

KENYA

ISSUE

Human rights and the evolution of democratic development and good governance in Kenya remain a matter of concern to Canada and to the international community at large.

BACKGROUND

Although the Government of Kenya made a few positive moves in 1996, perhaps in preparation for the 1997 General Elections, by the end of the year little of substance had changed in regard to political reforms or democratic development. There remain many complaints that despite the return of multipartyism in 1991, the KANU-led government has yet to embrace pluralist politics. Although there are at least four active opposition parties with large memberships, the Islamic Party of Kenya and Safina remain unregistered. Government machinery, such as the provincial administration and the security establishment (excluding the armed forces) is used to support the ruling political KANU party, harass the opposition, and influence the judiciary.

Kenya is party to most international covenant/charters on human rights and the constitution contains de-jure protection for a broad range of rights and freedoms. One hopeful sign was the President's creation of a parliamentary Standing Committee on Human Rights, which is mandated to investigate abuses. Since the Standing Committee functions in an advisory capacity only, however, most Kenyan human rights activists view its creation as little more than a public relations move. There have been continued calls for the repeal of laws, such as the Preservation of Public Security Act (originally devised by the British to suppress democratic rights during the colonial era), which give the Government draconian powers.

While it is assumed that the independence of the judiciary is subject to political interference, it is no better or worse than before. The Government uses legal procedures to harass and intimidate opposition Members of Parliament, journalists and activists. Individuals asking donors to freeze aid to Kenya can still be charged with sedition. However, most observers agree that non-political criminal cases, as well as the majority of civil matters which do not involve the politically-connected rich, are generally decided fairly.

On a positive note, the Government appears to have realized that its persecution of certain figures is counterproductive. The case of Koigi wa Wamwere, ex-Nakuru North MP sentenced to four years in prison for raiding a police station, attracted considerable donor attention and pressure. Koigi was released on medical bail at the beginning of December and has left Kenya for Norway. He has vowed to return to continue his appeal and the Chief Justice has declared that he will not be held in prison if he does so. Although dubious murder charges against Njehu Gatabaki, the Ford-Asili MP and editor of Finance Magazine, are still pending, the Government made no move to pursue them in 1996 and most observers believe they will be allowed to drop.