

Shadow report to the Republic of Kenya combined Periodic Report (hereinafter “Kenya”)

Submission to the 87th Ordinary Session of the African Commission on Human and Peoples’ Rights on the Situation of Human Rights Defenders in Kenya

Submitted by

International Service for Human Rights & Arise and Thrive Africa

April 2026

Contacts:

information@ishr.ch; aidahkalash@gmail.com

The International Service for Human Rights (ISHR) and Arise and Thrive Africa acknowledge the periodic report submitted by the Government of Kenya to the African Commission on Human and Peoples' Rights (African Commission), covering the period from 2022 to 2025¹. Kenya submitted this report in compliance with its obligations under Article 62 of the African Charter on Human and Peoples' Rights (African Charter). This parallel report provides additional or contradictory information regarding some of the issues addressed in Kenya's state report, with specific emphasis on the situation of human rights defenders. The report aims to meaningfully engage the country so that more institutional and normative efforts are made to improve the situation of human rights defenders.

A. THE SITUATION OF HUMAN RIGHTS DEFENDERS IN KENYA

1. In Kenya, the situation of human rights defenders, civic space, and fundamental freedoms remains precarious, in particular in the context of protracted civil unrest. This is in spite of civic space freedoms being protected in Kenya, mainly under Chapter 4 (Bill of Rights) of the Constitution of Kenya² as well as certain specific pieces of legislation like the Public Benefit Organizations Act³ and the Access to Information Act⁴. The country does not have a specific policy or law for the recognition and protection of human rights defenders.
2. In 2023⁵, 2024⁶, and 2025⁷, Kenya saw mass anti-government protests nationwide, primarily youth-led, against corruption and tax reforms, in particular the so-called Finance

¹ Kenya: 14th Periodic Report, 2022-2025 (ACHPR, accessed in March 2026) <https://achpr.au.int/en/state-reports/kenya-14th-periodic-report-2022-2025> .

² Constitution of Kenya, 2010 https://www.constituteproject.org/constitution/Kenya_2010 .

³ Public Benefits Organizations Act, 2013 <https://new.kenyalaw.org/akn/ke/act/2013/18/eng@2025-06-20> .

⁴ Access to Information Act, 2016 <https://new.kenyalaw.org/akn/ke/act/2016/31/eng@2022-12-31> .

⁵ "Unchecked Injustice": Kenya's Suppression of the 2023 Anti-Government Protests (Human Rights Watch, November 2024) <https://www.hrw.org/report/2024/11/25/unchecked-injustice/kenyas-suppression-2023-anti-government-protests> .

⁶ Kenya: Events of 2024 (Human Rights Watch, accessed in March 2026) <https://www.hrw.org/world-report/2025/country-chapters/kenya> .

Communication of the Working Group on Enforced or Involuntary Disappearances et al. (United Nations Human Rights, October 2024) <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29360> .

⁷ Kenya: Events of 2025 (Human Rights Watch, accessed in March 2026) <https://www.hrw.org/world-report/2026/country-chapters/kenya> .

Bill 2024. During these protests, security forces routinely used excessive force against protesters and human rights defenders.

3. In March 2023, at least two protesters were killed amidst nationwide protests, with security forces using live ammunition against protesters, and hundreds of people were arrested⁸.
4. In July 2023, at least 12 protesters were killed, dozens injured, and at least 17 human rights defenders and other protesters arrested amidst clashes with the police nationwide. Furthermore, at least 53 children were hospitalised following police throwing gas canisters in an elementary school amidst the crackdown against the July 2023 protests⁹.
5. In June 2024, at least 300 people were arrested amidst participation in nationwide protests against a tax reform bill¹⁰. Live ammunition was reportedly used by security forces against protesters, with several injured¹¹.
6. In June 2025, live ammunition was reportedly also used by security forces against protesters¹² nationwide. At least 19 people were killed, 531 injured, 15 abducted, 179 arrested, and two gang raped amidst nationwide protests, including Boniface Kariuki, a 22-year-old unarmed street vendor, who was shot and injured in the head by police at close range¹³.
7. In July 2025, at least 10 to 11 people were further killed, 29 to 52 injured, 37 to 567 arrested, and two abducted amidst nationwide protests¹⁴.

⁸ The African Commission on Human and Peoples' Rights expresses concern over the excessive use of force against protesters in Kenya (ACHPR, April 2023) <https://achpr.au.int/index.php/en/news/press-releases/2023-04-02/african-commission-human-and-peoples-rights-expresses-concern> .

⁹ African Commission calls for respect for the right to peaceful protests in Kenya (ACHPR, July 2023) <https://achpr.au.int/index.php/en/news/press-releases/2023-07-21/african-commission-calls-respect-right-peaceful-protests-kenya> .

