HUMAN RIGHTS UNDER SIEGE

AUTHORITARIAN PRACTICES AND ECONOMIC PRESSURE AMID YOUTH-LED PROTESTS IN KENYA

AMNESTY INTERNATIONAL

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GLOSSARY

CAPITATION	A fixed, upfront payment made to a public service provider or organization, such as schools and health facilities, on a per-beneficiary basis over a specific period
CCTV	Closed circuit television
CPI	Consumer Price Index
CS	Cabinet secretary
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
ESCR	Economic, social and cultural rights
E-TIMS	Electronic Tax Invoice Management System
EXTREME POVERTY	All individuals whose total consumption per adult is less than KES 2,668 (USD 21) per month in rural areas and KES 3,520 (USD 28) per month in urban areas
FISCAL POLICY	The use of government spending and taxation to influence the economy, with the intention to provide resources for the state and redistribute income
FOOD POVERTY	All individuals whose monthly food consumption per adult is less than KES 2,668 (USD 21) in rural areas and KES 3,520 (USD 28) in urban areas
GDP	Gross domestic product
GHI	Global Hunger Index: a peer-reviewed annual publication designed to comprehensively measure and track hunger
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information, communication and technology
IEA	Institute of Economic Affairs
IG	Inspector General of the National Police Service
ILO	International Labour Organization
IMF	International Monetary Fund
INEQUALITY	A condition in which individuals or groups experience unequal access to resources, opportunities, participation and the enjoyment of human rights, particularly where poverty, discrimination and social exclusion systematically disadvantage certain groups
INFORMAL WORK	Economic activities and businesses not officially registered, taxed or regulated by the government
IPOA	Independent Policing Oversight Authority
KANU	Kenya African National Union: nationalist party founded in 1960

KHRC	Kenya Human Rights Commission
KIPPRA	Kenya Institute of Public Policy Research and Analysis
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
LSK	Law Society of Kenya
MATATU	Public transport via minibus or taxi
M-PESA	Mobile money service
MULTIDIMENSIONAL POVERTY	The level of deprivation across three weighted and scored indicators: a) health – nutrition and child mortality; b) education – years of schooling and school attendance; and (c) standard of living – electricity, sanitation, drinking water, housing, cooking fuel and assets.
NTSA	National Transport and Safety Authority
OCS	Officer commanding station: police officer in charge of a specific Kenya Police station
ODPP	Office of the Director of Public Prosecutions
OUT OF POCKET EXPENSE	The direct payment of health services by households, financing medicines, consultations, laboratory studies, hospitalizations and so on, excluding health insurance payments.
OVERALL POVERTY	All individuals whose total consumption per adult is less than KES 4,358 (USD 34) in rural areas and KES 8,006 (USD 62) in urban areas per month.
PAYE	Pay as you earn: income tax automatically deducted before payment to the employee
PNU	Party of National Unity
PUBLIC DEBT SERVICE	The payments made by the state to meet its financial obligations in a given period, including payment of the principal of a debt and interest on the debt
SEVERE MULTIDIMENSIONAL POVERTY	People with severe levels of deprivation across health, education and standard of living
TISA	The Institute for Social Accountability
TOT	Turnover tax
UDA	United Democratic Alliance
UNICEF	United Nations Children's Fund
UNHRC	UN Human Rights Council
VAT	Value-added tax

EXECUTIVE SUMMARY

''You cannot go to the streets and expect the police to come kiss you''[1]

Abuse of power by authorities in Kenya manifests in various ways, including through suppression of dissent; arbitrary arrest, prosecution and detention of protestors; surveillance of activists, including through social media; and repression of the media, opposition politicians and government critics. These actions are intended to concentrate power and shield the authorities from accountability. Cumulatively, they cultivate an environment of fear that limits criticism of government. The situation is compounded by corruption by public officials which undermines trust in government and limits the amount of resources available for human rights financing.

This report explores the link between state repression of public protests, on one hand, and fiscal policy and its impact on the enjoyment of socio-economic rights, on the other, especially given Kenya's unwillingness to redress the underlying economic reasons for the protests. Since 2023 there has been an upsurge in civic action in Kenya including through protests and digital activism. Mostly youth-led, these protests have largely been triggered by the rising cost of living, the removal of subsidies and increased regressive taxation that have reduced household finances and induced public resentment against the government. These economic factors have in turn undermined access to basic goods and services and thereby violated the economic and social rights of people living in Kenya as outlined both in the Constitution of Kenya, the African Charter on Human and Peoples' Rights and the UN Covenant on Economic, Social and Cultural Rights. Instead of redressing these economic challenges, the government has used both authoritarian narratives, such as vilification of protesters as economic saboteurs, as well as authoritarian methods such as excessive use of force to counter or supress public protests and other forms of dissent.

In this context, the report shows how authoritarian practices underpin the formulation of tax policy, decision-making around the national budget, and debt management policies and practices. It reveals how the government has imposed its control over these functions by, for example, disregarding public petitions related to taxation, undermining public participation requirements in public finance, and overriding oversight institutions such as the judiciary and watchdogs such as the media. The report also highlights how formal parliamentary processes involved in economic oversight, including on budget-making and other fiscal affairs, have largely been monopolized by the government through co-option of parliamentarians, influence-peddling and creation of an environment of fear. Finally, the report demonstrates how the government has adopted both authoritarian counternarratives and repressive approaches to stifle dissent.

The report focuses on the period between 2023 and 2025 – a period marked by increased civic action, rising debt, higher tax burden, withdrawal of subsidies on basic goods and services, and prevalence of authoritarian practices in Kenya. As part of its research into the events of this period, Amnesty International conducted interviews in Kajiado, Kiambu, Kisumu, Machakos and Nairobi counties between April and July 2026. The counties were selected because they experienced the highest levels and numbers of street protests within the research period. The accounts of the interviewees were corroborated through photographs, medical records, court records, triangulation of multiple testimonies, verified videos, open-source material, as well as through interviews with advocates in some of the cases where interviewees were charged in court.

[1] Citizen Digital, "You cannot go to the streets and expect police to come kiss you – Gachagua", 21 July 2023, https://citizen.digital/article/you-cannot-go-to-the-streets-and-expect-police-to-come-kiss-you-gachagua-n323947

A total of 102 interviews were conducted for this report. 54 of the interviewees were female while 48 were male. Interviewees included protesters, lawyers who had represented protesters in court, a medic, journalists, government officials, social media influencers and civil society organizations, including those within the fiscal justice space.

Amnesty International also undertook a review of county and national budgets from 2023 to 2026, as well as government debt and tax policies and strategies. The organization also reviewed reports from relevant state institutions, including parliamentary *Hansard* reports.

In September 2026, Amnesty International sent letters to relevant government bodies and officials, including the Presidency, Inspector General of Police, Kenyan National Commission on Human Rights, Ministry of Interior and the Independent Police Oversight Authority, among others, outlining the report's preliminary findings and requesting responses. As at the time of publication, no response had been received.

SOCIO-ECONOMIC UNDERPINNINGS OF PROTESTs

The 2023-2025 protests in Kenya were linked to a number of underlying socio-economic issues including regressive impacts of economic policies, crippling public debt and debt repayment, poverty, economic inequality and rising cost of living, corruption, and inadequate public participation in public finance management.

This report documents how inadequate (and largely cosmetic) public participation in tax policy formulation, budgeting and debt management as well as the corruption and exclusion in economic policy formulation and implementation were both features of authoritarian practice, and key causes of the protests. In particular, statements by public figures showing disregard for (and in many instances, open hostility towards) public views on fiscal matters is linked to limited budgetary allocation in sectors that are of core interest to the public – food, health, social protection and education. This in turn infuriated the public leading to protests in 2023 and 2024. Secondly, the authoritarian response to public petitions against tax and debt policies activated even more protests as people tried to enforce both their rights to protests and reverse some of the contentious regressive tax proposals. The 2025 protests were therefore a continuation of unresolved economic and social grievances from 2023 and 2024.

54 interviewees listed corruption as one of the reasons for their protests. In in its 2024/2025 report, the Public Service Commission reported KES 2.4 billion (USD 18.5 million) was lost through corruption in the public service – the highest level of loss in the preceding five years. This increased corruption coincided with a period when the state rapidly raised regressive taxes, ostensibly to pay debt and removed subsidies while encouraging the public to persevere amidst the economic strain caused by these fiscal measures.

In response to the protests, the state advanced various counternarratives. It constructed the protests not only as a threat to public order but also as an economic threat to the state, especially because at their core lay opposition to regressive taxes which the state perceives as important in generating revenue for debt servicing and implementing its 2022 election manifesto. Incidentally, the unfulfilled manifesto was marketed as having the potential to resolve some of the economic issues that informed the protests – an issue which of itself drove a number of the interviewees into going to the streets.

The report also shows how poverty, which currently stands at 39.8% as well as inequality influenced people's reaction to tax policies. It also shows how authoritarian practices in tax policy formulation, such as repression of voices that are critical to the imposition of regressive taxes, has led to increased poverty over the last 3 years. In particular, the report shows that although Kenya's fiscal policy has contributed to some reduction in inequality over the last three years, it has led to increased poverty because the investment in social protection - which currently benefits only 1.9 million people through cash transfers - has not matched the level of poverty which currently affects the 21 million people who live below the poverty line. At the same time, the amount given in cash transfers KES 2000 (USD 16) falls below the government's own overall poverty indicator of KES 4358 (USD 34).

The removal of subsidies from basic social goods and services such as maize flour, and the increase in fuel tax from 8 to 16% in 2023 led to a sharp rise in the cost of basic household items, put pressure on household expenditures and drove more people into poverty. Interviewees told Amnesty International that following a rise in the cost of living they had to make lifestyle adjustments, such as walk to work, move to slums or take their children to cheaper schools to be able to cope. In this sense, Kenya failed to adhere to its obligations under the International Covenant on Economic, Social and Cultural Rights which emphasize non-regression and progressive realization in economic and social rights realization. According to the

interviewees, protest was both a way of expressing displeasure at government and attempting to reverse the regressive fiscal policies.

By imposing regressive taxes, Kenya also failed to comply with the UN Guiding Principles on Human Rights Impact Assessment of Economic Reform which urge governments to take human rights obligations into consideration when developing and implementing economic reforms- including fiscal policies.

The increasing resentment against fiscal policies, coupled with the contempt by public figures - including Cabinet Secretaries, the President and Members of parliament from the ruling party - aggravated public dissent. This dissent was reflected in public opposition to the 2023 and 2024 Finance Bills. Executive influence over parliament, through co-option of opposition members, undermined the capacity of parliament to exercise its constitutional mandate of overseeing public finance including the imposition of taxes.

The review established that despite political pronouncements around health rights, both the county and national governments only allocated 7% of their annual budgets to health in 2025 against the recommended 15% in the Abuja Declaration. At the same time, the amount allocated for debt servicing between 2023-2026 was more than the total amount allocated to education, health and social protection combined in the same period, with the amount peaking in 2025 when debt servicing took almost 69% of the budget against 29% for the three sectors. In this sense, the country was non-compliant with the UN Guiding Principles on Debt and Human Rights which oblige states to ensure that debt repayment does not undermine the financing of human rights.

AUTHORITARIAN NARRATIVES

State officials employing authoritarian government practices to entrench power often develop narratives to suppress public dissent and to justify the misuse of force by security agencies. This research shows how senior government officials tried to justify its repressive actions as a legitimate response to address "economic saboteurs" (which is how the Kenya government characterized young protesters). The branding of protestors as economic saboteurs was not only intended to silence their grievances, but also to justify the use of excessive force against them.

The authorities also labelled dissent and youth activism as "chaos", "civil society incitement", "poor upbringing", "lack of patriotism and indiscipline by the youth", "riots" and "attempts to destabilize governments". Protesters were also labelled as "criminals", including by the Cabinet Secretary for Interior and key leaders in the National Assembly, including the Majority Leader (and Leader of Government Business), the Chief Whip and the Minority Leader. These sentiments expressed by political leaders echoed the treatment of protesters by the police. Amnesty International interviewed 36 protesters who were either arrested or abducted. They reported that the police or their captors had informed them that they were criminals trying to undermine the state.

Another narrative employed by the state against protesters, particularly where property was destroyed, was that protesters were terrorists. According to social media posts by the Office of the Director of Public Prosecution, a total of 97 protesters were charged with terrorism in June and July 2025, mostly at Kahawa Law Court, which is traditionally reserved for terrorism and drug-related offences. Charges of terrorism often carry very high bail terms, which most protesters, who are often young and unemployed, cannot afford. As a result, they end up languishing in remand for long periods of time. This misuse of antiterrorism legislation against protesters undermines the right to protest as guaranteed both by the Constitution of Kenya, the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political rights.

Another notable authoritarian practice used by the Kenyan government was scapegoating to deflect state responsibility for the causes underlying the protests. Responsibility was deflected to third parties, including civil society and opposition parties. In the aftermath of the 2024 protests and throughout the period from 2024 to 2025, senior government officials claimed, without evidence, that the protests and other forms of dissent were fuelled or funded by opposition figures and civil society organizations. On 13 August 2025, the Cabinet Secretary for Interior informed parliament that the government was investigating a number of civil society organizations that he accused of funding or planning the protests.

Amnesty International found that this investigation was carried out as part of a wider state-led effort to identify alleged protest mobilizers and financiers. Four people interviewed by Amnesty International narrated how they were abducted by people believed to be security officials and subjected to treatment they described as torture, a clear violation of Article 4 of the Convention against Torture, Article 5 of the African Charter on Human and Peoples' Rights, and Article7 of the International Covenant on Civil and

Political Rights which prohibits torture as well as cruel, inhuman and degrading treatment. During their interrogation, they were coerced into revealing the identity of their alleged funders.

AUTHORITARIAN TACTICS TO SUPPRESS PROTESTS

Protesters interviewed for this research explained that their intention was either to submit petitions and memoranda to the authorities or to express their displeasure at new tax proposals and other economic measures. Despite the peaceful nature of the protests, with protesters chanting "we are peaceful" or some carrying the Kenyan flag, the authorities repressed the protests through various authoritarian means, including unnecessary and excessive use of force. The Kenya National Commission on Human Rights (KNCHR), reported a total of 99 deaths related to protests between July 2023 and July 2025. In this sense, Kenya's security agencies failed to comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles) as well as the African Commission on Human and Peoples' Rights Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa which encourage de-escalation and prohibit unnecessary use of force by law enforcement agencies.

To suppress protests, the government resorted to abductions, incommunicado detentions and enforced disappearances of perceived protest leaders and mobilizers. According to the KNCHR, 74 cases of enforced disappearance were reported in the aftermath of the 2024 protests, and a further 15 cases of enforced disappearance were reported following the June 2025 protests.

Amnesty International interviewed three protesters who were abducted by individuals suspected to be state agents in the lead up to the 2024 protests, as well as five others who were originally picked up by people who did not identify themselves, detained in unknown locations, and later presented to various courts by police officers. They were thus victims of enforced disappearance for the respective periods they were held. They told Amnesty International that they were tortured by the abductors whom they believed to be law enforcement officers. One protester narrated how he was placed in the boot of a car, locked up in a secluded house and beaten by people he believed to be security agents. Another explained that after picking her from Rongai, a neighbourhood near Nairobi, they drove her to Karura Forest where they pointed a gun at her and threatened to shoot her unless she disclosed information about a missing police gun. These actions may constitute torture or ill-treatment and therefore violate international law, including the Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa and the UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment.

Abduction as an authoritarian practice also appears to have been used as a means to punish senior government or political figures who were considered to be opposed to the government. Relatives and associates of senior government officials and political figures who were deemed to be either lukewarm about their support for the government or generally opposed to it suffered the same fate as protesters. The son of the former Attorney General Justine Muturi as well as a policy analyst in the office of the Minority leader-Gabriel Oguda are two examples.

In total, Amnesty International interviewed 36 individuals from five counties who had been arrested by police or abducted by people suspected to be security agents during and after the 2023, 2024 and 2025 protests. Fourteen stated that they were never given any reasons for their arrests. Five said that the reasons given at the point of arrest differed from the formal charge presented in court.[2] Of the 36, only 11 were formally charged and released on cash bail by the courts. The rest were released without charge.

Amnesty International also documented the increased presence of armed non-state actors, colloquially called "goons", at protests. It found that the state failed to prevent private armed individuals from interfering with peaceful protests, as obligated by domestic and international law. In particular, this violated article 21 of the International Covenant on Civil and Political Rights. In General Comment 31, the Human Rights Committee has emphasized that the obligation to guarantee personal security and other freedoms includes the obligation to prevent third parties from violating the same right.

The presence of private armed individuals at the protests and their instigation of violence appeared to be used by the police as a pretext to suppress the protests. At the same time, protesters' testimonies revealed that the police did nothing to stop the violent actions of these individuals.

In some instances, private armed individuals claimed to be part of the "business community", seeking to protect their businesses against alleged other private armed individuals, while at other times, they infiltrated protests, destroyed property and engaged in other acts of violence. There were also instances where they reportedly operated alongside the police and meted out violence against protesters. The state

[2] Interview in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026

appeared to be condoning violence by these groups, thereby instilling fear in the protesters; 26 interviewees told Amnesty International that they were hesitant to participate in protests due to fear of the private armed individuals.

INFORMATION CONTROL

The government has also cultivated an environment of fear through surveillance, involving the suspected co-option of telecommunication companies. Amnesty International interviewed eight respondents who stated that they had been subjected to unlawful surveillance by the state. Methods used have included online surveillance, including surveillance of WhatsApp groups and X; physical surveillance, including surveillance of residences and the homes of parents and other relatives of protest leaders; as well as mobile phone surveillance.

Concerns that opposition to finance bills (which are generally tabled in June) could trigger protests has meant that June to July in particular could have been months of increased unlawful surveillance and economically related protests. Prominent protest figures and social media influencers reported receiving threatening messages from unknown persons following their conversations in WhatsApp groups and on X. Five activists informed Amnesty International that due to "constant" unlawful digital and physical surveillance, they had to relocate from the city to their villages or other locations and stay there until they felt safer to return. Two reported that they had to change their phones or phone numbers because they believed their original phone or phone numbers had been bugged or were being tracked. One protester believed that security agents tracked his phone conversations with his friends and business associates, identified and located them, and warned them against associating with him.

In addition to unlawful surveillance, the government also resorted to media suppression and digital authoritarian practices. Media suppression took many forms including selective denial of government advertising contracts to media stations deemed critical to the government; government failure to honour payments owed to the media; banning of live broadcasts of protests; threats to withdraw licences; attacks with tear gas, assault and the shooting of journalists with rubber bullets; and intimidation and harassment, including exclusion of critical media houses from presidential functions. These authoritarian tactics have been more aggressive against mainstream private media companies, among them The Standardmedia, Nationmedia and Mediamax.

In 2023, the Communications Authority of Kenya censured and threatened to revoke the licences of media companies that broadcast the protests. The High Court subsequently quashed the directive. During the 2024 protests, internet faced disruption for seven hours. During the 2025 protests, it once again stopped the live broadcast of protest activities. Journalists were also not spared from the unlawful police responses to the protests. Amnesty International spoke to six journalists who reported cases of police misuse of weapons against journalists. Cases of arbitrary arrest and detention of journalists during protests were also reported. These actions violate article 19 of the International Covenant on Civil and Political Rights, which protects the freedom of expression as well as article 34 of the Constitution of Kenya which protects the freedom of the press. In its 2025 report, the KNCHR documented widespread beating of journalists with batons, manhandling, and confiscation and destruction of journalists' equipment by police during protests across the country.

Amnesty International found that in many instances the state had limited media coverage of the protests by either restricting journalists' access to protest sites or by erecting physical barriers. Four journalists interviewed for this research reported that on several occasions they had faced direct intimidation or harassment by security agents, especially when covering what they called "sensitive stories" such as excessive use of force by police during protests.

WEAKENING OF- AND CONTROL OVER INSTITUTIONS

Increasing authoritarian practices in Kenya have eroded the oversight capacity of relevant institutions, including parliament and the judiciary. Other oversight institutions such as the Auditor General and the Controller of Budget continue to face intimidation from the executive. For instance, on several occasions, the President and other senior government officials have criticized the judiciary for issuing orders that nullify government actions, policies, programmes or appointments. On 13 August 2025, the Cabinet Secretary for Interior told parliament that the government would not comply with a court order which had barred police from covering their faces and using unmarked vehicles during protests.

In relation to the judiciary, the executive, including the President and other senior government officials, repeatedly resorted to narratives of blame, accusing the judiciary of being the stumbling block to Kenya's development agenda by issuing orders against government programmes, appointments and projects. The

executive's hostility towards the judiciary has been particularly manifested in its disregard for protest-related court orders.

For instance, in *Kanchory v. Inspector General of the National Police Service*, the High Court barred police from using of water cannons, tear gas, live ammunition, rubber bullets and the deployment of brute force or any form of violence against persons exercising their constitutional rights to protests. Despite this order, protesters interviewed for this research said that police continued to use excessive force against protesters resulting in injuries. Similarly, in *LSK v. Kithinji*, the High Court held that the unchecked deployment of police officers with concealed faces and service numbers, as well as unmarked vehicles, in policing protests was unconstitutional. The Cabinet Secretary for Interior dismissed the judgment, derogatorily referring to it as one of the decisions "made by judges in the comfort of their offices in Milimani with air conditioning". These sentiments reflected the attitude of police officers policing protests. Seven interviewees told Amnesty International that they were arrested by police in balaclavas, while three shared that they were put in unmarked cars.

ACTION REQUIRED

Amnesty International highlights the following recommendations to relevant government agencies as well as to Kenya's development partners and the African Union.

To the Government of Kenya through its relevant agencies:

- Increase social spending to reduce poverty and inequality, while adhering to the statutory debt management provisions to ensure that debt servicing does not crowd out social spending;
- Ensure that debt servicing obligations are not met at the expense of sufficient resourcing for public goods and services;
- Prevent third parties, including private armed individuals from interfering with protests and where such interference has already occurred, investigate and prosecute the responsible actors.
- Investigate all suspected cases of attacks on journalists during the 2023-2025 protests by security agents
- Comply with all Court orders on the use of force against protesters issued between 2023-2025
- Ensure that all major economic policy decisions are taken after and in consideration of human rights impact assessments, and require relevant Cabinet Secretaries to report on outcomes;
- Ratify the International Convention for the Protection of all Persons from Enforced Disappearance; Disclose the whereabout of all persons who remain missing after the 2023-2025 protests.
- Undertake legislative reforms to ensure that all corruption findings by the Public Accounts Committees, Controller of Budget and Auditor-General are adopted, investigated and prosecuted by the ODPP within six months, and that the said matters (as well as all corruption matters) are concluded by courts within one year;
- Cease all forms of authoritarian practice documented in the report including arbitrary arrest and detention, corruption, repression of protests, media suppression, exclusion of public from fiscal affairs and unlawful surveillance of protesters;
- Ensure that protest policing tactics do not violate human rights;
- Ensure that each weapon deployed in law enforcement operations is specifically regulated with clearly defined operational purposes and threshold of use, as well as prohibitions and precautions required in light of its design and inherent risks.
- Prohibit the use of any weapons against peaceful protesters.
- Ensure that firearms are not used to disperse assemblies and that they are only used in response to an imminent threat of death or serious injury and exclusively against the person posing this risk, and that they are not indiscriminately fired at a crowd.
- Ensure that tear gas is only used for the purpose of dispersing crowds in situations where there is widespread violence that cannot be addressed by handling violent individuals alone, and that it is never used in spaces where people cannot disperse or against a peaceful assembly.

- Ensure that kinetic impact projectiles are only used against individuals engaged in violence against another person that is likely to cause considerable injury, and only to stop the violent behaviour, when other methods are not an option
- Publicize the status of investigation into cases of unlawful use of force by the police officers during 2023-2025 protests;
- Enhance transparency and accountability in the ongoing compensation of past victims of human rights violations by the state;
- Review and where appropriate, terminate all cases of malicious prosecution of protesters, including malicious prosecutions related to ‘‘terrorism’’;
- Ensure that there are no internet disruptions incompatible with international human rights law and standards in the future;
- Refrain from suppressing media freedom, including but not limited to the arbitrary shutdown of media houses or unwarranted threats to withdraw licences;
- Ensure that all media stations houses are treated equally in the procurement of government advertising spaces. To restore a robust media environment, pay all pending bills owed to the media;

To Kenya’s development partners

- Undertake independent debt sustainability analysis including human rights impact assessments before granting any further loans;
- Ensure that there are no harmful austerity measures imposed with loans. When considering debt relief conditions, ensure that these do not adversely impact the realization of human rights. Debt relief must neither replace official development assistance nor be considered as such;
- Use all bilateral, multilateral and regional platforms at your disposal to urge the Kenyan authorities to respect, protect and facilitate the right to freedom of peaceful assembly and stop the unlawful use of force to police peaceful assemblies;
- Ensure that any bilateral law enforcement cooperation mechanisms or sales of less-lethal weaponry do not directly or indirectly contribute to human rights violations against protesters;
- Urgently review cooperation with the Kenyan government, including the provision of training, law enforcement equipment and other security assistance to Kenyan law enforcement officials, until police officers responsible for the unlawful use of force are thoroughly investigated and, where appropriate, brought to justice. Ensure that robust accountability mechanisms are in place;
- Raise, through explicit and proper channels, any human rights violations and abuses witnessed, or allegations of human rights violations and abuses received, including with the relevant authorities, such as the shooting of journalists;

To the African Union through its relevant agencies

- Urge the Kenyan authorities to implement and comply with the African Commission on Human and People Rights’ Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.
- Call on Kenyan authorities to thoroughly and impartially investigate all allegations of killing, bodily harm, arbitrary detention, torture or other cruel, inhuman or degrading treatment by law enforcement officials in the context of protests. Ensure that those suspected to be responsible are brought to justice in fair trials.
- Consider undertaking a country visit to Kenya to assess the extent to which authorities are respecting, protecting and facilitating the right to freedom of peaceful assembly.
- Publicly condemn the increasing repression and human rights violations and abuses in Kenya, including threats, intimidation, harassment and attacks against opposition politicians, religious

leaders, human rights defenders, activists, non-governmental organizations, media outlets, journalists and online users.

INTRODUCTION

KENYA'S SOCIO-ECONOMIC AND POLITICAL CONTEXT

The promulgation of Kenya's 2010 Constitution, coupled with Vision 2030,[3] saw renewed commitment to national development both by the government and the people. Over the last 17 years, the country has seen rapid growth in gross domestic product (GDP) from USD 45 billion in 2010 to USD 147 billion in 2026.[4] Private sector investment has also increased, and social protection schemes have been introduced for the most vulnerable. Poverty levels, however, have only improved marginally over the same period, revealing that the GDP gains did not improve the socio-economic conditions of most people in Kenya. The social protection programmes only benefit about 1.9 million people out of around 20.1 million people living below the national overall poverty line in 2025 (see section 6.1: "Non-compliance with economic and social rights obligations"). The Kenya National Bureau of Statistics (KNBS) reports a decrease in the overall poverty rate from 36.1% in 2015-2016 to 33.6% in 2019. The KNBS report shows that poverty then increased to 42.9% in 2020, partly because of the Covid-19 pandemic, and by 2024 the rate stood at 39%.[5] Worsening poverty and inequality have undermined social cohesion, leading to protests and unrest. At the same time, a history of contested elections has seen a rise in election-related violence and protests.

The era of repression under the Kenya African National Union (KANU) party (1964-2002),[6] and the regression of the Party of National Unity (PNU) government towards repression (2008-2012), influenced the strengthening of civil rights protection during the drafting of the 2010 Constitution. This saw the reinforcement of existing oversight bodies and the establishment of new oversight institutions including the Independent Police Oversight Authority (IPOA), the Controller of Budget, the Office of the Auditor-General, separation of the Office of the Director of Public Prosecution from that of the Attorney General, and a constitutionally anchored Kenya National Commission on Human Rights (KNCHR) and the Gender and Equality Commission.[7] Despite this, authoritarian practices, which these institutions were created to restrain, continue unabated, as documented by this report. The imperial presidency, which the 2010 Constitution sought to tame,[8] has continued to engage in authoritarian practices. The bicameral (two-chamber) parliament – intended to enhance oversight – has largely been weakened and co-opted by the executive.[9]

AUTHORITARIAN PRACTICES IN KENYA

Authoritarian practices are broadly understood as a pattern of actions (including laws, policies, decisions and rhetoric) used by state officials and other powerful actors that unduly build, retain or concentrate power for the benefit of a narrow group, or that sabotage accountability to shield against potential threats to their power in ways that generally lead to or facilitate human rights violations.[10] Authoritarian practices

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[3] Kenya Vision 2030, "The vision", https://vision2030.go.ke (accessed on 30 September 2026.
[4] Worldmeter, "Kenya GDP (2026)", https://www.worldometers.info/gdp/kenya-gdp/ (accessed on 30 September 2026).
[5] KNBS, *Kenya Poverty Report 2022,* January 2024, https://www.knbs.or.ke/reports/kenya-poverty-report-2022/
[6] KANU was the main Kenyan nationalist party founded in 1960 to push independence from British rule.
[7] Kenya, Constitution of Kenya, 2010, Chapter 4.
[8] International Institute for Justice and Development, ''Kenya's new constitution: Erasing the imperial presidency", no date, https://www.iijd.org/2021/05/31/kenyas-new-constitution-erasing-the-imperial-presidency/
[9] Institute of Economic Affairs Kenya, "How Kenya's legislature undermines its own oversight role and public trust", 7 October 2025, https://ieakenya.or.ke/blog/how-kenyas-legislature-undermines-its-own-oversight-role-and-public-trust/
[10] International human rights law and standards do not define authoritarian practices. Political theorist Marlies Glasius defines authoritarian practices as "patterns of action that sabotage accountability to people over whom a political actor exerts control, or their

can take various forms and serve multiple purposes, including limiting avenues for dissent, unleashing the punitive power of the state, dismantling institutions that check on power, engineering grievance and hatred towards marginalized communities, instrumentalizing socio-economic policy and other state resources, and controlling information. Authoritarian practices can occur regardless of the governance system in place. As explained by Marlies Glasius, a country can be democratic but still engage in actions that constitute authoritarian practices in some spheres.[11]

Authoritarian practices aim at their core to unduly or illegitimately acquire, expand, retain, concentrate or consolidate power, privileging one group at the expense of another, or to strangle any potential challenge against the group in question. Many actors can drive authoritarian practices, including state officials, political party functionaries, heads of state or government, cabinet ministers or other senior government officials, as well as non-state actors such as corporations and wealthy individuals.[12] These actors may work as a joint enterprise to achieve the common aim of power domination and control or separately but with a common aim.

Existing evidence demonstrates that authoritarian practices are facilitated through corruption and impunity.[13] Corruption can be a manifestation of authoritarian practice as well as a facilitator of the same. Impunity undermines systems of accountability. Authoritarian practices manifest in many ways, including persistent attacks on civic space;[14] weaponization of counterterrorism and security legislation;[15] dismantling or weakening of institutions;[16] militarization of public security;[17] unlawful executions, torture or other ill-treatment and enforced disappearances;[18] weakening of judiciary independence;[19] counternarratives of hate or blame against specific groups;[20] information control and media suppression;[21] and unlawful surveillance.[22] Chapter five of this report explains how authoritarian practices are manifested in Kenya.

Between January 2022 and December 2025, Amnesty International Kenya and Odipo Dev documented at least 1,002 protests in Kenya.[23] According to Amnesty International, 45% of those protests were linked to economic freedoms,[24] while 36% were linked to political freedoms.[25] The protests appeared to peak in 2023 and 2024, largely due to regressive economic policies negatively impacting people's economic situations. Police response through arbitrary arrests and detentions, unlawful killings and the use of excessive force resulted in further protests related to civil and political rights (political freedoms) during this period. The observational data is captured in the table below.

Table 1: Number of documented protests related to economic freedoms relative to total number of protests observed in Kenya, 2022-2025[26]

representatives, by means of secrecy, disinformation and disabling voice". For more information, see Marlies Glasius, "What authoritarianism is …" (previously cited), pp. 515-533 and Marlies Glasius, *Authoritarian Practices in a Global Age*, 2023.

[11] Marlies Glasius, "What authoritarianism is … and is not: a practice perspective", May 2018, International Affairs, Volume 94, Issue 3, https://doi.org/10.1093/ia/iiy060, p. 523.

[12] Protect Democracy, *The Authoritarian Playbook,* June 2022, https://protectdemocracy.org/wp-content/uploads/2024/03/The-Authoritarian-Playbook-Updated.pdf

[13] Marlies Glasius, "What authoritarianism is …" (previously cited).

[14] Protect Democracy, *The Authoritarian Playbook* (previously cited), p. 13.

[15] Addison Emig and Michael Schumacher, "Politicizing terror: the (ab)use of counterterrorism law for authoritarian ends in Tunisia", 2025, Democratization, Volume 32, Issue 2, https://doi.org/10.1080/13510347.2024.2382353, pp. 561-587.

[16] Protect Democracy, *The Authoritarian Playbook* (previously cited), p. 11.

[17] International Foundation of Electoral Systems, "Authoritarian responses to threat: Military interventions and security sector assistance", 2024, https://www.ifes.org/understanding-and-interrupting-authoritarian-collaboration/security-threats

[18] Amnesty International and numerous civil society organizations have documented these authoritarian practices across the world; Amnesty International, *The State of the World's Human Rights* (Index: POL 10/8515/2025), April 2025, https://www.amnesty.org/en/documents/pol10/8515/2025/en/

[19] Amnesty International USA, *Ringing the Alarm Bells: Rising Authoritarian Practices and Erosion of Human Rights in the United States* (Index: Amr 51/0616/2026), 20 January 2026, https://www.amnestyusa.org/reports/ringing-the-alarm-bells-rising-authoritarian-practices-and-erosion-of-human-rights-in-the-united-states/

[20] Amnesty International, *Rights Revealed: Human Rights and the Escalation of Authoritarian Practices Around the World: Part 2* (Index: POL 32/0426/2025), 28 October 2025, https://www.amnesty.org/en/wp-content/uploads/2025/10/POL3204262025ENGLISH.pdf

[21] Georgy Egorov and Konstantin Sonin, "Authoritarian institutions", Handbook of New Institutional Economics, January 2025, https://www.researchgate.net/publication/389912258_Authoritarian_Institutions, pp. 220-221.

[22] Amnesty International USA, *Ringing the Alarm Bells* (previously cited), p. 30.

[23] Amnesty International Kenya and Odipo Dev, "The Kenya Freedom Index", https://freedomindex.amnestykenya.org (accessed on 30 September 2026).

[24] Including regressive impacts of economic policies; crippling debt and debt repayment; economic inequality, inflation and rising cost of living; corruption by public officers; and inadequate public participation in public finance management specifically and governance generally.

[25] Amnesty International Kenya and Odipo Dev, "The Kenya Freedom Index" (previously cited).

[26] Adapted from Amnesty International Kenya and Odipo Dev, "The Kenya Freedom Index" (previously cited).

Year	Observed number of economic freedom protests	Total number of observed protests	Percentage (%) of observed protests linked to economic issues
2022	41	110	37.3
2023	69	139	49.6
2024	134	286	46.9
2025	78	220	35.5

AUTHORITARIAN PRACTICES, ECONOMIC AND SOCIAL RIGHTS IN KENYA

Authoritarian practices can operate irrespective of the type of government or political orientation. In Kenya, opposition to regressive taxation, corruption, economic hardship and the rising cost of living have increasingly generated protests and dissent. Such forms of dissent may be considered by authorities as threats to their power, leading to restrictive or coercive responses.

Socio-economic policies can be used to secure political stability, generate dependence and weaken alternative sources of power. Four particularly important mechanisms are the manipulation of social protection and welfare programmes; suppression or co-optation of organized labour; use of legal and fiscal systems against actors advocating for economic and social rights; and exploitation of socio-economic grievances through political narratives. Economic and social rights are therefore not separate from the struggle over political power. In Kenya, access to healthcare, housing, social protection, employment and other public goods and services has sometimes been manipulated to create political dependence, reward supporters and punish perceived opponents.[27]

Governments may also divide populations into groups considered "deserving" or "undeserving" of public assistance.[28] The denial or inadequate provision of socio-economic rights can consequently reinforce political vulnerability, particularly because people without adequate economic security may have fewer practical resources to exercise rights such as protest, association and freedom of expression. This creates a reinforcing relationship between economic deprivation and authoritarian governance.

Fiscal and social policy should not be treated as politically neutral: decisions concerning taxation, public expenditure and social protection can become instruments through which political power is accumulated, maintained and protected. Through interviews and analysis of Kenya's *Hansard* reports, case law and related reports, this report will show how authoritarian practices lead to violations of economic and social rights, and how such violations in turn reinforce authoritarian practices.

[27] Kondrad Adenauer Stiftung, *Rethinking Democracy: Strengthening Topical Issues of Political Representation and Elections in Kenya,* 2019, https://www.kas.de/documents/286528/0/Rethinking+Democracy+-+Strengthening+Topical+Issues+%284%29.pdf/efd2283c-c37f-b231-1bf9-7f4f873792b2?t=1634204819992

[28] Kondrad Adenauer Stiftung, *Rethinking Democracy* (previously cited), p. 27.

METHODOLOGY

This report documents how authoritarian practices underpin and reinforce Kenya's fiscal actions. It explores the link between state repression of public protests, on one hand, and fiscal policy and its impact on the enjoyment of socio-economic rights, on the other. In so doing, the report analyses the link between the impact of reduced fiscal space as a result of rising debt; increased inequality and poverty; and increased regressive impact of fiscal policies, higher costs of living and state repression on human rights.

