

REPUBLIC OF KENYA



OFFICE OF THE ATTORNEY GENERAL & DEPARTMENT OF JUSTICE

**4TH CYCLE MID-TERM REPORT
UNDER THE
UNIVERSAL PERIODIC REVIEW (UPR)**

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INTRODUCTION

The Government of Kenya is pleased to submit its 4th Cycle Mid-term Report on the Universal Periodic Review Process. This report takes stock of the status of implementation of the recommendations received during the third-cycle review, challenges and obstacles faced, opportunities for improvement, future goals, and aspirations. The Government of Kenya is pleased to join the 87 States who have chosen to voluntarily submit these reports outlining advances in the promotion and protection of human rights.

Kenya's human rights record was reviewed for the 3rd time under the Universal Periodic Review process in January 2020 during the 35th session of the UPR Working Group. During the interactive dialogue session, 118 delegations made statements and Kenya received 319 recommendations. Out of these 263 received support and 56 were noted. To ensure proper implementation of the accepted recommendations a comprehensive implementation plan 2021-2025 was developed. This implementation plan clusters the various recommendations into thematic areas and outlines the tasks to be undertaken to implement the UPR recommendations, indicators to monitor the progress made, responsible actors for each task and timelines within which the tasks should be undertaken and completed. The implementation plan has served as a foundation for this mid-term report.

METHODOLOGY

Following its third review in 2020, the GOK, in collaboration with the National Human Rights Institution and Civil Society Organizations (CSO) prepared a Universal Periodic Review 3rd Cycle Implementation Matrix 2021-2025 to aid in tracking the implementation of the accepted recommendations. This implementation plan clusters the various recommendations into thematic areas and outlines the tasks to be undertaken to implement the recommendations, indicators to monitor the progress made, responsible actors for each task and timelines within which the tasks should be undertaken and completed. The implementation plan played an essential role in monitoring the progress made in the implementation of the UPR recommendations and served as a foundation for this mid-term report greatly simplifying and streamlining the process of its development by among others identifying the key actors.

The OAG & DOJ held consultative forums with the support of the Office of the High Commissioner for Human Rights involving civil society organizations, the Judiciary, Parliament, County Governments, human rights defenders, academia, and National Human Rights Institutions. Input from these organizations was invaluable in the preparation, review and validation of this report.

EXECUTIVE SUMMARY OF KEY DEVELOPMENTS AND UPR IMPLEMENTATION

The year 2024 heralds a transformative phase in Kenya's development trajectory, marked by the rollout of strategic initiatives under the Bottom-Up Economic Transformation Agenda (BETA). According to the UN Declaration on the Right to Development, 1986 a human rights-based approach requires that development be carried out in a manner “in which all human rights and fundamental freedoms can be fully realised.”

As such BETA is itself conscious of the link between its development agenda and human rights. It also acknowledges the need to continuously strengthen the institutional capacity of governance structures calling specifically for a human rights-based approach to national security measures, judicial independence and access to justice, the fight against corruption and overall governance structures.

BETA is anchored in five key pillars: Agriculture, MSME Economy, Housing and Settlement, Healthcare, as well as Digital and Creative Economy. These priority interventions are expected to contribute toward six broad objectives including lowering the cost of living, eradicating hunger, managing unemployment, improving fiscal performance, stabilizing foreign exchange and ensuring inclusive economic growth.

These commitments further demonstrate the mutually reinforcing nature of human rights and good governance where human rights standards and principles provide a set of values to guide the work of governments and other political and social actors. They also provide a set of performance standards against which these actors can be held accountable.

This executive summary encapsulates the multifaceted initiatives of BETA and underscores their alignment with human rights principles, ensuring inclusivity, dignity, and equitable opportunities for all Kenyans.

Kenya recognizes the intrinsic link between economic prosperity and human rights. The promotion of Public Private Partnerships (PPPs) through transparent regulatory frameworks such as the Public Private Partnerships Regulations, 2023 not only fosters economic growth but also upholds principles of accountability and fairness, essential for safeguarding human rights.

Healthcare emerges as a cornerstone of BETA, with a strong focus on achieving Universal Health Coverage (UHC) and enhancing community-level health services. The enactment of four new health laws, including the Digital Health Act 2023, the Social Health Insurance Act, 2023, the Facility Improvement Financing Act, 2023 and the Primary Health Care Act, 2023 underscores the

Government's commitment to strengthening health financing, service provision, and regulatory frameworks. Through initiatives such as the deployment of Community Health Promoters (CHPs) and the implementation of digital health information systems, Kenya aims to prioritize preventive healthcare and improve access to quality services.

The Government has instituted a paradigm shift to preventive and promotive health rather than curative. This approach includes the setting up of an emergency medical treatment fund, the establishment of a national insurance fund that covers all Kenyans, and the availability of medical staff who would deliver Universal Health Coverage.

The National Government is working closely with the County Governments to strengthen the delivery of community health services through payment of stipends for 100,000 Community Health Promoters, on a matching basis of 50:50. The National government has allocated KSh. 3 billion annually for payment of the stipends. It is worth noting that, as at today, over one million households in 10 counties have been visited by the community health promoters, offered services and their data captured in the AFYA NYUMBANI dashboard.

The electronic community health information systems (e-CHIS), which is live and being used by the promoters across the country, is a simple and user-friendly mobile health application that will be used to collect real time accurate household data, initiate planning for health service delivery and provide linkage to health facilities. Along with the CHP kits, the Government has provided 110,000 smartphones for use by the promoters and Community Health Assistants.

The Government has also put in place various policies and strategies to actualize strengthening of local manufacturing of health products and technologies, to have at least 50 per cent of medicines on the Kenya Essential Medical List produced locally.

