

# Kenya

## Country Focus Report 2026



Credit: Sutirta Budiman



# 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



**Respect and Protection of Fundamental Freedoms**



**Supportive Legal and Regulatory Framework**



**Accessible and Sustainable Resources**



**Open and Responsive State**



**Supportive Public Culture and Discourses on Civil Society**



**Access to a Secure Digital Environment**

In this Country Focus Report, each enabling principle is assessed with a quantitative score and is 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.

**Reporting period covered:** October 2025 – June 2026

## Brief overview of the country context

As Kenya gears up for the [2027 general elections](#), the political, social and economic environment has been characterised by [heightened political mobilisation](#), [economic pressures](#) and growing demands for [accountability](#), inclusion and the [protection of civic space](#).

The political landscape in the country continues to be shaped by early [political alignments](#), driven by new political formations such as the [Democracy for the Citizens Party \(DCP\)](#), established in May 2025, and the [Linda Mwananchi Movement](#), as well as by [shifting party loyalties](#) from the ruling United Democratic Alliance (UDA) to the DCP.

In July 2026, a [nationwide public forum](#) was established by the government to shape the nation's long-term strategy for change. The forum is a citizen-led national dialogue that seeks to bring together Kenyans from different sectors to develop a long-term, people-driven national development vision that will succeed [Vision 2030](#). Kenya's economy in 2026 has shown resilience amidst existing [geopolitical conflicts](#), such as the Iran-US conflict and the Russia-Ukraine war. There is a revised GDP growth projection of between [4.3 % and 5.0%](#) in 2026, with the Kenyan economy expected to expand by 4.3% in 2026 and by 4.4% in 2027. However, unemployment, [climate change](#), widespread poverty and political instabilities continue to affect the socio-economic conditions particularly for [youths](#) – who constitute the country [largest](#) population group – [persons living with disabilities](#) and women.

Although Kenya has made significant progress in building its [democratic institutions](#), persistent challenges such as [limited accountability](#) of public officers, [weak public institutions](#), unequal access to public services and corruption still persist. CSOs in Kenya continue to experience government and political interference such as [constant intimidations and harassments](#) curtailing CSOs' autonomy and ultimately affecting their ability to operate. Despite this, CSOs still continue to play an important role in shaping the country's social, economic and political landscape, acting as watchdogs, advocates and catalysts for positive change in society.

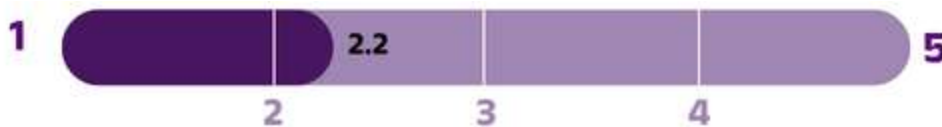
---

# B) Assessment of the Enabling Environment

## PRINCIPLE SCORE

### 1. Respect and Protection of Fundamental Freedoms

Score: (Repressed)<sup>1</sup>



Constitutional guarantees of freedom of association, peaceful assembly and expression exist in Kenya, providing an important foundation for the civic space operating environment. However, the country's civic space continues to face mounting pressures from state-sanctioned intimidation, police brutality and intensified surveillance, which has been counteracted by active resistance and coordinated action from CSOs.

#### 1.1 | Freedom of association

Article 36 of the [Constitution of Kenya, 2010](#), protects the right of individuals to associate, organise and act collectively without mandatory or restrictive pre-conditions. Nonetheless, informal or unregistered groups taking collective action face significant friction with the state authorities. While the legal system has theoretically modernised through the long-awaited activation of the [Public Benefit Organizations \(PBO\) Act 2013](#), regulatory and administrative barriers continue to prevent the effective exercise of freedom of association.

While the 2023 Supreme Court decision affirming the rights of the [National Gay and Lesbian Human Rights Commission](#) to register an association advanced legal protection for freedom of association, deep-seated societal hostility and exclusionary private associations continue to marginalise sexual minorities in practice.

<sup>1</sup>This is a rebased score derived from the [CIVICUS Monitor rating](#) published in December 2025.

The Public Benefits Organisation Act 2013 was operationalised in March 2026 with the [publication](#) of the [Public Benefits Organisations \(PBO\) Regulations, 2026](#). The Public Benefit Organization Regulatory Authority ([PBORA](#)) – which regulates [compliance and registration](#) among NGOs, PBOs and CSOs – in May 2026 issued an advisory on the transition of organisations that were registered under the repealed 1990 NGO Coordination Act into the PBO Act 2013 framework. This is a positive step towards enhancing legal protections for CSOs. The Act and regulations provide a comprehensive framework for registration, regulation, and oversight of CSOs. To ensure effective transition and compliance by CSOs, the authority extended the NGO-PBO transition period for a period of one year, effective from May 2026 to May 2027. This [advisory](#) was made after the parliament approved the [PBO regulations 2026](#).

The repealed NGO Coordination Act of 1990 was considered restrictive as it centralised control by establishing an NGO coordination board to tightly oversee and regulate non-governmental groups. The PBO Act 2013 is considered more effective as it [safeguards the independence](#) and self-regulation of CSOs, creating an enabling operating environment. Under the 2026 adopted framework, all NGOs previously registered under the repealed law are automatically transitioned, which reduces administrative barriers to association, protects the continuity of existing organisations and provides greater legal certainty. This approach stands in contrast to a 2025 mandatory re-registration directive from the Ministry of Interior that was ruled [unconstitutional](#).

## 1.2 Freedom of assembly

Under Article 37 of the Constitution of Kenya, every person has the right, peaceably and unarmed, to assemble, demonstrate, picket, and present petitions to public authorities. Nonetheless, the practical enjoyment of this constitutional right has remained debatable. Concerns over the use of excessive force during demonstrations and arrests underscores the need for a legal framework that guides the conduct of law enforcement during demonstrations and the facilitation of a peaceful assembly.

