

DEFENDERS  
COALITION

# **TRENDS IN CIVIC SPACE IN KENYA:** AN ASSESSMENT





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## LIST OF ABBREVIATIONS

<b>ACHPR</b>	African Commission on Human and Peoples’ Rights
<b>ADP</b>	Annual Development Plan
<b>AU</b>	Africa Union
<b>EACC</b>	Ethics and Anti-Corruption commission
<b>CAJ</b>	Commission on Administration of Justice
<b>CBC</b>	Competency-Based Curriculum
<b>CBOs</b>	Community-Based Organizations
<b>CIDP</b>	County Integrated Development Plan
<b>COK</b>	Constitution of Kenya
<b>CSOs</b>	Civil Society Organizations
<b>DC</b>	Defender’s Coalition
<b>DK</b>	Don’t Know
<b>FBOs</b>	Faith Based Organizations
<b>FGDs</b>	Focus Group Discussions
<b>HIV</b>	Human Immunodeficiency Virus
<b>HRDs</b>	Human Rights Defenders
<b>IEBC</b>	Independent Electoral and Boundaries Commission
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICC</b>	International Criminal Court
<b>IDIs</b>	In-depth Interviews
<b>IPOA</b>	Independent Policing Oversight Authority
<b>ISERC</b>	Institutional Scientific and Ethical Review Committee (ISERC)
<b>KHRC</b>	Kenya Human Rights Commission
<b>KMTC</b>	Kenya Medical Training College
<b>KNCHR</b>	Kenya National Commission on Human Rights
<b>LGBTQ</b>	Lesbian, Gay, Bisexual, Transgender and Queer
<b>MP</b>	Member of Parliament
<b>NACOSTI</b>	National Council for Science Technology and Innovation
<b>NGLHRC</b>	National Gay and Lesbian Human rights Commission
<b>NGO</b>	Non-Government Organizations
<b>NHIF</b>	National Health Insurance Fund
<b>OCS</b>	Officer Commanding Station
<b>PBO</b>	Public Benefit Organizations
<b>PWD</b>	Persons Living with Disability

<b>SHA</b>	Social Health Authority
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>WP</b>	Work Package

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# Executive summary

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The promulgation of the Constitution of Kenya 2010 on 27th of August 2010 was a watershed moment in Kenya as it established the legal foundation for protecting civic space, providing a framework for litigation in case of violations. With respect to human rights and the civic space, the new constitution of Kenya (2010) identified the freedom of expression, association and assembly as the cornerstones of civic space and entrenched them in articles 33, 36 and 37. Article 2 (5) of the constitution domesticates international law, treaty or convention ratified by Kenya.

Kenya's new constitution (2010) has been praised as one of the most progressive globally. However, trends and experiences over the last couple of years point to an onslaught on the civic space where the state has both overtly and in subtle ways constrained the civic and democratic space through punitive and prohibitive governance frameworks targeting individuals, Public Benefits Organizations (PBOs), Faith Based Organizations (FBOs), media organizations, trade unions, Constitutional Commissions among other independent state and non-state actors.

These observations led the Defenders Coalition to commission this study to assess the public perceptions on the trends in the civic space in Kenya. The findings of this study will inform strategic advocacy and capacity-building initiatives, for relevant stakeholders to address repressive norms, laws and regulations and advocate for the implementation of enabling legislation and policies that support the work of human rights defenders (HRDs), civil society organizations (CSOs), community-based organization (CBOS) and the media in protecting the civic space.

This study employed two broad methodologies; secondary review of the laws and legal frameworks safeguarding the civic space in Kenya; and primary data comprising a survey with members of the public and key informant interviews with key actors, duty bearers and experts on the trends in civic space in Kenya after the promulgation of the new constitution. Secondary review was premised on the fact that previous studies suggest that legislative, policy, and regulatory frameworks have a great impact on the civic space.

This report outlines the findings from this study covering the broad civic space parameters, namely, freedom of association, freedom of expression, freedom of assembly, right to public participation, inclusion and non-discrimination and the rule of law and respect for human rights.

The results from this study showed that over half (54%) of the respondents rated the conditions of the freedom of association between bad and very bad. Only 23% of the population rated Kenya's freedom of association as either good or very good. Comparing the immediate post 2010 constitution with the last two years of the Kenya Kwanza regime, majority of the study participants observed that the freedom of association had severely deteriorated in the latter period. This is was in contradistinction to the immediate post 2010 constitution where majority of the population observed an improvement in the status of the freedom of association.

Overall 55% described the general status of the freedom of expression in Kenya as either bad or very bad. Only 25% stated freedom of expression to be either good or very good. 78% of the population stated that the general conditions of freedom of expression had improved after the promulgation of the New constitution. However, (68%) stated that the general conditions on freedom of expression had deteriorated in the last two years of the Kenya Kwanza regime.

With regard to the freedom of assembly, majority (56%) of the respondents characterized it as either bad or very bad. Less than a quarter of the respondents (24%) stated that the conditions of the freedom of assembly were either good or very good. Comparing the immediate post 2010 constitution period with the last two years of the Kenya Kwanza regime, (65%) of the respondents stated that the conditions on the freedom of assembly had improved in the former period. By contrast, 69% stated that the conditions had deteriorated. This was a clear reversal in the perception of the immediate aftermath of the promulgation of the new constitution.

The status of inclusion and nondiscrimination was rated as bad or very bad by majority (58%) of respondents. Only 18% rated the conditions as either good or very good. 58% stated that the conditions had improved after the promulgation of the new constitution while 61% stated that the conditions for non-discrimination and inclusion had deteriorated during the Kenya Kwanza regime, implying a reversal of the gains made after the promulgation of the new constitution. Among the people who were discriminated against or faced exclusion, youth, persons from particular ethnicities and anti-government groups were ranked highest.

Public participation was also ranked poorly by majority of the study population. A slender majority (53%) stated that the conditions of public participation in Kenya were either bad or very bad. Only 27% rated the conditions as good and very good. 62% of the respondents observed that the period immediately after the promulgation of the new constitution was marked by an improvement in the conditions of public participation. By contrast, majority (61%) observed that the conditions on public participation had

deteriorated.

Overall majority (59%) of the respondents observed that the status of human rights and the rule of law was either bad or very bad. Only 21% thought the status was good and 19% felt that the status was neither good nor bad. Over 71% of the respondents stated that the status of human rights and rule of law had deteriorated in the past two years. This contrasted with the 63% of the respondents who stated that the conditions had improved in the immediate aftermath of the promulgation of the new constitution.

While the overall picture points to a general shrinking civic space, the study also revealed regional and generational differences. Regionally, the counties of Nakuru, Nairobi, Mombasa and Meru had the highest numbers of participants rating the different civic space parameters very poorly. Kericho county however, was the exception as most of population here rated the civic space parameters favorably, indicating the influence of political party inclination in the assessment of civic space trends. With respect to age and educational status, the younger and more educated respondents had higher odds of rating the civic space parameters poorly.

These findings have several implications for the status of the civic space in Kenya. The findings indicate a governance deficit: the shrinking civic space correlates with increased protest culture and declining trust in institutions. There was increased securitization of governance: the police and other regulatory agencies were regularly used to conduct digital surveillance, and to suppress dissent. The independence of the judiciary continued to be undermined when the executive continuously disregarded rulings hence normalizing impunity and diminishing the rule of the law. The exclusion of marginalized groups such as the youth and women deepened structural injustice.

The findings from this study thus confirmed the results from previous studies that concluded that the promissory of the new order has not been fully realized and that experiences over the last couple of years pointed to an onslaught on the civic space where the state had both overtly and in subtle ways constrained the civic and democratic space through punitive and prohibitive governance frameworks. The CIVICUS monitoring index for instance, downgraded Kenya's civic space from obstructed to repressed. Consequently the study makes a number of recommendations that include the following:

- That the state undertakes a through audit of the implementation of the 2010 constitution to determine the extent to which the relevant policies, laws and institutions have been enacted to safeguard the civic space.
- That the civil society organizations continue to play their role in holding the government to account on the implementation of the new constitution and to explore alternative funding mechanisms to enable them to continually conduct

their activities as opposed to the current time-bound and projectivized programs

- That the international community provide long term financial and technical support to CSOs. Moreover they should aspire to balance their support between the quest for the protection for civic and trade interests.
- Defenders Coalition should invest in the building of a resilient ecosystem of Human rights defenders (HRDs) by strengthening its institutional capacity, enhancing legal and psychosocial support systems and continuous improvement of digital and physical security.
- HRDs and the general population ought to acquaint themselves with the laws of the land to avoid contravening them and claiming persecution.
- The media should continue to advocate for their freedom and guard against censorship by the state.

## ACKNOWLEDGEMENT

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The civic space in Kenya, as in the majority of countries in the world, continues to shrink. To localize and understand our context, stakeholders must continuously take interest in studies that generate relevant data for advocacy, programming and addressing the issues.

Through this study, the Defenders Coalition has gathered relevant data on trends in civic space in Kenya. This was aimed at contributing to the discourse and developing solution-oriented recommendations in a quest to safeguard the civic space in the country.

We extend gratitude to our Executive Director Kamau Ngugi, Gloria Madegwa, Obino Nyambane, and Wallace M Nderu, who were very instrumental in the conceptualisation of this study and seeing it come to life. They made time to conceptualize, review the proposal, inception reports, data collection tools, and the draft report before validation. Their invaluable insights, comments, and strategic guidance made this research a success. The team at Defenders Coalition facilitated and ensured that the Researchers had contact persons in each county the study was conducted for ease of research.

Our gratitude goes to Prof Ferdinand Okwaro, lead researcher, Ms Mary Gathegu and Mr Kepta Ombati, co-researchers for their time, dedication and professionalism throughout their entire study. They developed the study roadmap, study parameters, tools for data collection, ensured field researchers were adequately trained, conducted interviews, analysis of findings and submitting the final report. Throughout the study, they ensured that Defenders Coalition was kept informed at every stage.

We extend gratitude to the team of researchers, data collectors, data analyst and field supervisors who played a critical role in ensuring that all the necessary data required was gathered, analysed and shared in a timely manner. We thank all the focal point HRDs in the various counties who ensured the researchers met all the key informants who shared their perspectives for the study. We do sincerely thank each and every individual who was part of the in-depth interviews or the focus group discussions, their invaluable insights, comments and opinions greatly informed the findings of the study. Gratitude is extended to all the partners who honoured our invitation for the validation of this study, their comments, insights and ideas contributed greatly and enriched the findings and finalisation of the report.

We thank the Mott Foundation, Embassy of Sweden in Kenya, and Sigrid Rausing Trust for their financial contribution to this research.



## 1.0 Introduction

The concept of civic space has been defined in various ways by different scholars, organizations and think tanks. Organizations such as CIVICUS, the International Centre for Not-for Profit Law, Article 19 and the CIVIC space Initiative have all provided useful definitions, commonly used by practitioners. One definition adopted by these institutions conceive civic space as the set of conditions that allow civil society and individuals to organize participate and communicate freely and without discrimination to Influence the political and social structures around them. For the purposes of this report, we adopt Malena's (2015) definition that conceptualizes civic space as the set of conditions that determine the extent to which all members of society, both as individuals or in informal or organized groups are able to freely, effectively and without discrimination exercise their basic civil rights. Key among these are rights to information, freedoms of expression, assembly, association and participation. These rights are enshrined in international law and in the constitutions and legal frameworks of many countries around the world. A critical aspect in the curation and safeguarding of civic spaces lies in a country's constitution and accompanying legal frameworks.

Kenya's civic space legal landscape is a dynamic interplay between constitutional guarantees, legislative frameworks, judicial oversight, civil society activism and international obligations. The constitution establishes the legal foundation for protecting civic space, providing a framework for litigation in case of violations. Kenya enacted a new constitution in 2010 that has been described as one of the most progressive globally. Some of the key areas reviewed and reformed by the new constitution include equality and inclusive citizenship, principles of governance including the inclusive participation of citizens and communities in governance, electoral system, devolution, land, government accountability, public service, criminal justice system; the legislature, the judiciary system and the security sector. With respect to human rights and the civic space, the new constitution identified the freedom of expression, association and assembly as the cornerstones of civic space and entrenched them in articles 33, 36 and 37. Article 2 (5) of the constitution domesticates into international law, treaty or convention ratified by Kenya.

While hailing the passing of the new constitution, analysts for the Kenyan civic space and post 2010 political dispensation have observed that the promissory of the new order has not been fully realized. While several gains have been made in enhancing and safeguarding the civic space, trends and experiences over the last couple of years point to an onslaught on the civic space where the state has both overtly and in subtle ways constrained the civic and democratic space through punitive and prohibitive governance frameworks targeting individuals, Public Benefits Organizations (PBOs), Faith Organizations (FBOs), media organizations, trade unions, Constitutional Commissions

among other independent state and non-state actors.

It is against this backdrop of a state that dithers in the protection of the civic space that this project to assess the perceptions of the public on the trends in the civic space in Kenya was conducted. The findings of this study inform strategic advocacy and capacity-building initiatives, for relevant stakeholders, that aim to address repressive norms, laws and regulations and advocate for the implementation of enabling legislation and policies that support the work of human rights defenders (HRDs), civil society organizations (CSOs), community-based organization (CBOS) and the media in protecting the civic space for the Kenyan public.

## 1.1 Objectives of the project

The overall objective of this project was to analyze the trends in the civic space in Kenya to identify the opportunities and challenges for non-state actors, key stakeholders and policy makers at the local, national, regional and international levels safeguarding the civic space. This overall objective was divided into three specific objectives listed below:

- a) To gather information on the prevailing perceptions of the public, human rights defenders, CSOs, PBOs on civic space and their role in safeguarding it among public and duty bearers.
- b) To document changes on the civic space after the commencement of the PBO Act, 2013.
- c) To obtain baseline information on the condition of the civic space on the following parameters: a) freedom of information and expression; b) freedom of assembly; c) freedom of association; d) citizen participation; e) non-discrimination and inclusion; and f) human rights and rule of law.

## 1.2. Study design and methodology

This project employed a cross-sectional mixed method study design involving primary and secondary data collection techniques. The different tasks were subdivided into 3 work packages each with a distinct methodology as described in detail below.

### 1.2.1. Secondary data review of laws, regulations and trends

This involved a secondary data review of laws, regulations and published literature on the civic space trends at global, regional national and local levels. All relevant documents pertaining to the public's understanding, regulation and performativity of civic spaces were collected, collated and reviewed.

### 1.2.1.1 Data analysis

The main method of data collection was document review i.e. the systematic collection, documentation, analysis, interpretation and organization of disparate forms of data into a report presented as chapter 2.

### 1.2.2 Primary data collection

Primary data was collected on the perceptions of HRDs and members of the public on the nature of and changing trends of the civic space in Kenya. This data was collected by a mixed-method approach involving qualitative and quantitative methodologies: a survey with members of the public and in-depth interviews (IDIs) with staff of CSOs, CBOs, trade unions, HRDs and other groups within the human rights defense constituency.

#### a) Survey

A national survey was conducted with 2,048 members of the public of all genders to examine their perception of the trends in the civic space in Kenya immediately after the promulgation of the new constitution and after the inauguration of the Kenya Kwanza regime in 2022. A national representative sample was calculated to obtain statistically significant study findings. 36 research assistants were recruited and trained for two days (on the 26<sup>th</sup> and 27<sup>th</sup> of February 2025) and deployed to the field to collect the data. A team of three data collectors was deployed in each of the 10 counties selected and data was collected between the 3<sup>rd</sup> and the 10<sup>th</sup> of March 2025. HRDs were used as contact persons in every county to help in mobilizing members of the general public to participate in the study.

#### b) In-depth Interviews (IDIs)

This method was employed to obtain insights from staff of CSOs, CBOs, trade unions, media personnel, HRDs and other groups within the human rights defense sector. 38 in-depth interviews were conducted with purposively selected informants with experience of the trends in the civic space in Kenya. The IDIs were conducted by two researchers, (interviewer and notes-taker) using an in-depth guide. The themes covered in the IDIs included perceptions on the civic space pillars of freedom of association, expression, right to information, public participation and respect of human rights and the rule of law. All IDIs were audio-recorded with consent from the informants.

### 1.2.2.1 Data analysis

#### Quantitative (Survey)

After all surveys were completed, the data was downloaded and analysed. The analyses included the following:

- Descriptive statistics to summarize the data using basic frequencies to measure

the prevalence of certain responses were employed.

- Cross tabulations to analyze the relationship between two or more categorical variables.
- Correlations to analyze the relationship between two or more quantitative variables.
- Logistic regressions to analyze the relationship between two or more variables while controlling for other extraneous variables.

### Qualitative (IDIs)

The audio-recorded data was transcribed verbatim and de-identified by using ID numbers in place of names. Interviews that were not conducted in English were translated to English and back translated to ensure no distortion of information during the translation. All interviews were analysed following the general approach of content analysis. This involved reading through the verbatim transcriptions and notes to gain an understanding of what was being expressed by the participants, noting down emerging themes and patterns in the data and condensation of the data, followed by the creation of units of analysis which were then condensed into codes, while ensuring the core meaning was not lost or distorted. The codes were used to generate categories and condensation of related categories into themes that convey the meaning of the data. The analysis was done manually, guided by general questions, specific questions, and comparisons.

## 1.3. Triangulation

The data from the different methodologies – secondary data from the desk review – and primary data from survey and IDIs were combined to write this report. Iterative analysis where data from different methods was used with discrepancies and divergences between different data sets reflexively accounted for.

## 1.4 Develop advocacy strategy for engagement at various levels

The findings generated from primary and secondary data were used to identify opportunities, and lessons learned and recommend how Defenders Coalition and other CSOs can employ strategic actions at the local, national and regional levels to address the shrinking civic space. Recommendations target the legislature, AU/ACHPR member states, UN Human Rights Council the regional/international advocacy mechanisms, media and civil society as key stakeholders.

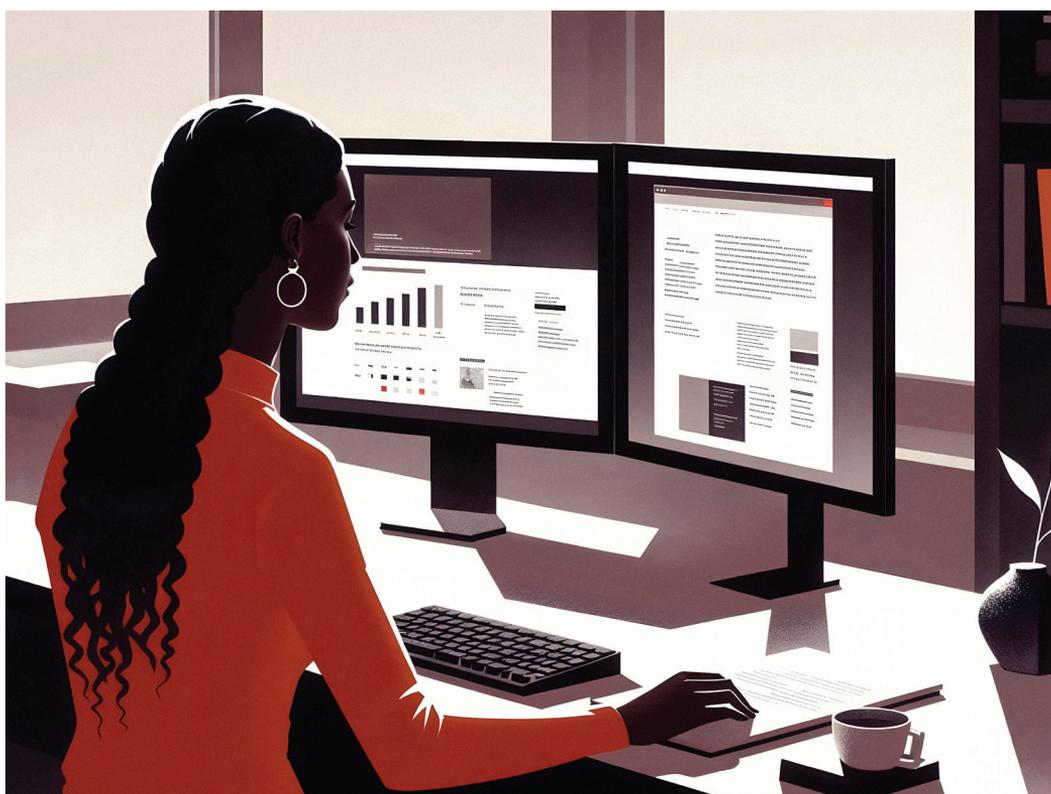
### 1.4.1 Validation

A one-day validation and co-creation workshop was conducted on the 3<sup>rd</sup> of September 2025, involving the DC and other stakeholders to brainstorm on the findings and identify advocacy strategies to protect the civic space in Kenya.

## 1.5 Ethics considerations

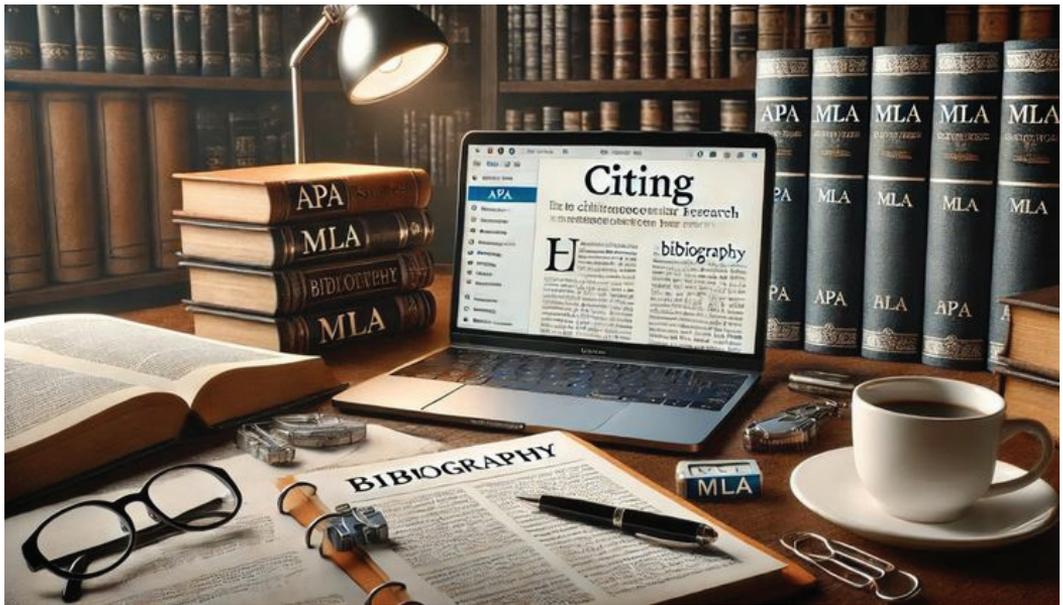
This research project engaged people in discussions, interviews and conversations to seek their views on their perceptions on the shrinking civic space in Kenya. It was thus guided by and adhered to commonly stipulated ethical guidelines and principles, that included individual informed consent, confidentiality, voluntary participation and protection from harm.

This research project was approved by the Daystar University Ethics Committee (permit number DU-ISERC-00132) and the National Council for Science Technology and Innovation (NACOSTI) (permit number (NACOSTI/P/25/414673)).



# Chapter Two:

## Civic Space Literature review and trends post 2010



## 2.0 Definition and components of civic space

### 2.1 Civic space

There is no consensus on definition of civic space; consequently, there are many definitions. This study defines civic space as the set of conditions that determine the extent to which all members of society, both as individuals or in informal or organized groups are able to freely, effectively and without discrimination exercise their basic civil rights (Malena 2015). Key among these are rights to information, expression, assembly, association and participation. These rights are enshrined in international law and in the constitutions and legal frameworks of many countries around the world.

Civic space encompasses a wide range of factors. The key factors are legal, policy, administrative, economic, customary and cultural factors (ICNL & UNDP, 2021: 2). These in turn can be classified into 3 broad categories of determinants. These are the society's structures, resources and culture. The country's laws, rules and regulations and its institutional framework constitute the structures. Resources consist of financial and non-financial assets owned or available to the country while culture consists of the written and unwritten values, norms and attitudes of a country or society. These factors determine the extent to which members of any given society are able to participate in public affairs and the extent to which meaningful and vibrant civic life or civil society is possible.

Studies (European Civic Forum (ECF), 2024; KHRC, 2021; Civic Freedoms Forum (CFF) & PEN Kenya, 2023; Osogo, 2024; Tanzania Human Rights Defenders Coalition (THRDC), 2023; Kameri-Mbote, 2000) show that legislative, policy, and regulatory frameworks have a great impact on the civic space. ECF (2024) lists 6 elements that are crucial for an open and vibrant civic space. These are a conducive institutional, political and socio-economic landscape; a supportive legal and regulatory framework for civic freedoms; duty on public authorities to protect civil society actors and human rights defenders from attacks in the performance of their work; supportive legislation on funding; obligation on governing bodies to pursue policies and narratives that empower citizens and their organization and civil society resilience to challenges to democracy, the rule of law and fundamental rights.

### 2.2 Theoretical foundations of civic space

The concept of civic space draws on a rich intellectual lineage. Locke's (1689) theory of natural rights underscored life, liberty, and property as inherent rights, while Rousseau's (2002) social contract posited governance as a consensual arrangement between citizens and the state. Hobbes (1677) emphasized order through authority, whereas Mill (1859) championed individual liberty. Tocqueville (1835) highlighted civic associations

as pillars of democracy. More contemporary contributions include Habermas's (1984) theory of communicative action and the public sphere, which views the civic space as a forum for deliberative democracy; Sen's (1999) capability approach, which links freedoms to human development; and the Human Rights-Based Approach (HRBA) (UNSDG, 2003) which frames development through universality, equality, participation, and accountability. This study integrates Rousseau's social contract and the HRBA, interpreting the Constitution of Kenya, 2010 (CoK 2010) as a covenant obligating the state to safeguard rights in exchange for legitimacy.

The central assertion of the social contract is that law and government are not natural but rather creatures of convention among individuals motivated by the need to establish social order and protect the rights and freedoms of the individual. The cost of this is the agreement to surrender some of the individual rights and freedoms and to submit to authority. However, such submission is valid and the right or authority to govern is only legitimate to the extent that each party fulfils their obligations under the social contract. The Constitution of Kenya, 2010 (COK, 2010) is the social contract among the Kenyan people and between the people and the Kenya state. This social contract requires the state to uphold and protect the people's rights and interests in return for the right and legitimacy to govern.

The HRBA is normatively based on international human rights standards and operationally directed to promoting and protecting human rights (UNICEF Finland, 2015). This approach is based on the assumptions that inequalities lie at the heart of development problems; that it is imperative to redress discriminatory practices and unjust distributions of power for development to be achieved; that failure to address these development problems will impede development progress; and that this often result in some people being left behind. Accordingly, HRBA is founded on 6 key principles; universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, and accountability and the rule of law (UN, 2003). The UN requires that development cooperation should contribute to the development of the capacities of duty-bearers to meet their obligations and of rights-holders to claim their rights (UNSDG, 2023). Consequently, all programmes of development co-operation, policies and technical assistance should further the realization of human rights as laid down in the UDHR and other international human rights instruments.

