



Home Office

Country Policy and Information Note

Kenya: Background information, including actors of protection and internal relocation

Version 1.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <https://www.gov.uk/government/publications/independent-advisory-group-on-country-information-iagci>

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Policy guidance

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1. Introduction

1.1 Basis of claim

- 1.1.1 Whether, in general, a person who fears serious harm or persecution from non-state actors can obtain effective state protection and/or internally relocate within Kenya.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Protection

- 2.2.1 The Kenya Police Service (KPS) has primary responsibility for enforcing the law throughout the country and for providing protection to those who need it. The KPS has been reformed over the last decade which has seen an increase in police numbers, new technology and new developments in policing methods. The National Police Service Commission has also initiated a programme of 'vetting' all serving police officers, which has led to some police officers being removed from service. The KPS response to crime (and prosecution of criminals) is variable but as a result of reforms has improved over recent years (see [Police service](#)).
- 2.2.2 The KPS, however, reportedly lacks equipment, resources, and personnel to respond to some calls for assistance or other emergencies. In addition, poor caseworking skills, incompetence and corruption, which remains a significant problem, also undermines its effectiveness. The rate of conviction of cases prosecuted, according to the US State Department, was relatively low at 13-16% (see [Police service](#)).
- 2.2.3 The KPS is subject to government oversight and control but its implementation is variable and there are reports of police officers using excessive force and torture, and of some unlawful killings. The government has mechanisms in place to investigate police abuses and has prosecuted some KPS members resulting in convictions - in 2014 two police officers were convicted of manslaughter. However, despite progress in police

oversight, abuse and impunity remains ongoing concerns (see [Police service](#); [Abuses by the police](#); and [Police oversight bodies](#)).

- 2.2.4 The law provides for an independent judiciary and the government generally respected judicial independence. The law also provides for the right to a fair public trial and the government generally respected this right. The law provides for a presumption of innocence, and defendants have the right to attend their trials, and present witnesses and evidence in their defence. However, there continue to be allegations of judicial corruption which, combined with high court fees, undermines the courts' effectiveness (see [Judiciary - Independence](#) and [Judiciary - Fair trial](#)).
- 2.2.5 Whilst each case must be determined on its own facts, in general, a person fearing non-state actors is likely to be able to obtain state protection. The onus is on the person to demonstrate that the state is not willing and able to provide effective protection.
- 2.2.6 For further guidance on considering protection and the factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). For claims involving women, see the [Asylum Instruction on Gender Issues in Asylum Claims](#).

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2.3 Internal relocation

- 2.3.1 Kenya has a total area of 580,367 sq km (more than twice the size of the UK) and includes the large cities of Nairobi and Mombassa. The population is over 47 million (see [Geography](#) and [Demography](#)).
- 2.3.2 The constitution and law provides for freedom of movement within Kenya, and the government generally respects this in practice (see [Freedom of movement](#)).
- 2.3.3 In general, where the threat is from non-state agents, internal relocation to another area of Kenya is likely to be reasonable, depending on the nature and origin of the threat, and the individual circumstances of the person.
- 2.3.4 Women and girls face discrimination and restrictions in their social and economic rights, and may find relocation more difficult than men (see [Women](#)).
- 2.3.5 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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3. History

- 3.1.1 For a brief overview of Kenya's history, see the BBC's [Kenya country profile](#)¹, updated on 31 January 2018.

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4. Economy

- 4.1.1 The World Bank 'Overview' on Kenya, updated on 10 October 2017, noted:

'After faltering in 2008, economic growth has resumed, reaching 5.8% in 2016 to place Kenya as one of the fastest growing economies in Sub-Saharan Africa. This expansion was boosted by a stable macroeconomic environment, low oil prices, a rebound in tourism, strong remittance inflows, and government-led infrastructure development initiatives.

'Looking ahead, near-term GDP growth is expected to decelerate to 5.5% in 2017 because of drought, weak credit growth, security concerns, and a rise in oil prices. Medium-term GDP growth should rebound to 5.8% in 2018 and 6.1% in 2019 respectively, depending on the completion of ongoing infrastructure projects, the resolution of slow credit growth, and the strengthening of the global economy and tourism.

'In the long-term, the adoption of prudent macroeconomic policies will help safeguard Kenya's robust economic performance. This includes the implementation of fiscal and monetary prudence and lowering the deficit down to 4.3% by FY19/20, as per the Medium Term Fiscal Framework. Fiscal consolidation needs to avoid compromising public investment in critical infrastructure key to unlocking the economy's productive capacity.'²

- 4.1.2 See also the Kenya section of the US Social Security Administration '[Social Security Programs Throughout the World: Africa, 2017](#)', which provides information about Kenya's pensions, disability, sickness and maternity financial benefits.

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5. Geography

5.1 Land area, main cities and counties

- 5.1.1 Kenya has a total geographical area of 580,367 sq km, with a coastline of 536 km, and has land borders with Ethiopia, Somalia, South Sudan, Tanzania, and Uganda³.

¹ BBC News, 'Kenya country profile', 31 January 2018, <http://www.bbc.co.uk/news/world-africa-13681341>. Accessed: 1 February 2018

² World Bank, 'The World Bank in Kenya – Overview', updated on 10 October 2017, <http://www.worldbank.org/en/country/kenya/overview>. Accessed: 15 January 2018

³ Central Intelligence Agency (CIA), Geography, 'Kenya', 24 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>. Accessed: 1 February 2018

5.1.2 Kenya is divided into 47 counties, which are:

‘...Baringo, Bomet, Bungoma, Busia, Elgeyo/Marakwet, Embu, Garissa, Homa Bay, Isiolo, Kajiado, Kakamega, Kericho, Kiambu, Kilifi, Kirinyaga, Kisii, Kisumu, Kitui, Kwale, Laikipia, Lamu, Machakos, Makueni, Mandera, Marsabit, Meru, Migori, Mombasa, Murang'a, Nairobi City, Nakuru, Nandi, Narok, Nyamira, Nyandarua, Nyeri, Samburu, Siaya, Taita/Taveta, Tana River, Tharaka-Nithi, Trans Nzoia, Turkana, Uasin Gishu, Vihiga, Wajir, West Pokot.’⁴

5.1.3 The main cities and towns in Kenya are: Nairobi, Mombasa, Nakuru, Eldoret, Kisumu, Ruiru, Thika, Malindi, Kitale, Bungoma, Kakamega, Garissa, Kilifi, Mumias, Meru, Nyeri, Wajir, Lamu and Marsabit.⁵

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5.2 Map

5.2.1 For a map showing the location of the main cities and towns, rivers, roads, railways and airports - see the ‘Maps of World’ [map of Kenya](#).⁶

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5.3 Transport infrastructure

5.3.1 On 25 August 2017, the Commonwealth website stated that Kenya had:

‘61,950 km of roads, 14 per cent paved, and around 1,920 km of railway. The main railway line runs between Mombasa and Nairobi, and branch lines connect with Taveta on the Tanzanian border in the south and Kisumu on Lake Victoria in the west.

‘Mombasa is the chief port for Kenya and an important regional port, handling freight for and from Uganda, Rwanda, Burundi and the Democratic Republic of Congo, including a substantial volume of food aid. Ferries ply the coast between Mombasa, Malindi and Lamu.

‘Jomo Kenyatta International Airport is 13 km south-east of Nairobi. Moi International is 13 km west of Mombasa.’⁷

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6. Demography

6.1 Population

6.1.1 Kenya has an estimated population of 47,615,739 (July 2017 est.). Its population growth rate is 1.7 per cent (2017 estimate). The largest cities are Nairobi (3.9 million) and Mombassa (1.1 million)⁸.