¹⁰ Statement on the Situation in Kenya: Protests and Tax Measures Affecting Vulnerable Citizens (ACHPR, June 2024) <https://achpr.au.int/index.php/en/news/press-releases/2024-06-19/statement-situation-kenya-protests-tax-measures-affecting-vulnerable> .

¹¹ The African Commission on Human and Peoples' Rights Expresses Deep Concern over Human Rights Violations and Growing Tensions Amid Mass Protests in the Republic of Kenya (ACHPR, June 2024) <https://achpr.au.int/index.php/en/news/press-releases/2024-06-26/deep-concern-over-human-rights-violations-growing-tensions-amid-mass> .

¹² Kenya: Deaths during protests deeply concerning (OHCHR, June 2025) <https://www.ohchr.org/en/press-releases/2025/06/kenya-deaths-during-protests-deeply-concerning> .

¹³ Joint Statement of the African Commission on Human and Peoples' Rights deploring the use of live ammunition by police on unarmed peaceful protestors in the Republic of Kenya (ACHPR, June 2025) <https://achpr.au.int/index.php/en/news/press-releases/2025-06-29/statement-deploring-use-live-ammunition-unarmed-peaceful-protestors> .

¹⁴ Kenya: Concerns over deaths in protests (OHCHR, July 2025) <https://www.ohchr.org/en/press-briefing-notes/2025/07/kenya-concerns-over-deaths-protests> .

8. The pattern of violent repression of protests in 2023, 2024, and 2025 comes on the heels of significant post-electoral violence in 2017¹⁵ and electoral tension in 2022¹⁶.
9. Additionally, individual human rights defenders also continue to be at risk of threats, attacks, acts of intimidation, and reprisal, both during protests and outside protests.
10. In September 2021, land rights defender Bob Micheni Njagi, chairperson of the FreeKenya Referendum Initiative in favour of people-centric natural resources management, was convicted of theft (ostensibly an act of intimidation), sentenced to six months in prison, and released on bail for the sum 100,000 Kenyan shillings¹⁷.
11. In May 2023, Rwandan human rights defender Yusuf Ahmed Gasana was abducted from his home in Nairobi and deported to Rwanda, with his unknown abductors still at large¹⁸. In August 2023, LGBTQ+ rights defenders Kenneth Thethe was attacked near his home in Kiambu County, with his three unknown attackers remaining at large¹⁹. In September 2023, an event organised by the Centre for Justice, Governance, and Environment Action (CJGEA) was raided by police in Matsangoni²⁰.
12. In February 2024, human rights defender Chris Owalla²¹ was attacked in Siaya County, after leaving the funeral of journalist Dickens Ochieng Wasongain, ostensibly in reprisal

¹⁵ Kenya: Türk welcomes charges of “crimes against humanity” for 2017 post-election violations (OHCHR, 2022) <https://www.ohchr.org/en/press-releases/2022/10/kenya-turk-welcomes-charges-crimes-against-humanity-2017-post-election> .

¹⁶ Joint Press Statement on the need to prevent Sexual and Gender-Based Violence in the runup to the August 2022 Presidential Elections in the Republic of Kenya (ACHPR, August 2022) <https://achpr.au.int/index.php/en/news/press-releases/2022-08-04/joint-press-statement-need-prevent-sexual-and-gender-based-violence> .

Kenya: Civic space and respect of fundamental freedoms key to peaceful elections - UN experts (OHCHR, July 2022).

¹⁷ Judicial Harassment of Land Rights Defender Bob Micheni Njagi (Frontline Defenders, accessed in March 2026) <https://www.frontlinedefenders.org/en/case/judicial-harassment-land-rights-defender-bob-micheni-njagi> .

¹⁸ Kenya and Rwanda must provide information about disappeared human rights defender: Special Rapporteur (OHCHR, July 2024) <https://www.ohchr.org/en/press-releases/2024/07/kenya-and-rwanda-must-provide-information-about-disappeared-human-rights> .

¹⁹ Violent Attack against LGBTIQ+ Rights Defender Kenneth Thethe (Frontline Defenders, accessed in March 2026) <https://www.frontlinedefenders.org/en/case/violent-attack-against-lgbtq-rights-defender-kenneth-thethe> .

²⁰ Raid on Human Rights Training Organised by the Centre for Justice, Governance, and Environment Action (CJGEA) for the Uyombo Community (Frontline Defenders, accessed in March 2026) <https://www.frontlinedefenders.org/en/case/raid-human-rights-training-organised-centre-justice-governance-and-environment-action-cjgea> .