### **2.3 Components of Civic Space**

Civic space is sustained through six interlinked components, each grounded in international human rights instruments and enshrined in Kenya's Constitution of 2010. Together, they safeguard participation, dignity, and democratic governance.

### **2.3.1. Freedom of Association**

Freedom of Association enables individuals and groups to form organizations, unions, political parties, and networks for collective action, advocacy, and service delivery. Internationally, this freedom is protected under the Universal Declaration of Human Rights (UDHR, 1948: Article 20) and the International Covenant on Civil and Political Rights (ICCPR, 1966: Article 22). Domestically, it is protected under the Constitution of Kenya (2010: Article 36), which guarantees formation and membership of associations without undue interference.

### **2.3.2. Freedom of Information and Expression**

Freedom of information and expression is the foundation for accountability, dialogue, and informed participation in governance. Includes seeking, sharing, and debating ideas freely. This freedom is anchored in UDHR (1948: Article 19) and ICCPR (1966: Article 19); and domesticated in the Constitution of Kenya (2010: Articles 33 and 35), which guarantee free expression, access to information, and protection against hate speech and incitement.

### **2.3.3. Freedom of Assembly**

Freedom of Assembly secures the right to gather peacefully for protest, petition, or solidarity, enabling citizens to influence public policy and hold leaders accountable. This freedom is protected under UDHR (1948: Article 20(1)), ICCPR (1966: Article 21); and domestically under the Constitution of Kenya (2010: Article 37), which safeguards peaceful and unarmed demonstrations and petitions to authorities.

### **2.3.4. Citizen Participation**

Citizen Participation ensures direct involvement of people in decisions affecting their lives, including voting, oversight, and consultation. Central to democratic legitimacy and responsive governance. Rooted in UDHR (1948: preamble, Articles 1 and 7); in Kenya, it is guaranteed under Articles 69(d), 196(1)(b), and 201(a) of the Constitution of Kenya (2010). Collectively these articles institutionalize public participation in environmental governance, county assembly business, and financial management.

### **2.3.5. Human Rights and the Rule of Law**

Human rights and the rule of law provide the normative framework that ensures equality, dignity, and fairness. Without them, civic freedoms remain unenforceable. Universally, human rights and the rule of law are protected under the Article (2) of the UDHR (1948) and Article 2(1) of the ICCPR (1966:). In Kenya, it is enshrined in Articles 19–21 of the Constitution of Kenya (2010), which establishes the Bill of Rights as the foundation of public policy and obligates the state to respect, protect, and fulfill rights.

### **2.3.6. Non-Discrimination and Inclusion**

Non-discrimination and inclusion guarantee that all individuals, regardless of gender, ethnicity, status, or identity, enjoy equal rights and access to civic participation. This promotes social cohesion and prevents marginalization. Universally, non-discrimination and inclusion is protected under Article 2 of the UDHR (1948) and Article 2(1) of the ICCPR (1966). In Kenya, it is protected under Article 10 of the Constitution of Kenya (2010), which stipulates inclusiveness and non-discrimination as binding national values guiding law, policy, and governance.

These six components form the backbone of civic space. International human rights law sets the universal standards, while the Constitution of Kenya 2010 provides robust national guarantees. Together, they ensure citizens can organize, speak, assemble, participate, live under fair governance, and do so without discrimination, making civic space both a constitutional right and a democratic necessity.

## **2.4 Categorization of Civic Space**

CIVICUS (2024) categorizes civic space as open, narrowed, obstructed, repressed, or closed. Open spaces protect fundamental freedoms while closed spaces eliminate independent civic activity. Narrowed spaces impose legal and administrative barriers and when this escalates it becomes obstructed. When obstructed spaces are further aggravated, they become repressed spaces which involve systematic violations. Kenya's civic space has oscillated within this spectrum over the last decade, reflecting shifts in governance and political climate.

## **2.5 Legislative, Policy, and Regulatory Frameworks and their Impact on Civic Space in Kenya**

Kenya's civic space is shaped by the interplay of constitutional guarantees, statutory laws, policies, and institutional frameworks. Since 2010, the Constitution of Kenya (CoK 2010) has provided a robust foundation for civic freedoms. However, successive regimes have alternated between expanding and constricting this space through legislative reform, restrictive statutes, institutional capture, and policy manipulation.

### **2.5.1 The constitution of Kenya 2010**

The Constitution of Kenya 2010 provided a transformative framework. It established the Bill of Rights (Articles 33 – 37), protecting freedom of expression, association, assembly, and access to information. It obligates the state to respect, protect, promote, and fulfill civic rights (Article 21). It reintroduced separation of powers and created 47 county governments, dispersing power and opening avenues for local participation. It also created an independent judicial system, enabling courts to protect rights. Without it, ruling such as in the 2017 election annulment and the 2021 Building Bridges Initiative

(BBI) ruling would not have been possible.

However, implementation gaps have limited the transformative potential of the Constitution. The constitution's progressive promise has been undermined by political resistance and defiance. The state has often defied court orders (for instance in the Miguna Miguna deportation case) and frustrated operationalization of supportive laws (such as the PBO Act), both under the Uhuru administration. Consequently, while the Constitution created unprecedented opportunities for open civic space, state reluctance and institutional capture diluted its transformative potential.

### **2.5.2 The Public Benefits Organizations (PBO) Act 2013**

The Public Benefits Organizations (PBO) Act 2013 was passed in 2013 to replace the restrictive NGO Coordination Act (1990). For instance, the old NGO Act allowed arbitrary deregistration and harassment while the PBO Act 2013 introduced clearer, fairer registration procedures and appeals and promoted self-regulation through CSO umbrella bodies. It also established the Public Benefit Organizations Regulatory Authority (PBORA) to replace the infamous Moi-era NGOs Co-ordination Bureau. The hallmark of the PBO Act 2013 was a modern framework recognizing PBOs as legitimate actors.

However, despite enactment in 2013, PBO Act 2013 remained in limbo for 10 years due to state resistance. Only in 2024 was it finally operationalized, restoring credibility but amid growing repression of protests.

Thus, a potentially enabling law was stifled for a decade, demonstrating the Kenyan state's egregious disregard of the civic space and resistance to an open society and independent civil society.

### **2.5.3 The National Laws and Policies**

The immediate period post 2010 was characterized by reforms. These early reforms expanded civic freedoms. Laws such as the Leadership and Integrity Act (2012), Elections Act (2011), IEBC Act (2011), and County Governments Act (2012) institutionalized accountability and participation while key policy frameworks such as the Kenya Vision 2030 Medium-Term Plans emphasized inclusion.

However, the state also enacted repressive laws undermining civic space. These include the Security Laws (Amendment) Act (2014) which curtailed freedoms; the Computer Misuse and Cybercrimes Act (2018) which criminalized "false information" and "cyber harassment"; and the Public Order Act which restricted protests. State practices included weaponization of law, extrajudicial killings, and contempt of court. Public participation was often tokenistic (for instance the Finance Bill 2023 hearings). The initial expansion of the civic space was therefore upended by restrictive statutes, securitization, and

selective enforcement.

#### **2.5.4 The International and Regional Legal Frameworks**

Kenya is a signatory to the UDHR, ICCPR, ICESCR and the African Charter on Human and Peoples' Rights (ACHPR). Under Article 2(6) of the COK 2010, the international and regional legal frameworks to which Kenya is a signatory form part of the country's laws. Kenya is therefore committed to, and bound by, the international standards established under these laws. The UDHR, ICCPR, ICESCR and the ACHPR) guarantee freedoms of association, assembly, and expression. In addition, soft law such as the Guidelines on the Freedom of Association and Assembly in Africa (FOAAA) (ACHPR, 2017) further reinforce civic protections.

However, ratification has not always meant compliance. For instance, Kenya has violated international obligations on numerous occasions including during electoral crises in 2013, 2017, and 2023 and during the Gen Z and protests of 2024 and 2025. Limited regional enforcement weakens accountability.

While international frameworks provide strong normative backing, weak domestic adherence has had the net effect of undermining compliance.

#### **2.5.5 The Institutional Frameworks and State Conduct**

Independent institutions such as the Judiciary, KNCHR, IPOA, EACC, and CAJ are designed to provide oversight and accountability while devolution provides opportunity for citizens and their CSOs to influence governance locally. The Judiciary on the other hand has played a critical role in protecting the civic space through landmark rulings.

However, state capture and underfunding has weakened the independence and effectiveness of these institutions. The Judiciary's budget, for instance, was slashed by 75% in 2017 after the ruling annulling the disputed presidential results in 2017 (ICJ-Kenya, 2019). Similarly, KNCHR and IPOA remain underfunded, and their recommendations ignored. On the other hand, Parliament passed restrictive laws with little participation while Executive overreach eroded trust.

While the institutional architecture under the CoK 2010, provides better guardrails to the civic space compared to the pre 2010 period, interference and politicization undermined the ability of the myriad institutions to safeguard civic space.

The 2010 Constitution created a strong rights-based framework while devolution expanded grassroots participation. Judicial independence and constitutional commissions such as the KNCHR have strengthened protection of the civic space while

operationalization of the PBO Act in 2024 resolved ambiguity and restored legal clarity. However, selective enforcement of the constitution and progressive laws, repressive statutes and weaponization of the law continue to curtail freedoms and undermined civic space. In addition, institutional capture and disregard of judicial authority hollowed out protections while persistent securitization entrenched hostility toward civic actors.

It is therefore evident that Kenya's civic space since 2010 has been marked by a conflict between elevated normative standards and constitutional promise on the one hand, and a state and political culture hostile to rights and freedoms and therefore an open civic space. While laws and policies initially opened participation, successive regimes have enacted repressive legislation, captured institutions, and undermined public trust. The operationalization of the PBO Act in 2024 marked progress, yet coincided with intensified repression of protests, highlighting Kenya's enduring paradox: a progressive legal framework continually undermined by authoritarian practice.

## **2.6 The Role and Impact of State and Non-State Actors on Civic Space in Kenya**

Civic space is shaped by the actions of both state and non-state actors. Under international human rights law, the state has the primary duty to respect, protect, and fulfill human rights (UDHR, 1948), while non-state actors also bear responsibilities to respect rights and safeguard democratic institutions (UNGA Resolution A/RES/53/144). The interaction of these actors has alternately expanded and contracted Kenya's civic space since 2010.

### **2.6.1 The State**

The Constitution of Kenya (2010) obligates the state to uphold rights and freedoms (Article 21). The judiciary has played a critical role in protecting civic space through landmark rulings such as the 2017 annulment of presidential elections and the 2021 invalidation of the Building Bridges Initiative (BBI). In 2024, courts issued orders against police brutality during protests, affirming judicial independence and protection of rights. Independent commissions such as the Kenya National Commission on Human Rights (KNCHR), the Independent Policing Oversight Authority (IPOA), and the Ethics and Anti-Corruption Commission (EACC) have provided oversight and accountability mechanisms. Devolution further created spaces for citizen participation in governance.

However, the executive and legislature have frequently undermined civic space through repressive laws, securitization, and disregard of judicial decisions. Examples include the Security Laws (Amendment) Act (2014), the Computer Misuse and Cybercrimes Act (2018), and repeated restrictions on protests. Security agencies have engaged in extra-judicial killings, arbitrary arrests, abductions, and surveillance of activists and

journalists while independent institutions have been weakened through underfunding, political capture, and intimidation. Parliament, on the other hand has become an accomplice of the state, introducing and fast-tracking restrictive bills with limited public participation, undermining the transformative vision and potential of the CoK 2010 as well as constitutional democracy.

### **2.6.2 Non-State Actors**

Kenya has one of the most vibrant civil societies and media landscapes in Africa. Civil society organizations (CSOs) have been central in advocating constitutionalism, human rights, and accountability (Osogo, 2024) while the media and digital activists provide platforms for expression, watchdog functions, and mobilization against government overreach. Non-state actors also engage in strategic litigation, budget monitoring, and coalition-building, expanding accountability at both national and county levels. Faith-based organizations and grassroots movements contribute to social cohesion, peacebuilding, and civic education.

However, despite their resilience, CSOs and the media face sustained harassment, deregistration threats, asset freezes, smear campaigns, and surveillance. Human rights defenders are frequently targeted, while journalists and bloggers face arrests and intimidation (Article 19, 2020). In a study of the impact of civil society regulation in Kenya, Jillo (2009) identified five structural barriers that continue to limit civic engagement: legal and regulatory barriers to entry, restrictions on operational activity, constraints on speech and advocacy, limitations on contact and communication, and impediments to accessing resources. Recent studies show that these challenges persist.

Activists and journalists in Kenya report increased state surveillance and digital threats, especially during protests or electoral periods (Pflanz, 2025). The state has also promoted pro-government NGOs (GONGOs) to dilute independent voices and compete for donor funding and discouraged foreign funding for independent CSOs (CIVICUS, 2024).

The interplay between state and non-state actors defines the size, character and trajectory of Kenya's civic space. While the judiciary and civil society have acted as bulwarks against authoritarian tendencies, the executive and legislature have repeatedly restricted freedoms through hostile legislation, securitization, repression, and weaponization of the law. Non-state actors continue to defend democratic space but face persistent risks. Civic space in Kenya thus remains contested, oscillating between constitutional promise and political repression.

## **2.7 Trends and development of Civic space in Kenya from 2010 – 2024**

It is globally acknowledged that the primary responsibility and duty to ensure the respect, protection and fulfillment of human rights and fundamental freedoms lies with

the State (UDHR, 1948). The evolution of Kenya's civic space can therefore be analyzed against political regimes. Kenya has experienced 3 administrations between 2010 and 2024. These are the Kibaki administration (2010 – 2013), the Uhuru administration (2013 – 2022) and the Ruto administration (2022 – 2024). While the focus of this project is the post 2010 era, it is necessary to briefly evaluate the pre 2010 period to contextualize the new constitution and the emerging political and civic dynamics.

### **2.7.1 Pre-2010 era**

Kenya's civic space before 2010 was shaped by constitutional amendments that centralized power, weakened institutional checks, and entrenched authoritarian rule (Murunga & Nasong'o, 2007). Repression of civil liberties, restrictions on association and assembly, and securitization of dissent characterized this era. However, multiparty democracy in 1991, minimal legal reforms 1997, and growing demands for comprehensive constitutional reforms culminated in the Constitution of Kenya (2010), a transformative social contract that provides robust protection of the civic space (KHRC, 2021).

### **2.7.2 The Kibaki Administration (2002–2013)**

The Kibaki era represented both continuity and transformation. Its crowning achievement was the promulgation of the 2010 Constitution, which guaranteed freedoms of expression, assembly, association, and access to information (Republic of Kenya, 2010). Devolution provided citizens with new participatory avenues, while a liberalized media landscape broadened public discourse (Cheeseman et al., 2016). Under the Kibaki administration, and especially after 2010, public participation was legally institutionalized in governance through devolution, allowing citizens to engage more directly with county governments (Chopra, 2013).

Yet, repression persisted. Security forces brutally suppressed protests, particularly after the 2007 elections, where hundreds were killed (Waki Commission, 2008). Implementation of constitutional reforms lagged, while transitional justice and police accountability reforms largely ignored (Human Rights Watch, 2013). Journalists and human rights defenders faced harassment, revealing weak enforcement of constitutional protections (Article 19, 2012). Civic space during this period expanded institutionally but was undermined by violent repression and uneven implementation of reforms.

### **2.7.3 The Uhuru Kenyatta Administration (2013–2022)**

The Uhuru era embodied a paradox of digital openness and legal repression. Progressive reforms included e-government platforms, Huduma Centers, and the Access to Information Act (2016), strengthening transparency and digital civic engagement (World Bank, 2018; Article 19, 2017). The Open Government Partnership (OGP) commitments under the administration created platforms for civil society to collaborate with state agencies

on transparency and anti-corruption (OGP Kenya, 2020). Constitutional commissions like KNCHR and EACC provided oversight but were often undermined (Katiba Institute, 2021).

However, simultaneously, securitization became entrenched. The Security Laws (Amendment) Act (2014) and Computer Misuse and Cybercrime Act (2018) introduced vague restrictions curtailing assembly and expression (CIVICUS, 2018; Article 19, 2020). Civil society organizations (CSOs) like KHRC, AFRICOG, Haki Africa and MUHURI faced deregistration, raids, and asset freezes, while extra-judicial killings escalated, with over 1,000 cases documented (Amnesty International & HRW, 2017). Journalists, bloggers, and online activists faced arrests, cyber-surveillance, and harassment.

The annulment of the 2017 presidential election by the Supreme Court showcased judicial resilience, though the executive undermined oversight institutions and entrenched impunity (Cheeseman et al., 2020; ICJ-Kenya 2019).

In this period, the potential for growth and expansion of the civic space due to legal innovations was undermined by systemic repression, with securitization and impunity overshadowing gains.

#### **2.7.4 The William Ruto Administration (2022–2024)**

The Ruto administration began positively by operationalizing the Public Benefit Organizations (PBO) Act (2013) in 2024, strengthening CSO legitimacy (Amnesty International, 2024). However, civic freedoms deteriorated sharply during anti-government protests in 2023–2024, which were met with live bullets, abductions, torture of online critics, and asset freezes targeting human rights organizations (KNCHR, 2024; HRW, 2024).

Proposed laws, including the Assembly and Demonstrations Bill (2024) and restrictions on NGO foreign funding, signaled authoritarian backsliding. CIVICUS downgraded Kenya from “obstructed” in 2022 to “repressed” in 2024, reflecting the violent securitization of dissent (CIVICUS, 2024).

The first two years of the Ruto administration have been characterized by mixed fortunes. The operationalization of the PBO Act was a great start. However, it proved to be a false dawn as it has been undermined by widespread repression, legislative rollback, and securitization of civic activism. The dominant trend is escalation of repression and illiberalism, characterized by aggravation of the state hostility towards legitimate civic activity, violent suppression of peaceful assembly and protests, extrajudicial killings, and abductions.

The above review shows a state that is persistently hostile to civic space. Continuities are reflected in the reliance on securitization, harassment of CSOs and media, selective implementation of constitutional protections, and disregard for court rulings. The bright side has been the judiciary. Across regimes, the judiciary provided critical pushback (such as the annulment of elections in 2017, BBI ruling in 2021, rulings against police violence in 2024). The main differences across the different administrations are that Kibaki oversaw constitutional expansion but weak enforcement, and Uhuru legalized repression under the guise of security, Ruto operationalized the PBO Act to signal reforms, but this was a false promise. Instead, he oversaw violent clampdowns and abductions.

Kenya's civic space has oscillated between promise and regression since 2010. While the Constitution established a progressive framework, successive administrations hollowed out its protections through repression, securitization, and impunity. The resilience of civil society and the judiciary remain vital counterweights, but without genuine political will, Kenya risks further democratic backsliding.

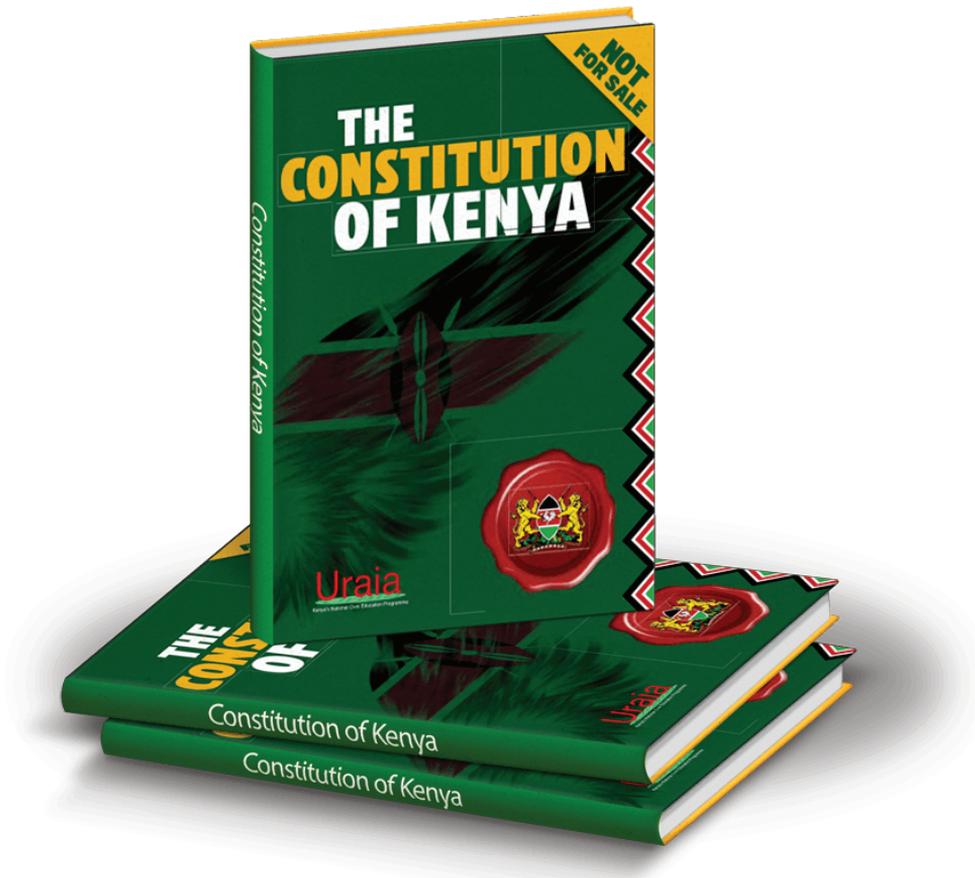
## 2.8 Conclusion

Kenya's civic space journey since 2010 has been both inspiring and cautionary. The Constitution of Kenya 2010 provided a strong foundation for participatory democracy, but successive administrations have hollowed out its promise through repression, manipulation of law, and disregard for rights. Consequently, the civic space has fluctuated across the CIVICUS spectrum, from narrowed to obstructed, depending on political cycles and regimes. Driven by the transformative promise of the Constitution of Kenya 2010, civic space initially expanded under a framework grounded on human rights and fundamental freedoms, public participation, and the rule of law.

This promise of the new constitution has often been undermined by a combination of state resistance, political interference, and institutional fragility. Delays in operationalizing progressive legislation, enactment of repressive laws, disregard of judicial decisions, and shrinking spaces for public participation have collectively reversed some of the early gains. Moreover, securitization, surveillance, and criminalization of dissent have increasingly characterized the Kenyan state-civic relations, especially in periods of electoral tension or public protest.

The oscillation between openness and restriction, especially during elections or major public debates and protests, signals a need for structural reform. The courts have offered pockets of protection, but their independence must be guarded. Civil society must continue to innovate using digital platforms, strategic litigation, and coalition-building to protect hard-won freedoms. In this context, defending and expanding civic space is not only a constitutional imperative in line with the assumptions and tenets

of the social contract theory but also a practical necessity for inclusive development, democratic governance, and the realization of human dignity for all Kenyans in line with the human rights-based approach framework for governance and development.



# Chapter Three

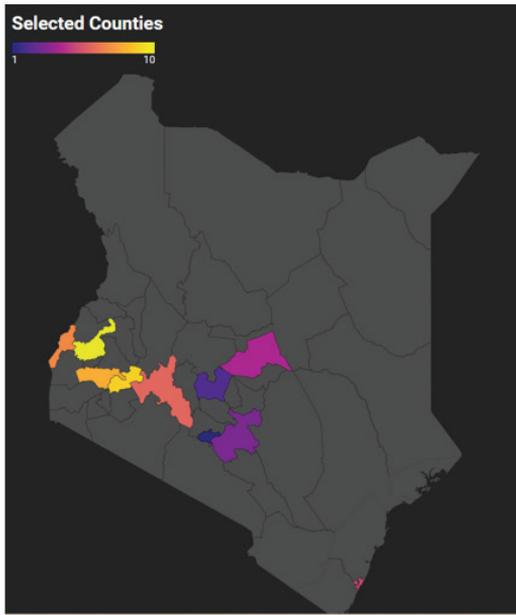
## Public Perceptions of Civic Space in Kenya



### 3.1. Socio-demographics of the Study population

#### a) Geographical distribution

The study population was by design, equally distributed within the 10 counties with each county recruiting a minimum of 192 respondents. Meru had the highest number of respondents at 222 while Nakuru had the lowest at 192.



Selected Counties	
1	Nairobi
2	Nyeri
3	Machakos
4	Meru
5	Nyeri
6	Nakuru
7	Busia
8	Kisumu
9	Kericho
10	Kakamega

#### b) Age range

This project sampled persons above the age of 18 years. Table 2 below shows the age distribution of the study population. 62% of the population was below 35 years of age, which meant that they were less than 20 years old when the new Kenyan constitution was promulgated in 2010. However, all of them were included as these age cohort is very active in Kenya's civic space as evidenced by the protests against the Finance Bill of 2024 (dubbed the GEN Z protests) as well as to obtain views from a wide age range of participants.

Value	Frequency	Percentage
21-25	428	21.11
26-30	381	18.8
31-35	305	15.05

36-40	248	12.23
41-45	153	7.55
18-20	132	6.51
46-50	124	6.12
51-55	90	4.44
56-60	69	3.4
Above 60	93	4.59

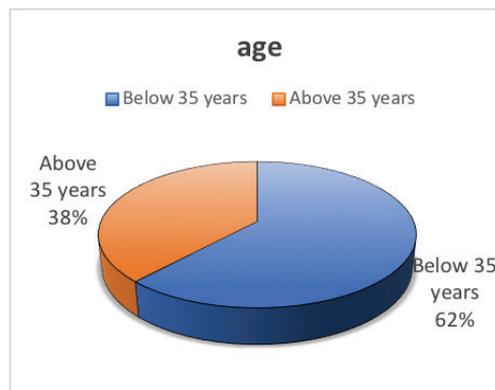
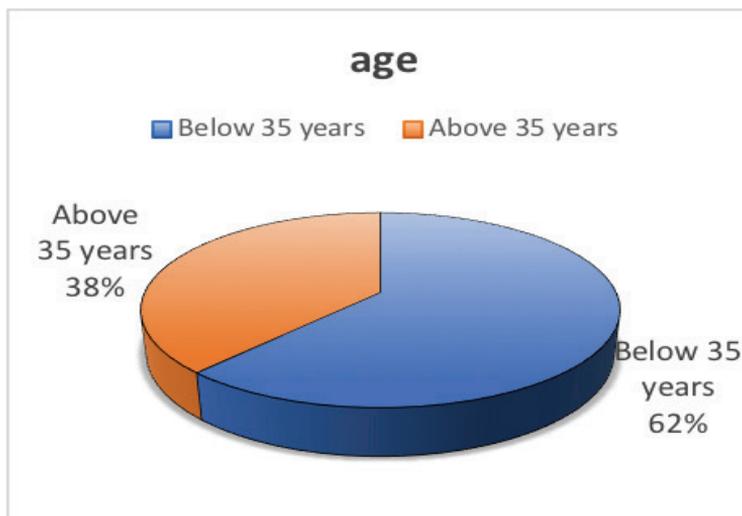


Table 1. Age range of participants

### c) Level of education

Almost half (48%) of the study population had either a college or university level of education. 33% completed secondary level education while 13% had primary school level education. Levels of education are critical to the study since persons with a higher level of education are assumed to be able to comprehend the language of the constitution and other legal documents such as bills and reports on civic space, which are usually written in English and therefore engage with the constitution.