⁴ Central Intelligence Agency (CIA), Government, ‘Kenya’, 24 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>. Accessed: 1 February 2018

⁵ The Commonwealth, ‘Kenya’, undated, <http://thecommonwealth.org/our-member-countries/kenya>. Accessed: 25 August 2017

⁶ Maps of World, ‘Kenya’, 19 April 2014, <https://www.mapsofworld.com/kenya/>. Accessed 25 August 2017

⁷ The Commonwealth, ‘Kenya’, undated, <http://thecommonwealth.org/our-member-countries/kenya>. Accessed: 25 August 2017

⁸ Central Intelligence Agency (CIA) ‘World Factbook’, People and Society, ‘Kenya’, 24 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>. Accessed: 1 February 2018

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6.2 Ethnic groups

- 6.2.1 The Central Intelligence Agency (CIA) 'World Factbook' stated that the Kenyan population is made up of the following ethnic groups: 'Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Kisii 6%, Meru 6%, other African 15%, non-African (Asian, European, and Arab) 1%.'⁹

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6.3 Religious groups

- 6.3.1 The United States State Department 'International Religious Freedom Report for 2016', published on 17 August 2017, stated:

'... approximately 83 percent [of the population] is Christian and 11 percent Muslim. Groups constituting less than 2 percent of the population include Hindus, Sikhs, and Bahais. Much of the remaining 4-5 percent of the population adheres to various traditional religious beliefs. Protestants account for 48 percent of the population, Roman Catholics 23 percent, and other Christian denominations, including evangelical Protestants and Pentecostals, 12 percent. Most of the Muslim population lives in the northeast and coastal regions, where religion and ethnicity (Somali and Mijikenda, respectively) are often linked. There are approximately 280,000 refugees and asylum seekers in the Dadaab refugee camps, most of whom are ethnic Somali Muslims. There are approximately 160,000 refugees in the Kakuma refugee camp, including Somalis, South Sudanese, and Ethiopians, who practice a variety of religions.'¹⁰

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6.4 Languages

- 6.4.1 Languages spoken in Kenya include English (official), Kiswahili (official), as well as numerous indigenous languages.¹¹

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7. Political system

7.1 Constitution

- 7.1.1 Kenya's constitution was last revised constitution in 2010. It is the supreme law of Kenya and is binding on all persons and all state institutions.¹²

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⁹ Central Intelligence Agency (CIA) 'World Factbook', People and Society, 'Kenya', 24 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>. Accessed: 1 February 2018

¹⁰ United States State Department, 'International Religious Freedom Report for 2016', section 1, Religious Demography, Kenya, 17 August 2017, <https://www.state.gov/documents/organization/268904.pdf>. Accessed: 22 August 2017

¹¹ Central Intelligence Agency (CIA) 'World Factbook', People and Society, 'Kenya', 24 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>. Accessed: 1 February 2018

¹² Kenyalaw.org, 'Laws of Kenya', Constitution of Kenya 2010, <http://www.kenyalaw.org/lex/actview.xql?actid=Const2010>. Accessed: 5 September 2017

7.2 Organisation and structure

- 7.2.1 The President is head of state and the government, and is elected by a qualified majority (50% + 1 of the national vote, plus 25% vote in at least 50% of counties) to serve a 5-year term¹³.
- 7.2.2 Kenya has a bicameral parliament (Bunge) consisting of a 67-seat Senate and 349-seat National Assembly. Members of both chambers are elected by a qualified plurality to serve 5-year terms. Of the 67 Senate seats, 47 are elected by the 47 districts or counties; 16 seats are reserved for women; 2 members representing the youth; and 2 members representing disabled people¹⁴.

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7.3 Elections

- 7.3.1 The USSD 'Country Report on Human Rights Practices for 2016' stated: 'The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.' The same source noted that international observers considered the 2013 national elections to be general free and fair, although some members of civil society claimed that there had been 'irregularities and questioned the results.'¹⁵
- 7.3.2 Presidential and parliamentary elections were held in August 2017, but the Supreme Court annulled these, finding they were marred by 'irregularities and illegalities'. The elections were re-run in October but boycotted by the main opposition, the National Super Alliance (Nasa) (whose presidential candidate was Raila Odinga). The incumbent, President Kenyatta, won the re-run with 98% of the vote from a turnout of 39%.¹⁶
- 7.3.3 Two petitions were brought challenging the re-run results but were dismissed by the Supreme Court on 20 November 2017, thus opening the way for Mr Kenyatta to remain in office. The opposition claimed the ruling had been made under duress and that it would not recognise the new government¹⁷.
- 7.3.4 Further information on the election and its aftermath is available on the [BBC website](#).

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¹³ Election Guide, 'Republic of Kenya', undated, <http://www.electionguide.org/countries/id/112/>. Accessed 27 November 2017

¹⁴ Election Guide, 'Republic of Kenya', undated, <http://www.electionguide.org/countries/id/112/>. Accessed 27 November 2017.

¹⁵ United States State Department (USSD), 'Country Report on Human Rights Practices for 2016', section 3, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

¹⁶ BBC News, 'Kenya Supreme Court upholds Uhuru Kenyatta poll win', 20 November 2017, http://www.bbc.co.uk/news/world-africa-42050812?intlink_from_url=http://www.bbc.co.uk/news/topics/cm6pmm4v266t/kenya-general-election-2017&link_location=live-reporting-story. Accessed 27 November 2017.

¹⁷ BBC News, 'Kenya Supreme Court upholds Uhuru Kenyatta poll win', 20 November 2017, http://www.bbc.co.uk/news/world-africa-42050812?intlink_from_url=http://www.bbc.co.uk/news/topics/cm6pmm4v266t/kenya-general-election-2017&link_location=live-reporting-story. Accessed 27 November 2017

7.4 Political parties

- 7.4.1 The Freedom House 'Freedom in the World 2017' report, covering events that took place in 2016, noted 'Citizens are free to organize into political parties that represent a range of ideological, regional, and ethnic interests, but Kenyan parties are notoriously weak, often amalgamated into coalitions designed only to contest elections. Under the Political Parties Act, parties that receive at least 5 percent of the votes cast in a national election are eligible for public funds.'¹⁸
- 7.4.2 See the CIA 'World Factbook' [Political Parties and Leaders](#) for a list of the main political parties in Kenya.

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8. Security forces

8.1 Police service

- 8.1.1 The USSD 'Country Report on Human Rights Practices for 2016', stated:
'The National Police Service (NPS) maintains internal security and is subordinate to the Ministry of Interior and Coordination of National Government (Interior).
'The NPS includes the Kenya Police Service and the Administration Police Service. The Kenya Police Service is responsible for general policing and maintains specialized subunits, such as the paramilitary General Services Unit, which is responsible for responding to significant and large-scale incidents of insecurity and guarding high-security facilities. The Administration Police Service's mandate is border security, but it also assumed some traditional policing duties. The Directorate of Criminal Investigation is an autonomous department responsible for all criminal investigations and includes specialized investigative units, such as the Antinarcotics Unit, the Antiterrorism Police Unit, and the Forensics Unit.'¹⁹
- 8.1.2 The same USSD report noted:
'Police corruption remained a significant problem. Human rights NGOs reported that police often stopped and arrested citizens to extort bribes; they jailed, on trumped-up charges, those who could not pay and sometimes beat them. During police vetting conducted by the NPSC, multiple police officers were exposed as having the equivalent of hundreds of thousands of dollars in their bank accounts, far exceeding what would be possible to save from their salaries. Mobile money records showed that some officers also transferred money to superior officers. Media and civil society groups reported that police used illegal confinement, extortion, physical abuse, and fabricated charges to accomplish law enforcement objectives as well as to facilitate illegal activities.
'Police failed to prevent vigilante violence in numerous instances but in other cases played a protective role [...]

¹⁸ Freedom House, 'Freedom in the World 2017', Kenya, 31 January 2017, <https://freedomhouse.org/report/freedom-world/2017/kenya>. Accessed: 5 September 2017

¹⁹ USSD, 'Country Report on Human Rights Practices for 2016', section 1d, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

‘Poor casework, incompetence, and corruption undermined successful prosecutions; the overall conviction rate for criminal prosecutions was between 13 and 16 percent. Police also frequently failed to enter detainees into custody records, making it difficult to locate them. Dispute resolution at police stations resolved a significant number of crimes, but authorities did not report or record them, according to human rights organizations.

‘Witness harassment and fear of retaliation severely inhibited the investigation and prosecution of major crimes. The Witness Protection Agency was underfunded, doubts about its independence were common [...], and the Supreme Court cited its weaknesses as a serious judicial shortcoming. It cooperated closely with IPOA and other investigative bodies.

‘Human rights activists reported that at times police officers in charge of taking complaints at the local level were the same ones who committed abuses. Police officials resisted investigations and jailed some human rights activists for going to a police station to make a complaint. In August, Kayole police chief Ali Nuno allegedly assaulted and detained an IPOA officer sent to deliver to him a summons for an investigation into allegations of Nuno’s abuse of office.

