

Kenya 2024 Human Rights Report

Executive Summary

Kenya experienced a deterioration in the human rights situation during the year. In response to nationwide protests in June and July, authorities reportedly committed numerous abuses, including unlawful killings, physical violence, and arbitrary arrests and detentions.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; disappearances; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; transnational repression against individuals in another country; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists and censorship; and significant presence of any of the worst forms of child labor.

The government took steps to identify and punish officials who committed human rights abuses, but impunity was a problem at all levels of government.

Section 1. Life

a. Extrajudicial Killings

There were numerous reports the government or its agents committed arbitrary or unlawful killings during the year, particularly during youth-led, nationwide “Gen Z” demonstrations in June and July to protest proposed tax increases. Nongovernmental organizations (NGOs) such as Human Rights Watch and Amnesty International alleged excessive and unlawful police action led to the deaths of protesters through suffocation from tear gas, police-inflicted injuries, and shootings. The government-mandated Kenya National Commission on Human Rights (KNCHR) recorded 60 deaths during the protests. In September, the Interior Ministry’s cabinet secretary told a parliamentary committee that 42 persons lost their lives during the protests.

The Independent Policing Oversight Authority (IPOA), a government entity, announced investigations into police conduct during the Gen Z protests that IPOA claimed led to 50 deaths and 199 injuries. IPOA criticized unconventional policing tactics used during the demonstrations, including deploying hooded and masked officers in civilian clothing, concealing rank badges and name tags, and using unmarked vehicles. IPOA released a monitoring report in early September but at year’s end had not yet released an official report on its investigations. A November Human Rights Watch report alleged a multiagency team was responsible for extrajudicial

operations.

Some groups alleged authorities significantly underestimated the number of unlawful killings by security forces, including due to underreporting of such killings in informal settlements in dense urban areas. During the Gen Z demonstrations, media alleged police and medical practitioners who treated injured protesters received orders not to report deaths resulting from the crackdown.

Al-Shabaab terrorists conducted deadly attacks in areas close to the border with Somalia, targeting both security forces and civilians. In August, the Interior Ministry reported suspected al-Shabaab terrorists detonated a bomb placed on a donkey cart, killing five persons in El Wak Town in Mandera County.

Mob violence and vigilante action were common in areas where the populace lacked confidence in the criminal justice system. For example, in July, 10 residents of Gachocho Village in Murang'a County raided a police station, forcing officers to flee before dragging a murder suspect out of his cell and killing him.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities during the year.

Section 2. Liberty

a. Freedom of the Press

The law provided for freedom of expression, including for members of the press and other media, but the government sometimes restricted this right.

The constitution and the law prohibited hate speech and incitement to violence. The Judicial Service Commission, however, reported many such cases were withdrawn due to failure of witnesses to appear in court or to facilitate mediation. Cases that did proceed often failed to meet evidentiary requirements. Civil society groups reported instances of intimidation following negative political commentary. The government charged several online critics with publishing false information and cyberharassment, which were classified as offenses under the law. Francis Gaitho, a prominent blogger and former political aspirant, was arrested and charged in July with intentionally publishing false information on social media. At year's end, the case against Gaitho continued.

Physical Attacks, Imprisonment, and Pressure

In February, the Nation Media Group – the largest media house in the country – was the target of coordinated online attacks and disinformation campaigns after it published an investigative series entitled *Broken System* that exposed deficiencies and corruption in the provision of government

services.

The Media Council of Kenya reported at least 24 instances of violence and harassment against journalists by police and government-aligned groups during the Gen Z protests in June and July, including detention and targeting with tear gas and other nonlethal weapons. In Nakuru County, MediaMax Network reporter Catherine Kariuki sustained serious injuries when a police officer shot her three times in the leg with nonlethal pellets while she was reporting on the protests. In Nairobi, police fired tear gas canisters in the direction of CNN Africa correspondent Larry Madowo while he was broadcasting live. Both Kariuki and Madowo were wearing clearly visible press vests during their respective incidents. In addition, media houses and NGOs reported at least seven other journalists from domestic outlets and international wire services were detained or assaulted by police during the protests.

In response to police mistreatment of media workers during the Gen Z demonstrations, journalists held countrywide protests on July 24. The Kenya Media Sector Working Group organized the protests and condemned police for physically assaulting, intimidating, and abducting journalists.

