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## **National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21\***

**Kenya**

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



## **I. Process for the preparation of the report**

1. The Government of Kenya is pleased to submit its fourth (4<sup>th</sup>) National Report under the Universal Periodic Review process. This report outlines advances in the promotion and protection of human rights since the last review, the implementation of the 263 accepted recommendations received during the third-cycle review, challenges faced, and new and emerging human rights issues.
2. To ensure proper implementation of the accepted recommendations a comprehensive implementation plan 2021–2025 was developed. This implementation plan clustered the various recommendations into thematic areas and outlined the tasks to be undertaken to implement the recommendations, indicators to monitor the progress made, responsible actors for each task, and timelines for task completion.
3. The National Committee on International and Regional Human Rights Obligations established on 29<sup>th</sup> March 2019 as a standing body on reporting and follow-up provided strategic guidance to the co-ordination, preparation, and compilation of this report. The Committee includes representatives from relevant ministries, national human rights institutions, and the state department for economic planning, ensuring alignment with the SDG framework and leveraging voluntary national reports for data collection.
4. The report was prepared through a consultative process involving civil society organizations, the judiciary, parliament, county governments, national government ministries, departments, and agencies including the state department for planning (in charge of SDG voluntary reporting), human rights defenders, and national human rights institutions, with organizational support from the OHCHR, UNDP, EACHRights, Kenya Legal and Ethical Issues Network, Centre for the Study of Adolescence, Independent Medico Legal Unit and Journalists for Human Rights.

## **II. Implementation of recommendations from the previous cycle**

### **Ratification of international human rights instruments**

**(142.1, 142.2, 142.3, 142.4, 142.5, 142.6, 142.7, 142.8, 142.9, 142.10, 142.11, 142.12, 142.13, 142.14, 142.15, 142.16, 142.17, 142.18, 142.19, 142.20, 142.22, 142.13, 142.14, 142.15, 142.16, 142.17, 142.27, 142.21)**

5. 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. Kenya is a signatory to the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. The framework protecting the rights of children include the Children Act, Cap 141, 2022 and the National Plan of Action to Combat Online Child Sexual Exploitation 2022-2026.
6. Kenya, a de facto abolitionist state, has not ratified the Second Optional Protocol to the ICCPR on the death penalty but is amending related laws to reflect progressive policy shifts.
7. Although the Government of Kenya is yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the country actively protects migrant workers through interventions such as the national labour migration policy, the labour migration management bill, and bilateral agreements with other countries to ensure fair treatment and prevent exploitation. Additionally, the government is establishing a Kenya migrant welfare fund to provide financial assistance to migrant workers in need.

## **Compliance with un special procedures (142.23)**

8. Kenya has upheld its commitment to the UN Human Rights Council by maintaining a standing invitation for Special Procedures since 2015. It has consistently accepted visit requests and responded to recommendations subject to their respective functions.

9. Notable visits include the independent expert on the enjoyment of human rights by persons with albinism, the special rapporteur on torture, and the working group on human rights and business enterprises.

10. This engagement has led to key outcomes, including the enactment of the Prevention of Torture Act 2017, integration of albinism data in the 2019 population and housing census, the Kenya National Action Plan on Albinism 2023-2028, and the National Action Plan on Business and Human Rights 2020-2025.

## **National human rights institutional and policy framework (142.36, 142.37, 142.38, 142.42, 142.43, 142.44, 142.45)**

11. The Kenya National Commission on Human Rights (KNCHR) is fully constituted, with commissioners and the chairperson appointed under Gazette Notice 2046/7 of 2022. KNCHR holds "A" Status accreditation for compliance with Principles relating to the Status of National Institutions (Paris Principles).

12. Government funding for KNCHR has steadily increased: Ksh. 408.7M (USD 2.92M) in FY 2021/22, Ksh. 529.8M (USD 3.78M) in FY 2022/23, and Ksh. 539.8M (USD 3.86M) in FY 2023/24.

13. The review of Sessional Paper No. 3 of 2014 on the National Policy and Action Plan on Human Rights is underway. Progress includes a baseline implementation assessment and regional consultations to guide the review.

## **Civil and political rights**

### **Security sector reforms**

**(142.49, 142.52, 142.141, 142.147, 142.50)**

14. Kenya has made significant strides in reforming the National Police Service (NPS) to enhance professionalism, accountability, and compliance with human rights standards. The report of the Taskforce on Police Reforms, established in December 2022, submitted its recommendations, proposing key reforms including in police welfare, professionalism, independence and capacity. Implementation is underway.

15. Kenya launched the National Police Service Leadership Academy in 2022 to professionalize the Service, designated the Inspector General of Police as the accounting officer to enhance autonomy and combat corruption, and introduced a psychosocial support training program in November 2024 to support police officers' mental health.

16. The Independent Policing Oversight Authority (IPOA) is an independent body that holds the police accountable for their actions and ensures that they operate within the law. From 2018 to 2024, the 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. IPOA also monitored 514 police operations and conducted 3,854 inspections of NPS facilities to promote human rights compliance.

17. 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.

**Prevention of torture****(142.55, 142.91, 142.92, 142.94, 142.137, 142.138, 142.140, 142.142, 142.144, 142.145, 142.146, 142.148, 142.93)**

18. Kenya is strengthening the implementation of its Prevention of Torture Act through training programs for prosecutors led by the Office of the Director of Public Prosecutions (ODPP). Furthermore, a tripartite taskforce chaired by the ODPP is improving torture investigations with tools like standard operating procedures and a police accountability case digest. 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.

19. 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.

20. The National Coroners Service is being set up in accordance with the National Coroners Service Act.

**Access to information, freedom of expression and of the media****(142.156, 142.157)**

21. Kenya has embraced digitalization to enhance public service delivery and access to information with 17,000 services available on the E-Citizen platform.

22. The Access to Information (ATI) (General) Regulations 2023 were passed by Parliament, with the ATI Policy awaiting Cabinet approval. The Government developed guides, including a Journalist Handbook on Access to Information and a Simplified Version of the ATI Act in English and Kiswahili.

23. In 2022, the Government developed the election coverage guideline and an intermedia safety charter for journalists' safety. The Commission on Administrative Justice (CAJ), with partners, 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.

24. Since 2020, CAJ has trained 14,962 public officers and established Information Access Officers in all 47 counties. The CAJ reviewed over 6.7 million government records for disposal and increased complaints and ATI infrastructure in public institutions from 295 in 2020/2021 to 390 in 2023/2024. CAJ resolved 94% of the 1054 ATI review applications received.

**Freedom of assembly and protection of human rights defenders****(142.159, 142.161, 142.163, 142.139, 142.143, 142.153, 142.154, 142.158, 142.132, 142.160, 142.162, 142.164, 143.3)**

25. 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 protect 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.

26. The Public Benefits Organizations (PBOs) Act, 2013, was operationalized on 14 May 2024 to enhance accountability and governance of PBOs and create a supportive environment for civil society.

