EXAMINING THE ROLE OF AMNESTY INTERNATIONAL IN PROMOTING AND PROTECTING HUMAN RIGHTS IN KENYA

BY
MAGDALENE ACQUAYE

INDEX NUMBER
(10248705)

THIS DISSERTATION IS SUBMITTED TO THE UNIVERSITY OF GHANA, LEGON, IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD OF THE MASTER OF ARTS DEGREE IN INTERNATIONAL AFFAIRS

LEGON

JUNE 2018
DECLARATION

I, Magdalene Acquaye, hereby declare that, this dissertation is the product of an original research that I undertook under the supervision of Dr. Mrs Afua Yakohene and that no part of this work has been submitted anywhere else for any other purpose. All sources used have been duly acknowledged.

MAGDALENE ACQUAYE
(STUDENT)

DATE

DR. MRS. AFUA YAKOHENE
(SUPERVISOR)

DATE
DEDICATION

I dedicate this work to my loving husband, Dr. Francis Collins Bimpong, whose encouragement and support has helped in the completion of this academic work.

To my parents, Mr Godfred and Mrs Lucy Acquaye and my siblings, Christopher and Roberto Acquaye, for the confidence reposed in me in everything I do.
ACKNOWLEDGEMENTS

I give thanks to God Almighty for granting me the strength and wisdom to undertake this work.

My sincere thanks goes to my supervisor, Dr. Mrs Afua Yakohene for her support, direction, suggestions and for making time off her busy schedule to make this work a great success.

I appreciate the enormous inputs by lecturers at LEClAD for their contributions towards my course.

My gratitude also goes to the Acquaye and Bimpong family for their immerse support and encouragement. I love you all and cherish everything you have done for me. Special thanks goes to Amnesty International in Nairobi, especially Gakii Kiogora and Sandra Kabwiria Mwarania for their exceptional welcome and show of dedication towards the completion of this research. I am also grateful to my colleagues at LEClAD especially Stephanie Ofori Atta (Mrs) and Noah Kpogli for the enormous assistance they gave me throughout the Programme.

THANK YOU
# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>ACHPR</td>
<td>African Commission on Human and Peoples Rights</td>
</tr>
<tr>
<td>ACJ</td>
<td>African Court of Justice</td>
</tr>
<tr>
<td>AI</td>
<td>Amnesty International</td>
</tr>
<tr>
<td>AIDS</td>
<td>Acquired Deficiency Syndrome</td>
</tr>
<tr>
<td>AIK</td>
<td>Amnesty International Kenya</td>
</tr>
<tr>
<td>APT</td>
<td>Association for the Prevention of Torture</td>
</tr>
<tr>
<td>ATPU</td>
<td>Anti-Terrorism Police Unit</td>
</tr>
<tr>
<td>CCI</td>
<td>Coalition of Constitution Implementation</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of all forms Against Discrimination</td>
</tr>
<tr>
<td>CHR</td>
<td>Commission on Human Rights</td>
</tr>
<tr>
<td>COVAW</td>
<td>Coalition of Violence against Women</td>
</tr>
<tr>
<td>CTC</td>
<td>Counter- Terrorism Committee</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FEDEFAM</td>
<td>Fighting against Forced Disappearances in Latin America</td>
</tr>
<tr>
<td>FGM</td>
<td>Female Genital Mutilation</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Convention on Civil and Political Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Convention on Economic Social and Civil Rights</td>
</tr>
<tr>
<td>ICC</td>
<td>International Criminal Court</td>
</tr>
<tr>
<td>ICJ</td>
<td>International Court of Justice</td>
</tr>
<tr>
<td>IED</td>
<td>Improvised Explosive Device</td>
</tr>
<tr>
<td>INGOs</td>
<td>International Non-Governmental Organizations</td>
</tr>
<tr>
<td>IPOA</td>
<td>Independent Policing Oversight Authority</td>
</tr>
<tr>
<td>JICA</td>
<td>Japan International Cooperation Agency</td>
</tr>
<tr>
<td>KAA</td>
<td>Kenya Airport Authority</td>
</tr>
<tr>
<td>KANU</td>
<td>Kenya African National Union</td>
</tr>
<tr>
<td>KDF</td>
<td>Kenya Defence Force</td>
</tr>
<tr>
<td>KENHA</td>
<td>Kenya Housing Authority</td>
</tr>
<tr>
<td>KURA</td>
<td>Kenya Urban Roads Authority</td>
</tr>
<tr>
<td>LGBT</td>
<td>Lesbian Gay Bisexual and Transgender</td>
</tr>
<tr>
<td>MNC’S</td>
<td>Multinational Corporations</td>
</tr>
<tr>
<td>NGOs</td>
<td>Non-Governmental Organizations</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>ODPP</td>
<td>Office of Director of Public Prosecution</td>
</tr>
<tr>
<td>RAM</td>
<td>Resource Allocation Model</td>
</tr>
<tr>
<td>RRP</td>
<td>Rapid Response Team</td>
</tr>
<tr>
<td>REC</td>
<td>Regional Economic Communities</td>
</tr>
<tr>
<td>TUN</td>
<td>Tukomeshe Unajisi</td>
</tr>
<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>USA</td>
<td>United States of America</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

DECLARATION ... ... ... ... ... ... ... ... ... ... i
DEDICATION ... ... ... ... ... ... ... ... ... ... ii
ACKNOWLEDGEMENTS ... ... ... ... ... ... ... ... ... ... iii
LIST OF ABBREVIATIONS ... ... ... ... ... ... ... ... ... ... iv
TABLE OF CONTENTS ... ... ... ... ... ... ... ... ... ... vii
ABSTRACT ... ... ... ... ... ... ... ... ... ... xii

CHAPTER ONE: INTRODUCTION

1.1 Background to the Research Problem ... ... ... ... ...... ... 1
1.2 Statement of the Problem ... ... ... ... ... ... ... ... ... 3
1.3 Research Questions ... ... ... ... ... ... ... ... ... ... 7
1.4 Research Objectives ... ... ... ... ... ... ... ... ... ... 7
1.5 Scope of the Study ... ... ... ... ... ... ... ... ... ... 8
1.6 Rationale of the Study ... ... ... ... ... ... ... ... ... ... 8
1.7 Hypothesis ... ... ... ... ... ... ... ... ... ... ... ... 8
1.8 Theoretical Framework ... ... ... ... ... ... ... ... ... ... 9
1.9 Literature Review ... ... ... ... ... ... ... ... ... ... ... ... 14
1.9.1 Genesis of Amnesty International ... ... ... ... ... ... ... 14
1.9.2 The Goals of Amnesty International ... ... ... ... ... ... ... 16
1.9.3 Achievements of Amnesty International ... ... ... ... ... ... 17
1.9.4 Challenges of Amnesty International ... ... ... ... ... ... ... 19
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.10</td>
<td>Sources of Data</td>
<td>... ... ... ... ... ... ... ... ... ... 20</td>
</tr>
<tr>
<td>1.11</td>
<td>Methodology</td>
<td>... ... ... ... ... ... ... ... ... ... 20</td>
</tr>
<tr>
<td>1.11a</td>
<td>Research Strategy</td>
<td>... ... ... ... ... ... ... ... ... ... 20</td>
</tr>
<tr>
<td>1.11b</td>
<td>Collection of Data</td>
<td>... ... ... ... ... ... ... ... ... ... 21</td>
</tr>
<tr>
<td>1.11c</td>
<td>Analysing the Data</td>
<td>... ... ... ... ... ... ... ... ... ... 22</td>
</tr>
<tr>
<td>1.11d</td>
<td>Ethical Consideration</td>
<td>... ... ... ... ... ... ... ... ... ... 22</td>
</tr>
<tr>
<td>1.11e</td>
<td>Arrangement of Chapters</td>
<td>... ... ... ... ... ... ... ... ... ... 22</td>
</tr>
<tr>
<td></td>
<td>Endnotes</td>
<td>... ... ... ... ... ... ... ... ... ... 24</td>
</tr>
</tbody>
</table>

CHAPTER TWO:
GLOBAL INITIATIVES OF AMNESTY INTERNATIONAL TOWARDS HUMAN RIGHTS PROMOTION AND PROTECTION

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>Introduction</td>
<td>... ... ... ... ... ... ... ... ... ... 26</td>
</tr>
<tr>
<td>2.1</td>
<td>The Notion of Human Rights</td>
<td>... ... ... ... ... ... ... ... ... ... 26</td>
</tr>
<tr>
<td>2.2</td>
<td>Genesis of Amnesty International</td>
<td>... ... ... ... ... ... ... ... ... ... 29</td>
</tr>
<tr>
<td>2.4</td>
<td>Goals of Amnesty International</td>
<td>... ... ... ... ... ... ... ... ... ... 31</td>
</tr>
<tr>
<td>2.5</td>
<td>Functions of Amnesty International</td>
<td>... ... ... ... ... ... ... ... ... ... 32</td>
</tr>
<tr>
<td>2.6</td>
<td>Some Global Efforts of Amnesty International</td>
<td>... ... ... ... ... ... ... ... ... ... 35</td>
</tr>
<tr>
<td>2.6.0</td>
<td>Introduction</td>
<td>... ... ... ... ... ... ... ... ... ... 35</td>
</tr>
<tr>
<td>2.6.1</td>
<td>Torture</td>
<td>... ... ... ... ... ... ... ... ... ... 35</td>
</tr>
<tr>
<td>2.6.2</td>
<td>Enforced Disappearances</td>
<td>... ... ... ... ... ... ... ... ... ... 37</td>
</tr>
<tr>
<td>2.6.3</td>
<td>The Death Penalty</td>
<td>... ... ... ... ... ... ... ... ... ... 40</td>
</tr>
<tr>
<td>2.6.4</td>
<td>Extra-Judicial Killings</td>
<td>... ... ... ... ... ... ... ... ... ... 42</td>
</tr>
<tr>
<td>2.6.5</td>
<td>Protection of Refugees</td>
<td>... ... ... ... ... ... ... ... ... ... 43</td>
</tr>
</tbody>
</table>
CHAPTER THREE:

PROMOTING AND PROTECTING HUMAN RIGHTS IN KENYA

3.0 Introduction … … … … … … … … … 57
3.1 Brief History of Kenya … … … … … … … … … 57
3.2 The History of Human Rights Promotion and Protection in Kenya … … 59
3.3 History of Amnesty International in Kenya … … … … … 60
3.4 Amnesty International and Human Rights Abuses in Kenya … … 61
3.4a Insecurity and Indignity against Women and Girls … … … … … 61
3.4b Sexual Violence against Women… … … … … .. 62
3.4c Refugee Rights… … … … … … … … … … 63
3.4d Police Accountability ... ... ... ... ... ... 64
3.4e Abuses by Government Security Officials ... ... ... ... ... ... 65
3.4f Rights of Lesbians, Gays, Bisexuals and Transgender ... ... ... ... ... ... 66
3.4g Counter-terrorism and Security ... ... ... ... ... ... 66
3.5 Methods and Strategies Employed ... ... ... ... ... 68
3.5a Introduction ... ... ... ... ... ... 68
3.5b Strategic Campaign ... ... ... ... ... ... 68
3.5c Observation and Monitoring ... ... ... ... ... ... 69
3.5d Research and Debates ... ... ... ... ... ... 69
3.5e Programmes ... ... ... ... ... ... 70
3.5f Formulation and Implementation of Policies ... ... ... ... ... 70
3.6 Contributions of Amnesty International Kenya to Human Rights Promotion And Protection ... ... ... ... ... ... 71
3.6a Adequate Housing ... ... ... ... ... ... 71
3.6b Forced Eviction ... ... ... ... ... ... 72
3.6c Education and Empowerment ... ... ... ... ... ... 74
3.6d Institutional Strengthening and Visibility ... ... ... ... ... 76
3.6e Refugee Rights ... ... ... ... ... ... 76
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.6f</td>
<td>Rights of LGBTs</td>
<td>77</td>
</tr>
<tr>
<td>3.6g</td>
<td>Counter-terrorism and Security</td>
<td>77</td>
</tr>
<tr>
<td>3.7</td>
<td>Challenges of Amnesty International in Kenya</td>
<td>78</td>
</tr>
<tr>
<td>3.7a</td>
<td>Funding</td>
<td>78</td>
</tr>
<tr>
<td>3.7b</td>
<td>Membership</td>
<td>78</td>
</tr>
<tr>
<td>3.7c</td>
<td>Relationship between Amnesty International and Government Stakeholders</td>
<td>79</td>
</tr>
<tr>
<td>3.7d</td>
<td>Weak Presence in Africa</td>
<td>79</td>
</tr>
<tr>
<td>3.7e</td>
<td>Politicization of Amnesty International</td>
<td>80</td>
</tr>
<tr>
<td>3.7f</td>
<td>Credibility and Accusations</td>
<td>81</td>
</tr>
<tr>
<td>3.8</td>
<td>Conclusions</td>
<td>82</td>
</tr>
<tr>
<td></td>
<td>Endnotes</td>
<td>83</td>
</tr>
</tbody>
</table>

**CHAPTER FOUR:**

**SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.0</td>
<td>Introduction</td>
<td>85</td>
</tr>
<tr>
<td>4.1</td>
<td>Summary of Findings</td>
<td>85</td>
</tr>
<tr>
<td>4.2</td>
<td>Conclusions</td>
<td>87</td>
</tr>
<tr>
<td>4.3</td>
<td>Recommendations</td>
<td>88</td>
</tr>
<tr>
<td></td>
<td>Bibliography</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Appendix</td>
<td>96</td>
</tr>
</tbody>
</table>
ABSTRACT

This research seeks to examine the contributions of Amnesty International in promoting and protecting human rights in Kenya. To do this effectively, the study adopted a qualitative research design. Using a purposive sampling method to select the target sample, the study collected relevant data by conducting interviews using a semi-structured interview guide. This study used thematic data analysis to analyze the collected data. The study found out that, Amnesty International was able to connect on local issues relating to human rights promotion and protection, enabled active mobilization and participation of human rights activists and generated mass pressure for change and accountability in Kenya. The study also found out that, Amnesty International is dedicated to promoting and protecting human rights in Kenya and that, the future of the organisation is promising. The study recommends among others that, Amnesty International must be aggressive and proactive in approaching donors and funders to boost their financial stability and that communities should consistently press their elected leaders to raise and address their human rights concerns.
CHAPTER ONE
RESEARCH DESIGN

1.1 Background to the Research Problem

The promulgation of the Universal Declaration of Human Rights (UDHR) in 1948 by the United Nations (UN) resulted in proliferation of several International Non-Governmental Organizations (INGOs) working towards advancing and protecting human rights. Two key covenants of rights underpin the UNDHR – ‘The International Covenant on Civil and Political Rights (ICCPR)\(^1\) and the ‘International Covenant on Social, Economic Rights and Cultural Rights’. (ICSECR).\(^2\) INGOs who work in the field of Human Rights.