A [Facilitation of Assembly, Picketing and Demonstration Bill, 2026](#) was developed by the Kenya National Human Rights Commission jointly with the Office of the Attorney General, the Independent Policing Oversight Authority (IPOA), the Law Society of Kenya (LSK) and other stakeholders. This was after the [high court in Kisumu](#) delivered a judgement decision in March 2026 directing the government to develop a law governing assembly. The proposed bill revamps the protest notification system by shifting the paradigm from “seeking permission” to “notifying intent”. However, human rights advocates argue that retaining a mandatory 3-to-14-day advance notice requirement for larger gatherings remains overly restrictive.

Freedom of assembly in Kenya in 2026 has faced severe threats, arising from [police dispersals](#), arbitrary arrests and [extensive surveillance of human rights defenders](#), who have been targeted in state [crackdowns](#). The [Kenya Freedom Index 2026](#) documented 1292 protest events across the country between January 2025 and June 2026. The year 2026 was marked by an increase in protests during the first half of the year compared with the same period in 2025, illustrating a deepening crisis in public association and assembly.

During the 25 June 2026 anniversary demonstrations, [security agencies deployed extensive roadblocks](#) across various parts of the country, barricaded the parliament, and arrested and teargassed demonstrators, despite the fact that the organisers notified the security authorities of their intention to demonstrate in advance.

### 1.3 Freedom of expression

While Kenya's CSOs are vocal and vibrant, human rights defenders and journalists remain vulnerable to restrictive laws and intimidation by the state. [The Freedom in the World 2026 report](#) indicated that Kenya's score on whether people can freely express themselves on sensitive topics without retribution declined from [3 in 2025 to 2 in 2026](#), due to incidents such as the abduction of government critics.

In the first half of 2026, journalists covering [public or political events](#) and protests have been physically attacked, intimidated or harassed by law enforcement officers, private security officers and violent political supporters. For instance, on [20 March 2026](#), two journalists covering a UDA grassroots meeting in Cherangany, Trans-Nzoia county, were violently assaulted, [allegedly by an aide to a local senator](#), while [security officers present reportedly failed to intervene](#). The attack was reportedly linked to their coverage of a controversial ambulance procurement deal. There is a growing pattern of journalists being [monitored and targeted for content shared on their private social media platforms](#), alongside wider concerns over [state surveillance of activists and protesters](#) online, raising fears of increased intimidation and self-censorship ahead of the elections.

Civil society and media organisations, including the [Kenya Editors Guild](#), the Kenya Union of Journalists and [Amnesty International Kenya](#), have called for independent investigations, but no completed investigations or prosecutions had been reported at the time of writing.

---

## PRINCIPLE SCORE

## 2. Supportive Legal and Regulatory Framework

Score:



The legal and regulatory frameworks in Kenya are guided by the PBO Act of 2013, which was only operationalised in 2024. They remain open and accessible with very minimal evidence of systemic denial of registration. However, bureaucratic and financial obstacles such as mandatory identification requirements for all members of a community based organisation (CBO) or a public benefit organisation (PBO), lack of clear and timely feedback, lengthy registration processes, [political interference](#) and limited public information continued to restrict the practical operating environment, primarily for smaller grassroots organisations and those led by persons with disabilities.

### 2.1 | Registration

Under the [Societies Act \(Cap 108\)](#), an association in Kenya must be registered with the Registrar of Societies before it can be legally recognised. The law applies to a wide range of organisations including alumni associations, welfare groups, churches, foundations, recreational clubs, professional bodies, cultural associations and community organisations.

In May 2024, Kenya officially began the implementation of the [PBO Act, 2013](#), which replaced the [NGO Coordination Act, 1990](#), as the legal and regulatory framework for PBOs. In Kenya, there are four categories of not-for-profit organisations: PBOs, companies limited by guarantee, societies, and trusts.

The PBO Act allows any person or entity, including a marginalised group, to establish an organisation. However, various gaps and challenges hamper the efficiency and effectiveness of this legal framework.

Under the 2026 PBO regulations, the registration fee for a CBO in Kenya is KES 5000 (USD 40); the fee for a local NGO/PBO is [KES 16,000-25,000 \(USD 120-190\)](#); and the fee for an international NGO/PBO is KES 30,000-45,000 (USD 230-350). The price difference in the registration fees is based on the scope of operation, the regulatory workloads and the financial capacity of each entity. According to the expert panel, these registration costs are high, preventing many marginalised communities from registering their organisations.

Kenyan youths make up [approximately 75%](#) of the population, creating a huge “youth bulge” that influences the country’s socio-economic landscape. Youths form the largest demographic in Kenya that applies to register a new CBO/NGO/PBO. Despite their overwhelming numbers, many face a deep systemic barrier to registration. For instance, youth who are back in the community after serving a jail term experience significant challenges when seeking to register any type of organisation. It is a requisite to obtain a certificate of good conduct from the Directorate of Criminal Investigations in Kenya, but many reformed youths who have served their jail terms find it difficult to obtain the certificate, which makes it extremely challenging to register an organisation. Additionally, [2.3 million youths in](#) Kenya who are over 18 years old still do not have identity cards, due to a lack of [documentation](#), such as a [birth certificate](#), mostly amongst women and youths from marginalised communities in remote regions.

Bureaucratic and financial obstacles also hamper registration, such as mandatory identification requirements for directors or board members of a CBO/PBO, lack of clear and timely feedback, lengthy registration processes and limited public information. Additionally, the lengthy registration procedures involve multiple stages, posing a substantial challenge for persons with disabilities who are seeking to register a CBO or PBO.