**Right to privacy (142.28, 142.176)**

27. Several regulations to implement the Data Protection Act, 2019 including the Data Protection (General) Regulations, 2021, and the Data Protection (Complaints Handling and Enforcement Procedures) Regulations, 2021 have been enacted. The Office of the Data Protection Commissioner (ODPC) operates 3 regional offices in Nyeri, Garissa, Eldoret and

is present in Huduma centres countrywide. It handles data privacy infringement applications, with appeals directed to the High Court, which has resolved three out of twelve cases since January 2023.

28. Since November 2021, the ODPC has issued 5,923 registration certificates, handled 5,702 complaints (resolving 5,026), and issued 120 determinations, 64 enforcement notices, and 9 penalty notices to ensure compliance. The ODPC has conducted 64 audits, with 20 in the public sector and 44 in the private sector, including audits of 40 digital credit providers. It has also held over 200 trainings, reaching more than 1,000 individuals, and published four sector-specific guidance notes for industries such as healthcare, finance, education, and technology.

29. To raise awareness on data privacy, the ODPC launched the AI chatbot *LindaData* in January 2024, designed to provide real-time assistance to citizens and businesses. Additionally, the Supreme Court issued guidelines in September 2023 to protect children's privacy, stating that publishing children's details for public information is a violation of their rights and dignity.<sup>1</sup>

### **Counter-terrorism measures**

**(142.76, 142.77, 142.78, 142.79, 142.80, 142.151, 142.152, 142.246, 142.90)**

30. The National Counterterrorism Center plays a crucial role in building the capacity of law enforcement officers to detect and respond to terrorism threats. In 2023, Kenya reported 58 terrorism-related incidents, a decrease from 67 in 2022, with 32 terrorism suspects arrested.

31. A model Bill for Prevention of Violent Extremism within the counties has seen several counties including Nairobi, Mombasa and Nyeri develop their own Counter-Terrorism Law.

32. In 2022, the ODPP developed the Inter-Agency Guidelines on Cooperation and Collaboration in the Investigation and Prosecution of Terrorism to strengthen coordination among agencies addressing terrorism and terrorism financing. Under the Prisons Act Cap. 90, detainees involved in terrorism are confined separately and placed under police supervision upon release. High-risk inmates require approval for removal from detention, with specialized staff, vetted by external intelligence, managing their care. Strict protocols for communication, risk assessment, and classification are also applied to inmates charged with terrorism offenses. While these security measures are essential for public safety, it's important to emphasize that all suspects are entitled to a fair trial and due process under Kenyan law.

### **Right to life and abolition of the death penalty**

**(142.81, 142.82, 142.83, 142.84, 142.85, 142.86, 142.87, 142.88, 142.89)**

33. The sentencing policy guidelines have been updated in response to the Muruatetu decision,<sup>2</sup> which allows offenders convicted of murder and subject to the mandatory death penalty to apply for resentencing. The ODPP has also established a legislative review committee to analyze legislation and court decisions related to capital punishment, and to propose reforms.

34. Several bills aimed at abolishing the death penalty have been introduced: They have undergone first reading in Parliament and are currently at committee stage.

- The Penal Code (Amendment) Bill, 2023, seeks to replace the death sentence with life imprisonment.
- The Prisons Act (Amendment) Bill, 2023, proposes repealing provisions related to the execution of death sentences.
- The Legal Aid (Amendment) Bill, 2023, aims to remove legal representation for those charged with capital offenses.
- The Preservation of Public Security (Amendment) Bill, 2023, seeks to eliminate the death penalty for offenses related to public security.

35. 143 inmates (140 males, 3 females) had their death sentences commuted to life imprisonment in March 2023. 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.

36. Kenya has established diversion and plea bargain guidelines under Alternative Justice Systems (AJS) to reduce court backlogs and offer alternatives for cases such as robbery with violence, which carry mandatory capital punishment.

#### **Access to justice and legal aid (142.129, 142.130)**

37. Kenya has introduced the following initiatives to promote access to justice:

- The implementation of the National Action Plan for Legal Aid (2017–2022) led to 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 2020 Alternative Justice Policy.
- Twelve Sexual and Gender-Based Violence (SGBV) Courts, staffed with trained judicial officers, were established under the SGBV Strategy 2023–2030. Judicial staffing increases and new appointments reduced case backlogs significantly from 374,540 in 2021 to 306,950 in 2023.<sup>3</sup>
- A 30% reduction in cases older than three years was achieved, and the case clearance rate improved to 97% in 2023. New facilities, including small claims courts, resolved over 27,000 cases worth Ksh. 4.6 billion (USD 35.6M).
- Automation of the Convicted Sexual Offenders Register ensures compliance with the Sexual Offences Act 2006.<sup>4</sup>
- Enhanced ICT integration include an e-filing system, dashboards, virtual hearings, transcription solutions, and secure data centers, improving access and efficiency.

#### **Anti-corruption efforts**

**(142.68, 142.69, 142.70, 142.71, 142.72, 142.69, 142.70, 142.71, 142.72)**

38. Regular training on Anti-Corruption, Money Laundering, and Asset Recovery is provided by the Kenya Judiciary Academy. Since 2021, the Magistrates' Court Anti-Corruption Unit has concluded 2,087 out of 2,793 registered cases, achieving a 75% case clearance rate.

39. Several significant bills related to ethics and corruption are currently under review. The Conflict of Interest Bill, 2023 is undergoing consideration. The Whistle-blower Protection Bill, 2023, aims at protecting whistleblowers in the public and private sectors. Additionally, the Anti-Money Laundering and Combating Terrorism Financing Laws (Amendment) Act, 2023, which aligns Kenya's laws with international standards set by the Financial Action Task Force, was assented to on September 1, 2023.

40. The Ethics and Anti-Corruption Commission (EACC) continues to play a central role in tackling corruption. In terms of asset recovery, the EACC has recovered significant amounts, including Ksh. 6.253 billion in 2020/21 (USD 43.6M), Ksh. 0.938 billion in 2021/22 (USD 6.5M), Ksh. 3.830 billion in 2022/23 (USD 26.2M), and Ksh. 1.719 billion in 2023/24 (USD 11.9M). Furthermore, the EACC's outreach efforts reached millions of Kenyans, with over 40 million people sensitized in 2020/21 alone. The EACC has also successfully prosecuted several corruption cases, achieving notable conviction rates, including 21 convictions out of 25 cases prosecuted in 2020/21 and 21 convictions out of 31 cases in 2022/23.

41. The Kenya Revenue Authority (KRA) is similarly focused on ethics and anti-corruption, training over 1,100 Integrity Assurance Officers and Corruption Prevention Committee members. The KRA has also focused on combating illicit trade and tax avoidance

by employing modern technologies such as the Excisable Goods Management System (EGMS) to track goods in the supply chain. In 2024, the KRA's efforts led to the removal of illicit goods worth Ksh. 5.636 billion (USD 38.8M) from the market.

42. The ODPP registered 40 corruption and economic crimes cases between January and September 2024, achieving 47 convictions and resolving 14 cases through plea bargaining. Despite challenges in data recording, these ongoing initiatives aim to strengthen the prosecution of corruption and illicit financial activities, ensuring greater accountability and transparency in Kenya's legal and financial sectors.

#### **Freedom of religion (142.150)**

43. 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.<sup>5</sup> 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>6</sup>

44. 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.

