“TOWARDS A PROTECTED AND EXPANDED CIVIC SPACE IN KENYA AND BEYOND”

A Status Report and Strategy Paper Developed for the Civil Society Sector in Kenya

OCTOBER 2016
ACRONYMS AND GLOSSARY OF TERMS

**ACRONYMS**

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<tr>
<th>ACRO</th>
<th>FULL FORM</th>
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<tr>
<td>AfriCOG</td>
<td>Africa Centre for Open Governance</td>
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<td>ACHPR</td>
<td>African Commission on Human and Peoples’ Rights</td>
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<td>ALDS</td>
<td>African Lawyers in Defence of Civil Society</td>
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<td>CBO</td>
<td>Community Based organisation</td>
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<td>CCPAU</td>
<td>Citizens Coalition for Participation in the African Union</td>
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<td>CHRCE</td>
<td>Centre for Human Rights &amp; Civic Education</td>
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<td>CRECO</td>
<td>The Constitution and Reform Education Consortium</td>
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<td>Civil Society Organisations</td>
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<td>Civic Space Protection Platform</td>
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<td>CS-RG</td>
<td>Civil Society Reference Group</td>
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<td>EACSOFOF</td>
<td>East African Civil Society Organisations’ Forum</td>
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<td>FBO</td>
<td>Faith Based Organisation</td>
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<td>FATF</td>
<td>Financial Action Taskforce</td>
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<td>FIDA</td>
<td>Federation of Women Lawyers</td>
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<td>FKE</td>
<td>Federation of Kenya Employers</td>
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<td>GALCK</td>
<td>Gay and Lesbians Coalition of Kenya</td>
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<td>Human Rights Defenders</td>
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<td>International Criminal Court</td>
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<td>International Centre for Not For Profit Law</td>
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<td>ICPC</td>
<td>International Centre for Peace and Conflict</td>
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<td>IMLU</td>
<td>Independent Medico-Legal Unit</td>
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<td>International Non-Governmental Organisations</td>
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<td>IPPG</td>
<td>Inter-Parties Paliamentary Group</td>
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<td>KANU</td>
<td>Kenya African National Union</td>
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<td>KACE</td>
<td>Al-Khatim Adlan Centre for Enlightenment and Human Development</td>
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<td>KBC</td>
<td>Kenya Broadcasting Corporation</td>
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<td>Abbreviation</td>
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<td>KBC Act</td>
<td>Kenya Broadcasting Corporation Act</td>
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<td>Kenya Correspondents Association</td>
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<td>KEPSA</td>
<td>Kenya Private Sector Alliance</td>
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<td>Kenya Human Rights Commission</td>
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<td>KICA Act</td>
<td>Kenya Information and Communications Act</td>
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<td>Kenya National Commission on Human Rights</td>
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<td>Kenyans for Peace with Truth and Justice</td>
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<td>Kenya Union of Journalists</td>
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<td>LGBT</td>
<td>Lesbian, Gay, Bisexual and Transgender</td>
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<td>LRF</td>
<td>Legal resources foundation</td>
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<td>LSK</td>
<td>Law Society of Kenya</td>
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<td>MCK</td>
<td>Media Council of Kenya</td>
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<td>National Coalition Of Human Rights Defenders</td>
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<td>Non-Governmental Organizations</td>
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<td>Non Profit Organisations</td>
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<td>PALU</td>
<td>Pan African Lawyers Union</td>
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<td>PASUNE</td>
<td>Paralegal Support Network</td>
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<td>Post Election Violence</td>
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<td>Public Benefit Organizations</td>
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<td>Rights Based Approaches</td>
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<td>Rights Protection and Promotion</td>
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<td>SACCOs</td>
<td>Saving and Credit Cooperative Societies</td>
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<td>TNA</td>
<td>The National Alliance Party</td>
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GLOSSARY OF TERMS

In this context the following terms are assigned the following meanings:

Actor: A person, group or institution within a sub-sector.

Sector: One of the three key formations of societies; Public Sector (State), Private Sector (Market) and Civic Sector (Civil Societies)

Sub-sector: One arm of a sector working independently from other arms within the sector. E.g. The Judiciary as an arm of state. E.g. media as an arm of civil societies.

Partner: An actor or any other interested player committed to supporting any sub-sector in the protection of civic space.

Strategy: A plan of action or policy designed to achieve a major or overall aim.¹

Action Plan: A sequence of steps that must be taken, or activities that must be performed well, for a strategy to succeed. It has three major elements (1) Specific tasks: what will be done and by whom. (2) Time horizon: when will it be done? (3) Resource allocation: what specific funds are available for specific activities¹.

Chamas Social welfare groups

UhuRuto The National Executive of the Republic of Kenya, led by Uhuru Kenyatta as the President and William Ruto as his Deputy.

¹ Retrieved http://www.businessdictionary.com/definition/action-plan.html#ixzz4DP60AjCj
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1 Njeri Kabeberi-CS-RG; Davis Malombe-KHRC; Faith Kisinga-ICNL; Mueni Kiio-Nzioka-Oxfam; Victor Bwire-Media Council and Kamau Ngugi, NCHRIDs.
FOREWORD

From 2013 to date, there have been several attempts by the Kenyan State to constrain the civic and democratic space through punitive and prohibitive governance frameworks targeting the Public Benefits Organizations (PBOs), Faith Based Organizations (FBOs), media organizations, trade unions, Constitutional Commissions among other independent state and non-state actors.

Efforts to push back against restrictions have generally succeeded in countering immediate threats, but they have been reactive and ad hoc, rather than proactive engagements that claim back and expand the space for civil society. Additionally, civil society actors have often responded to impeding threats to civic space on their own.

Cognizant of this glaring gap in the struggle to expand shrinking civic space, on 17th May 2016, the Kenya Human Rights Commission (KHRC), the International Center for Not-for-Profit Law (ICNL), Kenyans for Peace with Truth and Justice (KPTJ), and Civil Society Reference Group (CS-RG), co-convened a National Civil Society Leaders Meeting which drew participants from different sub-sectors to cross pollinate ideas, perspectives and strategies for reclaiming and expanding civic spaces.

The meeting agreed to the formation of the Civic Space Protection Platform in Kenya whose mandate is to support the creation, reclamation and preservation of civic spaces in Kenya and Beyond. From this meeting, and several subsequent meetings, this strategy paper titled ‘Towards a Protected and Expanded Civic Space in Kenya and beyond’, was developed. The National Coalition of Defenders- Kenya, later on joined the convening team as a co-convener.

The strategy mentions in particular, tactics that are used by the state to limit civic space, and goes on to provide proposals for legal, policy and other modes of intervention. It is basically a sectorial update on the status of civic space in Kenya, which also provides a framework for intervention.