The report will also analyse and expose authoritarian practices in response to protests linked to economic issues. It seeks to debunk and counter the authoritarian narratives used to justify and anchor repression and violence by security agencies against protesters, activists and the media, demonstrating the indivisibility of civil, political and socio-economic rights and the obligation to respect, protect and fulfil them equally.

INTERVIEWS

This report covers the period from 2023 to 2025 – a period marked by increased civic action, high debt and regressive taxes, as well as authoritarian practices.[29] Amnesty International conducted interviews in Kajiado, Kiambu, Kisumu, Machakos and Nairobi counties. These locations were selected because they were epicentres of economically induced protests during the period of interest. The number of interviews conducted is presented below.

Table 2: Number of interviews per category of respondents

Category of respondents	**Male**	**Female**	**Total**
Protesters who were arrested, injured, detained, tortured or abducted by security agencies	47	32	79
Social media influencers	1	3	4
Journalists and people working in media	3	3	6
Civil society organizations	2	4	6
Medics		1	1
Government agency staff		2	2
Lawyers	1	3	4
TOTAL	54	48	102

Interviewees were drawn from different walks of life, including domestic workers, *matatu* (minibus or taxi) operators, students, hairdressers/barbers, street vendors and construction workers. Interviews were conducted in English and Swahili. The information was translated where applicable and transcribed.

[29] The 2025 financial year ends in June 2026 so budget analysis goes up to 2026; however, for the purpose of the protests the research covers the years 2023, 2024 and 2025. The report does not include 2026 protests.

Interviewees were identified through prior institutional networks and referrals. All interviews were in person, except for two civil society activists and one social media influencer who were interviewed by video call and two journalists who were interviewed by voice call. The researchers informed interviewees about Amnesty International, the purpose of the research and how their information would be used. All interviewees gave informed consent. To protect the identities of those interviewed, some have been anonymized. Interviews were scheduled at participants' convenience. Participants could terminate the interview if they felt uncomfortable or threatened; two respondents terminated interviews on this basis. Amnesty International also reviewed photographic evidence and medical reports of those who were injured by security agents.

DESK REVIEW

Amnesty International undertook a review of county and national budgets from 2023 to 2026, as well government debt, tax policies and strategies.[30] Amnesty International also reviewed reports from the KNCHR, IPOA, Auditor General, Controller of Budget and the Ethics and Anti-Corruption Commission (EACC). The research also included a review of Kenya's parliamentary *Hansard* reports to trace the nature of fiscal discussions in parliament.

To understand the nature of government obligations towards human rights financing and the management of protests, Amnesty International reviewed the Constitution of Kenya 2010, relevant statutes, Police Standing Orders, relevant international and regional legislation, various United Nations (UN) human rights treaty bodies reports, as well as reports from UN independent experts including on foreign debt and human rights, resolutions from the UN Human Rights Council (UNHRC), and documentation from other international human rights bodies and civil society organizations. We also considered media reports and verified images from research respondents and the media.

Amnesty International shared its findings in writing with the relevant Kenya government agencies, members of parliament as well as with Safaricom, a Telecommunication company in September 2026 and requested their response. However, as at the time of publication, no response had been received.

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[30] Although the temporal period of the study is 2023-2025, the 2025 financial year runs from June 2025 to June 2026 hence the utilization of some 2026 data and material.

SOCIO-ECONOMIC BACKGROUND OF 2023-2025 PROTESTS IN KENYA

The research observed that protests based on economic grievances were linked to a number of underlying issues, including regressive impacts of economic policies; crippling debt and debt repayment; economic inequality and the rising cost of living; corruption by public officers; and inadequate public participation in governance generally, and specifically in public finance management. As discussed later in this report, these issues are both a manifestation of increasing authoritarian practices and a by-product of those practices. Instead of redressing the underlying socio-economic causes of the protests, the state has resorted to authoritarian narratives and repression (see chapter 5). The following sections explore the underlying socio-economic causes of the protests.

NEGATIVE IMPACTS OF REGRESSIVE TAXATION AND REDUCTION IN SOCIAL SPENDING

Taxation – compulsory payments to the government for the delivery of public services – is the primary mechanism through which governments mobilize the resources required to fulfil economic, social and cultural rights, such as the rights to health, education, housing and social security.[31] Without adequate and equitable tax systems, states cannot secure the financial resources to provide essential public services and eliminate systemic poverty and reduce inequality. How taxes are generated – who bears the burden of taxation, as well as how tax revenues are spent, impacts the redistribution of resources from those who have more to those who have less, and/or vice versa, and therefore the realization of rights.

Kenya demonstrated a strong upward growth in its tax-to-GDP ratio from 16 to 19% between 2004 and 2013,[32] attributed to improvements in tax administration as well as steady economic growth. This growth pushed Kenya's ratio towards the upper range of tax-to-GDP average ratios in sub-Saharan Africa.[33] Since 2013, stagnation and decline have caused this ratio to reduce to 14.3% by the financial year 2022/2023,[34] corresponding with rising public debt, poor spending decisions including large infrastructure expenditures, and external shocks.[35]

Between 2013 and 2023, the Kenya Revenue Authority introduced new taxes, increased tax rates, expanded and deepened its tax base and improved compliance and enforcement. It increased value-added

[31] Tax Justice Network, "Taxation and human rights'', 2011, Africa Tax Spotlight, Volume 2, https://www.taxjustice.net/cms/upload/pdf/Africa_Tax_Spotlight_6th_edition.pdf
[32] World Bank, "Tax Revenue (% of GDP) – Kenya", https://data.worldbank.org/indicator/GC.TAX.TOTL.GD.ZS?locations=KE (accessed 27 July 2026).
[33] Organisation for Economic Co-Operation and Development, African Union Commission and African Tax Administration Forum, *Revenue Statistics in Africa 2024,* 10 December 2024, https://www.oecd.org/en/publications/revenue-statistics-in-africa-2024_78e9af3a-en.html
[34] Kenya, National Treasury, *Medium-term Revenue Strategy: An Approach for Enhancing Domestic Revenue – FY 2024/25-2026/27*, 2023, https://www.treasury.go.ke/sites/default/files/Strategies/Medium-Term-Revenue-Strategy-2023.pdf
[35] International Monetary Fund (IMF), *Kenya*, IMF Country Report No. 2024/316, November 2024, https://www.imf.org/en/publications/cr/issues/2024/11/01/kenya-seventh-and-eighth-reviews-under-the-extended-fund-facility-and-extended-credit-556994

tax (VAT) on petroleum products from 8% to 16% under the Finance Act 2023,[36] repeatedly increased excise duties on fuel, alcohol, telecommunications and other products, and made exempt goods and services taxable over time.[37] It introduced a turnover tax (TOT), a simplified gross tax rate on small businesses, as a way to bring the informal sector under the tax net.[38] It reintroduced capital gains tax in 2015[39] after a 30-year moratorium and then increased the rate from 5% to 15%.[40] In 2023, it introduced new pay as you earn (PAYE) bands of 32% and 35% for higher-income earners.[41]

While measures such as higher PAYE bands seek to increase contributions from higher-income groups, these tax reforms have resulted in a greater reliance on consumption taxes including VAT and excise duties that disproportionately affect low-income households by raising the cost of essential goods and services. This in turn pushes more people into poverty. Without the equivalent expansion of social protection, healthcare and other redistributive spending, tax increases have deepened economic vulnerability rather than reducing poverty and inequality ''because the limited coverage and value of cash transfers fail to offset the tax burden borne by poor and vulnerable households.''[42] A UN Children's Fund (UNICEF) fiscal snapshot of Kenya in 2025 noted that the tax-and-transfer system has directly aggravated child monetary poverty, pushing it up from 41.8% to 44.7%.[43]

The distributional effects of Kenya's tax reforms (especially VAT and fuel taxes) have also created pressures particularly for poor urban households, whose livelihoods depend heavily on purchased goods and services. Rural areas suffer from historically high structural poverty, but rural households have greater access to subsistence production and non-market coping mechanisms.[44] This partly explains why most of the economically-induced protests between 2023 and 2025 were centred in counties with big urban informal settlement populations such as Nairobi, Nakuru, Mombasa, Uasin Gishu, Kiambu, Kisumu, Kisii and Machakos.[45] Amnesty International spoke to Maxwel[46], who lives in Dandora and participated in the 2023 and 2024 protests. Through his informal work,[47] he earns about KES 21,000 (USD 162)[48] each month and used to spend about KES 12,000 (USD 93) per month on food; however, the sharp rise in the cost of food, transport to travel to work, electricity and other living expenses disrupted his budget, forcing him to move his family to the slums:

''Personally, I had to cut my way of living when the cost of living started rising rapidly. I used to live in a decent one bedroom, then I went to the lowest terrain. I moved to slums because my rent in Umoja was KES 10,000 [USD 77] and I could no longer afford it. Things were not getting well, and I had to take care of my family, paying school fees also. I don't know what happened to the education system, but the school fees also began to rise. I had to move into the slums because there were other priorities like ensuring my family stabilizes. I also had to ensure that they have food and also that my children were schooling. Big rent was now a luxury. You know how that slum life is – shared toilets, irregular electricity and water.''[49]

Maxwel's story mirrors that of Kimani[50], a cooking gas seller in Machakos. Kimani explained that in 2022 he would sell up to 40 gas cylinders in one day; however, since 2023, his sales have dropped to below 20 a day and he has had to reduce his profit margins from KES 350 (USD 2.7) per cylinder to KES 250 (USD 1.9) to try and retain his customers.[51] Because of the high cost of living, which leaves people with less disposable income, and the sharp rise in the cost of cooking gas, fewer people use gas and thus rely on cheaper cooking fuels such as charcoal. Kimani and 12 other respondents further lamented that the increase in

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[36] Kenya, Finance Act, 2023.
[37] Kenya, National Treasury, *2023 Tax Expenditure Report*, October 2023, https://www.treasury.go.ke/tax-expenditure-reports
[38] First introduced by the Finance Act 2007/2008 and repealed in 2019 due to low update and replaced with other measures and subsequently reintroduced in 2020.
[39] Kenya, Finance Act, 2014.
[40] Kenya, Finance Act, 2014, section 15, which amended section 34(1)(j) of the Income Tax Act to increase the tax on capital gains from 5% to 15%.
[41] Kenya, Finance Act, 2023.
[42] World Bank, Kenya Economic Update; Special Focus on Poverty and Distributional Impacts of Fiscal Policy in Kenya, 2025 https://documents1.worldbank.org/curated/en/099052625075532839/pdf/P507067-4fc91502-6d07-417d-934e-0accb1359c16.pdf, p. iv.
[43] UNICEF, *Impact of Kenya's Fiscal Choices on Poverty and Inequality: A Child-Sensitive Snapshot*, 2025, https://www.unicef.org/kenya/media/4831/file/A%20Child-Sensitive%20Snapshot.pdf.pdf
[44] CGIAR, *Shaping the Future of Kenya Tax Policy: Introducing the New Kenya Tax CGE Model*, 2 December 2024, https://www.cgiar.org/news-events/news/shaping-the-future-of-kenya-tax-policy-introducing-the-new-kenya-tax-cge-model?utm_source=chatgpt.com
[45] Amnesty International Kenya and Odipo Dev, "The Kenya Freedom Index" (previously cited).
[46] Not real name.
[47] Informal work in Kenya refers to economic activities and businesses not officially registered, taxed or regulated by the government.
[48] All calculations in the report are based on an exchange rate of 1 US dollar to 129 Kenyan shilling in September 2026.
[49] Interview in person with Maxwel, protester, 22 April 2026, Dandora, Nairobi.
[50] Not real name.
[51] Interview in person with Kimani, protester, 8 June 2026, Machakos.

levies imposed by county governments further compounded their liquidity crisis, thus undermining the profitability of their businesses.[52]

World Bank projections in 2025 indicated that adverse economic conditions, including fiscal pressures, elevated living costs, external shocks, and reductions in subsidies, could have pushed an additional 1-2.4 million people in Kenya below the international poverty line by 2026, highlighting the vulnerability of households to declining purchasing power and insufficient social protection.[53]

Public spending has the potential to act as an equalizer by reducing poverty and inequality through investment in education, healthcare and social protection,[54] but Kenya's social protection expenditure remains low compared with its unmet needs. The International Labour Organization (ILO) reports that as at 2024, Kenya's public social protection expenditure was approximately 1.4% of GDP (excluding health), compared with an average of 2.1% of GDP in sub-Saharan Africa and 12.9% globally.[55]

Fiscal consolidation pressures, including high public debt servicing costs and efforts to contain deficits explained below, have constrained government spending choices and created risks for poverty-reducing programmes. The World Bank notes that Kenya's fiscal adjustment efforts must balance debt sustainability with protecting critical social spending because reductions in public support can disproportionately affect lower-income households, which rely on government-funded services and safety nets.[56] Interviewees stated that they were protesting because revenue from increased taxation is mainly being used to fund debt repayment.

PRIORITIZING DEBT REPAYMENT OVER FINANCING ECONOMIC AND SOCIAL RIGHTS

As at March 2026, Kenya's total public debt stock stood at 70.2% of GDP, 39.1% of which is domestic and 31.1% external.[57] High levels of domestic borrowing "crowd out" the private sector from the domestic borrowing market. This happens when high domestic borrowing signals to commercial banks that lending to the government (via risk-free treasury bonds, for example) is safer and more profitable than lending to local businesses. The result is that businesses cannot expand, formal job creation stalls, and the long-term tax base shrinks, reducing the potential for future revenue generation.[58]

More generally, debt obligations place a significant constraint on Kenya's fiscal space because public debt service (the repayment of principal plus interest) has a priority claim on government revenues. The Public Finance Management Regulations require that public debt charges are payable from the Consolidated Fund before any other expenditure commitments are made.[59] This in turn drives the government to reduce social spending and increase taxes, which led to the protests in 2023 and 2024.[60]

Moreover, instead of abiding by its debt ceiling, the Kenyan government repeatedly revised it upwards each time it was close to being reached. In 2015, the debt ceiling stood at KES 6 trillion (USD 46 billion). It was revised to KES 9 trillion (USD 70 billion) in 2019 and then to KES 10 trillion (USD 77 billion) in 2022, before being replaced with a GDP-based anchor of 55%.[61] While a GDP measure allows debt capacity to adjust with the size of the economy, it can be less visible politically, reducing transparency and making it harder for citizens to hold the government to account with an absolute limit. As Kenya's public debt has continued to rise – it currently sits at KES 12.3 trillion (approximately USD 100 billion) – debt servicing has taken up a

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[52] Interviews in person with protesters on 3 June 2026, Kiambu.
[53] World Bank, "Special Focus on Poverty and Distributional Impacts of Fiscal Policy" (previously cited).
[54] World Bank, *Kenya Fiscal Incidence Analysis: Taxation and Spending Effects on Poverty and Inequality*, May 2018, https://documents1.worldbank.org/curated/en/868291530853143237/pdf/Kenya-Fiscal-Incidence-Analysis.pdf
[55] International Labour Organization (ILO), *World Social Protection Report 2024-26: Universal Social Protection for Climate Action and a Just Transition*, 2024, https://www.ilo.org/publications/flagship-reports/world-social-protection-report-2024-26-universal-social-protection-climate
[56] World Bank, Kenya Economic Update : Sustaining Macroeconomic Gains, Advancing Fiscal Reforms 2025 https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099070826101539235
[57] Kenya, National Treasury, *Public Debt Bulletin*, March 2026, https://www.treasury.go.ke/sites/default/files/Debt%20Monthly%20Bulletins/FINAL%20March%202026%20Monthly%20Bulletin%20Reviewed%20%26%20Updated%2025.05.26%20G.pdf
[58] Kenya, National Treasury, *Annual Public Debt Management Report 2024/2025*, September 2025, https://www.treasury.go.ke/sites/default/files/Annual-Public-Debt-Report-2024-2025.pdf
[59] Kenya, Public Finance Management Regulations, section 42(a).
[60] Interviews in person with protesters in Kajiado on 5 June 2026.
[61] Kenya Institute for Public Policy Research and Analysis (KIPPRA), "Public debt ceiling: The experience for Kenya and lessons from other countries, 2023, https://repository.kippra.or.ke/items/08d18b78-f56a-4c81-981d-edf9082ec618

larger share of revenue, significantly limiting the fiscal resources available for social spending.[62] As at March 2026, the debt-service ratio (how much income or revenue is required to meet debt repayment obligations) was 75.3%.[63] In the financial year 2024/2025, the total public debt service amounted to 71.2% of revenue.[64]

Debt servicing peaked in 2023-2024 when a USD 2 billion Eurobond loan became due for repayment.[65] This caused the Kenyan Shilling to depreciate,[66] which in turn increased interest on debt while causing a sharp increase in the cost of imported items including food and fuel. The table below compares the cost of debt servicing with other social spending. It demonstrates that the fiscal space or the availability of the maximum available resources to realize human rights through taxation and spending has been constrained by excessive debt. This explains why the majority of protesters (56 out of 79) interviewed cited the increased cost of fuel and new tax measures – all occasioned by debt obligations – as the reason for their protests.[67] The objectives of debt and how loans are spent are therefore critical to economic justice.

Table 3: Comparisons of health (national and county), education and social protection spending relative to debt servicing for the financial years 2021/2022 to 2025/2026

Financial year	Total budget (KES, in trillions)	Health (national and county allocation as a percentage (%) of the total national budget)	Education as a percentage (%) of total national budget	Social protection and poverty reduction as a percentage (%) of total national budget	Debt servicing as a percentage (%) of total national budget
2021/2022	3.0	6.5	15.7	1.3	30
2022/2023	3.3	5.6	17.5	3.2	36.4
2023/2024	3.7	5.8	19.2	3.2	47.7
2024/2025	3.9	6.0	19.2	3.6	52.1
2025/2026	4.2	6.7	18.7	3.6	68.7
2026/2027	4.8	7.0	26.8	3	48

Source: National Treasury. The figures for the financial years 2025/2026 and 2026/2027 are provisional.

Table 3 shows that debt servicing has become the single largest budget item within the national budget, overtaking education spending since the 2014/2015 financial year. As a result of the exponential increase in debt servicing requirements, the national budget has effectively prioritized the interests of creditors over the needs of the people. Debt payments have scaled up so heavily that they now exceed the country's entire allocation for health, education and social protection combined (see table 3).

Kenya's International Monetary Fund (IMF) programmes, under the Extended Credit Facility, Extended Fund Facility and Resilience and Sustainability Facility, have imposed several requirements, including raising tax revenues, rationalizing spending – including tax expenditures, phasing out fuel subsidies, wage bill reforms, and what is known as "rationalizing unproductive current spending", which generally implies reducing public spending on social services.[68] All of these have had significant human rights impacts.

[62] Kenya, Public Debt Management Office, National Treasury, "Debt service dashboard FY 2024/25", 2025, https://pdmo.treasury.go.ke/external-debt
[63] Kenya, Public Debt Management Office, National Treasury, https://pdmo.treasury.go.ke/external-debt
[64] Kenya, National Treasury, *Annual Public Debt Management Report 2024/2025* (previously cited), p. 30.
[65] Kenya, National Treasury, *Annual Public Debt Management Report 2023/2024,* September 2024, https://www.parliament.go.ke/sites/default/files/2024-10/Annual%20Public%20Debt%20Management%20Report%202023%202024%20from%20the%20National%20Treasury%20and%20Economic%20Planning.pdf
[66] Kenya, National Treasury, *Budget Statement FY 2023/24*, 2023, https://www.cabri-sbo.org/en/documents/budget-statement-4
[67] Interviews in person with protesters on 5 June 2026, Kajiado.
[68] IMF, *Kenya* (previously cited).

With a total of 1.02 million public sector employees (more than 400,000 of whom are under the Teachers Service Commission), the Government of Kenya is the single largest employer in the country.[69] Wage bill reforms, therefore, significantly affect formal employment in the social sectors, household incomes and the delivery of public services. The ripple effect of reducing public sector employment means less money circulating in the economy, especially for informal workers who rely on middle-income groups for work such as domestic or farm work.

Seven interviewees who were domestic workers in Kajiado, Kiambu and Nairobi confirmed that they had experienced a reduction in employment opportunities. As more underemployed people opt to walk to work, they also deprive *matatu* operators of income.[70] Four *matatu* operators interviewed during this research confirmed that their income had reduced due to the high cost of fuel and reduced customer base. They noted that despite a sharp rise in the cost of fuel and general operational costs, they have only increased their fares marginally due to the decrease in their customer base. Public knowledge and frustration with the role of the IMF in Kenya's debt situation are evidenced by the inclusion of the IMF as a target of the protests in 2024.[71]

Balancing between debt obligations and socio-economic rights financing has also engendered the National Treasury to routinely delay capitation payments.[72] Funds meant for subsidized secondary education and school feeding programmes are routinely slashed or delayed, shifting the financial burden directly onto struggling households.[73] For instance, in 2024, the government faced significant public criticism after admitting that fiscal constraints had prevented the full financing of the Free Day Secondary Education programme.[74] School heads reported substantial shortfalls in capitation funding, while parliamentary discussions highlighted concerns that inadequate allocations were undermining the sustainability of subsidized secondary education and shifting financial burdens onto households.[75]

In addition to capitation delays, there are repeated delays in the disbursements of funding allocations to the counties. According to the Controller of Budget, for example, KES 30 billion (USD 232.5 million) for the financial year 2023/2024 was not transferred to counties until the financial year 2024/2025.[76] This inevitably causes county operations to be frozen, undermines health and other devolved functions, and cripples sub-national development. These delays have not only led to persistent strikes by county health workers and other social service providers but have also forced people to resort to private health services, which are often expensive and inaccessible to most people. In April 2023,[77] September and November 2024,[78] and March 2025, county governors threatened to shut down devolved functions due to budget cuts or non-remittance of allocations,[79] while county workers continued to grapple with months of unpaid salaries. Workers in almost all of Kenya's counties have protested over unpaid and/or delayed salaries in the past three years. Data from the Kenya Freedom Index, published by Amnesty International Kenya and partners, shows that between 2020 and 2025 government employees organized a total 180 protests related

[69] Public Service Commission, *State of the Public Service Report 2024,* 2025 https://www.publicservice.go.ke/download/psc-annual-report-2024/

[70] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.

[71] African Report, "Kenyan protesters' anger at IMF Justifiable or scapegoating?", 17 July 2024, https://www.theafricareport.com/355375/kenyan-protesters-anger-at-imf-justifiable-or-scapegoating/

[72] Capitation is defined by the World Bank as "an advance payment of a predetermined fixed amount to providers for delivering a defined set of services for each beneficiary registered with the provider for a fixed time period"; World Bank, *Health Insurance Handbook: How to Make It Work*, 2012, https://documents1.worldbank.org/curated/en/182251468329069521/pdf/662340PUB0EPI00ndbook09780821389829.pdf, p. 33.

[73] Kenya News Agency, "Reprieve for schools as state releases Sh23 billion capitation funds", 26 March 2024, https://www.kenyanews.go.ke/reprieve-for-schools-as-state-releases-sh-23-billion-capitation-funds/

[74] A government initiative eliminating tuition fees in public day secondary schools to boost enrolment and transition rates from primary school; Star, "School heads demand release of learners' capitation", 4 July 2024, https://www.the-star.co.ke/siasa/2024-07-05-school-heads-demand-release-of-learners-capitation

[75] Kenya, National Assembly, *The Hansard*, 5 August 2025, https://hansardna.parliament.go.ke/server/api/core/bitstreams/5944984f-1176-48e2-9876-676aa750e11b/content, pp. 24-25.

[76] Office of the Controller of Budget, County Governments Budget Implementation Review Report Fy 2024/25, 17 September 2025, https://cob.go.ke/download/county-governments-budget-implementation-review-report-fy-2024-25/, p. 7.

[77] Citizen Digital, "Governors threaten to shut down counties if treasury doesn't disburse funds in 14 days", 24 April 2023, https://citizen.digital/article/governors-threaten-to-shut-down-counties-if-treasury-doesnt-disburse-funds-in-14-days-n318584#google_vignette

[78] Star, "Governors warn of shutdown in counties over cash crunch", 22 September 2022, https://www.the-star.co.ke/counties/nyanza/2024-09-22-governors-warn-of-shutdown-in-counties-over-cash-crunch; Daily Nation, "Governors threaten to shut down operations in counties over funding impasse", 18 November 2024, https://nation.africa/kenya/counties/governors-threaten-to-shut-down-operations-in-counties-over-funding-impasse-4828046

[79] Daily Nation, "Governors issue ultimatum, threaten shutdown of all counties over looming budget cuts", 21 March 2025, https://nation.africa/kenya/counties/governors-issue-ultimatum-threaten-shutdown-of-all-counties-over-looming-budget-cuts--4974060

to economic freedoms,[80] 86 of which were targeted at national government ministries, while 51 were targeted at county governments.[81]

POVERTY AND ECONOMIC INEQUALITY

Despite significant gains in poverty reduction in Kenya over the past 16 years, poverty remains pervasive. Table 4 shows the levels of poverty in Kenya in 2022 measured against various models used by the KNBS and the United Nations Development Programme (UNDP). In Kenya, 39.8% of the total population of 51 million people live in overall poverty, which means a total monthly consumption per adult of less than USD 34 (in rural areas) or USD 62 (urban areas).[82] Furthermore, 25% of the population live in multidimensional poverty, which measures deprivations across health, education and standard of living.[83] These figures show a high level of deprivation in health, standards of living, education and social protection. Thus, although Kenya's multidimensional poverty index of 25.4% is lower than the average multidimensional poverty rate of sub-Saharan African countries (48%),[84] its fiscal policies continue to undermine poverty eradication. The 2025 KNBS report on poverty and fiscal policy notes that Kenya's fiscal system has an adverse impact on poverty.[85] The report emphasizes that fiscal policy actions increased poverty by 2.7%, pushing a further 542,700 people into poverty by 2025, because the increased burden of direct and indirect taxes outweigh the benefits provided through cash transfers and indirect subsidies. The report also highlights a high level of poverty among children, with one in every three children experiencing poverty.[86]

Table 4: Poverty rates in Kenya[87]

Type of poverty measure	Definition of poverty measure	Total number of people in Kenya defined as poor according to the relevant poverty measure	Percentage of population in Kenya affected by poverty according to each measure
Overall poverty	People whose total monthly consumption per adult is less than KES 4,358 (USD 34) in rural areas and KES 8,006 (USD 62) in urban areas	20.1 million	39.8%
Food poverty	People whose monthly food consumption per adult is less than KES 2,668 (USD 21) in rural areas and KES 3,520 (USD 28) in urban areas	16 million	31.7%
Extreme poverty	People whose total monthly consumption per adult is less than KES 2,668 (USD 21) in rural areas and KES	3.6 million	7.1%

[80] Daily Nation, "Governors issue ultimatum" (previously cited).
[81] Amnesty International Kenya and Odipo Dev, "The Kenya Freedom Index" (previously cited).
[82] KNBS, *The Kenya Poverty Report* (previously cited), p. 29.
[83] UNDP, "Technical note. Multidimensional Poverty Index", 2025, https://hdr.undp.org/sites/default/files/publications/additional-files/2025-10/2025_gMPI_TechnicalNote_1.pdf; UNDP, "Multidimensional Poverty Index 2025: Kenya", 2025, https://hdr.undp.org/sites/default/files/Country-Profiles/MPI2025/KEN.pdf?_gl=1*15v3v99*_ga*MTQ0MTA0MTQ1Ni4xNzM3NzgwODk2*_ga_3W7LPK0WP1*czE3ODc0NzgxNDMkbzYkZzEkdDE3ODc0NzgyMjUkajU5JGwwJGgxMTEwNjQ0ODA0
[84] UNDP, "Multidimensional Poverty Index 2025" (previously cited).
[85] KNBS, *Poverty and Distributional Impacts of Fiscal Policy in Kenya*, 2025, https://www.knbs.or.ke/wp-content/uploads/2025/12/Poverty-and-Distributional-Impacts-of-Fiscal-Policy-in-Kenya.pdf, p. xvii.
[86] KNBS, *Poverty and Distributional Impacts of Fiscal Policy* (previously cited), p. xviii.
[87] Adapted from: KNBS, *The Kenya Poverty Report* (previously cited) and UNDP, "Multidimensional Poverty Index 2025" (previously cited). The UNDP index uses the KNBS 2022 statistics to calculate multidimensional poverty.

	3,520 (USD 28) in urban areas		
Multidimensional poverty	Level of deprivation across three weighted and scored indicators:[88] a) health-nutrition and child mortality b) education-years of schooling and school attendance c) standard of living-electricity, sanitation, drinking water, housing, cooking fuel and assets	12.8 million	25.4%
Severe multidimensional poverty	People with severe levels of deprivation across health, education and standard of living	3.8 million	7.5%

The KNBS Kenya Poverty Report 2022 shows a decrease in the overall poverty rate from 36.1% in 2015/16 to 33.6% in 2019.[89] The rate then increases to 42.9 % in 2020, partly as a result of the Covid-19 pandemic. Recovering from the pandemic, the poverty rate drops again, to 38.6% in 2021. The recovery stalled in 2022 and the poverty rate rose to 39.8%.[90] Across a longer timeline, the number of people living in extreme poverty has increased by 7 million since 2015, while the share of people facing food insecurity rose by 71% between 2014 and 2024.[91] This high level of poverty not only undermines the realization of economic and social rights, but also reduces people's participation in governance, creating an environment more conducive to authoritarian practices.

Due to limited access to social protection, weak redistribution policies and income concentration among top earners, Kenya is ranked the 58th most unequal country in the world by the World Bank Poverty and Inequality Index, with a Gini Coefficient of 38.5.[92] Oxfam Kenya's 2025 inequality report states that the richest 125 individuals in Kenya have more wealth than 42.6 million Kenyans (the bottom 77%). Furthermore, the richest 1% took nearly two-fifths of the total new wealth created in Kenya between 2019 and 2023, which is more than the new wealth taken by the bottom 90% and 13 times more than that of the bottom 50%. It also reports that the richest 1% grew their wealth nearly two times faster than the bottom 99% between 2019 and 2023.[93] Oxfam Kenya explained to Amnesty International:

"Inequality is a form of authoritarian control because the government, the wealthy, the politicians and the economic elites are able to exert some form of control through policies, laws, processes and the budget. Through tax laws, they're able to exert some form of control that makes sure they continue staying in power and continue protecting their wealth, while targeting the low-, middle-income salaried people with more taxes. Another way of doing this is "budgeted corruption". Wealthy people are not accumulating wealth through industry or through innovation, it is through public resources – paying kickbacks to get big tenders that are often over-budgeted. In that way they concentrate their power and their wealth, while the poor ones with no capacity to reach the tenders get poorer because most of the budget does not benefit them."

[88] UNDP, "Technical note" (previously cited).
[89] KNBS, *The Kenya Poverty Report* (previously cited).
[90] KNBS, *The Kenya Poverty Report* (previously cited).
[91] Oxfam Kenya, *Kenya's Inequality Crisis: The Great Economic Divide*, November 2025, https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/kenya.oxfam.org/s3fs-public/Kenya%20Inequality%20Report_0.pdf
[92] World Bank, "Gini Index", https://data.worldbank.org/indicator/SI.POV.GINI (accessed on 30 September 2026).
[93] Oxfam Kenya, *Kenya's Inequality Crisis* (previously cited).

Thus, although Kenya's GDP expanded from approximately USD 114.4 billion in 2022 to nearly USD 136 billion by 2025,[94] the benefits of growth were unevenly distributed. Financial and insurance activities recorded robust growth, while poverty, inequality and unemployment remained persistently high, suggesting that aggregate economic expansion did not translate into commensurate improvements in living standards for many households. One individual interviewed by Amnesty International, who protested in the streets in Kisumu due to the high cost of living, complained:

"I beseech them [government officials] not to be so selfish. They should also consider us on the ground because we are the ones who put them in those offices. Life has become so unbearable for a normal citizen. Once fuel prices are hiked automatically, cost of living rises, like transport. I used to spend KES 30 (USD 0.23) [from Nyalenda] to town [Kisumu Central Business District], now I pay KES 50 (USD 0.39). Yet we know that government can correct this situation; they can sit down and fix their budget and reduce cost of living."[95]

Inequality in Kenya is worsened by the government's reduced spending on social services relative to debt servicing, with the result that many people are forced to spend money they cannot afford on public services. Out-of-pocket health expenditure, for instance, continues to account for a significant share of total health financing in Kenya, exposing households to the risk of catastrophic health costs and increasing their vulnerability to poverty.[96] Health insurance coverage remains fragmented, with greater access among formal-sector workers and better-off households, while informal workers and low-income households face persistent coverage gaps.[97]

Healthcare financing in Kenya is severely compromised by competing budgetary priorities and inefficiencies in the allocation and utilization of available resources.[98] In the 2026/2027 budget, a total of KES 340 billion (7% of total national budget; USD 2.6 billion) was allocated to health services by the counties and national government. This is less than the Abuja Declaration allocation commitment of 15% total national budget to healthcare spending;[99] in Kenya, only 8.1% of its health allocation (KES 27.7 billion; USD 213 million) is dedicated to universal health coverage and the Primary Health Care Fund, which are intended to promote access to health for all, including those who can least afford it.[100] The meagre funding allocation to these schemes means low-income groups have to spend out of pocket to fund their healthcare. Although the government launched the Social Health Insurance Fund (replacing the former National Health Insurance Fund) to increase access to health services,[101] lower-income groups cannot afford the premiums.[102] The requirement that the premium be paid as a lump sum annually makes it even more difficult for people without regular incomes.[103]

Healthcare provision itself in Kenya is characterized by inadequate numbers of medical staff[104] and a lack of adequate facilities and medication, such that even those who are able to physically access hospitals or pay the premiums do not have access to adequate healthcare services. Corruption in the health sector worsens the situation (see section 4.5 "Corruption by public officers"). A recent report by the EACC reveals that County Health Sectors were the most corrupt departments in county governments, accounting for 45% of reported corruption cases at the county level.[105]

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[94] Kenya, National Treasury, *The Mwananchi Guide: Financial Year 2026/27 Budget*, 11 June 2026, https://www.parliament.go.ke/sites/default/files/2026-06/Mwananchi%20Guide%20to%20the%20Budget%20Statement%20for%20FY%2020262027.pdf
[95] Interview in person with Patience, protester, 5 May 2026, Kisumu.
[96] World Health Organization, *Health Financing Progress Matrix Assessment, Kenya 2023*, 3 November 2024, https://www.who.int/publications/i/item/9789240094307
[97] P.N Wamalwa and others, "Who remains uncovered? Assessing inequalities and determinants of National Health Insurance enrolment among informal sector workers in Kenya, 2025, Global Health Research and Policy, Volume 10, Issue 62, https://pubmed.ncbi.nlm.nih.gov/41366496/
[98] S.G Atieno and Y. Kuso, "Healthcare financing in Kenya: Challenges, equity and policy options," International Journal of Advanced Research and Multidisciplinary Trends, 2026, Volume 2, Issue 2, https://www.ijarp.com/myimgup/1998698122IJARP-1436.pdf , pp. 1-11.
[99] Organization of African Unity, "Abuja declaration on HIV/AIDS, Tuberculosis and other related infectious diseases", 27 April 2001, https://au.int/sites/default/files/pages/32894-file-2001-abuja-declaration.pdf
[100] Kenya, National Treasury, *The Mwananchi Guide* (previously cited).
[101] Amnesty International Kenya, *Afya Nafuu for Reduced Inequalities in Kenya: Rapid Situational Analysis of the Existing National Health Insurance Plan in Kenya*, July 2023, https://www.amnestykenya.org/rapid-situational-analysis-report/
[102] In person interview with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[103] Interview in person with Patience, protester, 5 May 2026, Kisumu.
[104] Sunny Okoroafor and others, "Investing in the health workforce in Kenya: Trends in size, composition and distribution from a descriptive health labour market analysis", August 2022, BMJ Global Health, Volume *7,* Issue 1, https://gh.bmj.com/content/7/Suppl_1/e009748
[105] EACC, *National Ethics and Corruption Survey 2024,* 17 February 2025, https://eacc.go.ke/en/default/wp-content/uploads/2025/08/NATIONAL-ETHICS-AND-CORRUPTION-SURVEY-2024.pdf

RISING COST OF LIVING DUE TO UNCHECKED POWER, TERMINATED SUBSIDIES AND REGRESSIVE TAXES

Article 43(1)(c) of the Constitution of Kenya states that every person has the right "to be free from hunger, and to have adequate food of acceptable quality." Despite this constitutional protection, Kenya ranked 103rd out of 123 countries in the 2025 Global Hunger Index (GHI), with a score of 25.9 equating to a "serious" level of hunger.[106] The situation has deteriorated since 2016 when the score was 23.[107] The GHI reveals that in 2025, 36.8% of the population were undernourished (lacking sufficient calorific intake) and 17.9% of children under five were stunted (with a low height for their age, reflecting chronic undernutrition).

The KNBS Consumer Price Index (CPI) measures the average change over time in the retail prices paid by consumers for a fixed "basket" of goods and services to track inflation and changes in the cost of living. High inflation between 2022 and 2024 was characterized by increasing food prices, currency depreciation and high oil prices, which led to high transport costs. The KNBS indicates that between September 2022 and September 2023, transport costs increased by 13%, food prices increased by 7.9%, and energy prices increased by 6.3%.[108] It is against this background that opposition members of parliament (MPs) rejected increasing taxes in the 2023 Finance Bill. However, the bill eventually passed despite this opposition.

