



# OPERATIONAL GUIDANCE NOTE

## KENYA

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#### 1. Introduction

- 1.1** This document evaluates the general, political and human rights situation in Kenya and provides guidance on the nature and handling of the most common types of claims received from nationals/residents of that country, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Case owners must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** This guidance must also be read in conjunction with any COI Service Kenya Country of Origin Information at:
- [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)
- 1.3** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. In considering claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the Asylum Instruction on Article 8 ECHR. If, following consideration, a claim is to be refused, case owners should consider whether it can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.
- 1.4** With effect from 27 July 2007 Kenya is a country listed in section 94 of the Nationality, Immigration and Asylum Act 2002 in respect of men only. Asylum and human rights claims must be considered on their individual merits. However, if, following consideration, a claim from a man who is entitled to reside in Kenya, made on or after 27 July 2007, is refused case owners must certify the claim as clearly unfounded unless satisfied that it is not. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.

Kenya is not listed in section 94 in respect of women. If, following consideration, a claim from a woman is refused, case owners may, however, certify the claim as clearly unfounded on a case-by-case basis if they are satisfied that it is. The information set out below contains relevant country information, the most common types of claim and guidance from the courts, including guidance on whether cases are likely to be clearly unfounded.

## Source documents

- 1.5 A full list of source documents cited in footnotes is at the end of this note.

## 2. Country assessment

### Political history

- 2.1 Kenya became a British protectorate in 1895 and a colony in 1920. White settlement was encouraged and by the 1940s European settlers had achieved considerable prosperity. African population growth resulted in increasing pressure for land. Jomo Kenyatta formed the first national organisation in 1944. But when the Mau Mau rebellion erupted in 1952, a state of emergency was declared, parties were banned and Kenyatta was tried and sent to prison. African members were elected to the legislative council in 1957 and the state of emergency was lifted in 1960. Political parties were legalised and Africans formed a majority on the legislative council. Two parties emerged: the Kenya Africa National Union (KANU) and the Kenya African Democratic Union (KADU). KANU won a general election in 1961 but refused to form an administration until the release of Kenyatta.<sup>1</sup>
- 2.2 At independence from the UK in 1963, Kenyatta became Prime Minister. The following year Kenya African Democratic Union (KADU) dissolved itself and Kenya became a republic with Kenyatta as its first President. A new opposition party was banned in 1969 and Kenya remained a de facto one-party state for the remainder of Kenyatta's rule. On his death in 1978 Daniel arap Moi became President and later turned Kenya into a de jure one-party state under the Kenya Africa National Union (KANU). In 1991, under pressure from Kenyan activists and the international community, this was reversed. With multi-partyism restored, several opposition parties emerged: FORD Kenya, FORD Asili, Democratic Party, Social Democratic Party, National Development Party of Kenya and other smaller parties. However KANU retained control, winning contentious elections in 1992 and 1997 against a divided opposition and amidst allegations of election abuse. The Kenyan political environment remained turbulent throughout the 1990s.<sup>2</sup>
- 2.3 President Moi stepped down in 2002, as required by the 1991 constitution. Uhuru Kenyatta, son of Jomo, secured the leadership of KANU and stood for the Presidency, but a group of MPs broke with KANU to form the Liberal Democratic Party (LDP). For the first time, all the opposition parties united under the banner of the National Rainbow Coalition (NARC) and behind a single presidential candidate. President Kibaki's general election victory on 27 December 2002 ended nearly 40 years of KANU rule. The elections were the cleanest and most peaceful in Kenya's history and were followed by a smooth transfer of power to NARC. President Kibaki secured 62% of the popular vote and NARC won 132 seats in the unicameral parliament of 222 seats.<sup>3</sup>
- 2.4 The first years of NARC's rule proved difficult due to the fracturing of the NARC coalition. Since June 2004 the government has included representatives from KANU and FORD People. The biggest disagreements have been over completion of the constitutional review process started under Moi. A lengthy public consultation process produced a new draft constitution (known as the Bomas draft) in March 2004. But its provisions, notably

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<sup>1</sup> COI Kenya Key Documents 30 April 2008

<sup>2</sup> COI Kenya Key Documents 30 April 2008

<sup>3</sup> COI Kenya Key Documents 30 April 2008

those reducing the executive powers of the Presidency, proved unacceptable to the government.<sup>4</sup>

- 2.5** After a protracted legal wrangle the government secured Parliamentary approval for certain key amendments to be made and a new Constitution Bill was published. However, the new draft was rejected by 58% of voters when it was put to a referendum in November 2005. This prompted Kibaki to sack his entire government and start with a new team in December, which excluded all those Ministers who voted against the draft. The "No" campaigners formed a new opposition alliance known as the Orange Democratic Movement. Problems over the constitutional review have dominated political debate to the detriment of other government business.<sup>5</sup>

### **December 2007 elections**

- 2.6** In December 2007, local, parliamentary, and presidential elections were held. The two main candidates in the Presidential elections were Mwai Kibaki (PNU – Party of National Unity) and Raila Odinga (ODM – Orange Democratic Movement). It was reported that Kibaki depended heavily on the votes of Kikuyus, the largest ethnic group in the country and Odinga, from the Luo community, has a fairly wide support base ethnically.<sup>6</sup> In the run-up to the elections, the 2 main parties reformed into large coalitions. In August 2007, Orange Democratic Movement-Kenya – formed after the November 2005 referendum - split into the larger Orange Democratic Movement (ODM) led by Raila Odinga, and the smaller Orange Democratic Movement-Kenya, led by Kalonzo Musyoka. In September the ruling party NARC-Kenya became the Party of National Unity.<sup>7</sup>
- 2.7** The election proved to be the closest – and most bitterly - fought in the multi-party era. Initial reports were that the poll was largely free and fair. The ODM coalition took the largest number of Parliamentary seats, and official exit polls pointed to a win by the opposition Presidential candidate Raila Odinga (ODM). But a delay in announcing the Presidential contest raised doubts about the overall conduct of the election. Despite growing concerns, on 30 December 2007 the Electoral Commission of Kenya (ECK) announced that the incumbent Mwai Kibaki had won the Presidential race by a margin of 231,728 votes. The opposition candidate Raila Odinga rejected the result outright. The Chair of the ECK, Samuel Kivuitu has since stated that he made the announcement of Kibaki's win 'under duress'. The European Union Election Observer Mission noted that the presidential elections lacked credibility, and fell short of international standards.<sup>8</sup>
- 2.8** On 10 January 2008, President Kibaki announced his new cabinet. The opposition considered the decision to be inflammatory.<sup>9</sup> Kofi Annan was asked by the African Union to lead a panel of Eminent African Personalities to help negotiate a power-sharing deal between Odinga and Kibaki.<sup>10</sup> Talks were arranged a number of times between January and February 2008. President Kibaki offered a power-sharing deal on 5 January that was not acceptable to the opposition. The opposition mounted public rallies in Nairobi and other cities between 16 and 18 January that ended in violence. They then switched to a boycott of shops and services perceived to be Government-supporter owned.<sup>11</sup>
- 2.9** An agreement was signed on 28 February 2008, which was welcomed by the international community.<sup>12</sup> The power-sharing talks were suspended on 8 April 2008 and violent clashes resumed.<sup>13</sup> In the serious communal violence following Kibaki's re-election – especially

