

PRESS STATEMENT

FOR IMMEDIATE RELEASE

ENFORCING FORCED BUSINESS SHUTDOWNS FOR NON-KENYANS WITHOUT CLEAR STATUTORY BACKING OR TRANSITIONAL GUIDELINES POSES SEVERE RISKS

Nairobi, 10th September 2026

The Police Reforms Working Group Kenya (PRWG-K) expresses grave concern following the onset of enforcement actions and reported harassment of non-nationals linked to the executive directive issued by His Excellency President William Ruto on Wednesday, September 2, 2026. The order, which directed law enforcement and local authorities to shut down small-scale retail and hawking operations run by foreign nationals effective Monday, September 7, 2026, has already triggered confusion, arbitrary targeted operations, and xenophobic friction on the ground.

While acknowledging the national imperative to support domestic micro, small, and medium-sized enterprises (MSMEs), PRWG-K warns that executing arbitrary administrative directives, compounded by reports of harassment against foreign nationals, including East African Community citizens, lacks statutory foundation, threatens regional unity, and undermines binding human rights standards.

Human rights violations and rising xenophobia

As feared, the commencement of the crackdown on September 7 has led to reports of intimidation, profiling, extortion, and unlawful harassment of foreign nationals, particularly targeting traders from East African partner states like Burundi and the Democratic Republic of Congo.

- State-sanctioned police misconduct: Unregulated administrative directives routinely lead to arbitrary arrests, property confiscation, and excessive force by law enforcement officers, violating Article 244 of the Constitution of Kenya.
- Incitement of community tension: Sweeping rhetoric against foreign traders breeds vigilantism, hate speech, and xenophobic discrimination against non-nationals, threatening civil peace.

2. Direct breach of EAC protocols and continental commitments

The ongoing crackdown fundamentally conflicts with Kenya's regional treaty obligations:

- EAC Common Market Protocol: Article 7 and Article 10 guarantee the Free Movement of Persons, Workers, Goods, and Services, as well as the Right of Establishment and Residence for citizens of EAC Partner States. Forced shutdowns severely jeopardize EAC regional integration.
- African Union (AU) Frameworks: Targeting African traders contradicts *AU Agenda 2063* and the *African Continental Free Trade Area (AfCFTA)* principles on intra-African economic inclusion.

- Refugee commitments: Blanket administrative orders violate protections under the *1951 Refugee Convention*, the *1969 OAU Refugee Convention*, and Kenya's *Refugees Act, 2021*, which legally safeguard refugees' rights to gainful self-employment.

PRWG-K strongly appeals to all Kenyans to exercise restraint, maintain peaceful coexistence, and strictly refrain from taking the law into their own hands. Hostility, physical harassment, destruction of property, or xenophobic violence against foreign traders undermines national values and human dignity. Economic grievances must be resolved through lawful, institutional channels, and citizens should not engage in vigilantism or profile non-nationals.

PRWG-K Demands and immediate calls to action

1. Immediate cessation of harassment and suspension of directive: We take note of recent government acknowledgments and apologies regarding the harassment of foreign nationals. However, verbal warnings are insufficient; the Executive must formally halt non-statutory enforcement and replace forced closures with a structured, research-led policy dialogue involving the Ministry of East African Community, Ministry of Interior, and trade associations.
2. Adherence to Constitutional due process: Security agencies must strictly abide by constitutional standards. Non-procedural confiscation of goods, physical harassment, and extortion by police or local inspectors must cease immediately.
3. Harmonization through Parliamentary channels: Policy shifts regarding small-scale trade must adhere to public participation, research-backed impact assessments, and legislative channels compliant with EAC protocols.
4. Independent human rights oversight: PRWG-K, alongside the Kenya National Commission on Human Rights (KNCHR) and the East African Civil Society Organisations Forum (EACSOF), to actively document and report any human rights abuses, extortion, or torture resulting from enforcement operations starting September 7.

ENDS

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This statement is signed by the Police Reforms Working Group, an alliance of national and grassroots organizations committed to professional, accountable, and human rights-compliant policing. They include: Independent Medico-Legal Unit (IMLU), Kariobangi Paralegal Network, Defenders Coalition, Social Justice Centres Working Group (SJCW), Kenyan Section of the International Commission of Jurists (ICJ Kenya), International Justice Mission (IJM-K), HAKI Africa, Amnesty International Kenya, Women Empowerment Link, Social Welfare Development Program (SOWED), Kenya Human Rights Commission (KHRC), Federation of Women Lawyers (FIDA- Kenya), International Centre for Transitional Justice (ICTJ - Kenya), Transparency International Kenya, Shield For justice, Wangu Kanja Foundation, Constitution and Reform Education Consortium (CRECO), Kenyans for Peace Truth and Justice (KPTJ), Kituo cha Sheria, Article 19EA, Usalama Reforms Forum, Missing Voices Coalition, Physicians for Human Rights, Inuka Ni Sisi, Haki Yetu Trust and Peace Brigades International Kenya (PBI Kenya).