



**14<sup>TH</sup> PERIODIC REPORT OF THE REPUBLIC OF KENYA  
ON THE AFRICAN CHARTER ON HUMAN AND PEOPLES'  
RIGHTS**

**AND**

**THE 2<sup>ND</sup> REPORT ON THE PROTOCOL TO THE AFRICAN  
CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE  
RIGHTS OF WOMEN IN AFRICA  
(MAPUTO PROTOCOL)**

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ReporttheReport

**DECEMBER 2025**

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## ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human & Peoples Rights
AJS	Alternative Justice System
ATI	Access to Information
AU	African Union
BETA	Bottom-Up Economic Transformation Agenda
CAJ	Commission on Administrative Justice
CAK	Communication Authority of Kenya
CPHs	Community Health Promoters
CSOs	Civil Society Organizations
EACC	Ethics and Anti-Corruption Commission
GCM	Global Compact for Safe, Orderly and Regular Migration
GOK	Government of Kenya
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
IPOA	Independent Policing Oversight Authority
KDMECC	Kampala Declaration on Migration, Environment, and Climate Change
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
KPS	Kenya Prisons Service
KUSP	Kenya Urban Support Program
MDAs	Ministries, Department and Agencies
MLSP	Ministry of Labour and Social Protection
MOE	Ministry of Education
MOEF	Ministry of Environment and Forestry
MOL	Ministry of Lands, Public Works, Housing and Urban Development

NCPWD	National Council on Persons with Disabilities
NGEC	National Gender and Equality Commission
NGOs	Non-Governmental Organizations
NHRI	National Human Rights Institutions
NLAS	National Legal Aid Service
NPS	National Police Service
OAG & SDOJ	Office of the Attorney General and State Department for Justice
ODPP	Office of the Director of Public Prosecutions
PACS	Probation and Aftercare Service
POTA	Prevention of Terrorism Act
SDGs	Sustainable Development Goals
SOA	Sexual Offences Act
VNRs	Voluntary National Reviews

## INTRODUCTION

1. The Government of Kenya (GOK) submits a single Report encompassing the 14<sup>th</sup> Periodic Report to the African Commission on Human and Peoples' Rights and the 1<sup>st</sup> Report on the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol). This submission underscores Kenya's continued commitment to fulfilling its regional human rights obligations and advancing the promotion and protection of human rights and fundamental freedoms within its territory.
2. This Report outlines the legislative, policy, administrative, judicial, and institutional measures undertaken to give effect to the provisions of the African Charter and the Protocol since the submission of Kenya's combined 12<sup>th</sup> and 13<sup>th</sup> Periodic Report. It also reflects Kenya's implementation of the concluding observations and recommendations issued by the African Commission, incorporates relevant developments from the Universal Periodic Review (UPR) process, and aligns with national priorities including Kenya's Vision 2030, the Bottom-Up Economic Transformation Agenda (BETA), the Fourth Medium-Term Plan (2023–2027), and the African Union's Agenda 2063.
3. The preparation of this Report was coordinated by the Office of the Attorney General and the State Department for Justice, Human Rights and Constitutional Affairs (OAG&SDOJ). The Report is informed by contributions and validated data from various government ministries, departments and agencies (MDAs), independent commissions and offices and civil society organizations. It also builds on the Universal Periodic Review (UPR) Report submitted by Kenya in 2025, ensuring consistency and complementarity in the State's human rights reporting at the regional and international levels.
4. The National Committee on International and Regional Human Rights Obligations, established on 29<sup>th</sup> March 2019 as a standing inter-agency body on treaty reporting and implementation follow-up, provided strategic oversight for the coordination and compilation of this Report. The Committee comprises representatives from relevant MDAs, national human rights institutions, and the State Department for Economic Planning, thereby ensuring integration of the Sustainable Development Goals (SDGs) and effective use of data from Voluntary National Reviews (VNRs) and Kenya National Bureau of Statistics (KNBS).
5. During the reporting period, several developments influenced Kenya's human rights environment. These included the lingering socio-economic effects of the COVID-19 pandemic, the conduct of the 2022 General Elections, youth-led civic mobilization and

protests, ongoing economic recovery efforts, climate-related challenges such as droughts and floods, and evolving security dynamics within the Horn of Africa. The Government's interventions in these areas have sought to safeguard constitutional rights, maintain stability, and strengthen the resilience of vulnerable populations.

6. In view of these contextual developments, and recognizing that sustainable peace, security, and development depend on respect for human rights, the Government of Kenya strengthened the State Department for Justice, Human Rights and Constitutional Affairs by elevating its institutional status and enhancing its financial, technical, and operational capacity. While the Department has long played a central role in promoting human rights through the development of laws and policies, its mandate was broadened to include wider coordination of human rights implementation.

#### RATIFICATION OF INTERNATIONAL AND REGIONAL INSTRUMENTS

7. Kenya has made significant strides in advancing human rights through international commitments and national reforms. In 2022, Kenya acceded to the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa* and the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa*. These accessions underscore the Government's commitment to advancing social protection, equality, and non-discrimination against older persons and persons with disabilities. To give effect to the Protocol on the Rights of Persons with Disabilities, the Government enacted the *Persons with Disabilities Act 2025*, which repeals the previous Act and provides a comprehensive legal framework for promoting and protecting the rights of persons with disabilities.
8. Kenya is a signatory to the *Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography*. An inter-agency committee has been constituted to initiate and coordinate the ratification process, including the alignment of national procedures with treaty-ratification requirements. The elevation of the Directorate of Children Services to a State Department has strengthened the institutional capacity for coordination, compliance monitoring and policy implementation in this area. The State has undertaken substantive normative and institutional measures to reflect the Protocol's core provisions. The Children Act, Cap.141 provides a comprehensive legal framework to protect children from trafficking, sexual exploitation, and other forms of abuse. The Government also has adopted the National Plan of Action to Combat Online Child Sexual Exploitation (2022–

2026) to address emerging threats in digital environments through coordinated prevention, monitoring, and response measures.

9. Kenya has not ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. The Government of Kenya has continued to strengthen the protection of migrant workers through the adoption of the National Labour Migration Policy (Sessional Paper No. 5 of 2023), which provides for pre-departure training, regulation of recruitment agencies, and ongoing welfare monitoring of migrant workers abroad.
10. The proposed Labour Migration Management Bill, 2024 seeks to operationalise the policy by institutionalising safe houses, establishing the Migrant Workers Welfare Fund, and enhancing enforcement mechanisms for recruitment agencies. In addition, the Global Labour Migration Strategy (2024), developed in collaboration with the State Department for Labour and Skills Development, provides a framework for safe and dignified migration while strengthening bilateral labour agreements to safeguard Kenyan workers overseas.
11. During the national commemoration of the 75<sup>th</sup> anniversary of the *Universal Declaration of Human Rights*, Kenya made a formal pledge to enact comprehensive domestic legislation to criminalize enforced disappearances. In line with this pledge, the Honourable Attorney General established a Multi-Agency Committee in 2023 to review Kenya's legal and policy frameworks on enforced disappearances and extrajudicial killings, with a specific mandate to propose legislative measures for the criminalization of enforced disappearance under national law. Although Kenya has not yet ratified the *International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)*, these measures demonstrate its commitment to aligning domestic frameworks with international human rights standards.
12. Kenya continues to align national frameworks with the principles of the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (Kampala Convention). The National Disaster Risk Management (DRM) Policy and the Climate Change (Amendment) Act strengthen prevention, protection, and assistance measures for internally displaced persons and communities affected by disasters. The 2025–2030 DRM Strategy, guided by the Sendai Framework for Disaster Risk Reduction (2015–2030), integrates risk reduction into national and county planning, reduces community vulnerability, and enhances resilience in line with the Bottom-Up Economic Transformation Agenda (BETA) and Vision 2030.

13. In 2025, Kenya convened two national forums to advance the *Kampala Declaration on Migration, Environment, and Climate Change (KDMECC)* and supported its expansion into *KDMECC-AFRICA* during the *2023 Africa Climate Summit*. Outcomes included agreement on a national action plan to strengthen climate adaptation in displacement-prone areas and improved coordination between government, humanitarian, and county actors. Current efforts focus on operationalizing resilience hubs, enhancing mobility data systems, and promoting climate-resilient livelihoods with support from national and regional partners.
14. Kenya remains a de facto abolitionist state, maintaining a longstanding moratorium on executions since 1987. Notably, in December *2024*, Kenya voted in favor of the United Nations General Assembly's 10<sup>th</sup> resolution calling for a global moratorium on the use of the death penalty signaling a meaningful shift toward progressive penal policy aligned with international human rights standards. In 2023, the Penal Code (Amendment) Bill was introduced to replace the death penalty with life imprisonment which has since been adopted by the Justice and Legal Affairs Committee, pending parliamentary debate.
15. At the *2023 Global Refugee Forum*, Kenya pledged to eliminate statelessness by 2027. In line with this, it is developing a National Action Plan to guide implementation. The plan includes registering stateless persons as citizens, enacting legal reforms, and acceding to the *1954 and 1961 UN Conventions*. Progress has been demonstrated through the recognition of historically stateless communities, including the Makonde, Shona, and Pemba.

#### LEGISLATIVE MEASURES ON THE DOMESTICATION OF THE CHARTER 'S PROVISIONS

16. All legislative and other measures undertaken to give effect to the provisions of Chapter 1 of the African Charter during the reporting period have been integrated throughout the substantive sections of this Report, including those relating to the domestication of the Charter's provisions through national legislation and policy frameworks.
  - (i) Persons with Disabilities Act, 2025 - This landmark legislation came into force in May 2025, reinforcing a human-rights approach to disability inclusion. The Act mandates accessible education, employment, healthcare, political participation, and public facilities for persons with disabilities, with strict penalties for rights violations. The Act fully aligns with Article 18(4) of the African Charter on Human

and Peoples' Rights and the Protocol on the Rights of Persons with Disabilities in Africa.

- (ii) The Kenya Social Protection Policy 2023 and The Social Protection Act, 2025 – The Policy was developed to address Kenya's evolving social protection needs and rising vulnerabilities, including the impact of COVID-19 and climate-related shocks. It provides a comprehensive framework for coordinating social protection programmes and aligns with the *ILO Social Protection Floors Recommendation No. 202 of 2012*. The Act, operationalises the Policy by prescribing institutional responsibilities, programme standards and financing arrangements aimed at progressively realising universal social protection. The Act was assented to in July 2025, and the development of regulations is ongoing.
- (iii) The Children Act, Cap. 141 & National Plan of Action to Combat Online Child Sexual Exploitation (2022–2026) – The Act provides a comprehensive legal framework for the care and protection of children in Kenya. It gives effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child by outlining provisions for parental responsibility, fostering, adoption, custody, guardianship, maintenance, and the administration of children's institutions. Complementing this statutory framework, the Action Plan was developed by the Department of Children's Services in response to the rising threat of online child sexual exploitation and abuse (OCSEA) amid Kenya's rapidly expanding digital ecosystem.
- (iv) The Affordable Housing Act 2024 – The Act gives effect to Article 43(1)(b) of the Constitution, which guarantees every person the right to accessible and adequate housing and reasonable standards of sanitation. The Act establishes a legal and institutional framework for mobilizing resources through the Affordable Housing Levy, operationalizing the Affordable Housing Fund, and facilitating the development of affordable and institutional housing across the country. It promotes inclusive and transparent implementation mechanisms at both national and county levels, prioritizing low- and middle-income earners, informal settlement residents, and vulnerable groups including women, youth, and persons with disabilities.
- (v) The Social Health Insurance Act, Primary Health Care Act, Facilities Improvement Financing Act of 2023, and the Digital Health Act of 2023 - Kenya enacted these four key health laws to advance the realization of Article 43(1) of the Constitution on the right to health, and to accelerate the attainment of Universal Health Coverage (UHC).

- (vi) The Government has taken concrete steps to advance the enactment of the National Coroners Service (Amendment) Bill, 2023, aimed at strengthening the legal framework for investigating reportable deaths and enhancing accountability in cases involving suspicious or violent fatalities. Key amendments include the establishment of the National Coroners Service Council, clarification of the role and appointment process for the Coroner-General and expanded definitions to include coronial services and forensic responsibilities. The bill is awaiting cabinet approval.
- (vii) In its continued effort to uphold constitutional guarantees and align national laws with the African Charter on Human and Peoples' Rights, the Government of Kenya has taken significant judicial and administrative steps to strengthen protections for land occupants and evictees. Following the Environment and Land Court's judgment in *Tonui v. Kenya Forest Service*,<sup>1</sup> which recognized the legitimacy of settlers' land titles in Eastern Mau, the Government conducted a comprehensive beaconing exercise from April to May 2025.
- (viii) This three-week operation verified land allocations and laid the groundwork for a resettlement programme targeting displaced households in the region. Complementing these administrative efforts, the judiciary reaffirmed procedural safeguards in *Kilimo v. Malenya*,<sup>2</sup> In its 2023 judgment, the Environment and Land Court at Kitale emphasized that eviction processes must strictly adhere to the Land Act (Sections 152E and 152F). The Court underscored the necessity of written notice, procedural fairness, and humane treatment in all eviction matters, reinforcing the state's commitment to protecting vulnerable populations.
- (ix) County-level legislation such as the Nairobi City County Evictions, Resettlement and Demolitions Bill, 2023 was introduced to establish clear and equitable frameworks for evictions, demolitions, and the resettlement of displaced persons within the county. The Bill outlines specific notice periods, procedural requirements, and conditions for interventions on both public and private land, emphasizing public consultation and transparency. It proceeded to its First Reading on 13<sup>th</sup> February 2024.

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<sup>1</sup> <https://new.kenyalaw.org/articles/2024-12-18/lawreporting/kenya-law-weekly-issue-02024-25>

<sup>2</sup> Environment and Land Appeal 8 of 2022.

## NHRI AND OTHER INSTITUTIONS

17. The Government of Kenya continues to provide a favourable working environment for independent institutions, including the Kenya National Commission on Human Rights (KNCHR). Over the years, Government funding to the Commission has steadily increased, thereby strengthening its capacity to promote, protect, and monitor human rights. Budgetary allocations rose from Ksh. 408.7 million (USD 2.92 million) in FY 2021/22 to Ksh. 529.8 million (USD 3.78 million) in FY 2022/23, and Ksh. 539.8 million (USD 3.86 million) in FY 2023/24.
18. In February 2022, the Government finalized the appointment of the Chairperson and Commissioners of the Kenya National Commission on Human Rights (KNCHR), thereby ensuring compliance with *Section 9* of the *KNCHR Act* and reinforcing the institution's operational and structural independence in line with the Paris Principles. Following the passing of the Chairperson in January 2025, a Selection Panel was constituted and completed the shortlisting process, leading to the appointment of a new Chairperson in October 2025.
19. In addition, the Government has initiated the review of Sessional Paper No. 3 of 2014 on the National Policy and Action Plan on Human Rights. The exercise is informed by a baseline assessment of implementation and regional consultations undertaken to identify gaps, priority concerns and evolving human rights concerns. The review seeks to update the national framework to address contemporary and emerging human rights issues, including digital rights, data protection and climate-related risks. The objective is to ensure that the Policy and Action Plan remain responsive to current conditions and aligned with Kenya's constitutional and international obligations.

## CIVIL POLITICAL RIGHTS

### ARTICLE 2: RIGHT TO FREEDOM FROM DISCRIMINATION

20. Kenya continues to advance equality and non-discrimination in accordance with *Article 27 of the Constitution* and its obligations under the *African Charter*. To this end, sectoral statutes embed non-discrimination guarantees, including the Persons with Disabilities Act, 2025, the HIV and AIDS Prevention and Control Act, Cap. 246A, the Employment Act, Cap. 226, the Labour Relations Act, Cap. 233, the Basic Education Act, Cap 211 the Children Act, Cap 141, the Land Act, Cap 280, the Access to Information Act, Cap 7M and the Data Protection Act, Cap 411C. These statutes

collectively prohibit exclusion and affirm equality in employment, education, health, land governance, access to services, and data protection.<sup>3</sup>

21. The County Governments (Amendment) Act obligates County Public Service Boards to develop employment equity plans, targeting elimination of ethnic and other imbalances. The *National Cohesion and Integration Commission (NCIC)* has advanced this by sensitizing 41 county public service boards on diversity and inclusion and publishing a national handbook on equitable recruitment.
22. The Public Service Commission (PSC) in its *2022/23* compliance report, reported measurable progress in inclusion, with 39 out of 43 ethnic groups attaining normal representation in public service up from 33 in 2016/17.
23. The review and refinement of the national framework on sexual offences including the National Policy on Administration of Justice in Sexual Offences Matters and the Sexual Offences Bill is ongoing. These reforms aim to strengthen coordination mechanisms and incorporate emerging jurisprudence and evolving social realities. Key proposed amendments address consensual adolescent relationships (“Romeo-Juliet” scenarios) to ensure proportionality and alignment with constitutional safeguards and international human rights standards. The *National Policy on Gender and Development, 2019* mandated gender mainstreaming across public institutions, with 92% of public bodies reporting compliance with the two-thirds gender principle as of FY 2022/23.
24. Complementing these legislative and policy reforms, the National Gender and Equality Commission (NGEC) has actively enforced anti-discrimination measures. During the reporting period, NGEC processed 361 complaints of discrimination, while 20,044 gender-based violence cases were prosecuted, resulting in 1,346 convictions. More than ten counties have enacted Sexual and Gender-Based Violence (SGBV) policies and laws, reinforcing national efforts to combat gender-based discrimination and enhance access to justice.
25. Kenya continues to strengthen protection for intersex persons in line with *Article 27 of the Constitution*. The Children Act expressly recognizes the rights of intersex children to dignity and protection, classifying those at risk of violations as children in need of care and protection under *Section 144(z)*. The National Police Service Standing Orders (Chapter 5, Rule 15(4)) and the Persons Deprived of Liberty Act, also

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<sup>3</sup> <https://kenyalaw.org/kl/>

provide safeguards for intersex persons in custody, including provisions for separate confinement and humane treatment. To consolidate these protections, the Government is finalizing the Intersex Persons Bill, which will provide a comprehensive legal framework for the recognition and protection of intersex persons.

26. To promote the rights of minorities and marginalized communities, the President established the Minorities and Marginalized Affairs Unit (MMAU) under the Executive Office of the President through Executive Order No. 2 of 2023. The Unit serves as a specialized office mandated to coordinate and advocate for the inclusion, protection, and empowerment of minorities and marginalized communities across all sectors. The Unit is undertaking a bill on Ethnic Minorities and Marginalized Communities, 2025, together with a National Policy on Ethnic Minorities and Marginalized Communities (2025–2035), to provide a comprehensive legal and policy framework to guarantee the protection, inclusion, and empowerment of minority and marginalized groups as enshrined in *Articles 27 and 56 of the Constitution*.
27. On land rights, the Community Land Act, 2016 operationalizes *Article 63* of the Constitution by recognizing and protecting community land, a key safeguard for minorities and indigenous peoples against dispossession. The Act provides for Community Land Regulations, which were adopted in 2017 to make detailed provisions for its implementation. In as much as some progress has been made in implementing the Act following the adoption of the Regulations, its full operationalization is yet to be realized. As of 2023, the Ministry of Lands has supported the registration of community lands, particularly among pastoralist and forest-dwelling communities, to secure tenure.
28. To strengthen the protection of migrant workers and Kenyans living abroad, the Government established the State Department for Diaspora Affairs (SDDA) under Executive Order No. 1 of 2023 on the Organization of Government. The Department provides a centralized framework for diaspora engagement, labour mobility coordination, consular protection, and welfare interventions. It has integrated diaspora issues into national development planning and human rights reporting, reinforcing Kenya's commitment to the Global Compact for Safe, Orderly and Regular Migration (GCM) and the protection of migrant workers' rights. As part of these reforms, Labour Attachés have been deployed to priority destination countries, including Saudi Arabia, Qatar, and the United Arab Emirates, to monitor working conditions, inspect recruitment agencies, and liaise with host-country authorities on cases of abuse or contract violations.

29. The State Department has also formulated the Diaspora Policy (2024) that further underscores the Government's commitment to protecting and empowering Kenyans living abroad and enhancing their contribution to national development.

