

Civic Freedom Monitor: Kenya

Last updated: **April 27, 2026**

Recent Developments

The Public Benefit Organisations (PBO) Regulations were published on March 18, 2026 through Kenya Gazette Supplement, No. 67 (Legal Notice No. 43). The regulations will operationalize the PBO Act, 2013 and enable PBOs registered under the repealed NGOs Coordination Act to transition to the PBO Act framework. In addition, they will provide the criteria for qualifying for public benefit status, procedures for cancelling registration permits and certificates, implementation of penalties, obligations for annual reporting, as well as requirements for PBOs that engage in economic activities.

While we aim to maintain information that is as current as possible, we realize that situations can rapidly change. If you are aware of any additional information or inaccuracies on this page, please keep us informed; write to ICNL at ngomonitor@icnl.org.

Introduction

Associational life is deeply rooted in Kenya, forming the foundation for *harambee* (self-help) initiatives and community-driven development. The concept of civil society, however, is more recent and has become closely associated with movements for social transformation and social justice.

The term civil society organization (CSO) is used generally in Kenya to refer to the wide array of organizations that operate in the realm between the individual and the state and are formed to promote the interests of their members or the public good. They include organizations registered under diverse legal regimes as public benefit organizations (PBOs), community groups, societies, trusts and companies limited by guarantee. Though PBOs are just a small part of the civil society sector, they are the most visible.

Kenya's legal framework is generally supportive of CSOs. Many laws governing CSOs are statutory in nature and draw on England's common law traditions, while key legislation regulates organizations substantially through enforcement of the organization's founding documents. The Public Benefit Organizations (PBO) Act, passed in 2013, was designed to provide a clearer, more enabling legal framework for CSOs pursuing public benefit purposes.

For over a decade, however, the PBO Act was not implemented. Despite ongoing pressure from CSOs, successive governments failed to operationalize the Act due to lack of political will. Finally, on May 10, 2024, President William Ruto announced the commencement of the PBO Act.

While the legal environment under the PBO Act now offers greater clarity and protection for CSOs, challenges remain. Ambiguities in relatively new laws, such as the Community Groups Registration Act, have been used to curtail registration or impose burdensome registration requirements. Public participation—recognized as a constitutional right—often falls short due to weak implementation, limited civic education, and restricted access to information. CSOs also continue to face occasional political hostility, including accusations of misusing foreign funding or engaging in activities deemed contrary to the “national interest”.

This Civic Freedom Monitor (CFM) country note was made possible through the research conducted by Faith Kisinga Gitonga, a consultant on the enabling environment for civil society.

Civic Freedoms at a Glance

Organizational Forms	Public Benefit Organisations and Societies
Registration Body	Public Benefit Organisations Authority and Registrar of Societies
Approximate Number	Public Benefit Organisations: 14,687 Societies: 70,000+
Barriers to Formation	Public Benefit Organisations: None Societies: (1) Vague grounds for denial of registration; (2) Mandatory registration (unregistered societies illegal).
Barriers to Operations	Public Benefit Organisations: None Societies: (1) Registrar of Societies has wide discretion relating to the investigation, arrest, and search of any society; (2) The failure to maintain a register of members or annual accounts may expose a society to heavy penalties, including imprisonment; (3) Where it is alleged that a society is unlawful, the burden of proof is on the society.
Barriers to Resources	No legal barriers
Barriers to Expression	No legal barriers
Barriers to Assembly	No time limit specified for the authorities to respond to organizers' notification requests or right of appeal; counter-demonstrations prohibited; excessive force used by security officers.

Legal Overview

This section provides a brief overview of Kenya's legal framework for the promotion and protection of civic freedoms. Click a subheading for more, or [click here to expand all subheadings](#).

RATIFICATION OF INTERNATIONAL AGREEMENTS

Key International Agreements	Ratification*
International Covenant on Civil and Political Rights (ICCPR)	1972
Optional Protocol to ICCPR (ICCPR-OP1)	No
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	1972
Optional Protocol to ICESCR (Op-ICESCR)	No

Key International Agreements	Ratification*
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	2001
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	1984
Optional Protocol to the Convention on the Elimination of Discrimination Against Women	No
Convention on the Rights of the Child (CRC)	1990
Convention Against Torture	1997
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)	No
Convention on the Rights of Persons with Disabilities (CRPD)	2008
Convention for the Protection of All Persons from Forced Disappearance	2007
Optional Protocol on the Convention of the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC) and Optional Protocol on the Convention of the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC)	2000

Key Regional Agreements	Ratification
African Charter on Human and Peoples' Rights	1992
African Charter on the Rights and Welfare of the Child	2000
Treaty Establishing the African Economic Community	2001
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	2006
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	2004
Protocol on the Statute of the African Court of Justice and Human Rights	2017
African Youth Charter	No

* Category includes ratification, accession, or succession to the treaty

CONSTITUTIONAL FRAMEWORK

On August 4, 2010, at a national referendum, Kenyans voted in favor of a new Constitution. The constitutional review process, which preceded the referendum, has been touted as the most participatory constitution review process worldwide, as it was consultative from the start and largely integrated the

views of the public in the final document.