The strategy paper is structured as follows; chapter 1 discusses what the ideal structure of the society ought to be, highlighting the ideal relationship that would exist between government, civil society and the private sector in a perfect model society. Chapter 2 highlights the trends on shrinking civic space that have been noted in Kenya, regionally and internationally. Chapter 3 presents perspectives and experiences shared by different partners from International NGO’s, Development Partners National NGOs, Media Practitioners and Human Rights Defenders, Religious Practitioners on shrinking civic space. Lastly, Chapter 5 presents the strategies and next steps for confronting shrinking civic space that have been agreed upon by members of the civil society in Kenya, including a detailed implementation matrix that was developed to guide the sector in these efforts.

GEORGE KEGORO
Executive Director- KHRC

SUBA CHURCHILL
Presiding Convener- CS-RG

1 Held at the House of Waine in Karen, Nairobi-Kenya
1. EXECUTIVE SUMMARY

The shrinking civic and democratic space has become a major governance issue for the civil society and other independent voices and actors, at all levels in the society. It is on this basis that on 17th May 2016, the Kenya Human Rights Commission (KHRC), the International Center for Not-for-Profit Law (ICNL), Kenyans for Peace with Truth and Justice (KPTJ), and Civil Society Reference Group (CS-RG), co-convened the National Civil Society Leaders meeting, at House of Waine, Nairobi, which drew participants from different sub-sectors\(^4\) to cross pollinate ideas, perspectives and strategies for reclaiming and expanding civic spaces.

Participants in the meeting shared their institutional experiences on how shrinking civic spaces impact their work and effectiveness, confirming the hypothesis that multiple sub-sectors of the civic sector are impacted negatively and targeted by State in repressing critical civic engagement.

Some tactics used by State to shrink civic spaces include:

- Burdensome registration requirements for civic actors and other registration restrictions
- Restricting financing from foreign sources
- Harassment of staff and partners, arrests and intimidation during outreach activities
- Censorship, clampdowns and de-registration
- Specific targeting of individuals for extortion, arrests and brutalization
- Challenges in obtaining work permits and visas, challenges of in country registration of international agencies
- Disproportionate penalties for non-compliance with regulatory laws
- Difficulty in getting approvals from governments especially for RBA programmes as compared to humanitarian programmes
- Undue surveillance by security forces
- Limited government consultation with respect to policy development
- Intimidation and targeting individual activists
- Restrictions on online access and spaces
- Banning or criminalization of protests and other forms of picketing, limiting the ability of citizens to organize and demonstrate
- Severe reporting requirements with penalties for failure
- Requirements to declare the identity of donors
- Broad discretion to seize assets on suspicion of terrorism financing

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\(^4\) Participants were drawn from the human rights and governance sub-sectors, media, religious sphere, donor level INGOs and umbrella institutions bringing together a coalition of human rights defenders.
Other censorship actions entail:

- Self-censorship in repressive contexts
- Undue criticism from peers in other sub-sectors
- Vilification from an apathetic citizenry
- Non-protection of workers of civil societies
- Co-optation of civic actors into state and market sector.

The participants further cross-pollinated ideas for how individual institutions and sub-sectors have sought to push back on the shrinking spaces. These strategic actions included:

- Research, analysis, and evidence based actions;
- High level engagement with global bodies such as the FATF (Financial Action Taskforce);
- Litigation to counter repressive laws and victimization;
- Network building within specific sub-sectors;
- Skills building on advocacy, personal and data security;
- Global, regional and national conferencing to learn and adopt best practices;
- Building alliances across sectors and actors;
  - Board room negotiations inviting likeminded state actors (e.g. constitutional commissions) to push back on regressive state action;
  - Policy influence and political lobbying.

The meeting agreed to form the Civic Space Protection Platform (CSPP) in Kenya and declared it as a useful and credible forum in drawing a network of actors (media, trade unions, religious institutions, civil society formations, social movements, academia, private sector, independent oversight commissions and other networks of human rights defenders) around issues on the civic space.

The Protection Platform envisions “A Protected and Expanded Civic Space in Kenya and Beyond”. Its mandate/main objective is To safeguard and consolidate civic space in Kenya and beyond. Specifically, the platform is mandated to:

- To facilitate effective coordination of policy and political actions on the civic space in the society.
- To facilitate timely gathering and dissemination of information on civic space among key members and partners.

The meeting further explored and fomented strategies for future looking actions toward countering the shrinking civic spaces and ensuring the participation of a diverse pool of civic actors, nationally and regionally. The following strategies/strategic priorities were developed from the meeting: Policy and Judicial actions; Research and Documentation; Partnerships and Consultative forums; Training and Capacity Building and; Sustainability and Communications around the civic space issues.
A number of action points were developed against each of these strategies. KHRC, ICNL, KPTJ, and the CS-RG were tasked to concretize the above strategies and action points in a strategy paper and share it with the members for views and validation. The validation meeting was later held at the AACC Westlands on September 23, 2016 where stakeholders discussed the draft strategy and provided feedback, which has been incorporated into this final document. Participants also requested that the final strategy paper be submitted before the Executive Directors (EDs) for final adoption. The ED’s forum was held at the All African Conference of Churches (AACC) on October 7, 2016 where the document was shared. During the 1st National PBO leaders’ summit that was held at the AACC on 7th October 2016, the strategy document was adopted by PBO leaders who had attended the summit from all around the Country.

The initial meeting of 16th May 2016 also resolved to reach out to the civic sector across the region, particularly those operating in Eastern and Horn of Africa drawing from the common challenges and need for unified urgent action.5

5 The Sub-Regional Forum was held on August 30-31 at DusitD2 (Riverside Drive in Nairobi), which drew approximately 40 participants from Kenya, Ethiopia, Burundi, Uganda, Rwanda and Zimbabwe. The convenors are in the process of fine-tuning the sub-regional strategy and action points generated at this forum.
2. THE IDEAL STRUCTURE AND OPERATIONS OF OUR SOCIETY

Conceptually and operationally, a society is made up of three critical actors: state, the market, and civil societies. Ideally, these are expected to operate independently, enjoy autonomy, and complement each others’ actions for the benefit of the citizens. The State represents the Political, the Market embodies the Economy, and the Civil Society epitomizes the Cultural/citizenry. The table below shows the actors and anticipated autonomous and complementary relations in the protection of public interests.

![Figure 1: Formation of Societies](Adopted from "Good Governance: Concepts and Components")

However, in absence of mutual respect, this independence and complementarity is fragile due to the overpowering potential of either sector against the others, thus constraining their space. The civil society whose “family tree” according the figure below seems to have the largest membership and ideally expected to have the greatest influence among the three sectors is usually the most affected, thus the “shrinking civic space”.

