

# LONDA 2025

## DIGITAL RIGHTS & INCLUSION IN AFRICA REPORT

### Kenya

Country Report



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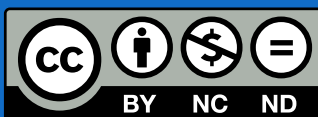
## DIGITAL RIGHTS & INCLUSION IN AFRICA REPORT

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# Kenya

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## Executive Summary

Kenya's LONDA 2025 report offers a comprehensive overview of the country's digital landscape, examining the state of digital rights and digital inclusion. The report is founded on the African Commission on Human and Peoples' Rights (ACHPR) Declaration of Principles on Freedom of Expression and Access to Information in Africa and is informed by a mixed-methods approach, drawing on desk-based legal and policy analysis, secondary data review, Key

informant interviews conducted with regulators and sector stakeholders and media monitoring to assess trends, developments and emerging challenges. Thematic areas covered include internet access and disruptions, digital inclusion, freedom of expression, data protection and privacy, as well as developments in ICT and technologies. It further delves into the gaps and failures in the digital space, which leave a large part of the population disadvantaged due

to poverty, regional marginalisation, or infrastructural limitations. Throughout the report, several key breaches are highlighted, primarily involving the state and its various organs. Finally, the report provides recommendations to the state, media, and civil society on potential best practices for achieving a just society. The government is encouraged to ensure all digital policies and actions

respect rights and prioritise inclusion and accountability. The media ought to investigate and clearly explain digital rights issues while amplifying the voices of those most affected by exclusion and repression. Civil society must continuously document digital rights abuses, support affected communities, and use evidence to advocate for legal and policy reforms.



## Introduction

Kenya is a youthful country of 57.5 million people with a median age of 21.1 years.<sup>1</sup> The expectation of the Kenyan polity, as defined by its Constitution, promulgated in 2010, is a state that values human rights, equality, freedom, democracy, social justice, and the rule of law.<sup>2</sup> Kenya leads in regional technology development, with the ICT sector posting strong growth and sector output estimated at KES 608 billion (approximately US\$4,704,061,897).<sup>3</sup> As of early 2025, there were 27.4 million internet users, representing 48% penetration, and 15.1 million social media users, which is about 26.5% of the population.<sup>4</sup> Despite being ranked among Africa's top performers in e-government and inclusive internet readiness, high data and broad-

band costs continue to exclude many lower-income Kenyans from fully participating in the digital economy.<sup>5</sup> Kenya's media landscape is among the most vibrant on the continent, though journalists face harassment and intimidation, and press-freedom-restricting laws remain on the books.<sup>6</sup>

## Internet Access and Disruptions

Similar to 2024, the Internet was throttled during youth-led protests on 25th

1. PopulationPyramids.org, "Kenya Population Pyramid 2025" (2025) <https://www.populationpyramids.org/kenya?> (accessed on 25th November, 2025)
2. Constitution of Kenya (2010)
3. KNBS, "Economic Survey 2025" (2025) <https://www.knbs.or.ke/publications/> (accessed on 25th November, 2025).
4. Datareportal, "Digital 2025: Kenya" (2025) <https://datareportal.com/reports/digital-2025-kenya> (accessed on 25th November, 2025)
5. University World News, "Digital divide, brain drain threaten vibrant digital economy" (2025) <https://www.universityworldnews.com/post.php?story=20250921183835849#:~:text=%E2%80%9CUsage%20rates%20vary%20from%2064.7,entry%20into%20the%20digital%20economy.> (accessed on 25th November 2025).
6. Freedom House, "Kenya Press Freedom" (2025) <https://freedomhouse.org/country/kenya/freedom-net> (accessed on 25th November, 2025).

June 2025.<sup>7</sup> Netblocks, a global internet observatory that monitors cybersecurity and digital rights, reported a sharp drop in access to platforms such as Telegram<sup>8</sup> on various Kenyan telecommunications companies and Internet Service Providers, including Safaricom PLC, Jamii Telecommunication Ltd, and Liquid Intelligent Technologies.<sup>9</sup> Additionally, on 25 February 2025, the Nairobi County Government destroyed critical ICT infrastructure during a standoff with the national Kenya Power Company over unpaid bills, which resulted in widespread downtime for businesses, households, and mission-critical sectors such as healthcare, finance, and public services.<sup>10</sup>

Such instances mark a departure from Kenya's history of relatively open internet access. Internet disruptions, whether partial, intermittent, or complete shut-downs, are infringements on digital rights and threaten civic spaces. Further, disconnecting the already connected due to

intentional interference prevents people from disseminating information, responding to crises, conducting business, and enjoying internet freedoms, as provided for in Articles 33, 34, and 35 of the Kenyan Constitution (2010).