²¹ Communication of the Special Rapporteur on Human Rights Defenders and Special Rapporteur on Freedom of Opinion and Expression (United Nations Human Rights, May 2024), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29111> .

against complaints filed before the High Court of Kenya over mismanagement of public funds; his seven unknown attackers remain at large²².

13. In May 2025, Kenyan human rights defenders Martha Karua was arrested and detained in Tanzania while attempting to provide legal representation to an opposition leader allegedly subjected torture ahead of elections.
14. In June 2025, digital activist Rose Njeri was arbitrarily arrested and without respect for due process²³. In July 2025, human rights lawyer Martin Mavenjina was deported to Uganda, upon landing at Nairobi airport, without explanation and without due process²⁴.
15. In July 2025, whistleblower Nelson Amenity, living in France, was subject to significant online harassment, acts of intimidation, and judicial harassment following his revelations on serious irregularities in the use of public funds to renovate Nairobi airport²⁵. Furthermore, in July 2025 as well, human rights defender Boniface Mwangi was arbitrarily arrested in Machakos County on charges of possession of a firearm without a valid certificate and tear gas canister at his office, which was searched; both Boniface Mwangi and human rights defender Agater Atuhaire had previously been arbitrarily detained, forcibly disappeared, and tortured in Tanzania in May 2025 before being deported to Kenya²⁶.
16. Finally, in March 2026, Zimbabwean human rights defender Brian Kagoro was arbitrarily arrested at Nairobi airport and deported to Zimbabwe without due process²⁷.
17. These attacks against human rights defenders are having a chilling effect on the exercise of their legitimate activities and enjoyment of fundamental freedoms, notably freedoms of opinion, expression, association, and assembly.

²² Human Rights Defender Chris Owalla Brutally Attacked (Frontline Defenders, accessed in March 2026) <https://www.frontlinedefenders.org/en/case/human-rights-defender-chris-owalla-brutally-attacked> .

²³ Statement on Letter of Urgent Appeal Concerning Ms. Rose Njeri (ACHPR, June 2025) <https://achpr.au.int/index.php/en/news/press-releases/2025-06-06/statement-letter-urgent-appeal-concerning-ms-rose-njeri> .

²⁴ Kenya: Deportation of Martin Mavenjina and escalating crackdown on human rights defenders (FIDH, July 2025) <https://www.fidh.org/en/issues/human-rights-defenders/kenya-deportation-of-martin-mavenjina-and-escalating-crackdown-on> .

²⁵ Kenya: End intimidation and judicial reprisals against whistleblower Nelson Amenity (FIDH, July 2025) <https://www.fidh.org/en/region/Africa/kenya/kenya-end-intimidation-and-judicial-reprisals-against-whistleblower> .

²⁶ Kenya: Escalating judicial harassment of Boniface Mwangi (FIDH, July 2025) <https://www.fidh.org/en/issues/human-rights-defenders/kenya-escalating-judicial-harassment-of-boniface-mwangi> .

²⁷ Kenya: Denial of entry, detention, and deportation of Zimbabwean human rights defender Mr. Brian Kagoro (FIDH, March 2026) <https://www.fidh.org/en/issues/human-rights-defenders/kenya-denial-of-entry-detention-and-deportation-of-zimbabwean-human> .

B. OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

18. In Kenya, a number of official restrictions continue to exist that hamper the legitimate activities of human rights defenders.
19. In November 2025, Kenya adopted the Computer Misuse and Cybercrimes (Amendments) Act of 2025, which increased the powers of authorities to excessively restrict online speech²⁸. Indeed, the Computer Misuse and Cybercrimes Act, as adopted in 2018, criminalised “false or fictitious news” - an overly broad and vague provision that unduly chills the exercise of freedom of speech online.

C. HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

20. In Kenya, particular groups of human rights defenders continue to face particular risks in carrying out their legitimate activities and the full enjoyment of their rights.
21. Lesbian, Gay, Bisexual, Trans, Queer and Intersex (LGBTQ+) rights defenders face particular risks. In January 2023, LGBTQ+ activist Edwin Chiloba was killed, ostensibly on the basis of his sexual orientation and/or gender identity, real or presumed²⁹. In August 2023, LGBTQ+ rights defenders Kenneth Thethe was attacked near his home in Kiambu County (see also section A), with his three unknown attackers remaining at large³⁰.
22. Women human rights defenders (WHRDs) also face multiple and intersecting forms of discrimination and violence both because of the work they do and because of who they are, notably when working on issues such as gender-based violence, sexual exploitation, labour migration, reproductive rights, and digital rights. In addition to violence experienced by all HRDs, WHRDs experience gender-based violence, threats of sexual violence, and sexual harassment themselves, both online and offline, as well as smear campaigns, cyberbullying,

²⁸ Kenya: New Cybercrime Amendments Threaten Online Expression (Human Rights Watch, November 2025) <https://www.hrw.org/news/2025/11/07/kenya-new-cybercrime-amendments-threaten-online-expression> .