#### **Transitional justice (142.149, 142.135, 142.51)**

45. Kenya gazetted the final report of the Truth, Justice, and Reconciliation Commission in 2019. The Report was tabled in Parliament for public discourse and debate. There has been partial implementation of its recommendations. Notably, a state apology was issued, and reforms were made, particularly in the judiciary and police. Additionally, all Internally Displaced Persons (IDPs) resulting from the 2007/2008 post-election violence have been settled, integrated, and/or compensated.

46. On December 10, 2020, the High Court in a case involving eight survivors of sexual violence during the 2007/2008 post-election violence. The court ruled in favour of four petitioners, awarding each Ksh. 4 million (USD 35,000) as compensation.<sup>7</sup>

47. Building on the lessons learned from these past injustices, the Government has developed draft Victims Protection Regulations and is establishing a trust fund to provide reparations and compensation to victims of crime.

#### **Counter-trafficking in persons**

**(142.170, 142.171, 142.172, 142.173, 142.174, 142.175, 142.229, 142.258)**

48. Kenya has introduced the following initiatives to combat trafficking in persons:

- The Counter Trafficking in Persons Bill 2024, which is currently undergoing public participation.
- The National Plan of Action to Combat Trafficking in Persons 2022-2027.
- To support victims, the Guidelines on the National Referral Mechanism were disseminated in 26 counties, providing criteria for assistance through the National Assistance Trust Fund (NATF).
- The NATF, gazetted in 2022, has assisted 329 victims during FY 2022/23 and 2023/24. Support was provided to 15 Kenyans trafficked to Laos and Turkey for cybercrimes and sexual exploitation, as well as to 36 survivors trafficked to Gulf countries as domestic workers, who were given economic empowerment.

- A facility to shelter victims of trafficking is under refurbishment. The fund's budget allocation was doubled from Ksh. 20 million (USD 162,270) in FY 2022/23 to Ksh. 40 million (USD 309,477), supporting repatriation, reintegration, and assistance to NGOs.
- Becoming the first country in Eastern Africa to connect to INTERPOL's International Child Sexual Exploitation Database and the US-based National Centre for Missing and Exploited Children. The Anti-Human Trafficking and Child Protection Unit (AHTCPU) recorded 111 trafficking cases in 2023, up from 79 in 2022.
- As of September 2024, 160 trafficking-related cases were registered in court, resulting in 98 convictions from guilty pleas and 75 from full trials. In 2024, 391 trafficking cases were reported, with 118 convictions recorded so far. The ODPP has trained and appointed focal points in eight regions to handle trafficking and organized crime cases.

### **Electoral reforms and hate speech**

**(142.136, 142.168, 142.155, 142.167, 142.169, 142.134, 142.133)**

49. Kenya has implemented the following initiatives to reform elections and combat hate speech:

- The Kenya National Action Plan Against Hate Speech 2022.
- Amending the Evidence Act, Cap 80 in 2022 to provide for the admissibility of electronic messages and digital material in legal proceedings. This will facilitate efficient and effective investigations and prosecutions of hate speech cases, promoting accountability and a safer online environment.
- The Election Security Arrangement Programme (ESAP) was an inter-agency initiative formulated to undertake election security coordination and a framework for managing the security aspects of the 2022 General Election. The ESAP trained 47 magistrates and 20 judges on election and related laws between the years 2021–2022.
- In 2022, the Independent Electoral and Boundaries Commission (IEBC) published election security handbook and manual, trained 47 county election managers and issued them with the handbook on election security, trained 250 constituency election managers and issued them with the manual, and trained 120 prosecution counsel on election offences and related laws.
- The Judiciary gazette special magistrates to hear election disputes. Post-election disputes included nine petitions before the Supreme Court that were resolved within 14 days, 49 before the High Court and 164 before the Magistracy all concluded within six months. The decentralization of the Political Parties Dispute's Resolution Tribunal to eight counties saw 314 disputes resolved within 90 days.
- The ODPP has specially trained prosecutors in each of the 47 counties trained to handle election offences. The National police service ensured 2 law enforcement officers were deployed in each of the 40,000 polling stations countrywide during the election. This helped to enhance security and a free, fair election where incidences of electoral related violence were mitigated and managed.

50. As a result of the above interventions, Kenya recorded only 50 election related offences in 2022 general elections which was the lowest in the history of Kenya's general elections.

51. The High Court has scheduled 12 police officers accused of killing Baby Samantha Pendo during the 2017 Post-Election Violence to plead to murder charges on 15th January 2025. The charges, brought under the International Crimes Act (2008), are based on the principle of superior responsibility, reflecting the suspects' roles during the violence.

52. Key challenge remains in the delay in constituting the IEBC due to court cases challenging appointment of the selection panel.



## Economic, social and cultural rights

### Sustainable development goals (142.39, 142.53)

53. Kenya has achieved significant progress in monitoring Sustainable Development Goals (SDGs), with the number of indicators in the National Indicators Framework increasing from 131 in 2020 to 168 in 2024, though efforts to establish a County Indicator Framework for SDG tracking have stalled due to funding limitations. Advances in SDG 16 include the development of a methodology for data collection on SDG 16.10.1, data collection for 2022 and 2023, and the introduction of a standard demographic module to enhance data disaggregation.

54. Key achievements under SDG 16 include reductions in intentional homicide rates, with figures for females dropping from 4 per 100,000 in 2020 to 3 in 2023, and for males from 10 in 2021 to 6 in 2023. The proportion of young women aged 18–29 who experienced sexual violence before age 18 decreased from 9.5% in 2014 to 4.9% in 2022. Seized or surrendered firearms fell from 610 in 2022 to 296 in 2023, while verified cases of violations against journalists, media personnel, trade unionists, and human rights advocates reduced from 51 in 2021 to 18 in 2022. There were no migrant deaths reported while crossing borders between 2020 and 2023, though the proportion of refugees by origin rose from 1.03% in 2019 to 1.34% in 2023.<sup>8</sup>

55. Kenya has prepared three Voluntary National Reviews (VNRs) in 2017, 2020, and 2024, alongside VNRs for 17 out of 47 counties. These VNRs emphasize the distinctiveness of individual counties and propose tailored interventions to address specific challenges.

### Poverty eradication

(142.65, 142.180, 142.183, 142.184, 142.185, 142.186, 142.187, 142.188, 142.189, 142.190, 142.234, 142.245, 142.47, 142.48)

56. The proportion of the population living below the national poverty line has declined from 42.9% in 2020 to 39.8% in 2022. Further according to Kenya's Third VNR Access to basic services has also improved, with 67.9% of the population having access to drinking water, 40.9% to sanitation, and 51.3% to hygiene services in 2022. A total of 24,112 landless households were settled between 2020 and 2023. Unemployment decreased from 7.2% in 2020 to 5.8% in 2022, while youth not in education, employment, or training dropped from 21.6% to 19.9% in the same period. Child labor rates also saw significant declines, particularly among female children (11.7% to 2.6%) and male children (16.2% to 3.6%) between 2020 and 2022. GDP growth rebounded from -0.30% in 2020 to 5.60% in 2023.

