

PRESS STATEMENT

PRWG PRESS FOR COMPENSATION TO BE MANAGED BY KNCHR, A CONSTITUTIONAL COMMISSION.

Thursday 29, August 2025

Mombasa, Kenya

We, the undersigned human rights organisations, note the appointment of a Panel of Experts on Compensation for Victims of Demonstrations and Public Protests through a Presidential Proclamation, dated 6 August 2025 and a gazette notice, dated 25 August 2025.

The gazette notice creates a body whose mandate is to establish a comprehensive framework, engage stakeholders, verify data on victims and make recommendations on reparations for eligible victims affected by demonstrations, public protests and riots in Kenya that have occurred since 2017.

We are enthusiastic about the government's commitment to ensuring compensation for victims of atrocities and the affirmation that funds for such efforts are available.

We are aware of ongoing litigation challenging the establishment of the proposed framework and panel. We, too, have concerns about its legality, legitimacy, and independence in undertaking this critical justice assignment. In particular, we question the process, composition, and overlap with mandates of existing constitutional commissions and legal bodies.

We demand a justice process, which meets international laws and the UN Guiding Principles on the Rights to Remedy and Reparations, which provide for effective compensation, restitution, restoration, rehabilitation, satisfaction and guarantee of non-repetition.

This initiative comes against the backdrop of a long history of the use of excessive force and violence by the state against citizens whenever they exercise their rights to freedom of peaceful assembly and protest. For instance, during the protest that occurred on 7th July, 47 Kenyans lost their lives to police excesses. Accountability remains elusive despite the existence of a progressive constitutional framework and statutory provisions. The prevalence of human rights violations during protest-management has also caused significant risk to journalists, impacting their work, and overall safety.

We fully support the principle of providing justice and compensation to victims. However, the institutional framework for this panel raises significant questions about its independence, transparency, and constitutionality. Additionally, we are concerned that the establishment of a time-bound panel of experts amounts to duplication of efforts, wastage of public resources, and executive overreach.

The Constitution of Kenya has established and empowered independent constitutional commissions, such as the Kenya National Commission on Human Rights (KNCHR), mandated to protect human rights, investigate violations, and ensure state accountability. This mandate is expressly designed to be free from executive influence, a vital safeguard against political interference in matters of justice and redress. Additionally, other legal instruments have been established through the proper constitutional channels, such as the Victim Protection Act, which should be fully equipped and operationalised.

History has taught us tough lessons, such as the government's failure to act on recommendations by truth-seeking, accountability and justice initiatives. A credible reparations process must extend beyond financial compensation. True justice for victims requires a comprehensive approach that includes accountability for perpetrators, public apologies, memorialisation, and legal reforms to prevent future abuses.

This is particularly crucial given Kenya's disappointing track record on transitional justice, including recommendations by the Truth, Justice and Reconciliation Commission (TJRC).

We urge the government to align this crucial process with existing legal and constitutional frameworks and established best practices for transitional justice. A reparations process that fails to uphold judicial redress or address the deep-rooted issues of impunity risks being perceived as a public relations exercise rather than a genuine effort to deliver justice and healing.

Calls by the PRWG:

1. The government should fully resource the constitutionally mandated agency - the KNCHR- to administer reparations by providing it with the necessary resources and legal backing to undertake this critical task.
2. The government should ensure that the reparations go beyond monetary compensation and address non-monetary reparations, including accountability and institutional reforms.
3. The government should fully resource and operationalise the Victims Protection fund that the government has failed to resource to meet its function.
4. The reparations process should be guided by meaningful engagement with stakeholders, including victim-led groups and victim-centred, to ensure transparency and legitimacy.
5. Progressive appointees to this panel should reconsider their acceptance of appointment, considering the fundamental flaws raised by PRWG.
6. The government should give an undertaking guaranteeing data safety and security of victims and their families.
7. The government should desist from actions that enable the decline of the rule of law through criminalisation, harassment, intimidation and surveillance of human rights defenders, dissenting voices and targeting of civic actors, including the most recent surveillance and harassment

of Human Rights Defenders and the Associate Director of Human Rights Watch, Otsieno Namwaya.

8. The government must desist from issuing populist proclamations that are not enshrined in law.

To the Victims

1. We urge the victims to remain vigilant if proposed compensation does not fully address their quest for justice and restoration.

The Police Reforms Working Group is an alliance of national and grassroots organisations committed to professional and rule of law policing. They include Defenders Coalition, Katiba Institute, Kenya Human Rights Commission, The Kenyan Section of International Commission of Jurists (ICJ Kenya), International Justice Mission (IJM-K), HAKI Africa, Kariobangi Paralegal Network, Women Empowerment Link, Social Welfare Development Program, Independent Medical Legal Unit, Federation of Women Lawyers (FIDA) Kenya, International Centre for Transitional Justice, Social Justice Centres Working Group, Usalama Reforms Forum, Transparency International – Kenya, Shield For Justice, Wangu Kanja Foundation, Peace Brigades International, Constitution and Reform Education Consortium and Article 19.