

**FREEDOM ANCHOR**

January - March 2026

# Newsletter



## HOLDING THE LINE

Vol .02 Newsletter



## Editor's Note

### Holding The Line

As Kenya steps into 2026, the question is no longer whether civic space is under pressure, it is how we respond to that pressure.

The past two years have shown us the cost of speaking out, organizing, and demanding accountability. But they have also revealed something powerful: citizens are no longer willing to retreat into silence. From the streets to courtrooms, online spaces to ballot conversations, Kenyans are holding the line.

This issue of Freedom Anchor is about vigilance and clarity. It maps the laws, policies, and power plays shaping our civic space, while centering the people who continue to defend it often at great personal cost. It also looks forward, asking how protest energy can be transformed into sustained participation, accountability, and democratic renewal.

Civic freedom is not self-sustaining. It survives only when citizens remain informed, organized, and engaged. As the political temperature rises, this issue invites you not just to observe, but to stay present because the future of our democracy depends on it.

**Derrick Wesley Otieno**  
Editor, Freedom Anchor

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### Quote of the month

“If liberty means anything at all, it means the right to tell people what they do not want to hear.”

— George Orwell

# TRIBUTE

# KIAI



## ***A Founding Pillar of Civic Freedoms Forum***

Kenya's human rights community has lost a dedicated defender of democracy with the passing of Mugambi Kiai. His lifelong commitment to advancing civic freedoms, accountability, and the rule of law leaves a lasting legacy.

For the Civic Freedoms Forum (CFF), this loss is especially profound. Mugambi Kiai was not only a founding member of CFF, but also served on its Board, where he played a critical role in shaping the Forum's vision and direction. His leadership, insight, and deep belief in collective action helped lay the foundation for CFF's work in safeguarding civic space in Kenya.

Even during his illness, his dedication remained unwavering. When he could no longer actively serve, Patrick Mutahi stepped in to represent him, reflecting the continuity and shared purpose Mugambi championed.

Remembered for his sharp legal mind, mentorship, and principled voice against impunity, Mugambi Kiai's impact extends far beyond CFF, touching the broader human rights movement in Kenya and across the region.

His legacy lives on through the institutions he strengthened and the continued struggle to defend civic freedoms.

**Rest in power, Comrade Mugambi Kiai.**



## Civic Space Watch

### High Court Strikes Down Colonial-Era Speech Law

In a landmark decision for freedom of expression, the High Court declared Section 95(1)(b) of the Penal Code unconstitutional, effectively removing the offence of “creating a disturbance likely to cause a breach of peace.” The ruling found the provision overly broad and incompatible with constitutional protections for free speech.

Legal experts had long argued that the law was routinely used to arrest activists, protesters, and critics of government policy. The ruling now prevents police from charging citizens under this provision, marking a significant victory for civil liberties. Find full judgement here:

[new.kenyalaw.org](http://new.kenyalaw.org)

### Digital Speech and State Pressure

Google’s transparency report revealed that the Kenyan government submitted multiple requests for content removal, largely targeting political or critical content. However, the company rejected about **62%** of these requests, stating that many lacked sufficient justification or failed to meet platform standards. The findings highlight growing tension between governments and digital platforms as states attempt to regulate online speech.

### Policing and Accountability Concerns

Across the country, civil society groups continue to raise concerns about the use of force in policing public dissent. Reports of aggressive crowd control tactics, controversial directives from security officials, and alleged cases of police brutality continue to shape the national debate on accountability and the rule of law.

Cases involving police killings, including those that sparked public outrage have renewed calls for independent investigations and stronger oversight of law enforcement institutions.



## Partners Contribution

### On the Frontlines of Land Justice: Haki Yetu's Work in Coastal Kenya

In coastal Kenya, land remains one of the most sensitive and deeply contested issues, shaping not only economic livelihoods but also cultural identity. Across counties such as Kwale, Mombasa and Lamu, communities continue to grapple with insecure tenure, displacement and unequal power dynamics in land governance. In response to these challenges, Haki Yetu has been at the forefront of supporting communities to organize, assert their rights and engage actively in legal and policy processes.

Recently, Haki Yetu has been working closely with residents of Shimoni in Kwale County, where over 500 households are affected by an ongoing land dispute. The case, currently before the Environment and Land Court demonstrates persistent inequalities around land allocation, community consent and the role of private developers in historically occupied land.

Community members raised serious concerns regarding intimidation by state agencies. There have also been reports of attempts to pressure individuals into signing agreements that could undermine their collective claim. These developments have created fear and uncertainty particularly among vulnerable groups while also raising questions about the protection of civic space and the right to pursue justice.

Recent developments have raised additional concerns regarding the safety and protection of affected residents. Several community members have been summoned by state security agencies in relation to alleged land fraud investigations, while others have reportedly faced arrest under unclear circumstances. There are also credible fears of further targeting of key community leaders, raising serious concerns about intimidation and the potential criminalization of community-led land rights efforts.



*Haki Yetu Executive Director, Peter Kiama giving a press statement during the community mobilization.*

In response, Haki Yetu has adopted a multi-pronged approach that combines legal support, community mobilization and rights awareness. The organization has facilitated fact-finding missions, supported the preparation and documentation of community experiences and provided continuous legal education to ensure that affected residents understand court processes and their rights within them.

Beyond legal interventions, Haki Yetu has played a key role in strengthening community cohesion. Through regular engagements, the organization has helped communities navigate complex decisions, including whether to pursue alternative dispute resolution or remain within formal court processes. These discussions are grounded in ensuring that any decisions made are informed, collective and protective of long-term community interests.

