with calls by the regional mechanism as well as the *UN Committee on International Covenant on Civil and Political Rights* (ICCPR). The National Commission welcomes the move by the Government, through the office of the Attorney General, to set up a taskforce that has been mandated to effect the Supreme Court ruling of December 2017 that declared the mandatory nature of the death penalty as pertains to murder unconstitutional. The National Commission is a member of this task force and shall continue to engage key stakeholders and the public at large on the international trends with regards to the death penalty and call for its absolute abolition. We call upon the *Power of Mercy Committee (POMAC)* to release its report on the survey conducted on Kenyans’ perception to the abolition of the death penalty.

8. **Your Excellency,** Article 33 of the Constitution guarantees the *freedom of expression*. The National Commission has been concerned that this freedom has often been abused by politicians to advance political ambitions and stir divisions among the Kenyan people. Moreover, attempts to ‘regulate’ the media, especially the new age media, that is, social media has in some instances opened an avenue to harass and victimize Kenyans.

Further, the National Commission holds that the media switch off of three (3) Television Broadcasting Stations earlier this year was an affront to Article 34 of the Constitution which guarantees freedom and independence of electronic, print and all other types of media.

The National Commission would like to re-emphasize that journalists and the media as a whole have a duty to inform the public and the public has a right to receive information. As such members of the *fourth estate* require an enabling and secure
environment to optimally enjoy their rights and freedoms in the course of their duties. This environment should and can only be provided by the State as the principal duty bearer. The freedom exercised by the media is clearly stipulated in Article 21, Article 33, Article 34, Article 35 and Article 36 of the Constitution and other statutory provisions.

9. **Your Excellency**, access to justice is a key constitutional right for all Kenyans. The National Commission welcomes the enactment of key legislations to the protection of human rights; such as the Legal Aid Act, Victim Protection Act, Witness Protection Act, Prevention of Torture Act, Small Claims Court Act and Persons Deprived of Liberty Act. The full benefits intended under these Statutes is however yet to be felt; full operationalization and resourcing of these statutes and relevant regulations however remains a challenge. The National Commission strongly recommends that the laws enacted translate to the intended tangible benefits on the common citizen especially among those who have been historically marginalized.

10. **Your Excellency**, Article 43 of the Constitution of Kenya 2010 guarantees the right to the highest attainable standard of health, accessible and adequate housing, reasonable standards of sanitation to be free from hunger, to clean and safe water in adequate quantities, social security and education.

**Your Excellency**, the National Commission wishes to acknowledge the “big four” development initiatives by your Government targeting increased; Manufacturing, Food Security, Health and Housing. **Your Excellency**, businesses and human rights in Kenya is rapidly emerging as a human rights concern. We note the Government’s focus on manufacturing in its Big Four Agenda. The National Commission has been monitoring with keen interest the ongoing activities in the extractive sector by consistently engaging both the State and companies towards compliance with human rights principles and standards in the business sector.

The National Commission commends the Government’s prioritization of universal healthcare and food security in the “Big Four Agenda”. The National Commission also acknowledges the State for enhancement of the National Hospital Insurance Fund which has increased the healthcare benefit for beneficiaries. We further commend the free maternity healthcare programmes for all women.

However, **Your Excellency**, we wish to draw your attention to the following:

The National Commission is concerned that Kenya is yet to attain the desired budgetary allocations on health of 15% of the national GDP in line with the Abuja Declaration. Notwithstanding the budget, the quality of healthcare services in public hospitals is grossly wanting as patients are offered substandard services. To address this unabated situation, the National Commission calls for thorough investigations into corruption and misappropriation claims within the Ministry of Health.

The National Commission is in particular concerned about the operations of the free maternity health care programme; which has seen cases of mothers being detained in health facilities due to lack of payments of services related to the born children.
Additionally, there has been serious concerns and complaints on the treatment of women in health facilities when receiving maternal health care. Cases of mistreatment, harassment and assault have been reported.

Your Excellency, I am sure you will agree that no one deserves to be treated in an undignified manner while in the dignified act of bringing forth a life. We call upon all healthcare professionals to accord dignified treatment to all persons. We call upon the Government, the medical service regulatory Board to monitor and put in place systems to ensure the highest standards of professionalism and dignity is enjoyed in all healthcare facilities in line with Article 28 on National Health Policy.