Although the UDHR, ICCPR and ICSECR were significant milestones in the enhancement and safeguarding of human rights, efforts aimed at enhancing human rights and its protection predates the UDHR, the ICCPR and ICSECR. The Renaissance era has been suggested as the origin of modern human rights organizations. One of the earliest human rights organizations to have been formed in this period is the “Society for the Relief of Free Negroes Unlawfully held in Bondage in Philadelphia” with the prime objective of fighting slavery policy and other social issues in the United States of America.\(^3\)

Thereafter, in the 19\(^{th}\) and early 20\(^{th}\) century, several human rights INGOs emerged to advocate for the protection and safeguarding of a broad spectrum of human rights. These include the “British and Foreign Anti-Slavery Society (1839)”, “the International Committee of the Red Cross (1863)”, “the International Worker’s Association (1864)”, the French-based League for Human Rights (1898), the American Jewish Committee (1906) and the Federal Council of Churches (1908) amid several other organizations.
Over the last 60 years, following the promulgation of the UDHR, there have been formidable human rights INGOs influencing the human rights policy space at both the national and international level. These organizations are non-profit, voluntary citizens’ groups which are organized at the international level. They are task-oriented and compelled by people with a common concern. They perform a variety of service and humanitarian functions which include bringing citizens’ concerns to Governments and advocating and monitoring procedures. Also, they offer analysis and know-how, which functions as early warning tools and assist in monitoring and implementing international agreements.

Beyond these broadly shared ideals and focus of INGOs, there are specific and sometimes differing roles that different human rights INGOs play. Various human rights INGOs are committed to specific issues ranging from gender, education, labour, sexual orientation, minority interest, child rights etc. For example, the International Alliance of Women and the Centre for Women’s Global Leadership, focus purely on promoting women’s rights; Save the Children prioritizes children’s rights; World Confederation of Labour promotes and protects labour rights; International Organization for the Development of Freedom of Education campaigns on the right to education; and the International Commission of Jurists promotes due process and fair trial.

INGOs such as Amnesty International and Human Rights Watch usually focus on civilian and political rights. Amnesty International, the focus of this study, is the largest human rights INGO globally committed to the promotion and protection of civil and political rights. It has a total membership, supporters and subscribers of approximately 2.2 million people spread across 151
countries. Amnesty International has presence in each of the world’s region and operates local chapters in more than 80 countries. Its vision “…is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments.” Its mission “…is to undertake research and action focused on preventing and ending grave abuses of these rights”.

The foregoing assertion brings the work of Amnesty International on human rights promotion and protection in Africa into the limelight particularly in Kenya. In Sub-Saharan Africa alone, Amnesty International has established 13 national offices. Amnesty International established an office in Nairobi, Kenya, in 2002 with the objective of improving lives and upholding human rights of citizens and the neighbouring countries. By so doing, they contribute to efforts to prevent human rights abuses in Kenya.

1.2 Statement of the Problem

Through detailed research and campaigns, Amnesty International has helped to fight human rights abuses throughout the world. Globally, from the 1970s onwards, Amnesty International began to work on the different aspects of the right or rights to physical integrity. This was not the outcome of a conceptually worked out decision, but rather, it was a natural response to abuses inflicted on those at the core of Amnesty International’s mandate. Abuses to the right or rights to physical integrity being perpetuated at the time included: torture, the death penalty, enforced disappearances, judicial killing and counter-terrorism measures.
On torture, Amnesty International’s country and regional expertise, had become aware that, prisoners of conscience and other political prisoners were commonly tortured in many parts of the world, particularly in Greece, after the Colonels took control in the 1967 coup. British in Northern Ireland had also resorted briefly to interrogation techniques. This while not as brutal as in other countries like Greece mentioned above, could still be categorized as torture.  

Secondly, with regards to the death penalty, it is where a person is sentenced to death by the state as a punishment for a crime. To Amnesty International, the use of the death penalty breaches two essential human rights: the right to life and the right to live free from torture. The death penalty remains an ultimate irrevocable punishment, and the risk of the execution of the innocent cannot be eliminated. Since 1973 in the United States for example, people have been executed despite the state having serious doubts about their guilt.

Thirdly, the practice of enforced disappearances had been going on in Guatemala. However, it was its appearance in Chile after the 1973 coup against the constitutional government that Amnesty International first focused its attention on the issue. Enforced disappearances is the practice of making someone disappear against their own will, often by arrest, detention, or abduction and in most cases very suddenly. It is often used by perpetrators to intentionally create fear and instil uncertainty about the fate of the missing person. In this regard, the victim’s right to justice and to reparation is ultimately denied.

Again, the main focus of perpetrators of extra-judicial killings is the elimination of political opponents of governments without the sanctions of any judicial proceedings or legal process.
This form of punishment is unlawful by nature as its breaks the process of legal jurisdiction in which they are carried out.\textsuperscript{12}

Lastly, on counter-terrorism measures, the United States-led efforts to combat terrorism in the wake of the Al-Qaeda attacks, which killed thousands of civilians in New York and Pennsylvania in September 2001, saw the use of torture and secret detentions by the United States and its allies including Russia on alleged terrorists and their presumed associates. Governments went on to argued that, human rights were an “unnecessary luxury” when faced with the need to combat terrorism. This led to the open challenge of the once considered sacrosanct, internationally accepted and absolute prohibition of the use of torture. To Amnesty International, these counter-terrorism measures infringed on the fundamental freedom of individuals and did not uphold the rule of law.\textsuperscript{13}

In Kenya, issues of Human Rights abuses ranged from police accountability, adequate housing rights and forced eviction, refugee rights, sexual violence against women and girls, rights to the freedom of speech and association, threats to human rights due to counter-terrorism activities by government among others.\textsuperscript{14}

Majority of the population in Kenya still experience the lack of access to adequate housing, security of tenure and to reasonable standards of sanitation particularly in the informal settlements. In addition to this, they do not have access to clean and safe water in adequate quantities.\textsuperscript{15}
Again, concerning issues of refugee rights, the government of Kenya issued directive to close refugee camps, specifically the Daadab refugee camp. This is the largest refugee camp in the world, hosting mostly refugees from Somalia, South Sudan, Sudan and Ethiopia. The directive was ordered due to the alleged connection of the refugee camp to insecurity dilemmas the country was experiencing. The Kenyan public also typically perceived the refugees as being perpetrators of terrorism in the country.\textsuperscript{16}

Additionally, sexual violence against women and girls were also rampant in Kenya and most of these violence were meted out to women and girls by the police and other security forces in the country. This abuse is widespread mainly because the perpetrators are not made accountable to their crimes.\textsuperscript{17}

More so, over the last couple of years, the Al Qaeda-linked terrorist organization, Al Shabaab, has become a thorn in the flesh of Kenyans. Al-Shabaab declared war on Kenya because of the latter’s involvement in the Operation Linda Nchi. Operation Linda Nchi was a military mission in which Kenyan and Somalian military joined forces in conflict precincts in Southern Somalia. True to its words, Al-Shabaab has allegedly carried out numerous attacks on the citizens of Kenya between 2011 and 2016.\textsuperscript{18}

Indeed, from 2007 till date, Kenyans have not really seen peace and most live in perpetual fear of being attacked by terrorists. Meanwhile, any attempt by state institutions such as the Kenyan
Anti-Terrorism Police Unit to combat terrorism have also often resulted in extra-judicial killings. It is reported that, counter-terrorism operations in Kenya has resulted in the death and disappearances of many Kenyans.¹⁰

The reason for the focus of Amnesty International on these mentioned key action points is that, the organization believes that, when such abuses are addressed, the communities are empowered to be able to claim and defend their rights and to stand up for the rights of others locally and globally.

This research therefore seeks to examine the contributions of Amnesty International in promoting and protecting human rights in Kenya.

1.3 Research Questions

The study seeks to ask the following questions in Kenya:

1. What is the role of Amnesty International?
2. How effective has the efforts of Amnesty International been in the promotion and protection of human rights?
3. What challenges have contended against the efforts of Amnesty International?

1.4 Research Objectives

This study seeks to:
1. Discuss the role of Amnesty International in Kenya.

2. Examine the effectiveness of the efforts of Amnesty International in the bid to promote and protect human rights in Kenya.

3. Investigate the challenging factors that contend against the efforts of Amnesty International in Kenya.

1.5 Scope of the Study

The focus of this study is to examine the role of Amnesty International in protecting and promoting the human rights of the people of Kenya from the year 2002 to 2017, as the office of Amnesty International was established in the year 2002. This time frame affords the researcher the opportunity for an effective analysis of data.

1.6 Rationale of the Study

This study would add to the existing literature on the promotion and protection of human rights in Kenya. Again, it will provide useful policy recommendations for human rights organizations and practitioners engaged in the promotion and protection of human rights in Kenya.

1.7 Hypothesis

The efforts of Amnesty International are effectively contributing towards the promotion and protection of human rights in Kenya particularly social rights.
1.8 Theoretical Framework

The theoretical framework of this study is centered on the Pluralist theory. The idea of Pluralism challenges the notion that, a single authority or group must dominate all others. Fundamental to this theory is the belief in the strength and legitimacy of self-governing associations as means of organisation social life, and the belief that, political representation must respect the principle of function, recognizing association like trade unions, churches and voluntary bodies. In the Pluralist scheme, it is such associations that perform the basic task of social life, thus becoming anti-statist in its basic principles.

Again, Pluralism is deeply rooted in the respect for the autonomy of associations that are freely created of citizens and that the principle functional representation, both involve a limitation rather than an enhancement of the scope of state power. In addition, rather than accepting the imposition of conformity to either a single standard of truth or a center of power, whether it is moral, political, cultural, or religious, some proponents of Pluralism such as Aristotle, David Hume, Edmund Burke and Robert Dahl have defended the right to diversity and difference.

Furthermore, power in a Pluralist state is unequally distributed and disseminated among a number of groups who are in competition with each other as opposed to power being monopolized by a single elite group. In a Pluralist state, groups also tend to influence each other or those in power. To Robert Dahl, in order for an association of leaders to survive and thrive, frequent transaction between two groups must occur. Dahl points out that, in a Pluralist state, there are still inequalities
among political systems as everyday citizen’s voices are not always heard through the opinions of powerful groups and association. In Pluralism, there are many different kinds of resources for influencing officials that are available. However, these resources such as money, are often unfairly and equally distributed.

Diversity and dissent views and opinions are values that enrich individuals, their polities and societies. Pluralism therefore forms the basis of tolerance, essential limitation of power and authority on behalf of human freedom and is based on four key assumptions.

First and foremost, it is based on the perception that, non – states actors are stakeholders in world politics. For example, international organizations on certain issues may be independent in their own rights and are more than just forums where states interact. Again, that the staff of a particular international organization wields tremendous power in relations to determining agendas and providing information, influence the definition of their interest by states. Also, international organizations are influential in the implementation, monitoring and adjudicating of disputes which may arise from the decision made by constituent state of the organization.

The Pluralist is of the assumption that over time, some functions of international organizations may become indispensable to member states. In the same vein, other non-governmental and transnational organizations such as multinational corporations (MNCs) may also play vital roles.
in shaping the politics of the world. It states further that, it would be difficult for one to ignore the impact of non–states actors such as terrorist groups, armed leaders and guerilla groups.\textsuperscript{30}

Secondly, the Pluralist theory holds the assumption that, the state is not a unitary actor. To the Pluralist, the state is composed of competing individuals, interest groups and bureaucracies. For instance, to the Pluralist, decision making by states may actually be a decision made by a single individual, governmental coalition or even by bureaucracy. They maintain that, decision making is not made by some abstract entity called “the state”, but rather, may be some combinations of actors found within the foreign policy establishment.\textsuperscript{31}

In Pluralism, different organizations, for example, have held varied views on a particular foreign policy issue. This eventually, may result in some form of coalition building, competition and compromise. This then ends in a decision that is announced in the name of the state. Pluralists are also of the assumption that, decisions made by states may be as a result of lobbying carried out by such non-state actors, or even influenced by something as amorphous as public opinion. To Pluralists, viewing states as unitary actors, misses the multiplicity of actors that make up the entity called the state.\textsuperscript{32}

Thirdly, Pluralists challenge the Realist notion of the state being a rational actor. Taking into account their fragmented view of the state, it is assumed that, the clash of various interests,
bargaining and compromises do not always make for a rational decision making. Again, poor decisions that are often less than the best with regards to objectives sought, may arise due to misconception or bureaucratic politics. Instead of leading their country, statesmen may be tempted to take their own cue from public opinion polls or from their own power position rather than taking into account the general good of the country.33

Lastly, Pluralists are of the assumption that, the agenda of international politics is extensive. With this, although national security concerns are important, the Pluralist is also concerned with a number of economic, social and ecological issues emanating from the growth of interdependence among states societies as a whole. For example, in some spheres, emphasis on trade, money and energy matters have taken precedence in the international arena. Also, to Pluralists, the foreign affairs agenda of states are not exclusively preoccupied with the national interests of states, such as issues bothering on the security concerns of states closely defined in terms of military matters.

In addition, Pluralists tend to reject the high verse low politics dichotomy as accepted by most Realists. This is because, to the Pluralist, economic and social issues can have a direct impact on the security and welfare of states.34

Realism is a direct criticism of the Pluralist theory and their criticisms are based on the following premises:

Pluralists have often downplayed the role of anarchy and the security dilemma in their explanation of the international system. However, Realists have argued that, there can be no analysis of world
politics unless the anarchical structure of the system has been taking into consideration. Realist contends that, if one ignores or reduces the importance of such considerations, the thinking of statesmen can quickly become utopian with little relation to reality.\textsuperscript{35}

Realists criticized the pluralist theory by arguing that, by describing the world in greater detail, descriptive analysis increases at the expense of developing a parsimonious theory of international system. In other words, to the Realist, theory should be as simple as possible.\textsuperscript{36} Again, one criticism leveled against Pluralism is on the basis of their heavy reliance on the assumption of effective free will. Realists criticize Pluralism by arguing that, the view of Pluralists on international change and how it can be realized ignores all forms of constraints placed on leaders and states.\textsuperscript{37}

The final criticism leveled against the Pluralist school of thought by Realists is that, many scholars tend to view the world through the lens of the American political system. For example, if the governance processes of America are understood to conform to a Pluralist image, then the rest of the world would be imposed with the same image even where it may bear very little relation to reality.\textsuperscript{38}

In spite of the criticisms leveled against Pluralism, its relevance to this study is unparalleled. The Pluralist theory makes Amnesty International an important non–governmental organization that cannot be ignored in international relations. It affords Amnesty International the opportunity to yield considerable power in areas such as agenda setting.
More so, the theory is relevant in this research because, its affords the researcher the opportunity to address and acknowledge the reality of diversity that exist between Amnesty International, the state and other relevant non-state actors such as interest groups and civil societies that help to promote and protect human rights.

