

ANNUAL REPORT

April 2025 — March 2026



Kenya Human Rights Commission (KHRC)

TABLE OF CONTENTS

POLITICAL ACCOUNTABILITY IN STATE INSTITUTIONS.....

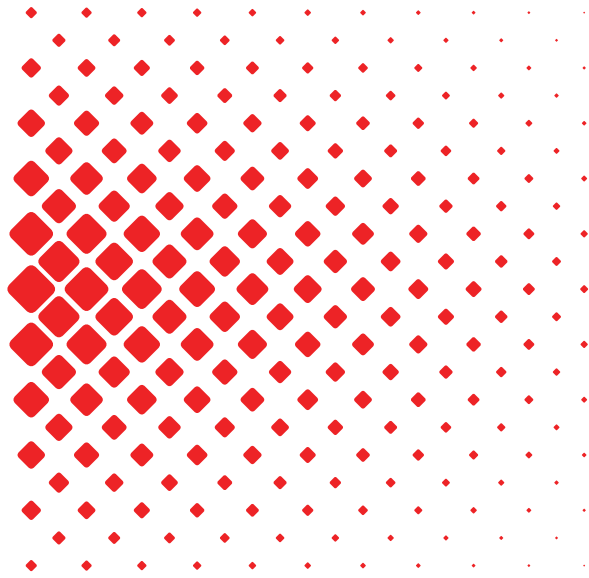
Judge rakes CAK over protest TV shutdown.....	1
Rights groups force murder charge, shatter police cover story.....	2
Protesters freed after state crackdown blocked by courts, rights groups.....	3
Report ranks Kenya among repressed states	4
Court shuts down Ruto panel, draws red line around KNCHR's mandate	5
Police barred from churches, mosques and medical camps during protests.....	5
First a rendition, then a raid, then another rendition. Scrutiny grows over Kenya's attack on critics.....	6
Landmark judgment recognizes transgender people, sets standards for police and prisons.....	7
Court halts church construction at State House.....	7
Hustler Fund fails hustlers, report shows.....	8
The state sought sweeping surveillance powers over critics. The court blocked the move.....	8

CORPORATE ACCOUNTABILITY IN SELECT SECTORS.....

Simba Cement operations temporarily halted as community oversight gains ground	9
NLC orders Kakuzi to Return 3,200 acres as other claims remain unresolved.....	10
Workers secure back pay and union dues, but claims for unfair dismissal denied.....	11
Solai man injured by sanctuary antelope wins compensation after KHRC intervention.....	11
Framework aimed at holding businesses accountable for human rights rolled out.....	11

ECONOMIC AND SOCIAL JUSTICE.....

Court forces counties to commit 30% of budgets to development, cites citizens' rights....	12
Inquest opened into Endarasha school fire that killed 21 students.....	13
University students bear the brunt as appeal court holds up funding decision.....	13
KHRC pushes Kenyan rights struggles onto global stage.....	14
KHRC sparks parliamentary oversight on mining abuses in Kwale, Siaya, and Magadi.....	14



PUSHBACK AGAINST SHRINKING CIVIC SPACE AND STATE EXCESS



Police engage with protesters during June 2024 anti-Finance Bill protests in Nairobi, Kenya
/ERNEST CORNEL

PRESS FREEDOM

Judge rakes CAK over protest TV shutdown

Court affirms media freedom, condemns state overreach during demonstrations

The High Court of Kenya delivered a landmark victory for media freedom and constitutional rights by overturning orders issued by the Communications Authority of Kenya (CAK) that halted live television coverage during the June 25 anniversary protests.

The ruling followed a petition by the Kenya Human Rights Commission (KHRC) and Katiba Institute, which challenged CAK's directive instructing broadcasters to suspend live coverage of the demonstrations.

The Court found that the shutdown orders violated the Constitution, specifically the freedoms of expression and of the media guaranteed under Articles 33 and 34, as well as the public's right to access information at a moment of national significance. The Court reaffirmed that censorship undermines democratic accountability and cannot be justified under the guise of "public order".

The decision also reopens an old constitutional disorder by CAK.

In January 2018, following the mock swearing-in of opposition leader Raila Odinga, CAK ordered the shutdown of several television and radio stations, plunging parts of the country into a media blackout. The move was widely condemned as an abuse of regulatory power and a return to authoritarian-era controls on information. Although courts later faulted the shutdowns, the lack of firm accountability left room for repeat abuses.

This latest ruling sharply narrows that space. The court's declaration that the CAK's June 25 directives were unconstitutional reinforces earlier judicial warnings that the regulator has no mandate to censor live broadcasts or suspend media operations without due process. In effect, the judgment strengthens past court orders against CAK and signals that similar actions in the future will expose CAK's director-general personal liabilities.

Leading up to the judgment, KHRC, Katiba Institute, and other

civil society partners documented violations linked to the media blackout and issued joint statements condemning excessive police force. We warned that silencing the media during moments of crisis conceals abuses and deepens public mistrust.



June 25, 2025, protests marked the first anniversary of the 2024 demonstrations against the Finance Bill, during which police killed at least 63 people injured many others disappeared and arbitrary arrested

EXTRAJUDICIAL KILLING

Rights groups force murder charge, shatter police cover story

Independent scrutiny overturns official version surrounding the brutal killing



A critical independent postmortem shattered official claims of suicide, fueling widespread demands for police accountability and systemic reform in Kenya.

/AI ILLUSTRATION/
DOMNIC ODIPO

An independent postmortem backed by human rights organisations dealt a serious blow to police claims that Albert Ojwang' died by suicide, fuelling anger over deaths in custody and the long-standing culture of impunity within the security services.

Ojwang', a schoolteacher, blogger, and outspoken government critic, died in police custody in Nairobi in June 2025 after his arrest over a social media post critiquing Deputy Inspector General of Police Eliud Lagat. Police initially claimed he sustained fatal injuries after hitting his head inside a cell. But an independent postmortem, fast-tracked following sustained pressure from the Kenya Human Rights Commission (KHRC) and the Independent Medico-Legal Unit (IMLU), found injuries inconsistent with suicide, directly contradicting the official narrative.

Together with a separate murder charge against a police officer

over a protest killing weeks later, the Ojwang case ushered in a rare moment where sustained human rights advocacy has forced the accountability system to move. It also proved how pressure, speed, and independent evidence can puncture long-standing denial around police violence.

