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## Committee on Economic, Social and Cultural Rights

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Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant

### Replies of Kenya to the list of issues in relation to its sixth periodic report\*

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\* The present document is being issued without formal editing.



## **Introduction**

1. The Government of Kenya is pleased to submit its replies to the list of issues in relation to the sixth periodic report of Kenya on the International Covenant on Economic, Social and Cultural Rights.
2. These responses have been prepared after a highly participatory and consultative process incorporating Government Ministries, Agencies, Departments and civil society organizations under the guidance of and coordination by the Office of the Attorney General and Department of Justice.

## **I. General information**

### **The Covenant's Footprint: Shaping Kenya's Legal Landscape**

3. The Covenant provisions have been invoked and applied by domestic courts in Kenya including in the following cases:
  - Steve Isaac Kawai & 2 Others v Council of Legal Education & 2 Others [2021] eKLR;
  - KM & 9 others v Attorney General & 7 others [2020] eKLR;
  - COI & another v Chief Magistrate Ukunda Law Courts & 4 Others [2018] eKLR;
  - Mitubell Welfare Society vs. The Attorney General & 2 Others Petition No. 164 of 2011.
4. The influence of international human rights treaties, particularly the Covenant is undeniable in Kenya's Constitution. This is evident in Article 43, which for the first time enshrined well-defined economic and social rights like health, water, housing, and education – rights also recognized in the Covenant. Since Kenyan courts prioritize the Constitution when deciding cases before them, directly quoting the Covenant becomes less necessary. The rights are already embedded within the national framework, serving as the primary reference point for legal proceedings.

### **Capacity Building for a Stronger Judiciary and Public Service**

5. Kenyan judges and judicial officers receive continuous training to effectively uphold the Constitution and resolve disputes. The Kenya Judiciary Academy tailors courses to enhance their skills and incorporates critical areas like environmental law and climate change into the curriculum. This equips them to make informed decisions on emerging issues like climate-related disputes and the right to a clean environment.
6. Furthermore, the Office of the High Commissioner for Human Rights in Kenya provides periodic training on land and environmental rights for judges of the Environment and Land Court. The Kenya National Commission on Human Rights (KNCHR) also plays a crucial role by offering human rights training to various public officers, including magistrates, chiefs, and prison officers. Government officials are continuously trained on efficient service delivery, which is key to protecting human rights. This ensures people can access essential services and enjoy fundamental freedoms.

### **Implementing the 2015 National Policy and Action Plan on Human Rights**

- Healthcare: Enhanced investment in the Universal Health Coverage by training 100,000 Community Health Promoters and enacting new laws to improve health financing, service provision and regulation;
- Housing: The Affordable Housing Act, 2024 was enacted to facilitate the construction of affordable housing units;

- Water: The government is implementing a program to improve groundwater management for rural communities;
- Education: The government increased funding for public schools and the percentage of youth not in education or employment has decreased;
- Children's rights: A new Children's Act was enacted to recognize intersex children and raise the age of criminal responsibility;
- Promoting Gender Equality and Environmental Sustainability: The National Policy on Gender and Development, 2019 outlines measures to improve women's land rights and ensure a clean, secure and sustainable environment;
- Older Persons: The government ratified a protocol on the rights of older persons and increased spending on social protection programs. The National Policy on Older Persons (2018) and the Inua Jamii program provide support and care for older citizens;
- Human/Wildlife: Policies and laws have been updated to promote peaceful coexistence between humans and wildlife, including a land-use plan and the Wildlife Conservation and Management Act (2013).

### **Parliament's Active Role in Implementation**

7. Parliament serves as a crucial bridge in translating human rights recommendations into tangible actions. It achieves this through its legislative power, policy influence, and budgetary control. Furthermore, Parliament's active participation in developing past and present national human rights policies (NHRPs), alongside its involvement in developing the Government's Universal Periodic Review Report, underscores its commitment to collaborative action.

### **The KNCHR's Focus on Economic, Social, and Cultural Rights**

8. The Kenya National Commission on Human Rights (KNCHR) champions the realization of Economic, Social, and Cultural (ECOSOC) rights for all Kenyans. Through its Economic, Social & Cultural Rights Division, the KNCHR focuses on service delivery and capacity building for various stakeholders, including the judiciary, parliament, government entities, and even the private sector. In 2023, the KNCHR took a significant step by publishing the Corporate Human Rights Benchmark of Kenyan Businesses. This initiative aims to raise awareness and encourage discussions on responsible business practices and human rights due diligence.

### **Protection of Human Rights Defenders**

9. While Kenyan authorities investigate incidents of violence, they fail to categorize victims as human rights defenders (HRDs) during investigations. Instead, cases fall under generic classifications like assault, grievous harm, or harassment, offering no distinction for HRDs. This lack of disaggregated data on HRDs makes it difficult to assess the effectiveness of investigations into violations against them, especially those defending economic, social, and cultural rights. Discussions on data collection tools for disaggregated statistics, identifying HRDs as victims, are underway. This will be crucial for assessing investigations and protecting HRDs.

10. In the interim, the following measures have been taken:

- Training programs to address security challenges and public expectations;
- Standard Operating Procedures (SOPs) in 2021 for investigating and prosecuting serious human rights violations committed by police officers to enhance accountability for human rights violations, safeguard victims' rights, and ensure effective remedies for victims, regardless of the perpetrator.

## **Economic Partnership Agreements and Human Rights**

11. The Economic Partnership Agreement (EPA) between Kenya and the EU has raised concerns about potential negative impacts on Kenyan farmers, particularly smallholders. To address these issues, the Kenyan government is implementing initiatives to support these farmers through:

- Subsidized fertilizers to reduce input costs;
- Improved infrastructure to facilitate easier transportation of goods;
- Product diversification to encourage production of a wider range of agricultural products beyond traditional staples;
- Environmental protection initiatives to promote sustainable farming practices.

## **Kenya's Data-Driven Approach to Inclusion**

12. Kenya's 2019 national census revealed critical needs of vulnerable and marginalized sections of the society, leading to concrete actions:

- Rights of Intersex Persons: A draft bill for intersex rights was prepared;
- End Statelessness: The Shona, Pemba, and Makonde communities received long-awaited citizenship;
- Endorsement of the Inclusive Data Charter: It prioritizes detailed data collection, especially for people with disabilities, ensuring their voices are heard;
- Partnered with the UN to develop questions on discrimination for data collection tools;
- Planned Future Surveys: The 2024 Kenya Integrated Household Budget Survey will include a refugee module, and a national disability survey is planned. These initiatives demonstrate Kenya's ongoing dedication to data collection that empowers marginalized populations.

## **COVID-19's Socioeconomic Impact in Kenya**

13. The pandemic significantly affected key sectors of the economy, such as tourism, horticulture exports, MSMEs, manufacturing, transport, storage, and domestic and external trade. It also strained the healthcare system's capacity to handle infected individuals and resulted in the closure of schools. The impact on crucial elements of well-being, including health, education, employment, and access to goods and services, was particularly severe for women, girls, and marginalized individuals, pushing them further behind. Challenges identified by the Kenya National Bureau of Statistics' 2020 report included job loss, business closures, and difficulty paying rent. In total, 30.5% of households faced challenges in meeting their rent obligations on the agreed date with their landlords. Among those who typically pay rent punctually, 21.5% struggled to do so specifically for April 2020. However, approximately 59.8% of this group managed to pay their April rent on time. The primary factor cited for the inability to pay rent for April 2020 was reduced income or earnings, accounting for 52.9% of affected households.