**Figure 2:** Highest level of education completed



### d) Occupation

Over 70% of the study population identified as either employed or self-employed as the table below shows. Students constituted 13% of the sample while a similar percentage identified as unemployed.

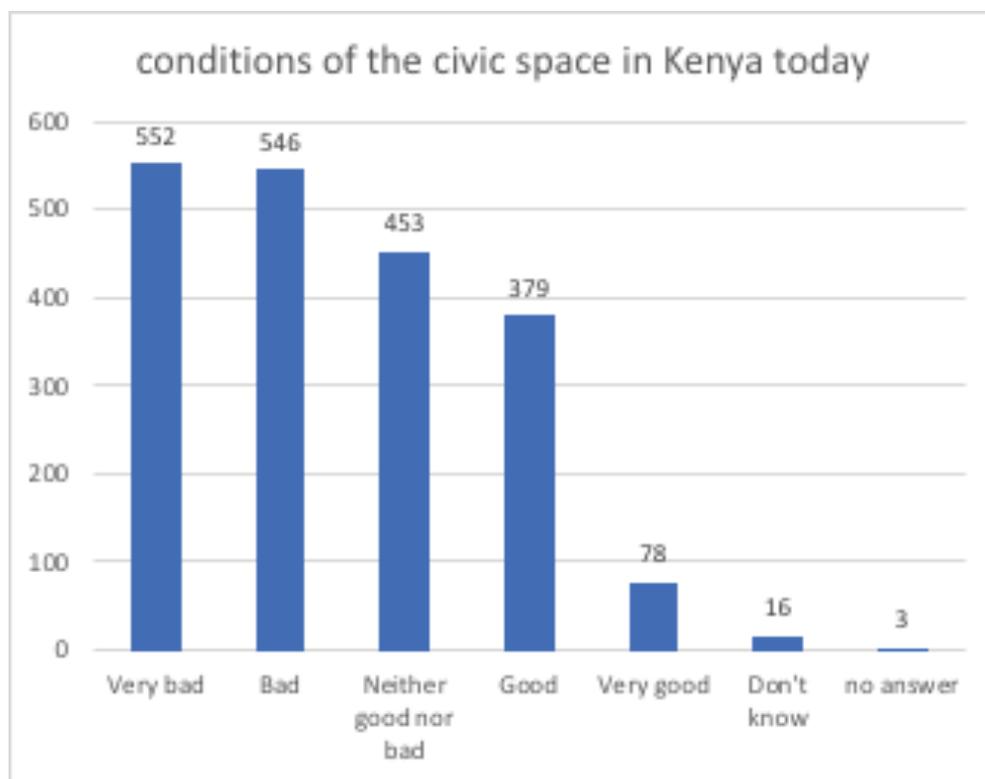
**Table 2:** Occupation

Value	Frequency	Percentage
Self employed	754	37.2
Employed	688	33.94
Student	272	13.42
Unemployed	269	13.27
Retired	43	2.12

### 3.2. General perception of civic space in Kenya

All the surveyed respondents were asked to state what they thought the general condition of the civic space was in Kenya today. As the bar chart below shows, over half (54%) of the respondents rated the conditions between bad and very bad. Only 23% of the population rated Kenya’s civic space as either good or very good. Another 22% stated that the general condition of civic space in Kenya was neither good nor bad.

**Figure 3:** Conditions of the civic space in Kenya today

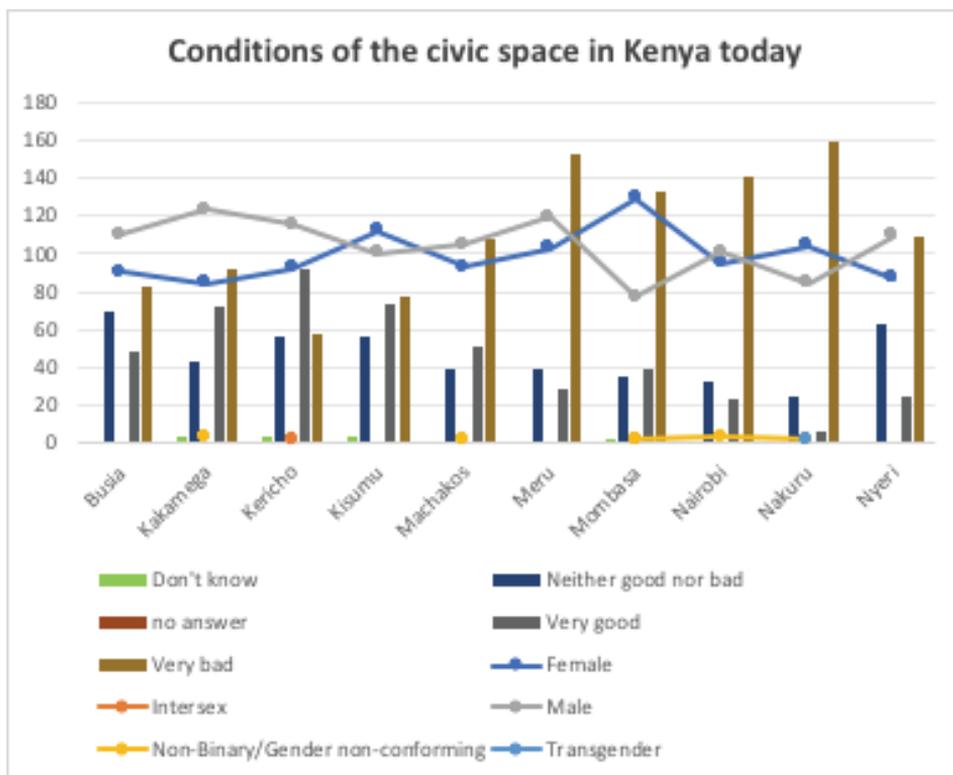


In most of the counties, IDI respondents painted a picture of a deteriorating and shrinking civic space as the quote below exemplifies.

*There has been a lot of tokenism to make it look like we are embracing public participation and enhancing the right to voice. But in essence it's not listened to. And what has happened is that it's culminated to violence during any spaces where people are expressing themselves including killings of innocent bystanders, killings of children, school-going children, innocent business persons, innocent protesters. So, there's not much that has changed. If anything, I think we are beginning to see a more shrinking civic space and a lack of transformation within this space*  
 (IDI informant 1 Nairobi)

When disaggregated per county, Nakuru (83.2%), Nairobi (70.8%), Meru (68.9%) and Mombasa (64.7%), stood out as the counties with the highest number of respondents rating the general conditions of the civic space in Kenya as bad or very bad. Kericho county was the only one to rate the general conditions of the civic space in Kenya as very good (see bar chart below).

**Figure 4:** Conditions of the civic space in Kenya today by County



In the IDIs conducted in Kericho, however, informants cautioned that the positive rating of the civic space by members of the public could be due to their long history of being in governments and consequently benefitting from favored state budgetary allocations and human resources absorption. As a result, residents felt that criticizing the government for constricting the civic space amounted to opposing 'their own government'. Similar sentiments were expressed in Nyeri where respondents felt that they would have better access to the government resources and services through lobbying their 'sons and daughters' who were employed in senior decision-making positions in the government as opposed to engaging in demonstrations or protests. Perceptions by the wider public and the civil society movement that the two counties of Kericho and Nyeri are economically better than most of the other counties had also led to less attention to civic education among the populace. These two quotes reproduced below exemplify these sentiments.

*For some reason, this place never received a lot of attention, even from our sector, civil society sector. And secondly, and maybe because of that and other reasons, it tends to be more conservative than the other side. So here, when you talk of civic space, this place has had a continuum of being pro system. Right from the time of Moi, during Kibaki's time... then after Kibaki, Uhuru. And Uhuru, again, the link is Ruto. So, you can see the same conservatism continues then after Uhuru it is Ruto (IDI informant 2 Kericho)*

*It has been a free space for everyone, but people felt like we were in power, so they didn't feel the need to keep on activating it. The general feeling was like, we are in power, so we can try and navigate this in other ways. For instance, they would say we have the PS (principal secretary) for water or forestry, etc. so rather than demonstrate on the issue of water or forestry, I can go to his house or office and get what I want. The civic spaces have been there but haven't really been utilized (IDI informant 1 Nyeri)*

### 3.3. Restrictions to civic space parameters

Respondents were asked whether they had faced any restrictions while exercising their rights to the various civil liberties that constitute civic space in the two years preceding the research. Their responses are summarized in table 5 below. With the exception of freedom of expression, slightly above 50% of the respondents stated that they had not experienced any restrictions in the exercise of their civil rights. Slightly over 47% of respondents stated they experienced restrictions in exercising their freedom of expression. Freedom of association and right of access to information appeared to be civil liberty that experienced the least restrictions.

**Table 3:** Restrictions on civic space parameters

Freedom and Right	Rate in %			
	No	Yes	Don't know	Prefer not to say
Freedom of peaceful assembly	50.76	46.92	1.43	0.79
Freedom of association	58.36	38.58	1.23	0.44
Freedom of expression	49.88	47.41	1.18	0.74
Access to information	56.49	41.0	1.33	0.44
Public participation	53.18	44.01	1.48	0.79
Discrimination and exclusion	54.22	42.62	1.68	0.79

A county-by-county analysis on whether respondents faced any restrictions while exercising their rights to their civil liberties over the last two years revealed outstanding county differences. These differences are discussed below.

#### a) Freedom of peaceful assembly

Although the overall findings from the counties showed that the majority of the respondents did not experience restrictions while exercising the rights to rights to their civil liberties, the counties of Meru, Mombasa and Nakuru had more than 50% of the populations reporting restrictions on their freedoms of peaceful assembly. As these two quotes from Meru and Nakuru show, these counties appeared to suffer restrictions on the peaceful assembly from county and national government agents.

*Huku hata mkifanya maandamano watakuwa na watu wa kucounter (here even when you protest, there will be people countering you) and at the end of the day this thing may end up being not peaceful. Like if the plan was to walk to town, wakifika hapa mbele kidogo wamepatana na goons na wameanza kufight (protestors encounter goons on the way and a fight erupts) and if the plan was to have a presser in town, it won't be done. You will just see on the TVs that Meru kunapiganwa (there was fighting in Meru) (IDI informant 1 Meru)*

#### b) Freedom of association

The inter-county assessment on the freedom of association revealed similarities with the views expressed under freedom of assembly with respondents from the three counties of Mombasa (71.7%), Nakuru (71.2%) and Meru (70.7%) experiencing the highest levels of restrictions to their freedom of association.

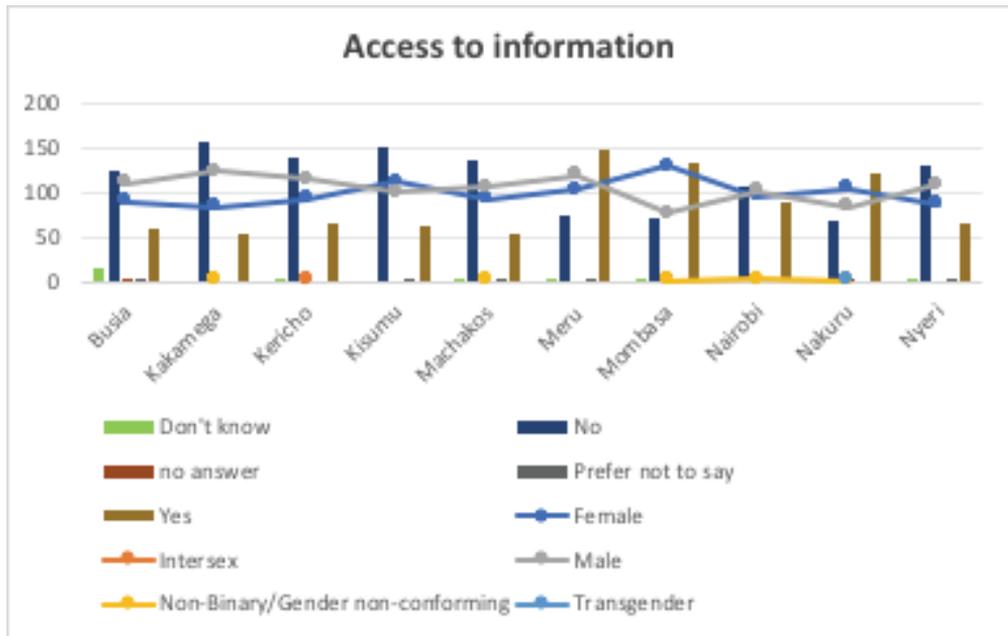
### c) Freedom of expression

The counties continued to show varying differences in their assessment of whether they experienced any restrictions to the freedom of assembly in the last two years. While Kericho and Kisumu ranked highest in the counties where residents had not experienced restriction, once again Meru (65.8%), Mombasa (64.1%) and Nakuru (62.8%) rated highest for counties experiencing restrictions in their freedom of expression. This quote from Mombasa exemplifies these sentiments.

*That is where we are in terms of freedom of expression for communities. We have seen them muzzled; we have seen our communities threatened. We also host a network of land and environment defenders. We have seen defenders clamped down upon, followed by vehicles at night by goons, unmarked vehicles, you know, intimidating our people, especially the ones that are more m/vocal on social media and all that. I'm sorry, this is not a very good situation to even think about at the moment. (IDI informant 1 Mombasa)*

### d) Access to information

**Figure 5:** Status of Access to information



The right of access to relevant information held by the public is a civic right that enables the citizen to demand accountability and good governance. While overall, the majority of the respondents stated that they had not been restricted in the access to information,

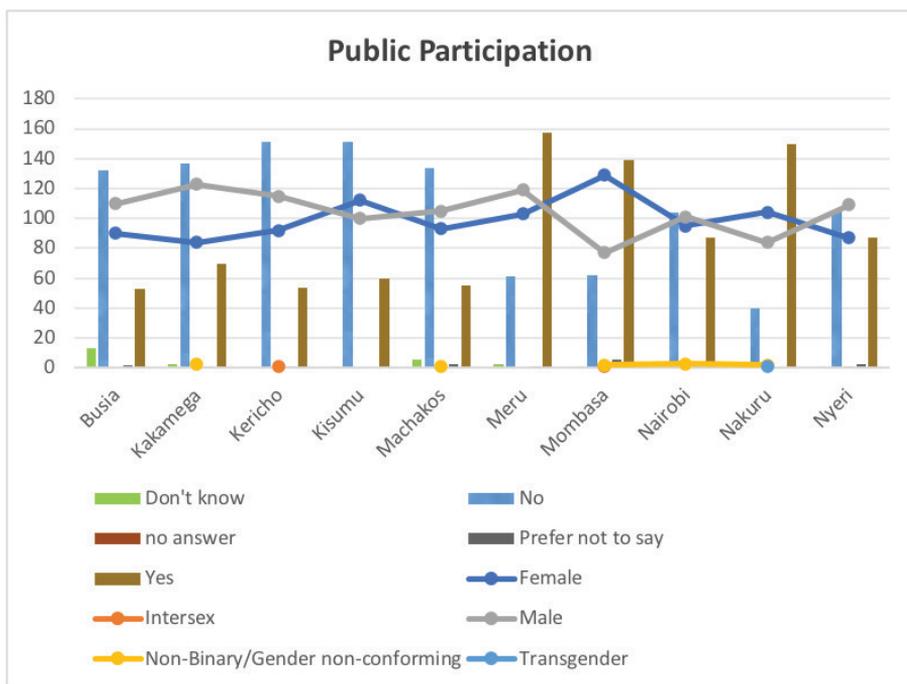
majority of the residents from the counties of Meru, Mombasa and Nakuru continued to experience restriction in the access to information as the bar chart above and the quote below shows.

*Access to certain information is very hard, I will give you an example of education bursaries, these came from the MP. The MP may indicate that he has given bursaries to say 60 children. To get the list of beneficiaries is tough because if they give you the list, you will realize that the MP gave 55 bursaries to children from his community and only five from the others (IDI Informant 1 Molo)*

**e) Public participation**

The bar chart below shows that with the exception of Meru, Nakuru and Mombasa, majority of the respondents from the rest of the counties had not experienced restrictions in public participation.

**Figure 6:** Status of public participation by County



**f) Discrimination and exclusion**

With regard to discrimination and exclusion, the counties of Nakuru, Meru, Mombasa and Nairobi had over 50% of the respondents stating that they had experienced discrimination and/or exclusion. In Meru and Nakuru, discrimination and exclusion

appeared to be linked to gender, political and tribal affiliation and disability.

*Yeah, here women are really discriminated against, and you cannot say anything because people will argue, you are woman why are you fighting another woman. Also, for PWDs, I don't think there is much that has been done about them because you hear there are kids locked in the house. Sexual minorities as well and for us here it is a cultural thing. It is taboo for instance to talk about the LGBTQ, yet we have them (IDI Informant 1 Meru)*

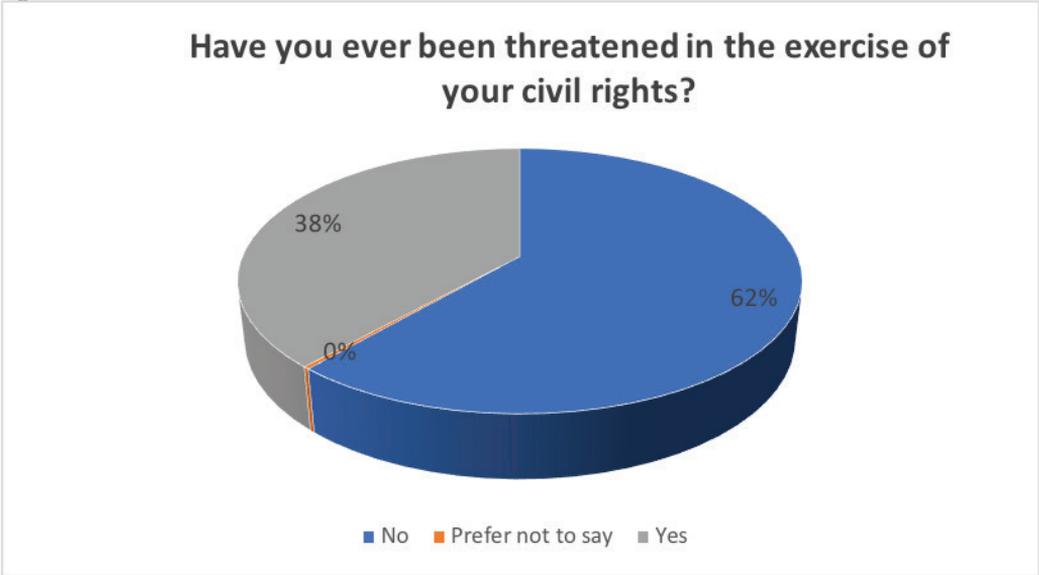
### 3.4. Responsibility for safeguarding civic space

93% of the respondents surveyed stated that it was the primary responsibility of the state to safeguard the civic space in Kenya. Only 4% mentioned the CSOs as having this responsibility. The remaining 3% mentioned the citizens, the constitution and their families as having the responsibility of the state to safeguard the civic space. All the IDI informants agreed with the sentiments expressed by our survey respondents.

### 3.5. Threats in the exercise of civil rights

Overall, 38% of respondents surveyed observed that they had been threatened in the exercise of their civil rights. When disaggregated by county, Meru and Mombasa had the highest numbers of those receiving threats in the exercise of their civil rights at 49% and 57% respectively. The counties of Kericho, Machakos and Kisumu had the least percentages of respondents reporting being threatened in the exercise of their civil rights at 32%, 24%, and 26% respectively.

**Figure 7:** Status on whether citizens had received threats in the exercise of their civil rights



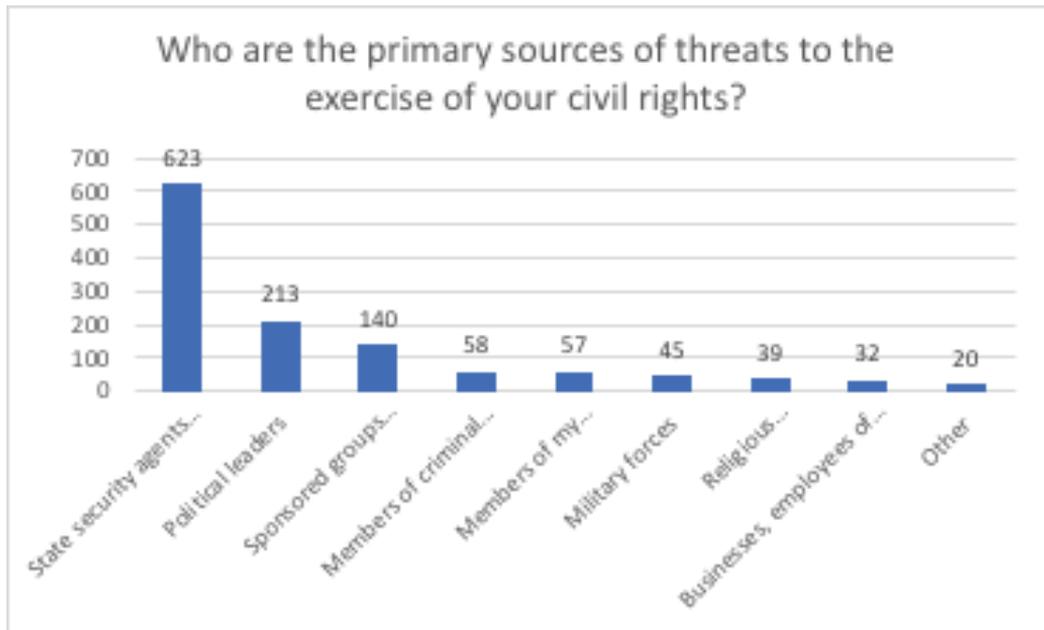
While only 38% of respondents stated receiving threats, the majority of those interviewed in the IDIs stated that they had been threatened in the exercise of their civil rights or fighting for the rights of their communities.

*And even, actually even after informing the police, instead of the police giving us protection to do our peaceful protests, it is like actually we are creating awareness, we are setting ourselves, we are reporting ourselves to them, it is like we are telling them, now you can come and tear gas us, you can beat us and many times we have not been given that space (IDI informant 1 Kisumu).*

### 3.5.1 Sources of threats to the exercise of civil rights

For those who had experienced threats in the exercise of civil rights, state security agents such as the police and intelligence agents were identified as the most prominent source of the threats. Political leaders and sponsored militia groups were also identified as sources of threats by respondents as the table below shows.

**Figure 8:** The primary sources of threats to the exercise of civil rights



In the majority of the IDIs conducted, informants identified state security agents and goons hired by the politicians as the biggest sources of threats to the exercise of their civil liberties as the comments below show.

*You know here in the villages, someone like the assistant chief is born here and knows everybody and where they come from. The policeman also knows everyone and where they come from. And the police are considered to have power. If a policeman wants to get you, he will be assisted by the assistant chief, and they will get you even at your house. So, it becomes tricky. When something happens, the assistant chief says we know it is so and so, let us go for him (IDI informant 1 Kakamega)*

**3.5.2.** Typology of threats to the exercise of civil liberties

**Figure 9:** Typology of threats

Being Followed	Intimidation	Criminalization-reprisal-stigmatization	Internet trolling-Hacking, wiretapping	Death threat	Other	No answer
135	634	121	88	152	23	7

Intimidation by state agents or hired assailants was the highest form of threat mentioned by the respondents. Death threats, tracking, criminalization, internet tracking, wiretapping or trolling, were other forms of threats faced by respondents. Denial of services, threat of sacking or demotion at the workplace and being blacklisted in forums were also listed as threats to the exercise of civil rights.

*So, we were planning for demonstrations against the particular KMTC. After notifying the police, in less than an hour, the area OCS came back and informed us that the MP was planning about 80 goons to disrupt the protests and he cannot protect us from them. So we were on our own and had to cancel the meeting. (IDI Informant 2 Machakos)*

*I want to tell you, we have a problem with the goons in this county, they are known as Marachi boys. People who are supporting them, funding them are politicians. So even if I want to picket against a project, implemented poorly by the MP, the MP will get these boys, and they will work on me thoroughly. (IDI informant 2 Busia County)*

**3.5.3.** Impact of threats on the exercise of civil rights

The majority of the respondents who reported receiving threats in the exercise of their civil liberties also reported a negative impact from those threats. Most of them stated

that they had to stop their civic space engagements while others stated they asked for protection from state and non-state actors for them to continue exercising their civic rights duties. Yet there were those who stated that the threat had no impact at all to their activities. Table 4 summarizes the impact of a threat to the enjoyment of civic rights by the respondents.

**Table 4:** Impact of threat to the enjoyment of civic rights by the respondents

Value	Frequency	Percentage
I had to stop my civic space activities	313	15.44
No impact, I continue to exercise my civil rights	292	14.41
I had to leave the area where I lived	84	4.14
I had to request protection from non-state actors	70	3.45
I had to request protection from the state	37	1.83
Other	36	1.78
I had to change my identity	16	0.79
other	7	0.35

Informants in the IDIs equally discussed the impacts of threat on their work, which included changing tact, dropping agitation in certain activities, seeking protection as well as relocating from their usual residences as exemplified by the quote below:

*Even for us journalists, there are stories we cannot tell, there are spaces we cannot go to right now. Actually, we have had one of the human rights defenders who was killed here a while back and there is quite a lot that is known about that case. Some of us would like to tell that story but if we indulge in that story, we also put our lives at risk. At times, we journalists say there is no story that is worth your life (IDI Informant, Meru).*

### 3.6. Public perception of the trends in civic space post 2010

Respondents were asked to rate the status of the civic space in Kenya, comparing the time after the promulgation of the new constitution in 2010 with the last two years, coinciding with the inauguration of the Kenya Kwanza regime. The following sections describe how the respondents rated the changes in the different civic space parameters.

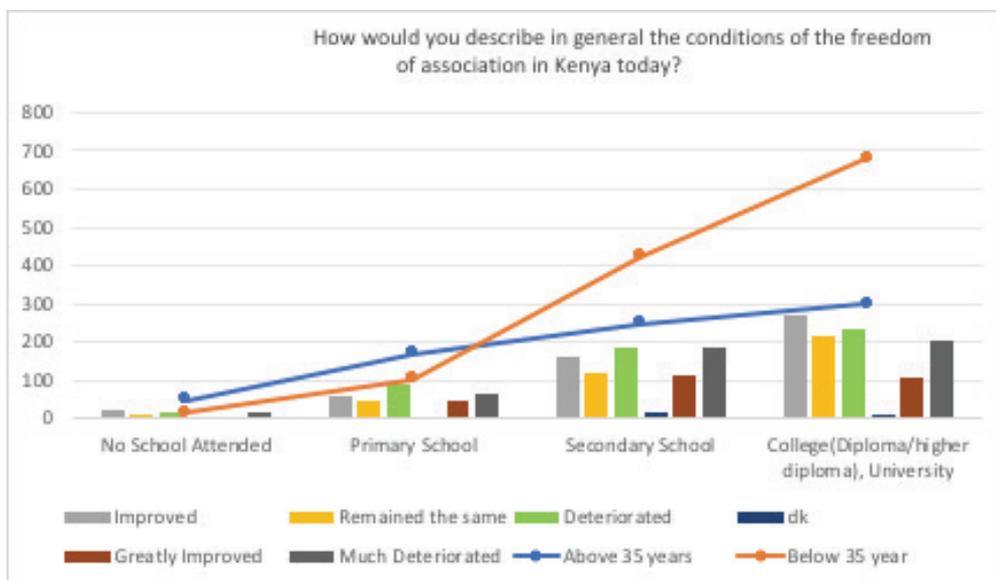
### 3.6.1. Freedom of association

#### 3.6.2. Current status of the Freedom of association in Kenya

Almost half (49%) of the respondents sampled described the current status of the freedom of association as either bad or very bad. Only 30.48% described it as either good or very good, while 20.43% described it as neither good nor bad. When disaggregated by county, the counties of Nakuru (85.9%), Mombasa (65.7%), Meru (62.6%) and Nairobi (59.3%) led among those that rated the freedom of association as either bad or very bad. Kericho (67.2%) Kisumu (57.7%), and Kakamega (50.8%) however had the highest numbers of respondents who rated the civic space as good.

