



SUPPORTING
AN ENABLING ENVIRONMENT
FOR CIVIL SOCIETY

Enabling Environment Snapshot

Kenya

June 2025

Summary

While the [Constitution of Kenya](#) provides for fundamental rights and freedoms for civil society – such as freedom of expression, of association, and of peaceful assembly - in practice there is repression by the state. Kenya has witnessed a series of violent crackdowns on protests, most prominently against the Finance Bill in June 2024, which resulted in [deaths](#), injury, [abduction](#) and arrest of activists. In 2025, there have also been various cases of [excessive use of police force](#) against protesters. As a result of the [repressions](#), Kenya's civic space rating [downgraded](#) in December 2024 from Obstructed to Repressed.

Some recent legal reforms aimed at regulating civil society have struggled with low levels of compliance, partly due to new and restrictive legal requirements that discourage adherence. For instance, [the Public Benefits Organizations Act, 2013](#) - implemented in May 2024 - introduced a new regulatory framework for civil society organisations (CSOs), but compliance remains limited. In parallel, Kenya has also experienced recent turbulences in donor funding. In particular, the [USAID funding freeze](#) led to the termination of several projects, creating a significant funding gap for CSOs. This has negatively impacted the enabling environment for civil society, especially given their high reliance on international financial support.

The quality of engagements between government and civil society is generally poor and varies, with negligible responsiveness at the national to county levels, potentially discouraging participation through local networks at least. Furthermore, the public distrust of civil society has worsened due to different multiple narratives pushed by the government leading to eroding trust in civil societies and non-state actors. Frequent attacks on media and digital spaces have increased, in turn refraining individuals from meaningful online engagements.

Context

Kenya is experiencing political tensions, characterised by [ongoing protests](#) against government, use of excessive force against protesters and [calls](#) for the president to step down. On 7 March 2025, President William Ruto and Raila Odinga signed a [‘political cooperation’](#) agreement between Orange Democratic Movement (ODM) and United Democratic Alliance (UDA) outlining a 10-point agenda on collaboration between the two parties. Though the pact proposes to promote inclusivity, accountability and good governance, concerns have been [raised](#) on the shrinking role of opposition to hold the government accountable and ensuring transparency in public affairs, and the potential negative impact on enabling environments for civil society in Kenya.

Despite these efforts by the CSOs and targeted engagements with the relevant duty bearers, independent reports point to ongoing challenges. [Human Rights Watch](#) documents ongoing government crackdowns on civil society activism, and restrictions on peaceful protests. Such actions heighten mistrust regarding whether the government consultations and engagement processes are genuine, and may be subject to interference by authorities.

1. Respect and protection of fundamental freedoms

The [2010 Constitution](#) of Kenya provides strong protections for fundamental civic freedoms, in particular the freedom of expression (article 33), freedom of association (article 36) and freedom of peaceful assembly (article 37). While the 2010 Constitution guarantees these rights, exercising them is deteriorating due to increased state repression. Between 18 June and 1 July 2024, [protests](#) against the finance bill erupted in Kenya. The government responded through [excessive and lethal use of force](#) with [reported](#) killings, arrests, enforced disappearances and documented torture of citizens exercising their rights. An official statement released by The Kenya National Commission on Human Rights ([KNHCR](#)) indicates that there were at least 39 deaths, 361 injuries, 32 enforced disappearances and 627 arrests cumulatively during the context of the protests.

[Allegations of torture](#) in detention have also emerged alongside reports confirming the involvement of the Kenya Defence Forces through [military deployment](#) during the protests. All of these actions led to condemnation from human rights groups like [Amnesty International](#) and the [police reforms working group](#), who also warned of a shift toward authoritarianism in Kenya—representing a significant rollback of democratic freedoms and the rule of law.

In early June 2025, 31-year-old Kenyan blogger and teacher, Albert Ojwang, died in police custody under suspicious circumstances. Ojwang was arrested in Homa Bay County, Kenya, after he made a number of [social media posts](#) critical of Kenya's Deputy Inspector General of Police. Ojwang's death sparked nationwide [protests](#), particularly in Nairobi, where [demonstrators](#) clashed with police—throwing stones while officers responded with tear gas. His death has drawn widespread [condemnation](#) from civil society, human rights organisations and members of the public, all calling for justice and accountability.

2. Supportive legal framework for the work of civil society actors

Kenya passed the [Public Benefit Organisations \(PBO\) Act of 2013](#), which came into full effect by 14 May 2025, years after implementation was initially frozen. With the passage of a new PBO Act, the NGO Coordination Act of 1990 was repealed, signalling a new regulatory environment for civil society organisations. The PBO Act establishes the Public Benefit Organisations Regulatory Authority (PBORA), which is the regulatory body that oversees the registration, regulation, and supervision of civil society organisations. The launch of the PBO Act was largely positive, seen as modernising the law on the sector. However, organisations that were registered as NGOs will need to re-register with the PBORA to retain their legal status. Failure to register with the PBORA, however, is a major issue, and the government issued an [extension](#) to May 2026. There is an ongoing process of completing the [draft PBO regulations](#), which is critical as it includes public participation, forums from stakeholders to provide them with an opportunity to input and enhance the regulations to ensure enforcement of the PBO Act.