## **Implementation of the National Action Plan on Business and Human Rights (NAP)**

- Appointment of an Inter-Agency Implementation Committee;
- Production of a comprehensive work plan;
- Around 300 stakeholders received training;
- A pilot project assessed how companies integrate human rights into their operations;

- Guidelines for grievance mechanisms are under development.

## **Large Investment Projects: Impact on Environment and Human Rights**

### **Environmental Impact Assessments (EIAs)**

14. Kenya's Environmental Management and Coordination Act mandates EIAs for projects with potential environmental concerns. This process helps identify potential issues like increased accidents, noise pollution, water pooling, and soil erosion, as seen in the case of the Lake Turkana Wind Power Project. Importantly, EIAs involve public forums and hearings, a crucial element highlighted in the court case *Mohamed Ali Baadi v. Attorney General*, Petition No. 22 of 2012 (April 30, 2018). This landmark case centered on the Lamu Port-South Sudan Ethiopia-Transport Corridor project (LAPSSET). The project's grand scale, encompassing a railway, oil pipelines, refineries, tourism development, and a massive port, raised concerns among Lamu County residents. They argued that the project's design and implementation disregarded the Constitution and relevant laws.

15. The residents expressed anxieties about the project's far-reaching environmental, economic, and cultural impacts, which they believed were inadequately addressed during the planning phase. They felt the government's approach violated their constitutional rights to a healthy environment, livelihood, and information. Additionally, they claimed the decision-making process excluded the Lamu county government, contravening Kenya's devolution principles. The court sided with the petitioners, mandating a Strategic Environmental Assessment (SEA) of the project and awarding compensation to local fishermen. This landmark decision underscored the importance of transparency, public participation, and adherence to environmental and legal frameworks in large-scale development projects.

16. The government subsequently conducted the SEA, and in 2024, a compensation agreement was reached with a portion of the affected fishermen, following verification procedures. This case serves as a powerful precedent for ensuring responsible development that respects the environment and the rights of local communities.

### **Community Engagement in Project Decisions**

17. Kenya promotes community participation in development projects through several legal instruments:

- Land Act 2012: This Act recognizes the right of Indigenous communities to Free, Prior, and Informed Consent (FPIC) for projects impacting their land;
- Community Land Act: This Act mandates community involvement in managing resources and requires consultations before investment agreements;
- Public Participation Policy: This policy emphasizes inclusive participation in decision-making processes affecting communities.

## **Information on the measures taken to implement court judgments and orders in relation to environmental liability cases**

18. Kenya has a functional National Environmental Tribunal which is an independent arm of judiciary established under Section 125 of the Environment Management and Coordination Act. Since inception, the court has made several determinations on environment related cases to hold actors accountable and offer redress to the affected.

19. Disobeying a court order is not only a violation of the Constitution but also a dereliction of public duty. In Judicial Review Application E045 of 2021, the Court of Appeal held that Judicial powers in Kenya vests in the Courts and other tribunals established under the Constitution and that it is a fundamental tenet of the rule of law that court orders must be obeyed, and it is not open to any person or persons to choose whether or not to comply with.

## Climate Change Mitigation and Adaptation Strategies

20. Combating climate change is a national priority in Kenya, addressed through a comprehensive strategy that includes:

- The Climate Change Act, National Climate Change Response Strategy, National Action Plans, and a Low Emissions Development Strategy guide Kenya's efforts;
- The National Climate Finance Policy and Kenya's Disaster Risk Financing Strategy mobilize resources for climate action;
- Kenya prioritizes adaptation, promoting initiatives like afforestation, climate-smart agriculture, and renewable energy development. The goal is to achieve 100% clean energy by 2030.

21. Strategies focus on enhancing adaptive capacity across all government levels, financing local climate action, and improving climate data utilization. Key agencies like the National Drought Management Authority and the Meteorological Department play crucial roles.

22. The government strives to progressively realize rights to food, security, water, and health in a non-discriminatory manner. Kenya's updated Nationally Determined Contribution (NDC) commits to reducing greenhouse gas emissions by 32% by 2030.

23. County governments, empowered by devolution agreements, actively address climate change's impact on human rights in their regions.

24. Kenya's National Adaptation Plan (NAP) 2015–2030 enhances the country's resilience. The first review highlights progress in agriculture, livestock, and fisheries sectors:

### Boosting Fish Farming

- Tilapia tripled (0.31 kg/m<sup>2</sup> to 0.61 kg/m<sup>2</sup>) and catfish output soared six fold (0.14 kg/m<sup>2</sup> to 0.82 kg/m<sup>2</sup>) between 2016–2019;
- Annual fish production grew from 249 Mt to 912 Mt, with 77% of farms profitable by 2019. KMAP fish farms employed nearly 2,800 people per cycle.

### Enhancing Livestock Management

- Improved disease control: Regular monitoring, diagnostic kits, and lab upgrades led to over 13 million vaccines distributed in 2019–2020;
- Strategic feed reserves: Counties like Kajiado built reserves and trained communities for hay production to combat dry spells.

### Restoring Rangelands

- Reseeding and fodder planting: Initiatives led to reseeding nearly 2,000 hectares and reclaiming over 52,000 hectares of degraded land by 2020;
- Breeding programs: Over 20,000 improved and disease-resistant animals were distributed between 2017 and 2021.

### Assessing Climate Change Impacts on Vulnerable Groups:

25. Kenya uses a multi-pronged approach to assess climate change's impact on vulnerable groups' economic, social, and cultural rights (ESCR):

- Tracks changes in economic indicators, poverty rates, food insecurity, and health statistics (disaggregated by region and ethnicity);
- Surveys and discussions with marginalized communities capture their specific vulnerabilities and how climate change disrupts livelihoods, access to resources, and cultural practices;

- The National Adaptation Plan (NAP) and National Human Rights Action Plan (NHRAP) ensure climate adaptation strategies consider human rights;
- Government agencies, civil society organizations (CSOs), and affected communities all participate in the assessment process.

26. Collecting data in remote areas can be a logistical challenge. Additionally, integrating human rights considerations into climate assessments is an ongoing process requiring continuous capacity building.

### **Kenya's Comprehensive Disaster Risk Management Strategy**

27. Measures to manage risks include the Kenya's Disaster Risk Management Plan, development of a multi-hazard early warning system and National Disaster Risk Financing Strategy. Communities empowered through education allows them to take proactive measures.

## **II. Issues relating to the general provisions of the Covenant (Articles 1–5)**

### **Protecting Land and Livelihoods: Kenya's Efforts for Indigenous Communities**

- Kenya Agricultural Productivity and Agribusiness Project: The IPPF facilitated indigenous community participation, impact mitigation, and benefit sharing through alternative livelihoods;
- Kipeto Wind Energy Project: The IPPF ensured employment opportunities, healthcare, education, and cultural preservation for the Maasai community;
- Proposed Geothermal Power Plant in Longonot: The IPPF framework led to consultations and mitigation measures to address the Ogiek community's concerns about cultural practices and land use;
- World Bank Project – Adapting to Climate Change in ASAL: This project involved consultations with indigenous communities through the IPF;
- Right Energy Partnership Report: This report highlights the need for the IPF to address challenges faced by indigenous communities due to projects like the Lake Turkana Wind Power Project;

28. Kenya has implemented legal and procedural changes to recognize and safeguard the land rights of indigenous communities:

- The Community Land Act (2016), Forest Conservation Act, and Land Laws Amendment Act establish registration procedures, require community consent for land dealings, and prohibit forced evictions;
- The government is consulting stakeholders and training officials to accelerate community land registration;
- 24 counties have been informed about the Community Land Act, training has been provided, and ten community land titles have been processed.