The Affordable Housing Programme assumes paramount importance in BETA, aiming to address the housing deficit, and create employment opportunities. At scale, the Affordable Housing Programme will create jobs for our young people, expand the manufacturing of construction products and materials, and enhance economic activity across many sectors. The construction of 46,792 units is already underway, and another 40,000 units are ready to commence construction. With the construction of thousands of housing units underway, Kenya endeavors to foster inclusive development and alleviate poverty.

Housing is a revolutionary agenda that will have an extensive impact across the economy. Architects, engineers, quantity surveyors, masons, electricians, plumbers, transporters, steel factory workers, cement factory workers, and hardware merchants, will be engaged in this transformative construction housing enterprise to construct 200,000 housing units annually. The construction of

one housing unit creates between 3 and 5 direct jobs and 5 to 8 indirect jobs. More jobs will be created with the formalization of the Jua Kali clusters that will provide products such as doors, windows, and hinges for the program.

Kenya's strategic investments in digital infrastructure, such as fiber optic networks and WiFi hotspots, lay the foundation for a vibrant digital economy and enhanced connectivity. The Government is also currently rolling out the last mile 100,000km of fibre optic infrastructure throughout the country to improve health facilities, schools, Judiciary offices in far flung areas, and other public institutions. We are also concurrently setting up 25,000 WiFi hotspots targeting fresh produce markets, bus parks and other public spaces. We are also working with Members of Parliament in the setting up of 1450 ICT Hubs in every ward in the country. Our goal is to spur e-commerce, the creative arts and the digital economy; the frontier of our Bottom-Up Economic Transformation Agenda.

The digital revolution has not only changed the way we live, work, and interact but has also ignited a powerful transformation within the public sector Kenya as a nation aims to become the Pan-African leader in digital technology adoption and technology growth. The digitization of over 5000 Government services is in earnest. Government services are intrinsic to efficiency in service delivery, revenue collection and enhanced accountability. Strategies such as this underscore Kenya's commitment to leveraging technology to drive economic growth and enhance access to critical services and rights.

As part of the Government's comprehensive long-term roadmap for sustainable financing, ensuring a balance of environmental, social, and economic objectives, the Kenya has developed the Sovereign Green Bond Framework. The Green, Blue, Social, and Sustainability Bonds present an increasingly attractive mechanism for Kenya to engage non-traditional institutional investors and allocate capital to finance green economic growth. The Sovereign Green Bond Framework provides the missing nexus between climate action and economic development. The framework is therefore anticipated to facilitate the development of new or improved climate-resilient infrastructure, secure alternative sources of food and water, and catalyze the advancement of new green technologies in climate-vulnerable sectors. Kenya's commitment to environmental sustainability through green initiatives not only safeguards the rights of future generations but also acknowledges the interconnectedness of environmental rights with other human rights.

The Government is also focusing on effectively lowering the cost of living by increasing agricultural productivity and expanding land and other resources for production. We have rolled out an agricultural support programme that has provided farmers with access to fertilizer, affordable credit and extension services. By the end of July 2023, we had distributed 3.5 million bags of region-specific crop fertilizers in 41 counties to registered farmers, working with County Governments for last mile delivery.

The results of this program are evident across Kenya. We have placed over 200,000 acres under cultivation, which is more than last year. We are looking forward to a bountiful 44 million bags from the long rain season and 61 million bags overall for both seasons, marking an impressive increase of over 40%.

To reduce our national edible oil import bill of \$1 billion (KSh. 148 billion), the government is supporting sunflower cultivation by distributing 600 metric tons of seeds to farmers in partnership with counties in the Eastern, Western, and Nyanza regions, during the short rain season.

The review of the Sessional Paper 3 of 2014 on the National Policy and Action Plan on Human Rights remains critical to the safeguarding of the human rights of those within our frontiers. During the 75th anniversary of the UN Declaration on Human Rights the Kenya committed to developing a comprehensive National Human Rights Policy and Action Plan, dedicated to enhancing the realization and enjoyment of rights and fundamental freedoms for all Kenyans. This provides an opportunity to embed the bottom-up approach in the pursuit of civil, political, social, economic and cultural human rights.

In conclusion, the next of this mid-term report provides a more detailed assessment of the status in the implementation of UPR recommendations. The application of the BETA signifies Kenya's unwavering commitment to promoting human rights while fostering sustainable development. By integrating human rights principles into economic policies and programs, Kenya endeavors to create a society where every individual can realize their full potential and enjoy their inherent rights and freedoms. As Kenya advances on its path towards national renaissance, the protection and promotion of human rights remain at the heart of its endeavors, ensuring that no one is left behind in the pursuit of progress and prosperity.

FOLLOW-UP TO UPR RECOMMENDATIONS RECEIVED

REC. NO.	UPR RECOMMENDATION	STATUS OF IMPLEMENTATION	DESCRIPTION OF ACTIVITIES UNDERTAKEN/RESULTS/ CHALLENGES	IMPLEMENTING AGENCY
1.	LEGAL AND INSTITUTIONAL REFORMS			
1.1	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	Ratify the Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution and child pornography to strengthen and harmonize existing national laws and policies	Not implemented	<ul style="list-style-type: none"> - However, the provisions of the Convention are being comprehensively implemented under the Children Act 2022 which strengthens child protection. - The Act embeds principles of the Optional Protocol further enhancing protection. The Act protects children from trafficking, child prostitution and child pornography and child labour. - In particular Section 10 of the Act protects children from child labour and armed conflict, Section 13 offers protection from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking, Section 15 protects children from sexual exploitation, and Section 119 defines children in need of care and protection as including a child who has been sexually abused or is likely to be exposed to sexual abuse and exploitation including prostitution and pornography. 	Ministry of Labour and Social Protection <ul style="list-style-type: none"> - State Department for Social Protection and Citizen Services - Department for Children Services