### ARTICLE 3: RIGHT TO EQUALITY BEFORE THE LAW AND EQUAL PROTECTION OF THE LAW

30. In advancing the guarantee of equality before the law, the Judiciary has broadened access to justice through Court Users Committees, mobile courts, and Alternative Justice Systems Policy (2020). The Court Annexed Mediation initiative has resolved thousands of cases, reducing backlog. Capacity-building efforts have also been prioritized, with 7 Supreme Court judges, 22 Court of Appeal judges, 18 judges from the Employment and Labour Relations Court, and 43 Kadhis received training on Alternative Justice Systems (AJS).<sup>4</sup>

31. The implementation of the National Action Plan for Legal Aid (2017–2022) led to the enactment of the Legal Aid (General) Regulations 2022, benefiting over 5.7 million people, including prisoners, and aiding 10,055 individuals through a toll-free line. The National Legal Aid Service (NLAS) is finalizing the Legal Aid Fund Regulations 2024. Over 300 paralegals were trained nationwide, with offices established in four marginalized counties. NLAS resolved 1,000+ cases using Alternative Dispute Resolution, aligning with the Alternative Justice Systems Policy, 2020.

32. Expanding Kenya's national legal aid framework has taken a significant step this year with the nationwide rollout of the Legal Aid Centres in all the 47 Counties. To strengthen this effort, ninety newly recruited State Counsels have been deployed across all counties to provide legal screening, facilitate alternative dispute resolution, coordinate pro bono services, and promote community legal education.

33. Further strengthening the guarantee of equal protection of the law, in 2023, the *Supreme Court* in *NGOs Co-ordination Board v EG & 4 others*, recognized the freedom of sexual minorities to form and register a Non-Governmental Organization (NGO). This landmark decision underscored that all persons, including minority groups, are entitled to equal protection of the law and the ability to organize in pursuit of their rights and interests.<sup>5</sup>

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<sup>4</sup> Judiciary of Kenya. (2024). Popular Version: State of the Judiciary and Administration of Justice Report, FY 2023/2024.

<sup>5</sup> *NGOs Co-ordination Board v EG & 4 others*; Katiba Institute (Amicus Curiae) (Petition 16 of 2019) [2023] KESC 17 (KLR) (Constitutional and Human Rights) (24 February 2023) (Judgment)

34. In a continued effort to advance equality and inclusion, the Government of Kenya abolished the vetting requirement previously imposed on certain ethnic communities during the issuance of national identity cards. This vetting process had resulted in discriminatory barriers, restricting affected individuals' access to legal recognition and essential public services. The removal of this requirement constitutes a significant reform that reinforces the constitutional guarantee of equality and non-discrimination, ensuring equitable treatment of all citizens under the law.

#### ARTICLE 6: RIGHT TO PERSONAL LIBERTY AND PROTECTION FROM ARBITRARY ARREST

35. The Judiciary has continued to strengthen access to justice and uphold fair trial guarantees through the implementation of the Bail and Bond Policy, which has streamlined bail administration and reduced delays in case processing. In FY 2023/2024, courts reviewed *6,555 sentences* and *diverted 2,918* eligible offenders to community service, advancing non-custodial and rehabilitative approaches in line with restorative justice principles. The Judiciary also continues to divert children in conflict with the law from prosecution toward reintegration and counselling programmes.

36. To enhance judicial capacity, *28 judges* and *27 judicial officers* received specialized training on counterterrorism, while *77 legal researchers* were trained on the application of *regional and international human rights standards*. These initiatives ensure that judicial decision-making remains consistent with Kenya's constitutional and treaty obligations.

37. The Government has operationalized diversion and plea-bargaining mechanisms within the Alternative Justice Systems (AJS) framework, emphasizing restorative justice and community-based resolutions. The Office of the Director of Public Prosecutions (ODPP) and the Probation and Aftercare Service (PACS) oversee implementation through social inquiry reports, offender supervision, and enforcement of non-custodial orders. Between *2016* and *2023*, PACS handled *261 diversion cases* and *218 plea bargaining cases*, contributing to decongestion of correctional facilities.<sup>6</sup>

38. Jurisprudence continues to reinforce constitutional safeguards. In *Chebor v Karuri & Others [2025]*, the High Court held that the petitioner's arrest and detention without

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<sup>6</sup> <https://probation.go.ke/sites/default/files/downloads/CROSSOVER%20REPORT%202016-2023%20-%20FINAL.pdf>

<sup>7</sup> *Chebor v Karuri, Chief Inspector OCS Mochongoi Police Station & another; National Police Service Commission & another (Interested Parties) [2025]*

a warrant was unlawful and an abuse of power, reaffirming the right to liberty and protection from arbitrary arrest.

39. According to the *Kenya National Bureau of Statistics (Economic Survey 2025)*, Kenya recorded a decline in its overall prison population, with the total number of persons committed to prison falling by *15.8 percent* to *208,971* in *2024*. The average daily prison population also dropped to *392* per *100,000* people, down from *481* in *2023*. During the same period, the number of un-convicted and convicted decreased by *12.0 percent* and *23.6 percent*, respectively in *2024*.

#### ARTICLE 7: RIGHT TO FAIR TRIAL

40. Kenya continued to strengthen guarantees of fair trial and access to justice through reforms aimed at making the criminal justice system more efficient and rights sensitive. The formalization of diversion and plea bargaining within the Alternative Justice Systems (AJS) framework has enhanced flexibility in handling minor and non-violent offences, while promoting dignity and restorative outcomes. These mechanisms have been cautiously extended to certain capital offences, such as robbery with violence, accompanied by judicial oversight to safeguard due process. Recent judicial reforms (2024–2025) also enabled mitigation and resentencing in cases previously subject to mandatory death sentences, aligning practice with evolving constitutional standards and regional human rights norms.

41. During the reporting period, the Judiciary implemented targeted decentralization measures to strengthen physical access to justice and enhance the realization of the right to legal redress. Five new High Court stations were established, extending judicial presence to 46 of Kenya’s 47 counties. In Nairobi, three additional divisions of the Employment and Labour Relations Court were created, while the Environment and Land Court expanded its footprint to 40 stations nationwide.

42. To further extend access at the community level, three new Magistrates Courts were established, bringing the total to 137 operational courts. Additionally, Port Victoria, Malaba, and Etago were upgraded from mobile units to permanent Magistrates Courts, raising the total to 140. The Judiciary also operationalized 57 mobile courts, significantly reducing the average distance to access a court to 80 kilometers. In line with its commitment to deploy justice as a tool for inclusive economic transformation, the Judiciary established 27 Small Claims Courts in underserved and strategically located towns—including Busia, Dadaab, Kakuma, Mandera, Malaba, and Wajir.<sup>8</sup>

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<sup>8</sup> POPULAR-VERSION-SOJAR-REPORT-FY-2023\_24.pdf

43. To promote equitable access to justice, the Judiciary expanded the use of virtual courts and e-filing platforms, enabling litigants to participate remotely and reducing geographic and logistical barriers. This transformation is underpinned by the country's rapidly improving digital infrastructure. In 2024, broadband subscriptions reached 45.1 million, while average internet bandwidth per person rose from 223,770 bits per second in 2023 to 268.6 million bits per second driven by enhanced undersea and satellite connectivity.<sup>9</sup>
44. The Judiciary continued to implement transformative reforms under its innovation framework. A key milestone was the rollout of the *Pre-Trial Notice and Directions template*, which standardizes case readiness and introduces a *21-day timeline* for parties to file all relevant documents and confirm service. This initiative has enhanced procedural discipline and accelerated case progression.
45. Despite the growing demand for judicial services reflected in the increase in case filings from 402,243 in FY 2017/18 to 516,121 in FY 2023/24, the judiciary achieved a 99 percent case clearance rate, resolving 509,664 cases. This led to a 10 percent reduction in the overall backlog, signaling steady progress toward a more efficient and accessible justice system.

#### ARTICLE 4: RIGHT TO LIFE

46. The Sentencing Policy Guidelines<sup>10</sup> have been updated in response to the Muruatetu decision, which allows offenders convicted of murder and subject to the mandatory death penalty to apply for resentencing. Pursuant to the decision, the courts directed that resentencing investigations and the preparation of resentencing reports be undertaken by the PACS. In compliance with this directive, the Service prepared social advisory reports for *4,493 prisoners* between *2016-2023*.
47. To complement these efforts, the ODPP has also established a legislative review committee to analyze legislation and court decisions related to capital punishment, and to propose reforms. Several bills aimed at abolishing the death penalty have been introduced in Parliament. All four bills have successfully completed the first reading

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<sup>9</sup> Communications Authority of Kenya & Kenya National Bureau of Statistics. (2025). *Analytical report on information and communication technology based on the 2023/24 Kenya Housing Survey*. Nairobi, Kenya. Retrieved from <https://www.knbs.or.ke/wp-content/uploads/2025/08/Analytical-Report-on-ICT-based-on-the-2023-24-Kenya-Housing-Survey.pdf>

<sup>10</sup> <https://www.ncaj.go.ke/index.php/download/sentencing-policy-guidelines-2023/>

and are currently at the Committee Stage, where they are undergoing detailed scrutiny and review:

- The *Penal Code (Amendment) Bill, 2023* intends to replace the death penalty with a maximum sentence of life imprisonment.
- The *Prisons Act (Amendment) Bill, 2023* proposes the repeal of provisions that authorize the execution of death sentences.
- The *Legal Aid (Amendment) Bill, 2023* seeks to ensure legal representation is provided to individuals charged with capital offenses, by removing existing restrictions.
- The *Preservation of Public Security (Amendment) Bill, 2023* aims to abolish the death penalty as a possible punishment for offenses committed under public security legislation.

48. In F/Y 2023/2024, His Excellency the President granted conditional pardon to 37 long-term convicted offenders, commuted the death sentences of 662 inmates to life imprisonment, and extended general amnesty to 5,060 petty offenders sentenced to six months or less, or with sentence balances of six months or less. Additionally, 323 inmates on death row for murder were resentenced following the Muruatetu case. Currently, 150 inmates (143 male, 7 female) remain under death sentence.

49. In collaboration with the Information, Communication and Technology Authority (ICTA), POMAC has successfully digitized the entire petition process through ePOMPMIS. The system has been integrated into the e-Citizen portal to enhance public accessibility and transparency. Currently, there are 2,629 active petitions recorded in POMAC's Electronic Petition Management Information System (ePOMPMIS).

50. Kenya has made progress in reforming the National Police Service (NPS) to enhance professionalism, accountability, and compliance with human rights standards. In December 2022, the Government established a Taskforce on Police Reforms, which submitted a comprehensive set of recommendations addressing police welfare, institutional independence, professional conduct, and operational capacity. Implementation of these reforms is currently underway.

51. Capacity-building efforts have been prioritized through the launch of the National Police Service Leadership Academy in 2022, aimed at cultivating ethical leadership and strategic management. In support of officer wellbeing, a psychosocial support training programme was introduced in November 2024 to address mental health challenges within the force.

52. The NPS continues to implement its Training and Development Policy, updated in August 2024, which emphasizes human rights compliance, lawful crowd control, and adherence to legal standards. Complementing this, the Kenya School of Government’s 2023/2024 Training Calendar includes modules for public service officers police personnel among them on ethical leadership, human rights and accountability, conflict resolution and de-escalation, and community policing and public engagement.
53. The Independent Policing Oversight Authority (IPOA) has sustained its mandate of ensuring police accountability by promoting adherence to human rights standards in law enforcement practices. From 2018 to 2024, IPOA resolved 12,732 of 20,112 complaints, conducted 4,865 investigations, and referred 773 files to the Office of the Director of Public Prosecutions leading to 30 convictions. The ODPP is managing over 136 criminal cases against police officers, including 30 related to extrajudicial killings and others involving various sexual and penal code offenses.
54. IPOA has continued to monitor police detention facilities across the country. Since its establishment, the Authority has carried out 5,476 inspections to assess compliance with constitutional and statutory standards on the treatment of persons in detention. Recent inspection trends are shown in the table below, disaggregated by financial year from 2022 to September 2025.

**TABLE 1: NUMBER OF POLICE DETENTION FACILITIES INSPECTED BETWEEN 2022 AND SEPTEMBER 2025 (DISAGGREGATED BY FINANCIAL YEAR)**

<b>Financial Year</b>	<b>Number of Facilities Inspected</b>
2022/2023	305
2023/2024	491
2024/2025	459
<b>Total</b>	<b>1,484</b>

55. This institutional momentum was reinforced in May 2025, when the High Court of Kenya, in *Petition E194 of 2022*<sup>11</sup>, delivered a landmark judgment that deepened the legal foundation for accountability. The Court reaffirmed the State’s obligations to investigate and address past reported killings and enforced disappearances.

<sup>11</sup> Legal Advice Centre t/a Kituo Cha Sheria & 2 others v Cabinet Secretary, Ministry of Interior Security and Co-ordination of the National Government & 7 others; Law Society of Kenya & another (Interested Parties) [2025] KEHC 5718 (KLR)

Importantly, the Court clarified that investigations into deaths and enforced disappearances linked to police action fall exclusively under the mandate of the Independent Policing Oversight Authority (IPOA), thereby strengthening accountability and preventing impunity.

56. Parliamentary oversight from the National Assembly's Committee on Administration and National Security and internal review by the Internal Affairs Unit, which addressed 180 misconduct reports in 2023, further support transparency and justice in policing in Kenya.

57. The Honourable Attorney General established a Multi-Agency Committee in 2023 to review Kenya's legal and policy frameworks on enforced disappearances and extrajudicial killings, with a specific mandate to propose legislative measures for the criminalization of enforced disappearance under national law.

#### ARTICLE 5: PROHIBITION OF TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT

58. The GOK is strengthening the implementation of the Prevention of Torture Act, Cap 88 through prosecutor training programs led by the Office of the Director of Public Prosecutions (ODPP). In addition, a tripartite taskforce comprising the ODPP, IPOA, and the National Police Service has been established to coordinate efforts in prosecuting and investigating torture cases. Additionally, torture investigations are being enhanced using SOPs and a police accountability case digest.

59. The ODPP is actively pursuing justice and accountability for police misconduct. They are managing over 136 criminal cases against police officers, including 30 related to extrajudicial killings and others involving various sexual and penal code offenses. To strengthen the implementation of the Prevention of Torture Act, the ODPP is conducting training programs for prosecutors, focusing on a rapid reference guide and specimen charge sheet to enhance their understanding and capacity to prosecute torture cases effectively.

60. IPOA continues to exercise its mandate to receive and investigate allegations of torture involving members of the National Police Service. During the reporting period, the Authority investigated six complaints of torture. Three cases were investigated in F/Y 2022/2023, one in 2023/2024 and two in 2024/2025. Over the same reporting period, IPOA concluded investigations leading to the arrest and arraignment of police officers in two torture-related cases in F/Y 2024/2025.

61. IPOA's mandate has been strengthened by the adoption of the Independent Policing Oversight Authority (IPOA) (General Operations) Regulations, 2022 which include procedures for handling torture complaints, conducting investigations, and notifying coroners under the Prevention of Torture Act. The regulations also provide for psychosocial support and protection for victims and witnesses.

## ARTICLE 9: RIGHT TO RECEIVE INFORMATION AND FREE EXPRESSION

62. Since 2020, the Commission on Administrative Justice (CAJ) has led sustained efforts to institutionalize access to information across public institutions. A total of *14,962* public officers have been trained, and Information Access Officers have been designated in all 47 counties. Over this period, CAJ reviewed more than *6.7 million* government records for disposal and expanded Access to Information (ATI) infrastructure in public institutions, increasing the number of compliant entities from *295* in FY 2020/2021 to *390* in FY 2023/2024. The Commission also resolved 94 percent of the *1,054* ATI review applications received, reflecting growing public engagement with the right to information.

63. In 2022, the Government introduced an election coverage guideline and an intermedia safety charter to safeguard press freedom and protect journalists. CAJ trained 700 journalists and human rights defenders on the right to information and conducted safety and risk assessment training for *3,000* journalists and *200* security officers. These efforts contributed to a significant reduction in verified violations against journalists, media personnel, trade unionists, and human rights advocates from 51 cases in 2021 to 18 in 2022. Kenya's broader digital transformation has also expanded access to public services and information, with over *17,000* services now accessible through the E-Citizen platform.

64. In *2023*, Kenya marked a major milestone with the enactment of the Access to Information (General) Regulations.<sup>12</sup> These regulations became operational on 1<sup>st</sup> December 2023, reinforcing the implementation of the ATI Act. To support effective application, the Government developed key tools, including Reporting Guidelines for public and private entities and a Reviews Manual for the Commission both of which are now in use. The ATI Model Law for County Governments was finalized, and *20* counties have advanced ATI Bills through their legislative processes.

65. To deepen public engagement with the ATI framework, the Government rolled out targeted resources designed for practical use. These included a Journalist Handbook

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<sup>12</sup> Legal Notice No. 161

and a simplified version of the ATI Act, published in both English and Kiswahili, to make the law more accessible to citizens and media practitioners.

66. In addition to these efforts, the Government has developed a Draft National Access to Information Policy to provide a unified framework for implementation across sectors. The policy is currently awaiting formal tabling by the Cabinet Secretary, Ministry of Information, Communication and Digital Economy before Cabinet for approval.

**Number of Public Institutions certified to have established complaints handling and ATI infrastructures:**

<b>Financial Year</b>	<b>Number of Facilities Inspected</b>
2020/2021	295
2021/2022	323
2022/2023	377
2023/2024	390

#### ARTICLE 10: RIGHT TO FREEDOM OF ASSOCIATION

67. The Constitution safeguards human rights defenders and the public through Chapter IV on the Bill of Rights, including *Article 37*, which guarantees the right to peaceful assembly. The Public Order Act Cap. 56 requires notification of public assemblies to facilitate safety and protection rights. Even if an assembly becomes non-peaceful, participants retain rights, including the right to a fair trial. The government has condemned any excessive or extrajudicial action that fails to respect human rights with investigations underway into such cases resulting from the recent protests in July 2024.

68. To strengthen oversight of law enforcement, the Independent Policing Oversight Authority (IPOA) received and processed within the same period. 1,943 complaints specifically related to police conduct. The most reported issue was police inaction or negligence of duty (644 complaints), followed by abuse of office and unethical practices (282), physical assault (260), harassment (177), and corruption or extortion (80). Other complaints included police shootings (67), deaths involving police actions (66), threats to life (65), and violations of the rights of arrested persons (53).

69. The Public Benefits Organizations (PBOs) Act, Cap 134, was operationalized on 14<sup>th</sup> May 2024 to enhance accountability and governance of PBOs and create a supportive

environment for civil society. The new law outlays a comprehensive, consolidated, predictable and transparent framework for the registration and regulation of civil society entities operating within the territory of Kenya. To give full effect to the PBO Act's objectives, the GOK has drafted the Public Benefits Organizations Regulations, 2025, which have been subjected to public participation.

#### ARTICLE 11: RIGHT TO FREEDOM OF ASSEMBLY

70. The Constitution prohibits the establishment of a state religion and protects individuals from religious discrimination. The High Court has ruled that a school cannot expel a student for wearing dreadlocks, recognizing Rastafarianism as a legitimate religion. Similarly, the Court of Appeal has ruled that forcing students to abandon practices rooted in their religious convictions violates their constitutional rights to freedom of conscience and belief.<sup>13</sup>

71. The moratorium on the registration of religious institutions was lifted in July 2022 by the Registrar of Societies. In response to concerns about extremist religious groups, the Government established a taskforce in May 2023 to review the legal and regulatory framework governing religious organizations. This taskforce was also tasked with investigating the Shakahola tragedy, which involved extremist groups causing harm to their followers. As a result, the Religious Organizations Bill of 2024 and a draft Religious Organizations Policy are currently under review, aiming to create a legal framework that includes punitive measures for unregistered religious institutions and fraudulent operators.

72. Moreover, the Government's commitment extends beyond regulation: per-capita public expenditure on recreation, culture and religion climbed from Ksh 306.6 in 2019 to Ksh 430.3 in 2023, underscoring sustained investment in nurturing Kenya's cultural and religious landscapes.

#### ARTICLE 13: RIGHT TO PARTICIPATE IN GOVERNMENT

73. The Public Service Commission's eleventh evaluation report for the financial year 2022/2023 reviewed compliance with constitutional values and principles outlined in Articles 10 and 232, with a focus on representation by gender, ethnicity, and persons with disabilities. In terms of gender, male employees comprised 58.2 percent of the public service workforce, while female employees accounted for 41.8 percent. This

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<sup>13</sup> Mohamed Fugicha v. Methodist Church in Kenya (Civil Appeal 22 of 2015) available at <https://kenyalaw.org/caselaw/cases/view/125558/>.

distribution falls short of the constitutional requirement that no more than two thirds of public service positions be held by one gender, underscoring the need for continued efforts to promote gender parity.