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*Rayana Renakumar, Centre for Good Governance.*
Figure 2: Civil society family tree
3. THE SHRINKING CIVIC SPACE IN KENYA AND BEYOND

3.1 BACKGROUND

Government harassment of independent organizations is as old as the state system itself, but this wave of targeting has a twenty-first century twist. Specifically, as citizens find new ways to organize, assemble and express themselves through the use of affordable technology, governments have found new ways to restrict public political space, suppress information, and label anything that they do not like as “foreign”.

In the last few years, the environment for civil societies around the world has become increasingly constrained. All around the world, active citizenship is under attack and the space for civic engagement is closing – not just in countries that have struggled under repressive or autocratic governments, but also in democracies with longstanding traditions of supporting freedom of expression. In many countries state authorities are consistently placing restrictions on the free space occupied by civics, by formulating or overstepping laws ostensibly to regulate civil societies. This legal arsenal can be exported from one country to another in order to stifle all forms of promoting and defending human rights.

Recent trends reveal that there is a simmering mistrust between civics and the government. Further, civil society sub-sectors, as well as like-minded state and private sector actors are affected and targeted by the Establishment to disable them. Critical voices and action by the media, academia, religious institutions, NGOs, public benefit organizations, trade unions, political parties and independent constitutional commissions against repressive or exploitative state policy or unethical state behavior are met with immediate and extreme measures by state to suppress, stifle and punish actors.

The problem seems grave in Africa owing to the increasingly repressive regimes and incessantly powerful corporates. In addition to the over-bearing nature of State upon civics, trends show that there is very little self-protectionism within State. The Executive Arm of State tends to assert undue jurisdiction, influence and power over any critical voices, regardless of their mandate or legitimacy to oversee executive action.

Parliaments and courts are often, albeit covertly, unduly influenced and under threat by the Executive capitalising on sectarian interests or corruptability of individuals leading these institutions. Political power concentration in the Executive is characterised by increases in state centralisation of resources, use of executive authority especially in matters of national security and imperialism which essentially facilitates unilateral decision taking by the Presidency ostensibly to assure decisive and quick action without obstruction from parliaments or the judiciary.

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In Kenya, since 2013, authorities have made several attempts to amend a fairly progressive law to regulate civil society organizations by proposing restrictive provisions that would have the effect of greatly reducing the ability of PBOs to operate independently.\textsuperscript{10} Religious organizations in Kenya are also grappling with their share of challenges.\textsuperscript{11} There has been any other policies to frustrate the operations and work of citizen bloggers, professional journalists, LGBT activists, human rights defenders, politicians within the opposition, the independent state institutions and ordinary citizens among others.

The challenge is therefore to strengthen the capacities of civil society and other sectors and leaders to develop and competently apply calculated strategies directed at progressively countering the threat to the affected sectors while reclaiming and advancing the civic space for all. This will be achieved through collaboration between colleagues sharing of information and designing of joint strategies to counter risks and leverage of mutual strengths across sectors and at all levels in the society\textsuperscript{12}.

Premised on the above, the Kenya Human Rights Commission (KHRC), the International Center for Not-for-Profit Law (ICNL), Kenyans for Peace with Truth and Justice (KPTJ), and Civil Society Reference Group (CS-RG), jointly convened a partners’ strategy meeting at the House of Waine in Nairobi on 17\textsuperscript{th} May 2016.

The meeting drew in participation from civil society leaders in Kenya, with participation of religious institutions, media, international NGOs, membership of the CS-RG and networks of human rights defenders to hold discussions on countering threats and reclaiming and advancing civic space in Kenya. The meeting was held as a pre-cursor to a bi-national or regional level meeting to be held at a later date.

3.2 OBJECTIVES OF THE MEETING

The meeting aimed to provide a platform for actors in civil societies in Kenya to share and build on experiences, skills and strategies on defending the civic space, in order to confront emerging threats from a united front and support each other more effectively.

The specific objectives included:

\begin{itemize}
  \item To create a common understanding on the challenge of shrinking civic spaces as a phenomenon facing a wide range of civil society actors in Kenya and an appreciation of what is at stake, nationally and regionally;
  \item To exchange ideas and lessons learned with counterparts from other sub-sectors on reversing the shrinking space;
  \item To brainstorm multi-faceted strategies (sectoral and multi-sectoral) to address civic space restrictions;
\end{itemize}

\textsuperscript{10} Concept Note, National Leaders Strategy Meeting on Shrinking Civic Space, May 2016
\textsuperscript{11} Ibid. The Religious Societies Rules published by the Attorney General have since been withdrawn, following strong opposition from religious leaders, with a view to subject them to comprehensive public consultations
\textsuperscript{12} Since this is a multi-level and multi-sectoral problem, it demands multi-stakeholders approaches at the grassroots, national, regional and international levels.
• To establish a joint platform to share and build on experiences, strengthen capacities to advocate for an enabling environment, push back against shrinking space, and augment the national voice of the civil society sector;
• To lay the ground for a united front to rapidly respond to the shrinking civic space.

3.3 EXPECTED OUTPUTS
• A core group of national leaders who will be equipped to confront shrinking civic space, advocate for an enabling environment, support each other and present a united front in pushing back against restrictions;
• Concrete proposals on strategies to reverse the shrinking space;
A meeting report, capturing the discussions, strategies and action points on way forward.

4. PRESENTATIONS

4.1 Perspectives of National NGOs, Davis Malombe, KHRC
Shrinking civic spaces is an issue with a historical outlook. In Moi era, there was a clamp on the political space for civic actors, then known as political repression. Organisations were literally formed out of this history. There have been lots of reflections by CSOs over the decades, until the realization that even other sectors e.g. religious, media, social movements, literally every actor is now under threat.

There are over 200 pieces of legislation in the world aiming at preserving civic/political spaces. The shrinking space is a matter of public interest on a global level. Governments are using policy, political and repressive tactics to divide and rule, therefore, actors must be able to act collectively.

There are many other discourses and spaces to engage in, including the Mutual Protection component of the CS-RG, HRDs Working group, etc. How do these all lend support to each other? There is need to:
• Come up with a clear sub-sectoral strategy – political, policy, judicial and civic strategies. Civic actors are affected differently by the space they occupy; noting that the demand drivers for civic action are quite diverse, e.g. land rights, resource governance, political governance, etc.
• Draw in different players beyond the democracy, political and human rights sub-sectors, e.g. environmental protection.
• Multilevel strategy which connects with other countries in Africa, and globally.

Malombe reported that KHRC has won the case against the NGO Board on the threat and attempt to de-register the institution, which is considered an affront to its existence and hence shrinking its space. They received all their legal prayers except their remedies. He thanks everyone for the support offered to KHRC.

