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Summary record of the 2nd meeting

Held at the Palais Wilson, Geneva, on Monday, 9 February 2026, at 3 p.m.

Chair: Ms. Saran

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States Parties under articles 16 and 17 of the Covenant

Sixth periodic report of Kenya (E/C.12/KEN/6; E/C.12/KEN/Q/6; E/C.12/KEN/RQ/6)

1. *At the invitation of the Chair, the delegation of Kenya joined the meeting.*
2. **A representative of Kenya**, introducing her country's sixth periodic report (E/C.12/KEN/6), said that her Government maintained an unwavering commitment to promoting, protecting and ensuring the progressive realization of the economic, social and cultural rights of all persons in Kenya. Its Bottom-up Economic Transformation Agenda, which sought to achieve widespread prosperity by promoting grass-roots empowerment, community-driven development and the equitable allocation of resources, was directly informed by the Covenant.
3. The period under review had been marked by unprecedented challenges, most notably the coronavirus disease (COVID-19) pandemic. While the imposition of the necessary public health measures had led to the temporary restriction of certain rights, the Government had taken swift action, such as the establishment of a COVID-19 emergency fund, the introduction of targeted tax relief measures and reductions, the expansion of social assistance, the delivery of free tests and vaccinations and the strengthening of investment in the health sector, to mitigate any adverse effects. In the aftermath of the pandemic, efforts had been focused on building more resilient systems by modernizing social protection mechanisms, digitizing health services and increasing national investment in public services.
4. Economic, social and cultural rights were established as justiciable rights under article 43 of the Constitution. Individuals had direct access to the courts, whose decisions were implemented by the Government notwithstanding occasional delays for budgetary or procedural reasons. During the period under review, the Government had enacted a number of laws giving effect to Covenant rights, which were also geared towards strengthening accountability, supporting the decentralization of services and ensuring that priority was given to marginalized communities.
5. The Persons with Disabilities Act had been adopted in 2025 to strengthen the protection of such persons and promote their full participation in society. The purpose of the National Policy for Ethnic Minorities and Marginalized Communities 2025–2035 was to enhance the representation of those groups, increase their access to public services and tackle the historical inequities they faced. The Government had stepped up efforts to eliminate female genital mutilation by training more than 20,000 front-line actors in preventing, ensuring the early detection of and responding to the practice. Policies and plans to tackle female genital mutilation had been implemented across various counties, and the Prohibition of Female Genital Mutilation Act had been translated into Arabic to increase awareness of its provisions. Cross-border monitoring mechanisms had been strengthened through regional collaboration with Uganda and Tanzania.
6. While combating harmful practices remained a priority, Kenya also recognized that the full realization of economic, social and cultural rights could be achieved only if people were given opportunities that would enable them to live dignified lives and enjoy economic independence. Matters such as the creation of decent jobs, social protection and housing thus remained central pillars of the country's development strategy. A number of policies, programmes and funds had been set up to empower young people, equip them with digital skills and help them find jobs. Young people and women also had access to an expanded range of technical and vocational training programmes aimed at ensuring that they developed the skills needed in the labour market.

7. Older persons, persons with severe disabilities, orphaned and vulnerable children and households affected by drought were provided with cash transfers through the Inua Jamii Programme, which, in 2025, had been expanded to reach up to 12 million beneficiaries. Access to social security among workers in the informal sector had been increased thanks to the establishment of systems that enabled them to make flexible contributions to national social security and health insurance funds. The Social Protection Act of 2025 provided for an expansion of the forms of support available to individuals who lived in extreme poverty, had lost their job or had been affected by disasters or other economic shocks. Such support included cash benefits, psychosocial and medical assistance and care services.

8. The expansion of universal health coverage had marked a significant step towards the realization of the right to health. Responsibility for managing health services had been devolved to the 47 counties, which had helped enhance access to healthcare. The quality of health services had also been improved through the modernization of infrastructure and medical equipment and the recruitment of more staff. More than 90% of households now had access to community health services. In 2023, the adoption of four transformative health-related laws – the Social Health Insurance Act, the Primary Health Care Act, the Digital Health Act and the Facilities Improvement Financing Act – had led to the consolidation of previously fragmented benefit schemes, the establishment of dedicated funds for primary and critical care and the strengthening of measures designed to protect Kenyans from financial risks.

9. Kenya continued to uphold the right to education through the provision of free basic schooling. Almost all students completed their primary education and made the transition to secondary school. The Government was working to implement a competency-based curriculum and deliver training for teachers on new methods of instruction and assessment. Parents were actively encouraged to participate in their children's education. Access to higher education had increased thanks to the rise in the number of higher education institutions and the reform of the student finance system.

