

# Kenya

## Country Focus Report

October 2025

Credit: Damian Patkowski



# TABLE OF CONTENTS

## **A. An Introduction to the Enabling Environment**

## **B. Assessment of the Enabling Environment**

1. Respect and Protection of Fundamental Freedoms
2. Supportive Legal and Regulatory Framework
3. Accessible and Sustainable Resources
4. Open and Responsive State
5. Supportive Public Culture on Discourses on Civil Society
6. Access to a Secure Digital Environment

## **C. Recommendations**

## **D. Research Process**



# A) An Introduction to the Enabling Environment

What we understand by an Enabling Environment is the combination of laws, rules and social attitudes that support and promote the work of civil society. Within such an environment, civil society can engage in political and public life without fear of reprisals, openly express its views, and actively participate in shaping its context. This includes a supportive legal and regulatory framework for civil society, ensuring access to information and resources that are sustainable and flexible to pursue their goals unhindered, in safe physical and digital spaces. In an enabling environment, the state demonstrates openness and responsiveness in governance, promoting transparency, accountability, and inclusive decision-making. Positive values, norms, attitudes, and practices towards civil society from state and non-state actors further underscore the supportive environment.

To capture the state of the Enabling Environment, we use the following six principles:

## SIX ENABLING PRINCIPLES

- 1. Respect and Protection of Fundamental Freedoms**
- 2. Supportive Legal and Regulatory Framework**
- 3. Accessible and Sustainable Resources**
- 4. Open and Responsive State**
- 5. Supportive Public Culture and Discourses on Civil Society**
- 6. Access to a Secure Digital Environment**

In this Country Focus Report, each enabling principle is assessed with a quantitative score and complemented by an analysis and recommendations written by our Network Members. Rather than offering a singular index to rank countries, the report aims to measure the enabling environment for civil society across the 6 principles, discerning dimensions of strength and those requiring attention.

The findings presented in this report are grounded in the insights and diverse perspectives of civil society actors who came together in a dedicated panel with representatives from civil society to discuss and evaluate the state of the Enabling Environment. Their collective input enriches the report with a grounded, participatory assessment. This primary input is further supported by secondary sources of information, which provide additional context and strengthen the analysis.

## Brief Overview of the Country Context

Since 2024, Kenya has witnessed [widespread unrest](#) and recurring protests as a result of [socio-economic grievances](#) and public dissatisfaction with government actions. Some of these recurring protests have led to [violent crackdown](#) on protesters, resulting in [death](#), [destruction of property](#), arrests and charging of protestors with [terrorism related offenses](#) and heightened restrictions of the civic freedoms, including [media](#) freedoms, thereby undermining the enabling environment of civil society. Kenya's democratic performance has been rated as partly free on the [Freedom House Index](#) as journalists and human rights defenders remain vulnerable to police and political intimidation. Civil society organisations (CSOs) in Kenya continue to operate in such a political environment characterised by increased tensions between government and [young activists](#).

This tension comes at a time when formal opposition has been weakened, with some key elements of opposition parties having entered government alliances. On 7 March 2025, President William Ruto and the late opposition leader Raila Odinga [signed](#) a 'political cooperation' agreement between Orange Democratic Movement and United Democratic Alliance which outlines a [10-point agenda](#) on collaboration between the two parties. While the pact proposes to promote inclusivity, accountability and good governance, there are concerns on the [shrinking role of the opposition](#) to hold the government accountable.

The quality of engagements between CSOs and the government is generally poor and is often characterised with non-responsiveness from the Government. There is minimum involvement of non-state actors in key decision-making process which has in turn led to erosion of trust further straining the relationship between the two entities.

Nonetheless, CSOs in the country play an important role in shaping the [social, economic and political](#) landscape as watchdogs, [advocates](#) and catalysts for positive change in the society. This is despite CSOs continuing to experience government and political interference, which

includes overregulation, intensified scrutiny, and the imposition of burdensome governance and audit requirements which curtail CSO autonomy and operational ability.

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# B) Assessment of the Enabling Environment

## PRINCIPLE SCORE

### 1. Respect and Protection of Fundamental Freedoms

Score: <sup>1</sup>



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While the [Constitution of Kenya](#) provides for fundamental rights and freedoms for civil society – such as freedom expression, of association and of peaceful assembly – in practice, there is repression by the state. The [2024 CIVICUS Monitor](#) rating classifies civic space in Kenya as repressed, and in July 2025, Kenya was added to [CIVICUS Monitor Watchlist](#) following a concerning escalation in state-led repression of civic freedoms.

#### 1.1 | Freedom of Association

Article 36 of the Kenyan Constitution provides for the right to freedom of association, which includes the “right to form, join or participate in the activities of an association of any kind”. Individuals and entities have a menu of options to select which type of organisation they would prefer to establish under legal statutes such as the [Registration of Business Names Act](#), [Companies Act](#) (those registering as company limited by guarantee), [Partnerships Act](#) (including limited liability partnerships), [Trust Act](#), [Cooperatives Societies Act](#), [Societies Act](#), [Public Benefit Organisation Act](#), and [Community Groups Registration Act](#).

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<sup>1</sup>This is a rebased score derived from the CIVICUS Monitor rating published in December 2024. The country is rated as Repressed in the Monitor, with a score of 37/100, which has been converted to fit our 1–5 scale

The [Public Benefits Organisation Act](#) (PBO Act), which came into effect in 2024 even though enacted in 2013, serves as the main governing law for CSOs. It also establishes the Public Benefit Regulatory Authority (PBORA) whose mandate, among others, is registering PBOs, maintaining a register of organisations and investigating whether [PBO activities](#) comply with the PBO Act. The entry into force of the PBO Act and creation of the PBORA are generally a welcome development towards a unified process for associations, but the PBO Act and its implementation also raise some freedom of association concerns. For example, in December 2024, the PBORA announced plans to [cancel registration certificates](#) of 2,802 non-governmental organisations - a move that is viewed as repressive towards CSOs and NGOs. With the April 2025 High Court judgment declaring the new requirements under Paragraphs 5(1) and 5(2) of the fifth schedule of the PBO Act [unconstitutional](#). These requirements state that all NGOs registered under the repealed NGO Coordination Act must apply afresh for registration as PBOs. The expectation was that the existing compliance barriers would ease. However experience from affected CSOs is that they still face [challenges](#) when renewing their registration and registering as new NGOs.

