



**THE REPUBLIC OF KENYA**

**JOINT ALTERNATIVE REPORT**

**TO**

**14TH PERIODIC REPORT OF THE REPUBLIC OF KENYA ON THE AFRICAN  
CHARTER ON HUMAN AND PEOPLES' RIGHTS**

**AND**

**THE 2 ND REPORT ON THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN  
AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (MAPUTO  
PROTOCOL)**

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## Acronyms

ACHPR – African Commission on Human and Peoples’ Rights

ACHPR – African Charter on Human and Peoples’ Rights

CSO – Civil Society Organisations

Eds – Enforced Disappearances

EJKs – Extra Judicial Killings

GBV – Gender-Based Violence

HRD – Human Rights Defender

KNCHR – Kenya National Commission on Human Rights

NHRI – National Human Rights Institution

ODPP – Office of the Director of Public Prosecutions

TFGBV – Technology Facilitated Gender Based Violence

WHRD – Woman Human Rights Defender

## Introduction

This report, drafted by the National Coalition of Human Rights Defenders Kenya (Defenders Coalition) and DefendDefenders, (East and Horn of Africa Human Rights Defenders Project) is intended for the consideration of the Commission during its 87<sup>th</sup> Ordinary session scheduled to take place in Banjul, The Gambia from 11- 20 May 2026. This session will include an examination of the 14<sup>th</sup> periodic report submitted by the Republic of Kenya regarding its compliance with the African Charter on Human and Peoples' Rights and the 2<sup>nd</sup> Report to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

In adherence to the reporting guidelines provided by the African Commission on Human and Peoples' Rights, this report does not claim to present a comprehensive overview of the state of the African Charter's implementation in Kenya. Instead, it focuses on a critical examination of specific Charter articles and their implementation by the Kenyan government.

The report starts with an executive summary that outlines the key areas of concern and provides recommendations that Defenders Coalition and DefendDefenders believe are crucial for the government of Kenya to effectively address and implement the provisions of the Charter. We appreciate the Commission's dedication to reviewing this shadow report and express optimism that it will aid the Commission in its assessment of Kenya's efforts in upholding the provisions of the Charter.

The shadow report addresses issues including ratification of regional and international instruments, extra judicial killings, the Kenya Human Rights Commission, police reforms, the rights to freedoms of expression, association and peaceful assembly, situation of human rights defenders in Kenya. It also includes a set of recommendations directed towards the government of Kenya, aimed at improving the protection and promotion of human rights in the country.

## Executive Summary

Kenya has registered progressive steps to improve its human rights situation in the country including the proposed Intersex Persons Bill, 2023, signing into law of the Persons with Disabilities Act, 2025, setting up of a Taskforce to investigate the rising cases of gender-based violence (GBV) and femicide and making key recommendations on how to address these concerns. In addition, strengthening of GBV policies especially at the county level and establishment of Gender Justice Courts by the Judiciary in the country are commendable.

Despite these progressive steps there remain concerns on the narrowing of civic space. According to the Civic Space Monitor<sup>1</sup>, in 2023 and 2024 Kenya's civic space rating was downgraded from obstructed to repressed illustrating heightened restrictions on the rights to freedom of expression, association and peaceful assembly. Human rights violations include increased cases of abductions, involuntary and enforced disappearances (Eds) and extra judicial killings (EJKs).

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<sup>1</sup> CIVICUS Monitor tracking civic space, <https://monitor.civicus.org/country/kenya/>, accessed 25 March 2026.

The violations of the rights to peaceful assembly, association and expression including proposing and adopting of repressive laws to claw back on their guarantees under the Constitution and the African Charter on Human and Peoples' Rights indicates the country's intent to limit such rights which are pertinent in addressing human rights violations. Limited or slow police reforms especially in the context of adhering to human rights standards, proper management of protests and lack of accountability for their actions are issues that cannot be ignored.

The failure by the state to implement legislation including the National Coroners Service Act, 2017 but rather propose amendments raise the question of its commitment to address cases of extra judicial killings and deaths that occur under unclear circumstances. The limited access of some groups including sexual and gender minorities within certain spaces including leadership, retaining colonial laws such as the Penal Code that enable oppression questions the commitment of the government to protect this vulnerable and already marginalised minority group.

The Kenyan government should adhere to its constitutional and regional obligations to protect and respect human rights and fundamental freedoms and should put effective measures for their enhancement.