			<ul style="list-style-type: none"> - Additional safeguards are found under the Computer Misuse and Cybercrimes Act 2018, the Sexual Offenses Act, 2006 and the Counter-Trafficking in Persons Act 2010. 	
142.12	Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Not implemented	<ul style="list-style-type: none"> - Despite Kenya being a de facto abolitionist State, the country has witnessed several progressive shifts founded on policy, jurisprudence and research. The commutation of death penalty convictions to life imprisonment continues to be utilized. - Additionally, the Muruatetu judgment in respect of murder has catalysed the discussion into the abolish of the death penalty. - The recommendations provided by the Taskforce established pursuant to the Muruatetu judgment further call for expansion the application of the Muruatetu to other capital offences. - In addition, a number of research conducted in Kenya provide findings that support the abolition of the death penalty among members of the public¹ while other notes that the abolition of the death penalty would unlikely result in an increase in crime.² - These individual shifts have cumulatively led to the tabling of several pieces of legislation that could result in the repeal of the death penalty as highlighted below. 	OAG & DOJ MFA
142.13 142.14 142.15 142.16	Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman	Not implemented	<ul style="list-style-type: none"> - The Government has taken steps to strengthen the implementation of the Prevention of Torture Act in a bid to ensure effective and efficient prosecution of torture cases. 	OAG & DOJ MFA

¹ <https://www.crimeresearch.go.ke/wp-content/uploads/2020/11/Perception-of-Capital-Punishment-Report.pdf>

² <https://deathpenaltyproject.org/wp-content/uploads/2022/12/Living-with-a-Death-Sentence-in-Kenya-Prisoners-Experiences-of-Crime-Punishment-and-Death-Row.pdf>

142.17 142.18 142.19 142.20 142.22	or Degrading Treatment or Punishment		<ul style="list-style-type: none"> - The Office of the Director of Prosecutions (ODPP) has developed a Prosecution Rapid Reference Guide that includes Specimen charge sheet with all the possible offences under the Prevention of Torture Act, 2017.³ - Consequently, the Government is considering the social, economic, cultural and political implications of ratifying the Optional Protocol while continuing to put in place measure to strengthen the national framework combatting Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 	
142.13 142.14 142.15 142.16 142.17 142.27	Consider ratifying, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Not implemented	<ul style="list-style-type: none"> - Although the Government has yet to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, several initiatives have been undertaken towards implementation of the Convention. These initiatives include; <ul style="list-style-type: none"> o Formulation of policies and legislations such as the National Labour Migration Policy, The labour Migration Management Bill, 2023 and National Employment Authority Act 2016; o Negotiation and signing of Bilateral Labour Agreements/Memorandum of Understanding with the destination Countries; o Establishment of Kenya Migrant Welfare Fund, which is in its initial stages; o Implementation of the EAC Protocol on Free Movement of persons, goods and Services; o A draft on the EAC co-ordination of social security benefits that is being 	Ministry of Labour and Social Protection <ul style="list-style-type: none"> - State Department for Social Protection and Citizen Services - State Department for Labour and Skills Development

³ <https://www.odpp.go.ke/odpp-specimen-charge-sheet-under-the-prevention-of-torture-act-2017-and-prosecution-reference-guide/>

			<p>validated in each partner state will provide rules and procedures for the co-ordination of social security benefits. Kenya in particular is conducting reforms of the National Social Security Fund Act to enable portability of Social Security benefits across the EAC Block. These benefits fall within the framework of the free movement of workers and self-employed persons in order to contribute towards improving their standard of living and conditions of employment;</p> <ul style="list-style-type: none"> ○ The East African Community has fully operationalized and trained personnel at 13 One Stop Border Posts (OSBPs) that are aimed at the facilitating trade and free movement of goods in the region as an effort to implement the East African Community One Border Posts Act, 2016 	
142.21	Complete the process of ratifying the Protocol to the African Charter on Human and People' 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	Implemented	<ul style="list-style-type: none"> - Instruments of accession deposited with the African Union Commission on in February 2022 in respect of the Protocol to the African Charter on Human and People's right on the Rights of Older Persons in Africa and the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa. 	<p>Ministry of Foreign & Diaspora Affairs</p> <ul style="list-style-type: none"> - State Department for Foreign Affairs
1.2	UN SPECIAL PROCEDURES			

142.23	Extend an open invitation to the special procedures of the Human Rights Council	Implemented	<ul style="list-style-type: none"> - Kenya has demonstrated a long-term commitment to the UN Human Rights Council's Special Procedures. Over the years, it has consistently accepted requests for visits, extended standing invitations, and responded positively to communications and follow-up on recommendations. - This proactive engagement has yielded tangible results, such as the enactment of the Prevention of Torture Act 2017, which gives effect to provisions of the Constitution and the principles of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the recognition of the right to accessible and adequate housing as a fundamental human right in the Constitution, the inclusion and collection of data on albinism in the 2019 Kenya Population and Housing Census, the Kenya National Action Plan on Albinism 2023-2028 and the development of the National Action Plan on Business and Human Rights 2020-2025. - While challenges remain, Kenya's positive track record of cooperation and implementation is commendable. Special procedures who have visited Kenya include: <ul style="list-style-type: none"> o Special Rapporteur on the sale and sexual exploitation of children, o Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, o Special Rapporteur on adequate housing, o Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, 	<p>OAG & DOJ</p> <p>Ministry of Foreign & Diaspora Affairs</p> <ul style="list-style-type: none"> - State Department for Foreign Affairs
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			<ul style="list-style-type: none"> ○ Special Rapporteur on the human rights of internally displaced persons, ○ Special Rapporteur on extrajudicial, summary or arbitrary executions, ○ Special Rapporteur on rights to water and sanitation, ○ The Independent Expert on Independent Expert on the enjoyment of human rights by persons with albinism, and ○ The Working Group on the issue of human rights and transnational corporations and other business enterprises. 	
1.3	KENYA NATIONAL COMMISSION ON HUMAN RIGHTS			
142.36 142.37 142.38	Take measures to strengthen the independence and efficiency of the Kenya National Commission on Human Rights, (KNCHR) in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights	Implemented	<ul style="list-style-type: none"> - The KNCHR is an independent Commission created by Article 59 of the Constitution and established by the KNCHR Act No. 14 of 2011. To further cement its independence, salaries for its commissioners are drawn directly from the consolidated fund the same with judges' salaries. - All commissioners and the chairperson appointed under gazette notice 2046/7 of 2022 properly constituting the KNCHR. - Regardless and in appreciation of the mandate of the KNHCR the Government allocated the Commission KSh. 441 million (\$ 3,195,652) in the 2022/2023 financial year compared to KSh. 399 million (\$ 2,891,304) in 2021-2022. This was a 10.5% increase in budget allocation. Approved allocation KSh. 512 million (\$ 3,435,088) for FY 2023/24. 	Kenya National Human Rights Commission

