

Policy **Brief**

Kenya's Digital Crossroads: Surveillance, Activism, and the Urgent Fight for Digital Rights in 2025

February 2025



The past year was marked by alarming trends in Kenya: heightened crackdown on activism including the abduction and intimidation of activists and journalists, politically motivated internet censorship, rising disinformation, cyber threats and data breaches, and a media decline. These developments came amidst growing economic hardships, worsening governance challenges, and increasing distrust in key institutions, especially Parliament - a grim signal for the country's democracy.

At the same time, there are glimmers of hope as internet access and usage continue to rise and Kenya's civil society, particularly Generation Z (Gen Z), has demonstrated remarkable resilience, pushing back against state repression and advocating for digital rights. But as this unfolds, the question remains: will the state move toward progressive reforms, or will repression and clawbacks on digital rights continue to escalate?

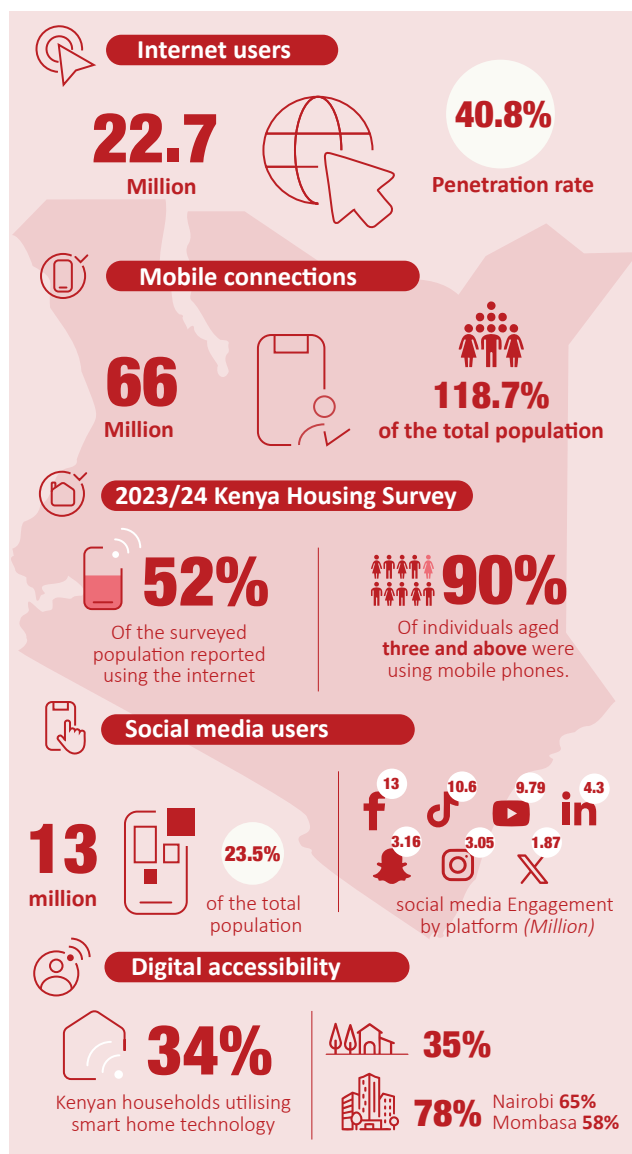
2024 in Review

a) Increased Internet Usage

Kenya's internet usage has been on the rise. As of January 2024, there were 22.7 million internet users, representing an internet penetration rate of 40.8%. There were 66 million active cellular mobile connections equivalent to 118.7 percent of the total population. According to the 2023/24 Kenya Housing Survey, 52% of the surveyed population reported using the internet, and over 90% of individuals aged three and above were using mobile phones.

Similarly, the country has witnessed a *substantial rise* in social media usage with 13 million active users, or 23.5% of the total population. Further, over half (57.5%) of internet users engage with at least one social media platform. Facebook leads with 13 million users, followed by TikTok (10.6 million), YouTube (9.79 million), LinkedIn (4.3 million), Snapchat (3.16 million), Instagram (3.05 million), and X (1.87 million). Additionally, the adoption of *smart home technology* has increased, with 34% of Kenyan households utilising devices such as security systems, smart lighting, energy-efficient appliances, and Internet of Things (IoT)-enabled devices.

