



Federation of Women Lawyers  
FIDA KENYA

# KENYA & HUMAN RIGHTS INSTRUMENTS

*Promoting Gender Equality*

## WHAT ARE HUMAN RIGHTS TREATIES?

These are legal instruments which set international standards for promoting and protecting human rights worldwide. By ratifying the treaties, States subscribe to these standards and commit themselves to implementing the rights at the national level.

## WHAT IS RATIFICATION?

Ratification is when the states undertake to put into place domestic measures and legislation compatible with their treaty obligations. It is an act of giving official approval to a treaty. The country incurs an additional obligation to submit regular reports to the monitoring committee set up under that treaty on how the rights are being implemented.

## WHAT IS DOMESTICATION?

Domestication is the act of ensuring that international and regional human rights standards are respected, implemented and enforced at the national level.

## WHAT ARE THE STATES OBLIGATIONS UNDER HUMAN RIGHTS?

All human rights impose three types of obligations on States parties: the obligations to *respect*, to *protect* and to *fulfil* every right.

- The obligation to *respect* means that the States must refrain from interfering with the enjoyment of human rights.
- The obligation to *protect* requires the States to protect individuals and groups

against human rights abuses.

- The obligation to *fulfil* means that the States must take positive action to facilitate the enjoyment of basic human rights.

## WHAT IS A STATE PARTY?

A State party is a State which has agreed to be bound by a treaty under international law.

## WHAT ARE THE CORE HUMAN RIGHTS TREATIES?

There are seven core human rights treaties. These are:

**CAT** Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.

**CEDAW** Convention on the Elimination of Discrimination against Women

**ICCPR** International Covenant on Civil and Political Rights

**ICERD** International Convention on the Elimination of All Forms of Racial Discrimination

**ICESCR** International Covenant on Economic, Social and Cultural Rights

**CRC** Convention on the Rights of the Child.

**ICRMW** International Convention on the Protection of the Rights of All

## Migrant Workers and Members of their Families

### WHAT ARE TREATY MONITORING BODIES?

These are committees of experts which monitor implementation of the core human rights treaties. There are seven Treaty Monitoring Bodies. These are:

- CAT** Committee against Torture
- CEDAW** Committee on the Elimination of Discrimination against Women
- CERD** Committee on the Elimination of Racial Discrimination
- CESCR** Committee on Economic, Social and Cultural Rights
- CMW** Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
- CRC** Committee on the Rights of the Child
- HRC** Human Rights Committee

### WHAT ARE REGIONAL HUMAN RIGHTS INSTRUMENTS?

These are treaties with special reference to the regions. They reflect the particular human rights concerns of the region and provide for specific mechanisms of protection.

### WHAT ARE THE EXAMPLES OF THE REGIONAL HUMAN RIGHTS INSTRUMENTS?

These are for example:

- The African Charter on Human and Peoples' Rights.
- The African Charter on the Welfare and Rights of the Child.
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.
- American Convention on Human Rights.
- European Convention on Human Rights.

### **WHAT IS THE COMMISSION ON THE STATUS OF WOMEN (CSW)?**

It is a functional commission of the United Nations Economic and Social Council (ECOSOC) dedicated exclusively to gender equality and advancement of women.

### **WHAT IS ITS MANDATE?**

CSW is mandated to promote the objectives of equality, development and peace, monitoring the implementation of measures for the advancement of women, and reviewing and appraising progress made at the national, subregional and global levels.

### **WHAT IS KENYA'S STATUS ON THE RATIFICATION OF INTERNATIONAL AND REGIONAL HUMAN RIGHTS INSTRUMENTS?**

<u><b>INSTRUMENT</b></u>	<u><b>RATIFICATION</b></u>
ICESCR	03/01/1976
ICCPR	23/03/1976
ICERD	13/10/2001
CEDAW	08/04/1984
CAT	23/03/1997
CRC	02/09/1990
African Charter	23/01/1992
African Children's Charter	25/07/2000

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