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<sup>4</sup> COI Kenya Key Documents 30 April 2008

<sup>5</sup> COI Kenya Key Documents 30 April 2008

<sup>6</sup> COI Kenya Key Documents 30 April 2008

<sup>7</sup> FCO Country Profile 28 April 2008

<sup>8</sup> FCO Country Profile 28 April 2008

<sup>9</sup> COI Kenya Key Documents 30 April 2008

<sup>10</sup> FCO Country Profile 28 April 2008

<sup>11</sup> COI Kenya Key Documents 30 April 2008

<sup>12</sup> FCO Country Profile 28 April 2008

<sup>13</sup> COI Key Documents 30 April 2008

between rival ethnic groups - and a strong response by government security forces; over 1,000 people have been reported killed, and an estimated 300,000 people displaced.<sup>14</sup>

- 2.10** On 17 April the Grand Coalition Cabinet was sworn in, in the final step to establishing the power-sharing government and bringing an end to the post-election crisis.<sup>15</sup> By 24 April 2008, President Kibaki and Prime Minister Odinga were working together, conducting a joint tour of the Rift valley trouble spots.<sup>16</sup> On 23 July, the UK Prime Minister, Gordon Brown, stated that he “welcomed the commitment to power sharing and the strenuous efforts made by all sides to live up to the expectations of the Kenyan people” and that “Kenya’s leaders have the will and determination to take all the steps necessary”.<sup>17</sup> Lord Malloch-Brown congratulated Prime Minister Raila Odinga and President Mwai Kibaki for the good start that they had made to Kenya's political and economic recovery. In six months, there was already progress on stability and security, and “...Kenya is now open for business.”<sup>18</sup>

## Human Rights

- 2.11** The government in many areas respected the human rights of its citizens or attempted to institute reforms to address deficiencies in 2007. However, serious problems remained. The following human rights problems were reported: unlawful killings, torture, and use of excessive force by police; vigilante justice; police impunity; harsh and life-threatening prison conditions; arbitrary arrest and detention; restrictions on freedom of speech, the press, and assembly; prolonged pre-trial detention; executive influence on the judiciary; government corruption; abuse of and discrimination against women; female genital mutilation (FGM), child prostitution and labour, trafficking of persons, vigilante justice and interethnic violence and lack of enforcement of workers' rights. The government took limited steps to prosecute abusers.<sup>19</sup> Amnesty International's (AI) annual report of 2007 referred to increased attacks on the independent media and human rights defenders, the authorities failing to investigate allegations of police brutality, violence and discrimination against women although a new law was passed outlawing sexual offences.<sup>20</sup>
- 2.12** Kenya has many active civil society groups and a relatively free press, despite high profile incidents such as the government raid on the Standard Media group in March 2006. The NARC government has established a National Commission on Human Rights which has successfully raised the profile of human rights. The UK Foreign and Commonwealth Office supports a range of human rights activities throughout East Africa.<sup>21</sup>
- 2.13** Frequent press reports of incidents of government corruption fuelled a widespread public perception that large-scale corruption up to the highest levels of government and in parliament continued in 2007, and that little official action had been taken against the most corrupt. In January 2006 John Githongo, the former permanent secretary for governance and ethics known as the anti-corruption czar, released a report providing details of the massive Anglo Leasing corruption scandal. A further report in February reported on a scandal under the Moi government. Both reports implicated a number of former and current government officials, renewing public frustration that little progress had been made to improve the country's record on corruption. Three ministers resigned following their inclusion in the reports but one was declared immune from prosecution due to double jeopardy provisions. Despite laws and institutions intended to fight corruption, no ministers were arrested or suspended from office by the end of 2006. In July 2007 President Kibaki reappointed former finance minister David Mwiraria to a cabinet position. Mwiraria had

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<sup>14</sup> FCO Country Profile 28 April 2008

<sup>15</sup> COI response 10.07.08 'Matatu', (KATO, Security Update, 18 April 2008)

<sup>16</sup> COI Kenya Key Document 30 April 2008

<sup>17</sup> <http://www.number10.gov.uk/Page16407>

<sup>18</sup> FCO website, <http://www.fco.gov.uk/en/newsroom/latest-news/?view=Speech&id=5324994>

<sup>19</sup> US State Department Country Report on Human Rights Practices 2007 (USSD)

<sup>20</sup> Amnesty International Report 2007

<sup>21</sup> FCO Country Profile 28 April 2008

resigned in February 2006 over allegations that he was involved in the Anglo Leasing scandals. There is no freedom of information law; however, access to government information, particularly through the Internet, improved. The government spokesman's briefings were televised, and updates of many government Web sites were prompt.<sup>22</sup>

