



Economic and Social Council

Distr.: General
27 March 2026

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the sixth periodic report of Kenya*

1. The Committee considered the sixth periodic report of Kenya¹ at its 2nd and 3rd meetings,² held on 9 and 10 February 2026, and adopted the present concluding observations at its 26th meeting, held on 25 February 2026.

A. Introduction

2. The Committee welcomes the submission by the State Party of its sixth periodic report and the supplementary information provided in the replies to the list of issues.³ The Committee appreciates the constructive dialogue held with the State Party's delegation.

B. Positive aspects

3. The Committee welcomes the legislative and policy measures taken by the State Party to strengthen the protection of economic, social and cultural rights, including the enactment of the Social Protection Act, 2025, the Affordable Housing Act, 2024, the Social Health Insurance Act, 2023, the Primary Health Care Act, 2023, the Digital Health Act, 2023, the Facility Improvement Financing Act, 2023, and the Persons with Disabilities Act, 2025, as well as the adoption of the National Education Sector Strategic Plan, for the period 2023–2027; the National Development Strategy, for the period 2021–2025; the Kenya Social Protection Policy, in 2023; and the National Action Plan on Business and Human Rights, for the period 2020–2025.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

4. While welcoming the examples of case law in which domestic courts have invoked the provisions of the Covenant, the Committee notes that such jurisprudence remains limited. The Committee further notes with concern the limitations in access to justice for violations of economic, social and cultural rights, including access to effective remedies.

5. **The Committee recommends that the State Party strengthen efforts to ensure the direct application of the Covenant by domestic courts and fully incorporate rights therein into domestic law. It further recommends that the State Party guarantee effective access to administrative and judicial remedies for victims of violations of economic, social, cultural and environmental rights, including by adequately resourcing**

* Adopted by the Committee at its seventy-ninth session (9–25 February 2026).

¹ E/C.12/KEN/6.

² See E/C.12/2026/SR.2 and E/C.12/2026/SR.3.

³ E/C.12/KEN/RQ/6.



legal aid services and expanding their geographical coverage to ensure accessibility for all. The Committee also encourages the State Party to consider acceding to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

National human rights institution

6. The Committee welcomes the information provided on the efforts undertaken by the Kenya National Commission on Human Rights to promote and protect economic, social and cultural rights, noting in particular that, in 2024 and 2025, the Commission recorded its highest proportion of complaints relating to these rights. The Committee nevertheless expresses concern that the Commission lacks sufficient human and financial resources to fully and effectively discharge its mandate.

7. **The Committee recommends that the State Party ensure that the Kenya National Commission on Human Rights is provided with adequate and sustainable human and financial resources to enable it to fully and effectively discharge its mandate, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular in light of the growing number of complaints on economic, social and cultural rights. In this regard, the Committee recalls its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.**

Human rights defenders

8. The Committee expresses particular concern at reports of extrajudicial killings, enforced disappearances, abductions, unlawful detention, ill-treatment, harassment and intimidation of human rights defenders – including anti-corruption activists, protesters and journalists – defending economic, social, cultural, environmental and land-related rights, noting in particular the reports of such violence at demonstrations that took place in 2024 and 2025 against the Finance Bill of 2024.

9. **Recalling its statement on human rights defenders and economic, social and cultural rights, the Committee recommends that the State Party take all measures necessary to:**

(a) **Prevent, promptly investigate, prosecute and, if found guilty, punish all acts of violence, harassment, intimidation, abduction, unlawful detention and ill-treatment against human rights defenders, including protesters and journalists covering economic, social, cultural, environmental and land-related rights;**

(b) **Ensure that allegations of extrajudicial killings, enforced disappearances and other serious human rights violations committed against protesters and human rights defenders, including during the demonstrations in 2024 and 2025 against the Finance Bill of 2024, are subject to independent, impartial and effective investigations, and that those responsible are held accountable;**

(c) **Put in place effective protection mechanisms for human rights defenders, in consultation with civil society, and ensure access to timely remedies and reparations for victims.**

Business and human rights

10. While acknowledging the information on the implementation of the National Action Plan on Business and Human Rights, covering the period 2020–2025, the Committee remains concerned that the State Party does not have a comprehensive legal and regulatory framework for human rights due diligence, and that its legislation does not adequately define the legal responsibility of companies with regard to violations of economic, social and cultural rights. The Committee is also concerned that the State Party has not yet finalized its efforts to update its national action plan for business and human rights, which expired in 2025 (art. 2 (1)).

11. **The Committee recommends that the State Party:**

(a) **Enact a comprehensive legal and regulatory framework that requires enterprises, particularly multinational corporations, operating within its jurisdiction to**

conduct human rights due diligence throughout their operations and supply chain so as to prevent or mitigate any negative impacts of their activities on the exercise of economic, social and cultural rights;

(b) Take all measures necessary to ensure accountability for violations of economic, social and cultural rights resulting from business activities and development projects, and to ensure that appropriate remedies, including adequate compensation, are provided to victims;

(c) Accelerate its efforts to update its national action plan for business and human rights, in consultation with civil society, and considering the Guidance on National Action Plans on Business and Human Rights of the Working Group on the issue of human rights and transnational corporations and other business enterprises, of 2016;

(d) Ensure that prior and meaningful consultations are conducted with affected communities, including Indigenous and tribal peoples and ethnic minorities, and that independent human rights and environmental impact assessments are undertaken before granting licences for business activities, approving development projects, or awarding concessions for private investments, particularly those involving the economic exploitation of land and natural resources. In this regard, the Committee draws the State Party's attention to its general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.