1.9 Literature Review

1.9.1 Genesis of Amnesty International

Linda Rabben wrote that “during the second half of the 1950s, as Peter Benenson was developing the ideas that would lead him to found Amnesty International, the Cold War was intensifying throughout the world”. She pointed out that, “the United States, Western European countries, and the Soviet Union competed at the time for international dominance in trade, weapons and politics.\(^{39}\) In her opinion, in their former colonies and spheres of influence, the industrialized nations of Europe sought to maintain and perpetuate their control through indirect means. She further stated that, the United States, sought to dominate the new nations through treaties, defense agreements, trade pacts, covert actions, propaganda offensives, and armed intervention.\(^{40}\) The Soviet Union, according to Rabben, also established its control over neighboring states through force of arms and installation of friendly regimes, while waging worldwide ideological warfare. Also, the new communist regime in China, the world’s largest nation, intervened in the Korean War, and became an "outlaw state" for the next two decades”.\(^{41}\)

At the same time, in the opinion of Rabben, “the world's major powers conducted trials of war criminals for crimes against humanity, established the United Nations and signed a series of
international declarations and agreements guaranteeing human rights. In 1948, the Universal Declaration of Human Rights was promulgated. Yet the signers of these agreements continued to commit systematic human rights abuses against their own citizens. These violations, according to Rabben, included abridging freedom of religion, assembly, expression, and association; imprisoning political opponents without warrant or trial; conducting unfair trials; using torture to force confessions; executing political prisoners; exiling and "banning" political opponents; and many others”. It was in response to these realities that Amnesty International came into existence.43

The beginning of Amnesty International continues as written by Cox, that, an "Appeal for Amnesty” was created with the objective of raising public awareness of the plight of political and religious prisoners. Cox writes that, the campaign was launched with an English newspaper article entitled The Forgotten Prisoners, published in The Observer on 28th May, 1961." She argued that, the newspaper urged the public to demonstrate against the imprisonment of people on the basis of their political and religious beliefs known as prisoners of conscience.44

Cox wrote that “The Appeal for Amnesty movement was the brainchild of English lawyer Peter Benenson, who had been actively involved with human rights issues for some time”, and that, Benenson formulated the notion of an Appeal in response to a newspaper report he read in November 1960, concerning the arrest and sentencing of two youths from Portugal who had a public toast to freedom during the Salazar dictatorship.45 As written by Rabben, thousands of people responded to the newspaper publication and Benenson set up Amnesty International.
Rabben writes that, soon enough, Amnesty International members wrote numerous letters to presidents and officials’ in-charge so much that, political prisoners were being set free worldwide.\textsuperscript{46}

She posits that, a member of the organisation, Diana Redhouse, designed the organization's logo, a candle circled by barbed wire in June, 1961, to represent hope for prisoners of conscience. She further states that, “Amnesty International became the world's largest, most successful and most influential human rights organization, winning the Nobel Peace Prize in 1977, adding that, its members celebrate the circumstances of its founding by ending every annual general meeting with” a "toast to freedom."\textsuperscript{47}

1.9.2 The Goals of Amnesty International

Scoble and Wiseberg, opine those, one goal of Amnesty International is to carefully research investigation cases. By this, they meant occurrences claiming the detention or imprisonment of a person solely for his or her beliefs. They stated that, from these research investigation cases, Amnesty International selects a lesser number of adoption cases to prove that a victim did not advocate or use violence. They explained that, cases are then shared among working groups of the organization, which then employs all legitimate means to secure the release of the prisoner and in some situations, help to raise support money for the victim and his family.\textsuperscript{48}

Again, Scoble and Wiseberg, points out that, Amnesty International has the mandate to abolish capital punishment, torture and solitary confinement. Here, Amnesty International’s goal is to involve its members in direct letter-writing campaigns, to appeal for the public trial of a detainee.
or for the release of a convicted prisoner of conscience. In their view, this campaign provides the members of the organization with the specific relevant details of international and domestic law and provides the appropriate correct title or address and so on to which the organization goes to work with.\(^{49}\) Again, as pointed out by Scoble and Wiseburg, Amnesty International seeks to represent consumers of governmental services that are negative, chilling and repressive.\(^{50}\)

Lastly, Savelsberg intimated another goal of Amnesty international to be the mobilization of public opinion and enactment of government policies, especially when a massive violation of human rights occurs anywhere around the globe. For example, in 2003, on the occasion of the tenth anniversary of the mass killings in Darfur, Amnesty International issued a report to update the public, highlighting the organization’s concern with the massive violation of the local population’s human rights and the impunity of leading political actors.\(^ {51}\)

### 1.9.3 Achievements of Amnesty International.

Corrigan writes that, Amnesty International has shown that, determined individuals joining together can be incredibly powerful defenders of justice and promoters of freedom.\(^ {52}\) He purports that, Amnesty International, has made strides in achieving one of its core mission stipulated in Article 18 and 19 of the UDHR on freedom of thought, conscience, religion, opinion, and expression.\(^ {53}\) Winston cites an example for this achievement as being when Amnesty International raised an urgent appeal on behalf of Ramin Jahanbegloo, a political prisoner in Iran within days of his arrest on the 27\(^{th}\) of April, 2006.\(^ {54}\)
He writes that, Amnesty International expressed concern for his safety, seeking assurances from the Iranian government that, he would not be tortured or ill-treated. The organization also demanded that, he promptly be charged with a recognizable crime or the Iranian government should immediately and unconditionally release him.\(^{55}\)

Another achievement of Amnesty International, as noted by Savelsburg is in the area of protection of the rights of civilians, especially in regions of violent conflict. He cited an example as the presence of Amnesty International in Darfur and Sudan and the work it carried out in ensuring that the rights of their citizens where protected.\(^{56}\) Here, he stipulates that, Amnesty International, together with organizations such as Human Rights Watch, the International Crisis Group, and the Enough Project, played a crucial role in mobilizing world opinion and government action on behalf of Darfur. Again, Amnesty International, coordinated by the International Secretariat, worked in the area of impunity, to push France in the UN Security Council to push Sudan to arrest Omar al-Bashir, the President of Sudan and render him to the ICC.\(^{57}\)

Last but not the least, Edwards and Koettl submits that, Amnesty International launched the “Eyes on Darfur” in June, 2007. The project intended to stymie the ability of the Sudanese government or the Janwawid (A militia group operating in western Sudan and eastern Chad), from attacking 12 villages deemed to be of high risk for attack with impunity. The “Eyes on Darfur” project, through “imaging”, tasking satellites and by allowing the global public to participate in the monitoring of these 12 villages at high risk, also sought to serve as – in a manner of speaking – a “global neighborhood watch” on human rights violations in Darfur.\(^{58}\)
1.9.4 Challenges of Amnesty International

Rabben cites that, one challenge faced by Amnesty International is to whether or not it should cooperate with communist governments. She postulates that, “pioneers of the organisations, had agreed the organization would work only on cases of prisoners who had not advocated violence or carried out violent acts, indicating that, this limitation excluded committed revolutionists of all sorts. They also decided not to work on espionage or treason cases. However, Rabben points out that, in many countries, communist or communist front organizations were also seeking for the release of non-communist or people merely accused of expressing "communist" opinions. In all of these instances, Rabben concludes that, Amnesty International tried to steer and maintain a middle course”. 59

Another challenge of Amnesty International, cited by Scoble and Wiseberg is that, Amnesty International depends heavily on volunteered research and that volunteers come to join the organization already equipped with their own interests and ideologies. Scoble and Wiseberg are of the view that, this tends to result in incompatibilities between the organization’s national divisions and the international body. Amnesty International maintains however, according to the writers, that, if the organization is international, then the national sections will perform a watch dog function on one another and the organization itself will thus operate with a built-in self- correcting mechanism. 60

By the literature presented above, it is evident that, Amnesty International, by virtue of its visibility and prestige, has led people to equate its mandate with a complete definition of human rights or at
a minimum, conveys the impression that, some rights are more important than others. This is the gap in the literature that this study seeks to address.

1.10 Sources of Data

For the primary data, the researcher will make use of interviews to collect data from Amnesty International officials in Kenya, victims of human rights abuses, government officials as well as independent observers. Secondary data will include data from books, journals, articles and useful internet sources.

1.11 Methodology

1.11a Research Strategy

Research strategy is “a general orientation to the conduct of social research”. In other words, it describes the strategy the researcher intends to adopt in order to complete the study. In studying the social world behaviour, most researchers prefer to describe more than quantify while the physical sciences use measurements. This does not suggest that, the social scientists cannot analyse or adopt quantitative measures in their research. Whilst the emphasis of quantitative research is on testing and generation of theories, in qualitative research, emphasis is placed more on words and description. This study employed the qualitative strategy in the collection and analysis of data.
1.11b Collection of Data

The study collected data from both primary and secondary sources.

For the collection of primary data, the researcher used the purposive sampling method to select her respondents on the basis of their knowledge and experience in the field of human rights abuses in Kenya. By definition, purposive sampling is where the researcher selects a sample based on their knowledge about the study and population. Also, in purposive sampling, participants for the study are selected according to the needs of the study.\(^63\) The use of purposive sampling would enable the researcher save cost and time, avoid irreverent materials from entering into the data and affords the researcher an intensive study of the data collected.\(^64\)

The researcher used a semi-structured interview guide to interview ten (10) respondents in all. Five (5) human rights activists from the office of Amnesty International in Kenya, two (2) victims of human rights abuses in Kenya (Nairobi), two (2) government officials and one (1) independent observer (Human rights lecturer). The interview was carried out with the use of a recorder and a note pad to record responses. Five respondents were interviewed from the office of Amnesty International in Kenya because of their professional expertise and their ability to provide reliable and valid data. The remaining five respondents were selected from varied quarters to balance the data collected for the research.
1.11c Analysing the Data

The researcher employed the use of thematic analysis. This is the method of identifying, analysing, organising, describing, and reporting themes found within a data set. This method provides core skills for conducting many forms of qualitative analysis such as In-depth interview. The use of thematic analysis would afford the researcher to take a well-structured approach to handling the data collected and assist to produce a clear and organised final report.

1.11d Ethical Consideration

All ten respondents voluntarily participated and gave their consent to the conduct of the interview. However, the confidentiality and anonymity of all respondents in the interview is upheld.

1.11e Arrangement of Chapters

In terms of structure, this study is divided into four chapters.

Chapter one is the introductory chapter that gives a detailed background to the study, the statement of the problem, research questions, research objectives, scope of the study, rationale, literature review and methodology. It is also the section where the theory upon which the research is based is adequately explained and justified. It also encompasses the organizational structure of the study.
Chapter Two will examine the global initiatives of Amnesty International towards the promotion and protection of human rights, achievements chalked and challenges encountered.

Chapter Three will focus on the promotion and protection of human rights in Kenya, human rights abuses in Kenya, methods and strategies employed successes and challenges.

Chapter Four will discuss the summary of findings, draw conclusions and make some recommendations.
End Notes


12Ibid.

13Amnesty International Kenya (2017) Operational Plan: Draft One, Theme: Towards human rights campaigns linked to research and strengthened collaboration with the regional office.

14Ibid.


17Ibid.


CHAPTER TWO

Global Initiatives of Amnesty International towards Human Rights Promotion and Protection

2.0 Introduction

Amnesty International has a vision of a world in which every individual enjoys all of the human rights standards enshrined in international human rights instruments including that of the Universal Declaration of Human Rights. In the organization’s pursuit of its vision, Amnesty International seeks to probe and uncover the facts at anytime and anyplace abuses occur. Through the petitioning of governments and other powerful non-states actors such as Multinational Corporations (MNCs), the organization ensures that it keeps its promises and respect international law. By telling the powerful stories of those at the sharp end of human rights abuses, Amnesty International purposes to marshal millions of supporters around the world to campaign for change and to stand in defense of activists on the frontline.

2.1 The Notion of Human Rights

The notion of human rights states that, every person is entitled to certain natural rights. This natural right remains the recurrent central thoughts since the beginning of man. This central thought can be drawn from as far back as thousands of years ago, to milestone historical documents. This embodies “code of Hammurabi,” “the Magna Carter”, “the French Declaration on the rights of man and the citizen” and the “American Bill of right”. The “code of Hammurabi”, which is the first classification of laws that consists of reference to individual rights 4000 years ago, protects the people from arbitrary persecution and punishment. Though
considered as barbaric by today’s human rights standards, this document is a sign that the concept of human rights existed even in times immemorial.³

In the Magna Carter, King John promised the people of England in addition to good governance, peace to God’s church and people, repression of violence in men of every rank, and justice and mercy in all judgments.⁴ The Magna Carter was a contract between subjects (the barons), the King and his descendants and their descendants ‘forever’.⁵ Therefore, majority of its requirement is useful to definite abuses of the time.

For example, “it guarantees the freedom of the English church from royal interference, protected the property and inheritance rights of under-age heirs and widows, limited taxes, established standing and roving courts to deal with criminal and civil issues, stated that punishment should fit the crime and forbade officials to steal from citizens, noble or freeborn commoners.⁶ It also puts on paper for the first time, the English concepts of due process of law and forbade bribery of judges and other legal authorities”.⁷

Though the above documents have irrefutable historical relevance, it is “the French Declaration on the Rights of Man and Citizen of 1789, and the US Constitution and Bill of Rights of 1791 that are considered as initial documents in the history of the human rights movement”. “The American Declaration of Independence on 4th July 1776, was based on the assumption that, all human beings are equal.⁸ It also referred to certain inalienable rights, such as the right to life, liberty and the pursuit of happiness”. “The French DéclarationdesDroits de l'Homme et du
Citoyen of 1789, as well as the French Declaration of 1793, reflected the emerging international theory of universal rights and contained for the first time the term human rights.” During the period of the 1940s, international human rights laws were necessitated at the expiration of World War II. The world needed steps toward the appreciation and adherence of human rights for persons. Certainly, there was a desire for a new beginning, and an expectation of change had been created by wartime developments such as Roosevelt’s “Four Freedoms” speech and the Atlantic Charter.