- 2.14** A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases in 2007. With the exception of the police, government officials were usually co-operative and responsive to their queries. However, there were some reports that government officials intimidated and threatened to disrupt NGO activities, and that less-established NGOs (particularly those in rural areas) were subjected to interference from provincial administrators and security forces. Approximately 15 domestic organisations actively advocated for human rights in the country; 14 were independent of the government. Several NGOs maintained comprehensive files on human rights abuses. A number of attorneys represented the indigent and human rights advocates without compensation, although they could handle only a small percentage of those who needed assistance and were concentrated chiefly in Nairobi and other large cities. The government allowed human rights organisations to witness autopsies of persons who died in police custody.<sup>23</sup>
- 2.15** In 2006 the government enacted the Sexual Offences Act, which criminalised rape, defilement, sex tourism and sexual harassment. However, implementation remained limited in 2007 and sexual offences remained largely underreported. Although all forms of violence against women are prohibited, domestic violence against women remained a serious and widespread problem in 2007. The penal code does not specify domestic violence, but treats domestic violence as an assault. Police generally would not investigate in cases of domestic violence. The law prohibits FGM but it is still practised, particularly in rural areas. According to UNICEF, one-third of women between the ages of 15 and 49 have undergone FGM. The government was generally committed to the rights and welfare of children and there was legislation and developed policies to promote education and protect children's rights. The government lacked the resources to implement its policies fully.<sup>24</sup>
- 2.16** It was reported in 2008 that the country's population was divided into more than 40 ethnic groups, among which there were frequent allegations of discrimination and occasional violence. The 1999 census indicated that Bantu ethnic groups constituted approximately 67% of the population, of which the Kikuyu and closely related Embu and Meru accounted for 32%, the Luhya 16%, and the Kamba 10%; Nilotic groups constituted 30%, of which the Kalenjin accounted for 12% and the Luo 11%; and Cushitic groups – mainly Somalis – constituted 3% of the population. The main importance of tribal affiliation is in relation to patronage. In private business and in the public sector, members of nearly all ethnic groups commonly discriminated in favour of other members of the same group. The Kikuyu and related groups dominated much of private commerce and industry and often purchased land outside their home province, which sometimes resulted in fierce antagonism and resentment from other ethnic groups. Ethnic tension has dogged Kenyan politics since independence in 1963 and is widely believed to be behind much of the violence.<sup>25</sup>

### **3. Main categories of claims**

- 3.1** This Section sets out the main type of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in Kenya. It also contains any common claims that may raise issues covered by the Asylum Instruction on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or

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<sup>22</sup> USSD Country Report 2007

<sup>23</sup> USSD Country Report 2007

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<sup>25</sup> USSD Country Report 2007

not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the guidance below.

- 3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the claimant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in *Karanakaran* should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Instruction on Considering the Asylum Claim).
- 3.3** If the claimant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the claimant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.
- 3.4** This guidance is **not** designed to cover issues of credibility. Case owners will need to consider credibility issues based on all the information available to them. (For guidance on credibility see the Asylum Instructions on 'Considering the Asylum' and 'Assessing Credibility in Asylum and Human Rights Claims'.
- 3.5** All Asylum Instructions can be accessed on the Horizon intranet site. The instructions are also published externally on the Home Office internet site at:

<http://www.ukba.homeoffice.gov.uk/documents/asylumpolicyinstructions/>

### **3.6 Female genital mutilation (FGM)**

- 3.6.1** Many female claimants make asylum and/or human rights claims based on them being forced to undergo or perform FGM by family members or community members (usually who belong to the Kikuyu ethnic group and/or who are part of the proscribed Mungiki sect).
- 3.6.2** **Treatment.** In 2001, Kenya passed the Children's Act 2001 which protects children from harmful cultural rites and specifically states "No person shall subject a child to female circumcision.....". Some activists are critical that the legislation protects only children under the age of 18 years and that there is no legal protection for women over the age of 18 years. However Kenya has signed the 2005 Maputo Protocol, which explicitly prohibits FGM. Despite legislation, the practice remains widespread.<sup>26</sup> According to UNICEF, one-third of women between the ages of 15 and 49 had undergone FGM. Of the country's 42 ethnic groups, only 4 (the Luo, Luhya, Teso and Turkana, constituting 25% of the population) did not traditionally practise FGM. According to the NGO Maendeleo Ya Wanawake (Development of Women), the percentage of girls undergoing the procedure was 80 to 90% in some districts of Easter, Nyanza and Rift Valley provinces. FGM was usually performed at an early age.<sup>27</sup>

#### **Mungiki – background for FGM cases**

- 3.6.3** Many asylum applications on the basis of FGM claim that members of the Mungiki will force the applicant to undergo FGM. The following information is provided as background for such cases.

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<sup>26</sup> Canadian Refugee Board, RIR KEN102625, 25.10.07