29. The government has taken a number of steps to comply with the decisions of the African Commission as follows:

- The Endorois Welfare Council was registered by Government. The County Government of Baringo provides access to the Lake for the Endorois people for water and religious activities;
- The Ogiek matter is still under discussions by relevant government agencies.

## Maximum available resources

30. Poverty levels have been declining over the years. According to the KIHBS 2015/16 the poverty index was at 36.1%. The figure went up to 45.1 in 2020. In 2021, the overall poverty headcount rate for individuals at the national level was 38.6 per cent, 40.7 per cent in rural areas and 34.1 per cent in urban areas. The food poverty headcount rate at the national level was 30.5 per cent, per cent in rural areas and 26.8 per cent in urban areas. The statistics show that 5.8 percent of individuals were hardcore poor at national level, 7.8 per cent in rural areas and 1.5 per cent in urban areas. However, the poverty rate in 2022 was reported at 26.4% nationally a significant reduction from the 2021 figures.

- Nominal GDP increased from KSh 12,027.7 billion (USD 120 billion) in 2021 to KSh 13,368.3 billion (USD 133 billion) in 2022;
- Real GDP growth slowed to 4.8% in 2022 compared to 7.6% in 2021;
- Overall tax revenue increased by 8.1% in 2022 compared to 2021;
- In 2021, 16.4% of GDP came from taxes, with 55.5% being indirect taxes;
- Public debt increased by 14.9% to KSh 8,024.8 billion (USD 80 billion) in June 2022 from KSh 6,983.0 billion (USD 69 billion) in June 2021;
- External debt accounted for 51.8% of the total national debt. The total public debt in proportion to the GDP stood at 70.22% in 2023;
- 24.3% of GDP was spent by the government in 2022;
- KSh 793,841.3 million (USD 8 billion) was allocated to social programs (protection, housing, health, education). KShs 175,798.3 million (USD 2 billion) was spent on defense.

## COVID-19 Fiscal Policies

- Reduction in personal income tax rate (30% to 25%);
- Tax relief for low-income earners (under Ksh 24,000 monthly);
- Reduced tax rates for small businesses and VAT.

## Non-discrimination (Article 2 (2))

31. Kenya's constitution and various laws prohibit discrimination based on race, ethnicity, disability, and other factors. Specific laws address areas like employment, HIV prevention, and protection of internally displaced people. National policies further promote social protection and diversity in public service. However, despite same-sex relationships being illegal, LGBTQ+ individuals have some legal recourse. They can file complaints with human rights and oversight bodies and organize advocacy groups to fight for their rights.

## Protection of Refugee rights

32. Kenya's 2021 Refugee Act empowers refugees by:

- Allowing business registration and bank accounts, leading to almost 300 refugee-run businesses and economic self-sufficiency;
- Granting access to public services and participation in local planning, improving integration with host communities. An estimated 700,000 refugees now benefit;
- Recognizing special circumstances for exemptions from designated camps, based on health, security, or education needs. This flexibility has benefited approximately 26,000 refugees and asylum seekers. Numerous refugees are employed by NGOs, private companies (e.g., RefuShe, HIAS, IRC), and the Department of Refugee



Services (367 staff in Kakuma and Garissa camps). Approximately 67,500 refugees have access to NHIF services, with 22,500 in urban areas and 45,000 in Kalobeyei;

- Refugee Education- Pre-primary: 19,009; Primary: 103,071; Junior Secondary: 6,876 and Secondary: 34,856, Total: 163,812. To support this, 2,215 refugee teachers have been hired and 760 classrooms built. Over 20,000 refugee children in urban schools are integrated into the Kenyan system and receive capitation grants. Additionally, by 2026, an estimated 117,900 refugee learners will benefit from the Elimu scholarship program (8,000 already benefited since 2022).

## **Protecting Internally Displaced People**

33. Kenya prioritizes IDP protection, allocating resources and implementing a multifaceted approach. This approach includes:

- Resettlement and Reintegration: Helping IDPs return home and reintegrate into their communities;
- Compensation: Providing financial compensation for losses suffered during displacement;
- Promoting Peaceful Conflict Resolution: Addressing the root causes of displacement to prevent future incidents;
- Emergency Relief: Providing immediate assistance to IDPs in the aftermath of disasters.

34. These efforts have successfully resettled and compensated all IDPs displaced by political violence (PEV). However, a contingency fund remains available for IDPs displaced by natural disasters, with the 2023 budget allocating Sh2.2 billion for resettlement purposes (mainly for those displaced by evictions).

35. In line with constitutional principles, the IDP of 2012 was developed with public participation, ensuring it reflects the needs of all Kenyans, including IDPs.

## **Equal Rights of Men and Women (Article 3)**

36. Kenya tackles underemployment and job segregation faced by women by addressing structural inequalities, including:

- The Kenya National Safety Net Programme (NSNP) is a Social Protection programme established to improve and enhance social protection delivery to various cadres of vulnerable groups;
- The Affirmative Government Procurement Programme (AGPO) encourages businesses to include women-owned enterprises in government contracts;
- The National Care Policy (Draft) aims to tackle the challenges of unpaid care work, often disproportionately burdened on women. It will address cultural norms, weak legislation, and economic and labor market structures;
- The National Gender and Equality Commission promotes gender equality in the workplace through public education and partnerships, raising awareness about the gender pay gap;
- The Salaries and Remuneration Commission ensures fair pay structures for public employees, minimizing gender bias in salaries.

37. The lack of standardized pay structures in the private sector creates a challenge in enforcing pay equity.

## Equal education for girls and boys

38. Free and Compulsory Basic Education: The Basic Education Act (2013) mandates free and compulsory primary education, with penalties for violations.
39. The National Guidelines (2020) allow pregnant girls to re-enter school after childbirth, promoting educational continuity.
40. Empowering Girls' Health and Education: Prohibitions against Female Genital Mutilation (FGM) and early marriage address practices that can negatively impact girls' health and education.

## Land Rights for Women

41. The Constitution and land legislation aim to guarantee equal access to land ownership for women. While significant progress has been made in issuing title deeds, the percentage of women owning land still remains low:
- 25% of women own agricultural land (2022 Kenya Demographic Health Survey – KDHS);
  - Only 7% of women own non-agricultural land (KDHS 2022);
  - 62% of women do not have a title deed for the agricultural land they own (KDHS 2022).
42. Cultural norms still hinder women's full enjoyment of land rights. However, Kenya is actively working to improve land tenure systems, increase the issuance of title deeds, and raise awareness about land rights. This multi-pronged approach aims to enhance the proportion of the population with secure tenure rights to land.

## Participation of women in decision making positions

43. While the two thirds gender rule has not been achieved overall, progress has been made as indicated in the following table:

<i>Position</i>	<i>Percentage of Women (October 2022)</i>
Parliament	23.3%
County Governors	15%
Deputy County Governors	17%
Senators	31.3%
County Assemblies (MCAs)	33%
Cabinet Secretaries ( including Cabinet-level portfolios)	35%
Principal Secretaries	23.1%
<i>Position</i>	<i>Number of women</i>
Judges (Supreme, Court of Appeal and High Court)	92
Judges (Magistrates Court)	298

## Economic Empowerment Initiatives

44. This part outlines various government programs aimed at improving access to financial resources and opportunities for women in Kenya, particularly those in rural areas.