In a parallel breakthrough, pressure by the Police Reforms Working Group–Kenya (PRWG-K), in which KHRC is a member, pushed the Independent Policing Oversight Authority (IPOA) to conclude investigations into the fatal shooting of Boniface Kariuki Mwangi, a mask vendor killed during peaceful protests on June 17, 2025. Following IPOA's findings, the Office of the Director of Public Prosecutions approved murder charges against police officer Klinzy Masinde Baraza.

In Kenya, police killings are often followed by delayed inquiries or

quietly closed files. However, the decision to charge Baraza with murder stands out. Mwangi's case moved forward because evidence was documented early and public pressure was sustained, lessons also reflected in the fast-tracked postmortem in the Ojwang case.

The speed of the Ojwang examination marked a break from past custodial death cases, where delays have routinely undermined accountability. Human rights organisations pushed for the immediate preservation of evidence and early involvement of independent pathologists who ensured forensic findings were secured before they could be compromised.

The two cases renewed focus on command responsibility and the role of oversight bodies. This shifted the conversation from isolated misconduct to systemic accountability.

ARBITRARY ARRESTS

Protesters freed after state crackdown blocked by courts, rights groups

Constitutional safeguards prevail despite coordinated efforts to suppress protest

Between June and August 2025, coordinated legal and advocacy action by the Kenya Human Rights Commission (KHRC), the Social Justice Centres Working Group, the Law Society of Kenya (LSK), and other civil society organisations blunted what concerted state effort to criminalise protest and intimidate activists in the aftermath of the June 25 demonstrations.

The pushback followed a violent police response to the protests that included excessive use of force, abductions and mass arrests. More than 800 peaceful protesters, many of them young people and human rights defenders, were detained across the country, with some facing grave charges, including treason, for exercising their constitutional right to assemble.

Within days, civil society mounted a coordinated response combining legal intervention, medical support, documentation of violations and sustained media engagement. KHRC facilitated legal representation, supported injured protesters, accompanied victims and families to court, and maintained pressure on oversight institutions.

On June 26, the crackdown escalated with the arrest and detention of activists John Mulingwa, Mark Amiani and Francis Mwangi at Muthaiga police station on allegations of incitement and malicious damage to property linked to the protests.

Rights groups immediately questioned the legality and intent of the charges, warning that the arrests appeared designed to deter dissent and not to secure convictions.



A protestor gestures while being marched by a heavily geared riot police during June 25, 2024 protest

/ERNEST CORNEL

The arrests were a broader protest-policing strategy under President William Ruto's regime that relies on pre-emptive arrests, prolonged detention, and loosely framed charges to disrupt organising, drain activists' resources, and send a warning to would-be protesters. Rather than pursuing mass convictions, the strategy uses the criminal justice system itself as a tool of crowd control.

On June 29, rights groups issued a joint statement demanding the immediate and unconditional release of the detained activists, even as sustained court monitoring and legal representation continued behind the scenes. Similar pressure was applied across the country as hundreds of protesters were processed through police stations.

The collective response proved decisive. Police unconditionally released more than 800 arrested protesters. The decision followed mounting public scrutiny over the legality of the arrests.

International pressure also mounted. Statements from the African Commission on Human and Peoples' Rights and the United Nations condemned the use of force against protesters and urged the Kenyan government to respect the right to peaceful assembly.

The legal challenge against the arrests of Mulingwa, Amiani and Mwangi concluded on August 22, when the Kibera Court rejected a prosecution request for more time to investigate and ordered their unconditional release, closing the miscellaneous file and effectively collapsing the case.

800+
protestors
arbitrarily arrested
across the country

CROSS-BOARDER REPRESSION

Report ranks Kenya among repressed states

Independent report warns shrinking civic space threatens constitutional rights

Kenya was officially downgraded as a repressive state because of the attack and restrictions on freedoms of expression, peaceful assembly, and association, and collaboration with the Uganda and Tanzanian regimes for cross-border assault.

A report by CIVICUS, co-launched in December 2025 by KHRC and Civic Freedoms Forum (CFF), and titled “People Power Under Attack”, documented escalating repression across the region, including the abductions and detentions of Kenyan activists in Uganda and Tanzania.

The classification followed an intense period where human rights defenders in the region faced arbitrary arrests, enforced disappearances, and unlawful detentions in Kenya, Tanzania, and Uganda, showing the increasing risks for activists working across borders.

In May 2025, for instance, Kenyan human rights defenders traveling

to Tanzania to observe the sham trial of opposition leader Tundu Lissu were detained. They included former chief justice Willy Mutunga, activist Hussein Khalid, Martha Karua, Lynn Ngugi, Gloria Kimani, and Hanifa Adan.

Public statements and advocacy by Kenyan and regional civil society organisations, including KHRC, coupled with legal pressure, secured their unconditional release.

Similar efforts later freed activists Boniface Mwangi and Agatha Atuhairu, who had been abducted, detained, tortured and raped by Tanzanian security agencies. Mwangi and Atuhairu have since sued the Tanzanian government at the East African Court of Justice.

