

KENYA

ISSUE

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

BACKGROUND

Despite the generally positive role played by the police during the General Election of December 1997, allegations of torture, police brutality and forced confessions continue. The Kenya Human Rights Commission, a local NGO, reports that 88 people died at the hands of police or security forces during the first half of 1997. Prison conditions remain appalling, overcrowded and lacking basic amenities. Although the Constitution provides for freedom of association, local authorities frequently used violence to break up critical demonstrations, the most notable being the "Nane-Nane" national strike on August 8, which resulted in three deaths.

Against this background and under pressure from the general public, the civil society led by the National Convention Executive Council (NCEC) and from the international community, the Government of Kenya legislated and began implementing a package of constitutional and electoral reforms proposed by the Inter Party Parliamentary Group (IPPG). Included in the reforms were amendments to the Public Order Act and the Chiefs Act to improve freedom of assembly, enlargement of the Electoral Commission to reflect the new multi-party system and an increase in the responsibilities and legal framework of the Electoral Commissioner. In addition, the crime of sedition was abolished, so that Kenyans could no longer be prosecuted for simply criticizing the Government. As well, the reform package called for a complete review of the Constitution after the general election of 1997. The reforms showed that Kenya's political culture has changed and matured since the first multi-party elections of 1992, with the public becoming more conversant with its rights and more demanding for transparency from Government.

The conduct of both Presidential and Parliamentary elections on 29/30 December, demonstrated the problems and improvements in the human rights situation in Kenya. The elections were plagued by irregularities and confusion, some of which stemmed from the removal of administrative support from the Regional and Provincial Administrations, required under the IPPG reforms and implementation. All political parties were registered, including those previously banned. The Government allowed widespread and exhaustive election monitoring. Despite confusion and irregularities in the operation of party primaries, few reports were received of candidates being prevented from presenting registration papers. The general behaviour of the police and security forces was positive, few opposition meetings were prohibited and the police played an important role in maintaining peace and order. There were few signs of systematic harassment of opposition candidates by the police and provincial administrations. Generally, voting was conducted without violence. The voter turnout was high and the electorate made its will known, re-electing President Moi, but trimming his party's parliamentary majority to a paper thin margin.

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