Relevant provisions include:

Implementation of rights and fundamental freedoms

21. (1) It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights.

Freedom of Expression

33. (1) Every person has the right to freedom of expression, which includes—

(a) freedom to seek, receive or impart information or ideas;

(b) freedom of artistic creativity; and

(c) academic freedom and freedom of scientific research.

(2) The right to freedom of expression does not extend to—

(a) propaganda for war;

(b) incitement to violence;

(c) hate speech; or

(d) advocacy of hatred that—

i. constitutes ethnic incitement, vilification of others or incitement to cause harm; or

ii. is based on any ground of discrimination specified or contemplated in Article 27 (4).

(3) In the exercise of the right to freedom of expression, every person shall respect the rights and reputation of others.

Access to Information

35. (1) Every citizen has the right of access to—

(a) information held by the State; and

(b) information held by another person and required for the exercise or protection of any right or fundamental freedom.

(2) Every person has the right to the correction or deletion of untrue or misleading information that affects the person.

(3) The State shall publish and publicise any important information affecting the nation.

Freedom of Association

36. (1) Every person has the right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind.

(2) A person shall not be compelled to join an association of any kind.

(3) Any legislation that requires registration of an association of any kind shall provide that—

(a) registration may not be withheld or withdrawn unreasonably; and

(b) there shall be a right to have a fair hearing before a registration is cancelled.

Assembly, demonstration, picketing and petition

37. Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

Right to language and culture

44. (1) Every person has the right to use the language, and to participate in the cultural life, of the person's choice.

NATIONAL LAWS, POLICIES, AND REGULATIONS

Relevant regional and national-level laws and regulations affecting civil society include

- [The Non-Governmental Organizations Coordination Act, Act N° 19 \[1990\]](#)
- [The Non-Governmental Organizations Coordination Regulations \[1992\]](#), now repealed
- [The Non-Governmental Organizations Council Code of Conduct \[1995\]](#)
- [The Companies Act, N° 17 \[2015\], Original](#)
- [The Companies Act \[2015\], Revised](#)
- [The Societies Act, Chapter 108 of the Laws of Kenya \[1968\]](#)
- [The Trustees \(Perpetual Succession\) \(Amendment\) Bill \[2021\]](#)
- [The Trustee Act, Chapter 167 of the Laws of Kenya \[1982\]](#)
- [The Income Tax Act, Chapter 470 of the Laws of Kenya](#)
- [East Africa Community Customs Management Act \[2004\]](#)
- [Income Tax \(Charitable Donations Regulations\) \[2007\]](#)
- [Sessional Paper N° 1 \[2006\]](#)
- [The East Africa Community Treaty \[1999\]](#)
- Basic Education Act, CAP 211
- [The Public Benefit Organisations Act \[2013\], Original](#)
- [The Public Benefit Organisations Act \[2013\], Latest version](#)
- [Data Protection Act, Laws of Kenya, N° 24 of 2019](#)
- [The Computer Misuse and Cybercrimes Act, 2021, 2025 version](#)
- [Data Protection \(General\) Regulations, 2021](#)
- [Public Finance Management Act \(PFMA\), N° 18 of 2012](#)

- [County Governments Act, N° 17 of 2012](#)
- [Urban Areas and Cities Act, N° 13 of 2011](#)
- [Public Procurement and Disposal Act, N° 33 of 2015](#)
- [County Public Participation Guidelines](#)
- [Community Groups Registration Act, N° 30 of 2022](#)
- [Income Tax \(Donations and Charitable Organisations Exemption\) Rules, 2024](#)
- [Access to Information Act, 2016](#)
- [The Access to Information \(General\) Regulations](#)
- [The Employment Act, CAP 226](#)
- [Chiefs Act, CAP 128](#)
- [Official Secrets Act](#)
- [National Police Service Act](#)
- [Kenya Defence Forces Act](#)
- [County Governments Act](#)
- [National Intelligence Service Act](#)
- [Prevention of Terrorism Act](#)
- [Political Parties Act](#)
- [Elections Act](#)
- [Criminal Procedure Code](#)
- [Public Order Act](#)
- [Stamp Duty Act](#)
- [County Governments Act, N° 17 of 2012](#)
- [Urban Areas and Cities Act, N° 13 of 2011](#)

PENDING REGULATORY INITIATIVES

1. The Draft Assembly and Demonstration Bill, 2024 came before the National Assembly for the first reading on August 7, 2024. The Bill stipulates that the organizers of an assembly or demonstration must notify the regulatory officer in advance and authorizes the regulatory officer to impose conditions on an assembly or demonstration that may relate to public safety, the maintenance of public order, or the protection of the rights and freedoms of persons. In addition, the Bill imposes liability for damages on both the organizers of and participants in an assembly or demonstration. The public submitted comments

on the Bill during the public participation phase that ended in September 2024. As of April 2026, the Bill has not yet proceeded to the next stage.