Notably, *digital access* remains uneven across the country with urban areas such as Nairobi (65%) and Mombasa (58%) reporting the highest adoption, driven by better access to resources and higher awareness levels compared to rural and marginalised areas which remain underserved. The main barriers to access include affordability, especially for rural households, where only 35% have regular internet access compared to 78% in urban areas, with users citing the high cost of digital devices and internet data bundles.



b) Growing Crackdowns on Activism

Kenya saw a dramatic escalation of crackdowns on activism following a wave of protests in response to economic challenges, such as the rising cost of living, and increasing taxes proposed by the government amidst widespread unemployment and public discontent with poor delivery of government services. The #OccupyParliament and #RejectFinanceBill2024 protests in June 2024 were met with excessive force, arrests, and government crackdowns on organisers and participants. The government imposed a nationwide internet shutdown to limit citizens' ability to organise and communicate. It also invoked the Public Order Act and the Computer Misuse and Cyber Crimes Act, of 2018 to justify restrictions on peaceful protests. An *Assembly and Demonstrations Bill, 2024* has been proposed and opposed for criminalising lawful organising and *restricting lawful assembly*.

The government also deployed *sophisticated digital tools* to monitor activists, journalists, human rights defenders and critics under the guise of national security without adequate oversight. Many reported being surveilled through their digital communications and were abducted or arrested for their involvement in organising protests online. As of July 16, 2024, the *Kenya National Commission on Human Rights (KNCHR)* reported that 50 people had died, 413 injured, 59 abducted, and 682 arbitrarily arrested during the countrywide protests.

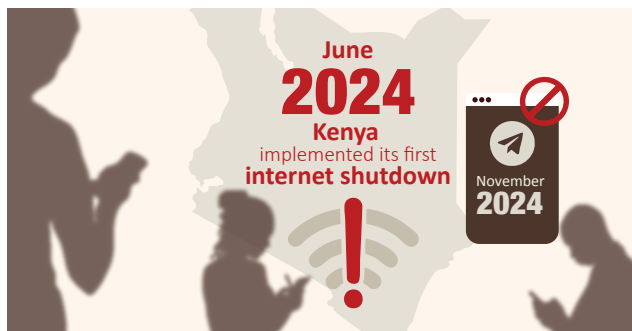


Many organisers of the protests went into hiding due to threats on their lives by unknown persons. Some of the *activists* who were *abducted* for expressing their views online include cartoonist Gideon (Kibet Bull). Foreigners such as Ugandan opposition leader *Kizza Besigye* and Tanzanian activist *Maria Sarungi* also fell victim to the abduction squads. Whereas the government denies any wrongdoing, since June 2024 at least *82 people* have reportedly been abducted by *armed plainclothes officers*.

The collaboration of associations, such as the Law Society of Kenya (LSK), Kenya Union of Journalists, Bloggers Association of Kenya, Kenya Medical Practitioners Pharmacists and Dentists Union, the Kenya Medical Association, Missing Voices Alliance and the Police Reforms Working Group, to speak out against human rights abuses and *defend the rights* of their members and the general public, has been notable. *Kenya's report* to the United Nations Human Rights Council at the Fourth Cycle of the Universal Periodic Review (UPR) was under consideration in February 2025. It is expected that Member States will review presentations from state and non-state actors and make recommendations on safeguarding digital rights and human rights in the country.

c) Spiralling Censorship of Online Speech

Despite Kenya's previous record of non-interference with internet access, internet shutdowns and restrictions of digital platforms became a major concern in 2024. In June 2024, Kenya implemented its first nationwide *total internet shutdown* during the #RejectFinanceBill2024 protests which also affected essential services such as mobile payments, healthcare, and education, which rely on internet connectivity, across Kenya and neighbouring Burundi, Rwanda and Uganda. *Civil society* found it a disproportionate response, coming in the wake of a public notice from the Communications Authority of Kenya (CA) that no shutdown was planned. On November 7, the government again *blocked access to Telegram* for two weeks, ostensibly to prevent cheating during the national examination period.