## Online Freedom

## of Expression and

## Access to Information

Despite Articles 33, 34, and 35 of the Kenyan Constitution (2010), which provide for the rights to free expression, freedom of the media, and access to information, select events in 2025 highlighted a conflict between state authority and free speech. The Computer Misuse and Cybercrimes Amendment Act 2024, enacted in October 2025 has overly broad and vague provisions with potential to curtail rights and freedoms, especially for activists, human

7. Business Daily 'Bloggers decry digital rights purge by State' (2025) <https://www.businessdailyafrica.com/bd/economy/bloggers-decry-digital-rights-purge-by-state-5147032> (accessed on 27 November 2025).
8. Netblocks (2025) <https://x.com/netblocks/status/1937850265597534670> (accessed on 27 November 2025).
9. KICTANET 'URGENT: Internet Access Blocked in Kenya — KICTANet Condemns Digital Rights Violations' (2025) <https://www.kictanet.or.ke/urgent-internet-access-blocked-in-kenya-kictanet-condemns-digital-rights-violations/> (accessed on 27 November 2025).
10. Citizen TV Kenya 'Standoff disrupts internet services in Nairobi' (2025) <https://www.youtube.com/watch?v=W-KOMbn9xAfo> (accessed on 27 November 2025).

rights defenders, journalists and political opponents. Citizens such as Rose Njeri, a software developer, have already become victims of the law. Rose, who created and launched an email automation tool that allows citizens to submit directly to Parliament, was charged with violating Section 16 of the cyber law. Her arrest misrepresents a legitimate act of civic engagement as a cybercrime.

Closely linked to that, Mr Jackson Kuria, a prison officer turned activist, was charged on 20 January 2025 with publishing false information in terms of Section 23 of the Computer Misuse and Cybercrimes Act No.5 of 2018.<sup>11, 12</sup> The arrest of Mr Kuria is one of many examples of the narrowing space available for whistleblowers and online activists. Mr Titus Sifuna was ar-

raigned at a Magistrate's Court in Nairobi to face charges of publishing false information while pretending to be President Ruto.<sup>13</sup> The 22-year-old was accused of impersonating President Ruto on social media and falsely claiming that the Head of State was succumbing to public pressure and planning to step down.

Even more concerning is the posthumous case of Albert Ojwang, who was arrested on 7 June 2025 after Kenya's Deputy Police Chief Eliud Lagat filed a complaint, accusing the blogger of defaming him on social media.<sup>14</sup> Following the death of Mr Albert Ojwang on 8 June 2025 in police custody, the officers tampered with the CCTV footage of the cells, denying investigators the necessary evidence for the judicial process.<sup>15</sup> This is despite the

11. The Guardian "This is lawfare': Kenya weaponising the law' to silence critics and protesters' (2025) <https://www.theguardian.com/global-development/2025/aug/08/kenya-weaponises-law-mass-arrests-crackdown-critics-protesters> (accessed on 27 November 2025),.
12. NTV Kenya 'Cop Shakur charged with publishing false information about President Ruto' (2025) <https://ntvkenya.co.ke/news/cop-shakur-charged-with-publishing-false-information-about-president-ruto/> (accessed on 27 November 2025)
13. Daily Nation 'How social media users face threats of jail and heavy fines for their posts' (2025) <https://nation.africa/kenya/news/how-social-media-users-face-threats-of-jail-for-their-posts-5018434> (accessed on 27 November 2025).
14. BBC 'Police officers charged with murder of Kenyan blogger' (2025) <https://www.bbc.com/news/articles/cz09l4k4184o> (accessed on 27 November 2025).
15. Reuters 'Senior Kenyan policeman arrested over death of blogger in custody' (2025) <https://www.reuters.com/world/africa/senior-kenyan-policeman-arrested-over-death-blogger-custody-2025-06-13/> (accessed on 29 November 2025).

fact the right to access information is enshrined under Article 35 of the Constitution and the Access to Information Act of 2016.<sup>16</sup> In 2025, in what seems like systemic suppression of freedom of expression the national government increasingly used anti-terrorism courts to prosecute protesters, charging over 70 individuals, mostly youth and digital activists, with terrorism-related offences.<sup>17</sup>

On a separate note, but in relation to free speech and freedom of the media, the Communication Authority of Kenya (CA) ordered an immediate halt to live television and radio broadcasts of the June 2025 protests, failure to which would result in regulatory sanctions.<sup>18</sup> Using regulatory power to deter broadcasters against live coverage curtails media freedoms and access to information.