The perceptions on the general conditions of civic space were also disaggregated by age and level of education. As the bar chart below shows those with a secondary and university education were more likely to describe the condition as either bad or very bad when compared to those with primary or no education. In terms of age those below 35 years of age were more critical of the conditions of the current conditions of civic space in Kenya.

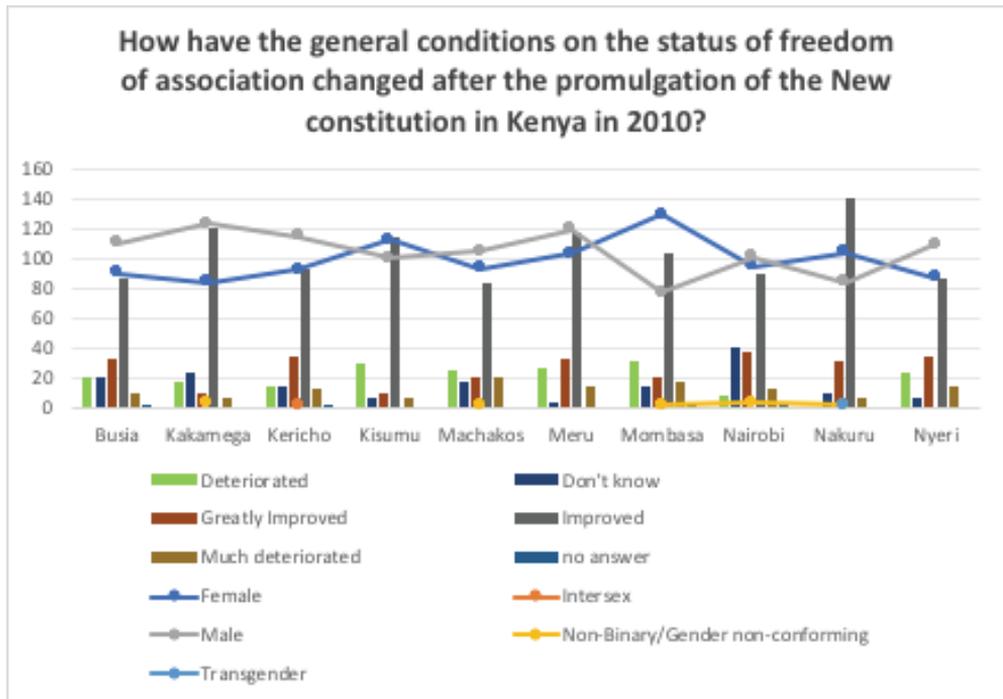
**Figure 10:** General conditions of civic space in Kenya by age and education status



### 3.6.3. Status of the freedom of association after the promulgation of the new constitution

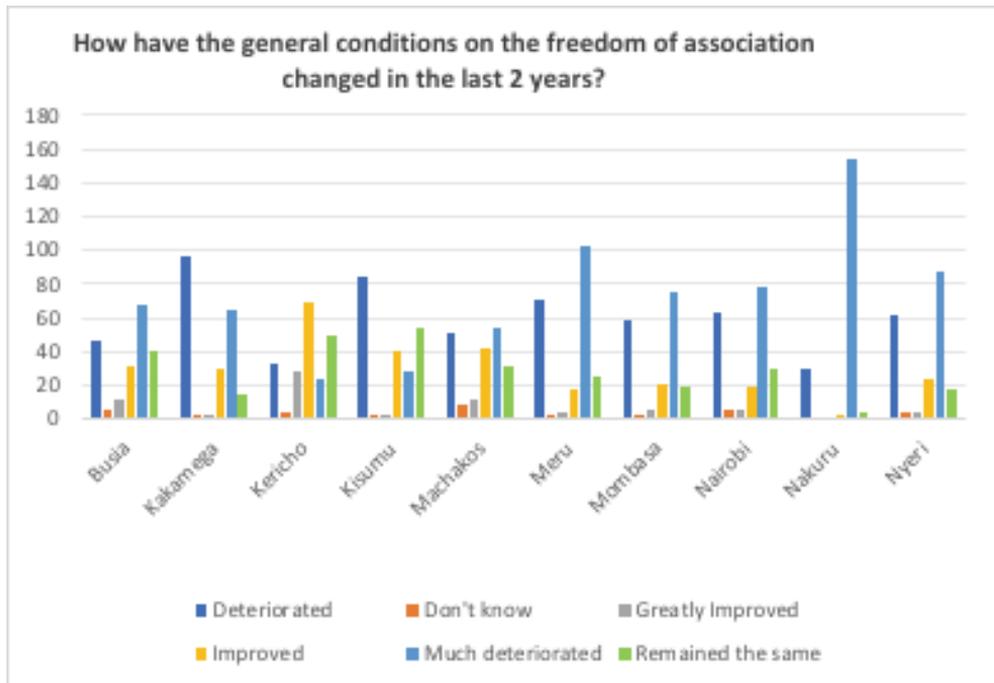
The majority of the respondents sampled stated that the freedom of association had either improved or greatly improved in the period immediately after the promulgation of the new constitution as the bar chart below shows:

**Figure 11:** Status of freedom of association after the new constitution



However, when asked about the general conditions on freedom of association in the last two years, majority of the respondents stated the condition had deteriorated. It is only in Kericho where the majority of the respondents stated that the conditions had improved. This assessment was corroborated in all the IDIs conducted even in Kericho, thereby contradicting the results from the survey. HRDs in Kericho observed that the county residents believed they were in government and therefore did not want to appear to be criticizing 'their own' government.

**Figure 12:** Status on freedom of association changed in the last 2 years

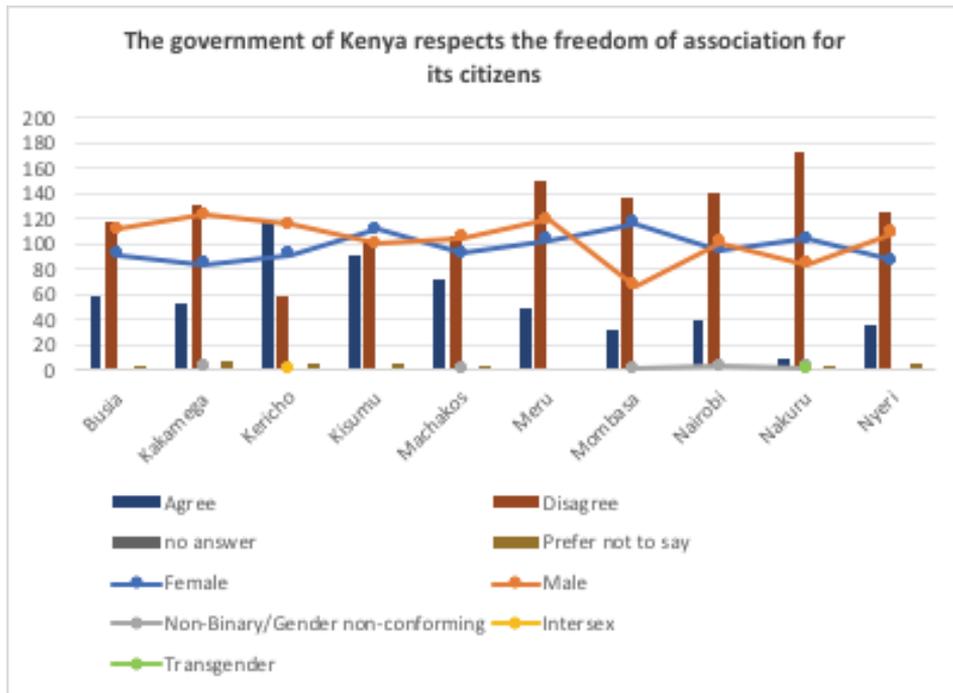


### 3.6.4 Perception of government attitude to the freedom of association

Most of the respondents surveyed stated that the government had the greatest responsibility in safeguarding civic space in Kenya. Consequently, they were asked to rate the government’s respect for the freedom of association. As the bar chart below shows, all counties with the exception of Kericho stated that the government does not respect the freedom of association. The counties where many of the residents gave a negative rating for the government’s respect to the freedom of association were Nakuru (90.6%), Mombasa (73.9%) Nairobi (70.9%), Meru (68%) and Nyeri (64.0%)

When asked whether the government protected the rights of citizens to associate, their responses were similar to those recorded under respect for the freedom of association. The majority of the respondents in all counties with the exception of Kericho did not believe that the government protected the freedom of association. Like in the case of respect above, the counties of Nakuru (92.7%), Nairobi (78.4%), Meru (71.2%) and Nyeri (68%) had the highest numbers of people stating that the government did not protect the freedom of association in Kenya.

**Figure 13:** Government of Kenya respects freedom of association for its citizens

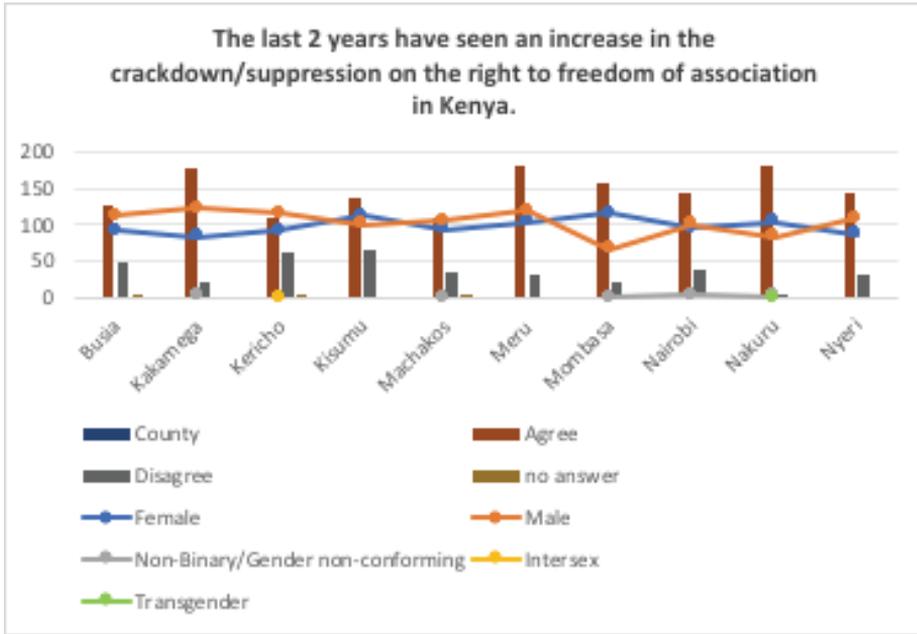


### 3.6.5 Agency and the freedom of association.

Consistent with the finding that the government did not respect or protect the right of association, respondents in the majority of the counties did not trust that they could associate, form an association, or meet up with or join any legal group of persons without fear of harassment by police or other forms of state agents. The only counties where the majority of the residents felt they had freedom of association were Kericho (60.1%), Kisumu (47.2%), Busia (43%) and Machakos (42.7%).

The survey respondents asked whether the government had increased the crackdown on the freedom of association over the last two years. There was a unanimous observation in all the counties by survey respondents that the government had increased the crackdown on the freedom of association over the last two years. Even in the county of Kericho where they consistently rated the government favorably in its protection of civil space, 66.11% felt that the Kenya Kwanza regime was clawing back on the gains on the expansion of the freedom of association.

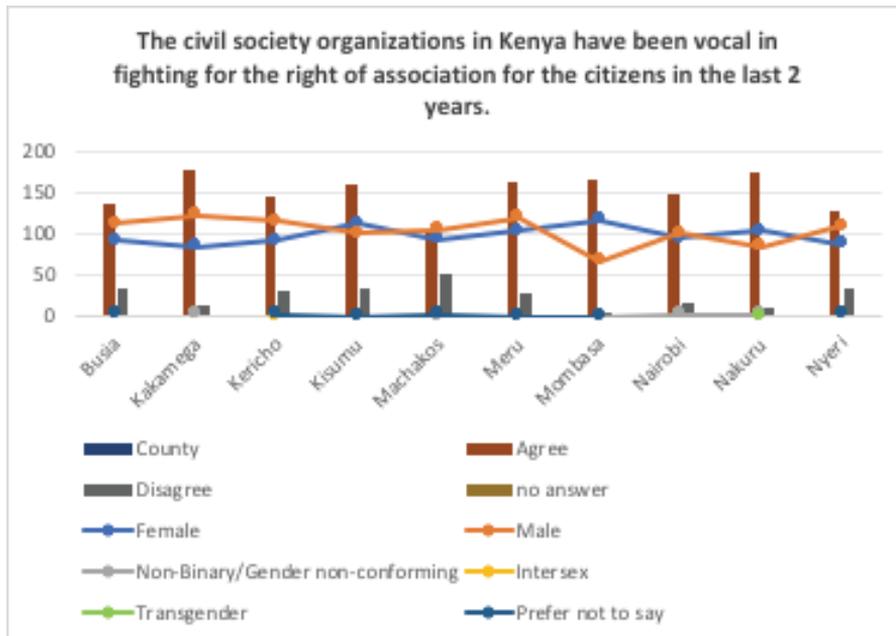
**Figure 14:** Increase in the crackdown on right to freedom of association by County



### 3.6.6. Role of Civil Society Organizations

Respondents in the survey were asked whether they thought that civil society organizations were vocal in fighting for the protection of the freedom of association in Kenya over the last two years. As the bar chart below shows, the majority of the respondents in all the counties stated that the civil society organizations had been vocal in fighting for the protection of the freedom of association. Nakuru (91%), Mombasa (89.7%) Kakamega (83.9%), and Meru (73%), had the majority of the respondents appraising the role of the CSOs in fighting for the respect of the freedom of association.

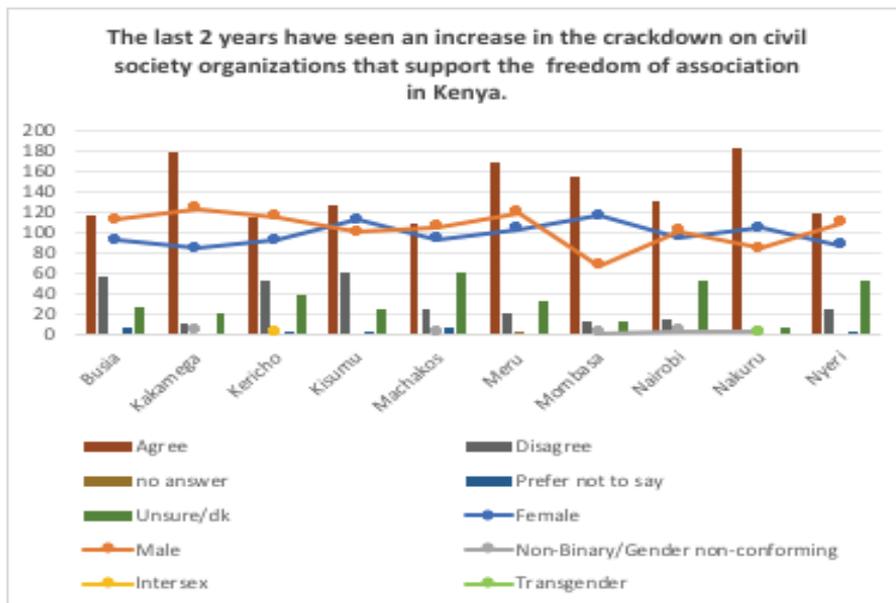
**Figure 15:** CSOs fighting for the right of association last 2 years by County



### 3.7 Relationships between civil society organizations and the government

The bar chart below shows the responses from the survey when respondents were asked whether CSOs had been subjected to increased crackdown of their activities by the state or state agents over the last two years. Majority of the respondents in all counties reported increased CSOs activity crackdown.

**Figure 16:** Crackdown on CSOs supporting the freedom of association in Kenya



These survey results were corroborated by accounts from the IDIs where all informants provided incidences that showed the increasing surveillance of CSOs' activities as the following quote shows:

*It's no longer safe. Currently, we are experiencing a lot of infiltration. It could be either from security apparatus, but the greatest infiltrators are goons of our political leaders, especially for political leaders involved in mismanagement of public funds. So, every time people come together, they would want to know what you are discussing, what you are planning, the causes of action that indeed you are taking. So, I feel just as much as the constitution has given us freedom of association, it has opened the room for being watched, being monitored. (IDI informant 2 Machakos)*

# Chapter Four

## Freedom of Expression and Right of Access to Information in Kenya



## 4.1 Freedom of Expression

### 4.1.1 Current status of the Freedom of Expression in Kenya

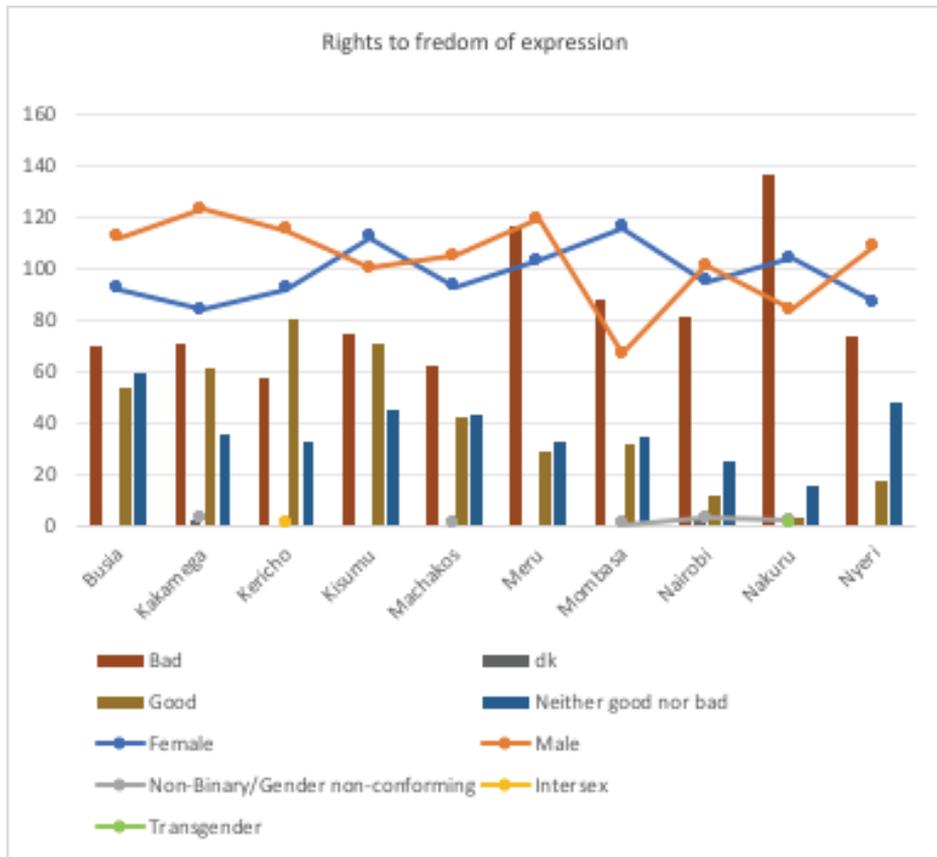
In general, over half of the respondents (55%) described the general status of the freedom of expression in Kenya as either bad or very bad. Only 25% stated freedom of expression to be either good or very good while 18% described their status as neither good nor bad.

**Table 4:** Status of the freedom of expression in Kenya

Value	Frequency	Percentage
Bad	833	41.1
Good	402	19.83
Neither good nor bad	374	18.45
Very bad	295	14.55
Very good	112	5.53
dk	7	0.35

The bar chart below summarizes the respondents' perception on the current status of the freedom of expression in Kenya disaggregated by county and gender. With the exception of Kericho and Kisumu, majority of the respondents in all the counties rated the freedom of expression as either bad or very bad. The counties of Nakuru (90%), Nairobi (77.8%), Meru (69.2%), Nyeri (64.5%) and Mombasa (59.2%) had the highest numbers of respondents stating the rights to the freedom of expression was between bad and very bad.

**Figure 17:** Rights of freedom of expression



Informants in all the IDIs conducted in the counties stated that the freedom of expression was bad and gave instances where they or their colleagues had their freedom of expression curtailed as the quote below show:

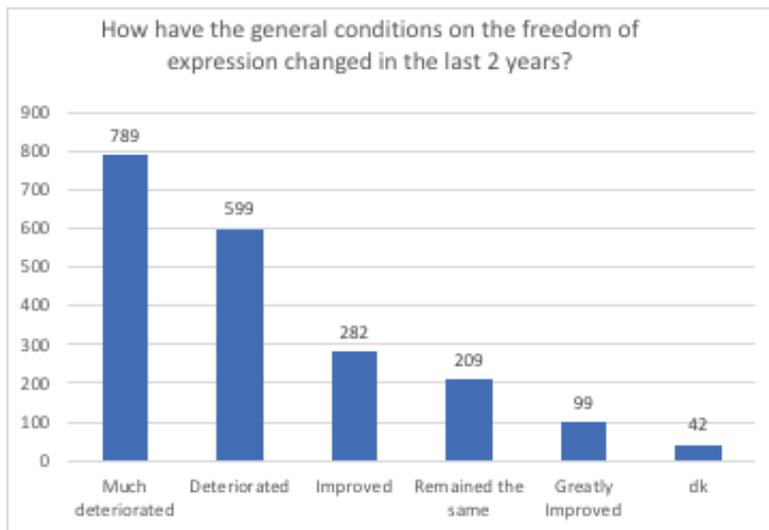
*When you talk about freedom of expression, we are seeing a trend where human rights defenders, for instance, who come out to voice violations within, you know, the grassroots or in the urban areas, we have seen lots of suppression. We've seen arbitrary arrests and the arraignment of HRDs in courts, we have seen courts imposing very hefty bond and bail terms for those HRDs (IDI informant 2 Nairobi)*

#### 4.1.2 Status of the freedom of expression after the promulgation of the new constitution

Overall, the majority of the respondents (70%) across all the counties stated that the general conditions of freedom of expression had either improved or greatly improved. The improvements in the status of freedom of expression from the surveys were corroborated in all the IDI conducted.

When asked about the freedom of expression over the last two years, the views of the respondents contrasted sharply with their assessment of the status in the immediate aftermath of the promulgation of the new constitution. Overall, over two thirds of the respondents (68%) stated that the general conditions on freedom of expression had deteriorated as the bar chart below shows.

**Figure 18:** Status general conditions of freedom of expression in the last 2 years



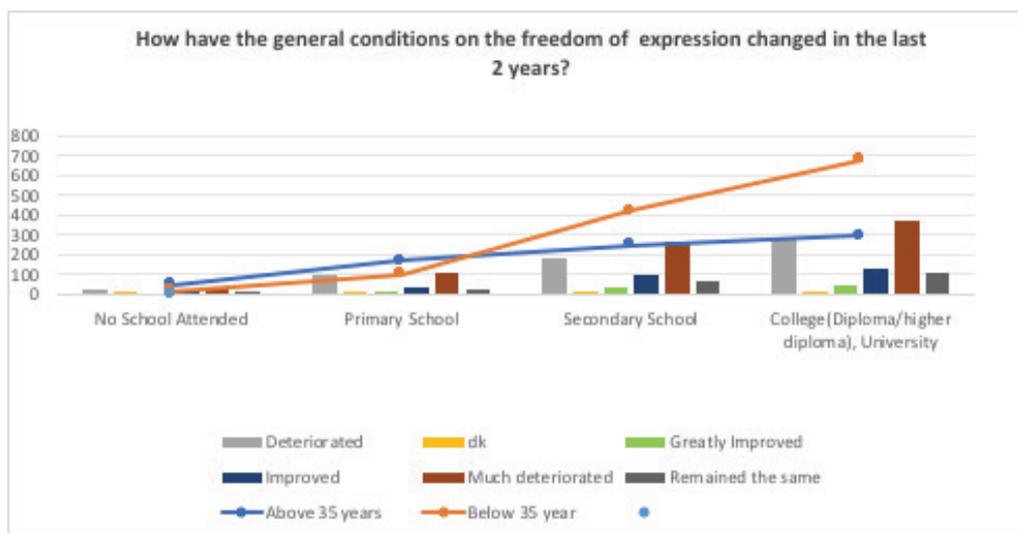
The rating of the freedom of expression was disaggregated per county. In all the counties, majority of the respondents stated that the freedom of expression had either deteriorated or much deteriorated in the last two years from the time of the survey. Only the county of Kericho (50.3%) had the majority of the residents stating that the status of the freedom of expression had improved.

Information gathered through IDIs showed a high level of agreement with the survey findings as the majority of the informants stated that the status of the freedom of expression had deteriorated over the past two years as the government had devised a variety of mechanisms to curtail it.

*Today people know that they have a right to express themselves. So, what the state does is to use complementary statutes like this, computer misuse and cybercrimes to, you know, sadly or underhandedly, contain freedom of expression. So then, freedom of expression is interpreted in a very skewed sense so that when you express yourself then you have to express yourself 'in a very civil way', in a very compliant way, which goes against the entire spirit of freedom of expression. If you say the president is corrupt, or is incompetent, that is treated as hate speech (IDI informant 5 Nairobi).*

The perceptions on the changes to the freedom of expression were disaggregated by age and level of education. As the bar chart below shows, the higher ones level of education, the more likely one was to rate the changes as deteriorated or much deteriorated. Those under 35 years of age were also likely to rate the situation as having deteriorated or much deteriorated.

**Figure 19:** Status of freedom of expression in the last 2 years by age and level of education



### 4.1.3. Perception on the government attitude to Freedom of expression

Respondents were presented with a series of statements about the government’s support for the freedom of expression, its relationships with the CSOs as well as the role of the CSOs in safeguarding the freedom of expression in Kenya and asked to state whether they “Agreed” or “Disagreed” with the statements. The overall findings are summarized below followed by the county-by-county disaggregation.

**Table 5:** Status of the freedom of expression in Kenya

Statement	Value in %		
	Agree	Disagree	DK/prefer not to say
The government of Kenya respects the freedom of expression for its citizens	20.62	69.36	8.5
I can express my thoughts and feelings freely about the government of the day without fear of harassment by police or other state agents.	20.42	70.36	8.98
The last 2 years have seen an increase in the crackdown on the freedom of expression in Kenya	76.07	15.15	8.24

The CSOs in Kenya have been vocal in fighting for the freedom of expression in the last 2 years.	75.97	12.09	11.15
The last two years have seen an increase in the crackdown on CSOs that support the freedom of expression in Kenya	72.62	11	15.89

As the table above shows majority of respondents (69.6%) did not believe that the government of Kenya respects the freedom of expression for its citizens. Consequently, the majority of the respondents (70.36%) were not confident that they could express their thoughts and feelings freely about the government of the day without fear of harassment by police or other state agents. Majority of the residents (76.07%) stated that the government had increased the crackdown on the freedom of expression in Kenya in the past two years. Overall, the overall majority of the respondents (75.97%) commended the work of the CSOs and stated that they had been vocal in fighting for freedom of expression in the last 2 years. However, majority (72.67%) also believed that the last two years had experienced an increase in the crackdown on CSOs that support the freedom of expression in Kenya.