10. A campaign to plant at least 15 billion trees placed conservation at the heart of national development. More than 1.5 billion trees had already been planted, thereby increasing national tree cover from 12% to nearly 14%. Action taken in the area of business and human rights had included the development of a human rights due diligence framework and model complaints mechanisms, the purpose of which was to help State-owned and private enterprises, in particular those in the extractive, infrastructure, agricultural and digital sectors, manage human rights-related risks and create the business environments needed to support sustainable and equitable economic growth.

11. Kenya continued to spearhead action to advance respect for the Covenant's principles beyond its borders. As Chair of the Committee of African Heads of State and Government on Climate Change, President William Ruto had led continent-wide action to safeguard the right to a clean and healthy environment. Kenya had hosted the 2023 Africa Climate Summit, which had culminated in the Nairobi Declaration on climate finance, and was home to the headquarters of the United Nations Environment Programme. The Government continued to advocate for equitable access to international financing so that debt-distressed countries could ensure the progressive realization of Covenant rights. At the national level, the Digital Superhighway project was being implemented to create the digital infrastructure and services required to bring social protection, health and education services directly to marginalized communities.

12. The Government acknowledged that challenges continued to prevent the full realization of the rights guaranteed under the Covenant. It remained committed to working with civil society and the international community to ensure the fulfilment of those rights and looked forward to receiving the Committee's feedback.

13. **Ms. Rossi** (Country Rapporteur) said that she would welcome information on the status of the Covenant in the State Party's legal order and on whether it could be invoked directly in court. She also wished to learn how judicial, executive and legislative bodies made use of the concluding observations of the United Nations human rights treaty bodies and what national and subnational coordination mechanisms were in place to oversee their implementation. The delegation might clarify the scope and implications of the judgment

issued in September 2024 by the Nakuru Environment and Land Court concerning the rights of the Ogiek people to their ancestral lands, which had been found to contravene a number of judgments of the African Court on Human and Peoples' Rights. An explanation of the steps taken by the State Party to ensure respect for its international obligations in that case would also be welcome.

14. She would appreciate an explanation of the measures adopted to guarantee equal access to administrative and judicial remedies for victims of violations of economic, social and cultural rights and the steps taken to promote the ratification of the Optional Protocol to the Covenant. She was curious to know what was being done to improve, expand access to and finance legal aid and whether a new national action plan on legal aid would be developed. It would be helpful to learn what steps had been taken to give effect to the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions by strengthening the independence and effectiveness of the Kenya National Commission on Human Rights.

15. In view of reports that the State Party's response to protests that had taken place in 2024 and 2025 had resulted in numerous deaths and injuries and given rise to acts of enforced disappearance, abductions, torture and violations of freedom of expression, she would like to know what was being done to prevent the unlawful repression of protests, the persecution of human rights defenders and the intimidation, harassment or arbitrary detention of journalists. It would be helpful if the delegation could provide disaggregated data on the number of deaths, injuries, detentions and acts of disappearance linked to those protests, in addition to information on the status of any investigations and criminal proceedings, any sanctions imposed on the individuals involved in unlawful acts and any reparations granted to victims and their families. The delegation might also provide information on the legal framework guaranteeing the right to peaceful assembly, the protocols governing the use of force by law enforcement officials and the mechanisms in place to ensure accountability, justice, reparation and guarantees of non-repetition in cases involving rights violations.

16. She would be grateful for information on the status of the National Action Plan on Business and Human Rights, the resources earmarked for its implementation and the mechanisms established to evaluate its effectiveness. She wondered what had been done to ensure that all companies operating in the State Party respected human rights and followed due diligence procedures, in particular when working on projects that had a significant impact on the environment and the enjoyment of rights. It would be useful to receive information on the legal framework governing the conduct of environmental and human rights impact assessments before the launch of major investment or development projects and the participation of affected communities in such assessments. Examples of cases in which that framework had been applied would be appreciated, as would an explanation of the steps taken to comply with the 2018 ruling of the High Court in *Mohamed Ali Baadi and Others v. Attorney General* and the legislative and regulatory reforms introduced in response to that ruling.

17. She wished to know what was being done to meet the State Party's goals relating to the reduction of greenhouse gas emissions and what mechanisms were in place to finance climate mitigation, adaptation and reparation measures. She would welcome information on the implementation and financing of the 2015–2030 National Adaptation Plan and any monitoring indicators, disaster risk reduction strategies and early warning systems in place.

18. The delegation might comment on reports that Indigenous Peoples had been forcibly removed from their land and had their property destroyed and livestock confiscated and that such Peoples lacked access to justice, reparation and resettlement procedures and had been affected by delays in the land registration and demarcation process. She would be particularly grateful for information on the most recent evictions and the other contraventions of the judgments of the African Court on Human and Peoples' Rights concerning the Ogiek people and the 2009 decision of the African Commission on Human and Peoples' Rights, which ordered the restitution of the ancestral lands of the Endorois people and the provision of other forms of reparation. She was curious to know what measures had been adopted to implement the national guidelines on free, prior and informed consent and ensure that Indigenous Peoples had a say on decisions affecting them. It would be useful to learn what action was

being taken to expedite the resolution of land claims and the issuance of land titles, strengthen land registration and titling systems and address historical land-related injustices dating back to the colonial era.