On a positive note, a High Court in Kenya

ruled that Meta, Facebook's parent company, can be sued in country for its alleged role in facilitating the spread of content that incited ethnic violence.<sup>19</sup> The landmark decision rejected Meta's argument that Kenyan courts lack jurisdiction since the company is not registered in Kenya.

## Privacy and

## Surveillance

The right to privacy is protected by the Kenyan Constitution (2010) under Article 31 and is given effect by the Data Protection Act, 2019 (DPA). In 2025, a five-year strategic plan was launched by the Office of the Data Protection Commissioner (ODPC) with key goals including continuous review of the Data Protection Act and regulations, institutional capacity-building for compliance enforcement, and

16. Kenya Law 'Access to Information Act' (2025) <https://new.kenyalaw.org/akn/ke/act/2016/31/eng@2022-12-31> (accessed on 29 November 2025).

17. Amnesty Kenya 'The Dangerous Expansion of Kenya's Anti-Terrorfive-year Laws' (2025) <https://www.amnestykenya.org/the-dangerous-expansion-of-kenyas-anti-terror-laws/#::~:~:text=July%2023%2C%202025-,THE%20DANGEROUS%20EXPANSION%20OF%20KENYA'S%20ANTI%2DTERROR%20LAWS,through%20the%20lens%20of%20counterterrorism?> (accessed on 27 November 2025).

18. Citizen Digital 'Communications Authority orders stop to live broadcasts of June 25 protests' (2025) <https://www.citizen.digital/article/communications-authority-orders-stop-to-live-broadcasts-of-june-25-protests-n365216> (accessed on 29 November 2025).

19. 19 KICTANET 'High Court Rules Meta Can Be Sued in Kenya' (2025) <https://posts.kictanet.or.ke/high-court-rules-meta-can-be-sued-in-kenya/> (accessed on 27 November 2025).

increased monitoring, surveillance, and public trust in Kenya's data governance ecosystem.<sup>20</sup> Subsequently, the Kenya Revenue Authority (KRA) issued regulations for the new Significant Economic Presence Tax (SEPT), expanding taxation on all locally consumed digital services, regardless of provider location. SEPT targets online platforms (non-resident entities) that provide internet or electronic services to local users. Although the regulation serves a valid purpose in taxing digital services consumed in Kenya, potential non-compliance with the Data Protection Act may lead to the tax authority's enhanced surveillance of Kenyan users.

Despite having strong laws and regulations on data protection, the national government suffered a significant data breach at the Business Registration Service (BRS) that exposed sensitive information about millions of Kenyan compa-

nies.<sup>21</sup> As the sole custodian of Kenya's company registry, BRS holds critical data on all registered businesses, including company names, directors' and shareholders' details.<sup>22</sup> The cyberattack highlighted serious vulnerabilities in the cybersecurity of state systems, which can lead to data and identity theft.

Another significant incident involved the Directorate of Criminal Investigations (DCI), which suffered a cyber-attack on its official digital platforms, including X (formerly Twitter) and Facebook. Attackers took control of the accounts and used the platforms to promote cryptocurrency scams, reportedly making illicit profits of approximately 64.7 Solana (SOL) tokens, approximately \$4,000 and \$13,000, in earnings before authorities regained control.<sup>23</sup> The attack exposed cybersecurity vulnerabilities of the government's digital systems.

20. Citizen Digital 'Kenya strengthens data governance with new ODPC strategic plan and Nyeri regional office' (2025) <https://www.citizen.digital/article/kenya-strengthens-data-governance-with-new-odpc-strategic-plan-and-nyeri-regional-office-n365814> (accessed on 27 November 2025).

21. Capital News 'Govt Confirms Data Breach on main registry exposing millions of companies' (2025) <https://www.capitalfm.co.ke/news/2025/02/govt-confirms-data-breach-on-main-registry-exposing-millions-of-companies/> (accessed on 27 November 2025).