<sup>27</sup> COI Key Documents 30 April 2008

- 3.6.4** The Mungiki's members are from the Kikuyu and style themselves as protectors of Kikuyu culture posing as a traditional religious group, but are a criminal organisation in Kenya.<sup>28</sup> The Mungiki are said to reject "Western" values and support the return to traditional tribal customs and beliefs, including female circumcision. They are known for their "extreme" violence, including beheading and dismembering their victims, and are one of the most feared criminal organisations in Kenya. In 2002, the Kenyan government outlawed the sect after it was linked to a series of killings in Nairobi but, despite the ban, the group has remained active.<sup>29</sup> The ban remained in effect in 2007.<sup>30</sup> They are involved in a number of violent criminal activities, including extortion and execution-style killings. Members of the sect have targeted matatu (minibus) operators, in particular, for extortion. They also charge "protection fees" to slum residents and demand money for basic services such as water and electricity.<sup>31</sup>
- 3.6.5** The matatu industry is an unregulated method of road transport mainly associated with urban commuter routes in Nairobi and Mombassa, though there are inter-city matatus and rural matatu services as well. Sources say the gang started infiltrating the matatu industry immediately following the post-election violence in Kenya. Realising that the country's security agents had turned their attention to containing the violence, the gang resurfaced coercing matatu operators, drivers and conductors, into paying protection fees. They first took control of bus stations where they would decide on the amount of money commuters were to pay. Since the political atmosphere was then volatile, and Traffic Police officers had joined their colleagues in tackling demonstrators and looters, the matatu operators had no option but to abide by the gang's demands particularly in Nairobi, parts of Rift Valley and Central Province.<sup>32</sup>
- 3.6.6** Members are generally unemployed youths of the Kikuyu ethnic group. Poverty and unemployment in Kenya are thought to make youths susceptible to the group's pressures. The Mungiki operate in secrecy and the group is described as "amorphous" with its members largely unrecognisable to outsiders. They do not have a highly centralised organisational structure and may have sub-organisations that are in competition with each other. It is reported that the Mungiki may have up to 13 leaders but few are known.<sup>33</sup>
- 3.6.7** Media reports say the sect has evolved over the years into an organised and intimidating underworld gang with bases in Nairobi, and parts of Central and Rift Valley Provinces.<sup>34</sup> It is not known how widespread the Mungiki are in Kenya. The group claims to have a membership of up to two million people.<sup>35</sup> However, others estimate them to number in the thousands.<sup>36</sup> Murang'a South District (Central Province) is an area reported in May 2008 to be troubled by Mungiki matatu extortion. Murang'a North District is held to be a fertile recruiting ground for Mungiki and other gangs, infiltrating the local schools. Mlango Kubwa area, Mathare slums, Nairobi were identified in June 2007 as the centre of Mungiki extortion rings.<sup>37</sup>
- 3.6.8** The Mungiki claim to have connections to the nation's political elite, although the group is not connected to the state.<sup>38</sup> The Kenyan police have been accused of complicity with the Mungiki and of allowing the sect to 'operate with impunity'. It has been suggested that the police crackdown in June 2007 may have been a 'power struggle' between the two

<sup>28</sup> COI Key Documents 30.04.08

<sup>29</sup> Canadian Immigration Board, RIR KEN102637.E , 1.11.07

<sup>30</sup> USSD Country Report 2007

<sup>31</sup> RIR Canadian Immigration Board, RIR KEN102637.E, 1.11.07

<sup>32</sup> COI response 10.07.08 'Matatu'

<sup>33</sup> RIR Canadian Immigration Board, RIR KEN102637.E. 1.11.07

<sup>34</sup> COI Key Documents 30.04.08

<sup>35</sup> Canadian Immigration Board, RIR KEN102637.E 1.11.07

<sup>36</sup> Chicago Tribune: 'Madness' in the shantytowns, 28 June 2007

<sup>37</sup> COI response 5.06.08 'Mungiki update'

<sup>38</sup> HRW Annual Report 2008

groups.<sup>39</sup> In January 2008, the chairman of the Kenyan Human Rights Commission, Maina Kiai, accused the Government of activating the Mungiki gangs to strengthen its hold over the Nairobi slum areas. Government spokesman, Alfred Mutua, said that the charge was 'preposterous'. There is no truth to it.' He accused Kiai of being partisan and challenged him to produce evidence.<sup>40</sup>

- 3.6.9** Sources from 2006 and 2007 indicate that the police in Kenya have been cracking down on the Mungiki. A special police unit and a "shoot to kill" policy has reportedly been established in order to deal with the banned organisation. In June 2007, following the beheadings of 6 alleged Mungiki "defectors", the police arrested over 2,400 suspected members and reportedly killed more than 30 suspected members over a one-week period.<sup>41</sup> The Independent Medico Legal Unit (IMLU), described by the USSD as a leading and credible human rights nongovernmental organisation (NGO), reported that 125 extrajudicial killings occurred in the nine months until September 2007. The Kenya National Commission on Human Rights (KNCHR) estimated there were 700 extrajudicial killings during 2007, including the extrajudicial killing of 454 suspected members of the Mungiki criminal organisation. From January to May 2007, IMLU reported three deaths in police custody. In all cases IMLU documented, there were clear indications of misuse of firearms by police.<sup>42</sup>
- 3.6.10** In mid-April 2008, there were clashes between the Kenyan police and the Mungiki, in which 11 people were killed. It occurred days after the wife of Maina Njenga was murdered. "Police said the killing of the pair [Njenga's wife and her driver] could be connected to gang members fighting for control amongst themselves after leader Maina Njenga was sentenced to a five-year jail term on drug charges." On 28 April 2008, Charles Ndungu (chairman of the Kenya National Youth Alliance – the political wing of the Mungiki sect) was shot in his car. Police are still clashing with Mungiki suspects and Mungiki suspects are being brought to trial.<sup>43</sup>
- 3.6.11** It was reported in May 2008 that after the police crackdown in 2007, violent crime attributed to the Mungiki had plummeted, though its members are believed to have held on to their extortion business. On 8 May 2008, the police announced that a Witness Protection scheme would be introduced on 1 July 2008. It will bring into effect one requirement of the Witness Protection Act 2006 and will be run by the Witness Protection Unit of the Attorney General's Chambers in the State Law Office. The Police Commissioner said that it would help deal with the 12,000 cases relating to the post-election violence.<sup>44</sup> The scheme came into force on 2 September and 20m shillings (about 300,000 dollars) has been set aside for the programme.<sup>45</sup> On 15 May 2008 it was announced that the police were setting up a new unit to probe militias and gangs. The KK Security Update for 25 April 2008 noted that the police were forming new squads to tackle the Mungiki. "The Nyoka squad will work alongside Rhino and Kwekwe squads to monitor, infiltrate and curb Mungiki criminal rings in Nairobi and across the country."<sup>46</sup> In his report dated 9 July 2008 to the Commission Investigating the Post-Election Violence, the High Commissioner of Police stated that "there is no such thing in the Kenya Police as a "shoot to kill" policy. It is a fictional creation with no base either in law or fact."<sup>47</sup>

### 3.6.12 *Caselaw*

<sup>39</sup> RIR Canadian Immigration Board, RIR KEN102637.E, 1.11.07

<sup>40</sup> The Associated Press, 12 January 2008, 'Activists; Kenyan Violence orchestrated'

<sup>41</sup> RIR Canadian Immigration Board, RIR KEN102637.E, 1.11.07

<sup>42</sup> USSD Country Report 2007

<sup>43</sup> COI response 30.05.08 'Mungiki update)

<sup>44</sup> COI response 5.06.08 'Mungiki update – extended)

<sup>45</sup> The Standard (Nairobi), 26 August 2008. Accessed 3.09.08 via DialogDataStar

<sup>46</sup> COI response 5.06.08 'Mungiki update – extended)

<sup>47</sup> Kenya Police website: [www.kenyapolice.go.ke/](http://www.kenyapolice.go.ke/)



**VM (FGM-risks-Mungiki-Kikuyu/Gikuyu) Kenya CG [2008] UKAIT 00049**

The AIT heard the above case in November/December 2007. It was promulgated in June 2008. This guidance supersedes that in FK (FGM - Risk and Relocation) Kenya CG [2007] UKAIT 00041.