During the Gen Z protests, nonstate actors formed gangs to attack peaceful demonstrators, loot businesses, and torch vehicles. In September, four nonstate actors were charged in a court in Mombasa for the abduction and gang rape of blogger Bruce John alias Chawa 001 in apparent retaliation for

his social media video criticizing the Mombasa governor.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Mainstream media were generally independent, but government officials publicly and privately attempted to restrict media coverage of the Gen Z protests that began in June. President William Ruto called on media to report responsibly during the protests, claiming several media houses “glorified anarchy” by providing selective live coverage of the demonstrations. Several media houses reported receiving communication from government officials threatening to shut off their broadcast signals during the protests, but the government did not act on the threats. Most media houses reduced subsequent coverage of the Gen Z protests, with mainstream outlets opting to cut back on live broadcasts of the protests, a move many journalists interpreted as self-censorship by their organizations.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law provided for the right of workers, including those in export processing zones, to form and join trade unions, bargain collectively, and conduct and participate in lawful strikes. The law prohibited antiunion discrimination and provided for reinstatement of workers dismissed for

union activity.

Legal restrictions limited worker rights to establish a union, bargain collectively, and conduct legal strikes. For example, members of the armed forces, prisons service, and police were not allowed to form or join trade unions. The Registrar of Trade Unions could refuse to register a union if a similar union already existed, and union membership was granted only to persons employed in the sector for which the trade union was registered. The law permitted the Salaries and Remuneration Commission to intervene in collective bargaining to determine fiscal sustainability of union proposals, and it provided government officials with authority to intervene in union election processes.

The constitution allowed trade unions to undertake activities without government interference, and the government generally respected this right. The government enforced laws protecting the right of workers to unionize, collectively bargain, and participate in lawful strikes.

Labor laws applied to all groups of workers. Penalties for labor law violations were sometimes applied to violators but were not commensurate with those for similar violations. The government enforced the decisions of the Employment and Labor Relations Court inconsistently, and many employers did not comply with reinstatement orders.

Civil society organizations and trade unions criticized the government for

not doing enough to protect migrant workers' rights and failing to repatriate citizens working overseas under what they described as abusive conditions.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law provided for a national minimum wage for all sectors of the economy, and the minimum wage for all occupations exceeded the World Bank poverty rate. The law established regulation of wages, and the government established basic minimum wages by occupation and location, setting minimum standards for monthly, daily, and hourly work in each category.

The law limited the normal workweek to 52 hours (60 hours for night workers and some categories of agricultural employees); most categories of workers had lower limits. It entitled employees in the nonagricultural sector to one rest day per week and not less than 21 days of annual leave. The law also required total hours worked (regular time plus overtime) in any two-week period not to exceed 116 hours (144 hours for night workers) and provided premium pay for overtime.

Trade unions reported cases of wage, workweek, and overtime violations with domestic workers. Workers in business process outsourcing services reported occurrences of underpayment by foreign-based employers with no physical presence in the country.

Occupational Safety and Health

The law detailed environmental, health, and occupational safety standards applicable to all workplaces. Occupational safety and health (OSH) standards were generally appropriate for major industries. The law required registration of workplaces, preparation of a safety and health policy statement, and an annual safety and health audit of workplaces.

Inspectors from the Ministry of Labour's Directorate of Occupational Health and Safety Services could issue notices against employers for practices or activities that involved a risk of serious personal injury. Employers could appeal such notices to the Factories Appeals Court, a body of four members, one of whom needed to be a High Court judge. The law stipulated factories employing 20 or more persons needed an internal health and safety committee with representation from workers. The directorate's health and safety inspectors did not proactively identify unsafe conditions in workplaces, which led to fatalities in factory fires, building collapses, and cargo accidents.

Workers, including foreigners and immigrants, had the legal right to remove

themselves from situations that endangered health or safety without jeopardy to their employment. The Ministry of Labour did not effectively enforce these regulations in informal workplaces, and workers were reluctant to remove themselves due to the risk of losing their jobs. The Ministry of Labour sometimes responded to OSH complaints by workers. The Federation of Kenya Employers provided training and auditing of workplaces for health and safety practices.

Trade unions reported widespread cases of workplace safety violations in the form of nonprovision of personal protective equipment in the construction sector, as well as carpentry and metalwork activities in the informal sector.

Wage, Hour, and OSH Enforcement

The Ministry of Labour did not effectively enforce wage, hour, overtime, and OSH laws. Penalties for labor violations were not commensurate with those for comparable violations.

