

To the United Nations Human Rights Committee,

Chairperson of the United Nations Human Rights Committee Ms. Photini Pazartzis

**RE: 4<sup>th</sup> Periodic Review for Kenya on the International Covenant on the Civil and Political Rights by the United Nations Human Rights Committee during the COVID-19 pandemic.**

Dear Ms. Photini Pazartzis,

We, the undersigned non-governmental organisations in Kenya, write to you concerning the online review of Kenya on its 4<sup>th</sup> Periodic Report to the ICCPR. We express our appreciation to the UN Human Rights Council that pursuant to the letter dated 11<sup>th</sup> May 2020, we encouraged the UNTBs to undertake their mandated activities remotely where feasible, and the UN Human Rights Committee decided to hold a virtual review for Kenya on the 9<sup>th</sup>- 11<sup>th</sup> of March 2020. The Committee was able to ensure a safe and effective civil society involvement where this would have been a component of in-person sessions.

The review was important as the situation in the Country is witnessing a deterioration with respect to civil and political rights especially with the enforcement of measures put in place to contain the COVID-19 pandemic, hence the need to remind the government on their obligation under international law. The review's concluding observations are a clear reflection that our voices as civil society were heard and considered by the Committee. The Virtual session allowed a bigger number of NGOs to participate as they did not have to incur expenses related with travel to Geneva for a physical review as has been in the past. We recommend that this method incorporating both online and physical meetings thus making it more inclusive should be adopted moving forward.

The review was however not without challenges. The platform used for the review was very technical and not user friendly. This was also evident by the numerous technical difficulties occasioned during the review, and in particular the formal NGO briefing, which also led to loss of time. We recommend that the Committee should consider using a platform that is friendly to everyone.

We urge the Committee to continue with the online reviews and for states and NGOs to participate in the review as it will be detrimental for rights-holders if the Committee, who are the only independent and expert monitors of the legally binding human rights treaties, are not able to execute their mandate during the COVID-19 crisis.

Sincerely,

Signatories

1. The Independent Medico-Legal Unit;
2. Haki Africa;
3. Kenya Human Rights Commission;
4. Law Society of Kenya;
5. Legal Resources Foundation Trust;
6. Defenders Coalition;
7. National Gay and Lesbian Human Rights Commission;
8. Refugee Consortium of Kenya;
9. Muslims for Human Rights (MUHURI);
10. Faraja Foundation;
11. International Center for Transitional Justice (ICTJ);
12. Stop the Traffik Kenya
13. Transparency International;
14. Article 19 East Africa;
15. Centre for Minority Rights Development (CEMIRIDE);
16. Center for Rights Education and Awareness (CREAW);
17. The Kenyan Section of the International Commission of Jurists (ICJ Kenya);
18. The Reproductive Health Network;
19. Kenya Ethical and Legal Issues Network.