

## **Criminality in “Hate Speech” Provision in the Laws of Kenya- Jurisprudential Challenges**

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### **Abstract**

What is hate speech and what is an open speech are still subject to wider intellectual and academic debate. What is at issue is the criminalisation of hate speech and how the law looks at it. Since it was entrenched in the constitution “hate speech” has been manipulated by political class as a weapon to threaten the opposition but in substance the law courts have not managed to prosecute hate speech charges brought before them with success. Perhaps lack of evidence, proof, and whether hate speech is interpreted as a criminal offence. This article aims to discuss the jurisprudence of hate speech in the laws of Kenya and its practicality in the judicial authority.