CSOs whose registration application has been denied, suspended or rejected have various legal avenues and mechanisms available to challenge these outcomes, including a judicial review by the high court, an appeal to the PBO disputes tribunal, an administrative review by the authority and constitutional petitions for rights violations. These legal avenues are derived from [the PBO Act](#), the [Societies Act](#) (where applicable), [the Fair Administrative Action Act](#) and [Judicial Review principles](#).

Although these legal avenues and mechanisms exist, their transparency, efficiency and practical accessibility remain very limited. One case highlighted by the expert panel involved an organisation for persons with disabilities that submitted its registration application but experienced extended delays without receiving any explanation from the board. After a lengthy period of time, the bureaucratic process was finally completed and the organisation was registered. As cited by the expert panellist, these challenges are mostly attributed to political interference and a lack of political goodwill within the government, an aspect that reduces public confidence in the fairness of these existing legal avenues.

## 2.2 | Operational environment

In Kenya, the legal framework governing CSOs provides a solid foundation for their formation, operation, governance and access to resources. It gives the CSOs that are registered under [the PBO Act, 2013](#) complete autonomy to determine their internal governance, objectives and activities. CSOs do not require routine government pre-approvals or permits for everyday operations, but they must abide by the general statutory standards and reporting obligations such as [complying](#) with tax obligations. Generally, CSOs in the nation experience a highly structured but legally balanced system of administrative oversight. With the formal gazettment of the [PBO Regulations, 2026](#), the country has fully transitioned from the [NGO Coordination framework](#) to the Public Benefit Organizations Regulatory Authority (PBORA).

While this transition promises better legal clarity and institutional protection, it has brought administrative oversight such as disclosure of funding sources and rigid reporting requirements that many CSOs believe create severe operational hurdles.

In addition to the 2026 PBO regulations, civil society must meet its [anti-money laundering \(AML\) / combating the financing of terrorism \(CFT\) compliance](#) obligations under the [AML/CFT](#) framework. This can create costly operational obstacles and bureaucratic burdens for the sector, such as transaction delays ranging from several days to several weeks, and banks suspending or delaying international transfers while conducting due diligence, affecting procurement processes, payrolls and project implementation timelines.

## 2.3 | Protection from interference

In Kenya, CSOs are safeguarded against state or third-party interference by the Constitution of Kenya, 2010, the [Data Protection Act, 2019](#) and the Public Benefit Organizations Act, 2013. Before the PBO Act, 2013, CSOs operated under the [NGO Coordination Act, 1990](#) which gave the regulator the power to cancel organisations' registration without adequate procedural safeguards. [The PBO Act, 2013](#) eliminated arbitrary dissolution of CSOs by establishing clear legal safeguards, such as written notifications, the right to appeal regulatory decisions before the PBO disputes tribunal, removing whim-based state interference, and requiring strict adherence to fair administrative justice. However, the grounds for dissolution of a CSO vary based on its legal form. Several common grounds generally apply to all CSOs, including violation of the law, voluntary dissolution, insolvency, fraud, a court order, threats to national security – such as incitement to violence, ethnic animosity or terrorism financing – and failure to comply with governance requirements. The courts interpret these grounds in accordance with constitutional rights. An appeal to the PBO tribunal was identified by the expert panel as the main avenue of recourse in cases of arbitrary dissolution of a CSO.

In addition to the statutory safeguards established under the PBO Act 2013, Articles 31, 36, 47, 50 of the [Constitution of Kenya, 2010](#), provide constitutional protection for CSO independence. State interventions must have a lawful basis and be fair and reasonable with articulated reasons and avenues for review. They must also provide access to information and allow any affected PBO/NGO to challenge or seek judicial review of arbitrary actions. The [PBO Act, 2013](#), gives [PBORA](#) the powers to regulate compliance, request information and conduct inquiries as guided by the act and the PBO framework.

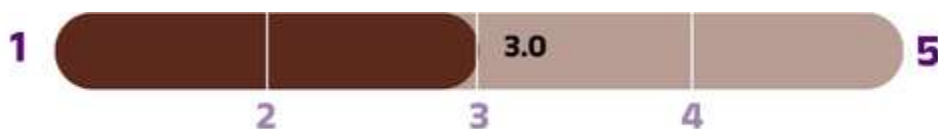
While these safeguards are essential for promoting compliance and accountability, it is important to ensure that [PBORA](#) exercises its duties and mandates in a transparent and proportionate manner. Expert panellists reported that there have been instances where CSOs have experienced informal pressures, including surveillance, raids and police questioning, which have interfered with their operations and structures.

---

## PRINCIPLE SCORE

### 3. Accessible and Sustainable Resources

Score:



CSOs in Kenya remain heavily dependent on external donor funding, leaving most organisations vulnerable to changes in the funding ecosystem. Overall, access to sustainable resources was partially enabling during this reporting period.

#### 3.1 | Accessibility of resources

Accessibility of resources has become considerably more constrained by the shifting global development financing trends. Kenya's graduation from lower-income to [lower-middle income country status](#) in 2014 has gradually accelerated the withdrawal of traditional bilateral assistance, as donors increasingly expect domestic resources to be mobilised, reducing allocations for governance and accountability work. The restructuring of US foreign aid, including USAID, and reduced European bilateral budgets have intensified competition, especially for organisations working on governance, democracy and civic space that have been struggling to obtain sustainable funding.

The expert panel felt that civil society actors in Kenya have varying access to information and differing capacities to respond to calls for funding proposals, depending heavily on their organisation's size, location and network connectivity. Although funding proposals are designed to align with funding priorities, they do not always facilitate a smooth application process for civil society actors in Kenya. While structural templates such as budget narratives provide a logical roadmap aligned with a donor's strategic objectives, in most instances the rigid compliance burdens create a barrier to entry, particularly for grassroots CBOs.