Indigenous and tribal peoples

12. The Committee is concerned about reports of the dispossession, displacement and relocation of Indigenous and tribal peoples, including the Endorois, the Ogiek, the Sengwer and other hunter-gatherer or pastoralist communities, from their customary lands and territories. In particular, the Committee regrets the ongoing inaction in implementing the decisions of the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights in the Endorois and Ogiek cases (arts. 1 and 2).

13. **The Committee recommends that the State Party:**

(a) Ensure that Indigenous and tribal peoples can fully exercise their rights to own, use, control and develop the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired;

(b) Establish systematic and transparent procedures for prior consultation, with the aim of obtaining the free, prior and informed consent of Indigenous and tribal peoples in the context of decisions likely to affect them, notably before granting licences for development projects and business activities, including extractive operations, on such lands and territories;

(c) Take all necessary legislative, administrative or other measures for the effective implementation of the African Court on Human and Peoples' Rights and African Commission on Human and Peoples' Rights decisions requiring the restitution of the ancestral lands, and the provision of compensation and other reparations, to the Ogiek and Endorois peoples;

(d) Consider ratifying the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Climate change mitigation

14. While welcoming the ambitious targets set by the State Party to reduce its greenhouse gas emissions under the Paris Agreement, the Committee is concerned that fluctuating international assistance and the vulnerability of the State Party's energy sector to climate-related risks, including increasingly frequent and severe droughts, may undermine the achievement of these targets.

15. **Recalling its general comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, and its statement**

on climate change and the Covenant, the Committee recommends that the State Party take the measures necessary to meet its nationally determined contribution under the Paris Agreement. It also recommends that the State Party increase its efforts to obtain international support, including financial and technical assistance, in particular to secure sufficient funding for the implementation of adaptation measures as well as reaching emission reduction targets, including by promoting debt relief measures for climate action.

Maximum available resources

16. The Committee is concerned that austerity measures and limited fiscal space constrain public expenditure on economic, social and cultural rights. It also expresses concern about the State Party's continued reliance on regressive tax policies, including the minimal taxation of wealth, a heavy dependence on indirect taxes, widespread tax evasion and avoidance, and the granting of excessive tax exemptions. The Committee is concerned, in particular, that recent Finance Acts have increased the value added tax (VAT) rate and have reduced or removed tax exemptions on certain essential goods and services, which may contribute to rising living costs and may disproportionately affect persons and families living in poverty. The Committee is concerned that, taken together, these fiscal policies severely restrict poverty reduction efforts and the State Party's capacity to achieve equitable redistribution of wealth and income (art. 2 (1)).

17. **Recalling its statement on public debt, austerity measures and the Covenant, of 2016, and its statement on tax policy and the Covenant, of 2025, the Committee recommends that the State Party:**

(a) **Take all necessary measures, in liaison with international financial institutions and other creditors, to ensure that public debt and servicing do not constrain the budgetary space needed to fulfil obligations under the Covenant, particularly in the areas of food, housing, social protection, health, education and culture, also with reference to the target of 15% of the national budget being allocated for health in accordance with the Abuja Declaration, of 2001;**

(b) **Uphold the obligation both of borrowers and of lenders to conduct transparent and participatory human rights impact assessments prior to contracting loans and determining their conditionalities;**

(c) **Review taxation and fiscal policies to make them more efficient, progressive and socially just, strengthening efforts to mobilize domestic resources for the realization of Covenant rights and to enhance the redistribution of the benefits of economic growth and wealth. In this regard, the Committee recommends prioritizing direct income and wealth taxation, such as property and inheritance taxes, over an excessive reliance on indirect taxes, and assessing and mitigating the disproportionate impact of increases in value added tax and the reduction or removal of tax exemptions on essential goods and services on persons and families living in poverty;**

(d) **Take measures to ensure that individuals and entities with higher income and wealth – such as high net worth individuals and large corporations – bear a fair and proportionate tax burden, and that all tax exemptions are assessed transparently and are justified;**

(e) **Effectively detect and prevent tax evasion and avoidance, including through the operationalization of the beneficial ownership register, enforcement of country-by-country reporting by multinational corporations, and effective implementation of the automatic exchange of information framework;**

(f) **Ensure that tax policymaking is transparent, participatory and evidence-based, fostering informed public debate; and conduct comprehensive assessments of the impact of existing and proposed tax policies, and their redistributive effects, on the realization of economic, social and cultural rights.**

Corruption

18. While acknowledging the measures taken by the State Party to strengthen its legislative, policy and institutional framework to combat corruption, in particular the adoption of the National Ethics and Anti-Corruption Policy, the Committee remains concerned about reports indicating a high prevalence of corruption in both the public and the private sectors. In particular, the Committee notes the reports of persistent corruption in public procurement, and of high-level corruption, as well as widespread petty corruption and bribery (art. 2 (1)).