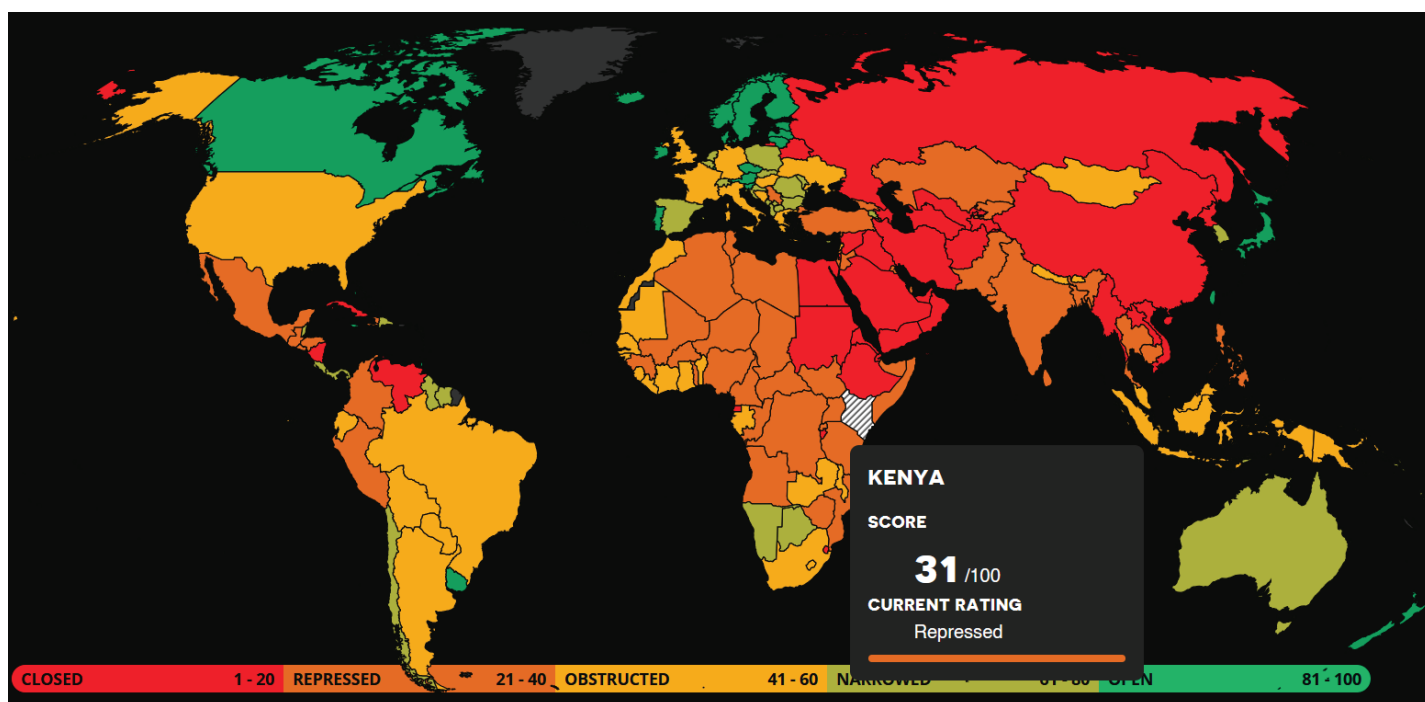
In another assault, in October the same year, Kenyan activists Bob Njagi and Nicholas Oyoo were abducted by security forces in Uganda as they attended the presidential campaign rally of

opposition figure Bobi Wine.

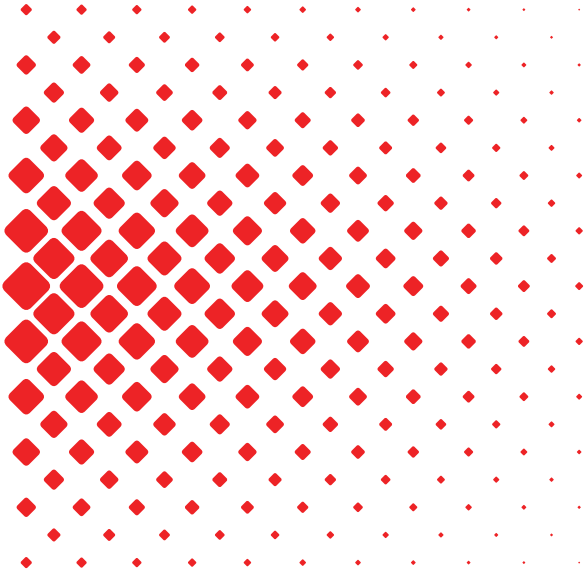
Eyewitnesses saw them being forced into a vehicle, and their phones were switched off. Despite denials from Ugandan authorities and a failed habeas corpus petition, sustained advocacy and media campaigns led to their safe return to Kenya at the Busia border in November.



The CIVICUS Monitor currently rates Kenya as “repressed”, the second worst rating a country can receive, indicating severe restrictions to the freedoms of expression, peaceful assembly, and association



CIVICUS Monitor world map highlighting Kenya's low civic space score of 31/100 amid declining civic freedoms across East Africa



SHAPING ACCOUNTABILITY

EXECUTIVE OVERREACH

Court shuts down Ruto panel, draws red line around KNCHR's mandate

Panel halted to protect independent oversight

On December 4, 2025, the High Court in Kerugoya struck down Mr. William Ruto's decision to establish an 18-member panel of experts on compensation for victims of protest-related violence, declaring the body unconstitutional and legally void. The decision effectively ended the panel's mandate.

At the heart of the judgment was a clear institutional line the court said the Executive had crossed. Ruto had intruded into the constitutional mandate of the Kenya National Commission on Human Rights (KNCHR) – an independent commission specifically designed to investigate, document, and seek remedies for human rights violations – when he created the ad hoc panel to investigate abuses arising from protests.

The court's decisions immediately halted a parallel process that risked weakening constitutional oversight while insulating perpetrators from scrutiny.

The panel was announced on August 6, 2025, in the wake of nationwide protests marked by extrajudicial killings, enforced disappearances, and arbitrary mass arrests. It was tasked with developing, within 120 days, a framework to identify victims and recommend compensation.

Almost immediately, KHRC issued a detailed analysis stating that the Executive could not lawfully create a body to investigate abuses in which state agencies were themselves implicated, nor could it further encroach on the mandate of KNCHR.

KHRC's analysis culminated in a legal challenge filed by Levi Munyeri, which carried the same arguments as our write-up, leading to Justice Edward Muriithi's ruling that Ruto's proclamation was constitutionally invalid. In his

judgment, Muriithi held that oversight and redress for human rights violations are functions expressly assigned to KNCHR, not discretionary powers of the presidency. Establishing the panel, the judge ruled, amounted to an unlawful encroachment on the independence of a constitutional commission.

The decision has broader implications beyond the fate of the panel. It keeps intact a central constitutional principle that accountability for state violence cannot be outsourced to temporary bodies created by the same authority accused of abuse. The decision also placed renewed responsibility on KNCHR to lead investigations and redress, and intensified calls for the commission to be adequately resourced to carry out that mandate.

That institutional contest also played out beyond the compensation panel. Earlier in August, questions were raised over an attempt to alter the leadership of KNCHR itself. On August 6, KHRC and Katiba Institute filed a petition challenging the nomination of Duncan Oburu Ojwang as chairperson of KNCHR, arguing that the appointment violated Article 250(11) of the Constitution, which requires the chairperson and vice-chairperson of independent commissions to be of opposite genders. At the time, the vice-chairperson was Raymond Nyeris, a male.

The challenge, brought amid heightened concern over police violence and protest-related abuses, warned that disregarding constitutional safeguards would erode the credibility and independence of the commission at a moment when it was expected to play a central accountability role. Following the filing of the petition and mounting public scrutiny, Ojwang declined the nomination, prompting Ruto to appoint and gazette Claris Ogangah as chairperson.

Police barred from churches, mosques and medical camps during protests

The High Court barred police from entering mosques, churches, medical camps, and other protected areas during protests, designating them guarded humanitarian spaces and placing security operations under direct judicial restraint.