The Directorate of Occupational Health and Safety Services had the authority to inspect factories and work sites but employed an insufficient number of labor inspectors to conduct regular inspections. The directorate did not have a presence in all counties, and the same inspectors were responsible for wage and hour enforcement. According to the directorate, formal employers mostly complied with workplace safety measures.

Enforcement in the informal sector, however, was a problem. The law allowed OSH inspectors to conduct unannounced inspections. In 2020 the public prosecutor assumed the mandate for labor relations violations litigation and penalty assessment with guidance from OSH inspectors. The Ministry of Labour, however, reported there was a delay in prosecuting labor-related violations, leading to a backlog of cases. The law allowed OSH inspectors to destroy hazardous materials and issue prohibition notices of any activity that posed a risk of serious personal injury in the workplace.

More than 80 percent of employees worked in the informal sector, according to World Bank data. Although informal-sector workers were covered by wage, hour, and OSH law, the government did not inspect or enforce violations in the informal sector.

c. Disappearance and Abduction

Disappearance

There were reports of enforced disappearances by or on behalf of government authorities. Observers and NGOs alleged members of the security forces were culpable of enforced disappearances. The human rights NGO Independent Medico Legal Unit reported 69 enforced disappearances during the Gen Z protests. The KNCHR reported 82 cases of abductions or enforced disappearances since June, with 29 persons still missing as of December.

On August 19, media reported individuals who identified themselves as police officers arrested human rights defender Bob Njagi and two brothers, Jamil Longton and Aslam Longton, in Kajiado County for planning protests. The government neither officially acknowledged the three were missing nor complied with a court order to produce them in court. After 32 days of incommunicado detention, the three men were released on September 20. Media reported they were subjected to physical and psychological torture, and irregular meals, and were denied the right to worship. On September 13, Yussuf Hussein Abdi, an elected member of the Wajir County Assembly, was reportedly abducted by unknown persons while riding in a Nairobi taxi. Abdi was still missing at year's end.

The Defenders Coalition reported 105 human rights activists who were abducted or reported missing had either posted content of police violence or were seen taking part in the Gen Z protests. Those released stated they were warned by individuals believed to be police officers not to post protest-related content on social media.

Prolonged Detention without Charges

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge in court the lawfulness of their arrest or detention, but the government did not always observe these requirements.

The law provided police with broad powers of arrest. Police officers were

able to make arrests without a warrant if they suspected a crime had occurred, was happening, or was about to occur.

The constitution provided significant legal protections, including requiring arrested persons to be arraigned, charged, informed of the reason for continuing their detention, or released within 24 hours of their arrest, as well as provisions requiring the issuance of a writ of habeas corpus to allow a court to determine the lawfulness of detention. In many cases, however, authorities did not follow the prescribed time limits. While authorities generally released detainees held longer than the prescribed period, some cases did not result in an acquittal. The constitution provided a mechanism for victims of unlawful detention to sue the government for compensation.

The constitution established the right of suspects to bail unless there were compelling reasons against release. There was a functioning bail system, and all suspects, including those accused of capital offenses, were eligible for bail. Due to overcrowding in prisons, courts rarely denied bail, even when the circumstances warranted denial. For example, NGOs working with survivors of sexual assault complained that authorities granted bail to suspects even when there was evidence the suspect posed a continuing threat to survivors.

Although the law provided pretrial detainees with the right to access family members and attorneys, family members of detainees frequently complained authorities permitted access only upon payment of bribes.

When detainees could afford counsel, police generally permitted access to attorneys. The Law Society of Kenya noted cases where they could not locate or were not allowed access to arrested protesters.

NGOs reported police arbitrarily arrested and detained persons, particularly poor young men living in informal settlements, as well as activists, journalists, and bloggers. The KNCHR reported 1,376 instances of arrests of Gen Z demonstrators as of November.

The May 8 arrests of 27 human rights defenders during a meeting in the Mathare Social Justice Center and Ghetto Foundation offices was dismissed by the Madaraka law courts on May 9 for insufficient evidence. They had been charged with unlawful assembly and taking part in a riot. Civil society groups welcomed the court ruling, arguing the meeting was neither a riot nor unlawful but simply a forum to criticize the government.