2. The Public Participation Bill (National Assembly Bill No. 44 of 2025) is before the National Assembly. It is a Bill that seeks to give effect to the constitutional principle of public participation by:

- providing for the principles of public participation;
- designating the person responsible for conducting public participation in various entities;
- setting the general guidelines for the conduct of public participation; and
- providing for the development of specific guidelines for the conduct of public participation by responsible authorities pending before the Committee stage.

The Bill was read for the first time on November 4, 2025, and referred to the Departmental Committee on Justice and Legal Affairs for consideration and reporting to the House. The Committee held public hearings on the Bill across the country in March 2026. The Bill is now pending before the Committee on Justice and Legal Affairs.

3. In line with recent revisions to the PBO Act, the PBO Regulatory Authority (PBORA) now has a clear mandate to monitor PBOs regarding terrorism financing. To comply with the requirements set by the Financial Action Task Force (FATF), PBORA must adopt a risk-based approach to identify organizations that are at high risk for abuse of terrorism financing. Additionally, PBORA is mandated to ensure that any measures that are implemented are targeted, focused and proportionate and avoid any disruption to the legitimate operations of non-profit organisations (NPOs). In October and November 2025, PBORA led a Multi-Sectoral Team in developing a risk-based monitoring framework, along with tools for assessing and monitoring NPOs at high risk. The draft Risk-Based Monitoring Framework was presented to stakeholders for validation on November 13, 2025. The PBO Regulatory Authority will hold outreach sessions in April and May 2026 to educate NPOs on the risk-based monitoring framework and share the findings of the NPO Terrorism Financing Risk Assessment.

We are unaware of any other pending legislative/regulatory initiatives affecting NGOs. Please help keep us informed; if you are aware of pending initiatives, write to ICNL at ngomonitor@icnl.org

Legal Analysis

This section provides an in-depth assessment of Kenya's legal environment for civic freedoms, including the barriers to the exercise of the freedoms of association (formation, operations, resources), expression, and peaceful assembly. Click a subheading for more, or [click here to expand all subheadings](#).

ORGANIZATIONAL FORMS

CSOs in Kenya can take one of following five organizational forms:

Public Benefit Organizations (PBOs): PBOs are registered by the Public Benefit Organizations Regulatory Authority (PBORA) and governed by the PBO Act (Act No. 18, Laws of Kenya). The Act, which came into effect on May 14, 2024, replaced the NGO Coordination Act, 1990. All NGOs previously registered under the NGO Coordination Act were deemed to be registered as PBOs under the new legislation. Section 2 of the PBO Act defines a PBO as a voluntary membership or non-membership association of individuals or organizations that is autonomous, non-partisan, and non-profit making. Further, a PBO must:

- Be organized and operate locally, nationally, or internationally;
- Engage in defined public benefit activities; and
- Be registered by the PBORA.

“Public benefit activity” refers to activities that support or promote “public benefit by enhancing or promoting the economic, environmental, social or cultural development or protecting the environment or lobbying or advocating on issues of general public interest or the interest or well-being of the general public or a category of individuals or organizations.”

Companies limited by guarantee: These entities, which do not have share capital, are registered by the Business Registration Service under the Companies Act (Chapter 486, Laws of Kenya). They may be established to pursue any legal purpose outlined in their memorandum of incorporation and articles of incorporation. Many service delivery institutions, such as schools and healthcare organizations, are registered in this form. As of December 2022, there were 2,352 companies limited by guarantee in Kenya.

Trusts: Trusts are established by families, groups, or individuals to hold and manage assets for the benefit of others. They may be incorporated under the Trustees (Perpetual Succession) Act, CAP 164. As of December 2022, there were a total of 2,343 trusts registered in the country.

Societies: A society is defined as “any club, company, partnership or other association of ten or more persons, whatever its nature or object, established in Kenya or having its headquarters or chief place of business in Kenya” (Societies Act, Section 2). The definition specifically excludes trade unions, cooperatives, corporations, and certain other entities. Societies are registered and regulated by the Registrar of Societies. With over 70,000 societies registered in Kenya, they are the second largest category of CSO after community groups.

Community groups: Previously recognized as community-based organizations (CBOs) by the Department of State for Social Protection, community groups lacked a specific legal status until recently. Under the Community Groups Registration Act of 2022, these organizations can now attain legal status by registering with the Directorate of Social Development under the Ministry of Labor and Social Protection. The Act defines a community group as “a voluntary association of individuals from the same community which is self-organized for a common purpose aimed at improving the livelihood of the group members or for a community benefit.” The definition includes special interest groups, community projects, and CBOs, but excludes PBOs, NGOs, and groups formed to champion a political cause or contrary to public policy. With over one million such groups registered, they are the largest category of CSOs in the country.

PUBLIC BENEFIT STATUS

Section 12(1) of the PBO Act provides that “The Authority shall issue guidelines that it shall apply in bestowing of public benefit organisation status as contemplated in section 7(b).” The rules and regulations required to operationalize this provision have been gazetted.

Under Section 7 of the PBO Act, the Public Benefit Organizations Regulatory Authority (PBORA)—the government agency responsible for registering PBOs—has the authority to grant public benefit status to organizations registered under other laws. This means that organizations not registered as PBOs may still be recognized by PBORA as serving the public benefit.

