



Report Summary & Key Findings



Co-funded by
the European Union

cospe
TOGETHER FOR CHANGE



Centre for Civil and Political Rights

Contents

1. Introduction & Context	4
2. Challenges facing the Space	5
3. Risk Assessment	5
3.1 The study categorizes the most at-risk populations:	5
3.2. Survey and KII Insights	6
3.3 Risk mapping	6
4. Strategic Opportunities	10
5. Key Recommendations	10
6. Conclusion	11
Next Steps for Stakeholders	11



Amplifying Youth Voices in Kenya's Shrinking Civic Space

1. Introduction & Context

Kenya's civic space, once revitalized by the promise of the progressive 2010 Constitution, is experiencing a steady erosion. This regression has disproportionately affected youth, human rights defenders (HRDs), civil society organizations (CSOs), and marginalized communities.

This brief draws from a recent study commissioned by ForumCiv under the *Our Rights, Our Future!* Project. A global initiative funded by the European Commission and implemented in partnership with COSPE (Italy) and the Centre for Civil and Political Rights (CCPR, Switzerland). The project aims to strengthen the capacity of youth-led and youth-focused CSOs, community-based organizations (CBOs), and informal groups to engage meaningfully in civic and political spheres.

The study highlights the extensive and multifaceted threats, legal, physical, digital, and financial, undermining the rights to freedom of association and peaceful assembly. Based on over 104 survey responses from 25 counties and 14 gender-balanced key informant interviews (KIs), the report captures the lived experiences of youth, persons with disabilities (PWDs), women HRDs, Indigenous communities, and LGBTIQ+ individuals.

Several legal instruments, including the Public Order Act, the NGO Coordination Act, the Computer Misuse and Cybercrimes Act, the proposed Assemblies and Demonstrations Bill (2024), and the Kenya Information and Communications (Amendment) Bill, 2025, are viewed as deliberate tools to suppress dissent.

Youth movements face heightened surveillance, infiltration by police, forced disappearances, and constraints on digital expression. CSOs report funding delays, deregistration threats, and cumbersome compliance requirements that hinder their advocacy efforts.

The use of Strategic Lawsuits Against Public Participation (SLAPPs), disinformation campaigns, and covert policing has fostered a climate of fear, discouraging public protest and expression. Marginalized groups such as Indigenous defend-

ers (e.g., Ogiek and Sengwer), persons with disabilities, and women HRDs face compounded risks.

Legal reforms remain stalled, despite Kenya's obligations under international frameworks like the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR). Further straining civic efforts are donor funding cuts and shifting priorities.

Despite this, resilience endures. Youth-led movements such as **#RejectFinance-Bill2024**, **#EndFemicideKE**, and online campaigns for climate and gender justice continue to mobilize widespread public support. Innovative tools like social media, documentary storytelling, and activism are being employed to bypass mainstream suppression. Multi-stakeholder coalitions are emerging to provide legal support, train HRDs, and document abuses, sustaining civic engagement even under increasingly restrictive conditions.



2. Challenges facing the Space

The study identifies various challenges, key among them include:

- **Legal and Policy Challenges:** While Kenya's Constitution upholds civic rights (Articles 33, 36, and 37), secondary legislation and enforcement tactics have eroded these guarantees.
- **Restrictive Laws:** The Public Order Act, the Cybercrimes Act, and the pending Assemblies and Demonstrations Bill (2024) which criminalize public mobilization and digital dissent.
- **State Harassment:** CSOs face deregistration, surveillance, and funding constraints. Plainclothes police and strategic lawsuits (SLAPPs) are deployed to intimidate protestors.
- **Digital Repression:** Broad cybercrime provisions silence online activism and amplify fear of arrest or censorship.

Impact: Youth, WHRDs, LGBTIQ+ groups, and PWDs are disproportionately affected, facing both legal and societal repression.

3. Risk Assessment

3.1 The study categorizes the most at-risk populations:

- **Youth in Rural and Informal Areas:** Limited economic security, surveillance, and bureaucratic registration procedures for Human rights defender movements under the Community Groups Registration Act.
- **Women Human Rights Defenders:** Suffer from targeted gender-based harassment, both online and offline.
- **PWD Organizations:** Encounter systemic exclusion due to inaccessible venues, lack of assistive technologies, and bureaucratic hurdles.
- **LGBTIQ+ Youth:** Are denied registration rights, face criminalization, and operate under constant threat of violence.
- **Youth-Led Media:** Lack legal recognition, face SLAPPs, and endure digital censorship and police intimidation.



3.2. Survey and KII Insights

- **Legal/Bureaucratic Barriers:** 53% of respondents encountered obstacles to civic engagement.
- **Digital Harassment:** 81% experienced online surveillance or censorship.
- **Funding Access:** 75% cited severe difficulty accessing resources, exacerbated by shifting donor priorities away from human rights.
- **Youth Engagement:** Only 28% reported active civic participation; key barriers include economic hardship, harassment, and lack of civic education.