			<ul style="list-style-type: none"> - Due to the tough economic times occasioned by among others a global pandemic the Government has been forced to established austerity policies aimed at reducing Government deficits and debt accumulation. These policies have been implemented across the whole of government affecting all ministries, departments and agencies. 	
1.4	NATIONAL POLICY AND ACTION PLAN ON HUMAN RIGHTS			
142.42 142.43 142.44 142.45	Consider reviewing the National Policy and Action Plan on Human Rights to ensure that it addresses all emerging issues	Partially implemented	<ul style="list-style-type: none"> - The Government has embarked upon the review of the National Policy and Action Plan on Human Rights with a concept paper developed outlining the roadmap and reviewing possible areas of focus based on emerging trends. - In addition, regional and national dialogues in partnership with the KNCHR have been conducted with a view to fostering meaningful participation in the review process. 	OAG & DOJ Kenya National Human Rights Commission
2	CIVIL AND POLITICAL RIGHTS			
2.1	SECURITY SECTOR REFORMS			
142.49 142.52	Continue with the Security Sector reforms to enable police to effectively protect and respect human rights	Implemented	<ul style="list-style-type: none"> - Establishment of the National Police Service Commission (NPSC) to oversee the recruitment, training and discipline of police officers. - Efforts were made to provide training capacity building programs for law enforcement officers, focusing on human rights awareness, community policing, and adherence to international standards. 	National Police Service (NPS) Ministry of Interior

			<ul style="list-style-type: none"> - Additional civilian oversight is provided by the National Assembly Committee on Administration and National Security which oversees the National Police Service and other national security organs. - The Independent Policing Oversight Authority (IPOA) which is an independent entity established to provide for civilian oversight over the work of the police in Kenya has continued to dispense its mandate. IPOA has developed the Independent Policing Oversight Authority (General Operations) Regulations, 2022 pursuant of Section 39 of the Independent Policing Oversight Authority Act. On 14th April 2023 the National Assembly's Committee on Administration and Internal Affairs started the review process for the Regulations after which it will be tabled at the floor of the full House, for enactment. Once enacted, the Regulations will enhance police accountability and mechanisms for addressing complaints against the police service. - As part of the ongoing security sector reforms on 21st December 2022 the Government established a National Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for Members of the National Police Service and Kenya Prisons Service. Among the objectives of the Taskforce are to: <ul style="list-style-type: none"> o Identify the legal, policy, administrative, institutional and operational constraints on effective service delivery by the National Police Service (hereafter, NPS) and the Kenya Prisons Service (hereafter, KPS); 	
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			<ul style="list-style-type: none"> ○ Identify and recommend legal, policy, administrative, institutional and operational reforms in the NPS and KPS for effective service delivery; ○ Review and recommend improvement of the terms and conditions of service; ○ Review and recommend improvement of matters relating to welfare of officers in all cadres of the NPS and KPS and all other matters incidental to the optimal service delivery by the NPS and KPS. ○ Review and recommend on any other matter incidental to improved terms and conditions of service and other reforms in the NPS and KPS. <ul style="list-style-type: none"> - The recommendations will assist the Government to proactively address some of the deficiencies in the security sector, including welfare of officers, autonomy, accountability and responsiveness, while improving the capacity of our security agencies to respond to the security challenges facing the country. The task force presents another opportunity for a candid conversation about policing in Kenya since the 2007-8 post-election violence (PEV) when the various commissions of inquiry and task forces recommended structural changes that became manifest after the 2010 Constitution was passed. - In addition, the taskforce will consider recommendations from the IPOA, Salaries and Remuneration Commission, National Police Service Commission, and the Kenya National Commission on Human Rights (KNHRC) has made over the years, mainly to transform policing in Kenya into world-class standards. - Moreover, the taskforce is expected to recommend the review of the remuneration of 	
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			<p>the members of the two Services and consideration of new and applicable allowances to enhance professionalism, and effectiveness within the service institutions.</p> <ul style="list-style-type: none"> - The National Coroners Service is expected to play a critical role towards ending all forms of extra-judicial executions by among others establishing a framework for investigations of reportable deaths and determination of the causes of reported unnatural deaths in the country. 	
142.141 142.147	Further enhance civilian oversight over the Police Service by thoroughly implementing the Independent Policing Oversight Authority (IPOA) Act of 2011	Implemented	<ul style="list-style-type: none"> - Approved allocation of KSh. 1.0527 billion (\$ 7,062,770) for FY 2023/24. - Developed IPOA General Operations Regulations, 2022 awaiting approval by parliament before gazettment. - They are crafted to manage the processes that the Authority avails before arriving at crucial determinations, right from when a complaint is received until it is resolved. 	Independent Police Oversight Authority (IPOA)
142.50	Continue with the public sector reforms in order to respect and protect all human rights;	Implemented	<ul style="list-style-type: none"> - The Government has embarked on a Reorientation Programme for National Government Administrative Officer across the Country that started in September 2023. It inter alia seeks to train officers on human rights issues which will further strengthen their capacity to provide effective, efficient and responsive services to Kenyans. 	Ministry of Interior OAG & DOJ MDAs
2.2	PREVENTION OF TORTURE			
142.55	Strengthen training and awareness programmes for State	Implemented	<ul style="list-style-type: none"> - The Government has established a Tripartite task force chaired by the ODPP including the 	NPS