While establishing the United Nations (hereafter referred to as UN), world leaders who gathered in San Francisco introduced an essential addition to human rights under the UN charter. The preamble begins as “We the people of the United Nations are determined…to reaffirm faith in fundamental human rights, in the dignity and worth of humans, in the equal rights of men and women and of nations large and small.” The human rights preamble under the UN charter was accompanied by 6 additional references throughout the charter. Further, under article 68 of the same document, the Economic and Social Council was required to establish a commission to manage human rights concerns. The outcome was the formation of Human Rights Commission to develop the International Bill of Rights.

As a first step towards preparing the International Bill of Rights, the Commission decided to work on a declaration instead of a binding treaty. It also concluded that, the declaration should include civil, political, economic, social and cultural rights. The declaration was seen as a comparatively brief and energizing report acceptable to all persons. “This view is probably the main reason used by the commission to avoid the more difficult and controversial problems
like the role of the state in enforcing and promoting the rights in its territory, and whether the mode of enforcing civil and political rights is different from that of economic and social rights”. The document upon completion became the Universal Declaration of Human Rights (UDHR). Its declaration, as identified by one of its main drafters, Rene Cassin, has four pillars; dignity, liberty, equality and brotherhood. The 27 substantive provisions of the Declaration were divided among these four pillars.

With regards to the objective of creating mechanisms for implementing the UDHR, the UN Commission on Human Rights proceeded to draft two treaties: “the International Covenant on Civil and Political Rights (ICCPR)” and the “International Covenant on Economic, Social and Cultural Rights (ICESCR)”. The Commission completed its preparation of the two Covenants and they were open for signature in 1966. After they were ready for signature, the Covenants waited almost 10 years to receive a number of ratification or compliance needed for their enforcement. Finally, in 1976, the Covenants entered into force “The Charter of the UN”, provisions on human rights and UDHR from the International Bill of Rights.

The UN, in addition, promulgated different multilateral human rights instruments dealing with problems such as genocide and discrimination against minority groups.

2.2 Genesis of Amnesty International

Amnesty International began with one man’s outrage and his courage to do something about it. This came about after Peter Benenson, a British lawyer, learned that, two Portuguese
students were imprisoned for seven years for simply raising their glass to a toast to freedom in 1961. Peter Benenson then published an article titled “The forgotten Prisoners” in the observer newspaper. The article launched the “The Appeal for Amnesty in 1961”. This became a global campaign that went on to provoke a resounding outcome. The article was subsequently reprinted in newspapers all over the world. This call to action by Peter Benenson, gained grounds with the values and aspirations of people living all over the world, leading to the formation of Amnesty International in 1961.

In the beginning, it was the intention of Peter Benenson to launch an appeal in Britain with the sole purpose of gaining amnesty for the various prisoners of conscience in every part of the world. Peter Benenson founded a committee to assist him in achieving his goal. The committee soon discovered that, there would be the need for a detailed documentation on this category of prisoners.

As time went by, Peter Benenson and his committee came to the realization that, work on this category of prisoners would have to be continued on a lasting basis. They came to realize that, the number of prisoners of conscience were huge and present in every part of the world.

The organization also developed its initial global campaign geared against torture in 1973. Again, in 1984, the UN went on to pass the convention against torture. This convention advocated for governments to punish and not conceal individuals or bodies guilty of carrying out torture within their scope of jurisdiction. This convention came into force in June 1987.

As time passed and the organization was rapidly expanding, an international secretariat was founded in 1963. Sean Mac – Bride, one of the early founders of Amnesty International, was later awarded the Noble Peace prize, and became chairman of the organization in 1963.
Ten years into the founding of the organization, the organization was made up of more than 1000 voluntary groups in 28 countries, with the figures continuing to rise steadily. In 1974, the organization adopted the statues which became the three most important task of the organization. These statues were the forgotten prisoners, campaign against torture and ill treatment and campaign against capital punishment. In February 1977, there were 1,874 different groups in 33 countries.

2.4 Goals of Amnesty International

“Only when the last prisoner of conscience has been freed, when the last torture chamber has been closed, when the United Nations Declaration on Human Rights is a reality for the World’s people, will our work be done”.30

The primary goals of Amnesty International amongst others, include the goal to free all prisoners of conscience, ensure that trials of all political prisoners are properly carried out and fair, to be able to abolish the death penalty, torture and other dehumanizing forms of punishment, bring an end to extra-judicial executions and “disappearances” and collaborate their efforts to ensure that, perpetrators of human rights abuses are bought to book in accordance with international expected standards.31

Again, among the goals of Amnesty International is to be able to cover human rights abuses that are perpetuated by non-governmental organizations as well as private individuals and armed political groups. Amnesty International also aims at focusing on homes or communities,
where abuses of human rights by governments prevails, or in cases where governments fails to take action to bring an end to such abuses that are taking place.\textsuperscript{32}

Last but not the least, Amnesty International aims at focusing on abuses meted out against women, children, and individuals in minority groups and individuals facing persecution founded on sexual orientations such as homosexuals, bisexuals and transgender persons.\textsuperscript{33}

### 2.5 Functions of Amnesty International

The work of Amnesty International comes under two broad spectrum:

First, the priority campaign which involves human rights defenders. Here, Amnesty International work to protect and promote the human rights of the people on the front lines defending the rights of people, including that of refugees and migrants. The priority campaign also ensures that, individuals can rebuild and restructure their lives safely.\textsuperscript{34}

Second is the priority issue, which entails one of many concerns, including the death penalty. With this, Amnesty International work to abolish the death penalty in all countries. There is also the national security on human rights, with which Amnesty International works at length to expose and assist to bring an end to torture. Again, there is the deadly force and police accountability. Under this, Amnesty International work to expose and help bring to an end, the unlawful killings by the police in all countries. Amnesty International also work to address the issues of gun violence as a human rights crisis. Under gender, sexuality and identity, Amnesty International seeks to protect and promote the rights of women, lesbians, gays, bisexuals and transgender persons as well as indigenous communities.
Last but not the least, Amnesty International, seeks to promote respect for the rights of individuals at risk, by helping to free people imprisoned for exercising their human rights.\(^{35}\)

Another function of Amnesty International, is to respond to human rights crises.\(^{36}\) A new rising setback has emerged in some countries where there has been the breakdown of established structures. Amnesty International has fundamentally appalled these breakdown in established structures. To Amnesty International, these breakdown, more often than not, has resulted in a rapid increase of individual killings and disappearances. Amnesty International as an organization has created and is still creating techniques that would aid in swift and effective response to human right tragedies. These techniques include training, preparation, operational work, security and transport. Others are international witnesses, film and photography, reporting, press and media conference and advocacy.\(^{37}\)

The Secretary General of the organization is the sole individual, mandated to decide when it becomes imperative to invoke Amnesty International’s crises mechanism. He decides on this by taking into account the extent of human right violations that are within the justification of Amnesty International, and on the scale of occurrences of the human rights violation with respect to that country’s region.\(^{38}\)

The attention of the media, politicians and public members are then drawn to the unfolding crises. Amnesty International recognizes that, many of the world’s crises goes beyond the violation of human rights. They are crises of collapsing states, civil wars and international confusion.\(^{39}\) Based on the fear of victims of humanitarian crises, they offer a respondent to a particular human right crisis. Amnesty International recognizes the need to develop long term
strategy to human right crises, though their contributions to ending mass violations of human rights are often bedeviled with limitations. An example is when the organization launched the great lake crises response on 31st October, 1996. This became necessary after the conflict in the eastern region of the Democratic republic of Congo escalated.\textsuperscript{40}

Also, Amnesty International work to enhance and protect the human rights of people stipulated in the UDHR. These rights were approved by the General Assembly of the UN in the year 1948. The organization also seek to promote fair and prompt trail for political prisoners, bring an end to torture, the dead penalty, extra-judicial killings and disappearances and counter-terrorism measures that fails to uphold the rule of law.\textsuperscript{41}

It is worth mentioning that, before 1991, the focus of Amnesty International was fixed exclusively on all forms of violations of human right meted out by governments or by other individuals or bodies acting on behalf of the governments. However, in the year 1991, the organisation came to a discussion to broaden its concerns to cover equivalent violations by non-governmental entities, simply described as armed position groups. Amnesty International went further to expand its mandate to hold governments responsible for their failure to act with due diligence against human rights violations that are perpetuated by non-state actors.\textsuperscript{42}

Last but not the least, Amnesty International in most recent times, has started lobbying international economic organisations such as the IMF and the World Bank. This is to ensure that, the programmes and activities of such international economic organisations does not in any manner contribute to human rights violations. Amnesty International has over the years
expanded its calling by moving away from work geared towards assisting victims of human rights violations, to a more magnified mandate that looks at a more general preventive work.43

2.6 Some Global Efforts of Amnesty International

2.6.0 Introduction

Amnesty International has over the years, played a significant independent role in the fight against human rights abuses all over the world. This is done through their careful documentation of events and happenings on the ground. Owing to the organization’s impartial way of reporting and making known the violations of human rights across all nations, Amnesty International presses on with the goal of achieving the highest practice and standards for upholding all human rights.44

Using standards, best mechanisms and the powerful tool of describing how individuals are affected daily by human rights violations, Amnesty International is able to combat specific forms of human rights abuses, using the strongest human rights language for the adoption and the effective implementation of domestic human rights policies for all. Among others, Amnesty International has worked in the area of torture, enforced disappearances, death penalty, extrajudicial killings, protection of refugees and counter-terrorism measures.45

2.6.1 Torture

Amnesty International first world-wide campaign on torture was mounted in 1973. During that period, the organization worked tirelessly to push the UN General Assembly to adopt a
Declaration on Torture. This effort was crowned with success two years later in 1975, when the General Assembly, adopted a Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).\(^\text{46}\)

Amnesty International lobbied for the acceptance of an obligatory agreement on governments, with regards to the use of torture. This treaty materialized in 1984, when the convention against torture was adopted and opened for signature, ratification and accession. This was by the General Assembly resolution 39/46 of 10\(^{\text{th}}\) December, 1984, and entered into force on the 26\(^{\text{th}}\) of June, 1987, in accordance with Article 27 (1).\(^\text{47}\) Amnesty International also renewed its campaign with the aim of ending torture with an authoritative 12-point programme, focused on the abolition of torture based on international human rights standards. Amnesty International begun to explore more thoroughly the organization’s distinctive talents for work at the UN. They included its ability to lobby governments by way of the direct actions of its members in many capitals all over the world.\(^\text{48}\)

The first lobbying of Amnesty International, now standard practice at its UN offices in New York and Geneva, was a model letter to governments in order to lobby for the adoption of a human rights treaty of a global scope, namely a strong convention against torture that was written in 1984. Again, Amnesty International lobbied for the creation of a UN mechanism for the Declaration on the Protection of all Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”.\(^\text{49}\)

In the year 2000, “Amnesty International began its third campaign against torture. This unfortunately failed to marshal its major campaigning resources to counter the worldwide
backlash against human rights. This failure was as a result of the US-led efforts to combat terrorism in the wake of the Al-Qaeda attacks which killed thousands of civilians in New York and Pennsylvania in September 2001**.50

The once considered sacrosanct, internationally accepted, absolute prohibition of torture became openly challenged in the United States, opening the door to similar attacks on the prohibition of torture elsewhere in the world.51 This paved the way for governments involved to argue that, human rights were an “unnecessary luxury” when faced with the need to stomp out terrorism. Amnesty International, however, continued to campaign forcefully against torture and secret detention of suspected terrorists by the United States and its allies.

Later, “Amnesty International worked closely with other Non-governmental organizations, especially the Association for the Prevention of Torture (APT), and key governments to reinforce international prohibition of torture. This effort immensely contributed to the adoption of the December 2002 strong Optional Protocol to the Convention against Torture”.52

Furthermore, Amnesty International continued to push for the ratification of the strong Optional Protocol to the Convention Against torture by the required number of States. The Protocol entered into force in 2006, established a worldwide system of investigative visits to all places of detention in States that are party to the Optional Protocol. This helped to reduce the rate at which states indulged in the use of torture.53

2.6.2 Enforced Disappearances

Another effort of Amnesty International is their campaign against enforced disappearances, especially in Latin American countries. Enforced disappearances are the worrying practice of
arresting political opponents, coupled with state officials’ refusal to admit the arrest or locations of the alleged government opponents.\textsuperscript{54}

At a point, widespread fears arose about increasing abductions in Latin America, notably in Guatemala, Argentina and Chile. “The General Assembly responded to these widespread enforced disappearances by adopting its first resolution on Disappeared Persons in December 1978 (resolution 33/173)”. Concern was expressed by the General Assembly about the practice and the Assembly requested the Commission on Human Rights to make some forms of recommendations. In that regard, the Commission on Human Rights established its first thematic human rights mechanism - the Working Group on Enforced or Involuntary Disappearances. This was created based on Resolution 20 on 29\textsuperscript{th} February 1980.\textsuperscript{55} Consisting of five independent experts, the group began to examine questions that were related to enforced disappearances.