22. Business Daily 'Cybercriminals steal business owners' IDs, phone, house details' (2025) <https://www.businessdailyafrica.com/bd/corporate/technology/cybercriminals-steal-business-owners-ids-phone-house-details-4910734> (accessed on 27 November 2025).

23. Citizen Digital 'DCI says regained control after Facebook, X accounts hacked' (2025) <https://www.citizen.digital/article/dci-says-regained-control-after-facebook-x-accounts-hacked-n357347> (accessed on 28 November 2025).

Similar to 2024, debt shaming by digital lenders is becoming increasingly prominent nationwide. Some digital credit providers, in the course of debt collection, access clients' contact lists sometimes without their knowledge or consent.<sup>24</sup> As such, the ODPC sought license revocation of Kenyan digital lenders over persistent breaches of data protection laws.<sup>25</sup> The Central Bank of Kenya is yet to revoke a digital lender's license as was recommended by the ODPC albeit errant firms like Chapeo Capital Limited, Mulla Pride, and Azura Credit are known debt shaming players with regulatory warnings and fines. Apart from predatory data use in digital lending, consent is also undermined in formal financial markets. Standard Investment Bank collected a complainant's email address without

explicit permission before sending them promotional content.<sup>26</sup> This constituted a breach of Section 26(a) of the DPA, which mandates that data subjects be informed about the collection and use of their personal data at or before the point of collection.<sup>27</sup>

Beyond corporate environments, state security agencies have also been implicated in intrusive data practices. According to a forensic analysis done by Citizen Lab, a Canadian internet watchdog based at the University of Toronto, spyware (FlexiSPY) was installed on Mr Bryan Adagala's Phone in May 2025.<sup>28</sup> Mr Adagala was among the makers of the documentary, "Blood Parliament", and was, as a result, arrested by Kenya's Directorate of Criminal Investigation. FlexiSPY, a surveillance

2025).

24. Business Daily 'Data Protection Office asks CBK to revoke permits for two digital lenders' (2025) <https://www.businessdailyafrica.com/bd/economy/dpo-asks-cbk-to-revoke-permits-for-two-digital-lenders-5162924> (accessed on 28 November 2025).
25. Business Daily 'Cash-thirsty Kenyans tap 5.5m loans from digital lenders' (2025) <https://www.businessdailyafrica.com/bd/economy/cash-thirsty-kenyans-tap-5-5m-loans-from-digital-lenders-5184404> (accessed on 28 November 2025).
26. CR Advocates LLP 'Two Rulings That Reshape Legal Compliance and Judicial Review in Kenya' (2025) <https://www.linkedin.com/pulse/two-rulings-reshape-legal-compliance-judicial-review-08egf/> (accessed on 28 November 2025).
27. ODPC 'Andrew Endovo v. Standard Investment Bank (Complaint No. 0697 of 2025)' (2025) <https://www.odpc.go.ke/wp-content/uploads/2025/10/STANDARD-INVESTMENT-BANK.pdf> (accessed on 28 November 2025).
28. Citizen Digital 'Filmmaker behind 'Blood Parliament' claims state surveillance via hacked phone' (2025) <https://www.citizen.digital/article/filmmaker-behind-blood-parliament-claims-state-surveillance-via-hacked->

tool, can record phone calls, intercept messages, capture audio, track locations and delete or modify data.<sup>29</sup>

In 2025, telecommunications entities also failed in their data protection duties. Two former managers at Safaricom accessed and shared subscribers' data for sale to a top sports betting firm<sup>30</sup> which is a violation of Section 49 of the DPA.<sup>31</sup> Potential implications of the leaked data include SIM swap fraud, financial scams, profiling, and blackmail.

Elsewhere, the Kenya Information and Communications (Amendment) Bill 2025 mandates Internet Service Providers (ISPs) to collect and submit detailed personal data, including ID numbers and usage patterns, to the Communications Authority of Kenya (CA).<sup>32</sup> This poses a direct threat to the right to privacy, which is constitutionally protected under Article 31 and further enshrined in the DPA.

In a significant judicial fete, the High Court of Kenya presided by Justice Chacha Mwita sitting in Nairobi on 18 July 2025, in *Katiba Institute v Communications Authority of Kenya & Others* quashed the Communications Authority (CA) and the Kenya Revenue Authority (KRA) public notices mandating disclosure of mobile phone IMEI numbers, declaring them unconstitutional, unlawful, and null and void. The Court held that compulsory IMEI collection violated Article 31 (right to privacy) and failed the proportionality test under Article 24 of the Constitution. The court issued orders of prohibition, thereby halting plans for a centralised device database tied to tax-compliance verification.

phone-n369412 (accessed on 28 November 2025).