Larger national and international organisations continue to out-compete grassroots and community-based organisations. These smaller organisations struggle to meet increasingly technical and compliance-heavy eligibility requirements, safeguarding policies, procurement

process obligations, digital security protocols and financial auditing requirements. [The localisation agenda](#) has expanded direct financing for Indigenous, climate and community-led programming, but its implementation remains uneven, with established donors still favouring incumbent organisations.

A parallel shift towards government-to-government (G2G) financing has channelled resources from international donors through state institutions and agencies, [reducing independent CSOs' direct access to donor funding](#) from countries such as the United States. An example of such G2G financing is Kenya's [health partnership framework](#). G2G funding in Kenya is mostly focused on development areas such as health, public sector institutional strengthening, infrastructure, education and climate change.

Tax treatment remains an important, if inconsistently applied, lever: the PBO Act provides exemptions from income tax, VAT, customs duty and stamp duty, but uncertainty remains over the Kenya Revenue Authority's (KRA) procedures, which are revised annually.

Nairobi's continued role as a regional humanitarian and development hub, and rapid growth in climate finance and resilience programming, have [opened new partnership avenues](#) (UN offices, UNEP), thus expanding the opportunities for CSOs to access collaborative funding, technical support and resources. Moreover, this creates opportunities for CSOs to engage more directly with UN agencies influencing programmes and policy as well as enhancing advocacy.

### **3.2 | Effectiveness of resources**

Kenyan CSOs continue to access substantial resources from bilateral donors, multilateral agencies, philanthropic foundations, private-sector actors and international NGOs, but the effectiveness of that funding is increasingly shaped by donor conditions, [restrictive terms and a shifting geopolitical environment](#). Funding remains predominantly project-based and tightly earmarked, prescribing detailed work plans, procurement rules and reporting requirements that leave organisations little room to adapt to political unrest, humanitarian emergencies or a shrinking civic space.

The expert panellists noted that donor priorities in the recent past have increasingly steered programming toward climate resilience, digital transformation, humanitarian action and gender equality, at the expense of governance, democracy, constitutionalism, civic education and anti-corruption work. According to the expert panellists, this has become a concern as organisational strategy is increasingly donor-led rather than locally driven.

Localisation is frequently implemented through sub-granting, which can limit accountability to local partners during the project design stage and place them under a double compliance burden, both to donors and project intermediaries. With regard to the effectiveness of resources, core, flexible institutional funding still remains scarce: most grants restrict spending on salaries, systems, administration and organisational development, contributing to high staff turnover, while requirements to return unspent funds limit organisations' ability to make modest savings, hampering the sustainability of organisations and programmes.

### **3.3 | Sustainability of resources**

In 2026, most civil society actors in Kenya continued to operate in a highly competitive and [volatile financial landscape](#). While there have been various funding channels during this period, access to a diverse, sustainable and reliable pool of funding largely remains limited

and unequal. A majority of Kenyan CSOs operate on a short cycle of project-based funding, typically from 6 to 36 months, which limits institutional sustainability, long-term planning and the continuity of interventions. Funding gaps between grants routinely trigger staff redundancies and the loss of institutional knowledge.

The sustainability of CSOs and PBOs in Kenya is very much dependent on external donor funds. However, with the changing dynamics in the donor landscape, a majority of the CSOs/PBOs are now shifting from donor dependency to autonomous survival. As underscored by the expert panellist, the extent of self-reliance varies across fundraising, income-generating activities and local donations and volunteers. Increasingly, organisations are [exploring diversification](#), income-generating activities, consultancies, social enterprises, membership contributions, corporate partnerships and endowments, though these remain underdeveloped across the sector. Domestic philanthropy has not yet matured into a substantial source of institutional financing; stronger tax incentives and philanthropic infrastructure are needed to change this.

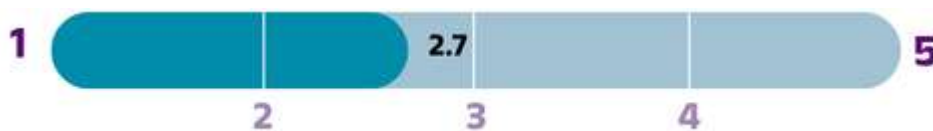
Diversification opportunities are supported by Nairobi's ongoing importance as a hub for the UN, INGOs and development finance, alongside growing investments in climate finance, conservation, youth employment and digital innovation. This creates opportunities for CSOs working in these fields, but has not yet led to balanced opportunities for CSOs working on democracy and governance issues.

---

# PRINCIPLE SCORE

## 4. Open and Responsive State

Score:



The state's relationship with civil society in 2026 continued to show some moderate improvement in terms of openness on transparency and participation, but there was limited follow-through on accountability. On this principle, Kenya's assessment can therefore be best described as partially enabling.

### 4.1 | Transparency

Kenyan citizens are guaranteed the right to access state-held information under Article 35 of the Constitution of Kenya, 2010 and [the Access to Information Act, 2016](#). This right is reinforced by the [Public Finance Management Act, 2012](#), the [County Governments Act, 2012](#), the [Public Procurement and Asset Disposal Act, 2015](#), and [the Public Audit Act, 2015](#), all of which require proactive publication of budgets, procurement plans, audit reports, County Integrated Development Plans, Annual Development Plans and financial statements.

Digital government initiatives have improved access to public information and services. The [eCitizen platform](#) has moved many government services online, while the [National Treasury website](#), [Parliament's bills tracker](#), the [Public Procurement Information Portal](#), [Kenya Law](#) and county government websites increasingly publish legislation, notices, procurement opportunities and budget documents. Parliament has also extended [live broadcasting to committee sittings](#) in addition to plenary proceedings.