For a long time, VAT on fuel remained at 8% to prevent the ripple down effect of any increase on the economy, particularly for lower-income groups. Proposals to increase VAT on fuel were shelved at least twice before it was finally increased to 16% in 2023, occasioning protests against higher fuel and living costs.[109]

Despite contestations in parliament and from the public, parliament, dominated by the ruling coalition and its allies, approved the Finance Bill in June 2023, resulting in increased cost of basic items and undermining access to food and other household items. The World Population Review explains how authoritarian governments encompass power concentration in a few elite hands, the ruling party or a single leader. In this way, there is limited public accountability, and citizens have limited (or no) influence over leadership and administration;[110] the ruling elite survives by weakening the opposition.[111] In Kenya, increasing authoritarian practices have eroded the capacity of institutions such as the parliament for oversight.[112] Immediately after the 2022 elections, some members of the opposition coalition party, Azimio, entered a post-election working arrangement with the governing coalition, Kenya Kwanza. This increased the numerical strength of the governing party in parliament and denied the opposition its electoral majority obtained in the 2022 elections.[113] Using this numerical advantage, the ruling party was able to push through its agenda, regardless of the resistance from both the remaining opposition party members and the public.[114] Although the High Court has since declared that the arrangement was unconstitutional and that Azimio is legally the majority party,[115] parliamentary proceedings, including leadership and voting patterns, continue to cement the president's overreach. A formal agreement between the Orange Democratic Movement (the largest single party in Azimio Coalition) and the ruling Kenya Kwanza coalition in 2024 only reinforced the parliamentary dominance of the ruling formation.

Due to the rapid increase in taxes and the withdrawal of subsidies from 2022 to 2024, the cost of food in Kenya increased by 6.6%; transport costs increased by 3.2%; and energy costs by 0.2% between June 2024 and June 2025.[116] The period between June 2025 and June 2026 also saw a sharp increase in food costs by

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[106] GHI, "Kenya", https://www.globalhungerindex.org/kenya.html (accessed on 30 September 2026). The GHI is a peer-reviewed annual publication designed to comprehensively measure and track hunger.
[107] GHI, "Kenya" (previously cited).
[108] KNBS, "Consumer price indices and inflation rates for September 2023", 29 September 2023, https://www.knbs.or.ke/wp-content/uploads/2023/11/Kenya-Consumer-Price-Indices-and-Inflation-Rates-September-2023.pdf
[109] Daily Nation, "Pump prices to spike after 184 MPs vote to increase VAT on fuel to 16pc", 22 June 2023, https://nation.africa/kenya/business/pump-prices-to-spike-after-184-mps-vote-to-increase-vat-on-fuel-to-16pc-4278914
[110] World Population Review, "Which countries have authoritarian governments?'', https://worldpopulationreview.com/country-rankings/what-countries-have-authoritarian-government (accessed on 30 September 2026).
[111] World Population Review, "Which countries have authoritarian governments?'' (previously cited).
[112] Institute of Economic Affairs Kenya, "How Kenya's legislature undermines its own oversight role and public trust" (previously cited).
[113] High Court at Nairobi, *Njiru & 11 Others v. Kenya Kwanza Coalition & 18 Ohers; Azimio La Umoja One-Kenya Coalition & 11 Others (Interested Parties)*, Case KEHC 22704 (KLR), Judgment, 29 September 2023.
[114] Institute of Economic Affairs Kenya, "How Kenya's legislature undermines its own oversight role and public trust" (previously cited).
[115] High Court at Nairobi, *Njiru & 11 Others v. Kenya Kwanza Coalition & 18 Others* (previously cited).
[116] KNBS, *The Kenya Consumer Price Index and Inflation Report*, 30 June 2025, https://www.knbs.or.ke/wp-content/uploads/2025/06/Kenya-Consumer-Price-Indices-and-Inflation-Rates-June-2025.pdf

8.6%, transport costs by 16.1%, and energy costs by 3.4%.[117] These rapid increases in the price of basic commodities have had a devastating impact on lower-income groups. One protester explained:

"Prices started rising after the 2022 elections. The price of flour rose up to KES 150 [USD 1.1] and looking at the cost of living, how people struggle to do menial jobs up to industrial area where their daily earning could not sustain a family of, let's say, six or five people all depending on one person. If flour is KES 150, yet you have not yet bought charcoal or paraffin, that could not be enough… Women who do domestic work like laundry were not being paid, unpaid labour work, or they are being paid less, like KES 300 [USD 2.3] or KES 500 [USD 3.9], which could not cater for their daily needs like buying flour and even educating their children. So yes, that's why I participated [in the protests]."[118]

The negative impact of increased food prices, and their role in triggering the protests, is reflected in the names of the protests. The 2022-2023 protests against the increased cost of maize flour were known as "*Njaa* Revolution";[119] this harks back to the 2011-2012 "*Unga* Revolution" protests that were also against the increased cost of maize flour.[120] Similarly, the 2023 protests were christened the "*Sufuria* Movement/Revolution"[121] and opposed the removal of food and fuel subsidies, which caused a rapid increase in the cost of food in 2023. Unlike the 2024-2025 protests, which were spread across the country, the *Unga* Revolution, *Njaa* Revolution and *Sufuria* Movement were concentrated in urban informal settlements. Oxfam Kenya, The Institute for Social Accountability (TISA), the Kenya Human Rights Commission (KHRC) and the Institute of Economic Affairs (IEA) shared with Amnesty International that the government's failure to listen to and redress public concerns about the cost of living and the economy in previous protests brought about the widespread 2024-2025 protests.[122] Kwame Owino, Executive Director of IEA, explained that Kenyans had reached their breaking point in 2024 and were making a powerful statement through protests about their right to food and their insistence on the enforcement of the social contract.[123]

In October 2025, the World Bank advised Kenya to increase VAT from 16% to 18% to generate additional revenue.[124] Although the Parliamentary Budget Office, a technical government office that advises MPs on budget and fiscal matters, was originally supportive of the idea, it decided against the increase for fear that it would reinvigorate protests.[125] The Kenya Institute of Public Policy Research (KIPPRA), a state-owned think tank that advises government on public policy, dismissed the World Bank's proposal noting that Kenya's current VAT rate of 16% was optimal and that any further increases might not translate into increased revenue base – and could even shrink it.[126] Instead, KIPPRA proposed "broadening the VAT base by minimizing exemptions and formalizing the informal sector, strengthening compliance through robust enforcement mechanisms, and leveraging digital tax compliance tools, such as i-Tax [an online tax portal] and TIMS [an electronic tax invoice management system]".[127]

CORRUPTION BY PUBLIC OFFICERS

Kenya has a robust anti-corruption legal framework. This includes: the 2010 Constitution (Chapter 6), the Ethics and Anti-Corruption Act, the Bribery Act, the Conflict of Interest Act, the Public Service Officers Values and Principles Act, the Anti-Corruption and Economic Crimes Act, the Leadership and Integrity Act,

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[117] KNBS, *The Kenya Consumer Price Index and Inflation Report*, 30 June 2026, https://www.knbs.or.ke/wp-content/uploads/2026/06/Kenya-Consumer-Price-Indices-and-Inflation-Rates-June-2026.pdf
[118] Interview in person with Patricia, protester and member of Social Justice Centre, 25 May 2026, Kilimani, Nairobi.
[119] *Njaa* is the Swahili word for "hunger"; Mathare Social Justice Centre, "#Njaa Revolution'', 1 May 2022, https://www.matharesocialjustice.org/social-justice-centres-working-group/njaa-revolution/
[120] *Unga* is the Swahili word for "maize flour", which is a staple food in Kenya; Elephant, "Will an Unga revolution follow in the wake of the Coronavirus?", 1 May 2021, https://www.theelephant.info/analysis/2021/05/01/will-an-unga-revolution-follow-in-the-wake-of-the-coronavirus/
[121] *Sufuria* is the Swahili word for "cooking pot"; Standard, "Azimio Announce 'Sufuria Movement', ask Kenyans to come out and bang sufurias, pans", 30 March 2023, https://www.standardmedia.co.ke/entertainment/news/article/2001477479/azimio-announce-sufuria-movement-ask-kenyans-to-come-out-and-bang-sufurias-pans
[122] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[123] Interview in person with Kwame Owino, Executive Director of the Institute for Economic Affairs, 23 April 2026, Upper Hill, Nairobi.
[124] World Bank, *Pathways to Job Creation in Africa,* October 2025, https://www.worldbank.org/en/publication/africa-pulse
[125] Star, "Budget experts nudge MPs to raise VAT from 16% to 18%", 19 February 2026, https://www.the-star.co.ke/news/2026-02-19-budget-experts-rally-mps-to-raise-vat-from-16-to-18
[126] KIPPRA, *Prospects and Optimal Level for VAT in Kenya*, 2025, https://kippra.or.ke/download/prospects-and-optimal-level-for-vat-in-kenya-dp393/?wpdmdl=22592&ind=1784794531881, p. iii.
[127] KIPPRA, *Prospects and Optimal Level for VAT in Kenya* (previously cited), p. iii.

and the Proceeds of Crime and Anti-Money Laundering Act. Kenya is also a signatory to the UN Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. The implementation of these laws, however, remains underwhelming and rampant corruption persists. Transparency International ranked Kenya 130th out of 182 countries listed in the Corruption Perception Index in 2025, down from 123rd in 2022, reflecting an increase in corruption perception over the last three years.[128] Corruption, including "budgeted corruption",[129] has led to loss of public funds and undermined the country's capacity both to repay debts and fulfil socio-economic obligations.

Police reports indicate that in 2023 alone, the Kenya Police Service investigated 5,086 cases of corruption and economic crime.[130] The Assets Recovery Agency is responsible for recovering illicitly obtained wealth including proceeds of corruption. In its 2022 Digest, the agency lists 57 cases.[131] In its 2024 annual report, the EACC stated that it had investigated 1,846 cases (see table 5).[132]

Table 5: Percentage breakdown of corruption allegations -adapted from the 2024/2025 EACCC report.[133]

Nature of corruption allegation	Percentage
Bribery	36.8
Embezzlement/misappropriation of public funds	18.7
Unethical conduct	13.4
Fraudulent acquisition and disposal of public property	10.5
Public procurement irregularities	7
Abuse of office	6.4
Conflict of interest	3.1
Unexplained wealth	2.4
Others (money laundering, fraud, Penal Code offences)	1.7

Civil rights organizations, such as Freedom House, see corruption as a core component of authoritarian governance.[134] Amnesty International lists evasion of accountability as a key feature of authoritarian practice.[135]

It is within this context that protesters interviewed for this report insisted that instead of raising taxes through finance bills, the government should address corruption.[136] Of the protesters interviewed, 54 cited corruption as one of their main reasons for protesting. One protester explained:

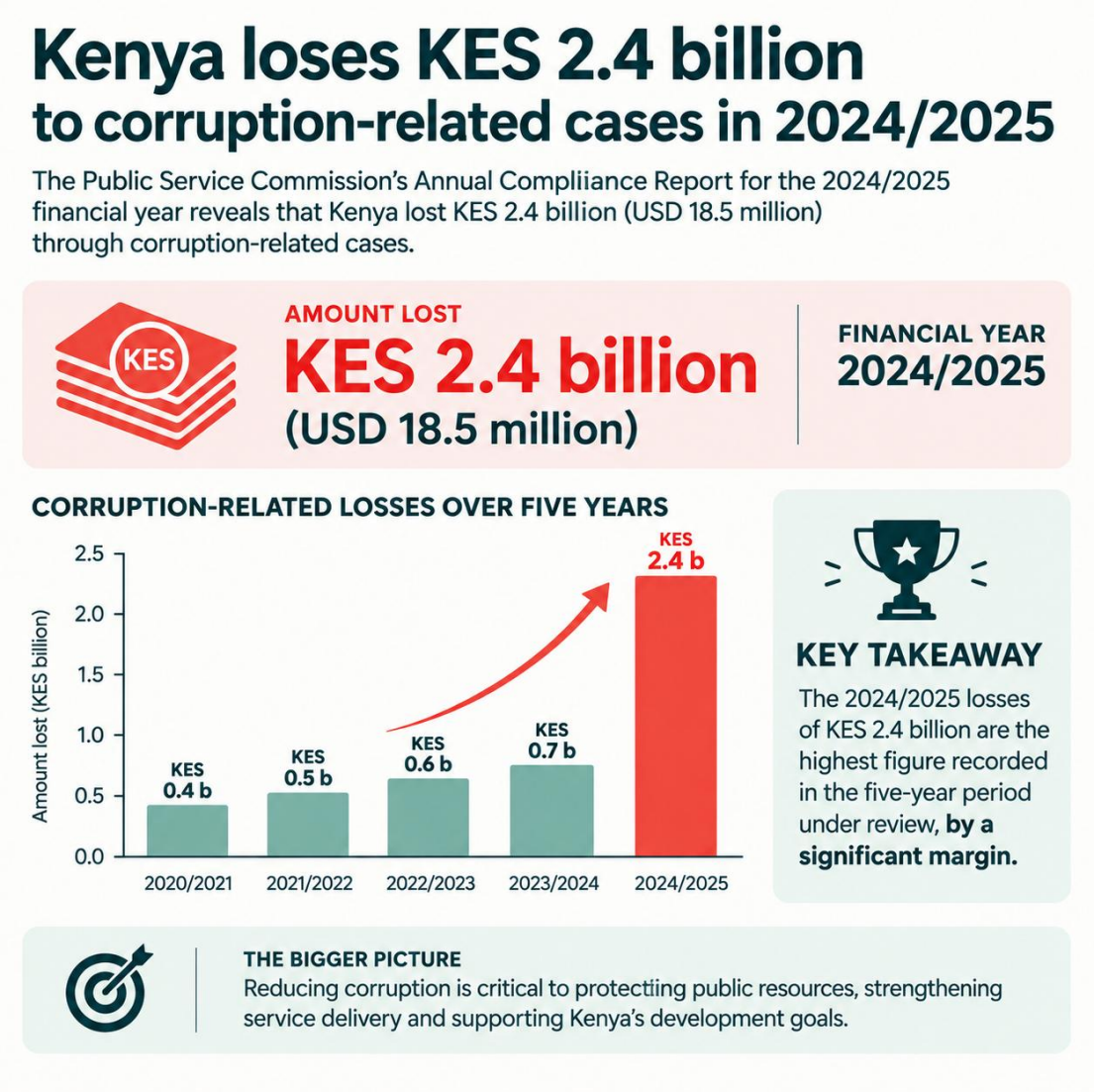
"I don't think the government should raise taxes. For instance, during Uhuru's government, he said that as a country we were losing KES 2 billion [USD 15.4 million] [through corruption] per day. Therefore, if we can prevent losing this KES 2 billion daily, what do you think it can achieve in the long run? That was only during Uhuru's

[128] Transparency International, "Corruption Perceptions Index: Kenya", 2022, https://www.transparency.org/en/cpi/2022/index/ken
[129] A term originally used by the Africa Centre for Open Governance to describe the practice of corruption being embedded into public spending plans through inflated allocations, budget lines, politically targeted projects or manipulation of the budgeting process before funds are spent; Africa Centre for Open Governance, *Highway Robbery: "Budgeted Corruption" as State Capture – A Case Study of Infrastructure Spending under the Jubilee Administration,* 2020, https://africog.org/wp-content/uploads/2020/11/Highway-Robbery-Final.pdf
[130] National Police Service, *Annual Report 2023*, 2024, https://www.npsc.go.ke/download/npsc-annual-report-fy-2023-2024/
[131] Assets Recovery Agency, *Case Digest on Variation Rulings and Forfeiture Judgments*, Volume 1, https://assetsrecovery.go.ke/wp-content/uploads/2023/07/ARA-Case-Digest-Booklet-Volume-I.pdf
[132] EACC, *Report of Activities and Financial Statements for the Financial Year 2024/2025*, 2025, https://eacc.go.ke/en/default/wp-content/uploads/2025/12/EACC-REPORT-OF-ACTIVITIES-AND-FINANCIAL-STATEMENTS-FOR-THE-FINANCIAL-YEAR-2024-2025-FINAL-VERSION-2-2.pdf, p. 4.
[133] EACC, *Report of Activities and Financial Statements for the Financial Year 2024/2025* (previously cited).
[134] Freedom House, "Fighting corruption is key to countering authoritarianism, and protecting human rights", 11 January 2023, https://freedomhouse.org/article/fighting-corruption-key-countering-authoritarianism-and-protecting-human-rights
[135] Amnesty International USA, "What are authoritarian practices?", 1 June 2026, https://www.amnestyusa.org/blog/what-are-authoritarian-practices/
[136] See, for example, the intense debate on tax and corruption in: Kenya, National Assembly, *The Hansard*, 19 June 2024, https://hansardna.parliament.go.ke/server/api/core/bitstreams/86193c6e-9876-4f9f-bc65-504e7bed0021/content; and Kenya, National Assembly, *The Hansard*, 20 June 2024, https://hansardna.parliament.go.ke/server/api/core/bitstreams/6dd41641-2cbe-455e-aef3-82d3932c41f9/content

government. How much do you think we are losing now? A lot, we are losing a lot of money because of corruption from the top government officials. The issue of increasing taxes is not logical. They should deal with corruption and be accountable. We have been paying heavy taxes even before the recent increment that the government is talking about."[137]

The Public Service Commission published a report stating that Kenya lost KES 2.4 billion (USD 18.5 million) through corruption-related cases during the financial year 2024/2025.[138] This is the highest figure, by a significant margin, recorded in the five-year period under review.[139]

Figure 1: Reported financial losses, 2020/2021 to 2023/2024 as reported by the Public Service Commission



The Office of the Director of Public Prosecutions (ODPP) has been criticized for withdrawing high-profile corruption cases without due procedure (without any consultation with the EACC), while prosecuting protesters-including through the weaponization of terror charges.[140] The EACC has repeatedly reiterated that it can only investigate corruption and recommend prosecutions to the ODPP. The decision on whether

[137] Interview in person with Matthew, protest leader, 5 May 2026, Kisumu.
[138] Public Service Commission, *Annual Compliance Report for 2024/2025 Financial Year*, 4 February 2026, https://www.publicservice.go.ke/download/annual-compliance-report-for-2024-2025-financial-year/, p. 209.
[139] Public Service Commission, *Annual Compliance Report for 2024/2025* (previously cited).
[140] Citizen Digital, "EACC blames ODPP as 18 high-profile corruption cases withdrawn", 10 September 2025, https://citizen.digital/article/eacc-blames-odpp-as-18-high-profile-corruption-cases-withdrawn-n369448

to prosecute rests with the ODPP and a number of EACC recommendations remain pending or have been returned for further investigation. This serves to exacerbate public concerns about lack of accountability in high-profile corruption cases. On 16 September 2025, for example, the High Court criticized the ODPP for withdrawing a corruption case against the Cabinet Secretary (CS) for Cooperative Development without consulting the EACC and ordered the ODPP to reinstate the prosecution.[141]

VIOLATION OF THE RIGHT TO PARTICIPATE IN FISCAL AND ECONOMIC AFFAIRS

The Constitution and the Public Finance Management Act 2012 have laid down rules and procedures for the formulation of national budgets,[142] including entrenching public participation and strengthening parliament's capacity to scrutinize bills and provide oversight over the executive. However, the tight control over parliament by the executive has undermined these provisions.[143] At the same time, other oversight institutions such as the judiciary,[144] Auditor General[145] and Controller of Budget,[146] continue to face intimidation from the executive.

Despite protests, numerous petitions and submissions against various components of the Finance Bills 2023 and 2024, government-aligned politicians insisted that the bills had to pass without changes to ensure that they can fund government programmes. The Senator for Nandi county and member of the ruling Kenya Kwanza Coalition reportedly said: "The 2023 Bill will be passed as is, without even amending a comma, so that government can be able to finance its budget."[147] Similar sentiments were expressed by the then Deputy President Rigathi Gachagua.[148]

Such sentiments, expressed after weeks of public participation, not only aggravated public anger but also caused resentment. This, combined with the resultant hardship stemming from the government's economic measures, eventually led to the massive 2024 protests. One protester from Mathare informal settlement in Nairobi explained:

"The economic strain is terrible, but what infuriated me even more is how the politicians behave. I do not excuse theft or the misappropriation of public funds, but what gets under my skin even more than the corruption is the way they talk down to citizens – as if they won't have to come back down the line and beg us to consider voting for them again."[149]

Following the enactment of the Public Finance Management Act 2012, which operationalizes the constitutional principle of public participation,[150] there has been increased public participation in public finance affairs resulting into increased memoranda on finance bills.[151] The table below shows the number of memoranda submitted to parliament during the period from month 2021 to June 2026.[152]

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[141] EACC, "ODPP faulted as court revives Oparanya case", 16 September 2025, https://eacc.go.ke/en/default/odpp-faulted-as-court-revives-oparanya-case/; High Court at Nairobi, *Fredrick Mulaa v. ODPP and 5 Others*, Case HCACECPET/E004/2024, Judgment, 16 September 2025. LINK?
[142] Kenya, Constitution of Kenya, 2010, Chapter 12, Part 5; Public Finance Management Act, 2012.
[143] Interview in person with Kwame Owino, Executive Director of the Institute for Economic Affairs, 23 April 2026, Upper Hill, Nairobi.
[144] Kenya, President, "Judicial overreach risks undermining public interest. President Ruto warns", 28 January 2026, https://www.president.go.ke/Judicial-Overreach-Risks-Undermining-Public-Interest-President-Ruto-Warns/
[145] Business Daily, "President rubbishes Auditor-General proposal to probe us fed", 18 October 2016, https://www.businessdailyafrica.com/bd/economy/president-rubbishes-auditor-general-proposal-to-probe-us-fed--2128872#google_vignette&client=bddfec5
[146] Kenya Broadcasting Corporation, "Governors threaten to oust Controller of Budget over delayed release of county funds", 16 June 2025, https://www.kbc.co.ke/governors-threaten-to-oust-controller-of-budget-over-delayed-release-of-county-funds/
[147] Citizen Digital, "Senator Cherargei dismisses public outcry, says Finance Bill to be passed 'without changing even a comma'", 9 May 2023, https://citizen.digital/article/senator-cherargei-dismisses-public-outcry-says-finance-bill-to-be-passed-without-changing-even-a-comma-n319451
[148] Daily Nation, "DP Gachagua to Azimio: Stop wasting time opposing Finance Bill, it will pass", 4 June 2023, https://nation.africa/kenya/news/dp-gachagua-to-azimio-stop-wasting-time-opposing-finance-bill-it-will-pass-4257266
[149] Interview in person with Shiko, protester, 6 June 2026, Karen, Nairobi.
[150] Kenya, Constitution of Kenya, 2010, Article 201(a).
151 The submission of memoranda in Kenya is a formal process where members of the public and stakeholders share written views, comments or recommendations on proposed laws, bills, or policies.
[152] Kenya, National Assembly, *Report on the Consideration of the President's Memorandum on the Finance Bill, 2024*, 23 July 2024, https://libraryir.parliament.go.ke/items/72c783c4-d4b9-4d3a-bb56-0e4f32ce8c3d/full; Kenya, National Assembly, *Report on: The Consideration of the Finance Bill (National Assembly Bills No.26 of 20276)*, June 2026, https://parliament.go.ke/sites/default/files/2026-06/Report%20of%20the%20Departmental%20Committee%20of%20Finance%20and%20National%20Planning%20on%20its%20consideration%20of%20the%20Finance%20Bill%2C%202026_0.pdf

Table 6: Number of memoranda submitted on finance bills, 2021-2026

Finance Bill	Number of memoranda submitted
2021	127
2022	145
2023	234
2024	970
2025	944
2026 (up to June)	386
Total	2,806

The table shows that the years with the most regressive tax proposals and the most intense protests – 2024 and 2025 – also saw the highest numbers of memoranda submitted. Despite the high numbers of submissions, most proposals appear not to have been given any meaningful consideration, further fuelling public anger.[153] Despite weeks of online and in-person protests, and submission of memoranda and petitions on the bill, the 2024 Finance Bill was passed. Excerpts from the *Hansard* reports of June 2024 show that several MPs admitted having received thousands of messages asking them to reject the bill, but they passed it anyway.[154] For instance, MP, Malulu Injendi, of the ruling United Democratic Alliance (UDA), confirmed that he voted to support the bill despite the many messages asking him to reject it, arguing that the young people sending the messages had been misinformed.[155] Another UDA MP, Julius Manaiba, concurred:

"Young Kenyans have jammed our phones with messages of 'reject Finance Bill'. When you engage them by asking them to expound the reasons we should reject, a majority of them go mute. The reason is that they have been confused and poisoned. The truth is that they are being laced with poison..."[156]

Both the president and deputy president implored MPs to pass the 2023[157] and 2024[158] Finance Bills. The then deputy president Rigathi Gachagua warned that MPs who rejected the bill should not expect any development in their constituencies.[159] Similar sentiments were expressed by several pro-government politicians.[160] Kwame Owino, who presented a petition to parliament, explained that his submission against various aspects of the bill was largely ignored:

"I appeared before the Finance Committee to address them on the Finance Bill… I remember telling them to listen to what Kenyans were saying. The attitude that they showed Kenyans was extremely annoying and in a way, I was not surprised when Kenyans took to the streets…"[161]

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[153] Interview in person with Kwame Owino, Executive Director of the Institute for Economic Affairs, 23 April 2026, Upper Hill, Nairobi.
[154] Nearly all MPs received these messages.
[155] Kenya, National Assembly, *The Hansard*, 19 June 2024 (previously cited), p. 45.
[156] Kenya, National Assembly, *The Hansard*, 19 June 2024 (previously cited), p. 61.
[157] The Standard, "President Ruto urges MPs to pass Finance Bill", 29 May 2023, https://www.standardmedia.co.ke/article/2001473967/president-ruto-urges-mps-to-pass-finance-bill#google_vignette
[158] NTV, "Ruto urges MPs to pass the Finance Bill", 20 June 2024, https://ntvkenya.co.ke/news/ruto-urges-mps-to-pass-the-finance-bill/
[159] Star, "Forget about development if you oppose Finance Bill – Gachagua to MPs", 5 June 2023, https://www.the-star.co.ke/news/2023-06-05-forget-about-development-if-you-oppose-finance-bill-gachagua-to-mps; Citizen Digital, "No more roads for areas whose MPs oppose Finance Bill – Gachagua", 4 June 2023, https://citizen.digital/article/no-more-roads-for-areas-whose-mps-oppose-finance-bill-gachagua-n320948
[160] See, for example: Star, "MPs who opposed Finance Bill should get zero projects, says Cherargei", 19 June 2026, https://www.the-star.co.ke/news/2026-06-19-cherargei-calls-for-zero-projects-for-finance-bill-rebels
[161] Interview in person with Kwame Owino, Executive Director of the Institute for Economic Affairs, 23 April 2026, Upper Hill, Nairobi.

A protester from Dandora described their experience on the passing of the bill:

"In 2023, we submitted our memo[randum] to parliament through Samuel Atandi and Babu Owino [MPs]. However, our views were not considered. You know these people never come to the grassroots to explain to us the reason why these bills are being passed. Parliament just makes the decision themselves without involving youths, but when the government want something from us like voting, they will come and lie to us anywhere. But when they want to pass, let's say, like, a bill, no one is considered at all – they make the decisions themselves. It is like there are owners of the country and the citizens." [162]

Members of the Mathare Social Justice Centre, Dandora Social Justice Centre, Kibera Social Justice Centre, TISA, IEA, Amnesty International Kenya and *Okoa Uchumi* (Save the Economy) also reported that their memoranda to parliament on the 2023 and 2024 Finance Bills were largely ignored.[163] Although some amendments were eventually made, such as dropping of the eco levy and proposed tax increases on cooking oil and bread, the bills remained largely unchanged, resulting in increased taxes and removal of subsidies.

Some people who went to the Office of the President in Nairobi to submit petitions and memoranda on the finance bills were arrested or teargassed by the police. Members of four social justice centres informed Amnesty International that their members were arrested in 2023 when they went to submit petitions on the cost of living and Finance Bill.[164] One respondent explained how they were tear gassed and dispersed by the police:

"We wanted to directly reach out to the president and present our petition to his office. So, we set off to his office at Harambee House, but then the police blocked us. I was with two of my friends, but we were representing our Social Justice Centre. When we got around Vigilance House, they started throwing tear gas at us, but we didn't go back instead we changed routes and went through Uhuru Park. We assembled there."[165]

The Constitution of Kenya requires the enactment of a Public Participation Act within five years of its promulgation.[166] Despite various court orders and appeals by civil society organizations, parliament has failed to enact the law in the last 16 years.[167] At least four Public Participation Bills – 2018, 2019, 2023, 2024 – have been published but have not progressed through the full law-making process. The Public Participation Bill 2025 has been passed by parliament and is currently awaiting presidential assent.[168] Several civil society organizations have raised issues with various provisions of the bill during its consideration by parliament.[169] The executive's control over parliament has undermined meaningful public participation, thus limiting the capacity of parliament to provide oversight over the executive and to engage citizens. The fact that the Senate and the National Assembly speakers are previous members of the ruling coalition has only served to entrench the executive's control over parliament. In a recent constitutional petition, the High Court barred the two speakers from engaging in political campaigning for the president.[170]

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[162] Interview in person with Allan, protest leader, 22 April 2026, Dandora-Nairobi.
[163] Interviews in person with protesters, in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[164] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[165] Interview in person with Patricia, protester and member of Social Justice Centre, 25 May 2026, Kilimani, Nairobi.
[166] Kenya, Constitution of Kenya, 2010, Fifth Schedule, which mandated that all laws envisioned in the 2010 Constitution be enacted by 2015.
[167] Katiba Institute, "Public participation in what, when and especially, how?'', no date, https://katibainstitute.org/public-participation-in-what-when-and-especially-how/
[168] National Assembly, "National assembly passes the publication participation bill", 2025, https://www.parliament.go.ke/node/26259
[169] Katiba Institute, Facebook post: "Memorandum: Public Participation Bill, 2025 (National Assembly Bills No. 44)", 27 March 2026, https://www.facebook.com/KatibaInstituteOfficial/posts/memorandum-public-participation-bill-2025-national-assembly-bills-no-44the-publi/1389804136511487/. The Open Institute raised related concerns regarding the bill: Open Institute, "Submission on the Public Participation Bill, 2025", 29 April 2025, https://openinstitute.africa/wp-content/uploads/2025/05/Final_-SUBMISSION-ON-THE-PUBLIC-PARTICIPATION-BILL.pdf
[170] Daily Nation, "Court Bars speakers Wetang'ula, Kingi from using offices to campaign for Ruto", 9 July 2026, https://nation.africa/kenya/news/court-bars-speakers-wetang-ula-kingi-from-using-offices-to-campaign-for-ruto-5522812

AUTHORITARIAN RESPONSES TO PROTESTS: 2023-2025

AUTHORITARIAN NARRATIVES

State officials employing authoritarian practices to entrench power often develop narratives to suppress public dissent and to justify the misuse of force by security agencies.[171] This section explores the various angles adopted in authoritarian narratives against protesters by public officials in Kenya between 2023 and 2025.

VILIFICATION OF PROTESTERS

Protests and other forms of dissent, and the protesters themselves, were depicted as a threat to the state and those in government.

PROTESTERS AS ECONOMIC SABOTEURS AND CRIMINALS

In a bid to justify the suppression of protests and other forms of civil dissent, government officials and ruling coalition politicians accused the protesters of "economic sabotage". The Principal Secretary for Micro, Small and Medium Enterprise Development claimed that the state lost KES 3 billion (USD 23.2 million) during the 2025 protests[172] and a government spokesperson estimated a loss of KES 6 billion (USD 46.4 million) during the 2024 protests.[173] The branding of protestors as economic saboteurs was not only intended to silence their grievances, but also to justify the use of excessive force against them.

At several political rallies, President William Ruto asserted that protests were acts of economic sabotage. In his speech during the World Micro and Small Enterprises Day on 27 June 2025, he characterized the protests as "calculated chaos, violence and destruction", which he considered to be acts of economic sabotage.[174] In 2023, the majority leader in the National Assembly, Kimani Ichungwa, accused protesters of blackmailing the state.[175]

Protesters were also labelled as "criminals", including by the Cabinet Secretary (CS) for interior and key leaders in the National Assembly, including the majority leader (and leader of government business), the chief whip and the minority leader. In the aftermath of the June 2024 protests, the president gave a speech in which he referred to the protests having been "hijacked by a group of organized criminals", an action that

[171] Protect Democracy, *The Authoritarian Playbook* (previously cited).
[172] Kenya Broadcasting Company, "Govt estimates protests caused economy Ksh 3b", 27 June 2025, https://www.kbc.co.ke/govt-estimates-protests-caused-economy-ksh-3b/
[173] Citizen Digital, "Kenya has lost Ksh.6 billion due to protests – gov't spokesperson Isaac Mwaura", 18 July 2024, https://citizen.digital/article/kenya-has-lost-ksh6-billion-due-to-protests-govt-spokesperson-isaac-mwaura-n346133
[174] Kenya Broadcasting Company, "Ruto: June 25 protests were calculated chaos, economic sabotage", 27 June 2025, https://www.kbc.co.ke/ruto-june-25-protests-were-calculated-chaos-economic-sabotage/
[175] Kenya, National Assembly, *The Hansard*, 4 May 2023, https://hansardna.parliament.go.ke/server/api/core/bitstreams/602f47a4-e61f-44b7-a4ad-a1ff0ebd19ee/content, pp. 11 and 121.

he called treasonous and an invasion.[176] During his joint address to parliament on 21 November 2024, the president reiterated his belief that the protesters were misinformed economic saboteurs and criminals:

"[I]t has never been easier to misinform, mislead, disinform, incite and alarm the public. Criminals and subversive elements who infiltrate and hijack peaceful protests are a threat both to legitimate protesters and the public. Incidences of violent criminality in the name of protests threaten the safety of innocent people, public assets, private property and the social order. The tension here is stark. We have a democracy which we are proud of, must defend and should defend by all means. At the same time, we have citizens whose lives and rights we must protect and a nation whose security, stability and prosperity we must safeguard. The task at hand is complicated if citizens and state agencies dilute the distinction between the lawful and the criminal, the just and the unjust, thereby making it difficult to tell protesters and security officers from bandits, gangsters and criminals. It is only by following the law that we are able to achieve our aims and apportion accountability properly. It should not be possible for robbers and looters to escape accountability by claiming that they were taking part in a protest."[177]

The majority (government) whip in the National Assembly, followed this cue. On 26 June 2025 during a parliamentary debate about the 2025 protests, he said:

"We saw some of them moving around claiming to support this movement called Gen Z, which is a lie. There is no movement called Gen Z. Those are criminals. There is nothing like that. Those are people who are hiding behind a generation to loot and bring anarchy in this country."[178]

The Minority Leader Junet Mohamed, a former critic (and elected opposition member) turned ally of the president, accused the protesters of trying to "take our country to the dogs" and trying to "make Kenya a 'banana republic'."[179] Accusing the protesters of trying to overthrow government, he said:

"If you want to remove William Ruto from being the president of the Republic of Kenya, wait for 2027. There will be an election on 10th August 2027. Kenya is a constitutional democracy. Let people not hide under the guise of Gen Zs to cause anarchy in our country. There is a deliberate attempt to silence all institutions in this country. They want to silence parliament and everyone who speaks for the people, so that the only people who can speak are the civil society, LSK [Law Society of Kenya] and such kinds of people... What happened yesterday was an attempt to take overpower unconstitutionally through a coup."[180]

These sentiments expressed by political leaders informed the treatment of protesters by the police. Amnesty International interviewed 36 protesters who were either arrested or abducted. They reported that the police or their captors had informed them that they were criminals trying to undermine the state.[181] Their "crimes" ranged from accusations of destroying property to simply participating in what the police considered to be illegal protests. Although 11 were prosecuted, mostly for destruction of property and "illegal" assembly, 25 were released without charge. For example, Don from Kisumu told Amnesty International that after accusing him of holding an illegal assembly and arresting him, the police took him to court the following day without recording a statement from him or anyone else. When they arrived, there was no charge sheet and no case file. The magistrate subsequently decided to release him.[182] Criticizing this practice, the Law Society of Kenya (LSK) lamented:

"... [such releases happen] after the fact, meaning people spent time in custody or on bond before the ODPP dropped charges. That indicates that the initial decision to charge might have been made under pressure or without rigorous review, leading to unnecessary prosecutions that wasted judicial time and traumatized the accused persons".[183]

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[176] BBC, "Kenyan President faces tough choices after day of bloodshed", 25 June 2024, https://www.bbc.co.uk/news/articles/cd11023xm15o
[177] Kenya, National Assembly, *The Hansard*, 21 November 2024, https://hansardna.parliament.go.ke/server/api/core/bitstreams/fe10b3c6-640a-4476-9561-4cdaed5bd575/content, p. 13.
[178] Kenya, National Assembly, *The Hansard*, 26 June 2025, https://hansardna.parliament.go.ke/server/api/core/bitstreams/f52899c1-4cb8-4c9b-989a-df145ddd43db/content, p. 26.
[179] Kenya, National Assembly, *The Hansard*, 26 June 2025 (previously cited), p. 16.
[180] Kenya, National Assembly, *The Hansard*, 26 June 2025 (previously cited), p. 16.
[181] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[182] Interview in person with Obuya, 5 June 2026, Kisumu.
[183] Law Society of Kenya (LSK), *In Search of an Answer: A Report on Human Rights Violations during the 2024 Finance Bill Protests in Kenya*, 2025, https://lsk.or.ke/wp-content/uploads/2025/10/In-Search-of-an-Answer-A-National-Report-on-Human-Rights-Violations-during-the-2024-Finance-Bill-Protests-in-Kenya-by-Law-Society-of-Kenya.pdf, pp. 37.

