

Editor's Note

It gives me great pleasure to welcome you to the second issue of the Haki Journal of Human Rights. As researchers and practitioners in human rights would quip: work in the field of human rights is difficult. There are many grey areas that require clarification on what is and what is not a human right, even to the educated. We however soldier on. The persistent global challenges currently witnessed in all corners of the globe seem relentless now more than ever and the people needing care because their human rights are constantly trampled upon increasing in number. Meanwhile human rights defenders are threatened with physical violence leading to intolerance and distrust.

On Human Rights Day- 10th of December 2023, we celebrated the Diamond Jubilee, the 75th anniversary of the Universal Declaration of Human Rights themed: 'Equality, Freedom and Justice for All'. This was followed by global pledges and ideas for a new vision for the future of human rights. Kenya was ably represented, and the world listened when the Attorney General of Kenya stood to make his address. On behalf of the Kenya Government, the Attorney General pledged that:

1. By January 1, 2025, the Government of Kenya would have developed a comprehensive National Human Rights Policy and Action Plan on the Promotion and Protection of Human Rights (NPAP) to guide in implementing programs, strategies, and plans that will enhance the realization and enjoyment of rights and fundamental freedoms for all Kenyans.
2. By August 2, 2027 the Government of Kenya would have enacted a comprehensive domestic legislation that criminalises enforced disappearances and established robust mechanisms for prevention, investigation, prosecution, and victim support. This commitment marks a significant step towards ensuring accountability, reducing impunity among law enforcement agencies, and delivering justice to the families of victims who have endured pain and anguish.
3. By January 1, 2020 the Government would have achieved a complete transition to clean energy sources, thereby contributing to global climate mitigation efforts and sustainable development by 2030. Through this pledge, Kenya seeks to reduce greenhouse emissions and improve air quality by increasing clean energy sources in the national energy infrastructure from 92% to 100%.
4. By January 1, 2030 the Government of Kenya pledged unwavering commitment to human rights by fostering gender equality, safeguarding the rights of children, people with disabilities, elderly persons, and marginalized groups.

These pledges are timely in ensuring compliance to the tenets of Kenya's Constitution (2010), which is praised for detailed checks and balances on the three arms of government, strengthens parliamentary oversight of the executive, and devolves power to 47 elected county governments. The 2010 Constitution is fundamental to the Kenyan scheme for the protection of human rights.

The Universal Declaration of Human Rights (UDHR) drafted around four pillars – dignity, liberty, equality and brotherhood continues to represent an ideal considered essential to the enjoyment of an individual's life in the community. The core principles of human rights first set out in the UDHR, namely universality, interdependence, indivisibility, equality and non-discrimination, are

categorical that human rights simultaneously entail both rights and obligations from duty bearers and rights holders.

Equally, the rule of law, terrorism, discrimination and intolerance, economic, social and cultural rights, food security, lack of quality education, disregard for women's sexual and health rights, as well as threats of violence and discrimination against sexual and gender minorities still confront us today. On the future of human rights, and whether they will be viewed as more, or less important in the years to come, many potential challenges come to mind. These include climate change, intolerance, growing inequality, growing authoritarianism, and threats to legal and democratic institutions.

Many human rights are difficult to enforce legally in practice due to a lack of resources,¹ lack of consensus on how to apply them,² as well as a lack of relevant national legislation or agencies with the authority to take legal action in order to enforce them. In fact the greatest threat to the future of human rights despite the autonomy of the National Human Rights Institutions (NHRI), is African governments who have crafted ways of disabling these institutions from executing their mandates as human rights watchdogs. The present issue of the journal addresses some of the issues that pose challenges to the enjoyment of human rights, both now, and in future.

¹ The old age excuse, that there aren't enough resources to go round. Thus, confronted by a starving population, need for development, and the burden of national debt, many governments view human rights as a luxury that can wait!

² The case of female genital mutilation in Africa is an example.