19. **The Committee recommends that the State Party:**

(a) **Intensify its efforts for the enforcement of its legislative and policy framework to combat corruption, and adopt effective measures to ensure transparency and accountability in public administration and public service delivery;**

(b) **Ensure that all cases of corruption, including those involving high-level officials, are thoroughly and independently investigated, prosecuted and, where guilt has been determined, punished with penalties commensurate with the gravity of the offence;**

(c) **Strengthen the powers, independence and resources of anti-corruption bodies and oversight institutions, including the Ethics and Anti-Corruption Commission, the Anti-Corruption and Economic Crimes Registry and the competent courts, to ensure that they can effectively and independently carry out their mandate;**

(d) **Raise awareness among politicians, parliamentarians, government officials and the public of the economic and social costs of corruption.**

Non-discrimination

20. While acknowledging that the State Party's Constitution prohibits discrimination, the Committee is concerned that the State Party does not have a comprehensive legal and policy framework to prevent and address all forms of discrimination based on all prohibited grounds. The Committee further notes with concern the persistent direct, indirect, structural and multiple forms of discrimination based on income level and socioeconomic status, disability, sex, gender identity, sexual orientation, HIV status, migration status, nationality and ethnicity, which continue to limit the equal enjoyment of economic, social and cultural rights (art. 2 (2)).

21. **The Committee recommends that the State Party:**

(a) **Adopt and effectively implement a comprehensive legal and policy framework to prevent, prohibit and address all forms of discrimination, including direct, indirect, structural and multiple discrimination, on all prohibited grounds;**

(b) **Ensure effective protection against discrimination on the grounds of income level and socioeconomic status, disability, sex, gender identity, sexual orientation, HIV status, migration status, nationality and ethnicity, including by taking targeted measures to address structural and intersecting forms of discrimination and to ensure equal access to employment, social services, housing, food, water and sanitation, healthcare, education and culture;**

(c) **Recalling its previous recommendation,⁴ decriminalize sexual relations between consenting adults of the same sex, put an end to the social stigmatization of homosexuality and ensure that no one is discriminated against in accessing healthcare and other social services owing to their sexual orientation or gender identity;**

(d) **Eliminate barriers for refugees, asylum-seekers and migrants to guarantee their access to economic, social and cultural rights without discrimination, including access to timely work permits and birth registration, healthcare and education;**

⁴ E/C.12/KEN/CO/2-5, para. 22.

(e) **Strengthen data collection, disaggregated by prohibited grounds, to monitor the impact of policies and measures aimed at eliminating discrimination, including by conducting a National Disability Survey to update data on persons with disabilities;**

(f) **Take into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Equality between women and men

22. While noting the efforts undertaken for the economic and social empowerment of women, the Committee is nevertheless concerned about substantive inequalities between women and men, which manifest themselves in disparities in income, access to land and social security, educational attainment, health outcomes and vulnerability to poverty. It is also concerned that women remain underrepresented in senior decision-making positions (art. 3).

23. **The Committee recommends that the State Party:**

(a) **Strengthen legal, policy and institutional frameworks and their implementation in order to address gender-based disparities in income, access to land and other economic resources, social security, health and education;**

(b) **Adopt targeted measures to reduce the gender pay gap, including addressing vertical and horizontal segregation in the labour market, and promote women's access to higher-paid sectors and formal employment;**

(c) **Provide support to enhance women's participation and productivity, including in the informal economy and subsistence agriculture, through access to credit, training, technology, land and markets;**

(d) **Implement measures to increase women's representation in senior decision-making positions in both the public and the private sectors, including women with disabilities;**

(e) **Take into account the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Right to work

24. While acknowledging the efforts of the State Party to create employment opportunities, the Committee remains concerned about persistently high rates of unemployment and underemployment, which disproportionately affect young people, women, and persons with disabilities (art. 6).

25. **The Committee recommends that the State Party:**

(a) **Intensify efforts to reduce unemployment and underemployment, in collaboration with social partners, including by adopting job creation policies and targeted strategies and programmes for young people, women, and persons with disabilities;**

(b) **Strengthen its efforts to provide vocational and technical training in order to promote acquisition of the skills needed in the labour market;**

(c) **Take into account the Committee's general comment No. 18 (2005) on the right to work.**

Informal economy

26. The Committee is concerned about the disproportionately large share of the population engaged in the informal economy, often working without formal employment contracts, earning low wages and experiencing poor working conditions. While noting that the Employment Act provides certain basic safeguards, the Committee is concerned that

informal workers remain largely excluded from social security benefits such as sick pay and pensions, and they lack access to effective complaint and remedy mechanisms for violations of their labour rights (arts. 6, 7 and 9).

