



**Statement by Sweden in the interactive dialogue on Kenya**

*Delivered by Minister-Counsellor Josefin Simonsson Brodén  
Geneva, January 22, 2015 (speaking time 1 min 10 sec)*

**Mr President,**

Sweden wishes to welcome the delegation and express our thanks for the information related to our advance questions.

Kenya's 2010 Constitution is one of the most progressive ones globally. It protects the rights of free expression and freedom of the press. Despite this, Kenya's Parliament passed media legislation in 2013 which goes against the principles of the Constitution. (The Kenya Information and Communication (Amendment) Act and the Media Council Act threaten to silence critical and investigative reporting through new regulatory bodies and the possibility of heavy fines.)

Open and transparent dialogue with Civil Society Organizations is a necessary component of a healthy democracy. The Kenyan Public Benefits Organization Act (PBO), adopted in 2013, provides the needed legislative framework. However, implementation of this act has not been completed.

Despite being party to major international human rights instruments including the ICCPR and having a national constitution that incorporates international law, Kenya continues to maintain laws criminalizing consensual adult same-sex conduct (sections 162-165, Kenya Penal Code). (In addition, Kenya's anti-discrimination laws have not been adequately defined to include the contexts of sexual orientation and expression.)

Sweden recommends Kenya:

- 1) to review The Kenya Information and Communication (Amendment) Act and the Media Council Act in order to safe-guard that the principles of the Kenyan Constitution are guaranteed and upheld,
- 2) to implement fully the 2013 PBO Act, and to safe guard rights and space for civil society, in line with the Kenyan Constitution,

- 3) to review its Penal Code to align it with the Constitution and to adopt a comprehensive anti-discrimination law affording protection to all individuals, irrespective of their sexual orientation or gender identity.

Thank you, Mr. President