

## **Kenya: Safeguard and encourage essential voices of human rights defenders**

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Kenya should create an enabling environment for the work of human rights defenders – including repealing restrictions on NGO access to foreign funding and amending or repealing the Information Communication Amendment Bill and Media Council Bill, ISHR told the Human Rights Council today.



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The call came on the occasion of the Council's adoption of the report of the Universal Periodic Review of Kenya, with ISHR's statement also emphasising the risks faced by LGBTI people and organisations in Kenya as a result of the criminalisation of same-sex conduct. The statement also applauded the recent High Court decision reversing the rejection of registration of the National Gay and Lesbian Human Rights Commission as an important step in protecting rights to freedom of association and expression.

'It is crucial that the voices of human rights defenders are safeguarded and encouraged. This assists to create a vibrant, independent and diverse civil society which is essential to protect human rights, democracy and the rule of law' said Michael Ineichen of ISHR.

The [statement](#) in full read:

*In 2010, Kenya accepted all UPR recommendations received regarding freedom of expression and the protection of human rights defenders. However, defenders – working across the spectrum of rights – continue to be murdered, arrested arbitrarily, and threatened. Journalists documenting these violations have themselves been attacked. The Kenyan State has failed to protect them.*

*Furthermore, the environment for defending rights has become more restricted. The introduction of legislation – including the Media Council bill, and a 15 per cent cap on foreign funding for NGOs – seriously hampers NGO work.*

*NGOs are targeted through the misuse of legislation. The use of the Prevention of Terrorism Act 2012 (POTA), to equate NGOs 'terrorist' groups and freeze their bank accounts, has been seen in the recent case of Muslims for Human Rights (MUHURI) and Haki Africa. The Special Rapporteur on the right to the freedoms of peaceful assembly and association described this case as 'the perfect example of misusing broad and opaque laws to settle scores, and to perpetuate impunity.' The High Court in Mombassa has recently ordered the removal of these organisations from government 'terrorist' lists.*

*With the criminalisation of same-sex conduct, those who work to protect LGBTI people are at great risk. Mobs have attacked LGBTI organisations and assemblies and attempted to kill defenders. The recent High Court decision reversing the rejection of registration of the National Gay and Lesbian Human Rights Commission (NGLHRC) is an important step in protecting rights to freedom of association and expression for all.*

*The essential voices of human rights defenders must be both safeguarded and encouraged. They contribute to the consolidation of democracy, debates on balancing concerns regarding security and freedoms, and provide a barometer by which States can assess the human rights compliance in legislation, policy and practice.*

*Kenya must create an environment for the work of defenders – including through repealing restrictions on NGO access to foreign funding, amend or repeal the Information Communication Amendment Bill and Media Council Bill. It must guarantee due process for all parties listed as terrorist groups under the POTA.*

For more information contact Michael Ineichen – [M.Ineichen@ishr.ch](mailto:M.Ineichen@ishr.ch)

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