### Financial Inclusion

- *Uwezo Fund*: Since inception, the Fund has disbursed more than Kshs 7.2 billion and directly supported 1,124,221 beneficiaries of which 69% are Female and 31% Male

through provision of affordable and accessible credit, capacity building on entrepreneurship skills, basics of book keeping and market linkages and networking;

Overall, the absorption rate in the constituencies averages at 107.5%, indicating very impressive uptake of the Fund, with over Kshs. 1.5B having been revolved. In addition, the Fund has recorded a cumulative repayment of Kshs. 2.8 billion since its inception which translates to 40.6 % repayment rate;

- The Women Enterprise Fund (WEF) has made significant strides in providing financial resources to women-owned businesses in Kenya. Achievements include the following:
  - Digital Transformation: WEF went digital in March 2023, leading to a faster disbursement process. They provided Kshs. 941 million (around USD 9 million) to 18,955 groups within just three months;
  - SACCO Funding Returns: WEF re-introduced SACCO funding, a product previously withdrawn. Improved regulations ensure proper administration. So far, 23 SACCOs have partnered with WEF, receiving Kshs. 171.5 million;
  - Focus on Individual Loans: Recognized the limitations of group loans, WEF introduced new policies:
    - Increased Group Loan Limits: Maximum loan amounts for groups increased from Kshs. 750,000 to Kshs. 1 million;
    - Extended Repayment Periods: Loan repayment periods are now tailored to loan amounts, ranging from 12 to 24 months;
    - Chama Plus Loan: Individuals within groups can now access individual loans with co-guaranteeship from other group members, eliminating the need for traditional collateral;
  - New Loan Products: WEF launched new loan products like the Kilimo Loan for women in agribusiness, and Asset Financing and Business Loans to further support women's economic empowerment.

45. Overall, WEF's digital shift and policy changes aim to make financial resources more accessible to women entrepreneurs in Kenya, both as individuals and as part of groups.

- The Youth Enterprise Development Fund (YEDF) is a key program in Kenya's Vision 2030 plan. It aims to empower young Kenyans by:
  - Encouraging entrepreneurship: YEDF wants young people to create jobs, not just look for them;
  - Providing financial support: YEDF offers affordable loans and grants to help young people start or grow businesses;
  - Loans: In 2021/2022, YEDF provided Ksh 17.3 million in loans to over 1,100 beneficiaries. They project a significant increase in loans disbursed in 2022/2023 (up 34.5%);
  - Grants: Government grants to YEDF have also increased. The total allocation went up by 5.3% in 2022/2023, with more funding directed towards development projects.

46. Overall, YEDF is expanding its reach and resources to empower more young Kenyans to become successful entrepreneurs.

#### **Impact of Funding Initiatives on all Women:**

47. Affirmative action funding goes beyond providing basic financial services. It has become a powerful tool for empowering women to become active participants across diverse sectors of Kenyan economy. Examples include:

- **Construction:** Women are now leading construction projects, from small renovations to larger developments. This not only diversifies the traditionally male-dominated industry but also creates job opportunities for other women;
- **Agribusiness:** Funding has enabled women to establish and expand poultry farms, greenhouses, and other agricultural ventures. This increases food security, creates income streams, and promotes sustainable farming practices;
- **Transportation:** Women have ventured into taxi services, ride-sharing platforms, and even own and operate matatus (minibuses). This improves access to transportation, especially in underserved areas, and provides women with greater control over their income;
- **Government and Corporate Suppliers:** Women-led businesses are now supplying essential goods and services to government agencies and private corporations. This fosters economic inclusion and ensures diverse perspectives and talent are represented in the supply chain;
- **Micro-Manufacturing and Value-Added Products:** Funding has fueled the growth of women-owned businesses that manufacture essential items like posho mills and power tools. Additionally, it has supported the creation of value-added products like processed foods and handcrafted goods, promoting local production and exports.

48. These are just a few examples. The impact of affirmative action funding extends far beyond these sectors, empowering women to become self-sufficient business owners, employers, and drivers of economic growth across Kenya.

### **III. Issues relating to the specific provisions of the Covenant (Articles 6–15)**

#### **Right to work (Article 6)**

##### **Measures to Prevent increase in Unemployment during Covid-19 period**

- MoU signed on 27th April 2020 between government, employers, and unions to protect jobs during the COVID-19 pandemic;
- Income support programs;
- Wage subsidies;
- Labor market flexibility: Implemented through reduced working hours, remote work arrangements and temporary suspensions to prevent job losses (section 5);
- Support for vulnerable populations: targeted financial assistance and training programs for women;
- Investment in training and up skilling programs;
- Public works and infrastructure projects;
- Remote work and digitalization; and
- Economic stimulus packages.

##### **Employment in Kenya: 2023 Economic Survey Data**

49. From 2017 to 2022, the Kenya National Bureau of Statistics (KNBS) and Kenya National Commission on Human Rights (KNCHR) joined forces to bolster the collection and analysis of human rights-based data, particularly focusing on marginalized groups like intersex individuals, persons with disabilities, stateless populations, refugees, and others. During the 2019 Kenya Population and Housing Census, significant strides were made in gathering information on these groups, resulting in various analytical reports accessible on the KNBS website. This collaboration led to tangible outcomes, including the drafting of a

bill addressing the rights of intersex persons, as well as the granting of citizenship to three stateless communities – Shona, Pemba, and Makonde.

### **Data Collection**

- Kenya is actively collecting data on marginalized groups (29 identified) to ensure their needs are recognized. The government has adopted the Inclusive Data Charter and partnered with the UN to improve data collection methods, particularly regarding disabilities and discrimination;
- Integrating human rights goals into national frameworks demonstrates Kenya's commitment;
- Incorporation of a module on refugees in the 2024 Kenya Integrated Household Budget Survey and conducting a national disability survey in the same year, reflects Kenya's ongoing commitment to advancing the rights and inclusion of marginalized populations.

### **Formal Employment**

- Formal employment has been steadily increasing, reaching 3.02 million people in 2022;
- The informal sector remains larger, employing over 15.9 million in 2022;
- There's a persistent gender gap in formal employment, with more men employed than women;
- The national unemployment rate shows a slight decrease to 5.5% in 2022.

### **Unemployment Rates**

50. Kenya's overall unemployment rate slightly declined in 2022, reaching 5.50%, a 0.14% improvement compared to 2021.

### **Youth Unemployment Varies Across Kenya's Counties**

- Nyeri and Embu counties have the lowest youth unemployment rates (13%), followed by Nyandarua (26%), Kirinyaga and Narok (27% each), and Murang'a (29%);
- Counties in Northeastern Kenya face the highest unemployment rates, exceeding 50% in Garissa, Turkana, Mandera, and Wajir. These regions struggle with aridity, sparse populations, and reliance on pastoralism;
- Among urban areas, Mombasa has the highest youth unemployment rate (49%), followed by Nairobi (43%), Kisumu (41%), and Nakuru (36%).

### **Gender Disparity in Employment:**

51. The Kenya Demographic and Health Survey reveals a significant gender gap in employment. In the year preceding the survey, 40.3% of women were unemployed compared to only 18.5% of men.