The National Commission recommends that the Ministry of Health provides policy guidance on the extent of the free maternal healthcare. We further encourage the State to extend health insurance coverage to all persons.

The National Commission calls for improved collaboration between the National Government, through the Ministry of Health, and County governments to enhance delivery of healthcare services across the country, especially in marginalised areas.

Your Excellency, the National Commission takes cognizance of the steps that the Government has undertaken on social security to establish safety nets that promote the enjoyment of human rights. Such positives initiatives are; the Older Persons Cash Transfer, the Cash Transfer for Orphans and Vulnerable Children, the Hunger Safety Net Program, the Urban Food Subsidy Cash Transfer and the Persons with Severe Disability Cash Transfer. However, the National Commission calls for the Social Assistance Act, No. 24 of 2013 to be fully operationalized.

The National Commission notes that these cash transfer programmes initiated by the Government continue to reach the most vulnerable members of the society and to this end the National Commission urges for the expansion of the programme so that more persons in need are able to access and benefit. Accessibility to these programmes need to target the marginalized particularly in arid and semi-arid areas and the insecurity prone areas especially the North Rift region and some parts of the Coast region. However, a human rights monitoring system needs to be put in place through the relevant Ministry to ensure that the target beneficiaries are reached.

11. Your Excellency, Devolution is the cornerstone to the Constitution and development of our country. The National Commission is concerned by the perennial delay in disbursement of funds to County governments which significantly hampers the delivery of services to Kenyans. We call upon your Administration to ensure the timely disbursement of funds to the Counties. We further call upon County governments to ensure the proper appropriation of these funds with more priority to development including health and other basic services.

Your Excellency, the National Commission notes your Government’s efforts to increase access to water through building of dams and water reservoirs across the country. However, access to clean water remains a scarce privilege for majority of Kenyan households. The national budgetary allocation for water services and
infrastructure has not been in line with Article 20(5) of the Constitution that requires the Government to ensure progressive realization of the right to clean and usage of water in large quantities. Sanitation also remains a major concern. Early this year, cases of cholera outbreak in Nairobi City and other parts of Kenya were reported. The National Commission has developed a “Framework for Monitoring Realization of the Rights to Water and Sanitation in Kenya” and calls for an engagement with the line Ministry on the same.

Your Excellency, housing is a basic need. Many Kenyans still live in deplorable conditions in both rural and urban settings and the cost of housing is out of reach for many. We urge your Government to put in place measures to ensure affordable housing for all.

12. Your Excellency, the National Commission notes that the right to education continues to enjoy a major boost from your Government with the continued provision of free primary and free secondary day education, school meals to disadvantaged and vulnerable children and distribution of sanitary towels to female pupils and students. The National Commission calls on your Government to address the identified gaps in the quality and accessibility of the free primary education as well as the involvement of stakeholders in the running of schools.

Your Excellency, at this point the National Commission wishes to register its concerns in respect to the education status in Wajir County. Pursuant to Article 43 (f) of our Constitution, every person has the right to education. Recent events in Wajir county shows that the right to education for over 14,000 secondary students and 111,500 pupils in primary schools is threatened after the Teachers Service Commission withdrew 315 secondary school teachers and 585 primary school teachers due to insecurity. The matter has been aggravated after the Board of Management of the schools in Wajir County resolved to close all schools due to lack of teachers.

Your Excellency, as a matter of urgency we call upon your Government to act with speed and address the looming education crisis in Wajir County. The Government should be able to prioritize and protect its public officers who include teachers in their line of duty.

Your Excellency, on the right to food, the National Commission welcomes the current legislative efforts through the Food Security Bill before the Senate. The National Commission notes with concern that the country still grapples with the challenge of food insecurity. Early this year, the prolonged drought hit the country in 23 out of the 47 counties amidst claims of cartels in the importation of the staple food - maize. The National Commission is concerned over the seemingly knee-jerk strategies and piece meal approaches by the concerned Ministry and agencies in curbing perennial drought and food shortages especially in the arid and semi-arid counties in Kenya. The National Commission calls for disaster preparedness and long term strategies to be put in place to ensure the country effectively tackles the perennial drought and food shortages.

