DANISH INSTITUTE FOR HUMAN RIGHTS

EMBEDDING HUMAN RIGHTS IMPACT ASSESSMENT IN TRADE POLICY MAKING

PROJECT FACTSHEET

PROJECT OVERVIEW	
Project Title	Embedding Human Rights Impact Assessment (HRIA) in Trade Policy Making
Duration	6 months
Location	Kenya (with regional implications for Africa)
Lead Organizations	Econews Africa (ENA) and the Danish Institute for Human Rights (DIHR)
Donor/ Support	Swedish International Development Cooperation Agency (Sida)
Project Focus	Human Rights Impact Assessment (HRIA) of the the Kenya – UAE Comprehensive Economic Partnership Agreement (CEPA)
Main Objectives	1. Map the Kenya – UAE Comprehensive Economic Partnership Agreement (CEPA) provisions against Kenya's constitutional & international human rights obligations. 2. Identify potential human rights risks and opportunities. 3. Recommend mitigation measures and policy actions to align trade policy with human rights standards.

INTRODUCTION

Econews Africa (ENA), in partnership with the **Danish Institute for Human Rights (DIHR)** and with support from the Swedish International Development Cooperation Agency (Sida), is implementing a six -month project that seeks to strengthen the integration of human rights in Kenya's trade and investment processes. At the core of this project is a **Human Rights Impact Assessment (HRIA)** of the Kenya-UAE Comprehensive Partnership Agreement (CEPA), signed in January 2025. This initiative directly contributes to the implementation of Kenya's **National Action Plan on Business and Human Rights (NAP)** and it ensures that all trade agreements promote sustainable, inclusive, and rights-based development.

CONTEXTUAL BACKGROUND

In 2011, the **UN Human Rights Council endorsed the UN Guiding Principles on Business and Human Rights (UNGPs),** unanimously adopted by all UN member states. These principles established the global Protect, Respect and Remedy Framework.

The **Protect Pillar** focuses on the government's inherent duty to take measures that prevent human rights violations by itself or third-party actors such as businesses. This can be achieved through legislation, policies, and administrative measures.

The **Respect Pillar** spells out the responsibility of businesses to respect human rights by ensuring that they undertake human rights due diligence in their operations to avoid causing harm to individuals, communities, or the environment.

The **Remedy Pillar** emphasizes the responsibility of the state and businesses to ensure that victims of human rights violations have access to effective remedies.

To operationalize these principles, countries developed **National Action Plans (NAPs).** Kenya published its first National Action Plan on Business and Human Rights in 2021, aligning with Articles 2 (5) and (6) of the Constitution of Kenya (2010), which state that general rules of international law and any treaty or convention ratified by Kenya form part of the laws of Kenya. The NAP domesticates the UNGPs, serves as a formal government commitment to protect individuals and communities from adverse business impacts, and serves as a comprehensive strategy to ensure businesses respect human rights while providing policy priorities for the government to focus on. The 5 key priority areas, include: (1) Land and Natural resources, (2) Labour Rights, (3) Revenue Transparency, (4) Environmental Protection, and (5) Access to Remedy.

One key commitment of the NAP, specifically Policy Action No. 12 (Pillar 1), requires the government to review trade and investment agreements to align them with the Constitution and international human rights standards, ensuring they do not facilitate illicit financial flows or tax evasion. This reinforces Kenya's constitutional framework for respecting human rights in all business and trade activities.

As of 2025, the NAP is currently under review to strengthen its implementation mechanisms, integrate emerging issues such as digital trade and climate justice, and enhance coordination among state and non-state actors in advancing business and human rights in Kenya. Hence, this project is timely as it contributes directly to these ongoing national efforts by embedding human rights considerations into Kenya's trade policy and practice.

About the Human Rights Impact Assessment (HRIA)

In January 2025, Kenya signed a Comprehensive Economic Partnership Agreement (CEPA) with the United Arab Emirates (UAE), and this agreement is hailed as the first of its kind between the UAE and a mainland African country. While praised as a transformative step for trade and investment in Kenya, the CEPA features provisions that contribute to human rights concerns such as its market exclusivity clauses, linkage obligations, public health risks, equity & access concerns, and policy overreach beyond WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPS). Given this background, this project focuses on conducting a Human rights Impact Assessment (HRIA) of the Kenya-UAE CEPA, as part of greater efforts to embed human rights considerations into trade policy. Specifically, the objectives of conducting the Human Rights Impact Assessment include:

i. Map the Kenya – UAE Comprehensive Economic Partnership Agreement (CEPA) provisions against Kenya's constitutional and international human rights obligations.

ii. Identify potential human rights risks and opportunities.

iii. Recommend mitigation measures and policy actions to align trade policy with human rights standards.

The findings will inform advocacy, policy dialogue, and capacity building so that CEPA, amid other trade agreements contributes to equitable, inclusive development while safeguarding Kenya's constitutional values and international commitments.

So, Why Does This Project Matter?

Trade agreements play a defining role in shaping economies and determining how the benefits of growth are distributed. When trade expands without embedding human rights safeguards, it risks deepening inequality and exclusion. This project is guided by the recognition that human rights are not optional, but a constitutional and international duty. In line with Article 260 of the Constitution of Kenya, which defines "persons" to include individuals, communities, and groups, whether incorporated or not, this project affirms that all people, including marginalized and vulnerable groups, must benefit from and be protected within trade and investment frameworks.

By placing people before profits, the HRIA ensures that trade agreements do not undermine access to healthcare, livelihoods, education, or public resources. It promotes accountability and inclusive development, ensuring benefits reach women, youth, and marginalized communities. The project also sets a continental precedent, offering a replicable model for integrating human rights into African trade and investment policies, especially relevant as countries engage under the African Continental Free Trade Area (AfCFTA).

Target Audience: This initiative targets policymakers, civil society organizations, human rights advocates, trade negotiators, and key citizen groups, providing them with the tools and evidence to make trade fair, inclusive, and rights-based.

What Do We Hope to Achieve?

The Human Rights Impact Assessment (HRIA) of the Kenya–UAE Comprehensive Economic Partnership Agreement (CEPA) is expected to generate evidence and dialogue that strengthen the integration of human rights in Kenya's trade and investment landscape. Specifically, the project will:

- Enhance policy coherence by aligning trade and investment agreements with Kenya's Constitution, international human rights obligations, and sustainable development goals.
- Promote accountability and transparency in trade negotiations and implementation, ensuring inclusive participation and public oversight.
- Inform advocacy and decision-making by providing evidence-based recommendations for government institutions, civil society, and private sector actors.
- Empower communities and vulnerable groups by raising awareness of how trade policies affect rights, livelihoods, and social protection.
- Set a continental precedent for integrating Human Rights Impact Assessments (HRIAs) into trade policymaking across Africa.

ABOUT THE PARTNERS

Econews Africa (ENA): Econews Africa is a Pan-African policy research and advocacy organization based in Nairobi, Kenya. For over three decades, ENA has advanced equitable, inclusive, and sustainable development through research, citizen participation, and accountability in trade, investment, and environmental governance. It works with governments, civil society, and regional institutions to ensure Africa's development pathways are people-centered and rights-based.

The Danish Institute for Human Rights (DIHR): The Danish Institute for Human Rights is Denmark's independent national human rights institution and a global leader in advancing human rights. DIHR works in over 40 countries with governments, businesses, and civil society to integrate human rights into laws, policies, and practices. It has been at the forefront of promoting human rights and business frameworks, including the UN Guiding Principles, and has extensive experience in conducting Human Rights Impact Assessments (HRIAs).