74. Ethnic and disability representation in the public service demonstrated encouraging progress during the reporting period. A total of 44 of Kenya's recognized communities were represented, accounting for 95.7 percent and reflecting broad inclusion across the country's diverse population. In addition, representation of persons with disabilities rose to 1.53 percent, up from 1.4 percent in the previous financial year signaling gradual improvement toward the constitutional threshold of 5 percent.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### ARTICLE 14: RIGHT TO PROPERTY / RIGHT TO HOUSING

75. The housing sector recorded significant progress, with *3,613* housing units completed, including *1,975* affordable, *463* social, *413* civil servants, and *762* Police/Prisons housing units. Additionally, 112,405 units are under construction at various stages of completion. The Affordable Housing Programme was accelerated through Ksh. *144.4 billion* (USD 1.1B) allocated via the Affordable Housing levy and fund, creating *160,000* direct jobs and contributing Ksh. *71 billion* (USD 550.9M) to the economy through contracts from the ongoing projects. The 2023/24 housing budget saw a major increase to Ksh. *92.5 billion* (USD 717.8M) up from Ksh. *10.5 billion* (USD 81.4M) in the previous year.
76. Supporting this initiative, the Affordable Housing Act 2024 was enacted to give effect to Article 43(1)(b) of the Constitution and provide a framework for development and access to affordable housing and institutional housing. The National Housing Policy 2016 is under review to align with emerging issues. Collaboration with county governments was strengthened through 31 Memoranda of Understanding to enhance the rollout of affordable and social housing across the country.
77. The Government of Kenya through the State Department for Housing and Urban Development is implementing the second phase of the Kenya Urban Support Program (KUSP II) as a follow-up to the first phase of the Kenya Urban Support Program. The KUSP was mooted to address the urbanization challenges in Kenya with urban areas experiencing massive challenges of haphazard developments leading to informality, unemployment, inadequate infrastructure and services, poor waste collection among others. The first phase of KUSP was implemented from 2018 to 2023 in 45 counties

and benefited 59 municipalities. KUSP II is being implemented across 79 Municipalities and will incorporate 2 special municipalities of Dadaab and Kakuma -Window for Host and Refugee (WHR municipalities).

78. Kenya Informal Settlements Improvement Programme (KISIP) Integrated settlement upgrading was done in 33 counties through: (i) tenure regularization; and (ii) infrastructure upgrading. Integrated settlement upgrading was done in 33 counties through: (i) tenure regularization; and (ii) infrastructure upgrading. About 1 million people benefited from drainage infrastructure and all-season roads upgraded and 125,525 people benefited from improved tenure security. 98.289km of road were constructed to bitumen standards; 120.078km of stand-alone footpaths were constructed; 109.812km of drainage canals were constructed; 21 Ablution blocks constructed; 63.048km of sewer pipeline laid with 4,788 connections done; 112.494km of water pipeline laid and 8,739 water connections done; 11 water kiosks constructed and 134 lighting masts of 30 meters high installed.

79. The proportion of urban population living in slum households reduced from 71.4 per cent in 2009 to 57.2 per cent in 2019. The proportion of urban population living in informal settlements declined from 7.9 per cent in 2009 to 6.9 per cent in 2019.

80. In *Kenya Railways Corporation v Birah & 14 Others*,<sup>14</sup> the Court reaffirmed that Section 152G of the Land Laws (Amendment) Act, 2016 sets out the mandatory procedure for evictions from public land. The law requires that affected persons receive written notice at least three months prior to the eviction.

81. The National Council on the Administration of Justice developed Standard Operating Procedures (SOPs) on Court-Mandated Evictions following resolutions of its 31<sup>st</sup> Council meeting. The procedures strengthen inter-agency coordination by setting out clear steps and responsibilities for all State actors involved in implementing court-ordered evictions, including the police. They require full compliance with the Constitution, national legislation and relevant human rights standards.

## ARTICLE 15: RIGHT TO WORK

82. A total of 782.3 thousand new jobs were created in the economy in 2024. The modern sector created a total of 78.6 thousand jobs in 2024, reflecting a growth of 2.4 per cent. The informal sector created 703.7 thousand new jobs compared to 720.9 thousand in 2023, accounting for 90.0 per cent of all new jobs created, excluding

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<sup>14</sup> [2025] KECA 545 (KLR)

small-scale agriculture. Employment in the modern and informal sectors, excluding small-scale agriculture, went up from 20.0 million in 2023 to 20.8 million in 2024.

83. In the private sector, wage employment registered a growth of 2.1 per cent in 2024 compared to 3.3 per cent in 2023. The leading industries in the private sector in 2024 providing the highest employment numbers were Manufacturing; and Agriculture, Forestry and Fishing, accounting for 15.9 per cent and 14.1 per cent, respectively. In the public sector, wage employment registered a growth of 3.1 per cent in 2024 compared to 5.9 per cent in 2023.
84. Industries with the highest employment levels in the public sector were Education; and Public Administration; and Defence; Compulsory Social Security, which accounted for 45.2 per cent and 34.4 per cent of total employment in the sector, respectively, in 2024. The nominal wage bill grew by 7.2 per cent to KSh 2,998.8 billion in 2024. The private sector wage bill expanded by 7.7 per cent to KSh 2,117.4 billion in 2024, while the public sector wage bill increased by 5.8 per cent to KSh 881.4 billion in 2024, accounting for 29.4 per cent of the total wage payments in 2024.<sup>15</sup>
85. The Government has implemented several programs to enhance youth employment and economic opportunities. To date the Kenya Youth Employment and Opportunities Project has benefited 76,361 youth with Business Start-Up Grants in 17 counties worth Ksh. 3 billion (USD 387.7M). 73,316 youths were imparted with Business Development Skills through a digital platform and a further 9,384 youths through Classroom training. 49% of beneficiaries are Women and 3% of beneficiaries are PWDs. Notably, 87% of grant recipients created employment for themselves and others.
86. To promote economic empowerment, initiatives like the Women Enterprise Fund (WEF) have disbursed over Ksh. 27.3 billion (USD 180M) to 155,675 women groups, while the Uwezo Fund has allocated Ksh. 7.5 billion (USD 49.8M) since 2014, benefiting over 82,000 groups. The National Government Affirmative Action Fund has disbursed Ksh. 16.6 billion (USD 109.2M) for community-based initiatives. The Access to Government Procurement Opportunities program ensures 30% of public procurement is allocated to women, youth, and PWDs, with tenders awarded to youth, women, and PWDs increasing from 31,651 tenders worth Ksh. 30.14 billion (USD 233.8M) in 2018/19 to 37,822 tenders worth Ksh. 45.16 billion (USD 350.4M) in 2022/23, reflecting improved access to economic opportunities.

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<sup>15</sup> Kenya National Bureau of Statistics. (2025). *Economic Survey 2025*. Nairobi, Kenya: KNBS. Retrieved from <https://www.knbs.or.ke/wp-content/uploads/2025/05/2025-Economic-Survey.pdf>

87. The Hustler Fund has disbursed Kshs. 60 billion (USD 465.6M), benefiting 24.6 million Kenyans with a 79% repayment rate and mobilizing Ksh. 3.3 billion (USD 25.6M) in savings. Through the Youth Development Enterprise Fund, Ksh. 89.2 million (USD 690,567) in interest-free loans was allocated to 145 youth in agribusiness, alongside Ksh. 41.7 million (USD 323,173) disbursed for 145 agribusiness proposals and training for 780 participants. Furthermore, Ksh. 2 billion (USD 16.2M) was allocated for youth-targeting projects.
88. On internships, work experience and digital skills, Kenya has rapidly expanded public-sector and digital pathways into employment. Public service graduate internships have been scaled (from a few thousand in earlier years toward a reported 15,000 recruits in 2024 with plans to expand further), while the Presidential Digital Talent Programme and Ajira Digital have created structured ICT internships and mass digital-skills training that connect youth to formal sector roles and online work opportunities.
89. The Government facilitated employment for 105,367 Kenyans abroad since July 2023, with the National Employment Authority listing over 560,000 job openings worldwide. Recruitment of public service graduate interns increased from 3,000 in 2022 to 15,000 in 2024, with plans to scale to 20,000 annually. The National Youth Service (NYS) recruits 20,000 youths annually, with a target of 100,000 youths in skilled trades in the future.

## ARTICLE 16: RIGHT TO HEALTH

90. The Social Health Insurance (SHI) Act 2023 became operational in October 2023, repealing the NHIF Act of 1998. Consequently, the Social Health Authority (SHA) was established by the SHI Act 2023 to manage three primary funds, namely: Primary Health care (PHC) Fund, Social Health Insurance Fund (SHIF) and Emergency, Chronic and Critical Illness Fund to enhance healthcare financing in Kenya. The commencement date for the Act was 22<sup>nd</sup> November 2023, after gazettelement by the Cabinet Secretary for Health, with a one-year transition which ended on 21<sup>st</sup> November 2024.
91. Registration of citizens to SHA began on 1<sup>st</sup> July 2024 while the roll out was from 1<sup>st</sup> October 2024. Central to SHA is Taifa Care symbolizing Kenya's commitment to the towards Universal Health Coverage (UHC). Over 15 million Kenyans have enrolled in Taifa Care, with more than 60% of employers transitioning. However, NHIF debts, estimated at Ksh. 30 billion (USD 232.2M) hinders the rollout, prompting the

Government to allocate Ksh. 8.7 billion (USD 67.3M) in 2024 to offset debts. Social Health Authority (SHA) rollout has also faced system and training challenges. Multi-Sectoral Steering Committees and partnerships are enhancing coordination, and the Government plans to distribute 65,000 tablets, with 5,000 already deployed, to improve onboarding processes.<sup>16</sup>

92. Kenya has implemented significant interventions to achieve Universal Health Coverage (UHC), including public financing for primary health care, the establishment of emergency treatment and health insurance funds, and investments in digital health management systems. The health sector budget rose to Ksh. 127 billion (USD 985.5M) in FY 2024/25 from Ksh. 47.7 billion (USD 370.1M) in FY 2021/22, allocating Ksh. 2 billion (USD 15.5M) for free maternity care and Ksh 4.6 billion (USD 35.6M) for specialized medical equipment and stipends for 100,000 community health promoters, who serve as grassroots medical responders.
93. In FY 2023/24, the National Government allocated 3.3% of its total expenditure to health, with a projected increase to 3.5% in FY 2024/25. At the county level, the Share of County Governments' Expenditure on Health to Total County Government Expenditure was 22.2% in FY 2022/23, decreased to 21.6% in FY 2023/24, and is expected to increase to 22.4% in FY 2024/25.
94. According to the Ministry of Health (2023), Kenya's 47 counties hosted 13,190 health facilities, including 6 level 6 referral hospitals, 22 level 5 county hospitals, and 9,945 dispensaries.<sup>17</sup> More recently, the Kenya National Bureau of Statistics (KNBS) reported that the total number of operational health facilities increased by 6.1 per cent to 15,984 in 2024. This increase was majorly attributed to the number of level 3 health facilities which rose by 611 facilities. Across Kenya's 47 counties, there are approximately 226,434 healthcare workers, with 66% employed in public facilities, including Community Health Promoters (CHPs). The core workforce includes 34,220 nurses, 4,651 medical doctors, 7,877 clinical officers, 4,686 laboratory technicians and technologists, and 1,942 nutritionists.
95. The Facilities Improvement Financing (FIF) legislation, now adopted by 44 counties up from 27 in F/Y 2024/25 has increased health facilities' autonomy to plan, generate, and manage resources. Primary Care Networks (PCNs) expanded by 24% during the reporting period, from 151 to 227. Counties with operational PCNs have seen notable improvements in health indicators. Additionally, 36 counties consistently pay stipends

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<sup>16</sup> <https://www.knbs.or.ke/wp-content/uploads/2025/05/2025-Economic-Survey.pdf>

<sup>17</sup> Ministry of Health Kenya. (2023). National and County Health Budget Analysis FY 2023/24. Nairobi: Ministry of Health Kenya & USAID PROPEL Health.

to CHPs, who conducted over 4.1 million household visits 91% of the CHPs (98,780) reporting key community health data and supporting informal sector registration with the National Health Insurance Fund.

96. In 2024, the GOK expanded its health workforce, strengthening key professional cadres: diploma clinical officers increased by 30.7% to 28,712; medical doctors by 21.9% to 12,244; diploma registered nurses by 16.2% to 57,951; and laboratory technologists by 4.7% to 14,257. These gains in human resources were complemented by progress in civil registration and maternal health, where a total of 1,110,600 births registered an improvement in efficiency compared to 1,192,900 in 2023. 98.6% of these births occurred at health facilities.
97. In addressing adolescent health, the Ministry of Health (MOH) is implementing strategies to reduce the national teenage pregnancy rate, currently at 15%. Through the Reproductive, Maternal, Newborn, Child, and Adolescent Health (RMNCAH) program, the MOH has ensured that all reproductive health services for adolescents and youth are covered under SHA, aligning with Universal Health Coverage goals and including comprehensive Adolescent and Youth Sexual and Reproductive Health and Rights (AYSRHR) services.

## ARTICLE 17: RIGHT TO EDUCATION

98. The Government has significantly invested in education, with the sector budget increasing from Ksh. 489.3 billion (USD 3.7B) in FY 2020/21 to Ksh. 656.6 billion (USD 5B) in FY 2024/25.
99. In September 2022, the GOK established the Presidential Working Party on Education Reforms (PWPER) to spearhead transformative reforms across basic, tertiary, and university education. Following the implementation of its recommendations, including a review of minimum entry requirements, enrolment in Teacher Training Colleges saw a notable increase in 2024. Enrolment in Teacher Training Institutions increased by 23.0 per cent to 41,154 in 2024 while enrolment in Technical and Vocational Education and Training (TVET) institutions grew by 10.4 per cent to 709,885 in 2024. University enrolment grew from 579.0 thousand in 2023/24 to 631.3 thousand in 2024/25. Complementing this growth, the number of TTCs expanded from 89 to 97, further strengthening the country's capacity to train and deploy qualified educators.

100. The overall structure and reach of Kenya's learning institutions expanded significantly in 2024. The total number of basic learning institutions rose by 38.8 per cent to 129,463 in 2024, after inclusion of junior schools, which accounted for 24.7 per cent of the total number of basic learning institutions. The number of pre-primary schools increased by 1.8 per cent to 47,760 in 2024, while the number of primary schools rose by 9.6 per cent to 38,997 in 2024. Secondary schools increased from 10,752 in 2023 to 10,755 in 2024.
101. According to the Kenya National Bureau of Statistics (KNBS) Economic Survey 2025, enrolment trends across various levels of education demonstrated growth. Enrolment in pre-primary schools increased to 2,914.4 thousand in 2024 from 2,885.6 thousand in 2023. Primary and junior school's enrolment grew by 3.2 per cent to 10,733.3 thousand in 2024 while enrolment in secondary schools grew by 5.2 per cent to 4,321.6 thousand in 2024.
102. There was a 3.2 per cent decrease in the total number of public primary school teachers to 212,602 in 2024. This decline was partly attributed to factors such as retirement, disciplinary action, study leave, and natural attrition. The total number of teachers increased by 4.2 per cent to 130,818 with female teachers recording a higher increase of 4.7 per cent compared to an increase of 3.8 per cent for the male teachers, who accounted for 57.0 per cent of the total number of teachers in public secondary school and teacher training colleges in 2024.
103. In the financial year 2024/25, the number of beneficiaries of the Higher Education Loans Board (HELB) increased by 34.4 percent, reaching a total of 713,426 students. Male beneficiaries rose by 30.2 percent to 418,580, while female beneficiaries grew by 40.7 percent to 294,846, reflecting improved access to higher education financing. The total value of loans disbursed increased by 59.5 percent to KSh 46.9 billion during the same period. Meanwhile, research activity showed notable growth. The number of research license applications rose by 20.4 percent, from 8,348 in 2022/23 to 10,055 in 2023/24. This increase is largely attributed to intensified sensitization efforts on the integration of science, technology, and innovation across Ministries, Departments, Agencies (MDAs), and tertiary institutions.
104. The Education and Training Sector Gender Policy, that prompted the development of Re-entry guidelines for pregnant learners to allow them to go back to school. The policy also oversaw the revision of curriculum to make it gender responsive it also reviewed teacher training to ensure teachers adopted gender responsive pedagogy. As of 2022, in terms of enrolment there are more girls enrolling than boys at pre-

primary and at the secondary level at 1.04 and 1.5 Gender Parity Index (GPI) respectively. At primary parity has been achieved at 0.97. There are however regional disparities, and some counties have low women and girls' participation. In university the GPI stands at 0.84 and in TVETs there was an improvement from 0.76 in 2018 to 0.86 in 2022. The 2015 policy is currently under review.

105. Initiatives like the Elimu Scholarship benefited 53,000 learners from poor families between FY 2020/21 and FY 2024/25, while over 2,000 learners with disabilities accessed support through the Ustawi scholarship program. Notable progress from the 2024 Education Sector Report includes progress toward inclusion saw refugees integrated into the national education system, with camp-based schools adopting the Kenyan curriculum and participating in national exams, scholarships, and school meal programs. *Refer to Table 2 for additional interventions that were implemented to address key educational challenges and demonstrate measurable impact.*
106. The Government of Kenya, through the Ministry of Education (MoE) in partnership with the World Bank, has launched the Kenya Primary Education Equity in Learning Program (KPEELP) a five-year initiative that commenced in the 2022/23 financial year. The program is designed to tackle persistent disparities in school participation and learning outcomes, which have significantly hindered the development of human capital and contributed to regional variations in Kenya's Human Capital Index (HCI).
107. KPEELP is recognized as a pivotal step toward realizing the goals outlined in the National Education Sector Strategic Plan II (NESSP II) for 2022–2026. Its overarching objective is to enhance human capital, thereby driving greater productivity and economic growth across the country. The program is expected to directly benefit approximately 6 million primary school learners, 50,000 refugee children, 20,000 diploma-level students, and around 200,000 primary school teachers.
108. To further advance equity in education, the National Education Sector Strategic Plan (NESSP) 2023–2027 introduces targeted interventions to reduce inequalities in educational access and retention, particularly in marginalized regions. Among these efforts is the development of a framework to integrate Duksi and Madrassa systems into Kenya's formal Basic Education structure. This initiative is being advanced in collaboration with the Kenya Institute of Curriculum Development (KICD), aiming to ensure inclusive and culturally responsive education in selected counties.
109. Kenya is transitioning from the 8-4-4 system to the Competence-Based Curriculum (CBC), emphasizing practical skills and early specialization. Challenges include teacher

retraining, infrastructure constraints, and a staffing gap of teachers in public institutions.

110. A landmark development is the official unveiling of Kenya's first public virtual university. The Open University of Kenya will expand public university capacity and support the Government's ambition to widen transition to higher education, including enabling flexible, technology-enabled pathways for large numbers of learners. This innovation complements investments in digital infrastructure and positions Kenya to scale higher-education access while aligning training with labour market demand.
111. The Jitume Digital Program continued to strengthen Konza Technopolis' role as a catalyst for digital skills development and youth empowerment. The number of digital hubs equipped with Virtual Digital Infrastructure (VDIs) rose from 109 in 2023 to 193 in 2024, while the number of VDI units deployed including monitors, smart boards, virtual desktops, webcams, routers and digital conferencing tools increased by 53.3 per cent to 15,186 in 2024.

## RIGHTS OF THE FAMILY AND VULNERABLE GROUPS

### RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITY

112. Kenya's National Policy for the Promotion and Protection of the Family was approved on October 3, 2023, and launched on May 15, 2024. Dissemination efforts reached 30 counties in 2024.
113. The Government of Kenya is undertaking a structured review of the National Policy on Older Persons and Aging (2018), led by a technical committee. The review aims to strengthen the national framework for the protection, inclusion, and welfare of older persons.
114. The Older Persons Bill 2025 has been developed and is pending submission to the Office of the Attorney General for legal processing. The Bill gives effect to Article 57 of the Constitution and is aligned with the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, which guarantees the rights of older persons, and establishes a statutory framework for their empowerment, protection, and care. It outlines measures to promote dignity, safety, and well-being, and ensures access to essential services. The Bill also defines acts constituting abuse, exploitation, and violence against older persons, and prescribes stringent penalties for perpetrators.