3. Accessible and sustainable resources

The PBO Act provides a supportive legal framework for accessible and sustainable funding for CSOs, but gaps in implementation and regulatory overreach as financial institutions sometimes hinder its full implementation. Under the PBO Act 2013, resources are legally accessible to all types of CSOs regardless of the regime they are registered under, i.e. the NGO Coordination Act and the Public Benefit Organisation Act. The PBO Act also implies the right of CSOs to seek, receive, and use funding from various sources, domestic or foreign, without undue restrictions. According to Section 29 of the PBO Act: “Every public benefit organization registered under this Act shall—

- (a) implement internal accounting and administrative procedures necessary to ensure the transparent and proper use of its financial and other resources.
- (b) utilise its financial and other resources for the attainment of its aims, objects and purposes.”

The PBO Act does not require foreign funding for CSOs to be pre-approved by the Public Benefit Organisations Regulatory Authority (PBORA). Despite this enabling legal framework, some CSOs still encounter practical challenges in accessing funds to implement their core mandate. These challenges often stem from over-compliance or misinterpretation of anti-money laundering and counter-terrorism financing regulations.

On 24 January 2025, the United States government imposed a [freeze of 90-days](#) on almost all foreign aid. This affected civil society operations in Kenya significantly. While some programmes received [exemptions](#) to provide essential and lifesaving assistance, the USAID grant termination created a humanitarian and economic crisis and it was reported that approximately [40,000 direct and indirect workers lost their jobs](#) and thousands of vulnerable beneficiaries are now unable to access essential services. This funding shift was a significant moment for civil society to reflect on their dependence on bilateral funding.

4. State openness and responsiveness

In Kenya, the [Access to Information Act 2016](#) provides the basis of Kenya’s legal structure, ensuring public access to information held by state and public bodies, hence promoting government transparency and accountability. Supporting this, the [Kenya Policy on Public Participation 2023](#) sets out to achieve constitutional principles on public participation. The realisation of that participation faces some challenges, for example, while Kenyans submitted their views opposing the Finance Bill 2025, the parliament openly [rejected](#) some of the views they received, flagging them as spam, yet they invited submissions to be made through the same channels.

In May 2025, The National Assembly [called](#) for the submission of memoranda on the 2025 Finance Bill, to which civil society actors such as Transparency International Kenya (TI-Kenya) responded. Similarly, civil society actors responded to a [call](#) for

memorandum and public hearings on the Constitution Amendment Bill 2025 which proposes to entrench key government funds into the Constitution, such as the National Government Affirmative Action Fund (NGAAF), the National Government Constituencies Fund (NG-CF), and the Senate Oversight Fund (SOF).

Over the past year, civil society and the government of Kenya continue to collaborate, cautiously yet meaningfully, in strategic engagements, for example, Kenya's [commitment](#) to host the 2025 Open Government Partnership regional meeting with civil society and other stakeholders to discuss openness of the government with respect to transparency and accountability. This is often influenced by factors which range from political will to institutional capacity and resource availability. While other counties are yet to consider and explore joint CSO and government engagements, Nairobi county embraced it and launched an [Open Government Action Plan \(2025–2027\)](#). The Nairobi OG Action Plan was developed collaboratively with stakeholders including the government, the civil society sector, the private sector and citizens.

Apart from OGP initiatives, Kenya has also hosted significant convenings elevating the voices of women, youth, and underrepresented communities, including the [2025 People Dialogue Festival](#), and the [Global Disability Summit](#). In addition to OGP, key events during the period include the 2025 People Dialogue Festival and the Global Disability Summit. These forums raised the voices of women, youth and marginalised groups, allowing civil society actors advocating for vulnerable populations to connect directly with policymakers, and create a positive impact in the policy dialogues around social justice and inclusive democracy. While they provide a glimmer of hope, it still remains unclear whether authorities genuinely take civil society contributions into account in their final policy decisions.

5. Political Culture and Public Discourses on Civil Society

Civil society actors in Kenya have been subjected to negative discourses by government. For instance, in 2024, the government [accused](#) prominent CSOs and international foundations such as the [Ford Foundation](#), of supporting "illegal" acts during the anti-finance protests in 2024, propagating the narrative that CSOs jeopardise Kenya's sovereignty. This negatively [portrayed civil society actors](#) and activists, framing them as foreign-funded actors who are undermining national stability.