Some concerning provisions in the PBO Act have now been ruled unconstitutional, thanks to the April 2025 [High Court judgment](#). These include the mandatory re-registration, the powers of the PBORA given the lack of protections for its independence, and the procedure for cancelling or suspending a CSO.

## 1.2 Freedom of Assembly

Though article 37 of the [2010 Constitution of Kenya](#) provides strong protections for freedom of peaceful assembly, the freedom to do so has deteriorated as authorities tend to [crackdown](#) on peaceful protests. Between June 2024 and July 2025, Kenya experienced cycles of [peaceful Gen-Z led protests](#). In 2024, there were [reported](#) 60 deaths and hundreds of injuries. In addition, during the [Saba Saba protests](#) of 7 July 2025, at least [31 people lost their lives](#), 107 people sustained injuries as a result of police brutality, [532 people](#) were arrested and property was destroyed, casting a shadow on the concept of freedom of assembly.

Recently, the Government has proposed laws which raise concerns over restrictions on freedom of assembly. For instance, the [Public Order \(Amendment\) Bill 2025](#) aims to prevent public gatherings within 100 metres of the Parliament, statehouse, courts and other designated protected areas. The Bill further introduces fines of Ksh 100,000 or a three-month prison term for those who violate these measures; a move that further amplifies the receding enjoyment of freedom of assembly. Another tabled [Assembly and Demonstration Bill 2024](#) aims to enforce rigorous rules and regulations on demonstrations and assemblies across the country, which goes contrary to the [freedom of assembly](#) and expression. For instance, it imposes liability for damage on the organisation or person who convenes or takes part in

assemblies or demonstration. The Bill had its [first reading](#) on 7 August 2024, then entered the public participation phase which concluded in September 2024. As of mid-2025, the Bill had not yet proceeded to the next stage and was still under debate from the parliamentarians.

All in all, both bills are intended to restrict peaceful protests which have become more common over the past two years.

### 1.3 Freedom of Expression

Articles 33 and 34 of the Constitution provide for freedom of expression and media, together with the [Media Council Act](#), which operationalises press freedom. The Act establishes, among other things, the [Media Council of Kenya](#), which promotes ethical standards, safeguarding the independence of journalists, and ensuring adherence to professional norms.

However, some restrictive laws such as the [Compute Misuse and Cyber Crimes Act](#) have been introduced which could suppress dissent and curtail freedoms of expression. For instance, [section 22 of the Act](#) criminalises “false publication” by providing that any person who intentionally publishes false, misleading or fictitious data or misinforms with intent that the data shall be considered or acted upon as authentic, with or without any financial gain, commits an offence. If convicted, the person will be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years, or to both. The law has been contested by the [Kenya Union of Journalists and the Bloggers Association of Kenya](#) as the prospect of harassment and violence from the state may lead to self-censorship. Criminalisation of fake news is patently challenging due to the vague nature and subjectivity of the offence, which consequently increases the likelihood of executive overreach in curtailing dissenting opinions and access to information. This is exemplified by authorities using fake news laws as a [dragnet to outlaw reporting](#) on government misconduct and criticism from political opposition, bloggers, human rights defenders, and journalists.

In addition, press freedom has been under threat in Kenya in practice. This has been evident during the recent protests witnessed in Kenya in [2024](#) and [2025](#) where journalists were physically attacked and arrested by the police. During the June 2025 protests, the Communications Authority of Kenya ordered media houses to [cease airing a live broadcast](#). The Directive was widely criticised by the local journalists and the civil society in Kenya as [unconstitutional](#), going against Kenya’s strong constitutional protections for media freedom. The High Court of Kenya subsequently [ordered](#) the immediate restoration of all switched-off broadcasts and suspended the Directive pending a full hearing of a case challenging its constitutionality.

Citizens and activists exercising their freedom of expression have also faced state repression. For instance, in July 2025, TikTok user [Geoffrey Cheson](#), a renowned content creator, was

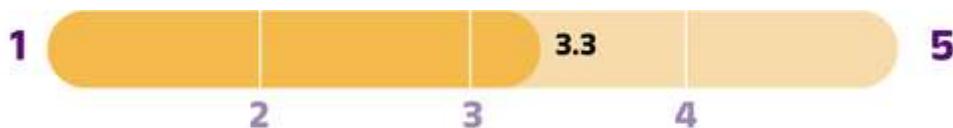
[abducted in Mombasa](#) by people believed to be the police. He was tortured, interrogated and dumped in a forest in Voi. A week later, another popular TikToker [Godfrey Mwasiaga Kakan Maiyo](#) was also arrested and accused of inciting violence against police officers and their families through his social media handles. Maiyo was released on a police bail of [Ksh 10,000](#) after spending two nights in police custody. These recent developments have heightened apprehension among many Kenyans, particularly regarding their activity on social media platforms. There is growing scepticism and concern that their online expressions are being monitored and tracked by government agencies, sending a chilling effect on the enjoyment of freedom of expression.

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## PRINCIPLE SCORE

# 2. Supportive Legal and Regulatory Framework

Score:



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The legal and regulatory framework for CSOs in Kenya is partially enabling. While the legal framework explicitly states the procedures for registration and guarantees them to operate autonomously, some CSOs working on sensitive issues often face arbitrary interferences which limit their operations.

### 2.1 Registration

Article 36 of the [Constitution of Kenya](#) provides for the right to freedom of association – which entail the right to form, join or participate in the activities of an association of any kind. It further provides that any legislation that requires the registration of an association of any kind shall not withhold or withdraw registration unreasonably, and for the right to a fair hearing before a registration is cancelled.