27. The Committee recommends that the State Party strengthen legal protections for workers in the informal economy and intensify enforcement measures to progressively ensure they can exercise their rights. It also recommends that labour inspectorates strengthen their oversight of working conditions in the informal sector, including where such activities are linked to formal supply chains. Furthermore, the Committee recommends that the State Party take effective measures to gradually formalize the situation of workers in the informal economy, taking into consideration the International Labour Organization (ILO) Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

Right to just and favourable conditions of work

28. While acknowledging the information in relation to the State Party's legal and policy framework on labour rights, the Committee is concerned that:

(a) Many workers in education, health, domestic work, the service sector, construction, mining, transport and the agriculture sector experience inadequate working conditions, in particular with regard to excessive working hours, inadequate and irregular salaries, and delayed payment of salaries;

(b) Workers who are self-employed, engaged in the informal sector or working under ambiguous employment relationships without formal contracts, including in the gig and digital platform economy, do not benefit from adequate labour rights protections;

(c) Despite the provisions of the Occupational Safety and Health Act, 2007, workers in high-risk sectors, such as construction and mining, continue to suffer occupational accidents due to unsafe conditions, which result in injuries and fatalities; and that many workers in agriculture and mining are exposed to hazardous substances that reportedly cause respiratory illnesses and pose other long-term occupational health risks;

(d) Despite the progress marked by the adoption of the Kenya Country Roadmap to Alliance 8.7 against child labour, forced labour, human trafficking and modern slavery, the Committee remains concerned about reports of the continued prevalence of forced labour in the informal sector, including in construction, small-scale industries, agriculture and domestic service;

(e) Kenyan migrant workers are frequently subjected to trafficking in persons, forced labour, and widespread labour rights violations, including physical or sexual violence, restrictions on freedom of movement, and abusive or coercive employment practices in unfair or unsafe working conditions. Many lack access to effective complaint and remedy mechanisms and, upon return, to adequate rehabilitation and victim support services in the State Party (art. 7).

29. The Committee recommends that the State Party:

(a) **Take effective measures to ensure the full implementation and enforcement of labour laws and regulations across all sectors of the economy, with a view to guaranteeing just and favourable working conditions for all workers. This should include the adoption and enforcement of clear regulations on working hours and rest periods; strengthened monitoring and inspection mechanisms to ensure the timely payment of wages and other entitlements; and the provision of accessible and effective remedies, including full payment of wage arrears and fair compensation for losses incurred as a result of delayed payments;**

(b) **Strengthen its efforts to reduce occupational diseases, injuries and fatalities, focusing in particular on sectors in which workplace accidents and occupational diseases are more likely to occur;**

(c) Carry out regular occupational safety and health risk assessments and strengthen labour inspection mechanisms, providing them with sufficient human, technical and financial resources to monitor conditions of work in all sectors of the economy effectively and systematically;

(d) Provide accessible remedial mechanisms that enable workers in all sectors to file complaints of labour rights violations safely and without intimidation and reprisals; and take effective action against employers and enterprises found to be in breach of labour rights, including by providing dissuasive sanctions;

(e) Accelerate its efforts to eradicate forced labour, paying particular attention to the construction sector, small-scale industries, agriculture and domestic service;

(f) Put in place effective measures to protect Kenyan migrant workers abroad, including through the conclusion and effective implementation of bilateral agreements with host countries, and ensure that victims of trafficking in persons and forced labour abroad have access to specialized assistance, rehabilitation and reintegration programmes and comprehensive support services;

(g) Take into account the Committee's general comment No. 23 (2016) on the right to just and favourable conditions of work;

(h) Consider ratifying the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190).

Minimum wage

30. While acknowledging the information that the minimum wage is established under the Labour Institutions Act, 2007, and the periodic Regulation of Wages Orders, and that it varies according to location, sector, and skills of workers, the Committee notes with concern that most workers in the informal sector earn below minimum wage rates. It is also concerned that minimum wage rates, especially for unskilled workers and in the agricultural sector, remain insufficient to ensure a decent standard of living for workers and their families (art. 7).

31. **The Committee recommends that the State Party, in collaboration with social partners, such as trade unions, establish a minimum wage that is indexed to the cost of living, in order to provide all workers and their families with a decent standard of living. It also recommends that the State Party strengthen measures to enforce the minimum wage in all sectors of the economy.**

Trade union rights

32. The Committee notes with concern the reports of harassment, intimidation and other incidents of violence targeting trade union leaders and members. The Committee also notes that the State Party's legislation does not prescribe a statutory list of essential services in which the right to strike is restricted, and expresses concern about reports of excessive restrictions placed on the exercise of trade union rights by public sector employees (art. 8).

33. **Recalling its joint statement with the Human Rights Committee on freedom of association, including the right to form and join trade unions, the Committee recommends that the State Party take the measures necessary to ensure that the trade union rights of workers are fully respected and that trade union leaders and members are able to carry out their activities in a climate free from intimidation, violence, harassment and risk to their personal safety. It also recommends that the State Party adopt legislative measures to establish a statutory list of essential services, based on a definition that safeguards the effective exercise of the right to strike without undue restrictions and ensures that public servants whose services cannot reasonably be considered essential are fully entitled to exercise that right.**

Right to social security

34. While welcoming the information provided on cash transfer programmes, the contributory National Social Security Fund, and the Social Protection Policy of 2023, the Committee notes with concern that social security coverage remains limited and fragmented, with low benefit levels under both the contributory and the non-contributory schemes, particularly in the context of the rising cost of living. Despite efforts to expand the use and the coverage of non-contributory benefits, coverage and adequacy both remain insufficient to alleviate poverty effectively among marginalized households. The Committee also notes that contributory social insurance, including the National Social Security Fund, covers only a small proportion of the workforce and largely excludes workers in the informal economy (art. 9).

