

World Report 2023



Kenya

Events of 2022

A Kenyan man casts his ballot at a polling station during Kenya's general election at Kariokor Community Centre in Nairobi, August 9, 2022.

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William Samoei Ruto and his deputy, Rigathi Gachagua, won Kenya's closely contested August 9 presidential election, after the Supreme Court rejected an opposition challenge. Ruto was deputy to outgoing Kenyan President Uhuru Kenyatta since March 2013, but Kenyatta openly supported his former rival and Ruto's challenger, Raila Odinga.

Despite disputes over the tallying of the presidential votes, resulting in tense moments and brief street protests, when the electoral commission declared Ruto winner, the entire electoral process was not as violent as in many previous elections. Kenya failed to ensure accountability for security forces abuses, including use of excessive force during violence in the previous elections. There was misappropriation of funds meant for the Covid-19 response.

Lack of Accountability for Misused Covid-19 Relief Funds

Kenyan authorities have yet to hold to account those implicated in the misuse of funds meant for households most affected by the Covid-19 pandemic. In August 2020, investigators recommended the [prosecution of at least 15 top government](#) officials and business people over the alleged misuse of millions of dollars meant for buying Covid-19 medical supplies.

Kenya's Ethics and Anti-Corruption Commission uncovered evidence of tenders being allegedly allocated to politically connected individuals and businesses. Following public [outray](#) and [media](#)

[reports](#), the Kenyan government ordered an investigation into huge sums meant for medical supplies. The Kenyan government received around 200 billion Kenyan shillings (US\$ 1.6 million) in donor aid and grants to support Kenya's response to the Covid-19 pandemic.

In July 2021, a Human Rights Watch report found that the Covid-19 crisis [devastated many lives and livelihoods](#) when Kenyan authorities imposed stringent control measures, including curfews, stay at home directives, and other restrictions on movement.

Thousands of people lost their only sources of income, with businesses closing and sole breadwinners of households losing jobs. Thousands of families suffered or faced the threat of starvation and eviction due to non-payment of rent.

Although the government created a cash transfer program to cushion households in informal settlements in the capital, Nairobi, the program was [undermined by serious irregularities](#). It lacked transparency, failed to adhere to laid down criteria, and in some instances was characterized by favoritism and cronyism. Although the program was designed to pay beneficiaries weekly transfers for 35 weeks, the frequency and duration of the transfers varied widely, with some just receiving the transfer a handful of times.

President Uhuru Kenyatta [promised accountability](#) for all the Covid-19 funds, but at time of writing, no one has been charged or convicted over misuse of the funds.

Security Forces Conduct

In April, a report of the [Missing Voices Group](#), a coalition of 15 Kenyan and international human rights groups, including Human Rights Watch, implicated Kenyan police in disappearances and extrajudicial killings.

The [report documents 219 cases](#) of police killings and enforced disappearances in 2021 alone. Out of these, 187 cases were of police killings, and 32 of enforced disappearances. Of the 32 cases of enforced disappearances, two of the victims were later found alive following public outcry. Four of those who had been disappeared by Kenyan security forces were found dead slightly over a day later. The whereabouts of 30 people remain unknown.

The report implicates Pangani Police officers in the extrajudicial killings of at least 30 people, most of who had last been seen in the custody of the police officers from the station. This is not the first time Pangani police station has been in the spotlight over human rights abuses.

In February 2020, Human Rights Watch research [implicated officers](#) from the same police station in the killings of at least two people in Nairobi's Mathare settlements. Witnesses told Human Rights Watch how police from Pangani Station had shot dead Peter Irungu, 19, and Brian Mung'aru, 20, while the two young men were kneeling and pleading with police to spare their lives.

Failure to Investigate Bodies Dumped in River

Kenyan authorities have failed to investigate and ensure accountability for bodies being dumped in River Yala, western Kenya. In March, [residents of Yala, Siaya county, western Kenya, raised alarm](#) over bodies apparently dumped by unidentified people in the Yala River at night. They [told media](#) that they had retrieved bodies from the river almost daily between July 2021 and January 2022, but police in the area had ignored the reports. In March, several human rights activists from Nairobi and Mombasa joined the residents to retrieve the bodies, and by mid-May had found more than 30. Some of the bodies were of people who had, according to [reports in Kenyan media](#), long been missing, including that of an [officer of the Kenya Wildlife Service](#), Francis Oyaro, who had been missing for months.