The county-by-county results agreed with the national averages on all the above-mentioned statements. The only exception was in Kericho regarding the assessment as to whether the government of Kenya respected the freedom of expression for its citizens. Majority of the residents of Kericho (59.2%) agreed with the statement that government of Kenya respected the freedom of expression.

**4.2 Rights of Access to Information**

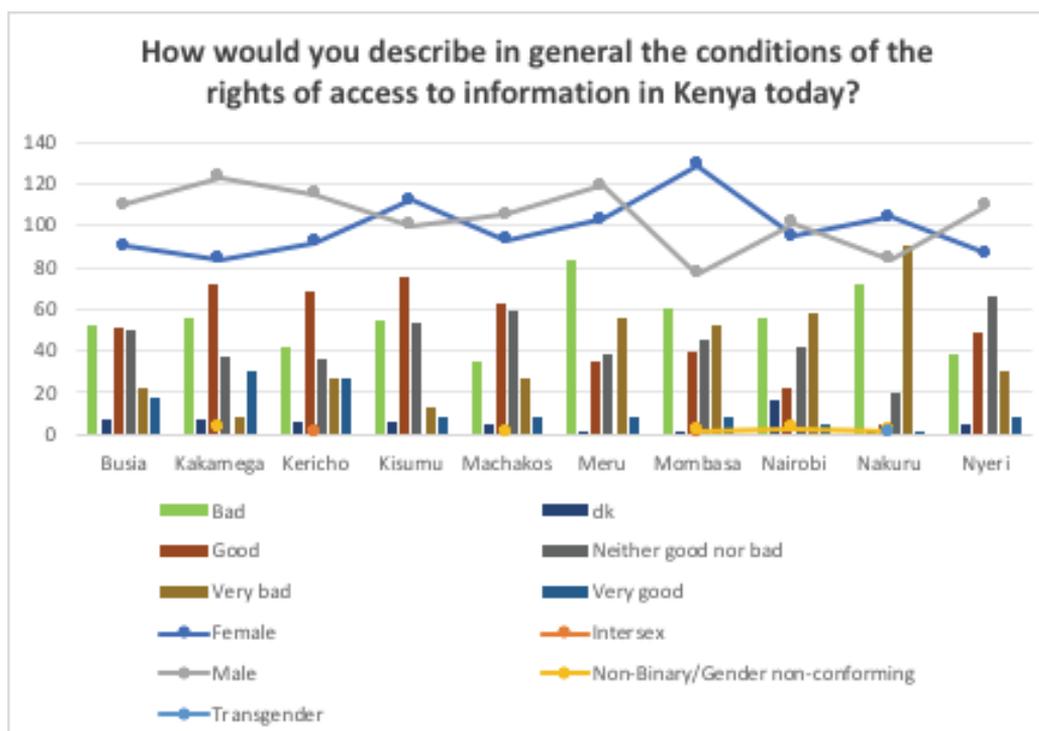
Respondents in all the counties were asked to describe in general the conditions of the right of access to information in Kenya today. Overall, 45% of the respondents rated the right of access to information as either bad or very bad with only 29% rating the right of access to information as either good or very good. About a quarter of the sampled population were either unsure or did not know what the status of the right of access to information was.

IDI informants corroborated the findings from the survey agreeing that the right of access to information was rarely guaranteed in Kenya as the quote below shows.

*I would say we are not well with access to information, especially in Busia County because you will find some of the county documents on the website, but they hide like quarterly reports, financial reports, you will not see them easily. But the approved budget you will access it on the web. Supplementary budget, you will access. These other documents, ADP, CIDP, those you will get. But once they have started implementing, and now they are using the money, the quarterly reporting you will not access them easily. So, access to information requires a lot of intervention. If I cannot get the info and I have gone to school what about the ordinary mwananchi?*  
 –IDI Busia Respondent

When disaggregated by county the results showed mixed results with the majority in some counties rating the right of access to information as good while others stated it to be bad. As the bar chart below shows, the counties of Busia, Mombasa and Meru rated the right of access to information as bad with the majority in Nakuru and Nairobi rating it as very bad. The counties of Kericho, Kakamega, Kisumu and Machakos had the majority of the residents rating the rights of access to information as good while Nyeri residents had the majority rating the right of access to information as neither good nor bad.

**Figure 20:** Status of general conditions of the rights of access to information



### 4.2.1 Changes to the rights of access to information after new constitution

As can be seen in the table below, the majority of the respondents in the counties (64%) stated that the rights of access to information had improved in the period immediately after the promulgation of the new constitution. 16% stated that there had been no change while 12% stated that the rights of access to information had deteriorated in the period immediately after the promulgation of the new constitution. A small percentage of the population (7.75%) could not tell whether rights of access to information had improved or deteriorated in the period immediately after the promulgation of the new constitution. The county-by-county disaggregation were in agreement with the national estimates.

**Table 6:** Right of access to information after the promulgation of the new constitution

Value	Frequency	Percentage
Improved/greatly improved	1259	63.79
Remained the same	320	15.79
Deteriorated/much deteriorated	176	12.43
Don't know	157	7.75

### 4.2.2. Changes to the right of access to information in the last 2 years

The assessment of the changes to the rights of access to information in the last two years differed sharply from the period after the promulgation of the new constitution. 56% of the respondents stated that the right to access information had deteriorated in the last 2 years while only 25.5% believed that the conditions had improved. 15% of the respondents stated that the right to access information had remained the same in the last 2 years.

When disaggregated by county, majority of the counties with the exception of Kericho stated that the conditions on right of access to information had deteriorated in the last 2 years. In the county of Kericho, the 50.5% stated that the right of access to information had improved in the last 2 years. Nakuru (66.5%) county had the highest numbers stating that the right of access to information had greatly deteriorated in the last 2 years.

### 4.2.3. Perception on the government attitude to the right of access to information

Respondents were asked to rate the government's attitude to the rights of access to information, its relationships to CSOs that fight for the right of access to information as well as the performance of the CSOs. The table below summarizes the overall responses from all the counties. 61.27% of the respondent's did not think that the government of Kenya respected the rights of access to information for its citizens. And almost a similar

percentage (65.22%) were not confident that they would freely ask for or obtain public information from the government or government offices. 65% of the respondents felt that there was increase in the crackdown on the right of access to information in Kenya in the last two years. CSOs received a high rating of their performance with 73% of the respondents stating that they had been vocal in fighting for the right of access to information in the last 2 years. Majority however castigated the government with 66% stating that the last two years had seen an increase in the crackdown on CSOs that support right of access to information in Kenya. Table 11 below summarizes these results.

**Table 7:** Perception on the government attitude to right of access to information

Statement	Value in %		
	Agree	Disagree	DK/prefer not to say
The government of Kenya respects the rights of access to information for its citizens.	27.13	61.27	10.56
I can freely ask for or obtain public information from the government or government offices.	22.45	65.22	11.7
The last 2 years have seen an increase in the crackdown on the right of access to information in Kenya.	65.02	19.54	15
The civil society organizations in Kenya have been vocal in fighting for the right of access to information in the last 2 years.	72.77	12.48	14.31
The last two years have seen an increase in the crackdown on CSOs that support right of access to information in Kenya.	66.11	13.32	20

The county-by-county disaggregated results were consistent with the national average with the only exception being Kericho (51.7%), where a slender majority of the respondents stated that the government of Kenya respected the rights of access to information for its citizens. The majority of respondents in all the other counties responded to the contrary.

#### 4.2.4 Experience with the use of social media

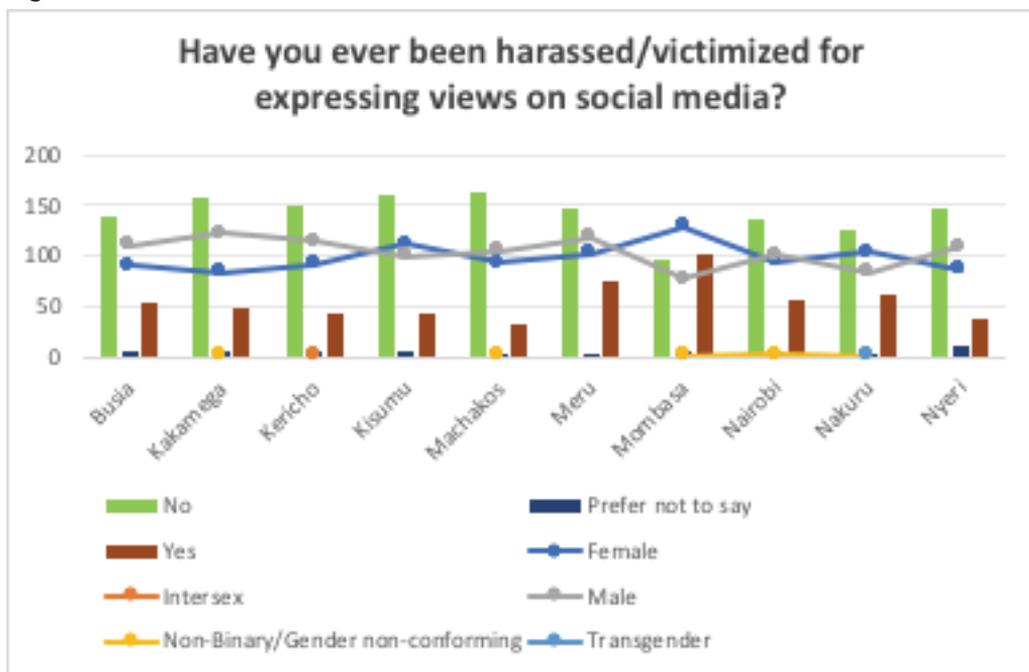
Respondents were asked about their experience with the use of social digital platforms to express themselves and whether they had ever been harassed while expressing their views through social media. They were also asked whether they felt comfortable using the digital platforms to express their views without fear of victimization.

Close to two-thirds (65%) of the respondents sampled used digital platforms to express themselves on topics of importance to them. 70% stated that they had never been harassed or victimized for expressing their views on digital platforms. However, when

asked if they felt confident that they could express themselves on digital platforms, only 34% stated that they felt confident. This could therefore imply that the 70% who reported an absence of harassment could be due to self-censorship, where they refrained from commenting on sensitive topics or avoided using language that could be interpreted as offensive by the state or concerned parties as opposed to having the freedom to express themselves through digital platforms.

When disaggregated by county, Mombasa (80.2%) and Meru (77.5%) were the counties with the highest numbers of people using digital platforms to express themselves. Interestingly these same counties had the highest numbers of persons who did not feel confident they could use digital platforms to express their views without fear of victimization.

**Figure 21:** Status on social media harassment



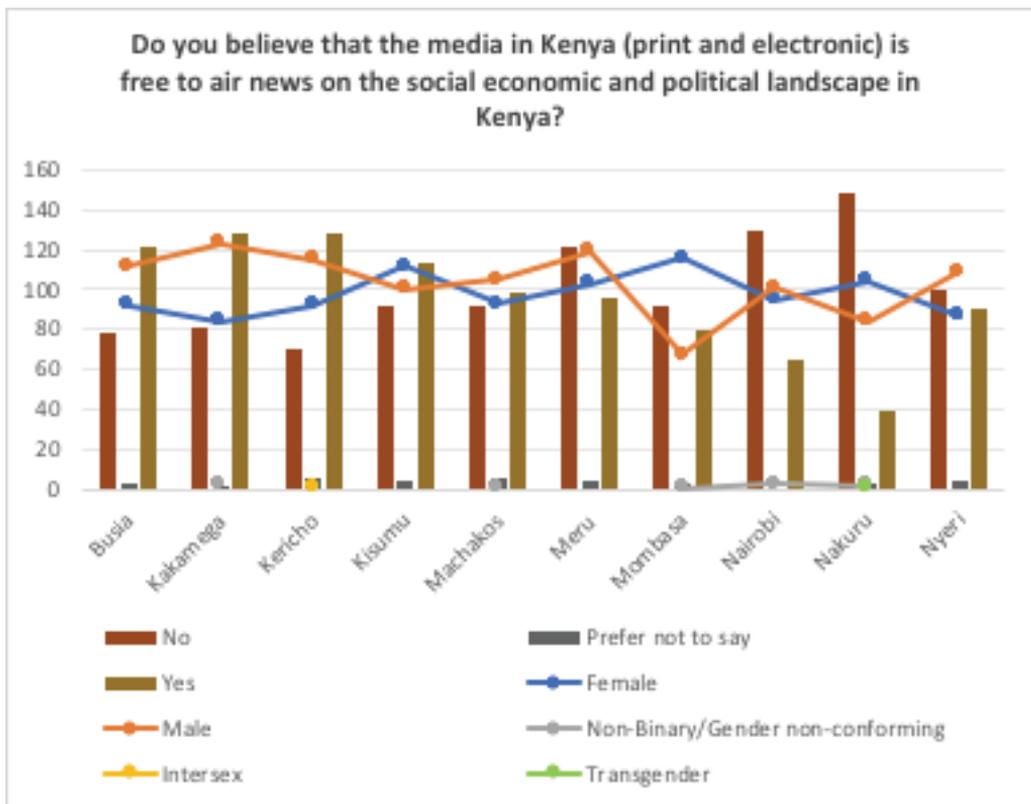
While corroborating the views from the survey respondents, some of the IDI informants cautioned that misuse of digital platforms should not be misconstrued as victimization as the quote below shows.

*You know, social media, I think, is good, but there are a lot of lies on social media. We have to express ourselves, but the laws were passed so that you don't just defame somebody, you don't just say things that are not correct on social media and then you tell us, that is your freedom of expression. So, most of our people are ignorant of the law (IDI informant 2 Busia County).*

#### 4.2.5 The state of the media freedom

90.84% of the population stated that free press was important in the civic space. However, when asked whether the media in Kenya (print and electronic) was free to air news on the social economic and political landscape in Kenya, only 50% answered in the affirmative. When disaggregated by county, Nakuru (77.5%), Nairobi (66.7%), Meru (55%), Mombasa (52.5%) and Nyeri (51 %) had the highest numbers of respondents who believed the media in Kenya was not free to air news on the socio-economic landscape in Kenya as the bar charts below show.

**Figure 22:** Freedom of media (print and electronic) on social economic and political landscape



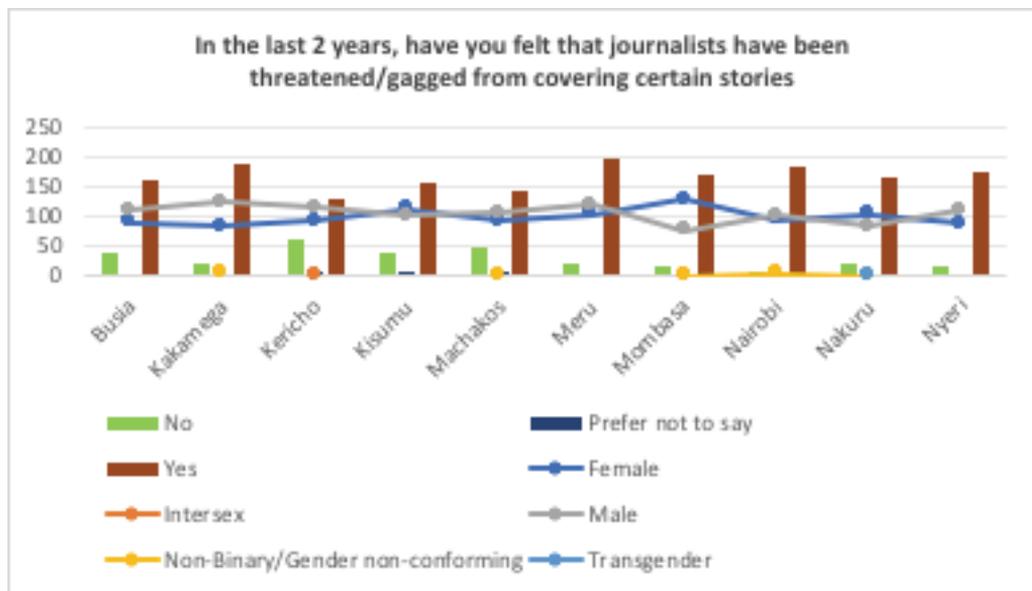
The IDIs informants agreed with the survey respondents who stated that the media in Kenya was not free. Some of the informants however, attributed the lack of freedom to economic interests as opposed to sanctions by the state and other interested parties as the comments below show.

*You will recall, during the anti-Finance Bill 2024 we had close 24 journalists who were brutally attacked, and they were injured. They had serious, serious, injuries. Again, that's a group of HRDs that we really need to focus on. You've seen women Journalists, for example, in the case of Nakuru, what those people are doing is to inform the society, what is going on. So, you can see that those, those incidences were very, were very uncalled for, and they shouldn't have actually happened. (IDI informant 2 Nairobi).*

#### 4.2.6 Media censorship

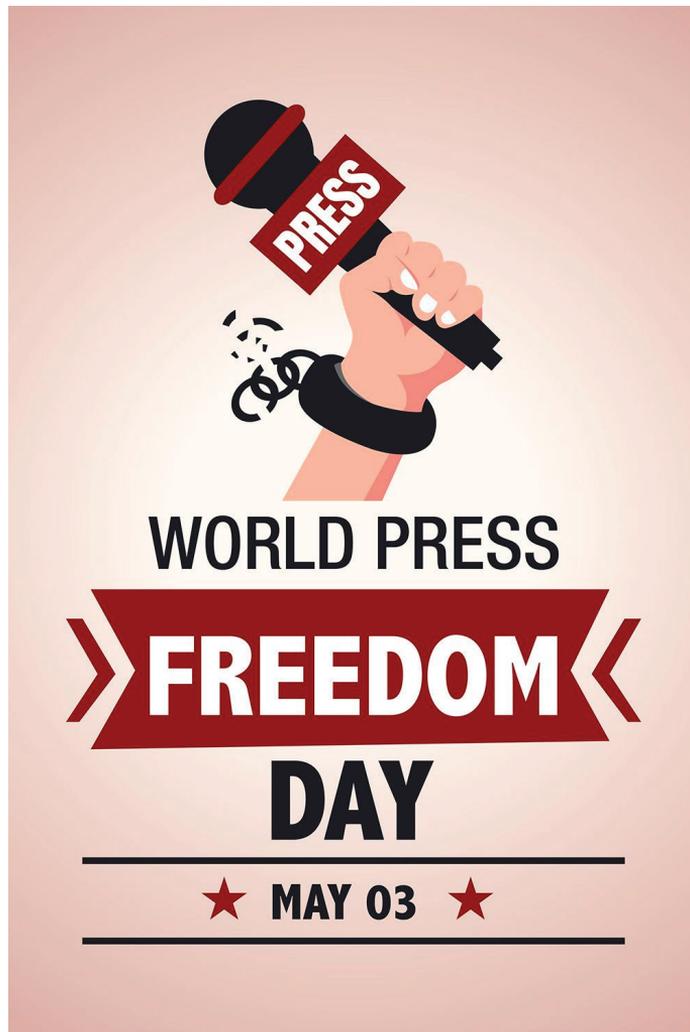
When asked whether they had experienced or heard about media censorship, over two thirds (69%) of the respondents answered in the affirmative. Kericho county continued to stand out as the county where majority of the respondents stated that they had never heard of media censorship in Kenya. However, the majority of the respondents (80%) in all counties including Kericho felt that media freedom had been suppressed in the last two years, and an even bigger majority (82%) felt that journalists had been threatened or gagged from covering certain stories.

**Figure 23:** Status on journalists' threats/gags



#### 4.2.7 Factors influencing media freedom in the last two years

Respondents were asked to state what factors they thought influenced media freedom in Kenya. State regulations were listed by 67% of respondents as having an influence. Media ownership (30%), public pressure (21%), economic interests (20%) and journalist integrity (18%) were also listed among the factors influencing media freedom in the last 2 years.



# Chapter Five

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**Public perception of the status of the freedom of assembly in Kenya**



## 5.1 Freedom of assembly

### 5.1.2 Perceptions of the current status of freedom of assembly

The table below summarizes the aggregated public perception of the status of the freedom of assembly in Kenya. Majority (56%) of the respondents characterized the freedom of assembly in Kenya as either bad or very bad. Less than a quarter of the respondents (24%) stated that the conditions of the freedom of assembly in Kenya were either good or very good. 18% of the respondents found the status of freedom of assembly to be neither good nor bad.

**Table 8:** Perceptions of the current status of freedom of assembly

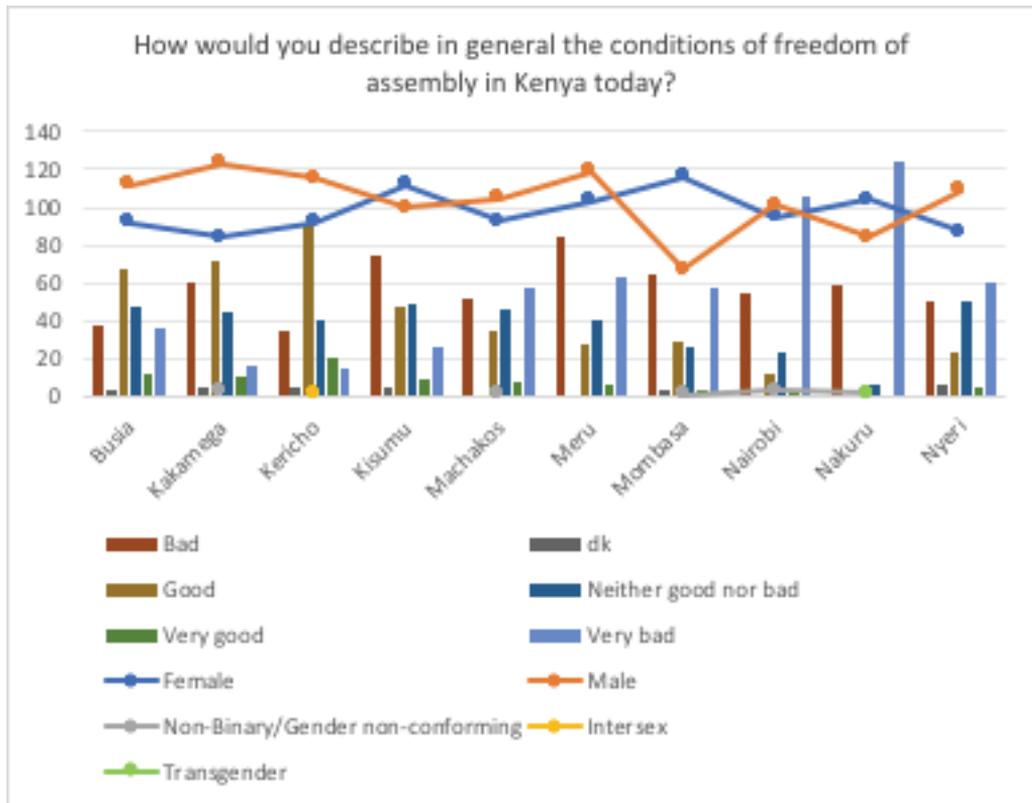
Value	Frequency	Percentage
Bad	572	28.22
Very bad	562	27.73
Good	406	20.03
Neither good nor bad	373	18.4
Very good	78	3.85
dk	31	1.53

Informants in the IDIs were also in agreement with survey respondents concerning the current status of the freedom of assembly as the quote below shows.

*On the right of assembly and expression out of scale of 10. I would say it is 4 because I have seen police harass members of the community. They say police is a service. I would say it's still a force they just changed the uniform, terminology and title. We still have a long way to go (IDI informant 2 Busia)*

When disaggregated, the counties had varying ratings on the freedom of assembly. Kericho, Kakamega and Busia County rated the status of the freedom of assembly as good. While a large percentage of residents in Kisumu rated the freedom of assembly as bad, the majority in the rest of the counties rated it as very bad. The bar chart below presents the county-by-county rating of the freedom of assembly.

**Figure 24:** General conditions of freedom of assembly

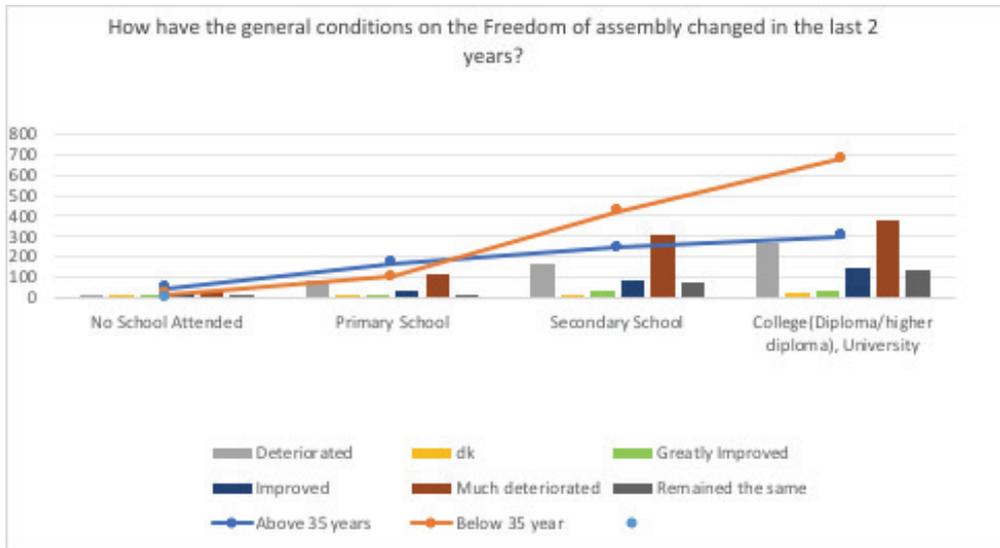


### 5.1.3 Status of Freedom of assembly after the promulgation of the new constitution

Respondents were asked for their opinion on how the status of the freedom of assembly had changed in the immediate aftermath of the promulgation of the new constitution as well as in the last two years. Almost two thirds (65%) of the respondents stated that the conditions on the freedom of assembly had improved in the years immediately after the new constitution. Only 13% opined that the conditions had deteriorated while 22% stated that the status had either remained the same or they were unaware if any changes had occurred. However, when asked about the changes in the status of the freedom of assembly in the past 2 years 69% stated that the conditions had deteriorated. This was a clear reversal in the perception of the immediate aftermath of the promulgation of the new constitution.

The situation on freedom of assembly in the last two years was disaggregated on the basis of the level of education and age of the respondents. Like on the first two parameters, younger respondents (those below 35 years) and those with secondary or post-secondary education rated the situation on the freedom of assembly as much deteriorated.

**Figure 25:** Changes in the Freedom of assembly in the last 2 years by age and level of education



When discussing the changes in the freedom of assembly, all the IDI informants unanimously stated that the conditions improved after the promulgation of the new constitution but sharply deteriorated in the last two years after the Kenya Kwanza regime came to power as the quote below shows.

