

Thank you madam chair, minority communities in Kenya have been the subject of economic marginalisation which has been characterised by the lack of infrastructural development, limited access to social amenities and a violation of their land rights. Such economic marginalisation emanated from a legal framework and various policy initiatives that not take cognisance of minority rights. The failure to enforce judicial decisions upholding minority rights has also been a contributing factor.

We are however encouraged by the promulgation of the new constitution of Kenya, acknowledging its recognition of marginalised communities and marginalised groups, its recognition of Kenya's international treaty obligations, its inclusion of economic and social rights in the bill of rights and its specific application of the bill of rights to minorities and marginalised groups.

We further welcome the draft recommendations on minorities and effective participation in economic life and call on Kenya to implement the recommendations as an elaboration of the constitutional safeguards accorded to minorities. More specifically we recommend the following: In keeping with paragraph 12 of the draft recommendations we call on the government of Kenya to eliminate de jure and de facto discrimination of minorities by enforcing the recommendations and decisions emanating from its own judicial institutions and regional bodies, such as with the Il chamos and Anderois decisions. The enforcement of these decisions will instigate legal reforms and set judicial precedence on the representation of minorities in decision making processes, safeguarding the land rights of minority communities, equitable benefit sharing of resources and the need to obtain informed consent from communities.

As articulated in paragraph 15 of the draft recommendations and as expressed in article 56 of Kenya's constitution we recommend that the government consults and adopts special and concrete measures and remedy the effects of direct and indirect discrimination on persons belonging to minorities especially in the fields of employment, education and training, financial services and land tenure and property rights. Such measures could be elaborated in Kenya's initial action plan on human rights. We recommend that the government oversees the effective use of the equalisation fund prescribed in the constitution as a targeted approach to address the economic exclusion of minorities referred to as in paragraph 16 in the draft recommendations.

And finally recommend that the government of Kenya extends an invitation to the independent expert of minority issues to visit Kenya and to further seek technical assistance on the implementation of the constitutional provisions pertaining to minorities and other marginalised groups.

Thank you.