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THE HUMAN RIGHTS SITUATION IN KENYA

ISSUE

The human rights situation, 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

In 1995, the Government of Kenya did little to move forward with political reforms or to broaden and deepen democratic development. There remain many complaints that despite the return of multipartyism in 1991, the KANU-led government has yet to reconcile itself to pluralist politics. Opposition efforts to hold rallies are often blocked by bureaucratic red tape. The public perception is that the 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 control the judiciary and the press.

Kenya is party to some international covenants/charters on human rights and the constitution contains *de jure* protection for a broad range of rights and freedoms. However, several laws, such as the Preservation of Public Security Act, give the Government draconian powers. The recent tabling of a new bill that increases court fees for a wide range of services, will in effect reduce judicial access for most Kenyans who would find it difficult to pay legal and court fees.

While it is assumed that the independence of the judiciary is subjected to political interference, it is no better or worse than before. The legal system is used to harass and intimidate opposition Members of Parliament, journalists and activists. Individuals asking donors to freeze aid to Kenya risk being charged with sedition. The case of Koigi wa Wamwere, ex-Nakuru North MP charged with raiding a police station, ended in a verdict of guilty and carried a sentence of four years in prison and six strokes of the cane. The defence is appealing the sentence.

On a positive note, the chief justice instructed the High Court to investigate allegations, made by two former judges, of corruption and external interference of the judiciary. In an effort to deal with widespread corruption, some high profile individuals were arrested for fraud, corruption and mismanagement and their cases are moving slowly through the courts.

Personal security continues to deteriorate at an alarming rate. The Government's announced war on crime has made little headway in face of the limited police resources and poorly paid police officers who supplement their incomes with bribes. This has had an adverse effect on the country's tourism industry that in turn has impacted negatively on the economy and the welfare of the general population.

Police treatment of detainees and prisoners also continues to come under unfavourable scrutiny. There are allegations of police torture during interrogations that have led to forced confessions. Kenyan prisons currently hold nearly twice as many inmates as they were intended to and the appalling conditions are life-threatening.

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