The [legal procedures](#) for registering various forms of civil society organisations ([trade unions](#), NGOs, trusts, [community based organisations](#), public benefit organisations, religious institutions) are clear and accessible. Legal statutes such as the [Registration of Business Names Act](#), [Companies Act](#) (those registering as company limited by guarantee), [Partnerships Act](#), [Trust Act](#), [Cooperatives Societies Act](#), [Societies Act](#), [Public Benefit Organisation Act](#) (PBO Act), and [Community Groups Registration Act](#), provide individuals and entities a menu of options to select which type of organisation they would prefer to establish. These statutes make its procedurally clear on the registration requirements and the requisite documentation.

Further, there are appeal mechanisms whenever a party is aggrieved with the registration process or is denied registration unjustifiably. For instance, section 17(3) of the [PBO Act](#) provides review process by the [Public Benefits Organisation Disputes Tribunal](#), with the aggrieved party required to apply for the review within thirty days of receiving a written notice of the decision.

The Public Benefit Regulatory Authority (PBORA) has also developed draft [PBO Regulations 2025](#) which were subject to public engagement and consultation from 19 June 2025 to 25 July 2025. The regulations seek to operationalise the implementation of the Act by providing a framework for the management and oversight of public benefits organisations. They will also provide the criteria for registration, suspension, cancellation and reinstatement of public benefit organisations; and for the coordination and operations of the forums and federation of forums.

There are no barriers to marginalised groups establishing an organisation provided it is not in breach of the constitution. However, there may be bureaucratic challenges for example when registering a CSO promoting LGBTQI+ rights including promotion of same sex marriages. This is despite the Supreme Court of Kenya having previously pronounced itself on the right to freedom of association in the case of [Non-Governmental Organisations Co-Ordination Board v Eric Gitari & 5 others, Supreme Court Petition No.16 of 2019 \[2023\]](#) where the court upheld the right to freedom of association for LGBTQI+ persons, despite this not being expressly protected under the general non-discrimination provisions of [Article 27 of the Constitution](#).

Legal barriers are faced where the CSO's purpose is deemed by the Registrar of Societies as unlawful and prejudicial to the state. However, this is not clearly defined and gives discretion to the registrar. For instance, the Government instituted a moratorium [stopping](#) the registration of churches and societies on 11 November 2014. However that moratorium was lifted in [July 2022](#), allowing the registrar of societies to accept new applications under the Societies Act. In August 2025, Kenya National Commission on Human Rights (KNCHR) [warned](#) that the process of registering an organisation still remains a challenge due to the complex demands of the Community Groups Act (2022) and the PBO Act, which create back-door barriers for CBOs hence hindering their ability to register, access resources, and operate autonomously.

Some other challenges faced relate to bureaucracy where organisations must grapple with lengthy approval processes, registration centralisation with major offices only present in the capital – leaving grassroots organisations disadvantaged. [Section 34 of the PBO ACT](#) provides that *“the Authority shall establish mechanisms to ensure that its services are available in all parts of the Republic”*. However, this has not been implemented in practice, pointing to the need of having additional regulatory frameworks for effective implementation across the board.

## 2.2 Operational Environment

The Constitution and PBO Act provide safeguard to freedom of association, including to operate freely and setting up objectives. In addition, [judicial courts](#) have reaffirmed that once registered, CSOs have a right to engage in their activities without unreasonable restrictions.

The PBO Act establishes structures for oversight and accountability between PBORA and CSOs. To this extent, CSOs in Kenya leverage on this to operate despite the hinderances that include complex compliance demands like reporting obligations and regulatory discretions which are susceptible to government overreach and control. Additionally, the recently operationalised [PBO Act](#) allows for access to funding, indicating that every PBO shall have the right to access resources, including foreign funding, in a transparent manner and in accordance with the law. Notably, a statute law (miscellaneous amendment) Bill which had proposed the access to funding to 15% of the organisation's total budget was [not enacted due](#) to concerns from the CSOs, which saw members of parliament reject it.

CSOs face operational challenges in practice. For instance, the [grey listing](#) of Kenya in 2024 by the Financial Action Task Force necessitated the introduction of [the Anti-money Laundering and Combating of Terrorism Financing Laws \(Amendment\) Act 2025](#) which was passed into law in July 2025. The act amended the PBO Act granting PBORA the mandate to monitor, assess and report money laundering and financing of terrorism by CSOs. Government officials have also used the anti-money laundering angle to monitor and intimidate CSOs critical to the government accusing them of funding terrorism. For instance, in July 2024, the Ruto government named [16 CSOs](#), including ones supported by Ford Foundation, accusing them of financing anti-government protests. Muslim-led organisations such as [Muslims for Human Rights \(MUHURI\)](#) have been being accused of backing and financing terrorists' activities, resulting in a lack of access to resources, [account closures or freezes](#).

The PBO Act also imposes KES 25,000 penalty for late filing of annual returns, which creates a major challenge for organisations without funding, sometimes putting them at risk of deregistration. Though accountability is crucial, experience from the ground indicates that CSOs perceive the fine as a financial burden to small organisations which could cripple their operation.

The operational environment for the CSOs in the country continues to face heightened uncertainty, compounded by the new Kenyan government shifting its [position](#) on funded projects. Any donor funded projects must be aligned with the [Bottom up Economic Transformation Agenda](#), the manifesto of the government of the day, and [Kenya's vision 2030](#). Such requirements, coupled with the shifting dynamics in the donor ecosystem, such as [USAID funding cuts](#), limit civil society's ability to access diverse and sustainable resources.

In the past, the State has attempted to obtain discretion in [limiting foreign funding](#) and centralising funds under a government-controlled federation. With the PBORA, given the mandate under section 43 that it may impose monetary, civil or administrative sanctions for violations under the Act, this underscores how politically sensitive organisations remain highly vulnerable to arbitrary administrative actions by the Government.

### **2.3 Protection from Interference**

The [PBO Act](#) provides grounds for the voluntary deregistration, winding up and dissolution of CSOs. In addition, under section 32 of the draft PBO regulations, the PBORA may deregister an organisation on grounds of non-compliance with the Act, contravention of any other laws, failure to undertake a public benefit purpose or for suspicion of having engaged in activities involving money-laundering or other economic crimes. Recent actions by the PBORA illustrate this risk. On 21 November 2024, PBORA gave a [notice](#) of its plan to cancel the registration of 2802 NGOs on the grounds of breach of the provisions of the Act and violation of the terms of their certificate. The experience from affected CSOs is that they still face challenges when renewing their registration and registering as new NGOs.

