



**87th ORDINARY SESSION
THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS,
BANJUL, THE GAMBIA**

**STATEMENT BY THE NATIONAL COALITION OF HUMAN RIGHTS DEFENDERS –
KENYA (DEFENDERS COALITION), TO THE CHAIRPERSON OF THE AFRICAN
COMMISSION OF HUMAN AND PEOPLES' RIGHTS (ACHPR)**

Observer Status Number: 500

Thank you, Chairperson,

Honourable Chairperson, Commissioners and Distinguished Delegates.

Chairperson, The National Coalition of Human Rights Defenders—Kenya (Defenders Coalition) is grateful for the opportunity to deliver this statement on the situation of human rights defenders (HRDs) and human rights in Kenya.

This statement is covering the period between October 2025 and April 2026.

Kenya has a progressive Constitution that enshrines the Bill of Rights. Kenya is a signatory to several human rights treaties and conventions, including the African Charter on Human and Peoples' Rights. Despite the robust legal framework, human rights violations and attacks on human rights defenders (HRDs) persist.

A. Situation of Human Rights Defenders (HRDs)

- i. **Cross -border repression of HRDs** – the cross-border violations and repression of HRDs within the East Africa region remains of growing concern. In October 2025, two human rights defenders namely Bob Njagi and Nicholas Oyoo were abducted and disappeared while in Kampala, Uganda.¹ The two were held incommunicado for 38 days. It is stated that they were not arraigned in a court of law nor were any charges preferred against them. The President of Uganda noted that the two HRDs were under the custody of security forces, despite denying this claim. The two were late released, where they recounted being tortured while in custody.²
- ii. In February 2026, a Mshabaha Mshabaha Hamza a Tanzanian HRD who is in exile in Kenya, was abducted in Nairobi by alleged Tanzanian operatives. The planned abduction did not succeed, following quick interventions by the Police and members of the public. Three persons were arrested in connection to the abduction.³

¹ 'Uganda president admits Kenyan activists were arrested and held in 'the fridge'
<https://www.bbc.com/news/articles/cn8v9vkkjm0o> (accessed 21st April 2026)

² Ibid

³ Law Society of Kenya and Amnesty International Kenya Statement on the Rescue Of Mshabaha Mshabaha Hamza and Arrest of His Kidnappers <https://www.amnestykenya.org/law-society-of-kenya-and-amnesty-international-kenya-statement-on-the-rescue-of-mshabaha-mshabaha-hamza-and-arrest-of-his-kidnappers/> (accessed 21st April 2026)

- iii. **Abuse of immigration process against Human rights workers and HRDs** – Human rights workers and HRDs are faced with a new threat - abuse of immigration processes. where they have been denied access to the country and deported despite having valid travel documentations. The denial of entry and deportation is done contrary to legal procedures and with no legal justifications. In February 2026, Zimbabwe human rights lawyer Brian Kagoro, was temporarily detained before being deported out of Kenya, without following due processes and in the absence of justifiable cause.⁴ It is recalled that a similar scenario occurred in July 2025, where Martin Mavunjina, a human rights lawyer and HRD was deported to Uganda, despite having valid work and residency permits for Kenya. No justification of his deportation.⁵ These actions speak to a coordinated effort to suppress those who defend rights and freedoms within the region. It sets a dangerous precedent within the region, and there is need for the matter to be addressed comprehensively.
- iv. **Criminalization of HRDs-** the criminalization of HRDs remains of concern in the country. HRDs continue to be victims of trumped-charges, arbitrary arrests and pro-longed trials. Julius Kamau and Erick Makunyu, who are both human rights defenders were arrested in 2024 and charged in a court of law for creating disturbance. Despite attending court as required, the case could not proceed as key witnesses did not appear to provide their testimony, as a result, the charges against them were dropped by the court, a year later. This case, as highlighted, demonstrates the tactics deployed to silence voices critical of violations of human rights and freedoms within society and communities. It is recalled that during the protests witnessed in 2025, human rights defenders were arrested and charged with terrorism related charges under the Prevention of Terrorism Act, as a tactic to silence voices critical of human rights violations and abuses.

B. Deaths of Persons in Custody of Law Enforcement Officers

- i. Concerns have been raised over the unexplained deaths of individuals while in police custody. In October 2025, a young man was arrested at detained at Kawangware Police Station, a suburb within Nairobi County, he was later found dead at the mortuary. The circumstances surrounding his death were not clear, despite the police stating that he died by suicide.⁶ On October 7th and 9th in two separate incidences, one was arrested and detained at the Solai Acc police Post in Nakuru County while the second one at Kiganjo Police Station in Nyeri County. The circumstances surrounding their deaths were not clear and the police did not accord clear response as to how this occurred.⁷ In April 2026, a 25-year-old man was arrested in Malindi, Kilifi County, he died while in custody, the police stating that he died by suicide. The rising cases of persons dying while in police custody remains a growing concern, what is worrying is the limited to lack of investigations into these unclear deaths, thus not justice for the victims of their families.

