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HUMAN RIGHTS SITUATION IN KENYA

ISSUE

Though Kenya's record on human rights remains among the best in Africa, the situation declined in 1993.

BACKGROUND

Some aspects of how the Government of Kenya (GOK) approaches human rights give cause for concern. The GOK acted less than conclusively to stop the ethnic violence in the Rift Valley in 1993, which led to as many as 1,000 deaths this year and affected a further 250,000 people. There has been a similar absence of public security in other areas. Police officers, who are poorly trained and under-educated, often overstep their mandate with verbal or physical abuse. Courts have begun to award damages for false imprisonment.

The judiciary is relatively independent and professional. Appointments to the bench, however, are subject to an imbedded system of influence and financial benefits. Very few politically high profile judgements go against the GOK, but opposition lawyers do not think there is overt state interference in the process.

The governing KANU party won the 1992 elections which, while flawed, generally reflected the people's will. Unfortunately, confrontational politics have thwarted multiparty government and constructive opposition. The right to form political parties is assured; however, the right to peaceful assembly is severely limited in practice. Permits for public gatherings are often granted only to be cancelled at the last minute. Political gatherings that do occur are frequently disrupted and speakers are often harassed.

The Kenyan government tolerates a significant range of opinion and criticism in the press. The electronic media are either controlled by or sympathetic to the GOK. Newspapers are increasingly free to print a variety of views, but unofficial limits remain on stories about ethnic strife or the personal wealth of the President, his family and his political supporters. Highly politicized magazines continued to be harassed through the seizing of issues, immobilizing of printers and charging of journalists with sedition.

Economic, social and cultural rights are recognized as goals of public policy. Primary and secondary schooling, in particular, are highly valued and widely available. However, many if not most Kenyans have a poor standard of living, including inadequate food, clothing, housing and health care.

There is no state-sanctioned or systematic intolerance based on creed, language, race, sex or ethnic origin. This does not preclude individual prejudice inside or outside the government. There are at least 43 different ethnic groups in Kenya, and an acute awareness of ethnic origin and the ties of family, clan and group.

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