Despite the PBO Act explicitly recognising the autonomy of PBOs to manage their own affairs within the law, CSO's have often faced interference, with the most recent cases being linked to [scrutiny](#) over alleged involvement in anti-government protests or under pretext of [non-compliance](#).

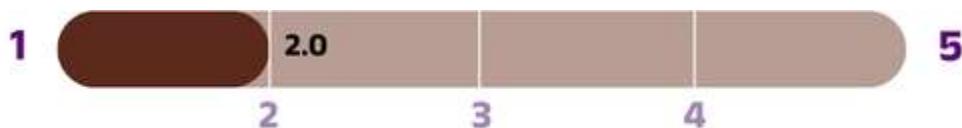
Various courts have occasionally intervened to protect CSOs, as in the [Eric Gitari v NGO Board](#) case. The state has also tried to [amend laws](#) to give itself wider discretion (e.g. [limiting foreign funding](#), centralising funds under a government-controlled federation). This suggests that while legal recourse exists through courts, the executive continues to arbitrarily target CSOs. The protections are inconsistent and weak in practice, and politically sensitive groups remain especially vulnerable.

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## PRINCIPLE SCORE

### 3. Accessible and Sustainable Resources

Score:



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Civil society actors in Kenya face a restrictive funding environment characterised by heavy dependence on declining international funding. The lack of flexible core funding, [tax incentives](#) and domestic philanthropy lessens institutional resilience and undermines sustainable programmatical approaches.

#### 3.1 Accessibility

Access to funding from donors is a complicated and competitive process in Kenya, particularly for funding from the European Union and the closed U.S. Agency for International Development. Many grants from these donors require a diligent and extensive application process that often places [grassroots and rural CSOs](#) at a disadvantage, due to a lack of capacity, or lack of timely information about funding opportunities. When calls for funding are advertised, there is limited effort to disseminate them in rural communities, making it difficult for smaller organisations to apply.

[Grassroots CSOs](#) also tend to not have sufficiently developed and well-organised internal processes and policies, which prevent them from fulfilling donor eligibility requirements. In addition, experts indicate that faith-based organisations may face funding limitations from international donors that prioritise the universality of human rights, including equality and non-discrimination, as some organisational positions may conflict with LGBTQI+ rights.

Kenya has domestic funding available for CSOs, including governmental and county grants like the Uwezo Fund, Women Enterprise Fund, Youth Enterprise Development Fund, National Government Constituencies Development Fund. In addition, there are private contributions and philanthropy opportunities from organisations such as Safaricom, Equity, Kenya Commercial Bank and foundations. However, there limitations to accessibility remain. Groups working on governance, accountability, and human rights issues will often be excluded or disadvantaged when accessing domestic funding. This is primarily because most domestic sources of funding do not prioritise funding work in governance or political issues, instead preferring to resource work in less politically problematic areas such as health, education, or livelihoods. Therefore, although access to funding from domestic funding is slowly expanding through government grants, county budgets and other initiatives, domestic funding is still very limited in terms of inclusion and overall coverage.

CSOs deal with high banking fees when opening accounts, and bureaucracy, often linked to government oversight. In some cases, the freezing of accounts for organizations considered to be critical of the state has occurred. Tax policies give limited or negligible incentives for CSOs, with hardly any exceptions. For instance under the [Income Tax \(Charitable Organisations and Donations Exemption\) Rules 2024](#), corporations or individuals may deduct cash donations to charitable organisations from their taxable income. However, these charitable organisations must meet certain criteria, for example they must be of “public character”.

CSOs' access to own funding is limited as only a few organizations can sustainably raise income on their own. Most rely on fundraising or donations. Faith-based organizations leverage community networks, while most other CSOs rely on funding for short-term project duration. In totality, these systemic barriers illustrate the critical need for more inclusive, accessible, and flexible funding mechanisms to address Kenya's diverse civil society ecosystem.

### **3.2 | Effectiveness**

Though the relationship between CSOs and donors is good, there are some funding requirements imposed by donors in Kenya that inhibit CSO effectiveness. For instance, rigid timelines and funding utilisation requirements limit flexibility. In addition, donors compel CSOs to return unspent funds at the end of the project, instead of allocating them to other project needs, affecting the continuation of critical activities. This inflexibility makes it difficult for CSOs to influence their existing operational contexts with project resources.

Government interference has further diminished the space for effectiveness. For example, the accusations by the President Ruto administration in 2024 against the [Ford Foundation](#) for allegedly funding protests illustrates how an overreaching state narrative might pressure

donors to apply further conditions on their funding or to discontinue their support. Some donors have shown some responsiveness to concerns regarding the security of CSOs. For instance the Ford Foundation [opened a regional office](#) in Nairobi in April 2025 after the GEN Z Protests funding row in 2024. Such support shows a sign of goodwill between donors and CSOs, which ensures continued support for civil society while maintaining the resilience of civil society actors from undue governmental interference, intimidation, and violence. Government representatives also [welcomed this move](#) framing the Ford Foundation as a reliable development partner to governments in the region, civil societies and the media.

[The localisation agenda](#), which emphasises local CSOs focusing on local issues, is being impacted by funding competition from international NGOs. According to experts, racial bias seems to play a role in funding decisions, with some CSOs feeling pressured to hire non-Kenyans, often white persons, in leadership positions to attract Western donors and influence resource mobilisation. Moreover, smaller CSOs in Kenya are at a disadvantage when compared with international NGOs because they have fewer resources, a less developed human resource capacity, fewer funded donor projects to show impact, and less visibility for referrals. This, along with the preference of internationally viewed or white-run CSOs in awarding grants, hinders funding to grassroots groups and continues to perpetuate structural inequalities across the civil society sector. There is limited actual sub-granting from international to national CSOs, and the requirements to co-fund, where CSOs must provide for a portion of the project, are not feasible for smaller organisations.