57. In revenue collection, the Government expanded the tax base by recruiting 1.4 million taxpayers in the informal sector, 46,126 Monthly Rental Income (Landlords) tax obligations and collecting Ksh. 3.089 billion (USD 23.9M) from high-net-worth individuals. Digital economy taxation generated Ksh. 1.25 billion (USD 9.7M), while tax amnesty measures collected Ksh. 50 billion (USD 388M) in FY 2023/2024. Reforms included the National Tax Policy 2023, Medium-Term Revenue Strategy (2024/25-2026/27), and multiple tax regulations to clarify tax provisions. System integration initiatives like the Electronic Tax Invoice Management System have minimized VAT fraud, while alternative dispute resolution mechanisms resolved 2,963 out of 3,718 disputes.

58. Trade facilitation improvements raised pre-arrival cargo processing from 20% in 2021 to 40.6% in 2024, demonstrating efficiency in customs operations. These multifaceted efforts underscore Kenya's progress in economic growth, poverty reduction, gender equality, and revenue mobilization.

59. Counties have also implemented initiatives that contribute to job creation and economic empowerment. In the past financial year, 117 new markets were constructed in 28 Counties, recording a 35% increase in the number of markets constructed within the year. Additionally, 113 markets were renovated in 34 Counties. Counties have further successfully automated their business registration services, simplifying the process for SMEs to formalize their operations.

**Right to environment and climate change (143.4)**

60. Kenya has implemented several initiatives to manage disaster risk, safeguard environmental rights, and address climate change:

- The National Disaster Risk Management Policy, 2017, has seen 26 county governments enact Disaster Risk Management Acts. A National Disaster Management Unit and Disaster Management Directorates have been established in 32 counties.
- In 2024, the Environment and Planning Division of the Environment and Land Court was launched to enhance access to justice and environmental preservation.
- 45 Counties have enacted climate change-related Acts.
- The Nairobi Rivers Commission, established in 2022, works with the Nairobi Rivers Regeneration Task Force to reclaim urban waterways. The Financing Locally Led Climate Action initiative, launched in 2020 with the World Bank, prioritizes community-led climate projects. The National Tree Growing Restoration Campaign aims to plant 15 billion trees by 2032 to reach 30% tree cover.

61. Kenya hosted the 2023 Africa Climate Summit and Africa Climate Week, showcasing its leadership in climate action. The Climate Change Learning and Awareness Strategy (2021–2030) has been developed to increase public knowledge and action on climate change.

62. Disaster preparedness has been improved with the deployment of 3 Automatic Weather Observing Systems and 122 weather stations across 26 counties. In October 2023, an Early Warning Sharing Framework was initiated.

63. The Kenya Meteorological Department, in collaboration with local and indigenous forecasters, developed seasonal climate advisories, reaching over 68,000 people in Murang'a and 36,800 in Kajiado. Efforts to translate weather advisories into indigenous languages are underway to support food security for indigenous peoples and smallholder farmers.

**Right to food (142.66, 142.198)**

64. Kenya's agriculture sector showed strong recovery in 2023, growing by 7%, thanks to favorable weather, increased production, and interventions like the fertilizer subsidy program. This resulted in a 10.7% rise in earnings from agricultural production, reaching Ksh. 628.5 billion (USD 4.8B), and a 6.5% growth in the sector's real Gross Value Added.<sup>9</sup>

65. The Food Security and Crop Diversification Project improved production by providing diverse seeds and planting materials including 2.6 million seedlings, supporting food security and crop diversification.

66. The Hunger Safety Net Programme provided Ksh. 332.3 million (USD 2.5M) monthly to 123,107 households in arid counties, reducing acute food insecurity from 4.4 million people in 2022 to 1.9 million in 2023.

67. Key policies such as the Agricultural Policy 2021, Kenya Agricultural Extension Policy 2023, and National Agricultural Insurance Policy 2023 have strengthened agricultural resilience. The Kenya Agri-Nutrition Implementation Strategy (2020–2025) helped reduce stunting (26% in 2014 to 17.6% in 2022) and underweight rates (11% to 10%), although wasting slightly increased.

68. The revitalization of 4K Clubs empowered over 50,000 youth in agricultural and life skills. Marketing improvements, including the Warehouse Receipts System Act, Cap 350 and digital innovations like the National Livestock Information Management System, supported expanded production and streamlined subsidy programs.

69. The National Agroecology Strategy for Food System Transformation (2024-2033) was launched to enhance food security for smallholder farmers and indigenous communities, building on successes in Murang'a County. The Government also registered over 56 community lands under the Community Lands Act 2016 to support livelihoods and food security.

**Business and human rights (142.73, 142.74, 142.75)**

70. Kenya became the first African country to develop a National Action Plan (NAP) on Business and Human Rights, which was approved by Cabinet and adopted by Parliament as Sessional Paper No. 3 of 2021 with implementation ongoing.

71. Ongoing capacity building efforts have engaged private and public sector lawyers, procurement officers, and civil society organizations on the UN Guiding Principles and the NAP.

72. Simplified versions of the NAP in English and Swahili have been developed. The Government is developing guidelines for human rights due diligence and grievance handling mechanism.

73. The country also hosted the Third African Business and Human Rights Forum in October 2024.

**Right to housing and land (142.181)**

74. During the review period, 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.

75. Supporting this initiative, the Affordable Housing Act 2024 was enacted, and 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.

76. In the land sector, the National Land Information Management System, popularly known as Ardhisasa, was launched to digitize land records and streamline citizen and stakeholder access to land processes. Nairobi and Muranga counties are live with efforts to expand digitization in Mombasa, Isiolo and Marsabit. These efforts in housing and land management aim to foster economic growth, improve living standards, and modernize land governance in Kenya.

**Right to water and sanitation (142.182, 142.190)**

77. The Government implemented key regulatory frameworks including the Water Harvesting and Storage Regulations 2021, Water Resources Regulations 2021, and Water Service Regulations 2021, leading to a rise in water coverage in regulated areas from 62% to 65%. Contributions came from both Small-Scale Service Providers (SSSPs), serving 785,444 people, while regulated utilities, serving 750,284 people, enhancing access to water in urban and rural areas.<sup>10</sup> The Water (Amendment) Act 2024 will address financing gaps and enhance efficiency, emphasizing private sector partnerships and requiring counties without water production capacity to purchase water.

78. According to the Kenya Demographic Health Survey (KDHS) 2022, urban access to improved water sources is at 92% and 68% in rural areas. Improved sanitation facilities are accessible to 82% of urban areas and 52% of rural areas. Handwashing facilities are available to 75% of urban households and 45% of rural ones. County governments have enacted water-related laws in 37 counties, developed County Water Master Plans in 23 counties, and formulated Water and Sanitation Strategy and Investment Plans in 17 counties.

79. There are currently 123 county-owned water service providers and 5,634 informal providers. Infrastructure includes 15,361 functional boreholes, 8,757 water pans, and small dams.