4.2 Perspectives of International Partners, Faith Kisinga Gitonga, ICNL
It is abundantly clear through documentation and observations that civic space is shrinking across the globe, from established democracies to young democracies. More than half of the
countries around the world recently experienced threats to civic spaces, ostensibly on a number of pretexts by governments such as countering terrorism. ICNL partners in different countries are able to identify the different patterns and purported justifications, nuanced and subtle e.g. the claim for improved accountability of civic societies, countering insecurity, etc. that are used to justify restrictions of civic space. This informs the outlook for other countries and provides warning signals and scenario settings to pre-empt government actions to clamp democratic spaces.

It is imperative for civic actors to start to recognize the couched strategies of states when they start to be applied locally. Actors need to have the ability to be prepared, observe early warnings/identification of the restrictive strategies, then be prepared to counter them and use best practices.

Though human rights and democracy groups are usually targeted for speaking out on human rights violations and corruption, now, increasingly, even activists working with local communities e.g. to expose environmental degradation are coming under targeted attack. It clearly points to a wider range of issues and actors susceptible to the experience of restricted civic space. On the international stage, a number of initiatives affecting the civic space are taking place that are worth noting. One is the efforts of the Financial Action Taskforce (FATF), an intergovernmental body that sets standards in as far as preventing anti-terrorism financing and anti-money laundering. Recommendation 8 from the taskforce identifies NGOs as particularly vulnerable to exploitation for terrorism funding and recommends that governments put in place policies to prevent this. Resultantly, a number of governments are using this as justification for clamping down on CSOs through introducing restrictive laws and taking adverse administrative actions such as seizing assets, curtailing funding, restricting funding and auditing CSOs.

However, these stringent measures are not applied in equal measure to the for-profit sectors, making it clear that the tighter controls being applied are an excuse to restrict and curtail civic space. Since 2012, a diverse range of non-profit organisations have come together through the Civil Society Platform on the Financial Action Taskforce, with the aim to engage with FATF on its Recommendation 8.

As a result of this engagement, the FATF confirmed that not all CSOs are vulnerable to exploitation. Consequently, they revised their guidance and notes to correct the harmful notions that several governments had adopted and called on them to assess the risks posed to civil society actors, in partnership with civic actors, on a case by case basis as opposed to applying one-size-fits-all laws.

Faith explained that in different countries, different stringent measures have been imposed, including:

- Registration restrictions. E.g. In Uganda the NGO Act, 2016 gives the National Bureau for NGOs wide discretion to register and de-register an NGO, to issue and revoke permits.
- Severe reporting requirements with penalty for failure. E.g. In Cambodia the Law on Associations and Non-Governmental Organizations (LANGO), empowers the National Audit Authority to conduct an audit of NGOs in cases of “necessity”. This is similar to some of the amendments proposed to the PBO Act in Kenya, calling for auditing of PBOs by the National Auditor General. CSOs need to be prepared to offer alternative provisions and arrangements for self-regulation and reporting.
• Limit access to resources from external sources e.g. In Ethiopia, a law passed in 2009 limits international funding to CSOs, as was similarly proposed in Kenya in the PBO Act amendments.
• Demand for prior approval before receiving foreign funding e.g. in a proposed law in Bangladesh.
• Requirement for declaration and identification of donors e.g. in Spain NPOs are required to identify persons who donate amounts equal to or greater than 100Euro!
• Broad discretion to seize assets on suspicion of terrorism financing e.g. the Law on Financing of Terrorism in Turkey.

Therefore CSOs and civic actors need to be united in thought and action across all civic spheres so as to be prepared, respond and counter shrinking spaces; “We need to take a leaf from bodaboda (motorbike taxi) drivers who rally to support their colleagues in cases where one of them is knocked down by a motorist. They have a strategy that works. It’s time we developed ours”.

Response

There is need for civic actors to go beyond law and policy to claim and preserve the civic space.

4.3 Perspectives from the Development Organizations, with specific focus on Oxfam Kenya by Mueni Kiio - Nzioka

According to Mueni, enabling civic spaces goes beyond the simple absence of restrictions to include a set of conditions that actively help citizens/civics to function and to thrive particularly on a local level. Think through lasting sustainable solutions e.g. safeguarding human rights freedoms, mobilizing capacities and empowering local societies rather than replacing them. If partners are constrained, donors are constrained. Donor agencies influence agenda regionally, locally and globally. Civics have to be prepared to “think politically, act boldly and expect collision with government”.

Tactics of closing civic spaces
• Burdensome registration
• Restricted financing
• Harassment of staff and partners, intimidation during outreach activities
• Censorship, clampdowns and de-registration
• Specific targeting to individuals, extortion, e.g. in Ethiopia
• Challenges in obtaining work permits and visas, challenges of in country registration of international agencies
• Disproportionate penalties for non-compliance e.g. Uganda
• Difficulty in getting approvals from governments especially for RBA programmes as compared to humanitarian programmes
• Undue surveillance by security forces
• Limited government consultation with respect to policy development
• Intimidation and targeting individual activists
• Restrictions on online access and spaces
• Banning protests, limiting citizen’s ability to organize and demonstrate
• Criminalization of unauthorized protests
• Self censorship in repressive contexts.
Citizens’ power to claim and realize rights (rights based approach), is not the immediate priority for politicians.

Restrictions imposed to humanitarian response include:
• Denial of access to nations in crisis
• Incomplete or inaccurate information on disaster situations
• Shrinking local civic spaces affecting local agencies that are often partners in delivering aid.

The effect of this is ineffectiveness and failure to reach goals. Strategies to respond and reclaim shrinking spaces:
• Work with allies to create across sub-sectors, across thematic areas and across actors on local, regional and international level to create stronger voices
• Work to enable vibrant, dynamic and diverse actors – never to replace but to support.
• Use world-wide influential networks – connect local to global debates. Act locally, think globally – e.g. on inequality and poverty issues like tax justice
• Work in alliances, collective solidarity, create and recreate spaces – strengthen spaces on the thematic, sectoral levels
• Exploit soft entry points E.g. non-violent means e.g. trust building, awareness and capacity building of stakeholders including the duty bearers
• Broker linkages at local, regional and international levels
• Discussing with other INGOs, multi-stakeholder processes, international instruments and mechanisms
• Carry out evidence based, research based programming
• Mitigate risks e.g. strengthen security strategies, risk analysis and establish clear risk management plans.

Oxfam has tools to analyse changes in spaces for CSOs (reference: Knowledge Hub on Governance and Citizenship).