‘Research by a leading legal advocacy and human rights NGO found police used disciplinary transfers of officers to hide their identities and frustrate investigations into their alleged crimes. Many media and civil society investigations into police abuse ended after authorities transferred officers, and police failed to provide any information about their identities or new whereabouts.’²⁰

8.1.3 The USSD report added that:

‘The [National Police Service Commission] NPSC continued transitional vetting of all serving police officers. Vetting required an assessment of each officer’s fitness to serve based on a review of documentation, including financial records, certificates of good conduct, and a questionnaire, as well as consideration of public input regarding allegations of abuse or misconduct. By September [2016] the NPSC had vetted nearly 3,000 officers, of whom 919 were vetted during the year. All of the officers vetted during the year were from the traffic department, which has a reputation for extensive corruption. Nearly 50 officers were removed from the service based on 2015 vetting. Removals based on the year’s vetting had not been announced as of October 25 [2016]. Some legal challenges brought by officers vetted out of the service continued in court.’²¹

8.1.4 The United States State Department (USSD) Overseas Security Advisory Council (OSAC) ‘Kenya 2017 Crime & Safety Report’, dated 27 April 2017, stated: ‘The Kenyan Police Service (KPS) response has improved in recent years. Police often lack equipment, resources, training, and personnel to respond to calls for assistance or other emergencies. The likelihood of the

²⁰ USSD, ‘Country Report on Human Rights Practices for 2016’, section 1d, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

²¹ USSD, ‘Country Report on Human Rights Practices for 2016’, section 1d, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

police responding to an incident can depend on availability of personnel and vehicles. Police often lack resources and training in solving serious crimes.’²²

- 8.1.5 A Usalama Reforms Forum report, published by the ‘Safer World’ NGO, ‘A decade of police reforms and the future of policing in Kenya’, dated 18 June 2015, stated:

‘Today policing in Kenya takes place in an economic, social, and political context that has radically changed since 2004, when reforms began. The Government now spends Ksh. 67 billion on policing compared to Ksh. 27 billion in 2004. The Service is much bigger than ever before, the number of police officers has grown from 44,000 to 89,000, the number of police stations has grown from 340 to 547, and the subject of policing dominates public debate.’²³

- 8.1.6 The same Usalama Reforms Forum report also stated:

‘It has been ten years since the Government began reform of the police in 2004. Since then, there has been a significant transformation in policing, including increasing the number of police officers in both services, bringing in new technology into policing, and new developments in local policing through community policing and nyumba kumi initiatives. We have also seen gender and children reporting desks introduced (desks set aside at the police station with an officer manning the same to help tackle cases and reports on gender issues and children issues professionally) and victim-oriented report offices in many police stations that specifically provide support for cases affecting children and victims of genderbased violence.

‘When reforms began, many Kenyans regarded the police as ineffective, and levels of trust in them were very low...

‘Large resources have been devoted towards a modernisation programme and some progress has been made.

‘Yet amid reform process, the police have been constantly criticised for failing to deliver against the needs and expectations of communities across the country. Some criticism is justified. The Service has struggled to transform its image and overcome the factors that constrain its improvement and development, including breaking away from bad legacies of its colonial heritage.’²⁴

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²² USSD, Overseas Security Advisory Council (OSAC) ‘Kenya 2017 Crime & Safety Report’, 27 April 2017, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=21731>. Accessed: 6 September 2017

²³ ‘Safer World’, Usalama Reforms Forum, ‘A decade of police reforms and the future of policing in Kenya’, Chapter 1, 18 June 2015, <file://poise.homeoffice.local/Home/WRHB/Users/JESHRAS/Downloads/a-decade-of-police-reforms-and-the-future-of-policing-in-kenya.pdf>. Accessed: 20 October 2017

²⁴ ‘Safer World’, Usalama Reforms Forum, ‘A decade of police reforms and the future of policing in Kenya’, Chapter 2, 18 June 2015, <file://poise.homeoffice.local/Home/WRHB/Users/JESHRAS/Downloads/a-decade-of-police-reforms-and-the-future-of-policing-in-kenya.pdf>. Accessed: 20 October 2017

8.2 Abuses by the police

8.2.1 The USSD 'Country Report on Human Rights Practices for 2016' stated:

'There were numerous allegations the government or its agents committed arbitrary and unlawful killings, particularly of known or suspected criminals, including terrorists. On September 7, the nongovernmental organization (NGO) Independent Medico Legal Unit reported 114 cases of individuals killed by police between January and August, including 101 individuals who were allegedly executed extrajudicially and 13 individuals who were killed in unclear circumstances. Some groups alleged authorities significantly underestimated the number of extrajudicial killings due to underreporting of security force killings in informal settlements, including those in dense urban areas. From January to September 22, IPOA [Independent Policing Oversight Authority] received 62 complaints regarding deaths resulting from police actions, including 28 fatal shootings involving police and 34 deaths due to other actions by police. Of these, IPOA referred one to the ODPP [Office of the Director of Public Prosecutions], based on conclusive investigations. From the 7,169 complaints IPOA received against police since its inception, authorities were trying 30 cases as of October 25...

'In July, four police officers were charged with the homicides of International Justice Mission (IJM) investigator and lawyer Willie Kimani, IJM client Josphat Mwenda, and their driver Joseph Muiruri; the three went missing after Kimani filed a case against a police officer on behalf of Mwenda. Their severely tortured bodies were recovered from a river a week later. The case prompted demonstrations by lawyers and members of civil society across the country calling for an end to extrajudicial killings by police. In September a fifth police officer was charged.'²⁵

8.2.2 The USSD 'Country Report on Human Rights Practices for 2016' added:

'Observers and NGOs suspected members of the security forces were culpable of forced disappearances. On the August 30 commemoration of the International Day of the Victims of Enforced Disappearances, 15 international and local human rights organizations released a joint press statement calling on the government to acknowledge the practice of abductions by security agencies. The statement also reported that human rights organizations documented more than 300 cases of individuals who had gone missing while in the hands of security agencies since 2009. The Star, a daily newspaper, reported on August 31 that more than 100 citizens had disappeared during the year, and it cited NGO Haki Africa claims of 78 killings and enforced disappearances in the prior two months in Mombasa County.'²⁶

8.2.3 The International Federation for Human Rights (FIDH) and Kenya Human Rights Commission (KHRC) joint report of July 2017, 'Kenya's scorecard on security and justice: Broken promises and unfinished business', stated:

²⁵ USSD, 'Country Report on Human Rights Practices for 2016', section 1a, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

²⁶ USSD, 'Country Report on Human Rights Practices for 2016', section 1a, Kenya, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

'Extra-Judicial Killings and Executions have bedeviled security forces and the legacy of the Kenyatta and his predecessors' regimes. Even more worrying is the fact that killings by the police without justification seem to have been normalized and generally accepted as a normal state of affairs in dealing with insecurity or to curb crime. Under the Jubilee administration, 141 persons were killed by the police in 2015 while 204 were killed in 2016 and a further 80 persons as at 28 June 2017. There has also been a pattern that suggests that these killings almost often target youthful persons from low income areas. The rising cases of extrajudicial killings and summary executions have been the subject of concern with the African Commission on Human and People's Rights (ACHPR) which recently issued a Letter of Appeal on 26 May 2017. The Letter expressed concern over the "widespread patterns of extrajudicial killings implicating the police in Kenya and the equally unsettling lack of investigation and prosecution of such cases of extra-judicial killings." ²⁷

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8.3 Police oversight bodies

8.3.1 The USSD 'Country Report on Human Rights Practices for 2016' stated:

'The governmental Independent Policing Oversight Authority (IPOA), established to provide civilian oversight over the work of police, investigated numerous cases of misconduct. Impunity at all levels of government continued to be a serious problem, despite public statements by the president and deputy president and police and judicial reforms. The government took only limited and uneven steps to address cases of alleged unlawful killings by security force members, although IPOA continued to increase its capacity and referred cases of police misconduct to the Office of the Director of Public Prosecution (ODPP) for prosecution. Impunity in cases of alleged corruption was also common, although President Kenyatta continued his anticorruption campaign launched in March 2015, and the inspector general of police continued his strong public stance against corruption among police officers. In November 2015 the president reshuffled his cabinet in response to corruption allegations against several cabinet secretaries.' ²⁸

8.3.2 The USSD 'Country Report on Human Rights Practices for 2016' also stated:

'The National Police Service Commission (NPSC) and IPOA, both government bodies, report to the National Assembly. The NPSC consists of six civilian commissioners, including two retired police officers, as well as the NPS inspector general's two deputies. Two commissioner positions remained vacant despite requests from the NPSC and public pressure to fill those positions. The NPSC is responsible for recruiting, transferring, vetting, promoting, and removing police officers in the National Police

²⁷ International Federation for Human Rights and Kenya Human Rights Commission, 'Kenya's scorecard on security and justice: Broken promises and unfinished business', page 17, July 2017, https://www.fidh.org/IMG/pdf/report_kenya_fidh_khrc.pdf. Accessed 10 January 2018

²⁸ USSD, 'Country Report on Human Rights Practices for 2016', Executive Summary, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

Service. IPOA investigates serious police misconduct, especially cases of death and grave injury at the hands of police.

‘Impunity was a major problem. Authorities sometimes attributed the failure to investigate a case of police corruption or unlawful killing to the failure of victims to file official complaints. Victims could file complaints at regional police stations, police headquarters through the Internal Affairs Unit (IAU), and through the IPOA website and hotline. Sometimes police turned away victims who sought to file complaints at police stations where alleged police misconduct originated, and instead directed them to other area stations. This created a deterrent effect on reporting complaints against police. NGOs documented threats against police officers who attempted to investigate criminal allegations against other police officers.’²⁹

8.3.3 The USSD ‘Country Report on Human Rights Practices for 2016’ further stated:

‘During the year police accountability mechanisms, including those of IPOA and the IAU, increased their capacity to investigate cases of police abuse. The IAU acting director reported directly to the inspector general of police. Close to 70 officers served in the unit, mostly investigators with a background in the Kenya Police Service and the Administration Police Service. The IAU handles allegations of bribery, harassment, and indiscipline.