The conservatory orders were issued after the Kenya Human Rights Commission (KHRC) told the court that police officers had crossed an unambiguous line during the protests, pushing operations into places of refuge.

The case was brought in June 2025 at the height of nationwide demonstrations driven by economic strain, police violence, and a narrowing civic space. As protests spread across major towns, religious institutions opened their doors to fleeing crowds, and volunteer medics set up temporary clinics to treat wounds from tear gas, batons, and live ammunition.

Police units, KHRC argued, repeatedly followed protesters inside, turning humanitarian shelters into extensions of the crackdown and erasing basic constitutional protections at moments of extreme vulnerability.

In sworn filings, KHRC told the court that the incursions exposed injured demonstrators and medical volunteers to further harm, interrupting treatment and triggering panic in spaces that had become the last sanctuaries from street violence.

The court agreed that the risk was immediate and irreparable, and issued orders declaring these refuge spaces protected humanitarian spaces and barred security officers from entering or disrupting them.

GOONISM AND CRACKDOWN

First a rendition, then a raid, then another rendition

Successive security operations, goonism intensify concerns over abuse of power

The attack on the human rights community became unmistakable in July 2025, when a senior official at the Kenya Human Rights Commission (KHRC) was illegally and extra-ordinarily renditioned to Uganda.

On the night of July 5, 2025, Martin Mavenjina, KHRC's senior legal adviser on transitional justice, arrived at Jomo Kenyatta International Airport in Nairobi, Kenya, from official duty in South Africa. Immigration officers initially cleared him for entry, stamping his passport and allowing him through. Minutes later, he was recalled, his documents seized, and he was arbitrarily detained without explanation.

Shortly after midnight, officials handed Mavenjina a boarding pass and escorted him onto a Kenya Airways flight to Entebbe, Uganda. Neither he nor his employer had purchased the ticket. No court order was produced, and no written reasons were provided. He has not been allowed to return to Kenya.

Within hours, the focus shifted from an individual to the institution he serves.

On July 6, state-hired militia descended on the KHRC's offices in Nairobi to stop a media address by grieving mothers whose children had been killed or disappeared by the Kenyan police. KHRC had opened its doors to these mothers, many of their children having been targeted because of their criticism of the Ruto regime and participation in the anti-government protests.

The attackers vandalized property, looted electronic equipment, and assaulted those inside, including journalists. The militia failed in their mission as the press conference proceeded as planned, though at a different venue. Three days later, officers from the Directorate of Criminal Investigations (DCI) arrived at the KHRC's offices after working hours, saying they were conducting a forensic inquiry. By then (and even at



State-hired militia attacked the KHRC office on July 6, 2025
/KHRC

the time of publishing this report), no arrests had been made.

Seven months later, a similar assault happened again, this time involving Brian Kagoro, the Africa Director of the Open Society Foundations (OSF). In February 2026, Kenyan authorities barred Kagoro from entering the country.

Immigration officials intercepted him on arrival at the same airport, after which officers from the National Intelligence Service (NIS) detained and interrogated him for more than 10 hours. He was verbally declared persona non grata and placed on a flight to South Africa, where he had come from.

Officials falsely and maliciously accused Kagoro of financing Kenya's youth-led protests. He was denied legal representation and family contact. No written explanation was issued, just as was in Mavenjina's case.

KHRC condemned this arbitrary detention and the illegal deportation as a case of a broader regional trend in which immigration controls and security agencies are increasingly used to disrupt and intimidate critics beyond national borders.

The trend has been documented by CIVICUS Monitor, which, in a joint report launched by KHRC and Civic

Freedom's Forum (CFF) in December 2025, has classified Kenya, Uganda, and Tanzania as repressed, citing enforced disappearances, unlawful deportations, and attacks on civil society actors.

As Kenya approaches the 2027 general election, the William Ruto regime has increasingly portrayed mass protests as the product of foreign interference, deflecting attention from domestic grievances that drew thousands of young people into the streets in 2024 and 2025—rising living costs, police violence, and the narrowing of civic space.

That narrative, KHRC notes, is undercut by the regime's own actions. In 2025, the executive appointed a panel to compensate victims of protest-related abuses, a move later struck down by the courts for unlawfully encroaching on the mandate of the Kenya National Commission on Human Rights (KNCHR). The ruling effectively affirmed that accountability for police violence lies with independent constitutional bodies, not ad hoc executive mechanisms that are controlled by the same violators.

KHRC called for the immediate reversal of the decision barring Kagoro and for the return of Mavenjina. It has also urged independent oversight bodies, like KNCHR and the Commission on Administrative Justice, to investigate the growing pattern of renditions and administrative expulsions targeting human rights defenders.

RECOGNIZED

Landmark judgment recognizes transgender people, sets standards for police and prisons

Rights-based standards governing protection of transgender persons established

A decision by Kenya's High Court recognizing the rights of transgender people and setting binding standards for their treatment in police custody and prisons has become one of the country's most consequential rulings on equality and human dignity in recent years.

The judgment, delivered in August 2025, by Justice Reuben Nyakundi in Eldoret, affirmed the right of Shiey Chepkosgei to be recognized as a transgender woman and found that state authorities had violated her constitutional rights during her arrest and detention six years earlier.

The case, filed in 2019 with support from the Kenya Human Rights Commission (KHRC) and Jinsiangu, arose after Chepkosgei was arrested at Moi Teaching and Referral Hospital and charged with personation. She was held at Eldoret Police Station and later remanded to the Eldoret women's prison.

Officers subjected her to a series of invasive procedures described as "gender determination" tests. According to court filings, these included genital examinations, radiological scans, hormone testing and blood sampling, all conducted without her consent and well beyond the scope of a court order.

Her confidential medical records were later leaked to the media. Justice Nyakundi ruled that the treatment violated Chepkosgei's constitutional rights to dignity, privacy, equality and freedom from cruel, inhuman and degrading treatment. The court formally recognized her gender identity and awarded her Sh1 million in damages.

The judgment went further, directing Parliament to consider legislation protecting transgender people's rights and urging the Office of the Attorney General to initiate reforms to the country's prisons law to address the treatment of transgender detainees.

The court's decision is part of a gradual but significant body of constitutional jurisprudence emerging from Kenyan courts on questions of gender identity, equality, and state accountability.

The judgment is among a series of cases now documented in a new digital repository launched by KHRC and designed to map the evolution of sexual orientation and gender identity jurisprudence in Kenya. The platform, available at SOGIESC Law Repository, compiles landmark decisions, legal analyses, and historical timelines that trace how courts have interpreted constitutional protections for sexual and gender minorities.