## **Right to just and favourable conditions of work (Article 7)**

### **Minimum Wage**

52. Minimum wages are reviewed periodically to account for cost-of-living changes. The process is as follows:

- Tripartite Committee: Reviews data like inflation and cost of living;
- Public Input: Stakeholders like unions and citizens can provide feedback;
- Recommendations: The committee proposes adjustments or maintains current rates;
- Cabinet Approval: The final decision on wage changes rests with the government.

**Kenya's Worker Protections**

- All workers, including refugees and asylum seekers, are entitled to the minimum wage. The Employment Act sets minimum terms and conditions for all workers across industries;
- The Act guarantees equal pay for equal work done and sets minimum terms and conditions for all workers across industries. Labor officers enforce these regulations to prevent exploitation;
- Agriculture and construction have additional regulations defining basic employment conditions to eliminate all cases of labor exploitation;
- The Ministry of Labor conducts inspections (including Special Economic Zones) to ensure employers comply with labor laws;
- Inspectors check wage and hour standards, safe working conditions, and uphold worker rights;
- 33,794 inspections were conducted to assess compliance with labor regulations;
- Employers must have a clear, transparent policy that explicitly prohibits forced labor and other forms of exploitation. This policy should cover the entire supply chain, including all businesses involved in a company's product creation. Human resource personnel, compliance officers, and auditors must be trained on the identification of forced labor practices and how to seek appropriate remedies if forced labor is discovered;
- The government increased the number of worksite inspections for child labor;
- Promote agreements and codes of conduct by industrial sector (as in agriculture, construction and textiles), identifying the areas where there is risk of forced labour, and take appropriate remedial measures:
  - Treat migrant workers fairly. Monitor carefully the agencies that provide contract labour, especially across borders, blacklisting those known to have used abusive practices and forced labour;
  - Ensure that all workers have written contracts, in language that they can easily understand, specifying their rights with regard to payment of wages, overtime, retention of identity documents, and other issues related to preventing forced labour;
  - Encourage national and international events among business actors, identifying potential problem areas and sharing good practice;
  - Build bridges between governments, workers, law enforcement agencies and labour inspectorates, promoting cooperation in action against forced labour and trafficking.

53. Find innovative means to reward good practice, in conjunction with the media.

**Fight against Child Labor**

54. The government enacted the Children's Act 2022, strengthening legal protections for children from child labour, including mandating the development of a light work framework, and outlining child protection mandates of government agencies, such as protecting children from armed conflict. In addition, the government substantially increased the number of worksite inspections for the reporting period, while achieving convictions and imposing sentences on two individuals for crimes related to human trafficking of children. County governments in Kenya are also updating the National policy on Elimination of Child Labour in the counties.

**Laws against Exploitation**

55. Kenya safeguards workers and children from exploitation through a robust legal framework:

- Employment Act bans sexual harassment and forced labor. For companies with 20+ employees, an anti-sexual harassment policy is mandatory;
- Counter-Trafficking in Persons Act combats human trafficking (internal and cross-border), criminalizes sexual exploitation and forced labor, and offers protection and assistance to victims;
- Sexual Offenses Act addresses various forms of sexual exploitation with penalties for perpetrators;
- Children's Act (2022) protects children from exploitation and abuse, including trafficking.

### **Addressing Workplace Harassment**

- Workers, including domestic workers, can report harassment to local labor offices;
- The Ministry of Labour collaborates with other agencies to investigate and address reported cases;
- Employers must establish clear reporting procedures and are encouraged to provide anti-harassment training;
- Labor inspectors conduct workplace inspections to identify and address harassment;
- Workers can pursue legal remedies through the Kenyan legal system.

56. As of now statistical data on harassment trends by sex, age is not available. Efforts are being made to develop a framework to collect such data.

### **Kenya's Progress on Migrant Worker Rights**

57. While Kenya hasn't ratified the International Convention on Migrant Worker Rights, they've taken several steps towards its goals:

- Policy and Legislation: Initiatives include a National Labour Migration Policy, a draft Labour Migration Management Bill, and the National Employment Authority Act;
- Bilateral Agreements: Kenya negotiates and signs agreements with destination countries to protect migrant workers;
- Financial Support: The Kenya Migrant Welfare Fund is being established to assist migrant workers;
- Regional Integration: Kenya implements the EAC Protocol on Free Movement to facilitate movement of workers within the East African Community (EAC);
- Social Security: A draft EAC agreement aims to coordinate social security benefits across the region, allowing migrant workers to maintain benefits while working in other EAC countries. Kenya is reforming its National Social Security Fund Act to enable this portability;
- Border Management: The EAC has established operational One Stop Border Posts to streamline movement of goods and people in the region.

### **Trade union rights (Article 8)**

- The Constitution and Labor Relations Act guarantee the right to strike in both public and private sectors. Procedures like negotiations and notice periods must be followed before a strike can take place;
- The Labor Relations Act prohibits discrimination against union members. Workers can file complaints with the Ministry or the Employment and Labour Relations Court;
- Trade unions aggrieved with anti-union discrimination action can file a trade dispute with the Ministry for conciliation or file a case at the Employment and Labour Relations Court.

### **Social security (Article 9)**

- Kenya passed several laws to achieve UHC, including establishing a Social Health Authority with three funds for different healthcare needs. The National Hospital Insurance Fund Act was repealed;
- Kenya's Social Protection Policy aims to support vulnerable populations through various interventions. A Social Protection Bill is also proposed.

#### **58. Social Security Statistics:**

- 26% of Kenyans have health insurance, with higher rates in urban areas. The National Hospital Insurance Fund (NHIF) covers the most people (24%). However, there's a high dropout rate among informal sector members;
- As of 2022/23, over 1 million people benefitted from the inua Jamii program for older persons, orphans, and people with disabilities;
- NHIF Impact: In the financial year 2019/2020, NHIF paid for 4.44 million hospital visits, reducing financial burdens for many households. The benefit payout ratio for the formal sector was 55% while that of the informal sector was 248% in FY 2020/21;
- National Social Security Fund membership has increased for both men and women since 2020. The NSSF Haba Haba scheme targets informal workers and has enrolled over 73,000 members.

### **Protection of the family and children (Article 10)**

59. Kenya has implemented various measures to safeguard children and families. These include:

- Children Act (2022) strengthens child protection, focusing on well-being. It establishes a Child Welfare Fund and mandates counties to create child welfare facilities. It also raised the minimum age of criminal responsibility and clarifies guardianship, foster care, and adoption procedures;
- Protection against Domestic Violence Act and Rules (2022) emphasize prevention, intervention, and support for victims. They allow victims to apply for protection orders and ensure early detection/prevention of violence.

### **Combating Sexual and Gender-Based Violence (SGBV)**

- National Police Service Response (POLICARE) establishes a coordinated national response to SGBV;
- Specialized GBV Courts in Mombasa and Siaya counties provide a more sensitive and efficient process for victims;
- Gender Violence Recovery Centers and Gender Desks offer support services and dedicated reporting spaces for victims.

### **Protecting Children from Exploitation**

- National Framework for Child Protection System outlines roles and responsibilities for child protection stakeholders;
- Child Protection Information Management System facilitates data collection and case management;
- Child Protection Committees are established at the community level;
- National Policy on Rehabilitation of Street Families aims to prevent economic and social exploitation. It's supported by the Street Families Rehabilitation Trust Fund (SFRTF) which offers rehabilitation programs and public education.