**Right to social protection and older persons (142.192, 142.243)**

80. Kenya has adopted the following measures to enhance social protection:

- Kenya Social Protection Policy, 2023, aimed at providing programs and interventions to mitigate poverty, vulnerability, and risks throughout the life cycle.
- To strengthen its implementation, a Social Protection Bill is under development.
- 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.
- The Inua Jamii Cash transfer programs have benefitted 1,252,419 older persons, 448,809 Orphans and Vulnerable Children (OVCs), and 62,315 Persons with Severe Disabilities (PWSDs) as of November 2024. The FY 2024/25 budget allocated Ksh. 30 billion (USD 282.8M) for older persons, Ksh. 10.77 billion (USD 83.5M) for OVCs, and Ksh 1.49 billion (USD 11.5M) for PWSDs.
- 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.
- Additionally, the Older Persons Bill 2024 is under development, and a sensitization booklet on the rights of older persons is being finalized.
- According to the 2019 Census report, the proportion of older persons, estimated at 6% of the population (2.74 million in 2019), has seen 500,000 additional beneficiaries onboarded to Inua Jamii in FY 2023/24, raising the total to 1,379,075, an 88.12% increase.
- The National Policy on Rehabilitation of Street Families was launched, and a draft Street Families Bill is under development. A 2018 census reported 46,639 street persons, 32% of whom were children. A second census is planned for FY 2024/25. Over the past five years, 16,455 children were rescued, 20,079 received education and vocational training, 17,292 received psychosocial support, and 11,308 were reintegrated into society.

**Right to health**

**(142.180, 142.209, 142.194, 142.191, 142.199, 142.204, 142.205, 142.201, 142.210, 142.193, 142.196, 142.200, 142.203, 142.255)**

81. 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.

82. Key UHC legislation includes the Social Health Insurance Act, Primary Health Care Act, Facilities Improvement Financing Act of 2023, and the Digital Health Act of 2023.

83. 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) hinder 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.

84. Kenya's 47 counties host 13,190 health facilities, including 6 level 6 referral hospitals, 22 level 5 county hospitals, and 9,945 dispensaries. Counties allocate over 30% of recurrent budgets to health, reducing infant deaths by up to 39% per 1,000 live births and improving access to specialized care for diabetes, renal, and cardiovascular conditions.

85. Maternal health indicators show improvement, with 66% of women attending four or more antenatal visits, 88% of deliveries occurring in health facilities, and 89% assisted by skilled providers.

86. The County health workforce comprises 18,924 health workers, 5,000 clinical officers, 4,080 doctors, and 26,000 nurses, although this is below WHO-recommended minimum ratios.

#### **HIV-prevention and sexual and reproductive health rights (142.197, 142.202, 142.195, 142.111, 142.206)**

87. 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) 2024/25–2026/27<sup>11</sup>, 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.

88. 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.

89. The Government has advanced the fight against Gender-based Violence (GBV) and harmful practices. The judiciary introduced a defined category for Female Genital Mutilation (FGM) cases, with 30 cases reported since April 2023, achieving a 60% clearance rate. Additionally, 224 GBV cases were registered by June 2024, with 27 convictions. Additionally, the Guidelines on Case Management and Referral for Child Protection in Kenya (2019) have been disseminated in all 47 counties.

90. Kenya's menstrual hygiene initiatives include the Menstrual Hygiene Management Policy 2020 and a Sanitary Towels Bill 2024 to provide free sanitary towels in public institutions. For the FY 2023/24 the Sanitary Towel Programme is set to support 2,293,251 girls in public primary and junior secondary schools, with a budget allocation of Ksh. 876 million (USD 6.7M). Efforts to reduce teenage pregnancy saw a decline from 18% in 2014 to 15% in 2022.

91. The Government has also enhanced health for vulnerable populations, with policy reforms and opioid substitution therapy services in prisons. Two opioid clinics now operate in prison settings, reflecting Kenya's rights-based approach to healthcare. These strides underscore Kenya's commitment to achieving SDG targets and addressing HIV/AIDS and related public health challenges.

#### **Mental health (142.27)**

92. Kenya has enacted the Mental Health (Amendment) Act No. 7 of 2022. Complementary measures include the National Mental Health Action Plan 2021-2025, the National Guidelines on Workplace Mental Health 2023, and the National Clinical Guidelines for Management of Common Mental Health Disorders 2024.

93. In addition to efforts to decriminalize attempted suicide through Petitions before the Senate<sup>12</sup> and National Assembly<sup>13</sup> the High Court in a landmark case<sup>14</sup> has held that Section 226 of the Penal Code, Cap 87 which criminalizes attempted Suicide unconstitutional holding that the criminalization of attempted suicide is unacceptable from a constitutional view and that such individuals need care and assistance rather than punishment.

94. The Suicide Prevention Strategy 2021-2026 was also adopted, promoting a holistic approach to reducing suicide rates. The ODPP also emphasizes treatment and counselling over punitive measures for individuals charged with attempted suicide.

95. The Children's Act Cap 141, passed in July 2022, strengthens the protection and promotion of children's rights, including their mental health. Specifically, it mandates access to mental healthcare services and protection from abuse, both of which can significantly impact a child's mental well-being. The Persons with Disabilities Bill (Senate Bills No. 7 of 2023), currently in its second reading before the National Assembly, seeks to further advance the rights and well-being of individuals with disabilities, including those with mental health conditions.

#### **Right to family (142.46, 142.247)**

96. 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 have reached 30 counties in 2024.

97. To promote family and community-based care for children, the National Care Reform Strategy for Children in Kenya 2022-2032 was launched in June 2022 and is in its first phase of implementation, aligned with the Children Act, 2022. The Act mandates transitioning children in institutional care back to families or communities, phasing out Charitable Children's Institutions within 10 years, and offering alternative family care for at-risk children. The Care Reform Strategy has been disseminated across all 47 counties, with sub-county dissemination ongoing.

98. The Government is implementing Alternative Family Care Guidelines, supported by operational Standard Operating Procedures. Forms of alternative care include Kinship care, Adoption, Guardianship, Foster care, Kafaala, Supported Independent Living, and Supported Child-Headed Households. For the latter two, National Mentorship Guidelines have been developed.

99. Transition programs focus on integrating adults who grew up in children's homes into society, providing mentorship, training, skills development, employment support, and counseling. These initiatives ensure family-centered care and sustainable reintegration for vulnerable children and youth.

#### **Labour and employment (142.177, 142.234)**

100. 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.<sup>15</sup> Notably, 87% of grant recipients created employment for themselves and others.<sup>16</sup>

101. 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.

102. 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.

103. 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. According to the Economic Survey Report 2024, employment in the modern and informal sectors, excluding small-scale farming and pastoralist activities, went up from 19.1 million in 2022 to 20.0 million in 2023. Total new jobs generated in the economy were 848.2 thousand in 2023.<sup>17</sup>

### **Right to education**

**(142.207, 142.208, 142.209, 142.210, 142.215, 142.217, 142.211, 142.212, 142.220, 142.254, 142.213, 142.214, 142.218, 142.219, 142.221, 142.223, 142.216, 142.222, 142.191)**

104. 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. A Presidential Working Party on Education Reforms (PWPER) was established in September 2022 to guide reforms in basic, tertiary, and university education. Initiatives like the Elimu Scholarship benefited 53,000 learners from poor families between FY 2020/21 and FY 2024/25,<sup>18</sup> while over 2,000 learners with disabilities accessed support through the Ustawi scholarship program.<sup>19</sup>

105. Notable progress from the 2024 Education Sector Report<sup>20</sup> 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. Enrolments showed mixed trends: Public Primary Schools decreased from 8.85 million in FY 2021/22 to 8.12 million in FY 2022/23 due to grade 6 transitions, while Public Secondary Schools grew by 12.17% to 3.69 million. Enrolments in Special Needs Education (SNE) rose from 132,466 in FY 2020/21 to 146,313 in FY 2022/23.