“The reports and case studies of the group, which remained on its records until a “disappeared” person is found dead or alive, continued to be a thorn in the flesh of governments that resort to this appalling practice”.\textsuperscript{56} Amnesty International US, in June 1980, organized a retreat in Racine, Wisconsin, when the working group was about to start its work, to aggregate information and know-how acquired about enforced disappearances universally. The retreat in Racine was attended by Human rights activists, UN experts and Amnesty International researchers. The participants were able to analyse what exactly constituted “disappearance” and who the perpetrators were.
At the retreat, the origin of enforced disappearances was traced to a notable State practice in Nazi Germany. The retreat also reviewed case studies of enforced disappearances in the Americas, Africa and Asia. The commanding report from Racine retreat continues to serve as a blue print for Amnesty International’s influence on the UN human rights work.\textsuperscript{57}

Amnesty International triumphantly lobbied the Commission on Human Rights by presenting nearly 200,000 signatures in a petition, with the aim of renewing the mandate of the Working Group on Enforced or Involuntary Disappearances. This action came at a critical time taking into account that some governments where enforced disappearances took place, threatened to end the group’s mandate and to reduce its employers.\textsuperscript{58}

In the year 1993, Amnesty International came to a decision that the climate was ripe for the commencement of a legal and equally binding convention on enforced disappearances. The organization started preparing the ground, working in close collaboration with families of the “disappeared”. Experts of the organisation were keenly involved when the time came for the actual drafting of the text for a convention. This was concluded in a record time of four years.\textsuperscript{59}

In the year 2006, the International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the General Assembly. The convention became “One of the toughest human rights texts the UN ever adopted, aimed at establishing the truth about enforced disappearances, punishing perpetrators and providing reparations to victims and their families”.\textsuperscript{60}

Again, it became an important tool to prevent individuals from falling victims of enforced disappearances. Amnesty International’s lobbyists worked hard to ensure the adoption of the Disappearances Convention in the General Assembly. The lobbyists later lobbied in capital
cities around the world to enable them get the needed twenty States to ratify the Disappearances Convention.\textsuperscript{61}

Seventeen years down the line, through the efforts of Amnesty International and some influential NGOs, notably FEDEFAM, in December 2010, the Disappearances Convention entered into force. The ICJ was also particularly active in that group.\textsuperscript{62}

\subsection*{2.6.3 The Death Penalty}

Amnesty International campaigned against the death penalty for decades to protect the individual’s right to life. The organisation played a vital part in the acceptance of the contentious General Assembly Resolution that called for a universal freeze on killings. For the longest period in time, it looked as if it was unachievable for the General Assembly to adopt the resolution due to conflicting opinions. The death penalty resolution had been defeated twice in 1994 and 1999. The failed attempt was championed by Finland. However, Amnesty International continued its unwavering campaign against the death penalty at the Commission on Human Rights. By this, the organisation laid the ground work for an initiative at the General Assembly.\textsuperscript{63}

“Italy pushed the EU in 2006 for a statement calling for a moratorium on executions. This was presented to the General Assembly in December by 85 countries. By the following year, Italy had argued for a draft resolution at the General Assembly. The sense in this was that, the amateur video showing the humiliation and brutality of Saddam Hussain’s execution, in January 2007, had caused revulsion and created a more positive climate for such an initiative to succeed at the UN in New York.\textsuperscript{64}
For example, the newly appointed Secretary-General at the time, Ban Ki-Moon, had to reverse his earlier position towards the death penalty. The Secretary General suddenly took an opposing stance, just a day after he seemed to have washed his hands of it, by declaring on 2 January 2007 that, ‘the issue of capital punishment is for each and every Member State to decide’.

Amnesty International then used its skills, knowledge and resources to support the debate at the General Assembly. As partner of the World Coalition against the death penalty, the organisation together with other NGOs presented over 5 million signatures. Together, they called a freeze on killings to heads of state at the General Assembly in November 2007. Based on a detailed analysis by its death penalty experts of prior efforts to ruin the death penalty resolution at the General Assembly, Amnesty International penned a closely argued Aide Memoire to all delegates, possible amendments to the draft text. Amnesty International stressed on the issue that, the death penalty was a human rights issue and should not be treated as political issue within the local jurisdiction of States.

Amnesty International was informed that its meticulous opinions had been convincing in the poll. Amnesty International lobbied influential nations that could be persuaded towards a more positive vote. Its researchers journeyed to New York with the purpose of lobbying diplomats in attendance at the General Assembly. A public meeting was held at the UN by Amnesty International, where survivors who had been on death row, shared their experiences.

Over the last four decades, 114 States have abolished the death penalty, 80 of them having done so by legislation. While focusing on complete abolition, Amnesty International also continued to allocate its attention to the advancement of the pertaining provisions aimed at modestly restricting recourse to the death penalty. An example for this would be when Amnesty International argued that execution should be offered only for grave crimes and that it must
result from a meticulously impartial court hearing with the option of appeal. Again, persons who are equally under death sentences should be able to plea for pardon or commutation of sentence.\textsuperscript{69} Amnesty International was involved in dialogues with the UN Committee on Crime Prevention and Control, which resulted in the adoption of the ‘Safeguards Guaranteeing Protection of Rights of Those Facing the Death Penalty’ endorsed by the General Assembly. This was helpful, particularly with respect to those States that were neither party to the ICCPR nor the American Convention on Human Rights.\textsuperscript{70}

\subsection*{2.6.4 Extra-Judicial Killings}
Amnesty International realized that, it was addressing extra-judicial killings in the similar manner as it had championed the abolition of the death penalty. The organization now concentrated its efforts on the extra-judicial killings of political opponents. Amnesty International focused on campaigning on extra-judicial killings, reversing the usual procedure of a 1982 gathering hosted in The Netherlands. The conference was followed by a 1983 report, ‘Political Killings by Governments’. This underscored public alertness of the subject of extra-judicial killings.\textsuperscript{71}

Amnesty International continued their diplomatic duties in Geneva. This resulted in the inclusion of reference to extra-legal killings in the resolution establishing the mandate rather than the original initiative. This was aimed at death penalties without the safeguards discussed earlier.\textsuperscript{72}
Later, “two instruments were adopted within the UN, the principle on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Execution and the Basic Principles on the Use of Firearms”. These may have been initiated by the work of Amnesty International, though that work may have been “in the air”. This certainly made Amnesty International to acknowledge the authority that permitted the organisation to make key contributions to the abolition of the practice of extra-judicial killings by governments. For example, without the participation of Amnesty International, the former might well not have included provision for “universal jurisdiction”, that is, trial of persons suspected of involvement in such killings wherever they may be found.

2.6.5 Protection of Refugees

The number of persons searching for asylum in European countries increased exponentially. These individuals were no longer Latin America, Southern and Eastern European political activists, conscientious, objectors, and intellectuals. The Western world was now being confronted with both individuals and groups of people from parts of Asia and Africa who were fleeing brutal wars, terror, and arbitrary violence.

As a result, Europe saw asylum seekers coming from all over the world. For example, Europe saw asylum seekers from Turkey and from countries in the Middle East; Iran, Iraq and Syria, many of them being political activists, but also, Kurds and Syrian Orthodox Christians. From Africa came Ethiopians, Eritreans, Nigerians, and Ghanaians. Asian asylum seekers included Pakistanis, Sri Lankans, Afghans, and Vietnamese. Undoubtedly, these developments resulted in major changes in political and public opinion. Eventually, each country was concerned about pursuing a policy that was too favourable and as a consequence, would result in even more asylum seekers at their borders.
The work of Amnesty International at the time centered on individual cases even though the organisation could not care for all refuge seekers who came to it for assistance. “Following extensive interviews, assessment of the file and entire flight story read in light of refugee laws and the mandates, a letter could be written on behalf of an asylum seeker to the minister or to the court. In this letter, the individual story was set out in the context of what Amnesty International knew about the background of the asylum seeker, and about the situation in the country of origin. Other activities of the organisation were much broader and had a great impact. For example, the information gathered by Amnesty International was made available to lawyers acting on behalf of asylum seekers and this was particularly important. The lawyers ensured that information gathered came to the attention of the courts”.77

“The State also brought in background information, often originating from the Ministry of Foreign Affairs, to serve as basis to reject the case. Such information, which usually stated that conditions in the country of origin were not so bad for the particular asylum seeker, was weighed in court against Amnesty International’s country information, which described in detail how serious the human rights situation was”. In that vein, Amnesty International’s information would exert pressure on States to ensure that the information they used to assess asylum cases were complete, accurate, and objective.78

In the year 1990, Amnesty International organized a seminar in the Netherlands. This seminar was about the role of information provided by the Ministry of Foreign Affairs. The seminar was attended by all relevant stakeholders including members of government, civil servants, and members of the judiciary. This event led to the much needed improvement in accuracy, transparency, and verifiability of the reports of the Ministry of Foreign Affairs on asylum seekers’ countries of origin.”79
Again, Amnesty International was actively involved in debates that opinionated legal and humanitarian questions focusing on core issues and risked it all to ensure that, the legal protection given to person in search for asylum and core values of international law on refugee protection were upheld. Furthermore, the organisation was not in favour of a shorter asylum process which meant little period for a comprehensive legal protection as well as the introduction of concepts such as “safe third countries”. This resulted in the situation where asylum seekers could easily be repatriated.

Lobbying for its mission and objectives was not only tackled at the national level. The organisation worked together with the UNHCR and tried to influence the UNCHR as well as countries and the international community. In addition, Amnesty International, with other organisations such as the medecins sans frontiers also known in English as Doctors without Borders, worked for the enormous numbers of refugees in countries, regions and often in refugee camps.

Amnesty International continued to take part in international opinion-formulation about new questions of refugee law. This included what kind of legal protection could or should be offered to people who fled from violence but stayed within the borders of their own country (internally displaced persons). Amnesty International ran a large international campaign for refugees entitled ‘Refugees: Human Rights have no borders’. This was the moment Amnesty International chose to present its opinions and recommendations right across the board. For many Amnesty International sections in Asia and Africa, the preparation for this was the first time they properly engaged in refugee work. Regional training events were held in Africa and Asia involving coordinators from European sections and the International Secretariat as trainers.
Amnesty International lobbied for refugees for the first time and made contact with the UNHCR and refugee organisations which were active in their countries. Specific recommendations were formulated for the campaign aimed at countries where asylum seekers ask for protection. These recommendations were not only concerned with access to and quality of asylum application processes but also focused for example, on the rights of refugees in circumstances of repatriation as in times of unrest in host countries.\(^{83}\)

### 2.6.6 Counter-Terrorism Measures

Amnesty International strongly fought against torture and secret detention of suspected terrorists and their presumed associates by the United States and its allies including Russia and Israel. The organisation worked closely with other NGOs, especially the Association for the Prevention of Torture (APT) to strengthen the international prohibition of torture, which contributed immensely to the adoption of a strong Optional Protocol to the Convention against Torture on December 2002. Amnesty International continued to press for the ratification of the Optional Protocol to the Convention against Torture which entered into force in 2006. This created a worldwide system of investigative visits to all places of detention in States that are party to the Optional Protocol.\(^{84}\)

Also, Amnesty International consistently campaigned for states to respect the human rights of all terrorist suspects when dealing with terrorism. The work of the organisation in New York predominantly focused on the Security Council. This resulted in immediate action following the attacks on the World Trade Centre in New York on 11 September 2011. The Security Council imposed a legal framework of binding measures in a far-reaching Resolution (1373 of
28th September 2001) on all States. This included a prohibition on the financing of terrorism, the imposition of an assets freeze and mandated all perpetrators of terrorist acts to be brought to justice in a way that mirrored ‘the seriousness of their terrorist acts’.85

Unfortunately, The Security Council did not define “terrorist acts”. This led to an extensive interpretation and abuse of the term. In addition, a Counter Terrorism Committee (CTC) was created by the Security Council. This CTC consisted of all Security Council members, with the aim of supervising the implementation of Resolution 1373. However, in days that followed, Amnesty International warned the Security Council that such measures had to be carried out within the framework of the UN Charter, which required full respect for human rights.86

Amnesty International continued its constant high level criticism against US abuses in Guantanamo Bay and in secret detention centres of terrorist suspects around the world. The organisation received important support from the UN quarters as well as some diplomats. The Secretary-General of the UN at the time Mr. Kofi Annan, repeatedly spoke out firmly for upholding human rights in dealing with terrorism. He had already in March 2003 cautioned that, ‘Human rights, fundamental freedoms and the rule of law are essential tools in the effort to combat terrorism – not privileges to be sacrificed at a time of tension’.87 This resulted in newly adopted resolutions to include provisions which emphasized the need to observe human rights while countering terrorism.88

Last but not the least, Amnesty International, for many years, continued to push the Security Council to include basic standards of due process in the “listing” and “delisting” process of suspected terrorists under the Security Council’s sanctions regime. The listing process, which
involved the compilation of names of suspected terrorists, created a counterterrorism tool for members of Al-Qaida and the Taliban in Resolution 1267 (1999). 

2.7 Challenges Facing Amnesty International

2.7.0 Introduction

Amnesty International as an organization has been plagued with some challenges. They include; membership, funding, development approaches, accountability, centralization and poor public image.

2.7.1 Membership

One major problem faced by Amnesty International is the lack of experienced members in the organization. This lack of experienced members faced by the organization has become so, because of the increase in size of the organization, the high demand for professionalism in the organization and changes that can be associated with the growth of the organization. The lack of experienced members posing as a critical challenge to the organization developed from the necessity of the organization to remain accountable to its already diverse and disperse membership base.

Another challenge faced by the organization, with respect to membership is that, the organization has different membership categories. (Individual, student, financial, senior citizen etc.). With the aim of maximizing enrollment and income, such peculiarities create vagueness and from the viewpoint of an internal democracy, leads to governance problems in the organization. Global trends have also forced the organization to rethink its mandate, mission and strategies. This is in order so that the organization can maintain their legitimacy as an international actor. This leads to the need for the organization to find new ways and trends to
maintain their members, while trying to manage the increasing tensions that exist between their multiple accountabilities and divergent efficiency expectations, due to the difference in categories of membership that exist in the organization.\textsuperscript{92}

### 2.7.2 Funding

Another issue facing Amnesty International is the issue of funding. The organization continues to find difficulty in expressing sufficient, appropriate and continuous funding for its work. This arises from the difficulty of the organization to access donors and the uncertain continuity of donor funding. This leads to a lack of financial, project and organizational sustainability in the organization. The organization faces fierce competition over resources and protagonists, as dealing with official donors is characterized by mistrust and donor prejudices. This leaves the organization with the task of exploring additional ways and means to boost its financial stability without the organization sacrificing its missions and objects.\textsuperscript{93}

### 2.7.3 Development Approaches

Amnesty International as an organization continue to focus on ‘hardware’ approach to development, i.e. the building and establishment of infrastructure and the provision of services as suppose to the ‘software’ approach which involves the empowerment of their members and activists and its local institutions, to enable them manage their own affairs. The change in the role of government and in Aid paradigm is making it harder for the organization to fund and sustain its service delivery interventions as well as its programs and campaigns.\textsuperscript{94}
Again, the rate of illiteracy and poverty in most of its operating regions remain most significant and throws a negative dent on the work of the organization. Amnesty International remains privy to the increasing needs of the poor but feels at loss on how best it can respond to all of these enormous needs of the poor.\textsuperscript{95} The organization is faced with the lack of sustainability and ownership of its developmental programs and campaigns in its operating regions. This has led to dependency on the mother organization by some communities and not inclined in whatsoever means to do things for themselves. Lastly, the lack of an accepted code of ethics and ways of doing things pose as a challenge to the organization as this brings about conflicting approaches to having things done in the organization\textsuperscript{96}.