‘Between January and June, IPOA received six reports of deaths and one report of serious injury caused by NPS officers, which is legally required to report all deaths to IPOA. IPOA repeatedly expressed its concern about the lack of compliance with this legal requirement. Since its inception in 2012, IPOA had received 219 reports of deaths in addition to 89 reports of serious injuries.

‘The ODPP is empowered to direct the inspector general to investigate any information or allegation of criminal conduct and to institute criminal proceedings in police abuse or corruption cases.

‘Between January and June, IPOA received 1,326 complaints, bringing the total since its inception to 7,835. In the same six-month period, IPOA completed 94 complaints, 13 of which were death cases. In the previous four years, IPOA completed 321 cases and referred 66 to the ODPP for prosecution. Of those 66 cases, 35 cases were before the courts. In April IPOA secured its first manslaughter conviction, against two police officers who killed a 14-year-old girl in Kwale in 2014.’³⁰

8.3.4 Freedom House, in its assessment of government between January 2013–July 2016, observed: ‘The Independent Policing Oversight Authority (IPOA), the Kenya National Commission on Human Rights (KNCHR) and the Commission on Administrative Justice have been successful in highlighting

²⁹ USSD, ‘Country Report on Human Rights Practices for 2016’, section 1a, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 6 September 2017

³⁰ USSD, ‘Country Report on Human Rights Practices for 2016’, section 1d, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

human rights abuses, but lack the prosecutorial powers necessary to curtail them.’³¹

8.3.5 The International Federation for Human Rights (FIDH) and Kenya Human Rights Commission (KHRC) joint report, ‘Kenya’s scorecard on security and justice: Broken promises and unfinished business’, stated:

‘Police oversight as envisioned in law is two-pronged. The Independent Policing Oversight Authority (IPOA) provides external civilian-led oversight whereas the Internal Affairs Unit (IAU) within the National Police Service Commission (NPSC) offers internal oversight of police conduct. Moreover, the NPSC is mandated to carry out vetting of police officers and to take or recommend necessary measures to ensure accountability and removal from the service of officers whose conduct is found to be in violation of the Constitution, other relevant laws as well as the police standard operating procedures and regulations...

‘As at December 2016, IPOA has completed investigations of a paltry 465 of the total 8,232 complaints received since its inception. This means that about 94% of the complaints made to the Authority remain unaddressed. IPOA concedes that this backlog was occasioned by the fact that as soon as IPOA was established, complaints were already being made before the set up and operationalization of the secretariat.

‘The IPOA also faced other challenges in its operations such as reduced budgetary allocation from the government as well as high staff turnover. According to the IPOA performance report, 40% of the complaints were concentrated in Nairobi. As at May 2017, there were over 60 police officers facing criminal prosecution and two convictions. In 2016 two police officers were found guilty of manslaughter and were sentenced to 7 years’ imprisonment.’³²

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8.4 Armed forces

8.4.1 The USSD report for 2016 observed:

‘The Kenya Defense Forces are responsible for external security but have some domestic security responsibilities, including border security and supporting civilian organizations in the maintenance of order, as allowed by the constitution. The defense forces are subordinate to the Ministry of Defense. In September 2015 the defense forces and police launched a coordinated operation to drive al-Shabaab terrorists out of the Boni Forest in northern Lamu and southern Garissa Counties; the operation continued as of October.’³³

³¹ Freedom House, Government Assessment, ‘Kenya: January 2013 – July 2016’, July 2016, <https://freedomhouse.org/report/special-reports/governance-assessment-kenya-january-2013-july-2016#.Wh2MHIXXLpA>. Accessed: 28 November 2017

³² International Federation for Human Rights and Kenya Human Rights Commission, ‘Kenya’s scorecard on security and justice: Broken promises and unfinished business’, pages 31-32, July 2017, https://www.fidh.org/IMG/pdf/report_kenya_fidh_khrc.pdf. Accessed: 10 January 2018

³³ USSD, ‘Country Report on Human Rights Practices for 2016’, section 1d, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

8.4.2 The Defence Web (which provides information about African armed forces), accessed on 7 September 2017, provided the following information:

'Kenya's armed forces are considered to be the most powerful in East and Central Africa. They are highly competent and experienced, as they have fought in neighbouring Somalia and have taken part in numerous peacekeeping operations.

'Kenya's Navy is the best equipped force on the East African coast, benefitting from regular training and assistance from countries like the United States, UK, France and South Africa, something that has proven useful in combating piracy, maritime crime and al Shabaab militants in neighbouring Somalia.

'Kenya is one of the top ten defence spenders in Africa, resulting in a well-equipped military force that has received a large amount of new equipment over the last several years, including small arms, aircraft, ships and armoured vehicles.'³⁴

8.4.3 Jane's Defence and Intelligence website, updated on 9 October 2017, stated:

'The Kenyan Army, with its headquarters in Nairobi, is tasked with the defence of national frontiers. It has a role in support of the civil and paramilitary police, especially in some of the more remote regions of the country. The army has also undertaken tasks such as enforcing the disarmament of local communities and preventing ethnic conflict...

'The army is the dominant service within the Kenyan military, comprising more than 80% of the KDF's strength. Kenya's army is made up of various formations and services including infantry, armour, artillery, paratroopers, engineers, and an air cavalry battalion (50 Air Cavalry Battalion)...

'The Kenyan Army is by far the largest of the three armed services with total strength of around 20,000, although this is the smallest land force in comparison with its East African neighbours.

'Kenya does not have a conscription policy. The voluntary age for recruitment is 18, although under the Armed Forces Act there is provision for the enlistment of underages [sic] with the consent of parents, guardians, or the district commissioner. There is a commitment to increase the number of women in the army, in line with the government policy of gender balance. Female soldiers are considered for appointments and promotion on an equal basis with their male colleagues and can be sent on UN missions abroad.

'Members of the Kenyan Armed Forces are paid a competitive wage and jobs in the military are much sought after. Besides a wage, a welfare package is provided to families of service personnel. It provides funding

³⁴ Defence Web, 'Kenya Defence Forces', 9 July 2013, http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=31108:kenya-defence-forces&catid=119:african-militaries. Accessed: 6 September 2017

and sponsorship for general education including pre-school and public primary schools located in the military camps.’³⁵

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9. Judiciary

9.1 Structure

9.1.1 The website of Kenya’s judiciary sets out the structure of the court system:

‘The courts under the Constitution operate at two levels, namely; Superior and Subordinate courts.

‘1. Superior Courts

- a) Supreme Court,
- b) Court of Appeal,
- c) High Court,
- d) An Employment and Labour Relations Court and;
- e) A court to hear matters concerning the Environment, and the use of, occupation of and title to land.

‘2. Subordinate Courts

- a) Magistrates’ Courts
- b) Kadhis Courts
- c) Court Martial, and
- d) Any other court or local Tribunal established by an Act of Parliament.’³⁶

9.1.2 For more information about the courts and areas of responsibility, see the [Kenya Judiciary website](#).

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9.2 Independence

9.2.1 The Freedom House report covering 2016 opined that: ‘The 2010 constitution enhanced the independence of the judiciary, but Kenya has struggled to entrench the rule of law in practice.’³⁷ However, Freedom House also observed in its assessment of government performance between January 2013 and July 2016 that:

‘Kenya’s Judiciary is robust and has made strides toward greater independence, effectiveness, and fairness in recent years. The courts have been a critical defender of civil rights, blocking implementation of repressive legislation and ruling in favor of individuals and CSOs in their disputes with the government. However, high court fees and allegations

³⁵ Jane’s Sentinel Risk Assessment, Kenya Army - Executive Summary, updated on 9 October 2017, [available to subscribers only] www.janes.com. Accessed: 20 October 2017

³⁶ Kenya government, The Judiciary, ‘Courts overview’, undated, <http://www.judiciary.go.ke/portal/page/courts-overview>. Accessed: 28 November 2017.

³⁷ Freedom House, ‘Freedom in the World 2017’, Kenya, 31 January 2017, <https://freedomhouse.org/report/freedom-world/2017/kenya>. Accessed: 28 November 2017.

of corruption within the judiciary undermine judicial independence and effectiveness. Executive interference in the judiciary also remains a challenge. The executive routinely disregards binding court orders.’³⁸

9.2.2 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘The constitution provides for an independent judiciary. Reform of the judiciary continued during the year. The judiciary demonstrated independence and impartiality, but there were media and other allegations of significant judicial corruption. Authorities generally respected court orders, and the outcomes of trials did not appear to be predetermined.