### Combating Harmful Practices

- The Children Act 2022 criminalizes child marriage and female genital mutilation (FGM);
- Anti-FGM and Child Marriage Prosecution Units expedite prosecutions, with trained prosecutors handling such cases;
- The Anti-FGM Board fights FGM through community dialogues, alternative rite-of-passage ceremonies, and collaborations with local leaders;
- Cross-border collaboration: Kenya works with neighboring countries to end FGM through joint action plans and strengthened regional legal frameworks.

60. These efforts have shown success, with a significant decrease in FGM prevalence from 21% in 2014 to 15% in 2022.

### Right to an adequate standard of living (Article 11)

#### Fight Against Poverty: Progress and Challenges

61. This section details Kenya's efforts to combat poverty and extreme poverty:

- Inua Jamii provides cash transfers to elderly, orphans, and people with disabilities. The number of beneficiaries has increased, but the overall coverage of the population has decreased;
- KSEIP strengthens social safety nets and access to services for poor and vulnerable households;
- Affirmative Action Fund for the youth, women, and vulnerable groups. Over 151.6 billion disbursed in the past decade;
- Grievance System is a toll-free line allows beneficiaries to report issues.

62. The national poverty rate fluctuated over the past five years. It decreased from 36.1% in 2015/16 to 33.6% in 2019, but then rose to 45.1% in 2020, likely due to external factors. By 2021, it had fallen back to 38.6%. Rural areas consistently have higher poverty rates than urban areas. Food poverty follows a similar trend. The situation for the most disadvantaged is concerning. In 2021, 5.8% of the population was classified as "hardcore poor," with a higher concentration in rural areas.

63. Kenya has implemented various programs to combat poverty, with some positive results. However, challenges persist, particularly for the most vulnerable groups. More data and continued efforts are needed to ensure all Kenyans have an adequate standard of living.

64. The Table below shows a Summary of allocated funds to the programme:

Ksh 18.0 billion	Cash Transfers to Elderly Persons
Ksh 7.9 billion	Cash Transfers to Orphans and Vulnerable Children
Ksh 5.7 billion	Kenya Hunger Safety Net Programme
Ksh 1.2 billion	Cash Transfer to Persons with Severe Disability
Ksh 400 million	Presidential Bursary for the Orphans
Ksh 3.3 billion	Kenya Social and Economic Inclusion Project
Ksh 900 million	Child Welfare Society of Kenya
Ksh 459 million	National Development Fund for Persons Living with Disabilities

**Kenya's Land Initiatives: Progress and Challenges**

65. The Community Land Act (CLA) of 2016 aims to empower communities by recognizing and protecting their land rights. It applies to a significant portion of Kenya's land, estimated at 69.1% (39.3 million hectares).

66. While some communities have successfully registered their land under the CLA, gaining a legal title deed, full implementation faces hurdles. These include:

- A complex registration process;
- Limited awareness among communities about their rights and the process;
- Competing claims to land.

67. To address these challenges, the government has taken steps to:

- Conduct sensitization programs in 24 counties with community land;
- Increase human resources by re-designating registrars and appointing adjudication officers specifically for community land issues.

68. Kenya's journey towards effective community land management is ongoing. Continued efforts to raise awareness, simplify processes, and address competing claims will be crucial in securing land rights for communities.

69. One of the recommendations of the National Land Use Policy, 2017 was to promote informal settlements improvement programs. Kenya has made strides in improving living conditions and land rights in its urban centers.

- The Kenya Informal Settlements Improvement Project (KISIP) has benefitted over 1.3 million residents in 15 urban centers. The project has issued more than 23,000 title deeds, providing security of tenure. A second phase, KISIP 2, is underway to improve access to basic services, strengthen land rights, and enhance slum upgrading capacity through 2026;
- The National Land Commission created a national resources atlas to guide sustainable development. This atlas maps the distribution and interconnectedness of Kenya's natural resources. Additionally, the Commission launched tools to monitor adherence to the National Land Use Policy and the National Spatial Plan, which guides long-term development for the country.

70. These initiatives, alongside efforts to mainstream climate change considerations, promote dispute resolution through alternative mechanisms, and raise public awareness about land reforms, demonstrate Kenya's commitment to responsible land management and development.

**National Housing Policy (2016) and the Affordable Housing Programme**

- Kenya constructed 1,067 affordable housing units in the 2021/2022 financial year;
- The Boma Yangu platform supports this program by connecting low and middle-income Kenyans with affordable housing options;
- So far, the program boasts:
  - 10 completed projects;
  - Over 334,000 registered users;
  - More than 200 Micro, Small, and Medium Enterprises (MSMEs) involved.

**Impact and results of the Kenya Slum Upgrading Program**

- Relocated 1,200 households from Soweto East to Lang'ata;
- Built 822 housing units and 245 market stalls in Soweto;
- Vetted and allocated 691 housing units to beneficiaries;

- Improved infrastructure and services in informal settlements across 21 counties:
  - Installed high mast flood lights;
  - Formed housing cooperatives and settlement committees;
  - Built social halls, dispensaries, schools, and markets;
  - Constructed *jua kali* sheds, commercial centers, and a police post in Mavoko;
  - Mapped and inventoried slums nationwide;
  - Built roads, cabbro lanes, and footpaths;
  - Protected and improved shallow wells.

71. The Affordable Housing Act 2024 upholds the constitutional right to accessible and adequate housing in Kenya. It also establishes a framework for developing and accessing affordable housing, including housing for institutions.

72. Kenya uses a Resettlement Policy Framework (RPF) to guide the planning and implementation of resettlement for infrastructure projects. This framework ensures fair treatment for people who may be impacted by construction. It also enhances Public Disclosure by publishing affected areas, outlining resettlement and compensation policies, procedures, and design standards. Individual Resettlement Action Plans (RAPs) are created for each project based on the RPF's principles and the government finances resettlement costs associated with its projects.

73. In 2022, the government used a consultant to review and update documents, including a Resettlement Action Plan, for the Lesseru-Kitale (B14) and Morpus-Lokichar (A1) road projects. This ensures the plans are current and address any potential resettlement needs.

74. The National Land Commission has facilitated land acquisition for 97 key public projects across various sectors aligned with Vision 2030 (transport, water, energy, security). Over Kshs. 73 billion has been disbursed to Project Affected Persons (PAPs) whose land was acquired for these projects.

75. As required by law, government agencies acquiring land must deposit compensation funds with the Commission before proceeding. In the 2022/23 financial year, the Compensation Fund received Ksh. 4.8 billion. With carryover funds from the previous year, a total of Ksh. 15.9 billion is available for disbursement to PAPs. Overall, Kenya prioritizes fair compensation for those affected by land acquisition for critical development projects.

76. While Kenya has made strides in land titling, informal settlement improvement, and slum upgrading, challenges remain, particularly regarding data collection.

### **Kenya's Food Security Challenges and Progress**

- Moderate/severe food insecurity increased from 24.9% in 2019 to 26.1% in 2020, affecting about 37.4 million Kenyans on average;
- Undernourishment rates decreased from 34.4% in 2020 to 30.5% in 2021, suggesting improvement;
- Rural areas have a higher burden of food insecurity and undernourishment compared to urban areas;
- The national average prevalence of weight-for-height malnutrition in children is 4.9% (2022);
- Rural children experience a higher prevalence (5.3%) compared to urban children (4.0%);
- Despite some progress in reducing undernourishment, Kenya faces challenges in ensuring food security and adequate nutrition, particularly in rural and arid/semi-arid areas.