## Ratification of Regional and Domestic Instruments

- i. Kenya committed to enact a comprehensive legislation to criminalise cases of enforced disappearances at the commemoration of the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights (UDHR). Additionally, a multi-Agency team was set up in 2023 by the Attorney General to propose legislative measures to address enforced disappearances and extra judicial killings. However, Kenya is yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Cases of involuntary and enforced disappearances and extra judicial killings remain a growing concern in the country. Following the 2024 June protests over the then proposed Finance Bill (2024), the Kenya National Commission on Human Rights (KNCHR) reported at least 82 cases of abductions and enforced disappearances in the country.<sup>2</sup> In 2024, three human rights defenders (HRDs) were abducted and disappeared for more than 30 days. They were held incommunicado and the police denied holding them.<sup>3</sup> The three were later released following consistent efforts mostly by civil society and international bodies calling for their release. In 2025, the KNCHR reported at least 17 cases of involuntary and enforced disappearances in the country.<sup>4</sup>

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<sup>2</sup> 'Statement on the Recent Surge of Abductions/Enforced Disappearances in Kenya' <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1213/Statement-on-the-Recent-Surge-of-AbductionsEnforced-Disappearances-in-Kenya> (accessed on 15th March 2026).

<sup>3</sup> <https://www.standardmedia.co.ke/national/article/2001503040/three-missing-kitengela-men-found-alive-freed> (accessed on 15th March 2026).

<sup>4</sup> 'Statement on Human Rights Concerns During the Saba Saba Anniversary Demonstrations' <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1231/Statement-on-Human-Rights-Concerns-During-the-Saba-Saba-Anniversary-Demonstrations> ,

- ii. Closely linked to enforced disappearances is abduction and temporary disappearing of persons before either being arraigned in court or held in police or military facilities. On 16 November 2024 Uganda's opposition leader Dr. Kizza Besigye was abducted from Kenya and deported to Uganda, held in a military facility before being arraigned in court on 20<sup>th</sup> November.<sup>5</sup> In 2025, Tanzanian HRD Maria Sarungi Tsehai was temporarily abducted from Nairobi before her release near the Kenya Tanzania border.<sup>6</sup>

## Extra Judicial Killings

- i. Cases of extra judicial killings in Kenya continue to be persistent. A 2024 report by the Missing Voices Coalition (MVC),<sup>7</sup> indicated that at least 104 cases of extra judicial killings were reported.<sup>8</sup> In 2022, 130 cases were documented and 118 cases reported in 2023.<sup>9</sup> During the protests experienced in 2024 and 2025 the Kenya National Commission on Human Rights reported at least 60 persons and more than 30 were killed respectively.<sup>10</sup> Of concern is the low rate of prosecutions of perpetrators of extra judicial killings who in most cases are the police. Where such prosecution has occurred and sentence imposed, it is because of public outcry and efforts from civil society seeking justice for victims, survivors and the family. Kenya has not criminalised extra judicial killings. The government should criminalise extra judicial killings by enacting comprehensive legislation.
- ii. Although the cases highlighted are not exhaustive, they present a picture of the state of involuntary and enforced disappearances, abductions and extra judicial killings in Kenya and the East African region. It is noted that these actions are utilised by the state as weapons to suppress voices critical of human rights violations. More concerning is the low rate of accountability, given the perpetrators are neither arrested nor prosecuted for these offences.

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<https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1230/KNCHR-UPDATE-ON-THE-25TH-JUNE-2025-DEMONSTRATIONS> (accessed on 15th March 2026).

<sup>5</sup> Uganda: Opposition politician's abduction in Kenya continues "a growing and worrying trend of transnational repression"

<https://www.amnesty.org/en/latest/news/2024/11/ugandas-opposition-politicians-abduction-in-kenya-continues-a-growing-and-worrying-trend-of-transnational-repression/> (accessed 15<sup>th</sup> March 2025).

<sup>6</sup> 'Manhandled and choked' - Tanzanian activist recounts abduction

<https://www.bbc.com/news/articles/cd7dxz48e01o> (accessed 15th March 2026)

<sup>7</sup> Missing Voices Coalition (MVC) brings together at least 16 civil society human rights organisations to monitor, document and report on all cases of enforced disappearances and extra judicial killings in Kenya. The Coalition works to seeking justice and redress for victims, survivors and families, while calling for policy reforms and accountability for violations.

