



SUPPORTING  
AN ENABLING ENVIRONMENT  
FOR CIVIL SOCIETY

# **Enabling Environment**

## **Snapshot**

**Kenya**

**March 2026**

**Period covered by this report: October 2025 – March 2026**

## **Context**

Kenya is experiencing [heightened](#) political activity as the country gears up for the August 2027 general elections. Political realignment and rallies, grassroots mobilisation have become more and more frequent, leading to growing tensions between the security enforcements, leading to [political violence](#), posing threat to the protection of fundamental human rights and freedoms.

In October 2025, prominent opposition leader [Raila Odinga](#) passed away, leaving a [political vacuum](#) in the country. Raila and President Ruto had signed a '[political cooperation](#)' agreement between Orange Democratic Movement (ODM) and United Democratic Alliance (UDA) back in March 2025. The [implementation of the 10-point agenda](#) is proceeding under a joint UDA-ODM framework with a committee which delivered its [final report](#) on March 10th 2026. Though the pact proposes to promote inclusivity, accountability and good governance, concerns have long been [raised](#) on the diminishing role of the opposition to hold the government accountable and ensuring transparency in public affairs, and the potential negative impact on the enabling environment for civil society in Kenya.

Despite concerted efforts by civil society for targeted engagements with duty bearers, independent reports point to ongoing challenges. [Missing Voices 2025 Annual Report](#), documents ongoing government crackdowns on civil society activism, and restrictions on peaceful protests and heightened online digital surveillance. Such actions have increased suspicions from the public and civil society about potential interference from the authorities and whether the government's consultations and engagement processes are genuine.

### **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 increasingly difficult due to increased state [repression](#).

Freedom of assembly has been under attack in recent months. On [26 January 2026](#), worshippers at St. Peters ACK church in Othaya, Nyeri County experienced unwarranted attacks when police officers allegedly deployed teargas and fired live rounds without any lawful justification, during a church service attended by the former [deputy president, Rigathi Gachagua](#). The [rising trends of attacks](#) on places of worship have been noted, especially where opposition leaders and their supporters are in attendance. This has been attributed to political tensions and intolerance mostly in the context of intensified political polarisation as the country prepares for the 2027 general

elections. Such attacks also contravene [article 32](#) of the Kenyan Constitution on the freedom of conscience, religion, belief and opinions.

In December 2025, police [deployed](#) teargas canisters and arrested peaceful protestors who were [marching](#) to demand justice for people killed during the 2024 and 2025 Gen – Z led protests. This highlights a continued infringement on the right to protest and assemble as guaranteed in the 2010 Kenyan Constitution.

Freedom of press has not been spared either. Despite constitutional provisions which guarantee this right, [65% of media professionals](#) underscored legal protections as their prime support needed to ensure journalist sustainability, with a number of journalists and media professionals having faced [legal threats](#) such as [arrests](#) and strategic litigation in response to their work.

In addition, extrajudicial killings and police violence have been on the rise, which pose as a threat to activists. Between September 2025 and February 2026, various oversight agencies and independent media outlets have reported more than 5 [documented](#) cases of persons who have died in police custody. A human rights report indicated that a total of [97 extrajudicial executions and 72 torture cases](#) were reported between January 2025 and December 2025. [Missing voices 2025 annual report](#) exposed the continued crisis of extrajudicial killings and enforced disappearances, highlighting that over 50 per cent of killings occurred during June/July 2025 protests and most victims were young people. These incidents, occurring mostly during anti-government protests, paint a disquieting scene of rising human rights violations indicating a continued shrinking civic space.

## **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 on 14 May 2025, several 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 for the sector. However, organisations that were registered as NGOs will need to re-register with the PBORA to retain their legal status.

Under the [Public Benefits Organisations Act 2013](#), registration provides formal [legal recognition](#). Failure to register with the PBORA has several implications including restricted access to funding, [lack of legal status](#) and limited tax benefits (for example tax exemptions). Notwithstanding the importance of registration, CSOs in Kenya face various hurdles such as financial constraints, [political interference and bureaucratic impediments](#), which have delayed compliance and registration necessitating the government to issue 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. The draft PBO regulations grant the authority subjective powers to refuse registration of names it deems "offensive," allowing for intrusive interference in internal organisational governance, and imposing fund freezes during suspension – effectively presuming guilt before any inquiry is concluded.

### **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, that is 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.

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.

In January 2026, the United States government began withdrawing from [66 international organisations including 31 UN entities](#) – which are located in Nairobi. Between US \$250 million and \$350 million in annual budget linked to [Nairobi](#) based UN operations pose financial risks to civil society recipients of funds, which significantly affect the funding environment for civil society in Kenya. In particular, areas of civic space protection, institutional development and democracy promotion are affected. This comes almost a year after the USAID freeze which led to [40,000 direct and indirect workers losing their jobs](#) and leaving thousands of vulnerable beneficiaries in Kenya.