19. She would like to know what measures had been taken to guarantee the sustainability of the State Party's debt and ensure that efforts to realize Covenant rights were not undermined by the repayment thereof. She wondered, too, how the State Party's obligations under the Covenant would be taken into account in the upcoming negotiations with the International Monetary Fund and what was done to ensure that debt commitments were managed in a transparent manner and with legislative oversight and public involvement. She would welcome information on the steps taken to establish a progressive tax system that increased the tax burden on multinational companies and high-net-worth individuals and to review tax exemptions, tackle corruption and tax evasion and avoidance and ensure public participation in the drafting of tax laws. It would be interesting to hear whether the State Party intended to publish the findings of any human rights impact assessments conducted prior to the assumption of debt commitments or the adoption of economic and fiscal reforms. The delegation might provide information on the budget earmarked for and the actual spending on health, education, housing, water and sanitation and social protection in the previous five years and specify whether the State Party had achieved the target set under the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases for 15% of its national budget to be allocated to the health sector. Details of the measures adopted to ensure that the State Party's spending was consistent with article 2 (1) of the Covenant would be appreciated.

20. She wished to know what steps had been taken towards the adoption of comprehensive anti-discrimination legislation that prohibited all forms of discrimination and provided for effective remedies for victims. She would be interested to learn what had been done to ensure the effective implementation of the Persons with Disabilities Act, gather disaggregated data on disability and address the multiple and intersecting forms of discrimination faced by women and girls with disabilities. She would welcome clarification of whether the State Party planned to conduct a census of persons with disabilities.

21. The delegation might comment on what action had been taken to decriminalize consensual same-sex relations between adults, recognize same-sex marriage, combat discrimination and violence against LGBTIQ+ individuals and guarantee their equal access to health, employment and education services. She would be grateful for information on the measures taken to ensure that refugees and migrants could exercise their economic and social rights without discrimination and that children born to migrant women could be registered irrespective of their mother's migration status. She wondered what was being done to improve women's access to education, land, credit and formal employment opportunities and ensure compliance with the constitutional provision establishing that no more than two thirds of the members of elected bodies should be of the same gender. A description of the steps taken to reduce the gender pay and pension gaps would be appreciated, as would updated statistical data in that regard.

The meeting was suspended at 3.35 p.m. and resumed at 3.40 p.m.

22. **A representative of Kenya** said that, while all international treaties ratified by Kenya formed part of national law, the supreme law of the nation was the Constitution.

23. Recognition of the ancestral territories of Indigenous Peoples was provided for in the Constitution and other national laws such as the Community Land Act. Efforts to implement the relevant provisions had been focused on promoting the registration of community land, protecting communities' ownership of their land and strengthening mechanisms for the settlement of land-related disputes. The Ministry of Lands, Public Works, Housing and Urban Development and the National Land Commission continued to oversee community land adjudication and registration procedures, which involved community land mapping, the preparation of community land registers and the issuance of community land titles. The Commission and county governments supported the communities concerned by providing them with access to alternative dispute settlement mechanisms and handling claims linked to historical land injustices.

24. The Government had implemented various policy and legislative measures to strengthen the protection of marginalized and Indigenous communities affected by land- and resource-related disputes. In March 2024, the National Land Commission had instructed the Ministry of Lands, Public Works, Housing and Urban Development and the Ministry of the Interior to take the steps necessary to expedite the resettlement of the members of the Ogiek community who had not yet been allocated land, with a view to giving effect to the relevant judgment of the African Court on Human and Peoples' Rights and demonstrating the Government's commitment to implementing regional judicial decisions concerning Indigenous Peoples. With regard to the Endorois people, the Government had sought to implement the decision of the African Commission on Human and Peoples' Rights by facilitating the registration of the Endorois Welfare Council, thereby enabling members of that community to formally engage with State institutions and have a say in decisions concerning their ancestral lands. Arrangements had been put in place with the authorities in Baringo County to ensure that the Endorois community received an equal share of the profits generated by tourism activities and the exploitation of natural resources in the area surrounding Lake Bogoria. In 2023, a protocol had been developed to ensure the sustainable management of the community's natural resources and safeguard its access to its sacred cultural and religious sites. The Government had established an interministerial body to engage with Indigenous communities that had lost land and make recommendations concerning resettlement, compensation and the restoration of livelihoods. The Mau Forest Complex Integrated Conservation and Livelihood Improvement Programme had been established to help restore forest ecosystems and support communities who were reliant on them.

