



TECHNOLOGY AND HUMAN RIGHTS

QUARTER 2 DIGEST



Amnesty International Kenya Applauds Parliament's Move to Drop Controversial Finance Bill Proposal



In a significant win for human rights and economic justice, Parliament dropped contentious provisions in the proposed Finance Bill 2025, following sustained advocacy led by Amnesty International Kenya. The decision came after Amnesty Kenya, represented by Executive Director Irūngū Houghton and Programmes Manager Victor Ndede, presented a detailed memorandum to the Parliamentary Committee urging a rights-based review of the bill.

The proposed amendments had sought to revise multiple tax laws, including the Income Tax Act, the VAT Act, the Excise Duty Act, the Tax Procedures Act, the Fees and Levies Act, and the Stamp Duty Act. We warned that if passed in its original form, the bill would have imposed retrogressive taxes, deepened inequality, and undermined the socioeconomic rights of millions of Kenyans.

The Finance Bill 2025 came at a time when nearly 40% of Kenyans, over 30 million people, live below the poverty line. With over 83% of

employed Kenyans working in the informal sector, the proposed tax measures threatened to increase the cost of living without expanding social protections or job security.

One of the bill's most controversial proposals was the amendment to Section 59A of the Tax Procedures Act. This change would have allowed the Kenya Revenue Authority (KRA) unrestricted access to personal data held by businesses for tax compliance, in violation of Article 31 of the Constitution and the Data Protection Act (2019).

This clause risked weakening Kenya's growing data privacy culture. It could have allowed future administrations to misuse personal data under the guise of tax enforcement, undermining transparency, accountability, and public trust.

This June, through our Section Director Irungu Houghton and Tech and Human Rights Manager Victor Ndede, we urged Parliament to reject this amendment and safeguard Kenyans' right to privacy. The organization also called for broader public participation in shaping tax policy, urging the legislature to reflect citizens' concerns in the final law.

As the country grapples with a growing debt burden, having ballooned 335% between

2014 and 2024, we emphasized the need for Kenya to adopt a fair and inclusive tax regime. Kenya must avoid retrogressive tax measures. Any reforms must be compliant with human rights standards and designed to expand, not restrict, the government's ability to meet the basic needs of its citizens.

OUR QUARTER IN NUMBERS:

4+ Policy briefs on various digital rights issues

10+ Counties Reached by the Tech & Human Rights Team

10+ Data Protection Workshops & Conferences

100+ Civil and Human Rights Groups trained on Data Protection and Digital Rights

1000+ people directly reached through various events and workshops

With the Finance Bill now passed into law Amnesty International Kenya continues to call for a more equitable fiscal framework that

protects the vulnerable, and upholds the Data Protection Act, and the Constitution.

QUARTER 2 HIGHLIGHTS:

Technology and ELRC Judges Conference:



In April, we had the privilege of facilitating a thought-provoking session on *Digital Public Infrastructure and Labour* at the annual conference of judges from the Employment and Labour Relations Court (ELRC). The session explored how digital ID systems, digital payments, and data infrastructures are rapidly reshaping the world of work with critical implications for employment, rights, and justice.

Key discussion points included:

1. **Platform Work and Algorithmic Management** – How automated systems are influencing work conditions, performance evaluation, and fairness in labour practices.
2. **Judicial Responses to Digital Exclusion and Surveillance** – The role of courts in addressing the legal status of gig workers, surveillance in the workplace, and digital marginalisation.
3. **The Future of Work** – Reflections on what dignity, protection, and fairness should look like in an increasingly digital labour economy.

As digital systems continue to shape employment landscapes, the judiciary's engagement in these conversations is both timely and essential. We left the session

encouraged by the openness of ELRC judges to engage with emerging challenges and inspired by the shared commitment to ensuring that digital transitions do not come at the expense of workers' rights.

Data Governance Cafe: Spotlight on Data Protection Impact Assessments (DPIAs)



In April, Amnesty International Kenya partnered with the **Data Privacy and Governance Society of Kenya (DPGSK)** to host an insightful session on *Data Protection Impact Assessments (DPIAs)* as a rights-protecting mechanism. The session aimed to deepen understanding of how DPIAs can serve as a cornerstone for responsible data governance in Kenya.

Since the enactment of the Data Protection Act (DPA) in 2019, DPIAs have become a legal requirement for any high-risk data processing activity. These assessments are designed to identify, assess, and mitigate risks to the rights and freedoms of data subjects. Yet despite their centrality in safeguarding privacy, many organizations still grapple with when and how to conduct a DPIA, and how to align it with business operations and public interest.

