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The State of the World's Human Rights; Kenya 2024

Sixty people were killed and hundreds injured when police used excessive and unnecessary force against people protesting a proposed finance bill. Draft legislation threatened to impose further restrictions on the rights to freedom of expression and peaceful assembly. More than 600 protesters were arbitrarily arrested and detained, and dozens were forcibly disappeared. Extrajudicial executions continued to be reported. The government forcibly evicted thousands of people from the Mathare and Mukuru Kwa Njenga settlements, amid heavy rainfall and flooding. At least 97 women were killed between August and October, most as a result of gender-based violence, according to official statistics. Implementation problems with the new Social Health Fund affected some people's access to healthcare. The government's digital identification project threatened to undermine the right to privacy.

Background

Thousands of demonstrators protested against the Finance Bill 2024, corruption and poor governance. They argued that the bill would impose unaffordable tax rises, including on bread and other basic commodities, without providing sufficient social protection measures, and would exacerbate the debt crisis. Young people, known as the Gen-Zs, led protests using social media to call for political and social justice. On 25 June, President William Ruto said the protests had been "infiltrated by people funded to cause havoc and... civil strife". He backed a cabinet-level decision to deploy the army to "assist" in policing the protests, although constitutional provisions allow this only in cases of emergency and disaster, or to restore peace in areas affected by unrest or instability, following parliamentary approval. On 26 June, the day after parliament passed the Finance Bill, he declined to assent to it.

On 8 October the National Assembly voted overwhelmingly to impeach the then deputy president, Rigathi Gachagua, for alleged gross

misconduct, tribalism and corruption. On 18 October the Senate impeached him on five of 11 charges, including inciting ethnic divisions.

Excessive and unnecessary use of force

According to the Kenya National Commission on Human Rights (KNCHR), 60 people died and hundreds more were injured between June and July when police used excessive and unnecessary force during protests against the Finance Bill. The youngest victim was 12-year-old Kennedy Onyango, who died from gunshot wounds sustained on 27 June in Kajiado county. The Independent Policing Oversight Authority (IPOA) opened investigations into some incidents but no information on the progress of IPOA's investigations was made publicly available.

Thousands of protesters gathered nationwide on 25 June as the bill was about to pass through parliament. In the capital, Nairobi, hundreds of peaceful protesters entered the areas in and around parliament. Police, many wearing balaclavas and masks, dispersed them using live bullets and tear gas – prohibited under various court orders – and beat them with batons. At least six protesters were killed, apparently by gunshot. Hundreds sustained gunshot wounds, as well as soft tissue injuries caused by batons and tear gas canisters, according to KNCHR. At least one protester lost three fingers when a tear gas canister hit him.

Around 9pm on the same day the cabinet secretary for defence directed the military to protect “critical infrastructure”, following which the military was deployed to support the National Police Service in controlling the protests. On 27 June the High Court of Kenya approved the deployment but directed the government to define and publish a timescale for the duration of the operation, which it failed to do.

The Law Society of Kenya described the deployment as an intimidatory tactic. On 28 June the High Court in Malindi issued temporary orders preventing security forces from using lethal and less-lethal ammunition (including water cannon, tear gas and rubber bullets) against peaceful protesters.

Freedom of expression, association and assembly

The government supported draft laws to counter dissent which, if passed, would threaten the rights to freedom of expression and peaceful assembly. They included the Assembly and Demonstrations Bill, 2024, introduced by the MP for Mbeere North constituency. If enacted, it would expand police powers to restrict, disperse and limit protests; and change notification provisions – as provided in the Public Order Act – to require police permission for a protest to proceed. The bill prescribed a one-year

prison term for organizers of “unlawful” protests without defining what constitutes an unlawful assembly.

During the violent repression of anti-Finance Bill protests (see above), human rights observers documented the unlawful dispersal by police of peaceful gatherings, as well as arbitrary arrests and ill-treatment of protesters. Journalists covering the protests were beaten, arrested and had their cameras confiscated, and people were arrested for, or otherwise prevented from, photographing or filming the events.