*So, this regime is worse. It's worse. It's worse than the others. The police deny protestors right to protest. They don't provide security – but have heavy presence to disrupt, arrest and tear gas the crowds...there's infiltration by people of bad character even the police themselves ( IDI Informant 1 Busia)*

The biggest threats to the freedom of assembly appeared to be the police and goons hired by politicians or infiltration of demonstrations by politicians, especially where the issues advocated by the demonstrators affected them as the quote below shows.

*But previously it wasn't this bad. In the few years we have been doing a lot of activism there were some instances, the governor's boys were really working on us. Yet we had notified the police. We had followed the due process. Even written to the government that on such a day we will do demos. Yet, they come and harass us (Informant 1 Busia)*

## 5.2 Perception on the government attitude to the freedom of assembly

Respondents were asked to rate the government's attitude to the freedom of assembly information, its relationships with CSOs that fight for the freedom of assembly as well as

the performance of the CSOs that champion the freedom of assembly. The respondent in this study rated the government very poorly in its respect for the rights to peaceful assembly and its relationship with CSOs. 72% of the respondents do not believe that the government of Kenya respects the rights to peaceful assembly for its citizens. As a consequence, 68% are not confident that they can participate in peaceful protests or assembly without harassment by police or other state agents. A large majority of the respondents (78.34%) agreed that there had been an increase in the crackdown on the right to peaceful assembly in Kenya in the last two years. This increase at citizen level was also accompanied by an increase at CSO levels where 73.21% agreed that there had been an increase in the in the crackdown on CSOs that support the right to peaceful assembly in Kenya. The CSOs in Kenya were rated highly by majority of the respondents (78.49%) for being vocal in fighting for the right of assembly for the citizens in the last 2 years.

**Table 9:** Perceptions of the current status of freedom of assembly

Statement	Value in %		
	Agree	Disagree	DK/prefer not to say
The government of Kenya respects the rights to peaceful assembly for its citizens.	17.96	72.37	8.25
I can participate in peaceful protests or assembly without fear of harassment by police or other state agents.	20.57	67.93	9.37
The last 2 years have seen an increase in the crackdown on the right to peaceful assembly in Kenya.	78.34	12.48	8.74
The civil society organizations in Kenya have been vocal in fighting for the right of assembly for the citizens in the last 2 years.	78.49	8.24	12.63
The last 2 years have seen an increase in the crackdown on CSOs that support the right to peaceful assembly in Kenya.	73.21	10.66	15.59

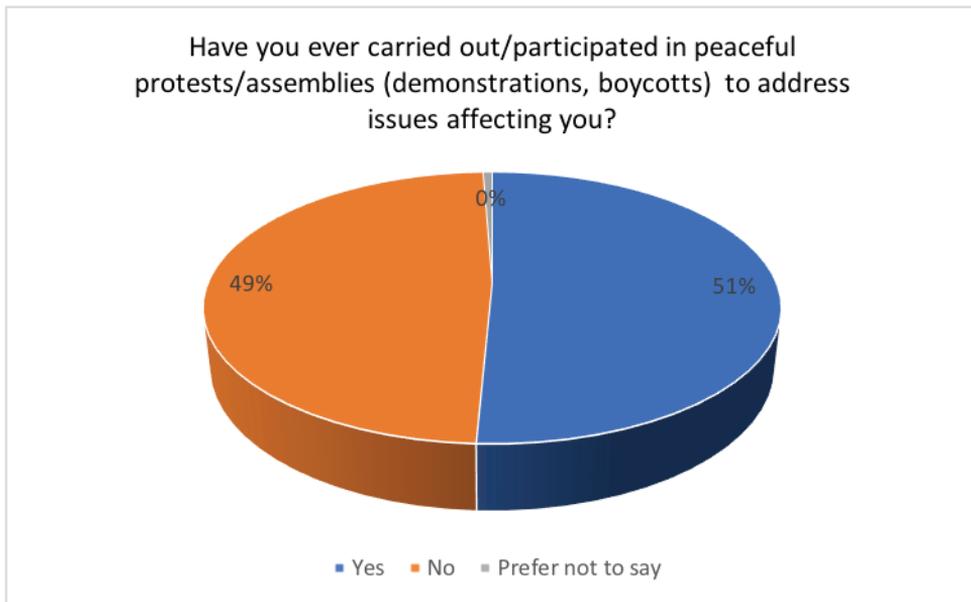
County level analysis revealed differences that reflected more of the degree in agreement as opposed to a difference in score. The only exception was on the views as to whether the government of Kenya respects the rights to peaceful assembly for its citizens. On this construct, Kericho (52.2%) was the only county where majority of the respondents opined that the government of Kenya respected the rights to peaceful

assembly for its citizens. The rest of the counties did not trust that the government of Kenya respected the rights to peaceful assembly with Nakuru, Nairobi and Meru being the counties where the highest percentages of residents answered in the negative for this statement. The county-by-county results are presented in the bar charts below.

### 5.2.1 Participation in peaceful protests

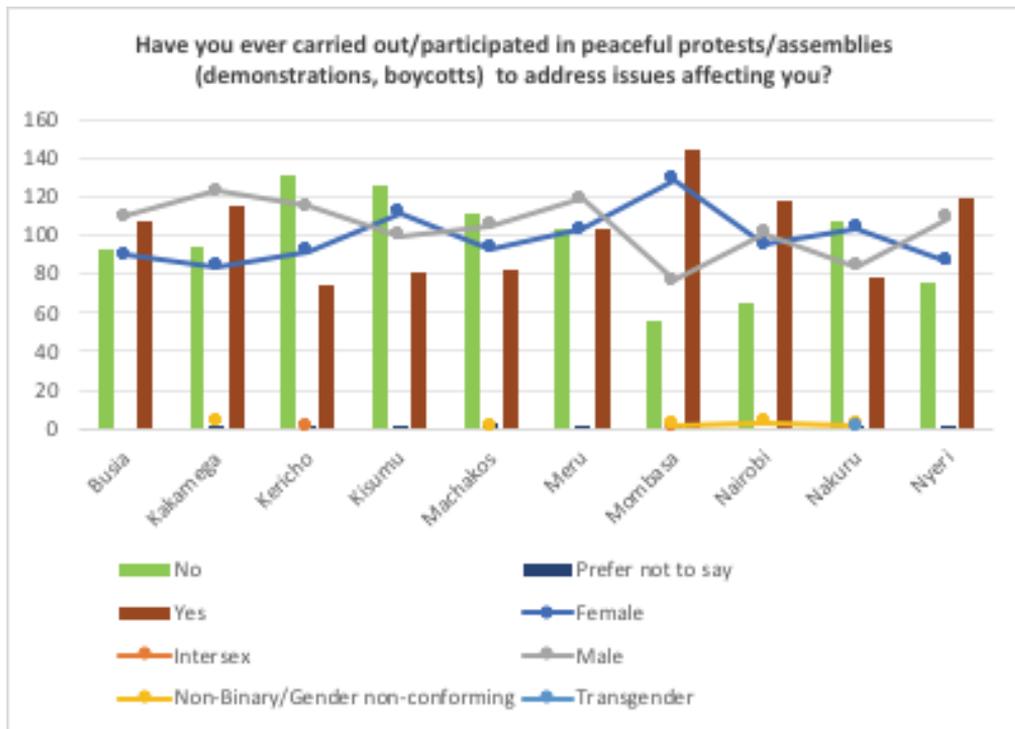
Overall, respondents were almost equally distributed between those who had participated in peaceful protests and those who had not at 51% and 49% respectively.

**Figure 26:** Status on participation in peaceful protests



When disaggregated by county, the counties of Mombasa (68.5%), Nairobi (64.2%), Nyeri (60.4%) Kakamega (55%), and Busia (53.9%) had majority of their respondents stating that they had participated in peaceful protests as the bar chart below shows.

**Figure 27:** Status on participation in peaceful protests/assemblies



When asked about their participation in peaceful protests over the last two years, the number of those who had participated in protests reduced from 51% to 44%. Respondents who did not take part in the protests gave varying reasons for not participating in peaceful protest. Among both male and female respondents, the fear of police brutality ranked highest followed by fear of being arrested and lack of interest. Other reasons provided for not participating in protests include: advanced age, lack of proper arrangement in demonstrations, fear of victimization by employer, preference for other ways to resolve disputes, fear of being killed, disability, agent saboteurs, disenchantment with protests, work related restrictions and fear of falling sick and/or need of hospitalization during demonstrations.

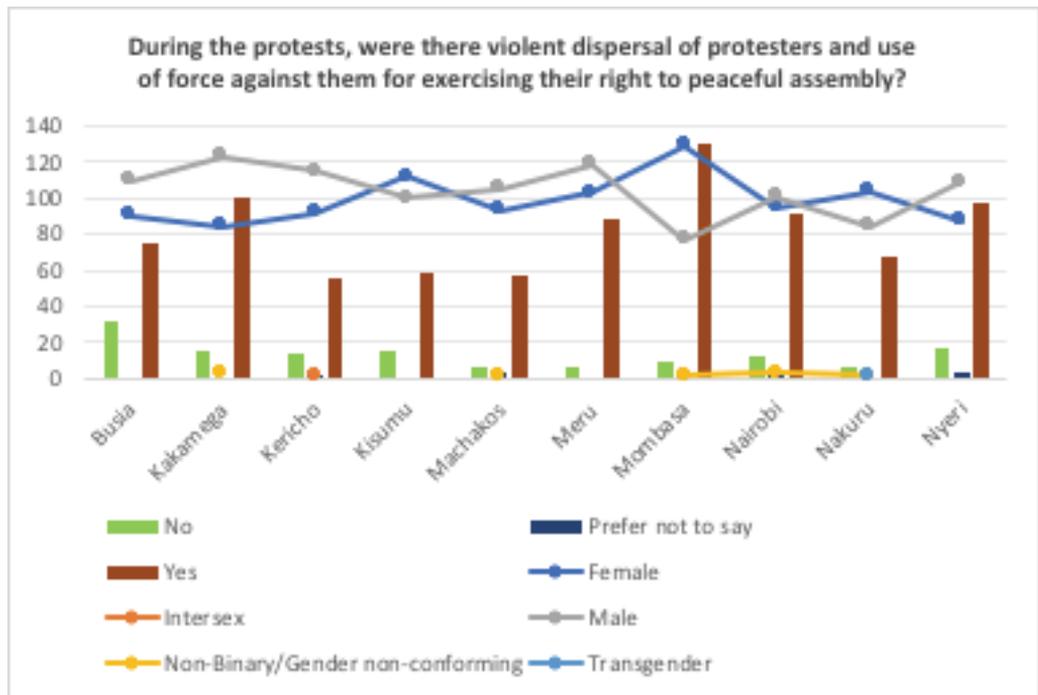
### 5.2.2 Dispersal of protestors

Respondents who participated in peaceful protests were asked whether there was violent dispersal of demonstrators during the last demonstration they participated in. 85% of the respondents stated that they had been violently dispersed in the last protest. Only 14 % stated that they were not dispersed violently with a negligible percentage preferring not to comment.

At county level, Meru (93.7%) Mombasa (92.2%), and Kakamega (87.1%) recorded the

highest percentages of participants who stated they were violently dispersed while Kericho, Kisumu and Machakos had the least percentages.

**Figure 28:** Status on violent dispersal during protests by county



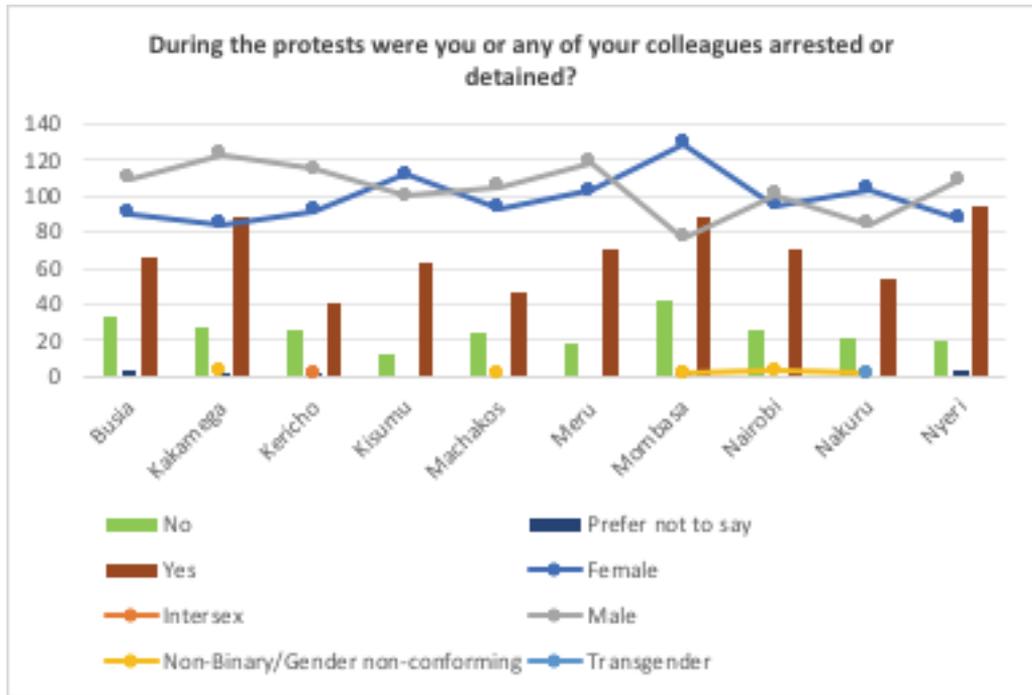
### 5.2.3 Police presence during peaceful protests

Over 75% of the respondents reported that there were insufficient numbers of police providing security during the protests.

### 5.2.4 Arrests during protests

72% of the respondents stated that they or their colleagues were arrested during the last peaceful protest they participated in. These numbers were consistently high in all counties with Nyeri (79.8%), Kakamega (75.9%) Nairobi (72.9%) and Mombasa (64.2%) registering the highest numbers of respondents who stated that they or people they knew had been arrested during the protests.

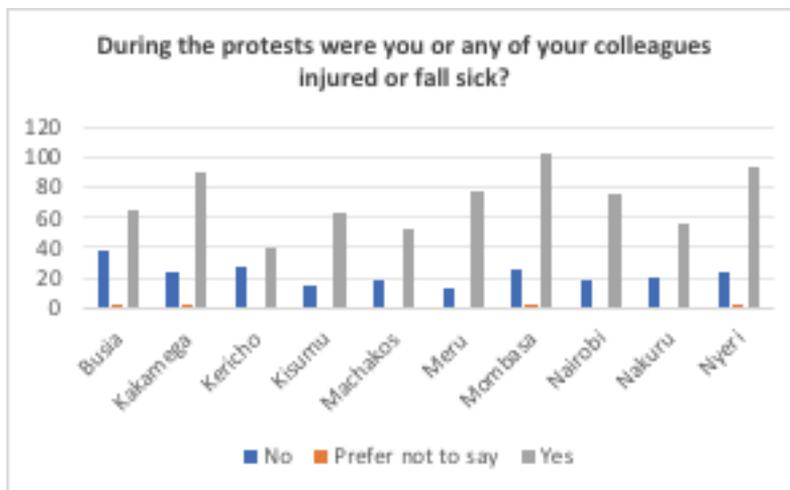
**Figure 29:** Status on arrests and detainment during protests by County



### 5.2.5 Injuries and sickness during protests

The majority (75%) of the peaceful demonstrators stated that they or their colleagues were injured or got sick during the last demonstrations. Out of these 75% fell ill requiring hospitalization.

**Figure 30:** Status on injuries during protests by County



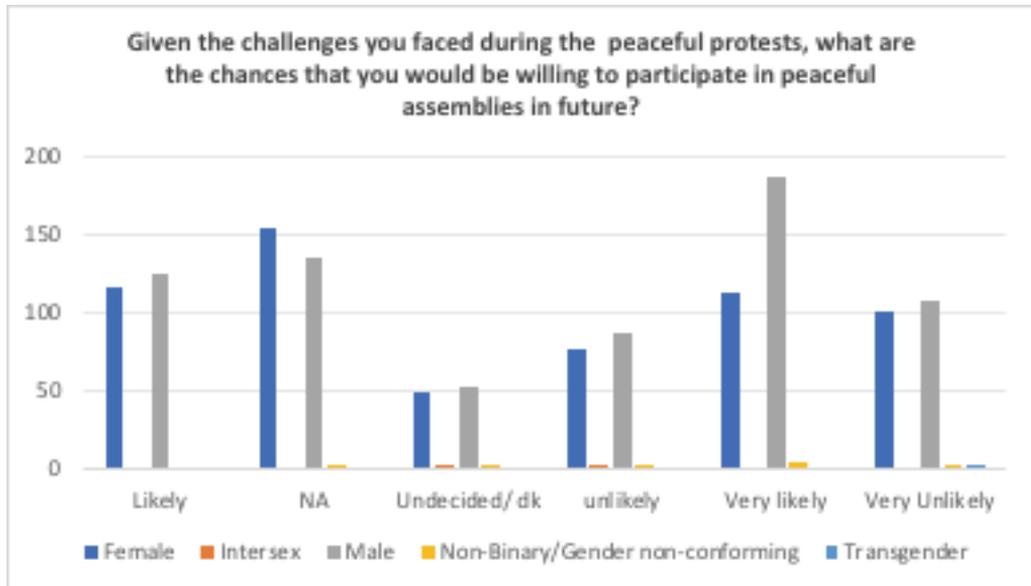
### 5.2.6 Impact on the injuries to engage in peaceful protest in future

In spite of the negative impacts on residents during peaceful protests, majority of them stated that they were likely to participate in peaceful protests in future. This shows that the negative state and other actors' aggression on the right to peaceful protests (impacts such as police brutality, attack by goons or falling ill) had not diminished their resolve to fight for their rights through protests.

**Table 10:** Likely to participate in peaceful protests in Kenya

Value	Frequency	Percentage
Very likely	295	14.55
NA	294	14.5
Likely	239	11.79
Very Unlikely	207	10.21
unlikely	166	8.19
Undecided/ dk	99	4.88

**Figure 31:** Status on likelihood to participate in future peaceful assemblies



# Chapter Six

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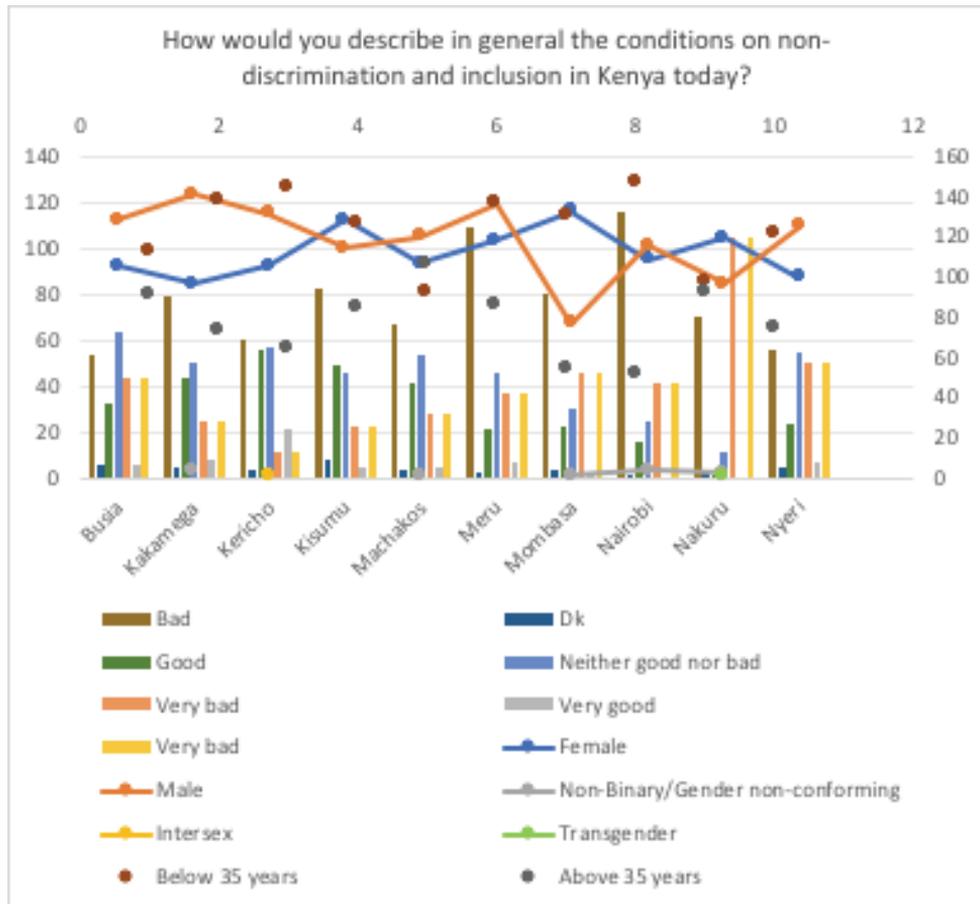
## Non-discrimination and inclusion



Inclusion and non-discrimination are intertwined concepts that promote fairness and equal opportunities for all individuals. It is about equality in dignity for all and is the backbone of all human rights. Respondents in the survey were asked for their opinion on the status of non-discrimination and inclusion in Kenya. 58% of respondents rated the conditions as either bad or very bad. Only 18% rated the conditions as either good or very good. This implies that over 80% of the population did not have a favorable rating for the current status of non-discrimination and inclusion since 22% had rated the conditions as neither good or bad.

With the exception of Busia county where majority of the respondents rated the conditions on non-discrimination and inclusion as neither good nor bad, majority of the respondents in the rest of the counties rated the conditions between bad and very bad. The counties of Nakuru (91.6%), Nairobi (78.8%) Mombasa (68.5%), and Meru (65.8%) had the highest proportion of respondents ranking the conditions between bad and very bad as the bar chart below shows.

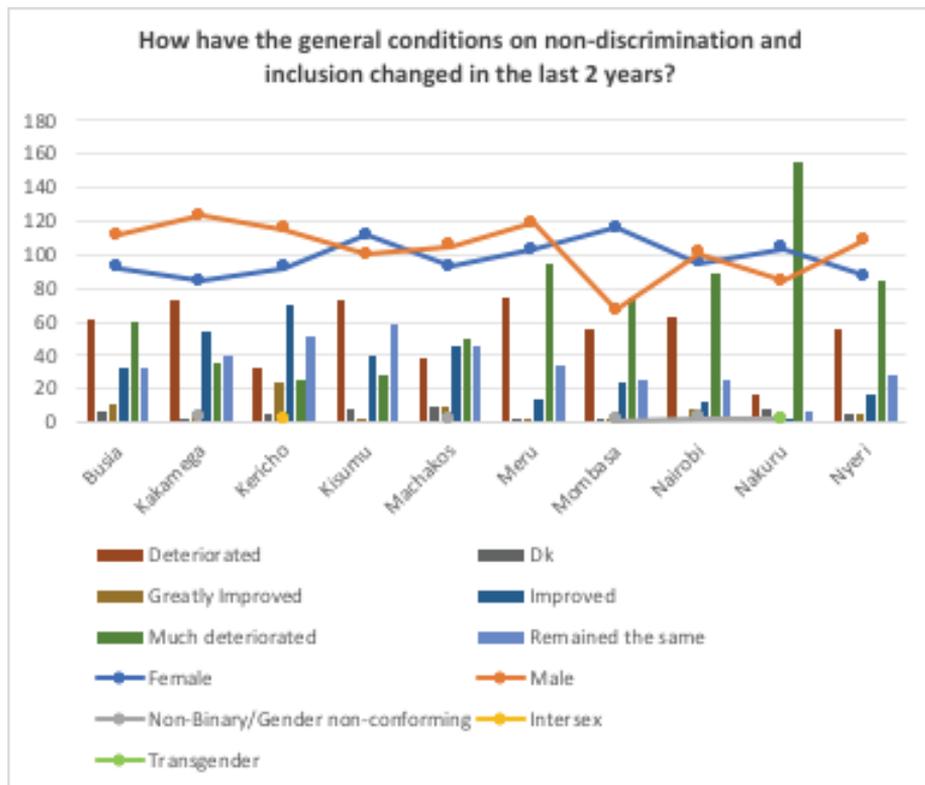
**Figure 32:** Status of general conditions on non-discrimination and inclusion today



Respondents were asked how the general conditions on non-discrimination and inclusion changed after the promulgation of the new constitution of Kenya 2010 as well as how they had changed in the last two years of the Kenya Kwanza administration. There was a huge contrast between the assessment of the respondents regarding the two timeframes. While 58% stated that the conditions had improved after the promulgation of the new constitution, these percentages plummeted to 19% rating for the period under the Kenya Kwanza administration. 61% of the respondents stated that the conditions for non-discrimination and inclusion had deteriorated during this time, which sharply contrasts with only 13% for the period immediately after the promulgation of the new constitution.

The county analysis of the conditions of non-discrimination without contradiction reflected the national average with all the counties agreeing that the general conditions on non-discrimination and inclusion improved after the promulgation of the new constitution in Kenya in 2010 but plummeted in the last two years of the Kenya Kwanza administration. The two bar charts below illustrate this poor rating in the past two years with the counties of Nakuru (90.6%), Meru (76.6%) and Nairobi (76.3%) having the highest percentages of people who stated that the conditions had much deteriorated.

**Figure 33:** General condition of non-discrimination and inclusion in the last 2 years by county



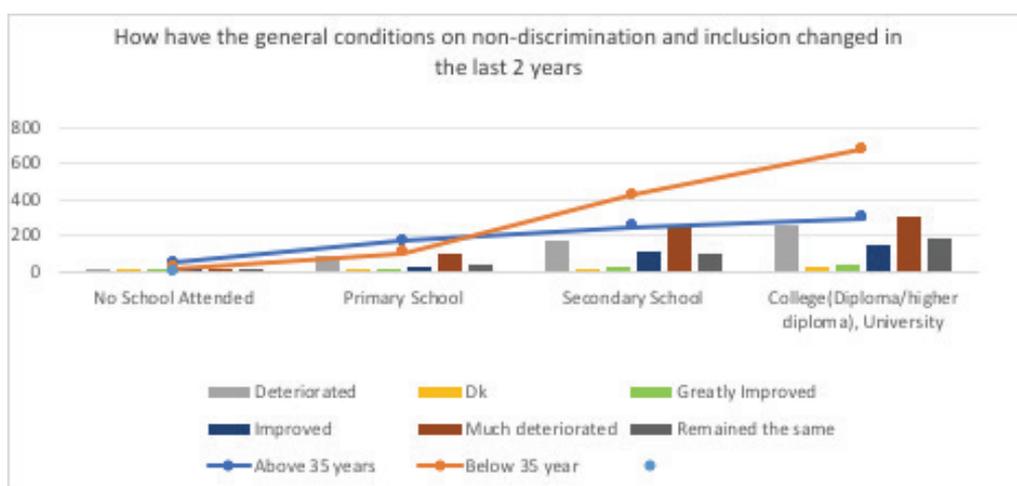
Respondents were asked which groups of persons they felt were discriminated against or excluded in the affairs of the country. In order of importance the following groups were identified as discriminated against or excluded in the running of the affairs of their societies: Youth (36.5%), particular ethnicities (31.67%), people perceived to be anti-government/from opposition zones (36.44%).