Lengthy pretrial detention was a serious problem and contributed significantly to prison overcrowding. During the year, more than 39 percent of inmates were pretrial detainees. Authorities held some defendants in pretrial detention longer than the statutory maximum term of imprisonment for the crime for which they were charged. The government claimed the average time spent in pretrial detention was 14 days, but there were reports many detainees spent two to three years in prison before their trials were completed. Frequent police failure to transport detainees from prison to court for scheduled hearings was a factor in trial delays.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibited such practices, but there were credible reports government officials employed them. Human rights NGOs received reports of torture and other inhuman or degrading treatment by security forces. The NGO Independent Medico Legal Unit alleged cases of torture, noting most of the cases resulted from the police crackdown on Gen Z protesters with most abuses taking place in Nairobi and Nakuru. Amnesty International Kenya and the NGO Law Society of Kenya also documented incidents involving police use of live ammunition and tear gas during protests that resulted in injuries. The KNCHR reported 601 protesters were injured during the protests. For example, a protester, whose name was

withheld, told Amnesty International she lost three fingers when a tear gas cannister hit her hand. Photographs and videos taken during the demonstrations showed protesters being beaten and shot with tear gas cannisters at close range by police officers.

Police and prison officials reportedly used torture and violence during interrogations and to punish pretrial detainees and convicted prisoners. According to human rights NGOs, beatings, bondage in painful positions, and electric shock were the most common methods used by police. Media reported police used excessive force in some cases when making arrests. NGOs reported police violence was especially prevalent in informal settlements and often involved arrests and beatings of poor, young men profiled as criminals.

Impunity was a serious problem across security agencies. NGOs noted the government neither acknowledged police abuses nor held any police officers accountable for actions in the June and July Gen Z demonstrations.

Police officials at times resisted investigations and detained some human rights activists who registered complaints regarding government abuses. Human rights NGOs reported police used disciplinary transfers of officers and other methods to hide their identities and frustrate investigations into their alleged crimes.

In February and December, there were nationwide protests against

femicide, and in October, Police Service Deputy Inspector General Eliud Kipkoech Lagat reported at least 97 women had been killed in the preceding three months. In July, Collins Khalusa confessed to killing 42 women, after several bodies were found in a quarry, but Khalusa later retracted the confession, which he claimed was made under duress.

The Ministry of Public Service, Youth worked with county officials and nonstate actors to improve enforcement of the female genital mutilation/cutting (FGM/C) law through education and advocacy efforts, as well as prosecutions of those violating the law. Media reported arrests of perpetrators and parents who agreed to FGM/C, but parents in regions with a high prevalence of FGM/C frequently bribed police to allow the practice. There were also reports FGM/C increasingly occurred in secret to avoid prosecution. County officials in areas with a high prevalence of FGM/C noted many cases targeted infants.

The law made it illegal to practice female genital mutilation/cutting (FGM/C), procure the services of someone who practiced FGM/C, or send a person out of the country to undergo the procedure. The law also made it illegal to make derogatory remarks concerning a woman who had not undergone FGM/C. The government did not enforce the law effectively, although government officials often participated in public awareness programs to prevent the practice. Nevertheless, some communities practiced FGM/C widely, particularly in rural areas.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The minimum age for marriage was 18, but authorities did not always enforce the law effectively. According to UNICEF, 25 percent of girls were married by age 18. Media occasionally reported early and forced marriage was common among some ethnic groups.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees, but the government's backlog for refugee status determination continued to grow, leaving an estimated 212,000 asylum seekers without full legal protections.

The government's encampment policy presented an obstacle to effective refugee integration and progress toward self-reliance. The government generally coordinated with UNHCR to assist and protect refugees in the Dadaab and Kakuma refugee camps, Kalobeyei Settlement, and urban areas. The government registered Somali asylum seekers but periodically suspended registration activities in the field.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish community was small, and there were no known reports of antisemitic incidents.

e. Instances of Transnational Repression

There were reports the government knowingly cooperated with other governments to facilitate their acts of transnational repression.

Knowing Cooperation with Other Governments to Facilitate Their Acts of Transnational Repression

In July, a registered Ugandan refugee living in Kenya was arrested with 36 Ugandan members of a Ugandan opposition political group as part of a joint Kenyan-Ugandan security agency operation and forcibly returned to Uganda.

On November 16, Kizza Besigye, leader of another Ugandan opposition

party, was kidnapped by Ugandan agents while visiting Nairobi. Kenyan government officials claimed they were unaware of the abduction, but Ugandan authorities maintained it was a coordinated action.