

Republic of Kenya

1. Overview of the human rights and democracy situation: Kenya is widely perceived as a peaceful and functional democracy, characterised by relatively strong and stable institutions. In 2023, the country has continued to maintain human rights and democratic standards as enshrined in its 2010 Constitution. Free expression and civil liberties are broadly respected, albeit with some restrictions. Kenya's media is free, even if editorial lines may be influenced by political interests. The higher echelons of the judiciary are independent and function to a high standard. In spite of a comparatively positive picture, Kenya continues to face a series of challenges. On constitutional matters, the weakening of independent institutions and oversight bodies has been an issue, with strained relations between parts of the executive and the judiciary and increased control over the legislative and parastatal companies by government. Over the year, there were also other signs that respect for the 2010 Constitution is eroding, such as the strong negative public reaction to the Supreme Court Decision of February 2023 on the right of LGBTI organisations to register and the constitutional amendments proposals of the National Dialogue Report of November 2023.

Indigenous peoples land rights have been challenged, with the eviction of the Ogiek community from the Mau forest in violation of an international court ruling. Human rights organisations continued to trace extra-judicial killings and disappearances. Corruption and the perception of a culture of impunity at all levels of government have also remained a major problem. Transparency International's Corruption Perception Index 2023 ranked Kenya 126/180.

The results of the August 2022 elections continued to be disputed in 2023, with the opposition staging large protests between March and July against the background of rising social tensions due to the worsening economic situation. Kenya's rank in gender equality profile is down from 57/146 in 2022 to 77th in the World Economic Forum Global Gender Gap Index. In 2023, Kenya started to draft a new Gender Equality Strategy, due to be published in 2024. Gender-based violence, including FGM and teenage pregnancies, and harassment against women remains highly prevalent. Kenya has an active civil society but NGOs have reported growing obstacles in recent years.

Harassment of activists and repeated Government attempts to deregister organisations for alleged financial violations have constrained civic space. National legislation criminalises same-sex sexual relations and abuse of the rights of LGBTI people is widespread. In April 2023, Member of Parliament Peter Kaluma tabled a Private Bill on Anti-Homosexuality and Family Protection, which however has not advanced in the legislative process to date. Kenya currently hosts over 700,000 refugees and asylum seekers. While the Government has continued to develop a new integrated approach to hosting refugees and to work on the legal framework of the asylum system, it is yet to finalise the implementing regulations.

2. EU action - key focus areas: In 2023, the EU has continued a positive trend of implementing the priorities set in the EU Action Plan for Human Rights and Democracy (2020-2024) and focused its human rights engagement with Kenya on six key thematic areas: democratic governance and elections; rule of law; freedom of speech and of the media; rights of the persons in vulnerable situations; human rights defenders and civil society; and rights in response to climate change as well as business and human rights.

3. EU bilateral political engagement: Throughout the year, the EU continued to engage actively with the government, in particular through the EU-Kenya Strategic Dialogue. The visit of President Ruto to Brussels in March 2023 and his keynote address to the European Parliament in November were new opportunities for political engagement at the highest level, following a Senior Official Meeting held on 22 February during the visit of former EEAS Deputy Secretary Helena König to Nairobi, which re-confirmed the interest of Kenya to partner with the EU. In October, the EU and Kenya held their first joint sectoral consultations dedicated to security and defence matters. On 18 December, the EU and Kenya signed an Economic Partnership Agreement, with ambitious sustainability provisions. Many high-level bilateral meetings took place throughout the year between Kenyan government officials and EU Commissioners, as well as EU Heads of States and Ministers.

4. EU financial engagement: In 2023, the EU continued to implement the Multiannual Indicative Programme 2021-2027 for Kenya in which 'Leaving no one Behind' and 'Democratic and Economic Governance' feature as priority areas. In March, implementation of the second phase of the Programme for Legal Empowerment and Aid Delivery (PLEAD) started in Kenya, the largest access to justice programme in Sub Saharan Africa. With a EUR 35 million budget, this new phase has a stronger focus on the fight against corruption, digitalisation and access to justice for sexual and gender-based violence victims and children. On freedom of speech and media, the EU awarded two grants on digital democracy in December 2023 with a total budget of EUR 2.6 million to promote safe and responsible use of online media tools and to prevent hate speech and disinformation, and a grant was awarded to advance electoral reforms. In 2023, the EU Delegation chaired the Refugee Donor Group and finalised new contracts totalling EUR 27 million to be implemented between 2024 and 2027. The EU also signed a new regional grant of EUR 1 million to support LGBTI organisations in their work. On the follow-up of 2022 elections, the EU supported the UNDP Deepening Democracy Basket Fund, the domestic elections observer group ELOG, and the inclusive political participation project led by Netherlands Institute for Multiparty Democracy (NIMD). The EU also closely followed the National Dialogue discussions and organised a briefing on the NADCO report upon publication. Two large actions with important features in terms of mainstreaming business and human rights continued implementation: the EUR 25 million Business Environment and Export Enhancement Programme (BEEEP) and the EUR 20 million Digital Land Governance Programme (DLGP).

5. Multilateral context: The EU Delegation delivered a number of demarches to the Government of Kenya related to human rights issues, including on the EU priorities for the UNGA 78 Third Committee and the Russian aggression in Ukraine. Regarding the Third Committee, Kenya indicated that while very supportive of the human rights agenda, most of Kenya's previous voting positions change only rarely. Kenya's position to the Human Rights Council's resolution to establish an international commission of Human Rights experts on Ethiopia was a rare example of a situation when Kenya's position had changed. Overall, Kenya is interested in ensuring that implementations of Human Rights resolutions passed by the third committee and in Geneva are adequately resourced. Ukraine-related human rights issues arose in discussion at UNEP and UN Habitat HQ in Nairobi.