While PBOs registered under the PBO Act are explicitly established to pursue public benefit objectives, other types of CSOs may also carry out public benefit activities. For example:

- Trusts may be established for a wide range of purposes, including both charitable and non-charitable objectives.
- Societies may be formed for any lawful purpose or objective.

- Community groups can be created to promote the welfare and economic interests of their members and the community.

However, the following types of organizations are not eligible to receive public benefit status:

- Trade unions as defined under the Labour Relations Act, 2007;
- Public bodies established by or under any written law;
- Political parties as provided for in the Political Parties Act, 2007;
- Religious organizations primarily devoted to religious teaching or worship;
- Societies as defined in the Societies Act;
- Co-operative societies under the Co-operative Societies Act;
- Microfinance institutions as defined in the Micro-Finance Institutions Act; and
- Community-based organizations (CBOs) whose objectives include direct benefits to their members.

The [Tax Laws Amendment Act, 2024](#), which introduced changes to the Income Tax Act (ITA), was adopted on December 11, 2024. Section 2(k) of the Act broadens the definition of a donation in the ITA to include grants, defining them as “a benefit in money in any form, promissory note or a benefit in kind conferred on a person without any consideration and includes grants.” This has significant implications for not-for-profit organizations, as it confirms that the Kenya Revenue Authority will not treat grants as income for income tax purposes.

PUBLIC PARTICIPATION

Kenyan law generally supports the realization of the right to public participation. The Constitution enshrines public participation as a core element of democratic governance, recognizing it as both a national value (Article 10) and a national principle of public service (Article 232). Several articles require public participation in legislative and budgetary processes at both the national and county levels (Articles 201, 118, 196).

A number of laws—including the Public Finance Management Act, the County Governments Act, the Urban Areas and Cities Act, the Public Procurement and Disposal Act, and the County Public Participation Guidelines—further embed public participation as a legal obligation. In some areas, like Makueni county, county governments have worked with CSOs to raise awareness about public participation, resulting in a more engaged citizenry.

Additionally, certain laws require the inclusion of minorities or marginalized groups in county development and governance. For example, the County Government Act (Section 34e) obliges county governments to protect and promote the interests and rights of minorities and marginalized communities. Similarly, cities and urban areas must consider the special needs of minority and marginalized groups when establishing mechanisms, processes, and procedures for community participation (County Government Act, 2nd schedule, clause 2). The Public Finance Management (County Government) Regulations (Section 207) mandates that regulations provide for the special needs of people who cannot read or write, people with disabilities, women, and other disadvantaged groups.

Despite this robust legal framework, public participation is not fully realized in practice. Key barriers include:

- Limited civic education on public participation;
- Lack of political will;
- Restricted access to information;
- Weak, uncoordinated, or absent structures or mechanisms to support implementation of public participation laws and policies;
- Inadequate funding; and
- Weak feedback practices.

These challenges disproportionately affect special interest groups (SIGs) such as women, youth, and people with disabilities. A 2020 survey by Mzalendo and TEAM (supported by ICNL) found low levels of engagement among SIGs in decision-making processes, occasioned by poor implementation of the legal framework for public participation, poor feedback processes, and the high costs of online platforms for engagement, among other challenges.

While there are no formal legal restrictions on climate or environmental advocacy, certain practices undermine the effectiveness of these efforts. For example, in some cases, individuals have purchased land from residents in project areas at disproportionately low prices to circumvent legal provisions requiring community consultation and compensation. Authorities have at times issued mining prospecting permits on community trust land without following procedures required under the [Mining Act](#) (No. 12 of 2016, Sections 38(2) & 128). Similarly, the Community Land Act (No. 27 of 2016), Section 36, requires companies investing in community land to establish benefit-sharing agreements with affected communities, but few companies do so.

Several court cases have examined the scope and standard of public participation:

- In the *National Gender and Equality Commission v Independent Electoral and Boundaries Commission (IEBC) & Another [2013] eKLR*, the court found that IEBC failed to develop sufficient guidelines or take steps to promote the participation of vulnerable groups within the electoral process.
- In *Law Society of Kenya v Attorney General & 2 Others, [2013] eKLR*, the petitioner argued that the Statute Law (Miscellaneous Amendment) Act, 2012 was enacted without public participation. The court ruled that the petitioner did not demonstrate insufficient public participation.
- In *Commission for the Implementation of the Constitution v Parliament of Kenya & another & 2 others & 2 others, [2013] eKLR*, Katiba Institute (a not-for-profit organization) argued that the Leadership and Integrity Act was invalid as the views of Kenyans on effective enforcement were ignored during its development, hence defeating the essence of public participation. The court declined to find the Act unconstitutional, citing insufficient evidence on the level of public participation in the legislative process.
- In *Moses Munyendo & 908 others v Attorney General & another, [2013] eKLR*, petitioners argued that the Crops Act, 2012 and the Agriculture, Fisheries and Food Authority Act, 2012 were unconstitutional due to lack of public participation. The court held that they failed to prove their claim.
- In *Nairobi Metropolitan PSV Saccos Union Limited & 25 others v County Of Nairobi Government & 3 others, [2013] eKLR*, petitioners contested the legality of a legal provision that authorized the Nairobi City County to change parking levies, arguing that there was no public participation in the

process of making and enacting the Act. The court found that adequate participation had taken place.