35. **Recalling its general comment No. 19 (2007) on the right to social security, and its statement on social protection floors as an essential element of the right to social security, the Committee recommends that the State Party:**

(a) **Establish a social protection floor that includes basic universal social guarantees, and strengthen efforts to develop a social security system that guarantees universal coverage and provides sufficient benefits for all persons, in particular those in the informal economy and those belonging to disadvantaged and marginalized groups, to ensure that everyone has access to a decent standard of living;**

(b) **Increase its budget allocation and disbursements for social security, including for the non-contributory cash transfer programmes;**

(c) **Ensure that social benefits are regularly indexed to the cost of living through an independent and transparent mechanism;**

(d) **Ensure comprehensive support services and social benefits for persons with disabilities, including income support and coverage of disability-related costs.**

Protection of the family and children

36. The Committee is concerned that sexual and gender-based violence remains widespread and systemic, with reports indicating that, on average, approximately one woman is killed every two days in the State Party. It is also concerned about persistent violence against and exploitation of children, including the continued prevalence of child marriage and female genital mutilation which undermines girls' rights to education, health and an adequate standard of living, and the prevalence of child labour in agriculture, domestic work, mining, construction and commercial sexual exploitation (art. 10).

37. **The Committee recommends that the State Party:**

(a) **Strengthen the implementation of laws and policies to prevent and address sexual and gender-based violence, including measures to prevent, promptly investigate, prosecute and, where guilt has been determined, punish all acts of such violence, and provide access to protection, including shelters, and effective remedies for victims, paying particular attention to the needs of women with disabilities;**

(b) **Intensify efforts to eliminate violence against and exploitation of children, including child marriage and female genital mutilation, including by strengthening measures to address their root causes, ensuring girls' access to education, healthcare and an adequate standard of living, and carrying out broad-based community education campaigns on the harmful effects of such practices;**

(c) **Expand measures to eradicate child labour, particularly in high-risk sectors such as agriculture, domestic work, mining, construction and commercial sexual exploitation, imposing effective sanctions on perpetrators and ensuring rigorous enforcement of child labour laws and regulations, also through expanded and more systematic labour inspections;**

(d) **Protect children from hazardous work by enforcing existing labour laws, monitoring high-risk industries, and providing rehabilitation services and support for children affected.**

Care system and parental leave

38. The Committee expresses concern at the absence of a comprehensive, coordinated and adequately resourced care and support system, noting that caregiving responsibilities for children, persons with disabilities and older persons continue to fall disproportionately on women and girls. The Committee also acknowledges the ongoing efforts to reform the legal and regulatory framework to introduce shared parental leave and promote equitable sharing of caregiving responsibilities between parents. Nevertheless, it remains concerned that, currently, statutory parental leave remains inadequate, and that disaggregated data on the uptake of parental leave across different sectors are not available (arts. 3 and 10).

39. **The Committee recommends that the State Party:**

(a) **Establish an inclusive and integrated care and support system that promotes the equitable sharing of caregiving responsibilities for children, persons with disabilities and older persons, which incorporates a gender-sensitive, intersectional and intercultural approach;**

(b) **Accelerate its ongoing efforts to review existing parental leave schemes, with a view to ensuring equitable and adequate parental leave benefits;**

(c) **Continue to promote workplace policies that encourage the equitable sharing of caregiving responsibilities between parents, including teleworking arrangements;**

(d) **Take effective measures to increase the take-up rates of parental leave among fathers, and provide disaggregated data, in its next periodic report, on the uptake of parental leave across different sectors.**

Poverty

40. The Committee notes the information provided on the adverse effects of high inflation, the coronavirus disease (COVID-19) pandemic and recurrent climate-related shocks, on poverty reduction efforts. It remains concerned about persistently high levels of poverty and extreme poverty in the State Party, with a significant proportion of the population continuing to live below the national poverty line. The Committee is particularly concerned about the disproportionate impact of poverty and extreme poverty on children, women, persons with disabilities, Indigenous Peoples and pastoralist communities, as well as on those living in rural, arid and semi-arid lands and in deprived urban informal settlements (arts. 9 and 11).

41. **Recalling its statement on poverty and the Covenant, the Committee recommends that the State Party:**

(a) **Adopt a comprehensive multidimensional action plan to eradicate poverty and extreme poverty, which sets out clear and measurable targets, addresses the root causes of poverty and extreme poverty, and ensures the allocation of sufficient resources for its effective implementation and monitoring;**

(b) **Through that action plan, effectively respond to the needs of populations disproportionately affected by poverty and extreme poverty, including children, women, persons with disabilities, Indigenous Peoples and pastoralist communities, as well as on those living in rural, arid and semi-arid lands and in deprived urban informal settlements.**

Right to food

42. While recognizing progress in the reduction of chronic hunger and welcoming the information provided on efforts to improve food security, including the provision of support measures to agricultural producers, such as fertilizer subsidies and drought-resistant seeds to farmers, drought mitigation interventions, school meal programmes, and nutrition support to pregnant women and infants, the Committee nevertheless notes with concern the widespread food insecurity and persistently high levels of malnutrition in the State Party, particularly among children. It is further concerned that recurrent climate-related shocks, including flooding and prolonged droughts, continue to adversely affect agricultural production (art. 11).