	officials in the field of human rights for the effective implementation of the law on prevention of torture (POTA)		<p>IPOA, the Internal Affairs Unit (IAU) the Witness Protection Agency (WPA), the Directorate of Criminal Investigations (DCI) & supporting partners has led to the development of essential tools for advancing human rights and preventing torture.</p> <ul style="list-style-type: none"> - These include Standard Operating Procedures (SOPs) on Investigation and Prosecution of Serious Human Rights Violations and related offences⁴, a police accountability case digest and materials related to Prevention of Torture Act such as a sample charge sheet to prosecute the crime of torture. - The ODPP also has civil rights division to handle such cases and issues and has begun instituting charges under the POTA. - Efforts are ongoing to sensitize various actors within the criminal justice system. - In addition, the National Police Service (NPS) in partnership with community policing committees and the in collaboration with Independent Medico Legal Unit (IMLU) embarked in 2022 on training police officers on public order management and gender-based violence issues 	<p>Ministry of Interior</p> <p>Office of the Director of Public Prosecutions (ODPP)</p>
<p>142.91 142.92 142.94 142.137 142.138 142.140 142.142 142.144 142.145 142.146</p>	Prevent torture and impunity through full implementation of the National Coroners Service Act 2017 and the Prevention of Torture Act 2017, including an evaluation tool to monitor progress	Partially implemented	<ul style="list-style-type: none"> - The Government has established a taskforce, chaired by the OAG & DOJ with the mandate to guide the implementation of the National Coroners Service Act. - The task force has developed draft human resource instruments necessary to operationalize the Service as well as conducted the review of the Act towards curing gaps that may hinder its operations. 	<p>OAG & DOJ</p> <p>Ministry of Interior and National Administration</p> <ul style="list-style-type: none"> - State Department for Internal Security and National Administration <p>NPS</p>

⁴ <https://www.odpp.go.ke/wp-content/uploads/2023/05/ODPP-SOPS-on-Investigation-Prosecution-of-Serious-Human-Rights-Violations-Committed-by-Police-Officers.pdf>

142.148			<ul style="list-style-type: none"> - Additionally, the Government has deployed an acting Coroner General to aid in the operationalization of the Service. - The Government has also allocated resources to aid in the operationalization process with KSh. Allocated KSh. 30 million in FY 2022-2023 and KSh. 40 million Allocated in FY. 2023-2023 	ODPP
142.93	Ensure torture victims' access to rehabilitation	In the process of being implemented	<ul style="list-style-type: none"> - The Government has prepared draft Victims Protection Regulations and a trust fund to provide reparations and compensation to victims. - The Government has also fully constituted the Victim Protection Board. - Passing of the Victims Protection Act that is partially operational 	Victim Protection Board Ministry of Interior
2.3	FREEDOM OF EXPRESSION AND OF THE MEDIA			
142.28	Revise and enact the draft data protection bill and create a data protection framework in line with the international standards on the right to privacy	Implemented	<ul style="list-style-type: none"> - The statute governs the collection, processing, and storage of personal data by both government and private actors. The act provides data subjects with several rights, including the right to be informed, access, erasure, opt-out, rectification, data portability and not to be subject to automated decision-making. - Data Protection (General) Regulations, 2021 approved by the National Assembly. 	Ministry of Information, Communication & the Digital Economy <ul style="list-style-type: none"> - State Department for Information Communication Technology (ICT) and Digital Economy Data Protection Commission
142.156	Further the implementation of the Access to Information (ATI) Act	Implemented	<ul style="list-style-type: none"> - All public entities, including county governments are required to make all public documents available and accessible to the public, by law per the Constitution of Kenya (2010), County 	Commission on Administrative Justice

			<p>Governments Act (2012), Public Finance Management Act (2012) and Access to Information Act (2016)</p> <ul style="list-style-type: none"> - The Government has developed a draft National Access to Information Policy 2023 which is undergoing public consultations. The policy developed in line with ATI principles and best practices, seeks to promote, protect, fulfill, enhance and secure ATI in Kenya - Further jurisprudence is building in relation to access to information. Cases such as Miscellaneous Civil Application No. E021 of 2022 where the court adopted a decision of the Commission on Administrative Justice as a final order of the Court.⁵ - Passed the Access to Information (General) Regulations 2021 to further implement the Act and a Guide to the Development of Country Access to Information Law including a specimen bill.⁶ 	
142.157	Take further measures towards ensuring the safety of journalists, as well as towards guaranteeing the freedoms of expression, press, association, and peaceful assembly	Implemented	<ul style="list-style-type: none"> - The Media Council Act 2013 mandates the Media Council of Kenya (MCK) to promote and protect the freedom and independence of the media; Ensure the protection of the rights and privileges of journalists in the performance of their duties as well as promote and enhance ethical and professional standards amongst journalists and media enterprises. - A Press Freedom, Safety and Advocacy Program has been developed with two key components: Safety and Protection of Journalists and Access to Information. 	<p>Ministry of Interior and National Administration</p> <ul style="list-style-type: none"> - State Department for Internal Security and National Administration <p>NPS</p> <p>Ministry of Information, Communication & the Digital Economy</p>

