

CASE STUDY

Navigating Regulatory Pathways for Online Safety in Kenya


Kenya's online safety environment reflects both rapid digital transformation and increasing recognition of technology-facilitated harms, particularly those affecting children, women, journalists, human rights defenders, and politically exposed groups. Unlike contexts that rely predominantly on platform self-regulation, Kenya has a relatively dense set of legal and institutional frameworks relevant to online safety, spanning communications regulation, data protection, computer misuse and cybercrimes, gender equality, elections, and the criminal justice system.

At the same time, regulatory mandates are fragmented across institutions, many of which were designed before the scale, speed, and systemic nature of contemporary online harms became visible. Enforcement capacity, coordination mechanisms, and survivor-centered reporting and redress pathways are keeping pace with evolving risks. Power and data asymmetries between public institutions and global platforms further complicate accountability.

These conditions have shaped Kenya's emerging regulatory pathway. Rather than moving toward a single lead regulator or relying solely on punitive enforcement or platform self-regulation, stakeholders increasingly recognize that online harms are systemic, enabled by platform design features and inadequate reporting and redress mechanisms. Addressing them requires prevention and accountability, not just response.

An emerging consensus on a hybrid, multi-agency pathway

Findings from Kenya's political economy analysis and NMWSO's sustained engagement with regulators and stakeholders point to an emerging consensus. Kenya is converging toward a hybrid, multi-agency online safety approach that combines improved inter- and intra-agency coordination, stronger enforcement of existing laws, and the gradual development of regulatory standards to address fast-evolving online harms.



This approach reflects practical realities. No single institution holds sufficient authority, capacity, or data to address online harms alone. Punitive approaches or platform self-regulation have proven insufficient, particularly given fragmented mandates across communications, data protection, cybercrime, gender, elections, and justice institutions. As a result, the preferred pathway emphasizes shared frameworks, coordination mechanisms, and practical operational tools that can be utilized immediately, while longer-term legal and institutional reforms continue to mature.

Kenya's regulatory trajectory is increasingly anchored in a risk-based, survivor-centered governance model organized around four priorities:

- Aligning online safety laws with clearer definitions and regulatory standards for platforms and digital services to strengthen harm prevention, redress, and prosecution
- Enhancing institutional coordination to improve information sharing and case management
- Building technical and operational capacity across relevant agencies, including justice sector readiness, digital forensics, and evidence preservation
- Increasing public awareness while strengthening reporting and redress mechanisms

NMWSO's entry point: diagnosis, evidence, and system mapping

NMWSO's engagement in Kenya began with comprehensive landscape analysis, political economy assessment, and survivor engagement to understand how online harms were experienced and addressed in practice. Rather than starting from the premise that regulation was absent, the analysis revealed a more complex picture: multiple institutions were working on adjacent aspects of online safety, but without a shared understanding of the system as a whole.

Survivor engagement highlighted recurring challenges, including confusion about where to report online harms, repeated referrals across agencies, limited follow-up, and fear of retaliation or futility. These factors contributed to underreporting and weakened the evidence base needed for policy action.

This diagnostic phase reinforced a core insight of the regulatory pathways framework: progress would depend on clarifying roles, improving coordination, and strengthening existing mechanisms, rather than immediately pursuing new legislation.

From fragmentation to coordination: building shared frameworks

Early NMWSO engagement focused on mapping mandates and identifying overlaps and gaps across key regulatory and oversight bodies. These included the National Computer and Cybercrimes Coordination Committee, the Office of the Data Protection Commissioner, the Communications Authority of Kenya and the National Kenya Computer Incident Response Team, the Information and Communication Technology Authority of Kenya, the Office of the Director of Public Prosecutions, the Kenya National Commission on Human Rights, and the National Gender and Equality Commission.

Rather than convening around reform proposals, NMWSO prioritized one-on-one engagement, system mapping, and evidence-based framing to support shared understanding. This approach reduced institutional defensiveness and helped shift discussions toward collective problem definition.

Coordination itself became a regulatory lever. Convenings brought together regulators, law enforcement, oversight bodies, and civil society to clarify roles, improve information flow, and identify practical entry points for collaboration. These processes emphasized alignment and operational clarity rather than formal restructuring.

Capacity strengthening and regional engagement

As coordination deepened, attention increasingly turned to capacity and readiness. NMWSO supported capacity-strengthening efforts across 13 government agencies and regulators, focusing on online safety, cybercrimes, survivor-centered approaches, and emerging risks.

A notable milestone was the NMWSO supported learning visit to Berlin in June 2025, which brought together Kenyan online safety regulators to engage with comparative regulatory practice. Following this visit, Kenya initiated the application process to join the Global Online Safety Regulators Network, reflecting growing appetite for regional and global leadership in online safety governance.

Domestically, the National Computer and Cybercrimes Coordination Committee led multi-agency training on online safety and cybercrimes, reinforcing shared understanding and cross-institutional capacity.

Communication Authority of Kenya and IREX are exploring delivery of a capacity building convening for online safety regulators in early 2026.





Embedding prevention, Safety-by-Design, and public awareness

Kenya's regulatory pathway has increasingly incorporated preventive thinking alongside enforcement. NMWSO positioned Safety-by-Design as a practical regulatory and operational lens for engaging the private sector and for guiding capacity building where resources allow.

At the same time, stakeholders recognized that public awareness, digital literacy, and accessible reporting mechanisms are essential components of online safety, even though they often fall outside core regulatory mandates. In this context, the State Department for Gender and Affirmative Action, in collaboration with the ICT Authority of Kenya, embarked on developing a Digital Safe Space, a public platform to provide online safety awareness and support resources, scheduled for launch in 2026. NMWSO and technology innovators were invited to provide technical support, illustrating how prevention and awareness can be embedded within existing institutional structures.

Early signals of change and momentum

By early 2026, Kenya's regulatory pathway showed tangible signs of convergence. Regulators increasingly framed online harms as systemic risks requiring coordinated prevention and accountability. Discussions moved from abstract debates toward actionable building blocks, including shared frameworks, training, and operational tools.

While challenges remain, including capacity constraints and persistent power asymmetries with global platforms, the trajectory reflects meaningful progress. Kenya's approach demonstrates how regulatory pathways can evolve through coordination, evidence, and incremental capacity building, even in complex and resource-constrained environments.

Illustration of a regulatory pathway in practice

The Kenya case illustrates how regulatory pathways can be mapped and navigated where legal authority exists but institutional coherence is still emerging. Rather than relying on a single reform lever, progress has come through sequencing, trust-building, and practical collaboration across agencies.

The result is not a finished model, but a clearer, more resilient pathway. Kenya's experience shows how governments can move from fragmented mandates toward coordinated, survivor-centered online safety governance by working within political, financial, and institutional constraints, while positioning themselves for longer-term reform and regional leadership.