25. **A representative of Kenya** said that the Department of Justice was continuing to hold discussions with the Ogiek people to determine how the Government could best comply with the judgments of the African Court on Human and Peoples' Rights and to identify acceptable locations near the Mau Forest to which members of the Ogiek community could be resettled without disrupting the forest ecosystem.

26. With regard to access to justice, the Independent Policing Oversight Authority had been established to monitor police conduct and carry out impartial investigations following the receipt of complaints. The National Coroners Service Act provided for the creation of an independent service that would investigate cases of disappearance and unexplained death and identify the victims. Efforts to protect the rights of victims of crime and ensure that they received compensation were led by the Victim Protection Board. Work was under way to amend the definition of "victim", the recent protests having highlighted the need for it to be expanded. Various forms of victim support were also provided by the Kenya National Commission on Human Rights. Specialized courts had been set up to deal with environmental matters, land-related disputes, employment issues and cases involving children. The National Legal Aid Service had a toll-free hotline that operated 24 hours a day to ensure that victims of crime had access to assistance at all times. Legal aid clinics were being set up in every county to enable such victims to file reports and receive free support from lawyers working for the Office of the Attorney General. Individuals who could not afford counsel also had access to free legal representation arranged by the courts.

27. **A representative of Kenya** said that the Government was in the process of implementing the National Action Plan on Business and Human Rights, and the human rights due diligence framework was expected to be launched in March 2026. There had been a steady increase in the budget earmarked for the Kenya National Commission on Human Rights, the members of which were appointed with due regard for the need to ensure a gender balance and geographical diversity.

28. **A representative of Kenya** said that the Kenya National Commission on Human Rights advertised all vacant commissioner posts. The applications received were submitted to a dedicated panel, which would then draw up a shortlist to be approved by Parliament. Members of the public who believed that a certain candidate should not be appointed had the right to request Parliament to reject the application concerned. The names of the approved candidates were then forwarded to the President, who would make the final decision.

29. Young persons had the right to protest, make demands and express their views but must do so peacefully. While some of the recent protests had been peaceful, in other cases,

protesters had violated the rights of others in order to exercise their own rights. Both ordinary citizens and police officers had been prosecuted for rights violations committed during the protests. The Government regretted all deaths that had occurred; no one should lose his or her life as a result of protesting. It was essential for the authorities to strike a balance between protecting life and property and upholding the right to peaceful protest. Programmes were being implemented to ensure that police officers achieved that balance and to help young persons exercise their rights in a way that did not undermine their obligations as citizens. Laws relating to the right to peaceful protest were being strengthened. The Attorney General had promised to introduce in-service training courses aimed at preventing the excessive use of force by law enforcement officers and ensuring that they acted in accordance with the law.

30. **A representative of Kenya** said that Kenya had recently updated its nationally determined contribution and had committed to reducing the country's greenhouse gas emissions by 32% by 2030. Renewable energy projects had been expanded and were progressing well. Steps were also being taken to promote the use of electric vehicles. In the area of climate change adaptation, initiatives were being run to boost resilience to drought among small-scale farmers in certain counties. Early warning systems had been strengthened to ensure that farmers and other citizens received timely warning of any climate change-related events. Much of the funding for the 2015–2030 National Adaptation Plan was provided through the Green Climate Fund, the Adaptation Fund and mechanisms for financing locally-led climate action in all 47 counties.

31. **A representative of Kenya** said that the Government had reduced the rate of tax paid by individuals in the lowest tax bracket from 10% to 5%. Corporate tax had been reduced from 30% to 25%, and value added tax had decreased from 16% to 14%. There had been an increase in spending on health, social protection and measures to create jobs, support public works and promote youth employment. The share of the national budget allocated to the health sector, for example, had risen from 2.6% in the 2019/20 financial year to 3.1%. At the same time, the debt-to-gross domestic product ratio had risen from 50.1% in the 2020/21 financial year to approximately 60%. Steps were thus being taken to reform the revenue collection system and expand the tax base, with a view to ensuring that the rising debt did not affect public welfare.

32. **A representative of Kenya** said that, in the previous year, a number of laws had been introduced to strengthen efforts to tackle corruption. A bill that would establish a six-month time limit for the conclusion of corruption cases was currently before Parliament. Anti-corruption committees had been set up in every county to enable communities to tackle corruption at the local level. The Witness Protection Agency had been strengthened.

33. All individuals, irrespective of their gender, religion or ethnicity, had the same rights under the Constitution. The fact remained, however, that same-sex relationships continued to be criminalized. Kenya was home to one of the largest refugee camps in Africa and sought to protect the rights of refugees, who had access to healthcare and education services and, in some cases, were permitted to live within communities rather than in camps. The Law of Succession Act had been amended to provide for the recognition of women's right to own land. Discussions on the enforcement of the constitutional provision concerning the gender balance among members of elected bodies were being held by political parties and the Government. Persons with disabilities were represented by the National Council for Persons with Disabilities and had their own seats in the Senate and the National Assembly. They did not pay tax, and a set proportion of government tenders was reserved for them.