29. Daily Nation 'How the DCI spies on your phone' (2025) <https://nation.africa/kenya/news/how-the-dci-spies-on-your-phone--5189894> (accessed on 28 November 2025).

30. Business Daily 'Deal on stolen data of 11.5m Safaricom subscribers flops' (2025) <https://www.businessdailyafrica.com/bd/corporate/technology/deal-on-stolen-data-of-11-5m-safaricom-subscribers-flops-5238396> (accessed on 28 November 2025).

31. ODPC 'Guidance Note on Processing Biometric Data' (2025) <https://www.odpc.go.ke/wp-content/uploads/2025/05/Draft-1-Guidance-Processing-of-Biometric-Data.pdf> (accessed on 28 November 2025).

32. ICJ Kenya 'Human Rights Analysis of the Kenya Information and Communications (Amendment) Bill, 2025' (2025) <https://icj-kenya.org/news/human-rights-analysis-of-the-kenya-information-and-communications-amend->

## Developments in ICT and Emerging Technologies

Kenya's new Artificial Intelligence Strategy 2025–2030 aims to establish strong AI governance, drive adoption in priority sectors (agriculture, security, health, education, public services), grow a local AI ecosystem, and position Kenya as a regional hub for AI research, model development, and scalable innovation.<sup>33</sup> The Strategy aligns the development of AI with other digital economy strategies, such as the Digital Economy Blueprint (2019) and the National Digital Master Plan (2022–2032), which emphasise digital government, digital businesses, infrastructure, innovation, and digital skills.

Kenya also pioneered and launched AI and

digital courses for public servants, a progressive capacity-building step towards onboarding the country on the AI strategy and influencing adoption in various public sectors.<sup>34</sup> This program will provide civil servants with critical governance skills that advance digital transformation with integrity, transparency, and accountability, thus securing a future for Kenya that is prosperous, inclusive, ethical, and built on trust.<sup>35</sup>

However, the country lacks a comprehensive and specific regulatory framework for AI. While existing legal frameworks, such as the Data Protection, Computer Misuse and Cybercrime, Intellectual Property, and Consumer Acts<sup>36</sup> provide some guidance, they are insufficient to address the regulatory complexities that come with AI. Such structural gaps create fertile ground for AI-driven cyberattacks, which rose by 28% between July and September 2025, compared to a similar period in 2024.<sup>37</sup>

ment-bill-2025/ (accessed on 28 November 2025).

33. Ministry of ICT 'Kenya Artificial Intelligence Strategy 2025-2030' (2025) <https://ict.go.ke/sites/default/files/2025-03/Kenya%20AI%20Strategy%202025%20-%202030.pdf> (accessed on 28 November 2025).

34. UNESCO 'Kenya Launches UNESCO–Oxford free online course on AI and Digital Transformation' <https://www.unesco.org/en/articles/kenya-launches-unesco-oxford-free-online-course-ai-and-digital-transformation> (accessed on 19 February 2026).

35. Joint SDG Fund 'Kenya launches pioneering AI and digital courses for public servants' <https://www.jointsdgfund.org/article/kenya-launches-pioneering-ai-and-digital-courses-public-servants> (accessed on 19 February 2026).

36. CMS Legal 'Data protection and cybersecurity laws in Kenya' (2025) <https://cms.law/en/int/expert-guides/cms-expert-guide-to-data-protection-and-cyber-security-laws/kenya> (accessed on 28 November 2025).

37. Daily Nation 'Kenya cyber threats up 28pc as criminals deploy AI tools' (2025) <https://nation.africa/kenya/busi->

## Digital Inclusion

While 53.7% of Kenyans aged three years and above own a mobile phone, ownership remains heavily skewed toward urban areas, where 64.6% of residents have access to a device compared to only 48.6% in rural regions.<sup>38</sup> This persistent divide underscores structural challenges that continue to isolate rural populations from digital participation. Regarding Kenya's readiness for a digital future, the Competency-Based Curriculum (CBC) was designed to prepare learners for a technologically integrated world. However, as of 2025, only 22% of teachers in the country had undergone formal ICT training.<sup>39</sup> This skills gap within the teaching workforce significantly hampers the development of a digitally literate gener-

ation, stifles national innovation capacity, and undermines Kenya's competitiveness in an increasingly digital global economy. According to the Communications Authority of Kenya, plans are underway to establish 1,450 digital hubs across the country.<sup>40</sup> When paired with Universal Service Fund investments, the initiative could lower access costs, increase skills and job opportunities, and improve rural inclusion.

