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مجلس حقوق الإنسان

الدورة الأربعون

٢٥ شباط/فبراير - ٢٢ آذار/مارس ٢٠١٩

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

رسالة خطية من اللجنة الوطنية لحقوق الإنسان في كينيا*

مذكرة من الأمانة

تحيل أمانة مجلس حقوق الإنسان طيّه الرسالة الواردة من اللجنة الوطنية لحقوق الإنسان في كينيا**، وهي مستنسخة أدناه وفقاً للمادة ٧(ب) من النظام الداخلي الوارد في مرفق قرار المجلس ١/٥، التي تقضي بأن تستند مشاركة المؤسسات الوطنية لحقوق الإنسان إلى الترتيبات والممارسات التي وافقت عليها لجنة حقوق الإنسان، بما في ذلك القرار ٧٤/٢٠٠٥ المؤرخ ٢٠ نيسان/أبريل ٢٠٠٥.

* مؤسسة وطنية لحقوق الإنسان اعتمدها التحالف العالمي للمؤسسات الوطنية لحقوق الإنسان ضمن الفئة "ألف".

** استُنسخت في المرفق كما وردت، باللغة التي قُدمت بها فقط.



الرجاء إعادة الاستعمال

GE.19-03128(A)



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Annex

Submission by the National Commission on Human Rights of Kenya in response to the report of the Independent Expert on the enjoyment of human rights by persons with albinism following the mandate's country visit to Kenya

Ladies and Gentlemen,

1. It is a great honour and pleasure to share with you the response of the Kenya National Commission on Human Rights to the report of the Independent Expert on the enjoyment of human rights by persons with albinism. The Kenya National Commission on Human Rights is established under the Constitution of Kenya, 2010 with a broad mandate to promote and protect human rights in the Republic of Kenya. The Commission applauds the mandate holder, Ms Ikponowosa Ero for her impactful mission to Kenya and for her incisive report following this country visit. We as a Commission were indeed honoured to host her.

2. Discrimination on the basis of colour and disability, limited access to education, diminished access to the right to the highest attainable standard of health, harmful traditional practices, killings and ritual attacks, trade and trafficking of body parts for witchcraft purposes are just but some of the challenges that our brothers and sisters with albinism in Kenya face. Abandonment and infanticide of children with albinism driven by pervasive myths and misconceptions is a reality. The negative public perception relegates most persons with albinism into isolation that ultimately cuts them off from accessing services and locks them in a vicious cycle of poverty.

3. The Commission is concerned about the multiple violations of human rights experienced by persons with albinism arising from the intersection of colour and disability-based discrimination. These individuals often lack support in the education system, where they are often mocked for their appearance and their low vision is often not accommodated, resulting in high dropout rate amongst students with albinism. This in turn leaves most of them un-skilled and un-equipped for jobs and relegates them to menial work, including jobs that expose them to the sun and subsequently to skin cancer. In other cases, the vision impairment of persons with albinism has led to the assumption that they are all visually impaired. This has frequently resulted in children with albinism being enrolled in special schools for the blind and forced to learn braille instead of being included in regular schools and facilitated to access education on an equal basis with other children.

Ladies and Gentlemen,

4. The Commission notes that the Government of Kenya has taken a number of concrete steps in fulfilling the rights of persons with albinism. These include setting aside a substantial annual budget of about Ksh 100 million (nearly \$1 million), dedicated to persons with albinism. National Persons with Albinism Sunscreen Support Programme that provides sunscreen lotions to about 3,000 persons with albinism in Kenya. This is highly commendable, given that skin cancer is the number one killer of persons with albinism in Sub Saharan Africa.

Ladies and Gentlemen,

5. In July 2018, the Persons with Disabilities Bill was approved by Cabinet, and is expected to be tabled before the National Assembly later this year. This proposed law, which aims to domesticate the UN Convention on the Rights of Persons with Disabilities, explicitly identifies persons with albinism as persons with disabilities, and accords them full rights in all spheres of life. The Commission calls upon the government to fast track the enactment of the Persons with Disabilities Bill. In addition, the Commission calls upon the Government to implement the Sector Policy for Learners and Trainees with Disabilities, 2018. Learners with albinism are now specifically identified under the Sector Policy as requiring reasonable accommodation measures in order to enjoy the right to education on an equal basis with other students. While students with albinism are currently granted an

additional 30 minutes to complete examinations, more needs to be done in terms of ensuring their enjoyment, on an equal basis with others, of the right to education.

6. The Commission strongly recommends the investigation and prosecution of perpetrators of violence against persons with albinism. The vulnerability and marginalization of persons with albinism should be considered an aggravating factor in the prosecution of these offences. The victims' right to justice and redress should be guaranteed, and medical, psychosocial and legal support provided to victims of attacks.

7. On the right to the highest attainable standard of health care, the Commission recommends that the government, should establish programmes to support initiatives for producing sun protection cream locally, facilitate free or low cost skin cancer treatment across the country for persons with albinism and provide free or low cost visual aids to enable persons with albinism to participate fully in all spheres of life.

8. The Commission strongly recommends intensive public awareness and sensitization on the report of the Independent Expert on the enjoyment of human rights by persons with albinism across all sectors of Kenyan society. The State must redouble efforts to raise awareness about the dignity and rights of persons with albinism and ensure the involvement of organizations of persons with albinism in any campaigns aimed at eliminating stigmatization and myths that underpin violence against them.

9. The Commission recommends the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa which forbids harmful practices against persons with albinism.

10. In addition, the Commission recommends that Kenya should adopt a country specific Action Plan on Albinism, in line with the Regional Action Plan on Albinism. This should contain concrete and specific measures towards preventing attacks, protecting the rights of persons with albinism, ensuring accountability for perpetrators and promoting equality and non-discrimination.

Ladies and Gentlemen,

11. I would like to conclude on a positive note. Lack of quality data has hampered the effective address of issues on persons with albinism. Kenya is holding its 6th National Census in August this year. The Commission, in collaboration with Office of the High Commission for Human Rights (OHCHR) and organisations of persons with disabilities has successfully advocated for the inclusion of albinism as a separate category in enumerating persons with disabilities, for the first time in the history of Kenya. The Commission welcomes this move, and reiterates that having credible statistics on this group is critical in ensuring that no one is left behind.

Ms. KAGWIRIA MBOGORI
CHAIRPERSON, KNCHR