The event created a dynamic space for dialogue and learning, bringing together stakeholders from across sectors, including fintech, digital ID, health tech, and data analytics. Key focus areas included:



- Demystifying the legal and regulatory framework around DPIAs;
- Sharing case studies from sectors already engaging in DPIAs;
- Exploring how DPIAs can align with human rights and ethical tech design;
- Emphasizing the need for transparency and public participation in high-risk data projects.

As Kenya accelerates its digital transformation, embedding DPIAs into both policy and practice is not just a legal formality but a vital step toward protecting the dignity, agency, and rights of every citizen in the digital age.

NADPA-RADPP 2025:



In May, we had the honour of joining Kenya's Office of the Data Protection Commissioner at the **Network of African Data Protection Authorities (NADPA) Conference** in Abuja, Nigeria. The gathering brought together data protection leaders, regulators, and practitioners from across the continent to explore shared challenges and opportunities in Africa's evolving digital landscape.

Our contribution focused on three critical areas shaping the future of data governance in Africa:

- **Cross-border data flows** and the need for frameworks that enable innovation while protecting citizens' rights;
- **Harmonization of data protection laws** across the continent to support regional integration and digital trade;

- **The rise of AI value chains**, and how African regulators can proactively engage with the risks and opportunities they present.

The conference was an inspiring space to connect with heads of data protection authorities, civil society actors, and fellow data practitioners committed to building strong, inclusive, and rights-based data ecosystems. It's clear that collaboration, across sectors and borders, will be key to ensuring that Africa's digital future is both innovative and equitable.

Building a Culture of Privacy: Data Protection Compliance Workshops with CSOs



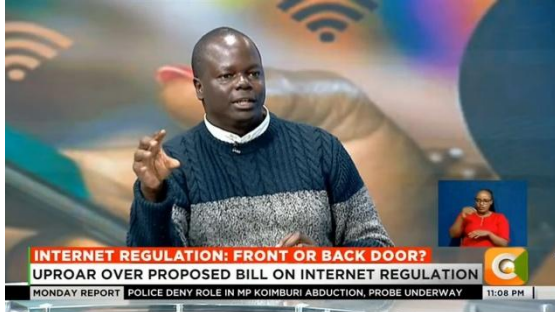
This quarter, we conducted a series of Data Protection Compliance Workshops across six counties: Mombasa, Nakuru, Turkana, Wajir, Tana River, and Taita Taveta, engaging hundreds of Civil Society Organizations (CSOs) on their journeys toward compliance with Kenya's Data Protection Act.

Encouragingly, over half of the participating organizations had already taken concrete steps toward compliance, either by registering with the Office of the Data Protection Commissioner or by developing internal privacy policies and data handling frameworks.

These workshops are part of our broader effort to foster a culture of privacy and data accountability within the communities we serve. As CSOs continue to play a critical role in service delivery, advocacy, and research, ensuring that they handle personal data ethically and lawfully

is key to building trust and upholding the rights of individuals across Kenya.

Media Spotlight: Speaking Out Against the KICA Amendment Bill



This May, we appeared on Citizen TV's Monday Report and Spice FM's Situation Room to unpack the serious implications of the proposed Kenya Information and Communication (Amendment) Bill 2025, a highly contentious piece of legislation that has sparked widespread concern across civil society and the tech policy space.

While the Bill presents itself as a framework to introduce *metered internet consumption* for users, a closer analysis reveals something far more troubling. Behind the language of consumer protection lies a proposal that could open the door to widespread surveillance, erosion of privacy, suppression of free expression, and increased targeting of dissenting voices.

We emphasized on both platforms that this Bill is, in effect, a Trojan horse, one that risks undermining the open, secure, and rights-respecting digital space that Kenyan citizens have long fought to protect.

As debates continue, it is critical that the public, policymakers, and oversight institutions

interrogate the broader digital governance implications of such laws. We remain committed to pushing for transparency, accountability, and the safeguarding of fundamental rights in all digital legislation.

Memorandum with 5 Rights Foundation:



This June and in partnership with 5Rights Foundation we reviewed and proposed recommendations on the ODPC's Draft Guidance Note on Processing Children's Data to urge stronger protections in order to truly uphold children's rights in the digital age.

Our memorandum recommends:

- Ending exploitative data practices like dark patterns and in-app manipulation,
- Acknowledging children's evolving capacities by enabling them to exercise data rights directly,
- Shifting the burden from parental consent to corporate accountability
- Embedding child rights protections by design and default. Read more about it [here](#).