<sup>8</sup> [https://khrc.or.ke/wp-content/uploads/2025/05/missing-voices-2024-annual-report-2024\\_compressed-3.pdf](https://khrc.or.ke/wp-content/uploads/2025/05/missing-voices-2024-annual-report-2024_compressed-3.pdf) (accessed on 15th March 2026).

<sup>9</sup> <https://www.amnestykenya.org/missing-voices-2023-annual-report-end-police-impunity/> (accessed on 15<sup>th</sup> March 2026)

<sup>10</sup> <https://www.citizen.digital/article/knchr-says-60-people-dead-66-missing-amid-anti-govt-protests-n346599> (accessed on 15th March 2026)

- iii. The Republic of Kenya should ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), enact and implement comprehensive legislation on enforced disappearances. The government is equally urged to criminalise extra judicial killings, through comprehensive legislation. In addition, the Kenyan Government should conduct comprehensive investigations into previous acts of enforced and involuntary disappearances and extra judicial killings and ensure all perpetrators are prosecuted according to international human rights standards.

### Legislative Measures on the Domestication of the Charter's Provisions

- i. The enactment of the Persons with Disabilities Act 2025 is commended and highly welcome. This Act provides a comprehensive legal framework for the effective protection of persons with disabilities in Kenya. The Kenyan government should fully implement the Act for persons with disabilities to fully benefit in all spheres of their political, social and economic lives.
- ii. The National Coroners Service Act enacted in 2017 is yet to operationalised, yet the government introduced the National Coroners Service (Amendment) Bill, 2023 which seeks to among others establish the National Coroners Service Council, clarify the role and appointment of the Coroner-General and expound some definitions including what coronial services entail, who an interested person is and who can be appointed as a coroner. Although the amendments are welcome, what is concerning is the political will of the government to hasten the adoption of this law and have it operationalised. The Kenyan government should therefore hasten the passing of the Amendment Bill and fully operationalise it given the crucial role it plays including addressing cases of extra judicial killings in the country.

### National Human Rights Institutions (NHRIs)

- i. In paragraph 17 of the State's report, it is indicated that measures have been put in place to ensure a conducive working environment for national human rights institutions including through increased budgetary allocations, including the Kenya National Commission on Human Rights. It is noted that in the financial year 2023/2024 the Commission received KES 539.8 million, (approximately USD 3.86 million). However, given the mandate of the KNCHR, the allocated budget is limited, thus impacting its critical work of monitoring human rights violations and providing redress to victims of the violations. The KNCHR Annual Report 2023-2024 highlighted one of the key challenges as funding cuts that greatly hampered

the effective execution of their work.<sup>11</sup> As Kenya prepares for the General Elections in 2027, the KNCHR needs adequate resources to not only monitor the elections, but also the violations that are associated with this period.

- ii. The Kenyan government should therefore ensure that the KNCHR is adequately funded to ensure effective implementation of its mandate as provided under Article 253 of the Constitution.

## Civil Political Rights

### Protection of Intersex Persons

- i. The proposed Intersex Persons Bill, 2023 provides a legal framework for the recognition, protection and safeguarding of intersex persons in Kenya. The Kenyan government should hasten the passing of this Bill into law and fully implement it for the protection of all intersex persons in the country.

## Sexual and Gender Minorities

- i. Paragraph 26 of the State's report provides that a Minorities and Marginalised Affairs Unit (MMAU) was established under the office of the President, with a focus on addressing the plight and concerns of minorities and marginalised people. However, marginalised communities are not clearly defined. As a result, ethnic minorities are prioritised at the expense of other minorities including sexual and gender minorities leaving them out of key discussions. Sexual minorities remain a vulnerable group who continue to suffer violence because of their real or perceived sexual orientation, gender identity and expression. The exclusion of these groups does not give full effect to Articles 27 and 56 of the Constitution.
- ii. Paragraph 33 of the State's report, notes that the rights of minorities particularly sexual and gender minorities to freedom of association is guaranteed under the Constitution, following the 2023 Supreme Court of Kenya decision on the registration of the National Gay and Lesbian Human Rights Commission.<sup>12</sup> However, despite this progressive decision from the courts, sexual and gender minorities in Kenya continue to face stigmatisation. No efforts have been made to ensure effective protective measures including policies and legal frameworks are put in place to safeguard the safety and protection of queer and gender minorities

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<sup>11</sup> KNCHR Annual Report 203-2024 <https://www.knchr.org/Portals/0/KNCHR%202023%20-%202024%20ANNUAL%20REPORT%20Lighter%20version%20for%20ONLINE.pdf> (accessed on 15<sup>th</sup> Marcg 2026).