### 3.3 | Sustainability

Sustainability is the most pressing concern for Kenyan CSOs, as most organisations are reliant on funding from donors that is shrinking significantly with donor priorities shifting, particularly given [Kenya's status](#) as a [middle-income](#) country. International donors are shifting funding away from Kenya to poorer countries, even with substantial and persistent poverty and inequality in Kenya, creating a basic misalignment between donor classification and realities.

Kenyan CSOs are grappling with a [25% drop in funding in 2025](#) – signalling one of the toughest years yet for the nations CSOs/NGOs. The drop in funding, which has been linked to issues such as [USAID funding cuts](#) and other emerging global challenges that shifted donor priorities, has led to a slowdown in operations, the suspension of programs, or complete shutdowns. This financial strain affects Kenyan CSOs' capacity to engage communities in advocating for accountability, transparency and the protection of human rights, creating an uncertainty that has the potential to negatively affect the enabling environment in Kenya.

[Government stipulations](#) such as the high fees for training or registration of CSOs by the [NGO Board](#) are an additional strain on CSO sustainability. To ensure that sustainability is achieved, there is need to enact a social contracting law in Kenya that will provide social economic support to CSOs in some of the most underfunded areas. Additionally, it is essential to diversify

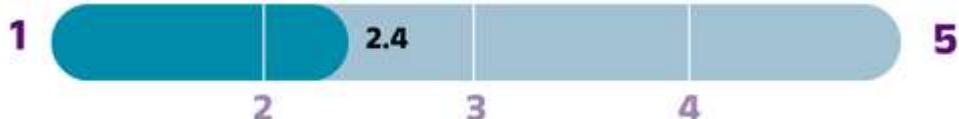
funding and to leverage, via policy dialogue and engagements with the governments, civil society, donors and all other ecosystem enablers, to ensure structured domestic funding mechanisms.

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# PRINCIPLE SCORE

## 4. Open and Responsive State

Score:



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While the Kenyan Constitution and Access to Information [Act 2016](#) provide the right to information, there are inconsistencies due to government obstruction and a lack of public awareness. Public participation is limited, and government is not accountable to civil society and the public on their input and contribution to decision-making processes.

### 4.1 Transparency

Article 35 of the Constitution provides for the right of access to information. In addition, the [Access to Information Act, 2016](#) gives Kenyan citizens the right of access to information held by public entities and relevant public bodies. It also requires state agencies to report annually on the status of its implementation to the [Commission on Administrative Justice](#) (CAJ) – which is the constitutionally designated commission for purposes of implementing and enforcing the Act. Additionally, the [Access to Information \(General\) Regulations](#) elaborate procedures for accessing information as espoused in the Act. The Commission has also developed draft [reporting guidelines](#) for public and private bodies as provided under the Act. However, these are yet to be fully adopted and operationalised.

Despite the existence of the laws, compliance is inconsistent both at the county and national level. Effective implementation has been hindered by government interference, and a lack of proper monitoring frameworks, which impedes the implementation of this Act. A 2023 [study](#) on public access to information and open governance in Kenya shows that the implementation of the Access to Information Act has contributed significantly to Kenya's [Open Government](#)

[Partnership](#) status. However, the study also points out that implementation of the Act faces certain [hurdles](#) including culture of secrecy, low levels of citizen awareness, and lack of funding.

Section 96 of the [County Governments Act](#) mandates counties to enact legislation establishing a framework for citizens' access to information. However, [most counties](#) have not fulfilled this requirement. Although CAJ has developed a model [Access to Information Law](#) to support county legislation, its implementation remains largely low. Only Kwale and Embu County have enacted their own access to information laws out of the 47 counties in Kenya. There has been a pattern where both national and county governments are hesitant to release project information, mostly on issues that are core to the community, such as environmental audits and environmental impact assessments of development projects.

At times, accessing information on local development projects can be challenging, requiring persistence and repeated advocacy or appeals to the CAJ. In 2023, the CAJ [reviewed](#) an application for access to information from residents of Kaptagat Ward in Uasin Gishu County after the County Government failed to disclose information on the construction of the [Naiberi-Tendwo road](#). It was only after the Commission's intervention that the residents were able to monitor the quality of work against the stated costs and hold the County Government accountable for their expenditure of public resources. Furthermore, in 2025, residents of Embu County also demanded the disclosure of information on the development of the Thuci Dam and Kagaari Gaturi Irrigation project. After a lot of back and forth, the national government under the Ministry of Water, Sanitation and Irrigation, [published](#) information to the public with regards to the project.

## 4.2 Participation

Public participation is a key principle of governance enshrined under Article 10 of the [Constitution of Kenya](#). Despite this provision, there is currently no stipulated framework on how public participation should be undertaken. The [Public Participation Bill 2024](#), which aims to provide a framework for effective and meaningful citizen engagement in governance processes, is yet to be passed. This is despite the Prime Cabinet Secretary [urging](#) the legislature to expedite its enactment. The stalling of this bill undermines state openness to engage with civil society and has a direct impact on the enabling environment for civil society in Kenya. In addition, the National Assembly has produced a guide on [public participation in the legislative process](#), aimed to enhance public understanding and awareness on how to engage in parliamentary processes.

Recently, both the executive and the legislature have been at the forefront of advocating for [public participation](#), for example, in the case of the Finance Bill 2024 and 2025. However, evidence indicate that Kenyans views are [not taken into consideration](#) after the public

consultations, leading to the current tension between government and young activists. Though participation occurs, there is a perception that Kenyan views [do not matter](#). There is insufficient [notice given](#) prior to conducting any public participation to enable civil society actors to prepare. In practice, participation also happens late in the process, giving the impression that it is more of a tick-box exercise than meaningful engagement of citizens in decision making processes. Civil society actors are not given opportunities to meaningfully influence decision making, and to this extent, there has been a deliberate intention by the government to exclude civil society actors on policies and decision-making platform. Additionally there is lack of [civic education](#) on the structures and modalities of public participation particularly for civil society actors who are located in interior parts of the country, where information on subject matter is limited.