13. Your Excellency, the National Commission further recognizes the affirmative action that the Government initiated in ensuring non-discrimination and equal opportunities for special interest groups. The National Commission appreciates the spirit in the
Presidential directive on the 30% access to Government Procurement Opportunities for women, the youth and persons with disabilities. This initiative continues to benefit groups that would ordinarily not have the capacity to access Government tenders. However, special attention needs to be directed to continuous training and auditing of the actual beneficiaries.

Your Excellency, the findings of the Evaluation Report for the Year 2016/2017 on Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution, shows that Ministries, Departments and Agencies and indeed across all public institutions the enforcement of the policy on Access to Government Procurement Opportunities (AGPO) has not reached the optimal level especially in respect to the benefits that go to the Youth and Persons with Disabilities who are critical members of our society.

14. Your Excellency, the Constitution of Kenya 2010, through its progressive provisions, specifically Articles 27(8) and 81(b) seeks to address gender inequality in political sphere by enshrining the principle that not more than two thirds of the members of public bodies shall be of same gender. Notwithstanding the Constitutional guarantee, gender equality remains an aspiration. It is an unrealized constitutional promise for Kenyan women. Following successful petition by the National Commission and other institutions, Parliament was compelled to put in place legislative measures. The two thirds gender rule however still remains an aspiration yet to be realized in both elective and appointive posts.

Your Excellency, in the recent past there has been rising cases of disobedience of court orders by agents of Government. Further, there has been utterances by politicians from both the political divide that have deliberately targeted to undermine the confidence and independence of the Judiciary. As a National Commission, we reiterate that the rule of law should not be shelved at the behest of a few individuals. Impunity and disobedience of Court orders should never find space in our current Constitutional dispensation.

We call upon you Your Excellency, to exemplify the achievement of gender parity in our country by ensuring all appointments including those in the executive are in full compliance with the tenets of the Constitution. The National Commission further implores upon you Your Excellency, to marshal your party Members in Parliament to enact a law that shall operationalize the two thirds gender principle as envisioned in the Constitution immediately.

15. Your Excellency, despite significant efforts being directed towards training, development and dissemination of gender handbooks, guidelines on gender responsive budget and gender based violence monitoring and evaluation framework, the impact of these are yet to be optimally felt. According to research by National Gender and Equality National Commission, Kenya’s National Equality and Inclusion Index stands at 58.9% and this is due to the fact that significant proportion of Women, Youth, and People Living with Disability, older members of society, ethnic minorities and marginalized groups have to contend with economic, cultural and social barriers while accessing essential services.
Your Excellency, there is an urgent need to pass the Dignity Bill, the Public Participation Bill and the National Policy on Public Participation. Equally there is need to operationalize fully the Equalization fund.

Your Excellency, the Children Bill is also undergoing review to align it with the Constitution of Kenya, 2010. The National Commission commends the State’s efforts towards the protection of the rights of intersex children and persons in Kenya through establishment of the Taskforce on Policy, Legal, Institutional and Administrative Reforms regarding Inter-sex Persons in Kenya. This is meant to review the existing policy, institutional, legislative, medical and administrative structures and systems governing intersex persons.

16. Your Excellency, one of the positive marks and beauty of our Kenyan nation is the diversity of our people. The National Commission recognises the importance of protecting our environment for sustainable development. We however note with concern that in the pursuit of environmental sustainability, the rights of indigenous communities continue to be neglected by the Government agencies. The National Commission notes the recent cases of Sengwer Community of Embobut Forest in Mt. Elgon being forcefully evicted by Kenya Forest Service (KFS) guards. Their homes were burnt in the guise of conservation of the forest. In June 2017 the African National Commission Committee on the Elimination of Racial Discrimination, under its Recommendation No 20, directed that the Kenyan State “Prevent, investigate, prosecute and sanction acts threatening the physical security and property of the Sengwer, the Endorois, the Ogiek and other indigenous peoples.”

Your Excellency, the implementation of the decisions of the African National Commission and the African Court decisions remains very slow. This is despite the National Commission’s input and guidance to the process of implementing Ogiek and Endorois decisions and establishment of a Taskforce. The National Commission remains deeply concerned at the slow pace of progress and emerging internal conflicts among groups involved and recommends the States’ recommitment to conclusion of the process within set time frames.