4.4 Perspectives from Religious Institutions by Dr. Francis Kuria
Dr Kuria began by noting that Inter-Religious Council of Kenya (IRCK) works on Africa level with presence in Kenya. He indicates that the different tactics used to restrict religious actors include:
• Self-censorship due to fear of engaging with the active political space. They restrict themselves on what they can do and say. Religious institutions have not seen themselves from the corporate political perspective.
• Some therefore are expansionist and others are restrictive e.g. Bishop Peter Njenga was very expansionist. It also comes down to religious leader’s individual motivation and capacity to engage in the political.
• Restriction by media and other civil society especially post 2010 referendum. There has been blanket response to all religious institutions, even those that did not subscribe to the No campaign against the constitution. The same narrative extended to the donors with the result that funding for religious institutions on governance issues shrank significantly.
• Restriction of religious institutions by the political class. Yet there is a juxtaposition where political class uses religious institutions to mobilize voters. In like breadth, religious institutions still go back to seeking funding from the political class.
• After their mention of the ‘a moribund president and ineffective Prime Minister’ in March 19th 2009, restrictions against religious institutions started in earnest. The political establishment created alternative groups e.g. The Religious Council, aiming to stifle any self-organizing and self-affirmation.

• Further restrictions imposed by UhuRuto following the signature collections driven by the religious institutions to petition for ICC cases.

• More regulations and rules published following the Kanyari exposé yet intended to regulate entire religious sphere. Religious leaders were invited to a meeting with state but they refused to participate when it was clear that the motives were suspect. Despite lack of consultation, rules were published, and opened up for public scrutiny and participation.

• Problematic sections in the rules include outlawing of some organisations simply by broadening the definition of what is a religious organisation. IRCK rejected summarily the rules and was invited to talks.

• Mainstream religious orgs declared they will not subscribe or discuss the rules, as they would prefer to self-regulate with minimal regulations from the Attorney General, yet smaller organisations declared they will not be subjected to the big organisations.

• New rules gazette (apparently following those failed consultations). The rules were ridiculously restrictive, e.g. requirement to register an annual register of every branch, every person including their certification of good conduct, requirement for minimum membership of 2500 organisations for umbrella institutions (this does not even apply to political parties!).

• Religious institutions then petitioned the President to put a halt to these draconian rules and held a meeting with him. The rules were then suspended with agreement that the religious organisations will draft own rules.

This winding history begs the questions: What is driving agenda of state?

Response

There is need for the CS-RG and CSOs in particular to work together with other civic actors to counter the collective problem of regression in civic freedoms by state. CSOs should see the restrictions on a broader perspective – media, religious, trade unions, and academy and seek ways and platforms to work on a united front.

4.5 Perspective from the Media Practitioners by Victor Bwire, Media Council of Kenya:

There is need to galvanize wide support and to utilize whatever means to get us forward. The Academy is missing from these discussions. Bwire asserted that we are back in the KANU (Moi) era. There is growing interest in governmental control rather than securing civic freedoms. Government came in at a hostile moment and with KANU’s forefathers’ grooming, it was positioned toward a show of might expressed in clamping civic space.

There seems to be a mixture of party activism within state. A lot of those in TNA secretariat found themselves in government, sometimes paid by voucher since their positions are not even formal.

Bwire however points out that it is worthwhile to observe the psyche of the presidency and take advantage of the friendly and informal personality.
Do not rule out informal strategies in reaching out to the presidency. However this informal approach has significant downsides as observed in the failed follow through of presidential pronouncements. This might explain the installation of Nzioka Waita in a newly created position.

Media is generally less and less able to access the formal political space hence their inability to justify sources of stories, hence growing speculative reporting and loss of credibility. Only recently has the government spokesperson been appointed and access to information law been put in place. These might help in more credible reporting.

There are also structural challenges, particularly, the existence of myriads of laws and replication of regulatory authorities. There is a court case seeking a declaration of the constitutionality of the media council to secure its legitimacy. Due to this process, the council is yet to appoint a Board, and this has affected funding and legitimacy. Government perception of mandate of the Communication Authority over MCK is questionable, yet the Supreme Court has found MCK as the institution envisaged under the KICA Act.

Other tactics used to shrink critical media spaces include:

- Media laws which aim to place strict penalties to individuals and institutions,
- Settling scores; out of 29 members, 27 have cases against media cases yet sitting in the parliamentary committee on media. Conflict of interest in legislative spaces.
- Media related laws e.g. data protection, access to information laws, KBC Act, have been delayed in implementation under transitional clauses.
- KBC, all media houses are all private institutions, no longer about news for education, now news for profit. Hence the differentiated headlines for sake of selling papers and space.
- Owners of media houses are politicians cum businessmen. Due to this reason, self-censorship for business interest is rife. The public interest stories cannot be aired due to sectarian and ownership interests.
- Corporate/revenue terrorism – due to advertising revenues, space, particularly high revenue advertising is having a huge effect on critical media spaces that can drive public messaging. The 60:40 ratio on stories-to-adverts has been reversed and continually diminishing.
- No protection of journalists including pay, morale, etc. Journalists resort to claiming pay for stories. High turn-over of journalists is also rife and little or no training opportunities are afforded by media houses. Very young inexperienced journalists are increasingly holding the big positions without historical background etc.
- There seems to be a huge appetite for laws to restrict media e.g. through the Security Amendment Act. Code of ethics of journalists has been taken up and converted into the security laws to be enforced by state but this move has been declared unconstitutional. Powers and Privileges Act e.g. for permission to use photos and stories.
- There are about 13-16 laws that have not been harmonized, continue to infringe on media freedom. E.g books and publications act, KBC Act, Public Order Act, official secrets, public order and, national security act…
- There are internal issues: no unity, no support structure when they are in trouble or in accessing information.
Response

Indeed there are selective headlines and stories for different audiences, this is problematic. Media has also fallen prey to the ethnic battle of the country. Cabinet Secretary Mr. Kiunjuri is now hastening the PBO amendments; therefore there is need for the CS-RG to meet him periodically and urgently.

4.6 Perspective of HRDs by Kamau Ngugi, NCHRDs-K

Laws today seem to be developed continually to take away the gains, not to facilitate improvement. There is always a twist whenever there is an upcoming legal amendment to take away the right for a citizen to the active. Same thing applies to the exercise of functions of state organs.