On a positive note, the EU [launched 14 new grassroots partnerships](#) across all six regional blocs in Kenya under the meaningful engagement transformative action initiative. This is an initiative aimed at [strengthening the capacities](#) and influence of Kenya civil society actors as independent players.

### **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.

Over the past year, civil society and the government of Kenya continue to collaborate, cautiously but with some meaningful outcomes. For example, [across different counties](#) including Nairobi, Kisumu, Mombasa, Eldoret, and Uasin Gishu, structured public participation processes took place for the Draft PBO Regulations 2025. Regular consultations have informed [harmonised regulations](#) for the PBO Act 2013 which has been echoed as a regional model for civil – society regulations. These processes provided CSOs and community stakeholders with an excellent opportunity to participate in substantive feedback regarding the regulations. In December 2025, the National Treasury also [invited](#) members of the public and stakeholders to submit proposals for consideration in the 2026 Finance Bill.

Furthermore, Kenya has also hosted significant convenings elevating the voices of women, youth, and underrepresented communities, including the [2026 People Dialogue Festival](#), and the 6<sup>th</sup> [African Youth Sustainable Development Goals Summit](#). In addition, key events during the 2026 period include the [NGO Stakeholders summit 2026](#) a pivot event aimed at propelling sustainable development in the continent and [Future we want model United Nations 2026](#), an event that seeks to bring together future generations of leaders from all corners of the world.

These forums provide platforms for the marginalised voices such as youth, women, people living with disabilities and civil society actors from grassroot levels to be heard, co-design sustainable solutions and engage in policy discussions. Though these engagements continue, it 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**

In February 2026, The Open Society Foundations ‘managing director of programs – [Brian Kagoro](#) – was detained for more than 10 hours by police officers upon arrival at Jomo Kenyatta International Nairobi. Brian was questioned by the national intelligence officers and denied entry into the country and returned to Johannesburg. Several media outlets [reported](#) that Brian was accused or suspected of financing or coordinating political unrest in the country which was witnessed in 2024 and 2025 – but so far no evidence has been presented to support these claims. The Open Society Foundation [denies these allegations](#), citing that their work in Kenya supports lawful civic engagement and accountable governance. This negatively portrays civil society actors and activists, framing them as foreign-funded actors who are undermining national stability and prosperity.

This narrative was ramped up in particular during the [June 2025](#) protest. [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. President Ruto in a post protest interview with [Al Jazeera in November 2025](#) defended his record on democracy, rights and reforms – with civil society actors recently [denouncing](#) this narrative.

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. A working paper published in November 2025 highlighted how Kenya is viewed as an [hostile environment](#) for the queer community, with evidence indicating strong dislike for the LGBTQI community and human rights defenders constantly facing [hostile attitudes](#) from authorities and individuals.

## 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 survey through arrangements with telecommunication operators, and allows for the monitoring and interception of communications. Telecommunications providers must work with state agencies to intercept communications and retain 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.

In October 2025, President Ruto signed into law the [Computer Misuse and Cybercrimes \(Amendment\) Act 2025](#). The new amendments to this Act give the government authority to block websites and online applications it classifies harmful. The amendment also empowers the National Computers and Cybercrimes Coordination Committee which is mostly composed of security officials to [act without a court order or public oversight](#). This threatens online freedoms and expressions, posing a risk to digital activism. However, in October 2025, the Kenyan High Court issued [conservatory orders](#) suspending the enforcement, implementation and operation of section 27 of the Act - awaiting hearing and determination of a petition that is [challenging its legality](#).

Another proposed law, the [Kenya Information and Communications \(Amendment\) Bill 2025](#), is currently under consideration in parliament. While it seems to enhance regulatory oversight and child protection, human rights actors have [cautioned](#) that it seriously threatens fundamental human rights. The bill seeks to, among other things,

introduce requirements for customers to register detailed personal information such as their full names, identification numbers, physical and postal addresses as well as their gender before getting online, and also require service providers to track users. If passed in its current form, the law will [threaten](#) the digital environment by undermining online privacy, enable intrusive surveillance, and would have a chilling effect on freedom of online expression.

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, [blocked telegram](#) and banned live media coverage during the 25 June 2025 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.

If passed in its current form, the proposed [Kenya Information and Communications \(Amendment\) Bill 2025](#), will seriously threaten freedom of expression. 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

Ongoing partnerships such as the [launch of 14 new grassroots partnerships](#) suggest the possibility that CSOs can benefit from global partnerships to make themselves more visible and to exert 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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