



PRESS RELEASE

Friday 16th December, 2016

On the Kenyan Government threat to civil society groups offering civic education and the Kenyan Government intention to withdraw from the ICC

The Kenyan Section of the International Commission of Jurists, (ICJ Kenya) is deeply concerned by the Kenyan government's increasing efforts to silence Kenyan civil society actors. We are also concerned by the government's call to withdraw from the Rome Statute which establishes the International Criminal Court (ICC).

On 12th December 2016 at the 53rd Jamhuri Day celebrations, the President of Kenya, Uhuru Kenyatta, condemned NGO's conducting civic education aimed at educating Kenyans on the electoral and political systems ahead of the 2017 General Elections. He argued that foreign powers were planning to interfere with 2017 polls by financing civil society groups under the guise of civic education. On 14th December 2016, the Principal Secretary State Department of Interior in the Ministry of Interior and Coordination of the National Government, Karanja Kibicho, called for the crackdown on NGO's offering civic education.

The remarks by the president and the PS Mr. Kibicho to curtail the work of the civil society in conducting civic education amounts to a direct attempt of curtailing multiple fundamental human rights in chapter 4 the Constitution. Article 32 provides for the freedom of conscience, religion, belief and opinion. Article 22 provides for freedom of expression, Article 35 provides for freedom of information, Article 36 provides for freedom of Association and Article 38 of the constitution specifically guarantees every Kenyan's right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for any elective public body. Citizens should not only be made aware of their rights, duties and

responsibilities, they should also be prepared so that they are able to exercise those rights, become aware of their duties and to undertake their responsibilities willingly.

Civic Education gives right to effective public participation a cornerstone of the constitution and is an important avenue through which citizens are educated about the important role that they are expected to play in the development of this country and is essential to sustaining our constitutional democracy.

The civil society as part of public benefit organizations play an important role in serving the public good, supporting development, social cohesion and tolerance within the society; promoting democracy, respect for the rule of law, and providing accountability mechanisms that can contribute to improved governance;

Conscious that government, business or public benefit organisations on their own, do not have the capability to meet all the challenges that society faces;

It is the duty of the government to protect, promote and fulfil the freedom of expression, assembly, and association as guaranteed by the Constitution. The government MUST also allow for unhindered political and civic education engagement which are vital in educating the public on elections and electoral systems as well as accountability issues involved in our political and electoral systems.

We are alarmed that the Executive seeks to oust all these fundamental rights in one sweep under the pretext that the people are adequately knowledgeable.

The President also mentioned Kenya's intention to withdraw from the Rome Statute which establishes the ICC. ICJ-Kenya is cognizant of the justification for the adoption of the Rome Statute that led to the establishment of the ICC. ICJ-Kenya wishes to state from the outset that the country risks setting a bad precedent should it repeal the International Crimes Act, 2008 (the Act 2008) and renegaded on commitments made with respect to international law obligations.

ICJ-Kenya reiterates that a free and vibrant civil society is the cornerstone of any democracy.

We therefore make the following demands;

- The HE the President of Kenya lives up to the oath of office he took which includes promoting constitutionalism and protection of the constitution.
- We urge the State officers and public officers to forthwith disregard and disobey illegal orders aimed and circumventing the constitution by disrupting activities guaranteed by the constitution.
- That parliament and executive forthwith renews its constitutional commitment to fulfill all international obligations in line with article 2 of the constitution of Kenya and any digressions therefrom be upon public participation.
- Forthwith comply with the court order by Justice Onguto to gazette the commencement day of the PBO Act

ICJ Kenya shall not hesitate to challenge and thwart any attempts aimed at weakening our constitutional moment.

SIGNED

16th December 2016



Samwel Mohochi

EXECUTIVE DIRECTOR

ENDS