⁵ <https://www.ombudsman.go.ke/court-decisions-0>

⁶ <https://www.ombudsman.go.ke/sites/default/files/2023-10/Model%20Law.pdf>

			<ul style="list-style-type: none"> - Under safety and protection, the Council works with stakeholders to Prevent violations against Press Freedom, Protect Victims and facilitate Prosecution of perpetrators. Interventions include the establishment of safety and protection mechanisms (Protocols), safety fund, trauma counselling, training on safety, and promoting dialogue between media and security institutions as well as promote and protect the freedom and independence of the media; - MCK runs a rapid response operation for journalists based in Kenya. (safety@mediacouncil.or.ke and 0702 222111). In addition, MCK has also setup an incident mapping system that can be used by journalists to report cases of press freedom violations. The system is available via: https://safety.mediacouncil.or.ke:800. - MCK also maintains a complaints handling mechanism and a register of press freedom violations. The Council has on occasion moved to court to seek further remedy for such violations. Recently, the MCK has moved to court to compel the proprietor and security staff of a local Bar and Grill in Nairobi to compensate journalists injured during a raid conducted by the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) at the premises on 6th January 2024. - Access to Information (ATI) is a Key Result Area within the MCK Strategic Plan (2018-2023) which encompasses sensitization and training of journalists, media practitioners, public officers and other key stakeholders with the aim of achieving the following: <ul style="list-style-type: none"> o Enhancing role of media is disseminating information to the public 	<ul style="list-style-type: none"> - State Department for Broadcasting and Telecommunications - Communications Authority of Kenya
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			<ul style="list-style-type: none"> ○ Promoting public interest through access to publicly held information thus enhancing accountability and transparency in the management of public resources ○ Increase trust between media and public officers <ul style="list-style-type: none"> - The MCK with the support from UNESCO is developing the first National Media and Information Literacy Policy for Kenya that will enable process for the enactment of a legal framework on media and information literacy for Kenya. - The enactment of a policy and legal framework will enable development and implementation of interventions and related curriculum on Media and Information Literacy for both informal and formal learning institutions that will allow for responsible development and consumption of media content among Kenyan children, youth and adults. <p>Peaceful Assembly</p> <ul style="list-style-type: none"> - The Government reiterates that the right to assemble, demonstrate, picket, and present petitions to public authorities is guaranteed under Article 37 of the Constitution to all, provided that demonstrators are peaceful and unarmed - The Government has continued to facilitate all in the exercise of their right to demonstrate and assemble without favor or discrimination by among others availing adequate security for all during demonstrations. - Article 37 further places a responsibility on all who want to exercise this right to exercise it in the context of the law. While it is important for 	
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			citizens to exercise their rights and freedoms as enshrined in the Constitution, it is equally important to ensure that such demonstrations are carried out in a peaceful and calm manner. Violent protests and the destruction of property undermine the very ideals that demonstrations seek to promote and are liable to prosecution.	
2.4	FREEDOM OF ASSEMBLY, ASSEMBLY AND PROTECTION OF HUMAN RIGHTS DEFENDERS			
142.159 142.161 142.163	Ensure the safety of human rights defenders	Implemented	<ul style="list-style-type: none"> - Human rights defenders (HRDs) play a key role in the protection of human rights in democratic societies. - The Constitution provides safeguards for HRDs and the public at large via Chapter IV on the Bill of rights to which the state must comply. - The Bill of Rights further reflects international standards for the protection of HRDs by according them relevant rights such as the rights of assembly, association and speech, rights of arrested persons and rights to a fair trial. - The Constitution further protects HRDs through institutional mechanisms such as the establishment of 3 independent National Institutions that include the KNCHR, the office of the Ombudsman and the Gender and Equality Commission. - Lastly, actions that may hamper the operations of HRDs or any Kenyan for that matter are investigated and where culpability is evident, charges are preferred accordingly. 	OAG & DOJ KNCHR NPS Ministry of Interior
142.139 142.143 142.153	Ensure transparent and effective investigations in cases where human rights defenders have been	Partially implemented	<ul style="list-style-type: none"> - Article 10 of the Constitution entrenches various national values and principles of governance which include the rule of law, equality, equity, 	ODPP NPS

<p>142.154 142.158</p>	<p>harmed and adopt a law protecting human rights defenders in accordance with international standards</p>		<p>human rights, protection of the marginalized, integrity, transparency and accountability.</p> <ul style="list-style-type: none"> - Further the Constitution empowers at Article 22 every person the right to institute court proceedings claiming that a right or fundamental freedom has been denied or violated. - Additionally, the right to a fair trial is provided under Article 50. This includes additional safeguards which include the right to be presumed innocent until the contrary is proved, to be informed of the charge with sufficient detail to answer it, to have adequate time and facilities to prepare a defence and to be brought before a court as soon as reasonable but not later than twenty-four hours after being arrested. - These Constitutional safeguards apply to all investigations where alleged violations have occurred. 	<p>OAG & DOJ KNCHR</p>
<p>142.132 142.160 142.162 142.164</p>	<p>Create a safe and enabling environment in which human rights defenders and civil society can operate free from hindrance and insecurity, including through the full operationalization of the Public Benefit Organization Act 2013</p>	<p>In the process of being implemented</p>	<ul style="list-style-type: none"> - Kenya recognizes the immense value of civil society in fostering a vibrant and effective human rights landscape. - The Government further collaborates with CSOs and HRDs in developing various state documents, and national implementation plans including the Universal Periodic Review Reports and submitting joint reports and launching targeted campaigns on pressing human rights issues. This synergy amplifies our collective voice and drives impactful change. - The Government further recognizes the important role of CSOs and HRDs in holding states accountable for their human rights commitments. 	<p>Ministry of Interior and National Administration</p> <ul style="list-style-type: none"> - State Department for Internal Security and National Administration