According to research by the Nation Media Group, a media outlet, authorities carried out extensive digital surveillance that targeted various online activists, and disrupted access to the internet.

Arbitrary arrests and detentions

Between June and August, more than 600 protesters were arrested for participating in peaceful protests, according to KNCHR. Some were held beyond the legal limit of 24 hours; others were presented to court on trumped-up charges. Security forces arrested some medical personnel who responded to injured protesters. Detainees’ lawyers were frequently denied access to their clients and some were arrested or intimidated to pressure them into dropping cases.

Enforced disappearances

According to the Law Society of Kenya, at least 72 people, including human rights defenders and activists, were forcibly disappeared in connection with their involvement in protests against the Finance Bill. The whereabouts and fate of some of them remained unknown at the end of the year. On 30 August, President Ruto publicly denied any knowledge of the disappearances.

Extrajudicial executions

At least 104 cases of extrajudicial executions were recorded during the year. The Missing Voices Coalition – a national coalition of human rights organizations – and other groups called on the government to take measures to end such killings.

Denzel Omondi, a student at Jomo Kenyatta University of Agriculture and Technology, was found dead in a swamp in Juja, Kiambu county, on 6 July after taking part in protests against the Finance Bill. An IPOA investigation into the circumstances surrounding his death was ongoing at the end of the year.

The case against former police officer Ahmed Rashid, who was accused of at least two extrajudicial executions, continued at the Kibera Law Courts.

Immediate family members of Ahmed Rashid's alleged victims were among the witnesses presented by the prosecution.

Forced evictions

Between March and April, the government forcibly evicted at least 6,000 households and demolished their homes in the Mathare and Mukuru Kwa Njenga settlements of Nairobi. The evictions were carried out amid heavy rainfall and flooding. The government claimed the residents built their homes on riparian land which was therefore prone to flooding. However, residents' consent prior to eviction was not obtained, nor did the authorities engage them on the provision of an adequate notice period or provide a clear and appropriate relocation plan. The residents were left homeless, in dire need of food and other essential commodities, and at risk of contracting diseases. In November the High Court in Nairobi directed that representatives of the government and residents should jointly determine the amount of losses incurred by April 2025, following which the government should compensate the evicted residents.

Gender-based violence

According to the Directorate of Criminal Investigations, at least 97 women were killed between August and October, most as a result of gender-based violence. The government failed to introduce measures to protect women and girls from widespread gender-based violence committed by intimate partners, family members and others, particularly men known to their victims. The killings of Rita Waeni and Starlet Wahu sparked nationwide marches during which hundreds of women demanded that the government strengthen safeguards against gender-based violence, expedite investigations and prosecute alleged perpetrators.

Right to health

On 1 October the government replaced the National Health Insurance Fund (NHIF) with the Social Health Insurance Fund (SHIF). The new system required Kenyans to contribute 2.75% of their gross monthly income, leading to an increased contribution from most of those in employment. Those not in employment were also expected to contribute KES 300 (about USD 2.32) per month to access healthcare. Although presented as aiming to provide health coverage for all Kenyans, delays in implementing the system meant most hospitals did not receive sufficient income from the government to treat patients on the SHIF scheme. This meant that some patients, especially those with long-term health conditions, had more difficulty accessing healthcare.

Right to privacy

Civil society groups expressed their concerns about and dissatisfaction with the government's digital identification project, which intended to integrate people's personal data across all digital platforms to facilitate access to public services. The groups claimed that the government's attempt at public consultation on the project was not meaningful as most Kenyans did not understand the effect this would have on the security of their data.

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Austrian Red Cross	Wiedner Hauptstraße	Contact
Austrian Centre for	32, 1041 Wien	Imprint & Disclaimer
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Asylum Research and	F +43 1 589 00 589	Data Protection Notice
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