“Civil society must not just open doors; it must remove the invisible barriers that keep youth with disabilities out.” – **KII respondent**

3.3 Risk mapping

Please note the colour coding below. The overall risk may vary based on the successful mitigation measures. This will need to be determined on a case-by-case basis

High

Medium

Low

- 1 Youth in informal settlements, rural areas, and ethnic minorities.
2 Organisations and Persons with disabilities.
3 Women Human Rights Defenders.
4 Lesbian, Gay, Bi-sexual, Intersex, Queer + youth.
5 Media.

Category	Risks	Vulnerabilities	Likelihood of occurrence					Adaptive Strategies
1	Restrictive Laws and Misuse of the Public Order Act The <i>Public Order Act</i> , intended to provide a framework for managing public gatherings, is frequently misused by authorities to deny permits or arbitrarily disperse assemblies. The requirement for prior notification is often weaponized, interpreted as a demand for permission, thereby criminalizing peaceful protests.	Civil Society Under Pressure Civil society organizations (CSOs) advocating for governance reforms and human rights often face threats of deregistration, funding restrictions, and legal harassment.	1	2	3	4	5	Strategic litigation and policy advocacy. These are complemented by a strong understanding of and adherence to registration regulations. Ongoing engagement and capacity building with the police and judiciary are also critical. This includes promoting awareness of constitutional freedoms and best practices for operating within a repressive political environment.
2	Digital Surveillance and Cybersecurity Risks	Increased government monitoring, hacking, and online censorship targeting activists and HRDs.						Adoption of encryption tools, cybersecurity training, and secure communication platforms. These can be open source to reduce costs.
3	Funding Constraints and Financial Sustainability	Increased scrutiny of foreign funding and restrictions on donor support contribute to financial instability.						Diversification of funding sources, local partnerships, and social enterprise models.
								Civil society needs to look at local fundraising as an option to work on certain campaigns. Compliance and adopt risk assessment guidelines under FATF.

Category	Risks	Vulnerabilities	Likelihood of occurrence					Adaptive Strategies
			1	2	3	4	5	
4	Intimidation	Threatening phone calls, in-person intimidation, surveillance near activists' homes, and harassment of their family members are widespread.						It is important for the HRDs to amplify what is happening to them on social media and within their networks. They should also report these to the police. They should, however, do this with other HRDs and a lawyer in case the Police want to arrest them.
5	Assault and enforced disappearances	Victims are often picked up by plain-clothes officers and held incommunicado, sometimes tortured or intimidated into silence.						Strengthening legal defense, emergency support mechanisms, and HRD protection programs. HRDs need to build their profiles to reduce the risk.
6	Arbitrary arrests	Activists participating in peaceful protests or mobilization efforts are often subjected to arbitrary arrests and detentions without formal charges or due process. Prolonged pretrial detention and denial of bail are common intimidation tactics.						Have protocols and plans in place so that HRDs can spend the least amount of time detained. These plans should also have lawyers on standby and funds to pay for bail.

Category	Risks	Vulnerabilities	Likelihood of occurrence					Adaptive Strategies
			1	2	3	4	5	
7	Public Perception and Delegitimization	Government-aligned actors and misinformation campaigns discredit CSOs as foreign agents or national security threats.						Civic education, Community engagement, awareness campaigns, and proactive media strategies.
8	Disjointed Coalition Building and Collective Action	Lack of coordination among CSOs weakens collective advocacy.						Strengthening networks, forming alliances, and engaging in joint advocacy initiatives.
9	Reduced International Advocacy and Solidarity	Government restrictions on international engagement limit support. This could also be based on international partners focusing more on trade and investment and not human rights						Collaboration with international human rights organizations and participation in global advocacy efforts.
10	Online Harassment	Online harassment tactics include doxxing, trolling, hate speech, and coordinated cyberattacks,						Digital security training, development of skills to determine troll farms or lone rangers to know what actions one needs to take. Due to the nature of these threats, psychosocial support is required for HRDs.



4. Strategic Opportunities

Despite repression, resilience is evident:

- Digital Innovation: Activism, documentary filming, and social media platforms mobilize youth engagement.
- Coalition/movement Building: Civil society coalitions are emerging to train human rights defenders (HRDs), pursue litigation, and document cases of abuse.
- Best Practice Examples: Comparative insights from countries like Finland, Canada, and South Africa demonstrate successful legal protocols that Kenya can emulate.

5. Key Recommendations

a. Legal and Institutional Reform

- Repeal or amend repressive laws, such as the Public Order Act and Cybercrimes Act.
- Advocate against enactment of repressive laws like the proposed Assemblies and Demonstrations Bill (2024) and the Kenya Information and Communications (Amendment) Bill, 2025
- Finalize and implement regulations under the PBO Act and the Community Groups Registration Act.
- Strengthen judicial oversight and independent police oversight authority.

b. Protection of Human Rights Defenders

- Institutionalize legal aid, rapid response funds, and physical/digital safety mechanisms.
- Enact national HRD protection laws aligned with EU Guidelines.

c. Inclusive Civic Participation

- Mainstream civic education and political history into schools and public discourse.
- Support youth- and women-led civic initiatives, particularly at the grassroots level.

d. Donor and International Support

- Promote unrestricted, core funding and emergency support.
- Pressure state actors diplomatically to uphold constitutional freedoms.

e. Media and Digital Rights

- Support youth media collectives and establish journalist protection funds.
- Reform cyber laws to protect free expression and fight disinformation.