There are concerns regarding the implementation of digital government service platforms. For many individuals living in poverty, the financial burden of acquiring smartphones, computers, or maintaining reliable connectivity remains prohibitive.<sup>41</sup> Furthermore, this exclusion was compounded on 1 August 2025 when data revealed a significant rise in the number of Kenyans relying on feature phones, reach

ness/kenya-cyber-threats-up-28pc-as-criminals-deploy-ai-tools--5233336 (accessed on 28 November 2025).

38. Communication Authority of Kenya 'Urban-Rural Digital Divide Hinders ICT Uptake, Joint CA and KNBS Survey Shows' (2025) <https://www.ca.go.ke/urban-rural-digital-divide-hinders-ict-uptake-joint-ca-and-knbs-survey-shows> (accessed on 30 November 2025).
39. Citizen Digital 'Bridging the Digital Divide in Education: Why Teachers Need Urgent Upskilling' (accessed on 30 November)
40. Ministry of ICT '47 ICT Centres and 1,450 Hubs Nationwide to Bridge Digital Divide and Spur Innovation' (2025) <https://www.ict.go.ke/47-ict-centres-and-1450-hubs-nationwide-bridge-digital-divide-and-spur-innovation> (accessed on 28 November 2025).
41. 41 World Economic Forum 'Trade and Labour: Pathways for Decent Work in Kenya's Digital Economy' (2025) [https://reports.weforum.org/docs/WEF\\_Trade\\_and\\_Labour\\_Pathways\\_for\\_Decent\\_Work\\_in\\_Kenya's\\_Digital\\_](https://reports.weforum.org/docs/WEF_Trade_and_Labour_Pathways_for_Decent_Work_in_Kenya's_Digital_)

ing 32,573,748 users, up from 30,579,714 in the first quarter.<sup>42</sup> While feature phones offer basic communication, they do not support access to the government’s digital platforms, nor do they provide immediate access to online information, digital payments, or entertainment services.

Moreover, further evidence emerged of structural exclusion within Kenya’s digital policy landscape. Innovators and developers frequently overlook the requirements of persons living with disabilities, resulting in digital platforms and products that are non-inclusive by design. This systemic neglect was echoed when stakeholders in Vihiga County reported that more than 29,000 registered persons living with disabilities continue to lack access to essential digital tools.<sup>43</sup> Many specialised education centers in the region lack computers, limiting learners’ ability to develop digital skills and restricting

their opportunities in education, employment, and civic participation. Together, these regressions reveal deep-seated accessibility gaps that undermine the digital inclusion of people living with disabilities in the country.

### Child Online Safety

The digital safety of children in Kenya focused primarily on enforceable compliance expectations as opposed to awareness programs. In 2025, the Communications Authority of Kenya issued the industry guidelines for child online protection and safety in Kenya. These guidelines require ICT providers to institute child online protection policies, as well as, supporting digital literacy for children to enable them to participate fully in the digital ecosystem.<sup>44</sup> In the same vein, the ODPC issued guidance notes for

[Economy\\_2025.pdf](#) (accessed on 30 November 2025).

42. Capital Fm ‘Bridging Kenya’s Capital Divide: Why Smartphones Matter for Economic Growth’ (2025)<https://www.capitalfm.co.ke/news/2025/08/bridging-kenyas-digital-divide-why-smartphones-matter-for-economic-growth/> (accessed on 30 November 2025).
43. The Standard ‘Stakeholders Push for Digital Inclusion for Persons Living With Disabilities in Vihiga’(2025) <https://www.standardmedia.co.ke/western/article/2001531509/stakeholders-push-for-digital-inclusion-for-persons-with-disabilities-in-vihiga> (accessed on 30 November)
44. Communications Authority of Kenya ‘Industry Guidelines For Child Online Protection and Safety In Kenya April 2025’ [https://www.ca.go.ke/sites/default/files/2025-04/%20Industry%20Guidelines%20for%20Child%20Online%20Protection%20%28COP%29%20and%20Safety%20in%20Kenya\\_Apr2025.pdf](https://www.ca.go.ke/sites/default/files/2025-04/%20Industry%20Guidelines%20for%20Child%20Online%20Protection%20%28COP%29%20and%20Safety%20in%20Kenya_Apr2025.pdf) (accessed on 19 February 2026).