Implementation, however, remains inconsistent. Many county government websites [are outdated or incomplete](#), and key documents, including procurement records, audit reports, budget implementation reports and policy drafts are often published late or not at all, weakening citizens' ability to monitor government performance. As further described under principle 6.3, disparities between urban and rural communities with regard to connectivity and

digital literacy further limit access, and increasing reliance on online-only publication risks excluding communities without reliable internet. The expert panel noted that devolved accountability is not as strong at the county level because audit and expenditure reports are often delayed, and the transparency of finances is uneven.

The [Commission on Administrative Justice \(CAJ\)](#) (also known as the Office of the Ombudsman) is an independent constitutional commission in Kenya established to champion administrative justice, good governance, and public service efficiency. [The CAJ's enforcement efforts](#) in Kenya continue to be bolstered by advisory opinions, investigations and awareness-raising initiatives, with limited institutional capacity – mostly arising from financial and human resources constraints, which inhibits the CAJ's ability to monitor compliance and undertake investigations effectively.

As highlighted by one expert panellist, there is a recurring problem in that many Kenyan citizens [are unaware](#) of their rights regarding access to information. In 2021, the high court found the refusal of government agencies to release information [unconstitutional](#), even after the CAJ had directed them to disclose the requested information. Furthermore, the expert panellist noted that in some instances, state officials cite general confidentiality or security grounds for not releasing information without proper justification, particularly in matters related to procurement or expenditure of funds that could be politically sensitive.

Many government documents are also very technical, despite increasing demand from the citizenry to simplify the documents. There are still few citizen-friendly versions, particularly in the form of translations and/or plain-language versions. Persons with disabilities [face](#) similar limitations: Braille formats, audio, support from sign language interpreters and screen reader compatible platforms are also limited by low funding and institutional capacity.

## 4.2 | Participation

[Article 10 of the Constitution](#) establishes public participation as a national value, binding state organs and public officials when interpreting and applying the constitution, while Articles 118, 174(c), 196 and 232 provide for citizen participation in legislative, county and administrative processes. These provisions are operationalised through the [County Governments Act, 2012](#), the Public Finance Management Act, 2012, the [Urban Areas and Cities Act, 2011](#) and related legislation, as well as the [Public Participation Bill, 2025](#) which has been approved by the National Assembly and, at the time of writing, was before the Senate for public input and review.

CSOs regularly engage in parliamentary committee hearings, county assembly deliberations, technical working groups and budget consultations, and several ministries have institutionalised stakeholder engagement through sector working groups. One example is the Mining Alliance Working Groups, which are independent multi-stakeholder local groups facilitated by TI Kenya with groups like [Haki Madini Kenya](#) that address grievances in mining communities. County-level forums such as the [County People's Forum](#) and the Annual Development Plan public forums continue to inform County Integrated Development Plans, Annual Development Plans and Finance Bills.

Citizen participation, as illustrated by the institutional debates on the Finance Bill (between 2024 and [2026](#)), revealed the potential and strength of public participation. During these forums, citizen mobilisation, especially youth participation, was high and civil society made its presence felt in some revisions of the Finance Bill.

As mentioned by the expert panel, the quality of participation remains uneven, with consultations often occurring late in the policy cycle or after key decisions have effectively been made, reducing participation to a procedural exercise rather than genuine co-creation. Moreover, practice varies markedly across institutions and counties, largely reflecting individual political will rather than consistent constitutional compliance, and organisations working on governance and constitutional reform report greater difficulty accessing decision-making spaces when they are perceived as being critical of the government.

Youth engagement has expanded through digital platforms such as the [Niko Kadi campaign](#), which in Swahili means “I have the card” or “I am registered to vote” and encourages citizens to register for the 2027 general election. Financial and logistical constraints, unreimbursed travel expenses and limited connectivity continue to exclude grassroots and rural participants, pointing to the value of hybrid physical-virtual participation models.

### 4.3 | Accountability

Government responsiveness to civil society remains inconsistent, particularly on feedback following public participation. As underscored by the expert panel, ministries, agencies and many county governments routinely gather public views without publishing response matrices showing which recommendations were adopted, modified or rejected. This reinforces perceptions that participation is a procedural exercise rather than a genuine co-decision-making process. Feedback mechanisms such as public participation forums, grievance redress systems and petitions remain markedly weaker within executive agencies and counties than in parliament, which has made notable progress through published Hansards, committee reports and online legislative tracking.

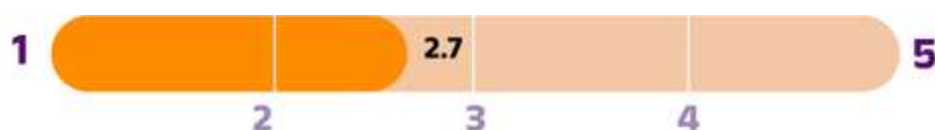
CSOs continued to hold the government accountable by [monitoring budgets](#), supervising procurement, engaging in strategic and [public interest litigation](#), observing elections and challenging corruption, now using the constitution and judicial review as a means of holding the government accountable for principles of governance and human rights. However, civil society’s capacity to support follow-up is limited: the validation forums and feedback sessions are frequently dependent on donor funding rather than government funding. The gaps in governance and financial management remain uncovered by the independent oversight institutions that conduct audits and investigations at different levels in Kenya, and implementation of their recommendations is hindered by political, institutional and resource challenges.

---

## PRINCIPLE SCORE

### 5. Supportive Public Culture and Discourses on Civil Society

Score:



Public perception of CSOs continued to improve; however the public discourse on civil society – particularly those working on governance, human rights, constitutionalism, anti-corruption and elections – remains increasingly polarised, making the assessment of this principle partially enabling.