34. **Mr. Windfuhr** (Country Task Force) said that he would welcome more information on the impact that the high level of national debt was having on the availability of the resources required for the realization of economic, social and cultural rights. The delegation might clarify how the decision to lower certain taxes was consistent with the State Party's goal of increasing the amount of revenue collected and describe what was being done to mitigate the impact of such tax reductions. He would be interested, too, to learn whether the State Party was holding discussions with its international partners on debt restructuring and how the budget earmarked for measures to support refugees had been affected by the cuts to international aid.

35. **Ms. Rossi** said that she would be grateful for a response to her question on a potential census of persons with disabilities. In view of reports that the 125 richest Kenyans collectively held more wealth than three quarters of the population, she wished to know what was being done to address that situation and what challenges the State Party had faced in adopting redistributive policies to reduce such extreme disparities. Information on the steps that would be taken to deal with the reduction in development funding and external assistance would be appreciated.

36. The delegation might outline what progress had been made in the generation of disaggregated data on the enjoyment, by ethnic groups, Indigenous Peoples and foreign nationals, of economic, social and cultural rights and describe the outcome of any efforts to apply guidance on the conduct of human rights impact assessments of trade agreements, in particular before the signature of the Economic Partnership Agreement between the State Party and the European Union. It would be interesting, too, to learn what measures had been adopted to address the potential negative impact of the Agreement on access to medicine and the enjoyment of social rights by individuals working in the agricultural and fishing sectors. Lastly, she was curious to know whether the State Party planned to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

37. **Ms. Lee** said that she would like to know whether the State Party conducted human rights impact assessments of its tax reforms, with a particular focus on low-income households and persons belonging to marginalized groups, and whether it intended to review certain regressive tax measures.

38. **Mr. Fiorio Vaesken** said that he would appreciate information on the State Party's stance on the ratification of almost all the optional protocols to the United Nations human rights treaties, including the Optional Protocol to the Covenant. He also wished to know whether the State Party planned to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and whether the Government had established a body responsible for monitoring the implementation of the recommendations issued by the human rights treaty bodies. More information on the legal framework in place to prevent discrimination would be appreciated, as would details of specific cases in which the State Party had issued protection measures in favour of victims of discrimination.

39. **A representative of Kenya** said that the country's debt was under control. The Government would continue to do its best to support refugees despite the decrease in external funding. A unit responsible for empowering and championing the rights of minority and marginalized groups had been established under the Office of the President. The Uwezo Fund, the Youth Enterprise Development Fund and the National Youth Opportunities Towards Advancement Project had been established to help improve the living standards of the country's poorest individuals by offering young people funding, training and other opportunities. It was hoped that the new Social Health Insurance Fund, which was currently being rolled out, would increase access to medication. Earlier that week, the President had decided that Kenyans who earned less than 30,000 shillings would no longer be required to pay tax.

40. A reply to the questions regarding the Economic Partnership Agreement with the European Union and the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would be provided after the review.

41. **A representative of Kenya** said that, with regard to the ratification of the optional protocols to the United Nations human rights treaties, Kenya had a robust and independent court system that provided effective remedies for rights violations and guaranteed the realization of Covenant rights at the national level. The Government ensured that it was able to meet all the obligations established under an international instrument before ratifying it. A multi-stakeholder committee had been set up to work towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, including by preparing a proposal to explicitly criminalize enforced disappearance.