In a recent case, a protest organizer was investigated for treason in relation to the "planning" of the June 2026 protests.[184] The court terminated the proceedings on 2 July 2026, stating that the prosecution was trying to silence dissent.[185]

WEAPONIZATION OF COUNTERTERRORISM LEGISLATION AGAINST PROTESTERS

Another narrative employed by the state against protesters, particularly where property was destroyed, was that protesters are terrorists. This narrative appears to derive from senior leaders within the executive. For instance, during his statement in parliament on 13 August 2025, the CS for interior tried to justify the terrorism charges against protesters:

"If your actions involve any form of force or violence, you can be charged with terrorism. You do not need to be Osama Bin Laden to be labelled a terrorist. Actions such as invading a police station, burning a court, supermarket or government installation, creating fear, or disrupting emergency services like medical aid and transport, constitute terrorism... Honourable speaker, those matters may seem laughable until the day of conviction. It is all jokes and fun until you are convicted of terrorism, at which point you realize the serious consequences it brings to you and your loved ones."[186]

In 2025, many protesters were charged with terrorism-related offences, mostly at Kahawa Law Court, which is traditionally reserved for terrorism and drug-related offences. The Office of the Director of Public Prosecution posted on X a total of 97 cases of protesters who were charged with terrorism on various dates in relation to the 2025 protests.[187] On 21 July 2025, the ODPP posted a statement on X saying that following the destruction of property that allegedly took place during the 25 June 2025 protests, it would proceed to prosecute certain individuals with terrorism offences. It noted with approval, that the chief justice had said in her speech after the protests that the burning of a law court during protests amounted to terrorism.[188]

According to a lawyer who has represented protesters, charges of terrorism often carry high bail terms, which most protesters, who are often young and unemployed, cannot afford.[189] As a result they end up languishing in remand for long periods of time. In some cases, the lawyer has had to apply for revision of the bail terms to have the young persons released. One respondent who was arrested for terrorism explained how the police accused him of terrorism when they came to his house.[190] They eventually replaced this with weapon-related charges after failing to find any evidence linking him to terrorism.[191]

Shadrack Wambui, a lawyer who has represented accused protesters, believes that the aim of the protest-related arrests and prosecutions is never to secure convictions but to scare and dissuade other protesters:

"These cases almost always suffer a natural death. Once an individual is arrested and charged, the state's momentum drops. On the few occasions where a case actually goes to trial, witnesses fail to show up. Consequently, the courts throw these cases out. Our Constitution dictates that justice for both an accused person and a victim must be pursued within a reasonable time. Keeping people bound to a courtroom waiting for non-existent witnesses or delaying a case indefinitely is an affront to the Constitution. Therefore, when witnesses fail to appear, the courts are very quick to dismiss the charges. These prosecutions are not commenced in good faith. The state initiates them solely to suppress public dissent and quell political tension. The logic is that if you see your peer arrested and subjected to a gruelling, expensive court process, you will be dissuaded from

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[184] Daily Nation, June 25 protest: Kajiado Court orders rights activist Bob Njagi detained 7 days'', 26 June 2026, https://nation.africa/kenya/counties/kajiado/rights-activist-bob-njagi-detained-5509710

[185] Daily Nation, "Court frees activist Bob Njagi, drops treason case", 2 July 2026, https://nation.africa/kenya/counties/nairobi/court-frees-activist-bob-njagi-drops-treason-case-5516286

[186] Kenya, National Assembly, *The Hansard*, 13 August 2025, https://hansardna.parliament.go.ke/server/api/core/bitstreams/a7adb8a3-cb21-47a1-a4a6-baf1d705a390/content

[187] Office of The Director of Public Prosecutions On X: "**DPP Approves Terrorism Charges against 37 Individuals in Kahawa Law Courts**'' 8 July 2025. Https://X.Com/Odpp_Ke/Status/1942583767324930173; Office of the Director of Public Prosecutions on X: "The Director of Public Prosecutions (Dpp) Has Charged 36 Individuals at Kahawa Law Court with terrorism charges.'' 25 June 2025, Https://X.Com/Odpp_Ke/Status/1943323236285960248; Office Of The Director Of Public Prosecutions On X: "Dpp charges 16 With terrorism offences at Kahawa Law Courts.'' 25 June 2025 Https://X.Com/Odpp_Ke/Status/1944776934346609120; Office Of The Director Of Public Prosecutions On X: "The Director of Public Prosecutions has charged Eight men who torched a police station with terrorism.'' 16 July 2025 Https://X.Com/Odpp_Ke/Status/1945377503343992878

[188] ODPP,'' Press statement on charges under The Prevention Of Terrorism Act'', 21 July 2025, Https://X.Com/Odpp_Ke/Status/1947275534867521683

[189] Interview in person with Wanjira Wanjiru, lawyer, 12 June 2026, Kilimani.

[190] Interview by video call with Boniface Mwangi, 3 July 2026.

[191] Interview by video call with Boniface Mwangi, 3 July 2026.

participating in future protests. The intent is never to secure a legitimate conviction. If it were, the state would do a thorough investigative job on the actual perpetrators of crime."[192]

Human rights actors including Vocal Africa[193] and Amnesty International Kenya have previously condemned these prosecutions, declaring them excessive and an overreach, and likely to erode public confidence and trust.[194] Highlighting the lifelong impact of the charges on the accused, International Commission of Jurists and the UN Office of the High Commissioner for Human Rights have noted that being labelled as a "terror suspect" carries lifelong stigma, security surveillance, travel restrictions, and the risk of targeted harassment.[195] Activists report that such charges are used strategically to intimidate communities into silence, ''erode civic space, discredit dissent, and stifle democratic resistance."[196] The organization has called for an amendment to the Prevention of Terrorism Act to remove the vague sections that have been used to supress protesters. A civil society activist interviewed said:

"When the government charges these young people with terrorism, it is basically destroying their future because if a young man is charged with terrorism, you cannot get a visa nor a certificate of good conduct. Basically, they are doing that so that parents do not allow their kids to go to the streets. It is weaponizing protests and making sure that young people do not go to the streets since they are afraid of being charged with terrorism."[197]

Amnesty international warns against vague and openly worded conceptions of counterterrorism laws as they not only violate the principle of legality under international law but could also be used to undermine civil and political rights.[198]

ACCUSATIONS THAT PROTESTERS WERE PAID BY OPPOSITION PARTIES AND CIVIL SOCIETY ORGANIZATIONS

One notable authoritarian practice used by the Kenyan government is scapegoating to deflect state responsibility for the causes underlying the protests. Responsibility has been deflected to third parties, including civil society and opposition parties.[199] In the aftermath of the 2024 protests and throughout the period from 2024 to 2025, senior government officials, including the president and the CS for interior and national administration, claimed without evidence that the protests and other forms of dissent were fuelled or funded by opposition figures and 16 civil society organizations, with the Ford Foundation expressly mentioned.[200] President William Ruto expressly warned the Ford Foundation either to support democracy or leave the country; the Ford Foundation denied the accusations.[201]

In his speech before parliament on 13 August 2025, the CS for interior stated that the government was investigating people whom he accused of funding the protests:

"Information relating to the registration particulars of companies, non-governmental organizations and societies believed to have played a role in facilitating the protests has been acquired. The National Police Service is working in close collaboration with various government agencies and stakeholders to expedite investigations. Those include the National Transport and Safety Authority, the National Registration Bureau, the Communications Authority, the National Intelligence Service, the Registrar of Companies, and the Financial Reporting Centre... So far, preliminary analysis of the evidence gathered has led to the identification of several persons of interest believed to have participated in illegal acts during demonstrations, and those linked to the funding and mobilization of the demonstrators. The police have also arrested and arraigned 15 individuals across the country

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[192] Interview in person with Shadrack Wambui, lawyer, 8 June 2026, Nairobi.
[193] Eastleigh Voices, "Vocal Africa condemns Ruto's administration for using terrorism charges to Silence Kenyan activists", 21 July 2025, https://eastleighvoice.co.ke/national/183170/vocal-africa-condemns-rutos-administration-for-using-terrorism-charges-to-silence-kenyan-activists
[194] Amnesty International Kenya, "The Dangerous Expansion of Kenya's Anti-Terror Laws", 23 July 2025, https://www.amnestykenya.org/the-dangerous-expansion-of-kenyas-anti-terror-laws/
[195] UN High Commissioner for Human Rights, ''Human Rights, Terrorism and Counter-Terrorism'', 2025, https://www.ohchr.org/sites/default/files/documents/publications/fact-sheet-no-32-rev-1-rights-terrorism-counter-terrorism-web.pdf 35; International Commission of Jurists, ''Weaponizing Terrorism Laws, A Regional Playbook to Silence Dissent'' 5 August, 2025 https://icj-kenya.org/news/weaponizing-terrorism-laws-a-regional-playbook-to-silence-dissent/
[196] International Commission of Jurists, ''Weaponizing Terrorism Laws, A Regional Playbook to Silence Dissent'' 5 August, 2025 https://icj-kenya.org/news/weaponizing-terrorism-laws-a-regional-playbook-to-silence-dissent/
[197] Interview by video call with Boniface Mwangi, activist, 3 July 2026.
[198] Amnesty International, *Dangerously Disproportionate: The Ever-Expanding National Security State in Europe*, Index: EUR 01/5342/2017, 17 January 2017, https://www.amnesty.org/en/documents/eur01/5342/2017/en/, pp. 23-24.
[199] Daily Nation, "Protests: 6 politicians, businessman and two NGOs on state's radar", 3 July 2024, https://nation.africa/kenya/news/protests-6-politicians-businessman-two-ngos-state-s-radar-4677172#story
[200] African Report, "Kenya investigates 16 civil society groups over alleged protest funding", 26 July 2024, https://www.theafricareport.com/356550/kenya-investigates-16-civil-society-groups-over-alleged-protest-funding/
[201] New Humanitarian, "Ford Foundation denies Ruto protest accusations", 17 July 2024, https://www.thenewhumanitarian.org/news/2024/07/17/ford-foundation-denies-ruto-protest-accusations/

associated with the planning and mobilization of protests, who have since been charged with various offences, including offences under the Prevention of Terrorism Act, unlawful assembly, participation in unauthorized demonstrations, incitement to violence, organizing unlawful protests, destruction of public property, arson, malicious damage to property, aiding and abetting unlawful acts, unlawful possession of ammunition, and unlawful possession of tear gas canisters. Investigations to identify additional financiers and mobilizers of the protests and arraign them before the court are ongoing."[202]

This statement suggests that the pursuit and investigation of companies, civil society and individuals who were later interviewed in this report were carried out as part of a wider state-led effort to identify and investigate alleged protest mobilizers and financiers. Four people interviewed by Amnesty International narrated how they were abducted by people believed to be security officials and subjected to treatment they described as torture. During their interrogation, they were coerced into revealing the identity of their alleged funders.[203] Lawrence[204], who was abducted from Kajiado and held incommunicado for over a month described his experience:

"They removed me from the boot of the Subaru and took the [hand]cuffs off me. I was taken to a double cabin pick-up where I was handcuffed again. I was also made to wear a mask and I was tied with a tape. I was placed on the seat in between them. They told me to tell them everything I knew about the protests, or they will deal with me. The car was speeding and after a while we arrived at a place which was quiet. I was taken out of the car and held by the two men, one on each side. We walked and got somewhere where I was told to raise my leg up. I think to climb the stairs. It was one staircase. We entered the place and I found myself in a room with CCTVs which had lights. I was told to take off all my clothes. I found my brother who had been abducted with me there. He was also naked. After that the room was closed, I was handcuffed on the wall with my left hand. Within five minutes another huge guy came back. He was huge and short. He came with a cable, like the one Safaricom uses for internet connections and the pipe used for the curtain rod. He knocked my head and started beating me so that I could say where I was getting the money for demonstrations or who was funding us. They asked me if it was Jimmy Wanjigi and I told them that I was not in any communication with such a person. They asked about the former president Uhuru Kenyatta, and I told them I didn't have the link to him. I told them that they had my phone and in case of any communication, they would be able to see."[205]

Although Lawrence never found out the identity of his abductors, nor the exact place in which he was held, his testimony, especially the questions concerning the funders of the protests, mirrors that of other individuals who claimed to have been in the custody of security agencies.[206]

The notion that protesters are mobilized and paid by politicians, in particular opposition figures, appears to have been used by the state to divert attention from the economic underpinnings of the protests. Even though mobilizing and/or encouraging people to protests is not a criminal offence, the state has responded to this through coercion, harassment and intimidation. One way through which this has been done has been to withdraw the security details of MPs associated with protests or the opposition generally,[207] despite the Parliamentary Service Act mandating government to provide security to MPs.[208]

For instance, during the Parliamentary debate of 4 May 2023 regarding the *Sufuria* protests on the cost of living, opposition MPs alleged that the security details of four governors and three opposition members of parliament had been withdrawn by the government.[209] Defending the security withdrawal, the parliamentary majority leader stated that the security of opposition MPs had been withdrawn because they had organized protests without notifying the police.[210] The High Court later declared the arbitrary withdrawal of the governors' security to be unconstitutional.[211] The CS of interior[212] and the then deputy

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[202] Kenya, National Assembly, *The Hansard*, 13 August 2025, https://hansardna.parliament.go.ke/server/api/core/bitstreams/a7adb8a3-cb21-47a1-a4a6-baf1d705a390/content, p. 18.
[203] Interviews in person with Ken and Bilson on 5 June 2026, Kajiado, Don and Benjamin on 5 April 2026, Kisumu..
[204] Not real name
[205] Interview in person with Lawrence on 5 June 2026, Kajiado.
[206] Interviews in person with Ken and Jedidah on 5 June 2026, Kajiado.
[207] Star, "Kindiki: MPs Whose Bodyguards were withdrawn can talk to us", 28 September 2023, https://www.the-star.co.ke/news/2023-09-28-kindiki-mps-whose-bodyguards-were-withdrawn-can-talk-to-us/
208 Kenya, Parliamentary Service Act, 2019, sections 38 and 39.
[209] Kenya, National Assembly, *The Hansard,* 4 May 2023, Https://Hansardna.Parliament.Go.Ke/Server/Api/Core/Bitstreams/602f47a4-E61f-44b7-A4ad-A1ff0ebd19ee/Content, pp. 9-10.
[210] Kenya, National Assembly, *The Hansard,* 4 May 2023, (Previously cited), p. 9.
211 High Court at Nairobi, *Owino v. Inspector General of the National Police Service & another; Ayacko & 4 Others (Interested Parties),* Case KEHC 7120 (KLR), Judgment, 29 May 2025. MISSING LINK
212 Star, "Kindiki: MPs Whose Bodyguards were withdrawn can talk to us", 28 September 2023, https://www.the-star.co.ke/news/2023-09-28-kindiki-mps-whose-bodyguards-were-withdrawn-can-talk-to-us/

president[213] confirmed that the security of opposition leaders would only resume if they stopped the demonstrations.

VIOLATION OF THE RIGHT TO PEACEFUL ASSEMBLY

The testimonies in this research and documentary analysis from the KNCHR, IPOA and media reports illustrate that the 2023-2025 economic protests were peaceful. In Nairobi the protestors were chanting "we are peaceful"; some carried the Kenyan flag. Protesters interviewed for this research explained that their intention was either to submit petitions and memoranda to the authorities or to express their displeasure at new tax proposals and other economic measures. Despite the peaceful nature of the protests, the authorities repressed these protests through various authoritarian means, including unnecessary and excessive use of force, which violated both domestic and international laws. The excessive use of force also resulted in fatalities.

UNLAWFUL KILLING OF PROTESTERS

Repression of protests during the 2023-2025 demonstrations were characterized by unlawful killings, resulting from the excessive use of force. The KNCHR reports that 31 deaths occurred during the 7 July, 2025 (Sabasaba) demonstrations[214] and 19 fatalities during the 25 June 2025 demonstrations.[215] In total, KNHCR reports 99 cases of deaths related to protests between July 2023 and July 2025.[216] Although the Commission does not attribute all the deaths to the police, human rights organizations, including Human Rights Watch,[217] Amnesty International,[218] Independent Medico-Legal Unit,[219] and Law Society of Kenya[220] have extensively condemned the police for killing protesters. Widespread reports by local[221] and international media[222] also blamed the police for the shooting of protesters while the UN urged Kenya police to avoid using lethal force [resulting in the death of protesters] and only resort to such force when strictly necessary in order to protect life or prevent serious injury from an imminent threat.[223] IPOA also noted that between January and June 2024, it received 66 cases of deaths resulting from police action and 33 cases of death in police custody.[224] The Authority also reported that between July and December 2023, it received 121 cases of deaths, of which 96 resulted from police action including shooting and 25 occurred in police custody.[225] Although the reports do not directly attribute these to protests, the timing coincides

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213 Citizen Digital, "Gachagua: Security detail for Azimio leaders to be reinstated after three months", 30 July 2023, https://citizen.digital/article/gachagua-security-detail-for-azimio-leaders-to-be-reinstated-after-three-months-n324532

214 KNCHR, ''KNCHR Update on the Saba Saba 2025 Demonstrations'', 8 July 2025, https://www.knchr.org/Articles/PgrID/2432/PageID/4/2432/ArticleID/1080/Default

215 KNCHR, ''KNCHR UPDATE ON THE 25TH JUNE 2025 DEMONSTRATIONS'', 28 June 2025, https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1230/KNCHR-UPDATE-ON-THE-25TH-JUNE-2025-DEMONSTRATIONS

216 KNCHR, ''KNCHR Update on the Saba Saba 2025 Demonstrations'', 8 July 2025, https://www.knchr.org/Articles/PgrID/2432/PageID/4/2432/ArticleID/1080/Default; KNCHR, ''KNCHR UPDATE ON THE 25TH JUNE 2025 DEMONSTRATIONS'' 28 June 2025 https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1230/KNCHR-UPDATE-ON-THE-25TH-JUNE-2025-DEMONSTRATIONS; KNCHR, ''Update on the Status of Human Rights in Kenya during the Anti-Finance Bill Protests, Monday 1st July, 2024',' 1 July 2024, https://www.knchr.org/Articles/PgrID/2432/PageID/7/2432/ArticleID/28/Default; KNCHR, ''Human Rights Violated and Crisis Ignited Unrests With Tragic Consequences: Urgent Action Needed'', 13 July 2023, https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1165/Press-Release-Human-Rights-Violated-and-Crisis-Ignited-Unrests-With-Tragic-Consequences-Urgent-Action-Needed; KNCHR, ''Upholding Constitutional Rights During Demonstrations'', 8 July 2023, https://www.knchr.org/Articles/PgrID/2432/PageID/10/ArticleID/1240

217 Human Rights Watch, ''Kenya: Events of 2025'' https://www.hrw.org/world-report/2026/country-chapters/kenya#b1c340

218 Amnesty International, ''Kenya 2025'', https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/kenya/report-kenya/

219 Independent Medico Legal Unit, *Silenced but Unbowed: Youth, Protests, and The Quest for Accountability in Kenya,* 2026, https://www.imlu.org/wp-content/uploads/2026/06/Silenced-But-Unbowed-Report.pdf

220 Law Society of Kenya, In Search of an Answer (previously cited).

221 Daily Nation, ''50: Protests death toll is more than just a number as a nation devours its children',' 17 July 2024, https://nation.africa/kenya/news/anti-government-protests-death-toll-hits-50--4692522#story

222 Al Jazeera, ''Killed 'by those meant to protect': Kenyans outraged by police violence'', 9 July 2025, https://www.aljazeera.com/features/2025/7/9/killed-by-those-meant-to-protect-kenyans-outraged-by-policeviolence#:~:text=We%20will%20do%20Seven%20Seven,Nationwide%2C%2031%20people%20were%20killed; BBC, ''They aimed to kill' - BBC identifies security forces who shot Kenya anti-tax protesters'', 28 April 2025, https://www.bbc.com/news/articles/c8jexr9yv0do

223 UN Office of the High Commissioner for Human Rights, ''Kenya: Deaths during protests deeply concerning'', 25 June 2025,https://www.ohchr.org/en/press-releases/2025/06/kenya-deaths-during-protests-deeply-concerning

224 IPOA, ''Performance Report January - June 2024'', https://www.ipoa.go.ke/frontAssets/uploads/resources/1741084024040325.pdf

225 IPOA, ''Performance Report July - December 2023'', 30 May 2024, https://www.ipoa.go.ke/frontAssets/uploads/resources/1741082751040325.pdf

with a period of high levels of protests. The reports however do not explain the fate of the cases or status of any investigations.

Human Rights Watch and Amnesty International Kenya observed that the 2023 cost of living protests, that ran sporadically from March to July 2023 resulted into at least 31 fatalities and attributed these to the excessive use of force by police.[226] The report indicates that;

"…between March and July 2023, at least 31 people were killed due to police use of unnecessary or excessive force, involving both lethal ammunition and so-called less lethal ammunition such as rubber bullets. They include 26 people who were shot (24 men and 2 women); 2 children who died following police use of tear gas in residential areas; and 3 men beaten to death by police."[227]

Despite widespread reporting of excessive use of force resulting into death of protesters, there has been limited accountability by the state.[228]

The use of excessive force, resulting in death is both a violation of international[229] as well as domestic laws[230] that protect the right to life. At the same time, killing of protesters violates the regional[231] and international principles and guidelines[232] on policing assemblies.

ABDUCTIONS, ENFORCED DISAPPEARANCES AND INCOMMUNICADO DETENTIONS

To suppress protests, the government resorted to abductions, incommunicado detentions and enforced disappearances of protest leaders and mobilizers. Amnesty International interviewed three protesters who were abducted by individuals suspected to be state agents during 2023-2025 protests, as well as five others who were originally picked up by people who did not identify themselves, detained in unknown locations, and later presented to various courts by police officers.

Benjamin[233] was abducted in 2024; he explained that his abductors accused him of organizing the 2023 and 2024 economic and Finance Bill protests in Kisumu and wanted to know who was funding or helping him to organize the protests. He described the circumstances of his abduction:

"I was going home. At the flyover, some people started chasing us with a motorbike specifically targeting me. They pinned me down, ransacked me and by the time I was getting up a car had already appeared and they put me in. I was taken to an unknown place and locked for a night. The following day at around 11am they stripped me naked and dumped me in a room in the middle of Chemelil sugar plantation. It's a huge plantation scheme that is being run by the factory. With the help of the community, I later found my way [home]."[234]

When asked whether his abductors were police officers, Benjamin did not know. He described the location of his detention, emphasizing that whoever the abductors were, they did not take him to an official location or police station:

"It was not a police station; it was just a room that looked like a store. It was not even being utilized. There were no people in that area. It was a very secluded place. I pulled myself to a small window and saw sugarcane – that's when I knew it was in the middle of a sugarcane plantation. Even by the way they were driving so fast, I could feel the road was rough. I had guessed that we had taken the Mamboleo route that is being constructed at

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[226] Human Rights Watch and Amnesty International Kenya, *''Unchecked Injustice" Kenya's Suppression of the 2023 Anti-Government Protests''*, 25 November 2024, https://www.hrw.org/report/2024/11/25/unchecked-injustice/kenyas-suppression-2023-anti-government-protests
[227] Human Rights Watch, ''Unchecked Injustice'' (previously cited).
[228] Human Rights Watch, ''Kenya: Justice Overdue for 2023 Protest Abuses'', 25 November 2024. https://www.hrw.org/news/2024/11/25/kenya-justice-overdue-2023-protest-abuses
[229] Article 6 of the ICCPR.
[230] Article 26 of the Constitution of Kenya, 2010.
[231] African Commission on Human and Peoples' Rights ''Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa'', 4 March 2017, https://achpr.au.int/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa
[232] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement
[233] Not real name
[234] Interview in person with Benjamin, protest organizer, 5 June 2026, Kisumu.

the moment. I could also tell from the short distance that we drove the following morning to where they dumped me, it was not that far. It was an abandoned house. The floor was very dusty."[235]

Ken[236] from Kajiado county was also abducted and detained by unknown individuals. He told Amnesty International that before detaining him, the abductors drove him around Nairobi and its environs and finally dropped him in a room where he said he was repeatedly beaten by security agents.[237] This constitutes torture under international law.[238] He was later released without any formal charges.

Jedidah, a protester in Rongai in June 2025, was abducted by unknown individuals who later turned out to be police officers:

"When I reached QuickMart supermarket, someone grabbed me and showed me my picture on their phone and asked me if I am Jedidah, I said yes. He then took my phone. There were familiar men and women nearby. I knew them so I called them by name because I was being taken away by people who I did not know. I told them that I had been taken by a Subaru. ...They took my phone and started saying that I was tough headed. They took me to Karura Forest. They asked me if I knew the place. They asked me to tell them where the guns were. I asked them which guns. They said that the other day, during the protest, a police officer was beaten in Rongai [town outside Nairobi] and his gun was stolen. I told them I didn't know about the gun; I wasn't even in the demonstrations, but even if I was how can trained police be beaten and robbed of his gun? They told me that since I was tough headed, they would kill me. They had a gunny bag [sack] which they put on my head. I told them that the best thing was that the place where they arrested me had M-Pesa [mobile money service] shops and a supermarket, which have CCTV and because they came without covering their faces, they were all captured. If they hurt or kill me, people would know. They then told me that they will just torture me until I tell them where the gun is. I told them no problem. From there they were talking to me, and I was quiet all along."[239]

From Karura Forest, Jedidah was taken back to Rongai where another protest organizer was abducted and subjected to acts of torture and ill-treatment:

"They were looking at something that looked like a phone, and they could see the movement of my other protest organizer that they also wanted to arrest. We went back to Rongai and found him in a certain back street. They took him and beat him thoroughly. He was really beaten. They put him in the boot of the car. They really mishandled him."

With the head of the other protester covered with a gunny bag (sack), the two were driven around Nairobi city all day, with stops at multiple locations, including Langata Police Station parking area, Jamhuri Showground, and Greenhouse parking area along Ngong Road. They were eventually detained at Rongai Police Station. Jedidah was subsequently charged with "dispossessing a police officer of a firearm" and "robbery with violence". After more than a year, the case was dropped by court after the prosecution failed to produce any witnesses.[240]

Abduction as an authoritarian practice appears also to have been used as a means to elicit the loyalty of senior government and political figures. Relatives and associates of senior government and political figures who were deemed to be either lukewarm about their support for the government or generally opposed to it suffered the same fate as protesters. For example, Leslie Muturi, son of then CS for the Ministry of Public Service and Human Capital Development, Justin Muturi, was abducted and later released by unknown individuals in the week leading up to the tabling of the 2024 Finance Bill in parliament.[241] The same applied to Gabriel Oguda, a policy analyst in the Office of the Minority Leader. Although he was later found to have been arrested by the police but held incommunicado, the then minority leader, Opiyo Wandayi, raised a missing person case about him and highlighted the wider issue of rampant abductions, incommunicado detention and enforced disappearance in relation to the economic protests. In the debate on the Finance Bill 2024 on 18 April 2024, he explained:

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[235] Interview in person with Benjamin, protest organizer, 5 April 2026, Kisumu.
[236] Not real name.
[237] Interview in person with Ken, protest organizer, 5 June 2026, Kajiado.
[238] Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
[239] Interview in person with Jedidah, Protest organizer, 5 June, 2026, Kajiado
[240] Interview in person with Shadrack Wambui, lawyer on 8 June 2026, Nairobi.
[241] Star, "CS Muturi's full statement to DCI on son's abduction", 14 January 2025, https://www.the-star.co.ke/news/2025-01-14-cs-muturis-full-statement-to-dci-on-sons-abduction; he referenced this in his subsequent statements regarding his problems with the president in the Cabinet. Justine Muturi, X post: "I did not abscond, Ruto fired me over my stand on extrajudicial killings", 2 April 2025, https://x.com/HonJBMuturi/status/1907402294204756225

"Mr Oguda called me, but my phone calls were jammed. I could not make or receive calls until about 6.30 this morning. In the ensuing period, those persons broke the gate of Mr Oguda's compound, went further to break his door and abducted him. As I speak, we do not know the whereabouts of Mr Oguda, who is an officer in the Office of the Honourable Leader of the Minority Party. He is an officer who is supposed to make our work possible. We do not take it lightly that this is happening on the eve of this very special day [of discussing the budget proposal]. To further explain, the persons who abducted Mr Oguda are not known, even though in his phone call to me at 2.20am, he indicated that they were policemen. We have looked in all police stations in Nairobi and its environs, but he is nowhere to be seen. We do not know whether they killed him or they are holding him somewhere incommunicado. We do not know."[242]

The above cases are only a sample of those who were abducted and later found alive. According to the KNCHR, 74 cases of enforced disappearance were reported in the aftermath of the 2024 protests,[243] and a further 15 cases of enforced disappearance were reported following the June 2025 protests.[244] In the parliamentary debate about the 2024 protests of 25 June 2024, the minority leader read out a list of seven social media influencers who had been picked by unknown individuals.[245] Incidentally, all seven were active mobilizers in the protest movement.

The incommunicado detention of protesters in unofficial facilities was widespread. Advocates Gloria Kimani,[246] Shadrack Wambui[247] and Wanjira Wanjiru,[248] all of whom have represented protesters in court, agreed that such detentions make it difficult to find detained persons or hold perpetrators to account and therefore violate international law.

ARBITRARY ARREST AND DETENTION

Amnesty International interviewed 36 individuals from five counties who had been arrested by police, or abducted by people suspected to be security agents, during and after the 2023, 2024 and 2025 protests.[249] Fourteen stated that they were never given any reasons for their arrests. Five said that the reasons given at the point of arrest differed from the formal charge presented in court.[250] Of the 36, only 11 were formally charged and released on cash bail by the courts. The bail fee was often paid by civil society organizations such as the TISA and Defenders Coalition while representation was done by pro-bono advocates.[251] The others were detained and later released without charge. The period of detention ranged from a few hours to three days. In some cases, detainees were held for longer than 24 hours before being taken to court. Although such delays did not automatically constitute constitutional violations, particularly where arrests occurred before weekends or public holidays, some interviewees alleged that police deliberately made arrests on a Friday in order to prolong their detention.

All 36 interviewees who had been arrested and/or detained reported being mistreated during or after arrest. Common complaints included denial of food, threats of harm, being driven around the city while handcuffed or held in uncomfortable positions (including in vehicle boots), being pushed or shoved into police vans, being placed in overcrowded police vans, and physical assault. Samuel, a protester in Nairobi, narrated that during the initial phases of the 2024 protests in Nairobi, he was arrested together with others when they tried to submit a petition to parliament. He was taken to Nairobi Central Police Station. He

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[242] Kenya, National Assembly, *The Hansard,* 20 June 2024, https://hansardna.parliament.go.ke/items/10470ca5-dd91-467d-a47f-305f8e924af7, Mr. Oguda was later found alive, p. 2.
[243] KNCHR, *The State of Human Rights in Kenya: Assessing the Progress Made and Areas of Concern, July 2023 – November 2024,* 2024, https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1207/STATE-OF-HUMAN-RIGHTS-IN-KENYA-JULY-2023-NOVEMBER-2024, pp. 6 and 15.
[244] KNCHR, "KNCHR update on the 25th June 2025 demonstrations", 27 June 2025, https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1230/KNCHR-UPDATE-ON-THE-25TH-JUNE-2025-DEMONSTRATIONS
[245] Kenya, National Assembly, *The Hansard*, 25 June 2024, https://hansardna.parliament.go.ke/server/api/core/bitstreams/3e5d4fa6-1010-4a63-9801-5e40fe31b6df/content
[246] Interview in person with Gloria Kimani, lawyer, 12 June 2026, Kilimani.
[247] Interview in person with Shadrack Wambui, 26 June 2026, Nairobi.
[248] Interview in person with Wanjira Wanjiru, 12 June 2026, Kilimani.
[249] Interviews in person with protesters in) Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[250] Interview in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[251] Interviews in person with protesters, Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.

reported that he was not given any food during his stay at the station. Instead, he relied on food that was donated by his "comrades" and civil society organizations that visited him. [252]

In all the 36 cases, the abductors or arresting officers told the protesters that they were acting on "orders from above". These "orders" were never formally communicated or officially documented, as required by law. In four cases, including in Jedidah's mentioned above, the arrested individual noticed that the police were in constant communication with those who allegedly gave the orders. When asked about the concept of orders from above, the interviewees indicated that they suspected that the orders came from senior security officials in the Ministry of Interior, senior police officers or senior political leaders.[253] These claims are consistent with recent instances where at least four senior police officers were charged with instructing or failing to stop junior officers from using excessive force against protesters.[254]

MILITARY DEPLOYMENT TO PROTESTS

International law requires that if and when deployed to police protests, which is envisioned only in limited circumstances, the deployment of the military should be temporary, proportional, accountable, legal and subject to civilian command.[255] Kenya has historically maintained a safe distance between civil affairs and the military, but, on 25 June 2024, the government gazetted the deployment of military forces to police the protests without the required parliamentary approval. Approval of the decision was only sought in a hurriedly convened parliamentary sitting the following day – after public and civil society outcry.[256] It was only after a court intervention that the state was ordered to gazette the terms of the deployment.[257]

None of the interviewees mentioned any interaction with the military on the streets, but the deployment served to further entrench an environment of public fear and uncertainty. It is also worth noting that the deployment was to all 47 of Kenya's counties, including counties and regions where protests were minimal or non-existent, in violation of the principle of proportionality. Furthermore, deployment "until normalcy is restored" was open-ended, subject to abuse, vague and disproportionate because it allowed the state the discretion to decide the length of deployment.[258] For instance, on 18 March 2025, the CS for Defence told parliament that the government was still open to military deployment on the streets, subject to the June 2024 gazette notice, if the protests recurred.[259]

VIOLENCE AGAINST PROTESTERS BY PRIVATE ARMED INDIVIDUALS

In response to the increasing prevalence of authoritarian practices, civil society organizations filed numerous petitions relating to the police response to the protests. Accordingly, court orders were obtained against the assault of protesters,[260] misuse of tear gas/water cannons and other weapons,[261] and the use of unmarked vehicles and face covering by police officers during protests.[262] Other protest-related judgments

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[252] Interview with Samuel, protest leader, 5 June 2026, Kajiado.
[253] Interviews in person with protesters Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[254] Amnesty International Kenya, "'Orders from above' is gangrene to Kenya", 7 October 2024, https://www.amnestykenya.org/orders-from-above-is-gangrene-to-kenya/; High Court at Nairobi, *Republic & 3 Others v. Titus Yoma & 18 Others; Independent Medico-Legal Unit & 2 others (Interested Parties)*, Case KEHC 151 (KLR), Judgment, 18 January 2024. https://www.bing.com/ck/a?!&&p=6c9e53c1c09ee16544f59213ea5f2b748a80644ea67a81065d6d1ad568c2019eJmltdHM9MTc5MjAyMjQwMA&ptn=3&ver=2&hsh=4&fclid=0d0b6a4d-0d97-624c-1b07-7eb60c776378&psq=Republic+%26+3+Others+v.+Titus+Yoma+%26+18+Others%3b+Independent+Medico-Legal+Unit+%26+2+others+(Interested+Parties)%2c+Case+KEHC+151+(KLR)%2c+Judgment%2c+18+January+2024&u=a1aHR0cHM6Ly9uZXcua2VueWFsYXcub3JnL2Frbi9rZS9qdWRnbWVudC9rZWhjLzIwMjQvMTUxL2VuZ0AyMDI0LTAxLTE4L3NvdXJjZQ The ODPP has dropped cases against eight police officers and retained charges against four.
[255] Amnesty International Kenya and International Commission of Jurists, "Human rights-based guidelines on the deployment of the Kenya Defence Forces in the context of protests in Kenya", 27 June 2024, https://www.amnestykenya.org/human-rights-based-guidelines-on-the-deployment-of-the-kenya-defence-forces-in-the-context-of-protests-in-kenya/
[256] Eastleigh Voices, "National Assembly approves military deployment to help quell anti-tax protests", 26 June 2024, https://eastleighvoice.co.ke/national/53827/national-assembly-approves-military-deployment-to-help-quell-anti-tax-protests
[257] High Court at Nairobi, *Law Society of Kenya v. Attorney General & 4 Others*, Case KEHC 7702 (KLR), Judgment, 27 June 2024, https://new.kenyalaw.org/akn/ke/judgment/kehc/2024/7702/eng@2024-06-27
[258] Kenya Gazette, *Gazette Notice 7868,* 28 June 2024 https://new.kenyalaw.org/akn/ke/officialGazette/gazette/2024-06-28/94/eng@2024-06-28
[259] Standard, "Why KDF will still be back on the streets in case of violent protests", 20 March 2025, https://www.standardmedia.co.ke/national/article/2001514238/why-kdf-will-still-be-back-on-the-streets-in-case-of-violent-protests
[260] High Court at Nairobi, *Kanchory v. Inspector General of the National Police Service & 5 Others*, Case KEHC 13792, Judgment, 30 September 2025. https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/13792/eng@2025-09-30
[261] High Court at Nairobi, *Kanchory v. Inspector General of the National Police Service & 5 Others* (previously cited).
[262] High Court at Nairobi, *Law Society of Kenya v. Kithinji & 5 Others; Katiba Institute & Another (Interested Parties)*, Case KEHC 7957 (KLR), Judgment, 30 April 2025; IPOA, *Monitoring Report on Police Response to Protests – June and July 2025*, July

have been against incommunicado detentions, for habeas corpus, and to enforce the accountability of the Inspector General of the National Police Service (IG) for police brutality during the protests.[263] As of June 2024, the IPOA had filed 136 cases against police officers in different courts about various forms of police misconduct, including those relating to the police response to the protests.[264] Human rights violations by police officers have become a regular topic of debate in parliament and the media. The security agencies have been condemned by the diplomatic community,[265] civil society organizations[266] and constitutional oversight bodies such as the IPOA and KNCHR.