⁴ ‘Open Society condemns deportation of Zimbabwean lawyer Brian Kagoro from Kenya’ <https://citizen.digital/article/open-society-condemns-deportation-of-zimbabwean-lawyer-brian-kagoro-from-kenya-n378194> (accessed 21st April 2026)

⁵ Kenya Human Rights Commission says its legal advisor has been deported to Uganda <https://citizen.digital/article/kenya-human-rights-commission-says-its-legal-advisor-has-been-deported-to-uganda-n365838> (accessed 21st April 2026)

⁶ ‘Kawangware: Questions after boda boda rider dies in police custody’ <https://citizen.digital/article/kawangware-questions-after-boda-boda-rider-dies-in-police-custody-n374423> (accessed 21st April 2026)

⁷ Puzzle of Two Deaths in Police Custody in 48 Hours <https://www.kenyans.co.ke/news/117046-puzzle-two-deaths-police-custody-48-hours> (accessed 21st April 2026)

C. Civic Space in Kenya

- i. **Freedom of Expression** - The Computer Misuse and Cybercrimes Act, 2018 as amended in 2025, has been utilised 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 applied to harass and intimidate, thus a 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 being unconstitutional.⁸ The enactment of regressive laws that seek to clawback on the freedom of expression remains of concern.
- ii. The 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. Concerns have been raised over the right to privacy, in particular mass surveillance, data misuse and profiling and targeting of persons, especially those critical of violations by the state.⁹
- iii. **Freedom of Association** – We welcome the gazettment of the Public Benefits Organizations Regulations, 2025 for the implementation of the Public Benefits Organizations Act, 2013. Pending the hearing and determination of a case challenging some provisions of the law before the Court of Appeal,¹⁰ the implementation of this law should be done in a progressive manner that is not weaponised against civil society organisations.
- iv. **Freedom of Assembly** – we welcome the High Court decision that declared the offence of 'creating disturbance likely to cause breach of peace, under section 95 (1) (b) of Penal Code unconstitutional.¹¹ This particular offence had been utilised to target and harass human rights defenders during peaceful assemblies in the country.

D. Sexual and Gender Minorities

- i. **The proposed Intersex Persons Bill, 2023** is welcome by Defenders Coalition as it 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.
- ii. Despite this progressive decision from the courts including the Supreme Court decision on the registration of the National Gay and Lesbian Human Rights Commission, sexual and

⁸ '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).

⁹ <https://icj-kenya.org/news/human-rights-analysis-of-the-kenya-information-and-communications-amendment-bill-2025/> (accessed 21st April 2026)

¹⁰ 'Court freezes PBO Board's decision-making powers pending appeal' <https://www.the-star.co.ke/news/2025-11-15-court-freezes-pbo-boards-decision-making-powers-pending-appeal> (accessed 21st April 2026)

¹¹ 'You can no longer be arrested for 'creating disturbance' - Court declares' <https://citizen.digital/article/you-can-no-longer-be-arrested-for-creating-disturbance-court-declares-n377370> (accessed 21st April 2026)

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 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. Kenya should abide by the human rights principal against discrimination.

E. Special Interest Groups

- 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 in order for persons with disabilities to fully benefit in all spheres of their political, social and economic lives.

F. Legislative Reforms

- 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 good will of the government to hasten the adoption of this law and have it operationalised. The Kenyan government should hasten the passing of this Amendment law and fully operationalise it given the crucial role it plays including addressing case of extra judicial killings in the country.

G. Rise in use of Criminal Gangs to cause unrest and human rights violations.

- i. We are deeply concerned by the rise in use of criminal gangs to cause unrest and violence in the country particularly during the exercise of the freedom of assembly. These criminal gangs have been utilised to brutalise Kenyans, without any justification or cause. The increased use of these criminals to cause unrest cannot be ignored and especially when Kenya is heading to the General Elections in 2027. Of concern has been the impunity and that they are neither arrested nor prosecuted. The government should ensure that the criminal gangs menace is resolved under the requisite legal frameworks.

H. Compensation and Reparations of Victims of Human Rights Violations

- i. Defenders Coalition welcomes the compensation and reparations of the victims of human rights violations in Kenya as led by the Kenya National Commission on Human Rights, following the protests experienced in 2024 and 2025. It is noted that the Kenya National Commission on Human Rights is developing a comprehensive framework to

guide this process.¹² Even as victims and their families are to be compensated, we still call upon all relevant authorities to investigate, arrest and prosecute all perpetrators of human rights violations witnessed during the protests in 2024 and 2025 in various parts of the country.

I. Protection of Women and Girls

- i. We commend the steps taken to address cases of gender-based violence (GBV) including sexual and gender-based violence and femicide 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.¹³ 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), remain a growing concern, given they enhance 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.

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.

The National Coalition of Human Rights Defenders Kenya (Defenders Coalition) calls upon the Chairperson of the African Commission to urge the Kenyan government:

- a. To enact legislation for the protection of human rights defenders, in a quest to create a holistic and conducive environment for them to operate in and thrive as they champion for human rights and fundamental freedoms;
- b. To ensure all violations and abuses against human rights defenders and youth including killings and abductions during protests are comprehensively investigated and all perpetrators prosecuted within the confines of the law;
- c. To respect the right to peaceful assembly, freedom of expression, freedom of association, access to information and media freedoms as guaranteed in the Kenyan Constitution and under international law; To consider not enacting laws that limit these rights and freedoms;
- d. To criminalize femicide, enforced disappearances and extra judicial killings; and to consider the implementation of the recommendations of the Task force on GBV and Femicide to ensure the protection of women and girls within our communities;

¹² <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1247/Update-on-the-Development-of-a-Framework-for-Compensation-and-Reparations-to-Victims-of-Human-Rights-Violations> (accessed 21st April 2026)

¹³ '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 21st April 2026).

- e. To stop the weaponization of laws against HRDs and other voices critical of the human rights violations, abuse and injustices in the country.
- f. To respect and uphold human rights and fundamental freedoms as enshrined in the Constitution of Kenya and regional and international instruments and ensure unhindered operation of CSOs and HRDs including WHRDs and SOGIE Activists; and
- g. To ensure that discrimination of queer and gender minorities in all aspects has been comprehensively addressed within the country.

Thank you Hon Chairperson

25th April 2026

Banjul, the Gambia