#### 5.1 | Public discourse and constructive dialogue on civil society

. Organisations involved in governance and rights-based advocacy are sometimes perceived by political actors as politically motivated or funded from abroad, which can foster mistrust among the public and deter participation. Conversely, CSOs are seen by government actors as encroaching upon state functions, while CSOs receiving external funding are perceived to be agents of external powers intent on undermining national sovereignty. As a result, the relationship between CSOs and the government is now characterised as one of “mutually assured distrust”.

Following the Gen-Z led protests of 2024, the Kenyan authorities [opened an investigation](#) into [16 local civil society groups](#) over allegations that they had received funding from the Ford Foundation to organise anti-government protests. As of 2026, the Kenyan government has [escalated](#) its narrative of accusing CSOs of using foreign funding to cause anarchy and undermine governance processes.

The expert panellists indicated that the government collaborates with CSOs to promote health, education, humanitarian responses and climate resilience, but NGOs, CBOs and PBOs that are involved in governance and rights-based advocacy [are often seen as politically biased](#) or funded by the [West](#) with the aim of sowing doubt among the public and deterring the government.

Government engagement with civil society remains sector-specific, with the health, agriculture, environment, education and humanitarian sectors showing that CSOs continue to be valued technical partners. Advisory committees and coordination forums in these sectors illustrate how mutual trust can facilitate constructive dialogue.

Data from the Media Council of Kenya shows that while [media coverage](#) of governance and civic activism is balanced, it becomes increasingly polarised during elections, constitutional debates and times of unrest. Social media has played a major and growing role in facilitating civic dialogue, including among young people. However, it is also becoming a space where [misinformation and disinformation circulate](#), as well as hate speech and coordinated harassment toward activists and civic organisations, interfering with constructive dialogue and engagement.

Levels of trust between government and civil society vary. Institutional collaboration has increased, while trust is still lacking in other areas such as public participation. This lack of trust is most apparent when democracy or human rights issues are concerned, with CSOs sometimes perceived as adversarial “watchdogs” instead of government partners. Through civic education, legal support and documentation of alleged rights violations, CSOs have worked alongside institutions such as the KNCHR during national demonstrations and protests, strengthening the contribution of CSOs to democratic governance.

## 5.2 | Perception of civil society and civic engagement

CSOs play a critically important and positive role, particularly in defending human rights, social welfare and democracy. They also play an integral part in constitutional affairs, human rights, public interest litigation and oversight of service delivery and governance. A total of 76% of citizens trust NGOs, PBOs and CSOs to do what is right, as highlighted by the 2025 [Edelman Trust Barometer](#), whereas trust in government remains low at 38%. Overall, citizen [trust in civil society](#) remains high, particularly among communities that directly benefit from CSO work in health, education, humanitarian assistance, climate resilience and legal aid. Citizen involvement, particularly youth engagement on civic matters, increased significantly during the review period. At the same time, political rhetoric and misinformation can influence public opinion of CSOs. Perceptions of civil society as a means to promote accountability have occasionally been undermined by portrayals of organisations working on governance, constitutionalism and anti-corruption as pursuing either external or [partisan interests](#).

There is a growing sense of civic awareness, as expressed in public [mobilisation](#) for the Finance Bill 2025 and 2026, and ongoing digital advocacy such as [the Niko Kadi campaign](#) encouraging citizens to register to vote in the 2027 elections. This is evidence of a maturing culture and a growing awareness among citizens that they are rights-holders. The expert panellists highlighted that civic education is underdeveloped and not sufficiently institutionalised, and implementation is inconsistent, donor-dependent and lacks resources in some counties. This limits meaningful civic participation and in turn weakens civic engagement in the country. These gaps, as echoed by the expert panel, are addressed by CSOs, alongside the government, through community dialogues, legal literacy programmes, [budget forums](#) and digital civic education. For example, [Kituo Cha Sheria](#) uses its Legal Aid and Education Programme to educate community groups on land rights, housing, labour rights, and refugee protections through large-scale mobile clinics countrywide. Opportunities for deliberation have been expanded through a number of initiatives, including [Bunge la Mwananchi forums](#) at the county level, and youth assemblies and citizen accountability platforms; however, these need more institutional support and sustainable financing.

### 5.3 | Civic equality and inclusion

Kenya's constitutional and legal framework strongly promotes equality, non-discrimination and inclusive participation. Articles 10, 27, 54, 55, 56 and 100 of the Constitution of Kenya, 2010, protect equality and affirmative action for historically marginalised groups including women, youth, persons with disabilities and minority communities supported by [the Persons with Disabilities Act \(2003\)](#), the [National Gender and Equality Commission Act, 2011](#), the [County Governments Act, 2012](#), the [Public Benefit Organisations Act, 2013](#) and the [Social Protection Act, 2025](#). National institutions, including the [National Gender and Equality Commission \(NGEC\)](#), the [National Council for Persons with Disabilities \(NCPWD\)](#), the [Kenya National Commission on Human Rights \(KNCHR\)](#) and the [Commission on Administrative Justice \(CAJ\)](#), continue to advocate for equitable access and participation.

Implementation, however, lags behind the legal framework. Persons with disabilities face the most significant obstacles to civic inclusion: Kenyan sign language interpreters and the National Gender and Equality Commission have repeatedly raised concerns over a shortage of [sign language interpreting experts](#), Braille materials, assistive technologies and accessible public infrastructure continue to limit meaningful participation, notwithstanding legal accessibility requirements.

Significant progress has been made towards gender equality through affirmative measures such as County Woman Representative seats and [gender-responsive budgeting](#), yet the constitutional Two-Thirds Gender Principle [remains unimplemented](#) more than a decade after promulgation, and women in public life continue to face discrimination and online harassment. This has been attributed to a combination of legal, political, economic and sociocultural barriers that continue to hinder women's political representation.