2.7.4. Accountability

The issue of accountability is a challenge for Amnesty International because of their complex and multiple stakeholders which becomes more of a challenge, when their members and stakeholders are spread across different countries. Due to this reason, members threaten to exercise their "exit" option in order to push forward demands for greater accountability and transparency.\textsuperscript{97} In addition, "regulation deficit" in the operations of the organization has increased the role of the media and individual members, to investigate and uncover malpractices that prevail in the organization.

The issue of lack of accountability in the organization leads to the members threatening to leave the organization in the aftermath of a scandal. Again, the allocation of different responsibilities and its corresponding authority makes it difficult for power to be distributed between the core and peripheral sections of the organization. This leads to the question of who should be making the decisions and who should be accountable to whom.\textsuperscript{98}
2.7.5 Centralization

Amnesty International works in different cultural, political, and economic settings and this often poses a challenge to the organization. This is because, each cultural, political and economic settings often comes along with its different problems and organizational task, including the existing environmental variations across local chapters in the organization. The centralization challenge in the organization leads to ineffective and inefficient work done by the organization.

This is because, for effective and efficient work to be done, it requires that, decision making should be made at the level where expertise and knowledge are at their optimum and that does not prevail in the organization because of the lack of a centralized governing process in the organization. The lack of centralization in the organization also does not allow for more efficient and equitable resource distribution across sections and chapters, hence, does not promote coordination and savings in the organization.\textsuperscript{99}

2.7.6 North and South Relations

Another set of challenge facing Amnesty International can be found in the difference in their governance and management procedures that is as a result of the dual presence of the organisation in both the South and the North, creating a potential source of tension within the organization. The tension as a result of this, cuts across all of the previously mentioned challenges, (membership, funding, developmental approaches, accountability and centralization).\textsuperscript{100} This tension can lead to confusion and conflict between the international core of the organization which is normally situated in the North, and affiliates located in the South.
In this regard, the northern sections of Amnesty International run the risk of misrepresenting the views and opinions of the Southern section of the organization, in an attempt to advocate for the south with regards to their positions and concerns in their absence. This is particularly true in the field of humanitarian assistance and development, human rights issues and gender. This also leads to some sort of financial dependence on the north as tension exist around the sharing of resources.101

2.8 Conclusion

This chapter shows that Amnesty International has been successful in its work in promoting and protecting human rights of individuals worldwide. This has primarily been achieved because of the organization’s high quality in carrying out its research, strength of its analysis and expertise, the timelines of its interventions as well as the lobbying capacity of its worldwide membership. This has also been made possible because of the organization’s readiness to adopt long-term strategies. This enables the organization to build and strengthen the human rights architecture and commit the organization to a long-term investment to achieving its goals, however remote the prospect of success is.

Amnesty International is only as good as its achievements based on the quality and reliability of research and actions. It is right at this juncture to state that, the entire reputation and effectiveness of the organization depends on it.

Amnesty International being a worldwide organization with a proven record and activists in almost every part of the world is endued with the capacity to cooperate with other NGOs and to take a conductor role in setting human rights standards all over the world. This is to bridge
the gap between the letter of human rights treaty laws and the reality of their daily violation and lack of enforcement by the powers that be.

Lastly, taking into account the multifaceted environment in which Amnesty International work, it is fairly effective at its governance and management levels especially in accommodating cultural differences whiles at the same time allowing for more effective resource deployment and coordination. It is evident that, the organization is able to meet its governance and coordination functions when they positively reflect the diversity of membership in terms of their staffing and policies. However, it is important that coordination and governance are understood by the members as separate functions, whereby a clear distinction needs to be established.
End notes

2Ibid.
4McKechnie. S. W. (1914) The Magna Carter
5Ibid.
7Ibid.
8Ibid.
9Ibid.
11Ibid.
13Ibid.
15Ibid.
17Ibid.
19Ibid.
21Ibid
23Ibid
24Ibid
26Ibid
28Ibid.
29Ibid.
32Ibid.
33Ibid.
35Ibid.
36Ibid.
38Ibid.
39Ibid.
40Ibid.
41Ibid.
42Ibid.
43Ibid.
45 Ibid.
46 The Declaration on the Protection of All persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975 in its Resolution 3452.
48Ibid.
49Ibid.
51Ibid
52Ibid
53Ibid
55Ibid.
56Ibid.
57Ibid.
58Ibid.
59Ibid.
60Ibid.
61Ibid.
62Ibid.
65Ibid
67Ibid.
68Ibid.
70Ibid.
71Ibid.
72Ibid.
73Ibid.
74Ibid.
75Amnesty International (1887) *Refugees: Human Rights have no borders*, AI Index ACT 34/04/97, Published by: Amnesty International Publications, available at: https://www.amnesty.org/download/Documents/POL1000021994ENGLISH.PDF
76Ibid
77Ibid.
78Ibid.

Kofi Annan’s statement at the special meeting of the Security Council’s Counter-Terrorism Committee, 6 March 2003.


University of Ghana  http://ugspace.ug.edu.gh
CHAPTER THREE

Promoting and Protecting Human Rights in Kenya

3.0 Introduction

This chapter examines the contributions of Amnesty International in promoting and protecting the human rights of the people of Kenya.

3.1 Brief History of Kenya

In the mid 2000 BC, “Cushitic-speaking people” from the north of Africa formed settlement in East-Africa now known as Kenya. The Kenyan coast was visited by traders mainly from the Arabian state, by the beginning of the first century. Due to Kenya's proximity to the Arab State, the formation of Arab and Persian colonies came into existence.¹

Again, the history of Kenya can be traced to the “British Government”, who founded the East African Protectorate in 1895 and soon after, opened the fertile highlands to white settlers. Even before it was officially declared a British colony in 1920, these settlers were allowed a voice in government, while the Africans and the Asians were banned from direct political participation until 1944. During this period, thousands of Indians were brought into Kenya to work on building the Kenya Uganda Railway Line”.²
In 1942, it is recorded that “Kikuyu, Embu, Meru and Kamba tribes, together termed as the “Mau Mau” movement, took an oath of unity and secrecy, to fight for freedom from British rule.³ In 1953, Jomo Kenyatta was charged with directing the “Mau Mau” movement and sentenced to 7 years imprisonment. African involvement in governance improved quickly such that, in 1954, Europeans, Asians and indigenous Africans were welcomed into the Kenyan Law making body.⁴

The first major polls for Africans to the Law making body were carried out in 1957. Those who were voted for continued with the demand for Jomo Kenyatta's immediate release from incarceration. As a result, Jomo Kenyatta gained his freedom and was made Kenya's first Prime Minister in 1962. The country gained the status of a republic in 1964.⁵

Post-election crisis and violence in the year 2008 became the order of the day and escalated the vulnerability of women and girls to sexual assaults and rape, perpetrated by armed raiders and security personnel. These unfortunate incidences were reported and documented by women’s human rights organizations including the Coalition on Violence against Women (COVAW). However, women continued to face similar attacks from fellow displaced males, as well as by personnel of aid agencies attending to them. This took the form of sexual exploitation in exchange for humanitarian assistance.⁶

Again, the post-election violence was coupled with sudden rise in global oil, and food prices raised inflation rates. The cost of livelihood exponentially rose, contributing to the diminishing of
livelihood choices of the poor and middle-income individuals in the country. This meant an escalation of the socio-economic vulnerability of marginalized groups such as women, coupled with human rights problems associated with poverty. These human rights problems included housing, food, health, personal security and liberty. These events strained the inter-ethnic social relations across the country, making Kenyans more conscious about their ethnic affiliations than they were before their independence.⁷

Civil society groups at the time were less vibrant in providing an alternative voice for the poor. For example, after the referendum vote in the year 2005, leading Civil Society Organizations (CSOs), openly took sides, leaving their credibility in shambles. Many key civil society activists plunged into elective politics, and sought civic or parliamentary seats without resigning from their organizations as required.⁸

However, in recent past, civil society groups have re-positioned themselves, resulting in the increase of citizens using the language of human rights. This has provided the people of Kenya with a glimmer of hope that there is some effort going on in dealing with the violations of human rights. Again, the legislative processes for the establishment of a Truth and Justice Commission to deal with past human rights violations was underway.⁹

3.2 The History of Human Rights Promotion and Protection in Kenya

Kenya became a one-party system after it was declared a sovereign state by the ruling political party. Multi-party democracy was reintroduced in December 1991. Ethnic and political clashes
were very rampant which led to many unlawful arrests and detentions. The road to human rights protection and promotion has involved governmental institutions such as the Kenya National Human Rights and Equality Commission, with its power emanating from the constitution of Kenya.  

The role of the commission included among others, “to promote respect for human rights and develop a culture of human rights in the Republic, to promote gender equality and equity and to coordinate and facilitate gender mainstreaming in national development, to promote the protection, and observance of human rights in public and private institutions and to monitor, investigate and report on the observance of human rights in all spheres of life in the Republic, including observance by national security organs”. Again, it goes on to state that, every individual has the entitlement to report any misgivings to the commission.

3.3 History of Amnesty International in Kenya

Amnesty International Kenya (AIK) is a branch of Amnesty International, founded in the year 2002. The organisation was founded as a medico-legal network known as Tukomeshe Unajisi Network (TUN), to address rape. The phrase “Tukomeshe Unajisi” is a Kiswahili phrase in Kenya for “Stamp out Rape”. The organisation nurtured TUN into an independent network that provides a platform and a forum for the discussion of issues, carrying out advocacy and intervening on issues of sexual offences. The organisation collaborated with TUN, with the purpose of providing capacity building to member organizations on various issues with reference to sexual violence and human rights. Over the years, Amnesty International Kenya and TUN have grown an impressive
network of over 20 organizations. Together, they have contributed to a number of strategic policies and legislative changes and practices that have led to a significant impact on the institutional response to sexual violence. An example for this is the Sexual Offences Act 2006.

In 2010, Amnesty International Kenya, received its registration from the Government of Kenya and became a legal entity operating as a branch of Amnesty International, registered in London. It is worth to note that Amnesty International Kenya, operates independent of any government, political ideology or religion.

3.4 Amnesty International and Human Rights Abuses in Kenya

3.4a Insecurity and Indignity against Women and Girls

One major human rights abuse that Amnesty International Kenya is interested in is the insecurity and indignity that women experience, especially in slums situated in Nairobi and Mombasa. Women more than men, suffer the indignity of being force to defecate in the open at risk of assault or rape. The insecurity and indignity that women and girls face, leaves them with little access to clean water, quality health care, schools, sanitation and other vital public services.

Amnesty International Kenya recognizes that, inadequate and inaccessible toilet and bathrooms, pose a danger to women and girls, making them more vulnerable to rape and other forms of gender-related violence and abuse. This is by way of women and girls resorting to the use of bushes, public toilets and bathrooms. In majority of cases, such violence and abuse against women and girls go
unpunished. Again, for women and girls living in slums and informal settlements, poverty is both a consequence and a cause of violence. This is because sexual violence or psychological violence against women and girls negatively impact on their productive capacity, which can also lead to their families being impoverished. This is why Amnesty International Kenya has vested interest in ensuring that, the forms of indignity and violence meted out against women and girls living in slums and informal settlement are addressed.

3.4b Sexual Violence against Women

Secondly, Amnesty International Kenya, is interested in sexual violence and abuse perpetuated against women in Kenya and the consequences that follows. This is one of the major condoned crime as well as human right violations in Kenya. Over the years, the country has witnessed an increase in cases of sexual violence, especially rape, despite the passage into law of the sexual offenses act in 2006.

Amnesty International Kenya recognises that, victims of rape face insurmountable obstacles, especially when trying to bring perpetrators to book. This leads to other problems where lots of women who have suffered rape or other forms of sexual violence or abuse, are intimidated by cultural attitudes, as well as state inactions when trying to seek redress. Victims of such violence and abuse face hostility from their family members, the community and the police. They also face a system that ignores, denies and condone violence against women. Victims also face the lack of facilities for gathering essential evidence. Here, in most cases of rape and sexual violence, evidence against perpetrators go unheard in the courts.
Amnesty International Kenya also recognizes that, violence against women does not only expose the victims to sexually transmitted diseases but they are also at risk of acquiring HIV/AIDS. Again, in Kenya, although Female Genital Mutilation (FGM) is officially illegal, it is still practiced in most communities. This practice has a disturbing prevalence rates between 40-95%. The practice of FGM continues to be prevalent due to the persistence of de-campaigning anti-FMG gains by religious and cultural groupings. Example of such a group can be found in Mungiki in Nairobi. These groupings give the excuse of preserving African tradition to advocate for the continuity of the practice.21

3.4c Refugee Rights

Again, Amnesty International Kenya has vested interest in the rights of refugees living in Kenya. Kenya is among one of the major countries in East Africa to host refugees, especially refugees from Somalia, south Sudan, Ethiopia and Eritrea. In Kenya, the government host over 500,000 refugees in Kakuma and Daadab refugee camps among other urban centres spread across the country. This figure does not include the number of undocumented refugees that are able to cross the Kenyan borders, after the government intentionally stopped the registration of refugees.22

Amnesty International Kenya has taken keen interest in refugees especially since May 2016, when the government issued a directive to close refugee camps, specifically the one in Daadab. Daadab is the largest refugee camp in the world. The directive by the government to close down the Daadab refugee camp is largely due to its alleged connection to terrorism and insecurity prevailing in Kenya.23
3.4d  Police Accountability

Amnesty international is also interested in issues that has to do with police accountability to the people. Kenya has experienced a rapid growth in the number of cases relating to terrorist attacks domestically. This growth is attributed to the intervening in Somalia by the government from October 2011. The terrorist attacks are linked to Al-Shabaab, which is a Somalian armed group and its affiliated local cells. The terrorist attacks takes the form of the use of grenade, Improved Explosive Devices (IED) and bombs. An example of such an attack took place in April 2015, when Al-Shabaab attacked the Garissa University College, 328 kilometres from Nairobi, killing 148 students while many more were injured. Again, in June 2013, Al-Shabaab attacked the Kenya Defence Forces (KDF) military barracks in the coastal town of Lamu.24

In response to all these attacks and killings, the government of Kenya launched the counter-terrorism operations in Eastleigh’s state in Nairobi, and in the north eastern parts of the country. However, Amnesty International, among other human rights organizations such as the Human Rights Watch (HRW) and the media, have documented egregious human rights abuses during the period in which operations by the counter-terrorist force was on-going. This was coupled with impunity with special references to cases of extra-judicial killings and enforced disappearances.25

3.4e  Abuses by Government Security Officials

Abuses by government security officials are also among the human rights violation interest of Amnesty International Kenya. For most slums and informal settlements in Nairobi for example, residents are inadequately protected and policed. This has led to several complaining of inadequate security services by the inhabitants. There are situations in which the police and other government
security personnel has interfered, and in most of these cases, the security officials have been known to have committed human rights violations of a sort. The abuse by such government officials include cases of rape and sexual assault suffered by women in the hands of security personnel, armed groups, relatives, neighbours and criminal gangs.\textsuperscript{26}

Jane, a single mother of two, narrated her ordeal.

