

## **ENFORCEABILITY OF EQUALITY RIGHTS IN KENYA AFTER 2010**

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### **Abstract**

The enforceability of equality rights in Kenya is a serious and honest attempt from lawyer's perspective to critically discuss the development of human rights law in Kenya and the serious challenges facing the enforceability of those rights under the new constitution of 2010.

The article believes in theoretical basis of human rights and how such rights are perceived by citizens and Government in Kenya. Evaluating some of the key achievements and implementation challenges, the discussion looks at positive gains as well as some unforeseen and evident impediments.

Lawyer's account of the enforceability of equality rights identifies some of the lacunae in the legal system and makes some academic suggestions in regard.

The article is also alive to the law reform process in Kenya and accountability of human rights issues. It avoids extensive analysis of some areas of human rights law especially those ones dealing with civil and political rights such as liberties, freedom, and right to life. Instead it concentrates adversely on the second generation of human rights based on economic, social and cultural rights as experienced in the Kenyan juridical order in attempt to address the basic questions such as what are the equality rights? Are they real rights? Are they achievable? How are they understood by the people, the judicial and other State authorities in Kenya today?

**Keyword:** Equality, Rights, Law, Enforceability, and Constitution.