This narrative was ramped up in particular during the Finance Bill protests of 2024, when voices of civil society and subsequent reports such as the BBC Africa Eye [documentary](#) Blood Parliament drew attention to the nature and scale of lethal state violence against peaceful protesters. [State-affiliated](#) media outlets and journalists have amplified the accusations made by government actors that CSOs inspire unrest and promote foreign interests, accusing them of unpatriotic behaviour or criminal action. [Civil society actors have denounced this narrative](#) and repression and pointed out that they have significant responsibilities to preserve democracy, human rights, and public engagement. Meanwhile, CSOs remain the [subject](#) of scepticism and public distrust.

In addition, [the Family Protection Bill](#) that was introduced in Kenya in 2023 restricts LGBTQI+ rights, criminalising same-sex relationships and prohibiting advocacy on

LGBTQI+ rights. Civil society actors have [raised concerns that the Bill](#) erodes fundamental constitutional rights. There is also a risk of negative discourse against CSOs advocating for LGBTQI+ rights in the country.

6. Access to a secure digital environment

In Kenya, the [Computer Misuse and Cybercrimes Act](#) (CMCA) of 2018 is the main framework governing the digital environment. In practice, enforcement includes [government surveillance](#) through partnerships with telecommunication operators (telcos) under the Act. The CMCA gives the state the ability to surveil through arrangements with telecommunication operators, and allows for the monitoring and interception of communications. Telecommunications providers must work with a state agency in regards to interception of communications and retention of data, as provided in the CMCA.

State agencies have also deployed mass surveillance tools like [“Optimus 3.0” social media monitoring](#). However, there has not been any public confirmation that these types of systems are being used in full capacity. Notably, a lack of independent oversight triggers concerns about digital rights violations. Similarly, there are concerns on the proposed [Computer Misuse and Cybercrimes \(Amendment\) Bill](#) of 2024 for its potential infringement on digital freedoms, impacting online expression and having a chilling effect on the public.

[Kenya Information and Communications \(Amendment\) Bill, 2025](#) poses a significant threat to a secure digital environment by undermining online privacy, enabling intrusive surveillance, and chilling freedom of expression. At its core, the Bill [proposes](#) a metered billing system for internet users, assigning each subscriber a unique, trackable meter number. This poses a threat as it can be subject to government surveillance since this is proposed in the Kenya Information and Communications Amendment Bill 2025.

Civil society organisations in Kenya remain fearful of their ability to operate freely online. The government allegedly reduced [connectivity speeds](#) during the anti-finance protests, which disrupted many forms of access to information in real time. While civil society actors were in the process of responding to some of the violations with [legal action](#), there were ongoing issues of internet shutdowns or reduced connectivity speed, demonstrating continued threats to Kenyan digital freedoms.

Challenges and Opportunities

Challenges

Some of the main challenges for CSOs include continued repression by the government, restrictive laws, and regulatory compliance under the newly active PBO Act. Many groups struggle with this process, risking their registration and eligibility for funding. The government has provided a reprieve by extending the compliance period from May 2025 to May 2026. This reprieve gives more time for CSOs to adapt to the new regulations.

The government continues to use digital restrictions such as the geolocation of protesters to restrict civic engagement and freedom of expression, including digital shutdowns and restrictions, which hamper civil engagement in all its forms. On the basis of these digital shutdowns, seven CSOs filed a [landmark lawsuit](#) in May 2025, which presents an opportunity to set judicial oversight on digital rights. There are other threats of more legal restrictions to fundamental freedoms like the [Assembly and Demonstrations Bill](#) that would further diminish the right to protest and assembly.

Opportunities

Recent international engagement, such as [Finnish President Alexander Stubb's meetings with Kenyan civil society](#), suggests the possibility that CSOs should be able to benefit from global partnerships to make themselves more visible and to create pressure on the Kenyan government to respect civic freedoms. Civil society actors should push for the continuation and expansion of international engagement including the need to raise the concerns of Kenyan civil society in bilateral and multilateral engagements to ensure a louder voice on governance and human rights.

While there have been constraints and pressures on youth-led digital activism, it continues to be a formidable means of mobilising for accountability and reform. For instance, the recent protests in Kenya led by Gen Z activists show how young activists can collectively utilise social media platforms to organise, plan, and amplify their demands for change, reaching and mobilising an audience of millions and cultivating collective resistance. This also highlights the important role digital platforms can play in uniting individuals, sustaining social movements, and facilitating social change. Civil society organisations can lend support to these youth-led networks by building training and resources for effective digital advocacy skills to empower young activists to hold policymakers accountable online, and document instances of human rights violations.

There is a need to increase and deepen joint multi-stakeholder engagements that include participatory government, where civil society and stakeholders are responsible for constructing regulatory and policy responses in collaboration. Civil society organisations should contribute actively, seek out and seriously engage in these types of engagements to be effective in influencing the inclusive nature of policymaking and in particular around implementation of the PBO Act and related regulations. Through engagement and participation in multi-stakeholder forums and focused issues, civil society organisations can enhance their influence on policy development and enforcement.

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