42. **A representative of Kenya** said that Kenya had ratified the Inclusive Data Charter, which meant that all population surveys had to include questions on disability. The authorities were thus able to generate statistics on the situation of persons with disabilities and use them to inform policymaking.
43. **Mr. Windfuhr** said that he would like to know what targets had been set to reduce the size of the informal sector, in which almost 80% of the State Party's workforce, including a high proportion of female and young workers, was reportedly employed, and what strategies had been introduced to improve the cost-benefit ratio of registration for informal companies.
44. In the light of reports that approximately twice as many men as women were in employment, he wished to know what steps were being taken to reduce the gender gap and improve women's access to the labour market. He also wished to know what strategies were in place to increase the labour participation rates among young people, migrants and LGBTIQ+ persons. He would be interested to learn about any plans to introduce measures intended to increase employment rates among persons with disabilities, particularly in the private sector.
45. The delegation might describe any initiatives that had been introduced with a view to better addressing cases of forced labour and modern slavery and to improving the conviction rate in criminal prosecutions relating to such cases. The delegation might also provide an account of any measures that were being taken to combat child labour and to ensure adequate early identification and better protection, including safe accommodation, for victims of forced labour, trafficking in persons or sexual exploitation, especially children and migrants, with a particular focus on rural and marginalized communities.
46. He wondered how the authorities approached labour inspections in the informal sector and how they ensured that workers employed through online platforms benefited from basic labour protections. He would be interested to know what follow-up action was taken when harmful practices were identified in the course of labour inspections and whether there were plans to increase the capacity of the labour inspection authorities.
47. He would be interested to hear about the results achieved following the introduction, in 2022, of a new law enforcement approach to cases of sexual and gender-based violence, as well as about any progress made in reducing the backlog of such cases in the judicial system.
48. He wished to know what measures had been implemented to address persistent structural barriers that prevented workers, notably those employed in the informal sector, from receiving the minimum wage and to close the gender wage gap in both the formal and informal sectors.
49. He wondered how the Government ensured that domestic workers, most of whom were women, enjoyed the protections set out in the Employment Act, which did not contain specific provisions directed at such workers. The delegation might explain how the authorities ensured that all Kenyan domestic workers, including those employed abroad, particularly in countries in the Middle East and the Gulf region, were protected from harassment and sexual exploitation.
50. He would welcome an update on the State Party's progress towards ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and ILO Violence and Harassment Convention, 2019 (No. 190).
51. He would be grateful for details of any measures aimed at ensuring that trade unions could operate freely and that elections of trade union officials were conducted in a fair and transparent manner. He would appreciate an update on the progress made in reducing the backlog of court cases involving discrimination on the basis of membership of a trade union and on any efforts to establish a legal definition of essential services in order to uphold the right to strike for workers in the public sector.
52. He wished to know what steps were being taken to ensure that vulnerable groups, including LGBTQ persons, were covered by the social protection system, with a particular focus on any members of such groups who worked in the informal sector. It would be helpful

to learn more about the handling and protection of sensitive health and social data in the context of the digitalization of social service provision.

53. **A representative of Kenya** said that the number of labour inspectors had recently been increased, with the aim of ensuring better enforcement of the minimum conditions for decent work and of occupational health and safety standards, and a training and capacity-building programme had been introduced. The authorities were exploring avenues, including local and international development partnerships, through which to improve inspectors' material and equipment and enable them to deliver an adequate level of service.

54. A consultative forum had been established to bring together workers, employers and government representatives to examine how best to protect workers employed through online platforms, both in terms of contractual obligations and workplace safety requirements.

55. While domestic workers were already protected under the Employment Act in the same way as other workers, the Government was exploring ways to improve protections for that group, including through the ratification of ILO Convention No. 189. Although the Domestic Workers Wages Council had been dormant for some time, there were plans to revive it.

56. The Government had concluded a bilateral agreement with Saudi Arabia to establish a framework for the protection of migrant workers engaged in domestic work. Kenyan labour attachés were already in place in Qatar, Saudi Arabia and the United Arab Emirates, and there were plans to post such attachés to seven other countries. A training and awareness programme had been set up to ensure that private employment agencies were aware of their obligations with regard to the labour and other rights of migrant workers. The National Industrial Training Authority had developed certification courses as a step towards the professionalization of domestic work. A number of cases involving violations of the rights of domestic workers had been successfully prosecuted before the Employment and Labour Relations Court.

57. Minimum wage standards set out in a number of ILO conventions ratified by Kenya had been incorporated into national legislation. Wage councils were responsible for setting the general minimum wage and sector-specific minimum wages for, inter alia, agriculture and engineering. While the Ministry of Labour, the courts and trade unions had had some success in enforcing minimum wage standards, such enforcement continued to pose challenges that were being addressed using a whole-of-government approach.

58. **A representative of Kenya** said that a social protection policy had been developed to address evolving needs and increased vulnerabilities, including in the context of the COVID-19 pandemic and climate-related shocks. The Social Protection Act set out support measures, including cash and non-cash benefits and medical and psychosocial care, for persons living in extreme poverty and those affected by, inter alia, job losses, disasters and economic shocks. The regulations that would supplement the Act were being prepared.

59. Social security coverage from the National Social Security Fund and the Social Health Insurance Fund had been extended to informal sector workers through flexible contribution models. As a result of improved targeting and efforts to improve support for households, significant growth in coverage had been recorded between 2021 and 2025 among older persons, orphaned and vulnerable children, and persons with severe disabilities.

60. The Data Protection Act established rules on the collection, storage and use of information. The Act was enforced by the Office of the Data Protection Commissioner, which was responsible for regulating data processing and privacy considerations, handling complaints and conducting audits. Cross-border data transfers were permitted only when adequate safeguards were in place. The authorities had conducted national campaigns to increase public awareness of data protection and digital safety issues.

