



TECHNOLOGY AND HUMAN RIGHTS DIGEST

QUARTER 2, 2026



INTRODUCTION

Power Without Process: Constitutional and Governance Concerns About the National Cybersecurity Agency Order, 2026

On 22 June, the government announced that Parliament had cleared the National Cybersecurity Agency (NCSA) Order, 2026, creating a new state body with sweeping powers to audit and certify the security of Kenya's banks, hospitals, telecom networks and government systems, and to issue enforcement guidelines against undefined "large-scale digital disruptions." The Agency was established not through a parliamentary bill but by presidential order under the 1986 State Corporations Act, with a governing board dominated by police, military, intelligence and prosecutorial representatives. Several aspects of its creation raise serious concern.

First, the NCSA largely duplicates the National Computer and Cybercrimes Coordination Committee (NC4), the body Parliament already established under the Computer Misuse and Cybercrimes Act (CMCA) to coordinate national cybersecurity policy and incident response. Both institutions share near-identical mandates and overlapping board composition, yet nothing on record explains what gap in NC4's framework justified building an entirely new agency.

Second, rather than amend the CMCA, the law Parliament passed to govern this exact space, the executive opted for delegated legislation under the State Corporations Act. This sidesteps the parliamentary debate, committee scrutiny and public participation that amending primary legislation would have required, leaving Kenya with two cybersecurity regulators operating under two different legal regimes.

Third, although billed as an "autonomous" body, the NCSA's real authority sits with its Board, not the Agency itself. Order 6(k) lets the Board assign the Agency "such other technical duties... to enhance

national digital sovereignty," a term the Order never defines. Unlike NC4, whose residual powers must trace back to legislation, the NCSA's mandate can expand through internal Board decisions alone, with no defined limits.

Fourth, despite the government seeking four billion shillings in taxpayer funding, there is no published Regulatory Impact Assessment, explanatory memorandum, or public notice preceding the Order's signing on 6 May 2026, even though the Statutory Instruments Act required one given the scale of public cost involved. NC4's narrower 2024 regulations underwent public consultation; this Order did not.

Finally, the claimed "parliamentary approval" itself cannot be verified. No Hansard record or Committee on Delegated Legislation report addressing the Order exists in Parliament's published records; every news account traces back to a single Ministry press release. Under Section 15(2) of the Statutory Instruments Act, an unreviewed instrument is automatically deemed compliant after 28 sitting days. The Order was gazetted 15 May; "approval" was announced 38 days later, comfortably past that deadline. The most plausible explanation is that no one objected before the clock ran out, and that procedural lapse is now being presented to Kenyans as parliamentary approval.

We are asking the Clerk of the National Assembly to confirm in writing when this Order was tabled, when it was referred to committee, and whether any report was filed before the statutory deadline lapsed. Kenyans deserve to know whether their representatives actually reviewed this Agency, or whether "approval" means nothing more than an unwatched clock running out.

Q2 HIGHLIGHTS:

Strengthening Data Governance in Kenya:

Ijue Data Yako III



We're proud to have launched Cohort 3 of the Ijue Data Yako Project!

In partnership with ICON Data and Learning Labs (IDL), we brought together 25 organizations from Kakamega, Bungoma, and Busia counties to strengthen their knowledge and practice of data protection.

The project is designed to foster locally led awareness of digital rights and data protection, while equipping participating organizations with the knowledge, tools, and support they need to begin their data protection compliance journey. Together, we're building a stronger culture of privacy, accountability, and responsible data governance at the grassroots.

Turkana DG Workshop



In partnership with Article 43 International, we recently facilitated a #DataProtectionKE awareness session for community-based organizations in Turkana County.

The session created an opportunity for participants to deepen their understanding of the right to privacy at both the individual and organizational levels, while exploring practical first steps towards strengthening their data protection practices and beginning their compliance journey.

This training is a testament to the power of collaboration. Article 43 International worked closely with us to shape, refine, and contextualize the curriculum, ensuring it was practical, relevant, and responsive to the realities and challenges faced by grassroots organizations. By combining our expertise, we delivered training that empowers local organizations to better protect the personal data they collect and uphold digital rights within their communities.