115. Kenya has taken significant steps to strengthen its mental health framework, beginning with the enactment of the Mental Health (Amendment) Act No. 7 of 2022. This legislative milestone is supported by complementary policy instruments, including the National Mental Health Action Plan 2021–2025, the National Guidelines on Workplace Mental Health (2023), and the National Clinical Guidelines for the Management of Common Mental Health Disorders (2024).
116. A landmark decision by the High Court declared *Section 226* of the Penal Code, which criminalized attempted suicide, unconstitutional affirming that individuals in crisis require support, not punishment. In response, the Penal Code (Amendment) Bill,<sup>18</sup> was introduced to formally repeal the provision and recognize attempted suicide as a mental health concern. The Bill passed its 1<sup>st</sup> Reading in June 2025.
117. Alongside these developments, the Government enacted the Persons with Disabilities Act, 2025. This new legislation repeals the previous Act and establishes a comprehensive legal framework for promoting and protecting the rights of persons with disabilities, in alignment with international and regional obligations. As of June 2024, the National Council for Persons with Disabilities (NCPWD) had registered *615,515* individuals with disabilities, a 45.7 percent increase from the previous year. Of these, persons with physical disabilities accounted for 32.7 percent of registrations in the 2023/24 period.
118. Between FY 2020/21 and FY 2024/25, Kenya’s social protection programs recorded significant growth in coverage across three key vulnerable groups: older persons, orphans and vulnerable children, and persons with severe disabilities. The number of older persons supported rose from approximately 763,000 to over 1.25 million, while caregivers for orphans and vulnerable children increased from around 293,000 to more than 443,000. Similarly, caregivers for persons with severe disabilities grew from about 27,000 to over 62,000. Women consistently represented most beneficiaries across all categories. During this period, KSh 104.5 billion was allocated to older persons, KSh 39.8 billion to orphans and vulnerable children, and KSh 6.1 billion to persons with severe disabilities, with respective disbursements reaching KSh 89.3 billion, KSh 31.8 billion, and KSh 4.4 billion. The sharp rise in beneficiary numbers in FY 2023/24 and FY 2024/25 reflects expanded coverage, improved targeting, and ongoing efforts to strengthen household-level support

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<sup>18</sup> National Assembly Bill No. 53 of 2024

119. An Enhanced Single Registry (ESR), containing data on poor and vulnerable persons was finalized in December 2024, with data collection completed across all 47 counties. The registration of refugee households and Integrated Refugee Groups into the ESR is ongoing.
120. The total budgetary allocations for social services programmes across the Counties for FY 2023/24 was Ksh. 1.2 billion (USD 9.2M). County Governments utilized the allocations to purchase assorted persons with disabilities' (PWD) devices, mark international day on disability, provide social development grants to the women, youth and PWDs, tracing and reunification of street children, corrective surgeries for PWDs, development of social protection policies, provision of bursaries to PWD learners.
121. In line with regional developments, Kenya is currently reviewing the African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security. The Protocol aims to reinforce member states' commitment to universal, equitable, and accountable social protection systems. To guide this review, a multidisciplinary Technical Working Committee (TWC) has been constituted to assess the legal, policy, and operational implications of ratifying the Protocol.

#### RIGHTS OF REFUGEES, ASYLUM SEEKERS, INTERNALLY DISPLACED PERSONS AND MIGRANTS

122. Kenya remains a leading refugee-hosting country in Africa. The number of registered refugees and asylum seekers increased by approximately 51.6%, increasing from 573,508 individuals in 2022 to 869,501 in 2025. Majority of the registered refugees and asylum seekers were women and children accounting for 44.7 per cent and 47.6 per cent, respectively in 2024. The Refugee Act Cap 173 and its 2024 Refugee Regulations promote refugee inclusion in economic and social development, requiring their consideration in national and county development plans and ensuring shared use of public institutions and facilities.
123. Kenya has advanced refugee protection by formalizing a comprehensive set of Refugee Identification Documents through *Legal Notice 143 of 2023*, issued under the Refugees Act. This landmark measure, effective from *September 2023*, officially recognizes documents such as the Asylum Seeker Pass, Proof of Registration, Movement Pass, Letter of Recognition, Refugee Identity Card, and Conventional Travel Document. These instruments enhance refugees' legal recognition and

facilitate their access to essential public services and socio-economic inclusion of refugees.

124. The Government is taking steps to address this by focusing on both immediate and long-term solutions. The Shirika plan launched in 2024 aims to transition from refugee camps to integrated settlements, promoting self-reliance and socio-economic inclusion for refugees and host communities.
125. The Elimu Scholarship Program, through the Kenya Primary Education Equity in Learning initiative, supports 4,023 learners, with slots for host communities and 5% reserved for learners with special needs. 8,000 refugee learners have benefited since 2022. To support about 163,812 learners, 2,215 refugee teachers have been hired and 760 classrooms built. Over 20,000 refugee children in urban schools are integrated into the Kenyan system and receive capitation grants.
126. Refugees are now included in the Garissa and Turkana 2023-2027 Integrated Development Plans, with similar efforts underway in Nairobi. The conferment of municipal status to Kakuma and Dadaab in 2023 has enhanced access to socioeconomic investments like schools, health facilities, roads, and markets. In Nairobi, refugees can access online business permits, safe houses, and rehabilitation centers, promoting self-reliance.
127. Environmental and healthcare initiatives include land rehabilitation in Kambioos and Ifo 2 camps for green belts and orchards and government-registered refugee health facilities supplied by the Kenya Medical Supplies Authority. Construction of the Dadaab Level 4 hospital is ongoing.
128. The Government has continued efforts in the recognition of other ethnic groups in Kenya as part of broader efforts to end statelessness. The Government of Kenya officially recognized the Pemba community from the Coast region as one of the country's ethnic groups. This milestone, formalized through *Gazette Notice No. 1135* dated 30<sup>th</sup> January 2023, allows members of the Pemba community to be issued with national identification documents, thereby granting them access to citizenship rights and essential public services that had long been out of reach due to their undocumented status.
129. In response to rising concerns over unregulated recruitment practices and the exploitation of Kenyan workers abroad, The Labour Migration and Management (No. 2) Bill, 2024 was introduced to provide for the regulation of private employment agencies and the recruitment of workers within and outside Kenya and to safeguard

the rights and welfare of job seekers and migrant workers. It passed its Second Reading in June 2025 and is now under consideration at the Committee of the Whole stage in the Senate.

130. Between December 2022 and April 2025, the Government of Kenya successfully rescued and repatriated 571 nationals who were victims of human trafficking. 158 individuals were returned from Myanmar in 2025 alone. These operations spanned multiple countries, including Malaysia, India, Thailand, Myanmar, Laos, Syria, Somalia, the United Arab Emirates, Turkey, and Libya.
131. To enhance responsiveness to emergencies, Kenyan diplomatic missions abroad operate 24/7 distress hotlines, enabling real-time reporting and intervention in urgent cases. Complementing these efforts, the SDDA deployed mobile consular missions that provided essential services to 14,744 Kenyans abroad, improving access to documentation and legal support.
132. As of 2025, the Government of Kenya has concluded and operationalized several bilateral and multilateral agreements to advance safe and rights-based labour mobility. These include Comprehensive Migration and Mobility Partnerships with Austria (September 2025, New York) and Germany (September 2024, Berlin). Additional Memoranda of Understanding (MoUs) have been signed with the State of Nebraska (United States), focusing on diaspora engagement, student exchange, and skills transfer; with HOPS Labour Solutions Limited and GR8 Employment Solutions & Training Limited to promote employment opportunities for graduates of agricultural institutions; and with the Friedrich Naumann Foundation for Freedom to support good labour practices, digital skills exchange, and job creation.
133. To ensure the effectiveness and integrity of these agreements, Kenya has embedded key safeguards into its BLAs. These include standardized employment contracts that define wages, working hours, and dispute resolution mechanisms; the establishment of Joint Technical Committees to monitor compliance and address grievances; and the prohibition of recruitment fees in line with ILO Fair Recruitment Guidelines to prevent debt bondage. Additionally, safe repatriation clauses guarantee that workers in distress can return home at no personal cost. All agreements are aligned with Kenya's Global Labour Migration Strategy, reinforcing the country's commitment to safe, dignified, and rights-based labour mobility.

## PROTECTION OF THE RIGHTS OF PEOPLE LIVING WITH HIV, THOSE AT RISK, VULNERABLE AND AFFECTED BY HIV

134. Kenya has made significant progress in addressing HIV/AIDS, aiming for eradication by 2030. Key developments include the Kenya AIDS Strategic Framework II (KASF II) 2024/25–2026/2711, which targets a 75% reduction in new HIV infections by 2025. By mid-2023, infections had dropped 47%, from 41,416 in 2019 to 22,154 in 2022. Efforts to reduce mother-to-child transmission achieved a decline from 10.8% in 2019 to 8.6% in 2022, with commitments to the triple EMTCT initiative for eliminating HIV, syphilis, and HBV transmission. HIV prevalence declined from 4.76% in 2020 to 3.7% in 2023, and HIV-related mortality reduced by 5%, from 19,486 to 18,473.
135. The Government expanded prevention strategies, including PrEP uptake, which improved from 29% in 2020 to 64% in 2022. Identification of Persons living with HIV (PLHIV) rose from 93% in 2020 to 99%, with 94% on antiretroviral therapy and 89% achieving viral suppression in 2022, though gaps remain for children. In June 2023, vaginal rings were introduced for adolescent girls and young women to reduce infections, while the Kenya Plan to End AIDS in Children by 2027 was launched in September.
136. To enhance access to justice and streamline operations, the HIV and AIDS Tribunal Rules, 2022 were gazetted on 24 February 2022 via *Legal Notice No. 33*, establishing formal procedures for filing, hearings, evidence, and appeals.

## COLLECTIVE AND PEOPLE'S RIGHTS

### EXTRACTIVE INDUSTRIES, ENVIRONMENT AND HUMAN RIGHTS VIOLATIONS

137. Kenya pioneered the development of a National Action Plan (NAP) on Business and Human Rights, the first of its kind in Africa. Approved by Cabinet and adopted by Parliament as Sessional Paper No. 3 of 2021, the NAP's implementation is ongoing, aiming to align business practices with human rights obligations under both national and international frameworks. Capacity-building initiatives have engaged stakeholders across the private and public sectors including lawyers, procurement officers, and civil society focusing on the NAP's provisions. To facilitate wider accessibility, simplified versions of the NAP have been produced in English and Swahili.

138. The Government is developing comprehensive guidelines for human rights due diligence and grievance handling, with plans to launch them in 2025. Recognizing the evolving landscape, the Government has initiated a review of the policy to address emerging challenges and strengthen implementation mechanisms. Stakeholder consultations continue to inform this process to ensure the NAP remains responsive to human rights concerns in business operations.
139. In October 2024, Kenya hosted the Third African Business and Human Rights Forum in Nairobi, in collaboration with the African Union, the United Nations Development Programme (UNDP), and the Office of the High Commissioner for Human Rights (OHCHR). The Forum brought together over 300 stakeholders from government, business, civil society, national human rights institutions, and international organizations. The event provided a high-level platform to assess progress on the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) across Africa. It also facilitated regional dialogue on the development of National Action Plans (NAPs), responsible business conduct, and access to remedies for victims of business-related human rights violations.

#### INDIGENOUS POPULATIONS/COMMUNITIES AND MINORITIES

140. Kenya is advancing the rights of marginalized communities and indigenous peoples through several initiatives. The President established the Minorities and Marginalized Affairs Unit (MMAU) under the Executive Office of the President through Executive Order No. 2 of 2023. The Unit serves as a specialized office mandated to coordinate and advocate for the inclusion, protection, and empowerment of minorities and marginalized communities across all sectors.
141. The Unit is undertaking a bill on Ethnic Minorities and Marginalized Communities, 2025, together with a National Policy on Ethnic Minorities and Marginalized Communities (2025–2035), to provide a comprehensive legal and policy framework to guarantee the protection, inclusion, and empowerment of minority and marginalized groups as enshrined in *Articles 27* and *56* of the Constitution of Kenya.
142. The Government is also implementing the World Bank’s Indigenous Peoples Planning Framework to ensure indigenous communities are consulted on environmental and social impacts of development projects. Additionally, the Indigenous Peoples’ Framework and the National Guidelines for Free Prior Informed Consent 2023 were introduced under the REDD Plus Strategy to enhance participation in sustainable resource management.

143. The Equalization Fund Appropriation Bill (2023), containing Ksh. 10.8 billion (USD 83.8M), was enacted to provide basic services in marginalized areas. It ensures indigenous representation by allocating funds to counties for essential services. The Equalization Fund (Administration) Bill (2023) established criteria for fund utilization, strengthening community involvement.

**TABLE 1: EDUCATION INTERVENTIONS, OBJECTIVES, AND ACHIEVEMENTS**

<b>No</b>	<b>Intervention</b>	<b>Objectives and Achievements</b>
1	School Meals Programme	The programme aims to support the Government's effort towards attainment of Universal Primary Education (UPE) and Education for All (EFA). <ul style="list-style-type: none"> <li>• Increased enrolment, prevented drop-out and stabilized attendance in targeted pre-primary and primary schools.</li> <li>• Positively impacted 1.6 million, 1.84 million, 2.26 million, and 2.5 million learners in 2020, 2021, 2022, and 2023, respectively.</li> </ul>
2	Edu Afya Programme	Objective: Offer comprehensive medical insurance coverage for all students in public secondary schools registered with NEMIS. <ul style="list-style-type: none"> <li>• Reduced absenteeism in secondary schools due to medical issues.</li> <li>• Benefited 3.02 million in 2020, 3.29 million in 2021, 3.58 million in 2022, and 3.69 million in 2023 public secondary school students.</li> </ul>
3	Low-cost Boarding Schools' Grants (ASALs)	Provides top-up grants to learners in ASALs to cater for boarding and other facilities. <ul style="list-style-type: none"> <li>• Benefited 83,146 learners in 2020, 84,786 in 2021, 121,374 in 2022, and 141,739 in 2023.</li> </ul>
4	Differentiated Unit Cost Model for Universities	Funds universities based on the number of government-sponsored students enrolled in public and private universities to support the 100% transition policy. <ul style="list-style-type: none"> <li>• Benefited 284,691 learners in 2020, 315,122 in 2021, 402,832 in 2022, and 445,832 in 2023.</li> </ul>
5	Library Digitization Programme	Goal: Ensure seamless access to a vast array of digital resources.

		<ul style="list-style-type: none"><li>• 4,730 digital resources uploaded on the platform.</li><li>• 10,000 rare materials digitized.</li></ul>
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## **PART B**

# **2<sup>ND</sup> PERIODIC REPORT ON IMPLEMENTATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (MAPUTO PROTOCOL)**

INTRODUCTION

144. The Government of Kenya ratified the Protocol to the African Charter on Human and Peoples Rights on the rights of women in Africa in 2010 and remains committed to fulfilling its obligation to accelerate efforts towards the promotion and protection of the rights of women and girls.
145. Kenya presents this progress report, that is prepared in accordance with article 62 of the African Charter on Human and Peoples Rights. The information provided herein builds on the initial report of 2020 and demonstrates progress made on the legal, policy, judicial, administrative, and programmatic interventions for the past two years, towards the realisation of the rights in the Protocol.
146. The report was prepared through an inclusive and participatory process that involved state and non- state actors: The Ministry of Gender, Culture, the Arts and Heritage - through the State Department for Gender and Affirmative Action provided stewardship for the process, with the support of UN Women. The Ministries, Departments and Agencies involved included: Health, Agriculture, Education, Foreign Affairs, Housing, Labour and Social Protection, National Treasury, Interior and Coordination of National Government, Judiciary, office of the Attorney General and Constitutional offices (National Gender and Equality Commission and the Kenya National Commission on Human Rights).The Council of Governors was also part of the process. Civil Society Organizations were represented by Equality Now and Athena Feminists. The report was also validated at a national stakeholders’ forum to ensure accountability and national ownership.
147. The report further provides responses to the Concluding Observations of the African Commission on Human and Peoples Rights regarding Kenya’s initial report. The Concluding Observations were disseminated to stakeholders both state and non-state actors. The responses to the Concluding Observations are incorporated in the information provided under the eight (8) thematic areas of the Protocol, along which the report is structured:
- a) Equality/Non-discrimination: Articles.
  - b) Protection of women from violence.
  - c) Rights relating to marriage (articles).
  - d) Health and reproductive rights.
  - e) Economic, social and cultural rights.
  - f) Right to peace (article 10).
  - g) Protection of women in armed conflicts (article 11); and,

h) Rights of specially protected women's groups.

148. The report further outlines the challenges faced, and proposed solutions and recommendations required to accelerate efforts towards the realization of the rights provided for in the Protocol.

## ARTICLES 2, 8, 9 & 12: EQUALITY/ NON-DISCRIMINATION

### ELIMINATION OF DISCRIMINATION AGAINST WOMEN

149. As indicated in Kenya's initial report, women's rights are guaranteed in the Constitution of Kenya in the Bill of Rights. Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. In this regard, the state has continued to undertake policy, legislative and other interventions designed to redress any disadvantage suffered by individuals or groups due to past discrimination.

150. The Government has continued to ensure gender issues are integrated in policies, legislation, plans and programme through the gender mainstreaming approach which is anchored on the National Policy on Gender and Development, 2019 and implemented through a National Action Plan (2023-2027). The policy provides details of the overarching principles to be integrated into the National and County Government sectoral policies, practices and programmes for the achievement of equality and non-discrimination in all spheres of development.

151. Judiciary is also implementing its Gender Mainstreaming Policy whose main objective is to promote equal opportunities in recruitment, promotion and career advancement; eliminate gender-based discrimination against employees and customers; and enhance the capacity of the judiciary to undertake gender responsive planning, implementation and evaluation of policies, programs and projects.

152. Additionally, the *Tourism's Workplace Policy on Gender Mainstreaming, 2021* has been developed to serve as a comprehensive framework for the achievement of gender equality and equity in the sector. The policy also identifies special measures to be undertaken to redress identified gender inequities and inequalities in the sector. Furthermore, a Gender Mainstreaming Committee has been established to steer the policy implementation.

153. Other initiatives include the Kenya 2 Equal initiative, launched jointly by the Federation of Kenya Employers (FKE) and the International Finance Corporation (IFC) aimed at closing the gender gap and promote equal opportunities for women in the labour market.

154. The period under review has also witnessed court cases on enforcement of laws to ensure equality before the law and protection of women against discrimination. A case in point is the Constructive Dismissal Due to Sexual Harassment. *CMK v Chandarana Supermarket Limited (Cause 13 of 2018)*.<sup>19</sup>The court awarded the claimant Ksh. 500,000 as compensation for sexual harassment. Additionally, the claimant was entitled to three months' salary as compensation for the termination and the costs of the suit.

#### ARTICLE 8: ACCESS TO JUSTICE AND EQUALITY BEFORE THE LAW

**Concluding Observations:** Consider amending Section 23 of the Sexual Offences Act, 2006, which limits prosecution of sexual harassment as it applies only to persons in positions of authority.

155. Access to justice and equal protection and benefit of the law are dominant provisions of the Constitution, related policies and legislations. Towards this end, measures to amend the Sexual Offences Act, 2006 have been initiated through the introduction of The Amendment Bill 2023. The principal objective of this Bill is to promote national public awareness of sexual offences. The Bill specifically mandates the Cabinet Secretary responsible for education to establish programs to safeguard, protect, and promote the right to education of victims of sexual offences, including victims of teenage pregnancies.

156. Furthermore, the Bill provides for the definition of a Cabinet Secretary to align the Act with the Constitution. The Bill does not have a provision to amend Section 23 of the Sexual Offences Act, however, this provision may be considered and incorporated, through public participation, as the Bill goes through the required legislative process.

**Concluding Observations:** Ensure that the implementation of Alternative Dispute Resolution Bill 2021 will strengthen the protection of women before the Law.

157. This Bill was introduced by a private member of the Senate as The Alternative Dispute Resolution Bill 2021 (Senate Bill No. 34 of 2021). The Bill, however, lapsed

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<sup>19</sup> [2024] KEELRC 388 (KLR).

with the 12<sup>th</sup> Parliament and a new Senate was constituted following the general election of 2022. Despite this, Sessional Paper No. 2 of 2024 on the National Alternative Dispute Resolution Policy is currently under consideration by the National Assembly. The policy provides for collaboration with the Practice Area Committees (PACs), faith-based providers and other non-state actors to remove barriers to the use of Traditional Dispute Resolution Mechanisms (TDRMs) for vulnerable and special groups such as women, youth, and children, and any other elements that may make the mechanisms unavailable constitutionally.