The Tribunal conclude at Paragraph 242:

1. It is important to determine whether a Kenyan claimant who fears FGM belongs to an ethnic group amongst which FGM is practised. If so, she may be a member of a particular social group for the purposes of the 1951 Refugee Convention.
2. Uncircumcised women in Kenya, whether Gikuyu/Kikuyu or not, are not as such, at real risk of FGM.
3. A decision to undergo FGM is said to be one made by the individual woman if an adult and by the parent(s) or other family members (e.g. a grandparent) if a child. However, since the practice is outlawed under the Children Act 2001, it would not appear that an adult could lawfully consent on behalf of a child. A child cannot lawfully consent to such a procedure. In law, an adult woman who does not consent to FGM may only rely upon making a complaint of assault under the criminal law. A woman may be placed under undue pressure by family, including her husband or partner and his family, and/ or community members, to agree to FGM for herself or for her child (see 6 below). There are only one or two examples of prosecution of those who have performed FGM, whether on children or women and sentences have been lenient.
4. It may be possible for a woman not wishing to undergo FGM herself, or not wishing her child to do so, to relocate to another community which does not follow the practice of FGM. A thorough examination of all the relevant factors must be undertaken in each case given the position of women within Kenyan society and the usual need for kinship links in the place of relocation in order to sustain such movement successfully. For example, under the customary law of most ethnic groups, a woman cannot inherit land and must live on the land as a guest of males who were relatives by blood or marriage.
5. Those who practise FGM are not, in general, reasonably likely (particularly in urban areas), to seek to inflict FGM upon women from ethnic groups or sub-groups which do not practise FGM.
6. In general, a woman and/or her child will only be at real risk of FGM if she comes from, or becomes connected by marriage, partnership or other family ties, to an ethnic group (or sub-group) where FGM is practised and the evidence shows that she is reasonably likely to be required by her parents, grandparents, or by others in a position of power and influence over her, to undergo FGM.
7. There is evidence that the Mungiki seek to impose FGM and other forms of violence on women and children other than those who have been initiated into their sect. In particular, such women and children include the wives, partners, children and other female family members of those men who have taken the Mungiki oath. There is also evidence of the Mungiki imposing political and cultural beliefs upon others, for example by confronting in public women who are wearing trousers, stripping them and forcing them to change into skirts or long dresses.
8. The Mungiki is an organization that both uses and is used by government, with links to some politicians. It is an extremely secretive sect, the origins of which are unclear, whose members are oathed, and which, since at least the 1990s has left behind a trail of violence in its rejection of western culture. It is said to be the politically motivated wing of a religious organization, and to also have an armed wing akin to an army unit. Mostly drawn from the Gikuyu/Kikuyu and inspired by the Mau Mau rebellion of the 1950's against British colonial rule, thousands of young Kenyans flock to the sect. It is claimed by the leadership that it has at least 2 million members around the country, many of whom have infiltrated government organizations, offices, factories and schools, albeit mostly at a low level. They have been involved in battles with the police and have raided police stations to free detained members. Instead of or as well as clubs, machetes and swords, they also use AK-47 assault rifles. The authorities are unwilling or unable to control the Mungiki and the authorities use the Mungiki as agents of political violence, in particular at election time, which has been seen most recently following the first elections of the new millennium and the elections of 27 December 2007.

9. Through its Gikuyu/Kikuyu members who move around the country for work and those who run or are connected to the country wide taxi business (Matatu), the Mungiki has both a presence and an information network, particularly in urban areas and around bus and other transport stations across the country, albeit that the information network is not one that necessarily works speedily.
10. Internal relocation may be available in Kenya to a woman who is at real risk of forced FGM in her home area if the evidence shows, (i) she is not reasonably likely to encounter anyone in the place of relocation who would be in a position of power and influence over her and who would use that power and influence to require her to undergo FGM, or would cause her presence in the place of relocation to become known to such a person or persons (e.g. the Mungiki, in particular where the appellant is a Gikuyu/Kikuyu woman, when the Mungiki may be expected to take more particular interest in her and in any Mungiki connections that she may have, so that she may, dependant upon her characteristics and history, then become of adverse interest, and persecution or other serious harm may ensue. Although the Mungiki may also target those of other ethnic origin, for example the Luo, for political reasons); and (ii) she can reasonably be expected to live in that place, having regard to the general circumstances prevailing in it and the personal circumstances of the appellant (paragraph 3390 of HC 395). In the case of a woman from a rural area in Kenya, internal relocation to some other region or urban centre will not be available unless her circumstances are such that she will be able to survive economically (see *Januzi v Secretary of State for the Home Office and Others* [2006] UKHL 5).
11. In considering internal relocation it is important to bear in mind the religious and/or cultural context, particularly as to whether there is any family or sub-clan support available to the woman in the proposed area of relocation. In general it will be easier for a member of a particular tribe to relocate to an area where there are others from her tribe to provide shared culture and support, rather than relocating to an area populated by a different tribe. Much will depend upon the individual circumstances of the woman and the availability or otherwise of a support structure within the proposed area of return. See also 4 above. In considering the issue of relocation it is important that the situation of the family and extended family be examined, particularly as to cultural context, education, economic lifestyle and work experience.

**3.6.13 Sufficiency of protection.** FGM is illegal in Kenya and there have been numerous examples of the state authorities arresting and prosecuting those accused of performing FGM.

