



KENYA

THE ISSUE:

Kenya has made considerable progress in terms of rule of law following the unprecedented Supreme Court of Kenya decision that nullified Kenya presidential elections in 2017 and asserted judicial independence. However, Kenya is facing numerous challenges, among them rising economic costs, a disenfranchised public that is apathetic towards politics, and burgeoning youth population that remains practically excluded from the workforce.

President Uhuru Kenyatta and opposition leader Raila Odinga agreed to put an end to several months of tensions following another disputed election in 2017. Their agreement produced the Building Bridges Initiative (BBI) report, which is considered by some as a unifying, thoughtful plan for a process of rebuilding the nation. For others it is a formula of sharing positions in the future government of 2022.

Social and political polarization based on ethnic and economic divisions continue to widen as people feel more alienated from their government. Lack of accountability for serious human rights violations perpetrated largely by security forces remains a major concern in the country. The 2017 presidential elections period saw abusive police operations, including the beating and shooting of opposition party members. The peace deal between the president and the opposition leader eased political tensions but authorities had not taken serious measures to ensure accountability for police brutality. Accountability for the use of excessive force by the security services requires urgent action.

Freedom of expression and media remain at risk, despite promises by the president to protect press freedom. Police and senior state officials continue to threaten journalists writing on corruption and security issues.

Kenya continues to host almost 500,000 refugees, most of who reside in the Dadaab and Kakuma refugee camps. Other refugees are located in Nairobi. Although Kenya is a party to the U.N. Refugee Convention and the 1993 African Union Convention on Refugees, reports indicate that authorities have violated the conventions, including the principle of non-refoulement, which prohibits returning individuals to places where they would be at risk of harm.

TALKING POINTS:

- Kenya's long-term stability depends on communal violence being curtailed. The United States calls on the administration of President Kenyatta to end decades of impunity and facilitate a credible investigation into the Rift Valley violence of the 1992 Presidential elections.

RECOMMENDATIONS:

- The White House and the U.S. Department of State should:
 - ◇ Maintain funding and technical support for the Kenyan government to support its refugee commitments in policy, including helping Kenya implement programs under the Global Compact for Refugees aimed at improving livelihoods and access to education.
 - ◇ Call upon the Kenyan government to break the culture of impunity by allowing credible, independent investigations into past human rights abuses, in particular in the Rift Valley during 1992 elections.

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