**Table 11:** Groups of persons discriminated against or excluded in the affairs of the country

Value	Frequency	%
Youth	741	36.56
People from certain ethnicities	642	31.67
People perceived to be antigovernment/from opposition zones	536	26.44
People with disabilities	521	25.7
Women	447	22.05
Sexual minorities	227	11.2
Other	245	12.09

The findings on exclusion and discrimination were also disaggregated by level of education and age. A high level of education and younger age were associated with more critical views on the status of discrimination and exclusion especially in the last two years.

**Figure 34:** General condition of non-discrimination and inclusion by age and level of education

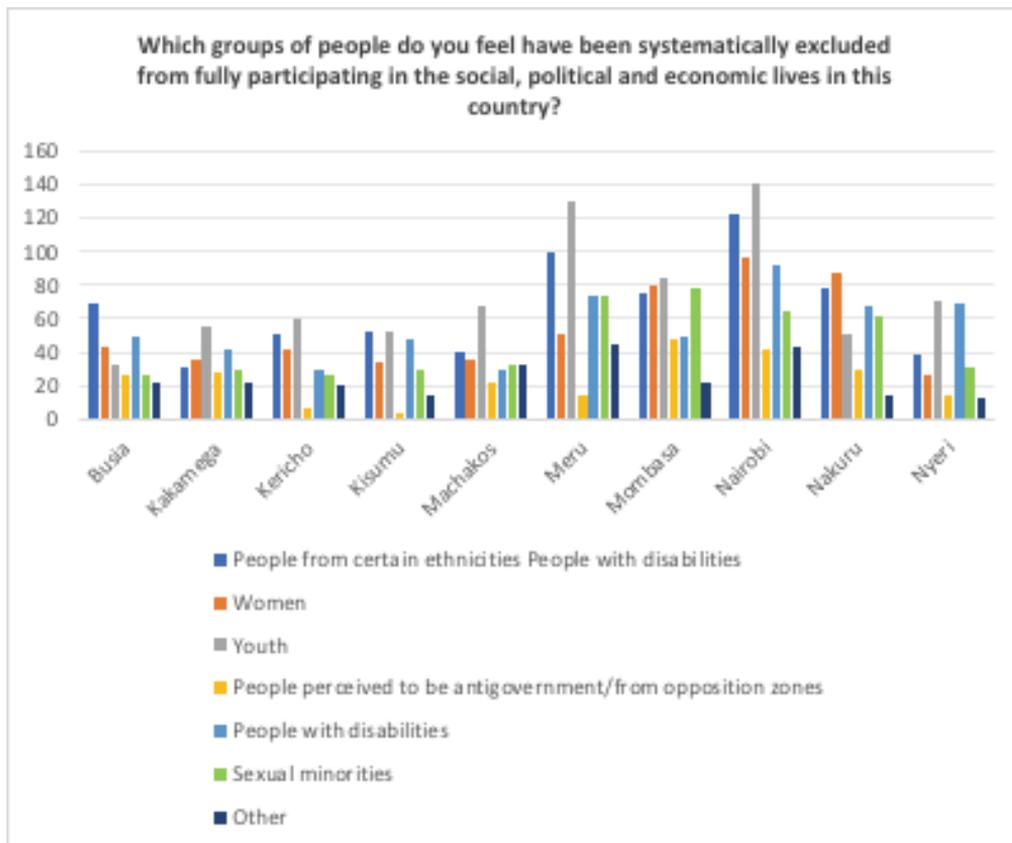


The county analysis showed some slight variation in the perceptions on who was discriminated against more in the county affairs. In Nairobi (61.1%), Nakuru (58.9%) and Machakos (57.2%), majority of the residents stated that the youth followed by the women were the most discriminated against.

In Busia, people from certain ethnicities were ranked as the most discriminated against. In Nakuru, women (68.6%) and people from particular ethnicities (60.5%) were ranked as the most discriminated against. Mombasa, respondents ranked the youth, women and sexual minorities as the most discriminated against.

The bar chart below shows how the different counties rated the status of inclusion for the different members of society.

**Figure 35:** Status on Groups of people systematically excluded



Informants from Nakuru and Busia corroborated the information provided through surveys regarding the discrimination on the basis of ethnicity as the quote below exemplifies.

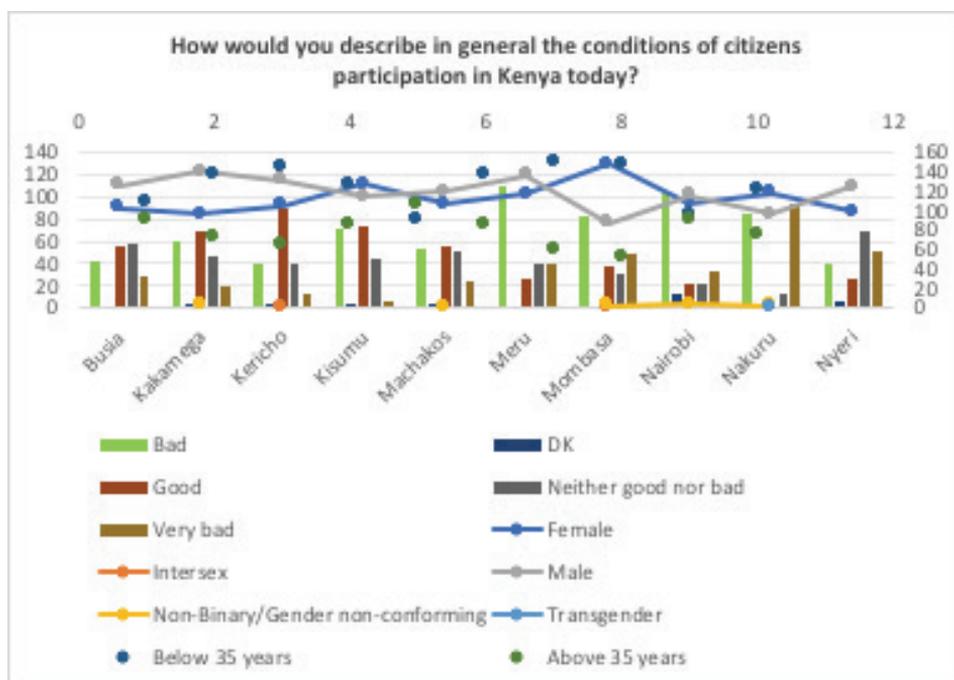
This is a cosmopolitan area, where we have the Kikuyu, the Kisii, Luo, Luhya and other tribes. But in terms of getting our rights, that one we don't get, like for elections, if you are not a Kalenjin, they cannot allow you to vie... that one forgets about it. From MCA, from MP, you cannot vie. So, if you are from other tribes, you will not get voted in (IDI informant 2 Nakuru)

### 6.1 Public perception of the status of Public Participation in Kenya

Respondents were asked for their opinions on the general conditions of public participation in Kenya. A slender majority (53%) of those surveyed stated that the conditions of public participation in Kenya were either bad or very bad. 20% stated that the conditions were neither good nor bad while only 27% rated the conditions as good and very good.

The counties showed variations in their rating on the conditions of public participation in Kenya. Kericho (52.4%), Kisumu (40.56%), and Kakamega(37.4%), counties, for instance, had the highest proportion of respondents stating that the conditions of public participation in Kenya were good. Majority of the respondents in the counties of Nairobi (52.2%), Mombasa(51.3%), and Meru (50.2%) rated the conditions as bad while Nakuru (48.7%), had majority of the residents rating the conditions as very bad. In Nyeri (17.1%) of the respondents rated the conditions as neither good nor bad. The bar chart below exemplifies these inter-county assessments.

**Figure 36:** Status of general conditions of public participation today



Informants in the IDIs were critical of the ways in which public participation was done, with some explaining the lack of a framework for its conduct as the biggest drawback to its implementation.

*The question is, do we have a public participation law? Do we even have a public participation policy? And we have raised these issues. We have suggested a range of things that need to be done areas where we have identified legislative and policy gaps, we have highlighted them in a meeting with the Attorney General, and we do hope that they will be attended, and one of them is actually this public participation. (IDI informant 1 Nairobi).*

Other informants blamed the politicians for hijacking public participation to advance their own agendas. In such cases, the politicians hire participants who come to reinforce their views in the meetings in exchange for cash and other goodies as the comment below shows.

*But the only problem is they still invite specific people who will go there and not question. By the end of the day the executive gives half bread and soda to induce people to come next time. But it is not for the public but for individuals friendly to executive and MCAS. They go there to rubberstamp (IDI informant 1 Busia).*

Haphazard preparations, poor publicity, shortage of time to peruse and understand bulk documents and language barriers were also blamed for the poor status of public participation in Kenya. The following quotes exemplify these sentiments as expressed by in-depth interviews informants.

*Here they usually play games with public participation. They ask for a meeting to start at 9 am and end at noon for example, then they come at 11:40 am, around twenty to twelve? All this time, they've been holding you on site, you wait, and they haven't sent anything.. So, you don't know what you're going to need, then they bring some voluminous documents, they want you to analyze within the few minutes left. They came so late with those documents with the made-up mind. Our role is to stand there and take pictures to give the impression there was public participation. But in real sense, there was no public participation. In one of the public participation meetings, People fought, physically because they felt they were being taken for a ride, yet they were there since morning (IDI informant 2 Kisumu)*

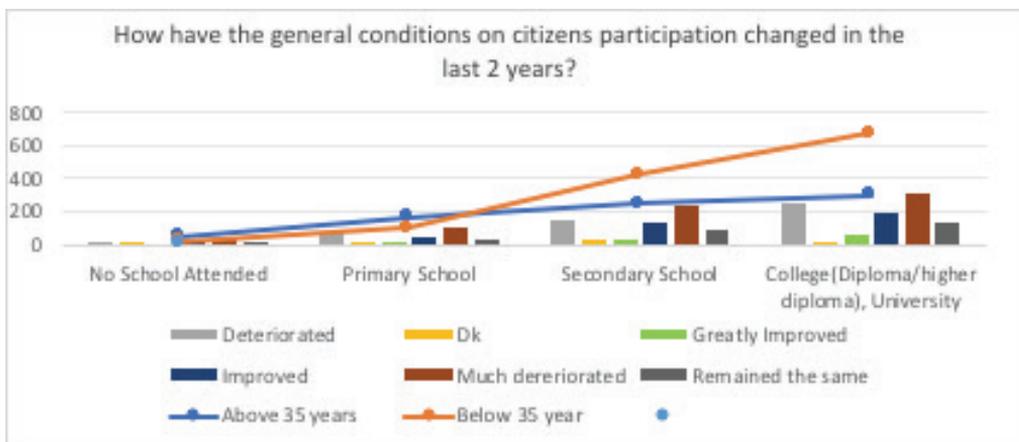
## 6.2 Public participation after the promulgation of the new constitution

The majority (62%) of the respondents in all the counties observed that the period immediately after the promulgation of the new constitution was marked by an improvement in the conditions of public participation. Only 11% stated that the conditions had deteriorated while 17% stated that the conditions had remained the same. The counties of Nakuru (89.5%), Mombasa (69.0%) and Meru (68.0%) had the highest percentages of respondents who stated that the conditions had either improved or greatly improved as the bar chart below shows.

The optimism that characterized the immediate aftermath of the promulgation of the new constitution was in sharp contrast to the last two years where the majority (61%) of the respondents observed that the conditions on public participation had deteriorated. This contrasts with the 62% of the residents who stated that the conditions on public participation had improved in the immediate aftermath of the promulgation of the new constitution. Less than ¼ of the population thought the conditions on public participation had improved. While all the counties stated that the conditions on public participation had deteriorated in the past 2 years, the county of Kericho continued to stand out as one where the majority of the participants stated that the condition on public participation had improved. Nakuru (95.2%) topped the counties with the highest numbers of respondents stating the conditions on public participation had deteriorated.

Respondents who were younger than 35 years and those with a secondary or post-secondary level of education provided a negative rating for the changes in public participation in the last two years. Majority of them stated that the condition had deteriorated when compared with those above 35 years of age and with primary level or no education.

**Figure 37:** Status of citizens' participation change in the last 2 years, by age and education



The deterioration of the conditions on public participation was echoed in all the IDI interviews conducted across the counties as evidenced by the quote reproduced below.

*Now, when it comes to participation, we have seen it reduced to a few people being called to Pwani university and then they are informed about something and then they sign participant's lists and now that becomes public participation. We have left a community of 40,000 people we've taken maybe five people, taken them to one university done a PowerPoint presentation in English. And these are illiterate community members! (IDI informant 1 Mombasa)*

### 6.3 Perception on the government attitude to the condition on public participation

Respondents were asked to rate the government's attitude to public participation, its relationships with CSOs that fight for the improvement of the conditions of public participation and the performance of the CSOs that champion the improvement of the conditions on public participation. The table below summarizes respondents' perceptions of the constructs used to measure the government and CSOs activities.

**Table 12:** Perception on the government attitude to the condition on public participation

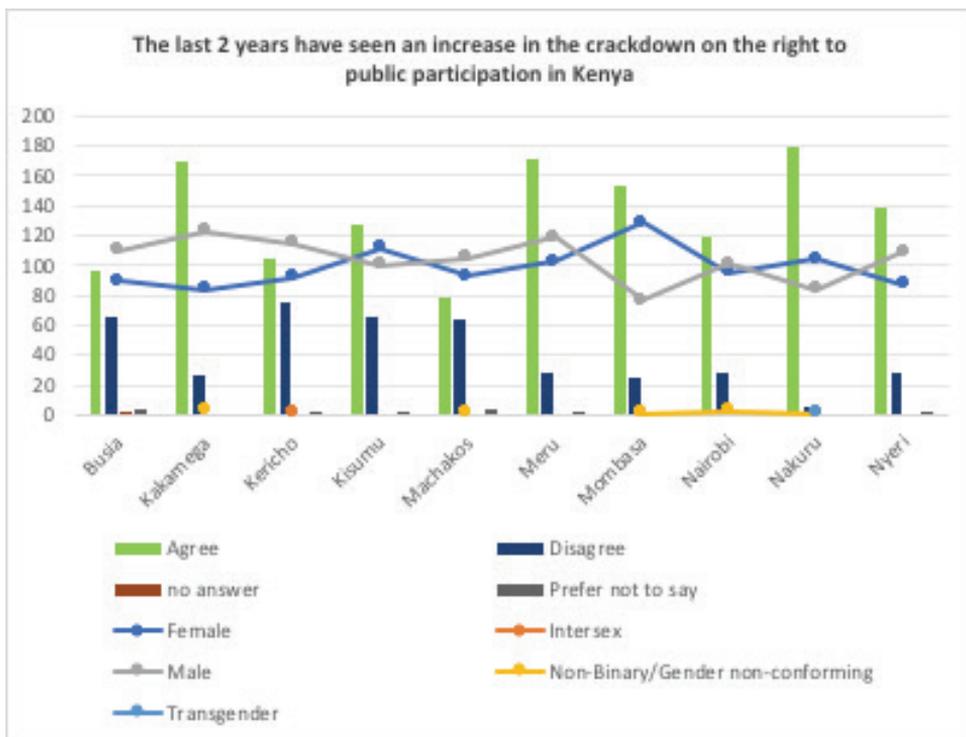
Statement	Value in %		
	Agree	Disagree	DK/prefer not to say
The government of Kenya respects the citizens' rights to public participation.	24.62	66.91	9.47
I can freely engage in public participation without fear of harassment by police or other state agents.	28.66	61.32	9.86
The last 2 years have seen an increase in the crackdown on the right to public participation.	65.07	20.37	14.56
The civil society organizations in Kenya have been vocal in fighting for the right to public participation for the citizens in the last 2 years.	73.01	12.04	14.95
The last 2 years have seen an increase in the crackdown on CSOs that support the right to public participation in Kenya.	64.87	15.64	16.28

As the table above shows, slightly over 2/3 of the respondents did not trust that the government respected the citizens' rights to public participation. Consistent with this lack of trust, 61.32% of the respondents were not confident they could engage in public participation without fear of harassment by police or other state agents. Majority of the respondents agreed with the two statements regarding the crackdown on the right to public participation as well as on CSOs that support the right to public participation in Kenya.

On a negative note, for the CSOs, close to 2/3 of the survey respondents were convinced that there had been an increase in the crackdown on CSOs that support the right to public participation in Kenya over the last two years.

The disaggregated analysis by county showed a consistent trend between the counties with the exception of Kericho regarding the Kenya government's respects of the citizens' rights to public participation. 51.4% of the respondents from Kericho agreed that the government of Kenya respected the citizens' rights to public participation. In contrast to their sentiments above, the majority of the residents from Kericho stated that they could not engage in public participation without fear of harassment by police or other state agents. Residents in all counties agreed that there had been a crackdown on the rights to public participation in the last 2 years.

**Figure 38:** Crackdown on right to public participation in the last 2 years



# Chapter Seven

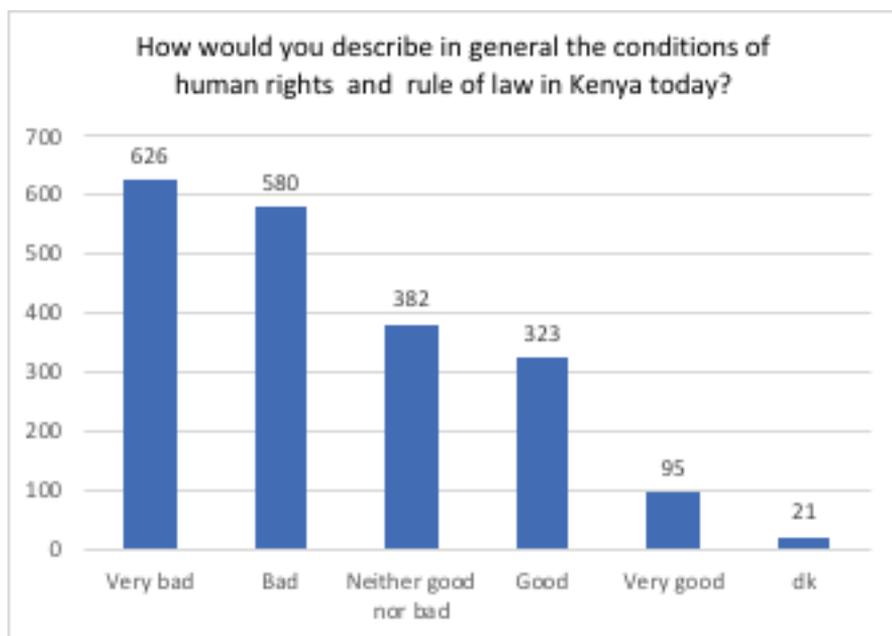
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## Public Perception of the Status of Human Rights and the Rule of Law in Kenya



Having discussed the various components of the civic space, respondents were asked to describe the general status of the human rights and the rule of law in Kenya. As the bar chart below shows, the majority (59%) of the respondents observed that the status on human rights and the rule of law was between bad and very bad. Only 21% thought the status was good while 19% felt that the status was neither good nor bad.

**Figure 39:** General conditions of human rights and rule of law in Kenya



The findings on the status of the rule of law were disaggregated by county. Kericho was the only county to rate the status of status of human rights and the rule of law as good. The rest of the counties rated the status as either bad or very bad with Nakuru (64.4%) and Nairobi (51.8%) leading as the counties with the highest percentages of respondents observing the status to be very bad.

Most of the IDIs corroborated the survey findings with some giving clear instances of violation of human rights as the quote below exemplifies.

*No, the county governments are weapons by the national government used to silence people. County governments like Embu County, the county governments, were used to silence the families of those abducted. That person has the right to associate, right to freedom, right to express themselves, right to be availed to court for fair hearing. Why was all that not done? Why did the parents choose to forgive the government? It's because they were coerced not to testify. They were afraid of being witnesses against the state. (IDI informant, Nyeri)*

## 7.1 Changes to conditions on human rights and the rule of law changed after the promulgation of the new constitution

Survey respondents were asked about the changes in the conditions on human rights and rule of law in the period immediately after the promulgation of the new constitution as well as over the last two years. 63% of the respondents stated that the conditions had improved while only 14% stated the conditions had deteriorated. Another 23% either did not know or stated that the conditions had remained the same.

When asked about the changes in the status of human rights and rule of law in the last two years, the perceptions changed remarkably from favorable to negative. Over 71% of the respondents stated that the status of human rights and rule of law had deteriorated in the past two years. Only 15% felt that the status had improved while 13% stated that the status had neither deteriorated nor improved.

At the county level, all counties with the exception of Kericho observed that the conditions on human rights and rule of law had deteriorated in the last two years. The majority of the residents of Kericho stated that the condition had improved. However, the rest of the counties, especially the counties of Nakuru (96.3%), Nairobi (87.4%), Kakamega (80.6%) and Nyeri (80.7%) Mombasa (80.4%) and Meru (77.9%) observed the conditions on human rights and rule of law to have deteriorated or much deteriorated.

## 7.2 Perception of the government's attitude on human rights and the rule of law

Respondents were asked to rate the government's attitude on human rights and the rule of law, its relationships with CSOs that fight for the respect for on human rights and the rule of law, as well as the performance of the CSOs that champion the upholding of human rights and the rule of law.

As the table below shows, over 74% of the respondents stated that the government of Kenya respects human rights and the rule of law. A similar percentage observed that they could not enjoy their civil liberties as citizens without fear of harassment by police or other state agents.

The majority (77 %) of the surveyed respondents stated that the violations on human rights and the rule of law had increased in the past two years. In spite of the existing tension between CSOs and the state, a slender majority of the respondents did not opine that the state had increased its efforts to collaborate with the CSOs in the promotion of human rights and the rule of law in Kenya. In the same vein, the majority of the respondents stated that there had been an increase in the crackdown on CSOs that support the upholding of human rights and the rule of law in the past two years.

The table below summarizes the findings on the public perception of the government's attitude to the respect of human rights and the rule of law.

**Table 13:** Perception on the government attitude on human rights and the rule of law

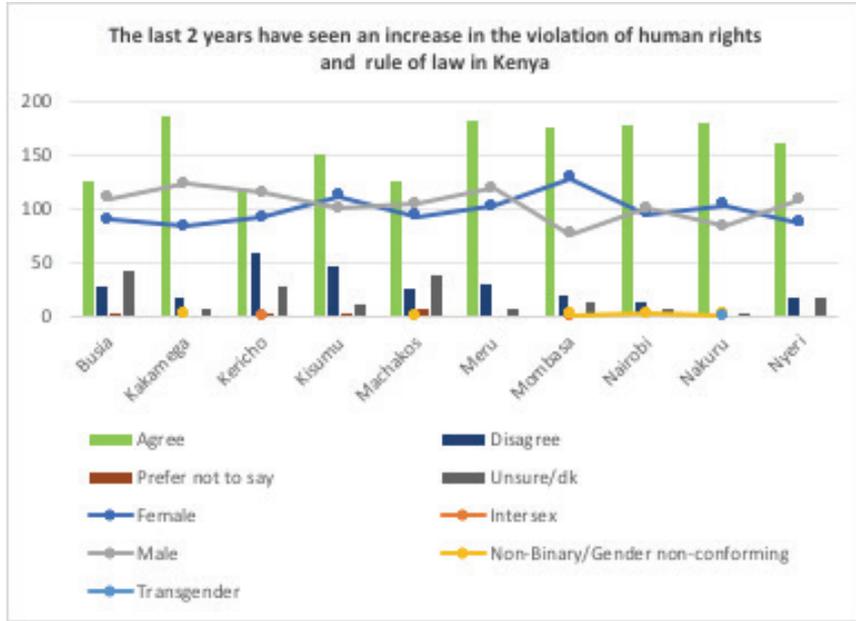
Statement	Value in %		
	Agree	Disagree	DK/prefer not to say
The government of Kenya respects human rights and the rule of law.	18.89	74.35	6.76
I enjoy my civil liberties as a citizen without fear of harassment by police or other state agents.	17.86	74.54	7.45
The last 2 years have seen an increase in the violation on human rights and the rule of law.	77.11	13.02	9.77
The last 2 years have seen increased state efforts to collaborate with the CSOs in the promotion of human rights and the rule of law in Kenya.	28.17	55.55	16.28
The civil society organizations in Kenya have been vocal in fighting for upholding of human rights and the rule of law in the last 2 years.	76.52	11.45	12.04
The last 2 years have seen an increase in the crackdown on CSOs that support the upholding of human rights and the rule of law.	71.24	13.42	15.34

The national level findings discussed in table 17 above were disaggregated by county and gender and in most cases the county averages were consistent with the national averages. Perceptions from Kericho county residents however continued to be at variance with the rest of the counties on their assessment on whether the government of Kenya respected human rights and the rule of law. The majority of the residents from Kericho agreed that the government respected human rights and the rule of law when the rest of the counties disagreed with the counties of Nakuru (98.4%), Nairobi (87.4%) Mombasa (83.1%) and Meru (82%), having the highest numbers of those who disagreed.

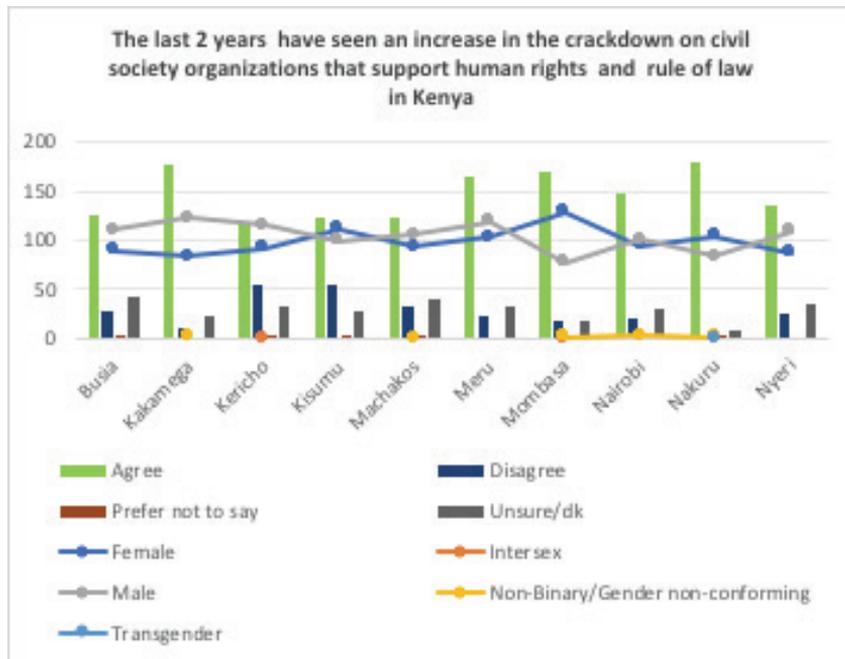
The majority of the residents surveyed were not convinced they could enjoy their civil liberties without fear of harassment by police or other state agents. With regard to the collaboration between the state and CSOs in enhancing the respect for human rights and the rule of law, again only the residents of Kericho averred with the statement that the state had increased its efforts to collaborate with the CSOs in the promotion of

human rights and the rule of law in Kenya. In all counties including Kericho, the majority of the residents stated that there had been an increase in the violations on human rights and the rule of law as well as increase in the crackdown on CSOs that support the upholding of human rights and the rule of law.