BARRIERS TO FORMATION

Under the now-repealed NGO Coordination Act, ambiguous provisions were sometimes used to curtail transparency and obstruct the registration of certain NGOs. For example, the NGO Coordination Board could refuse to register an NGO if it determined that the organization's proposed activities or procedures were not "in the national interest" or if, upon recommendation of the NGO Council (a national umbrella body for NGOs), it concluded that the applicant should not be registered. While the Board sometimes provided applicants with reasons for refusing registration, it was not legally required to do so. In practice, the broad and undefined "national interest" standard was applied in ways that unjustifiably curtailed the rights of NGOs. [See Kameri-Mbote, Patricia, Dr. (2000) 'The Operational Environment and Constraints for NGOs in Kenya' IELRC Working Paper, www.ielrc.org].

By contrast, Sections 6- 13 of the new PBO Act provide clear, straightforward criteria for registering PBOs, along with an explicit timeline for processing registration applications. These provisions significantly improve transparency and reduce opportunities for arbitrary decision-making in the registration process.

Under the Societies Act, however, barriers to formation remain:

- The government has the right to deny registration of societies on vague and ambiguous grounds, thereby inviting arbitrary and subjective decision making. The Registrar of Societies may refuse registration if he has "reasonable cause to believe" that:
 - The society's objectives are unlawful, prejudicial, or incompatible with the peace, welfare, or good order;
 - The registration of the society would otherwise threaten public peace, welfare, or good order; or
 - The society is affiliated with or connected to any political organization established outside Kenya.
 - Note: Registration may also be denied if the society's constitution, rules, or name are deemed repugnant to or inconsistent with any law or are otherwise considered undesirable.

- The Societies Act stipulates that any society that is not registered or exempted is unlawful. This means that if ten or more persons associate for any purpose, they are legally required to register their group. Stiff penalties apply for operating an unregistered society. In practice, however, enforcement of this provision is rare.

BARRIERS TO OPERATIONS

Section 4 of the new PBO Act makes the government responsible for providing an enabling environment for PBOs to operate, consistent with its obligations under international law regarding the freedoms of association and assembly. PBOs are required to submit their annual activity reports and audited financial returns to the PBO Regulatory Authority (PBORA) within six months of the end of each financial year (Section 31). PBORA has the authority to conduct inquiries to determine whether a PBO's activities comply with the PBO Act or other laws (Section 42(1)(h)). However, PBORA's powers to cancel or suspend the registration of a PBO are limited to specific instances and must follow clear procedures designed to safeguard PBOs' rights (Section 18 and 19).

By contrast, the Societies Act contains several provisions that pose potential barriers for societies:

- The Act gives the Registrar of Societies broad discretion and various government officials sweeping powers to investigate societies, enter and search their premises, and arrest individuals.
- Societies are legally required to keep a register of their members, including their names and dates of admission and exit. Failure to provide membership lists, annual accounts, or other information can result in severe penalties, including fines and imprisonment.
- If a society is alleged to be unlawful, the burden of proof lies with the accused to demonstrate that it is either registered, exempted, or does not fall within the legal definition of a society.

In practice, however, these powers are rarely exercised. Societies generally operate under minimal government supervision, and enforcement of these provisions typically occurs only in rare cases where a group is suspected of engaging in illegal activities.

BARRIERS TO RESOURCES

Overall, Kenyan law provides a relatively enabling framework for CSOs to seek and secure funding. For example:

- **Income-generating activities:** CSOs are generally permitted to engage in income-generating activities, provided the income is used to further the CSO's purposes. Such activities must either directly relate to the CSO's objectives or be carried out on behalf of its beneficiaries. CSOs may conduct these activities directly or through for-profit subsidiaries. In addition, Section 65 of the PBO Act explicitly allows PBOs to engage in lawful economic activities, provided that all income generated is used solely to support their public benefit objectives.
- **Tax exemptions:** The Income Tax Act exempts CSOs from income tax on gains or profits derived from businesses related to their charitable purposes, so long as the profits are applied solely to those purposes.
- **Local fundraising:** Traditional resource mobilization through *harambees* (public fund-raisers) is recognized under Kenyan law, as long as it complies with the Public Collections Act, which is generally enabling. A bill on Public Fundraising Appeals is currently in Parliament.
- **Foreign funding:** There are no specific legal restrictions on the receipt of foreign funds by CSOs. However, in 2024, the government accused 16 CSOs, including several PBOs, of using foreign funding to support nationwide protests against the Finance Bill, 2024. PBORA subsequently forwarded files of the accused PBOs to the Directorate of Criminal Investigations (DCI) to launch a probe into their operations.
- **Government funding:** CSOs rarely receive funding from the government.

BARRIERS TO EXPRESSION

Generally, there are no legal restrictions on CSOs' ability to speak out or engage in advocacy on issues of public importance. The PBO Act (Sections 66 and 67) provides that PBOs are free to engage in research, education, publication, public policy, and advocacy activities.