At the same time, Haki Yetu continues to engage with state institutions to promote adherence to the rule of law. This includes advocating for transparency in investigations, accountability in administrative actions and respect for existing court orders.

Looking ahead, the civic space landscape in Kenya continues to evolve, presenting both opportunities and challenges. Key issues include court rulings affecting constitutional freedoms, increasing regulation of civic and digital spaces and the need for stronger accountability mechanisms in both public and private sectors.

Haki Yetu's work demonstrates that defending land rights is not only about resolving disputes but also about empowering communities, strengthening institutions and safeguarding democratic participation.

## Article 37 in Action





## Feature Story

### A Win for Your Voice: What the Cybercrime Ruling Means for Kenyans

In a major decision for Kenya’s democracy, the Court of Appeal has declared Sections 22 and 23 of the Computer Misuse and Cybercrimes Act unconstitutional. In simple terms, this is a big win for freedom of expression, especially online.

For years, these laws were used to charge people for publishing what authorities called “false information.” But the problem was that the law was too vague. Many Kenyans bloggers, journalists, activists, and even ordinary social media users, found themselves at risk simply for speaking out or criticizing those in power.

This created fear. People began to hold back their opinions online, unsure of what could land them in trouble.

The Court has now made it clear: laws that limit freedom of speech must be clear, fair, and necessary. If not, they cannot stand.

For the Civic Freedoms Forum (CFF), this ruling is not just about legal language, it’s about protecting the everyday Kenyan’s right to speak, question, and participate in public life. Today, much of Kenya’s civic conversation happens online. From X (Twitter) to TikTok, citizens use digital spaces to debate issues, call out injustice, and organize for change.

But when laws are used to silence these voices, democracy itself is weakened.

By striking down these sections, the Court has drawn an important line: freedom of expression is the rule not the exception.

At the same time, this does not mean that online harm should go unchecked. Issues like misinformation and cyber harassment are real. However, any solution must protect people without silencing legitimate voices.

The ruling also reminds us of the important role courts play in defending our rights especially when laws go too far.

Ultimately, this decision sends a clear message:

Your voice matters online and offline.

And as more Kenyans continue to speak, organize, and demand accountability through digital platforms, protecting that voice will remain essential to the future of the country’s democracy.

## The Monitor

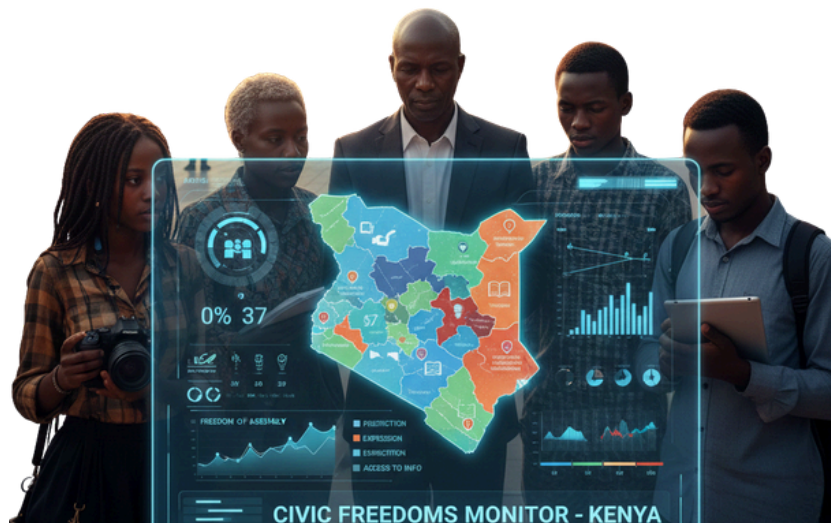
### A New Tool on the Horizon

On 25 February 2026, the Civic Freedoms Forum (CFF) quietly convened a select group of experts at Palacina Hotel and Suites in Nairobi for a strategic discussion that may soon reshape how civic space in Kenya is understood and tracked.

The convening brought together specialists in statistics, monitoring and evaluation, human rights research, civic space monitoring, and digital platform development. Their mission was ambitious but clear: to help refine the next phase of the CFF Civic Freedoms Monitor, an emerging platform designed to systematically track the state of civic freedoms across Kenya.

For years, conversations about civic space in Kenya have often relied on scattered reports, isolated incidents, and fragmented data. Yet across the country's 47 counties, the realities of civic freedoms, from the right to protest and organize to freedom of expression and access to information vary widely. Understanding these patterns requires more than anecdotal evidence; it requires credible, structured data.

The Civic Freedoms Monitor seeks to fill that gap.



The project has been several years in the making. An initial pilot phase between 2022 and 2023 tested data collection models in eight counties, while subsequent research helped establish indicators and indices that could eventually measure civic freedoms more systematically.

At the February convening, the discussion focused on some of the most complex questions behind such an initiative. What indicators best capture the health of civic space? How should information from across the country be verified and protected? And how can sensitive civic space data be collected responsibly while respecting privacy and data protection laws?

Participants also explored the importance of collaboration with institutions such as oversight bodies and research institutions to ensure the reliability and credibility of any future platform.

While many details remain under development, the meeting marked the beginning of the final design phase for the Monitor's digital infrastructure transforming years of research and pilot work into a functional platform.

If successful, the Civic Freedoms Monitor could become an important tool for evidence-based advocacy, policy reform, and protection of civic freedoms in Kenya.

For now, the work continues behind the scenes.

But one thing is clear: something significant is taking shape. Stay tuned.



# Chambua Facts na K-Free



Democracy grows when citizens participate

## In Partnership with