processing children's data. These notes emphasise verifiable parental consent, age-verification mechanisms, and high-risk processing data protection impact assessment.<sup>45</sup> Importantly, the Kenya Children Policy (2025) flags barriers to digital inclusion for children, such as digital literacy gaps and urban-rural disparities and reinforces the need for equitable access, infrastructure, and training.<sup>46</sup> Undoubtedly, these policy frameworks are pivotal in enabling children to safely learn, access, create, and participate online.

### Universal Service Fund

According to a Key Informant Interview conducted in December 2025 with an official from the Communications Authority of Kenya, the Universal Service Fund (USF) continued to expand ICT access in unserved and underserved areas through infrastructure deployment and targeted subsidies. As at July 2025, the Voice Infrastructure Project (Phases 1–4)

had a cumulative allocation of approximately KES 6.43 billion (approximately US\$49,748,549), with Phase 1 completed (76 sub-locations), Phase 2 ongoing (69 of 101 sub-locations covered, expected completion in FY 2025/26), Phase 3 underway (10 of 68 sub-locations connected), and Phase 4 at contract preparation stage. Under the Fibre Infrastructure and Services Project (Digital Superhighway Project – DSHP), 2,193 km of fibre had been deployed, and 541 out of 608 targeted government institutions connected under Phase I, with completion expected by December 2025. Phase II, targeting 3,868 government offices across all 47 counties, had completed site surveys and network designs and was scheduled for implementation through June 2026. In addition, Digital Terrestrial Television (DTT) broadcast infrastructure for Mandera, Marsabit and Turkana counties had been tendered in June 2025.

Beyond infrastructure expansion, the USF supported sector-specific digital inclusion initiatives in 2025. These included

45. ODPC 'Guidance Notes for Processing Children's Data' <https://www.odpc.go.ke/wp-content/uploads/2025/11/ODPC-%E2%80%93-Guidance-Note-for-Processing-Childrens-Data.pdf> (accessed on 19 February 2026).

46. National Council for Children Services 'Kenya Children Policy' <https://www.nccs.go.ke/sites/default/files/resources/Draft%20Kenya%20Children%20Policy.pdf> (accessed on 19 February 2026). Egypt: artificial intelligence readiness assessment report <https://unesdoc.unesco.org/ark:/48223/pf0000395173?posInSet=1&queryId=39fff3b8-75bb-433c-a655-aef57bffb73d>

the enhancement of access to educational content for learners with print disabilities (30% complete, targeting 1,000 learners), the fully operational Kenya Education Cloud Open Educational Resources Portal, the Judiciary Automation Project covering 42 court stations across 27 counties, and the Kenya Agricultural Content Digitisation project (approximately 85 per cent complete, targeting 9,400

farmers). The interview further indicated that USF projects undergo annual audits conducted by the Office of the Auditor General. While these developments reflect continued state investment in bridging the digital divide, several projects will extend into FY 2026/27 and 2027/28, underscoring the importance of sustained oversight, timely delivery, and long-term impact assessment.

## Conclusion

Kenya's 2025 digital rights landscape is defined simultaneously by progress and state overreach. Ambitious investments in connectivity, e-government, data protection, and emerging technologies have expanded digital opportunities and reinforced Kenya's status as a regional tech leader. These gains, however, coexist with internet disruptions, intrusive surveillance, pervasive data abuses, criminalisation of online expression, and persistent impunity by security agencies. High costs, poor infrastructure, and inaccessible design continue to exclude rural, low-income communities and persons with disabilities from meaningful digital participation. Without stronger safeguards, accountability, and inclusive

policy implementation, technological progress will deepen inequality and erode constitutional guarantees, rather than advancing rights and social justice.

## Recommendations

### The Government should:

- Establish harmonised rules on cross-border data transfers, data localisation, and cloud contracts to ensure that Kenyan public data and sensitive information are protected under Kenyan law.
- Expand affordable connectivity by prioritising infrastructure in rural, informal, and marginalised communities,
- The Communications Authority of Kenya should put in place an effective and transparent tracker for the Universal Service Fund where the public and different stakeholders can monitor use of funds and progress of projects.
- Amend provisions in the Computer Misuse and Cybercrimes Act and regulations regarding “publishing false information,” “impersonation,” “vague cyber crimes,” and broad categories of electronic communications that impinge on the tenets under Articles 33 and 35 of the Kenyan Constitution (2010), ensuring they relate to clearly identified and deliberate harm rather than critical commentary or satire, and that most offences related to online publishing are handled in civil lawsuits.

