

## THE HUMAN RIGHTS SITUATION IN KENYA

### ISSUE

Despite multi-party elections in 1992, the KANU-led Government in Kenya has yet to reconcile itself to pluralist politics. The trappings of authoritarianism remain: security forces are corrupt and repressive; KANU maintains a tight grip over local administration; the independent media and opposition are frequently harassed; and quiet but effective government control of the judiciary is practiced. As chair of the Nairobi-based 'Donor's Democratic Development Group' (DDDG), Canada has worked to press the Government of Kenya (GoK) on its commitment to human rights and democracy.

### BACKGROUND

Kenya's constitution contains de jure protection for a broad range of rights and freedoms. In addition, Kenya is party to most international covenants/charters on human rights. However, several laws, such as the Preservation of Public Security Act, give the GoK draconian powers. Moreover, extra-legal activities as well as government influence over the judiciary mean that the legal framework does not necessarily restrain government behaviour when important political interests are perceived to be at stake.

Ethnic clashes in the Rift Valley continued in 1994 (though not of late), with the apparent complicity of senior government officials. Conditions for the displaced are poor and the GoK has moved slowly to implement a resettlement program. Allegations of torture, police brutality and forced confessions continue, with conditions in some prisons described as "life threatening".

The independence of the judiciary has been seriously compromised of late. The legal system is used to harass and intimidate opposition MPs, journalists and activists. Nearly half of Kenya's opposition MPs were arrested last year on various, generally trumped up, charges. The case of Koigi Wa Wamwere, ex-Nakuru North MP charged with raiding a police station, continues to drag on, despite protests from human rights groups and the donor community over the apparent spuriousness of the charges.

The Kenyan Government tolerates a wide range of opinion and criticism in print, with the exception of criticism of President Moi himself. The electronic media is controlled by or sympathetic to the GoK. A number of journalists, including the editors of "The People" and "Daily Nation", and journalists for the "Standard", have been arrested on charges varying from criminal contempt to sedition over the past year.

In the past, the GoK has favoured members of President Moi's Kalenjin tribe for public service posts. President Moi has also stated that areas which elect opposition MPs cannot expect to receive government funding. This may be changing as wide-ranging economic reforms — including civil service and parastatal reform — begin to take hold. Nonetheless, official corruption remains endemic and is a significant drag on economic growth.