



## Press Statement

### **BLEAK AND DIRE: A crisis of Human Rights and Governance in Kenya**

**NAIROBI, APRIL 3<sup>RD</sup>, 2023**

We, human rights and governance organisations take note of yesterday's offer by the President to adopt a bipartisan parliamentary approach as well as the opposition counteroffer led by Azimio la Umoja coalition party to suspend the protests and give room for dialogue on **SELECT** human rights and governance issues.

The truce follows months of political confrontation and contestation on among other issues unresolved electoral justice concerns from previous elections, inequalities in accessing basic services and the high cost of living. The climax to the dissent was witnessed in the recent weekly demonstrations, in which many Kenyans heeded the opposition leader, Mr. Raila Odinga's call to take to the streets to protest and compel the current regime to implement necessary measures to remedy the dire situation.

Whereas the Constitution under Article 37 gives the right to peaceably assemble, demonstrate, picket, and present petitions to public authorities, the turn of events during the recent protests laid bare the bleak and dire state of the nation due to the patterns that characterised it including; Wanton looting and destruction of public and private properties; violence meted out on innocent protesters by the State through the use of live ammunition, excessive tear gas, and other forms of violence. In addition, the media was not spared as horrific violence was meted out on journalists covering the demonstrations as well as an attempt to muzzle media freedom. These actions are unacceptable and fly in the face of the principles of democracy and the rule of law.

The above state of affairs amounts to *a crisis of human rights and governance* that is avoidable and unnecessary. Noteworthy, this is not the first time the country is going through such a fragile moment requiring national dialogue as similar scenarios were witnessed during the 1997 crisis that culminated in the establishment of the Inter-Party Parliamentary Group, the 2005 referendum, the 2007/08 post-election violence that led to the formation of a coalition government, the 2017 general elections contestations that led to a repeat of the Presidential polls, and the recently concluded 2022 election processes that continue to face opposition. Unfortunately, the National dialogues have resulted in minimal reforms safe for the 2007/08 National Accord and Reconciliation process.

**Considering the matters and the latest developments in the state of the nation, we make the following demands;**

1. The government **MUST** urgently come up with a pro-poor and rights-based framework to deal with the high cost of living to realise the Economic and Social Rights aspirations outlined under Article 43 of the Constitution of Kenya.
2. We call on **CRITICAL** offices among them the Independent Policing Oversight Authority (IPOA), Kenya National Commission on Human Rights (KNCHR) and the National Cohesion and Integration Commission (NCIC) to investigate the conduct of the police, political class and civilians that is against the rule of law during the demonstrations and take requisite legal actions
3. We **URGE** the police and citizens to act within the law. As a democratic country, Kenya values the right to freedom of expression, assembly and association as guaranteed in the Constitution and **ANY** attempts to claw back the gains made will be resisted vehemently.
4. The liberalisation and indigenisation of the media industry have grown full circle and bolstered our democracy and as such media **MUST** be allowed to operate freely and without fear of intimidation, reprisal and violence.
5. The bipartisan parliamentary approach to redress outstanding electoral issues **MUST** take a multi-sectoral approach and ensure inclusivity and comprehensive resolution of historical and emerging governance issues bedeviling the country; be opened up to other critical players including civil society actors, professional associations, faith-based organisations, student leadership, private sector, trade unions, media and other civic formations.

The latest developments on the state of the nation present an opportunity for the nation to transform from the regressive and repressive governance culture that has been sustained since the colonial era mainly serving the interests of the elite and excluding the people.

Pursuant to our mandate as a sector, we will continue monitoring, documenting and responding to emerging human rights and governance issues towards promoting inclusive governance and adherence to the rule of law

**May Justice be our shield and defender!**