COMMUNIQUÉ

ON EQUALITY AND NON-DISCRIMINATION IN KENYA’S CONSTITUTION MAKING PROCESS

Att: News Editors

We, the undersigned organizations, have met for the past one week. We have debated at length on equality and non-discrimination as principles that should guide Kenya’s search for a new constitution. We have agreed that it is important that the right to equality before the law and also protection of persons from all forms of discrimination should be the basis of building a new culture of respecting, protecting and promoting human rights.

We therefore urge the Parliamentary Select Committee on Constitutional Review, and all other organs and actors involved in the review process, to discuss the Revised Harmonized Draft Constitution bearing in mind that all human beings must be treated equally and the protected grounds in the new constitution should be as comprehensive, open-ended and in line with Kenya’s international and regional obligations to protect all Kenyans equally.

We further demand that all review agencies refrain from interfering with progressive anti-discrimination provisions such as the following articles as contained in the Revised Harmonized Draft Constitution:

a) The Preamble which recognizes the aspirations of all Kenyans for a government based on the essential value of equality;

b) Article 10 (3), which provides for equal treatment for all religions in Kenya;

c) Article 32 on equality and freedom from discrimination;

d) Article 67(4) that guarantees equal rights for all at the time of marriage, during marriage and after the dissolution of marriage.

We are fully aware that there exists in Kenya State-perpetrated discrimination in many areas including in the areas of health, employment, provision of public services, access to justice, education and property ownership. With this in mind, we are committed to ensuring that discrimination, in all its forms and manifestations, is rooted out of Kenya and that positive steps are taken by the Government of Kenya to attain this. To realize this, we have embarked on a campaign to have discriminatory laws repealed and anti-discrimination policy and legislation put in place. We urge all Kenyans of goodwill to join us.

Signed on Thursday January 28, 2010 at Nairobi

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Muthoni Wanyeki – Executive Director
KENYA HUMAN RIGHTS COMMISSION (KHRC)

Dimitrina Petrova – Executive Director
EQUAL RIGHTS TRUST (ERT)

Patricia Nyaundi – Executive Director
FEDERATION OF WOMEN LAWYERS – KENYA (FIDA)