

Under development



Right to Defend Rights - National Assessment 3

Kenya

Africa | 2022



KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

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About

The Right to Defend Rights is an online monitoring tool which uses human rights-based indicators to systematically monitor the enabling environment for human rights defenders. This report summarizes the data collected by the respondent above to allow for a quick overview of how well a country is living up to their human rights obligations in relation to the UN Declaration of Human Rights Defenders.

The data in this report can be used to support monitoring and reporting efforts to national and international human rights and SDG bodies, for national stakeholder dialogue or advocacy, and for strategic planning purposes based on the gaps.

Metadata

Coverage:

Entire country

Years:

Year 1: 2020 - **Year 2:** 2021 - **Year 3:** 2022

Data sources:

Citizen-generated data from other institutions

Administrative data from public authorities

Open data sources

Own Expert Assessment (e.g., own staff)

Data collected by own institution/organisation (e.g., own data base or complaint handling system)

Scoring

0-33: Lack of or low compliance with human rights standards.

33-65: Moderate compliance with human rights standards with gaps in many areas.

66-100: Medium to high compliance with human rights standards but with important gaps in some areas.

Compliance with Fundamental Freedoms

42/100

General framework

General measures of implementation

28

Freedom to hold opinions and to impart information and ideas

56

61/100

Opinion and Expression

Access to information

93

Access to and communication with non-governmental and intergovernmental organizations

22

47/100

Association and Assembly

Freedom to hold Peaceful Assemblies

36

Freedom to form, join, operate, and participate in associations

59

Access to Resources

33

64/100

Participation in Public Affairs

Participation in the conduct of public affairs/equal and universal suffrage /access to public service

