

World Report 2024



Kenya

Events of 2023

Protesters shout at police as they demonstrate in the Kibera district of Nairobi, Kenya Monday, March 20, 2023. Hundreds of opposition supporters took to the streets of the Kenyan capital over the result of the last election and the rising cost of living, in protests organized by the opposition demanding that the president resigns from office.

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- [English](#)
- [Kiswahili](#)

In August 2022, Kenya held a disputed presidential election that, after an unsuccessful court challenge by the main opposition candidate, Raila Odinga, resulted in the declared winner, William Samoei Ruto, forming a new government. The opposition rejected the court decision and resorted to organizing street protests. Despite promises made by President Ruto during campaigns to respect human rights, the human rights trajectory in Kenya has further deteriorated over the past year.

Kenyan and international groups have continued to implicate police and other security agencies in serious human rights abuses, including extrajudicial killings. The authorities have failed to ensure accountability for these abuses, including by failing to investigate and prosecute police officers implicated in the abuses during opposition protests in 2023. The Director of Public Prosecutions (DPP) announced the [withdrawal of charges](#) against senior government officials, including those accused of involvement in human rights abuses, which could have serious long-term implications for Kenya's efforts to address the long-standing challenge of impunity.

Abuses by Police

Kenyan police responded with excessive force to protests organized between March and July by the leading opposition coalition, *Azimio la Umoja*, Swahili for Resolution for Unity. The protesters demanded that the government address the rising cost of living and alleged fraud in the 2022 elections. Human Rights Watch and Amnesty International documented the [killing of at least 16 people](#) and the maiming of scores of protesters, bystanders, and people shot in their homes by police and armed pro-government gangs.

During the March protests, armed gangs [raided and looted businesses owned](#) by opposition leader Odinga and the immediate past president, Uhuru Kenyatta, in the capital, Nairobi. The government accused Kenyatta of sponsoring the protests. In July, armed [gangs, alongside police](#), beat and shot at peaceful protesters on the streets of Kisumu, western Kenya, and Nairobi, notably in the informal settlements of Kibera and Mathare. There were also [concerns regarding an increase in sexual violence](#) perpetrated by police and private actors. Sexual violence has often accompanied political unrest in the country.

At time of writing, the Independent Policing Oversight Authority (IPOA) has yet to conclude its investigations into the deaths and alleged unjustified use of force by the police. Kenya has a long [history of impunity for police use of excessive force](#) against protesters in the aftermath of election disputes. Little has been done to ensure accountability for similar abuses by police during election related protests in 2017, 2013, and 2007.

Starvation Cult and Malindi Mass Graves

In April, the government [discovered secret mass graves](#) of the followers of a “starvation cult” in a forest in Shakahola area in the coastal town of Malindi. The authorities said they had, as of September 2023, dug up several mass graves in the forest with [a total of more than 400 bodies](#) of suspected followers of the cult, most of whom had either been strangled or clobbered to death as opposed to starving to death. However, investigations by Human Rights Watch found that only 12 bodies had been positively identified and none had been released to their families for burial.

Police said they had arrested the [pastor behind the cult, Paul Mackenzie](#), and at least 37 of his followers. Lawyers and Kenyan human rights groups have expressed concerns over the violation of the rights of accused persons, with Pastor Mackenzie being held in solitary confinement for several months despite not being formally charged and his co-accused being denied access to family and lawyers.

Challenges for Accountability

Since September 2022, the DPP has [dropped several cases of corruption and human rights abuses](#) against Ruto’s close allies, some of whom he has since appointed to his cabinet. These unprocedural withdrawals of cases could undermine Kenya’s fight against corruption and other human rights concerns. Some legal experts have suggested that the authorities have withdrawn about 30 high profile cases from the courts within the first seven months of Ruto’s presidency.

The withdrawn cases included those relating to the theft of public resources, sexual assault, and murder by defendants later appointed to senior government positions.

Soon after Ruto’s inauguration in September 2022, the DPP announced [an out-of-court settlement](#) between a former member of parliament and a woman who accused him of attempted rape. Soon after the survivor withdrew the case from court, Ruto appointed this politician as a cabinet minister. The DPP also [withdrew other cases](#) against him, including those relating to corruption, incitement, and abuse of office.

In October, the DPP withdrew corruption charges against a former Malindi member of parliament, whom the president later appointed as a minister, for [embezzling 19 million Kenyan shillings](#)

([about US\\$155,700](#)) from the Malindi National Government Constituency Development Fund. She also faced other charges of conflict of interest, acquisition of proceeds of crime, and money laundering. The case proceeded against the eight other co-defendants.