### **4.3 Accountability**

While article 10 of the Kenyan Constitution embeds public participation as a vital principle for national governance, [the processes](#) for recording and justifying the Government's response to civil society inputs remain unclear. For instance, during the [2024 Public Finance Bill](#) the government of Kenya conducted various [public participation](#) forums across the country to solicit citizen views. [Okoa Uchumi campaign partners](#) and citizens from different parts of Kenya rejected the Finance Bill 2024. They [cited](#) budget the reduction by 11% in critical areas such as research, education, social protection and agriculture and the proposed tax rise on essential household commodities. However the Government of Kenya sidelined their views and opinions went ahead and passed the Finance Bill, igniting [Gen-Z](#) led outrage and protests. As we continue with our pursuit towards a fully enabling environment for civil society in Kenya, we hope that the feedback loopholes which exist regarding the Government not providing detailed feedback to the Civil Society actors and discarding their inputs will be addressed.

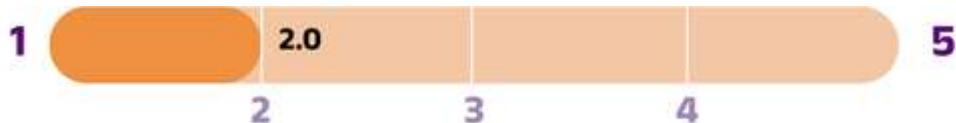
Some documented feedback mechanisms exist, such as [validation meetings and mandatory](#) publication of public participation deliberation on authorised platforms. which are intended to ensure that the government considers input from civil society actors. Regardless of the existing formal feedback mechanisms, civil society actors have raised concerns that this might not directly translate into meaningful, [substantial influence](#). Civil society actors have raised concerns that their recommendations [are not adopted](#), and no feedback is given as to why their inputs are [rejected](#) or not incorporated. This pattern has also been observed at the [county](#) and grassroots level where public forums – barazaas and jukwaas – bring together state and non-state actors on consultative meetings. However [non-state actor](#) proposals are often overlooked and feedback is not given.

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## PRINCIPLE SCORE

# 5. Supportive Public Culture and Discourses on Civil Society

Score:



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The Government's view of civil society actors as a threat, an environment of political and administrative complexity, uncoordinated and fragmented approaches to the provision of civic education, as well as inequality and exclusion overall, undermine supportive public culture and discourses on civil society. This reinforces Kenya's disabling environment for civil society.

### 5.1 Public Discourse and Constructive Dialogue on Civil Society

The Kenyan government sometimes acknowledges the role that civil society actors play within the governance, administrative and advocacy ecosystem. One example is the operationalising of the [Public Benefit Organisation Act](#) which is seen as a commitment in forging a strong civil society. However, the Government, from time to time, views civil society actors as a threat, sidelining them when they oppose government decisions. For instance, during the Gen Z led 2024 Finance Bill protests, the President accused the [Ford Foundation](#) of funding the protests and threatened to kick Ford Foundation out of the country. Additionally, 16 other CSOs were [investigated](#) by the [Kenyan government](#) in the same period over allegations that they received funding from the Ford Foundation.

The discourse between activists and government has been largely characterised by [unprecedented violent crackdowns](#), abductions and [forceful disappearance](#) of Kenyans who have expressed concern over the state of governance and human rights in Kenya. This has fuelled [distrust](#) between the Kenyan government and civil society actors, hindering

consequential dialogue on key issues such as corruption and human rights amongst the two actors.

The media in Kenya operates under [difficult](#) political conditions and legal regimes that hamper their enabling environment. Media groups have also [called for dialogue](#) between media and government to foster a more positive enabling environment. However, due to existing political pressures and [restrictive laws](#), journalists and media outlets work in a [highly challenging environment](#), which often hampers opportunities for the media and civil society actors to team up and support each other. Despite these constraints, the media still carries a critical responsibility to amplify constructive, evidence-based dialogue and to contribute to an enabling environment for civil society.

## **5.2 Perception of Civil Society and Civic Engagement**

[The CSOs](#) in Kenya have been instrumental in development and play an important role in protecting human rights, upholding rule of the law, promoting good governance and fostering social economic progress. Citizens also believe that the CSOs play an important role in the country. According to the Afrobarometer's latest [Kenya scorecard on citizen engagement](#), Kenyan citizens have mixed beliefs on their influence to political decisions and actively participate in political processes. For instance, [50%](#) of respondents indicated they had attended a [community meeting](#) in the previous year. Results from [2024 Afrobarometer](#) also indicated that 12.8% of the rural population and 11.9% of the urban population have not heard enough about non-governmental-organisations or civil society organisations.

Section 137 of the [County Governments Act \(2012\)](#) requires that the departments responsible for [civic education](#), devolution and county governments design and [coordinates overall civic education on devolution](#), to effectively assume their responsibilities in the delivery of civic education to citizens. While there is some level of awareness of civic engagement in the country and frameworks such as the [National Civic Education Framework](#) developed the country still faces [significant](#) challenges with only a small fraction of the population being covered by these programs.

Low civic education and awareness exacerbate a lack of accountability for the government, leading to a misuse in development funds, manipulated elections and the bypassing of public participation in development projects. According to experts engaged in this research, county governments in Kenya lack budget for [civic engagement](#), which is a big hinderance and an obstacle to civic engagement. Such barriers limit the operating environment for the civil societies in Kenya and as such more needs to be done to improve this. CSOs, which are the main propellers of civic education, are normally based in urban areas. Which makes civic education in rural areas very low.

Though perceptions of civic society and civic engagement remain disabling in Kenya, the development of the [Public Participation Bill 2024 \(2025\)](#) is a ray of hope for promoting civic engagement.

### 5.3 | Civic Equality and Inclusion

Article 27 (1) of the Kenyan Constitution [provides](#) that every person is equal before the law and has the right to equal protection and benefit. However, despite Kenya having a progressive Constitution, gender inequality which is anchored on patriarchal social order continues to hinder attainment of gender equality and inclusion.