158. The importance of Alternative Justice Systems (AJS) within the context of the constitution of Kenya in Article 159 (2) (c) has been recognized. The Judiciary has therefore developed and implemented the AJS Policy which seeks to promote the involvement of women in community-led dispute resolution processes; by recognizing women's roles as active participants rather than passive subjects. Eight (8) Alternative Justice Systems Ukumbi suites have been established and AJS Action Plans launched in four (4) counties integrating traditional and community-based conflict resolution mechanisms into formal justice systems.
159. It is also noteworthy that on 21<sup>st</sup> June 2022, the 1<sup>st</sup> Annual Alternative Justice Systems (AJS) Conference was held followed by the second and third one in 2023 and 2024 respectively. Through these conferences, convened by the National Steering Committee on the implementation of AJS (NaSci-AJS), Kenyans were educated on informal and traditional justice systems and the role they can play in enhancing access to justice, thereby easing the burden on formal courts.
160. In response to the full operationalization of the Legal Aid Act, 2016, and the provision of legal aid to indigent women, the government has continued to provide resources to facilitate full implementation of the Act.
161. The Mahakama Popote initiative, launched in October 2022, leverages on resources and ICT. Judicial officers with lower caseloads take up matters filed in courts with higher caseloads without physical travel to those stations (virtually). In the year 2022/2023, 6,469 cases were referred and 3,313 cases heard and determined, while in 2023/2024, a total of 7,665 cases in these courts were distributed caseloads, out of which 6,269 were resolved. The Mahakama Popote and the 57 mobile courts established so far, have extended critical services to the underserved regions in the country and enhanced access to justice.
162. Experiences of court users in accessing court can differ based on gender. Gender statistics provide valuable insights, including indicators and benchmarks to assess progress and analyse underlying factors. The Judiciary has therefore been collecting gender disaggregated data of court users on litigants both plaintiffs and defendants

to better inform policy development and programs to ensure a more inclusive and equitable environment for all court users.

163. In the financial year 2023/24, women comprised a third of all individual court users in superior courts as plaintiffs or defendants. However, the proportion of women applicants was higher in Employment and Labour Relations Court (ELRC) (49%) and Environment and Land Courts (ELC) (47%). At the High Court, women accounted for 11% of applicants out of which 12% constituted those accused in murder cases and 3% in anti-corruption cases. In the Magistracy, women made up 12 percent of court users, as plaintiffs or defendants. They were the majority in civil matters, making up 64% of plaintiffs. In contrast, men dominated traffic offenses (98%), robbery cases (96%), and anti-corruption cases (77%). For children in conflict with law, boys constituted 88 per cent. At the Kadhis Courts, 39% of applicants were male, while women made up the majority in divorce (90%) and matrimonial causes (59%). Similarly, men comprised 61% of applicants at the Tribunals.<sup>20</sup>
164. Access to justice is also evident in other court decisions. An example is the declaration that out-of-court settlement agreements in sexual violence cases were unconstitutional. This is in the case of *W & Another v Omondi & 3 others (Constitutional Petition E416 of 2021) [2023] KEHC 26907 (KLR)*. In this case, it was noted that Out-of-court settlement agreements in sexual offences resulting in the non-prosecution of those likely to be culpable had far-reaching effects on the victims. Apart from infringing on the victims' rights and fundamental freedoms guaranteed under *Articles 27, 28 and 29(c) of the Constitution*, such agreements contravened *section 40 of the Sexual Offences Act* and international instruments to which Kenya was a State Party.<sup>21</sup>
165. Some of the best practices in access to justice include the following:
- (a) Facilitating access to services: One of the courts in Kenya, Nyahururu Law Courts has adopted an innovative way of facilitating vulnerable groups access services at the court. The group which includes the elderly, nursing mothers, children, physically challenged and expert witnesses, are issued with express tickets and served on priority basis; and,
  - (b) Child Protection and Management System: Kenya has a functional Child Protection and Management System which documents all cases of child protection. This data informs interventions and case management support on child protection in Kenya.

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<sup>20</sup> State of the Judiciary and the Administration of Justice Annual Report (2023/2024).

<sup>21</sup> Ibid 15

166. Various public education programmes continue to be undertaken such as Best Me Mentorship Clubs, counselling within schools as well as integration of human rights content into the curriculum. Teachers have also undergone training to serve as gender champions in schools, especially in addressing GBV in the sector.
167. By 2023, the Best Me Mentorship program had reached over 20,000 youth across the country. Various surveys indicate 85 per cent of participants reported improved clarity in career goals, and approximately 60% of graduates had pursued further education or vocational training. Additionally, over 300,000 youths had participated in various training programs since the inception of the National Youth Service (NYS) with reports indicating that approximately 70% of graduates secure employment or start their own businesses within six months of completion.
168. Further to this, in 2022, the International Association of Women Judges - Kenya Chapter launched the 'Kenya Judicial Bench Book on Labour Trafficking in Persons' to boost the fight against the exploitation associated with trafficking in persons. The Bench Book includes good judicial practices for managing Trafficking in Persons cases, thus ensuring that the law is administered effectively. This is crucial given that victims of trafficking are often in need of expeditious and cost-effective resolution of their disputes.
169. Within the judiciary, statistics indicate steady progress in closing of gender gaps. Women comprise over 44% of the Judiciary. At the leadership level, the offices of the Chief Justice, Attorney General, Deputy Chief Justice, Chief Registrar of the Judiciary, Principal Judge of the Employment and Labour Relations Court, Registrar of the Supreme Court, Registrar of the High Court, Registrar of the Environment and Land Court and Registrar of Tribunals, among other courts, are occupied by women. Additionally, there are 86 males against 91 female judges: 244 males against 298 female judicial officers (magistrates). Among the practising lawyers, 7,426 are male and 6,481 are females.
170. The applicability of the constitutional provisions on equality and non-discrimination has been affirmed through recent jurisprudence. In *Mitu-Bell Welfare Society vs Kenya Airports Authority & 2 others*,<sup>22</sup> the Supreme Court affirmed the applicability of structural interdicts as part of the remedies that a court could fashion to remedy a violation of fundamental rights and freedoms. The Court held that under *Article 23(3) of the Constitution*, courts have the power to create orders that protect a right

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<sup>22</sup> Initiative for Strategic Litigation in Africa (Amicus Curiae) (Petition 3 of 2018) [2021] KESC 34 (KLR) (11 January 2021) (Judgement) -(<https://www.escri-net.org/caselaw/2021/mitu-bell-welfare-society-v-kenya-airports-authority-sc-petition-3-2018/>).

and prescribe appropriate rules and damages related to that right. Further, for a form of relief to be appropriate, it must be effective, sufficient and available to address the human rights violation.

171. In *Ripples International v Attorney General & another*,<sup>23</sup> the High Court held that *Sections 35 (1) (b), 36 (1) (b) and 39 (1) and (b)* of the *Law of Succession Act* on intestate succession were declared unconstitutional for being discriminatory against women and girls.
172. There is notable progress on implementation of the constitution regarding Article 20, which states that the court tribunal or other authority shall promote equality in interpreting the Bill of Rights. In this case, the Supreme Court in *Wamwere & 5 others v Attorney General*,<sup>24</sup> held: 'In light of the dictate of *Article 27(1) of the Constitution* on equal protection and equal benefit of the law, we are inclined to the view that all victims of historical injustices must be treated equally and afforded an equal opportunity for redress'.
173. In *Mokaya vs Kithure Kindiki t/a Kithure Kindiki & Associates*,<sup>25</sup> the court issued remedies to an employee whose employment was terminated on account of pregnancy.
174. The above rulings are an achievement as it demonstrates the applicability of the constitutional provision of equality and non-discrimination by the courts. However, challenges persist in access to justice, such as limited resources and interference by *Kangaroo Courts* whereby some communities/families want to solve cases, such as SGBV cases, on their own.

## ARTICLE 9: POLITICAL PARTICIPATION AND DECISION-MAKING

**Concluding Observations** – Fast-track the adoption of the Representation of Special Interests Group Law (Amendment) Bill 2019, introduced in the National Assembly in July 2019, to give effect to Article 100 of the Constitution and promote the representation of women in Parliament:

175. The National Assembly Bill No. 52 of 2019, on Representation of the Special Interest Groups, lapsed with the twelfth (12<sup>th</sup>) Parliament following the general elections of 2022. The Bill was sponsored by a former Member of Parliament, and

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<sup>23</sup> FIDA (Interested Party), Constitutional Petition E017 of 2021, [2022] KEHC 13210 (KLR), High Court of Kenya at Meru, September 29, 2022.

<sup>24</sup> (Petition 26, 34 & 35 of 2019 (Consolidated)) [2023] KESC 3 (KLR) (Constitutional and Human Rights) (27 January 2023) (Judgement).

<sup>25</sup> (Petition 62 of 2019) [2021] KEELRC 1 (KLR) (30 September 2021) (Judgement).

currently, the National Gender and Equality Commission in consultation with the Office of the Attorney General has initiated the process of reintroducing the Bill.

**Concluding Observations:** The Government to continue its efforts to improve the proportion of women in decision-making positions:

176. The Government has continued to implement various policies aimed at enhancing women's representation in decision-making. An example is through the Public Service Commission Diversity Policy 2016, aimed at promoting diversity in the public service workforce by ensuring public service institutions achieve a workforce that is representative of all citizens from diverse communities and equal opportunities to men, women, members of all ethnic groups, Persons with Disabilities (PWDs) and the youth.
177. In the financial year 2022/2023, an analysis of 390 Ministries, Departments and Agencies indicated that ninety two percent women of the public sector had complied with the not more than two thirds gender principle. A further analysis established that 37 percent on management positions (Job Group P and above were women.<sup>26</sup> Within the same period, 2.3% of public servants were persons with disabilities which however falls short of the 5% minimum requirement. Additionally, various Government ministries that have developed gender mainstreaming policies include Education, Tourism, Health, Public Service, the Judiciary and the Council of Governors.
178. Specific programmes continue to be implemented, such as the Women in Political Leadership course offered at the Kenya School of Government to equip women aspirants with leadership skills. The program has recorded a steady increase in enrollment, with over 200 women participating in the course annually. Approximately 70% of graduates have taken on leadership roles or engaged actively in political activities post-completion of the course.
179. Prior to the 2022, general elections, the establishment of the Early Warning and Response Centre and the Women Situation Room (EWER & WSR) in Isiolo (Eastern Region of Kenya) provided an enabling environment for women to campaign without fear of disruptions due to the deterrent mechanisms put in place. Furthermore, media engagement programmes on women leadership and mentorship programmes in higher learning institutions have been undertaken.

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<sup>26</sup> Status of Gender Equality and Inclusion in the Public Sector.pdf.

**Concluding Observations:** Continue its efforts to amend the Constitution, to put in place mechanisms for achieving the two-thirds gender rule, and/or: adopt a specific legislation on the implementation of the two-thirds gender rule.

180. Kenya's Constitution does not explicitly provide for mechanisms to achieve gender quotas in the National Assembly. The County Governments Act (No. 17 of 2012) provides a framework for implementing the not more than two-thirds gender rule within county assemblies. As a result, the existence and implementation of the quota mechanisms has led to almost one-third women representation in the county assemblies. The two-thirds gender principle is yet to be implemented in Parliament and has been outstanding since 2010. Measures to find a solution towards the realization of the constitutional provision on gender are progressing.
181. The Presidential Memorandum to Parliament of 2022 which recommended an amendment to the Constitution of Kenya by proposing that the National Assembly and Senate spearhead the process after the Supreme Court in the Building Bridges Initiative (BBI) case affirmed that the Head of State lacks authority to initiate changes to the Constitution.
182. A National Dialogue Committee (NADCO) set up to facilitate a dialogue and consensus building recommending appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya presented its report to Parliament in December 2023. One of the key issues was the implementation of the two-thirds gender rule, The Committee considered the work undertaken by a Multi-Sectoral Working Group on the realisation of the two-thirds gender principle and recommended two options for consideration.
183. Option 1 – Adopt the Principle under article 177 as follows (a): based on proportional representation by use of party lists as provided for under article 90 (b) comprise candidates who stood for election with precedence being given to candidates who received the greatest number of votes. Option 2: Double the number of women seats from the counties to the national assembly from forty-seven (47) to ninety-four (94) while retaining the 290 elected from the constituencies and the twelve (12) nominated from the party lists. Use the top up list to address any shortage in the number of women in the national assembly that may arise from application of the formula.
184. The Multi-Sectoral Working Group (MSWG) established in 2023 on implementation of the two-thirds gender principle completed its final report detailing the proposed legislative instruments (Three Bills). The report was tabled in parliament and committed to the Departmental Committee on Justice and Legal Affairs for consideration. The framework recommends:

- a) Constitutional amendments to provide for gender top up through party lists.
  - b) The Elections Act 2011 be amended to provide for submission of party lists that comply with the Two-Thirds Gender Principle.
  - c) The Political Parties Act 2011 be amended to provide for establishment of the Women Inclusion and Political Participation Fund for purposes of financing education and training, mentorship and capacity building, including support for women seeking elective positions; and,
  - d) The enactment of Equality Law and legislation to implement Article 100 of the Constitution.
185. The Working Group also drafted recommendations that require administrative action aimed at achieving gender equality and empowerment of women.
186. Women's participation leading up to the 2022 elections:
- (a) Out of the 16,100 candidates cleared for the 2022 polls, women represented 12.18 per cent (1,962 candidates);
  - (b) Three (3) women were nominated as running mates out of the four presidential candidates;
  - (c) 62 out of 266 deputy gubernatorial candidates were women, representing a 156 percent and a 94 percent increase, compared to 2017;
  - (d) 45 out of 341 senatorial candidates and 216 out of the 2,132 candidates for National Assembly were women, representing a 114% percent and 61% percent increase respectively. One woman with a disability was nominated to the National Assembly; and,
  - (e) 1,324 out of 12,997 candidates for MCA were women, a 66 percent increase since the last elections.
187. As a result, women's representation increased slightly to 23.3% in 2022 (29 elected from single constituencies) from 21% in 2017 (23 elected from single constituencies). At the County government level, out of the 47 County Governors, the number of women increased from 3 (3%) to 7 (15%) with Deputy Governors at 8 (17%). Women comprised 21 out of 67 senators (31.3% inclusive of the 3 elected women senators and 18 nominated). Additionally, in the Members of County Assemblies (MCAs), 718 out of 2166 (33%) seats are held by women.
188. In 2023, a new initiative dubbed the G7 Strategy, was launched by the seven elected female governors in Kenya. The strategy aims to increase women's representation in political decision-making by ensuring that 24 women governors are elected in 2027, as well as undertaking mentorship programmes for young women. The strategy is anchored around seven (7) pillars namely: Socio-economic

development, Good governance, Accountability and Access to Justice, Political and Institutional Strengthening.

189. Various initiatives have been achieved through the G7 strategy which include: launch and commissioning of the Oncology Centre as well as an empowerment program for cancer patients in Kwale County, launch of the 20 million NAVCPD grant that will be allocated to the Saccos in 20 wards, to benefit the women and the youth. In addition to these initiatives, the G7 Advisory Council has been established to support the implementation of the strategy, by addressing barriers faced by women in leadership, and provide guidance to enhance their participation.
190. The Government has strengthened the gender architecture in Kenya through the establishment of the Office of the Women's Rights Advisor, with the responsibility of advising the Head of State on matters pertaining to women's rights and empowerment. The Advisor further supports the coordination of the President's special projects and adoption of the women's agenda across all sectors, as outlined in the country's Bottom-up Economic Transformation Agenda (BETA) plan and Women's Charter. The Office has facilitated access to microfinance for women, impacting over 100,000 women across various counties, assisting them set up small businesses.
191. Delay in the implementation of the two-third gender rule in Parliament (National Assembly) is acknowledged as one of the obstacles faced in enhancing women's leadership. There is a pending case at the High Court on whether to dissolve Parliament for failure to meet the two-third gender rule. However, it is anticipated that Parliament will consider the report of the multi-sectoral working group and pass the proposed legislative measures.

## ARTICLE 12: RIGHT OF EDUCATION AND TRAINING

192. The Constitution of Kenya provides that education is a social right for everyone, regardless of gender. Various laws and policies continue to be implemented which include:
- a) 100 Percent Transition Policy, 2018 which guarantees transition of all learners from one level of education to the next;
  - b) Basic Education Act, 2012 which ensures the rights of all children to free and compulsory education;
  - c) Re-entry policy, 2020 that seeks to promote readmission of learners who drop out of school due to varied reasons, including pregnancy;

- d) Mentorship Policy for Early Learning and Basic Education, 2019 which provides for mentors and role models in schools, and guidance and counselling programs to promote retention; and,
  - e) The Model Gender Mainstreaming Policy for Technical and Vocational Education and Training (TVET), 2023 that addresses critical aspects of gender disparities, and provides a roadmap towards gender mainstreaming in TVETs.
193. The right to education continues to be realised through the following interventions:
- a) Introduction of Affirmative Action and reduction/lowering of cut-off points for degree programmes for female applicants, minority and marginalised groups as well as some specific programmes in Science, Technology, Engineering and Mathematics (STEM) courses. This intervention has contributed to the increase in gross enrolment by 8.20% from 2018/19 to 2021/22, as indicated in the National Education Sector Strategic Plan (NESSP) 2023-2027.
  - b) Scholarships offered by county governments among others which include Elimu Scholarship provided by the private sector such as: Mastercard Foundation, Wings to Fly, Kenya Commercial Bank with girls accounting for 55% of the beneficiaries.
  - c) School Feeding Programmes: hot day meals whereby in the 2021/2022 financial year, 2,257,963 pupils in Arid and Semi-Arid Lands (ASALs) and vulnerable regions benefited from the programme.
  - d) Free Sanitary towels programme to public schools. Reports of the Office of the Auditor General indicate that between the financial year 2011/12 to the 2021/22, the expenditure for the programme was Kshs. 3.5billion, reaching 12.5 million girls. During the 2023/24 financial year, the programme benefited 2,293,251 girls in public primary schools and junior secondary schools with a budget of 876 million.
  - e) The Kenya Primary Education Equity in Learning programme (KPEEL) aimed at reducing regional disparities in learning outcomes; improve the retention of girls in upper primary education. Through this programme, 17,484 girls and 16,616 boys received scholarships between 2023-2024. The program beneficiaries are needy and vulnerable girls and boys. Through the program, teachers are trained as gender champions to mentor beneficiaries at the school level. The beneficiaries also undertake regional mentorship forums with professionals. In a bid to strengthen systems for delivering equitable education outcomes, capacity building on gender responsive planning and budgeting has been undertaken for all the 47 county education directors in the country.

194. The government continues to undertake measures to protect women and girls from all forms of abuse, including sexual harassment in schools. Some of the measures include the enforcement of the Teachers' Code of Conduct and Ethics that prohibits sexual harassment in schools, establishment of 'Speak Out Boxes' within the schools to provide a channel where learners can express their needs/concerns anonymously and securing safe spaces such as the guidance and counselling rooms.
195. The COVID-19 pandemic adversely affected learning across the country, which necessitated the need for early preparedness in the event of such a crisis and other humanitarian disasters.
196. Some of the best practices include; Continuous capacity building of teachers on gender sensitive pedagogy; Addressing gender stereotypes through gender responsive school curricula that encourages girls to venture into hitherto stereotypical fields; and Adoption of technology to help remove barriers to education occasioned by distance and other disruptions in the case of E-learning platforms.

## ARTICLES 3, 4 AND 5: PROTECTION OF WOMEN FROM VIOLENCE

### ARTICLE 3: RIGHT TO DIGNITY

197. The Government of Kenya recognises the rights of women including right to self-development and has undertaken policy, legislative and programmatic measures. These rights are realized through implementation of; The Employment Act, which recognizes the importance of work-life balance by guaranteeing maternity leave and paternity leave, Refugees Act 2021, National Policy on Family Promotion and Protection, 2023, as well as the Kenya Policy on Social Protection, 2023.
198. The right to dignity has also been demonstrated by the Judiciary on measures taken to protect women from degradation. An example is the law case - Prof. Tatu Kamau case on FGM - *Republic vs - Naftali Njami Kinuthia*<sup>27</sup> - Femicide.
199. Administrative measures have been taken through the development and enforcement of the Teachers Service Commission Code of Ethics, Public Service Officers Code of Ethics as well as the Government's 9-point agenda on women's rights under the Bottom-up Transformation Agenda. Enforcement of the Teachers Service Code of Ethics has been demonstrated through deregistration of 209 teachers due to various reasons including sexual misconduct.

<sup>27</sup> Constitutional Petition 244 of (2019) [2021], KEHC 450 (KLR) CRIMINAL CASE NO. 31 OF 2019

200. The other programmes that are contributing towards the realisation of the rights to dignity include: Free sanitary towels distribution to all public schools in Kenya, introduction of GBV survivors Fund (Jasiri Fund) jointly initiated by civil society organisations namely CREAM, GROOTS and CCGD, the national Government affirmative Action funds that continue to give women, youth and persons with disabilities a life line and improvement of their well-being.

201. Regarding the National Budget Allocations, the annual national budget typically allocates funds for various socio-economic empowerment programs, which include:

- a) Social Protection Programs: Approximately KSh.20 billion annually which encompasses cash transfer initiatives for vulnerable populations.
- b) Women's Empowerment: Around KSh. 2 billion targeted for programs aimed at promoting women's economic empowerment and entrepreneurship.
- c) Uwezo Fund: Approximately KSh. 1 billion disbursed to support women and youth groups with interest-free loans to promote entrepreneurship.
- d) Inua Jamii Cash Transfer Program: Approximately KSh. 15 billion allocated for cash transfers aimed at older persons and persons with disabilities.

