

REPUBLIC OF KENYA



COUNTRY STATEMENT

OF THE REPUBLIC OF KENYA

AT THE

FOURTEENTH UNITED NATIONS CONGRESS ON CRIME PREVENTION AND
CRIMINAL JUSTICE,

6TH TO 12TH MARCH 2021,

KYOTO, JAPAN

“Advancing crime prevention, criminal justice and the rule of law: towards the
achievement of the 2030 Agenda”

1. Crime negatively impacts the rule of law, human rights and socio-economic development globally. We recognize that development, peace and security, and human rights are interrelated and mutually reinforcing. That creation of reciprocal networks among individuals and groups at local, national and international levels are paramount to crime prevention and the fight against crime.
2. I note with great satisfaction that the thematic discussion for this congress is “*advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda*”. Conversation around this theme is timely as the subject is a priority in the global agenda.
3. Kenya undertook, during the thirteenth congress, to coordinate and intensify crime prevention efforts within the social and economic developmental context. I note with concern that crime has become increasingly transnational, organized and complex with criminals exploiting new and emerging technologies to commit crime. Technology is continually evolving which has led to the emergence and use of complex and sophisticated machinery by criminals thus creating unprecedented challenges in preventing and combating emerging forms of crime at the global, regional and national levels.
4. The COVID-19 pandemic has also led to changes in crime patterns by providing incentives and opportunities for criminal groups. There is a marked increase in organized crime, violence against women and violence against children among many other emerging trends. This pandemic has had a negative impact and posed challenges to implementation of interventions that enhance access to justice.
5. The challenges posed by Covid-19 pandemic however led countries – Kenya included – to adopt innovative methods of improve access to justice. Accelerated adoption of digital technologies spurred important innovations that led to greater efficiency. Interventions such as digitization of court systems, virtual meetings and promotion of alternative dispute resolution mechanisms are examples which manifested clear benefits and that should be maintained in the future.
6. Crime prevention aims at strengthening the rule of law and advances the provisions of the 2030 Agenda. A strengthening of the rule of law is mainly achieved through the prevention of crime and the promotion of effective, fair, humane and accountable criminal justice systems. In advancing crime prevention, criminal justice and the rule of law, Kenya has adopted evidence based crime prevention strategies, through collection of statistics throughout the country by relevant stakeholders in

the criminal justice and the rule of law sector. The data collected has informed the development of relevant legislation and policies.

7. Prioritizing the fight against transnational organised crime is high in the global agenda. Kenya is a signatory to bilateral and multilateral treaties on international cooperation in preventing and fighting transnational organised crime. We recognise that terrorism, trade in illicit wildlife, cybercrime, cyber-terrorism, corruption, money laundering, human trafficking, drug trafficking, smuggling of migrants and small arms trafficking not only threatens national peace and security but also threatens regional and global peace and security.
8. We have in the recent past, concluded several international judicial cooperation agreements, at the regional and international level, in a bid to strengthen cooperation and coordination to eradicate these transnational crimes. The Framework for the Return of Assets from Crime and Corruption in Kenya (FRACCK) which has gone a long way in assisting the repatriation of confiscated proceeds of crime is a notable example.
9. We also have a robust institutional framework mandated to and capable of handling international judicial cooperation matters, enabled by a coordinated multiagency approach where all law enforcement agencies are represented.
10. Kenya remains committed to the fight against transnational organised crime and looks forward to the robust exchange of information and ideas, as this will ensure that solutions are developed and put in place to tackle and eradicate transnational organised crime.
11. Prevention of Sexual and Gender based Violence (SGBV) is a priority for Kenya. Kenya has adopted a multi-sectoral approach in response to Sexual and Gender Based Violence (SGBV). We have integrated POLICARE, a ONE STOP victim support center which adopts a synergy of multi-sectoral agencies who respond to SGBV in Kenya. We have also developed Standard Operation Procedures (SOPs) for the prevention and response to Gender Based Violence (GBV) which have contributed to an increased and improved understanding on the causes and drivers of GBV and provide for a systematic process of investigation of these cases.
12. Kenya, in its bid to address the unique challenges faced by law enforcement officers during the COVID-19 pandemic launched its first ever training course for the National Police Service which enhanced the officers' capacity in adopting to

emerging crime trends and dealing with unforeseen challenges that have arisen as a consequence of the pandemic.