On November 10, the DPP dropped the corruption case against a senior political figure and nine others for lack of evidence. In 2021, he was charged with fraudulently acquiring more than 7.3 billion Kenyan shillings (about \$62.8 million) from the government. He alleged that the charges had been politically motivated by the former administration because of his support for Ruto's presidential bid. The DPP soon after halted extradition proceedings against two other political figures. These two were to face prosecution in the United Kingdom for corruption and money laundering. The authorities have ignored concerns raised by human rights and anti-corruption groups and, instead, [announced plans to amend](#) the Leadership and Integrity Act to allow even those convicted of corruption and other criminal offences to hold public office.

Sexual Orientation and Gender Identity

In February, [the Supreme Court of Kenya upheld high court](#) and court of appeal decisions directing the government to register the National Gay and Lesbian Human Rights Commission (NGLHRC) as a nongovernmental organization (NGO). In 2013, NGLHRC challenged the decision of the NGO Coordination Board to deny it registration. The courts described the government's decision not to register NGLHRC based on the applicants' sexual orientation as unconstitutional. In September 2023, the court rejected a challenge to the [earlier ruling](#).

President Ruto condemned [the Supreme Court decision](#)—which sparked pockets of public protest—stating that the country would not endorse same-sex conduct. Capitalizing on negative public sentiment for political gain, at least three political leaders threatened to introduce legislation that would further criminalize same-sex conduct. Article 162 of the penal code punishes “carnal knowledge against the order of nature” with up to 14 years in prison, while article 165 punishes “indecent practices between males” with up to five years in prison.

Women's and Girls' Rights

Violence and harassment against women at work remains highly prevalent in Kenya, particularly for those in the informal sector. About [83 percent of the workforce is in the informal sector](#), and 89 percent of women in the country work in the informal sector. [Section 6 of the Kenyan Employment Act \(2007\)](#) prohibits sexual harassment in the workplace, but it only obligates employers with more than 20 employees to have a sexual harassment policy. Kenya voted in favor of but has yet to ratify the [International Labour Organization Violence and Harassment Convention \(C190\)](#), which requires comprehensive protections to end violence and harassment, including gender-based violence, at work.

In January 2023, the Kenya National Bureau of Statistics released the key indicators report from the [2022 Kenya Demographic and Health Survey](#). The report confirmed the continued lack of equity in access to maternal healthcare. For example, only 69 percent of women and girls with low income have access to skilled attendants during birth as compared to 99 percent of women and girls with high income. At time of writing, the government has not released the full report.

In July 2023, the government launched the [End Triple Threat Campaign](#), geared toward addressing the three key threats to adolescent health in the country: teenage pregnancy, new HIV/AIDS infections, and sexual and gender-based violence. Unfortunately, this campaign has not triggered any review of laws and policies that hinder adolescents' access to sexual and reproductive health services, specifically the [Reproductive Health Policy \(2022-2032\)](#) and the 2022 [Children's Act](#). The Campaign also has not catalyzed the review of the education curriculum to ensure that it provides adolescents with the comprehensive sexuality education they need to protect themselves against these threats. Finally, it has not pushed the government to ensure the meaningful participation of

adolescents and civil society in the ongoing review of the country's adolescent sexual and reproductive health policy.

Further, the government has failed to ensure that women and girl survivors of sexual violence can access safe, legal abortion care in line with the country's constitution. As a result, survivors of sexual violence who become pregnant are still [forced to resort to unsafe abortion](#).

Refugee Rights

In mid-2023, the Kenyan government announced the rollout of its multi-year "[Shirika Plan](#)" to promote the socioeconomic inclusion of refugees. The plan will transform Dadaab and Kakuma refugee camps into integrated settlements where refugees will live alongside local communities, contribute to local economies, and have access to government services. This shift away from Kenya's prior policy—which had focused on encampment and repatriation, with multiple threats to close the camps—marked a step forward for refugee rights. Kenya hosted [636,000](#) refugees as of July 2023.

Key International Actors

Kenya remains a strategic player and regional hub on key African and global issues. Kenya contributes troops to the peace missions in Somalia and the Democratic Republic of Congo. The government is a leading actor in negotiations for peace and the cessation of hostilities [in the conflicts in Ethiopia](#), Sudan, South Sudan, and Congo. Although one of the warring parties publicly rejected [President Ruto as the head of the peace talks in Sudan](#) based on allegations that he supports the other side, he continues to spearhead mediation efforts of the Inter-Governmental Authority on Development (IGAD), which is acting on behalf of the African Union.

Key regional actors have been involved in efforts to settle the differences between President Ruto and Odinga, who has led several protests against Ruto's administration. Tanzanian President Samia Suluhu and South African President Cyril Ramaphosa initiated preliminary negotiations. The protests eventually ended and ongoing talks between the government and the opposition began after [former Nigerian president, Olusegun Obasanjo](#), held several meetings with Ruto and Odinga in Nairobi.

In June, the European Union Commission and Kenya concluded the negotiations of an [Economic Partnership Agreement](#) that includes commitments by both parties on climate change, labor rights, and women's rights.