In January 2025, the *president*, various government officials and political leaders went on a blitz of warning the public and in particular the so-called Gen Z over what they termed as irresponsible use of social media. This followed the use of viral *caricatures* and *silhouettes* of the president and monikers such as #Kasongo and #Must Go on social media mocking the president in various situations. A cyber cafe owner was *arrested* in November 2024 for wearing a T-shirt branded "Must Go" and charged with inciting violence, signalling an increasingly intolerant government.

Government officials have called for stringent regulation of *social media platforms* to combat hate speech and harmful content, promote child safety and for social media companies to have a *physical presence* in the country. Other proposals include "banning" individuals who misuse social media, robust implementation of the Computer Misuse and Cybercrimes Act and engaging with youth on *responsible social media use*. A *bill* to regulate social media was published in 2019 and *another bill* granting government power to block websites is currently under consideration by Parliament.

d) Disinformation Persists

Misinformation and disinformation remain a key problem in Kenya especially during *election periods*, thus exacerbating tensions in an already polarised political environment. The *disinformation enterprise* remains sophisticated, lucrative and largely funded by *political actors* that exploit the divisions around ideological, ethnic, economic, and demographic lines while harnessing the power of social media. Disinformation actors use text and manipulated video, photos and audio clips to spread key messages, which are often *not swiftly addressed* by social media platforms such as Facebook, Instagram, TikTok and X.

In response, the government increased its efforts to combat "false information" by issuing warnings and developing *guidelines*. However, these efforts have raised concerns about censorship, particularly as the government has used disinformation as a pretext to suppress legitimate political expression. The widely *criticised Computer Misuse and Cybercrimes Act (2018)* has been deployed as a censorship tool to target government critics, bloggers, and political activists. Several civil society organisations have launched initiatives to push back against state overreach and excesses.

e) Gaps in Access to Information

Access to information about key government projects has remained inconsistent, with widespread secrecy, delays or outright refusal characterising projects such as the *Standard Gauge Railway (SGR)*, *Nairobi Expressway* or government deals with the *Adani Group*. The key challenges remained the use of national security to justify restrictions on access, bureaucratic hurdles, poor record keeping, and resistance from public officials. The expansion of the availability of government services online through the *eCitizen portal* has facilitated enhanced access to information but also revealed the growing digital divide. Notably, the underperformance of the *Universal Service Fund (USF)* has been *cited* for budget underspending in projects that could alleviate the digital divide.

f) Growing Data Breaches and Cyber Threats

Kenya's rapid adoption of Information and Communications Technology (ICT) and digitalisation to support government services presents new risks of potential data breaches, the misuse of personal data and vulnerabilities to cyber attacks if appropriate oversight is not in place. According to statistics from the Communications Authority, the number of cyber threats recorded between July and September 2024 stood at 657.8 million, with the majority being system vulnerabilities, malware and brute force attacks.



Recent initiatives that have raised concern include the transition to the Social Health Insurance Fund (SHIF) where the government enrolled Kenyans including school-going children without adequate notice, or data protection impact assessment, leading to a challenge at the High Court. The *Huduma Namba (Maisha Namba)* deployment has continued despite legal challenges over concerns that it excludes marginalised communities, aids state surveillance, and has inadequate safeguards to protect citizens' data. In January 2025, Kenya's Business Registration Services (BRS) faced a data breach that exposed company registration data. Also, the Kenya Broadcasting Corporation (KBC), K24 TV and the Directorate of Criminal Investigations (DCI) account on X were compromised by hackers.

g) Media under Siege

Kenya's media environment has been deteriorating in recent years with increasing threats against journalists and the media from both state actors and non-state actors. In 2024, the country was rated as Partly Free in the *Freedom in the World Report* and its *World Press Freedom Index* ranking declined. The Media Council of Kenya reported a total of 612 cases of press freedom violations since 2013, 74 of them in 2024. The violations included cases of harassment, intimidation, and arbitrary arrests of journalists, particularly those reporting on politically sensitive topics such as corruption, protests, and human rights abuses. The recent protests in 2024 witnessed the arrest, harassment, teargassing and detention of several journalists.