### The media should:

- Use human-interest storytelling and data-driven journalism to demonstrate how restrictive ICT policies and digital disruptions result in the disenfranchisement of deprived and marginalised com

- munities from basic services, and highlight ways to foster successful inclusion.
- Investigate government partnerships with private developers in the deployment of surveillance and propaganda technology, and engage the public in evidence-driven discussions about the impact of such technology on democracy.
- Leverage the Media Council of Kenya and the Kenya Editors Guild to systematically challenge broadcast bans and gag orders in court, to obtain declarative relief and sustain judicial jurisprudence on protecting media freedoms and access to information.

#### The private sector should:




- Implement child online safety compliance by applying the ODPC child-data guidance and the CA child online protection expectations.
- Align organisational AI deployments with Kenya's AI strategic goals, including model development, data governance, and scalable innovation.
- Lending firms should uphold fair collection standards and lawful independent escalation channels during debt recovery.







# The Score Index

Kenya, 2025

1 = Totally non-compliant; 2 = Mildly compliant; 3 = Moderately compliant;  
4 = Considerably compliant; 5 = Fully compliant

Indicator	ACHPR Principle	2024 Score	2025 Score	2025 Justification
Internet Shutdowns	P38(2)			There were restrictions on access to the social media platform Telegram during national exams. There was also recorded internet throttling during the June 2025 protest
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37			There are various laws and policies, including the Universal Service Fund, aimed at promoting affordable internet access across the country
False News Criminalisation	P22(2)			Computer Misuse and Cybercrimes (Amendment) Act 2025 criminalises the spreading of false news; however, there are concerns that have required judicial intervention
Sedition Legislation	P22(2)			Despite concerted efforts by the state to criminalise sedition the judiciary has been steadfast in upholding the constitutional spirit of freedom of expression

Indicator	ACHPR Principle	2024 Score	2025 Score	2025 Justification
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	 1	 2	There were numerous arbitrary arrests and harassments of activists during protests and after
Data Protection Legislation.	P42	 5	 5	Data Protection Act (2019) safeguards Kenyans' personal data, regulates its use by state and private actors, and establishes an independent data protection commission for oversight. The office was particularly active in 2025 and went after top lending apps and companies
Online Content Removal Without Process	P38 and P39(4)	 4	 2	The Computer Misuse and Cybercrimes (Amendment) Act 2025 grants the state powers to remove online content they deem "unacceptable" on social media
Invasion of Privacy of Communications	P41	 1	 2	The government, through its security agencies, have been accused by reputable international watchdog Citizen Lab of installing spyware on some of the makers of the "Blood Parliament" documentary that led to the death of finance bill protesters
Failure by the government to proactively disclose and disseminate information on digital technologies.	P29(3)	 3	 3	The Access to Information Act (2016), together with Article 35 of the Kenyan constitution, guarantees citizens access to information of national importance held by the state.

Indicator	ACHPR Principle	2024 Score	2025 Score	2025 Justification
AI and Emerging Technologies national strategies	P39(6)	 3	 5	Kenya launched the national Artificial Intelligence Strategy 2025–2030, focused on establishing strong AI governance and growing the local AI ecosystem in the country
Adoption of specific child laws, policies and measures promoting children’s digital safety and privacy online	P37(5)	 3	 5	Kenya utilises a patchwork of legal frameworks, such as the Computer Misuse and Cybercrimes (Amendment) Act 2025, the Children Act, 2022, the Industry Guidelines for Child Online Protection and Safety in Kenya (CA, April 2025), ODPC Draft Guidance Note for Processing Children’s Data (2025), to foster children’s online digital safety and privacy. There are also established state departments set aside to handle children safety matters.
Digital Inclusion	P37(3)	 2	 3	Kenya has expanded connectivity through the Universal Service Fund and national fibre rollout; however, there is need to have a publicly available USF tracker. There are still affordability and accessibility gaps for persons with disabilities as well as poor and rural communities
Total (out of 60):	2024: <b>34</b>	<b>2025</b> <b>37</b>		



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