‘The Judicial Services Commission--a constitutionally mandated oversight body intended to insulate the judiciary from political pressure--provides the president with a list of nominees for judicial appointment. The president selects one of the nominees for parliamentary approval. The president appoints the chief justice and appellate and High Court judges through this process. The commission publicly reviews judicial appointees.’³⁹

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9.3 Fair trial

9.3.1 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘The law provides for the right to a fair public trial, although individuals may give some testimony in closed session; the independent judiciary generally enforced this right. The law provides for a presumption of innocence, and defendants have the right to attend their trials, confront witnesses, and present witnesses and evidence in their defense. The law also provides defendants the right to receive prompt and detailed information of the charges against them, with free interpretation if necessary; to be tried without undue delay; to have access to government-held evidence; and not to be compelled to testify or confess guilt. Authorities generally respected these rights, although they did not always promptly inform persons of the charges against them. Sentencing Policy Guidelines, a policy document drafted by the Judicial Task Force on Sentencing, was launched by the chief justice on January 25.’⁴⁰

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10. Death penalty

10.1.1 The Amnesty International (AI) report, ‘Death Sentences and Executions 2016’, published in 2017, stated that: ‘In Kenya at least 24 death sentences were imposed. No executions were carried out; Kenya has not carried out

³⁸ Freedom House, Government Assessment, ‘Kenya: January 2013 – July 2016’, July 2016, <https://freedomhouse.org/report/special-reports/governance-assessment-kenya-january-2013-july-2016#.Wh2MHIXLpA>. Accessed: 28 November 2017

³⁹ USSD, ‘Country Report on Human Rights Practices for 2016’, section 1e, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 20 June 2017

⁴⁰ USSD, ‘Country Report on Human Rights Practices for 2016’, section 1e, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

an execution since 1987. On 24 October President Uhuru Kenyatta commuted the death sentences of 2,747 people to life imprisonment.’⁴¹

- 10.1.2 The Cornell Centre on the Death Penalty Worldwide website stated that the crimes punishable by death are murder, robbery committed with violence, and treason. In addition, some military offences, namely – ‘treachery, spying, aiding the enemy, assisting the enemy with intelligence information, misconduct in action by others, mutiny, and unlawfully advocating for a change of government are all death-eligible offenses for members of the Kenya Defence Forces.’ The website also described Kenya as ‘abolitionist de facto’, as there has not been a state execution since 1987. The death penalty cannot be imposed on pregnant women, persons who were under the age of 18 at the time of the offence, and insane persons.⁴²

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11. Corruption

- 11.1.1 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘The law, including the criminal code, the Anticorruption and Economic Crimes Act (revised 2011), and the Leadership and Integrity Act (2012), provides criminal penalties for official corruption. Despite some progress in fighting corruption during the year, the government did not implement these laws effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year, including land seizures, conflicts of interest in government procurement, favoritism and nepotism, and bribery.’⁴³

- 11.1.2 A Kenyan ‘Standard’ report, ‘Survey: Kenya ranked third most corrupt country in the world’, dated 27 February 2016, stated:

‘Kenya is the third most corrupt country in the world. This is according to a survey on prevalence of economic crimes released in Nairobi yesterday by audit firm PriceWaterhouseCoopers (PwC).

‘According to the survey, Kenya only fared better than South Africa and France. The findings come a day after President Uhuru Kenyatta said Kenyans were experts in stealing, whining and perpetuating tribalism. The President said this while addressing Kenyans who live in Israel...

‘The audit firm found that Kenya beat the rest of the world in economic crimes such as embezzlement, bribery and procurement fraud.

‘More worrying from the survey is the declining confidence in the ability of law enforcers to deal with these crimes...

⁴¹ Amnesty International (AI), ‘Death Sentences and Executions 2016’, April 2017, <https://www.amnesty.org/download/Documents/ACT5057402017ENGLISH.PDF>. Accessed: 5 September 2017

⁴² Cornell Centre on the Death Penalty Worldwide, Kenya, 13 June 2014, <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Kenya>. Accessed: 20 October 2017

⁴³ USSD, ‘Country Report on Human Rights Practices for 2016’, section 4, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 5 September 2017

'The report comes amid growing public anger over the wanton theft of public resources following revelations over the loss of Sh791 million at the National Youth Service (NYS)...

'Embezzlement was the most predominant economic crime in Kenya, the survey noted.

'Three out of four of the respondents in the PwC survey had encountered a case of embezzlement — an indication of the level of theft by employees or State officials. Weak systems predispose Kenya's public resources to pilferage by government officials, as reported in the latest report of the Auditor General.

'A rather shocking finding was that only one per cent of Kenya's national budget for the previous financial year had been properly accounted for...

'Half of Kenyan respondents in the PwC survey reported to have witnessed or given a bribe, in prevalence rates that are double the global average...

'The PwC survey says rates of economic crimes in Kenya had dramatically risen to 17 per cent in just one year, catapulting the country to position three globally, seven percentage points behind South Africa.

'Sixty-one per cent of the respondents from 99 organisations spanning different economic sectors said they had suffered some form of economic crimes in the last 24 months — a nine per cent increase from 2014's 52 per cent...

'And in a foreboding statistic, Kenya topped the list of countries where respondents had little faith in their law enforcement agencies. Seventy-two per cent of respondents said that their law enforcement agencies were not well equipped to combat what is fast turning into a national crisis. This was against the global average of 44 per cent.

'Most organisations would rather discipline the culprit internally with the eventual sanction losing their jobs, it was noted.

'The most prevalent form economic crime in the country is asset misappropriation which involves the theft or embezzlement of company assets by directors, trustees or employees. This remains unchanged for the last eight years.

'And 72 per cent of respondents reported having experienced this form of economic crime in the last 24 months. Even more disquieting, 68 per cent of the respondents expressed fear that they would experience asset misappropriation in the next 24 months...

'The second most prevalent form of economic crime in the country is bribery and corruption, with 47 per cent reporting having experience the vice in the last 24 years.

'According to the survey 61 per cent of respondents believe that corruption and bribery were likely to occur in their organisations in the next 24 months. Only 46 per cent believe that the top level management perceives bribery as an illegitimate practice...

‘Procurement fraud, especially at the initial bidding stage, was the third most prevalent economic crime in the country with 37 per cent of respondents saying they experienced it in the last 24 months. The report noted that corruption and bribery and procurement fraud in Kenya are “usually in tandem”.

‘Accounting fraud, in which books of accounts are cooked, and cybercrimes were the fourth and fifth most prevalent forms of economic crimes respectively.’⁴⁴

11.1.3 Kenya was given a score of 26 in the Transparency International (TI) Corruption Perceptions Index 2016, and was placed at number 145 in the index of 176 countries (those countries which were at number 1 were perceived to be the least corrupt). The TI website explained that: ‘Over two-thirds of the 176 countries and territories in this year’s [2016] index fall below the midpoint of our scale of 0 (highly corrupt) to 100 (very clean). The global average score is a paltry 43, indicating endemic corruption in a country’s public sector.’⁴⁵

11.1.4 The USSD ‘Country Report on Human Rights Practices for 2016’ considered several surveys:

‘The public continued to perceive corruption as a severe problem at all levels of government. According to an EACC [Ethics and Anticorruption Commission] national survey released in March, 75 percent of respondents characterized corruption levels as “very high” in the country, and a slight majority said that corruption had increased during the previous year. A slight majority, however, also said the government was committed to the fight against corruption. Bribery was the most commonly reported type of corruption, with 38 percent of respondents reporting they had paid a bribe in the last year.

‘The World Bank’s Worldwide Governance Indicators for 2015, the most recent data available, indicated that corruption was a severe problem. According to a University of Nairobi/Afrobarometer report issued in April 2015, a majority of citizens said that corruption had increased during the previous year and that the government had performed poorly in fighting it. According to the report, police, government officials, members of Parliament, and business executives were most widely perceived as corrupt. A majority of participants who said they paid bribes did not report the incidents. The main reasons for nonreporting were fear of retaliation and perceived inaction by authorities. Official corruption was pervasive at all levels of government, often in the form of land seizures, conflict of interest in government procurement, and demands for bribes...

‘In August the EACC released a report, based on a survey of nearly 5,000 county employees, suggesting that corruption was a severe problem at

⁴⁴ ‘Standard’ (Kenya), ‘Survey: Kenya ranked third most corrupt country in the world’, 27 February 2016, <https://www.standardmedia.co.ke/article/2000193065/survey-kenya-ranked-third-most-corrupt-country-in-the-world>. Accessed: 25 September 2017

⁴⁵ Transparency International (TI), ‘Corruption Perceptions Index 2016’, 25 January 2017, https://www.transparency.org/news/feature/corruption_perceptions_index_2016. Accessed: 7 September 2017

the county government level. Fifty-six percent of respondents said they considered county governments either “highly” or “moderately” corrupt. Respondents identified bribery, favoritism, procurement irregularities, and embezzlement as the most common forms of corruption in the counties.’⁴⁶

11.1.5 The PriceWaterhouseCoopers (PwC) ‘2016 Global Economic Crime Survey: Kenya Report’, published in 2016, stated:

‘The [2016 Global Economic Crime] survey reveals that bribery and corruption is on an increase. According to the Kenyan respondents to the 2012 and 2014 surveys, this form of economic crime accounted for 23% and 27% of the respondents respectively. Respondents to this survey reported bribery and corruption at 47%. This increase is concerning as bribery and corruption poses a significant threat to the growth of the economy and to fair market competition.