The Coalition approaches work in 3 angles:

- **Preventive** – aiming to empower activists to mitigate risks, digital, physical security, documentation of violations, etc
- **Protection** (emergency support to HRDs) – response when activists are faced with specific challenges, support bail and litigation. Support to access to justice and the challenges of the legal process – bail policy which has been ad hoc for a long time, input into the judiciary curriculum development process. Working with int’l partners to attract wider support
- **Recognition** that HRD work is increasingly being isolated due to the negative characterization of activists. Networks at community level to build skills, organize better, connect nationally better, engage better with government and ease contact with protection organizations

The National Coalition of HRDs has formed a HRDs Protection working group to sit regularly (quarterly) to come up with strategies to intervene on emerging issues. Last meeting spoke about shrinking spaces especially with reference to elections in 2017 – e.g. how to do monitoring, share information etc. Moving ahead their focus will be on training, assessing security preparedness, that is, infrastructure, physical, information security, field security and response to threats.

4.7 CONCLUSION FROM PRESENTATIONS

Actors in the civic sector in Kenya, from donors to grassroots networks, from media to workers unions all experience nuanced attack and threats to their existence and effectiveness. These threats and pressures come from external forces particularly from the State. The onslaught comes in different formats as was discussed by each presenter in their institutional context, but in particular, through regressive legislative and policy actions, through co-optation aiming to divide actors along sectarian lines and reduction of independent capacities of actors, as well as through actions aimed at reduction of funding to civic actors.
5. STRATEGIES AND ACTION PLAN

The meeting agreed to the formation of the Civic Space Protection Platform in Kenya and declared it as useful and credible forum in drawing a network of actors\(^\text{13}\) (media, trade unions, religious institutions, civil society formations, social movements, academia, private sector, independent oversight commissions and other networks of human rights defenders).

The Protection Platform envisions “a Protected and Expanded Civic Space in Kenya and Beyond”. Its mandate/ main objective is to support the creation, reclamation and preservation of civic spaces in Kenya and Beyond. Specifically, the platform is mandate to:

- To facilitate effective coordination of policy and political actions on the civic space in the society.
- To facilitate timely gathering and dissemination of information on civic space among key members and partners.

The meeting further explored and fomented strategies for future looking actions toward countering the shrinking civic spaces and ensuring the participation of a diverse pool of civic actors, nationally and regionally. The following strategies/ strategic priorities were developed from the meeting: **Policy and judicial actions; Research and Documentation; Partnerships and Consultative forums; Training and Capacity Building and Resource Mobilization around the civic space issues.**

A number of action points were developed against each of these strategies. KHRC, ICNL, KPTJ, and the CS-RG were mandated to act as the Co-Conveners. The four organizations were tasked to concretize on the above strategies and action points which would be shared with the members for views and validation. The meeting also resolved to reach out to the civic sector across the region, particularly those operating in Eastern and Horn of Africa drawing from the common challenges and need for unified urgent action. **Below find the Action Plan.**

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\(^{13}\) The “fit institutions” that have a direct or indirect mandate or interest to support the creation, reclamation and preservation of civic spaces for effective engagement between civics and the State, particularly the Executive. By so doing, it will collectively enable the targeted actors to resist State actions that roll back democratic freedoms and gains.
**KENYA CIVIC SPACE PROTECTION PLATFORM**

<table>
<thead>
<tr>
<th>VISION</th>
<th>“Towards a Protected and Expanded Civic Space in Kenya”</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAIN OBJECTIVE</td>
<td>To safeguard and consolidate civic space in Kenya and beyond</td>
</tr>
<tr>
<td>SPECIFIC OBJECTIVES</td>
<td>To facilitate effective coordination of policy and political actions on safeguarding and consolidating the civic space in the society</td>
</tr>
<tr>
<td></td>
<td>To facilitate timely gathering and dissemination of information on civic space among key members and partners.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategic Focus No 1</th>
<th>Action</th>
<th>Actors</th>
<th>Lead Actor/s</th>
<th>Timelines</th>
<th>Indicator and means of verification</th>
<th>Expected Outcome (immediate use of output)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partnerships, joint action and consultative forums on civic space</td>
<td>a) Conduct a comprehensive mapping to identify the key national issues, sectors and actors with respect to shrinking civic space. To identify opportunities and risks.</td>
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<tr>
<td>Output</td>
<td>b) Disseminate the &quot;family tree&quot; of the civil society sector at all levels.</td>
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<td></td>
<td>c) Engage in county and national levels forums with a wide range of civic space actors on the civic space issues.</td>
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</tbody>
</table>

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1 To identify issues and sectors of high risk and vulnerabilities. This can be expanded to include regional and global levels issues and partners since the concept of civic space is wide and entails many issues, sectors and actors, creating the need for common understanding and engagement. This action will be coordinated by the platform in collaboration with actors.

2 This will be useful to help create a deeper appreciation of our linkages and strengths, which can be used to counter the increasing threats from other societal actors such as the State and Private Actors.

3 It is critical to capitalise on critical moments to voice common grievances on actions affecting the civic space at county and national levels.

4 Hosting regular meetings for members of the platform is critical for proactive and united advocacy. This can also be a platform for periodical reflections.
d) Meet bi-annually with other Executive Directors

e) Set up and coordinate an urgent action and support mechanism in response to the emerging threats and challenges.

f) Engage and work with the media on the sectoral issues, including responding to threats and violations of their rights.

g) Engage in sub regional, regional and international meetings and side events on the shrinking civic space e.g. within the Africa Commission of Human and Peoples Rights in Banjul, Addis.

h) Continuously engage with international networks and treaty bodies relevant to the subject.

i) Engage in other appropriate joint actions in response to a threat to one or all CSOs.

2 Strategic Focus No 2

<table>
<thead>
<tr>
<th>Action</th>
<th>Actors</th>
<th>Lead Actor/s</th>
<th>Timelines</th>
<th>Indicator and means of verification</th>
<th>Expected Outcome (immediate use of output)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy and judicial actions</td>
<td>a) Effective enforcement of the PBO Act</td>
<td>b)</td>
<td>c)</td>
<td></td>
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<tr>
<td></td>
<td>i) Engage in continuous political education around the PBO Act</td>
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<td></td>
<td>ii) Take part in policy conversations with the CS Devolution &amp; Planning and other state actors on the commencement and implementation of the PBO Act</td>
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</table>

5 To ensure that they are part of, and support the agenda and also to protect them from any threats and violations, since they are part and parcel of the wider civil society family is vulnerable to attack by the State and other actors.

6 The Platform will continuously map the opportunities
iii) Engage in the process of developing and adopting rules and regulations on the PBO Act.

iv) Monitor and engage in the implementation of the PBO Act.

v) Engage in Legal and Court processes on the PBO Act.

b) Policy and legal actions on the potential and real threats to civic space in Kenya.

i) Develop a joint advocacy strategy.

ii) Continuously audit legal, administrative and court decisions and actions that may favour or threaten civic space.

iii) Produce periodical policy, legal and political briefs and advisories on the civic space for action by likeminded state and non-state actors.