<sup>12</sup> NGOs Co-ordination Board v EG & 4 others; Katiba Institute (Amicus Curiae) (Petition 16 of 2019) [2023] KESC 17 (KLR) (Constitutional and Human Rights) (24 February 2023) (Judgment)

in the country. The Kenyan government should put in place effective measures to ensure the safety of queer and gender minorities in all spheres of their lives.

## Police Reforms

- i. Paragraph 50 of the State's report provides that progress has been made in police reforms within the National Police Service (NPS) including enhanced professionalism, accountability and compliance with human rights standards. Paragraph 52 provides that the NPS continues to implement its Training and Development Policy as updated in August 2024, with an emphasis of human rights compliance, lawful crowd control and adherence to legal standards.
- ii. Despite this, the police have not adhered to either professionalism, accountability, compliance with human rights and legal standards or lawful crowd control. In 2023 during the protests popularly known as *maandamano*, police used excessive force to disperse the protesters.<sup>13</sup> During the 2024 and 2025 protests in Kenya, we equally witnessed police violence. The police violated numerous rights including right to life and freedom from torture, degrading and inhumane treatment.<sup>14</sup> In 2024 at least 60 persons were killed following the anti-Finance Bill 2024 protests a significant number dying from police killings.<sup>15</sup> In 2025 it was reported that more than 30 persons were killed during the various protests in that year.<sup>16</sup> The Kenya National Commission on Human Rights reported other forms of police brutalities against peaceful protestors in the country.<sup>17</sup> Use of brutal methods of crowd control including use of live ammunition, teargas and chemically laced water cannons have been recorded.<sup>18</sup> The use of unmarked vehicles, covered up officers and non-identification of police were major concerns during the protests, thus resulting in litigation of the matter on the conduct of the police.<sup>19</sup> Beyond the protests police were recorded violating innocent Kenyans without provocation or justification.<sup>20</sup>

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<sup>13</sup> <https://www.standardmedia.co.ke/national/article/2001477095/haki-africa-condemns-police-force-during-protests> (accessed on 15th March 2026)

<sup>14</sup> 'At least eight killed in deadly Kenya protests: What we know' <https://www.aljazeera.com/news/2025/6/26/at-least-eight-killed-in-deadly-kenya-protests-what-we-know> (accessed 15th March 2026).

<sup>15</sup> <https://www.citizen.digital/article/knchr-says-60-people-dead-66-missing-amid-anti-govt-protests-n346599> (accessed 15th March 2026).

<sup>16</sup> 'At least 31 dead, 532 arrested in Kenya's anti-government protests' <https://www.aljazeera.com/news/2025/7/9/at-least-31-dead-532-arrested-in-kenyas-antigovernment-protests> (accessed on 15th March).

<sup>17</sup> <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1232/Update-on-the-Saba-Saba-2025-Demonstrations> (accessed on 15th March 2026).

<sup>18</sup> Police use live bullets to disperse protesters in Nairobi CBD <https://www.the-star.co.ke/news/2025-06-12-police-use-live-bullets-to-disperse-protesters> (accessed on 2nd April 2026)

<sup>19</sup> 'Court Orders All Police Officers at Protests to Wear Uniforms and Not Conceal Their Faces' <https://www.capitalfm.co.ke/news/2025/04/court-orders-all-police-officers-at-protests-to-wear-uniforms-and-not-conceal-their-faces/> (accessed 15<sup>th</sup> March 2026)

<sup>20</sup> Kenya's police brutality crisis: 2 in 5 citizens targeted despite oversight bodies, reforms

Despite the reforms mentioned to have been put in place, police violence and excesses continue to be witnessed in the country. More concerning is the low rate of prosecution of the police involved in such violations, thus raising a great question on accountability and professionalism. Although we welcome the effort of the Office of Director of Public Prosecutions (ODPP) in handling at least 136 cases against police officers, there is need to see all perpetrators prosecuted in accordance with international human rights standards

- iii. On 21<sup>st</sup> December 2022, the President appointed a 21-member Taskforce headed by former Chief Justice David Maraga to investigate police concerns including terms of reference and operational reforms.<sup>21</sup> The Taskforce completed its mandate and submitted their report to the President in October 2023.<sup>22</sup> The recommendations of the report are yet to be fully implemented.
- iv. The Kenyan government should ensure that there are comprehensive police reforms in the country, and they are deliberately implemented wholistically to ensure, professionalism, accountability, adherence to international human rights and legal standards. The Kenyan government should also fully implement the recommendations in the National Taskforce on Police Reforms.

