

PRESS RELEASE

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UPHOLDING THE RIGHT TO PRIVACY IS A CORE CONSTITUTIONAL OBLIGATION

The Kenya Human Rights Commission is appalled by the flagrant disregard for the Constitution of Kenya (2010) by the Communications Authority which directed that telecommunication companies allow it to plant gadgets on all networks in the country that have the ability to listen, read and track down activities of the tens of millions of Kenyans who have access to mobile devices.

Article 31 of The Constitution of Kenya (2010) clearly enshrines the right of privacy for all Kenyans. This section under sub article 31 (d) unequivocally states that:

Every person has the right to privacy, which includes the right not to have the privacy of their communications infringed.

It has now emerged that the sanctity of this constitutional provision is under threat by the Government through the Communications Authority, a government agency whose mission is to facilitate the transformation of lives through **progressive regulation** of the Information and Communication Technology Sector.

The Authority through its Director General, Francis Wagusi at a press conference in Nairobi openly denied claims that the Device Management System (DMS) project has spying capabilities.

It is indeed surprising that these contradictory statements come after the Corporate Affairs Director, Steve Chege, at Safaricom, the leading mobile service provider in Kenya, confirmed receipt of a letter from the Authority to the effect that the DMS shall integrate to the network's core network systems .

The Kenya Human Rights Commission supports the Consumer Federation of Kenya who condemned the move by the Authority terming it an interference of consumer privacy.

The Kenya Human Rights Commission is guided by constitutionalism and the rule of law and we therefore call on the Authority to desist from implementation of the project at the expense of the rights of Kenyans.

We also entreat telecommunications service providers to resist the move by the Authority and to protect the right to privacy of Kenyan consumers.

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