The repository aims to show how individual cases, like Chepkosgei, have helped shape the contours of equality law in Kenya, often through years of litigation and incremental judicial interpretation. It also makes those legal trajectories visible as part of an evolving record of how the country's courts are defining the reach of human rights.

Court halts church construction at State House

The High Court on August 26, 2025, issued conservatory orders halting the construction of a church within the State House compound, blocking what it found to be the unconstitutional use of public land and funds for religious purposes. The order followed a joint petition filed by the Kenya Human Rights Commission (KHRC), Transparency International–Kenya, Katiba Institute, the Institute for Social Accountability (TISA), and Inuka Kenya Ni Sisi!, after reports revealed that taxpayer resources were being deployed to finance the project.

The disclosures triggered widespread public concern over the misuse of public funds and the

erosion of constitutional boundaries.

In court, the petitioners argued that the construction violated Article 8 of the Constitution, which affirms that Kenya has no state religion, and contravened clear prohibitions against the use of public resources for religious activities.

The High Court agreed, finding that the project posed an immediate and serious threat to constitutional order and directing that all construction be stopped.

In issuing the conservatory order, the court underscored that public power and public finances must be

exercised strictly for public purposes. The ruling reaffirmed core principles of constitutional governance, transparency, and accountability under Article 10, and sent a clear signal that religious neutrality of the state is not optional but mandatory.

The decision also strengthened judicial oversight over executive use of public resources and reinforced the role of civil society in defending constitutional limits. KHRC and its partners framed the case as a safeguard against the gradual normalisation of unconstitutional state practices. The outcome marked a significant assertion of citizen-led accountability and a reminder that constitutional principles remain enforceable, even at the highest levels of power.



Senator Okiya Omtatah, TI Kenya's Sheila Masinde and KHRC's Davis Malombe

BACKFIRE

Hustler Fund fails hustlers, report shows

Ruto's flagship initiative found to be just PR

A new report has cast fresh scrutiny on the Hustler Fund, Mr. William Ruto's flagship economic empowerment program, arguing that the initiative has fallen short of its promise to support low-income Kenyans.

The report, *Failing the Hustlers*, released by the Kenya Human Rights Commission (KHRC), found that the government-backed lending scheme has struggled to deliver meaningful economic relief while exposing many borrowers to new debt.

Researchers found that access to the fund is governed by unclear eligibility rules and repayment terms that leave some beneficiaries financially strained.

The Hustler Fund was introduced as a cornerstone of Ruto's economic agenda, aimed at expanding credit access to small traders, youth and other groups often excluded from formal banking. Since its launch, millions of Kenyans have applied for small loans and micro-grants through mobile platforms.

But the KHRC report revealed that the program's structure has limited its ability to support long-term livelihoods. Instead of

enabling economic independence, the report found that some beneficiaries have been drawn into repeated borrowing with little opportunity to build sustainable income.

Researchers also cited gaps in disclosure about how the fund is managed and how beneficiaries are selected.

Those weaknesses, the report said, make it difficult to evaluate the program's effectiveness or track how public resources are being used.

So powerful was the report that it drew an immediate response from the regime, less than two hours after its launch.

The Cabinet Secretary for Cooperatives and Micro, Small and Medium Enterprises Development, Wycliffe Oparanya, struggled with facts to defend the initiative, while Ruto, days later, hastily organized an "economic empowerment drive" at State House with thousands of "hustlers" to shore up his support after the damning findings.

The reaction, KHRC noted, reinforced concerns that the programme prioritises optics over structural economic reform.

The state sought sweeping surveillance powers over critics. The court blocked the move.

A Kenyan court suspended key provisions of the Computer Misuse and Cybercrimes (Amendment) Act of 2024, which granted the government sweeping powers to monitor citizens and criminalize online speech.

The case was filed in October 2025, by musician and activist Ruben Kigame together with the Kenya Human Rights Commission (KHRC), days after the law was signed by Mr. William Ruto.

Petitioners argued that the amendments allowed authorities to police digital platforms through vague provisions criminalizing "false, misleading or mischievous information," while forcing social media users to verify accounts using government-issued legal names.

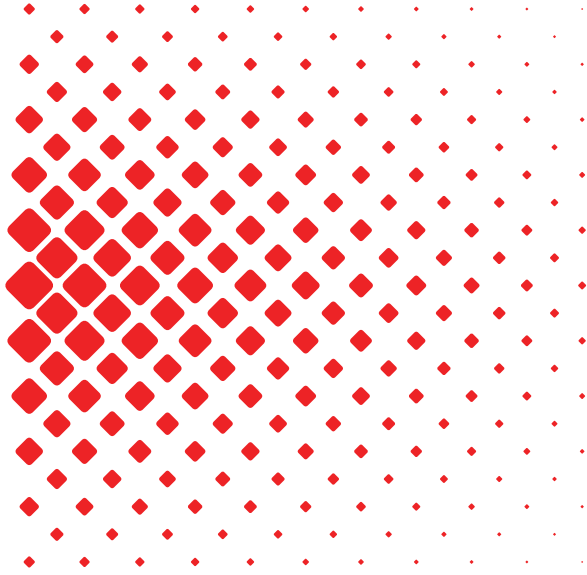
The court suspended enforcement of several sections of the amendment law, including provisions that would have allowed broad criminal penalties tied to online publication.

Additional orders followed on October 27, when the court halted another section of the statute and ruled that the legislation had been passed without the required involvement of the Senate. The decision temporarily blocked the implementation of some of the most controversial elements of the amendments while the broader constitutional challenge proceeds.

The petition argued that mandatory identity verification for social media accounts could enable profiling and intimidation of government critics. The requirement also violated the constitutional right to privacy under Article 31.

The dispute is part of a longer legal battle over Kenya's cybercrime legislation. Earlier challenges to the original Computer Misuse and Cybercrimes Act 2018, including a petition by the Bloggers Association of Kenya, warned that vague definitions of online offences could be used to suppress speech.

While the courts have suspended some provisions over the years, much of the law remains in force.



CORPORATE ACCOUNTABILITY IN SELECT SECTORS

MINING

Simba Cement operations temporarily halted as community oversight gains ground

Decision empowers communities demanding accountability from corporates



Simba Cement plant standing behind lush vegetation in Kilifi County.

/ELIZABETH MWENI

Simba Cement's quarrying activities in Kilifi County were temporarily halted after regulators and local communities raised serious concerns about environmental compliance, unpaid land compensation, and mismanagement of mining royalties.