77. This report details Kenya's efforts to address food insecurity and water access, with some challenges.

### **Kenya's Progress in Water and Sanitation (2019–2022)**

- National access to safe drinking water has steadily increased, reaching 67.9% in 2022;
- Urban areas have seen significant improvement, with access reaching 90.6% in 2022;
- Rural areas lag behind, with access fluctuating between 50% and 61.5% during this period;
- The 2023 Health Facility Census found an 83% average availability of reliable water sources in health facilities;
- Piped water is the primary source (45%), but 4% of facilities rely on surface water;
- However, a significant number of facilities still lack a reliable water source (30% of government, 6% of NGOs, and 7% of private facilities);
- Basic sanitation access increased from 70% in 2018/19 to 90% in 2021/22;
- Urban sewer coverage rose from 26% to 32% over the same period;
- In 2022, 40.9% of individuals had access to improved sanitation (47.3% urban, 37.7% rural);
- All counties have operational policies for community participation in water and sanitation management (100% since 2017).

78. Despite progress, inequalities persist, particularly in rural areas and informal settlements. The government is addressing these issues through several initiatives:

- Horn of Africa Groundwater for Resilience Program: This six-year project (2022–2027) aims to improve sustainable groundwater management in five counties benefiting 1.5 million people;
- National Water Harvesting and Storage Authority Strategic Plan: This plan prioritizes strategic interventions to increase water access and achieve related Sustainable Development Goals.

## **Right to physical and mental health (Article 12)**

### **Strengthening Healthcare in Kenya**

#### *Primary Healthcare*

- The Primary Health Care Act (2023) aims to improve access to basic healthcare services. The Act establishes Primary Care Networks and formalizes the role of community health promoters within the public service system;
- A Social Health Insurance Act (2023) creates a framework for managing social health insurance and establishes new health insurance funds.

#### *Maternal Healthcare*

- Kenya has made progress in encouraging facility births, with 90% of women choosing hospitals or clinics;
- The national facility-based maternal mortality rate has shown a slight improvement, decreasing from 362 per 100,000 deliveries (2019–2021) to 355 in 2022.

#### *Disability Access*

- Following a presidential directive, 23 counties have waived medical assessments for people with disabilities at designated health centers.

### **Non-state providers and private actors**

79. Currently Kenya has several frameworks set up to monitor non-state providers and private actors in Kenya's health sector. National Integrated M&E System is a government-led

system which gathers data from all healthcare providers, including non-state actors, on aspects like service utilization, quality, and finances.

80. Kenya Health Policy 2014–2030 emphasizes collaboration with non-state actors and outlines quality assurance mechanisms like licensing, inspections, and accreditation.

81. Professional bodies such as the Pharmacy and Poisons Board and the Kenya Medical Practitioners and Dentists Board oversee their respective professionals, regardless of their work setting.

82. The government encourages Initiatives encouraging communities to report malpractice or concerns about specific providers contribute to informal monitoring, investigations and reports by journalists and NGOs can highlight issues and pressure authorities for action and Mobile platforms and data analytics are being explored to improve data collection and analysis for more efficient monitoring.

83. Kenya, however face various Challenges and Limitations, including;

- Limited resources: The government faces resource constraints in effectively monitoring all healthcare providers across the vast country;
- Data quality: Concerns exist about the quality and completeness of data reported by non-state actors;
- Standardization: Different approaches and standards might be applied to public and private facilities, leading to uneven monitoring;
- Enforcement: Capacity limitations sometimes hinder effective enforcement of regulations and standards.

### Health Indicators

84. The under-five mortality rate has experienced fluctuations over the past few years. In 2022, the rate was reported at 41 per 1,000 live births, showing a slight increase compared to 2021's rate of 38. However, it is noteworthy that there has been a consistent decline in the under-five mortality rate since 2014 when it was at a higher level of 52 per 1,000 live births. The trend indicates progress in reducing under-five mortality, as evidenced by the rates of 39 in 2020, 40 in 2019, 41 in 2018, and 42 in 2017 per 1,000 live births. This positive trajectory is a testament to the efforts made to improve child healthcare and reduce child mortality. Nevertheless, the recent increase in the mortality rate in 2022 calls for attention and underscores the importance of accelerating efforts to achieve both national and global targets for reducing under-five mortalities.

85. According to the Kenya Health Facility Census 2023, there are 12,375 health facilities across the Country. Nairobi and Kiambu having the highest number of facilities with 1093 and 608 respectively while Isiolo and Lamu Counties have the least with 70 and 64 health facilities respectively. The density of primary health care facilities nationally was high at 2.4 per 10,000 populations. The doctors' density was 27 per 100,000 population in the year 2021 and declined to 19 in 2022. This was an increase from 17 and 18 in 2018 and 2019 respectively. Similarly, for nurses' density, there was an increase from 225 per 100,000 populations in 2020 to 253 per 100,000 population in the year 2021 and to 259 per 100,000 population in the year 2022. The dentists average at 2 while pharmacists were 7 per 100,000 populations.

### Sexual and Reproductive Health

86. The State developed the National Guidelines for Provision of Adolescent and Youth Friendly Services in Kenya (2016) which seeks to improve availability, accessibility, acceptability and use of quality sexual and reproductive health services by adolescents and youths seeking health services. In its landmark ruling in *PAK and Salim Mohammed v. Attorney General et al*, the High Court established that using the penal code to criminalize abortion without regard for the Constitution's statutory framework undermines women's reproductive rights. The decision also notes that access to abortion impacts values vital to the Constitution of Kenya, including dignity, autonomy, equality, and bodily integrity.

87. The government has guaranteed the attainment of highest standards as espoused in Article 43 of the Constitution. The right to health care services including sexual and reproductive health care are accessible to every person. Furthermore, Article 35 of the Constitution provides for right to access information and hence everyone inclusive of girls and women are entitled to seek and receive information concerning health matters which include aspects on sexual and reproductive health to help them make informed decision and live healthy lives.

88. Article 26 of the Constitution provides for scenario where abortion can be carried out and that is specifically where in the opinion of a trained health professional, there is need for emergency treatment or the life or health of the mother is in danger or if permitted by any other written law. Otherwise, the Constitution does not permit abortion.

### **HIV/AIDS**

- New HIV infection rates have increased slightly;
- 1.4 persons per 1000 uninfected population (2016);
- Increased to 1.4 persons (2018). (1.3 males, 1.5 females);
- New infections increased from 32,025 to 34,540 (2021), a 7.9% rise;
- The government provides various HIV prevention and treatment services;
- Aims to provide services at both facility and community level.

89. Kenya is working to improve access to quality healthcare services for all citizens. While progress has been made, significant challenges remain, particularly in rural areas and for marginalized groups.

### **Healthcare in Kenyan Correctional Facilities**

- The Prisons Act and international instruments mandate Kenya Prisons Service to provide healthcare services for inmates, including medical, dental, and mental health;
- Kenya is developing guidelines and support systems for mental healthcare in prisons (Kenya Mental Health Action Plan 2021–2025).

### **COVID-19 Measures**

- During COVID-19, prisons ensured access to water, soap, and hygiene measures for both inmates and staff;
- To reduce infection risk, the government implemented prison decongestion (releasing 9,546 inmates between March 15th and April 30th, 2020) and suspended visitations.