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7 Technical drafting to be spearheaded by the technical working group of the platform, in collaboration with actors.

8 This includes participating in or overseeing the setting up of various mechanisms under the PBO Act e.g. the PBO Federation, Self Regulation Forums, PBO Authority, Tribunal etc.

9 To be spearheaded by the platform.

10 The briefs will be based on information from reports shared by actors. Consolidation and synthesis of the information from the reports will be coordinated by the platform.
iv) Develop, share, review, adopt and implement a public interest litigation strategy\textsuperscript{11}.

v) Identify and map a pool of human rights lawyers at national and county levels to create a comprehensive database on available legal support for civil liberties\textsuperscript{12}.

<table>
<thead>
<tr>
<th>Strategic Focus No 3</th>
<th>Action</th>
<th>Actors</th>
<th>Lead Actor/s</th>
<th>Timelines</th>
<th>Indicator and means of verification</th>
<th>Expected Outcome (immediate use of output)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring, Research and Documentation</td>
<td>a) Conduct and share political and policy research on civic space issues and processes.</td>
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<tr>
<td>Civic actors are informed and apprized on emerging trends, threats and best practices on the civic space in Kenya and beyond as a result of timely and joint gathering, production and dissemination of information and reports on civic space issues</td>
<td>b) Develop and disseminate tools for monitoring violations to civil and political liberties/ civic space issues\textsuperscript{13}</td>
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<td></td>
<td>c) Monitor\textsuperscript{14}, document and share findings on emerging trends and patterns on the civic space for example, violations of civic and political liberties (including online violations)\textsuperscript{15}</td>
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<td></td>
<td>d) Provide periodical reports and recommend responsive actions.</td>
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<tr>
<td></td>
<td>e) Utilize the key reports to inform and enhance policy and judicial actions,</td>
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\textsuperscript{11} Drafting of the strategy to be spearheaded by the platform

\textsuperscript{12} Mapping and maintenance of the data base to be spearheaded by the platform, in collaboration with actors.

\textsuperscript{13} Development of the tool to be spearheaded by the platform

\textsuperscript{14} Through using existing tools

\textsuperscript{15} It can entail sectoral or multisectoral focus and in-depth research on a systemic issue.
**Strategic Focus No 4**

<table>
<thead>
<tr>
<th>Action</th>
<th>Actors</th>
<th>Lead Actor/s</th>
<th>Timelines</th>
<th>Indicator and means of verification</th>
<th>Expected Outcome (immediate use of output)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training and Enhancing the Capacity of civic actors</td>
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<tr>
<td>a) Conduct needs and capacity assessments of the different organizations, actors and sectors with regard to the civic space. Develop and apply a capacity assessment tool.</td>
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<tr>
<td>b) Develop and apply relevant training and capacity development tool frameworks.</td>
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<tr>
<td>c) Facilitate trainings to strengthen advocacy as well as improve skills for risk management, planning, data protection, online personal protection, and other areas identified through the capacity assessment.</td>
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<tr>
<td>d) Strengthen and broaden the existing civic space protection mechanisms within and across sectors, at county, national and other levels.</td>
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**Strategic Focus No 5**

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<th>Action</th>
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16 The platform will coordinate joint follow up actions.

17 Platform to conduct mapping and coordinate trainings in collaboration with actors.

18 Refer to the interventions on policy and judicial actions. This action may entail rallying journalists, media and human rights bloggers to produce reflected, analytical and educative information on civic spaces.

19 Both institutional and inter-institutional mechanisms, for instance, the Human Rights Defenders Working Group coordinated by the National Coalition on Human Rights Defenders in Kenya, and the Mutual Protection Component of the Civil Society Reference Group among others. This will be coordinated by the platform.
### Sustainability and Communication

**Output:**

- **Adequate resources and visibility on the work of the civil society sector in safeguarding and expanding the civic space**

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<tbody>
<tr>
<td>a)</td>
<td>Continually engage with development partners, civic sector actors to counter fatigue in financing for civic space</td>
</tr>
<tr>
<td>b)</td>
<td>Develop a resource mobilization strategy[^20]</td>
</tr>
<tr>
<td>c)</td>
<td>Share periodical reports and updates with our institutional and other development partner groups[^21].</td>
</tr>
<tr>
<td>d)</td>
<td>Map out development partners supporting civic space work[^22]</td>
</tr>
<tr>
<td>e)</td>
<td>Create an urgent action and rapid response and support fund[^23]</td>
</tr>
<tr>
<td>f)</td>
<td>Design and implement a communication strategy on civic space issues[^24]</td>
</tr>
</tbody>
</table>

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[^20]: To be coordinated by the platform
[^21]: Including the Human Rights Defenders Donor Group Convened by the Dutch Embassy and chaired by the Norwegian Embassy. We can lobby for the mandate of this group to be expanded to deal with all the civic space issues, beyond the HRDs. Also lobby for expansion of its membership.
[^22]: To be coordinated by the platform
[^23]: To be coordinated by the platform
[^24]: Develop a comprehensive multi layered, multi-pronged media and communication strategy to inform, educate and engage stakeholders including the Kenyan public
## ANNEXES

### 1. SWOT ANALYSIS OF THE CIVIL SOCIETY SECTOR

<table>
<thead>
<tr>
<th>STRENGTHS</th>
<th>WEAKNESSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Society is broad and diverse.</td>
<td>Its actions are primarily reactive rather than proactive.</td>
</tr>
<tr>
<td>Operates at all levels – grassroots, national, regional and international.</td>
<td>It is characterised by uncoordinated and fragmented actions and lack of collective actions to meet common goals. For example, it is uncoordinated and fragmented in its response to the shrinking civic space.</td>
</tr>
<tr>
<td>Has wide geographic and thematic reach.</td>
<td>Overdependence on a few leaders.</td>
</tr>
<tr>
<td>Capacity to create alliances and linkages within and across sectors.</td>
<td>Generally does not develop and put in place clear mentorship and succession strategies.</td>
</tr>
<tr>
<td>Is recognised regionally and internationally for past achievements.</td>
<td>The sector is constantly accused of lack of integrity and as a result its moral authority and legitimacy is challenged.</td>
</tr>
<tr>
<td>Is acknowledged by Government and international partners as an important sector.</td>
<td>The sector has governance and accountability challenges.</td>
</tr>
<tr>
<td>Comprises of persons with vast technical expertise.</td>
<td>Its advocacy and campaign styles are largely misunderstood. It has not expanded its advocacy and campaign skills and options and usually resorts to one or two styles e.g. street protests.</td>
</tr>
<tr>
<td>Has the ability to mobilise a wide variety of resources including human or voluntary, in-kind and financial resources.</td>
<td>Has not taken advantage of the public participation principles, processes and mechanisms that are available.</td>
</tr>
<tr>
<td>Capacity to exert influence.</td>
<td>Its programs focus or priorities are duplicative.</td>
</tr>
<tr>
<td>Is generally appreciated by citizens.</td>
<td></td>
</tr>
</tbody>
</table>
### OPPORTUNITIES

- The sector normally and proactively takes advantage of existing opportunities to provide a leadership role (for example during the post-election violence, constitution making, the general elections, two-thirds gender rule campaigns).

