

**62<sup>ND</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES'  
RIGHTS  
NOUACKHOTT, MAURITANIA  
24th April to 3rd May 2018**

**STATEMENT BY THE KENYAN SECTION OF THE INTERNATIONAL COMMISSION OF  
JURISTS**

To the Vice-Chairperson and special rapporteur  
on Freedom of Expression and Access to Information in Africa

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[Thank you]

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) welcomes the opportunity to address the Vice-Chairperson and special rapporteur on Freedom of Expression and Access to Information in Africa with respect to the human rights situation in Kenya. We wish to bring to your attention the following issues:

1. ICJ Kenya welcomes Kenya's enactment of the Access to Information Act and the Public Benefits Act, 2013. However ICJ Kenya wishes to bring to the attention of the Chairperson the recent vicious attacks on civil society led by government supporters and operatives. There have also been attempted and threatened legislative caps on funding for NGOs, arbitrary arrests of human rights defenders, the arrest of bloggers critical of government officials and unlawful limitations on media freedom. More recently, the State, through Communication Authority of Kenya and the Kenya Police Service, shutdown several Television Stations and switched off the radio spectrum of licensed media houses.

The act of shutting down the stations contravened Chapter four on the Bill of Rights in the Constitution of Kenya. Article 33 provides for the freedom of expression and provides that every person has the right to freedom of expression, which includes, freedom to seek, receive or impart information or ideas. Freedom of expression and unrestricted access to information are fundamental to the workings of a democracy and should be upheld at all time. The State has a duty to ensure that the Rule of Law is upheld, that human rights are respected and safeguarded as they are the guarantee of a well-functioning democracy.

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1. **We call upon the Commission to urge the Government of Kenya to take measures to ensure that the Civil Society Organizations, media and journalists are able to carry out their work without fear, intimidation, threats and harassment.**

Thank you Madam Chairperson



Samwel Mohochi  
Executive Director