**3.6.14** Officials continued to attempt to stem FGM in 2007. There were more public awareness programmes to stop the practice, in which government officials often participated. Some churches and NGOs provided shelter to girls fleeing their homes to avoid the practice, but community elders and some politicians frequently interfered with attempts to stop the practice.<sup>48</sup>

**3.6.15** There are several examples of prosecutions in 2005/2006.<sup>49</sup> In December 2006 the provincial commissioner of the Rift Valley Province was quoted as having declared that any civil servant condoning or supporting FGM (such as nurses or local chiefs) would be fired. He added that the parents of girls subjected to the practice would be arrested. In January 2007, 3 women were fined approximately \$1,550 for having their daughter undergo FGM. In February 2007, 2 district commissioners instructed police to arrest anyone perpetrating FGM. They noted that some older men were sneaking girls out of schools to take them away for FGM, and that more than 10,000 girls from Kajiado fled to rescue centres to avoid FGM. Various communities and NGOs have instituted 'no cut' initiation rites for girls as an alternative to FGM. According to the Family Planning Association of Kenya, its "no cut" programme, called Ntanira na Kithomo (Initiate Me through Education), contributed to a 13% decline in the prevalence of FGM in MeruNorth District through 2005.<sup>50</sup> The government has also been promoting public awareness and the use of alternative rites in addition to developing education campaigns in its struggle against FGM. The Minister of

<sup>48</sup> USSD 2007 Country Report 2007: Children

<sup>49</sup> Canadian Refugee Board, RIR, KEN102625.E, 25.10.07

<sup>50</sup> USSD Country Report 2007

Gender, Sports, Culture and Social Services has publicly stated support for eradicating “retrogressive” practices like FGM.<sup>51</sup>

- 3.6.16** For those applicants whose FGM claims include fear of the Mungiki, the AIT found, at Paragraph 242(8) of the Country Guidance case above, that the authorities are “unwilling or unable to control the Mungiki and use the Mungiki as agents of political violence, in particular at election time.” However, reports which have emerged since the AIT’s consideration indicate that following the cessation of the post-election conflict and the advent of the power sharing coalition, the authorities have renewed their efforts to combat the Mungiki criminal activity which re-surfaced during the elections and to bring perpetrators to trial. Recent measures such as the introduction of the Witness Protection Scheme and the setting up of a new police unit to probe militias and gangs further indicates the willingness of the authorities to provide protection against the Mungiki (see 3.6.10 and 3.6.11). A recent assessment of progress in the country since the post-election violence applauded the Kenyan leaders’ commitment to power sharing and noted the increased stability and security in Kenya. (see 2.9)
- 3.6.17** Furthermore, in June 2008, it was reported that “Kenya was cited as a country where laws had been used to good effect; the ban on FGM was contained in the Children’s Act passed in 2001. According to the Executive Director of the Centre for Human Rights and Democracy which is based in Eldoret, Rift Valley region, his organisation had been able to rescue 53 girls recently thanks to the law.” Many NGOs are working in Kenya to outlaw the practice of FGM and some provide shelters for girls fleeing the practice.<sup>52</sup>
- 3.6.18** The Maendeleo Ya Wanawake Organisation (MYWO) comprises 600,000 women’s groups and a membership of 2 million women. It has branches across Kenya. It states that girls fleeing possible circumcision are provided shelter by churches and some are taken in by boarding schools. MYWO provides a negotiator to parents and girls who refuse to be circumcised, so that the daughter’s decision to remain uncircumcised can be repeated when she returns home.<sup>53</sup> In February 2003, the BBC reported that up to 100 girls fleeing the threat of FGM were sheltering from their parents in churches in south-western Kenya. The churches in Kisumu and other western Kenya regions have been active in discussing and promoting resistance to FGM. The 2007 USSD report noted that more than 10,000 girls from Kajiado fled to rescue centres to avoid FGM in 2007.<sup>54</sup>
- 3.6.19 *Internal relocation.*** The law provides for freedom of movement and the government generally respected this right in practice. Police routinely stopped vehicles and checked vehicle safety and driver documents on roads throughout the country. FGM is a regionalised practice mainly in Eastern, Nyanza, and Rift Valley provinces.<sup>55</sup> Internal relocation may be available to a woman who is at real risk of forced FGM in her home area depending on the individual circumstances of the case. Case owners should have regard to the detailed guidance set out at Paragraphs 242(9), 242(10) and 242(11) of the Country Guidance case above.
- 3.6.20** Particular concerns arise for applicants whose FGM claims include fear of the Mungiki. At Paragraph 242(9), the AIT noted evidence that the Mungiki, because of its connections with the Matatu industry, has a presence and information network across the country and that Mungiki influence is likely to be more pervasive than previously in light of post-election violence and ethnic division (Paragraph 222). Subsequent to the AIT’s consideration, it was reported in June 2008 that the Mungiki regained a foothold in the Matatu industry only when the country was engulfed in post-election violence and police officers were engaged

<sup>51</sup> Canadian Refugee Board, RIR, KEN102625.E, 25.10.07

<sup>52</sup> COI response 3.09.08 ‘FGM – support to those fleeing the threat of FGM’

<sup>53</sup> Models of Good Practice

[www.socialstyrelsen.se/NR/rdonlyres/1574FC67-1E40-4446-BE14-FB85C2E20339/0/KENYA\\_Maendeleo.pdf](http://www.socialstyrelsen.se/NR/rdonlyres/1574FC67-1E40-4446-BE14-FB85C2E20339/0/KENYA_Maendeleo.pdf)

<sup>54</sup> COI response 3.09.08 ‘FGM – support to those fleeing the threat of FGM’

<sup>55</sup> USSD Country Report 2007

elsewhere. The Matatu operators had no option at that time but to abide by the sect's orders particularly in Nairobi, parts of Rift Valley and Central Province. Commuters attributed the comeback, among other things, to the Government's campaign to exempt for safety reasons conductors and drivers from wearing uniform, as the police were unable to differentiate between Mungiki and genuine Matatu crews.<sup>56</sup>