BARRIERS TO ASSEMBLY

The freedom of assembly is protected under Article 37 of Kenya's Constitution, which states: "Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities." The Public Order Act provides the legal framework for organizing and conducting public gatherings and demonstrations.

Advance Notification

Sections 5(1) and 5(2) of the Public Order Act require advance notification of intent to hold public meetings and public processions. Notification becomes mandatory where an assembly involves 10 or more people. Notification should be provided at least three but not more than fourteen days before the proposed date of the public meeting or procession.

Two practical challenges arise from this framework:

- There is no time limit specified for the regulatory authority to respond to a notification. It is merely assumed that a response should be provided before the date of the proposed assembly.
- The law does not guarantee the right to appeal a denial from the regulatory authority. While case law and specific legal provisions within constitutional and public administrative law allow for legal challenges to oppressive and unreasonable government action, in practice it may not be feasible to reverse a decision in time for the planned assembly—particularly if the notice was submitted close to the proposed date of the event.

Spontaneous Assemblies

The notification requirement effectively prohibits spontaneous demonstrations. According to Section 5(1) of the Public Order Act, “No person shall hold a public meeting or a public procession except in accordance with the provisions of this section.” Participation in an “unlawful assembly” carries a penalty of up to one year in prison.

Time, Place, Manner, and Other Restrictions

According to Section 5(3), Subsection (2)(b) of the Public Order Act, public assemblies are limited to the hours between 6:00 a.m. and 6:00 p.m.

Simultaneous Assemblies

Sections 5(2) and 5(4) of the Public Order Act prohibit more than one demonstration taking place on the same day, at the same time, or at the same venue or route. This effectively prohibits counter-demonstrations. However, authorities may approve alternative dates, times, and routes for other assemblies.

Enforcement

Since 2011, numerous demonstrations have resulted in clashes between demonstrators and police and military personnel. Law enforcement has frequently been accused of using excessive force to disperse gatherings and intimidate participants, including vulnerable groups, such as internally displaced persons (IDPs). These concerns have been amplified by widely circulated videos showing police brutality against demonstrators.

Additional Resources

This section contains links to external reports and news reports relevant to civic freedoms. The Historical Notes section contains links to past developments which ICNL has reported on. Click a subheading for more, or [click here to expand all subheadings](#).

GLOBAL INDEX RANKINGS

Ranking Body	Rank	Ranking Scale (best - worst possible)
UN Human Development Index	130 (2025)	1 - 182
World Justice Project Rule of Law Index	102 (2024)	1 - 142
Transparency International Corruption Perceptions Index	130 (2025)	1 - 182
Freedom House: Freedom in the World	Status: Partly Free (2025) Political Rights: 22 Civil Liberties: 29	Free/Partly Free/Not Free 40 - 0 60 - 0
Fund for Peace: Fragile States Index	36 (2024)	179 - 1

REPORTS

UN Universal Periodic Review Reports	Kenya UPR page
UN Human Rights Reports	Kenya
USIG (United States International Grantmaking) Country Notes	Council on Foundations Country Notes
U.S. State Department	2024 Human Rights Report
Fund for Peace Fragile States Index Reports	Kenya
IMF Country Reports	Kenya and the IMF
CIVICUS	"Police bullets, digital chains: State-sanctioned brutality in Kenya's peaceful youth-led uprising" (2025)
ICNL Online Library	Kenya

NEWS

[Court of Appeal Nullifies Sections of Cybercrimes Act](#) (March 2026)

The Court of Appeal of Kenya has declared Sections 22 and 23 of the Computer Misuse and Cybercrimes Act unconstitutional, citing vagueness and the risk of criminalizing innocent individuals. A three-judge bench comprising Korir Weldon Kipyegon, Aggrey Muchelule and Patrick Kiage overturned the provisions, arguing that their broad wording could easily be misused. Under Section 22 of the Act, a person who intentionally publishes false, misleading or fictitious data or misinformation with the intention that it be considered authentic commits an offence punishable by a fine of up to Sh5 million or imprisonment for up to two years, or both.

[High Court Declares 'Creating Disturbance' Law Unconstitutional in Landmark Freedom of Expression Ruling](#) (February 2026)

The High Court has struck down Section 95(1)(b) of the Penal Code, effectively abolishing the criminal offence of creating disturbance in a manner likely to cause a breach of peace. In a landmark ruling, Justice Bahati Mwamuye ruled that the provision is broad, vague, and incompatible with the Constitution, and directed law enforcement agencies to immediately cease its enforcement. Previously, the offence carried a maximum penalty of six months' imprisonment. The Law Society of Kenya (LSK) successfully challenged the law, calling it a colonial-era relic that violates the constitutional right to freedom of expression.

[**Civil society threaten court action over "flawed" by-elections**](#) (December 2025)

A coalition of CSOs has threatened to challenge the recent by-elections in court, claiming the November 27 polls were marred by widespread irregularities that undermined Kenya's democratic processes. The Kenya National Human Rights Commission (KHRC), Transparency International – Kenya (TI-Kenya), the Independent Medico-Legal Unit (IMLU), and Siasa Place issued the warning during a joint press conference, arguing that the conduct of the polls peeled back "the veneer of a functioning democracy."