43. **The Committee recommends that the State Party:**

(a) **Adopt a comprehensive national strategy for the protection and promotion of the right to adequate food, developed in consultation with relevant stakeholders, which addresses food insecurity and all forms of malnutrition, establishes clear and time-bound targets and provides for effective mechanisms to monitor and assess progress;**

(b) **Intensify efforts to improve food security in those regions and communities most affected by hunger and malnutrition, including by increasing access to a diverse diet through the development of resilient and nutrition-sensitive food systems, reaching the Maputo, Malabo and Kampala targets (10 per cent) by increasing its investment in agriculture and rural development as well as providing targeted support, such as seeds, greenhouses and livestock;**

(c) **Take into account the Committee's general comment No. 12 (1999) on the right to adequate food and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.**

Right to adequate housing

44. While welcoming the State Party's efforts to increase adequate housing supply, the Committee notes with concern that many people still lack access to adequate housing, particularly in rural areas, arid and semi-arid lands and informal urban settlements, where residents face overcrowding, insecure tenure, and limited access to safe drinking water, sanitation, electricity and waste-management services. It also expresses concern that forced evictions, particularly in informal settlements and in areas designated for infrastructure, conservation or urban development projects, continue to be carried out without adequate consultation, due process guarantees, sufficient compensation or the provision of adequate alternative housing, resulting in the displacement of large numbers of individuals and households (art. 11).

45. **The Committee recommends that the State Party:**

(a) **Scale up affordable housing programmes and upgrade informal settlements, including by improving access to safe drinking water, sanitation, electricity and other basic services, and by strengthening security of tenure, particularly in rural areas, arid and semi-arid lands and informal urban settlements;**

(b) **Strengthen the legal and regulatory framework governing evictions and put in place effective enforcement measures to prevent forced evictions, ensuring that any eviction is carried out only as a last resort and in full compliance with international human rights standards, including genuine consultation, adequate notice, due process, provision of adequate alternative housing, compensation and access to effective remedies.**

Access to land

46. The Committee is concerned about persistent inequalities in access to land and the slow pace of resolving historical land injustices and ongoing land conflicts, taking note of cases pending before the National Land Commission and overlapping claims between formal and customary systems, perpetuating tenure insecurity and fuelling land conflicts. The Committee is further concerned that governance of land tenure, including in the context of large-scale national and foreign investments, does not adequately protect legitimate land-user rights (art. 11).

47. **Recalling its general comment No. 26 (2022) on land and economic, social and cultural rights, the Committee recommends that the State Party expedite the resolution of historical land injustices and ongoing land disputes brought before formal and customary systems, including cases pending before the National Land Commission, and ensure that the relevant decisions are effectively implemented to enhance tenure security. It further recommends strengthening land registration and titling systems, including for communal lands, so as to improve overall land governance, and adopting measures to prevent and resolve land-use conflicts, particularly in areas affected by**

large-scale investments. These efforts should guarantee equal and non-discriminatory access to productive resources and protect the rights of legitimate land-users.

Right to water and sanitation

48. The Committee is concerned that many communities in arid and semi-arid lands, informal urban settlements and remote rural areas continue to face serious difficulties in accessing safe water and adequate sanitation, reportedly relying on unprotected sources for domestic use, which exposes them to waterborne diseases, and having limited access to basic sanitation facilities (art. 11).

49. **Recalling its general comment No. 15 (2002) on the right to water, the Committee recommends that the State Party strengthen its efforts, including by expediting the effective implementation of the National Water and Sanitation Policy, to improve access to safe, affordable water for domestic use and provide access to safe sanitation services for all, including in arid and semi-arid lands, informal urban settlements and remote rural areas, as well as schools and healthcare centres.**

Adaptation to climate change

50. While welcoming the adoption of the Climate Change Act, 2016, and the National Climate Change Action Plan covering the period 2023–2027, the Committee notes with concern that the existing adaptation measures are insufficient to address the increasing negative impact of climate change on the enjoyment of economic, social and cultural rights in the State Party, including as a result of the loss of livelihoods and displacements following periods of heavy rain and floods, prolonged droughts and soil degradation (art. 11).

51. **Recalling its general comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, the Committee recommends that the State Party, in consultations with affected communities, strengthen its national climate change adaptation efforts to address the adverse impacts of climate change on economic, social and cultural rights. It recommends that the State Party put in place targeted measures to protect communities at risk and roll out enhanced disaster risk management strategies, and provide adequate human, technical and financial resources to ensure effective implementation. The Committee also recommends that the State Party take all measures necessary to protect the rights of persons displaced by climate change, particularly in the Lake Baringo area, by providing durable and long-term solutions, including by guaranteeing their access to adequate housing, social support and healthcare, including sexual and reproductive health services for women.**

Right to physical and mental health

52. While welcoming the enactment of the Social Health Insurance Act, 2023, and the establishment of the Social Health Authority and the Social Health Insurance Fund thereunder, the Committee notes with concern that many marginalized households cannot access health care and services as they remain excluded from social health insurance coverage due to inability to afford the premiums. The Committee also notes the persistent inequalities in access to healthcare, which disproportionately affect health outcomes for marginalized groups and those living in rural areas, arid and semi-arid lands and informal urban settlements, including as a result of inadequate healthcare infrastructure, limited availability of essential medical supplies and equipment, and shortages of skilled health professionals. Furthermore, the Committee notes with concern the limited availability of mental health services across the State Party, with few qualified mental health professionals and quality mental health services outside Nairobi and Mombasa.