Recently, Kenya enacted the [Persons with Disabilities Act 2025](#), which provides a comprehensive framework for the [promotion, protection and advancement](#) of disability rights. Despite this, social and economic obstacles are still present preventing civic equality of people living with disabilities (PWDs). PWDs in Kenya face [structural challenges](#) such as widespread unemployment, disproportionate representation in economic empowerment programs leading to poverty and dependency. Lack of representation in government structures, accompanied by symbolic gesture engagements, result in policies and budgets that fail to represent PWD needs and priorities. PWDs are excluded in [decision-making processes](#) that affect them and critical areas such as [justice](#). This raises the need for diverse funds to support PWD and remove the barriers for registering PWD working groups/civil society to ensure greater representation.

Kenyan women continue to face [discrimination](#), sexual harassment, and other forms of abuse and inequality. Experience from experts indicates that women are sometimes categorised together with children, which excludes them as active players in all spheres of life. In [Baringo County](#), out of the 30 elected members of County Assembly, only 2 are women. None of the 6 constituencies in Baringo county are represented by a woman. The senator and governor are also men. The same pattern is observable in appointive positions where the gender representation is at a bare minimum, only to meet constitutional the threshold. According to an [impact assessment on devolution](#) in Kenya, gender integration and inclusion in county programmes is usually treated as an “add on” and isn’t budgeted for adequately. There is also lack of understanding of gender and inclusion by county officials – which also exacerbates inequality and exclusion.

The [criminalisation of same-sex marriages](#) remains a challenging block for the inclusion of LGBTQI+ issues in Kenya. Section 162 and 165 of the Penal Code criminalises same sex activities and attracts penalties of up to 14 years in prison. The LGBTQI+ community in Kenya continue to face social intolerance within society with religious leaders, government and opposition leaders, and the citizenry, strongly opposing them. Where civil society actors

advocating and supporting [LGBTQI+ community in Kenya](#) are allowed to operate, they do so in very restrictive spaces. This indicates that Kenya state is able but unwilling to provide effective protection to the LGBTQI+ community, creating a somewhat disabling environment for them.

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## PRINCIPLE SCORE

# 6. Access to a Secure Digital Environment

Score:



Kenya's digital landscape is characterised as increasingly oppressive, with legal and infrastructural developments diminishing safe, equitable, and rights-respecting access to digital technologies. While internet penetration is expanding, state actors employ internet shutdowns, invasive monitoring and surveillance. The complicity of private institutions in the application of cyber laws against dissenting voices is part of a wider chilling effect around civic space.

### 6.1 | Digital Rights and Freedoms

Internet shutdowns or other interferences like throttling is a problem for digital rights in Kenya. As a result of the [internet shutdown](#) during 2024 protests, civil society filed a petition at the high court for a restraining order against internet shutdown in 2025 protests. The High Court of Kenya then issued a [temporary order](#) restraining the Government and telecommunications companies from blocking access to the Internet or certain internet services or apps. Showdowns, like the one carried out in 2024, severely impact [democracy](#), civic participation and civil society organisations, especially if they rely on digital platforms to mobilise participation from the broader population.

Activists and journalists are also increasingly targeted with threats of arrest and physical harm due to their online activities, which decreases their ability to promote, mobilise, or advocate for reforms. For instance, in June 2025, [software developer and digital activist](#) Rose Njeri was arrested at her home in Nairobi after she built an online platform that enabled users to email

objections to Members of the Parliament about the controversial finance Bill. Her arrest sparked widespread [outrage](#) with the civil society and other ecosystem enablers calling for her unconditional release. Njeri was [charged](#) with two counts under the Computer Misuse and Cybercrimes Act no 5 of 2018. She was later on released on a [Ksh 100,000 bond](#) after spending days behind bars. Though civic voices still exist in digital spaces, they operate under a cloud of fear.

## 6.2 Digital Security and Privacy

The digital safety environment in Kenya poses a real and significant risk to civil society, representing a turning point in the decline of civic space. Government agencies are engaged in serious intrusive [surveillance using advanced technology](#) including the confirmed use of Pegasus spyware, illegal phone tapping, and platform hacking. What is especially concerning is the relationship with private companies in this regard. Reports have indicated that telecommunication companies have allegedly shared user data, [without court](#) orders, to government agents. Though it is not clear if information on specific activists was shared, this raises a concern of [activists' private information](#) being shared, and later used to target them. The Kenya Human Rights Commission and MUHURI have raised [concerns](#) that a telecoms company is alleged to have given security agents unauthorised access to its customers data assisting in the tracking and capture of suspects for years. This was [despite](#) the reputation of the security agents of using unlawful tactics such as enforced disappearances, renditions, and extrajudicial killings of suspects.

At the same time, the emergence of '[digital mercenaries](#),' who are individuals or groups that intentionally engage in online public opinion manipulation and organized disinformation, is on the rise. These actors create false narratives, and subsequently utilise a range of user accounts, to spread disinformation further. For example, in June 2024 and July 2025, there was a [campaign organized](#) with over 500 accounts on X (formerly Twitter), allegedly sponsored by the Government to suppress spread of information on the Generation Z-led protests.

The [Computer Use and Cybercrimes Act](#) establishes some legal frameworks to address online abuse, and misinformation, thus its effective implementation could potentially enhance protections for civil society groups. It could respond to organised disinformation campaigns, as well as surveillance, to close gaps that expose activists and organisations to abuse or digital attacks. In the case that it is implemented in a transparent and impartial manner, the Act has the potential to create a mitigation an environment that limits self-censorship, while respecting the civil and organisational right to act.

However, the law has been perceived to [interfere with digital rights](#), with the recent amendment viewed by reputable civil society actors as [threatening online expression](#). For instance, it

empowers the National Computer and Cybercrimes Coordination Committee to block or remove websites, apps, or content regarded as promoting “illegal activities, terrorism, child pornography, or extreme religious practices,” without judicial oversight. [Concerns](#) have been raised that this could be used to undermine Kenya’s open and competitive digital ecosystem.