61. **A representative of Kenya** said that the right to form, join and participate in trade unions and the right to be protected from discrimination on the basis of union membership were enshrined in law. A total of 69 registered trade unions – six of them led by women – were operating in the country, alongside two national forums, namely, the Trade Union Congress and the Central Organization of Trade Unions. Unions were involved in collective bargaining arrangements and the resolution of disputes and represented workers without

discrimination on any ground. In a number of legal cases, the courts had found in favour of workers who had suffered rights violations on account of intimidation or dismissal on the ground of union membership. Workers had also been awarded wage increments through the courts. The category of essential services included, for example, workers in the health sector and the water sector.

62. The minimum wage, which was updated regularly following consultations with workers and employers, was binding on all parties and was enforced by labour inspectors. Employers not adhering to the minimum wage were reported to the relevant labour authorities; if the dispute was not resolved at that level, the matter was then sent to the courts.

63. Migrant workers were obliged to obtain validation of their employment contract to ensure that it met minimum wage requirements. Many cases that had gone to court had resulted in the payment of arrears following violations of those requirements.

64. Agricultural work was governed by the Employment Act, and forced labour on farms was discouraged.

65. **A representative of Kenya** said that the National Youth Opportunities Towards Advancement Project, which had been rolled out nationwide at the beginning of 2026, comprised three components, namely, grants to help young people start businesses, on-the-job training and recognition of prior learning.

66. Other initiatives aimed at young people included a scheme for the mandatory creation of internships in every government ministry, an affordable housing programme and engagement in sports, the arts and creative industries and digital sectors.

67. The Government faced challenges in ensuring that private companies hired workers with disabilities.

68. The Constitution afforded the same protection to everyone, including lesbian, gay, bisexual and transgender persons, the only exception being that same-sex marriage was not permitted.

69. **Mr. Windfuhr** said that he wished to know more about the cases of forced labour that had been brought before the courts, including any such cases that had not yet resulted in convictions. He would be interested to know how the authorities planned to better coordinate efforts being made at the institutional level to combat forced labour.

70. In terms of occupational health and safety, he was curious about the key findings of the labour inspection authorities with regard to working conditions in the mining sector and the use of pesticides in intensive agriculture.

71. In the context of the right to strike, he wondered whether there were any plans to introduce specific legal provisions defining essential services.

72. **Mr. Fiorio Vaesken** said that he would like to receive updated data, for the period 2022 onwards, on formal employment and on the estimated number of persons working in the informal sector, as well as information on any additional efforts that were being made to move larger numbers of informal workers into the formal sector.

73. He wished to know whether the minimum wage had been updated in 2025 and which factors were taken into consideration when setting the level of the minimum wage.

74. **Ms. Rossi** said that she would be interested to receive more information on the planned national care policy, with a particular focus on any measures aimed at recognizing, redistributing and reducing the burden of unpaid care work, which often fell on women, and at moving to an adequately funded public care system that promoted shared responsibility between men and women and between the State, communities, families and the private sector. She wished to know more about parental leave policies.

75. She would like to know more about the practical implementation of reasonable adjustments by employers in the public and private sectors and the measures that were in place to guarantee accessibility in the workplace. It was unclear whether the social protection system made provision for all persons with disabilities, without regard to the severity of the impairment, and whether disability-related costs and services were covered separately to

ensure that such persons were able to exercise their rights irrespective of their household income. The delegation might share data on the representation of women with disabilities in elected and appointed political roles.

76. She wished to know whether workplace discrimination on grounds of sexual orientation or gender identity was explicitly prohibited in labour legislation and what remedies were available to members of the LGBTIQ+ community who had experienced such discrimination. The delegation might provide details of any related complaints that had been brought to the attention of the labour authorities, the Office of the Ombudsman or other State entities.

77. She would like to receive data on the actual use of paid statutory maternity, paternity and adoption leave in the public and private sectors and information on whether there were any plans to extend the duration of parental leave and to promote the equal sharing of childcare responsibilities by parents.

78. She wished to better understand the impact of the measures taken to address child labour, particularly in the areas of agriculture, domestic work, informal mining, construction and commercial sexual exploitation. The delegation might give an account of any concrete measures being taken to prevent the involvement of children of all ages in the production of tea, coffee, sugar cane, tobacco and khat and in artisanal and small-scale mining and quarrying. She wondered how the State Party identified and protected children who had been exposed to hazardous substances and what health and rehabilitation services were provided to those children.

79. The delegation might describe the steps taken to effectively prevent, investigate and punish child marriage and to address its root causes.

80. She would like to know about any targeted measures that were being implemented to address persistent and extreme poverty, with a particular focus on children, women, persons with disabilities, Indigenous Peoples, pastoralist communities and people living in arid or semi-arid areas and in informal settlements. She would welcome the delegation's assessment of the impact of high inflation, the socioeconomic consequences of the COVID-19 pandemic and recurrent climate-related shocks on poverty reduction efforts.