64

64/100

Liberty and Security

Security of Person from Abuse

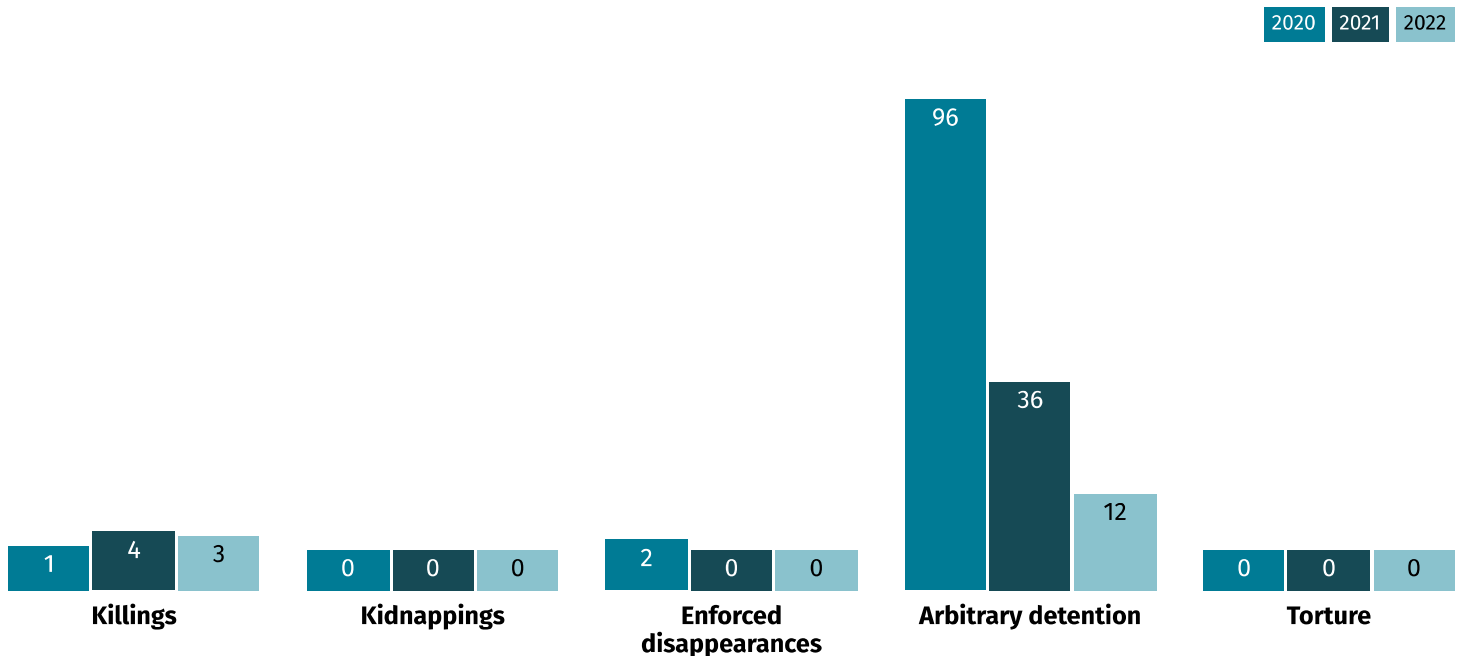
70

Arrest and Detention/Effective Access to Court and Remedy

51

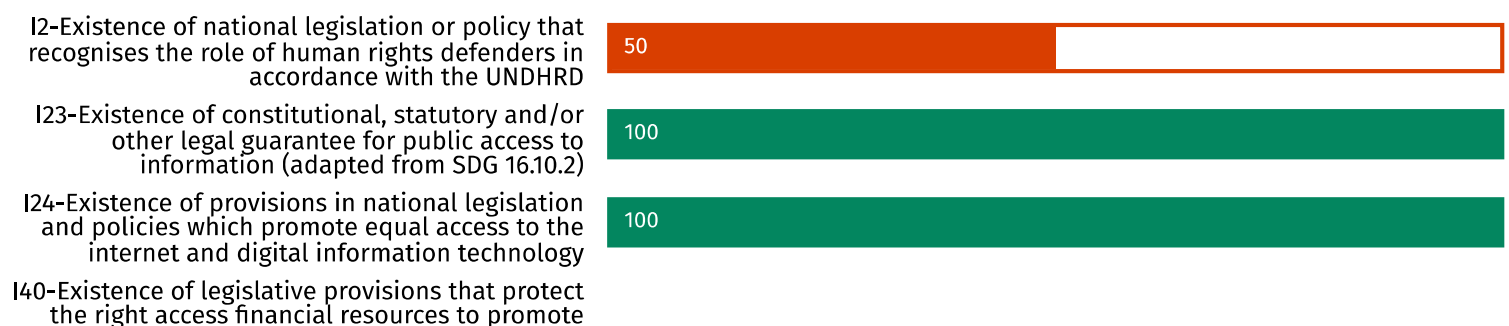
Severe Violations against Human Rights Defenders

Number of killings, kidnapping, enforced disappearance, arbitrary detention and torture of human rights defenders



The program or mechanism for the protection of human rights defenders at imminent risk was reported as **partially effective**

Protection of Fundamental Freedoms in National Legislation



UN Human Rights Mechanisms – Reporting and Implementation

The table below shows if (1) reported to the respective monitoring mechanisms, (2) received recommendations relevant to the Right to Defend Rights and (3) implemented such recommendations (not all elements can be found in all questions: treaties vs mechanisms....

Human Rights Committees	Reported	Recommendation	Implementation
Universal Periodic Review	Yes	Yes	Some recommendations implemented
Human Rights Committee (CCPR)	Yes	Yes	Some recommendations implemented
Committee on Economic, Social and Cultural Rights (CESCR)	Yes	No	Not relevant
Committee on the Elimination of Racial Discrimination (CERD)	Yes	Yes	Some recommendations implemented
Committee on the Elimination of Discrimination Against Women (CEDAW)	Yes	Yes	Some recommendations implemented
Committee Against Torture (CAT)	Yes	Yes	Some recommendations implemented
Committee on the Rights of the Child (CRC)	No	No	Not relevant
Committee on the Rights of Persons with Disabilities (CRPD)	No	No	Not relevant
Committee on Migrant Workers (CMW)	Not applicable	Not applicable	Not relevant
Committee on Enforced Disappearances (CED)	Not applicable	No	Not relevant

To explore the recommendations from the human rights monitoring mechanisms received by your country, and how it connects to the Sustainable Development Goals, visit: <https://sdgdata.humanrights.dk>

Scores for all indicators

Explore [detailed survey answers](#)