‘It is even more concerning to note that respondents to this survey in Kenya reported that there is a 61% likelihood of their organisations experiencing bribery and corruption in the next twenty four months, and only 46% believe that top level management perceive bribery as an illegitimate practice. This indicates that the mind-set of individuals within the organisations needs to be changed. It is important to also set the right key at the top, as this will greatly influence how individuals within the organisation perceive involvement in bribery and corruption practices.’⁴⁷

11.1.6 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘Officials from agencies tasked with fighting corruption, including the Ethics and Anticorruption Commission (EACC), the ODPP, and the judiciary, were sometimes the subjects of corruption allegations...

‘The EACC, an independent agency created in 2011, has the legal mandate to investigate official corruption allegations, develop and enforce a code of ethics for public officials, and engage in public outreach on corruption. The EACC, however, lacks prosecutorial authority and must refer cases to the ODPP to initiate prosecutions. The EACC and the ODPP lacked the technical and financial capacity to execute their mandates fully. EACC chairman Philip Kinisu, appointed in January, resigned on August 31 after being accused of failing to disclose a conflict of interest during his vetting process...

‘Investigations into corruption allegations against 124 government officials named in a 2014 EACC report, including five former cabinet secretaries and three principal secretaries, proceeded slowly. As of September the EACC had submitted 59 of those cases to the ODPP, which approved cases for prosecution. These included cases against two cabinet secretaries (Transport Secretary Michael Kamau and Lands Secretary Charity Ngilu), two governors (Murang’a governor Mwangi wa Iria and Garissa governor Nadhif Jama), four members of parliament, several directors of state corporations, and a number of county officials. Those cases continued at

⁴⁶ USSD, ‘Country Report on Human Rights Practices for 2016’, section 4, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 6 September 2017

⁴⁷ PriceWaterhouseCoopers (PwC), ‘2016 Global Economic Crime Survey: Kenya Report’, 2016, <https://www.pwc.com/ke/en/assets/pdf/gecs2016-report.pdf>. Accessed: 20 October 2017

year's end, often delayed by procedural motions. Courts convicted three low-level government officials of corruption-related crimes during the year but did not successfully conclude any prosecutions of current or former high-level officials for corruption.’⁴⁸

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12. Civil society groups

12.1 Human rights groups

12.1.1 Freedom House, in its assessment of the Kenyan government covering the period January 2013 to July 2016, observed:

‘Kenya boasts a vigorous civic space where political parties, [civil society organisations] CSOs, the media, and various social groups interact in a relatively accommodating legal and institutional environment. The 2010 constitution and relevant electoral laws facilitate free and fair elections that feature a variety of political parties. Distribution of state power across the executive branch, the legislature, the judiciary, and the independent commissions discourages governmental excesses. Protections for civil society, the media, and individual rights exist and are taken seriously.

‘However, political and bureaucratic corruption and regular state overreach prevent the full promise of Kenya’s legal and institutional framework from being realized. The 2013 elections, though judged free and fair by international monitors, were undermined by administrative problems and bias toward the incumbent party. The executive branch, while not authoritarian, is able to exert undue influence on the legislature, judiciary and bureaucracy. Ethnic politics, criminal cartels, and big business play an outsize role in public life. Freedoms of association, assembly, and the press are defended by civil society and some branches of the government, but are subject to the repressive impulses of others. This section discusses both the virtues and challenges in Kenya’s civic space and offers suggestions for improvement.’⁴⁹

12.1.2 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, although some groups reported experiencing increased government harassment during the year. Officials were sometimes cooperative and responsive to the queries of these groups, but the government generally ignored recommendations by human rights groups if such recommendations were contrary to its policies. There were reports that officials intimidated NGOs and threatened to disrupt their activities. Less-established NGOs, particularly in rural areas, reported harassment and threats by county-level officials as well as security forces. Human rights

⁴⁸ USSD, ‘Country Report on Human Rights Practices for 2016’, section 4, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 20 June 2017

⁴⁹ Freedom House, Government Assessment, ‘Kenya: January 2013 – July 2016’, July 2016, <https://freedomhouse.org/report/special-reports/governance-assessment-kenya-january-2013-july-2016#.Wh2MHIXLpA>. Accessed: 28 November 2017

activists claimed security forces conducted surveillance of their activities, and some reported threats and intimidation.’⁵⁰

- 12.1.3 The Freedom House ‘Freedom in the World 2017’ report, covering events that took place in 2016, noted:

‘Kenya has an active nongovernmental organization (NGO) sector, but civil society groups have faced growing obstacles in recent years, including repeated government attempts to deregister hundreds of NGOs for alleged financial violations. The moves were seen in part as an effort to silence criticism of the government’s human rights record. In 2016, the government again failed to put into effect the 2013 Public Benefit Organizations Act, which was expected to provide a more transparent and supportive legal framework for NGO registration and activity. While delaying implementation, officials have sought to introduce restrictive amendments to the law. In June 2016 the government announced that it would strictly enforce laws placing limits on work permits and salaries for foreign workers, specifically threatening the status of those employed by NGOs.’⁵¹

- 12.1.4 The FIDH/KHRC joint report of July 2017 stated: ‘Surveillance by state agencies has definitely impacted on the enjoyment of human rights and fundamental freedoms as well as the work of organizations working towards their promotion, protection and fulfillment in Kenya. Human rights organizations have documented the effects of surveillance directives under the Jubilee Administration.’⁵²

- 12.1.5 Further information about civil society can be found on the [International Centre for Not-for-Profit Law website](#).

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12.2 Government human rights bodies

- 12.2.1 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘The [KNCHR \[Kenya National Commission on Human Rights\]](#), the legislatively established independent body with the mandate to promote and protect human rights in the country, reported that security agencies continued to deny the KNCHR full access to case-specific information and facilities to conduct its investigations of human rights abuses as the constitution permits...

‘The KNCHR is an independent institution created by the 2010 constitution and established through the KNCHR Act of 2011. Its mandate is to promote and protect human rights in the country. Funding for the KNCHR to carry out investigations and issue reports increased modestly during the year.’⁵³

⁵⁰ USSD, ‘Country Report on Human Rights Practices for 2016’, section 5, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 7 September 2017

⁵¹ Freedom House, ‘Freedom in the World 2017’, Kenya, 31 January 2017, <https://freedomhouse.org/report/freedom-world/2017/kenya>. Accessed: 19 September 2017

⁵² International Federation for Human Rights and Kenya Human Rights Commission, ‘Kenya’s scorecard on security and justice: Broken promises and unfinished business’, page 26, July 2017, https://www.fidh.org/IMG/pdf/report_kenya_fidh_khrc.pdf. Accessed: 10 January 2018

⁵³ USSD, ‘Country Report on Human Rights Practices for 2016’, section 5, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 7 September 2017

13. Media and the internet

13.1 Overview of the media

13.1.1 The BBC News Kenya Media profile, dated 1 August 2017, stated:

‘Kenya has a diverse media scene, supported by a sizable middle class that sustains a substantial advertising market...

‘The state-run Kenya Broadcasting Corporation (KBC) is funded from advertising revenue and a government-provided budget.

‘Television is the main news source in cities and towns. The spread of viewing in rural areas has been slower, hampered by limited access to mains electricity... The main satellite pay-TV platforms are South Africa's DStv, Kenyan-owned Zuku TV and Chinese-owned StarTimes.

‘Entertainment, music and phone-ins dominate the lively radio scene, which includes Islamic stations and those broadcasting in local languages. Radio is a key medium in rural areas, where most Kenyans live.

‘Full-time FM relays of the BBC World Service are on the air in Nairobi (93.9), Mombasa (93.9) and Kisumu (88.1).’⁵⁴

13.1.2 ‘The highly-competitive press sector is the most sophisticated in the region. The print media are dominated by two publishing houses, the Nation and Standard.’⁵⁵ For more information about the media and main print and online providers as well as TV and radio stations, see the [BBC website](#).

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13.2 Freedom of the media

13.2.1 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘The law provides for freedom of speech and press, but the government sometimes restricted these rights...

‘The government occasionally interpreted laws to restrict press freedom, and officials occasionally accused the international media of publishing stories and engaging in activities that could incite violence. Two 2013 laws-- the Media Council Act and the Kenya Information and Communications (Amendment) Act--greatly increased government oversight of media by creating a complaints tribunal with expansive authority, including the power to revoke journalists’ credentials and levy debilitating fines...