Global Data Festival

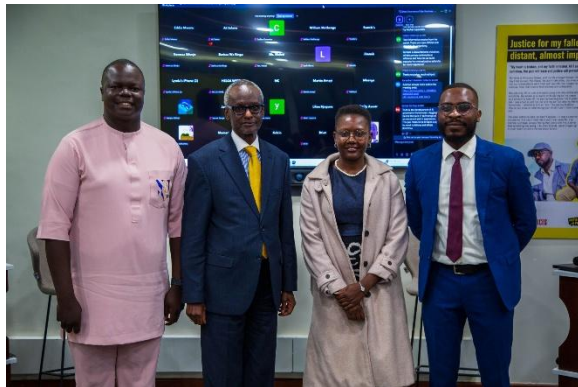


This June, we were at the Global Data Festival, whose theme was "Powering Resilience, Innovation, and Partnership through Data and Technology" - a gathering designed for collaboration, outcomes, and action.

As practitioners, researchers, industry players, and emerging talent collaborate and shape the future of data, there is a critical opportunity to ensure that progress does not come at the expense of human rights.

Aligning innovation with accountability and promoting privacy, transparency, inclusion, and rights-based principles are essential to ensuring that technology remains rights-respecting.

Data Governance Café



Kura yako, data yako, haki yako.

Amnesty International Kenya and the Data Privacy and Governance Society of Kenya (DPGSK) convened the Q2 Data Governance Café under the theme Elections, Data and Digital Rights in Kenya, and the room did not hold back.

As Kenya moves toward the next General Elections, campaigns are no longer fought only at rallies and on radio. They are fought in datasets, voter rolls, biometric registries, targeted ads, and algorithmic feeds. That shift brings real opportunities for civic participation, but also real risks: profiling, surveillance, disinformation, and the quiet erosion of public trust.

Our multi-stakeholder panel, drawing on perspectives from the IEBC, the Judiciary, Article 19 Eastern Africa and Amnesty International Kenya, dug into the questions that will define the integrity of the next electoral cycle:

1. Who safeguards voter data, and how?

2. Where is the line between political outreach and unlawful micro-targeting?

3. How do courts handle digital evidence in electoral disputes?

The takeaway was unambiguous: protecting the ballot now means protecting the data behind it.

Riara University Data Governance Chapter Launch



We were honoured to join **Riara University** for the launch of the **Data Privacy and Governance Students Association**, an important milestone in advancing the future of data governance in Kenya.

As Kenya's data governance landscape continues to evolve, there is a unique opportunity to cultivate the next generation of privacy and governance professionals. By sparking students' interest early and equipping them with the right knowledge, we can help build a community of leaders who will shape, strengthen, and champion responsible data governance for years to come.

Student engagement is essential to this journey. Through platforms such as the Data Privacy and Governance Students Association, young people are empowered to actively participate in critical conversations on privacy, governance, and digital rights, not merely as consumers of policy, but as informed contributors helping to shape Kenya's digital future.

Children and Young People's Digital rights, Health and Well-being

Voices Online: Amnesty International Kenya Announces Winners of the 2026 Digital Rights Essay Competition



Now in its third year, the competition asked students across Kenya to grapple with the cost of speaking out online.

Amnesty International Kenya announced the winners of the third edition of its Digital Rights Essay Competition. Under the theme "Voices Online: Courage, Silence, and Harassment," this year's competition invited students across the country to sit with a reality too many young people already know: that speaking out online can come at a cost: Threats, ridicule, coordinated attacks, and silence, chosen not out of indifference, but out of fear.

The competition was anchored in Amnesty International's 2025 report on tech-facilitated violence against human rights defenders, which documented how digital platforms are increasingly weaponised to intimidate, silence, and punish those who speak out. The findings were sobering, but the response from young people across Kenya has proven they are not willing to look away from that reality.

This year's competition drew 300 submissions from 29 Human Rights Friendly Schools nationwide. Each essay represented a young person choosing to engage, reflect, and imagine a digital future worth fighting for.

Amnesty International Kenya extends its thanks to the human rights club patrons, whose mentorship

continues to turn classrooms into movements and nurture the critical thinkers Kenya needs; to every participating school, for creating the space for students to engage with issues that matter; and to all 300 students who submitted an essay this year, each of whom is part of this competition's story, whether or not their name appears among the winners.