Moreover, in 2024, the Communications Authority cautioned, warned or threatened closure or financial penalties for media houses perceived to be sympathetic to or covering protests, terming such coverage as perpetuating violence. According to the Media Council, government threats were the main challenge to the media in 2023. Consequently, many media houses avoided live-streaming protests in 2023 and 2024. In June 2023, Moses Kuria, a former Cabinet Secretary and now presidential advisor, insulted journalists from the Nation Media Group, calling them "prostitutes" and corrupt, and threatening to sack any government official who advertised with the company. Such attacks could further restrict independent reporting and critical journalism.

h) Change of Guard at the MoICDE

A recent government reshuffle led to the appointment of William Kabogo as the Cabinet Secretary for the Ministry of Information, Communications, and the Digital Economy (MoICDE). He assumed office on January 18, 2025, taking over an office that has had three previous occupants since September 2022, including Prime Cabinet Secretary Musalia Mudavadi, Dr. Margaret Nyambura Ndung'u, and Eliud Owalo. The billionaire politician, who is known for his outspoken nature, waded into controversy days after taking office by announcing his readiness to regulate social media and shut down the internet if national security is threatened. On the upside, he has pledged to fully digitise government services, regulate mobile data expiry, protect workers in the digital economy from exploitation, and strengthen the Office of the Data Protection Commissioner. While some of the initiatives are promising, it remains to be seen what will be achieved within his first 90 days in office.

Conclusion and Recommendations

A review of the year 2024 shows that Kenya is likely to continue facing significant challenges in the areas of internet freedom, media freedom, censorship, surveillance, privacy and cybersecurity if the downward spiral is not halted. The growing discontent with the current administration and continuing economic hardships could result in further pushback or morph into political unrest. Government responses to such an eventuality could mean the intensification of state surveillance and digital repression, at the expense of digital freedoms. Either way, in 2025, both state and non-state actors must continue defending digital rights and demand a more open, secure, rights-respecting internet ecosystem.

Recommendations:

1. **🔒🔒🔒** The government should commit to maintaining free, open and secure internet access by international human rights standards. It should also refrain from digital authoritarianism and repression of activists, critics, human rights defenders and journalists. Civic actors should continue collaborating in demanding human rights and safeguarding internet freedom from further decline.
2. **Promote Internet access:** The government should take measures to expand ICT infrastructure in rural and underserved areas using Universal Service Funds, enhance incentives to ensure access to devices and the internet by lowering taxes and invest in digital skills and media information literacy programmes for the public.
3. **Amend the Computer Misuse and Cybercrimes Act:** The Act should be amended to narrow its scope and ensure that response measures comply with the three-part test and the law is not used to censor or suppress freedom of expression or opinion, and to target bloggers, journalists or government critics. The government should also invest in media information literacy and digital literacy programmes.
4. **Enhance data protection enforcement:** Strengthen the capacity of the Office of the Data Protection Commissioner, ensure compliance of all government online services and digital initiatives such as Maisha Namba and SHIF with the Data Protection Act, and strengthen oversight of the National Intelligence Service by constituting the Intelligence Service Complaints Board.
5. **Promote cybersecurity:** Address the country's cybersecurity constraints by investing in skilled cybersecurity personnel, enhancing institutional coordination and stakeholder engagement, and creating cyber hygiene awareness.
6. **Protect media freedom:** Stakeholders should work to strengthen legal protections for journalists and media outlets and take concrete steps to end impunity for attacks, harassment, arbitrary arrests, and the intimidation of critical voices in the media.
7. **Enhance access to information:** The government, including at the county level, should continue to invest in the digitisation of public records to facilitate efficiency, transparency and accountability.



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