#### ARTICLE 4: RIGHT TO LIFE, INTEGRITY, AND SECURITY OF PERSON

**Concluding Observations:** Continue its efforts to allocate an adequate budget to ensure that the Protection against Domestic Violence Act is fully operationalised and implemented.

202. Allocation of budget is executed per program item. The operationalization of the Prevention Against Domestic Violence Act (PADV, 2015) is in the ambit of various entities, namely the Ministry of Gender, Office of Director of Public Prosecutions (ODPP), Judiciary and the National Police Service.

**Concluding Observations:** Ensure the effective implementation of the legislation on SGBV, such as the Protection against Domestic Violence Act 2015.

203. The PADV rules (2020) allow survivors or their representative to apply for protection orders and file a complaint against a suspected person. The Ministry in charge of gender is disseminating the PADV Act and rules at the local levels in collaboration with other stakeholders.

**Concluding Observations:** Operationalise the Legal Aid Act 2016 in a way which facilitates reparations and access of victims to the Trust Fund Regulations.

204. The Legal Aid Act gives effect to Articles 19(2), 48, 50(2) (g) and (h) of the Constitution to facilitate access to justice and social justice; to establish the National Legal Aid Service; to provide for legal aid, and for the funding of legal aid and for connected purposes. The National Legal Aid Service (NLAS) has been empowering communities and inmates with legal knowledge through the legal aid clinics.
205. In 2021, Kenya launched the first ever Policare Policy for the National Police Service (NPS) integrated response to gender-based violence. This policy is intended to steer NPS in the establishment, management and operations of one-stop centres dubbed 'Policare' to provide comprehensive support services including legal, psychosocial support, police and health to survivors of Gender-Based Violence (GBV) at no cost.
206. At the county level, around 16 counties have developed GBV policies and legislation namely: Nairobi Vihiga, Homabay, Meru, Taita Taveta, Makueni, Embu, Nandi, Kakamega, Bungoma, Migori, Wajir, Nyeri, Kilifi, Kwale and Tharaka Nithi.
207. Appropriate measures have also been taken to facilitate reporting, protecting and assisting survivors and potential victims of Gender-based Violence. Both state and non-state actors have established Toll free lines examples of which include 1195, 116, 1198, 999/991, 08007200000, gender desks at Police stations, community structures such as GBV technical working groups, community policing, Talking boxes in schools and public places among other initiatives.
208. The reporting period has also witnessed the establishment of twelve (12) Sexual and Gender Based Violence (SGBV) Courts and guidelines for standardising the operations of the Courts also developed. The SGBV Courts have been renamed to Gender Justice Courts to promote a survivor centred approach to promote the resolution of SGBV cases, placing the rights, needs, dignity and well-being of survivors at the centre of all prevention and response measures.
209. The Government has continued to undertake public education on ending violations against women and girls through various activities such as: the 16 days of activism against GBV held annually, International Women's Day, International Day of Zero Tolerance of FGM, The day of the Girl Child, International Day of the Widows, International Day of the Youth, as well as the Legal Awareness Week used to extend legal literacy and awareness to members of the public.

210. The campaign to end Gender Based Violence including FGM and other harmful practices has also been boosted at the highest level of national leadership. In 2021, at the Generation Equality Forum, in Paris France, the Government of Kenya made twelve (12) concrete commitments on accelerating efforts to end GBV and FGM by the year 2026. The commitments are aimed at addressing the multi-faceted challenges posed by GBV and FGM, and are centred around legal and policy reforms, resource allocation, integration of services, research and data as well as collaboration and partnerships.

211. Under the GEF commitments framework, the Government in collaboration with stakeholders has achieved the following since 2021:

- (a) The National Policy on Prevention and Response 2014 was comprehensively reviewed;
- (b) Establishment of bi-lateral collaboration, strengthened budgetary allocation and engagement with non-state actors to achieve the Government's commitment to sustaining the allocation of USD 2.79 million to GBV and FGM and incrementally works towards a minimum budget allocation of USD 5 million for the subsequent financial years and institute an accountability framework for tracking expenditure;
- (c) Initiated Ratification of ILO C190 by developing the facilitation guidelines and training of gender champions to understand the convention's principles and objectives;
- (d) Strengthened the utilization of gender statistics in informing the design, scale-up and evaluation of FGM and GBV programming in the country. The KDHS 2022 report, has to an extent enhanced comprehensive gender specific data thereby facilitating a more informed evidence-based policy formulation, programme design as well as enhanced decision making and strategic planning. However, it is recognized that inadequate gender, age and disability disaggregated data are presented in the KDHS (2022) on women with disabilities. It is however anticipated that in future, the report will display an intersectional analysis on data to allowing visualization of the violence encountered by girls and women with disabilities;
- (e) Development of GBVRC and Safe Spaces guidelines and implementation of *Protection Against Domestic Violence Act Rules* to enhance access to justice. The waiver of P 3 form fee has also enhanced access to justice;
- (f) Scaling up the National Police Service Integrated Response to GBV (Policare) and establishing GBVRCs and shelters in all 47 counties;
- (g) Establishing a GBV survivors fund through a co-financing model in partnership with private sector, civil society and other stakeholders: A collaborative effort involving CSOs has led to the establishment of Jasiri Fund that provides substantial support

for GBV survivors. A dignity pack has also been introduced by the government to alleviate the burdens faced by survivors and provide essential support for their well-being;

- (h) With regard to GBV prevention and response in crisis situations such as the COVID-19 pandemic response, humanitarian contexts and electoral-related GBV: The Government has activated GBV Task Force, National and County GBV Working Groups, introduced the Triple Threat Framework and expanded utilization of ICT for Access to justice as mitigation to the heightened risks faced by the country and individuals during crisis situations. Various county governments also provided tele counsellors to support GBV helplines. In partnership with the Association of Physically Disabled – Kenya, the counties further utilized the existing helplines to reach PWD survivors and creating greater awareness on the available GBV support services;
- (i) Establishment of a governance structure to guide execution of the national action on accelerating efforts to end GBV/FGM and other harmful practices by 2026. The multi-sectoral GEF Leadership structure, encompassing the National Advisory Committee, the National Steering Committee and the county-level leadership; and,
- (j) Guidelines for the establishment of Safe and Protective Spaces for GBV survivors were also developed to set standards for organisations that respond to GBV. Civil Society Organizations operate 36 shelters in 13 counties (Nairobi, Kisumu, Mombasa, Kwale, Samburu, Kajiado, Murang'a, Laikipia, Kiambu, Nyeri, Meru, Machakos, and Makueni).

212. The government is addressing challenges affecting implementation of various laws, policies, and programmes for protection of women against violence including discriminatory social cultural norms and practices. The government is also taking into consideration the need for strengthened partnerships and innovativeness to address inadequate resources for the establishment of Gender Violence Protection Centres, safe shelters as well as Policare centres.

#### ARTICLE 5: ELIMINATION OF HARMFUL PRACTICES

**Concluding Observations:** Ensure the implementation of the Intergovernmental Gender Sector Working Group recommendations, to effectively address retrogressive cultural practices at county level, especially beading in the Samburu community.

213. The Gender Sector Working Group is operational at the National level and within the Counties with five thematic technical working groups. The GBV technical working group is active in all the counties. Through these mechanisms, there is continuous

sensitization of the Samburu morans against FGM and child marriage. The KIOS Foundation (Finnish NGO Foundation for Human Rights) and Samburu Women Trust are amongst local organizations protecting girls from beading in the Samburu community.

**Concluding Observations:** Pursue its efforts to eradicate Female Genital Mutilation in specific contexts, such as Covid-19 Pandemic, and communities with high FGM prevalence.

214. The following measures have been taken:

- (a) The Kenya Demographic and Health Survey (KDHS) 2022, captured FGM and GBV indicators to strengthen the utilization of gender statistics and inform evidence-based policy and programming;
- (b) During the Financial Year 2021/2022, the Government allocated Kshs. 129M for GBV and Female Genital Mutilation (FGM) elimination with further allocation of Kshs. 120M as Counterpart funds for GBV prevention and response under the Kenya-Finland bilateral program for 2021-2024;
- (c) Development and implementation of the national guidelines for engaging men and boys in FGM elimination through a joint programme between the Anti-FGM Board and Men End FGM Foundation;
- (d) Efforts to eradicate FGM have been strengthened at the community level through County FGM steering committee in the 22 hotspot counties;
- (e) The Anti-FGM Board upscaled sensitization programme targeting elders from hotspot counties. As a result, the elders as custodians of culture made declarations to abandon FGM in their communities, Examples include; Samburu, Kuria, Maasai among others.
- (f) Under the Generation Equality Forum, Kenya committed to scale up financing for ending Gender Based Violence and Female Genital Mutilation by 2026 (*Details are provided under Article 4*); and,
- (g) These efforts have contributed to the decline in FGM prevalence from 21% (KDHS, 2014) to 15% (KDHS, 2022) nationally among women of reproductive age.

**Concluding Observations:** Consider amending section 19 of the Prohibition of Female Genital Mutilation Act, to prohibit all practices of female genital mutilation, including all harmful procedures to the female genitalia for non-medical purposes (Type-IV FGM), as recommended by the High Court of Kenya in 2021.

215. FGM Type IV includes all other harmful procedures to the female genitalia for non-medical purposes, such as pricking, piercing, incising, scraping and cauterizing the

genital area. Amendment of the Act, about 'all harmful procedures' will be considered during the review of the Anti-FGM Act, 2011.

216. Kenya continues to undertake various measures to protect women and girls from harmful practices such as FGM, child, early and forced marriage, and widow inheritance, Sexual Exploitation and Abuse of girls including child labour that disproportionately affect girls.
217. On judicial measures, in the case of *Miriam Chebet v Republic [2021] eKLR*, The High Court affirmed the decision of the trial court that convicted and sentenced the appellant charged with the offense of failing to report the commission of Female Genital Mutilation contrary to *Section 24* as read with *Section 29* of the Prohibition of Female Genital Mutilation Act, Cap 62B.
218. Through concerted efforts of government and non - state actors including cultural gatekeepers to combat FGM and GBV, the sustained campaign has contributed to the decline of FGM. The positive outcomes can also be attributed to the National and County Gender Based Violence Working groups which bring together state and non-state actors implementing Anti-GBV programmes.
219. The campaign to end harmful practices including GBV has also enjoined men as allies, advocates, role models and change agents against harmful practices leading to the identification and training of 2,350 males in 22 FGM hot spot counties. The Anti-FGM Board has also facilitate alternative rites of passage for the girls where 30,970 have been reached. Religious leaders and cultural elders have also been engaged in the campaign against FGM and around 1,430 identified as champions and opinion shapers.<sup>28</sup>
220. Some of the lessons learnt is that engagement of male cultural, religious and political leaders as key stakeholders in the national action plan to end FGM. While FGM declined (KDHS 2022), one in four women have undergone the cut.
221. The government will continue to address the following:
- (a) Deep-seated cultural and societal norms that hinder women's access to leadership positions and continue to perpetuate harmful practices such as Female Genital Mutilation (FGM) and contribute to the normalization of gender-based violence (GBV);

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<sup>28</sup> ICPD, 2022/23 Report.

- (b) Unequal care burden where women disproportionately shoulder unpaid care work, limiting their time for education and productive work; and,
- (c) Limited data on the impact of interventions for marginalized groups like women with disabilities makes it difficult to assess their effectiveness and target support appropriately.

## ARTICLES 6 AND 7: RIGHTS RELATED TO MARRIAGE

**Concluding Observations** - Kenya should ensure that judicial and non-judicial procedures that determine, in practice, the division of matrimonial property at the dissolution of marriage are not discriminatory against women.

222. The rights within marriage as stipulated in the protocol have been incorporated in the Constitution by guaranteeing equal rights in marriage and giving equal legal recognition in marriages including polygamous marriages. Moreover, the Marriage Act, 2014, Matrimonial Property Act, 2013 establishes that ownership of matrimonial property vests in the spouses according to the contribution of either spouse towards its acquisition and shall be divided between the spouses if they divorce or their marriage is otherwise dissolved.

223. Some of the recent jurisprudence include the case of *JOO v MBO; Federation of Women Lawyers (FIDA Kenya) & another (Amicus Curiae)* the Supreme Court elaborated that *Article 45(3)* acts as a means of providing for equality as at the time of dissolution of marriage but such equality can only mean that each party is entitled to their fair share of matrimonial property and no more. Further the court established that equality does not mean the re-distribution of proprietary rights at the dissolution of a marriage. Neither does that provision lead to the assumption that spouses are automatically entitled to a 50% share by fact of being married.

224. In another case, in 2024, the High Court in Nakuru awarded a women full ownership rights to a commercial property she acquired during marriage. Ruling in favour of the woman, the court granted her sole ownership of the property. The court found out while the property was bought during her marriage, it was purchased through her efforts and funds.

## ARTICLE 14: HEALTH AND REPRODUCTIVE RIGHTS

**Concluding Observations:** Kenya should lift the reservation on *Article 14(2) (c)* of the Maputo Protocol, since *Article 26(4)* of the Constitution permits abortion for the same reasons as the above-mentioned Article.

225. Kenya recognizes the importance of providing equitable and affordable healthcare at the highest affordable standards to all its citizens in accordance with the Constitution of Kenya. *Article 43 (1) (a)*. As indicated in the initial report, Kenya maintains the reservation on *Article 14 (c)* of the Protocol. The grounds for abortion as stipulated in the Protocol are not fully aligned with the provisions of Kenya's Constitution.

**Concluding Observations:** Enact a comprehensive Reproductive Health Bill to promote and protect reproductive health rights at national and county levels.

226. The government has put in place various policy and legal frameworks aimed at enhancing access to health services as a critical component of women's empowerment, hinged on the Constitutional right to the highest attainable standard of health.

(a) National Reproductive Health Policy 2022-2032 which seeks to reduce unmet family planning needs:

(b) Rationalize the provision of FP method mix and services; Decentralize FP service delivery at all levels of health care as per set norms and standards, specifically support informed initiation, correct use, refills and community distribution of self-care family planning methods; Ensure the safety and positive care experience for women and men accessing FP interventions; Mainstream HIV and STI prevention in every FP intervention at all levels of healthcare and for all clients; and,

(c) Reduce the burden of reproductive tract infections (RTIs) and improved access to, and quality services; Ensure that STI prevention and control approaches contribute to HIV prevention.

227. The 6<sup>th</sup> edition of the National Family Planning Guidelines for Service Providers, place more emphasis on improving access to quality FP services. The guidelines underline that reproductive and sexual health care, including FP information and services, is not only a key intervention for improving the health of women, men and children but also a human right.

228. The other insights are on the need to practice safer sex to reduce the risk for other infections as well, including disclosure of HIV status to sexual partners and consistent and correct condom use.
229. Kenya Health Policy (2014-2030) seeks to ensuring equity, people centeredness and participatory approach, efficiency, multi-sectoral approach and social accountability in delivery of health care services. The specific policy objective is to provide essential healthcare and includes ensuring access to comprehensive maternal, neonatal and reproductive health services.
230. Statistics indicate that 70% of sexually active unmarried women use any method of family planning; 59% use a modern method. The percentage of married women using modern contraceptives has steadily increased over time, from 32% in 2003 to 57% in 2022. Over the same period, the unmet need for family planning declined from 27% to 14%. Total fertility rate has declined from 3.9% in 2014 to 3.4% in 2022.<sup>29</sup> Percentage of people living with HIV who know their status - 96%.<sup>30</sup>
231. Some of the best practices include the following:
- (a) The government of Kenya has demonstrated its commitment to FP2030 through several initiatives such as increasing the budget allocation for family planning services, developing policies and guidelines to improve the quality of services and strengthening partnerships with both the public and private sector;
  - (b) Has integrated family planning into its national health policies, including the National Family Planning Costed Implementation Plan (2019-2024), which outlines the government's roadmap to enhance access to contraceptive services;
  - (c) The government has increased budget allocations for family planning initiatives. For instance, in the 2021/2022 financial year, the government allocated approximately KSh. 2 billion for family planning services;
  - (d) Use of Community Health Promoters to create awareness on the use of family planning and other reproductive health issues;
  - (e) Use of community -based distributors of family planning to increase uptake of family planning at community level;
  - (f) Use of the differentiated service deliver; HIV self-testing (HIVST); and,
  - (g) Persons who undergo HIV testing and are found to be positive are encouraged to bring their partner(s) for HIV testing through index testing; partner/partner notification.

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<sup>29</sup> (KDHS 2022)

<sup>30</sup> UNAIDS - HIV, AIDS 2023 estimates

232. The government has continued to ensure that Universal Health Care (UHC) information is now available to women in rural areas. This has been achieved through outreaches services conducted in the community from link facility, continuous capacity building of health care workers on the different components of maternal health to improves quality of care. According to statistics, nearly all women (98%) age 15-49 with a live birth or still birth in the two years before the survey received antenatal care (ANC) from a skilled provider. Skilled birth attendance increased from 65% in 2014 – 88% in 2022.<sup>31</sup>

233. Overall, some of the gains achieved in reproductive health care countrywide can also be attributed to implementation of the *Linda Mama (Protect the mother) Programme* that was initiated in 2013. The programme, formerly Free Maternity Services goal was to 'achieve universal access to maternal and child health services and contribute to the country's progress towards education of maternal and child mortality. Furthermore, provisions of health services have been enhanced in different counties due sustained resources averaging 30% of the total county budget.

234. The government recognizes that some of the challenges faced can be addressed by exploring other avenues for sustained domestic financing to support family planning program, procurement of family planning commodities and equipment, hiring of human resource and to continuously capacity build the health care workers as well as improving public private partnership to UHC.

## ARTICLES 13, 15, 16 & 17: ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### ARTICLE 13: ECONOMIC AND SOCIAL WELFARE RIGHTS

**Concluding Observations:** Kenya should continue its efforts to strengthen the economic and social development of women in the country.

235. The Constitution provides progressive measures of transforming the social and economic structures making them more equitable based on the principles of macroeconomic stability; continuity in governance reforms; enhanced equity and wealth creation opportunities for the poor among others as set out in Kenya Vision 2030 as well as the Bottom-up Economic Transformation Agenda (BETA).

236. Kenya continues to strengthen economic and social development of women through various interventions. This is through implementation of existing policies:

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<sup>31</sup> Ibid 25

National Policy on Gender and Development 2019, Eradication of Female Genital Mutilation, 2019; the National Policy on Prevention of and Response to Gender Based Violence, 2014 (Revised 2021); In the period under review, a draft National Care Policy was developed as a framework for addressing care work aimed at recognizing, reducing and redistributing care and domestic work in all contexts. The Women Economic Empowerment Strategy (2021-2025) was also launched, as part of Kenya's broader commitment to achieving the UN Sustainable Development Goals, particularly Goal 5 on gender equality and empowerment of all women and girls.

237. The government has continued to improve the social welfare of women and girls through the economic empowerment programmes. These are four (4) affirmative action funds namely; *Women Enterprise Fund, Uwezo Fund, Youth Enterprise Development Fund* and *National Government Affirmative Action Fund*. The number of female beneficiaries more than doubled in the same period from 381, 000 to 920,000 in 2024. At the sub-national level, over 25 counties: Mombasa, Kwale, Kilifi, Tana River, Lamu, Garissa, Wajir, Isiolo, Meru, Tharaka Nithi, Kitui, Makueni, Kirinyaga, Kiambu, Turkana, Samburu, Transzoia, Elgeyo Marakwet, Baringo, Bomet, Bungoma, Migori and Kisii have also set up similar empowerment programmes.
238. On the legislative front, The Employment Act, 2007 Cap 225 (Rev 2022) prohibits discrimination in employment. *Sections 5* of Act is applicable to any worker including women who may be in the labour market, which expects employers among other things to; Promote equality of opportunity in employment in order to eliminate discrimination in employment and; to discourage discrimination directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability. The Act also requires that an employer shall pay his employees equal remuneration for work of equal value.
239. The Judiciary as one of the arms of the government is obligated to comply with the *two-thirds gender principle* by promoting gender equality. *Section 3(j)* of the Judicial Service Act Cap 8A (Revised 2023) requires the Judicial Service Commission and Judiciary to promote gender equity. Section 10(2) of the Third Schedule of the Judicial Service Act Cap 8A (Revised 2023) requires the Judicial Service Commission to consider gender consideration in the recommendations of Candidates for Appointments.
240. The Judiciary has made significant strides in the implementation of two-thirds gender principle with the aspiration to attain (50:50) gender balance. As of 2021,

women held about 30% of all judicial positions. Advocacy efforts have been made to close this gap towards achieving the two-thirds gender rule, including developing mentorship programs for women judges and lawyers.