[Youth civic engagement](#) has increased significantly, especially in the form of online mobilisation on issues relating to governance and fiscal reform, although structural barriers remain, such as unemployment (67% for youth versus [12.7%](#) for the general population in 2026), limited institutional representation, and limited funding access for youth-led organisations.

Marginalised communities such as [Indigenous peoples and pastoralist populations](#) in arid and semi-arid lands continue to face exclusion due to geographic isolation, poverty and limited connectivity, though growing [donor investment in climate resilience](#) and indigenous-rights programming has begun to expand their civic participation. Broader socio-economic inequality due to poverty, low literacy, and [unequal access to technology](#) continues to limit participation by vulnerable populations more generally.

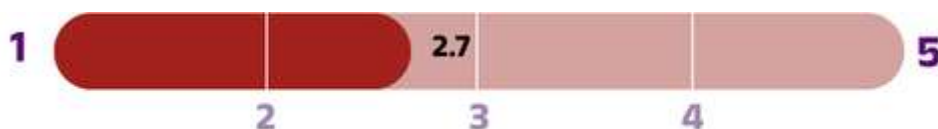
Civil society remains central to advancing equality through legal aid, advocacy, strategic litigation and community mobilisation, complementing government efforts to implement constitutional commitments on non-discrimination. There is a wide variation in county-level progress in the creation of advisory committees on inclusion, gender units and youth platforms. For example, some counties such as [Makueni county](#) have well-integrated gendered frameworks, while others have inactive, weak or non-existent mechanisms to promote equality and inclusion.

---

## PRINCIPLE SCORE

### 6. Access to a Secure Digital Environment

Score:



Kenya's digital space and ecosystem have witnessed increasing restrictions in the form of surveillance and the targeting of journalists, activists and [human rights defenders](#) for their online activities. Thus, over the reporting period the digital environment in Kenya was partially enabling. While the absence of internet shutdowns kept the digital space ecosystem relatively open, rising surveillance and monitoring have contributed to a more restricted digital environment. Furthermore, the high cost of internet access compounds the challenges of this increasingly monitored digital environment.

#### 6.1 | Digital rights and freedoms

During the reporting period, Kenya witnessed a reduction in digital freedoms and activism. Internet and social media shutdowns in Kenya are very rare, with the [high court](#) placing strong legal and [judicial guardrails](#) to prevent unconstitutional shutdowns and blackouts. However, there is [evidence](#) of internet interference and unprecedented monitoring of CSO activists, journalists and individuals detained or persecuted for their online activities.

The expert panel reported that Kenyan authorities coordinated to use technology-facilitated violence as part of a sustained campaign to suppress Gen-Z led protests between June 2024 and July 2025. While the state monitors digital platforms and selectively targets individuals and civil society actors, its ability to entirely block or disable websites is significantly reduced by the judiciary, as described previously. Two years after the 2024 Gen-Z led protests and one year ahead of the 2027 general elections, there has also been [persistent surveillance](#) and [harassment of CSO activists](#), journalists and human rights defenders. A report entitled [The Media Council of Kenya – State of Media Freedom in Kenya 2026](#) raised concerns over the deteriorating right to freedom of expression and increasing legal pressure on journalists and digital communicators.

Following the enactment of the [Computer Misuse and Cybercrimes \(Amendment\) Act of 2025](#) – which purportedly seeks to strengthen Kenya’s legal framework for addressing cybercrime and directing the misuse of computer systems, digital technologies and electronic communication – Reuben Kigame and the Kenya Human Rights Commission filed a fresh constitutional petition that [challenged certain clauses](#) of the act, such as the criminalisation of the publication of vaguely defined “false or misleading information.” Following this petition, the high court suspended key contested [sections 6\(1\) and 27\(1\)](#) of the act in October 2025.

In June 2026, the parliament approved the [National Cybersecurity Agency Order, 2026](#), which establishes the National Cybersecurity Agency (NCSA) as Kenya’s central institution for cybersecurity regulation, coordination and response. It is alleged that the government intends to [control and monitor social media platforms](#) by integrating AI-powered technologies to monitor and analyse the platforms’ activities. Legislative restructuring – changing or introducing new laws and regulations such as the Computer Misuse and Cybercrimes (Amendment) Act, 2025 and [mandatory localisation](#), whereby the government is proposing that all social media platforms such as X should have physical presence in Kenya – raises concerns over government regulation of the digital space. [CSOs argue that](#) a physical presence could increase the government’s ability to force platforms to disclose information, restrict accounts or remove content, potentially affecting the civic space.

Kenya has repeatedly been identified in forensic investigations as a user of commercial surveillance technology. It was among the [suspected government clients of Circles](#), a tool that exploits weaknesses in mobile networks to intercept calls and text messages and locate phones. More recently, forensic analysis found that police used [Cellebrite technology to unlock and extract data](#) from the phone of activist and presidential aspirant Boniface Mwangi while he was in custody following his arrest in July 2025. There is also documented evidence of [state-sponsored trolls and paid networks](#) using coordinated posting to intimidate human rights defenders, spread disinformation and drown out protest hashtags. One member of such a network described being part of a group of around 20 people paid to push pro-government messages into the country’s top trends on X.

## 6.2 | Digital security and privacy

Kenya’s digital security and privacy landscape in 2026 has been defined by a stringent enforcement phase for data protection and an increase in cyber threats and surveillance. In recent years, the use of surveillance technology by both state and non-state actors has expanded and evolved significantly. The Kenyan government has [invested heavily](#) in sophisticated surveillance tools such as internet monitoring technologies and biometric systems. [Digital surveillance](#), targeted hacking, and spyware use against civil society actors, human rights defenders and journalists in Kenya are now documented realities. Forensic investigations by global watchdogs and local advocacy groups provide clear evidence that both state and non-state actors deploy these tools to restrict civic space.