6. Conclusion

Kenya stands at a pivotal moment. The erosion of civic space threatens its democratic fabric, but youth-led innovation and civil society's resilience provide hope. With urgent legal reforms, inclusive engagement, and donor flexibility, Kenya can reverse civic space repression and empower its next generation of change-makers.

Next Steps for Stakeholders

To safeguard and expand civic space in Kenya, stakeholders must take proactive measures:

Civil Society Organisations – Programmatic Intervention

- Institutionalize Civic Education & Digital Rights Literacy:
- Integrate civic learning into schools, community centres, and online platforms to equip youth and citizens with knowledge on governance, rights, and safe digital activism. This should also include Kenya's political history.
- Decentralize and Strengthen Civic Participation Platforms:
- Establish and enhance forums at the county level where citizens, especially youth, can engage directly with policymakers and influence local governance decisions.
- Early Warning and Rapid Response System:
- Develop a coordinated, multi-stakeholder system to detect threats to civic space and respond with legal aid, relocation, or advocacy within 48 hours.
- National Coalition for Civic Space Defense:
- Organize CSOs, activists, lawyers, and researchers into a permanent coalition to monitor civic space, issue joint statements, and coordinate responses.

Government of Kenya

- Rationalize Registration Legislation for Non-Profit Organizations:
- Review and reform the PBO Act and the Community Groups Registration Act, which currently curtail civic space. Establish and adequately fund necessary bodies. Simplify registration processes and protect CSOs from arbitrary deregistration.
- Repeal or Amend Repressive Laws:
- Review laws such as the Public Order Act and Cybercrimes Act to ensure compliance with the 2010 Constitution and international human rights norms. Drop the proposed Assemblies and Demonstrations Bill (2024) currently in the National Assembly. Enact whistleblower protection legislation and develop comprehensive guidelines for Access to Information regulations.
- Judicial Oversight and Police Accountability:
- Strengthen oversight institutions to prevent abuse of power by law enforcement and ensure fair trials for activists and human rights defenders.
- Protect and Engage Youth & Women Human Rights Defenders (WHRDs):
- Establish inclusive policies and special protection mechanisms for youth, women, and persons with disabilities (PWDs), who are disproportionately affected by civic space repression.
- Diversify Funding and Build Resilience:
- Innovate fundraising approaches including community giving and partner-

- ships—to reduce dependence on restricted donor streams.
- Invest in Digital Infrastructure and Security:
- Train staff in digital safety and adopt open-source tools to protect data and communications amidst surveillance threats.
- Foster Inclusive Leadership:
- Proactively include youth, women, PWDs, and minority groups in decision-making and governance structures.
- Document and Amplify Civic Narratives:
- Use storytelling, podcasts, and digital media to preserve civic memory, inspire activism, and counter state propaganda.

International Community & Development Partners

- Flexible and Responsive Funding:
- Provide unrestricted and rapid-response funding to CSOs, especially those led by youth, women, and grassroots actors in high-risk areas.
- Diplomatic Pressure and Monitoring:
- Utilize public diplomacy and formal dialogues to pressure the state to respect human rights and document cases of abuse through embassies and missions.
- Support South-South Learning:
- Facilitate exchange visits and learning platforms to enable Kenyan CSOs to learn from counterparts in countries like South Africa and other progressive contexts.

Private Sector

- Support Civic Tech and Innovation Labs:
- Partner with civil society to develop technology solutions that promote transparency, such as e-petition platforms and participatory budgeting tools.
- Adopt Human Rights Due Diligence:
- Corporate actors, especially in the ICT sector, should assess their impact on civic space and adopt practices that protect digital and human rights.
- Invest in Youth-Led Innovation:
- Launch youth challenge funds or hackathons to support civic innovations that advance social accountability and government transparency.

Media and Digital Rights Organizations

- Champion Investigative Journalism:
- Train and support journalists to expose corruption and human rights abuses while publishing stories that amplify civic voices.
- Establish a Journalist Protection Fund:
- Create a national legal defense and emergency support fund for media professionals targeted while reporting on protests or civic space issues.
- Amplify Underrepresented Voices:
- Use media platforms to spotlight the civic concerns of rural youth, PWDs, women, and LGBTQ+ activists, often overlooked by mainstream outlets.



FORUMCIV.

Telephone: +254 705 871 873 E-mail: info.africa@forumciv.org



ForumCivESA



ForumCivESA



ForumCivESA



ForumCiv Eastern and Southern Africa