



# Commonwealth Human Rights Initiative

New Delhi, India. London, UK. Accra, Ghana

NGO in Special Consultative Status with the Economic & Social Council of the United Nations

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## Statement by the Commonwealth Human Rights Initiative on the Security Laws (Amendment) Bill, 2014

17 December 2014

New Delhi, India

The Commonwealth Human Rights Initiative (CHRI) has been following the recent deeply concerning national security developments in Kenya. While we recognise the formidable security challenges being faced by Kenya, we are firmly of the view that any and all responses must remain within the constitutional framework.

The recently introduced Security Laws (Amendment) Bill, 2014 does not fall in line with the constitutional framework. If these amendments are passed as they are, we believe this will lead to greater insecurity and weaken the sanctity of the Constitution itself.

In relation to the 2014 Bill, these are our principal concerns:

- the Bill negates the independence and accountability of the National Police Service and the National Intelligence Service (NIS);
- the NIS is given broad and ill-defined powers in the absence of sufficient checks;
- the Bill is disastrous for Constitutional rights and freedoms as it dilutes the right to a fair trial, freedom of assembly, freedom of movement and residence, freedom of opinion and of expression. The Bill goes as far as to hinder the basic Constitutional principles of rule of law and equality;
- minority groups and refugees are likely to be disproportionately targeted by new security policies laid down in the Bill.

The Bill seeks to amend twenty-two different laws. We cannot emphasise strongly enough the necessity to hold meaningful public consultations on these sweeping amendments. Public participation in law making is required by the Constitution of Kenya, 2010. This should not be denied to the people of Kenya.

CHRI urges all stakeholders, especially parliamentarians, to do everything in their power to ensure extensive debate and discussion on the Bill and prevent it from being passed as it is. We salute the tremendous efforts by civil society groups in vigorously voicing the concerns and gaps in the Bill.

*The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO working for the practical realisation of human rights in the countries of the Commonwealth.*

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