

**Human Rights Council**

**7<sup>th</sup> session**

**March 2008**

**Item 4: Human rights situation that require the Council's attention**

**The Post Election Crisis in Kenya**

**FRANCISCANS INTERNATIONAL – Fr. Benedict Ayodi, OFM Cap**

Mr. President/ Chairperson

I speak on behalf of Franciscans International and Pax Romana.

Mr. President/ Chairperson

With the signing of the power sharing agreement between the opposition and the government, peace and normalcy is slowly being restored in Kenya. However, this may take a while because many people remain divided, traumatized, displaced, and hungry, nursing their wounds in the wake of the post election crisis that left over 1000 people dead and 300,000 displaced.

The crisis triggered serious violence and human rights violations including: violent killings, rape and looting, burning of properties. This led to displacement of people.

In response to this situation, the government of Kenya banned all live coverage of news and events, any assemblies of people that resembled political rallies. As such, there was the disproportionate and excessive use of force, including lethal force, by the police against protesters, mainly in opposition strongholds.

Mr. President/ Chairperson

We commend the work of the Panel of Eminent Persons led by the former UN Secretary General, H.E. Dr. Kofi Annan. We are also humbled by the involvement of the international community represented through the UN, AU, EU, UK, US and others. We welcome the fact finding mission led by the OHCHR in Kenya. The immediate impact of these efforts has been felt among the Kenyan people.

Kenya is now embarking on reconstruction. In order to build a sound foundation for this process, the following elements are vital: **inclusion, equality, integrity, justice,**

**transparency, accountability, professionalism, tolerance and strong institutions that respect, sustain and protect these values**

Mr. President/ Chairperson

We recognise that ensuring the sustainability of the agreements reached is dependent on the vigilance of Kenyan citizens and the international community. As such we believe that the following are imperative

**1. Implementation, accountability and monitoring mechanisms for the agreements made to date namely:**

- Protection and assistance for internally displaced persons especially women and children and the safe return to their homes and places of work.
- The impartial effective and expeditious investigation into all cases of crime and police brutality and use of excessive force.
- The establishment of an effective Truth, Justice and Reconciliation Commission with time framework and terms of reference.
- The disbanding and demobilisation of all illegal armed and militia groups.

**2. Gender parity and equality:** Given the legacy of deeply entrenched gender inequality in Kenya, it is imperative that there be mechanisms for the inclusion and participation of women in and at all decision-making levels and processes. And violence against women especially during the post election crisis be investigated and culprits brought to book.

**3. Addressing the subject matter of the crisis – “Long-term Issues and Solutions,”** which is intended to address the fundamental root causes of recurrent conflict in Kenya namely constitutional reform, judicial reform, land ownership and reform, institutional reform, poverty, health care, slum upgrading and inequality

We request the international community to continue pressurising the government and stakeholders on implementation of the agreement and observance of human rights in Kenya and we urge the Human Rights Council to follow up and monitor closely the human rights situation in Kenya and to take action accordingly.

Thank you Mr. President / Chairperson