			<ul style="list-style-type: none"> - Further, the Government has facilitated the registration of the National Coalition of Human Rights Defenders–Kenya. The coalition works to effectively in the country and to reduce their vulnerability to the risk of persecution, through protection, capacity building, and advocacy for a favorable legal and policy environment. - In addition, Article 37 of the Constitution provides that every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities. - Section 2 of the Public Order Act requires that a regulating officer be notified of an intended public assembly 8 at least 3 and at most 14 days before it is due to take place. - The notification process is necessary to allow State authorities an opportunity to facilitate the exercise of assembly rights, to take measures to protect public safety and/or public order and to protect the rights and freedoms of others. - Where participants of an assembly are not peaceful and as a result forfeit their right to peaceful assembly, they retain all their other rights including the right to a fair trial. - The PBO Act 2013 is being implemented despite considerable constraints in resources necessitating austerity measures. The Government in Executive Order 1 of 2023 housed this mandate with the Ministry of Interior – State Department for Internal Security and National Administration. 	
143.3	Review the 2018 'Associations bill' and ensure that NGO laws are in line with the right to freedom of expression	In the process of being implemented	<ul style="list-style-type: none"> - The Government is conducting consultations with stakeholders on the Bill. 	OAG & DOJ

2.5	RIGHT TO PRIVACY			
142.176	Ensure that surveillance and profiling of citizens respect the right to privacy including judicial oversight	Implemented	<ul style="list-style-type: none"> - The Constitution guarantees the right to privacy as a fundamental right. To give effect to this constitutional right under Article 31(c) and (d), the Data Protection Act, 2019 ('the Act') was enacted and came into effect on 25 November 2019. - This was followed by the setting up of the Office of the Data Protection Commissioner (ODPC) whose mandate includes the Carrying out inspections of public and private entities with a view to evaluating the processing of personal data. Promoting international cooperation in matters relating to data protection and ensuring the country's compliance on data protection obligations under international conventions and agreements. - The Government has since developed the following Regulations to give effect to the Act: <ul style="list-style-type: none"> o The Data Protection (General) Regulations, o The Data Protection (Complaints Handling and Enforcement Procedures) Regulations, 2021; and o The Data Protection (Registration of Data Controllers and Data Processors) Regulations, 2021 - These Regulations were approved by the National Assembly on 14 March 2022 and are in effect. - The ODPC also publishes guidelines from time to time. For instance, 	<p>NPS</p> <p>Ministry of Interior</p> <p>Data Protection Commission</p> <p>Judiciary</p>

			<ul style="list-style-type: none"> ○ The ODPC developed the Guidance Note on Access to Personal Data during COVID-19 Pandemic⁷ ○ The Guidance Note on Consent⁸ ○ The Guidance Notes for Electoral Purposes, which were particularly useful during the elections and whose purpose was to guide processing of personal data for election purposes including voter registration, maintaining register of members for political parties, and rights of a data subject. <ul style="list-style-type: none"> - The ODPC has in 2023 issued a series of penalties totaling KSh. 9,375,000/= (\$ 61,000) for alleged violations of the Data Protection Act and pursuant to complaints filled before the Commission.⁹ - The government has also enacted various other statutes that protect the right to privacy. These include: <ul style="list-style-type: none"> ○ The Kenya Information and Communications Act, 1998 (as the overarching law for the information and communications technology industry in Kenya. It outlines the requirements and compliance standards by which licensed information and communication service providers who are data collectors and controllers must abide.) ○ The processing of medical data (which is personal data) is regulated under: the Public Health Act 2012, the Health Act, 	
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⁷ <https://ict.go.ke/wp-content/uploads/2021/01/Draft-Data-Request-Review-Framework-Jan-2021.pdf>

⁸ https://www.dataguidance.com/sites/default/files/odpc_consent_1.pdf

⁹ <https://www.linkedin.com/feed/update/urn:li:activity:7112391108491395074/>

			<p>2017, and the HIV and AIDS Prevention and Control Act, 2006</p> <ul style="list-style-type: none"> ○ In the financial sector, processing of financial data is regulated under the National Payment System Act, 2011 	
2.6	COUNTER-TERRORISM MEASURES			
<p>142.76 142.77 142.78 142.79 142.80 142.151 142.152 142.246</p>	<p>Step up efforts to combat terrorism</p>	<p>Implemented</p>	<ul style="list-style-type: none"> - Specialized terrorism courts have been set up at in Nairobi, Mombasa (Shanzu) and the Jomo Kenyatta International Airport - Specialized division at ODPP operationalized to handle terrorism matters - The Government has established the National Counter Terrorism Centre (NCTC) as the coordinating agency is committed to promoting a stakeholder-centric approach in tackling radicalization and the spread of violent extremism - NCTC in partnership with EU facilitated trainings in Garissa, Wajir and Mandera counties for Chiefs and Assistant Chiefs carefully selected from locations and sub locations along Kenya Somalia international border. The training program entailed building capacities and skills of the grassroots leaders on prevention of radicalization and detection of early manifestation of radicalization in their areas of jurisdiction. - The National Strategy for Countering Violent Extremism (NSCVE) launched in 2016 addresses the psychosocial needs not just of victims but also persons who have been radicalized and recruited into terror groups and their families. 	<p>NPS</p> <p>National Counter-Terrorism Centre</p> <p>Ministry of Interior</p> <p>ODPP</p> <p>Judiciary</p>

