

deaths and to ensure that prison conditions conform to the norms set out the Standard Minimum Rules for the Treatment of Prisoners, in particular regarding living conditions and medical services. Concern was also noted about the alleged killing of the lawyer by members of the police, and hope was expressed that the perpetrators will be brought to justice. The SR also referred to the high number of mob killings and called upon the government to take every measure to prevent such crimes, to investigate them promptly, to bring the perpetrators to justice, and to provide compensation to the victims' families.

Independence of judges and lawyers, Special Rapporteur on the: (E/CN.4/1998/39, paras. 17, 19, 99–103)

The report notes that the Special Rapporteur (SR) referred the case of the murdered lawyer to the government. The SR also sent a communication concerning the independence of the judiciary, drawing the government's attention to the fact that the judicial system was underfunded and that the President had made "presidential comments" publicly predicting the outcome of pending cases. Following one such comment, a former Chief Justice reportedly issued a circular to all magistrates ordering them to follow the President's directive. Information also alleged that sensitive political cases were not allocated to judges who are regarded as being either pro-human rights or completely independent. Additional allegations stated that lawyers supporting human rights or opposition parties were harassed and economically sanctioned through, for example, excessive tax demands. These same lawyers often received threats, were summoned to the police station for questioning, and were asked to surrender clients' files.

On specific cases, the report notes: bias against the defendant by the presiding Chief Magistrate who made numerous unwarranted interventions in the defence's case and denied defence counsel's request for a trial record; the arrest, detention, and harassment of a lawyer because of activities on behalf of victims of violence which had occurred in 1993 in the Western and Rift Valley provinces, and in pursuit of a civil action against those believed to be responsible; the arrest of a lawyer and the charge of belonging to an illegal guerilla organization, the February the Eighteenth Movement, and information indicating that the lawyer signed a confession under torture, which he later withdrew; the fire-bombing on one occasion, and threats of arson on another occasion, against the office of Kituo Cha Sheria, a legal advice centre; and reports indicating that the Law Society of Kenya, which had defended judicial independence and human rights in Kenya, was facing lawsuits challenging the constitutionality of its existence.

The reply of the government indicated that, with regard to the murder of the lawyer, the first investigations had not been satisfactory and the Attorney General had requested the Director of Public Prosecutions to place the investigation file before the Chief Magistrate in Nairobi who would appoint a senior member of staff to lead a public inquest.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1998/101, paras. 73, 120)

The main report refers to a children's theatre group in Nairobi that involves more than 100 former street children, "Shangilia Mtoto wa Africa" ("Rejoice Child of Africa"). The group is an awareness-raising and direct-action organization which uses theatre productions performed by children to expose the predicament of street children and child labour issues. Since its first public performance in Nairobi in 1994, the theatre group has generated widespread publicity and strong interest, and has toured throughout Kenya and abroad. Children are provided with informal schooling, food, accommodation, and medical care and, through their involvement with the theatre, develop a sense of confidence and social achievement. The targets of the theatre productions are other street children, adult policy makers, parents, non-governmental organizations, and the general public through broadcasting, church congregations, and schools. Further reference is made to street children, noting that the Child Welfare Society has started a programme that aims at rehabilitating and providing education and medical support for girls working and living on the streets. A shelter was set up on the outskirts of Nairobi to provide these children with care until their reunification with their families or full integration into society was achieved.

The Special Rapporteur (SR) visited Kenya from 25 August to 1 September 1997. The primary aim of the mission was to look into the issue of commercial sexual exploitation of children and the SR chose to visit Kenya in order to study commercial sexual exploitation of children in a large urban centre like Nairobi, as well as in a coastal area with a view to exploring the impact of tourism on the sexual exploitation of children. The report of the mission (E/CN.4/1998/101/Add.1) contains information on, *inter alia*: the causes, characteristics, and perpetrators of commercial sexual exploitation; the impact of HIV/AIDS on society; the international and national legal frameworks for addressing the problem; the systems of government and criminal justice, as they relate to commercial sexual exploitation of children; a case study based on information about the situation in Mombasa and Malindi; and non-governmental and community-based organizations in Kenya.

The report cites information from Human Rights Watch indicating, *inter alia*, that in Kenya: more than 40,000 children live on the street; 38 per cent of all children are sexually abused by an adult or a family member by the age of 18; 74 per cent of those abused report severe damage or long-lasting consequences; 11 per cent of sexual abuse is perpetrated by a stranger, 29 per cent by a family member, and 60 per cent by a person known to the victim; and estimates suggest that urban population grows at an annual rate of more than 45 per cent, resulting in population explosion in the cities, with a direct correlation to deteriorating living standards, overcrowding, and high unemployment.