“...It was 30 December 2007 and the violence was at its height with groups of armed youth in running battles with the police...That evening and in the few days that followed, a special contingent of administration police was deployed to keep calm in this area...We were glad that this was so but the police presence turned out to be a nightmare which haunts some of us to this day...It was clear that the police were targeting women for rape as a lot of us underwent rape ordeals... When the police came round to my house I thought they would not harm me. There were seven or eight policemen. Two of them grabbed me and raped me. I was left unconscious. I couldn’t get to a hospital because the roads were not accessible at that time. There was nowhere inside Kibera to get treated for these things... I was able to go to hospital two weeks later. I was given medication and they did a few tests. I was pregnant at the time that I was raped and this resulted in complications with the pregnancy... If the police are the ones who are supposed to protect you, but then they behave worse than the common man and only make things worse, then I think it is just worse when they come here... I have testified before the official Inquiry and to the police but to date nothing has been said about our situation”\textsuperscript{27}
3.4f Rights of Lesbians, Gays, Bisexuals and Transgender

The right of lesbians, gays, bisexuals and transgender (LGBT) individuals in Kenya are also of optimum interest to Amnesty International Kenya. LGBT individuals all over the world are faced with violence, inequality, torture, and sometimes executions, and Kenya is no exception. There are cases where men suspected of engaging in gay relationships, are subjected to anal examinations, HIV and hepatitis B test. For example, two Kenyan men who were being prosecuted for having sex lost their petition. They argued that, “they had been forced into undergoing anal examinations by security personnel in a public hospital in Mombasa in February 2015”. Despite the arguments that the procedure amounts to torture and degrading treatment, a Mombasa High Court Judge, Mathew Emukule, ruled on June 16, 2016, that “there was no violation of rights or of the law in the examinations, adding that, there was sufficient justification under the Kenyan law, to allow intrusion into the human body for the purpose of gathering evidence to prove sexually related crime”.

3.4g Counter-terrorism and Security

Another area of interest of Amnesty International is counter-terrorism and security. In this regard, Amnesty International is advocating that the human rights of the people of Kenya with respect to counter-terrorism measures and the rights of terrorists or suspected terrorist are respected. The government has been accused of allegedly carrying out extra-judicial killings, disappearances and mistreatment of individuals arrested on terrorism charges. The Kenyan Anti-Terrorism Police Unit (ATPU), formed in 2003 over an attack on an Israeli–owned hotel in Mombasa was created as part of the preventive, mitigation and rehabilitation measures to complement the government’s
on-going counter-terrorism efforts. The activities of the ATPU in many instances led to torture by government security forces. Security laws (Amendment) Act no 19 of 2014 which allows the Kenyan police to arbitrarily hold terror suspects for nearly a year, and gives authorities the power to monitor and tap phones were further created to expand the government’s campaign against terrorism.

In November 2012, a counter-terrorism operation in Mombasa resulted in ill-treatment and arbitrary detention of several suspects who were later released for lack of evidence to sustain the charges against them. In February 2012, the police conducted an operation in a mosque in Mombasa during which it is reported that several people were shot dead while 129 were arrested. Those arrested were later released without charge. Members of the Somali community in Kenya, particularly refugees, have been disproportionately impacted by counter-terrorism operations. Since early April 2014, thousands of Somalis have been subjected to arbitrary arrest, harassment, extortion and ill-treatment in the context of counter-terrorism operation known as “Usalama Watch.” Over five thousand individuals have been deported back to Somalia.

The law also inhibit the freedom of the media and other sources of independent scrutiny. Although officials maintain that these measures are necessary to counter-terrorism effectively, it is unfairly infringing on the basic human rights of the people. This is because it violates their human rights to freedom of expression and their right to privacy. Again, the law strictly places limitation on the number of refugees permitted to live in Kenya. Additionally, critics, including non-governmental organizations, civil society groups, and opposition leaders have called the bill
“suppressive” and “draconian.” maintaining that it violates constitutional provisions.\textsuperscript{40} It is on this premise that Amnesty International has vested interest considering the way and manner at which counter-terrorism and security measures are implemented.

3.5 Methods and Strategies Employed

3.5a Introduction

Amnesty International has been very instrumental in the promotion and protection of the rights of the people in Kenya. The organisation achieves this promotion and protection of rights through varied means. They include the use of strategic campaigns, observation and monitoring, letter writing, lobbying, demonstrations, vigils, publicity, research, debates, growth and human rights programmes and trainings and the formulation and implementation of policies.\textsuperscript{41}

3.5b Strategic Campaign

First, one major revenue used by Amnesty International, is strategic campaigns. Strategic campaigns are the processes of selecting a specific course of action, on the premises of available information and resources. The use of strategic campaigns is effective in achieving the identifiable objectives of Amnesty International Kenya. Making the right choices at the right time are at the centre of strategic campaigns, but it is utterly impossible for the organisation to rightfully carry out its campaigns well and at all times. Due to this limitation, Amnesty International Kenya fully recognises that, it is overly important that they make the right and well informed choices. They do this by following laid down procedures and principles that allows for effective campaigns.\textsuperscript{42}
3.5c Observation and Monitoring

Secondly, Amnesty International Kenya uses observation and monitoring of human rights abuses to achieve human rights promotion and protection. Amnesty International observe and monitor the adherence to or otherwise of basic human rights such as the right to freedom of expression, peaceful assembly and demonstrations, movement and association, notably during times of elections and between elections. This strategy contributes to the promotion and protection of human rights in the sense that, by so doing, the organisation is able to provide useful policy recommendations to the government as well as other relevant stakeholders such as civil society groups, in the formulation and implementation of laws that seeks to enhance the human rights of Kenyans.43

3.5d Research and Debates

Another means by which Amnesty International Kenya, carries out its mandate, is through the use of research and debate. The organisation draws together experts, practitioners and policy makers from Kenya and beyond, whose mandate is to think critically and innovatively about ways to engage governments, non-governmental institutions and private individuals alike, to have respect for human rights. Amnesty International privileged to be hosting the regional hub in Africa, aims at being an interdisciplinary hub that conduct research and organises debates to implore fresh minds and improve practices that leads to the promotion and protection of human rights.

This provides key facts, trends on best practices of preventing human rights abuses, advocacy and the capability to identify risks and opportunities. The organisation uses the in-depth knowledge
and information gained, to prevent human rights violations, especially with respect to police-civilian interactions and the violation of human rights by government institutions.44

3.5e Programmes

Also, Amnesty International Kenya holds programmes that enhance their objective of ensuring that, the rights of the people are upheld. The sole objective of the growth and human rights programmes carried out is to pull new and active members to the organisation. Amnesty International recognises that, when people are well informed and understood their rights, they become empowered and are in a better position to stand up and demand for them. Through such programmes, they reach out to young people, educate and train them on basic human rights concerns, with the goal of bringing about positive change in attitudes and behaviours that ultimately enhances human rights in Kenya.45

3.5f Formulation and Implementation of Policies

Amnesty International, through the formulation and implementation of polices, centred on human rights promotion and protection, strengthens the capacity of states and non-states actors to observe, respect and protects the human rights of the people. Policy on save the children is designed to particularly identify and address seven critical types of protection required by children in disaster areas and war torn zones. These critical types of protection include prevention from being recruited into armed groups, protection from physical harm, exploitation and gender based violence, separation from family and the protection from psychological distress.46
Policies on education bounds governments to respect, promote and fully fulfil the rights of children to education without any form of discrimination. This policy finds root under a number of international human rights treaties, notably the Convention on the Rights of the Child. The policy states that, education must be accessible to all, especially the most vulnerable groups. The policy on securing the right of individuals engaged in sex work, was also designed in recognition of the huge violations experienced by such individuals. Amnesty International Kenya, uses these policies to pinpoint the most prominent barriers to the realisation of the rights of sex workers and sensitise the obligation of the state to address them.

3.6 Contributions of Amnesty International Kenya to Human Rights Promotion and Protection

3.6a Adequate Housing

Based on the efforts of Amnesty International Kenya, there has been the adoption of adequate housing processes and policies towards the enactment of legislations centered on eviction and resettlement at the national and county level. The organisation was successful in lobbying at meetings held in Naivasha with the Kenya Parliamentary Human Rights Association. This meeting gave Amnesty International Kenya, the power to present a petition on eviction and resettlement to parliament in June 2017. As a result, the petition was tabled as a motion by a member of the Kenya Parliament by the name Hon Josephine Ameyo.
The petition also ended up becoming presented as a private member bill by another Member of Parliament, Hon Ken Okoth. The knowledge, attitude and skills acquired as a result of these meetings contributed to slum residents in Mombasa being able to critique and challenge the Mombasa County Budget on adequate housing. This led to the passing of the budget on adequate housing being halted, pending consensus with the relevant stakeholders. Again, as a result of this, residents were able to speak in front of people and engage meaningfully with duty bearers.

3.6b Forced Eviction

Again, Amnesty International was able to lobby with the Ministry of Land in Kenya, the Housing and Physical Planning in Mombasa County and with a consultant from the Japan International Cooperation Agency (JICA) on formulating a master plan on eviction policies. Relating to individuals living in slums and informal settlements, the policies made it possible for 150 individuals, including victims of forced eviction and residents living in perpetual fear of eminent eviction to come together.

As a result 120 inhabitants participated in an accountability demonstration that sought to gain the attention of the Mombasa County clerk and to officially present a people’s letter to the lands committee, the first of its kind. The land committee was then charged with the responsibility to take action on the demands in the letter and to present its recommendations within 60 days.
The residents affected by the Deep Sea community project (a community earmarked for road construction, facing eminent eviction), with the help of Amnesty International Kenya, was able to hold The Kenya Urban Road Authority (KURA) accountable. They became successful in their demands asking to be involved in a transparent consultation with the rightful authorities before they were evicted. They were also able to obtain a formal written apology from the Director General of KURA and had the Urban Road Authority replace sanitation facilities they had destroyed for temporary shelters. KURA also put up tents for victims with disabilities.\(^\text{52}\)

Another achievement in the same direction was when an alternative 6 parcels of land for relocation was identified and shared with KURA. The community also gained the capacity to document forms of violations on their own. By this documentation, good evidence was provided for holding KURA accountable as well as the police. 93 victims of forced eviction were compensated by the Kenyan National High Way Authority (KENHA) in Jomvu. Others were also verified for a second batch of compensation.

These successful campaigns facilitated by Amnesty International, established the people led communities. This led to the successful organization of community activities and increased the size of their bargaining power. This steered the communities on to demand for accountability and to be treated with respect and dignity.\(^\text{53}\) An example of such demand for accountability was when in May 2016, the City Cartoon Community received verbal orders from the District Officer (DO) and the Kenya Airports Authority (KAA) to immediately vacate the road settlement they had settled on since their forceful eviction from original residence.
The KAA had claimed that the invaded path was on their flight path. The residence upon hearing this, self-mobilized themselves and swiftly conducted a land search. Through the land search, it was established that, the land was a public land. In this regard, the people wrote a letter to the DO and KAA and went on to file damage and harassment suits following some destruction on their property. The residents won the case and have since then made an application to the land registry for official allocation of the land.

Again, their area MP informed them to vacate the settlement in order to make way for the construction of a road to be funded by the constituency development fund. The residence sent a letter to the MP demanding transparency, due process and accountability. They also copied various human right organizations including Amnesty International and demanded for their response. In no time, the eviction threats ceased.\textsuperscript{54}

3.6c Education and Empowerment

Amnesty International Kenya, worked at achieving communities that better understood their rights and people who demanded to be treated with respect and dignity. They successfully held monthly Human Rights cafes meetings, which took place in Mombasa. This monthly held café meeting was able to reach 60 people, increasing the right holders’ knowledge on human rights, their confidence on articulation, organization skills and mobilization of victims and potential victims.

