

## **KENYAN GOVERNMENT COMMITS TO DEVELOP A NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS**

Kenya has committed to developing a National Action Plan on Business and Human Rights, a comprehensive strategy for protecting against human rights abuses by companies.

This is an issue of urgent national importance. Recent years have seen a significant increase in foreign investment and remarkable growth in the domestic private sector. While these trends may support sustainable development, they may also adversely affect workers rights, communities and the environment. Adverse effects involving companies range from community displacements, child labour, environmental degradation and detestable working conditions. Without deliberate state stewardship, Kenya's expanding investments may lead to unmitigated violations.

In 2014, the UN Human Rights Council, of which Kenya is a member, called upon all of its Member States to undertake National Action Plan processes, and to make concrete commitments to protect their citizens from business-related adverse human rights impacts. In 2015, Kenya accepted the recommendation of the UN Universal Periodic Review, to develop such a National Action Plan.

The development of a National Action Plan encompasses a deliberative, consultative and facts-based process. As an initial step, the government has commissioned a survey of human rights impacts linked to business activities in Kenya. This includes the full range of internationally and regionally recognized human rights, including labour conditions, environmental management and the collection and distribution of revenues. It will also encompass companies of all industries and sizes, in both the formal and informal sectors.

The government has also commissioned a National Baseline Assessment, to be carried out by the Kenya Human Rights Commission (KHRC) to identify all agencies, laws and initiatives that seek to protect individuals from business-related human rights abuses. This will be carried out according to a systematic methodology based on the UN Guiding Principles on Business and Human Rights. This methodology was developed by the Danish Institute for Human Rights (DIHR) and International Corporate Accountability Roundtable (ICAR), and is recommended for use by the UN Working Group on Business and Human Rights. Its application will be supported by DIHR.

The National Baseline Assessment and the survey of business-related human rights impacts will be carried out through consultation with relevant Government Ministries, Departments and Agencies (MDAs), the National Human Rights Institutions, businesses and civil society organizations. The findings of the two surveys will be released for public comments in the second quarter of 2016.

The National Action Plan process will be coordinated by the Department of Justice, Office of the Attorney General and Department of Justice, with key implementing roles for the Kenya National Commission on Human Rights and the KHRC. The Kenyan government encourages all interested stakeholders to participate in the process of developing the National Action Plan. The Department of Justice, as the focal point of the process, will receive submissions and organize consultations. Parties interested in participating should contact Maryann Njau-Kimani ([maryann.njau@justice.go.ke](mailto:maryann.njau@justice.go.ke), [taumuthoni@yahoo.com](mailto:taumuthoni@yahoo.com)) or Claries Kariuki, ([ceekariuki@gmail.com](mailto:ceekariuki@gmail.com)) for more information on the process.

Dated this 9<sup>th</sup> day of February 2016

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**ATTORNEY GENERAL**