Following these legal declarations and condemnations, the appearance of armed non-state actors, colloquially called "goons", has increased in protests. The term "goons" is used to refer to private armed individuals who infiltrate protests, potentially having been hired by someone to do so.[267] The *Hansard* reports highlight accusations by both the government and opposition politicians against each other on the use of private armed individuals.[268] However, Amnesty International was unable to determine their political orientation. The Ministry of Interior has issued statements confirming the involvement of private armed individuals in protests.[269] Members of the opposition[270] and civil society groups have accused the state of sponsoring private armed individuals to intimidate civil society, invade civil society premises, disperse protests and invade anti-government press conferences.[271]

The state has failed to prevent private armed individuals from interfering with peaceful protests, as obligated by domestic and international law. The presence of private armed individuals at the protests and their instigation of violence appear to have been used by the police as a pretext to supress the protests.[272] At the same time, protester testimonies reveal that the police did nothing to stop the violent actions of these individuals. Overall, this benefits the state narrative about the violent nature of the protests and helps perpetuate authoritarian practices.

At some protests, these armed individuals presented themselves as counterprotesters. In these instances, such as in the 2023, 2024 and 2025 protests, the police used this as an excuse to use force to separate the two groups. Members of the Mathare and Kibera Social Justice Centres, who participated in all the protests, told Amnesty International that they often met armed individuals patrolling the streets with sticks during protests, frequently in view of the police.[273] The IPOA confirmed this in their 2025 monitoring report.[274] The state appears to be condoning violence by these groups, thereby instilling fear in the protesters; 26 interviewees said that they were now hesitant to participate in protests due to fear of the private armed individuals.[275] Three protesters interviewed said that their parents had discouraged them from participating in protests due to the fear of being harmed by private armed individuals.[276]

2025, https://www.ipoa.go.ke/frontAssets/uploads/resources/Monitoring_Report_on_Policing_of_the_June_and_July_250724_103648.pdf, p. 6.

[263] High Court at Nairobi, *Law Society of Kenya & 3 Others v. Inspector General of Police & 4 Others* (previously cited).

[264] IPOA, *Performance Report January – June 2024*, 2024, https://www.ipoa.go.ke/frontAssets/uploads/resources/1741084024040325.pdf, p. 9.

[265] East African, "Kenya protests: Diplomats warn against masked police, goons," 24 June 2025, https://www.theeastafrican.co.ke/tea/news/east-africa/kenya-protests-diplomats-warn-against-masked-police-goons-5093890

[266] Human Rights Watch, "Kenya: Security forces abducted, killed protesters", 5 November 2024, https://www.hrw.org/news/2024/11/06/kenya-security-forces-abducted-killed-protesters

[267] Citizen, "Kenya's goons: A world of political violence and desperation", 15 July 2026, https://citizen.digital/article/kenyas-goons-a-world-of-political-violence-and-desperation-n386494

[268] Kenya, National Assembly, *The Hansard*, 18 June 2025, https://hansardna.parliament.go.ke/server/api/core/bitstreams/07af825b-0a21-4ea0-9ec9-267bd60466ee/content; Kenya, National Assembly, *The Hansard*, 9 April 2026, https://hansardna.parliament.go.ke/server/api/core/bitstreams/58d52e91-ae17-419d-963e-00c9848e500c/content; Kenya, National Assembly, *The Hansard*, 26 June 2025, https://hansardna.parliament.go.ke/server/api/core/bitstreams/f52899c1-4cb8-4c9b-989a-df145ddd43db/content

[269] Citizen Digital, "We will deal with goons indiscriminately, without fear – Murkomen", 1 December 2025, https://citizen.digital/article/we-will-deal-with-goons-indiscriminately-without-fear-murkomen-n373841

[270] Kenya Election Tracker, "Gachagua accuses Ruto allies of using 'goons' to disrupt politics", 11 April 2026, https://www.kenyaelectionstracker.com/news-article/818; People Daily, "Caroli Omondi accuses state of using plainclothes officers as goons", 14 July 2026, https://peopledaily.digital/inside-politics/caroli-omondi-accuses-state-of-using-plainclothes-officers-as-goons

[271] Amnesty International Kenya, "Joint statement by the Police Reforms Working Group and the Law Society of Kenya", 19 May 2026, https://www.amnestykenya.org/joint-statement-by-the-police-reforms-working-group-and-the-law-society-of-kenya/

[272] Interview by video call with Diana Gichengo, Executive Director of TISA, 11 June 2026 and interview in person with Shadrack Wambui, lawyer, 8 June 2026, Nairobi.

[273] Interviews in person with protesters in Kiambu on 3 June 2026 and Nairobi on 22 April 2026.

[274] IPOA, *Monitoring Report on Police Response to Protests* (previously cited).

[275] Interviews with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.

[276] Interview in person with Shiko, in Kiambu on 3 June 2026; Maria and Njeri interviewed in Dandora-Nairobi on 22 April 2026

In some instances, private armed individuals claimed to be part of the "business community",[277] seeking to protect their businesses against alleged other private armed individuals, while at other times they infiltrated protests, destroyed property and engaged in other acts of violence. There have also been instances where they reportedly operated alongside the police and meted out violence against protesters.[278] In its report on the 2024-2025 protests, the IPOA noted unknown individuals carrying whips during protests,[279] confirming the presence of private armed individuals.[280] On 12 June 2026, private armed individuals invaded and dispersed a civil society event that was intended to discuss the 2026 Finance Bill at the All-Saints Cathedral in Nairobi.[281] The KHRC, which has previously been invaded by private armed individuals,[282] called it "organized state-enabled terror against citizens exercising their constitutional rights and a chilling regression towards dark-era police-state tactics."[283]

Three lawyers, who represented protesters during trials, reported that their clients encountered private armed individuals during the protests.[284] Three individuals who were assaulted during protests stated that they were beaten by private armed individuals, often within sight and hearing of the police. Juliet[285], a protester from Kisumu, explained:

"We were having a press [conference] with media people at the Taifa grounds [in Kisumu] next to the government premises. When we were about to deliver the statement, we had not even read our petitions, we saw goons coming. We didn't know they were coming for us. So, they pushed from all sides to where we were, all the media people took their devices and ran away. As for m,e they spotted me easily because I was wearing a branded cap, so I ran and entered the gate to the government premises and hid there. There were four policemen in uniform; when the five goons armed with clobbers [club-like weapon] followed me to where I was, they said, 'She is here.' I asked, 'What have I done?' Then they said [that] we are the ones who have mobilized Gen Z protests, they held me on both sides and beat me up. My hand was in pain; it cannot support anything well currently. I still have marks and injuries. I even lost my phone and my purse."[286]

Another victim of violence by private armed individuals in Kajiado explained:

"We had branded ourselves to protest for someone who had been shot during the previous protest. Then one guy who had covered his face told me to tell the others to get rid of the flag and get away from the place because we were being followed by goons… On the day of the protests, we were almost stabbed to death. We were not even 50 people in the protests. It was a peaceful walk. The Officer Commanding Police Station [OCS] was near us. All of sudden many young people carrying sticks and stones came by. I told the OCS that those were goons because they had sticks, but he did nothing. When the goons started throwing stones, even the OCS was hit."[287]

States have an obligation to act against private individuals who violate human rights. The UNHRC emphasizes this:

"[T]he positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights… There may be circumstances in which a failure to ensure Covenant rights as required by Article 2 would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private

[277] Nyakundi Report, "Nairobi business community sends warning to Azimio supporters as Ruto, Raila showdown intensifies", 2 February 2023, https://nyakundireport.com/nairobi-business-community-sends-warning-to-azimio-supporters-as-ruto-raila-showdown-intensifies/
[278] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[279] IPOA, *Monitoring Report on Police Response to Protests* (previously cited).
[280] IPOA, *Monitoring Report on Police Response to Protests* (previously cited), p. 6.
[281] KHRC, "Grave concerns over continued intimidation, harassment, and attacks against the civic space in Kenya", 15 July 2026, https://khrc.or.ke/press-release/grave-concerns-over-continued-intimidation-harassment-and-attacks-against-the-civic-space-in-kenya/
[282] Police Reform Working Group, ''Attack on Press Conference at Kenya Human Rights Commission Office'' https://khrc.or.ke/attack-on-khrc/#div_block-841-4629
[283] KHRC, "Grave concerns over continued intimidation" (previously cited).
[284] Interviews in person with Gloria Kimani in Nairobi on 12 June 2026, Shadrack Wambui on 8 June 2026 and Wanjira Wanjiru on 12 June 2026.
[285] Not real name
[286] Interview in person with Juliet, 5 June 2026, Kisumu.
[287] Interview in person with protester, 5 June 2026, Kajiado.

persons or entities… States Parties have to take positive measures to ensure that private persons or entities do not inflict torture or cruel, inhuman or degrading treatment or punishment on others."[288]

The involvement of non-state actors in the intimidation of the media, opposition and civil society, as well as the toleration of their use to manage politics in Kenya generally, is a violation of international law[289] and the Constitution, which obligate the state to protect the rights to life, dignity, freedom and security of person, obligations which require the State to take positive action to respond to third parties that undermine these rights, such as protecting protestors from armed individuals.[290]

The fact that private individuals were armed during protests and attacked protesters, often in sight and hearing of police, shows potential complicity by the state. All interviewees who were subjected to violence by the private armed individuals during protests accused the police of aligning with or protecting the private armed individuals.[291] Seven interviewees claimed that the private armed individuals were affiliated with politicians, often on both sides of the political divide.[292] Amnesty International found that the involvement of private armed individuals in protests was rampant in Kiambu, Kisumu and Nairobi, where research interviews were conducted. Joseph[293] from Mathare slums in Nairobi noted that certain people he considers to be private armed individuals recorded threatening TikTok videos that explicitly identify them, yet no action has been taken.[294] Despite numerous statements by the police and the Ministry of Interior,[295] the state has failed to take any meaningful action against these individuals. This confirms a potential failure to fulfil its obligations to guarantee security of the person under domestic[296] and international law.[297]

INFORMATION CONTROL

TECHNOLOGY AND UNLAWFUL SURVEILLANCE

For the purposes of this report, Amnesty International considers surveillance to be unlawful where it is conducted in violation of domestic laws and procedures governing the use of surveillance. Surveillance may also be unlawful when undertaken in accordance with domestic legal procedures, if it is used in ways that contravene international human rights law and standards, including those contained in the ICCPR, to which Kenya is a state party. Under international law and standards, interferences with privacy (or other human rights) are permissible only when they meet the requirements of legality, necessity and proportionality, and for a legitimate purpose. Thus, surveillance undertaken for the purpose of targeting protesters and human rights defenders for their work of defending human rights is unlawful under international human rights law and standards, regardless of whether it complies with the requirements of domestic legislation.

Amnesty International interviewed eight respondents who stated that they had been subjected to unlawful surveillance by the state. Methods used included online surveillance, including surveillance of WhatsApp groups and X; physical surveillance, including surveillance of residences and the homes of parents and other relatives; as well as mobile phone surveillance. This surveillance is facilitated by the retrogressive Computer Misuse and Cybercrimes (Amendment) Act, which the KNCHR considers to be unconstitutional for failing the legal test of legality, clarity, and proportionality. It is thus enabling arbitrary enforcement and

288 UNHRC, General Comment 31, 24 March 2004, UN Doc. CCPR/C/21/Rev.1/Add.13, para. 8.
289 International Covenant on Civil and Political Rights (ICCPR), Article 21.
290 UNHRC, General Comment 37, 2020, UN Doc. CCPR/C/GC/37; African Commission on Human and Peoples' Rights, *Guidelines on Freedom of Association and Assembly in Africa*, 2017, https://achpr.au.int/en/special-mechanisms-reports/guidelines-freedom-association-and-assembly-africa/, para. 94.
291 Interviews in person with Juliet in Kisumu on 5 April 2026, Jedidah in Kajiado on 5 June 2026 and Diana in Nairobi on 22 April 2026.
292 Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
293 Not real name
294 A number of them identify with the *nom de guerre* "Goon Z" on social media.
295 Citizen Digital, "Police will not tolerate goons and political violence – Murkomen", 23 August 2026, https://citizen.digital/article/police-will-not-tolerate-goons-and-political-violence-murkomen-n388863; Police Reforms Working Group, "Right to protest: Police must stop violence, act on goons", 4 July 2024, https://khrc.or.ke/press-release/right-to-protest-police-must-stop-violence-act-on-goons/; Eastleigh Voices, "DIG Lagat dismisses claims of gangs taking over Kenya, says Nairobi 'generally safe'", 26 August 2026, https://eastleighvoice.co.ke/news/393828/dig-lagat-dismisses-claims-of-gangs-taking-over-kenya-says-nairobi-generally-safe
296 Kenya, Constitution of Kenya, 2010, Article 29.
297 UNHRC, General Comment 31, 24 March 2004, UN Doc. CCPR/C/21/Rev.1/Add.13, para. 8.

violating Article 33 of the Constitution, which enshrines freedom of expression.[298] It is on the above basis that the Court of Appeal has since struck out sections 22 and 23 of the Act because these sections risked "criminalizing satire, opinions and journalistic inaccuracies".[299]

Prominent protest figures and social media influencers reported receiving threatening messages from unknown persons following their conversations in WhatsApp groups and on X.[300] This includes interviewee Patrick[301], a Kenyan social media influencer in the diaspora, who has brought to light corruption cases, actively mobilized and posted pictures of police brutality on social media during the 2024 protests, and coordinated solidarity protests at Kenyan embassies abroad. He mentioned that after failing to threaten him into silence, the people he believed to be security agents resorted to surveillance of his parents.[302] They also sent him numerous messages on X threatening to kill his mother. He explained that they installed what he believed to be listening devices on the rooftop of his parents' house and that they regularly parked their vehicles near the house to harass them. Eventually these "agents" turned their attention to Patrick's friends and business associates; he explained that they tracked them through M-Pesa transactions:

"In Kenya, they checked my bank account, how much I had, and my transactions. They went as far as checking my M-Pesa transactions and checking the individuals to whom I used to send significant amounts of money. I remember they summoned a friend of mine with whom we used to do some business. We used to buy and sell second hand cars while I was in Kenya. They first called him. The DCI [Directorate of Criminal Investigations] guy who called him was from Kasarani Police Station, saying that he would like to meet him for investigation purposes. My friend, being aware of my situation and knowing very well that we were close, asked him what kind of investigation he was conducting. He was not able to explain; he just said, 'Come, I will explain when we meet.' Luckily, my friend also had a friend who was a DCI officer, and he inquired more about the DCI who had called him. He was informed that the DCI was investigating me and that he [my friend] was just involved because of the M-Pesa transactions. My friend did not appear [at the police station]; the DCI guy then went for him at his car yard along Ngong Road. On their arrival, they used their gadget that is connected to NTSA [National Transport and Safety Authority], which gives the car's number, its engine, and other related details. They inspected all the cars that were parked in the garage and asked him if all the cars were his. They said that they were investigating a stolen car. In that investigation process, my friend recognized one of the DCI officers and told him, 'I know you.' The officer was scared since most DCI officers prefer to remain anonymous. After that incident, they promised to return but never returned... Eventually, we decided that I should step down from being a director in this company because the more I stayed, the more they would be victimized because of me."[303]

Patrick's experience reflects that of another social media influencer, Everlyne.[304] Following intense surveillance and threats against her life, a civil society organization opted to place her in a safe house. She believed that by tracking her phone, security agents located her apartment and visited it to look for her. She explained:

"I was actively running a small business selling chips under the footbridge in Kware. When you are operating a business right under a footbridge along a main road, you are completely exposed. The DCI agents – I still firmly believe they were DCI – used to come around frequently. They would park their unmarked cars at a nearby petrol station, walk over to my stall, and pretend that they wanted to buy chips. They didn't actually want food. Because I already knew I was being followed, I would often open the business and leave an assistant in charge. My staff would later tell me, 'Lately, we are seeing unfamiliar faces lingering around here.' It extended to my residence as well. My caretaker called me and said, 'Lately, there are strangers coming here demanding access to this building, and we don't know what they want.' I asked him to show me the CCTV footage. When we reviewed the cameras, we saw men wearing masks to cover their faces. That is when I knew definitively that I was being tracked. At one point, my phone started misbehaving, which prompted me to get a clean secondary phone. I left my primary phone and my official registered SIM card inside the house, and I left the building carrying only the alternative phone, which had no digital footprint tied to my name. It was registered under my father's name.

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[298] KNCHR, *The State of Human Rights in Kenya: Assessing the Progress Made and Areas of Concern, December 2024 – December 2025,* 2025, https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1240/STATE-OF-HUMAN-RIGHTS-IN-KENYA-DEC-2024-DEC-2025-CHAIRPERSON%e2%80%99S-ADDRESS%2021

[299] Court of Appeal at Nairobi, *Bloggers Association of Kenya (BAKE) v. Attorney General & 6 Others*, Case KECA 430 (KLR), Judgment, 6 March 2026, https://blog.bake.co.ke/wp-content/uploads/2026/03/Cybercrimes-Appeal-Case-Judgement-2026.pdf, para. 142.

[300] Interviews in person with Joel on 29 June 2026 in Nairobi, Everlyne on 12 June 2026 and Jane on 4 June 2026 in Nairobi

[301] Not real name

[302] Interview by video call with Patrick, 2 June 2026.

[303] Interview by video call with Patrick, 2 June 2026.

[304] Interview in person with Everlyne, 12 June 2026, Kilimani.

When they tracked my primary phone, they thought I was inside the house, but I wasn't. At some point, I stopped sleeping at my house entirely. I remember the night they started abducting and kidnapping activists in June 2024; I didn't sleep at my place. Someone anonymous on Twitter [X] had warned me, saying, 'I don't want to reveal my identity, but I have a strong feeling you should not sleep at your residence tonight.' I left my phone there, knowing that if they were tracking me, they would head straight to my house. I went to sleep at a friend's place along Thika Road."[305]

Five activists informed Amnesty International that due to "constant" unlawful digital and physical surveillance, they had to relocate from the city to their villages or other locations and stay there until they felt safer.[306] Two reported that they had to change their phones or phone numbers because they believed their original phone/phone number had been bugged or was being tracked.[307] One protester believed that security agents tracked his phone conversations with his friends and business associates, identified and located them, and warned them against associating with him.[308]

Jedidah described how, having detained her, security agents used a gadget to track and eventually arrest her fellow protest organizer in Rongai.[309] She explained that she observed them doing this when she was in the car (with the security agents). A similar account was given by Lawrence who believed that security agents tracked his phone to locate his apartment and arrest him in Kitengela.[310] Another protest organizer shared that he had several phones that he put in different locations to confuse the security agents who were trying to track his movement using his cell phone signals.[311] He said that on one occasion security agents visited two of those locations but did not find him.

Carolyne, who had to relocate to the town of Nanyuki due to unlawful, "constant" surveillance, explained:[312]

"One person that I know to be a government agent tweeted, 'If you see Carolyne on the streets, burn her.' Our Social Justice Centre did not take it lightly, so they put out a statement saying that if anything happens to me, the Government of Kenya is to blame. In 2025 during the protest, I am somewhere in a car in the CBD [Central Business District of Nairobi] hiding from police and I turn and I see him – the same guy who had tweeted that if you see Carolyne on the streets burn her – so I felt very at risk … That evening, I feared sleeping in my house. I went to another friend's house because it has tighter security, somewhere in Westlands… Later, I had to leave the city. I went to Nanyuki to hide for about a week until things calmed down. I also had to get a new phone. I was unreachable for a whole week, and I told important people that I will not be available because this incident happened and I feel like I am not safe. I believe I was being tracked."

Seven civil society actors informed Amnesty International that because of their support for protests and opposition to certain clauses of the finance bills, they believed that they were "constantly" under unlawful state surveillance.[313] In a recent media statement condemning the continued surveillance and intimidation of the TISA and other organizations, 193 civil society organizations endorsed the following statement:

"Since early June 2026, TISA's Executive Director, Diana Gichengo, has been subjected to a continued pattern of intrusive surveillance and road harassment by tinted Subaru and Prado vehicles, including repeated tailing along routes she regularly uses to and from work. This came shortly after she was informed that individuals close to a well-known government official had been making inquiries about her, on the basis of TISA's public finance management accountability work. On Thursday, July 2, 2026, at least 13 suspected state security officers in four Subarus attempted to gain entry into the TISA offices. Operating entirely outside of legal procedures, the men aggressively demanded the identification and surrender of 'the lawyer' who works at TISA."[314]

Concerns that opposition to the finance bills (which are generally tabled in June) could trigger protests has meant that June to July in particular have been months of increased surveillance; unlawful surveillance

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[305] Interview in person with Everlyne, 12 June 2026, Kilimani.
[306] Interviews in person with five activists in Kiambu on 3 June 2026 and Nairobi on 22 April 2026
[307] Interview in person with Kwamboka and Mburu on 3 June 2026.
[308] Interview by video call with Patrick, 2 June 2026.
[309] Interview in person with Jedidah, 5 June 2026, Kajiado.
[310] Interview in person with Lawrence, 5 June 2026, Kajiado.
[311] Interview in person with Joel, 29 June 2026, Nairobi.
[312] Interview in person with Carolyne, protest leader, 4 June 2026, Karen, Nairobi.
[313] Interviewed in person in Nairobi on 5 April 2026; interview by video call with Diana Gichengo, Executive Director of TISA, 11 June 2026.
[314] Amnesty International Kenya, "Grave concerns over continued intimidation, harassment and attacks against the civic space in Kenya", 13 July 2026, https://www.amnestykenya.org/grave-concerns-over-continued-intimidation-harassmentand-attacks-against-the-civic-space-in-kenya/

tactics have persisted up to the publication of this report.[315] According to one civil society activist,[316] the now-annual commemoration of the 2024 protests (25 June), coupled with Madaraka Day (Republic Day on 1 June) and *Sabasaba*[317] have increased the state's fears of unrest leading to heightened surveillance and intimidation over this period.

Civil society organizations and protest organizers have suspected telecommunication company Safaricom of working with the government to track protesters, organizers, civil society groups and lawyers.[318] In a recent case, *David Ooga Mokaya v. State Law Office and Director of Criminal Investigation*, the accused was charged with publishing false information about the president.[319] Asked how he had located the student, the investigative officer informed the court that Safaricom had provided a live location to trace the accused without a court order.[320] This is not an isolated event: the media,[321] the Kenya ICT Action Network,[322] and civil society organizations[323] have long suspected telecommunication companies of unlawful conduct. Human rights defenders have previously told Amnesty International that they believe the government located them through phone data provided by Safaricom.[324] In response to Amnesty International's findings, Safaricom said that the company only shares customer data through lawful means and for lawful purposes and that their systems are not designed to track the live location of subscribers.[325] It is against this background that Daniel Mokaya sought orders from the High Court to stop Safaricom from sharing his telephone data and live location with security agencies and police.[326] A similar case was filed by the LSK.[327] The LSK case alleges "warrantless extraction, processing, and use of digital and subscriber data; unlawful disclosure of subscriber information by Safaricom PLC; failure by state agencies and regulators to comply with and enforce constitutional and statutory safeguards; and the entrenchment of an unconstitutional surveillance architecture through informal administrative data requests".[328] The petition seeks declaratory relief, conservation and preservation orders, and broader systemic remedies in the public interest. By September 2026, the case was awaiting trial.

PRESS CENSORSHIP AND DIGITAL AUTHORITARIAN PRACTICES

PROTEST LIVE BROADCAST BANS AND INTERNET SHUTDOWNS

During the 2023 and 2024 protests, the media undertook live coverage of protest activities across the country. This coverage not only helped to showcase the scale and nature of protests but also involved a critical analysis of both the government's management of the circumstances leading up to the protests and the policing of the protests. In response to this coverage, the ruling party, the United Democratic Alliance (UDA), and the president accused the media of bias and propagating "fake news".[329] In 2023, the

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[315] Interview by video call with Diana Gichengo, Executive Director of TISA, 11 June 2026; Amnesty International Kenya, "Grave concerns over continued intimidation, harassment and attacks" (previously cited).
316 Interview in person with Irungu, 29 April 2026, Nairobi.
[317] *Sabasaba* is an annual commemoration of the pro-democracy protests of 7 July 1990. It is held on 7 July in Kenya. On 7 July 1990, thousands of Kenyans demanded an end to one-party rule under President Daniel Arap Moi and called for the restoration of multiparty democracy.
[318] KHRC and MUHURI, "Open letter to Safaricom PLC on alleged breaches of customers' data privacy", 15 November 2024, https://khrc.or.ke/news/open-letter-to-safaricom-plc-on-alleged-breaches-of-customers-data-privacy/
[319] High Court of Kenya , *David Ooga Mokaya v. State Law Office and Director of Criminal Investigation and 2 Others*, Case HCCHRPET/E126/2026. MISSING LINK
[320] Daily Nation, "Safaricom gave student's data to police without court orders, over post about President Ruto", 9 September 2025, https://nation.africa/kenya/news/safaricom-gave-student-s-data-to-police-without-court-orders-over-post-about-president-ruto--5186004#story
[321] Daily Nation, "Exclusive: How Kenyan police use mobile phones to track, capture suspects", 29 October 2024, https://nation.africa/kenya/news/exclusive-how-kenyan-police-use-mobile-phones-to-track-capture-suspects-4804416#story
[322] KICTANet, "No data protection laws in Kenya: How Kenyan Police, CA, and Safaricom use mobile phones to track, capture suspects", 29 October 2024, https://posts.kictanet.or.ke/no-data-protection-laws-in-kenya-how-kenyan-police-ca-and-safaricom-use-mobile-phones-to-track-capture-suspects-3/
[323] KHRC and MUHURI, "Open letter to Safaricom PLC on alleged breaches of customers' data privacy" (previously cited).
[324] Amnesty International Kenya, *"This Fear, Everyone is Feeling It": Tech-Facilitated Violence against Young Activists In Kenya*, Index: AFR 32/0471/2025, 18 November 2025, https://www.amnesty.org/en/documents/afr32/0471/2025/en/
325 Amnesty International Kenya, *"This Fear, Everyone is Feeling It"* (previously cited), p. 68.
[326] High Court, *David Ooga Mokaya v. State Law Office and Director of Criminal Investigation and 2 Others*, Case HCCHRPET/E126/2026. MISSING LINK
[327]High Court, *Law Society of Kenya v. Safaricom Plc and Directorate of Criminal Investigations and 40 Others*, Case HCCHRPET/E161/2026. MISSING LINK
[328] Email correspondence with the LSK, 25 June 2026.
[329] The ruling Uda Party has accused media of bias, misinformation, sensationalism and politically motivated reporting for criticizing the government; Uda "Uda party statement on media accountability and responsible journalism", 3 July 2026, https://uda.ke/2026/07/03/uda-party-statement-on-media-accountability-and-responsible-journalism/; Standard, "Ruto warns diaspora against social media fake news, defends economic agenda", 21 April 2026, https://www.standardmedia.co.ke/national/article/2001545879/ruto-warns-diaspora-against-social-media-fake-news-defends-economic-agenda

Communications Authority of Kenya censured and threatened to revoke the licences of media companies that broadcast the protests as they did in 2018, when media outlets were shut down for airing an opposition rally.[330] In reaction to this, the Kenya Editors Guild and civil society organizations filed a High Court petition against the Communications Authority.[331] The court, in a robust protection of the Constitution, quashed the authority's directive arguing that it violated the right to freedom of expression, freedom of peaceful assembly and freedom of the press.[332] Following the court order, the Authority did not stop live broadcasts or revoke any licences. During the 2025 protests, however, the authority stopped the live broadcast of protest activities.[333] In demonstration of an authoritarian practice in the digital space,[334] the Authority shut down the internet for seven hours during the 2024 protests.[335] Freedom House's report about internet freedom states that of the 72 countries surveyed, Kenya recorded the highest drop in ranking due to the internet shutdown in 2024.[336] One journalist interviewed recounted how when they ignored the orders against live broadcast, the Authority's officials disabled their transmission lines, disrupting their broadcast:

"First, we had the Communications Authority of Kenya write to us. They wanted us to stop live broadcast. And we said we are governed by the law, so if there is a law that we have breached, you write it down and tell us. But many of these people don't like writing things down, so we didn't basically comply with that verbal order. They threatened that they would hand us over to the Interior Ministry. We still did not comply. They then went to our transmission stations in Limuru and literally just ordered our people to yank out the transmission cables and the TVs went off."[337]

This disruption continued even after the broadcasters obtained court orders against it. Amnesty International Kenya condemned this action.[338]

TEAR GAS, ASSAULT AND SHOOTING OF JOURNALISTS WITH RUBBER BULLETS

Journalists have not been spared from the unlawful police responses to the protests in Kenya. Amnesty International spoke to six journalists who reported cases of police misuse of weapons against journalists.[339] These included targeting journalists with water cannons, confiscation of equipment, physical assault,[340] orders to delete footage,[341] using tear gas against journalists and even rubber bullet shots aimed at them. For instance, on 30 April, 2025, the ODPP reported that it had received a file on the case of journalist Dominic Wanjala Mutua who was allegedly hit by a teargas canister while covering protests on 18 June 2024.[342] The current status of the case is unknown given that the ODPP statement indicates that the file was referred back to IPOA. Cases of arbitrary arrest and detention of journalists during protests have

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[330] High Court at Nairobi, *Law Society of Kenya v. Director General, Communications Authority of Kenya & 3 Others; Royal Media Services Limited & 2 Others (Interested Parties)*, Case KEHC 7346 (KLR), Judgment, 3 July 2026. MISSING LINK
[331] High Court at Nairobi, *Republic v Chiloba, Director General Communications Authority of Kenya; Katiba Institute & 5 others (Exparte Applicants)* Case KEHC 23791 (KLR), Judgment, 19 October 2023. MISSING LINK
[332] High Court at Nairobi, *Republic v Chiloba, Director General Communications Authority of Kenya* (previously cited).
[333] Citizen Digital, "Communications Authority orders stop to live broadcasts of June 25 protests", 25 June 2025, https://citizen.digital/article/communications-authority-orders-stop-to-live-broadcasts-of-june-25-protests-n365216; Amnesty International Kenya, "Statement on the Communications Authority's directive to halt live broadcast of protests and potential shutdown of the internet for 56 million Kenyans", 25 June 2025, https://www.amnestykenya.org/statement-on-the-communications-authoritys-directive-to-halt-live-broadcast-of-protests-and-potential-shutdown-of-the-internet-for-56-million-kenyans/. The order was eventually quashed by the High Court but this came after the protests had died down; High Court at Nairobi, *Republic & 2 others v. Director General, Communications Authority Of Kenya & 2 Others; Kenya Union of Journalists & 2 Others (Interested Parties)*, Case KEHC 17496 (KLR), Judgment, 27 November 2025.MISSIN GLINK
[334] Strathmore University, "Technology-facilitated rights and digital authoritarianism: Examining the recent internet shutdown in Kenya", 9 August 2024, https://cipit.strathmore.edu/technology-facilitated-rights-and-digital-authoritarianism-examining-the-recent-internet-shutdown-in-kenya/
[335] KICTANet "Urgent concerns regarding internet shutdown in Kenya during the #Rejectfinancebill2024 demonstrations", 26 June 2024, https://www.kictanet.or.ke/urgent-concerns-regarding-internet-shutdown-in-kenya-during-the-rejectfinancebill2024-demonstrations/
[336] Freedom House, *An Uncertain Future for the Global Internet*, 2025, https://freedomhouse.org/report/freedom-net/2025/uncertain-future-global-internet
[337] Interview in person with a journalist, 22 June 2026, Nairobi.
[338] Amnesty International Kenya, "Statement on the Communications Authority's directive to halt live broadcast of protests and potential shutdown of the internet for 56 million Kenyans" (previously cited).
[339] Interview by voice call with Zubeida Kananu, President of Editor's Guild, and Eric Oduor, President of Kenya Union of Journalists, 29 June 2026; interview in person with Joe Ageyo, NTV Editor in Chief, 22 June 2026, Nairobi; interview by voice call with Wanjeri, 29 June 2026; interview in person with James, 3 June 2026, Kiambu; interview in person with Kioko, 8 June 2026, Machakos.
[340] Citizen Digital, "Kenya Editors Guild condemns police assault on journalists covering Majengo clashes", 5 March 2025, https://citizen.digital/article/kenya-editors-guild-condemns-police-assault-on-journalists-covering-majengo-clashes-n358699
[341] Media Council Of Kenya, "Police must cease harassment of journalists and provide security during operations", 6 March 2025, https://mediacouncil.or.ke/sites/default/files/advisory-press-releases/Press%20Statement-%20Police%20Must%20Cease%20Harassment%20of%20Journalists%20and%20Provide%20Security%20During%20Operations.pdf
[342] ODPP, "status of files from IPOA on Gen Z protests of June, 2024" https://odpp.go.ke/wp-content/uploads/2025/07/Press-Statement-on-the-Status-of-Files-from-IPOA-on-Gen-Z-Protests.pdf P 1

also been reported.[343] According to both the Kenya Union of Journalists and the Kenya Editor's Guild, such strategies are calculated to cultivate fear among journalists and therefore limit press coverage of the protests.[344] The KNCHR in its 2025 report documented widespread beating of journalists with batons, manhandling, and confiscation and destruction of journalists' equipment by police during protests across the country.[345]

A general environment of fear, characterized by mass unlawful surveillance and arrest of protesters, has further endangered the safety of journalists. Protesters often try to limit their appearance in the media out of fear that the police will identify them from media footage and arrest them after the protests.[346] On this basis, they sometimes target journalists by throwing stones or other means of limiting journalists from covering them.[347]

One journalist who was shot with rubber bullets during a protest explained how the security agencies had told her friends that if she did not stop filming them during protests, they would harm her.[348] She ignored these threats. She was shot while filming the 2024 protests in Nakuru county, standing apart from the protesters among journalists and wearing a press vest. She had to undergo surgery to remove three rubber bullets that were stuck in her body She explained:

"There was a time some of the police officers who were using unmarked police vehicles had gone into one of the markets and unleashed tear gas in a *matatu*. It happened that I was the only one with my cameras capturing that demo[nstration] since my other colleagues were not around. I was capturing it live, so basically, it was live on air. So, when that happened, one of my colleagues from another media house was told by the police that she should warn me. I did not know what I did wrong, but I think it was just following them and giving live coverage of what they were doing to innocent Kenyans. I think this was around two to three weeks before I was shot. Little did I know that I was already a target. Only two or three weeks after that, during another protest [that] I was out covering, they aimed at me… It could never be a stray [rubber] bullet because where we were standing [apart], only journalists were there. When that happened, most of the media houses were [broadcasting] live coverage so they [security agents] saw it and came to target me. It was not a stray bullet."[349]

The case was widely reported because the journalist was shot live on-air during a protest. Her entire hospitalization was a media story. During the interview, the respondent explained her hospitalization after being shot. Two Journalists corroborated her story.[350] The IPOA have investigated the matter and told her that they had sent the investigation findings to the ODPP, who would then decide whether to charge the officers in question. At the time of this report's publication, the ODPP had yet to charge anyone over the shooting. Human Rights Watch reports that another journalist, Ruth Sarmwei-an NTV journalist, was shot with rubber bullets during the 2025 protests.[351]

In response to this hostility towards the media, the Kenya Editors Guild and the Kenya Union of Journalists organized a protest against the police attacks on the media, especially during the 2024 Gen Z protests.[352] Commenting about this protest, the president of the Editors Guild explained:

"Journalists are targeted and our equipment are destroyed… What we are seeing is that our journalists, when they are covering these events, they will be targeted by politicians, police or they will be targeted by the goons. So, we were demanding for action and accountability from the police because, even in 2023, three of our journalists were shot at using tear gas canisters by the police inside a car, and they were branded, everybody knew they were journalists, but this police officer attacked them while inside the car. They still bear the scars from that event. This police officer was captured on video. We could clearly see who it was, yet no action was

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[343] Media Council of Kenya, "Police must cease harassment of journalists and provide security during operations" (previously cited).
[344] Interview by voice call with Zubeida Kananu, President of Editor's Guild, and Eric Oduor, President of Kenya Union of Journalists, 29 June 2026.
[345] KNCHR, ''*The State of Human Rights in Kenya: Assessing the Progress Made and Areas of* Concern'' (previously cited), p. 20.
[346] Interview by voice call with Zubeida Kananu, President of Editor's Guild, and Eric Oduor, President of Kenya Union of Journalists, 29 June 2026.
[347] Interview by voice call with Zubeida Kananu, President of Editor's Guild, and Eric Oduor, President of Kenya Union of Journalists, 29 June 2026.
[348] Interview by voice call with Wanjeri, 8 July 2026.
[349] Interview by voice call with Wanjeri, 8 July 2026.
350 NTV, Facebook post: "The moment K24 journalist Catherine Wanjeri Kariuki was shot and injured by police while covering anti-government protests in Nakuru", 16 July 2024, https://www.facebook.com/NTVKenya/videos/the-moment-k24-journalist-catherine-wanjeri-kariuki-was-shot-and-injured-by-poli/1656786034889201/
[351] Human Rights Watch, ''Kenya; Events of 2025'', https://www.hrw.org/world-report/2026/country-chapters/kenya#b1c340
[352] Interview by voice call with Zubeida Kananu, President of Editor's Guild, 29 June 2026.

taken… You remember, even during the protest, an editor, a very well-known editor, was abducted while inside a police station? When we asked, they said it was mistaken identity."[353]