106. The education workforce expanded with 18,000 teachers recruited between FY 2020/21 and FY 2022/23, and 22,000 intern teachers hired in FY 2022/23. School meal programs fed 2.3 million learners for 135 days in FY 2022/23 at a cost of Ksh. 3.92 billion, and sanitary towels were provided to over 1.68 million girls. Digital Literacy Program investments included Ksh. 55 million (USD 426,814) for smart classrooms in 1,000 schools and Ksh. 300 million (USD 2.3M) to recruit and train 1,000 ICT interns.

107. Technical and Vocational Education Training (TVET) enrolments increased by 51.81%, from 250,733 in FY 2020/21 to 380,638 in FY 2022/23, with Special Needs Education TVET trainees growing from 3,301 to 4,487. 18 new TVET institutions were constructed and upgrades in 35 workshops improved training capacity under the AfDB Phase II project.

108. The Higher Education Loans Board (HELB) supported 229,727 to 244,552 undergraduate students annually between FY 2020/21 and FY 2022/23, while loans to TVET students rose from 65,813 to 122,320 in the same period. Alongside the reservation of 55% of HELB for women and girls, there is 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.

109. 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.

110. 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 109,901 teachers in public institutions. Additionally, the 2023 Variable Scholarship and Loan Funding model replaced block capitation for universities and TVETs with need-based scholarships, loans, and household contributions. However, challenges such as applicant classification and legal disputes have arisen.

## **Group rights**

### **Rights of the child and juvenile justice**

(142.125, 142.261, 142.244, 142.229, 142.250, 142.256, 142.131, 142.132)

111. Kenya has made significant strides in child protection and addressing GBV. The Children Act, 2022, introduced reforms such as raising the age of criminal responsibility from 8 to 12 years, banning corporal punishment in all settings, establishing a Child Welfare Fund, and promoting alternative dispute resolution for child matters to reduce formal justice system involvement. Public participation was conducted in May 2024 to operationalize regulations under the Act, including those on foster care, adoption, and child protection. Additionally, the Child Justice Strategy (2023-2030) was developed to safeguard the rights of children in conflict with the law.

112. Child protection efforts include the operational Child Helpline (116). In 2023, 444 Children's Officers were trained to manage GBV cases. Pre-trial child-friendly rooms established by the ODPP in 8 counties utilize technology like video recording for child witnesses.

113. Safe and Protection Centres have been established in 18 counties, alongside government-run shelters in 5 counties, complemented by private shelters. 38 Tumaini Clinics in Nairobi County health facilities provide integrated SGBV services, while the Gender Based Violence Recovery Centres model has been adopted in 10 county hospitals.

114. 626 forced labour cases prosecuted in 2024, with 111 convictions. The country remains current in its international reporting obligations, having submitted its latest periodic CRC report (6<sup>th</sup> & 7<sup>th</sup>) in 2024. These initiatives emphasize Kenya's commitment to safeguarding children's rights and combating GBV effectively.

### **Rights of persons with disabilities**

(142.248, 142.249, 142.250, 142.251, 142.252, 142.253, 142.254, 142.255, 142.254, 142.200, 142.255)

115. Kenya has implemented significant initiatives to support PWDs. Partnerships have provided assistive devices and subsidized therapy for 17,920 individuals with autism and developmental disabilities, while over 2,000 PWDs received wheelchairs. The Autism Spectrum Disorder and Related Developmental Disabilities Programme delivered therapy services, essential drugs, diagnostic tests, and incontinence products to 17,682 beneficiaries, with the budget increasing to Ksh. 100 million (USD 776,026) in FY 2024/25 from Ksh. 70 million (USD 543,218).

116. The Programme also assisted 10,668 PWDs with assistive devices and rehabilitated 102 individuals with acquired visual and physical disabilities between FY 2020/21 and FY 2023/24. Additionally, the Government launched an Analytical Monograph on Autism Spectrum Disorders in 2024 and procured 20 cryogenic machines to enhance healthcare for persons with albinism.

117. Policy developments include the reviewed Persons with Disabilities Policy awaiting Cabinet approval and the Special Needs Education Policy (2018) pending Senate approval. The Senate Learners with Disabilities Bill 2023, ensuring quality education for learners with disabilities, is under consideration, alongside ongoing registration of PWDs under the Social Health Insurance Act 2023.



118. The National Council for Persons with Disabilities supported 109 PWD organizations with grants from FY 2021/22 to FY 2023/24 and provided education assistance to 9,723 children with disabilities at primary, secondary, and tertiary levels. Pro-bono legal schemes are being developed to promote access to justice for PWDs, underscoring Kenya's commitment to inclusive support and advocacy for this population.

119. The Government has also prioritized inclusion of PWDs in low-cost agricultural value chains. Kirinyaga County funded over 20 PWD groups for income-generating projects like banana flour processing, beekeeping, and crafts. In Kajiado County, 12 PWD groups were supported in hay baling, beef bulls, and dairy goat projects.

#### **Rights of indigenous peoples (142.257, 142.41)**

120. Kenya is advancing the rights of marginalized communities and indigenous peoples through several initiatives. The Government is 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.

121. 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.

122. Taskforces have been established to incorporate indigenous voices in resource management and rights discussions. Notably, the Taskforce on the Ogiek community's rights focuses on implementing the African Court's decision and promoting sustainable forest management. Additionally, the Directorate of Minorities and Marginalized Communities is creating a Presidential Taskforce to address barriers to implementing minority rights and recommend affirmative action programs for governance and representation.

#### **Rights of refugees (142.259, 142.260, 142.29, 142.218, 142.219, 142.235)**

123. Kenya remains a leading refugee-hosting country in Africa, with 804,495 refugees and asylum seekers as of September 2024, up from 654,147 in 2023. 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. The Government has also gazetted seven refugee documents to facilitate access to rights and services.

124. 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 benefitted since 2022.

125. 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.

**Rights of persons with albinism****(142.118, 142.119, 142.120, 142.121, 142.122, 142.123, 142.124)**

128. Kenya has finalized the Draft National Action Plan on Albinism, awaiting stakeholder participation in 2024. The National Albinism Support Program, launched in 2011/2012 with a budget of Ksh. 100 million (USD 776,026), has expanded from supporting 3,800 persons to 5,000 beneficiaries by FY 2023/2024. Services provided include sunscreen lotions, after-sun lotions, lip balms, skin cancer screening and treatment, eye care services, and protective clothing. Additionally, all needy Persons with Albinism (PWAs) applying for education assistance are supported with grants and scholarships.

129. Public education initiatives are also being conducted along border counties to mitigate attacks on persons with albinism.

