Kenya: UN experts urge government and business to uphold human rights

GENEVA / NAIROBI (11 July 2018) – The United Nations Working Group on business and human rights is urging the authorities in Kenya to turn ideals set out in the 2010 national constitution into action that ensures businesses respect human rights.

“Kenya has the advantage of a solid legal framework for action, and the Government must first of all step up efforts to ‘walk the talk’ to translate existing legislation into practice,” said Anita Ramasastry, chairperson of the Working Group.

During the visit, the experts met representatives of Government, business, and civil society to discuss opportunities and challenges presented by the State’s commitment to the UN Guiding Principles on Business and Human Rights.

“We have been appalled to hear about the harsh working conditions of plantation workers, often paid below the minimum wage, and to witness the hardship and devastation caused by a preventable dam breach in Solai, Nakuru. We have also been very concerned by lead contamination in the Owino Uhuro settlement in Mombasa,” said Michael K. Addo, the other member of the visiting expert group.

“In all of these instances, it is the poorest and most vulnerable members of society who are most exposed and affected,” he added.

In a statement at the end of their 10-day visit, the experts noted that the challenges ahead would require concrete action by both national and county governments, including steps to ensure meaningful consultation and transparency in the assessment of environmental and social impacts of business projects.

The experts also encouraged the government to move forward with regulations relating to registration of community land and other efforts to provide clarity on land rights and certainty for communities and the private sector.

“We welcome the commitment of the Government to develop a National Action Plan (NAP) on Business and Human Rights to address gaps and shortcomings in current
practice, and we hope that our preliminary observations will help this process,” Ms Ramasastry concluded.

The Working Group’s final report, including findings and key recommendations, will be presented to the UN Human Rights Council in June 2019. 

ENDS

The UN Working Group on human rights and transnational corporations and other business enterprises was established by the UN Human Rights Council in June 2011. Its current members are: Ms Anita Ramasastry (current Chairperson), Mr. Michael Addo, Mr. Surya Deva, Mr. Dante Pesce (current Vice-Chairperson) and Mr. Pavel Sulyandziga.

The Working Group is part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council’s independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

The UN Guiding Principles on Business and Human Rights, unanimously endorsed by the UN Human Rights Council in 2011 (resolution 17/4), provide the authoritative global standard for action to safeguard human rights in a business context, clarifying what is expected by governments and companies to prevent and address impacts on human rights arising from business activity.

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This year is the 70th anniversary of the Universal Declaration of Human Rights, adopted by the UN on 10 December 1948. The Universal Declaration – translated into a world record 500 languages – is rooted in the principle that “all human beings are born free and equal in dignity and rights.” It remains relevant to everyone, every day. In honour of the 70th anniversary of this extraordinarily influential document, and to prevent its vital principles from being eroded, we are urging people everywhere to Stand Up for Human Rights: www.standup4humanrights.org.