The suspension of the factory's operations came after the Principal Secretary for Mining ordered a full compliance review. Simultaneously, the National Environment Management Authority (NEMA) mandated an Environmental and Social Impact Assessment (ESIA) and a comprehensive audit of affected homes and uncompensated land losses.

A sustained advocacy by the Kenya Human Rights Commission (KHRC) mobilized residents, guided legal actions, and pushed

for reforms in the governance of community development committees.

Residents, who said the company had been operating without the required approvals, mobilized to demand accountability.

KHRC played a central role, conducting training sessions on environmental governance, advising on legal procedures, and helping communities draft a petition to the Cabinet Secretary for Mining and NEMA.

The petition emphasized adherence to environmental safeguards and transparency in operations, channeling grievances through proper legal channels to ensure enforceable outcomes. In parallel, KHRC addressed governance and

election concerns within the Simba Cement Community Development Agreement Committee (CDAC), the body responsible for managing the one percent community share of mining royalties.

Previous elections had been hijacked by national government administrators, leaving local civil society organizations and youth without a voice in the selection of representatives.

KHRC engaged communities, educated them on the Mining Act and Business and Human Rights principles, and supported a petition to the County Mining Officer for Kilifi to nullify the flawed elections. Fresh elections were subsequently mandated and this allowed legitimate community representatives to participate.

RESOURCE JUSTICE

NLC orders Kakuzi to Return 3,200 acres as other claims remain unresolved

Partial restitution offers hope while communities continue pursuing accountability



NLC toured the sites of historical land injustices in 2024 and met with affected communities.

/ERNEST CORNEL

For more than six decades, families in Murang'a county lived on the edges of their ancestral land, denied the full benefits of education, healthcare, and social services.

In November 2025, a section of these communities finally received official recognition of their claims. The National Land Commission (NLC) ordered Kakuzi PLC, a major agricultural corporation, to surrender 3,200 acres, setting the stage for surveying, titling, and restitution.

KHRC, in collaboration with Ndula Resource Centre, has been at the forefront of championing land rights for communities uprooted by Kakuzi PLC.

Over nine years, the organizations

supported 11 communities, comprising more than 3,000 households, in filing petitions for historical land injustices before the NLC.

The successful November determination restored land to four communities.

However, nine other claims were dismissed on technical grounds, a move KHRC calls "a lost opportunity to end decades of deprivation." Among the rejected claims was one from the Tumutumu community, whose residents continue to live under conditions of landlessness and economic precarity. KHRC will challenge these dismissals.

A similar intervention happened

in Kwale county, where KHRC, alongside the Kwale Mining Alliance, supported the Denyenye Maweni Community-Based Organisation in filing a petition on historical land injustices against Bamburi Cement Company.

Though the claim, stemming from colonial-era evictions covering more than 400 acres, was dismissed, KHRC secured public access to a previously blocked beach. KHRC continues to monitor this arrangement.

9+

years it took NLC to reach a verdict

WORKERS' RIGHTS

Framework aimed at holding businesses accountable for human rights rolled out

Kenya has taken a landmark step in advancing corporate accountability and human rights by developing a model operational grievance mechanism and a human rights due diligence framework under the National Action Plan (NAP) on Business and Human Rights.

Kenya is the first country in Africa to take this step, signalling a commitment to preventing corporate abuses and protecting human rights in the private sector. KHRC, a key member of the NAP Implementation Committee, played a key role in shaping these initiatives and ensuring that the framework reflects practical mechanisms for accountability and redress.

KHRC did this by actively contributing to the design of a model operational grievance mechanism. This tool is intended to allow individuals and communities affected by corporate operations to raise concerns and seek remedies in a structured, accessible, and rights-respecting manner.

KHRC also supported the development of a human rights due diligence framework, which guides businesses in identifying, preventing, and mitigating potential human rights impacts in their operations and supply chains.

The government, through the Department of Justice, acknowledged KHRC's unique role in advancing the implementation of the NAP, as our engagement throughout the development of these tools reflected our expertise in integrating human rights principles into practical business and regulatory frameworks.

Civil society actors and partners continue to work with KHRC to ensure that the frameworks are effectively implemented, monitored, and accessible to those affected by business activities.

Workers secure back pay and union dues, but claims for unfair dismissal denied

After seven years of legal struggle, 94 former employees of Zena Roses in Eldoret finally won a measure of justice.

In July 2025, the Employment and Labour Relations Court ordered the company to pay pending salary increments and remit union dues, ending a long delay that stemmed from workers' participation in a 2018 strike.

The strike demanded delayed salaries, unpaid 11.5 percent salary increment, and non-remittance of trade union dues and statutory contributions for health and social security. The strike was deemed "unlawful" by the company, which terminated 94 contracts shortly thereafter.

KHRC intervened, providing legal support, coordinating evidence collection, and guiding the workers through court processes. Over seven years, the case wound its way through the Employment and Labour Relations Court in Eldoret.

In its July 2025 decision, the court ordered Zena Roses to pay the 11.5 percent and the outstanding union dues within six months.

However, the court rejected the employees' request for compensation for unfair termination on the grounds that the strike had been unprotected.

94
number of
employees who were
compensated

Solai man injured by sanctuary antelope wins compensation after KHRC intervention

In December 2025, Collins Metta, a young man from Solai, Nakuru, was seriously injured by a wild antelope that escaped from Solai sanctuary, owned by Perry Mansukh.

The incident occurred when the antelope, reportedly loose from its enclosure, charged at Metta, causing grave injuries.

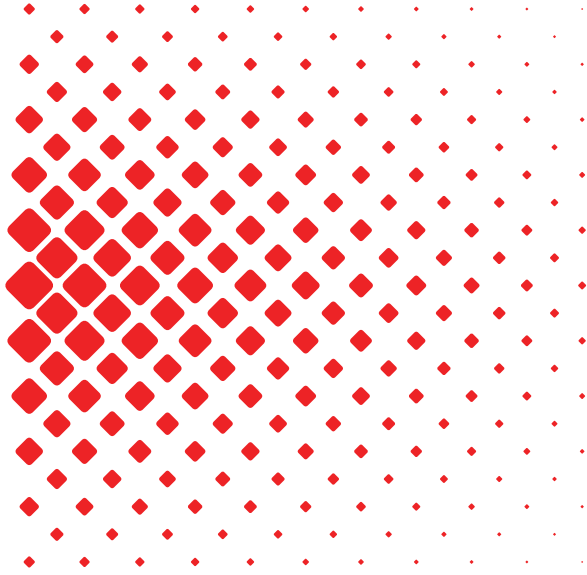
Left seriously wounded and facing mounting medical bills, Metta's case could have gone unresolved if not for the Kenya Human Rights Commission's (KHRC) swift intervention.