**Equality and non-discrimination****(142.62, 142.61, 142.59, 142.64, 142.178, 142.179)**

130. Kenya continues to strengthen its commitment to equality and non-discrimination as outlined in Article 27 of the Constitution. A draft policy on Prevention, Response, and Protection from Unlawful Sexual Acts and amendments to the Sexual Offences Act, 2006, have been finalized, with over 10 counties enacting SGBV policies and laws. Between FY 2021/22 and FY 2023/24, the National Gender and Equality Commission processed 361 complaints related to discrimination.

131. In 2023, the Supreme Court affirmed the LGBTQA+ community's freedom of association, allowing them to form and join organizations advocating for their rights.<sup>21</sup> This landmark ruling emphasized the unconstitutionality of discrimination against such associations. The Government is also working on an Intersex Persons Bill to ensure the protection and recognition of intersex persons.

132. Efforts to improve gender statistics are guided by the Gender Sector Statistics Plan (2019/20-2022/23) under the Kenya Strategy for the Development of Statistics (KSDS). The Kenya National Bureau of Statistics (KNBS) collects gender-disaggregated data, supported by initiatives such as UN Women's "Making Every Woman and Girl Count Program" and the 2021 Kenya Continuous Household Expenditure Survey, which included a Time Use component. Data from the 2022 Demographic Health Survey highlighted indicators on women's empowerment, GBV, and controlling behaviors.

133. The National Policy on Gender and Development, 2019, mandates gender mainstreaming in public institutions. As of FY 2022/23, 92% of public sector institutions complied with the two-thirds gender rule, though 11% of tertiary institutions and state corporations fell short.

134. The NCPWD has supported 9 Organizations for Persons with Disabilities (OPDs) with Ksh. 4.5 million (USD 34,921) for sensitization and provided Ksh. 5 million (USD 38,801) to 55 OPDs for disability-focused events.

135. 20,044 GBV cases were prosecuted as of June 2024, resulting in 1,346 convictions. The remaining cases are ongoing.

**Protection from harmful cultural practices****(142.33, 142.34, 142.35, 142.54, 142.95, 142.96, 142.97, 142.98, 142.99, 142.100, 142.101, 142.102, 142.103, 142.104, 142.105, 142.106, 142.107, 142.108, 142.109, 142.110, 142.111, 142.112, 142.114, 142.115, 142.116, 142.117, 142.133, 142.115, 142.117, 142.133, 142.64, 142.166)**

136. Kenya has intensified efforts to combat harmful practices such as FGM, child marriage, and the killings of elderly persons and persons with albinism. Public sensitization forums and enforcement activities have been conducted across 22 high-burden counties. 3,000 law enforcement officers were trained on human rights and enforcement of the Anti-FGM Act Cap. 62B. The KDHS 2022 shows a decline in FGM prevalence from 21% in 2014 to 15% in 2022, and child marriage rates dropped from 28.7% in 2014 to 23% in 2022.

137. Funding for anti-FGM initiatives increased significantly from Ksh. 102 million (USD 791,546) in FY 2022/23 to Ksh. 248 million (USD 1.9M) in FY 2023/24. Over 20,000 resource persons have been trained, and anti-FGM policies were launched in 3 counties, with costed action plans developed in 3 other counties. The Prohibition of FGM Act was translated into Arabic to improve accessibility, and county Anti-FGM steering committees have been operationalized. Cross-border monitoring mechanisms were strengthened, with regional meetings in Uganda and Tanzania from 2022 reinforcing commitments to end cross-border FGM.

138. To combat GBV, the GBV Hotline (1195) handled 5,636 cases between July 2023 and June 2024, offering psychosocial support, rescue, and follow-up services. Beneficiaries included 2,816 female children, 2,355 male children, 10 female PWDs, and 394 female survivors of SGBV. The 2022 KDHS incorporated expanded GBV modules, providing gender-disaggregated data.

139. Judicial interventions include 12 specialized SGBV courts to expedite cases and protect survivors. Additionally, 22 County Gender Sector Working Groups received training on Protection Against Domestic Violence Rules, which allow streamlined reporting, immediate case hearings, and time-bound protection orders.

140. The Government is developing a National Plan of Action to address harmful cultural practices such as child marriage, virginity testing, child beading, and both female and male genital mutilation.

**Women's rights: participation of women in decision making and empowerment (142.60, 142.63, 142.165, 142.166, 142.221, 142.224, 142.225, 142.230, 142.232, 142.233, 142.234, 142.67)**

141. The NGECE oversees mainstreaming gender issues and the inclusion of marginalized groups. Funding for the Commission has steadily increased, with allocations of Ksh. 436.6 million (USD 3.3M) in FY 2021/22, Ksh. 473.2 million in FY 2022/23, and Ksh. 468.9 million (USD 3.6M) in FY 2023/24.

142. Efforts are underway to implement Articles 27 and 100 of the Constitution on gender representation and special interest groups, supported by active legislative processes such as the Constitution of Kenya (Amendment) Bill (Senate Bills No. 15 of 2023).

143. Women's Parliamentary representation stands at 23.5%, with 33.1% of County Assembly Members, and 31.3% of senators being female. There was also an increase in women gubernatorial seats from 3 to 7. On gender mainstreaming, in the FY 2022/23 the NGECE released a report on the status of gender mainstreaming in public institutions finding that 92% of public institutions complied with the 2/3rd gender rule.

144. Gender-focused policies include the Agriculture Gender Policy (2021) and the first Kenya Land Sector Gender Policy, which monitor women's land rights and provide training for rural women. Climate change action plans in 44 counties now integrate special interest groups in implementation matrices.

145. Efforts to enhance women's leadership include training 19 women in political leadership and 18 trainers of trainers at the Kenya School of Government. The Ajira Program has trained 350,000 youth, with 195,000 linked to digital jobs, of whom 53% are young women.

146. Kenya is also advancing gender equity in education, with 55% of university scholarships reserved for women and the ongoing implementation of the National Strategy for Gender and Development, targeting increased opportunities for disadvantaged groups in decision-making.

**Women peace and security (142.226)**

147. Kenya has made significant progress in gender equality and peacebuilding. According to the 2020/2021 Women Peace and Security Index, Kenya's global ranking improved from 107 in 2017 to 90 in 2021, with women's participation in county peace committees increasing from 14% in 2017 to 34% in 2023.

148. Women's organizations and activists have played a key role in implementing Kenya's National Action Plans on Women, Peace, and Security (KNAP I and KNAP II 2020-2024<sup>22</sup>), which domesticate UNSC Resolution 1325. These efforts include conflict prevention, mediation, indigenous peacebuilding, and research.

149. Additionally, the Ministry of Defence introduced its first-ever Gender Policy, integrating gender perspectives into peace and security reforms. By 2023, women accounted for 12% of military personnel and 9% of officers, reflecting progress in gender inclusion within the defence sector.

### **III. Implementation of voluntary pledges**

150. Kenya made four pledges in December 2023 during the 75<sup>th</sup> Anniversary celebrations of the Universal Declaration on Human Rights.

151. Criminalizing Enforced Disappearances: Enforced disappearances are among the gravest of human rights violations. Recognizing this, the Hon. Attorney General in 2023 established an inter-agency committee to review the legal and policy framework on enforced disappearances and extrajudicial killings in Kenya, with efforts focused on amending the Penal Code to formally criminalize this offense.