TECH TIPS FOR PROTEST SEASON: STAY SAFE, STAY SECURE

AS CIVIC PROTESTS GROW ACROSS THE COUNTRY, DIGITAL SAFETY IS AS IMPORTANT AS PHYSICAL SAFETY. WHETHER YOU'RE ATTENDING, ORGANIZING, OR COVERING A PROTEST, HERE ARE ESSENTIAL DIGITAL SECURITY TIPS TO PROTECT YOURSELF AND OTHERS:



1. Lock Your Phone & Use Strong Passwords

- Use a long PIN, passcode, or biometric lock (fingerprint/face ID).
- Avoid patterns or easy-to-guess passwords like birthdays.
- Disable fingerprint unlock temporarily if you're worried about forced access—use a strong passcode instead.



2. Pack a “Clean Phone” for Protests

- If possible, use a secondary phone with minimal personal data.
- Only install essential apps like Signal or offline maps.
- Log out of accounts you don't need.



3. Use Encrypted Messaging Apps

- Communicate via Signal or WhatsApp (with disappearing messages enabled).
- Avoid SMS and unencrypted platforms for sensitive info.



4. Turn Off Location Services

- Disable GPS tracking for apps and on your phone entirely if not needed.
- Avoid tagging your location on social media in real time.



5. Back Up Important Data

- Before attending, back up your phone's data (contacts, photos, etc.) to a secure cloud or external device.
- This helps if your device is lost, confiscated, or wiped.



6. Know What to Do if Your Phone is Confiscated

- Enable remote lock and wipe features (e.g., Find My iPhone or Find My Device for Android).
- Log out remotely from accounts if your phone is lost.

Children and Young People's Digital Rights, Health and Well-being (RIGHTS Click):

RIGHTS Click Convening:



In partnership with Watoto Watch Network, Rights Click Alliance convened a civil society-wide consultation on the proposed *Industry Guidelines on Child Online Protection and Safety*. The meeting brought together key actors from child rights, digital safety, and civil society sectors to review and reflect on the strengths and shortcomings of the draft guidelines released by the Communications Authority of Kenya.

The guidelines are a timely initiative aimed at establishing clear and practical measures to safeguard children in Kenya's digital ecosystem. As more young people access the internet for education, entertainment, and social interaction, ensuring their safety and well-being online has never been more urgent.

Our consultation served as a critical platform for stakeholders to assess the comprehensiveness of the guidelines, identify existing gaps, and propose actionable improvements to ensure Kenya's child online safety framework is robust, rights-based, and future-proof.

Following a detailed review, the Rights Click Alliance submitted a formal memorandum to the Communications Authority of Kenya, highlighting the following key concerns and recommendations:

1. Recognizing Evolving Capacities and Consent

The draft guidelines currently treat all individuals under the age of 18 as a single, homogenous group. They fail to

acknowledge children's evolving capacities or their ability to provide consent when accessing digital platforms. Moreover, the guidelines make no mention of consent at all—an essential principle when developing age-appropriate safeguards for digital engagement.

2. Alignment with National and International Legal Frameworks

The guidelines need to be grounded in Kenya's existing legal instruments, including the *Children's Act* (Cap 141) and the *Data Protection Act* (Cap 411C). Additionally, they must reference international legal commitments that Kenya has ratified, such as the African Charter on the Rights and Welfare of the Child and the UN Convention on the Rights of the Child (UNCRC). These instruments enshrine critical rights for children in the digital space, such as the right to privacy, protection from harm, and participation.

3. Clarifying Industry Responsibilities

While the guidelines call on digital industry actors to establish policies and mechanisms for child online safety, they lack specificity on what such policies should include or how these mechanisms should operate. This ambiguity limits the capacity for meaningful enforcement and accountability, and leaves industry actors without clear direction.

Children's safety online must be grounded in rights, not just processes. As such, the Communications Authority of Kenya is urged to revise the draft guidelines to ensure they reflect the realities of the digital age, the nuanced needs of different age groups, and the legal protections already in place.

The Rights Click Alliance remains committed to engaging constructively with regulators,

industry, and civil society partners to co-create a digital environment where children can thrive safely and freely. Read more about this [here](#).

Children IGF:



If I Were the Policy Maker..." That's what children in Tharaka Nithi County imagined this past quarter during the 2025 Children Internet Governance Forum (IGF)!

Spaces like the Children's IGF remind us why children's voices must shape the policies that govern the spaces they navigate daily. Through interactive sessions on online safety, data privacy, and internet policy, they shared powerful insights and called for a safer, more empowering digital environment.

We are grateful to have partnered with **Watoto Watch Network**, the Child Tech Counties Consortium and **Africomm Development Centre** in making this happen. Let's continue to centre children in conversations about the internet they want, and deserve.

This publication is a quarterly release by the Technology and Human Rights Program at Amnesty International Kenya. For further information, please feel free to reach out to the Technology and Human Rights Campaigns Officer here: sharlene.muthuri@amnesty.or.ke.

OUR QUARTER THROUGH THE LENS