‘Of the 16 other laws in place that restrict media operations, the Defamation Act, Official Secrets Act, and Preservation of Public Security Act place the most severe restrictions on freedom of the press.’⁵⁶

⁵⁴ BBC News, ‘Kenya profile – Media’, 1 August 2017, <http://www.bbc.co.uk/news/world-africa-13681344>. Accessed: 13 September 2017

⁵⁵ BBC News, ‘Kenya profile – Media’, 1 August 2017, <http://www.bbc.co.uk/news/world-africa-13681344>. Accessed: 13 September 2017

⁵⁶ USSD, ‘Country Report on Human Rights Practices for 2016’, section 2a, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 7 September 2017

13.2.2 The Freedom House ‘Freedom in the World 2017’ report, covering events that took place in 2016, noted:

‘The 2010 constitution strengthened protections for freedoms of speech and of the press, and there is a large, independent, and active media sector in Kenya. The media notably reported on corruption scandals reaching the highest levels of government during 2016. However, several laws restrict press freedom, and the government and security forces harass journalists, leading to self-censorship in some cases. Many journalists and activists have turned to online outlets and social media platforms to bypass political and business influences at established media groups.’⁵⁷

13.2.3 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘The mainstream media were generally independent, but there were reports by journalists that government officials pressured them to avoid certain topics and stories and intimidated them if officials judged they had already published or broadcast stories too critical of the government. There were also reports journalists avoided covering issues or writing stories they believed their editors would reject due to direct or indirect government pressure.’⁵⁸

13.2.4 The Freedom House report, ‘Freedom of the Press 2017’, covering 2016, rated the press status as ‘partly free’ in Kenya, and also observed that:

‘Kenya’s constitution includes protections for freedom of expression and of the press, and the country’s media provide critical reporting and a diversity of views. However, government officials have exhibited intolerance for critical media, including through the introduction and approval of restrictive legislation that has been invoked to arrest media workers. Journalists risk harassment and attacks while carrying out their work and in retaliation for it, and some observers have expressed concern that both legal and extralegal harassment will increase in the lead-up to the 2017 general elections.’⁵⁹

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13.3 Internet freedom

13.3.1 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. Authorities, however, monitored websites for violations of hate speech laws.

‘By law mobile telephone service providers may block mass messages they judge would incite violence. The National Cohesion and Integration Commission tracked bloggers and social media users accused of spreading hate speech.

⁵⁷ Freedom House, ‘Freedom in the World 2017’, Kenya, 31 January 2017, <https://freedomhouse.org/report/freedom-world/2017/kenya>. Accessed: 19 September 2017

⁵⁸ USSD, ‘Country Report on Human Rights Practices for 2016’, section 2a, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 7 September 2017

⁵⁹ Freedom House, ‘Freedom of the Press 2017’, Kenya profile, 28 April 2017, <https://freedomhouse.org/report/freedom-press/2017/kenya>. Accessed: 28 December 2017

‘On April 19, the High Court declared unconstitutional Section 29 (b) of the KICA [Kenya Information and Communications Act] (Section 29). During the year at least 16 online activists--who were highlighting cases of corruption and abuse of public office--were prosecuted under this provision with charges of “misuse of electronic equipment.” As a result of the High Court ruling on KICA Section 29, on April 29 a lower court dismissed a case against Samburu blogger John Lenkulate, who had posted online that the Samburu County government was misusing public resources...

‘According to the Communications Authority of Kenya (CAK), as of September there were 37 million internet users--84 percent of the population--representing a 10 percent increase from the previous year. The total included 24.8 million mobile data subscriptions.’⁶⁰

13.3.2 See also the Freedom House [Freedom on the Net 2016](#) report.

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14. Women

14.1.1 The USSD ‘Country Report on Human Rights Practices for 2016’ noted:

‘The constitution provides equal rights for men and women and specifically prohibits discrimination on the grounds of race, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language, or birth. Women held only 6 percent of land titles, of which the majority were joint titles, and accessed only 7 percent of formal financial credit awarded in the country. The justice system and widely applied customary laws often discriminated against women, limiting their political and economic rights.’⁶¹

14.1.2 Freedom House in its report covering 2016 noted:

‘The 2015 Protection against Domestic Violence Act criminalized a range of abuses including forced marriage, spousal rape, and female genital mutilation. However, rape and domestic violence reportedly remain common and are rarely prosecuted. Customary law often trumps statutory law, leaving women with few remedies for discriminatory customary practices. Underage marriage is illegal but still occurs. Women face disparities in education and are underrepresented in politics and government. The constitution calls for all elected and appointed state institutions to have no more than two-thirds of their members from the same gender, but institutions that continued to fall short of that standard in 2016 included the cabinet and both houses of Parliament.’⁶²

14.1.3 For more information about the situation of women, see the [USSD human rights report for 2016](#) and the Organisation for Economic Co-operation and Development’s [Social Institutions and Gender Index profile on Kenya](#).

⁶⁰ USSD, ‘Country Report on Human Rights Practices for 2016’, section 2a, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 13 September 2017

⁶¹ USSD, ‘Country Report on Human Rights Practices for 2016’, section 6, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 18 September 2017

⁶² Freedom House, ‘Freedom in the World 2017’, Kenya, 31 January 2017, <https://freedomhouse.org/report/freedom-world/2017/kenya>. Accessed: 28 November 2017.

15. Citizenship and nationality

- 15.1.1 The Kenya Citizenship and Immigration Act, 2011 allows foreign nationals to obtain Kenyan citizenship by marriage and lawful residence over a set period of time (and provided other requirements are met which are specified in the Act). A person born in Kenya or outside Kenya is deemed to be a citizen by birth if on the date of birth that person's mother or father was or is a citizen by birth.⁶³

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16. Children

16.1 Education

- 16.1.1 The USSD 'Country Report on Human Rights Practices for 2016' noted: 'Education is tuition free and compulsory through age 13. According to a 2016 report by international regional education initiative Uwezo Kenya, 90 percent of children ages six to 13 were enrolled in school. Authorities limited secondary enrollment to students who obtained relatively high scores on standardized examinations for students completing primary education. Authorities did not enforce the mandatory attendance law uniformly.

'According to a 2014 study by NGO Plan Kenya, 47.6 percent of girls and 52.4 percent of boys enrolled in secondary education.'⁶⁴

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16.2 Violence and sexual abuse

- 16.2.1 The USSD 'Country Reports on Human Rights Practices for 2016' noted: 'According to human rights organizations, children were sexually exploited and victims of trafficking. The law criminalizes sexual exploitation of children, including prohibiting procurement of a girl under age 18 for unlawful sexual relations. The law also prohibits domestic and international trafficking, or the recruitment, harboring, transportation, transfer, or receipt of children up to the age of 18 for the production of pornography or for pornographic performances. Provisions apply equally to girls and boys. The Sexual Offenses Act has specific sections on child trafficking, child sex tourism, child prostitution, and child pornography.

'The prostitution of children under age 18 remained a problem due to poverty, lack of law enforcement, internal displacement, and foreign and domestic tourists seeking sex with underage girls and boys...According to the NGO The Cradle, child prostitution was prevalent in Nairobi, particularly in informal settlements, and in Kisumu, Eldoret, Nyeri, and the coastal areas. The same source indicated that criminals trafficked a significant

⁶³ National Council for Law Reporting – Kenya Law Reports, 'Kenya Citizenship and Immigration Act, 2011', <http://admin.theiguides.org/Media/Documents/ImmigrationCitizenshipAct2011.pdf>. Accessed: 19 September 2017

⁶⁴ USSD, 'Country Report on Human Rights Practices for 2016', section 6, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 18 September 2017

number of children to urban and coastal areas from the north and west to engage in prostitution. UNICEF, the Ministry of Tourism and Wildlife, the World Tourism Organization, and NGOs continued to work with the Kenya Association of Hotelkeepers and Caterers to increase their awareness of child prostitution and sex tourism. The association encouraged hospitality-sector businesses to adopt and implement the code of conduct developed by the NGO End Child Prostitution and Child Pornography and Trafficking of Children for Sexual Purposes. The Tourism Regulatory Authority oversees hotels, rental villas, and cottages to monitor adherence to the code of conduct.’⁶⁵

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16.3 Female genital mutilation (FGM)

- 16.3.1 For policy information and guidance on FGM in Kenya, see the country policy and information note: [Kenya: Female genital mutilation \(FGM\)](#).

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16.4 Early marriage

- 16.4.1 The USSD ‘Country Reports on Human Rights Practices for 2016’ noted: ‘The Marriage Act of 2014 introduced a minimum age for marriage of 18 years for both women and men and voided marriages that violated this rule. Media occasionally highlighted the problem of early and forced marriage, which some ethnic groups commonly practiced. UNICEF’s 2016 The State of the World’s Children Report stated that 4 percent of children were married by age 15, and 23 percent by age 18; the Northeast and coastal regions had the highest prevalence. There was a strong correlation between poverty and early and forced marriage. Under the constitution the qadi courts retained jurisdiction over Muslim marriage and family law.’⁶⁶

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17. Documentation

17.1 Registration of births

- 17.1.1 The World Bank Group report, ‘Identification for Development (ID4D) Identification Systems Analysis: Country Assessment - Kenya’, published in 2016, noted:

‘Birth registration is mandatory and must be completed within 3 months of the birth, but many births are registered much later or not registered at all. A regular birth certificate costs 50 KSHS as does a regular death certificate. Late birth registration (after 6 months) costs 150 KSHS. Enforcement of the statutory penalties for failure to register or for late registration (which can include 3 months prison time) is considered impractical. Kenya’s rate of under-5 birth registration, at 63%, conceals wide regional variation. Rates

⁶⁵ USSD, ‘Country Report on Human Rights Practices for 2016’, section 6, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 18 September 2017

⁶⁶ USSD, ‘Country Report on Human Rights Practices for 2016’, section 6, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 18 September 2017

are as high as 90% in more developed and urban areas and as low as 20% in the sparse arid and semiarid areas, particularly in the North.