## Freedom of Assembly

- i. Article 37 of the Constitution of Kenya provides that every person has the right to peaceably and unarmed, to assemble, demonstrate, picket and present petitions to public authorities. The Public Order Act, Cap 56 laws of Kenya, requires that a notification be issued before any peaceful assembly can be held. Unfortunately, the police have interpreted the said notification as a request for permission to hold peaceful protests in the country. In some cases, the police have declined to receive such notifications and prohibited any form of assembly. This was greatly experienced during the 2023, 2024 and 2025 protests in the country.<sup>23</sup> As a result where such assemblies were held, peaceful protestors were met with brutal force. The government seems to be keen on limiting the right to freedom of peaceful assembly in Kenya. In 2024, there was a proposed Assemblies and Demonstrations Bill,<sup>24</sup> which would have had a negative bearing on this freedom. There was a

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<https://nation.africa/kenya/news/kenya-s-police-brutality-crisis-2-in-5-citizens-targeted-despite-oversight-bodies-reforms-5186680#story> (accessed 15<sup>th</sup> March 2026).

<sup>21</sup> <https://www.citizen.digital/article/ruto-appoints-ex-cj-david-maraga-as-chairperson-of-police-welfare-taskforce-n311547> (accessed 15th March 2026).

<sup>22</sup> <https://www.citizen.digital/article/president-ruto-receives-report-on-police-reforms-from-maraga-taskforce-n328701>

<sup>23</sup> <https://www.citizen.digital/article/no-protest-will-be-allowed-in-nairobi-cbd-police-commander-bungei-says-n344186>

<sup>24</sup> [https://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2024/TheAssemblyandDemonstrationBill\\_2024.pdf](https://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2024/TheAssemblyandDemonstrationBill_2024.pdf) (accessed on 2nd April 2026).

proposal to make amendments to the Public Order Act, to designate spaces for demonstration. Although this proposed law and amendment were not furthered, the fear is the proposal and enactment of regressive laws clawback on the right to peaceful assembly in the country. The Kenyan government should safeguard the right to freedom of Assembly as guaranteed under the Constitution and Article 11 of the African Charter.

## Freedom of Expression

- i. DCK and DefendDefenders welcome the government's efforts to institutionalise access to information through relevant framework, and efforts to protect and safeguard press freedom and journalists. However, the attacks on government infrastructure against exposing financial irregularities in national and county government expenditures undermine transparency, accountability and the public's right to access information.<sup>25</sup>
- ii. The Computer Misuse and Cybercrimes Act, 2018 as amended in 2025, is used to threaten, harass and intimidate persons who speak truth to power and are critical in denouncing human rights violations. Section 23 of publication of false information is applied to harass and intimidate, thus having a significant bearing on the freedom of expression in the country. The Computer Misuse and Cybercrimes (Amendment) Act, 2025 was challenged in court where several sections including 22 and 23 were ruled as unconstitutional.<sup>26</sup> The enactment of regressive laws that seek to clawback on the freedom of expression remains concerning.
- iii. The New Communication Bill, Kenya Information and Communications (Amendment) Bill, 2025 tabled before Kenya's National Assembly contains worrisome provisions that could create a surveillance infrastructure that allows the state to monitor and potentially control peoples' internet use. The Bill for instance mandates Internet Service Providers to collect and submit detailed personal data, including names, ID numbers, addresses, and usage patterns, to the Communications Authority of Kenya.<sup>27</sup>

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<sup>25</sup> Parliament of Kenya; MPs rubbish Auditor General's report implicating them of NG-CF mismanagement, <https://www.parliament.go.ke/mps-rubbish-auditor-generals-report-implicating-them-ng-cf-mismanagement-say-fund-account-managers> (Accessed 03 April 2026)

<sup>26</sup> 'Court of Appeal Strikes Down 2 Sections in Cybercrime Act' <https://nairobi.co.ke/news/article/26129/court-of-appeal-strikes-down-2-sections-in-cybercrime-act> (accessed 15th March 2026).