### 6.3 | Digital Accessibility

As of early 2025, Kenya had [27.4 million](#) internet users which represents 48% of the population. Digital accessibility is divided between urban and rural civil society organisations, with limited network coverage and digital infrastructure in rural areas compared to urban areas. For instance [Nairobi city](#) where a majority of urban CSOs are based exhibits 64.7% internet usage rates (highest), while West Pokot and Turkana Counties which are home to quite a number of rural CSOs, have the lowest internet usage at [9.1% and 12.7%](#) respectively. [Digital access](#) experience in Kenya reflects similar [inequalities](#) in the country.

Existing initiatives such as launch of the [strategic roadmap](#) to build inclusive digital public infrastructure have the potential to improve digital accessibility and digital literacy across the country, but however access and capacity gaps persist. The limited [internet services](#) as well as the costs associated with accessing these services, have rendered many CSOs in Kenya, specifically rural CSOs, without internet access.

The benefits of Kenya’s digital space and improvements include the [universal service fund](#), [digital development](#), [innovations](#) and [universities](#) are in place but are clearly unevenly distributed. For civil society, the digital space is not a coherent space for engagement, but rather a fragmented space, where participation safely and effectively depends on location and resources.

Initiatives such as the ICT's Ministry's [digital literacy programs](#), [Konza City AI/tech lab](#), and [Open University of Kenya](#) have begun to provide training in artificial intelligence, and emerging technologies for future capabilities. However, the low-level investment by the Government towards universal access remains a problem. The [Universal Service Fund](#) sits unused, and public Wi-Fi initiatives, such as the Machakos' public Wi-Fi initiative, were [scrapped](#) because implementation was too expensive. This uneven investment in digital infrastructure restricts civil society’s ability to meaningfully engage online, limits outreach to marginalised communities, and weakens the digital foundations needed for effective civic participation and accountability work.

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# C) Recommendations

## 1. To the government of Kenya

- a) The Government under the ministry of Interior and National Administration and the Registrar of societies should operationalise the decentralisation of registration, provide clear written and timely feedback on the decision of the registering body in the case of refusal for registration. This will ensure organisations reduce the bureaucratic hurdle and reduce the turnaround time taken during registration, as well as promote registration without organisations being concerned by the threat of intimidation.
- b) Through the Ministry of ICT and Office of Data Protection the Government should implement cybersecurity and data privacy laws that are consistent with global ICT standards. They should enforce laws related to internet conduct which include transparency and compliance with the data protection Law. Additionally, there is a need to strengthen the current legislation that maintains restrictions against non-consensual surveillance and data interception, requiring due process and judicial authorisation prior to monitoring by phone tapping and data acquisition. They should put in place mechanisms that ensure civil society has recourse to effective and enforceable redress mechanisms for challenges against security and privacy infringements.
- c) Parliament should urgently enact the Public Participation Bill 2025, providing a uniform legal framework that will be replicated and modelled across all levels of government relating to meaningful participation for all types of civil society actors, without discrimination. Additionally, parliament should reject the Public Order (Amendment) Bill 2025 as its provisions contradict constitutional pledges under Article 37. Furthermore, the Government should adopt and operationalise the Access to Information reporting guidelines 2023 across all government ministries and departments and recreate the same at the counties.

## 2. To Donors and the International Community

- (a) Donors including both bilateral and multilateral funding partners need to simplify and decentralise access to funding for local grassroots organisations by streamlining the application and review process, provide capacity building to local organisations on

funding requirements and proposal writing as well as encourage sub-granting by large organisations to upcoming organisations. This will enhance inclusivity while ensuring all organisations have access to funding.

- (b) Donor conditionality which states that any leftover funds must be returned and limits CSO flexibility. Needs to be reviewed such that, donors should provide some measure of flexible funding conditions, which allow any leftover funds to be reallocated for emerging needs. By doing so CSOs would be better positioned in responding to unforeseen challenges enhancing programming continuity in all angles.
- (c) There is a need for donors to set up a basket funding mechanism that can coordinate funding resources and reduce local competition between CSOs. Currently, international NGOs are outcompeting nationally funded CSOs to acquire funding, reducing local CSO activity.

### **3. To Civil Society Organisations**

- a) CSO should work together, and not in isolation, CSOs should build a stronger coalition that has the potential to build capacity, enable peer learning, strengthen collective advocacy and collaboratively mobilise resources.
  - b) CSO should strive to strengthen their engagements with the local/county governments, building locally driven accountability ecosystems. These local accountability ecosystems will facilitate community-led liability mechanisms, such as public dialogues, that seek to amplify citizen demands and accountability.
  - c) CSOs should explore new avenues and share experiences with innovative local fundraising models which will ultimately make the sector more self-sufficient outside of external donors.
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## D) Research Process

Each principle encompasses various dimensions which are assessed and aggregated to provide quantitative scores per principle. These scores reflect the degree to which the environment within the country enables or disables the work of civil society. Scores are on a five-category scale defined as: fully disabling (1), disabling (2), partially enabling (3), enabling (4), and fully enabling (5). To complement the scores, this report provides a narrative analysis of the enabling or disabling environment for civil society, identifying strengths and weaknesses as well as offering recommendations. The process of drafting the analysis is led by Network Members; the consortium provides quality control and editorial oversight before publication.

For Principle 1 - which evaluates respect for and protection of freedom of association and peaceful assembly - the score integrates data from the [CIVICUS Monitor](#). However, for Principles 2–6, the availability of yearly updated external quantitative indicators for the 86 countries part of the EUSEE programme are either limited or non-existent. To address this, Network Members convene a panel of representatives of civil society and experts once a year. This panel uses a set of guiding questions to assess the status of each principle and its dimensions within the country. The discussions are supported by secondary sources, such as [V-Dem](#), the [Bertelsmann Stiftung Governance Index](#), the [RTI Rating from the Centre for Law and Democracy](#), and other trusted resources. These sources provide benchmarks for measuring similar dimensions and are complemented by primary data collection and other secondary sources of information available for the country. Guided by these deliberations, the panel assigns scores for each dimension, which the Network Members submit to the Consortium, accompanied by detailed justifications that reflect the country's specific context. To determine a single score per principle, the scores assigned to each dimension are aggregated using a weighted average, reflecting the relative importance of each dimension within the principle. This approach balances diverse perspectives while maintaining a structured and objective evaluation framework.

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