Perry Mansukh, linked to the 2018 Solai dam tragedy that claimed more than 40 lives, initially showed little willingness to take responsibility.



KHRC's intervention secured full payment of hospital bills and additional compensation of Sh300,000 to cover pain, suffering, and related expenses

2025
year Metta was
attacked and injured



ECONOMIC AND SOCIAL JUSTICE

PUBLIC FINANCE

Court forces counties to commit 30% of budgets to development, cites citizens' rights

Mandatory minimum investment is essential for county development projects

The High Court has ordered 20 county governments and the National Treasury to comply with a long-ignored rule requiring at least 30 percent of budgets be allocated to development projects, a win for citizens' economic and social rights.

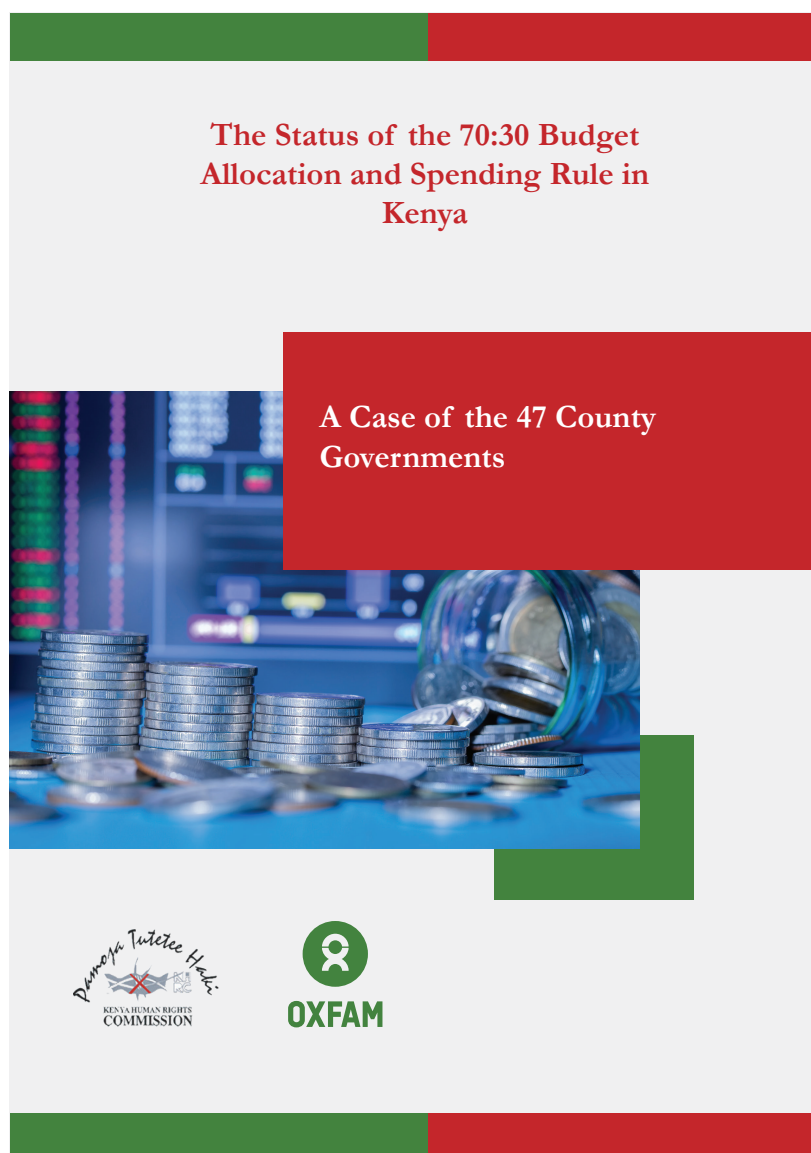
The decision follows legal action and research by the Kenya Human Rights Commission (KHRC), which revealed that some counties were allocating as little as five percent of their budgets to development, leaving schools, hospitals, roads, and other critical infrastructure underfunded.

The court found non-compliance to be a violation of citizens' constitutional right to access basic services.

KHRC's five-year study, *The Status of the 70:30 Budget Allocation and Spending Rule in Kenya*, documented systemic under-allocation across counties, highlighting deliberate underfunding and low absorption rates that hampered project delivery.

The report provided detailed county-level evidence, showing that even when budgets nominally allocated funds for development, delays and mismanagement meant communities rarely saw the benefit.

The High Court, citing Section 107(2)(b) of the Public Finance Management Act, directed counties to fully comply with the 70:30 rule over the medium term. Specific reporting timelines were set, and authorities were warned that continued non-compliance would attract sanctions.



A 2023 KHRC report showing the budget allocation and spending rule in Kenya.
/KHRC

This is a major precedent for evidence-based advocacy in Kenya. We connected budget allocations directly to citizens' socio-economic rights, and this enabled the court to elevate a technical financial requirement into a matter of constitutional accountability.

KHRC noted that fiscal mismanagement cannot continue unchecked and that county governments must prioritize the needs of the public. Compliance with the 70:30 rule could transform service delivery and enable counties to expand infrastructure, strengthen healthcare and education, and deliver programs that directly improve livelihoods.

EDUCATION

Inquest opened into Endarasha school fire that killed 21 students

Process to establish responsibility behind one of Kenya's deadliest school disasters

The Court of Appeal set aside the High Court ruling that declared the new university funding model unconstitutional.

The Kenya Human Rights Commission (KHRC), Elimu Bora Working Group, and the Students' Caucus challenged the model as discriminatory and lacking adequate public participation, contrary to Article 10 of the constitution.

The High Court had suspended the new funding model in October 2024 and formally declared it unconstitutional in December that year. The court found that the model failed to uphold principles of equity and inclusivity, raising serious concerns about fairness in access to higher education.

The petitioners argued that the model disadvantaged certain categories of students and was rolled out without sufficient public consultation.

However, in March 2025, the Court of Appeal temporarily allowed the funding model to continue, subject to the condition that the appeal process would be fast-tracked, enabling the disbursement of loans for new university admissions.

But the appeal has faced significant delays, undermining the safeguards originally intended to protect students' rights while the matter was being resolved.

