

KENYA

ISSUE

Democratic development and respect for human rights are moving forward slowly in Kenya. This evolution is receiving close scrutiny from Canada and the international community.

BACKGROUND

Documented cases of forced confessions, police brutality, arbitrary detentions, along with ethnic violence and government controls on the media and civic society remain causes for concern. So too are the lethal conditions of the prisons and the widespread practice of female genital mutilation (FGM), despite the Government's opposition to this traditional practice. However, Kenya is in **political, social and economic transition**, and there have been recent signs that the country is moving towards more open and accountable governance.

Despite these serious human rights violations, Kenyans witnessed improvements in 1998. These emerged from the **December 1997 national elections**, when Kenyan civil society mobilized itself in defence of the electorate's political rights. The Government was forced to take note of this groundswell of opinion, and has been obliged to recognize the need to respect these rights and support greater transparency. The Parliament of Kenya became more active and critical in 1998; a vote of no-confidence put pressure on the Government to improve its accountability, as did the public revelation of Government members' involvement in a loan scandal with the National Bank of Kenya and in illegal acquisition of land. There were efforts to continue to protect privileges, but the Government nevertheless had to move seriously to address the corruption issue. A new advisory board was appointed to re-constitute the Kenya Anti-Corruption Agency and various public and private sector groups have denounced corruption. An Office of the Ombudsman was created by Parliament as well, with strong donor support.

During 1998, resistance to the Government's control of the media was strong, with the print media retaining a large measure of independence. As well, the Government finally agreed to grant TV and radio licenses to the independent Nation Group Ltd. The report of the Press Task Force was presented to the Government, and made public. Parliament will deliberate in 1999 on new media bills. Public support for freedom of the airwaves has grown, with Kenyans exercising their freedom of expression as never before.

The Government's promised **constitutional review** is underway. With the active participation of NGOs and Church leaders, the review body promises to be a key instrument of reform, reflecting the views of stakeholders. The engagement of this process has contributed to stemming the politically-induced ethnic violence which afflicted the Rift Valley and the Coast Province in 1997 and early 1998. The Akiyumi Commission investigating this ethnic violence has credibly exposed in the media the actions of Ministers and others in fomenting violence.

Kenya is party to most international instruments on human rights and the Constitution contains *de jure* protection for a broad range of rights and freedoms. Many Kenyans believe that the judiciary is subject to political interference, a belief seemingly substantiated by the findings of

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