INTIMIDATION, HARRASMENT AND RESTRICTED COVERAGE OF STATE EVENTS

Amnesty International found that in many instances the state had limited media coverage of the protests by either restricting journalists' access to protest sites[354] or simply by erecting physical barriers.[355] Four journalists interviewed for this research reported that on several occasions they had faced direct intimidation or harassment by security agents, especially when covering what they called "sensitive stories" such as excessive use of force by police during protests or corruption.[356] The Media Council of Kenya reported that certain journalists who were perceived as critical to the state were barred from covering some state events.[357] Journalists from the Standard Group have reportedly been denied press access to State House and other presidential events. For example, on 7 May 2026, journalists from the Standard Group were allegedly barred from attending the 2nd Education Conference in Naivasha, presided over by the president, due to what State House officials considered "negative coverage of the government".[358] Similarly, they were reportedly denied entry to State House on 30 May 2025 to cover the visit by the Slovenian president, despite previous invitation.[359]

Restrictions on access to events by the Standard Group were followed by online attacks and intimidation, including by the president. On 24 June 2026, the president posted this attack on the Standard Group on X:

"GMoi[360], your STANDARD media's 5 days a week EXTORTIONIST propaganda HEADLINES on me & my administration's transformative track record will get you NOTHING & NOWHERE. BLACKMAIL to yield to your GREED? NEVER. Kenya belongs to all Kenyans, not you alone. Jaribu 8 days a week. Do your WORST." [361]

He repeated the same sentiments the following day, stating:

"Bro, the BILLIONAIRE you are; HIDING behind 'debts'; forcing many months' UNPAID labour slaving to defend your STANDARD headlines 'BOLD' extortion GANGSTERISM driven by GREED; is HEARTLESS to loyal workers, INSULT to journalism and BETRAYAL to free media that STANDARD once belonged."[362]

In his response to the president's tweets, the Standard Group Chief Executive Officer (CEO) stated:

"We take great exception to the president's characterization of our journalism. The post, which was condescending, attacked the very foundation of our journalism using language that falls short of the tone expected from the highest office in the land… When concerns about media work are expressed through public disparagement rather than through established channels, it raises legitimate questions about motives and the solidity of the environment in which the media is expected to operate…"[363]

Such criticism of the media is not unique to the president. The CS for Health has on several occasions chastised the media for reporting on corruption in his ministry and accused it of running blackmail and

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[353] The editor in question is Macharia Gaitho who was trailed and later arrested by plain clothes officers in 2024. No reasons were given for his arrest. Following public outcry, the police claimed it was a case of mistaken identity.
[354] Citizen Digital, "Kenya Editors Guild condemns police assault on journalists covering Majengo clashes" (previously cited).
[355] Interview in person with a journalist, 8 June 2026, Machakos.
[356] Interview in person with James, 3 June 2026, Kiambu; interview in person with Kioko, 8 June 2026, Machakos; interview by voice call with Wanjeri, 29 June 2026; interview by voice call with Zubeida Kananu, 29 June 2026.
[357] Media Council of Kenya, "MCK condemns assault and exclusion of journalists at state events", 1 June 2025, https://mediacouncil.or.ke/sites/default/files/advisory-press-releases/MCK%20CONDEMNS%20ASSAULT%20AND%20EXCLUSION%20OF%20JOURNALISTS%20AT%20STATE%20EVENTS%20%282%29.pdf
[358] Standard, "Standard journalist barred from Ruto event in Naivasha", 7 May 2026, https://www.standardmedia.co.ke/rift-valley/article/2001547225/standard-group-journalists-barred-from-covering-presidential-event-in-naivasha
[359] Standard, "Standard journalist denied entry to cover State House event", 31 May 2025, https://www.standardmedia.co.ke/national/article/2001520543/standard-group-journalists-denied-entry-to-cover-state-house-event
[360] The Moi family has a controlling interest in The Standard Group through S.N.G. Holdings Limited; GOV.UK, "Find and update company information: S.N.G Holdings Ltd", https://find-and-update.company-information.service.gov.uk/company/03159833/persons-with-significant-control
[361] President William Ruto, X post: GMoi, your STANDARD media's 5 days a week EXTORTIONIST propaganda HEADLINES on me & my administration's transformative track record will get you NOTHING & NOWHERE.BLACKMAIL to yield to your GREED? NEVER. Kenya belongs to all Kenyans,not you alone.Jaribu 8 days a week. Do your WORST", 24 June 2026, https://x.com/WilliamsRuto/status/2069674194795733169
[362] President William Ruto, X post: "Bro,the BILLIONAIRE you are;HIDING behind 'debts';forcing many months' UNPAID labour slaving to defend your STANDARD headlines 'BOLD' extortion GANGSTERISM driven by GREED;is HEARTLESS to loyal workers, INSULT to journalism and BETRAYAL to free media that STANDARD once belonged", 25 June 2026, https://x.com/WilliamsRuto/status/2070026029675016600
[363] Standard Digital, X post: "Press statement by The Standard Group Plc on the president's post on X", 24 June 2026, https://x.com/StandardKenya/status/2069803052215754785

propaganda against his ministry.[364] Regarding reports of corruption in the administration of the Social Health Authority, he asserted, "[n]o amount of propaganda or blackmail will deter us from fixing our healthcare system. We know saboteurs of the Social Health Authority have recruited several groups, including some sections of the media, to advance their agenda.''[365] Similar statements against the media were made by the then CS for Trade, who in June 2023 referred to the media as "prostitutes" for revealing an edible oil corruption scandal in his ministry.[366]

The chilling effect created by the harassment of the media has subsequently been worsened by the 1 September 2026 abduction of the Standard Group Associate Editor, Alex Kiprotich. The Standard Group reported that Kiprotich was abducted by individuals they believe to be state agents along the Gilgil-Nakuru Road and found nine hours later near Masinga Dam in Machakos county, more than 200 km away.[367] The Standard Group denounced the abduction as an attack on media freedom,[368] along with several civil society organizations, including the Defenders Coalition,[369] Amnesty International Kenya,[370] and the KHRC.[371] Responding to the abduction, the Media Council of Kenya noted that "[t]he impunity for crimes against journalists in the country and increasing cases of press freedom violations is a major concern for the council, which has repeatedly raised the matter with the relevant investigative agencies."[372] Human Rights Watch reports that at least five journalists were injured while covering protests in 2025.[373]

Harassment of the media has been even more intense on social media where both media personalities and media companies have been branded using derogatory terms such as "propagandists" or conveyors of "fake news".[374] Two journalists interviewed recounted that they had been subject to online harassment that they believe was pushed by state agents.[375] Such vilification and harassment of the media may be intended to influence the nature of their reporting. The president of the Editors Guild, Zubeida Kananu explained:

"There is an increase in insults directed at journalists often meant to demean them. You remember one Cabinet Secretary, who recently went to social media and called one of our media houses a brothel and all journalists prostitutes? When pro-government politicians keep referring to media houses as *githeri* [cooked mixture of maize and beans], media, fake media, sewage media, you know, massacre media; that has effect. It affects the credibility of these institutions. That is why the viewership keeps going down because it affects it to a huge extent, the trust that people have built in these institutions."[376]

PENDING BILLS, DENIAL OF ADVERTISEMENT AND THREATS TO WITHDRAW LICENCES

Estimates indicate that about 30% of advertisements in the media are traditionally from government agencies.[377] In 2015, the government set up the Government Advertising Agency.[378] The agency established the MYGov newsletter in 2017. The newsletter carries all government advertisement but is circulated

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[364] Star, "Duale hits back at media report on SHA, defends new health reforms", 7 August 2026, https://the-star.co.ke/news/2025-08-07-duale-hits-back-at-media-report-on-sha
[365] Star, "Propaganda won't stop healthcare reforms – Duale", 26 August 2025, https://staging.the-star.co.ke/news/2025-08-26-propaganda-wont-stop-healthcare-reforms-duale
[366] Committee to Protect Journalists, "Kenyan government minister Moses Kuria insults, threatens Nation Media Group", 21 June 2023, https://cpj.org/2023/06/kenyan-government-minister-moses-kuria-insults-threatens-nation-media-group/
367 Standard, "We refuse to play evil with evil: Standard Group CEO Mwita recounts Alex Kiprotich abduction", 2 September 2026, https://www.standardmedia.co.ke/national/article/2001556781/we-refuse-to-play-evil-with-evil-standard-group-ceo-mwita-recounts-alex-kiprotich-abduction
368 Standard, "Standard Group's Associated Editor Alex Kiprotich abducted", 2 September 2026, https://www.standardmedia.co.ke/national/article/2001556762/standard-groups-associate-editor-alex-kiprotich-abducted
369 Defenders Coalition, "Defenders Coalition condemns the abduction of prominent editor, Alex Kiprotich", 1 September 2026, https://defenderscoalition.org/press/defenders-coalition-condemns-the-abduction-of-prominent-editor-alex-kiprotich/
370 Amnesty International Kenya, "Abduction of journalist Alex Kiprotich threatens freedom of expression and media freedom", 2 September 2026, https://www.amnestykenya.org/abduction-of-journalist-alex-kiprotich-threatens-freedom-of-expression-and-media-freedom/
371 KHRC, "KHRC unequivocally condemns the unlawful and brutal abduction of Alex Kiprotich, associate editor at the Standard Media Group", 2 September 2026, https://www.linkedin.com/posts/pressstatement-ugcPost-7500782348582707200-hBxf/?utm_source=share&utm_medium=member_android&rcm=ACoAAAgwVbYBGG7jTP7cHeTZYZkOaAzPsPLrCG8
372 Media Council of Kenya, "MCK is perturbed by the daring abduction of The Standard Group editor, Alex Kiprotich", 2 September 2026, https://mediacouncil.or.ke/sites/default/files/advisory-press-releases/MCK%20IS%20PERTURBED%20BY%20THE%20DARING%20ABDUCTION%20OF%20THE%20STANDARD%20GROUP%20EDITOR%2C%20ALEX%20KIPROTICH.pdf
[373] Human Rights Watch, ''Kenya; Events of 2025'', https://www.hrw.org/world-report/2026/country-chapters/kenya#b1c340
[374] Interview in person with Joe Ageyo, NTV Editor in Chief, 22 June 2026; interview by voice call with Zubeida Kananu, 29 June 2026.
[375] Interview in person with Joe Ageyo, NTV Editor in Chief, 22 June 2026; interview by voice call with Zubeida Kananu, 29 June 2026.
[376] Interview by voice call with Zubeida Kananu, 29 June 2026.
[377] The Conversation, "How African governments use advertising as a weapon against media freedom", 18 April 2017, https://theconversation.com/how-african-governments-use-advertising-as-a-weapon-against-media-freedom-75702
[378] Kenya, Government Advertising Agency, "Background", https://gaa.go.ke/gaa-background (accessed on 30 September 2026).

through other media companies. Until 2023, the MyGov newsletter was printed and circulated by all the four leading media houses – the Daily Nation, Standard, Star and People Daily.[379]

Following sustained media's criticism of its authoritarian practices, including corruption and repression, the government launched an economic onslaught against the print and television media. What began as a means of reducing government advertising expenditure turned into a coercive mechanism of rewarding or punishing various media houses.[380] In January 2024, the government gave an exclusive contract for the printing and circulation of MyGov to the Star newspaper, therefore denying other media companies the revenue from government advertising.[381] In March 2024, it went further by restricting television advertising to the state-owned Kenya Broadcasting Corporation, to the exclusion of all other television stations.[382] This decision was, however, nullified by the High Court, which found that it was not only discriminatory to other media houses but also lacked adequate public participation.[383] It also held that the directive was a threat to media freedom[384] because it amounted to "a policy of economic exclusion that would weaken the private media, while facilitating creation of a monopoly in media which is a potential threat to media freedom because of possibility of creating a gatekeeping media."[385] One journalist interviewed for this research indicated that, in certain instances, the state buys airtime for an advertisement at a time when a critical guest or show is scheduled or otherwise tries to influence journalists or media houses to cancel the shows.[386]

The use of financial disincentive to curtail media freedom has been condemned by several agencies, including the Kenya Union of Journalists and the Kenya Editors Guild, as well as the Daily Nation.[387] As of April 2026, the government reportedly owed millions of Kenyan Shillings to Mediamax, Kenya Broadcasting Corporation, Standard Group, Nation Media Group and other media companies.[388] A supplementary budget proposal to pay KES 826 million (USD 6.4 million) to the media was "rejected" by parliament in April 2026.[389] This has created a harsh economic environment for media companies in Kenya, making it difficult for them to pay their employees and remit their statutory and regulatory dues, worsening their conflict with both their employees and the state regulatory and tax agencies.[390]

In its 2025 half year financial report, the Standard Group stated that "total revenue declined 24% year-on-year, primarily due to slowed government contracts and reduced advertising revenue. A government debt backlog exceeding seven years further limited our operational flexibility."[391] The Nation Media Group in its 2025 report and financial statement also highlighted government debt as a challenge to its liquidity.[392] The government's delay or refusal to pay money owed to media companies has not only threatened media freedom but also undermined its capacity to fulfil its contractual obligations to staff and service providers and to perform its media oversight roles.[393] Furthermore, due to the resultant budgetary constraints, some media companies have been unable to provide adequate protective equipment for their journalists while covering the protests.[394]

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[379] Business Today, "Star newspaper beats Nation and Standard to clinch Sh 360m gov't deal", 12 January 2024, https://businesstoday.co.ke/mygov-newspaper-star-beats-nation-and-standard-to-clinch-sh360m-govt-deal/
[380] Interview in person with Joe Ageyo, NTV Editor in Chief, 22 June 2026.
[381] Business Today, "Star newspaper beats Nation and Standard" (previously cited).
[382] High Court at Nairobi, *Law Society of Kenya v. Attorney General & another; Kenya Broadcasting Corporation (Interested Party)*, Case KEHC 3439 (KLR), Judgment, 20 March 2025. MISSING LINK
[383] High Court at Nairobi, *Law Society of Kenya v. Attorney General & another* (previously cited), paras 69-71.
[384] High Court at Nairobi, *Law Society of Kenya v. Attorney General & another* (previously cited), paras 74-78.
[385] High Court at Nairobi, *Law Society of Kenya v. Attorney General & another* (previously cited), para. 76.
[386] Interview by voice call with Eric Oduor, President of Kenya Union of Journalists, 29 June 2026.
[387] Interview by voice call with Zubeida Kananu, President of Editor's Guild, and Eric Oduor, President of Kenya Union of Journalists, 29 June 2026; Daily Nation, "Gagging by another name: How MPs voted to deny media houses Sh826 million in pending bills", 8 April 2026, https://nation.africa/kenya/news/politics/-mps-voted-to-deny-media-houses-sh826-million-in-pending-bills-5417140
[388] Capital FM Africa, "State seeks Sh853mn to clear media houses' pending bills", 13 March 2026, https://capitalfm.africa/state-seeks-sh853mn-to-clear-media-houses-pending-bills/
[389] Business Daily, "Blow to media houses as MPs reject Sh826m debt pay plan", 6 April 2026, https://www.businessdailyafrica.com/bd/economy/blow-to-media-houses-as-mps-reject-sh826m-debt-pay-plan-5414962; Daily Nation, "Gagging by another name" (previously cited).
[390] Interview in person with Joe Ageyo, NTV Editor in Chief, 22 June 2026.
[391] Standard Group, "Unaudited group results for the 6 month period ended 30 June 2025", 28 August 2025, https://www.standardmedia.co.ke/corporate/assets/announcements/unaudited_group_results_for_the_6_month_period_ended_30_june_2025.pdf
[392] Nationmedia Group, 2025 Integrated Report and Financial Statements, 4 June 2026, https://www.nationmedia.com/annualreport2025/.
[393] Standard, "No good reason for state not to pay media houses", 10 April 2026, https://www.standardmedia.co.ke/editorial/article/2001544951/no-good-reason-for-state-not-to-pay-media-houses
[394] Interview by voice call Eric Oduor, President of Kenya Union of Journalists, 29 June 2026; interview in person with Joe Ageyo, NTV Editor in Chief, 22 June 2026, Nairobi; interview by voice call with Zubeida Kananu, President of Editor's Guild, 29 June 2026.

The president of the Kenya Union of Journalists explained that many journalists have lost their jobs, resigned or been demoralized in their reporting due to non-payment or late payment of salaries.[395] Both Mediamax[396]and Nation Media laid off staff in 2024 and 2025 due to reduced revenue and economic challenges. The president of the Kenya Union of Journalists further noted that staff cuts and losses has forced most media companies to rely on new and often inexperienced journalists to cover protests.[397] It is on this basis that both the Kenya Union of Journalists and the Kenya Editors Guild have requested support from civil society in the capacity building of young journalists in protest coverage.

WEAKENING AND CONTROL OVER INSTITUTIONS

SUPPRESSION OF JUDICIARY AND IMPUNITY OF SECURITY AGENCIES

The executive, including the president and other senior government officials, has repeatedly resorted to narratives of blame, accusing the judiciary of being the stumbling block to Kenya's development agenda by issuing orders against government programmes, appointments and projects.[398] In typical authoritarian style, the judiciary has been portrayed as an enemy of the people – and the government.[399] In 2024, the LSK held protests over continued disobedience of court orders by the president[400] and the opposition threatened to do the same.[401]

The hostility towards the judiciary and disregard for court orders has permeated the entire executive. The resulting impunity has characterized the government's response to the public agitation for prudence in public finance management and fairness in taxation. However, the government's disregard for protest-related court orders has been the most pronounced. For example, in *Kanchory v. IG*, [Inspector General Of Police][402] the petitioner sought a declaration to stop police from using water cannons, tear gas, lethal ammunition and rubber bullets, and the deployment of excessive force or any form of violence against persons exercising their constitutional right to protest, especially regarding the Finance Bill 2024. Although the petition succeeded, the police have continued to violate the court order, as illustrated by the testimonies in Chapter 6 of this report.

Similarly, in *LSK v. Kithinji*,[403] the High Court held that the unchecked deployment of police officers with concealed faces and service numbers, as well as unmarked vehicles, in policing protests was unconstitutional:

"In order to ensure transparency, accountability and in order to uphold the rule of law, as it is their duty under the Constitution, the Respondents and all other police officers are mandated to wear their police uniforms for easier identification unless they fall under the specific exceptions outlined under Chapter 31 Regulation 22 of the National Police Service – Service Standing Orders, thus the officers serving under the command and control of the Respondents unnecessarily and unjustifiably wearing plain civilian clothes, balaclavas and using unmarked vehicles to illegally arrest individuals who were exercising their constitutional rights to protest, picket, demonstrate and petition amounted to a violation of the Constitution."

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[395] Interview by voice call Eric Oduor, President of Kenya Union of Journalists, 29 June 2026.
[396] Africa Trade Monitor, "Kenya's Mediamax to lay off undisclosed number of staff in latest job cuts in 2025", 16 July 2025, https://africatrademonitor.com/kenyas-mediamax/; Business Today, "Nation Media Group to sack hundreds of employees in fresh layoff", 9 February 2024, https://businesstoday.co.ke/nation-media-group-to-sack-600-employees-in-fresh-layoff/
[397] Interview by voice call with Zubeida Kananu, President of Editor's Guild, 29 June 2026.
[398] Star, "I'll not keep quiet, Ruto says as he sustains attack on judiciary", 7 January 2024, https://www.the-star.co.ke/news/2024-01-07-ill-not-keep-quiet-ruto-says-as-he-sustains-attack-on-judiciary
[399] Verfassungsblog, "How populist politicians are weakening the Kenyan judiciary", 12 March 2024, https://verfassungsblog.de/How-Populist-Politicians-Are-Weakening-The-Kenyan-Judiciary/
[400] Standard, "Lawyers to demonstrate against Ruto's attack on the judiciary", 11 January 2024, https://www.standardmedia.co.ke/national/article/2001488761/lawyers-to-demonstrate-against-rutos-attack-on-judiciary
[401] Capital FM Africa, "Raila threatens street protests if Ruto disobeys court orders", 12 January 2024, https://capitalfm.africa/raila-thretens-street-protests-if-ruto-disobeys-court-orders/
[402] High Court at Nairobi, *Kanchory v. Inspector General of the National Police Service & 5 others* (previously cited).
[403] High Court at Nairobi, *Law Society of Kenya v. Kithinji & 7 Others*, Case KEHC 7957 (KLR), Judgment, 30 April 2025. https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/7957/eng@2025-04-30

Despite this judgment, the IPOA,[404] LSK[405] and KNCHR[406] each documented, in separate reports, facial concealment, the use of unmarked cars and the failure to wear identification badges by police officers. Dismissing the judgment in *LSK v. Kithinji*, the CS for interior stated:

"On deployment of police officers, sometimes there has been judicial overreach. Courts have said that when deploying police officers to any operations, they must be seen and identified. Such decisions are made by judges in the comfort of their offices in Milimani with air conditioning."[407]

The CS's sentiments reflect the attitude of police officers policing protests. Seven interviewees stated that they were arrested by police in balaclavas, while three shared that they were put in unmarked cars.[408] The political impunity conveyed by the CS's statements has been reflected in the conduct of senior police officers. In the case of *LSK v. IG*,[409] the court sentenced the IG to six months' imprisonment for disregarding two habeas corpus orders, which had required him to produce three persons detained for protest-related matters. While sentencing the IG, the judge affirmed that "deliberate defiance of court orders breeds impunity, particularly when it is done by those entrusted with public power, as it is inconsistent with the purposes and objects of the constitution."[410] In a further show of impunity, the IG withdrew the judge's security detail after this judgment. Katiba Institute (a civil society organization) subsequently filed a case to restore the judge's security.[411] The court has since declared the IG's action to be unconstitutional and prohibited him from withdrawing the security details of a judge without prior consultation with the Judicial Service Commission because this undermines the independence of the judiciary.[412]

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[404] IPOA, *Monitoring Report on Police Response to Protests* (previously cited), p. 11.
[405] Law Society of Kenya, *In Search of an Answer* (previously cited).
[406] KNCHR, "Enforced disappearances, torture and other human rights violations following the 25th June 2026 protests marking the 2nd Anniversary of the 2024 Gen Z protests", 29 June 2026, https://www.knchr.org/Articles/Artmid/2432/Articleid/1258/Enforced-Disappearances-Torture-And-Other-Human-Rights-Violations-Following-The-25th-June-2026-Protests-Marking-The-2nd-Anniversary-Of-The-2024-Gen-Z-Protests
[407] Kenya, National Assembly, *The Hansard*, 13 August 2025.LINK?
[408] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[409] High Court at Nairobi, *Law Society of Kenya & 3 others v. Inspector General of Police & 4 Others*, Case KEHC 10634 (KLR), Judgment, 13 September 2024. LINK?
[410] High Court at Nairobi, *Law Society of Kenya & 3 others v. Inspector General of Police & 4 Others* (previously cited), para. 20.
[411] High Court, *Katiba Institute v. State Law Office*, Case HCCHRPET/E479/2024 (unreported).
[412] High Court at Nairobi, *Katiba Institute v. Inspector General of Police & 4 Others*, Case KEHC 13134 (KLR), Judgment, 20 August 2026. LINK?

HUMAN RIGHTS OBLIGATIONS

This chapter explores the range and extent of the Kenyan government's non-compliance with its civil, economic, political and social rights obligations – with respect to both the causes of the protests and the government's authoritarian response.

NON-COMPLIANCE WITH ECONOMIC AND SOCIAL RIGHTS OBLIGATIONS

The International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights and the Constitution of Kenya[413] set out the government's obligations in guaranteeing economic and social rights. As part of this duty, the government is obliged to devote the maximum of its available resources to progressively realize economic and social rights.[414] States are under an obligation to move as expeditiously and effectively as possible towards the full realization of economic and social rights.[415] Consequently, any deliberately retrogressive measures require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the ICESCR and in the context of the full use of the maximum available resources.[416]

The doctrine of minimum core obligations emphasizes that even where resources are limited, states are still obligated to guarantee at least a basic level of provision for everybody.[417] In this context, the protection of vulnerable members of society, such as children, has particularly been emphasized by the Committee on Economic, Social and Cultural Rights (CESCR).[418] At the same time, the duty of international cooperation and economic and technical assistance can support states to meet their obligations.[419] By failing to adequately address extreme poverty and inequality, which triggered street protests, Kenya has failed to fulfil its obligation under these provisions. In particular it did not take measures to cushion people living in poverty against the negative impact of fiscal policies, including regressive taxes, as highlighted in its own KNBS report.[420]

Article 11 of the ICESCR guaranteeing the right to food obligates states to protect people from hunger, as well as to improve methods of production, conservation and distribution of food ,including knowledge on nutrition.[421] The obligation to respect, protect and fulfil economic accessibility of food requires food to be affordable in a way that does not force people to forego other rights in order to access it.[422] Kenya failed to

[413] Kenya, Constitution of Kenya, 2010, Article 43.
[414] ICESCR, Article 2; Committee on Economic, Social and Cultural Rights (CESCR), General Comment 3: The Nature of States Parties' Obligations (Art. 2, Para. 1 of the Covenant), 14 December 1990, UN Doc. E/1991/23, para. 10.
[415] CESCR, General Comment 3 (previously cited).
[416] CESCR, General Comment 3 (previously cited), para. 9.
[417] CESCR, General Comment 3 (previously cited), paras 10 and 11.
[418] CESCR, General Comment 3 (previously cited), para. 12.
[419] ICESCR, Article 2.
[420] KNBS, *Poverty and Distributional Impacts of Fiscal Policy* (previously cited).
[421] ICESCR, Article 11(2).
[422] CESCR, General Comment 12: The Right to Adequate Food (Article 11), 12 May 1999, UN Doc. E/C.12/1999/5, paras 8 and 15.

take sufficient fiscal measures to guarantee access to affordable food for those who need it. The increase in food prices, coupled with the testimonies highlighted in this report, illustrates Kenya's failure to fulfil this right.

Kenya also has both a constitutional[423] and international law obligation to guarantee the right to the highest attainable quality of health for everybody. Specifically, the African Charter on Human and Peoples' Rights, the Constitution of Kenya [424] and the ICESCR[425] obligate the state to create conditions that ensure adequate medical services and treatment in the event of sickness.[426] Furthermore, the minimum core obligations regarding the right to health require states to ensure equitable distribution of all health facilities, goods and services. As noted in this report, however, the government failed to allocate adequate budgets for health financing, as required by the Abuja Declaration which urges African states to allocate 15% of their budgets to health. Despite KNBS reports[427] and reports by international organizations like UNDP[428] showing high levels of poverty and deprivation, the country underbudgeted for social protection of people living in poverty. One of the main reasons for this was the prioritization of resources towards debt repayments at the expense of health provision and social protection – a clear violation of Kenya's obligation under international and domestic law. For instance, table 3 shows how the health budget experienced a sharp decline in the period when the debt servicing increased exponentially (2022/2023, 2023/2024 and 2024/2025). The health budget did, however, start to increase marginally in 2025/2026 as the amount spent on debt servicing started to reduce.[429]

Government statistics show that 20.1 million people in Kenya (39.8% of the population) were living under overall poverty in 2022.[430] Despite this prevalence, the government's four social protection programmes[431] only reach a total of 1.9 million people.[432] Moreover, the monthly stipends given through the programmes (USD 15 for the first three categories and USD 21 for the Hunger Safety Net programme) fall below the overall poverty benchmark levels of USD 34 in rural areas and USD 62 in urban areas (see table 4). In this respect, the Kenyan government has failed to fully adhere to its obligations under Article 9 of the ICESCR.[433] In particular, it has failed the principle of adequacy that underpins social protection under international law.[434]

To address extreme poverty and inequality, Kenya is obliged under both international law [435] and the Constitution[436] to provide adequate levels of social security for all those who require it. The African Commission on Human and Peoples' Rights has highlighted that the right to social security encompasses the provision of "a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential healthcare, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education consistent with human life, security and dignity."[437] The CESCR has emphasized that this obligation encompasses adequate protection in cases of social risks, including healthcare, unemployment, disability and old age, while ensuring that it aligns to the principles of availability, adequacy, accessibility and equality, among others.[438] As demonstrated in this report, however, the government has prioritized allocating resources to service the country's debt repayments rather than fund its social protection needs. Rising poverty and inflation have meant that more and more people required social protection, yet budgetary allocations over the past three years have not met this growing demand. As such, Kenya has violated its respective obligations under both domestic and international law.

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[423] ICESCR, Article 43.
[424] ICESCR, Article 16.
[425] ICESCR, Article 12.
[426] ICESCR, Article 12.
[427] KNBS, *Poverty and Distributional Impacts of Fiscal Policy* (previously cited); KNBS, *The Kenya Poverty Report* (previously cited).
[428] UNDP, "Multidimensional Poverty Index 2025" (previously cited).
[429] Table 3 in this report.
[430] KNBS, *The Kenya Poverty Report* (previously cited).
[431] These are: Cash Transfer for Orphans and Vulnerable Children; Older Persons Cash Transfer; Persons with Severe Disabilities Cash Transfer; and Hunger Safety Net programmes. Within each programme beneficiaries receive a monthly stipend of USD 16 except in the Hunger Safety Net programme where beneficiaries receive USD 21. REF?
[432] Principal Secretary, State Department of Social Protection, "Poverty eradication, social protection, and social services", Speech delivered during the Sixty Ninth Session of the Commission on the Status of Women, 17 March 2025, https://www.socialprotection.go.ke/sites/default/files/press%20release/Final%20Statement%20by%20PS%20SDSP%20on%20poverty%20eradiction%2C%20social%20protection%20and%20social%20services%20at%2069CSW%2017.03.2025%20(1).pdf
[433] CESCR, General Comment 19: The Right to Social Security, 23 November 2007, UN Doc. E/C.12/GC/19.
[434] CESCR, General Comment 19 (previously cited), para. 22.
[435] ICESCR, Article 9; Convention on the Rights of Persons with Disabilities (CRPD), Article 28.
[436] Kenya, Constitution of Kenya, 2010, Article 43.
[437] African Commission on Human and Peoples' Rights, Guidelines and Principles on the Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights, adopted on 24 October 2011, para. 83.
[438] CESCR, General Comment 19 (previously cited), paras 210-29.

NON-COMPLIANCE WITH DEBT, TAX JUSTICE AND HUMAN RIGHTS FINANCING OBLIGATIONS

VIOLATIONS RELATED TO DEBT MANAGEMENT AND HUMAN RIGHTS FINANCING

The UN Independent Expert on the effects of foreign debt and other related international financial obligations has noted the negative impact of debt on human rights:

"States and other creditors, including independent fiscal institutions, should demonstrate that their proposed economic reform measures will realize, and not undermine, the human rights obligations of states. That implies a duty to carry out human rights impact assessments to evaluate and address any foreseeable effects (including in terms of direct or indirect discrimination) of their economic policies on human rights. The findings of human rights impact assessments should be used to inform debt strategies, debt relief programmes and restructuring negotiations."[439]

Although the Kenyan government has argued that its fiscal space is limited by debt servicing, the UN Guiding Principles on Debt and Human Rights state:

"Debtor states should ensure that their level of debt servicing is not so excessive or disproportionate relative to their financial capacity and other resources as to amount to a diversion of their resources away from the provision of social services to all persons living in their territory and under their jurisdiction, including those pertaining to economic, social and cultural rights."[440]

Therefore, both borrowing states and creditors have obligations to ensure that the process and result of debt transactions, including repayment, does not negatively impact on human rights and that both parties respect, fulfil and protect human rights, in particular socio-economic rights.[441] They must comply with the principles of transparency, responsibility, efficiency, effectiveness, fairness and justice, as well as the Guiding Principles on Human Rights Impact Assessments of Economic Reforms.[442] Kenya has failed to adhere to its obligation to balance debt servicing with its human rights obligations, including failing to conduct any human rights impact assessments before introducing regressive taxation; and the resulting negative impact of higher cost of living, in turn, induced the protests. The report of the UN Independent Expert further emphasizes:

"Where domestic resources are not sufficient to ensure the realization of those rights, states should seek international assistance. They should also mobilize resources by tackling tax evasion or avoidance; ensuring a progressive tax system, including by widening the tax base with regard to multinational corporations and the richest; improving the efficiency of tax collection; and reprioritizing expenditures to ensure, among other things, the adequate funding of public services."[443]

Notwithstanding debt obligations and other commitments, governments have an obligation to finance the fulfilment of human rights and to cushion the public from the negative impacts of any economic measures undertaken to pay debt. Illicit financial flows (IFFs) also remain rampant and continue to undermine domestic resource mobilization, resulting in missed revenue targets.[444] In 2025, Oxfam and the National Taxpayers Association estimated that the three main categories of IFFs (corruption, trade mis-invoicing and illicit goods) resulted in an annual loss of USD 3.8 billion.[445] Tax evasion is particularly widespread with Global Financial Integrity estimating that in 2018 Kenya lost approximately USD 907 million due to tax

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[439] UNHRC, Fiscal Legitimacy through Human Rights: A Principled Approach to Financial Resource Collection and Allocation for the Realization of Human Rights, 16 January 2024, UN Doc. A/HRC/55/54.
[440] UNHRC, Guiding Principles on Foreign Debt and Human Rights, 10 April 2011, UN Doc. A/HRC/20/23, para. 48.
[441] UNHRC, Guiding Principles on Foreign Debt (previously cited), Principle 2.
[442] UNHRC, Guiding Principles on Human Rights Impact Assessments of Economic Reforms: Report of the Independent Expert on the Effects of Foreign Debt and Other Related International Financial Obligations of States on the Full Enjoyment of Human Rights, Particularly Economic, Social and Cultural Rights, 25 February – 22 March 2019, UN Doc. A/HRC/40/57, paras 16-43.
[443] UNHRC, Guiding Principles on Foreign Debt (previously cited), para. 39.
[444] Global Financial Integrity, Concept of Illicit Financial Flows and Domestic Resource Mobilization, March 2025, https://www.nta.or.ke/wp-content/uploads/2025/05/CONCEPT-OF-ILLICIT-FINANCIAL-FLOWS.pdf, p. 15.
[445] Oxfam and National Taxpayers Association, *Study to Establish the Size of Kenya's IFFs*, 2025, https://www.nta.or.ke/wp-content/uploads/2025/09/Study-to-Establish-the-Size-of-Kenyas-IFFs.pdf, p. 38.

evasion.[446] The Oxfam and the National Taxpayers association report in 2025 put the figure at USD 1.4 billion.[447] The losses occasioned by IFFs equate to about 12% of the national budget, surpassing both the health and social protection budgets (see table 3). Thus, by not addressing IFFs and the resultant loss of revenue that could otherwise be used in funding the realization of human rights, Kenya is in violation of its domestic and international obligations. Furthermore, IFFs also lead to "external borrowing to compensate for lost revenue, exacerbating sovereign debt burdens."[448] This results in the government increasing taxes as the country struggles to repay the debt, creating a vicious cycle of increasing debt and taxation. Both the ICESCR[449] and the African Charter on Human and Peoples' Rights[450] obligate Kenya to guarantee social and economic rights even during situations of economic scarcity. By failing to reprioritize public expenditure and therefore underfunding health and social services (see table 3), the Kenyan government has failed to fulfil its obligations.

In relation to the country's debt repayment strategy, Executive Director of TISA Diana Gichengo highlights parliament's failure to hold the executive to account:

"During the Finance Bill formulation period, we highlighted that Kenya's biggest problem is not the fiscal framework. It's the fact that we do not respect the constitutional architecture for general separation of powers, but also for public finance management overall. We see debt crisis where we prioritize debt repayment over human rights and this is especially because parliament is a lapdog for the executive. And until parliament plays its role properly and becomes the ultimate holder of the Kenyan path, we will be far from realizing our reality. We also need to rethink our debt strategy and possibly restructure and not just be guided by economic principles that debt must be paid first before anything else.[451]

The doctrine of progressive realization of socio-economic rights obligates states to continuously improve the economic and social rights of their people, while minimum core obligations emphasize that despite resource limitations states are obligated to guarantee at least a basic level of provision for everybody, with a specific focus on the most marginalized and vulnerable.[452] According to the UN Guiding Principles on Foreign Debt and Human Rights, these obligations apply even during debt-induced austerity.[453] The CESCR particularly emphasizes the importance of protecting vulnerable members of society during economic adjustment or recession.[454] Furthermore, as noted in chapter 5, the government has failed to redistribute fairly the tax burden, resulting in a significant burden on those within the tax net, austerity measures and a widening gap between lower-income groups and the better off.

Debt transparency and public participation in debt management are constitutional requirements,[455] statutory requirements[456] and obligations under international law.[457] Urging governments to involve citizens in debt management, the UN Independent Expert on the effects of foreign debt highlights this:

"Transparency in budgeting and fiscal decision-making processes is essential for citizens to trust that their government is acting in their best interests. Where citizens participate in fiscal decisions, such as budget consultations through public participation and other similar forums, that plays a huge part in ensuring the legitimacy of a fiscal system."[458]

The legal obligations for debt transparency and the long-term push for increased debt transparency by civil society and the general public, as well as the World Bank, IMF and other lenders appears to be showing some progress. This has seen increasing visibility of the Public Debt Management Office, the launch of the government's debt management website,[459] increased parliamentary supervision over debt management,

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[446] Global Financial Integrity, *Kenya: Potential Revenue Losses Associated with Trade Misinvoicing*, October 2018, https://gfintegrity.org/wp-content/uploads/2018/10/GFI-Kenya-Potential-Revenue-Losses-Associated-with-Trade-Misinvoicing.pdf
[447] Oxfam and National Taxpayers Association, *Study to Establish the Size of Kenya's IFFs* (previously cited), p. 38.
[448] African Union, *The Common African Position on Debt*, March 2026, https://acetforafrica.org/?sdm_process_download=1&download_id=69260, p. 8.
[449] CESCR, General Comment 3 (previously cited), para. 11.
[450] African Commission on Human and Peoples' Rights, Guidelines and Principles (previously cited), paras 16-17.
[451] Interview by video call with Diana Gichengo, Executive Director of TISA, 11 June 2026.
[452] The Limburg Principles on the Implementation of the ICESCR (1986) further clarify the nature of this minimum core obligation. Protecting vulnerable members of society during economic adjustment or recession is particularly emphasized by the CESCR in General Comment 3 (previously cited).
[453] UNHRC, Guiding Principles on Foreign Debt (previously cited), paras 15-19.
[454] CESCR, General Comment 3 (previously cited), para. 12.
[455] Kenya, Constitution of Kenya, 2010, Articles 211-214.
[456] Kenya, Public Finance Management Act, 2012, sections 12, 66, 73 and 104.
[457] UNHRC, Guiding Principles on Foreign Debt (previously cited); UNHRC, Guiding Principles on Human Rights Impact Assessments of Economic Reforms (previously cited).
[458] UNHRC, Guiding Principles on Foreign Debt (previously cited), Principle 13b.
[459] MISSING INFO, https://pdmo.treasury.go.ke/ (accessed on 30 September 2026).

and the inclusion of debt management strategy in budget preparation processes. This research reveals, however, that these strategies, while positive, remain inadequate.