13. Technological innovation has been a driving force which has led to reform of crime prevention and crime control in Kenya. We have adopted both information based technologies (soft technology) and material based (hard technology) technological innovations in a bid to prevent crime.
14. Kenya has embraced on the one hand soft technology for prosecution of crime by integrating the use of case management systems. We have also digitized crime reporting by moving from the manual to the digital occurrence book which will ultimately improve record keeping and enhance efficiency in the fight against crime. We have also established a digital police command centre which also serves as a national emergency call centre.
15. On the other hand, in terms of hard technology and technical capacity, we have constructed a state of the art forensic laboratory that is used to process forensic evidence in criminal trial which range from ballistics, cyber forensics, and document examiners among others.
16. Crime mapping and video surveillance have promoted increased public safety enabling justice agencies to combat crime efficiently. We have installed closed circuit television cameras (CCTV's) in Nairobi and Mombasa cities which provide real time video surveillance on public spaces. Kenya is progressively increasing street lighting in various cities and towns, and using metal detectors in its bid to prevent crime.
17. I note with concern the number of prisons globally that are in crisis, undermining the protection of society from crime; disproportionately affecting people living in poverty; imprisoning large segments of society; and placing a significant burden on State budgets. It is also noted with concern the issue of prison overcrowding which has morphed into an acute global challenge posing a major obstacle of the implementation of relevant international instruments, norms and standards.
18. Kenya aligns itself with and is guided by the provisions of Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). In a bid to decongest our prisons, we have cautiously retrained from excessive use of pre-trial detention and have expeditiously disposed of cases by reducing the number of petty offenders who are in remand. We have also included alternatives to prosecution in our policies which has in effect led to reduction of overcrowding.

19. Overcrowding in prisons places a huge burden on the management, control and rehabilitation of prisoners. The COVID-19 pandemic has placed the institutions at risk. Kenya, in mitigating the eminent threat utilized alternatives to imprisonment by issuing revisionary orders that placed petty offenders on community service, revised sentences for convicted offenders and conducted case reviews for offenders in remand which has contributed to easing overcrowding in prison facilities. This exercise led to the release of 12,500 offenders.
20. We are cognizant of the fact that overstretched and poorly managed prisons potentially run the risk of degenerating into dangerous places for both prisoners and prison staff. To address the huge number of prisoners, we gazetted additional institutions which include four (4) new women prisons. This will not only enhance prison infrastructure and decongestion in our facilities but will heighten effective service delivery that adheres to universally accepted standards on treatment of prisoners in tandem with the Mandela Rules and other provisions.
21. Kenya is committed to contributing to public safety and security by ensuring safe custody of all persons who are lawfully committed to prison facilities, as well as facilitating the rehabilitation of custodial sentenced offenders for community reintegration. We have structures such as the Kenya Prisons Service which plays a vital role in effective containment of persons held in lawful custody. This guarantees protection to the citizenry and contributes to national, regional and international security and is critical for economic stability. We have gazetted 129 Penal Institutions for male, female and youthful offenders spread across the Country.
22. Kenya is cognizant of the fact that crime prevention among the youth is vital, and that early intervention plays an important role in keeping minors from embarking on a life of crime. Kenya has embarked on swift and consistent punishment for offences in a bid to reduce the incidence of crime.
23. Kenya strives to contain offenders in humane safe conditions in order to facilitate responsive administration of justice. Kenya in managing COVID-19 in Prisons has adopted progressive strategies such as setting up protocols and Standard Operating Procedures (SOPs) on the management of COVID-19 in the prison facilities. These protocols recognized prison institutions as vulnerable places, holding vulnerable inmates as such calls for stringent measures to be put in place to protect the lives of prisoners, prison officers and their families.

24. Probation Services aim at supervision and reform / rehabilitation of offenders placed under non - custodial sanctions. Kenya acknowledges that probation services are closely enhanced by the participation of civilian members. We have capitalized in utilizing civilian members who act as volunteers providing various services ranging from information gathering, offender supervision, psycho-social economic support, reintegration and peace building.
25. The civilian volunteer cooperation is considered a critical component that supplements the main responsibilities of the probation officers. Currently, we have 312 volunteers. Kenya initiated the volunteer programme to provide auxiliary support in order to address shortcomings in offender supervision mostly felt in the Arid and Semi – Arid (ASAL) regions and urban areas with densely populated slums.
26. The Civilian Volunteers Programme has in effect resulted in reduced crime and insecurity, thus promoting crime prevention. As such, the Civilian Volunteer Programme is integral in crime prevention.
27. As you may all agree, at such unprecedented times, the security of our citizens and the greater good of our nations should never be conflicting. All of us, all persons, all arms of Government, united, together, as citizens and stakeholders in various sectors of our respective countries, can work together and take down prevalence of crime to a low.
28. This congress offers one of the many important platforms for different stakeholders from across the globe to engage on the matters pertaining to crime prevention, criminal justice and the rule of law and formulate recommendations that will be useful in addressing present challenges and steering the agenda towards the desired goals.
29. In conclusion, we reiterate that Kenya remains committed to crime prevention and will continue to work with all stakeholders, both internationally and regionally, to ensure the achievement of functioning mechanisms, systems and structures that advance crime prevention, the rule of law and the 2030 agenda.