First Place

Christal Raninyo Adhiambo, from **Noon Kopir Girls**, has been named this year's first-place winner for a piece that refused to look away. In her essay, she wrote:

Young people, as digital natives, are uniquely positioned to lead these conversations and push for reforms that make online spaces more inclusive and secure.

Second Place

Mark Igathe, from **Gendia High School**, took second place with an essay that confronted one of the competition's hardest questions: what it costs a young person to stay silent, and what it takes to speak anyway. In his essay, he wrote:

A voice is a fragile thing in the digital age. It can rise in seconds, clear, bold, and determined, and be drowned out just as quickly by waves of insult, distortion, and threat. For many young Kenyans, this is not a distant reality; it is a daily calculation. Should I post this? Is it worth the backlash? Will I still feel safe tomorrow? These are the silent questions behind many unsent messages.

School Awards

Mbita High School has been recognized for the strength of its students' collective engagement with the competition, reflecting a school-wide culture of human rights awareness. Trophies have also been awarded to the best-performing school in each region, recognizing their communities' commitment to digital rights education.

This year's competition is a reminder of something Amnesty International Kenya has always believed: young people are not passive recipients of the digital world. They are shaping it.

Today's silenced student need not become tomorrow's silenced activist, not if communities build the courage that makes speaking out survivable. Every student who took part this year, named among the winners or not, engaged honestly with the realities of being young and online in Kenya, writing with honesty, empathy, and hope.

Amnesty Kikao: This Fear, Everyone is Feeling It” Documentary Screening



Amnesty Kikao: “This Fear, Everyone is Feeling It” brought together activists, journalists, and digital rights practitioners to reflect on a difficult but necessary reality: that online spaces are increasingly being used not just for expression and organizing, but also for surveillance, targeting, and intimidation.

What stood out most was the depth and honesty of the lived experiences shared. The conversation moved beyond abstract discussions of “online harm” to interrogate how digital threats translate into real-world consequences: self-censorship, psychological strain, and, in some cases, physical risk.

The evening closed with a creative solidarity segment, where participants were invited to move from reflection to action by supporting our petition on the same, which you can find here:

<https://www.amnestykenya.org/petition/petition-stop-tech-facilitated-violence-against-young-activists-in-kenya/>

If you believe activists should be able to speak, organize, and report without fear, add your voice. Keep signing and sharing the petition.

KenSafe Space x Amnesty Collaboration



Internews, through the Kenya Safe and Inclusive Digital Space (KenSafeSpace) project, in collaboration with Amnesty International Kenya, convened a one-day knowledge exchange and strategy-building session.

Bringing together civil society actors, journalists, and digital rights advocates, the workshop created a critical space to connect lived, local experiences with broader regional and global conversations on internet governance, digital safety, cybersecurity, and digital rights.

At a time when digital spaces are increasingly shaping civic engagement and advocacy in Kenya, while also exposing actors to surveillance, online harassment, disinformation, and privacy violations, this session bridged an urgent gap. Participants are actively sharing experiences, building strategies, and strengthening networks to ensure Kenyan voices are meaningfully represented in global digital rights and policy spaces.

