

Katiba Day belongs to the people, not to those who betray it

August 27, 2025, Nairobi, Kenya

Fifteen years after its promulgation, the Constitution's transformative promise remains largely unfulfilled. Though it envisioned a democratic, accountable, and people-centered state, critical provisions on governance and social justice have been ignored, undermined, or manipulated.

Peaceful protesters, particularly young Kenyans in the recent Gen Z-led demonstrations, have been met with bullets, abductions, and killings. This undermined the right to assemble and petition under Article 37.

The Executive has repeatedly disobeyed court orders, eroded the authority of the Judiciary, and weakened constitutional checks and balances. Independent commissions and oversight institutions, established under Chapter 15 to safeguard accountability, have been starved of resources, undermined, or brought under Executive thumb.

Devolution, one of the Constitution's most significant gains, has been systematically weakened through delayed and inadequate funding of counties, crippling essential services such as healthcare and education.

Populist directives, such as the victims' compensation framework, which bypasses lawful processes, and the multi-agency anti-corruption taskforce, which usurps the role of constitutional commissions, continue to prove the regime's disregard for the rule of law. Meanwhile, corruption and the wastage of public resources remain rampant, robbing Kenyans of opportunities and deepening inequality.

At the same time, the regime has failed to realize the socio-economic rights guaranteed under Article 43. Millions of Kenyans face worsening unemployment, collapsing education standards, and a failing health system.

Against this backdrop, President William Ruto's declaration of Katiba Day appears less about honoring the Constitution and more about sanitizing a record of consistent violations. For the last 14 years, citizens, civil society, and progressive actors have faithfully marked the anniversary of the Constitution's promulgation, even under hostility from successive regimes. Katiba Day has always provided a moment for Kenyans to reflect, take stock, and reaffirm their commitment to

defending the Constitution. They did not need a presidential proclamation to remember this day, as it has always belonged to the people.

This year's theme, "Inuka Uilinde" or "arise and defend the Constitution", is a timely reminder that the Constitution must be rescued from political expediency and defended by the people it was written for. The Gen-Z movement has already shown the power of citizen action in exposing impunity. It must now be sustained and broadened. As civil society organizations, we demand the following actions in defense of the Constitution:

1. There must be a fidelity to the letter and spirit of the Constitution. Populist, unconstitutional directives must be abandoned in favor of lawful processes anchored in the Constitution.
2. Interference with Parliament and the Judiciary must end. Legislators should be free to exercise their oversight and lawmaking roles without Executive influence, while independent commissions and oversight bodies must be adequately resourced to fulfill their mandates free from political manipulation.
3. There must be justice for victims of state violence, past and present. Corruption and wastage must be confronted decisively, and those responsible for human rights violations and the looting of public resources must be held accountable.

Signed

Act Change Transform (Act!)	Defenders Coalition	Initiative for Inclusive Empowerment	Kenya Human Rights Commission (KHRC)	Muslims for Human Rights (MUHURI)	Wangu Kanja
Article 19 East Africa	Haki Yetu	International Justice Mission (IJM)	Kenya Land Alliance (KLA)	Siasa Place	
Civic Freedoms Forum (CFF)	Independent Medico-Legal Unit (IMLU)	Inuka Kenya Ni Sisi!	Kituo cha Sheria	The Institute for Social Accountability (TISA)	

CRECO	InformAction	Katiba Institute	Mazingira Institute	Transparency International Kenya (TI- Kenya)	
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