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Kenya: Proposed Legal Reforms – A Start Towards Human Rights Protection?

Nairobi –Yesterday’s announcement by President Daniel Arap Moi that the Kenyan government intends to amend the Public Order Act is a welcome recognition of the need for improvements in human rights protection, an Amnesty International delegation visiting Kenya said today.

“We welcome this recognition of the necessity of constitutional and legal reform – which is a key message of Amnesty International’s Human Rights Manifesto for Kenya,” said Pierre Sané, Secretary General of the worldwide human rights organization. “However, the Public Order Act is just one of a range of laws which require repeal or amendment to guarantee the basic human rights of all Kenyans.”

“Even with the proposed amendment of this Act, the President would retain wide powers to limit the human rights stipulated in the constitution, such as those included in the Preservation of Public Security Act. By invoking these powers, the government can continue to restrict freedom of association, expression and personal liberty.”

“What is needed is a strengthening of the constitution to bring it in line with Kenya’s obligations under international law, including the African Charter on Human and Peoples’ Rights, adopted in Nairobi in 1981” Mr Sané added, reiterating his request to meet with President Moi to discuss the organization’s manifesto.

The Public Order Act has been widely used to restrict any activity the government regards as opposition to the state, including the peaceful rally planned for Uhuru Park last Saturday, which was violently broken up by police and General Service Unit personnel.

President Moi announced the amendment of the Public Order Act and its replacement with a proposed Peaceful Assemblies Bill to cover public gatherings. However, Mr Sané argued that there are provisions in the act apart from those relating to public gatherings which need to be reformed, such as those relating to curfews and the prohibition of flags and emblems of political organizations. There must also be effective remedies for breaches of fundamental human rights, including the authority for the courts to scrutinize legislation and comment upon its constitutionality, he added.

“It’s about time that Kenya breaks with its colonial legacy by repealing oppressive laws enacted at the time to deprive Kenyans from the fundamental freedoms enshrined in the United Nations Universal Declaration of Human Rights,” Mr Sané added.

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Members of the delegation will be available for interview in English, French and Arabic throughout the visit. Mr Sané will be holding a press conference on:

11 June 1997 – 10.00am

Nairobi Hilton Hotel – Amboseli conference room

**For further information, to arrange an interview, or to obtain copies of a media pack, call:
Mark Ogle, Press Officer: Hilton Hotel, Nairobi (Room 1201) Tel.: (254) 2 334 000**

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