241. The Employment Act is also the principal statute which addresses sexual harassment in the workplace. Towards this end, the Kenyan courts have given effect to Section 6 of the Act by awarding victims of sexual harassment at the workplace relatively significant damages.

242. *In P O v Board of Trustees, A F & 2 others*,<sup>32</sup> the Environment and Labour Relations Court, in finding that the Claimant had been sexually harassed, stated that sexual harassment is a form of discrimination. Further the court found that the sexual violence that the claimant had been subjected to and the subsequent termination of her contract of employment amounted to inhuman and degrading treatment. Ultimately the court awarded the claimant general damages of KES 3,000,000 for sexual harassment, unfair and wrongful termination in addition to the other monetary sums for dismissal without notice and one month's pay for the month she was terminated.

243. In the matter *Ruth Wambui v. Kenya Commercial Bank Limited*,<sup>33</sup> a female employee alleged harassment by a superior at KCB bank. The court ruled in favour of the employee, emphasising the need for organisations to maintain robust policies against sexual harassment – this case established a precedent for future disputes involving wrongful termination, emphasising that adherence to fair procedures is essential in employment relationships.

244. Regarding Persons with disabilities, the National Council for Persons with Disabilities (NCPWD) Career Portal, has continued to register qualified persons with disabilities seeking employment and linking them to potential employers. The portal has so far registered over 5,000 persons seeking employment and 400 employers.

245. Under Kenya's Long-Term Development Blueprint, Vision 2030 and its Medium-Term Plans, youth, women and persons living with disabilities have been empowered through Affirmative Action funds such as Youth Enterprise Development Fund (YEDF), Uwezo Fund, Women Enterprise Fund (WEF) and National Government Affirmative Action Fund (NGAAF) and reservation of at least thirty percent (30%) of the

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<sup>32</sup> [2014] eKLR

<sup>33</sup> [2022] eKLR

Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative.

246. *Thamini Fund* under the *Women Enterprise Fund* is a special loan product that was introduced for widows in 2021 during the COVID 19 pandemic. It was disbursed through widow led groups as a group-based loan facility to provide widows equal opportunity to access interest free loans.
247. The Government of Kenya recognizes that Self Help Groups (SHGs) and Community Based Organizations are core to the empowerment of women. Towards this end, the number of registered groups has increased to over 225,000 thus facilitating uptake of the government affirmative funds.
248. The National Council for Persons with Disabilities (NCPWD) has continued to implement key programs that empower women with disabilities and their community by providing grants to finance their economic activities. These (SHGs) are formed by caregivers or by women with disabilities and are inclusive of men with disabilities, ensuring a comprehensive approach to empowerment and support.
249. On taxation laws, individuals earning monthly income below KES 24,000 are exempted from paying personal income tax. The Persons with Disabilities (Income Tax Deductions and Exemptions) Order 2010 grants Income Tax Exemption for persons with disabilities on all remuneration gained from employment plus other types of taxable income under certification of the Kenya Revenue Authority (KRA). The order provides that persons with disabilities who are in receipt of an income may apply to the Cabinet Secretary responsible for Finance for exemption from income tax and any other levies on such income.
250. The government is also implementing the social protection, the Social Protection Policy which among other things seeks to:
- (a) Combine protective, preventive and promotional (including labour activation) measures, benefits and services;
  - (b) Promote productive economic activities, including for informal workers, while fostering the formalization of labour;
  - (c) Ensure coordination and coherence with other policies that enhance formal employment, income generation, education literacy, vocational training, skills, and employability; and,

(d) Promote secure work, entrepreneurship, and sustainable enterprises within a decent work framework.

251. On Child protection, the Children’s Act, 2022 among other laws protect the rights and welfare of children. The Government has also undertaken the following measures:

(a) Developed Child Protection in Emergency Guidelines (CPIE) to support the coordination and supervision, of issues affecting children such as defilement, child labour, child trafficking and separation from families, amongst others in times of emergencies;

(b) Established Child Protection Centres (CPCs) to provide comprehensive services to victims of child abuse;

(c) Established twenty-three (23) Child Protection Units to handle cases involving children separately;

(d) Established a Child Protection Information Management System (CPIMS) to capture disaggregated data into thirty-six (36) different case categories including sex, disability, geographical location, family earning and parental status. The system has been rolled out in forty-seven (47) counties and is available through an open public portal access on [childprotection.co.ke](http://childprotection.co.ke).

(e) Establishment of the toll free 24-hour Child Help Line 116 and 1195. Public awareness has been conducted on its existence;

(f) To further safeguard children, the Judiciary in Kenya ensures children matters are heard in the court chambers or in camera and prohibits participation of the public or press; and,

(g) Developed and launched an evidence-based gender transformative National Positive Parenting Programme in 2023. This Programme supports parents and caregivers and strengthens their capacity specifically their parenting knowledge, attitudes, skills, beliefs, behaviours and practices for the holistic development of children in Kenya.

## ARTICLE 15: RIGHT TO FOOD SECURITY

252. The Constitution stipulates that: ‘every person has the right to be free from hunger and to have adequate food of acceptable quality’. The government continues to undertake measures to provide women with means of producing nutritious food through various policies and programs that include the following:

(a) Agricultural Soil Management Policy, 2023 which recognizes that gender-based inequalities constrain agricultural growth and poverty reduction measures. The Policy therefore promotes appropriate gender friendly agricultural soil management technologies, developing capacity of women in agricultural soil

management and promotion of affordable and innovative products and packages in agricultural soil management for women;

- (b) National Agricultural Mechanization Policy, 2024 promotes the development of gender sensitive agricultural mechanization technologies suitable to women;
- (c) Kenya Agricultural Sector Extension Policy (KASEP) 2023 which seeks to strengthen extension services that are gender sensitive, promoting social inclusivity in agricultural extension, development and dissemination of gender-sensitive technologies and intervention;
- (d) Agricultural Policy 2021, which recognizes agriculture extension and advisory services as an important avenue of sharing knowledge, technologies, and agricultural information and as a link between producers and other actors in the economy. The policy outlines the need for gender mainstreaming in provision of these services; and,
- (e) Kenya Agri-Nutrition Implementation Strategy (2020-2025) among other objectives seeks the strategy is to increase availability, access and consumption of safe, diverse, and nutritious foods through agricultural production which results in increased diverse food availability at the household level, increased income, and women empowerment to engage in viable nutrition-sensitive agriculture through gender-balanced approaches.

253. Implementation of various promising programmes that support women at boosting food security include:

- a) Small Scale Irrigation and Value Addition Project and Drought Resilience and Sustainable Livelihoods has supported 213,000 farmers to establish kitchen gardens thus enhancing food security and nutrition;
- b) Kenya Climate Smart Agriculture Project has supported research and developed women friendly technologies and innovations. IT also supported 423,284 women with micro projects to enhance productivity, nutrition and livelihood diversification;
- c) Kenya Livestock Commercialization Project that is transforming rural livelihoods by supporting 110,000 women and youth from poor livestock and pastoral households with poultry, sheep, goats and beekeeping projects;
- d) Kenya Cereal Enhancement program- climate resilient agricultural livelihoods window which has supported 3,728 women farmers with agricultural inputs, technologies and services through the electronic voucher system to boost sustainable food production;
- e) The One Million Kitchen Garden Initiative implemented from 2020 has supported women to produce vegetables using appropriate technologies ensuring supply throughout the year;

- f) The National Government and County governments have invested in improvement of local markets infrastructure for proper handling and marketing of nutritious foods including at grassroots level;
  - g) Establishment of Crèches at the markets to support women traders with child-care services; and,
  - h) At the sub-national level, in Kirinyaga County, the Wezesha Economic Empowerment Programme focuses on diversification of agricultural activities aimed at increasing household incomes. The program supports farmer's groups. Majority of whom are women. Within the same counties, farmers SACCO's have been established in every ward to provide savings and loan facilities to farmers.
254. The government is also implementing policies and legislation aimed at ensuring access to clean drinking water. These include the Kenyan Water Act of 2016 and Sessional Paper No. 1 of 2021 on National Water Policy as well as National Water Master Plan 2030.
255. According to the KDHS, 2022, Seven (7) in every ten (10) citizens (68%) have access to safe drinking water. However, approximately 31.6 per cent of the population uses unimproved drinking water sources. A higher number (91%) of the urban population have access to improved drinking water sources, while (56%) of the rural population has access to improved drinking water sources. Despite the infrastructural progress in improving water access, only 33 per cent households have access to piped water.
256. On domestic fuel, the Kenya Energy Transition and Investment Plan (2023-2050) outlines how the country is to transition to clean energy including clean cooking. Some of these strategies include promotion of LPG, electric cooking, solar, improved cooking stoves, biogas and bio ethanol production and utilization. On Farm Forestry and Agroforestry, also supports availability of domestic fuel for food preparation that is easily accessible to women at household level.
257. Kenya has not attained self-sufficiency in food production due to some factors such as frequent droughts, floods and other climate change related challenges such as increased pests and diseases resulting in fluctuations in food production from both animal and plant sources. To address these challenges, the state will seek to enhance more targeted subsidy support to women farmers, undertake continuous research and provision of women friendly technologies and equipment to reduce workload and enhance food production.
258. Regarding land, various related laws that continue to be implemented include: The National Land Commission Act, Cap 281, The Land Act, Cap 280 The Land

Registration Act, Cap 300 among others. According to the KDHS, 2022, 5% of women own agricultural land, only 7% of women own non-agricultural land while 62% of women do not have a title deed for the agricultural land they own.

259. Some challenges experienced have to do with increased population which exerts pressure on available water sources, land fragmentation for real estate infringing on land available for agriculture.

#### ARTICLE 16: RIGHT TO ADEQUATE HOUSING

**Concluding Observations:** Kenya should give special attention to women in its policies and initiatives to implement the right to housing in the country, as well as in the context of evictions and demolitions of homes.

260. The policy and legislative measure undertaken towards the realization of the rights of women to adequate house include:

- a) National Housing Policy (Sessional Paper No. 3 of 2016). The Policy, among other objectives recognizes that vulnerable groups include the poor, women, children, and persons with disabilities in difficult circumstances, the handicapped, the elderly and the displaced persons;
- b) The National Slum Upgrading policy -Policy Statement No. 33 seeks to promote human rights mechanisms when enforcing evictions in slums and informal settlements;
- c) Appropriate legislative measures undertaken on adequate housing within this period include the following; Affordable Housing Act, 2024. *Section 49 (3)* of the Act mandates the Affordable Housing Board to prioritize marginalized persons, vulnerable groups, women, youth and persons with disabilities when determining allocations for affordable housing units; and,
- d) Affordable Housing Regulations, 2025 were adopted in July 2025. Section 11 (a) of the Regulations obligate the Affordable Housing Board to ensure there is equitable access to diverse groups and persons in the construction, allocation, management and maintenance of the affordable housing projects.

261. According to the Kenya Demographic and Health Survey, 2022, thirty-three percent of women aged 15-49 own a house. 5% do so alone and 28% own it jointly with their spouse or partner or someone else. Among women who own a house, only 9% have a title deed or any other government-recognized document with their name on it; 73% do not have a title deed or any other government-recognized document. House ownership increases with age and is highest among women age 45–49 (63%). Women in rural areas (44%) are more likely to own a house than women in urban

areas (17%), although women in urban areas are much more likely to have a title deed for the house they own than women in rural areas. House ownership among women increases with increasing wealth. Three percent of women in the lowest wealth quintile own a house and have their name on the ownership documents, as compared with 29% of women in the highest wealth quintile.<sup>34</sup>

262. According to the Kenya Country Report on Progress in the Implementation of the New Urban Agenda, the Government of Kenya through the Affordable Housing programme has supported supply of housing units by Private Investors and 64% of Affordable Housing Project units have been sold to women including individual or joint ownership agreements.<sup>35</sup>

263. Affordable Housing Programme targeting 200,000 houses annually, a priority project in the Government Bottom-up Economic Transformation Agenda. The programme aims to facilitate production of affordable housing units and to improve the lives of people living in informal settlements- By December 2023, approximately 605 houses had been constructed with 45,512 houses are under construction.<sup>36</sup> Citizens can apply for affordable housing through the '*Boma Yangu*' online platform.<sup>37</sup>

264. Kenya Informal Settlements Improvement Programme which aims to enhance access to basic services and improve tenure security in urban informal settlements in Kenya.

265. Establishment of Kenya Mortgage Refinance Company (KMRC) to support end user financing of Affordable Housing. This is an initiative of The National Treasury and World Bank that was established in 2019 to support the affordable housing agenda by providing secure, long-term loans to primary mortgage lenders including banks, microfinance banks and SACCOs to make mortgages cheaper for Kenyans. Studies show that men account for approximately 60 - 70% of mortgage borrowers. Women's access to mortgage financing is lower, often attributed to lower average incomes, limited property ownership, and lack of collateral. Some reports indicate that women make up 30 - 40% of mortgage borrowers. However, these numbers vary significantly by region and urban versus rural populations.

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<sup>34</sup> page 73- <https://dhsprogram.com/pubs/pdf/PR143/PR143.pdf>.

<sup>35</sup> page41) <https://housingandurban.go.ke/wp-content/uploads/2022/04/Kenya-New-Agenda-Report-Final.pdf>

<sup>36</sup> Kenya's Third Voluntary National Review report on the Implementation of the Sustainable Development Goals, available at page 81

<sup>37</sup> <https://www.bomayangu.go.ke/>

266. Adoption of Appropriate Building Materials and Technology (ABMT) which refers to processes, materials, elements and tools that are compatible with the local socio-cultural, economic as well as physical and ecological environment of an area. Essentially, the materials should be affordable, innovative, safe, environmentally friendly and with significant socio-economic multipliers. To address poverty, unemployment and affordability challenges among low- and middle-income communities, ABMT should ideally be decentralized, locally controlled, people-centred, labour-intensive, cost-effective and sustainable.
267. Promotion of the use of Interlocking Stabilized Soil Blocks (ISSB) technology due to its high appropriateness, local availability of soils, small scale application and potential to address poverty and housing affordability challenges facing most Kenyans. When properly utilized, ISSB technology has the potential to reduce construction costs by up to 50%, create sustainable employment, transfer skills, conserve the environment and raise living standards.
268. Some of the challenges faced in housing are associated with high cost of housing and infrastructure development compared to available funding. Inadequate gender disaggregated data on home ownership, cultural stereotypes about women's rights to acquire, own and inherit land and property continue to persist and delay in processing of land allocation/ownership documents.
269. The State seeks to address these challenges by exploring alternative sources of funding to supplement exchequer such as Public Private Partnerships (PPPs) and Joint Ventures in project financing. By doing so, the risks associated with dependency on exchequer funding will reduce.

#### ARTICLE 17: RIGHT TO POSITIVE CULTURAL CONTEXT

270. The right to positive cultural context is recognized in the constitution which states that culture is the foundation of the nation and as the cumulative civilization of the Kenyan people and nation. The Kenya Vision 2030 and the Governments Bottom-Up Economic Transformation Agenda and Fourth Medium Term Plan, accordingly, seek to build a just and a cohesive society with social equity in a clean and secure environment as outlined in pillar for the culture, arts and heritage sub-sector.
271. The rights continue to be realized through implementation of various laws, policies and programmes.

- a) Kenya Cultural Centre Act, Cap 218- established institutional frameworks for coordination and promotion of cultural preservation;
- b) National Museum of Kenya Act, Cap 216 - designed to especially apply to archaeology and palaeontology heritage, monuments and architectural works, tangible cultural sites, and natural heritage, and is silent on other forms of cultural heritage such as intangible cultural heritage and cultural intellectual property;
- c) Films and Stage Plays Act, Cap 222 regulates the production, distribution, and exhibition of films and stage plays in Kenya. It sets standards for content, censorship, and licensing within the film and theatre industry;
- d) Kenya Heroes Act, Cap 216B honours individuals who have made significant contributions to the nation's development, history, and culture. recognized in several categories:
  - i. National Heroes: who have contributed significantly to the liberation, independence, and development of Kenya;
  - ii. Local Heroes: who have made notable contributions at the community level, often in fields such as education, health, and social justice; and,
  - iii. Heroes of the Struggle for Independence: who played crucial roles during the fight for independence and freedom.
- e) Protection of Traditional Knowledge and Traditional Cultural Expressions Act, Cap 218A aims to protect the traditional knowledge and cultural expressions of indigenous communities in Kenya.

272. Some of the strategies which the government has put in place to promote cultural preservation are establishment of cultural hubs which, include community culture centres, national art gallery cultural centres, art galleries at counties and art and craft markets such as Utamaduni craft, Maasai market, City market all in Nairobi and Mombasa curio market; and organizing conferences, music festivals and exhibitions for culture such, as cultural festivals.

273. Since the adoption of the Kenya Constitution 2010, some communities have realized important benefits that include:
- a) Inspiring cultural activism among minority, indigenous and marginalized communities. This has increasingly amplified the voices of these groups to challenge the excesses of the state, county governments and the private sector. For example: in 2017, the Ogiek Community from Mau Forest successfully petitioned the Kenyan government at the African Court of Human and Political Rights (ACHPR). Their key arguments were hinged on claim of reparation for displacement from their ancestral habitats, which was an abuse of their social-cultural and livelihood rights;

- b) Facilitating an interface between the culture experts, cultural practitioners and communities to co-design and implement protection, preservation, and promotional activities to meet the sociocultural and economic needs of communities;
- c) Providing safe spaces for communities to discuss ethnic differences, especially in multi-ethnic settings. For example, in Lamu County, the numerous cultural festivals have brought together diverse communities to celebrate and showcase their cultural heritage and works of art;
- d) Catalysing transformational change by providing tools for social mobilization for imparting new knowledge, promoting attitudinal change and adoption of best practices for empowerment of communities. For example, cultural heritage events and activities have platforms for human rights organizations and community-based groups to challenge the state against excesses such as extra judicial action in the fight against extremism and terrorism;
- e) Contributing to revenue growth and investments in the counties; and,
- f) There are best practices in the promotion of positive culture in Kenya, described such as Ushanga initiative which seeks to transform the traditional ornamental bead making by rural women from pastoral communities into a viable enterprise both at the national and international markets.

274. There is increased participation of the youth in the space of interface between culture, heritage, and technology. This can largely be attributed to the fact that technology is not only attractive to the young generation but also connects well when it provides a platform to transmit aspects of culture and heritage that appeal to both cognitive and affective dimensions of the youth.

#### ARTICLE 18: RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

275. The Constitution confers a right to every person, living in Kenya including women, the right to a clean and healthy environment (Article 42). Reports by Local NGOs such as the Green Belt Movement and WWF Kenya highlight successful projects where women constitute a minimum of 40% of participants in local conservation efforts, including forest management and wildlife conservation. Case studies conducted on Community Forest Associations (CFAs) show that women's representation can reach up to 60% in some areas: areas with active women's groups and support from NGOs tend to have higher representation, as compared to regions with traditional patriarchal structures.

276. The Kenya Solar Market Survey (2021) reported growth in solar home systems and mini grids, supported by government incentives and partnerships with NGOs. Similarly, research into biogas production and waste-to-energy technologies has gained traction, addressing energy needs and waste management issues. Several local universities have collaborated with international research institutions to advance studies in renewable energy technologies, focusing on developing biogas systems, exploring new biomass technologies, and improving efficiency in solar panels.
277. The Kenyan startup ecosystem has seen the emergence of companies focused on clean energy solutions, such as solar energy providers and biogas developers. Notable influencers include M-KOPA, which offers solar home systems on a pay-as-you-go basis, and Solar Africa, providing solar solutions for businesses.
278. The Kenya Industrial Research and Development Institute (KIRDI) has been active in researching appropriate technologies for renewable energy, focusing on local manufacturing and sustainable energy solutions tailored to Kenyan needs. Kenya has received funding from international organisations, such as the World Bank and Green Climate Fund, to support renewable energy projects such as promoting clean energy technologies. Local and international banks offer green financing options, encouraging investments in renewable energy projects – including loans tailored for clean technology, energy efficiency upgrades, and solar installations.
279. The Government has taken certain measures to improve on waste management and safe disposal by revising the Sustainable Waste Management Act in 2022, as well as development of various Regulations such as: Environmental Management and Coordination (Waste Management) Regulations, 2023. Furthermore, Municipal authorities in urban areas have regulated waste disposal by licensing pre-qualified waste collectors who collect domestic waste from households and safely dispose of it in designated dumping sites.

