

Human Rights in Kenya



DEFENDERS
COALITION

National Coalition of Human Rights Defenders- Kenya

(Defenders Coalition)

Situation in Kenya

Issue 1: Freedom of Association

Implementation of previous recommendation

- 4 Countries – Guarantee freedom of association and protect it, implementation of Access to Information Act 2016, Review the Associations Bill 2018 (Uruguay, Greece, Germany, Poland).

New Developments

- Community Groups Registration Act of 2022;
- Associations Bill, 2024;
- Family Protection Bill, 2023;
- Supreme Court Judgment on NGLHRC Case delivered on 23rd February 2023;
- The Public Benefits Organisations Act of 2013.

Recommendations

Issue 1: Freedom of Association

We recommend that the Kenyan Government to:-

- Develop the regulations to implement the PBO Act;
- Ensure progressive implementation of the Public Benefits Organizations Act of 2013 and the Community Groups Registration Act of 2022;
- Parliament to consider not passing the Family Protection Bill, 2023; and
- The National Gay and Lesbian Human Rights Commission be registered formally as an association in Kenya.

Situation in Kenya

Issue 2: Human Rights Defenders (HRDs)

Implementation of previous recommendations

- 2 countries – Adopting legislation protecting HRDs and investigating alleged violations against them (Uruguay and Estonia).
- 3 countries - Protection of HRDs and creating a safe environment for HRDs, (Australia, France, Ireland, Tunisia and Uruguay).

New Developments

- Justice for HRDs through convictions of their killers;
- Continued attacks and killings of HRDs;
- Abductions and enforced disappearances of HRDs;
- Continued criminalisation of HRDs.

Recommendations

Issue 2: Human Rights Defenders (HRDs)

We recommend to the Kenyan government to:-

- Adopt and implement a HRD Policy and Plan;
- Investigate and prosecute perpetrators of attacks of HRDs;
- Operationalize the National Coroners Services Act of 2017; and
- To create an enabling and safe environment for human rights defenders to work in.

Situation in Kenya

Issue 3: Right to Peaceful Assembly

Implementation of the previous recommendations

- Greece – take further measures towards guaranteeing the freedom of peaceful assembly.
- Poland - Ensure unimpeded functioning of democratic processes in the country, including transparent regulations on exercising the right of assembly.

New Developments

- Assembly and Demonstrations Bill of 2024;.
- At least 61 people killed during peaceful protests in June of 2024.
- Police using brutal force and excessive measures on peaceful protesters.
- Arrest, detention and trumped up charges against HRDs.
- No investigations, arrests or prosecution of police who violate the rights of peaceful protesters.

Recommendations

Issue 3: Right to Peaceful Assembly

We recommend that the Kenyan government to:-

- Parliament to consider not passing the Assemblies and Demonstrations Bill, 2024;
- Conduct an independent and thorough investigation into the use of excessive force against protestors and ensure accountability for those responsible; and
- Review and update existing human rights training for police and security forces to foster a more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms, and instruct law enforcement and security agents to cease the use of excessive force against peaceful demonstrators.

Situation in Kenya

Issue 4: Freedom of Expression

Implementation of the previous recommendations

- 3 countries – take measures to guarantee and respect the freedom of expression (Uruguay, Australia and Greece).
- Germany - Review the 2018 Associations Bill and ensure that NGO laws are in line with the right to freedom of expression.

New Developments

- At least 82 persons abducted, and/or enforced disappearances in the country.

Recommendations

Issue 4: Freedom of expression

We recommend that the Kenyan government to:-

- Respect the right to freedom of expression and ensure that censorship is limited to exceptional cases, in line with the limitations provided under Article 33 (2) of the Constitution of Kenya and Article 19(3) of the ICCPR;
- Amend the Computer Misuse and Cyber Crimes Act, 2018 to be in line with international standards to guarantee freedom of expression, and ensure new legislation conforms to international human rights norms.

Partners

- Jointly Submitted by:-
 - i. Social Justice Centres Working Group,**
 - ii. Coalition for Grassroot Human Rights Defenders,**
 - iii. Protection International - Africa,**
 - iv. Kenya Human Rights Commission,**
 - v. Pema Kenya,**
 - vi. The Gay and Lesbian Coalition of Kenya (GALCK+),**
 - vii. Universal Rights Group,**
 - viii. Peace Brigades International-Kenya,**
 - ix. Ogiek People's Development Programme**
 - x. Women Empowerment and Mentor All.**
 - xi. Article 19 East Africa**

The End

Thank You