53. **The Committee recommends that the State Party:**

(a) **Intensify its efforts to allocate adequate financial, human and technical resources to the public healthcare sector with a view to guaranteeing universal access and improving the accessibility, affordability, availability and quality of health care and services;**

(b) **Address critical shortcomings in the implementation of the Social Health Insurance Fund, such as the disruption of access to healthcare services, and ensure universal coverage, regardless of economic capacity and contribution to the system;**

(c) **Improve healthcare infrastructure, in particular in rural areas and arid and semi-arid lands, including through the construction, upgrading and subsequent continuous funding of hospitals, clinics and primary health centres, ensuring that medical facilities have sufficient medical staff, medical equipment and a regular supply of medicine;**

(d) **Ensure non-discriminatory access to health care and services for disadvantaged and marginalized groups, including migrants, refugees, internally displaced persons, and persons deprived of their liberty;**

(e) **Address regional disparities in mental health services, including by recruiting and training qualified professionals and ensuring adequate funding of community-based care and human rights-based mental health services, and ensure that health interventions are carried out only with the informed consent of persons with disabilities, including those with psychosocial or intellectual disabilities.**

Persons living with HIV/AIDS

54. The Committee expresses concern that, despite preventive measures and expanded access to antiretroviral therapy, the prevalence of HIV/AIDS remains high, and persons living with HIV/AIDS continue to face persistent stigma and discrimination (arts. 2 (2) and 12).

55. **The Committee recommends that the State Party strengthen measures to prevent new HIV infections, expand HIV testing and ensure the timely initiation of antiretroviral therapy, and take effective steps to combat stigma and discrimination against persons living with HIV/AIDS.**

Right to sexual and reproductive health

56. The Committee welcomes the decision of the High Court in 2022 recognizing access to abortion-related healthcare as a fundamental right and ruling that the arrest and prosecution of patients and healthcare providers for seeking or offering abortion services is unconstitutional. The Committee nevertheless expresses concern about the persistence of unsafe abortions, driven by legal barriers, limited access to contraceptives, and social stigma, and about the high rates of teenage pregnancy and sexually transmitted infections. The Committee is also concerned that the prevalence of sexual and gender-based violence and of harmful practices such as female genital mutilation, together with stigma, and limited access to sexual and reproductive health services and education in rural and disadvantaged urban areas, continue to undermine the sexual and reproductive health of women and girls (arts. 2 (2) and 12).

57. **The Committee recommends that the State Party:**

(a) **Accelerate efforts to review its legislation, in line with the decision of the High Court, to ensure effective and safe access to abortion, and decriminalize abortion in all cases, in order to end dangerous clandestine practices and ensure respect for women's rights to bodily integrity, autonomy and dignity;**

(b) **Adopt a comprehensive strategy to enhance the accessibility, availability and quality of sexual and reproductive health services, ensuring access to affordable, safe and effective contraception, including emergency contraception, particularly for adolescents, women with disabilities, and women living in deprived urban and rural areas;**

(c) **Provide comprehensive and age-appropriate sexual and reproductive health education for girls and boys;**

(d) **Take into account the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health, and consider the abortion care guideline (2022) of the World Health Organization.**

Drug policy

58. The Committee is concerned about the negative impact of the State Party's punitive approach to individual drug use on the right to health, noting the limited availability and accessibility of harm reduction and rehabilitation programmes (arts. 2 (2) and 12).

59. **The Committee recommends that the State Party review its drug policies and legislation to adopt a human rights-based approach to drug use, including by:**

(a) **Conducting preventive awareness-raising campaigns on the serious health risks associated with drug abuse, particularly targeting young people;**

(b) **Ensuring access to comprehensive treatment for drug use disorders, including healthcare services, psychological support, rehabilitation, and harm reduction programmes for persons who use drugs; and considering the adoption of alternatives to punitive approaches.**

Right to education

60. The Committee notes with concern that persistent budget gaps in the education sector continue to undermine the accessibility, availability and quality of education, particularly for disadvantaged and marginalized children, and that many schools, especially in rural and disadvantaged areas, face chronic shortages of teachers, inadequate infrastructure, limited transport and insufficient learning materials. It is also concerned that poverty, nomadic lifestyles, early pregnancy, early marriage and child labour hinder enrolment and retention, especially in arid and semi-arid regions, resulting in high numbers of out-of-school children and elevated dropout rates, including during the transition to secondary education. It further notes that violence, harassment and bullying remain widespread, often targeted at learners on the basis of their sex, gender, gender identity or sexual orientation, and that children with disabilities continue to face significant barriers due to gaps between inclusive education policies and their implementation, particularly affecting those from low-income households. Moreover, the Committee expresses concern about the insufficient regulation of the private education sector (arts. 13 and 14).