- The new enabling legal framework provides the sector with a myriad of opportunities, for example:

  The constitution recognises and protects the right of existence of civil societies and of public participation.

  The PBO Act, 2013 provides an opportunity for:
  - The sector to self-regulate;
  - Transparent and speedy registration of PBOs;
  - Government support to the sector in form of tax and other incentives;
  - Independence of the Regulator;
  - An enabling framework for domestic resource mobilization.

- The regional crisis on the roll-back on democratic freedoms gives the Kenyan civil society an opportunity to offer proactive leadership within the region.

- The issue of the shrinking civic space resonates with a wide range of civic actors and provides them with an opportunity to come together and coordinate action across the sectors in protecting the civic space.

- New media creates avenues for sharing information and mobilising quick action.

### THREATS

- Delay in the commencement of the PBO Act 2013 and constant attempts to amend the PBO Act.

- Claw-backs in implementing the transformative vision of the Constitution.

- Growing insecurity which “justifies” militarisation of the state.

- Corruption at national and county levels.

- An autocratic regulatory body that is in the routine of un-procedural actions and illegal outbursts.

- Competition over limited, dwindling resources.

- Heavy and unpredictable fluctuation of foreign currency.

- Kenya’s presumed growth in socio-economic and democratic spheres (as portrayed through the new constitution) has resulted in the redirection of support for human rights and democratic governance to less developed countries.

- New media and technology is used to target and attack civil society players.
2. PARTICIPANTS IN ATTENDANCE:

Dr. Francis Kuria (a.k.a. Lime) – Representing the Interreligious Council of Kenya, Africa council of religious leaders. Presenting the faith community’s perspective on shrinking spaces. He has been consulting on civic engagement, part of the PBO taskforce.

Elizabeth Mueni Nzioka (a.k.a. Apple) – Representing Oxfam Kenya, an international NGO, presenting the perspective of development organisations on shrinking spaces. Oxfam works through partnerships, so civic spaces are important and must be protected – nationally, regionally and globally.

Christine Ochieng (a.k.a. Tomato) – Executive Director, FIDA Kenya, a women’s rights agency providing legal aid and access to justice programmes to women and girls including mediation services, public interest litigation and psycho-social support, as well as advocacy to secure and demand upholding of women’s human rights.

Peter Irungu (a.k.a. Kiwi) – Representing Inuka Kenya Ni Sisi Ltd. Leadership development, accountability, anti-corruption, and creating a sense of Kenyan-hood. Maskani ya taifa platforms were the original platforms used by CSOs to counter attack by the propaganda machine of the establishment. Inuka Kenya provides extensive online presence, working with other CSOs on use of social media for advocacy and lobbying to counter the level of compromising of the media. New media is the new frontier. Peter has been a core participant of the CS-RG historically.

William Oloo Janak (a.k.a. Pawpaw) – Representing Kenya correspondents association, representing traditional media association of freelance and independent journalists and correspondents. Freelance journalists produce about 90% of media content. KUJ, LSK, KCA etc form part of the Kenya Media Association. KCA works on national, regional and continental level.

Lilly Mburu (a.k.a. Grape) – Representing Freedom house, a human rights and democracy agency focusing on safeguarding the civic space, close partners of CS-RG. Concerned and invested in supporting CSOs to secure and protect the democratic space.

Davis Malombe (a.k.a. Passion fruit) – Representing the Kenya Human Rights Commission, a human rights org. established purely for protection and agitation for civic and political liberties.

Faith Kisinga Gitonga (a.k.a. Banana) – A Consultant representing International Center for Not-for-profit Law, is passionate about enabling environment for civics, believes that unless the environment is conducive, we are not able to live free. ICNL provides technical and research assistance to 100 countries, on issues of not-for-profit laws, including Kenya since 2009. They have worked closely with CS-RG in PBO Act drafting and PBO taskforce.

Njeri Kabeberi (a.k.a. Pineapple/coconut) – Is the National Coordinator for CS-RG. She co-chaired the meeting with ICNL. She is a long time activist on governance, democracy and human rights and political party strengthening. She anticipates and commits to ensure that CS-RG strategies are implemented to rescue the civic space especially in light of the last few months with violent interference of civic protests.

Joan Birika (a.k.a. Beetroot) – An independent consultant on human rights, gender democracy, political rights and governance. Immediately formerly with Heinrich Boell Stiftung, Nairobi Office as a programme coordinator on Gender Democracy, and through Hbs. Invited to rapporteur in the meeting and passionate about civic activism.
Dimas Kiprono (a.k.a. Lemon) – Representing Article 19 which is committed to improving civic space in Kenya.

Maria Marovich (a.k.a. Passion fruit) – Representing Freedom House where she works as a project manager. Freedom House is an advocacy organization, releases an annual *Freedom in the World* report scoring countries in area of preservation of fundamental freedoms and human rights. Translates these into programmes to expand spaces for democracy and rights in specific areas. E.g. Freedom House retreat after Jubilee Government took office where it was confirmed that we should prepare for imminent closure of civic space.

Victor Bwire (a.k.a. Pawpaw) – Practicing journalist with long experience, he has also worked with IMLU and KNCHR, Article 19 and now with Media Council of Kenya as deputy CEO. He is a human rights writer and activist interested in these subjects of civic engagement. A Kenyan concerned about the state of the nation. MCK is a statutory body, state funded (formerly funded by media houses), but working independently.

Gloria Madegwa (a.k.a. Spinach) – Representing the National Coalition of Human Rights Defenders in Kenya. NCHRD works tirelessly to guarantee a safe and secure environment for HRDs. This is a space under attack and shrinking daily.

Kamau Ngugi (a.k.a. Lemon) – Representing the National Coalition of HRDs, which represents a wide cross section of human rights defending of, whether the defender acts as a journalist or in any form or tactic. “Kenya signs on to many international and regional treaties and conventions, committing to human rights fundamentals and ethics. Despite its commitments, HRDs find it extremely difficult to hold the state to account”.

Suba Churchill (a.k.a. Apple) – Is the Presiding Convenor of CS-RG coordinating the national civil society congress. Historically, the space for civic action has been created through ardent struggle; today’s priority is preserving this space which is now shrinking.