

Check against delivery

21th Session of the UPR Working Group – Review of Kenya

Statement by Austria

22nd January 2014

We warmly welcome H.E. ... and the delegation of Kenya and thank them for their presentation and the national report.

Austria welcomes the adoption of a Constitution in 2010, which includes provisions on prohibiting torture and ill-treatment. However, Austria is concerned about allegations of cases of torture by police and other security forces as well as by reports on the lack of accountability for these serious human rights violations.

While noting the increase in terrorist attacks and the security challenges Kenya is facing, Austria is worried by reports on the use of excessive force, extra-judicial killings and incidences of enforced disappearances by police and other security forces as well the recent mass deregistration of NGOs. Austria is particularly concerned about the recently adopted security law, which, among other measures, requires journalists to obtain police permission before investigating or publishing stories on domestic terrorism and security issues. The bill also broadly criminalizes publishing any statement "that is likely to be understood as directly or indirectly encouraging or inducing another person to commit or prepare to commit an act of terrorism."

Despite efforts by Kenya to eradicate Female Genital Mutilation and child marriage, Austria remains worried by reports that these human rights violations persist and that implementation of the relevant laws has been inadequate.

Austria offers the following recommendations

1. Promptly and impartially investigate all allegations of torture and ill-treatment and strictly hold perpetrators accountable;
2. Ensure that all counter-terrorism measures carried out fully comply with Kenya's international law obligations;
3. Amend provisions under the recently adopted security law to ensure that Kenya's international human rights obligations are respected, in particular with regard to the right to freedom of expression;
4. End impunity for the perpetrators of violence related to the 2007 elections in accordance with international standards;
5. Strengthen measures to eradicate Female Genital Mutilation and child marriage.

I thank you.