[**New regulations unveiled by state to guide NGO operations in Kenya**](#) (June 2025)

The government has unveiled new regulations aimed at guiding the operations of non-governmental organisations (NGOs) in Kenya. Internal Security and National Administration Principal Secretary Dr. Raymond Omollo launched the Draft Public Benefit Organisations (PBO) Regulations in Nairobi on June 5, 2025. "The draft regulations, a product of broad-based stakeholder consultations, bring us a step closer to operationalising the PBO Act and strengthening the legal and institutional framework that governs Public Benefit Organisations in Kenya," he said. This move marks a crucial step by the government in implementing the Public Benefit Organisations Act.

[**NGOs in Kenya Given until May 2026 to Comply with New Public Benefits Law**](#) (May 2025)

All Non-Governmental Organisations (NGOs) in Kenya have until May 13, 2026 to restructure their internal systems, including governance, financial reporting and registration requirements, in line with the Public Benefits Organisations (PBO) Act. This follows the government's decision to extend the compliance deadline by a year to allow for a smooth transition into the new legal regime.

[**High Court quashes police ban on Nairobi protests**](#) (February 2025)

The High Court has struck down the decision by Inspector-General of Police Douglas Kanja to ban anti-government protests in Nairobi's Central Business District, declaring it unconstitutional. The court also overturned the requirement that protests must have a designated leader, calling it an unlawful restriction on fundamental rights. The ban, introduced in response to youth-led protests that erupted in June 2024, had been justified by Kanja on the grounds that criminal gangs had infiltrated the demonstrations.

[**Government Targets 2,802 NGOs for Deregistration Over Non-Compliance**](#) (December 2024)

The Public Benefit Organizations Regulatory Authority (PBORA) has announced plans to cancel the registration certificates of 2,802 non-governmental organizations (NGOs) due to non-compliance with the Public Benefit Organizations (PBO) Act, 2013. In a Kenya Gazette notice dated November 21, PBORA stated that the listed organizations breached provisions of the Act and failed to meet the terms of their certificates. Notable among them is the Sakaja Johnson Foundation, linked to Nairobi Governor Johnson Sakaja, which has defaulted for one year.

[**NGO Board Forwards Names Of Organizations Operating Without License To DCIs**](#) (July 2024)

The Public Benefit Regulatory Authority has forwarded names of NGOs operating in Kenya without registration. The authority chairperson Mwambu Mabonga claimed that the NGOs have been receiving funds that they are not accountable for. He also alleged that the organizations are running unauthorized bank accounts and implementing projects that cannot be justified.

[**Government must protect freedom of assembly and investigate killings**](#) (June 2024)

The ITUC calls on the government of Kenya to investigate the killing of more than 20 people by security forces during a protest against its finance bill, which it has now withdrawn. The government must also guarantee that the people of Kenya can safely exercise their basic, democratic rights in the future.

[**Court Declares Housing Levy Unconstitutional**](#) (November 2023)

A High Court in Nairobi has declared the housing levy that was introduced by President William Ruto as unconstitutional. Delivering the court's decision, the High Court stated that they had looked through various sections of the act and where some were constitutional, some were not.

[Kenya's Anti-gay Bill Proposes 50-year Jail Term](#) (September 2023)

Kenya is considering the Family Protection Bill 2023, which could lead to 50-year prison sentences for non-consensual same-sex acts. Sponsored by Homa Bay Town legislator Peter Kaluma, the bill aims to ban homosexuality, same-sex unions, and LGBTQ activities and campaigns. It also intends to prohibit gay parades, assemblies, marches, and public cross-dressing.

[Supreme Court Reaffirms LGBTQ Right to Associate](#) (September 2023)

Kenya's highest court dismissed a challenge to its February ruling that allowed the National Gay and Lesbian Human Rights Commission to register as an NGO. The Supreme Court established the petitioner, opposition MP Peter Kaluma, is not an aggrieved party to its ruling since he was never involved in the case under rules that govern case hearings. Kenya's NGO Coordinating Board refused to register NGLHRC for more than a decade on grounds that it promotes same sex behavior, which the country's penal code criminalizes.

ARCHIVED NEWS

[Uhuru Refuses to Sign Controversial ICT Bill Into Law](#) (June 2022)

[Kenya's Supreme Court declares BBI unconstitutional](#) (March 2022)

[Gov't Warns Over 7,000 NGOs Of De-Registration Over Non-Compliance](#) (March 2022)

[State plans to register ICT practitioners in new bill](#) (December 2020)

[Kivutha Kibwana moves to Supreme Court over BBI bill](#) (November 2020)

[Police arrest 56 Kenyans during Sabasaba protests against brutality](#) (July 2020)

[Respect Kenyans' Privacy During Contact Tracing, State Warned](#) (April 2020)

[The Resilience of Kenya's Internet Freedoms During the Covid-19 Pandemic](#) (April 2020)