Again, through the works of Amnesty International Kenya, two inter- university workshops was organised. This equipped 40 students with knowledge on human rights. The student applied the
knowledge acquired by taking action on a clinker dust which was dumped at Jomvu, causing the
death of three individuals and ill health for more. The students went on a fact finding mission and
used the information to demand responses from National Environment Management Authority and
the Public Health Director in Mombasa. Also, the students started a social media campaign to
highlight the issue.\textsuperscript{55}

The World Habitat Day Inter - Varsity Debate held on the 3rd of October 2016, had reached 300
participants including nine (9) universities from Mombasa, namely: Kenyatta University,
University of Nairobi, Jomo Kenyatta University of Agriculture and Technology, Moi University,
Kenya Institute of Management, Technical University of Mombasa, Mombasa Aviation Institute,
Mombasa Technical Training Institute and Kenya Methodist University. The debate, on the topic
"\textit{This House Believes That Forced Evictions Undermine rather Than Fosters Development}"
pointed out the obligation of the state to protect and promote housing rights. Participating Students
were able to demonstrate an increase in their knowledge on the link between evictions,
development and human rights. Amnesty International was able to mobilize activists to participate
in online campaigns at the local level.\textsuperscript{56}

\textbf{3.6d Institutional Strengthening and Visibility}

Amnesty International Kenya, also enhanced visibility, brand recognition and public profile of the
mother organization, when the Country Director of Amnesty International attended the Annual
Governors Conference in Meru. This created an opportunity for the organization to develop
systems that would be capable of holding county governments accountable. Amnesty International
also carried out media engagements through television and radio interviews, print media and Blogs. This helped to spread the message on the role of government in ensuring that all Kenyans are safe and informed about refugees, extra-judicial killings and burning of schools.\textsuperscript{57}

\subsection*{3.6e Refugee Rights}

Amnesty International also added refugee rights as a campaign issue in its programming. This work was anchored in Amnesty International’s goal of equal rights for all, responding to accountability in crisis situations as well as their regional mechanisms to hold governments to account. This led to the development of the theory of change. Key events that this took advantage of included the October 31, 2016 launch of the global report on Daadab, the November 10, 2016 anniversary of the tripartite agreement among the government, Amnesty International and UNHCR on Daadab, the 3\textsuperscript{rd} November 2016 deadline for the closure of Daadab and the 10\textsuperscript{th} December 2016 International Human Rights Day. Amnesty International included its voices in the documentary and art exhibition by the Regional Office for these occasions.\textsuperscript{58}

\subsection*{3.6f Rights of LGBTs}

Last but not the least, Amnesty International frantically called for the recognition and protection of rights of lesbians, gays, bisexual and transgender individuals. This campaign has made some useful strides. An example is that, the organisation gave LGBT individuals the power and the right as well as the voice, to openly challenge anti-gay rights in Kenya. Having a petition being heard by a court from two men challenging the use of anal examination is another victory in this regard.
When the High Court in Kenya ruled that, someone’s sexual orientation was protected under the Constitution of Kenya, it shed more light on the right to privacy, dignity and equality that appears in the Constitution’s Bill of Rights and could not be interpreted differently to people of a particular sexual orientation.\textsuperscript{59}

### 3.6g Counter-terrorism and Security

Amnesty International has made useful recommendations to the government of Kenya entreatying the government to ensure that in their efforts to combat terrorism, measures taken are respectful of human rights and the rule of law and fosters unity rather than promote tension among their citizens. Recommendations included an immediate halt of all forcible relocation to refugee camps and forcible return to Somali and to guarantee that all people detained are ensured due process, accessed to the lawyer of their choice and promptly brought before a judge in line with Kenyan and international law.\textsuperscript{60}

### 3.7 Challenges of Amnesty International in Kenya

#### 3.7a Funding

Amnesty International is limited to funding trusts and foundations for campaigns and researches of bigger projects. Funding remains a challenge especially considering that, after 2017, the Resource Allocation Model (RAM) diminished and Amnesty International was expected to raise its own funds to meet the deficit and cover expansion costs. Individuals do not also donate to the organisation on a regular basis.\textsuperscript{61}
3.7b  Membership

Again, there is not enough content to keep members and activists engaged online. The challenge with this is that, the organisation finds itself in Africa bedevilled with challenges of overcoming the culture of aversion of the membership model. Amnesty International Kenya, finds itself with the challenge of de-banking current prevalent practices such as difficulty in mobilizing the youth for action and creating a model in which members are inspired by the desire for human rights and social justice. For the organisation, out of the 8,000 activists presently on their database, the vast majority belong to the low income earning groups with only 128 paid up members. Amnesty International Kenya, is challenged with the inability to get the middle class to appreciate human rights concerns and become a sizable constituency in its support base. The organisation do not currently have evidence of membership and majority of its members do not also understand that they need to subscribe annually, and just once.\(^{62}\)

3.7c  Relationship between Amnesty International and Government Stakeholders

Again, one major challenge of Amnesty International is the relationship that exists between the organisation and government stakeholders such as KENHA and KURA, creating a lapse in communication. The government stakeholders sporadically did not share information or share conflicting information with the communities. This does not augur well for the organisation in terms of its relationship with the people in the communities they work with. Government stakeholders, by way of spreading false stories about the work and activities of the organisation, brings into disrepute the brand image of credibility and impartial reportage that the organisation is building.\(^{63}\) Again, the degree of cooperation that the organisation expects from government
stakeholders is decreased, negatively affecting the activities of Amnesty International Kenya, with respect to the promotion and protection of the rights of the people in the communities.

### 3.7d Weak Presence in Africa

Furthermore, the lack of growth of Amnesty International is another challenge that the organisation is facing. The organisation has a weak presence in Africa when compared with other regions in the world. There is no sort of membership structure in the East African hub other than Mauritius. According to the organisation, the impressive growth that has taken place in the Northern and Western parts of the continent has only increased the gap between the regional imbalances in the organisation. The organization’s claim to be a worldwide movement is inadvertently undermined by the lack of voice in many countries in East Africa.

The traditional response of the organisation, in establishing its presence in countries in East Africa by the creation of new Amnesty International sections, structures and supporting the inefficient membership base has unfortunately not yielded any positive results. Again, the nature of the organization’s contacts and relationship with other NGOS and the partnership they have established through TUN has not resulted in any significant growth of the organisation. This challenge can also be attributed to the limited geographical coverage by the organisation due to its human and resource constraints.
More so, the scanty documentation and sharing of their work, overreliance on written communication instead of other forms of media communication, such as the use of radio and television, limited the reflection of the work of the organisation. Failure of the organisation, to appreciate its successes, also contributes to the weak presence of the organisation in Africa.

3.7e Politicization of Amnesty International

Again, the activities of Amnesty International Kenya, remains prone to politicization. This is evident by decisions that privilege political interest over human rights protection. A good example is the threats of the Kenya government to close the Daadab refugee camp, the largest in the world, for reasons that, the camp has lost its humanitarian nature and has become a haven for illegal activities and terrorists. This cause of action taken by the government, violates the constitution of Kenya and key principles of international refugee laws particularly the non-refoulment principle. In such instances, the mandate of Amnesty International to protect the rights of the people, especially of the marginalized refugee group, is curtailed.65

Amnesty International Kenya, also faces the challenge of insidious threats, smeared campaigns, attacks and killings of human rights activists, with some of these threats and killings alleged to be politically motivated. Groups and communities as well as individuals that the organization works with, equally faces the challenge emanating from opponents of the organization, civil societies and government officials. This mitigates against the realization of the objectives of the organization as
some officials of the organization, show reticence about pursuing those objectives, owing to threats on their lives, families and a perceived political backlash.

A classic example is the assassination of two Kenyan human rights activists who provided evidence to a senior UN investigator in connection with execution-style killings by the police force in March 2009.66

3.7f Credibility and Accusations

Lastly, Amnesty International Kenya is faced with the challenge of credibility and accusations. This challenge rises from the perception held by some people that, the organization is bias in its reportage of incidents and actual human rights abuses occurring in Kenya. The accusation that, the organization pulls its own political agenda to extort money from the government is another hurdle that the organization has to overcome. These perceptions and ‘false accusations’ does not only tarnish the hard earned reputation of the organisation, but also impedes in its quest of ensuring the promotion and protecting of human rights.67
3.8 Conclusion

Human rights violations, particularly, gender based violence has become endemic in Kenya, especially in the slums and informal settlements of Nairobi and Mombasa.

The lack of enforcement of the law to crimes committed, particularly of the police, has significantly contributed to the increase in human rights violations.

The slow pace of reforms by the government has also contributed to the increase in the violations of human rights.

Nonetheless, the support and encouragement of Amnesty International Kenya, for local networks of people and communities to act and stand up against all the various forms of violations and abuse, has created a degree of pressure for change and accountability. This was made possible through the human rights-based approach by the organization, on the issues they identified as being priority and of utmost importance to them.
Endnotes


2 Ibid.


4 Ibid.


6 Ibid.

7 Ibid.


9 Ibid.

10 Ibid.

11 Ibid.


13 Ibid.

14 Ibid.

15 Ibid.


19 Ibid.

20 Ibid.

21 Ibid.

22 Amnesty International Kenya (2017) Operational Plan: Draft One, Theme: Towards human rights campaigns linked to research and strengthened collaboration with the regional office.

23 Ibid.

24 Ibid.

25 Ibid.

26 Ibid.


30 Ibid.

31 Ibid.


34 Ibid.

36 Ibid.


39 https://www.counterextremism.com/countries/kenya

40 Ibid


42 Ibid.

43 Ibid.

44 Ibid.

45 Ibid.

46 Ibid.


48 Ibid.

49 Amnesty International Kenya (2017) Operational Plan: Draft One, Theme: Towards human rights campaigns linked to research and strengthened collaboration with the regional office.

50 Ibid.

51 Ibid.

52 Ibid.

53 Ibid.

54 Ibid.

55 Ibid.

56 Ibid.


59 Ibid.


61 Ibid.

62 Ibid.

63 Ibid.

64 Ibid.

65 Amnesty International field activist – Nairobi.

66 Ibid.

67 Ibid.
CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0 Introduction

The purpose of this chapter is to summarize the findings of the study, draw conclusions from the findings and recommend appropriate policy guidelines on the issues brought to bear in this study.

4.1 Summary of Findings

The study found out that:

Amnesty International has been able to create pressure for change and accountability on issues of human rights abuses in Kenya. Here, by organizing, encouraging and supporting, the organization enabled active participation and mobilization of human rights activists and residents in local communities, to take a firm stance against the violation of their rights.

Little has been done to protect persons living in informal settlements from human rights abuse and to safeguard their equal protection under the law. This is predominantly with regards to legal requirements that, landlords and property owners should provide sanitation facilities such as bathrooms and toilets for tenants.
The climate of impunity prevails due to the lack of punishment for perpetrators of human rights crimes and abuse, particularly with respect to the police and government officials.

Women and girls who fall victims to rape and other forms of sexual violence, face insurmountable obstacles such as hostilities from family members, the community and the police when trying to bring perpetrators to book, due to the absence of an effective channel of communication available to victims living in the informal settlements.

Amnesty International has limited funding trust and foundations for their campaigns and researches. This is coupled with the fact that, the organization has not been able to do much to keep its members and human rights activists engaged, resulting in its weak presence in Africa when compared with other regions in the world.

Counter-terrorism measures lacks adequate safeguards and careful planning and supervision. This translated into indiscriminate targeting of specific minority communities especially refugees and Somalians and individuals suspected of terrorist acts are arbitrarily detained without due process.

Communities need to get increasingly involved and committed to activities and programmes that educate and bring awareness to issues of human rights in their local areas and to consistently press their elected leaders to take action on their behalf in matters relating to human rights.
4.2 Conclusion

Amnesty International is predominantly associated with having the mandate to promote and protect only the civil and political rights of persons. However, with reference to the achievements of the organization enumerated above, it appears that Amnesty International, also work to promote and protect the social rights of individuals too.

The future of Amnesty International in Kenya promises to be one of a long lasting and cordial relationship between the people and the organisation. This is because, through the activities and campaigns of the organization, previously disregarded human rights abuse now receives attention. There has also been an increase in recognition and encouragement for the work and activities of Amnesty International by Kenyans. This is due to the positive impact of the work of the organisation on the people’s lives and its ability to bring hope and new beginnings to people from all walks of life.

However, in spite of the activities, campaigns and influences of Amnesty International, critical scrutiny of the organisation and its various activities are limited. This is as a result of the Halo Effects, which protects the organisation from investigation due to its perceived objectivity. This has therefore in many ways shielded the organisation from systematic critical evaluation and reforms at the detriment of the organisation.
Again, Amnesty International being a self-appointed rather than an elected organisation, does not entirely represent the popular will of the people of Kenya. For example, their representation and show of support for the LGBT community, is contrary to the popular will of the people as homosexuality is generally frowned upon in Kenya.

Lastly, Amnesty International receiving foreign funding for their programmes and campaigns, may become accountable to external rather than domestic constituencies, thus advancing foreign rather than local agendas.

4.3 Recommendations

Amnesty International must intensify fun programmes and activities that would appeal to its members and help keep them engaged. This would eventually enhance the visibility of the organisation and improve its presence in Africa.

Amnesty International need to formalize partnerships with other relevant human rights groups, such as COVAW and approach more sponsors and donors, to inform them of how their programmes and activities are contributing to making lives better for the people in Kenya. This would draw more donors and sponsors to the organisation, hence boosting the financial status of the organisation and help them in the promotion and protection of human rights in Kenya.
Amnesty International must immediately follow up on reports of abuses especially by the police and government officials and to bring them to justice. This would end the climate of impunity that exist and also boost the confidence of the people in the organization.

Amnesty International must yield all in its power to guarantee that counter-terrorism efforts abide by the rule of law. The organisation must do well to ensure due process before a judge for all arbitrarily detained suspected terrorists in line with Kenyan and international law. This is one way of ensuring that counter-terrorism measures are productive.

Through emails and writing of letters, the communities should consistently press their elected leaders to raise their human rights concerns in parliament, talk to government ministers and help build pressure for change. To achieve this, it is also a must that they follow up on their emails and letters either on phone or arranging to meet, to make sure the leaders do what they said they would do. The communities also need to organise a stunt to make sure authorities and the media hear their call for change in human rights issues. They would also need to promote their action on social media.
A. BOOKS


McKechnie W. (1914). Magna Carta, a Commentary on the Great Charter of King Johan, with Historical Introduction Glasgow: Maclehose.


**B. JOURNAL ARTICLES**


C. INTERNET SOURCES

Amnesty International’s Statute at https://www.amnesty.org/en/about-us/how-were-run/amnesty-internationals-statute/


https://www.amnestyusa.org/reports/the-gender-trap-women-violence-and-poverty/


D. ADDITIONAL DOCUMENTS


Amnesty International Kenya (2017) Operational Plan: Draft One, Theme: Towards human rights campaigns linked to research and strengthened collaboration with the regional office.


Amnesty International Kenya (2017) Operational Plan: Draft One, Theme: Towards human rights campaigns linked to research and strengthened collaboration with the regional office.


Dear Respondent,

This is a study being conducted by Master of Arts (MA) student on the above topic. This study seeks to interrogate the ability of AI to effectively protect human right abuses in Kenya. The information being sought is purely for academic purpose. You are therefore assured that any information and responses provided will be treated with the strictest confidentiality and thus will not be disclosed to any individual, group or organization which might misuse the information. Your name is therefore not required. Thank you for your participation.

1. Position and responsibilities.
2. Do you have any training regarding Human Rights?
3. What is the role of AI in educating and promoting Human Rights to the people in Kenya?
4. To what extent does AI observe and monitor Human Rights abuses in Kenya?
5. To what extent are the reports of AI valid?
6. To what extent do the reports of AI influence the Human Rights policies of government and inter-governmental organisations alike?
7. How prepared is AI in dealing with Human Rights abuses in Kenya?
8. How well does AI relate with state Institutions on attempt to dealing with Human Rights abuses?
9. What are some of the challenges you face in promoting and protecting Human Rights abuses in Kenya?