²⁹ Press Statement on the tragic murder of Edwin Chiloba in Kenya (ACHPR, January 2023) <https://achpr.au.int/index.php/en/news/press-releases/2023-01-07/press-statement-tragic-murder-edwin-chiloba-kenya> .

³⁰ Violent Attack against LGBTIQ+ Rights Defender Kenneth Thethe (Frontline Defenders, accessed in March 2026) <https://www.frontlinedefenders.org/en/case/violent-attack-against-lgbtqi-rights-defender-kenneth-thethe> .

and socio-cultural stigmatisation on the grounds of being “immoral” for defending certain causes (e.g. sexual and reproductive rights, LGBTQ+ rights).

23. Anti-trafficking human rights defenders and survivor advocates also face heightened risks. They are frequently exposed to threats, acts of intimidation, and reprisals from non-state actors such as trafficking networks and recruitment agencies, among others. In October 2025, Zari (not her real name)’s 14 years old son was kidnapped twice in the span of a month and found at the Kenya-Somalia border. In March 2025, survivor advocate Muli was summoned by authorities in an attempt to intimidate her in connection to her former work at the Survivors Network. In September 2025, Muli was further threatened in connection to a report on the illegal trade of organs to Saudi Arabia. The risks for anti-trafficking defenders are compounded by limited legal protections and a lack of safe reporting mechanisms, leading many to hide or self-censor.

D. THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

24. Kenya, in its state periodic report³¹, claims that freedom of association and assembly are guaranteed under the Bill of Rights, that peaceful assemblies are governed by the international standards-compliant notification rule under the Public Order Act, and that fundamental freedoms remained respected even in the case of non-peaceful protests (see paragraph 67 of the state periodic report).
25. However, as described in section A of the present civil society report (see paragraphs 2 to 8), protests have been consistently met with heavy repression, including during the protests movements of 2023, 2024, and 2025, during which dozens were killed and hundreds were injured.
26. Furthermore, accountability is delayed and/or denied for excessive use of force by security forces during protests.

³¹ Kenya: 14th Periodic Report, 2022-2025 (ACHPR, accessed in March 2026) <https://achpr.au.int/en/state-reports/kenya-14th-periodic-report-2022-2025> .

27. Accountability is also delayed and/or denied for threats, attacks, acts of intimidation, and acts of reprisals against human rights defenders. For example, the abductors of Rwandan human rights defender Yusuf Ahmed Gasana have yet to be brought to justice (see paragraph 11); the attackers of LGBTQ+ rights defenders Kenneth Thethe have also yet to be brought to justice; and the attackers of human rights defender Chris Owalla have yet to be brought to justice, among others.

QUESTIONS TO THE GOVERNMENT OF KENYA

- i. What measures is the government taking to ensure that perpetrators of excessive use of force during protests - notably against the 2024 Finance Bill - are investigated and held to account, and that victims and their families are provided full remedy?
- ii. What steps is the government taking to create a safe, secure, and enabling environment for civil society, human rights defenders, and journalists within which to carry out their legitimate work?
- iii. What steps is the government taking to prevent human rights defenders from acts of intimidation, reprisals, attacks, threats, harassment, and undue obstruction, both by non-State actors and by State actors?
- iv. What steps is the government planning to take to ensure the right to freedom of assembly is able to be exercised in compliance with international norms, and specifically what steps is the government taking to prevent the excessive use of force during protests?
- v. What are the steps the government is taking to align its domestic legislation with international human rights standards, notably what proposed revisions or amendments will it make to the Computer Misuse and Cybercrimes (Amendments) Act of 2025 with respect to the excessively broad and vague provision on “false or fictitious” news?
- vi. Which measures is the government taking to create and guarantee a safe and enabling environment for environmental human rights defenders, LGBTQ+ rights and the rights of other groups of defenders in vulnerable situations and facing intersectional risks in the country?

ABOUT THIS PARALLEL REPORT

This report was prepared by the International Service for Human Rights (ISHR) and Arise and Thrive Africa. ISHR is an international non-governmental organisation based in Geneva with offices in New York and Abidjan dedicated to the protection of human rights defenders and the promotion of their work.

Arise and Thrive Africa is a survivor-led non-profit organization based in Nairobi, Kenya, dedicated to supporting survivors of human trafficking, modern-day slavery, forced labour, child labour, and survivors of gender-based violence.

We encourage the African Commission to consult parallel reports by local activists and to make recommendations to Kenya regarding the protection of human rights defenders.