‘The reasons for low birth registration include a lack of motivation by parents to register their children in advance of any particular need and challenges of access to distant facilities. Local officials do not appear to place a high priority on incentivizing registration...Some registration requests even come at the point at which an identity card is required. Although a birth certificate is included as one of the documents that can be submitted to support an ID card application, in practice it is not essential for obtaining the card.’⁶⁷

17.1.2 The USSD ‘Country Reports on Human Rights Practices for 2016’ noted:

‘Birth registration is compulsory. Parents in rural areas, where tradition considered community elders rather than official entities the legitimate authorities in family matters, often did not register births. An estimated 63 percent of births were officially registered. Lack of official birth certificates resulted in discrimination in delivery of public services. The Department of Civil Registration Services began implementing the Maternal Child Health Registration Strategy requiring nurses administering immunizations to register the births of unregistered children.’⁶⁸

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17.2 Registration of marriages

17.2.1 The World Bank Group report, ‘Identification for Development (ID4D) Identification Systems Analysis: Country Assessment - Kenya’, noted:

‘Marriage registration is complicated by the multiple forms of marriage recognized in Kenya’s multiethnic society, including traditional marriage and polygamous marriage. The Marriage Act of 2014 (Cap 150) mandates that traditional marriages be registered within 6 months but compliance, as for death certification, is likely to be less than complete. Many children are born to mothers who are not in formal relationships (they may well be in established relationships) although the picture differs between social groups. The civil registration data collected by the system is therefore not able to provide a picture of the complex family structure of the Kenyan population, even though parent’s details, including their National ID numbers, should now be recorded at the time of birth registration.’⁶⁹

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⁶⁷ World Bank Group, ‘Identification for Development (ID4D) Identification Systems Analysis - Country Assessment - Kenya’, pages 9-10, 2016, <http://documents.worldbank.org/curated/en/575001469771718036/pdf/107277-WP-P156810-PUBLIC.pdf>. Accessed: 19 September 2017

⁶⁸ USSD, ‘Country Report on Human Rights Practices for 2016’, section 6, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 18 September 2017

⁶⁹ World Bank Group, ‘Identification for Development (ID4D) Identification Systems Analysis - Country Assessment - Kenya’, pages 9-10, 2016, <http://documents.worldbank.org/curated/en/575001469771718036/pdf/107277-WP-P156810-PUBLIC.pdf>. Accessed: 19 September 2017

17.3 Identity documents

17.3.1 The World Bank Group report, 'Identification for Development (ID4D) Identification Systems Analysis: Country Assessment - Kenya', noted:

'The legal basis for Kenya's current system of national registration is CAP107, a series of legislation that has been amended and extended many times. Registration dates back to 1915 when the Native Registration Ordinance made it compulsory for all male natives over the age of 16 to wear a metal container (the "Kipande") around their necks. This contained the registration certificate and fingerprint of the holder, and was an instrument to enforce labor control under the colonial regime. In 1947 the Kipande was replaced by an identity booklet. In 1980 legislation was amended to include women and the booklet was replaced by the "First Generation" paper identity card. This was replaced in 1995 by the smaller credit-card size "Second Generation" card, also a laminated paper card. This in turn was upgraded to the present plastic card in 2011 without fundamentally changing its features. The current generation of IDs therefore dates back to 1995, the last time that the population was re-enrolled.

'The card includes basic information [name, sex, date and place of birth, date and place of issue] a photo, a signature and an image of one fingerprint. It also includes a sequential 8-digit national ID number (just a sufficient number of digits to cover a population the size of Kenya's) as well as a 9- digit serial number. The information on the front of the card is machine readable on the back. There is no expiry date for the card requiring the cardholder to re-register. Since 2007 there have been intentions to move to a "Third Generation" e-ID card with a chip and enhanced security features, but these have not materialized because of financial constraints. Three efforts to move forward have been stalled by procurement disputes.

'ID cards are mandatory for all Kenyan citizens at the age of 18 and registration is normally around that time. An ID card is considered to be a security and citizenship document as much as identification and the processes for registering and re-registering cardholders reflect this reality. Some 24 million cards have been issued to date, with an additional 1.2 million registrations each year, but the number of active holders cannot be determined since the records may contain some duplicates and inactive records of the dead. While coverage is believed to be high in the more developed and urban areas, it is lower in the poorer and more arid border counties, particularly in the North.'⁷⁰

17.3.2 See also the United States State Department Bureau of Consular Affairs '[Kenya Reciprocity Schedule](#)'.

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⁷⁰ World Bank Group, 'Identification for Development (ID4D) Identification Systems Analysis - Country Assessment - Kenya', pages 11-12, 2016, <http://documents.worldbank.org/curated/en/575001469771718036/pdf/107277-WP-P156810-PUBLIC.pdf>. Accessed: 19 September 2017

18. Freedom of movement

18.1.1 The USSD 'Country Report on Human Rights Practices for 2016' noted: 'The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights but increasingly enforced restrictions on refugees' movements.'

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18.1.2 The Freedom House 'Freedom in the World 2017' report, covering events that took place in 2016, noted: 'While the constitution provides protections for freedom of movement and related rights, they are impeded in practice by security concerns and ethnic tensions that lead many residents to avoid certain parts of the country.'⁷²

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19. Healthcare services

19.1.1 The Alliance Worldwide Care website, accessed on 25 September 2017, provided the following information, undated, about the healthcare system:

'Kenyan Healthcare system at a glance

'Basic primary care is provided at primary healthcare centres and dispensaries. Dispensaries are run and managed by enrolled and registered nurses who are supervised by the nursing officer at the respective health centre. They provide outpatient services for simple ailments such as the common cold and flu, uncomplicated malaria and skin conditions. Those patients who cannot be managed by the nurse are referred to the health centres.

'Sub-district, district and provincial hospitals provide secondary care, i.e. integrated curative and rehabilitative care. Sub-district hospitals are similar to health centres with the addition of a surgery unit for Caesarean sections and other procedures. District hospitals usually have the resources to provide comprehensive medical and surgical services. Provincial hospitals are regional centres which provide specialised care including intensive care, life support and specialist consultations.

'The Central Province and Nairobi have the best healthcare facilities, whereas the North-Eastern Province is the most under-developed.

'Standard of hospital care in Kenya

'The Kenyan health system consists of three main categories of service providers. Public providers, Private not-for-profit organisations (including faith-based and mission hospitals, local and international NGOs) and Private for-profit health care providers.

'Public health services are organised across 8 provinces, in 6 levels of care: Community health units, Dispensaries, Health centres, District hospitals, Provincial referral hospitals, and National Tertiary hospitals. Public health

⁷¹ USSD, 'Country Report on Human Rights Practices for 2016', section 2d, Kenya, 3 March 2017, <https://www.state.gov/documents/organization/265478.pdf>. Accessed: 19 September 2017

⁷² Freedom House, 'Freedom in the World 2017', Kenya, 31 January 2017, <https://freedomhouse.org/report/freedom-world/2017/kenya>. Accessed: 19 September 2017

care providers serve the majority of the population, and are focussed on addressing public health disease burden. The government operates 41% of health facilities, NGOs run 15%.

'The Private sector operates 43% of health centres, and is becoming more prominent. Private clinics of varying complexity exist in most major urban centres, including the coastal beach resort towns. Private hospitals for inpatient care exist mainly in Nairobi, with a few options in Mombasa.

'Hospitals

'Most health care facilities in Kenya are below international standards with limited resources, and limited capabilities. Public hospitals are understaffed, poorly equipped and lack supplies. Private clinics with limited inpatient capability are in operation in Nairobi, Mombasa, and the beach resort areas of Diani and Malindi. These services include radiology, laboratory and pharmacy services. The private AGA Khan hospital, located in Nairobi, is operating at western standard level of care.'⁷³

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⁷³ Allianz Worldwide Care, 'Healthcare in Kenya', undated, <https://www.allianzworldwidecare.com/en/support/view/national-healthcare-systems/healthcare-in-kenya/>. Accessed: 25 September 2017

Version control and contacts

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **1 February 2018**

Changes from last version of this guidance

First version in CPIN format.

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