<sup>27</sup> ICJ Kenya, Human Rights analyses of the Kenya Information and Communications (Amendment) Bill, 2025, <https://icj-kenya.org/news/human-rights-analysis-of-the-kenya-information-and-communications-amendment-bill-2025/> (Accessed 03 April 2026)

## Freedom of Association

- i. DCK and DefendDefenders welcome the Public Benefits Organisations Act, 2013 and Community Groups Registration Act, 2022. However, these laws should not be weaponised against civil society organisations or community-based organisations. Administrative actions including summoning by the officer of the Directorate of Criminal Investigations and the Kenya Revenue Authority have been used as tactics to harass, threaten or intimidate organisations. In 2024, 16 organisations were accused by the government of receiving funding to finance the protests experienced in the country.<sup>28</sup> The Ministry of Foreign and Diaspora Affairs through a letter dated 18 July 2024 to the Ford Foundation, requested information on the funding of these organisations.<sup>29</sup> On 15<sup>th</sup> August 2023, the Mathare Social Justice Centre received a letter from the Sub-County Development Office, stating that their activities were not in line with community registration activities.<sup>30</sup> This was perceived as a tactic to intimidate these organisations, given their human rights work.
- ii. The Public Benefits Organisations Act, 2013 and the Community Groups Registration Act, 2022 should be implemented in line with the dictates of the Constitution in a manner that does not limit the freedom of association as guaranteed under Art 36 of the Constitution and under Article 10 of the African Charter.

## The Situation of Human Rights Defenders (HRDs)

- i. Human rights defenders in all their diversities play a significant role in the championing of human rights and freedoms in society and within their communities. Despite the critical role they play including monitoring, documentation and reporting of human rights violations, seeking redress and promoting access to justice, they continue to face numerous violations including police brutality, arbitrary arrests, punitive bails and bonds, jailing, enforced disappearances and extra judicial killings. As a result, some HRDs, in fear for their lives, have been forced to abandon their human rights work. For instance, during the protests HRDs were charged with terror related charges under the Prevention of

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<sup>28</sup> ‘Kenya lists 16 NGOs linked to demos, issues four demands to Ford Foundation’ <https://www.the-star.co.ke/sports/football/2024-07-19-kenya-lists-16-ngos-linked-to-demos-issues-four-demands-to-ford-foundation> (accessed on 15th March 2026)

<sup>29</sup> ‘Kenya lists 16 NGOs linked to demos, issues four demands to Ford Foundation’ <https://www.the-star.co.ke/sports/football/2024-07-19-kenya-lists-16-ngos-linked-to-demos-issues-four-demands-to-ford-foundation> (accessed on 15th March 2026).

<sup>30</sup> <https://www.matharesocialjustice.org/social-justice-centres/workshop-on-the-community-groups-registration-act/> (accessed on 15<sup>th</sup> March 2026).

Terrorism Act, 2012.<sup>31</sup> From 2019 to present, killings of HRDs have been documented, in some cases, the perpetrators are known, where they have been prosecuted and sentenced within the confines of the law. In other cases, the perpetrators are not known, thus there is no justice for the victims or their families.

- ii. SOGIE HRDs continue to face violence and discrimination given their work of defending queer and gender minority rights. From a survey conducted by Defenders Coalition, a true picture of their lived realities was captured including targeted physical attacks by known and unknown persons, online harassment, arbitrary arrests, extortion, blackmail and forced evictions.<sup>32</sup> Environmental and climate justice HRDs remain at risk as they champion environmental rights within their communities. WHRDs continue facing challenges while conducting their human rights work based on religious and cultural biases. As highlighted earlier, a growing concern is the cross-border repression and violations of HRDs within the East Africa region. The near lack of accountability for the violations of HRDs remains concerning, thus perpetuating a culture of impunity in the country. The use of lawfare to clamp down on HRDs contributes to the creation of a difficult working environment.
- iii. There is need to recognise HRDs and the critical work they do in safeguarding and promoting human rights within their communities. A Model Human Rights Defenders Policy and Action Plan was jointly developed in 2017 by the Kenya National Commission on Human Rights and Defenders Coalition.<sup>33</sup> Despite these efforts, the policy was not adopted. The Kenyan government should enact and implement a clear Human Rights Defenders Protection law, to provide for a clear framework for the recognition, protection and safeguard of HRDs in all their diversities.