- 3.6.21** Reports which have emerged since the AIT's consideration indicate that since the cessation of the post-election conflict and advent of the power sharing coalition, the authorities have renewed their efforts to combat the Mungiki criminal activity which re-surfaced during the elections and bring perpetrators to trial. Recent measures such as the introduction of the Witness Protection Scheme and the setting up of a new police unit to probe militias and gangs further indicates the willingness of the authorities to provide protection against the Mungiki (see 3.6.10 and 3.6.11). A recent assessment of progress in the country since the post-election violence applauded the Kenyan leaders' commitment to power sharing and noted the increased stability and security in Kenya. (see 2.10)
- 3.6.22** Evidence from several sources is that Mungiki activities are concentrated in central Kenya, Nairobi and Eastern Provinces of the Rift Valley. The group was reported in November 2007 not to have a highly centralised organisational structure and may have sub-organisations in competition with each other (see 3.6.6). This suggests that, even in areas where the Mungiki do have a presence, organisational links and communication between groups in different areas of the country is likely to be limited, if any exists. Bearing in mind the overall guidance referred to at 3.6.19 above, emerging reports suggest that internal relocation may now be possible in some cases within or between such areas, depending on the likely level of interest and determination by the Mungiki in pursuing a particular individual. Reports indicate that the Mungiki target operators and conductors in the matatu industry solely to extort protection money. There is no evidence that the sect generally has any interest in or is sufficiently cohesive to utilise the industry effectively for any other purpose, such as monitoring the movement of individuals. Although the matatu is a popular form of transport in Kenya, other methods of travel are available.
- 3.6.23 Conclusion.** Though an average of 32% of Kenyan women have undergone FGM, with a prevalence rate of between 80%-90% in some rural districts, the practice is illegal. The authorities actively take measures to prevent FGM and there have been successful prosecutions. Accordingly those in fear of undergoing, or being forced to perform FGM may, in general, seek the protection of the state authorities. Case owners should consider cases in which there is no Mungiki element within the context of the AIT guidance on internal relocation at Paragraph 242(10) and 242(11) of the Country Guidance case above together with updated reports on the developing country situation. It is likely that internal relocation will be possible in many cases.
- 3.6.24** For those applicants whose FGM claims additionally include a fear of the Mungiki, the AIT's findings shortly after the elections, were that there was insufficient protection and no internal relocation option in such cases. However, as outlined previously, reports available subsequent to the AIT's consideration of the Country Guidance case should be considered in conjunction with the AIT guidance. It is likely that internal relocation will be feasible in individual cases.

## **Prison conditions**

- 3.7.1** Claimants may claim that they cannot return to Kenya due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Kenya are so poor as to amount to torture or inhuman treatment or punishment.
- 3.7.2** The guidance in this section is concerned solely with whether prison conditions are such

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<sup>56</sup> COI response 10.07.08 'Matatu'

that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason, or in cases where for a Convention reason a prison sentence is extended above the norm, the claim should be considered as a whole but it is not necessary for prison conditions to breach Article 3 in order to justify a grant of asylum.

- 3.7.3 Consideration.** Prison conditions in 2007 continued to be harsh and life threatening although the government attempted to make some improvements in prison conditions. Most prisons, especially the men's facilities, continued to be severely overcrowded.<sup>57</sup>
- 3.7.4** Reforms improved conditions in some prisons in 2007. In early September the prisons department established a health unit, to improve the delivery of health services to inmates. Some facilities offered access to academic classes, enabling a number of prisoners to sit for national exams, or vocational training, such as carpentry or tailoring. Charitable associations organised occasional medical clinics for inmates. Prisoners generally received three meals per day, but portions were inadequate, and prisoners were sometimes given half rations as punishment. Water shortages continued to be a problem in 2007. Civil society organisations began visiting prisons in 2003, and these visits revealed harsh conditions as well as allegations by prisoners of inhumane treatment and torture. Such treatment, perpetrated by police, prison guards, and inmates at times resulted in deaths.<sup>58</sup>
- 3.7.5** Prison personnel said that rapes of both male and female inmates, primarily by fellow inmates, continued to be a problem in 2007. Media reports indicated that it was not uncommon for prison officials to rape female inmates. There was an increasing incidence of HIV/AIDS among the prison population, although statistics were difficult to obtain since there were no voluntary counselling or testing services in most prisons.<sup>59</sup>
- 3.7.6** Prisoners sometimes were kept in solitary confinement far longer than the maximum 90 days allowed by law. Prisoners and detainees sometimes were denied the right to contact relatives or lawyers. Family members who visited prisoners faced numerous bureaucratic and physical obstacles, each requiring a bribe. An NGO reported that citizens were more likely to face extortion attempts by members of the prison service than by employees of any other government agency.<sup>60</sup>
- 3.7.7** There were no separate facilities for minors in pre-trial detention in 2007. By the end of 2007 there were no known developments in the August 2005 petitions by 31 pretrial detainees in Embu prison to separate young boys from their adult counterparts because of allegations of sodomy. In January 2006, a judiciary subcommittee report recommended that judges and magistrates visit prisons regularly to ensure that children are not confined with adult inmates. A number of children under the age of four lived with their mothers in the 14 prisons for women. The government permitted visits to prisons by local human rights groups during 2007..<sup>61</sup>
- 3.7.8 Conclusion.** Whilst prison conditions in Kenya are poor with overcrowding, poor sanitation and unhealthy conditions being particular problems, these conditions will not normally be sufficiently severe to meet the high Article 3 threshold. In addition to these adverse conditions there are reports that officials act with impunity and regularly mistreat inmates. The information available does not suggest that particular groups of inmates are more at risk of such mistreatment than others. There is no evidence that the mistreatment is of such a systematic nature as to make removal a breach of Article 3 on these grounds.
- 3.7.9** Even where claimants can demonstrate a real risk of imprisonment on return to Kenya a grant of Humanitarian Protection will not generally be appropriate. However, the individual

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<sup>57</sup> USSD Country Report 2007

<sup>58</sup> USSD Country Report 2007

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factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3, relevant factors being the likely length of detention the likely type of detention facility and the individual's age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate. Only where it clearly cannot be argued that an individual will face treatment which reaches the Article 3 threshold, should a claim of this kind be certified.