61. **Recalling its general comment No. 13 (1999) on the right to education, the Committee recommends that the State Party:**

(a) **Increase budgetary allocations to the public education sector to guarantee free and quality education, in particular by ensuring the availability of adequate resources for infrastructure, trained and adequately compensated teachers, learning materials, and inclusive education;**

(b) **Implement targeted measures to reduce the number of out-of-school children, by addressing barriers such as poverty, nomadic lifestyles, early pregnancy, early marriage and child labour;**

(c) **Take the measures necessary to properly regulate and monitor Alternative Provision of Basic Education and Training institutions, with a view to ensuring compliance with human rights standards;**

(d) **Take effective measures to ensure the protection of all children from violence, harassment and bullying in schools, and strengthen efforts to prevent these phenomena and promote understanding and tolerance;**

(e) **Strengthen the implementation of inclusive education policies to ensure that children with disabilities have full access to mainstream schools and receive the necessary support, paying particular attention to children from disadvantaged and marginalized households.**

Cultural rights

62. The Committee welcomes the adoption of the National Policy on Ethnic Minorities and Marginalized Communities, covering the period 2025–2035, which formally recognizes the land, resource, and cultural identities of Indigenous Peoples, ethnic minorities and marginalized communities. The Committee notes, however, that despite normative

frameworks in place, many groups, such as the Ogiek, Sengwer, Yaaku, Endorois, Maasai, Turkana and others, have limited opportunities and resources to maintain and transmit their cultural heritage. The Committee further notes that, although Kiswahili and English are the official languages, the State Party's linguistic diversity includes many Indigenous languages whose development and daily use in education and public life remain limited (art. 15).

63. Recalling its general comment No. 21 (2009) on the right of everyone to take part in cultural life, the Committee recommends that the State Party:

(a) Ensure the effective and timely implementation of the National Policy on Ethnic Minorities and Marginalized Communities 2025–2035, supported by adequate human, technical and financial resources, and developed in meaningful consultation with Indigenous Peoples, ethnic minorities and marginalized communities;

(b) Strengthen the protection of cultural rights and respect for cultural diversity by creating favourable conditions that enable Indigenous Peoples, ethnic minorities and marginalized communities, including the Ogiek, Sengwer, Yaaku, Endorois, Maasai, Turkana and others, to preserve, develop, express and transmit their identities, histories, cultures, languages, traditions, traditional knowledge and customs to future generations;

(c) Adopt and implement targeted measures to ensure the preservation, revitalization and daily use of Indigenous languages, including in education, public life and the media.

Right to enjoy the benefits of scientific progress and its applications

64. While acknowledging the State Party's investments in digital technologies, the Committee remains concerned that many schools, particularly in rural and remote areas, continue to lack adequate Internet connectivity, limiting learners' access to digital educational content, scientific resources and online research platforms. It is further concerned that digital literacy and technical skills among teachers and learners remain limited, especially in rural public schools, and that the high cost of devices and Internet services, combined with insufficient connectivity in certain regions, prevents many marginalized families and communities from meaningfully accessing and using digital technologies for educational, scientific and economic purposes (art. 15).

65. Recalling its general comment No. 25 (2020) on science and economic, social and cultural rights, the Committee recommends that the State Party:

(a) Intensify efforts to bridge the digital divide by expanding affordable, reliable and high-quality Internet access, particularly in rural and remote areas, and strengthening digital infrastructure nationwide;

(b) Enhance digital literacy and skills development programmes for teachers and learners, especially in rural public schools and marginalized communities;

(c) Adopt targeted measures to ensure that disadvantaged and marginalized groups can effectively access and benefit from scientific progress, both through access to information and communications technologies for educational, scientific and economic development purposes, including by reducing the cost of Internet services and digital devices, and through targeted activities to support the application of new knowledge and methods, for example in agriculture or the health system.

D. Other recommendations

66. The Committee recommends that the State Party consider ratifying the core human rights instruments to which it is not yet a Party, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

67. The Committee recommends that the State Party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State Party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State Party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State Party's attention to its statement on the pledge to leave no one behind.⁵

68. The Committee recommends that the State Party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights, in order to facilitate the assessment of progress achieved by the State Party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State Party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights.⁶

69. The Committee requests that the State Party disseminate the present concluding observations widely at all levels of society, including at the national and county levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that Parliament plays in implementing the present concluding observations and encourages the State Party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State Party to engage with the Kenya National Commission on Human Rights, non-governmental organizations and other members of civil society, in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

70. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State Party is requested to provide, within 24 months of the adoption of the present concluding observations (28 February 2028), information on the implementation of the recommendations contained in paragraphs 35 (c) (social security), 43 (b) (right to food) and 61 (a) (right to education) above.

71. The Committee requests the State Party to submit its seventh periodic report in accordance with article 16 of the Covenant by 28 February 2031, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

⁵ E/C.12/2019/1.

⁶ HRI/MC/2008/3.