## Data Protection

- i. Concerns have been raised over the breach of personal data which contributed to the arrest and abduction of persons during the protests in 2024 and 2025. A telecom service provider was accused of sharing personal data including positioning of persons alleged to know the organisers of the protests in Kenya. The information shared with security agencies, without following the due process was a violation of the right to privacy and data protection. A petition has been filed challenging the

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<sup>31</sup> 'This is lawfare': Kenya 'weaponising the law' to silence critics and protesters'

<https://www.theguardian.com/global-development/2025/aug/08/kenya-weaponises-law-mass-arrests-crackdown-critics-protesters> (accessed on 15<sup>th</sup> March 2026).

<sup>32</sup> <https://defenderscoalition.org/report/a-survey-on-the-situation-of-sogie-human-rights-defenders-in-kenya/> (accessed on 15<sup>th</sup> March 2026).

<sup>33</sup> [https://www.knchr.org/Portals/0/CivilAndPoliticalReports/Human%20Rights%20Defenders%20Policy%20and%20Action%20Plan\\_B5\\_L\\_22-1-18.pdf?ver=2018-06-06-191138-293](https://www.knchr.org/Portals/0/CivilAndPoliticalReports/Human%20Rights%20Defenders%20Policy%20and%20Action%20Plan_B5_L_22-1-18.pdf?ver=2018-06-06-191138-293) (accessed on 15<sup>th</sup> March 2026).

actions of these entities.<sup>34</sup> The breach of data protection in such a scenario raises serious concerns, that need wholistic interventions to ensure data safety.

## Protection of Women from Violence

- i. We commend the steps taken to address cases of gender-based violence (GBV) including sexual and gender-based violence in the country. At least 16 counties have enacted GBV polices seeking to address the rising cases of the vice. In addition, at least 12 Gender Justice Courts have been established by the Judiciary to deal with GBV/SGBV cases in the country. At the national level, the President in January 2025 appointed a Taskforce on GBV including femicide to investigate and make concrete recommendations to combat the increasing cases of GBV and femicide in Kenya.<sup>35</sup> The task force made key recommendations including establishing a national data base on GBV, banning of out of court settlements on GBV cases and the criminalisation of femicide as a distinct offence. Emerging issues such a Technology Facilitated Gender Based Violence (TFGBV) enhance the violation of women in online spaces. Despite these efforts, we continue to witness the violations of women and girls including women human rights defenders (WHRDs) in the country.
- ii. The Kenyan government should enforce existing laws and put in place effective measures, including implementation of the recommendations of the Taskforce, to ensure the safety of women and girls in all their diversities as provided for under the Constitution, the African Charter on Human and Peoples' Rights (ACHPR) and the Maputo Protocol.

## Key Questions to the Republic of Kenya

- i. What concrete steps has the Government taken to implement recommendations issued by the African Commission on Human and Peoples' Rights following Kenya's previous periodic report review, particularly on protection of human rights defenders, freedom of expression, assembly and association?
- ii. How many investigations, prosecutions, and convictions have occurred in cases involving alleged police killings during protests or law-enforcement operations?

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<sup>34</sup> 'Petition filed over misuse of protesters' data by government and telcos'  
<https://www.citizen.digital/article/petition-filed-over-misuse-of-protesters-data-by-government-and-telcos-n378809> (accessed on 15th March 2026).

<sup>35</sup> 'Former deputy CJ Baraza to head 42 member taskforce on femicide'  
<https://www.standardmedia.co.ke/business/national/article/2001509374/former-deputy-cj-baraza-to-head-42-member-taskforce-on-femicide> (accessed on 15th March 2026).

- iii. What steps has the State taken to investigate allegations of enforced disappearances and abductions and extra judicial killings of human rights defenders and government critics?
- iv. What steps are being taken to protect human rights defenders, journalists, and bloggers from intimidation, harassment, or surveillance?
- v. Does Kenya plan to adopt a national law or policy specifically protecting human rights defenders?
- vi. What effective measures are being put in place to ensure the protection of sexual and gender minorities in Kenya?