AI Memorandum on Child Protection



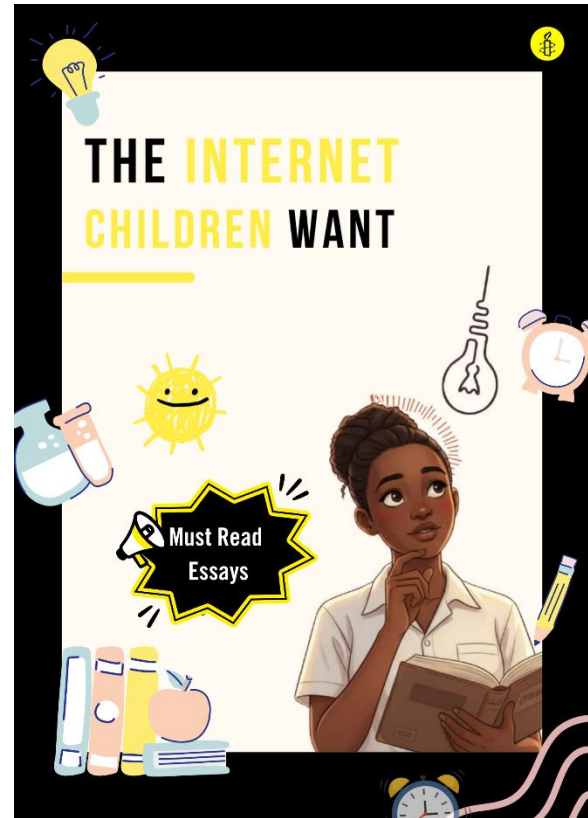
Amnesty International Kenya, and Watoto Watch Network submitted views on the Artificial Intelligence Bill, 2026 (“the Bill”), introduced into the Senate on 2nd April 2026 by Senator Karen Nyamu. This submission addressed a single, critical gap in the Bill: the complete absence of any provision protecting children from the specific harms that artificial intelligence systems pose.

Child protection in the context of artificial intelligence requires deliberate consideration of children’s unique vulnerabilities and the provision of appropriate safeguards necessary for their wellbeing. This recognition dispels the assumption that children’s rights and protections are sufficiently secured under general provisions alone. We therefore maintain that children should be accorded special status within the Bill, with specific and enhanced protections beyond those applicable to the general public.

This special status is recognized under the Constitution of Kenya, the Children Act, 2022 (No. 29 of 2022), the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and even the European Union Artificial Intelligence Act (Regulation (EU) 2024/1689). It is grounded in the recognition that children are inherently vulnerable and therefore require a heightened level of legal and regulatory protection. Failure to recognize this special status exposes children to heightened AI-related harms by subjecting them to the same legal and regulatory standards as adults, despite their evolving capacities and limited ability to meaningfully safeguard their own interests within digital environments. Such an approach undermines both

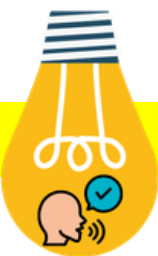
constitutional and international child protection obligations.

Day of the African Child



On 16th June, we marked the Day of the African Child by going back to CTRL+Speak Vol. II, our annual human rights magazine written by children and young people, for children and young people.

Each edition of CTRL+Speak is built on a simple but powerful idea: young people are not just the subjects of human rights conversations but the ones best placed to lead them. The magazine gives children and youth a platform to explore and articulate the rights issues that shape their everyday lives, from digital freedoms and online safety to expression, privacy, and civic participation. Read the full magazine and hear directly from the young people who wrote it: <https://www.amnestykenya.org/ctrl-speak-ii-a-human-rights-magazine-for-human-rights-friendly-schools/>



OUR VIEWS:

Every week, we write on various technology and human rights issues. Access our views this quarter here:

FREE EXPRESSION

[What Kenya's Proposed Social Media Ban Petition Borrows From Australia, and What It Leaves Out](#)

Australia banned under-16s outright. Kenya's petition copies the headline, not the safeguards.

DATA & PRIVACY

[The Cameras Filmed The Children, The Whole Country Watched](#)

A school's CCTV footage went public. What that says about how child data is stored and shared.

PLATFORM ACCOUNTABILITY

[Kenya Orders X To Open a Nairobi Office. Is It Protection or a Leash?](#)

A local-presence order can mean local accountability, or local pressure. We unpack both readings.

DATA & PRIVACY

[If They Hold Your Data, They Are Now Responsible For It](#)

New Kenyan rules extend liability wherever your data travels, including to third-party processors.

DATA & PRIVACY

[The Price of Looking Away: What Data Protection Non-Compliance Is Really Costing Kenyan Civil Society](#)

Non-compliance isn't abstract. It carries a direct, measurable cost for civil society organizations.

FREE EXPRESSION

[Canceling RightsCon Is An Attack On Free Speech](#)

A cancelled convening raises a hard question: who gets to talk about rights, and where.

COMMUNITY & SAFETY

[The Antidote to Tech-Facilitated Violence? Community.](#)

Individual reporting tools aren't enough. What actually stops online harm is a network around the target.



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.

HIGHLIGHTS THROUGH THE LENS