Nearly all respondents interviewed by Amnesty International highlighted that they either did not know much about the country's use of debt, did not benefit from its use, or were not convinced that the debt had been used appropriately. These sentiments are not without basis. In 2019, Kenya's Auditor-General conducted an audit of the country's largest debt – the USD 2 billion Eurobond (whose maturity in 2023-2024 triggered the austerities discussed in this report) – and concluded that "the utilization of the proceeds of the Eurobond could not be traced to specific development projects... some of the funds were expended outside of the government integrated financial management information system."[460]

In recent reports, the Auditor-General decried the use of sovereign debts to finance recurrent expenditure, a violation of section 15 of the Public Finance Management Act; the contracting of loans without the Attorney General's opinion; and inadequate accountability.[461] Both the TISA[462] and the National Democratic Institute have raised issues with Kenya's lack of debt transparency and public exclusion from debt management, with the National Democratic Institute particularly noting that Kenya's debt accumulation is driven less by development needs and more by the political motivations of powerful actors.[463] These observations show that Kenya has not complied with its obligations on public participation in debt management. Nicholas[464], a protester from Kisumu, shared his feels on the matter:

"What are the purposes of all these debts? When we take debts for growth at least our economy should increase and we should feel it as the people. But when we only take debts and direct it to corruption, we only benefit a few people. Since we continue taking debts for a few people, we should increase taxes for the same few people not for everyone. [The] majority of the people are not against the government taking debts, many countries are engaged in debts everywhere. Even us, we take loans. The problem is how this money from debts is utilized because when you take debt from another county and you steal it and you want us to pay it back, that is when we will come out on the streets and protest. But when you take debts and use it in promotion of our economy, we will be in a position to at least defend those debts."[465]

The Public Finance Management Act 2012 also mandates the CS for National Treasury to submit to parliament an inventory of loans, their utilization and payment plans, as well as a debt management strategy.[466] Such an obligation aligns with UN Trade and Development principles on promoting responsible sovereign lending and borrowing, which require adherence to transparency and accountability in debt procurement and management, including through independent, objective, professional, timely and periodic audits of debt, and full disclosure and publication of debt.[467] It encourages legislative oversight of debt through debt ceilings, borrowing objectives, oversight of government finances and the ability to conduct post-disbursement audits of specific transactions. As explained in chapter 4, the government has not complied with this obligation, both by failing to fully disclose and audit all debts, as well as by engaging in debt brinkmanship and increasing the debt ceiling whenever the debt ceiling is approached. This is facilitated by a compromised parliament that is largely controlled by the executive and therefore functions more as a legislative stamp for executive decisions than as an oversight institution and custodian of public interests. On one occasion, the chairperson of the Finance Committee even told parliament that he could not propose any amendments to the finance bill without consulting the executive.[468]

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[460] Kenya, Office of the Auditor-General, *Special Audit Report of the Auditor-General on the Proceeds and Utilization of EuroBond*, April 2019, https://www.oagkenya.go.ke/wp-content/uploads/2024/07/Special-Audit-Report-of-the-Auditor-General-on-The-Proceeds-and-Utilization-of-EuroBond.pdf, p. 13.

[461] Kenya, Office of the Auditor-General, *Special Audit Report of the Auditor-General on Utilization of Commercial Loans in Kenya for the period, 1 July 2010 – 31 December 2021*, September 2022, https://www.oagkenya.go.ke/wp-content/uploads/2024/07/Utilization-of-Commercial-Loans-in-Kenya-1.pdf, p. 10; Kenya, Office of the Auditor-General, *Performance Audit Report on Cash and Domestic Debt by the National Treasury*, 2024, https://www.oagkenya.go.ke/wp-content/uploads/2025/10/AGs-PERFORMANCE-REPORT-ON-CASH-DOMESTIC-DEBT-BY-THE-NATIONAL-TREASURY-2.pdf

[462] TISA, *Kenya Debt Crisis: Unpacking Fiscal Consolidation*, 2021, https://resources.tisa.co.ke/wp-content/uploads/2021/11/OKOA-UCHUMI-Fiscal-Consolidation-Report.pdf

[463] National Democratic Institute, *Public Debt in Kenya: A Political Economy Analysis 2010-2023*, January 2025, https://ndi.org/sites/default/files/2025-08/Public-Debt-in-Kenya-A-Political-Economy-Analysis-2010-2023.pdf

[464] Not real name

[465] Interview in person with Nicholas, protester, 5 June 2026, Kisumu.

[466] Kenya, Public Finance Management Act, 2012, sections 31-33.

[467] UN Trade and Development, Principles on Promoting Responsible Sovereign Lending and Borrowing, 10 January 2012, https://unctad.org/system/files/official-document/gdsddf2012misc1_en.pdf, Principle 13.

[468] Kenya, National Assembly, *The Hansard,* 20 June 2024, https://hansardna.parliament.go.ke/server/api/core/bitstreams/6dd41641-2cbe-455e-aef3-82d3932c41f9/content

VIOLATIONS WITH RESPECT TO TAXATION AND HUMAN RIGHTS FINANCING

Public finance in Kenya, including revenue generation and expenditure, is anchored in Chapter 12 of the Constitution, specifically Articles 209-210 which explain the types of taxes that may be imposed by the government. Article 201 requires openness and accountability, public participation and equity in taxation, and public finance generally as well as prudence and transparency in the use of public funds.

Interviews conducted for this research revealed that the public felt largely excluded from the tax proposals in the Finance Bills of 2023 and 2024.[469] The government proceeded with the bills in the face of significant public opposition, in violation of both domestic[470] and the International Covenant on Civil and Political Rights (ICCPR).[471] This lack of regard for public approval for government policy is both an element and enabler of authoritarian practices.

A total of 67 protesters interviewed told Amnesty International that they largely relied on social media to learn about the finance bills.[472] The majority did not attend the few public participation events organized for discussion of the bills.[473] The few who attended reported that their views were not considered; the majority felt that the list of participants was rigged to ensure that only those who were supportive of the government's tax policies were included.[474] All seven respondents who had submitted petitions to the president, treasury or to parliament reported that they had not received any feedback on their proposals.

The TISA reported that they, together with other civil society actors, had successfully petitioned the High Court and, subsequently, the Court of Appeal to nullify the Finance Act 2023 on account of inadequate public participation.[475] However, the Supreme Court reinstated it, although it annulled some provisions.[476] According to the executive director of the TISA, they even tried to reach out to the IMF to address the issue with the Kenyan government, but the regressive tax proposals were still not dropped, leaving them to pursue litigation as a final recourse. The KHRC also noted that although they had expressed their opposition to the regressive tax proposals, due to their impact on people living in poverty and inadequate public participation, the government disregarded their concerns.[477]

The Kenyan government has insisted that its taxation programmes are justified by its duty to service its debt repayments.[478] Kenya's tax-related challenges are indeed related to its debt, which stood at 67.8% of GDP in 2025.[479] This level of public debt has had a knock-on effect on household finances thus undermining out of pocket expenditure on food, health and social services. The government has had to make changes to address growing budget deficits, including cutting subsidies, raising taxes and reducing spending on essential services and social programmes. These actions have negatively impacted household finances, further forcing families to spend more, often from a reduced income, on necessities such as healthcare and education. The executive director of the TISA explained:[480]

"We flagged that Kenya being a developing country, we must always, whenever there is an economic recession or austerity focus on reducing the size of government, reducing the recurrent expenditure, cutting on wastage and corruption, prioritizing social services and especially health, education, water sanitation, and food."

At the same time, the principle of international cooperation, envisaged in the ICESCR, requires each state to "undertake to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly

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[469] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[470] Kenya, Constitution of Kenya, 2010, Articles 10(2), 95, 118, 201 and 221; Public Finance Management Act, 2012, Articles 10(2) and 35(2).
[471] ICCPR, Article 25.
[472] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[473] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[474] Interviews in person with protesters in Kisumu on 5 April 2026 and Nairobi 22 April 2026.
[475] Interview by video call with Diana Gichengo, Executive Director of TISA, 11 June 2026.
[476] Supreme Court of Kenya, *Cabinet Secretary for the National Treasury and Planning & 4 others v Okoiti & 52 others; Bhatia (Amicus Curiae)*, Case KESC 63 (KLR), Judgment, 29 October 2024 https://new.kenyalaw.org/akn/ke/judgment/kesc/2024/55/eng@2024-08-30
[477] Interview by video call with Annet Nerima, KHRC, 8 June 2026.
[478] Oxfam Kenya, "Public debt and taxes: High cost, low returns for Kenyans", 11 September 2024, https://kenya.oxfam.org/latest/blogs/public-debt-and-taxes-high-cost-low-returns-kenyans
[479] Kenya, National Treasury, *Annual Public Debt Management Report 2024/2025* (previously cited).
[480] Interview by video call with Diana Gichengo, Executive Director of TISA, 11 June 2026.

the adoption of legislative measures."[481] President Trump's return to power in the USA in 2025, and the resultant aid cuts by the USA and Kenya's other development partners, however minimized opportunities for multilateral and bilateral development cooperation, jeopardizing Kenya's capacity to tap into international assistance.[482]

The Guiding Principles on Human Rights Impact Assessment of Economic Reform emphasize that all relevant government departments must take the state's human rights obligations into consideration in developing and implementing economic reforms, while ensuring coherence between the economic, fiscal, monetary, social, environmental and financial sector aspects of the economic reforms and any other policies or governmental actions that are relevant to the efficacy of the reforms.[483] This means that the government must ensure that its economic reforms and policies do not lead to regression of human rights.[484] However, as noted in chapter 4 of this report, the government has failed to discharge this mandate, imposing increased, regressive taxes, worsening inequality and poverty, and creating an environment for authoritarian practices to thrive.

The removal of subsidies in the Finance Bills 2023 and 2024, as well as an increase in taxes on fuel and other basic services, had a disproportionate impact on those living in poverty, pushing more people into poverty and triggering protests. By failing to cushion those living in poverty during these fiscal transformations, the state did not comply with its obligations under the ICESCR[485] and the African Charter on Human and Peoples' Rights.[486] The Guiding Principles on Human Rights Impact Assessment of Economic Reform also recognize that fiscal and austerity measures may have unequal impact on men and women. Accordingly, they urge states to "pay particular attention to the gender impact of reductions in public services, social security benefits, childcare facilities and public employment and to women's share of increased unemployment and they should take measures to prevent greater impoverishment of women."[487] One example of the gendered impact of taxation policy in Kenya was the proposal to increase taxes on sanitary pads in the Finance Bill 2024.

NON-COMPLIANCE WITH OBLIGATIONS RELATED TO POLICING ASSEMBLIES

FAILURE TO FACILITATE AND DE-ESCALATE

Freedom of peaceful assembly is a right under both international[488] and domestic law[489] and can only be limited under specific circumstances. Under the Kenyan Constitution, a peaceful assembly can only be limited by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.[490] Limitations on the right of peaceful assembly are therefore allowed under Kenyan law, but only in compliance with the Constitution and international law requirements of legality, necessity, proportionality and non-discrimination.[491] Any restrictions imposed on the right to freedom of peaceful assembly must pursue one or more of the legitimate aims exhaustively listed in Article 21 of the ICCPR, namely, the interests of national security, public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.

The Resolution on the Prohibition of Excessive Use of Force by Law Enforcement Officers in African States urges states to absolutely prohibit torture and other cruel, inhuman or degrading treatment or punishment, and declares that all "options such as 'necessity', 'national emergency', 'public order'... shall not be

[481] ICESCR, Article 2.
[482] Mashariki Research and Policy Centre, "Foreign aid cuts and the debt trap: Will Kenya turn to debt to plug the gap?", 10 April 2025, https://masharikirpc.org/foreign-aid-cuts-and-the-debt-trap-will-kenya-turn-to-debt-to-plug-the-gap/; Amnesty International Kenya, "What challenges does Kenya face post-aid cuts?", 10 March 2025, https://www.amnestykenya.org/what-challenges-does-kenya-face-post-aid-cuts/
[483] UNHRC, Guiding Principles on Human Rights Impact Assessments of Economic Reforms (previously cited), Principle 11.
[484] UNHRC, Guiding Principles on Human Rights Impact Assessments of Economic Reforms (previously cited), Principles 9-10.
[485] ICESCR, Articles 2-3.
[486] African Charter on Human and Peoples' Rights, Articles 16, 17 and 24.
[487] UNHRC, Guiding Principles on Human Rights Impact Assessments of Economic Reforms (previously cited), Principle 14.
[488] Article 21 of the ICCPR; Article 11 of the African Charter on Human and Peoples' Rights.
[489] Article 37 of the Constitution of Kenya, 2010.
[490] Kenya, Constitution of Kenya, 2010, Article 24(1).
[491] Amnesty International, *Guidelines on the Right to Freedom of Peaceful Assembly*, 27 November 2024, https://www.amnesty.org/en/documents/act30/8426/2024/en/, pp. 20-21.

invoked as a justification of torture or cruel, inhuman or degrading treatment or punishment."[492] The police must also provide (or facilitate the provision of) first aid and medical assistance to people injured during assemblies.[493] They must also ensure that the relatives or close friends of the injured or affected person are notified.[494]

In Kenya, during the 2023-2025 protests, the police not only failed to provide emergency medical services to injured protesters, but also directly targeted medics with tear gas. One medic who coordinated emergency assistance explained that the police arrested and detained doctors who were providing emergency medical services during the 2024 protests, forcing other medics to join protests to advocate for their release.[495] She added that during the protests, police posed as volunteer doctors and took down the details of the injured people. The first aid station, located near the protest site, was also attacked with tear gas and medics were hit with canisters during the protest. The government also applied pressure on Jamia Mosque and All Saints Cathedral to deny medics access to their facilities to be used as medical camps during the protests.[496]

Police are obliged to respect, protect and facilitate peaceful assembly. They must ensure that they have visible identification when policing assemblies – a position that has recently been affirmed by the High Court of Kenya.[497] Section 5(2) of the Public Order Act requires the police to be notified of an assembly in advance, but under international human rights law the failure to notify does not absolve the authorities from their obligations to facilitate and protect the assembly.[498] Some protests, especially between 2023 and 2025, did not have a defined organizer or leader. Protesters even christened their movement as "leaderless, party-less and tribeless".[499] Furthermore, given the environment of fear and intimidation cultivated by the Kenyan government, requiring protest organizers – if there was one – to reveal their identity, names and addresses to the authorities[500] exposed them to unlawful police surveillance and reprisals. This is reflected in the testimonies of Everlyne, Carolyne, Ken and Benjamin in section 5.3: "Information control". In this context, it is unsurprising that the protesters largely ignored the legal obligation to notify police of a protest in advance. However, as noted earlier, this does not absolve the police from their duty to protect and facilitate the protest, or justify the use of excessive force when policing assemblies.

The High Court has declared that the use of excessive force in policing assemblies is unconstitutional:[501]

"… the use of water cannons, tear gas, live ammunition, and rubber bullets and the deployment of brute force or any form of violence against persons exercising their constitutional rights to protest against the Finance Bill 2024 is illegal, unconstitutional and unacceptable in an open and democratic society like Kenya… the extrajudicial killings, arrest, abduction, detention, harassment, intimidation, torture, cruel, inhuman and degrading treatment of persons exercising their constitutional rights to protest against the Finance Bill 2024 is a gross violation of the Constitution."[502]

Amnesty International maintains that protesters must be allowed to hold peaceful assemblies within sight and sound of their target audience.[503] However, on numerous occasions, as illustrated by the testimonies in this report, police stopped protesters from reaching government offices to present petitions or grievances, thereby escalating tensions and violating their obligations under domestic and international law. International law mandates police to facilitate assemblies and only resort to dispersing assemblies as a last resort, after exhausting all de-escalation mechanisms, and only when there is serious and

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[492] African Commission on Human and Peoples' Rights, Resolution on the Prohibition of Excessive Use of Force by Law Enforcement Officers in African States, 10 March 2021, https://achpr.au.int/en/adopted-resolutions/474-resolution-prohibition-excessive-use-force-law-enforcement-offic, para. 2.
[493] African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, 4 March 2017, https://achpr.au.int/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa, Guideline 17.
[494] African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa (previously cited), para. 21.1.3; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, para. 5.
[495] Interview in person with Dr. Walla, volunteer medical doctor who provided medical services to injured protesters, 9 June 2026, Karen, Nairobi.
[496] Interview in person with Dr. Walla, volunteer medical doctor who provided medical services to injured protesters, 9 June 2026, Karen, Nairobi.
[497] African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by law enforcement officials in Africa (previously cited), Guideline 14; High Court at Nairobi, *Law Society of Kenya v. Kithinji & 7 Others*, Case KEHC 7957 (KLR), Judgment, 30 April 2025. LINK
[498] Amnesty International, *Guidelines on the Right to Freedom of Peaceful Assembly* (previously cited), p. 7.
[499] Interview in person with Baba Taifa, protester, 27 May 2026, Kilimani.
[500] Kenya, Public Order Act, section 5(3).
[501] High Court at Nairobi, *Kanchory v. Inspector General of the National Police Service & 5 others* (previously cited).
[502] High Court at Nairobi, *Kanchory v. Inspector General of the National Police Service & 5 others* (previously cited).
[503] Amnesty International, *Guidelines on the Right to Freedom of Peaceful Assembly* (previously cited).

widespread violence in an assembly, or the disruption caused by an assembly is serious and sustained.[504] However, as testimonies and civil society reports highlight,[505] most police officers did not attempt to de-escalate situations during the protests where tensions had arisen. Rather, under express instructions from the IG of police, CS of interior[506] and president,[507] police officers used excessive force to stop protests outright. The High Court also noted that force was used at first, and not last, resort as required under international and domestic law.[508]

In nearly all cases where protesters were dispersed in Kenya, the police justified their actions on the basis that either the protesters were violent[509] or lacked the necessary notification.[510] These conditions do not comply with international law. The Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa emphasizes that the presence of a violent individual in an assembly does not render the whole assembly violent, nor does it justify its dispersal.[511] The guidelines emphasize that in all circumstances, the police should focus on de-escalation. Police must also protect assembly participants from any harm or violence from other people or groups who oppose or seek to prevent or disrupt the assembly.[512] Allowing private armed individuals to attack protesters and to destroy property, is therefore a dereliction of this duty.

In *Akhala v. the Inspector General of the National Police,*[513] the High Court mandated the KNCHR to develop a legislative framework on assemblies. Accordingly, the commission has developed the Facilitation of Assembly, Picketing and Demonstration Bill, 2026, which is currently open for public participation before submission to parliament.[514]

UNLAWFUL USE OF FORCE AND FIREARMS

The use of firearms by law enforcement officials is regulated both by domestic and international law. Section 62(2) of the National Police Service Act, 2011, as read with the Sixth Schedule, requires police officers to use non-violent means first and only employ force when non-violent means are ineffective or do not have any promise of achieving the intended result. Paragraph 2 of the Sixth Schedule adds:

"The force used shall be proportional to the objective to be achieved, the seriousness of the offence, and the resistance of the person against whom it is used, and only to the extent necessary while adhering to the provisions of the law and the Standing Orders."

The National Police Service Act, 2011 also mandates officers to provide medical assistance to victims of the use of force.[515] Paragraph b(1) provides conditions under which firearms may be used:

"Firearms may only be used when less extreme means are inadequate and for the following purposes – (a) saving or protecting the life of the officer or other person; (b) in self-defence or in defence of other person against imminent threat of life or serious injury."

The National Police Service Standing Orders expand on these conditions noting:

"An officer intending to use firearms shall identify themselves and give clear warning of their intention to use firearms, with sufficient time for the warning to be observed, except where doing so would place the officer or

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[504] Amnesty International, *Guidelines on the Right to Freedom of Peaceful Assembly* (previously cited), p. 82.
[505] Independent Medico Legal Unit, *Silenced but Unbowed: Youth, Protests, and The Quest for Accountability in Kenya*, 2026, https://www.imlu.org/wp-content/uploads/2026/06/Silenced-But-Unbowed-Report.pdf, p. 36.
[506] Amnesty International Kenya, "Why Interior CS remarks should worry us", 30 June 2025, https://www.amnestykenya.org/why-interior-cs-remarks-should-worry-us/
[507] Reuters, "Kenya's president orders police to shoot violent protesters", 9 July 2025, https://www.reuters.com/world/africa/kenyas-president-orders-police-shoot-violent-protesters-leg-2025-07-09/
[508] High Court at Kisumu, *Akhala & 28 Others v. Inspector General of the National Police Services & 8 Others*, Case KEHC 3967 (KLR), 25 March 2026, paras. 165 and 158. LINK?
[509] France 24, "Kenya police ban protests in Nairobi after deadly anti-govt demonstrations", 18 July 2024, https://www.france24.com/en/africa/20240718-kenyan-police-ban-protests-in-nairobi-after-deadly-anti-govt-demonstrations
[510] On 13 August 2025, the Cabinet Secretary for Interior told parliament that police dispersed protests because there were no notifications and the police learnt about the planned protests in the media. See: Kenya, National Assembly, *The Hansard*, 13 August 2025, https://hansardna.parliament.go.ke/server/api/core/bitstreams/a7adb8a3-cb21-47a1-a4a6-baf1d705a390/content, p. 16.
[511] African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by law enforcement officials in Africa (previously cited), para. 21.1.2.
[512] Amnesty International, *Guidelines on the Right to Freedom of Peaceful Assembly* (previously cited), p. 14.
[513] High Court at Kisumu, *Akhala & 28 Others v. Inspector General of the National Police Services & 8 Others*, Case KEHC 3967 (KLR), Judgment, 25 March 2026, para. 246(g).LINK?
[514] Kenya, Facilitation of Assembly, Picketing and Demonstration Bill, 2026.
[515] National Police Service Act, 2011, Sixth Schedule, para. 2; African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by law enforcement officials in Africa (previously cited), para. 17; last update on 4 May 2017 also establishes this obligation.

other person at risk of death or serious harm or if it would be clearly inappropriate or pointless in the circumstances."[516]

International law also regulates the use of force and firearms by police. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles) only allows the use of force and firearms where necessary for a legitimate law enforcement objective. It clarifies that where the use of force is unavoidable, law enforcement officials should always exercise restraint. The amount of any force used should also be strictly proportionate to the legitimate objective to be achieved. This requirement is reiterated in the African Union Resolution on the Prohibition of Excessive Use of Force by Law Enforcement Officers in African States,[517] as well as General Comment 3 of the African Commission of Human and People's Rights which requires states to prevent excessive use of force by its security agents, provide appropriate training to its officers and carefully plan their operations.[518]

In relation to the use of firearms, Principle 9 of the UN Basic Principles states:

"… law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives."

The Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa similarly emphasize the need for proportionality, necessity and legality in the use of firearms during assemblies:

"The intentional use of lethal force by law enforcement officials and others is prohibited unless it is strictly unavoidable in order to protect life, thus making it proportionate, and all other means are insufficient to achieve that objective, thus making it necessary. Assessment of legality, necessity and proportionality should be based on the relevant facts with a requirement for reasonable grounds, rather than mere suspicion or presumption, of risk or harm."[519]

The Kenyan National Police Service has failed to comply with these obligations when policing protests.[520] Police officers used unnecessary and excessive force on protesters, resulting in injuries and deaths. Amnesty International interviewed four protesters who were shot with lethal ammunition, one who was shot with a rubber bullet, three who suffered serious injuries after being hit with batons, and three who were directly hit by tear gas canisters. Numerous others suffered minor injuries from various weapons. The portrayal of the protests as a threat to the government was deemed to justify the use of force in the policing of those protests, to the extent that the president even told the police to "shoot protesters in the leg".[521] The police used violence to suppress both largely peaceful protests and small peaceful assemblies meant to submit memoranda.

The LSK report on the 2024 protests states that "the uniformity in the pattern of human rights violations across regions strongly suggests that the state's response to the 2024 finance bill protests was not merely the result of isolated local decisions, but rather the product of centralized planning and coordination."[522] The widespread use of unlawful force, the statements by the president and the CS of interior, the failure to stop the abuses, and the testimonies by protesters point to a potential acquiescence by the authorities in these violations.

UNLAWFUL USE OF TEAR GAS AND WATER CANNONS

Tear gas may only be used in cases of widespread violence that can no longer be addressed by targeting violent individuals alone. Isolated acts of violence do not justify the use of tear gas, since it has by nature an indiscriminate effect, likely to affect bystanders and peaceful protesters. Where these conditions are met, tear gas should not be fired directly at the group or crowd, instead it should be fired at an angle into

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[516] National Police Service Standing Orders, 2017, Chapter 58, para. 3.
[517] African Commission on Human and Peoples' Rights, Resolution on the Prohibition of Excessive Use of Force by Law Enforcement Officers in African States (previously cited).
[518] African Commission on Human and Peoples' Rights, General Comment 3: On the African Charter on Human and Peoples' Rights: The Right to Life (Article 4), 12 December 2015, https://achpr.au.int/en/node/851/, para. 27.
[519] African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa (previously cited), para. 21.1.4.
[520] High Court at Kisumu, *Akhala & 28 Others v. Inspector General of the National Police Services & 8 Others*, Case KEHC 3967 (KLR), Judgment, 25 March 2026. LINK?
[521] Reuters, "Kenya's president orders police to shoot violent protesters in the leg", 9 July 2025, https://www.reuters.com/world/africa/kenyas-president-orders-police-shoot-violent-protesters-leg-2025-07-09/
[522] Law Society of Kenya, *In Search of an Answer* (previously cited), p. 30.

the air above the protesters.[523] Firing tear gas cannisters directly at people risks serious injury from impact, in addition to the effects of the tear gas.[524] Tear gas should also not be fired in a closed space such as in a building or a vehicle.[525] The UN Human Rights Guidance on Less Lethal Weapons in Law Enforcement warns that "in certain cases, the consequences of using chemical irritants may be lethal or dangerous such as when they are dispersed in confined spaces and result in high levels of exposure."[526] Amnesty International has also emphasized that tear gas should be used only when it may cause minimal irritation and not physical injury.[527]

In the policing of the 2023-2025 protests, the Kenyan police grossly abused the use of tear gas. The government considered the finance bills necessary for the continuation of its power and as a result it allowed and/or ordered the police to use tear gas and other weapons to supress any and all opposition to the bills. Failure to hold police officers to account for the misuse of tear gas has only served to aggravate its misuse. The violent suppression of protests through the misuse of tear gas and other lethal and less lethal weapons detailed in this report has been a form of authoritarian control.[528] Both the LSK and the KNCHR have documented widespread abuse of tear gas. The LSK reported 24 tear gas-related injuries in Mathare and Kibera during the 2024 finance bill protests.[529] Nearly all the interviewees for this research (including six members of civil society, a medic and journalists) stated that the police had fired tear gas at them, often without warning. Three people reported injuries after they were hit directly by tear gas canisters.[530]

Regarding the use of water cannons, the UN Guidance on Less-lethal Weapons in Law Enforcement states that they should only be used "in situations of serious public disorder where there is a significant likelihood of loss of life, serious injury or the widespread destruction of property."[531] In particular, they "shall not target a jet of water at an individual or group of persons at short range owing to the risk of causing permanent blindness or secondary injuries if persons are propelled energetically by water jets." Furthermore, "water cannons shall not be used against restrained persons or persons otherwise unable to move."[532] Amnesty International has emphasized that water cannons should only be used in cases of widespread violence against people, which cannot be addressed any further by targeting violent individuals alone and only for the purpose of dispersal.[533]

UNLAWFUL USE OF BATONS AND KINETIC IMPACT PROJECTILES

The repression and obstruction of protests involving the misuse of batons against peaceful protesters was dominant in the police response to the protests of 2023-2025. Police used batons to beat protesters and obstruct protests within sight and sound of government facilities, including the Treasury, Parliament Buildings, Office of the President and Ministry of Interior, and their corresponding offices in counties. This constituted a violation of international law because it defeated the very essence of the protests and aggravated the grievances of protesters.[534] Thirteen activists who tried to access the Parliament Building and the Treasury in Nairobi to submit petitions, as well as six activists in Kisumu, reported being hit by police batons.[535] In Kiambu, four activists reported baton injuries, and in Machakos and Kajiado three interviewees reported being hit by batons.[536] These testimonies corroborate the LSK's 2024 report, which stated that in Mathare and Kibera alone,18 people suffered serious injuries as a result of police beatings using batons.[537]

If misused by law enforcement agents, batons can cause serious injuries to people participating in protests. Accordingly, the use of batons must comply with the principles of proportionality, necessity, legality and accountability requirements outlined in the Guidelines for Policing of Assemblies by Law

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[523] UN Guidance on Less-Lethal Weapons, para. 7.3.
[524] UN Guidance on Less-Lethal Weapons, para. 7.3.2.
[525] UN Guidance on Less-Lethal Weapons, para. 7.3.3.
[526] UN Guidance on Less-Lethal Weapons, para. 7.3.3.
[527] Amnesty International, *Chemical Irritants in Law Enforcement: An Amnesty International Position* Paper, 2021, https://policehumanrightsresources.org/chemical-irritants-in-law-enforcement-an-amnesty-international-position-paper
[528] Protect Democracy, *The Authoritarian Playbook*, June 2022, https://protectdemocracy.org/wp-content/uploads/2024/03/The-Authoritarian-Playbook-Updated.pdf
[529] Law Society of Kenya, *In Search of an Answer* (previously cited), pp. 8-14.
[530] Interviews in person, 22 April 2026, Nairobi and 5 June 2026, Kajiado.
[531] UN Guidance on Less-Lethal Weapons, para. 7.7.2
[532] UN Guidance on Less-Lethal Weapons, para. 7.7.4
[533]Amnesty International, "Less lethal weapons: water cannons", no date, https://www.amnesty.nl/content/uploads/2024/01/Water-cannon.pdf
[534] Amnesty International, *Guidelines on the Right to Freedom of Peaceful Assembly* (previously cited), p. 27.
[535] Interviews in person with protesters, 30 April 2026, Nairobi and 5 June 2026, Kisumu.
[536] Interviews in person with protesters, 22 April 2026, Nairobi and 5 April 2026, Kisumu.
[537] Law Society of Kenya, *In Search of an Answer* (previously cited), p. 10.

Enforcement in Africa[538] and the Basic Principles.[539] In particular, batons may only be used in a targeted response to violent people or the threat of imminent violence. The purpose should be to make the person stop the violent behaviour, but not to injure the person severely.[540] Police should never use batons against people only offering passive resistance, when the person is already under control, for punishment or to disperse a peaceful assembly. Randomly hitting people, such as in the so-called baton charges (running behind people who are dispersing and hitting whoever is within reach), are arbitrary and unlawful and must be prohibited. Misuse of batons outside the principles governing the use of force may amount to inhuman and degrading treatment.[541] One medic who offered medical services in a first aid camp set up for victims of the protests confirmed treating many patients with baton injuries.[542]

Kinetic impact projectiles, in particular rubber bullets, have been used in policing assemblies in Kenya, often against international law. Kinetic impact projectiles may only be used against people involved in serious violence against other people and who pose an immediate risk of severe injury or death, and only if less harmful methods are insufficient to address the violence. The UN Guidance on Less-Lethal Weapons stipulates that rubber bullets should not be targeted at the head, face or neck.[543] Firing rubber bullets from the air or from an elevated position, such as during an assembly, is likely to increase the risk of striking protesters in the head and should therefore be avoided.[544] Contrary to these provisions, the police extensively misused rubber bullets, including against journalists as explained in chapter 5 of this report.

LACK OF ACCOUNTABILITY OF SECURITY AGENCIES

Through the vilification of the protesters, the government has portrayed the protests as an existential threat to the safety of the country and their suppression as necessary to maintain public order.[545] This position has been used to justify violent suppression of protests and protect police officers involved in the violations, which would explain the low number of officers investigated or held accountable for violating the rights of protesters. Despite widespread rights violations by the police, the IPOA has only obtained convictions for 33 police officers out of the 10,022 cases received between 2011 and 2024,[546] a conviction rate of less than 1%. Between 2022 and 2024 alone, the IPOA received 2,124 cases against the police, most of which remain unresolved.[547]

The political establishment has been undermining the work of the IPOA through political interference and underfunding. Given that IPOA commissioners are appointed through a process in which the executive plays a significant role, concerns have been raised by MPs and researchers about the institution's capacity, competence and independence from the influence of the executive.[548] Inadequate resources have also been impacting the authority's ability to fulfil its role effectively; despite having an approved staff capacity of 1,377, the IPOA only had 392 staff members at the end of the 2024.[549]

The president, deputy president and CS for interior have made remarks justifying the violent suppression of protests. Justifying the use of excessive force against protesters by police in 2023, the then deputy president said, "You cannot go to the streets and expect police to come kiss you." In saying this, he suggested that the police should not be criticized for their violent conduct during the protests.[550] This not

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[538] African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa (previously cited), p. 12.
[539] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
[540] Amnesty International, *Guidelines on the Right to Freedom of Peaceful Assembly* (previously cited), p. 86.
[541] Amnesty International, "20 Rules for the use of batons and other handheld kinetic impact weapons in law enforcement", 2022, https://policehumanrightsresources.org/20-rules-for-the-use-of-batons-and-other-handheld-kinetic-impact-weapons-in-law-enforcement
[542] Interview in person with Amakove on 9 June 2026 in Karen, Nairobi
[543] UN Guidance on Less-Lethal Weapons, para. 7.5.8; Amnesty International and Omega Research Foundation, *The Human Rights Impact of Less Lethal Weapons and Other Law Enforcement Equipment*, 2015, https://www.amnesty.org/en/documents/act30/1305/2015/en/, p. 138.
[544] UN Guidance on Less-Lethal Weapons, para. 7.5.3; Amnesty International and Omega Research Foundation, *The Human Rights Impact of Less Lethal Weapons and Other Law Enforcement Equipment* (previously cited), p. 138.
[545] The Cabinet Secretary for Interior has been particularly vocal in vowing tough action against protesters warning them not to test the "limit of the police"; Daily Nation, "Murkomen to protesters: Don't test limits of police restraint on Thursday", 23 June 2026, https://nation.africa/kenya/news/murkomen-to-protesters-don-t-test-limits-of-police-restraint-on-thursday-5505944
[546] IPOA, *Board End-Term Performance Report 2018-2024*, 2024, https://www.ipoa.go.ke/frontAssets/uploads/resources/1725282564020924.pdf, p. 53.
[547] IPOA, *Board End-Term Performance Report* (previously cited), p. 53.
[548] The Conversation, '' Kenya's police still kill with impunity – what needs to be done to stop them'' 22 June 2025 https://theconversation.com/kenyas-police-still-kill-with-impunity-what-needs-to-be-done-to-stop-them-259326; KBC, '' IPOA faces scrutiny over failure to hold police accountable'' 16 August 2024 https://www.kbc.co.ke/ipoa-faces-scrutiny-over-failure-to-hold-police-accountable/
[549] IPOA, *Board End-Term Performance Report* (previously cited), p. 91.
[550] Citizen Digital, "You cannot go to the streets and expect police to come kiss you – Gachagua", 21 July 2023,

only evidences a form of authoritarian practice but demonstrates that police repression was condoned by senior political leadership. According to the 2024 report by the LSK, this political reality in Kenya undermined the functioning of oversight bodies such as the IPOA.[551] This in turn has facilitated the impunity of the police, protecting them from accountability and sanctioning the violation of domestic and international law.

Disregard for court orders as an authoritarian practice was found to be prevalent during the research period. Notwithstanding this, the judiciary attempted to enforce police accountability, as illustrated in chapter 5. For example, in *KHRC v. Nchebere*, the High Court held that the IG was personally liable and accountable for the acts or omissions of officers under his command and their infringement of the rights of individuals to assemble and protest.[552] The court asserted that, by issuing unconstitutional orders and directing officers under his command to use unlawful force to disperse peaceable and unarmed protests, assemblies, strikes and pickets, while also abdicating effective control over police officers under his command, he had violated the Constitution as well as the National Police Service Act.[553] The Court also found that the IG had failed to investigate and discipline officers who had used unlawful force to disperse peaceable and unarmed protests, contrary to the Constitution.[554] Despite this decision, there has been limited accountability, especially by top police leadership, for actions taken during the protests.