### **Data Disaggregation by Sex and Incarceration Period**

90. Information on healthcare service provision disaggregated by sex and incarceration period is not provided.

### **Harm Reduction for People Who Use Drugs**

91. Drop-in centers offer services beyond basic HIV care available at healthcare facilities, including:

- Needles and syringes;
- HIV testing and counseling;
- Sexual and reproductive health screening;
- Wound care;
- Hepatitis C screening;
- Overdose management;
- Pregnancy testing;

- Psychosocial support;
  - Nutritional support.
92. Opioid substitution therapy (OST) clinics were established in 2015:
- Only available in government healthcare facilities;
  - Monitored by government-registered doctors;
  - Serve 9,500 people who use drugs nationwide.

### **Right to education (Articles 13–14)**

93. Measures taken to address the impacts of the COVID-19 pandemic on education:
- Increased education budget (7.1%) for the 2022/23 financial year;
  - Elimu Scholarship Program for refugees (funded by World Bank) benefiting 8,000 children since 2022, with a projection of 117,900 by 2026;
  - Draft Education and Training Policy on Refugee Inclusion;
  - Recognition of Qualifications/Certifications program for refugees.

#### **Pre-Primary to Primary Education**

- Participation rates increased from 73.8% (2019) to 87.9% (2022);
- Enrollment in pre-primary education for children aged 3–5 years increased slightly;
- Gender parity observed in pre-primary enrollment (girls: 1,443.9 thousand, boys: 1,423.9 thousand in 2022);
- Primary education completion rate fluctuated: 82.6% (2015) to 94.6% (2020) then declined to 85.8% (2021) before rising to 87.8% (2022).

#### **Secondary Education**

- Gross Intake Rate for lower secondary education increased from 68% (2015) to 74.1% (2018);
- Completion rate for lower secondary education rose from 51.7% (2015) to 58.9% (2018).

#### **Regulation of Private Schools**

- Basic Education Act (2013) mandates the accreditation and registration of all basic education providers, promoting accountability and oversight;
- Registration Guidelines for Alternative Provision of Basic Education and Training deals with previously unregistered schools, ensuring they meet quality standards for inclusion in the system;
- Standards for Laboratories, Equipment and Materials in Schools (2021) aim to improve learning environments by ensuring schools have access to necessary resources.

#### **Measures for Marginalized Groups**

- Increased capitation grants to all public schools, with a focus on supporting students with disabilities;
- Special Needs Education Bill (2023) aims to improve access to education for students with disabilities;
- Secondary Education Quality Improvement Project targets vulnerable and marginalized areas;
- School meal programs provide food security for students in vulnerable regions;

- The National Council for Nomadic Education in Kenya (NACONEK) implements projects for marginalized communities, including the Kenya Primary Equity in Early Learning (KPEEL) Programme;
- Girls' Education Challenge supports marginalized girls' access to education.

#### **Addressing Hidden School Costs**

- The government established a single payment platform to simplify school fee payments;
- The Basic Education Act regulates fees and guarantees free primary education;
- Increased government investment in education (5.1% of GDP);
- Capitation grants provide funding to schools, with some models allocating more resources for students with disabilities.

#### **Cultural rights (Article 15)**

94. Huduma Kenya has operationalized four (4) service delivery platforms namely; 52 Huduma centres across the 47 counties; Huduma Contact and Tele-Counselling Centre; Huduma Mashinani outreaches and Huduma Electronic and Mobile Platforms. Currently, the service delivery platforms offer 128 Government services from 45 Ministries, Departments, and Agencies and 36 Counties and serve an average of 60,000 citizens daily.

95. The Government launched the three-year Digitalization Plan (2023/2024–2025/2026) to reposition Huduma Kenya Service Delivery Programme to enhance the inclusivity and accessibility of Government services in line with the Government's Digitalization Agenda. The Plan offers new ways to serve and empower Kenyans as they interact with the Government.

96. The Digitalization Plan endeavours to achieve five (5) strategic objectives namely: enhanced customer convenience and experience through the Whole of Government customer support; enhanced Strategic Partnerships and Collaborations; enhanced customer experience through the implementation of Customer Service Excellence Standard; Climate Action; and Paperless Huduma Kenya.

#### **Right to Participate in Science**

97. Kenya enacted the Science, Technology and Innovation Act Chapter 511 which was revised in 2022. The purpose of the act is to facilitate the promotion, co-ordination and regulation of the progress of science, technology and innovation of the country; to assign priority to the development of science, technology and innovation; to entrench science, technology and innovation into the national production system and for connected purposes.

98. The National Research Fund is a State Corporation established under the Science Technology and Innovation Act. The Fund is mandated to mobilize, allocate and manage financial resources to facilitate an effective national innovation system that would create required knowledge and innovations in all fields of Science and Technology for the growing economy. The Fund has mobilised an estimated Kshs 6.1 billion (Approx USD 60 Million), supported and funded 539 projects across the Country, funded 703 Phd and Masters Students and established 6 partnerships. In June 2023, the Fund developed guidelines to accessing grants.

99. The Government has been making progress in prioritizing participation in scientific progress. Most recently, the President established a Presidential Advisory Council on Science and Technology, thus affirming the overriding/key role that Science, Technology and Innovation will play in public and private sector ventures and enterprises. Kenya Vision 2030 and its Medium-Term Plans recognize the role of Research, Science, Technology and Innovation in increasing productivity, enhancing efficiency levels, accelerating economic development, as well as creating comparative advantage and competitiveness of the country.



100. The Science Technology and Innovation Act also establishes the National Commission for Science, Technology and Innovation whose mandate is to develop, in consultation with stakeholders, the priorities in scientific, technological and innovation activities in Kenya in relation to the economic and social policies of the Government, and the country's international commitments among others. The Commission also liaises with the National Innovation Agency and the National Research Fund to ensure funding and implementation of prioritized research programmes.

101. The Commission is working on Science, Technology and Innovation Mainstreaming in Ministries, Departments and Agencies (MDAs) which is aimed at ensuring that all MDAs entrench science, technology and innovation into the national production system and for connected purposes as per the provisions of the Science, Technology and Innovation Act 2013 (Rev. 2022). MDAs are required to appoint Science, Technology and Innovation focal person and champions and submit reports to the Commission.

102. Kenya National Commission for Science and Technology (NACOSTI) had set aside funds to enable women scientists to conduct research while African Academy of Sciences had allocated travel grants to support women scientists to travel to conferences and other fora to present their research findings.

103. The National Talent Programme by the Ministry of Education was introduced to create a culture of creativity, innovation, curiosity and productive entrepreneurship among out of school youth in Kenya. The aspirations of this programme are to apply Science, Technology and Innovation to enable the youth become innovators and job creators. Under this programme, the youth are provided with opportunities and services to help them acquire scientific, technological and innovative skills using their existing knowledge and experiences. In FY 2019/2020, the State Department for Post Training and Skills Development undertook a pilot programme, in collaboration with the Centre for Mathematics, Science and Technology Education in Africa, to create Small and Medium-Sized Enterprises (SMEs) through the application of science, technology and innovation. Under this Pilot, 80 youth from 8 Counties were trained.

104. In 2019, Kenya was identified as one of the five African countries to pilot the Science, Technology & Innovation for SDGs Road map, expediting the development of solutions aligned with the SDGs. In the FY 2023-24, the Government through the Ministry of Education allocated Kshs. 749 million for Research, Science, Technology and Innovation.

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