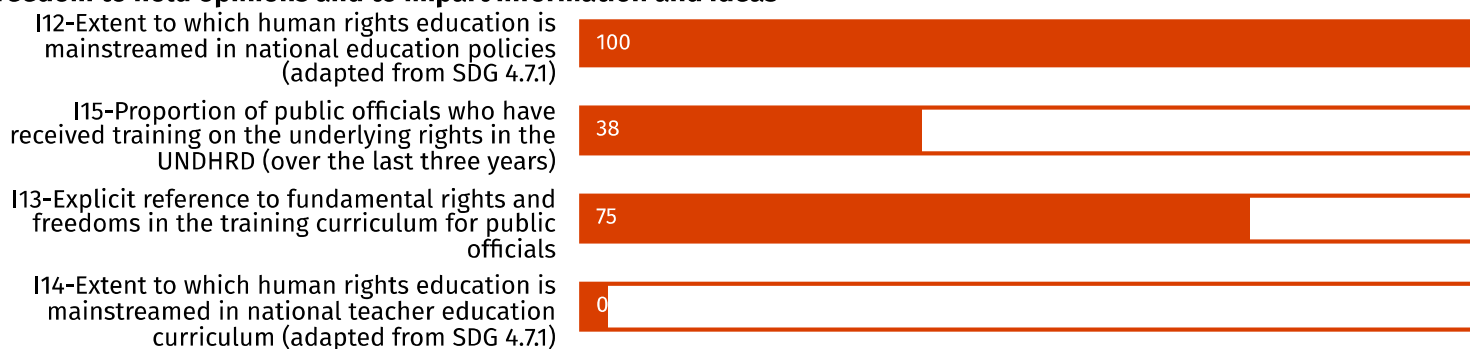
General framework



General measures of implementation



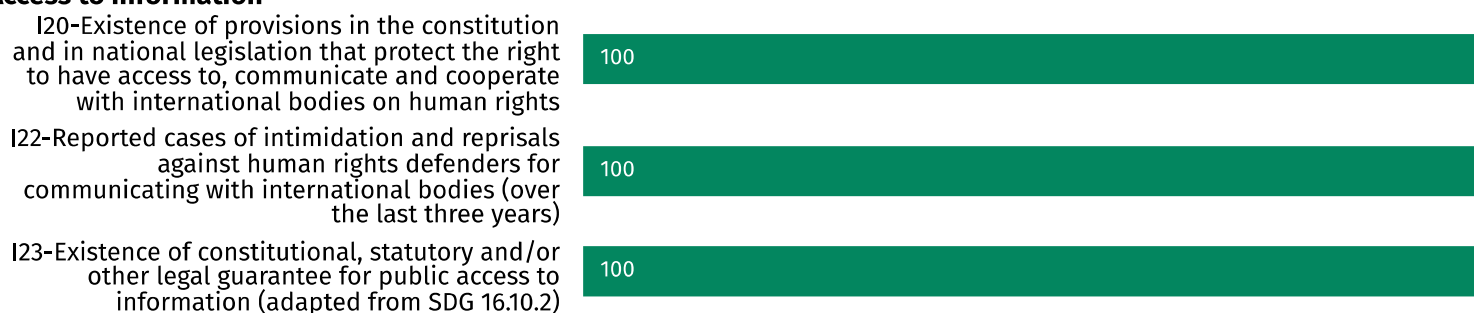
Freedom to hold opinions and to impart information and ideas



Opinion and Expression



Access to information



I24-Existence of provisions in national legislation and policies which promote equal access to the internet and digital information technology

100

I25-The text of the UDHRD and core international human rights treaties are accessible in the official languages of the State

50

I26-Existence of a dedicated institution to oversee the implementation of access to Information legal guarantees and the existence of specific units in public bodies to handle access to information (ATI) requests from the public

100

Access to and communication with non-governmental and intergovernmental organizations

I16-Existence of provisions in the constitution for the protection of freedom of opinion and expression

84

I19-Reported cases of media censorship (online and offline) carried out by the state for reporting on human rights issues (over the last three years)

0

I27-Reported cases of blockage or filtering of websites, social media posts, social media blogs, or social media profiles and accounts that contain information that are critical of the government or discuss human rights issues (over the last three years)

0

I63-Reported cases of restrictions or disproportionate sanctions for the expression of thoughts and opinion.

0

Association and Assembly



Freedom to hold Peaceful Assemblies

I28-Existence of provisions in the constitution for the protection of the right to freedom of peaceful assembly

49

I29-Existence of provisions in national legislation on the duties and powers of law enforcement officials and private security service providers in the context of assemblies, including related to the use of force

92

I31-Proportion of law enforcement officers who have received training on policing of assemblies based on human rights standards

50

I32-Reported attacks or other harmful acts against human rights defenders by state and non-state actors after participation in an assembly (over the last three years)

0

I34-Reported cases of infringements of the right to freedom of peaceful assembly (online and offline) (over the last three years)

0

Freedom to form, join, operate, and participate in associations

I33-Reported cases of the state blocking or limiting internet connectivity, or blocking or limiting access to online accounts or fora in relation to peaceful assemblies (over the last three years)

0

I36-Existence of administrative procedures for registration of associations or for the obtainment of legal personality which are accessible, not discriminatory, and do not impose undue and burdensome requirements or unjustified restrictions.