The bodies were taken to the Yala sub-county mortuary, where [pathologists took samples](#) for testing to identify them, but police did little to investigate the deaths. A Nairobi-based activists' protection organization said that some of the community leaders who had been at the forefront of bringing the issue to public attention were threatened by people who identified themselves as police. Despite public criticism and demands for accountability on these issues, the residents of [Yala retrieved seven more bodies](#) from the river towards the end of September 2022.

Disability Rights

Men, women, and children with real or perceived psychosocial disabilities continue to be [shackled](#)—chained or locked in small, confined spaces—in Kenya due to inadequate support and mental health services, and prevalent stigma. Human Rights Watch [found at least 60 men, women, and children](#) with real or perceived psychosocial disabilities chained, hidden from view, in the compound of the Coptic Church Mamboleo in Kisumu city in western Kenya. Kenyan authorities have done little to investigate state and private institutions housing people with mental health conditions.

Children's Rights

In July, Kenya [adopted](#) an amended [Children's Act](#), enshrining a constitutional protection and harmonizing national law with numerous obligations in the African Charter on the Rights and Welfare of the Child.

The Education Ministry failed to act following [reports](#) that it had built and offered an unsafe online learning product for children's use during the Covid-19 pandemic. This product was found transmitting children's personal data to an advertising technology company, enabling the company to track and target children across the internet.

Sexual Orientation and Gender Identity

At least one person was [arrested](#) in July [over the killing of Sheila Adhiambo Lumumba](#), a 25-year-old Kenyan non-binary lesbian. Lumumba was sexually assaulted and brutally murdered in their home in Karatina, north of Nairobi. Kenya's penal code criminalizes same-sex act between consenting adults. Article 162 punishes "carnal knowledge against the order of nature" with up to 14 years in prison, and Article 165 makes "indecent practices between males" punishable with up to five years in prison.

Intersex children are recognized and [protected against discrimination](#) in the Children's Act, 2022.

Refugee Rights

Kenyan authorities continued to undermine the rights of refugees by threatening repeatedly to shut down the two main refugee camps in northern Kenya, Dadaab and Kakuma, and force the refugees and asylum seekers back to their countries. In March 2021, [the Kenyan government issued a 14-day ultimatum](#) to the United Nations refugee agency (UNHCR) to develop a plan for closing Kakuma and Dadaab refugee camps.

In April 2021, UNHCR presented the government with "sustainable rights-based measures" to address the refugees' longstanding displacement—including voluntary repatriation, third country departures, and alternative stay options in Kenya. Kenyan authorities later extended the deadline for the camp [closure](#) to June 30, 2022. However, government officials said nothing on June 30, and the new administration in place since August 2022 remained silent on the issue. The uncertainty caused

significant [anxiety](#) among refugees and asylum seekers in the camps. Many are from Somalia and South Sudan, which face ongoing security challenges.

The government did not provide any justification for its latest attempt to shut down the camps. Authorities had previously threatened in 2016 and [2019](#) to [close the Dadaab camp](#) on grounds that it allegedly [harbored members of the Somalia-based Islamist armed group Al-Shabab](#), though they never provided evidence to support the allegation, and no one from the camp had been prosecuted for links with terrorism as of September.

Toward the end of 2021, Kenya [signed into law a new Refugee Act](#), which promises greater freedoms and rights for refugees, including better access to education and employment. While a positive step, the law provides for greater work and movement opportunities for refugees from East African Community countries than others, such as Somalians, who make up [over 50 percent](#) of Kenya's refugee population. [Parliament had not passed](#) a regulatory framework for the new law as of mid-2022.

Key International Actors

Kenya's general election attracted the interest of key partners both regionally and globally. President Ruto's inauguration ceremony was attended by heads of state from the East Africa region and representatives from partner countries in Europe, the United States, and Israel. Kenya is the economic powerhouse in East Africa.

Trial proceedings before the International Criminal Court on charges of witness tampering in the court's long-dismissed case against Ruto stemming from the 2007-2008 post-election violence were halted after the defendant, Paul Gicheru, was found dead at his home in Nairobi in September 2022.