17. Your Excellency, in your 2015 State of the Nation address, you committed towards reparations for victims and survivors of historical injustices in Kenya by offering a public apology to the victims and subsequently setting up a Ksh. 10 billion restorative justice fund. Since then, efforts towards administration and disbursement of the restorative justice funds to victims and survivors has not been realized. In the absence of such operationalization, the National Commission hereby brings to your attention that the state of victims and survivors remain the same or even worse, especially those that suffered serious bodily harm.

Since 2016, the National Commission alongside the Office of the Attorney General and several actors in Transitional Justice sector, both private and public institutions, worked to develop regulations on reparations and forwarded to the honourable office of the Attorney General of Kenya.
As a National Commission, we call upon you **Your Excellency**, to instruct the National Treasury to immediately operationalize the Restorative Justice Fund by adopting regulations that shall guide the reparation of victims and survivors.

Likewise **Your Excellency**, as you directed Members of Parliament to table and discuss the Truth Justice and Reconciliation National Commission (TJRC) report then, the National Commission once again calls upon you this year to work with the Legislature to give the Truth Justice and Reconciliation Commission report utmost priority. While the National Commission and other actors are working on a reparations policy, the National Commission brings to your attention that the Truth Justice and Reconciliation Commission report alone is the ultimate policy on reparations. As a National Commission, we believe implementation of the recommendations will go a long way in healing our Nation in order to avoid future human rights violations.

In this respect, **Your Excellency**, the National Commission behoves you to consider a phased implementation approach to the Truth Justice and Reconciliation Commission (TJRC) recommendations. This will mitigate on the political violence that keeps recurring in our country every five years in respect to land representation and marginalisation, among other factors.

18. **Your Excellency**, corruption in Kenya has continued to thrive with impunity occasioned by the lack of effective prosecution of corruption cases. As a result, colossal sums of money are irregularly withdrawn from national and county governments’ coffers and end up in private and individuals hands. Resources meant for development are thus diverted. This has serious consequences on critical reforms and the development agenda for Kenya. Corruption and human rights are interlinked, in that a cause and effect relationship exists between the two. On one hand, where corruption prevails, human rights abuses will occur in one way or another. The National Commission therefore calls on you **Your Excellency**, to activate radical decisions to rein on the corruption vice in Kenya.

19. **Your Excellency**, the National Commission is concerned with reports that the National Police Service Commission has effected a decision to cut the salaries of police officers. This is a decision that portends far reaching and negative consequences to the country, bearing in mind these same officers are the custodians of our national security. The ripple effect of such a decision will lead to low morale of the National Police Service officers and ultimately affect the much needed police reforms that had gained momentum.

As a Commission, we deem this action by the National Police Service Commission as a violation of the police officers’ economic and social rights and in contravention of Article 41 of the Constitution on labor rights and the International Labor Organization Convention 95 on the Protection of Wages. We urge you, **Your Excellency**, to urgently suspend the implementation of the police officers’ pay cuts until an all-inclusive engagement involving stakeholders is reached.

20. Finally **Your Excellency**, it is important to note that the *Chapter 15* Constitutional Commissions and Independent Offices are key to the development, peace and security of the Republic of Kenya. There can be no accountability in the management of public
institutions unless the public is fully informed on what these institutions are doing on their behalf.

To this end Your Excellency, the Chapter 15 institutions need to be properly resourced, their reports debated in both Parliament and Senate and their recommended actions taken on by the respective line Ministries at both the National and County levels.

21. In conclusion, Your Excellency, we pray and urge you to ensure that the Constitution continues to be respected, upheld and defended by all irrespective. This is the only way that as a Republic, Kenya will continue to prosper both economically and politically as One People, One Nation.

We leave you, Your Excellency with these words from Lao Tzu (Chinese Philosopher and Writer), “A leader is best when people barely know he exists, when his work is done, his aim fulfilled, they will say: We did it ourselves”.

We Thank You Your Excellency,

Kagwiria Mbogori
Chairperson
Kenya National Commission on Human Rights