#### ARTICLE 19: RIGHT TO SUSTAINABLE DEVELOPMENT INCLUDING THE RIGHT TO PROPERTY; ACCESS TO LAND AND CREDIT

280. The information is covered under other articles in this report.

#### ARTICLE 10: THE RIGHT TO PEACE

**Concluding Observations:** In light of all the efforts aiming to promote social development in the country, including for women, Kenya should consider lifting the reservation on Article 10-3 of the Maputo Protocol.

281. Kenya maintains its reservations on Article 10-3 of the Protocol requiring States Parties to take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular. That notwithstanding, the following measures have been taken:
- a) Legislative Measures and Judicial Measures: Kenya has ratified the Geneva Conventions and Protocols which are part of International Humanitarian Law that protect the rights of women, children and non-combatants thus ensures the inclusion of social protection services such as outreach programs during conflict;
  - b) Administrative Measures: Kenya is actively involved in peacekeeping operations in the region including AMISOM and the Democratic Republic of Congo. Therefore, although the military expenditure is classified, these activities demonstrate the need for increased military budget;
  - c) Collaborative Measures: In November 2022, Kenya committed to preventing Sexual Violence in Conflict Situations in collaboration with the British Army. In addition, Kenya has several Defence Cooperation Agreements aimed at tackling shared threats such as terrorism. During joint training, communities are assisted with projects and other technical support such as engineering projects, water drilling among others; and,
  - d) Policy and Programmes: Kenya further continues to implement various policies which emphasize the promotion of implementation of the 2<sup>nd</sup> Kenya National Action Plan on UN Security Council Resolution 1325 on Women, Peace and Security and related resolutions. Various county governments are also supporting implementation of specific action plans on UNSCR 1325 in their regions.
282. As reported in the initial report, Kenya's initiatives on peace are anchored on the constitutional values of gender equality, inclusion and participation and aligned to the Sustainable Development Goals in particular Goal 5 on gender equality and 16 which seek to promote peaceful and inclusive societies for sustainable peace and development as well as the principles of article 10 of the protocol.
283. During the period under review, implementation of the UNSCR 1325 on women, peace and security, has been progressing. The Government of Kenya in collaboration with other stakeholders is currently implementing the Second-Generation National Action Plan on Women Peace and Security on the UNSCR 1325 (KNAP II) which builds on the first KNAP of 2016. The second (KNAP II (2020-2024) focuses on localization of women, peace and security at the county and community levels while contributing to the Sustainable Development Goals (SDG) five, on Gender Equality and 16 on Peace, Justice and Building Strong Institutions. The plan highlights the role women

play in advancing peace and security and the vulnerability and mitigation strategies through its robust pillars (Participation, Protection, Prevention, Relief and Recovery) implementation structure and coordination mechanism.

284. Eight County Action Plans have been developed in Baringo, Kwale, Mandera, Marsabit, Mombasa, Kitui, Kilifi and Samburu while Turkana and Garissa are in the drafting phase. These plans indicate that they are tailored to the County and the proposed interventions are relevant to the context and needs. Samburu, for example, has outlined the challenges which include local conflicts which have led to the displacement of people with the youth and security actors being the most vulnerable.
285. Appropriate measures have also been taken to ensure women take part in national, regional and international peace building processes. Notably, as at 30<sup>th</sup> April 2023, out of the 423 UN peacekeeping personnel, that Kenya has contributed, 16.8% are female ranking the country 41<sup>st</sup> in the world. The majority of Kenya's peacekeeping personnel are deployed to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).
286. There is significant presence of women in the military and security sector with their appointment in critical positions which include; The National Security Advisor, Major General and Commander of the Kenya Airforce, Chief of Strategic Communications at Defence Headquarters, Chief of Legal Service at Defence Headquarters, Director of the International Peace Support Training Centre, Director of Examinations at the National Defence University-Kenya among other key docket.
287. More importantly the Ministry of Defence stands out as one of the best examples in the KNAP I and II implementation by combining policy actions and administrative changes in its organizational structure. The Ministry developed a gender policy and initiated administrative reforms that opened space for the inclusion of women at senior levels:
  - a) The number of female recruits/Cadets, increased from 321 in 2018 to 807 in 2021 while five (5) female officers were deployed into senior international leadership roles, thus strengthening the linkages between national and international leadership;
  - b) More women officers were accorded senior leadership training opportunities in 2020 while fourteen (14) female officers attended senior leadership courses, up from five (5) in 2019; and,
  - c) In addition to the inclusion of women in decision-making, the Ministry partnered with the National Drought Management Authority to offer alternative means of livelihood to pastoralist communities in northern Kenya. It is the only government actor that has been reporting on KNAP II achievements.

288. The Government recognizes the importance of increased participation of women in programmes for peace in building a culture of peace. Kenya's educational system known as the Competency Based Curriculum (CBC) aims to ensure that all learners acquire the knowledge and skills needed to promote sustainable development including peace education that encourages nonviolence and global awareness. An Advocacy initiative introduced in all the 47 counties aims at promoting peace through the relay peace torch. Additionally, in the interest of promoting appreciation of diversity, peaceful coexistence and dispute resolutions among students, Amani (Peace) Clubs have been established in over 621 schools and some of the achievements include, translation of National Anthem to local languages.
289. Kisumu County has been working to enhance the prevention of conflict and all forms of violence against women, girls, and vulnerable groups, through gender-sensitive institutions, structural and social institutions. The active use of the Gender Sector Working Group as a collective to support the prevention of violence in Kisumu has largely contributed to these efforts. Through this mechanism, the County has developed a Gender-Based Violence Policy, established safe houses for women and girls and strengthening of women-led structures at the grassroots.
290. In Samburu, the County has demonstrated the value of partnerships in driving the peace agenda through efficient through strategic collaboration between the national and county government and non-state actors. The number of women joining the county budget cafes because of their involvement in the budget making process. Additionally, action plans on GRB, and GBV prevention and response have been incorporated in the County Integrated Development Plans (CIDP) and Annual Development Plan of the county.
291. Some of the challenges and lessons learnt include the following:
- a) Peace initiatives through the education curriculum need to be supported by sector wide interventions that address issues of peace and conflict;
  - b) The dynamic nature of conflict calls for continuous change in the approaches used. Since 2008 the programme has mainly been preoccupied with addressing inter-community conflicts but currently it is also engaged in countering violent extremism initiatives; and,
  - c) Children and young people have powerful messages on peace that need to be given expression.
292. At both local and national levels, women's representation in peace committees generally is targeted to reach at least 30 per cent, on the basis of gender inclusivity. In many counties, efforts have been made to ensure women comprise 40-50% of

peace committee members, particularly in areas affected by conflict. Key peace networks in Kenya include: County Peace Committees, Inter-Community Peace Committees, and Youth Peace Networks.

#### ARTICLE 11: PROTECTION OF WOMEN IN ARMED CONFLICTS

293. Kenya subscribes to major conventions that relate to the protection of women in armed conflict. Kenya has continued to internally experience disturbance through communal conflicts that are driven by various factors: competition for natural resources, manipulation of political and ethnic identities especially during election periods; unresolved historical grievances touching on marginalisation of communities including terrorism related to the existence of extremist militia groups.
294. Kenya has taken measures to strengthen the capacity of security sector institutions on human rights and prevention of sexual and gender-based violence and sexual exploitation and abuse. The Government continues to work in collaboration with the International Peace Support Training Centre to support the training of military, the police and civilians on prevention of conflict related SGBV.
295. The Centre collaborates with various organisations, including local NGOs, government bodies, and the United Nations, to reach a broader audience. Between 2020-2023, the emphasis has been on integrating gender perspectives into peacekeeping and security operations. Training sessions include 50-100 participants per course, with the aim of creating a multiplier effect, where trained personnel can further educate their peers and communities about SGBV prevention.
296. Kenya has no Child Soldiers. Prevention measures are in place through the relevant legislation and policies and elaborate statutory structures such as domestication of the African Charter on the Rights and Welfare of the Child through enactment and enforcement of the Children's Act, 2001 (rev.2022). Recruitment into the army in Kenya is restricted to those 18 years old and above.
297. Challenges to be addressed include the following:
- a) Inadequate and inconsistent funding for Grassroots organizations working on women's local-level peacebuilding;
  - b) Ensuring women with disabilities in situations of armed conflict are adequately taken into consideration in policy and programming;
  - c) Inadequate presence of women at high levels of security structures of decision making to inform inclusiveness;
  - d) Digital threats are on the rise and have increased the spread of hate speech, misinformation about conflict prevention; and,

- e) Poverty and inequality results in increased exposure to insecurity and the risk of experiencing violence and increases women's isolation, weakening their social networks hindering participation.

#### ARTICLES 20, 21, 22, 23, & 24 - RIGHTS OF SPECIALLY PROTECTED WOMEN'S GROUPS

298. The rights, needs and aspirations of special interest groups including widows are recognized and respected in the constitution. Article 56 provides that the state should put in place affirmative action programmes designed to ensure that minorities and marginalised groups participate and are represented in governance and other spheres of life; are provided special opportunities in education and economic fields; are provided special opportunities for access to education; develop their cultural values, languages and practices; and have reasonable access to water, health services and infrastructure. Article 100 advocates for promotion of representation of marginalized groups. The article states that parliament shall enact legislation to promote the representation in parliament of women; Persons with disabilities; youth; ethnic and other minorities; and marginalised communities.

#### ARTICLES 20 – 21 WIDOWS RIGHTS INCLUDING INHERITANCE

**Concluding Observations** - Kenya should adopt measures to adequately protect the rights of widows, in line with the Maputo Protocol, especially those married under customary law and widows subject to cleansing in some rural areas

299. Appropriate legislative measures have been taken through The Law of Succession Section 29 which provides for the protection of a widow whether she was married, separated or divorced upon the death of the spouse. The Protection Against Domestic Violence Act 2015 establishes forced wife inheritance and widow cleansing as an offense in Section 3 of the Act. Additionally, registration of customary marriages in Kenya is governed by the Marriage (Customary Marriage) Rules, 2017, under the Marriage Act, 2014. These rules were effected on the 9<sup>th</sup> June 2017. This Notice made it compulsory to have all customary marriages registered giving further protections for women in customary marriages by bringing their relations into the purview of the law.

300. According to reports from the Kenya National Bureau of Statistics (KNBS), there has been an increase in the registration of customary marriages due to various campaigns aimed at promoting legal recognition and the benefits that come with it. Registration varies by region – with urban areas showing higher registration

compared to rural areas, where traditional practices are more deeply rooted. The Ministry of Interior and Coordination of National Government reported that in 2022, about 30,000 customary marriages were officially registered. The 2022 Kenya Demographic and Health Survey (KDHS) also indicates that 43% of women aged 15-49 reported being in a marriage or union, with a significant proportion being customary marriages. Further, a survey conducted by the Institute of Economic Affairs in 2020 found that registration of customary marriages rose by 25% from 2015 to 2020. Additionally, the 2019 Kenya Population and Housing Census (KPHC) indicated that approximately 60% of marriages in Kenya were customary.

301. The government has also put in place programmes and initiatives that embrace the experiences faced by widows especially in addressing discrimination, loss of property and lack of access to justice. As part of the Government affirmative action funds, such as the Uwezo Fund and the Women Enterprise Fund, the government provides for extended loan repayment periods which are favourable for widows whose businesses may be affected by the loss of a partner. Under the Women Enterprise Fund, a special loan product for widows dubbed 'Thamini' was introduced in 2021.
302. Civil Society Organizations are also contributing to the widow's development agenda in the country. For example, Come Together Widows and Orphans and the Federation of Women Lawyers Kenya (FIDA-K) have championed widows' rights through: economic empowerment programmes and enabling widows to access funding for businesses, capacity building on table banking and promoting savings for sustainability. Widows have also been sensitized on their rights including inheritance rights; provision of legal support and enlightening widows on self-representation.

## ARTICLE 22: ELDERLY WOMEN

303. The Constitution of Kenya recognizes older persons as distinct rights holders and obligates the State to take measures to ensure their rights are recognized; they participate in the affairs of the society; pursue their personal development; live in dignity and respect; are free from abuse; and receive reasonable care and assistance from their families and the State.
304. The following measures have been taken during the period under review:
  - a) The Older Persons Bill is in the process of finalization and upon enactment, will give effect to Article 57 of the Constitution and provide for the care and protection older persons in Kenya;
  - b) Other measures include implementation of the National Policy on Older Persons and Ageing (2018). Towards this end a major expansion of the Older Persons

Cash Transfer was undertaken, leading to the number of beneficiary households covered in all constituencies in Kenya. By 2023, approximately 1.3 million older persons were enrolled in the Inua Jamii program. Recent data indicates that about 60% of the beneficiaries are women approximately (780,000) while 520,000 are men, reflecting the demographic trend where women often live longer than men; and,

- c) Launch of the Kirinyaga County Rescue Centre for Older Persons in June 2021. The Centre has a capacity for 50 vulnerable older persons rescued from incidences of either abuse, neglect or abandonment in need of care, support and protection.

305. Some of the challenges being addressed for the realization of these rights include: Systemic discrimination based on age. Employment barriers, old age poverty, Insecurity, Neglect, Property dispute and land scarcity, Loneliness among others.

#### ARTICLE 23: WOMEN WITH DISABILITIES

306. Implementation of the National Policy for Persons with Disabilities focuses on inclusion of persons living with disabilities in Kenya. Within the public service, interventions continue to be undertaken within the framework of the Disability Policy and Guidelines for the Public Service (2018). A National Plan of Action on the Rights of Persons with Disabilities 2015-2022 has also been developed.

307. Some of the initiatives undertaken within the context of the Persons with Disabilities Plan of Action include the following:

- a) Provision of Start-up capital to 360 beneficiaries, including women, to finance their own enterprises. Tools of the trade supplied to 1,000 skilled persons with disabilities to help them start their businesses;
- b) Financing Local Purchase Order (LPO) to 13 enterprises to conduct business with government agencies through the Access to Government Procurement Opportunities (AGPO);
- c) Availability of Sign language interpreters in public institutions. Government continued to train essential government staff on basic sign language to assist as interpreters at institutional levels. The National Council for Persons with Disabilities (NCPWD) has trained 3,500 individuals in basic sign language to bridge the communication gap and assist persons with disabilities in using sign language including women;
- d) Financial literacy for women with disabilities by supporting economic empowerment programs, which include providing business toolkits and offering capacity-building workshops;

- e) The NCPWD has awarded grants to 600 self-help groups, during financial year 2023/2024 including those led by women with disabilities. These grants support the advancement of joint projects with a particular focus on improving the economic opportunities for women with disabilities.
  - f) Support has been provided to 57,878 individuals with severe disabilities through the cash transfer program. This program is designed for those who require 24-hour care and often involves their caregivers. Given the severity of their disabilities, these individuals are generally unable to engage in socio-economic activities independently;
  - g) Over 1,000 young girls with disabilities have been supported in their education and training. Additionally, scholarships have been provided to 458 children from vulnerable families headed by persons with disabilities;
  - h) To enhance the mobility and independence of women with disabilities, the Council has distributed a range of mobility devices to 4,621 persons with disabilities, including 2,200 women. These devices help increase independence, promote privacy, reduce gender-based violence, and improve access to opportunities for women with disabilities; and,
  - i) A Career Portal has been established at the NCPWD where the Government has continued to register qualified persons with disabilities seeking employment and linking them to potential employers. The main goal of the portal is to provide equal career development to persons with disabilities. The portal has so far registered over 5,000 persons with disabilities and 400 employers.
308. The government identifies the following challenges that will continue to be addressed:
- a) Obstacles in accessing economic empowerment due to stigma and discrimination due to limited information on available government opportunities, such as the Affirmative Action Fund for Persons with Disabilities (AGPO);
  - b) Inadequate specialized mobility devices and inaccessible built environments that further impedes their ability to seize opportunities; and,
  - c) women with mental challenges, autism, acute cerebral palsy, down's syndrome and other developmental related disabilities, often face difficulties accessing economic opportunities due to the nature of their disability. As a result, they frequently depend on caregivers or carers, as they may struggle to make independent decisions or engage in economic activities on their own.
309. The government will therefore seek to address the challenges by enhancing awareness and information dissemination; improve accessibility and inclusivity; expand availability of assistive devices and services to ward levels of the county

administration; support sign language and communication services; empower women with mental challenges, autism, cerebral palsy, down syndrome and other developmental related disabilities; foster inclusive policies and practices; and, advocate for the development and implementation of policies that promote economic empowerment and inclusivity for women with disabilities.

#### ARTICLE 24: WOMEN IN DISTRESS

**Concluding Observations:** Adopt measures to protect the rights of women in prison, especially during the COVID-19 pandemic:

310. Kenya is committed to protecting the rights of women during crisis and emergencies including in other humanitarian disasters. During the COVID 19-pandemic, the Kenya Red Cross with the support of Government through the Department of Prisons fortified prison spaces from the threat of the pandemic. Materials for building quarantines were also provided and over 60,000 disinfectants were distributed.
311. The Policy on the Care of Children of incarcerated mothers was launched in 2022. The Policy provides guidance on prison service management and provision of quality care for children incarcerated with mothers. The Kenya Prisons are also implementing the United Nation Bangkok Rules which promote appropriate care for incarcerated mothers and their children
312. In Kenya, there exists an initiative dubbed '*Crime si Poa*' (Crime is not worth it) through which women have an opportunity to produce and sell clothes and food items thus enabling prisoners to generate an income while incarcerated. Further, the Kenya Government maintains an open-door policy which enable stakeholders such as Faraja to provide supplementary institutional support while Clean Smart dedicates to social and healing support to women and children. The organization has provided resources to prisons, collecting and donating children supplies and providing caregiving training to mothers and prison guards.
313. Discrimination based on pregnancy is outlawed in Kenya in Article 27(5) of the Constitution of Kenya and Section 5(3) of the Employment Act. In *Miriti v Co-Operative Bank Kenya Limited*,<sup>38</sup> The Employment and Labour Relations Court found that Cooperative Bank of Kenya wrongly dismissed Miriti for underperformance in 2017 without considering her health complications arising from her pregnancy.
314. The government has also developed The Bail and Bond Policy Guidelines which provide that detainees ought to enjoy their human rights. These rights include the

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<sup>38</sup> (Cause 1215 of 2018) [2023] KEELRC2452 (KLR) (13 October 2023) (Judgment)

right not to be subjected to any form of torture or degrading treatment. Women should not be subjected to physical, sexual or psychological violence while in detention. Further, all prisoners are entitled to medical care according to their needs the daily average population of female prisoners reduced from 3,189 in 2022 to 2,915 in 2023.

315. On mental wellness, it is estimated that up to 25% of outpatients and up to 40% of in-patients in health facilities suffer from mental conditions (*KNCHR: 2011*). The prevalence of mental disorders may also be attributed to the noted cases of suicide, homicides and violence at household level. The traumatic events such as accidents and disasters as well as violence and conflicts, for example the 2007 post-election violence and similar conflicts, have played a significant role in the development of post-traumatic disorders, anxiety and depression among those affected.
316. The Constitution of Kenya 2010, in *Article 43. (1)(a)* provides that, 'every person has the right to the highest attainable standard of health, which includes the right to healthcare services. This necessarily includes mental health. The 65th World Health Assembly adopted Resolution WHA65.4 on the global burden of mental disorders and the need for a comprehensive coordinated response from the health and social sectors at country level. Subsequently, during the 66th World Health Assembly, Resolution WHA66.8 was adopted. It called on member states to develop comprehensive mental health action plans in line with the Global Comprehensive Mental Health Action Plan 2013-2020.
317. Policy and legal measures in place include:
- a) The Kenya Mental Health Policy 2015-2030 which provides for a framework for securing mental health systems reforms in Kenya.
  - b) Distress for Rent Act, 2012 officially Cap. 293 of the Laws of Kenya, provides legal provisions regarding the rights of landlords and tenants in relation to the recovery of rent arrears. Under *Section 16.*, the following goods and chattels shall be exempt from distress for rent—
    - i. Things delivered to a person exercising a public trade, to be carried, wrought, worked up or managed in the way of his trade;
    - ii. Things in actual use or occupation of the person distrained upon at the time of the distress; and,
    - iii. Wearing apparel and bedding of the persons whose goods and chattels are being distrained upon and the tools and implements of his trade to the total value of one hundred shillings.

## CONCLUSION

318. The Government of Kenya reaffirms its commitment to protecting and promoting the human rights and fundamental freedoms guaranteed to all persons. While every effort is made to prepare periodic reports that reflect the full scope of measures taken to implement the African Charter, Kenya continues to face practical challenges in meeting the two-year reporting cycle required under Article 62. The development of legislation, policies, and institutional measures often involves extensive constitutional and consultative processes, which take time to complete.

319. To address remaining gaps in the realization of rights, the Government will continue to work closely with the Commission, development partners, regional and international bodies in strengthening national systems and expanding access to rights for all.