50

I38-Reported cases of unlawful interference by the State in the operation of associations working on human rights issues (over the last three year)

100

I39-Reported cases of requests for registration that were denied (over the last three years)

0

135-Existence of provisions in the constitution for the protection of the right to freedom of association

89

Access to Resources

140-Existence of legislative provisions that protect the right access financial resources to promote human rights and fundamental freedoms

100

142-Reported cases of infringements to the right to seek, receive or utilise financial resources for the protection and realisation of human rights and fundamental freedoms (over the last three years)

0

Participation in Public Affairs



Participation in the conduct of public affairs/equal and universal suffrage /access to public service

143-Existence of provisions in the constitution for the protection of the right to participate in public affairs

100

144-Existence of provisions in national legislation and regulations requiring meaningful consultation with groups and communities whose rights are affected by legislative or administrative measures

100

145-Existence of mandatory human rights due diligence legislation requiring meaningful consultation on human rights impact and risks with stakeholders, including human rights defenders, from communities affected by business operations

50

146-Existence of accessible and institutionalised mechanisms for public input into the development of laws, policies and regulations including those affecting human rights defenders

100

150-Reported cases of acts aimed at restricting the right of human rights defenders to participate in public affairs (over the last three years)

0

Liberty and Security



Security of Person from Abuse

151-Existence of provisions in national legislation and regulations on the conduct of law enforcement officials in compliance with human rights standards

100

152-Proportion of formal investigations into the misconduct of law enforcement officials against human rights defenders resulting in disciplinary action, prosecution, and convictions (over the last three years)

0

153-Existence of an effective program or mechanism of protection for human rights defenders at imminent risk

50

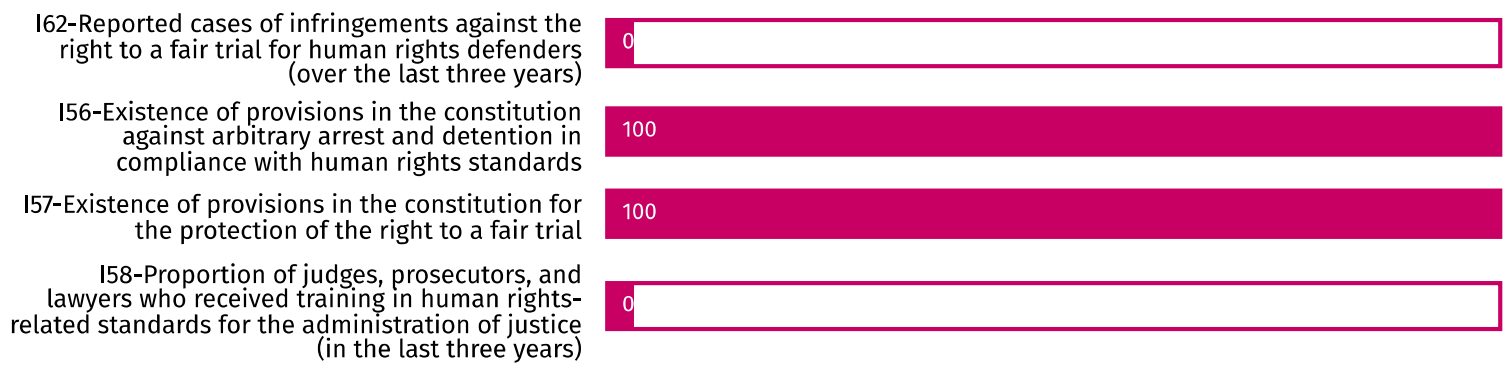
154-Proportion of interim and precautionary measures provided by international or regional human rights mechanisms implemented by the state (over the last three years)

100

155-Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, and torture of human rights defenders under protection measures (over the last three years)

100

Arrest and Detention/Effective Access to Court and Remedy



The data presented here may not represent all the cases of violations or restrictions suffered by human rights defenders in the country