#### **4. Discretionary Leave**

- 4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See Asylum Instruction on Discretionary Leave) Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the Asylum Instruction on Article 8 ECHR.
- 4.2** With particular reference to Kenya the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the Asylum Instruction on Discretionary Leave and the Asylum Instruction on Article 8 ECHR.
- 4.3 Minors claiming in their own right**
- 4.3.1** Minors claiming in their own right who have not been granted asylum or Humanitarian Protection can only be returned where they have family to return to or there are adequate reception, care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, care and support arrangements in place.
- 4.3.2** Minors claiming in their own right without a family to return to, or where there are no adequate reception, care and support arrangements, should if they do not qualify for leave on any more favourable grounds be granted Discretionary Leave for a period as set out in the relevant Asylum Instruction.
- 4.4 Medical treatment**
- 4.4.1** Claimants may claim they cannot return to Kenya due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.
- 4.4.2** Kenyan health care services delivery is based on three levels—national, provincial and district. A referral system exists whereby the patient can be referred from district to provincial to national level, dependent on the nature and complication of their illness. In principle, most primary health care services are offered at district level while secondary and tertiary health care services are offered at provincial and national levels respectively. However, in practice the distinction is not so clear.<sup>62</sup>
- 4.4.3** Kenya's health care facilities comprise dispensaries, health centres and hospitals. There are 234 hospitals, 660 health centres and 2,722 dispensaries. The health services offered in these facilities include outpatient and inpatient and general as well as specialized services and cover primary, secondary and specialized health care. Community health care services are also offered with the health care facility serving as base. The services provided

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<sup>62</sup> Taylor and Francis Group: Kenya mental health care country profile

include promotional, preventive, curative and rehabilitative work and these are integrated as far as possible.<sup>63</sup>

- 4.4.4** Although Kenya adopted mental health as its ninth essential element of primary health care way back in 1982, very little implementation has since occurred. The district health management team is supposed to take charge of mental health provision in this respect. In principle, mental health care is integrated into general health care at the district level and community mental health care services developed alongside other primary health care activities. However, most district health management teams do not include a mental health worker. The large majority of patients visit traditional health practitioners when they become sick.<sup>64</sup>
- 4.4.5** Kenya's primary and secondary healthcare is overseen by the Ministry of Health.<sup>65</sup> Kenya continues to treat more TB patients each year. Widespread HIV coinfection may explain part of the growing case-load, but it is also possible that the NTP is detecting a higher proportion of cases. With increased funding for planned activities - including mechanisms to improve treatment outcomes, TB/HIV management, community-based care.<sup>66</sup>
- 4.4.6** Where a caseworker considers that the circumstances of the individual claimant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave. Only where it clearly cannot be argued that an individual will face treatment which reaches the Article 3 threshold, should a claim of this kind be certified.

## **5. Returns**

- 5.1** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules, in particular paragraph 395C requires the consideration of all relevant factors known to the Secretary of State, and with regard to family members refers also to the factors listed in paragraphs 365-368 of the Immigration Rules.
- 5.2** Kenyan nationals may return voluntarily to any region of Kenya at any time by way of the Voluntary Assisted Return and Reintegration Programme (VARRP) implemented on behalf of the UK Border Agency by the International Organization for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining travel documents and booking flights, as well as organising reintegration assistance. The programme was established in 1999, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Kenyan nationals wishing to avail themselves of this opportunity for assisted return should be put in contact with the IOM offices in London on 0800 783 2332 or [www.iomlondon.org](http://www.iomlondon.org).

## **6. List of source documents**

- Afrol News: Kenya announces free AIDS, malaria drugs, 2 June 2006  
<http://www.afrol.com/articles/19609>
- Amnesty International (AI) Annual Report 2008: Kenya at:  
<http://thereport.amnesty.org/eng/regions/africa/kenya>

<sup>63</sup> Taylor and Francis Group: Kenya mental health care country profile

<sup>64</sup> Taylor and Francis Group: Kenya mental health care country profile

<sup>65</sup> COI Kenya KDs November 2006 (Medical issues) [WHO country profile]

<sup>66</sup> COI Kenya KDs November 2006 (Medical issues) [WHO country profile, IRIN, Afrol]

- BBC Kenya Timeline. Last updated 17 October 2006 at:  
[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/1026884.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1026884.stm)
- Integrated Regional Information Networks (IRIN), Plus News – The HIV/AIDS News Service: Kenya Country Profile, updated March 2006 <http://www.plusnews.org/AIDS/kenya.asp>
- Taylor and Francis Group: Kenya mental health care country profile  
[http://taylorandfrancis.metapress.com/\(qkkhfay4e03lqp55zengl455\)/app/home/contribution.asp?referer=parent&backto=issue,5,17;journal,15,40;linkingpublicationresults,1:100633,1](http://taylorandfrancis.metapress.com/(qkkhfay4e03lqp55zengl455)/app/home/contribution.asp?referer=parent&backto=issue,5,17;journal,15,40;linkingpublicationresults,1:100633,1)
- UK Foreign and Commonwealth Office (FCO) Kenya Country Profile 28 April 2008 at:  
<http://www.fco.gov.uk/en/about-the-fco/country-profiles/sub-saharan-africa/kenya>
- US Department of State Country Report on Human Rights Practices in Kenya in 2007 at:  
<http://www.state.gov/g/drl/rls/hrrpt/2007/100487.htm>
- World Health Organisation (WHO) Country profile Kenya 2006 at:  
<http://www.who.int/countries/ken/en>
- COI Key Documents 30.04.08  
[http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)
- [COI responses to information requests \(hard copies available\)](#)
- [Immigration and Refugee Board Canada: Responses to Information Requests \(RIR\)](#)  
[http://www.irb-cisr.gc.ca/en/research/origin\\_e.htm](http://www.irb-cisr.gc.ca/en/research/origin_e.htm)

**Central Operations and Performance Directorate**  
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