81. She was curious about the measures that were being taken to mitigate the combined impact of climate-related shocks, high food prices and economic pressures and ensure access to adequate and nutritious food for all. She would appreciate an account of how the authorities planned to address persistently high levels of hunger and malnutrition, including stunting, wasting and micronutrient deficiencies, especially among children.

82. She wished to know what steps were being taken to improve housing conditions in rural areas, arid and semi-arid lands and informal urban settlements, with a particular focus on overcrowding, tenure security and access to water, sanitation, electricity and waste management services, and how the authorities ensured that forced evictions were carried out only as a last resort and in full compliance with the relevant international standards, including prior consultation, due process, adequate compensation and the provision of alternative housing.

83. It would be useful to learn what was being done to ensure the provision of safe and sufficient water for domestic use and adequate sanitation for all, particularly in arid and semi-arid lands, remote rural areas and informal urban settlements, and to address the continued reliance on unprotected water sources and the resulting exposure to waterborne diseases. She wished to receive updated information on the status and implementation of the national water and sanitation policies.

84. She wondered how the State Party was strengthening the implementation of climate adaptation measures to protect the enjoyment of economic and social rights and what measures were in place to address loss of livelihoods, displacement, food insecurity and health risks linked to climate-related shocks. The delegation might explain how the authorities ensured that marginalized groups, including smallholders, pastoralists and inhabitants of informal settlements, were effectively protected and supported in climate adaptation efforts.

85. She would like to know how the State Party planned to address chronic underfunding, inadequate infrastructure and the shortage of personnel in the healthcare system and to reduce inequalities in access to health services, particularly for populations living in arid and semi-arid lands, remote rural areas and informal urban settlements. It would be interesting to learn what was being done to decentralize and strengthen mental healthcare, including community-based services and, in the light of reductions in donor funding, how the authorities intended to ensure the sustainability of health programmes that were reliant on international aid. She wondered what measures were being taken to address substance abuse, especially among young people, and to transition to human rights-based responses, and what harm reduction, treatment and rehabilitation programmes were in place to tackle drug dependency. The delegation might provide details of any plans to further reduce the high prevalence of HIV/AIDS and any concrete steps being taken to combat stigma and discrimination against people living with HIV to ensure their full enjoyment of Covenant rights.

86. She wished to know what measures were being taken to ensure access to modern methods of contraception, including for women and adolescent girls in marginalized and disadvantaged situations, how the State Party ensured access to sexual and reproductive health services, including in cases of unintended pregnancy, and what efforts were being made to address the high rate of teenage pregnancy and the associated health and social consequences. The delegation might respond to reports of the existence of unsafe abortion practices linked to legal barriers, lack of services and stigma.

87. **A representative of Kenya** said that the Government was committed to protecting children and to dealing with child labour. Kenya had ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). A survey was being conducted to assess child labour, and multisectoral committees had been established at the county level to raise awareness of the issue, with a particular focus on tea- and coffee-growing areas. The National Policy on Elimination of Child Labour was under review, and a new 10-year action plan was being prepared.

88. Data collection on children and education had been strengthened, including in the bill on basic education. The Kenya Education Management Information System tracked learners from the pre-primary to university levels, and the Kenya Institute of Special Education had made improvements to education assessment and resource centres. In 2024, 2.9 million learners had been enrolled in pre-primary education.

89. **A representative of Kenya** said that protections and services were available for all persons with disabilities, irrespective of the severity of the impairment. In electoral processes, including for county assemblies, the National Assembly and the Senate, a number of slots were reserved for candidates with disabilities. Some political parties had established their own league solely for persons with disabilities.

90. While same-sex marriage was not permitted, there was no discrimination on grounds of sexual orientation – the rights and protections established in the Constitution applied to all Kenyans.

91. Under the Constitution, everyone had the right to strike and to engage in peaceful demonstrations. Violent behaviour at such events was not permitted. The labour courts were competent to deal with workplace disputes.

92. The National Policy on Ethnic Minorities and Marginalized Communities addressed areas including cultural heritage and covered special measures and affirmative action to uplift minority groups and counteract any disadvantages they faced. Efforts were being made to preserve Indigenous knowledge systems, and an equalization fund had been set up to accelerate the development of Indigenous Peoples.

93. **A representative of Kenya** said that the authorities took workplace health and safety issues very seriously. Although efforts were under way to achieve the ratification of two fundamental ILO conventions in that area, technical challenges had arisen.

94. The Government, together with social partners and civil society, were working tirelessly on the introduction of a national care policy, with a view to achieving greater equality, including with regard to income distribution. The existence of paternity leave was an indicator that men should play an active role in care work.

95. **A representative of Kenya** said that the National Bureau of Statistics had conducted a time-use survey and produced an estimate of the value of unpaid domestic and care work. The preparation of the national care policy was at an advanced stage.

The meeting rose at 6 p.m.