KHRC and partner organisations expressed concern that the delays effectively allowed the continued

application of a funding model previously found to be unconstitutional.

They argued that the lack of timely judicial oversight had immediate consequences for students, as it risked perpetuating inequities in access to higher education and undermining public confidence in the justice system.



Legal delays are undermining the safeguards intended to protect students' rights

University students bear the brunt as appeal court holds up funding decision

The Office of the Director of Public Prosecution announced the launch of a public inquest into the Endarasha Hillside Academy fire tragedy that claimed 21 lives in September 2024.

This followed sustained legal pressure from the Kenya Human Rights Commission (KHRC) and the Elimu Bora Working Group.

The inquest aims to uncover the circumstances surrounding the fire and provide crucial information for seeking justice, accountability, and compensation for the victims' families.

The court's interventions played a key role in driving these reforms.

In late 2024, KHRC and Elimu Bora filed a lawsuit, seeking orders barring the reopening of the school's boarding section until clear health and safety standards were met.

The High Court in Nyeri agreed, ordering the closure of the boarding section and allowing the school to reopen only after meeting specific safety requirements.

The tragedy renewed calls for nationwide improvements in school safety. Following the legal actions, the Ministry of Education directed the conversion of 348 boarding schools to day-only institutions. The Ministry also began a national safety assess-

ment to ensure that all schools adhere to minimum health and safety standards, protecting learners from foreseeable hazards.

On September 23, 2025, KHRC and Elimu Bora filed another constitutional petition seeking accountability, justice, and compensation for the 21 boys who lost their lives in the fire.

The public inquest, together with the latest suit, is expected to create a comprehensive record of the events leading to the fire, identify failures in policy and school management, and lay the groundwork for long-term reforms in school safety.

KHRC has provided legal support to the parents by retaining an advocate to watch the brief on their behalf, ensuring the ODPP does not bungle the process.

ADVOCACY

KHRC pushes Kenyan rights struggles onto global stage

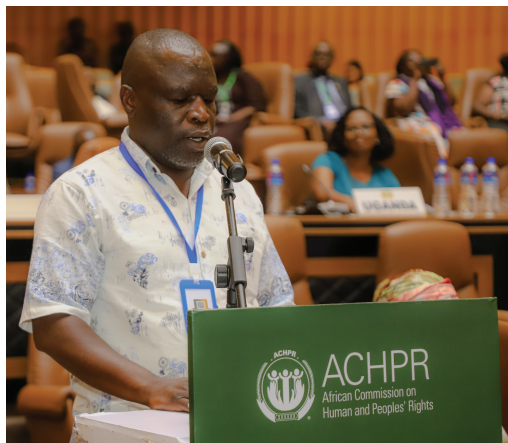
Regional platform spotlights human rights concerns, adds pressure for accountability

In 2025, the Kenya Human Rights Commission (KHRC) escalated local human rights concerns to regional and global platforms, pressing for justice, accountability, and reforms.

We spoke for Murang'a communities facing abuses from corporations like Kakuzi PLC to Kenyan activists detained abroad, among many others.

In November, KHRC hosted UN Special Rapporteurs Mary Lawlor and Gina Romero. Lawlor visited Murang'a communities affected by corporate violations, committing to write to Kakuzi PLC and the Kenyan government for redress.

Both rapporteurs met with human rights defenders and civil society organizations at the KHRC office in Nairobi, and the discussions informed the upcoming Romero's report on surveillance and threats against activists.



KHRC's Cornelius Oduor, reading the statement at the 85th ordinary session of the ACHPR /DOMINIC ODIPO

Earlier, KHRC took part in the 42nd Congress of the International Federation for Human Rights in Bogotá, Colombia, highlighting Kenya's extractive economic models, exclusionary conservation practices, and climate risks.

Through the Okoa Uchumi Coalition, KHRC also released the shadow governance and corruption diagnostic index at the IMF and World Bank annual meetings in Washington, D.C., linking corruption and opaque debt management to

violations of constitutional and economic rights.

In Gambia, KHRC attended the 85th Ordinary Session of the African Commission on Human and Peoples' Rights. KHRC co-hosted sessions on prisons, policing, freedom of expression, and conflict-related sexual violence, presenting evidence of killings, torture, and internet shutdowns. These findings shaped ACHPR reports and strengthened mechanisms to hold governments accountable.

Strategic meetings with Kenya's Country Rapporteur, Solomon Dersso, and the ACHPR Chairperson, Idrissa Sow, led to tangible outcomes, including the release of detained activists Bob Njagi and Nicholas Oyoo from Uganda in November 2025.

KHRC's advocacy also informed discussions on abolishing the death penalty, reparations for historical injustices, and stronger oversight of security and detention systems.

KHRC sparks parliamentary oversight on mining abuses in Kwale, Siaya, and Magadi

In December 2025, the Kenya Human Rights Commission (KHRC) orchestrated an unprecedented joint session of the National Assembly's Environment, Forestry and Mining Committee and the Senate's Land, Environment, and Natural Resources Committee, putting mining companies under the spotlight.

Allegations of human rights abuses, environmental violations, and unpaid royalties across Kwale, Siaya, and Magadi compelled lawmakers to summon senior government officials and regulators to answer directly to affected communities.

Those summoned included the Permanent Secretary for Mining and the Director General of the

National Environment Management Authority (NEMA).

NEMA boss promptly visited Simba Cement to investigate the company's resumption of mining without the necessary license, while the authority's officers inspected a steel milling company in Isinya, Magadi, amid claims of pollution and community harm.

The parliamentary meeting also broke a long-standing deadlock on mining royalties, with communities awaiting their constitutionally mandated 10 percent share held in the National Treasury since 2016.

The Permanent Secretary committed to working with the Attorney General to fast-track regulations to release of Sh2.9 billion in owed royalties.

Pressure from the convening also led to the formation of a joint county mining committee in Kisumu, aimed at addressing grievances by communities affected by Shanta Gold Mining Company.

In addition, the committees endorsed KHRC's recommendation to sponsor a private member's bill establishing a National Policy on Resettlement and Compensation, a framework designed to standardize compensation processes and prevent future violations.

Community members reported a noticeable reduction in intimidation and harassment from mining companies and government officials since the parliamentary intervention.



Get in touch

849 Amboseli Road, Off Gitanga Road
P.O Box 41079-00100, Nairobi, Kenya

Tel: **+254-20 2044545 | +254 20 2106763**

Mobile: **+254-722-264497 | +254-733-629034**

Email: **admin@khrc.or.ke**

Media inquiries: **press@khrc.or.ke**