152. Climate Justice: In its commitment to transition completely to clean energy by 2030, the country has formulated the National Climate Change Action Plan 2023-2027, which outlines strategies for climate change mitigation and adaptation through low-carbon, climate-resilient initiatives across socio-economic sectors. Additionally, the Climate Change (Amendment) Act 2023 enhances frameworks for carbon markets and land-based investments, ensuring that community development agreements are implemented in marginalized regions.

153. Inclusive Social Protection Programs: Significant steps include the development of regulations for the Children's Act and the completion of the Enhanced Single Registry in December 2024, which contains data on poor and vulnerable individuals across all 47 counties. Moreover, the registration of refugee households and integrated refugee groups has been initiated within five counties.

154. Review of Human Rights Policy: Kenya is in the process of revising its national policy and action plan on human rights. In 2024, the government conducted regional consultations in six counties to gather input on potential areas for review, and the development of this policy is currently underway.

### **IV. New and emerging issues**

155. Data Protection in the age of AI & Technology: As artificial intelligence and technology rapidly advance, the protection of personal data has become a paramount human rights concern. The Government of Kenya is developing a National AI Strategy 2025-2030. The strategy focuses on strengthening data sovereignty, ensuring that data collected within Kenya is stored and processed locally to prevent exploitation by foreign entities. It also emphasizes inclusive development, aiming to foster AI-driven economic growth while improving public services.

156. Climate Change: poses significant threats to human rights, impacting vulnerable communities the hardest. The Government of Kenya is handling climate change concerns through measures like the development of the National Climate Change Action Plan which includes strategies for climate-smart agriculture to enhance food security and resilience to climate impacts and investing in renewable energy sources. Over 80% of the country's energy comes from renewable sources like geothermal, wind, and solar power.

## V. Challenges that require support of international community

### Challenges

157. Migration and refugee rights: The protracted refugee situation in camps like Dadaab and Kakuma strains resources and infrastructure, leading to tensions between refugees and host communities. 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.

158. The maternal mortality ratio remains high at 355 deaths per 100,000 live births, with 15 counties accounting for 98.7% of maternal deaths.<sup>23</sup> The enhanced single registry, which contains data on poor and vulnerable persons, helps identify and prioritize women in need of maternal health services.

159. Femicide has been a growing concern. In 2024, there were 170 documented femicide cases. In 2025 the Government established a taskforce to investigate and recommend solutions for gender-based violence, including femicide. Additionally, the government has committed funds to campaigns aimed at eradicating femicide and improving the judicial response to such cases.

### Areas of technical support

160. The Government of Kenya requests support in the following areas:

(a) Developing AI systems for effective public service delivery and digitization of government services.

(b) Building capacity of government officers both in national and county governments on the use of human rights-based approaches to planning, programmes, policy development and monitoring and evaluation processes.

### Notes

- <sup>1</sup> *Macharia & 6 Others v Standard Group & 4 Others*, SC Pet 13 (E015 of 2022).
- <sup>2</sup> *Murutetu & Another V Republic; Katiba Institute & 4 Others (Amicus Curiae)* (Petition 15 & 16 of 2015) [2021] KESC 31 (KLR) (6 July 2021) (Directions).
- <sup>3</sup> <https://www.judiciary.go.ke/wp-content/uploads/2024/04/Inside-the-Judiciary-JULY-MARCH-ISSUE-17-2023-ITJ-MAGAZINE.pdf>.
- <sup>4</sup> <https://judiciary.go.ke/csoer/>.
- <sup>5</sup> *JWM (alias P) v. Board of Management [particulars withheld] High School & 2 others* (Petition 10 of 2019) available at <http://kenyalaw.org/caselaw/cases/view/180467/>.
- <sup>6</sup> *Mohamed Fugicha v. Methodist Church in Kenya* (Civil Appeal 22 of 2015) available at <https://kenyalaw.org/caselaw/cases/view/125558/>.
- <sup>7</sup> High Court of Kenya ruled on Constitutional Petition No. 122 of 2013 available at <http://kenyalaw.org/caselaw/cases/view/206218/>.
- <sup>8</sup> [https://sdgkenyaforum.org/content/vnr/2024/Submitted\\_to\\_New\\_York\\_Final\\_-\\_VNR\\_Report\\_2024190624.pdf](https://sdgkenyaforum.org/content/vnr/2024/Submitted_to_New_York_Final_-_VNR_Report_2024190624.pdf).
- <sup>9</sup> <https://www.knbs.or.ke/wp-content/uploads/2024/05/2024-Economic-Survey-Popular-Version.pdf>.
- <sup>10</sup> <https://wasreb.go.ke/wp-content/uploads/2024/09/Aqualink-Issue-34-compressed.pdf>.
- <sup>11</sup> [https://nsdcc.go.ke/wp-content/uploads/2021/01/KASFII\\_Web22.pdf](https://nsdcc.go.ke/wp-content/uploads/2021/01/KASFII_Web22.pdf).
- <sup>12</sup> <http://www.parliament.go.ke/decriminalise-suicidal-tendencies-knchr-tells-senate-shakahola-committee>.
- <sup>13</sup> <http://217.21.116.45/parliament/node/1878>.
- <sup>14</sup> *Kenya National Commission on Human Rights & 2 others v Attorney General; Director of Public Prosecutions & 3 others (Interested Parties); Law Society of Kenya (Amicus Curiae)* (Constitutional Petition E045 of 2022) [2025] KEHC 6 (KLR) available at <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/6/eng@2025-01-09>.
- <sup>15</sup> <https://msea.go.ke/wp-content/uploads/2024/11/KYEOP.pdf>.

<sup>16</sup> <https://kyeop.go.ke/>.

<sup>17</sup> <https://www.knbs.or.ke/wp-content/uploads/2024/05/2024-Economic-Survey.pdf>.

<sup>18</sup> [https://www.education.go.ke/sites/default/files/2024-](https://www.education.go.ke/sites/default/files/2024-01/CS%20MACHOGU%20SPEECH%20ELIMU%20SCHOLARS%20-%202019.1.2024%20m.pdf)

[01/CS%20MACHOGU%20SPEECH%20ELIMU%20SCHOLARS%20-%202019.1.2024%20m.pdf](https://www.education.go.ke/sites/default/files/2024-01/CS%20MACHOGU%20SPEECH%20ELIMU%20SCHOLARS%20-%202019.1.2024%20m.pdf).

<sup>19</sup> <https://ncpwd.go.ke/launched-of-ustawi-education-scholarships-and-the-first-tunza-career-guidance/>.

<sup>20</sup> <https://www.treasury.go.ke/wp-content/uploads/2024/11/Education-Sector-Report-2024-latest.pdf>.

<sup>21</sup> <https://kenyalaw.org/caselaw/cases/view/252450/>.

<sup>22</sup> <https://gender.go.ke/wp-content/uploads/2020/09/KNAP-II-digital-30-Apr-2.pdf>.

<sup>23</sup> <https://www.knbs.or.ke/wp-content/uploads/2023/08/Kenya-Demographic-and-Health-Survey-KDHS-2022-Summary-Report.pdf>.

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