**Figure 40:** Status of human rights and rule of law in the last 2 years

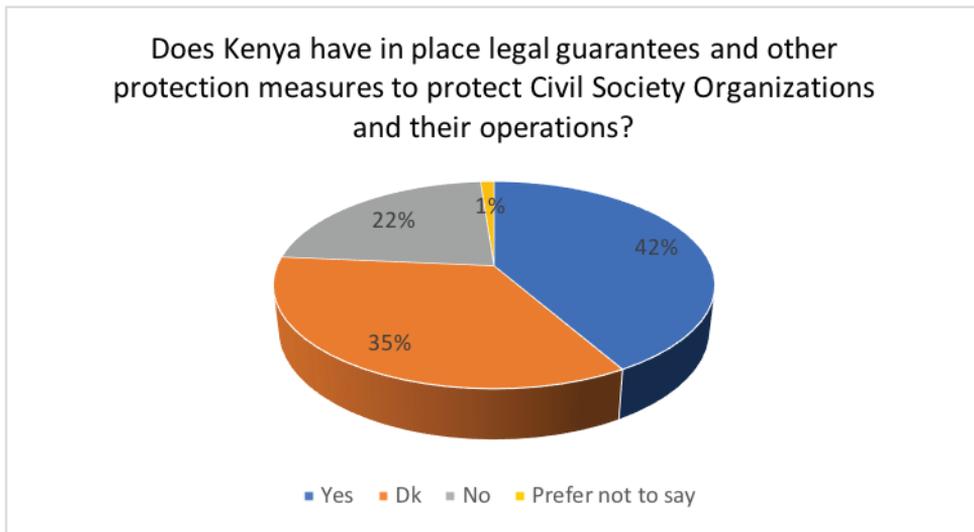


**Figure 41:** Increase in the crackdown on CSOs supporting human rights and rule of law



### 7.3 Public Perception of the Status of the State’s duty to Protect Civil Society in Kenya

Survey respondents were asked whether they were aware if Kenya had in place legal guarantees and other protection measures to protect CSOs and their operations. 42% answered in the affirmative, while 35% were unaware of such guarantees and protective measures as the bar chart below shows. When asked if Kenya respected those guarantees, the largest percentage stated that they did not know.



The Respondents who stated that Kenya did not have in place any legal guarantees and other protection measures to protect CSOs were asked if they thought Kenya would be willing to put in place such guarantees. The majority (62%) answered in the negative with only 12% believing that the government would be willing to put in place such measures. A quarter of those surveyed did not know whether Kenya would be willing to put such guarantees in place.

### 7.4 The impact of the PBO Act of 2013

Informants in the IDIs were asked about the impact of the PBO Act of 2013. All of them observed that the PBO Act had not come into effect and so its impact was yet to be felt in the operations and regulation of CSOs as the comment below shows.

*In 2013 Parliament enacted the Public Benefits Organizations Act, which then was to give a conducive operating environment for organizations. Call them CBOs, call them CSOs, whatever name you choose to have. That law was a good law, but you see 2024 is when it was on commenced. So, it means you have a law in place 10 years, 11 years, but it's not operationalized. So that's where we have a problem. I'm yet to see the regulations governing that Law, now to operationalize that law. We are yet to see that. (IDI informant 1 Nairobi Respondent)*

## 7.5 The role and plight of Civil Society Organizations (CSOs)

The findings from this study show that majority of respondents (over 70%) acknowledged that CSOs in Kenya were active and vocal in pressing for the respect of the civic space across all parameters (the right to information, freedom of association, freedom of expression, peaceful assembly, public participation, and the promotion of human rights and the rule of law). However, majority of the respondents also observed an increase in the government's crackdown on CSOs agitating for the respect and observance of the rule of law. More than 68% of the respondents reported an increase in deliberate efforts by the government to suppress the voices and activities of CSOs. This trend was interpreted as indicative of a shrinking civic space and heightened government's hostility towards dissenting civil society actors.

Some respondents cited targeted restrictions, administrative hurdles, and public vilification of CSOs as key manifestations of the crackdown. The following quote exemplifies these sentiments:

*"We started getting intolerant with opposing views, which is very unfortunate and goes against the Constitution of Kenya, 2010. There was a mapping of NGOs, and even attempts to deregister some of them, including KHRC. There were threats. We had to go to court. There were attempts to freeze accounts of Haki Africa and others. These were legally registered entities, and such actions amounted to suppressing the freedom of association (IDI Respondent 8 Nairobi)*

## 7.6 The International Community

Respondents acknowledged the international community's ongoing contributions to the promotion of human rights and good governance in Kenya. However, there were emerging concerns about shifting donor priorities. Specifically, there was a perception that international support is increasingly gliding away from the support for democratic governance and civic freedoms towards trade and strategic cooperation. This trend was viewed critically by respondents, who emphasized the need for a balanced and principled approach to foreign engagement. While recognizing the importance of economic partnerships, respondents cautioned against sidelining human rights and democratic values, as illustrated in the following quote:

*If you remember in the 2022 elections, there was a lot of push for by all these bilateral to get aligned to whichever side won, to ensure that they are getting their foot in. And then for the east, you know their interest is trade and supremacy war. China wants to replace Americans at the mega level. When Americans then want to counter China's trade influence, this doesn't auger well in protecting the civic space (IDI Respondent 7 Nairobi)*

This chapter has presented the key findings of the study on the different civic space parameters and analyzed at national and by county. The key findings was that, in spite of some inter-county differences, the findings at county level were mainly in sync with those at county level. Kericho county was the exception as the respondents there rated the government positively in most parameters of the civic space. Respondents who were below 35 years of age and with a post-secondary school education were critical of the government's role in safeguarding the civic space when compared to the older and less educated respondents.





## 8.1 The civic space context

Over the years, Civic space has been increasingly recognized by many countries as the cornerstone of functioning democracies. When fundamental civic freedoms are protected, citizens and other stakeholders such as CSOs, media workers, trade unionists and academics can engage with public institutions, express their views, participate throughout policymaking and decision-making cycles, evaluate outcomes and play a crucial oversight role. Protecting civic space is thus about creating the legal, institutional and social conditions within which citizens and non-governmental actors can engage in civic activities and exercise their democratic rights beyond and between elections. It is also about safeguarding legal rights so that citizens can advocate and participate in public debates without fear of harassment, repression, violence or vilification.

It is on the basis of this important role that civic space plays that this study was conducted to assess the public perceptions on the trends in the civic space in Kenya in order to identify the opportunities and challenges for non-state actors, key stakeholders and policy makers at the local, national, regional and international levels safeguarding the civic space. This study employed a mixed methodology incorporating a survey and informant interviews with a wide range of stakeholders in the civic space in Kenya. The study was conducted in 10 counties. Study respondents were asked to reflect on the trends in the civic space in Kenya in the period after the promulgation of the new constitution. In view of the important role played by the state and the CSOs, survey respondents and IDI informants were presented with several constructs describing the role of the state on the basis of whether they agreed or disagreed with them. Civic space parameters examined included the freedom of expression and the right to information, freedom of association, freedom of assembly, the right to public participation, inclusion and non-discrimination and respect for human rights and the rule of law.

Literature reviewed in this study showed that Kenya's institutional architecture under the CoK 2010, provided better guardrails for the protection of the civic space compared to the pre 2010 constitution (ICJ-Kenya, 2019; Osogo, 2024; Mbondenyei, 2013). The Montesquian system of government with 3 separate and co-equal arms of government offered the potential for effective checks and balances especially on the Executive arm (Kibe, 2023). Under this system, the Judiciary has played a critical role in protecting the civic space through landmark rulings such as the nullification of presidential elections and the ruling against the government-sponsored constitutional amendments dubbed BBI in 2021 (ICJ-Kenya, 2019; Osogo, 2024). Independent institutions such as the KNCHR, IPOA, EACC, and CAJ were constituted and mandated to provide oversight and hold the government to account. However, State capture, underfunding and contempt has weakened the independence and effectiveness of these institutions (ICJ-Kenya, 2019).

The Kenya parliament continued to pass restrictive laws while Executive overreach persisted, resulting in erosion of public trust (CFF & PEN Kenya, 2023; Osogo, 2024).

## 8.2. The role of the state

The Constitution of Kenya 2010 obligates the state to respect, protect, promote, and fulfill the rights and fundamental freedoms in the Bill of Rights (Article 21). The State also has the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development (Human Rights Council Expert Mechanism on the Right to Development, 2023). Thus, the new constitution established a new threshold and value system upon which the social contract between the state and Kenyan citizens would be based. This social contract required the state to uphold and protect the people's rights and interests in return for the right and legitimacy to govern.

In this study, respondents were asked to rate the performance of the state in safeguarding the civic space and upholding the constitution. The findings indicate a very poor rating and perception of the role of the state through acts of commission and omission that have ended up constricting the civic space in Kenya on all parameters. Majority of the respondents in this study observed that the government of Kenya had employed a variety of tactics to respond to critical voices by restricting online and offline civic space, by means of laws, policies and administrative measures such as by limiting and banning assemblies, imposing restrictions non-governmental organizations registration and funding restrictions, conducting online surveillance, delegitimizing dissenting voices by labeling them as 'evil society', 'anarchists', 'tribalists, or 'enemies' and harassing critics. The state was thus viewed as a stumbling block or a reluctant enabler in the civic space who only reacted when pressured by local or international forces and interests. A key example of this scenario was the setting up of the commencement date for the PBO Act of 2014 in 2024, 11 years after it was assented, and mainly because the UN global civil society conference was happening in Nairobi then. Informants in this study, however, observed that most the agreements entered into between government and CSOs on the steps to follow for the Act to be fully operational were yet to be actualized over a year later and the CSOs are in limbo on how to operate henceforth.

## 8.3. Freedom of expression and right to information

Freedom of expression constitutes one of the foundations of democratic societies and states are obligated to respect and ensure this right. It covers the freedom to seek, receive and impart information of all kinds. It is important however, to note that, under freedom of expression, speech can be lawfully restricted, when based on law and when

it is necessary out of respect for the rights and reputation of others, for the protection of national security, public order, public health or morals. A country's judicial system is thus expected to play a key role in determining legitimate limitations, addressing the tensions between the rights of freedom of expression and other rights and providing redress for violations. Defamation laws for instance are expected to strike a balance between freedom of speech and personal reputations.

The Kenya constitution guarantees the freedom of expression under article 19 while under Articles 35, every citizen has the right of access to information held by the state and or by another person, to the extent that it is required for the exercise or protection of rights and fundamental freedoms.

Majority of the respondents in this study did not believe that the government of Kenya respected the freedom of expression for its citizens and, consequently, were not confident that they could express their thoughts and feelings freely about the government of the day without fear of harassment by police or other state agents. The government of Kenya was accused of surveilling residents physically or through their online platforms thereby coercing people to compliance and limiting their scope for expressing critical opinions and mobilizing others. Our findings are corroborated by the findings of Pflanz (2025) who also observed that activists and journalists in Kenya reported increased state surveillance and digital threats, especially during protests or electoral periods.

Access to timely, accurate, up to date and high-quality information and data from public bodies supports an informed and active citizenry that can engage in constructive public debate. Public information includes any records held by a public body regardless of the form in which the information is stored, its source and date of production. Similar to the freedom of expression, majority of the respondents survey stated that the government had increased the crackdown on the right of access to information especially in the last two years. There were inter-county differences which signaled the attitudes and rates of the different county government administrations in granting access to information. Nakuru and Kakamega ranked highest among the counties with most restricted access to information. The most affected information sources were those related to financial accountability where residents in most counties found extremely hard to access.

The right to information in Kenya is hampered by the absence of relevant legal provisions that include request procedures, including options for anonymity, means of filing potential fees, timeframes, exceptions and exemptions, and appeal processes in case of denial of request.

### 8.3.1. The media

Independent and pluralistic media are a key element of civic space. Enabling media workers including bloggers to operate freely in a safe environment allows for the timely dissemination of information, facilitates timely debate and strengthens accountability. Half of those surveyed in this study believed that the media in Kenya (print and electronic) was not free to air news on the social economic and political landscape. Informants recalled instances where journalists had been brutalized by police and other state agents. State regulations, media ownership, public pressure, economic interests and journalist integrity were listed by respondents as exerting negative influence on media freedom.

In contrast to the mainstream media, the study findings from show a positive outlook with respect to social media. For instance, a majority of the respondents stated that they had never been harassed or victimized for expressing their views on digital platforms. This is particularly significant given that a large number of the respondents sampled confirmed use of digital platforms to express themselves on topics of importance to them. However the fact that only 34% stated that they felt confident to actually use social media to express themselves could also imply that, for some, if not most, the absence of harassment could be due to self-censorship rather than the presence of safeguards. If this is the case, then it means that a majority of Kenyans live under fear despite constitutional guarantees.

While traditionally, Kenya has always had one of the most vibrant media landscapes in Africa (Kiai, 2021), the progressive libertarian constitution in general and the expansive Bill of Rights in particular provide wider latitude for growth and impact of both civil societies and media. Our findings on media censorship are supported by the findings in various reports of the Kenya National Commission on Human Rights (KNCHR). In its July 2023 - November 2024, the KNCHR reported attack on media personnel in Machakos and Trans-Nzoia. Other attacks on the media by the state were reported during the 2024 anti-finance bill protests where the Media Council of Kenya (MCK) reported 24 incidences of arbitrary arrests, harassment and attacks by police on journalists covering the demonstrations countrywide. According to the KNCHR, internet censorship was also experienced in Kenya on the 25<sup>th</sup> of June 2024 where internet downtime was experienced, despite earlier assurances by the communication authority in Kenya.

### 8.4. Freedom of assembly

Peaceful assemblies are a crucial channel for participation and free expression. They allow individuals and groups to advance ideas and aspirations and to express grievances in the public domain. Under the freedom of assembly protected by article 37, the state must allow peaceful assemblies to be held without unwarranted interference

and to facilitate the exercise of this right and to protect participants. Majority of the respondents surveyed complained that the freedom of assembly in Kenya had been scuttled in recent times especially in the last two years. Respondents surveyed were not convinced that the government of Kenya respected the freedom of assembly and had increased the crackdown on protestors in the last two years. The two most common sources of interference were the police and hired goons. Majority of the respondents complained that there were elements in the police force whose mentality remained in the old constitutional dispensation where they were supposed to give permissions to protestors to carry out their activities. Under the constitution of Kenya 2010, members of the public desirous of carrying out peaceful protests are only required to notify the police who in turn are expected to provide security to protestors. Survey respondents observed that some sections of the police force respected the new constitutional dispensation regarding protests. However, there was suspicion that police either deliberately refused to provide security and/or in worst case scenarios, worked in cahoots with politicians to organize rival protests. And where politicians hired goons to disrupt peaceful protests, police never intervened. Consequently, fear of goons was mentioned as one of the biggest threats to the freedom of assembly by respondents in this study.

In its latest report (2023- 2024) the KNCHR has documented very high-level interference with the freedom of assembly in Kenya. For example, During the Azimio-One Kenya Coalition, country wide demonstrations organized in March, April, June and July 2023, public pronouncements made by the cabinet secretary and the Inspector General of police, declaring the demonstrations unlawful led to the use of brutal force. The KNHRC observed in its report the same pattern of the use of brutal force for the 2024 anti-finance bill protests resulting in 60 deaths, 601 injuries, 74 cases of enforced disappearances and 1,376 instances of arbitrary arrests of demonstrators. The sentiments expressed by our respondents, of a severely constricted space for peaceful assembly are thus in agreement with the findings reported in the reports of several commissions. Majority of those who reported participating in peaceful assembly also reported that they or their friends were injured and/or arrested during the protests.

## **8.5. Public participation**

Entrenchment of public participation and devolution in the Constitution, are two new feature of governance that provide opportunity for citizens and CSOs to influence governance locally as well as at the national level. In Kenya, public participation is guaranteed under articles 69 (d), 196 (1) (b) and 201 (a). Through these articles, the state is expected to enshrine citizen and stakeholder participation in a range of legal and institutional frameworks and practices to complement and reinforce traditional democratic processes and systems such as elections. The government was expected to promote the use of participatory and deliberative processes, enshrining the right

to participation in legal frameworks, creating institutional frameworks for public participation and embedding participatory processes in decision making.

Our respondents were unanimous in their assessment of public participation. Majority of them rated public participation in Kenya poorly with some terming it as ‘tokenism’ or ‘ticking of the boxes’. Public participation forums were often conducted in a hurry and with selected participants aiming at a specific outcome. Participants in this study pointed to several flaws in the ways that the public participating forums were conducted: shortage of time, poor preparations, bulky and complex documents, control by politicians and disregard for the views expressed during public participation forums. An example of the flawed processes mentioned by study participants was the Finance bill of 2024 that was roundly rejected countrywide but the parliamentary committee conducting the process ended up stating that the bill had received public approval leading to its passing in parliament and the ensuing public protests. Questions were also raised on the modality of collecting public views and what happens when members of the public overwhelmingly vote against policy proposals by the government.

Informants pointed to the absence of a public participation legal and institutional frameworks as the biggest drawback to the realization of functional and productive public participation. Study participants hoped that the public participation laws would include policy advice, capacity development, technical assistance and funding support for public participation including the incorporation of digital technologies.

## **8.6. Freedom of association**

The freedom of association is protected by Article 36 of the Constitution of Kenya 2010 which declares that every person has the right to freedom of association which includes the right to form, join or participate in activities of an association of any kind (GoK, 2010). In this study participants were not very critical of the status of the freedom of association with less than half suggesting that the situation of the freedom or assembly was bad. The rest state that the situation was either good, or neither good nor bad. However, majority of the respondents stated that the freedom of assembly had deteriorated in the last two years. This finding is corroborated by the latest report of the KNHCR that cited the profiling and accusation of 16 PBOs on allegations of using donor funds to finance the demonstrations.

Our findings are also mirrored in other reports that show that state has also constrained the civic space through regulation and control of registration and operations of civic organizations. For instance, in 2013, the NGO Co-ordination Board refused to register the National Gay and Lesbian Human rights Commission (NGLHRC), citing contravention of anti-same-sex laws. Similarly, Haki Africa, a human rights organization, was denied

registration based on alleged security concerns (Katiba Institute, 2021). In 2014, the Board moved to de-register over 500 CSOs on the grounds of non-compliance with financial reporting regulations. Finally, the state has constrained the civic space through funding control, gatekeeping and encouraging the creation of pro-government NGOs (GONGOs) to compete for donor funding and discouraged foreign funding for independent CSOs (CIVICUS Monitor, 2024).

## 8.7. Inclusion and non-discrimination

The principle of non-discrimination and inclusion holds that all individuals, regardless of identity or status, must have equal rights, access, and participation in civic life. This principle requires that societies counter the discrimination, exclusion and marginalization that disproportionately affects certain groups and acts as an obstacle to equal participation in public life. This study established that majority of the respondents (over 80%) did not have a favorable view about the situation in the country regarding inclusion and non-discrimination. Most of those interviewed stated that the conditions for non-discrimination and inclusion had deteriorated in the last two years, a reversal of their views for the time immediately after the promulgation of the new constitution when majority opined that the conditions had improved. Gender, ethnicity and age appeared to be key determinants for exclusion with the worrying trend for tribalism in counties such as Nakuru and Busia that are dominated by one ethnic group. The potential for such forms of exclusion to escalate to violence especially during electioneering times was raised by respondents as something that civil society needed to be cognizant of and institute measures to forestall its occurrence

The counties of Nakuru, Meru, Mombasa and Nairobi, reported high levels of exclusion. It, it is noteworthy that  $\frac{3}{4}$  of these counties are the most cosmopolitan counties in Kenya. This suggests that either the severity of discrimination and/or exclusion is correlated with urbanization or that respondents in the urban areas are more aware of or sensitive to discrimination and/or exclusion.

## 8.8. The PBO act

Despite the passing of the PBO act in 2013, the Act was only operationalized 11 years later in 2024 by the minister for interior and national administration vide legal notice No. 78. While lauding the move, majority of the informants doubted the sincerity of the government especially judging from the length of time it took the government to operationalize it and the previous failed attempts by the government to amend the Act. Despite its operationalization, the Act is yet to come into effect due to the lack of a framework to implement it although there are ongoing discussions between the CSOs and the attorney general to craft that framework. It is hoped that once the PBO act comes into full effect, the environment within which CSOs operate in Kenya will be

transparent, accessible and fair. Majority of the respondents consequently stated that it was too early to assess the impact of the Act.

### **8.9 The civil society movement in Kenya**

Kenya's civil society organization continue to play an important role in safeguarding the democratic rights and principles, amplifying the rights and voices on the marginalized and vulnerable, advocating for transparency and accountability and safeguarding the rights of all Kenyans. However, they operate in a precarious environment where the government of the day accommodates them only to the extent they do not delve in the arena and clamor for the respect of the rights of the citizenry and the requirements for the upholding of democratic principles and the rule of law. Most of the informants in this study expressed that the government had no problem with the so called 'development' NGOs. It is thus incumbent on the CSOs to bring to the attention of the government of the day the inextricable nexus between civic space and civil liberties and development and the need to uphold both.

### **8.10 Challenges and limitations of the study**

1. **Sampling frame:** National-level studies of this nature often require a national sampling frame to enable proper randomization in the selection of respondents. In the absence of this frame, it could lead to bias in the selection of respondents. To minimize this bias, we ensured that the Research Assistants traversed over half of the sub-counties in each County to recruit respondents.
2. **Limited budget:** A national survey is an expensive undertaking. We commend the DC for availing the resources that ensured that we conducted a study that meets the requirements of scientific rigor. More resources would have enabled a larger sample size and consequently better national representation and more robust statistical analysis. Based on the sample, we were unable to get sufficient respondents from the queer and gender minorities for statistical analysis and presentation.

# Conclusion



Kenya's civic space legal landscape continues to be a dynamic interplay between constitutional guarantees, legislative frameworks, judicial oversight, civil society activism and international obligations. The passing of the new constitution of Kenya in 2010 came with a huge promise for the enhancement of the civic space and the social, economic and political transformation of the Kenyan society in general. However, as the findings of these project show, the little progress achieved has however been overshadowed by reversal of many of the gains envisaged by the passing of the new constitution.

One of the key reasons for the lack of progress is the fact that the clamor for a new constitution occurred in an environment of resistance and reluctance by the ruling elite, who employed techniques to either resist or control the processes and outcomes of the reform processes. Consequently, successive regimes after the enactment of the New constitution have been reluctant and dithered in enacting a comprehensive, strategic and coordinated approach to implement the constitution. It is thus imperative that the Civil society movement hold the government of the day to account on the promises and promissory of the New constitution and to push for an incremental, coordinated and sustained implementation as opposed to one that panders to the interests and benefits of the ruling elite, in order to build resilience against any democratic backsliding.

# Recommendations

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## Recommendations for players in the civic space

### a) Government

The Government should undertake a thorough audit of implementation of COK 2010 to examine the extent to which the relevant policies, laws and institutions to safeguard civic space have been enacted.

- The audit of the COK 2010 should be followed by constitution of an independent team drawn from government and CSOs that will develop a roadmap on how the requisite legal and policy frameworks are to be enacted.
- The Government has initiated processes of putting in place legal frameworks to safeguard civic space parameters such as PBO Act, policy on public participation prepared by the Attorney General. Such processes are laudable, but the Government should delineate a clear timeline for the achievement of these and ensure compliance to international and regional frameworks to which Kenya is a signatory.
- The Government should adequately fund independent and constitutional commissions such as Kenya National Commission on Human Rights (KNCHR) and the National Gender and Equality Commission (NGEC), Independent Policy Oversight Authority (IPOA) among others, to enable them discharge their mandates more effectively and efficiently. It should delineate the allocation of a specific percentage of national government budget to these bodies.

### b) Civil Society Organizations

- CSOs have often worked in silos and have 'projectified', time-bound initiatives. CSOs must consider that entrenching the requisite safeguards for civic space require long term investments in time and funding, require collaboration, progressive and sustained engagement. They are therefore encouraged to institute long-term strategies for funding with strong cross-sector collaborations.
- Strengthening documentation: CSOs should not only document their work, but also the processes and journeys alongside the lessons learned and the impact therein, by using digital tools, community reporting systems, files preservation protocols, and securing data storage systems.
- Constitutional processes such as elections are often tense and rife with conflicts. CSOs should proactively institute measures to prevent the escalation of tension into violence e.g. this research identified looming tensions in some parts of

the Rift Valley emanating from discrimination and exclusion of certain ethnic communities.

- Empowering the Next Generation. CSOs are encouraged to invest in alternative leadership models that prioritize agility, responsiveness and citizen-centered governance. CSOs should deliberately invest in shaping the civic consciousness of young leaders, by equipping them with knowledge, tools, and platforms, to ensure that the momentum for change continues across generations.
- Rebuilding credibility and countering harmful narrative. The CSOs should proactively counter negative narratives perpetuated by the state and other interested parties to remain steadfast, objective and credible defenders of the civic space.
- The CSOs should proactively conscientize the legislature against passing laws that covertly and/or inadvertently constrict the civic space.

### c) International Communities/Donor Agencies

- Funding the CSOs: The international community has played a pivotal role in supporting diverse portfolios on human rights and good governance to CSOs in Kenya. In light of the fact that safeguarding civic space in precarious democracies is a long-term undertaking, the donor community should endeavor to provide long term and flexible financial support to CSOs.
- Balancing economic interests with democratic values: The international community has been a supporter of human rights, democracy and the rule of law. They are encouraged to continue supporting civic freedoms even as they pursue trade and other strategic cooperations.

### d) Defenders Coalition

- Building a resilient human rights defender ecosystem. In light of the current perilous period in terms of threats to civic space, the Defenders Coalition should invest in building a resilient ecosystem for HRDs. This includes but not limited to: strengthening their institutional capacity, enhancing legal and psychosocial support systems, and continuous improvement of digital and physical security.
- Support CSOs in litigation: Social Justice Centers play a critical role in advocating for justice and human rights. However, many face challenges in navigating

complex legal systems. The Defenders Coalition is encouraged to continue offering legal support and capacity-building to enable social justice centers gain representation in Court Users Committees.

#### **e) Human Rights Defenders**

- Citizens must acquaint themselves with the constitution and the laws of the land to enjoy their rights but also to guard against contravening the laws and claiming unfair prosecution. For instance, before posting or advocating on social media platforms, HRDs should be well-versed in relevant laws and regulations to avoid legal repercussions.
- HRDs should continue to demand accountability, good governance, and respect for human rights and rule of law.

#### **f) The Media**

- The media plays a pivotal role in safeguarding civic space and keeping the public informed, holding power to account and amplifying the voices of citizens. The media is encouraged to continue advocating for freedom of the media and for the respectful of human rights and the rule of law.

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## Defenders Coalition is the National Coalition of Human Rights Defenders (HRDs)

Established in 2007 and registered under Kenyan law as a Trust. The Coalition works primarily for the protection of Human Rights Defenders (HRDs) in Kenya.

Among others, the Defenders Coalition strengthens capacities of HRDs to work more effectively, besides advocating for favourable legal, policy and institutional environments in order to reduce their vulnerability to the risk of persecution and or harm.



**Emergency toll-free line:**

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[@defenderske](https://www.instagram.com/defenderske)



[Defenders Coalition](https://www.youtube.com/DefendersCoalition)



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