[Uhuru signs Bill for protection of personal data](#) (November 2019)

[Thumbs up to Kenya as delegates arrive for global conference](#) (July 2019)

[President signs amended Statute Law boosting counter-terrorism campaign](#) (July 2019)

[Senate Halts NIIMS Registration](#) (February 2019)

[NIIMS is legally flawed, offers no protection against cyber crime](#) (February 2019)

[Government will end extra-judicial killings at the Coast](#) (January 2019)

[Biometric IDs listing set for this year after secret tender](#) (August 2018)

[Kibara seeks to mend strained relations with NGOs](#) (July 2018)

[Obama arrives in Kenya, meets Kenyatta and Odinga](#) (July 2018)

[Kenya court suspends government's media shutdown](#) (January 2018)

[Sword now targets AfriCOG](#) (August 2017)

[High Court strikes down Kenya's criminal defamation law](#) (February 2017)

[High Court orders commencement of the PBO Act without further delays](#) (November 2016)

[Kiunjuri operationalises 2013 Public Benefit Organisations Act](#) (September 2016)

[Parliament passes Access to Information law](#) (August 2016)

[Women MPs vow to fight gender Bill collapse in court](#) (April 2016)

[Kenyan Assembly Approves Access to Information Bill](#) (April 2016)

[NGOs board bankrupt, Parliament told](#) (April 2016)

[Fresh bid to amend Kenya's NGO law opposed by civil society](#) (September 2015)

[Ban NGOs linked to gay rights, says team](#) (May 2015)

[15 NGOs Deregistered On Suspicion of Funding Terrorism](#) (December 2014)

[Democracy and development under siege in Kenya](#) (November 2014)

[Fresh Onslaught on Foreign Funding and Civic Space](#) (October 2014)

[Kenyan President uses UK human rights plans to defend war crimes charges](#) (October 2014)

[Undermine state at your own peril, says new NGO Council boss](#) (June 2014)

[In Kenya, averting a move to strangle civil society with the financial noose, Maina Kiai](#) (January 2014)

[MPs throw out Bill targeting NGOs](#) (December 2013)

[Why the International Community Supports Development Projects in Kenya](#) (November 2013)

[Government moves to cut NGOs foreign funding](#) (October 2013)

[Article on the PBO Act, Head of Operations, Compliance and Research, NGO Coordination Board](#) (August 2013)

[Civil society accuses judges of derailing reforms](#) (November 2012)

[Civil society to educate public on Constitution](#) (August 2012)

[Civil society up in arms over Integrity Bill](#) (August 2012)

[Civil society challenges President over pending electoral laws](#) (June 2012)

[Rights activists reject amended laws](#) (June 2012)

[NGOs oppose Finance Minister's plan to tax their income](#) (June 2012)

[Ntimama finally appoints NGO board](#) (March 2012)

[Civil society already driving vision 2030](#) (July 2011)

[Constitutional community justice systems in Kenya](#) (May 2011)

[Illegal NGOs to be closed](#) (March 2011)

[Kenya: Don't waste the new Constitution](#) (August 2010)

[Kenya: Voice of reason in law review](#) (August 2010)

[House agrees to repeal law on injustices](#) (April 2010)

HISTORICAL NOTES

From the early 1920s to 1963, civil society organizations (CSOs) played a prominent role in Kenya's struggle for independence. Following independence, and through the late 1970s, many CSOs worked closely with the government, complementing its efforts to deliver essential services.

Dynamics shifted in the 1980s and 1990s. As western donors increasingly tied economic support to good governance and democratization, CSOs began to demand a multi-party political system. They also became more vocal on political issues such as constitutional reform and good governance. These efforts were instrumental in Kenya's transition from authoritarian rule to democracy in 2002, with CSOs playing a central role in advancing political rights and freedoms and broadening the democratic process.

The new political dispensation in 2003 ushered in improved relations between the government and CSOs, characterized by more meaningful dialogue and increased engagement. At the same time, CSOs recognized the need to strengthen their own competence, sustainability, and credibility to engage effectively. This led to initiatives aimed at developing sector-wide standards for professionalism and accountability, including the creation of a self-regulation certification called *Viwango* (a Swahili word meaning "standards").

Key Events

In late 2024, The Ministry of Information, Communications, and the Digital Economy (the Ministry) conducted a broad-based ICT sector reform process, which was spearheaded by an ICT Sectoral Working Group (Taskforce Committee) on Policy and Legislative Reforms for the Information, Communications, and the Digital Economy Sector. The Ministry through the AI (Artificial Intelligence) Steering Committee developed the [Kenya AI National Strategy](#), which aims to enable the country to harness the transformative potential of AI to drive the country's socio-economic development. The Ministry invited members of the public, stakeholders and all interested parties to submit their reviews, comments and recommendations on the draft to inform its review. In addition, as part of its efforts to develop the AI Strategy, the Ministry convened a workshop on January 28, 2025 to refine and strengthen the Kenya AI Statement of Principles. In March 2025, the Ministry launched the [Kenya National AI strategy \(2025-2030\)](#).

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<https://www.icnl.org/resources/civic-freedom-monitor/kenya>