ARBITRARY ARREST AND DETENTION

The testimonies captured through Amnesty International's research reveal frequent incidences of arbitrary arrest and detention, incommunicado detention and violations of the rights to a fair trial against protesters in Kenya between 2023 and 2025 (see sections 5.2.1: "Abductions, enforced disappearances and incommunicado detentions" and 5.2.2: "Arbitrary arrest and detention"). Of the 36 individuals interviewed by Amnesty International who had been arrested during the protests, 14 reported that they had never been given any reasons for their arrests.[555]

The right to a fair trial is anchored in the ICCPR,[556] as well as the African Charter on Human and Peoples' Rights.[557] The Kenyan Constitution considers this right fundamental, along with freedom from inhuman and degrading treatment and habeas corpus.[558] The Constitution requires a person who has been arrested to be presented in court within 24 hours of their arrest.[559] The Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa obligate states to ensure that no one is subject to arbitrary arrest or detention, and that arrest, detention and imprisonment are carried out strictly in accordance with the provisions of the law.[560] The UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment requires arresting officers to inform the arrested person of the reasons for their arrest; the time of the arrest and their first appearance before a court; the identity of the law enforcement officials involved; and where they are to be detained.[561] The Robben Island Guidelines also set out the rights that a person in detention should be accorded:

"The right that a relative or other appropriate third person is notified of the detention; the right to an independent medical examination; the right of access to a lawyer; notification of the above rights in a language, which the person deprived of their liberty understands."[562]

As reflected in the testimonies in chapter 5, security agencies, including the police, violated these rules by arresting protesters arbitrarily and detaining them beyond the permitted duration. Some were detained incommunicado (see below) and many were not told the reasons for their arrest. Many of those arrested were eventually released, but after their right to a fair trial and the law around arrest and detention had

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https://citizen.digital/article/you-cannot-go-to-the-streets-and-expect-police-to-come-kiss-you-gachagua-n323947
[551] Law Society of Kenya, *In Search of an Answer* (previously cited).
[552] High Court at Nairobi, *Kenya Human Rights Commission & 8 Others v. Nchebere; Law Society. LINK? of Kenya & 2 Others (Interested Parties)*, Case KEHC 16607, 31 December 2024. Link?
[553] High Court at Nairobi, *Kenya Human Rights Commission & 8 Others v. Nchebere* (previously cited), para. 113.
[554] High Court at Nairobi, *Kenya Human Rights Commission & 8 Others v. Nchebere* (previously cited), para. 113.
[555]Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[556] ICCPR, Article 14.
[557] African Charter on Human and Peoples' Rights, Article 7.
[558] Kenya, Constitution of Kenya, 2010, Article 25.
[559] Kenya, Constitution of Kenya, 2010, Article 49(F).
[560] African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 29 May 2003, https://achpr.au.int/en/node/879/, para. M1(iii).
[561] UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, Principle 12.
562 African Commission on Human and Peoples' Rights, Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa, 2008, https://achpr.au.int/index.php/ar/node/600, para. 20.

been violated because they were held without charge, often after the expiry of the 24-hour constitutional requirement.

TORTURE AND OTHER ILL-TREATMENT

This research presents multiple examples of protesters being assaulted and tortured during and after arrest (see section 5.2.1: "Abductions, enforced disappearances and incommunicado detentions"). Such ill-treatment is in clear violation of Article 1 of the Convention against Torture as well as Article 29 of the 2010 Constitution.

The UN Convention against Torture defines torture as:

"[a]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."[563]

The Convention expressly obligates states to prevent torture, including by security agents, through effective legislative, administrative, judicial or other measures.[564] It also urges states to outlaw the use of information obtained through torture as evidence in trials.[565] The use of firearms against a person in detention is also expressly prohibited.[566] The African Charter on Human and Peoples' Rights requires states to ensure that victims of torture and other ill-treatment are able in law and in practice to claim redress by providing victims with access to effective remedies.[567] This includes the adoption of relevant legislation and the establishment of judicial, quasi-judicial, administrative, traditional and other processes.[568]

The widespread repression of protests by the police using violence during the 2023-2025 protests is a clear violation of these obligations. This research has documented instances where the police used their guns or batons to hit individuals who were already in custody.[569] One interviewee from Kisumu narrated how during the 2024 protests, the police arrested him together with other protesters, bundled them in their truck and repeatedly hit him with their gun:

"I tried telling them that I was peaceful, but they did not listen. They were around 14 police officers. They started slapping and beating me. It happened that a stranger took a video and therefore I usually have the video clip on how they were treating me on my Facebook page. Whatever they did to me in that Landcruiser before we reached the police station was very sad. I reached the police station half naked. They hit my private parts using the butt stock of a gun. I still feel pain in some parts of my body because of that experience to date. They sprayed me with some unknown liquid when I was in the cells. It was very irritating. While I was inside the cells, there was some light-skin man with a cap who came and wanted to take my picture. He did not look like a police officer because he was not wearing the uniforms. I refused and they again started beating and pointing a gun at me. I finally allowed them to take my picture because I was in so much pain. They took me to Railways police station cells. My comrades were looking for me, and they denied that they had arrested me."[570]

Eighteen other respondents confirmed to Amnesty International that they were assaulted by the police after arrest.[571] Both Lawrence and Benjamin informed Amnesty International that they were detained incommunicado and therefore did not have any visits by their families and friends during their detention.[572]

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[563] Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
[564] UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 2 and 4.
[565] This is also the position of the African Commission in the Guidelines and Measures for the Prohibition and Prevention of Torture, para. 29.
[566] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, para. 16.
[567] African Commission On Human And Peoples' Rights: General Comment 4: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment, 4 March 2017, https://africanlii.org/en/akn/aa-au/doc/general-comment/achpr/2017-03/general-comment-no-4-the-right-to-redress-for-victims-of-torture-and-other-cruel-inhuman-or-degrading-punishment-or-treatment/eng@2017-03-04, para. 33.
[568] African Commission on Human and Peoples' Rights: General Comment 4 (previously cited), para. 9.
[569] Interview in person with Don, protester, 5 April 2026, Kisumu.
[570] Interview in person with Don, protester, 5 April 2026, Kisumu. Don
[571] Interviews in person with protesters in Kajiado on 5 June 2026, Kiambu on 3 June 2026, Kisumu on 5 April 2026, Machakos 8 June 2026 and Nairobi 22 April 2026.
[572] Interview in person with Lawrence, 5 June 2026, Kajiado.

Both international law and Kenya Police Service Standing Orders provide that an arrested person retains all their rights under the Constitution. The Police Service Standing Orders prescribe the treatment of people in police cells and other remand facilities.[573] In particular, they indicate that an arrested person is entitled to a doctor, to family visitation, to the right to inform family of their detention, and to lodge complaints about conditions of detention.[574] As illustrated above, the police often denied this right to detained protesters. Six respondents explained that they were denied food by police upon arrest because they had arrived in the cells after the evening meal was issued.[575] The Standing Orders further stipulate that police cells are cleaned and disinfected daily, that detainees are given bedding which are cleaned regularly, and that the cells also have adequate light, toilet and washing facilities and an outdoor area,[576] and that they must also be given food that, where possible, aligns with their national, religious or tribal customs.[577]

HUMAN RIGHTS OBLIGATIONS RELATED TO UNLAWFUL SURVEILLANCE

Chapter 5 of this report presents evidence of the unlawful surveillance of protesters and protest leaders. The right to privacy is enshrined in Article 17 of the ICCPR, which provides that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence" and that "everyone has the right to the protection of the law against such interference or attacks." Article 31 of the 2010 Constitution reiterates this, noting that the right to privacy involves the right not to have information relating to family or private affairs unnecessarily acquired or revealed or the privacy of communications infringed.[578]

International law and standards require that any state interference with the right to privacy, including digital surveillance operations, must be lawful, necessary and proportionate.[579] It must serve a legitimate aim and be subject to safeguards adequate to prevent abuse, such as being subject to judicial oversight for a defined purpose and period.[580] Furthermore, any limitation on the right to privacy must comply with the principle of non-discrimination and other rights recognized under international law.[581] Where the limitation does not meet these criteria it is unlawful and/or arbitrary.[582] The continued surveillance of protesters and protest leaders outlined in chapter 5 was therefore unlawful.

According to international human rights law, the legitimate aim of surveillance may include the "protection of people's lives or bodily integrity and the security of critical infrastructure."[583] It is not, however, permissible under international law to use surveillance for the purpose of tracking dissidents, human rights defenders and members of marginalized communities based on their exercise of human rights, or protected characteristics.[584] The chilling effect created by the extensive unlawful surveillance described in section 5.3.1 is in clear violation of international human rights law.[585]

In 2020, the UN Special Rapporteur on the right to privacy stipulated that states must "ensure the privacy of communications of human rights defenders who engage with multilateral institutions and international and regional human rights bodies and promptly investigate any allegations of actions to the contrary."[586] The report also explains that states must also repeal laws that enable the violation of the right to privacy, while taking action to prevent, investigate and punish breaches of the right to privacy such as unlawful surveillance.[587] In particular, states must "amend cybercrime, surveillance and counter-terrorism laws for

[573] National Police Service Standing Orders, 2017, Chapter 15.
[574] National Police Service Standing Orders, 2017, Chapter 15, para. (7)(5).
[575] Interviews in person with protesters in Kisumu on 5 April 2026 and Nairobi on 22 April 2026.
[576] National, Police Service Standing Orders, 2017, Chapter 15, para. 12
[577] National Police Service Standing Orders, (Previously cited), Chapter 15, para. 21.
[578] Kenya, Constitution of Kenya, 2010, Article 31(c)-(d).
[579] ICCPR, Article 19; UNHRC, General Comment 34 on Article 19: Freedoms of Opinion and Expression, 12 September 2011, UN Doc. CCPR/C/GC/34.
[580] UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Surveillance and Human Rights*, 28 May 2019, UN Doc. A/HRC/41/35, para. 50(c).
[581] OHCHR, *The Right to Privacy in the Digital Age*, 30 June 2014, UN Doc. A/HRC/27/37, paras 22-23.
[582] OHCHR, *The Right to Privacy in the Digital Age* (previously cited).
[583] OHCHR, *The Right to Privacy in the Digital Age* (previously cited), para. 50.
[584] OHCHR, *The Right to Privacy in the Digital Age* (previously cited), para. 50.
[585] Amnesty International Kenya, *"This Fear, Everyone is Feeling It"* (previously cited).
[586] UN Special Rapporteur on the right to privacy, *Report of the Special Rapporteur on the Right to Privacy*, 24 March 2020, UN Doc. A/HRC/43/52, para. 30b(v).
[587] UN Special Rapporteur on the right to privacy, *Report of the Special Rapporteur on the Right to* Privacy (previously cited), paras 30(b)(iii) and 53.

compliance with international human rights norms."[588] They must also ensure that restrictions to the right to privacy, including through mass or targeted surveillance, requests for personal data or limitations on the use of encryption, pseudonymity and anonymity tools are "on a case-by-case basis and are reasonable, necessary and proportionate as required by law for a legitimate purpose and ordered only by a court."[589]

The right to privacy underpins other key rights for civic participation, such as freedom of expression and freedom of peaceful assembly and association. The UN High Commissioner for Human Rights emphasizes this:

"Even the mere possibility of communications information being captured creates an interference with privacy, with a potential chilling effect on rights, including those to free expression and association… The onus would be on the State to demonstrate that such interference is neither arbitrary nor unlawful."[590]

As noted by the Special Rapporteur on the rights to freedom of peaceful assembly and of association in 2026, this chilling effect can be long-lasting and "extend far beyond the targets of surveillance (real or perceived) impacting family members, communities, social movements and society."[591]

The extensive surveillance of protesters and protest leaders, documented in chapter 5 of this report, failed the above standards and were therefore unlawful.

HUMAN RIGHTS RESPONSIBILITIES OF CORPORATES

Companies have a responsibility to respect all human rights wherever they operate, including throughout their operations. The UN Guiding Principles on Business and Human Rights (the UN Guiding Principles) explain that to meet this responsibility they must avoid causing or contributing to human rights abuses through their own business activities and address impacts in which they are involved, including by remediating any actual abuses.[592] They must also seek to prevent or mitigate adverse human rights impacts directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts. To meet their responsibility to respect human rights, companies should have in place an ongoing and proactive human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights.

The principles are reflected in Kenyan law. Article 20(1) of the 2010 Constitution states that the Bill of Rights[593] binds all state organs and persons, while Article 260 considers persons to include companies, associations or other body of persons whether incorporated or unincorporated. The High Court has emphasized the obligation of businesses to respect human rights.[594] Rejecting the claim of the company in question that its relationship with the applicant was exclusively a private matter and therefore outside the province of constitutional rights (and therefore the High Court), the court was emphatic:

"It cannot be safe, in a progressive democratic society, to arrive at a finding that allows private entities to hide behind the cloak of 'privacy' to escape constitutional accountability."[595]

The responsibility to respect human rights extends to telecommunications companies. Such companies must ensure that their business activities or products do not result in human rights violations, including surveillance, even when conducted by the state.

Businesses such as Safaricom therefore, have an obligation to adhere to international and domestic human rights standards as well as to conduct regular human rights assessment to ensure that their operation-including their engagements with third parties, do not infringe on human rights.

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[588] UN Special Rapporteur on the right to privacy, *Report of the Special Rapporteur on the Right to* Privacy (previously cited), para. 53(a).
[589] UN Special Rapporteur on the right to privacy, *Report of the Special Rapporteur on the Right to* Privacy (previously cited), para. 52(b).
[590] OHCHR, *The Right to Privacy in the Digital Age* (previously cited), para. 20.
591 UN Special Rapporteur on the right to peaceful assembly, *Unmasking the Chilling Effects of the Digital Surveillance Ecosystem: The Erosion of Assembly and Association Rights*, 21 April 2026, UN Doc. A/HRC/62/45.
[592] UN Guiding Principles on Business and Human Rights, Principle 11, including commentary.
[593] Kenya, Constitution of Kenya, 2010, Chapter IV.
[594] High Court at Nairobi, *Rose Wangui Mambo & 2 Others v Limuru Country Club & 17 Others*, Case KEHC 7683 (KLR), Judgment, 12 March 2014.
[595] High Court at Nairobi, *Rose Wangui Mambo & 2 Others v Limuru Country Club & 17 Others*, Case KEHC 7683 (KLR), Judgment, 12 March 2014, para. 68.

CONCLUSIONS

This research has explored human rights violations that occurred during the economically induced protests between 2023 and 2025, as well as the underlying factors that drove people to protest. Although the current government came to power in 2022 promising to adhere to the rule of law and constitutionalism,[596] it has in fact been characterized by an increasing degree of authoritarian practices. Chapters 4 and 5 of this report have documented how the government has attempted to centralize power by co-opting members of the opposition and undermining democratic institutions and oversight bodies. Parliament has ceased to be an oversight body and has instead become part of the authoritarian architecture, rubberstamping executive appointments, programmes and policies. The deployment of the military to police protests in 2024 without parliamentary approval, and the retrospective approval of this by parliament without significant opposition, confirms this.[597] Within this context, there has been contempt for and open disregard for dissenting voices. Stakeholders who have attempted to challenge the increasing concentration of power, such as civil society, opposition voices and the media, continue to face intimidation and harassment.

Nevertheless, increasing authoritarian practices have failed to tame growing public resentment occasioned by high regressive taxation, increasing cost of living, inequality and poverty, as discussed in Chapter 3. Public awareness and vigilance have heightened over the growing public debt crisis, rising regressive taxation and its impact on people's rights to food, work, health, education and other socio-economic rights. Most people, however, still do not know the extent of the debt, the rules and restrictions around repayment, and how the debt funds are used. People's socio-economic grievances have been aggravated by the state's inability to allocate adequate spending on public goods and services to fulfil the state's human rights financing obligations. The result of this has been increased poverty and inequality.[598] Despite these legitimate grievances, and in line with the classical authoritarian playbook, the government has dismissed all criticism arguing that additional taxes are necessary to service the increase in public debt and that the public should be patriotic and accept the new tax proposals.

From 2022, public resentment against the simultaneous withdrawal of fuel and some food subsidies, as well as the increase in regressive taxation, grew rapidly. In 2023 this emerged as protests dubbed the *Sufuria* Movement. The situation deteriorated even further in 2024 when more aggressive tax proposals were introduced. The hubris with which the authorities responded to the public outcry – including stating that the additional tax on bread was needed to deal with diabetes;[599] that protesters were misinformed and spoilt youth ("who used Uber and ate KFC chicken after protests")[600]; or that they were only on the lookout for social media likes – compounded these tensions. The government's disregard for the public's views and the mockery of the public participation process that followed meant that it failed to notice, or wilfully ignored, the degree of public frustration with the proposed tax policies, as well the alternative proposals provided by the public in their submissions on the proposals. This situation culminated in the invasion of the Parliament buildings by anti-finance bill protesters in June 2024.

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[596] Kenya, President, "We must respect the rule of law", 25 October 2022, https://www.president.go.ke/we-must-respect-the-rule-of-law/
[597] Eastleigh Voices, "National Assembly approves military deployment to help quell anti-tax protests", 26 June 2024, https://eastleighvoice.co.ke/national/53827/national-assembly-approves-military-deployment-to-help-quell-anti-tax-protests
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[599] K24, "Treasury proposed raising VAT on bread to control diabetes – MP Kuria Kimani", 17 May 2024, https://k24.digital/uncategorized/mp-kuria-kimani-justifies-tax-proposal-on-bread/
[600] Citizen Digital , ''Ichung'wah: Those Protesting In Nairobi Use iPhone, Arrive Using Ubers Then Leave And Eat KFC'', 21 June 2024, https://Www.Youtube.Com/Shorts/J9v-P17x-54

Economic and social inequality, poverty and corruption, and a government insensitivity to the needs of its people, motivated young people to take action in 2023-2025. Street protests occurred in urban centres in 35 out of the 47 Kenyan counties in the period leading up to the passing of the 2024 Finance Bill and continued sporadically for most of 2024 and 2025. Feeling that its concentration of power and survival were threatened, the state ignored its legal obligations on the right to peaceful assembly and on the use of unlawful force and weapons under domestic and international law. It responded to the protests with tactics taken straight from the classic authoritarian playbook. First, it launched a counternarrative against the protests, portraying taxation as a national security issue and mobilizing Kenyans to support them through the language of patriotism and national interest. Parents, the media and religious leaders were encouraged to "preach" conformity, respect for the state and love for the country. Protests were made deliberately dangerous through violence by police as well by private armed individuals. Parents were urged to keep their young people off the streets.

When this failed to keep young people off the streets, the state adopted a second approach, discrediting and scapegoating protesters. Senior public officials characterized protesters as criminals and economic saboteurs, or as having been paid by civil society, foreign agents, businesspeople, and the opposition. This was intended to delegitimize and reduce public support for the protests, as well as to provide justification for the use of violence in the state's response to the protests.

Having failed to supress the protests, the state adopted a third approach from its authoritarian playbook: violence, intimidation and harassment. Dozens of young people were killed, while many were unlawfully arrested and detained, often without charge.[601] Cases of abductions increased, with security agents using unmarked vehicles to arrest protesters. Some protesters told Amnesty International that they had been detained in places that were not police stations. The police also assaulted protesters during protests and misused water cannons, batons, rubber bullets, tear gas and even live ammunition on protesters. Court orders against the misuse of these weapons and other unlawful tactics were ignored, with both the president, the IG and the CS of Interior providing political cover for the repressive actions of security agents through speeches, parliamentary statements and political functions. Other intimidation tactics included unlawful surveillance though social media and mobile phones. Some protesters also told Amnesty International that they were tracked physically and had to move to safe houses or stay away from their homes.

The scale and intensity of the repression against the protesters intensified as the government felt that its hold on power being threatened by the rejection of its tax proposals, pressure from domestic and international creditors, and resistance by the people against tax increases.[602] *Hansard* reports and media statements reviewed by Amnesty International confirmed that the environment of fear was both a result of the protests and a reaction to the possibility that the protests and the prevailing socio-economic conditions had undermined the government's hold on power. The state also instituted malicious prosecution of protesters, including charging them with offences such as treason and terrorism. These were part of the government's scare tactics intended to intimidate other would-be protesters.

These increasingly repressive measures gained the attention of civil society actors, constitutional bodies, the media and the diplomatic community. Several High Court petitions were filed seeking to overturn some of the authoritarian practices undertaken during this period. These included a petition for the wearing of mandatory identification badges by police officers, as well as against the use of unmarked vehicles by police; a petition seeking to hold the IG accountable for the conduct and actions of police officers; a petition against media shutdowns; several habeas corpus petitions, as well as a petition to stop police from repressive actions or other assaults against protesters. Despite the success of these petitions, the state has disregarded most of the court orders. At one point, the IG even withdrew the security details of a judge who had issued a writ of habeas corpus against the state.

In response to the court orders issued against the government, and especially in view of the many government programmes and policies that had been stopped by the courts for violating the Constitution, the government undertook intimidation as an authoritarian tactic against the judiciary, parliament and other institutions. Judges were depicted as enemies of the state or as part of the anti-government project spearheaded by foreign agents. Both the president and senior government officials not only promised to

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[601] KNCHR, *The State of Human Rights in Kenya: Assessing the Progress Made and Areas of Concern, December 2024 – December 2025,* 2025, https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1240/STATE-OF-HUMAN-RIGHTS-IN-KENYA-DEC-2024-DEC-2025-CHAIRPERSON%e2%80%99S-ADDRESS

[602] As early as 2022, the Parliamentary Budget Office warned of the possibility of recession due to the debt burden; Parliamentary Budget Office, *Evading Recessionary Pressure under a Mounting Debt Burden – 2021/2022*, January 2021, https://www.parliament.go.ke/sites/default/files/2021-01/Budget%20Options%20Final%2028.1.2021.pdf

disobey court orders (a promise that they kept), but also openly disparaged and ridiculed judges and the judiciary generally.

The last facet of the government's authoritarian practice related to information. Authoritarian governments often try to control the flow of information, but this is not possible where a free media and access to the internet flourish. Having refused to succumb to state intimidation, the media faced an onslaught of repression including arrests, attacks with tear gas, the assault and harassment of journalists, and the confiscation of their equipment. In 2025, the repression took a step further with the shutdown of the internet for seven hours during protests. The presumption was that protesters were using social media to mobilize for the protests.

Again, these tactics failed, so the government opted to bar journalists from covering certain state events as a form of punishment, denying them access to news and trying to make them irrelevant. Finally, the state started to target media houses directly. In defiance of court orders, the authorities switched off the broadcast signals of media houses that ignored orders not to livestream the protests in 2025. Furthermore, the government engaged in economic authoritarian tactics by terminating its advertising with media houses that it considered critical of it, and refusing to pay outstanding bills owed to them. Senior government officials including the president, politicians and CSs bastardized and portrayed the media as incompetent, sexually immoral, unpatriotic, biased, corrupt and untrustworthy.

The government has used these authoritarian practices to divert attention from the state's failure and/or unwillingness to manage the debt situation as well as its failure to fulfil its social and economic rights obligations. Accordingly, poverty and inequality continue to rise, while the state continues to supress dissent and to scapegoat its perceived enemies. The figure below gives a diagrammatic representation of authoritarian practices in Kenya as observed in this research. Some components such as impunity and corruption are both enablers and manifestations of authoritarian practices. Chapters 4 and 5 of this report explored them extensively.

Figure 2: Diagrammatic representation of authoritarian practices in Kenya

RECOMMENDATIONS

TO THE PRESIDENCY

- Publicly condemn the use of unlawful force by security forces against protesters and work with relevant agencies and line ministries to prevent the unlawful use of lethal and less lethal force during protests.
- Implement pre-election commitments on the government's compliance with the rule of law and respect for constitutional rights.
- Ensure comprehensive reparations to victims of human rights violations and their families, including monetary compensation and medical assistance, where appropriate.
- Refrain from making statements that could aggravate the use of excessive force by security agents. Avoid issuing unlawful orders such as instructing the police to shoot protesters in the legs.
- Ensure that the military is not used to police protests except as prescribed by law and in line with requirements under international human rights law. Where such deployment is necessary, ensure that it is accountable, temporary and proportionate and operates under the command of civilian law enforcement officials.

TO THE CABINET SECRETARY FOR INTERIOR AND NATIONAL GOVERNMENT ADMINISTRTION

- Refrain from making statements that could aggravate the use of excessive force by security agents.
- Ensure that there are adequate budgetary allocations to feed detainees and cater for their well-being. Whether lack of feeding and/or assault of detained individuals are occasioned by police commission or omission, ensure that both administrative and criminal prosecution actions are undertaken against the responsible security agents.
- Ensure that security agencies fully cooperate with the IPOA, including by providing it with operational documents/orders for all operations involving the policing of assemblies and protests. Such operational documents should include identities of all deployed officers, the place of deployment and names of commanding officers to facilitate timely identification of police officers responsible for gross human rights violations during protests.

TO THE GOVERNMENT OF KENYA AND THE ATTORNEY GENERAL

- Initiate the process of reviewing the Public Order Act (Cap. 56) and where necessary, amend it to bring it into full conformity with the 2010 Constitution and Kenya's international human rights obligations.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Establish a reparations policy and a permanent reparations fund, funded by the Treasury, grants and other financial sources, to ensure compensation for all past, current and future victims of human rights violations by the state.
- Ensure that all media houses are treated equally in the procurement of government advertising space. To restore a robust media environment, pay all pending bills owed to the media.
- Work with the ODPP and EACC to explore ways of enhancing synergy in the prosecution of corruption cases including, where applicable, having special prosecutors seconded to the ODPP to fast-track the prosecution of corruption cases.

TO THE TREASURY

- Ensure that debt servicing obligations are not met at the expense of sufficient resourcing for public goods and services. Where necessary, seek debt relief, including cancellation where appropriate, and/or ensure that the conditions attached to these do not erode the gains made in human rights realization.

- Work with development partners to enhance the resourcing of economic and social rights without exacerbating the debt burden.
- Increase the resource allocation to the IPOA to ensure that they have the relevant capacity to monitor protests and human rights violations by police officers.
- Increase the funds available for the compensation of past victims of human rights violations, including funds currently administered by the KNCHR.
- Increase allocations to the health budget to ensure it reaches at least 15% of the total national budget, as committed to under the Abuja Declaration.
- Working with parliament and the Department of Social Protection, and in line with the Public Finance Management Act, establish and adequately resource a Social Protection Fund and progressively expand the scope and number of beneficiaries of social protection to redress growing inequality and poverty.
- Increase the stipends in the Cash Transfer for Orphans and Vulnerable Children; Older Persons Cash Transfer and Persons with Severe Disabilities Cash Transfer programmes, from the current amount of KES 2,000 (USD 16) up to the KNBS overall poverty indicators KES 4,358 (USD 34) in rural areas and KES 8,006 (USD 62) in urban areas. Increase the stipend in the Hunger Safety Net programme from KES 2,700 (USD 21) to KES 4,358 (USD 34) in rural areas and KES 8,006 (USD 62) in urban areas.

TO MEMBERS OF PARLIAMENT

- Carry out its oversight role as per the 2010 Constitution to:
    - undertake legislative reforms to ensure that all corruption findings by the Public Accounts Committee, Controller of Budget and Auditor-General are adopted investigated and prosecuted by the ODPP within six months, and that the said matters (as well as all corruption matters) are concluded by courts within one year;
    - ensure that all major economic policy decisions are taken after and in consideration of human rights impact assessments, and require relevant Cabinet Secretaries to report on outcomes;
    - promote transparency and accountability in substance and procedure related to economic policy decision-making and implementation such as the publication of loan contracts, continuous publication of reports on the consideration of review of the finance bills, public debt audits and other related matters;
    - ensure that the utilization of loans remains within the purposes for which the loans were taken;
    - ensure efficient debt management and prevent arbitrary raising of debt ceiling as and whenever it is reached;
    - hold the executive to account in its management of the fiscal space, including in debt management, to ensure that the maximum available resources are generated to progressively realize human rights.
- Ensure that the Facilitation of Assembly, Picketing and Demonstration Bill 2026 aligns with international human rights law and standards, while guaranteeing that the same standards are retained during parliamentary debate and enactment. Any amendments during parliamentary debate must strengthen its alignment to human rights principles and not water them down.
- Enact legislation for the protection of human rights defenders and ensure that such legislation protects them against harassment, arbitrary arrest, enforced disappearance and other forms of reprisal.
- Review, with a view to amend, the Computer Misuse and Cybercrimes Act, including its Amendment Act, to bring them in line with international human rights standards and avoid their misuse in malicious prosecutions.

TO KENYA'S CREDITORS, INCLUDING INTERNATIONAL FINANCE INSTITUTIONS AND OTHERS

- Undertake independent debt sustainability analysis including human rights impact assessments before granting any further loans.
- Ensure that there are no harmful austerity measures imposed with loans. When considering debt relief conditions, ensure that these do not adversely impact the realization of human rights. Debt relief must neither replace official development assistance nor be considered as such.

TO KENYA'S DEVELOPMENT PARTNERS

- Use all bilateral, multilateral and regional platforms at your disposal to urge the Kenyan authorities to respect, protect and facilitate the right to freedom of peaceful assembly and stop the unlawful use of force to police peaceful assemblies.
- Ensure that any bilateral law enforcement cooperation mechanisms or sales of less-lethal weaponry do not directly or indirectly contribute to human rights violations against protesters.
- Urgently review cooperation with the Kenyan government, including the provision of training, law enforcement equipment and other security assistance to Kenyan law enforcement officials, until police officers responsible for the unlawful use of force are thoroughly investigated and, where appropriate, brought to justice. Ensure that robust accountability mechanisms are in place.
- Raise, through explicit and proper channels, any human rights violations and abuses witnessed, or allegations of human rights violations and abuses received, including with the relevant authorities, such as the shooting of journalists with rubber bullets.
- Urge the Kenya Government to review and where appropriate, terminate malicious terrorism and other charges against peaceful protesters.

TO SAFARICOM LTD

- Submit to an independent investigation into allegations of unlawful customer data sharing with security agencies.
- Conduct proactive human rights due diligence processes to identify, prevent, mitigate and address potential and actual human rights abuses, and proactively publish information on this process and its results.

TO THE COMMUNICATIONS AUTHORITY OF KENYA

- Ensure that there are no internet disruptions incompatible with international human rights law and standards in the future.
- Refrain from suppressing media freedom, including but not limited to the arbitrary shutdown of media houses or unwarranted threats to withdraw licences.

TO THE INDEPENDENT POLICE OVERSIGHT AUTHORITY

- Promptly inform all victims of police use of unlawful force whose cases are before the IPOA about the status of ongoing and/or concluded investigations.
- Comprehensively investigate and provide public update, on all cases of unlawful killings by police received by the Authority during the 2023-2025 protests.

TO THE INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE AND THE NATIONAL POLICE SERVICE COMMISSION

- Undertake and, where they already exist, finalize investigations into all reported cases of police use of unlawful force and other violations committed against members of the public during protests.
- Refrain from using anti-terrorism laws and other legislation to arbitrarily arrest protesters.
- Use Amnesty International's *Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (Index: XXXX*)*, as well as its *Guidelines on the Right to Freedom of Peaceful Assembly* (Index: XXXX), as a reference framework.

- Avoid limiting the right to protest on the basis of lack of advance notification of a protest. Where protest organizers are willing to engage, continuously work with them to facilitate a suitable environment for the exercise of the freedom of peaceful assembly.
- Refrain from arbitrarily detaining or arresting protesters who do not engage in violent behaviour that risks the security of others.
- Refrain from subjecting protesters, or individuals perceived to be protesters, to acts of torture and other ill-treatment.
- Assess whether the rules and regulations on the use of force by Kenya Police Service, including less lethal and lethal weapons, fully comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the African Commission Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa. Review the rules and regulations where they do not comply. If rules are lacking, establish them and duly enforce them in the practice by all law enforcement officials.
- Ensure that each weapon deployed in law enforcement operations is specifically regulated with clearly defined operational purposes and threshold of use, as well as prohibitions and precautions required in light of its design and inherent risks.
- Prohibit the use of any weapons against peaceful protesters.
- Ensure that firearms are not used to disperse assemblies and that they are only used in response to an imminent threat of death or serious injury and exclusively against the person posing this risk, and that they are not indiscriminately fired at a crowd.
- Ensure that tear gas is only used for the purpose of dispersing crowds in situations where there is widespread violence that cannot be addressed by handling violent individuals alone, and that it is never used in spaces where people cannot disperse or against a peaceful assembly.
- Ensure that kinetic impact projectiles are only used against individuals engaged in violence against another person that is likely to cause considerable injury, and only to stop the violent behaviour, when other methods are not an option.
- Fully cooperate with the IPOA, the KNCHR and other investigative agencies undertaking investigations into human rights violations committed against protesters by law enforcement officials.
- Refrain from harassment, intimidation and assault of journalists and promote a safe media environment in line with domestic and international law.
- Cease all forms of unlawful surveillance and other forms of intimidation against human rights defenders, protesters and the media.
- Investigate all forms of enforced disappearance, abductions and kidnapping during and/or after protests.
- In line with relevant High Court orders, ensure that police officers wear identification badges and refrain from using unmarked cars and face coverings.
- Investigate and, where necessary, take action against the interference of protests and assemblies by private armed individuals or other non-state actors. Cease any perceived or real association between police and armed non-state individuals during protests.

TO THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

- Broaden the scope of the ongoing compensation programme to include more victims of police brutality while ensuring that the process of identifying victims is inclusive, representative and adheres to human rights standards. In particular, use multiple mechanisms of identifying victims including media, civil society groups, religious institutions and other inclusive mechanisms.
- Reopen the compensation registration process, conduct a decentralized, thorough and inclusive public participation process, and ensure that victims are able and enabled to obtain prompt reparation from the state, including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.

- Ensure that the compensation process is transparent and that all complaints are redressed before the process is complete. In particular, publish the data on the number of compensations per sub-county or location to mitigate claims or possibility of exclusion and discrimination.
- Ensure that the ongoing process of compensation of victims of police brutality adheres to the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.
- Ensure that the Facilitation of Assembly, Picketing and Demonstration Bill 2026 aligns with human rights standards, while being vigilant to ensure that the same standards are retained during parliamentary debate and enactment. Any amendments during parliamentary debate must strengthen its alignment to human rights principles and not dilute them.

TO THE NATIONAL GENDER AND EQUALITY COMMISSION

- Conduct a comprehensive investigation into how fiscal policies have impacted on socio-economic equality and worsened poverty at both household and county level and ensure that the findings are transmitted to the Treasury and parliament to inform fiscal policy formulation.
- Conduct a comprehensive investigation into how fiscal policies have impacted women and ensure that the findings are transmitted to Treasury and parliament to inform fiscal policy formulation.

TO THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTION

- Provide timelines for the prosecution of all cases of police brutality reported by the IPOA and, where applicable, provide survivors and/or their relatives with information on the status of these prosecutions, highlighting the reasons for non-prosecution where such a decision has been made.
- Prioritize and fast-track the prosecution of all law enforcement officers responsible for the human rights violations of civilians during public protests.
- Consider, review and, where appropriate, terminate all ongoing criminal proceedings against human rights defenders and protesters arrested and charged in circumstances arising from the lawful exercise of their rights under Article 37 of the 2010 Constitution. The same should apply to malicious terrorism charges.

TO COUNTY GOVERNMENTS AND COUNCIL OF GOVERNORS

- Review all business levies and ensure that the programmes designed to increase own-source revenue do not overburden businesspeople, especially given the limited fiscal space occasioned by the ongoing economic reforms. Where necessary, abolish or reduce those that duplicate levies imposed by national government entities.
- Promptly pay all pending salaries owed to health workers to ensure uninterrupted provision of health services.
- Investigate and, where appropriate, work with the investigative and prosecutorial agencies to prosecute and or take administrative action against individuals accused of corruption in the county health facilities to ensure a constant supply of medications and medical services.

TO THE SOCIAL HEALTH AUTHORITY

- Replace the annual lump sum payment of Social Health Insurance Fund premium with a monthly payment scheme especially for the unemployed and those in the informal sector.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Urge the Kenyan authorities to implement and comply with the commission's Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.
- Call on Kenyan authorities to thoroughly and impartially investigate all allegations of killing, bodily harm, arbitrary detention, torture or other cruel, inhuman or degrading treatment by law enforcement officials in the context of protests. Ensure that those suspected to be responsible are brought to justice in fair trials.

- Consider undertaking a country visit to Kenya to assess the extent to which authorities are respecting, protecting and facilitating the right to freedom of peaceful assembly.

TO THE AFRICAN UNION COMMISSION

- Publicly condemn the increasing repression and human rights violations and abuses in Kenya, including threats, intimidation, harassment and attacks against opposition politicians, religious leaders, human rights defenders, activists, non-governmental organizations, media outlets, journalists and online users.
- Raise Amnesty International's concerns and recommendations detailed above in engagements with the government of Kenya and urge their immediate implementation.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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HUMAN RIGHTS UNDER SIEGE

AUTHORITARIAN PRACTICES AND ECONOMIC PRESSURE AMID YOUTH-LED PROTESTS IN KENYA

This report focuses on the human rights violations that occurred during the economically induced protests in Kenya between 2023 and 2025, a period marked by rising public debt, increased inequality and poverty, increased impact of regressive taxation, perceived corruption, higher costs of living costs and widespread public dissatisfaction. Thousands of mostly young people took to the streets and digital platforms to demand accountability, inclusion in fiscal matters and economic justice. However, instead of addressing the root causes of the protests, the Kenyan government increasingly repressed dissent through authoritarian practices such as arbitrary arrests and detention, unlawful surveillance and restriction of civic space.

The report seeks to debunk and weaken the authoritarian narratives used to justify repression against protesters, activists and the media and makes a number of recommendations. To the Kenyan government, it recommends; cessation of all forms of repression of protesters, investigation and prosecution of security agents involved in violation of the rights of protesters, review and where appropriate, termination of all cases of malicious prosecution of protesters, increased budgeting for social protection, human rights assessment of fiscal policies, meaningful action against corruption and ensuring that debt repayment obligations do not crowd out funds for human rights financing.

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