[Recent technical audits](#) and legal proceedings have identified the specific tools used to infiltrate the devices and networks of civil society actors in Kenya. In one major case, a Citizen Lab forensic investigation confirmed that the FlexiSPY spyware was installed on the mobile devices of Kenyan filmmakers and journalists while their phones were in police custody. The government is said to continuously analyse the [digital footprints of users](#) who are seen as a threat to the state, with human rights organisations alleging that security personnel relied on social media and other digital information to identify organisers of anti-government protests. FlexiSPY enables operators to access the target’s location, encrypted chat histories, call recordings and emails without detection.

There are no separate privacy laws for civil society actors in Kenya; instead, organisations, civil society actors and other relevant stakeholders are protected as data subjects under the existing legal frameworks, including [the Data Protection Act, 2019](#), [Access to Information Act, 2016](#), [Computer Misuse and Cybercrimes \(Amendment\) Act, 2025](#). These laws apply to civil society actors and establish various rights and obligations relating to protection of personal data, access to information, and digital security and cybersecurity.

### 6.3 | Digital accessibility

Kenya has a severe digital divide, with internet penetration in urban areas at [56.5%](#) compared to 25% in rural areas. Rural areas in Kenya continue to experience [chronic underinvestment in ICT](#) infrastructure including limited broadband coverage. During this reporting period, infrastructure gaps in rural areas, data costs and low digital literacy emerged as key drivers of the digital divide between rural civil society actors and their urban counterparts, with rural actors at a clear disadvantage when it comes to internet access and the ability to share content online. This [digital divide](#) prevents rural CSOs and communities from engaging in online civic education and digital governance services due to limited digital infrastructure.

These technological limitations amplify inequalities between urban and rural communities, hindering wider digital inclusion and integration efforts by civil society actors. As underscored by the expert panellists, digital advocacy and online campaign initiatives had a higher impact amongst the urban populace compared to the rural populace, who remained less engaged through the existing digital channels. As part of the digital transformation agenda, the government has launched digital upskilling programmes to train more than 100,000 public servants through the [regional centre of competence for AI](#) and digital skilling at the Kenya School of Government. At the same time, the government is expanding digital infrastructure and initiatives aimed at enhancing equitable and affordable access to the internet.

As highlighted by the expert panel, urban-based and youth-led civil society actors are highly proficient in matters of digital advocacy, reflecting higher internet penetration rates. However, ICT capacity among CSOs varies, while grassroots, rural and disability-focused groups face severe limitations in their capacity and digital infrastructure. Part of the problem is the high cost of airtime and mobile phones, making it particularly difficult for rural CSOs to use digital platforms for advocacy. For CSOs, this shows that AI is an increasingly vital tool for civic education, public engagement, research and advocacy; at the same time, there is an urgent need for CSOs to foster responsible AI use, data protection and digital literacy.

-----

# C) Recommendations

## 1. To CSOs

- a) CSOs should heavily and intentionally invest in governance, institutional capacity and compliance mechanisms. This can be done by strengthening financial management systems, safeguarding procurement procedures, strengthening monitoring and evaluation, and investing in digital security and regulatory compliance systems. As a result, CSOs will be able to compete more effectively for funding amid a shrinking donor pool.
- b) They should also foster strategic partnerships with the local private sector such as the Kenya Private Sector Alliance (KEPSA) to broaden the resource base.
- c) Amid the evolving AI ecosystem, civil society actors need to strengthen institutional investment in cybersecurity awareness, for example of spyware risks; capacity building programmes for digital security; and secure communication tools and channels for staff and network members to detect and mitigate potential surveillance threats.

## 2. To the government of Kenya

- a) Through the Ministry of ICT and the Office of Data Protection, the government should strengthen the enforcement and implementation of the 2019 Data Protection Act in line with global ICT standards.
- b) Strengthen anti-money laundering (AML) and combating the financing of terrorism (CFT) safeguards in line with Financial Action Task Force standards.
- c) Strengthen current legislation to create safeguards against non-consensual surveillance and data interception, requiring due process and judicial authorisation before monitoring by telephone tapping or data acquisition, as well as transparent reporting on the acquisition and use of surveillance technology.
- d) Establish a centralised online single-window registration system for CSOs under the Public Benefit Organizations Regulatory Authority (PBORA). This will reduce duplication and administrative barriers, which particularly affect grassroots organisations.
- e) Parliament should ensure that the proposed Public Order (Amendment) Bill 2025, is consistent with Article 37 of the Constitution of Kenya, 2010, and does not introduce clauses that curtail the right to peaceful demonstration and assembly.
- f) Adopt and operationalise the Access to Information (General) Regulations, 2023, across national and county government ministries and departments.

## 3. To development partners and international donors

- a) As the country prepares for the 2027 general elections, diplomatic missions in Kenya should continue to monitor civic space developments through private engagements and public statements, particularly developments that negatively affect media freedom, freedom of peaceful assembly and freedom of expression.
  - b) Provide more flexible funding conditions – including broader support for CSO institutional capacity, preparedness and organisational strengthening – to help CSOs adapt to changes in donor financing models, such as government-to-government funding, while allowing any leftover funds to be reallocated for emerging needs. This would better position CSOs to respond to unforeseen challenges and ensure programming continuity across their operations.
-

## 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 is 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 panel for this report was convened in June 2026.** The discussions are supported by secondary sources, such as [V-Dem](#), the [Bertelsmann Stiftung Governance Index](#), the Right to Information ([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.

*This publication was funded by the European Union. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union.*



# EU SEE

SUPPORTING  
AN ENABLING ENVIRONMENT  
FOR CIVIL SOCIETY



**EU SEE**

SUPPORTING  
AN ENABLING ENVIRONMENT  
FOR CIVIL SOCIETY



Funded by  
the European Union