			<p>This includes counselling services to protect their mental health and psychological wellbeing.</p> <ul style="list-style-type: none"> - The newly enacted Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023 introduces extensive disclosure obligations for companies, branches, limited liability partnerships (LLPs) and foreign LLPs and buttresses the fight against money laundering and terrorism financing in Kenya - The Government also launched in 2022 the Inter-Agency Guidelines on Cooperation and Collaboration in the investigation and Prosecution of Terrorism and Terrorism Financing. - These guidelines bring together more than ten (10) Law Enforcement Agencies that are directly and indirectly responsible for investigating terrorism and terrorism financing and taking other measures to detect or prevent terrorism. - These guidelines are not only aimed at ensuring that there is effective coordination, collaboration and cooperation in the investigation and prosecution of Terrorism and Terrorism Financing but are also meant to enhance Organizational Partnership between investigative agencies and the ODPP. - The coming into force of the Nairobi City County Prevention of Violent Extremism Act in June 2022 marked a significant milestone in county-led efforts to deal with the terrorism threat at the grassroots level emphasizing a whole of society approach - Nairobi became the first county in Kenya to operationalize its County Action Plan (CAP) on preventing and countering violent extremism (PCVE) through law. This will pave the way for county governments to assume full ownership 	
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			<p>of PCVE efforts through policy formulation and resource allocation.</p> <ul style="list-style-type: none"> - The Nairobi County PCVE Act 2022 seeks to provide measures for prevention of radicalization, recruitment into violent and extremist groups and enhance participation of communities. The Act also establishes linkages between county institutions and national law enforcement agencies in the prevention of violent extremism in the City 	
142.90	Continue the efforts to put an end to extra-judicial killings by police officers, including in the context of counter-terrorism measures	Implemented	<ul style="list-style-type: none"> - The Government has put in place efforts to combat extrajudicial killings. These include: <ul style="list-style-type: none"> o The disbandment of the Special Service Unit which had been allegedly linked to extra-judicial killings and the prosecution of 24 of its officers, o The conviction of a former policeman for the murder of a human rights lawyer – Willie Kimani and two others. Two other policemen and a civilian were also sentenced to between twenty and thirty years for the murder of the lawyer, his client and a taxi driver in June 2016 o In a bid to further strengthen the conduct of postmortem investigations in relation to un-natural deaths such as this, the Government of Kenya has put measures in place to operationalize the National Coroners Service. The Service is expected to play a critical role towards combating extra-judicial executions by among others establishing a framework for investigations of reportable deaths (which include deaths in custody) and 	<p>KNCHR</p> <p>Ministry of Interior</p> <p>IPOA</p> <p>NPS</p>

			<p>determination of the causes of reported unnatural deaths in the country.</p> <ul style="list-style-type: none"> - The Government in the process of examining the political, economic, social, cultural, legal and policy implications of ratifying the Convention for the Protection of All Persons from Enforced Disappearance Convention with efforts underway to making the necessary legislative amendments to create the offence of enforced disappearance within our penal code. 	
2.7	RIGHT TO LIFE AND ABOLITION OF THE DEATH PENALTY			
142.81	Commute the death sentences of the remaining 810 death row inmates	Implemented	<ul style="list-style-type: none"> - His Excellency the President in July 2023 commuted all death sentences imposed on every capital offender as of November 21, 2022, to a life sentence. 	The Power of Mercy Advisory Committee (POMAC)
142.82 142.83	Finalize the implementation of the National Court ruling declaring death sentence to be unconstitutional	Implemented	<ul style="list-style-type: none"> - Following the Muruatetu judgment and the Supreme Court further clarified in 2021 that the Muruatetu judgement was only in respect to the death penalty for the offence of murder contrary to section 203 as read with section 204 of the Penal Code.¹⁰ - Since the judgment, the Judiciary has Sentencing Policy Guidelines have been reviewed and gazetted by the Chief Justice revised in tandem with the new jurisprudence in the Muruatetu case to among others, support the resentencing of all offenders on whom the mandatory death penalty had been passed. Judicial officers are implementing the same. - To enhance the capacity of judges and judicial officers various training programs were 	Judiciary State Law Office Kenya Law Reform Commission POMAC Parliament

¹⁰ <http://kenyalaw.org/caselaw/cases/view/215422/>

			developed and implemented including training on the Initial Findings on Resentencing Post Muruatetu & Uniformity in Resentencing Post Muruatetu: Emerging Jurisprudence and Best Practices for Judges	
142.84 142.85 142.86 142.87 142.88 142.89	Continue taking steps to abolish the death penalty	Implemented	<ul style="list-style-type: none"> - The Government is also considering the recommendations issued by the Taskforce on the Review of the Mandatory Death Sentence. - The National Council on Administration of Justice is to submit a comprehensive proposal on the implementation of the Supreme Court decision. - Various legislative proposals have been made to different laws to abolish the death penalty. They include:¹¹ <ul style="list-style-type: none"> o The Penal Code (Amendment) Bill, 2023, which seeks to amend the Penal Code, Cap 63; Sections 40 (3), 60, 204, 296 and 297; by deleting the word "death" and substituting with the words "life imprisonment". o The Prisons Act, Cap 90; to abolish the death penalty and the manner in which it is executed. o The Legal Aid (Amendment) Bill, 2023, seeking to amend Section 43 by deleting subsection 4 of the Legal Aid Act, that provides for the provision of legal representation for accused persons charged with offences punishable by death. o The Preservation of Public Security (Amendment) Bill, 2023; whose object is 	<p>OAG & DOJ</p> <p>Judiciary</p> <p>The Power of Mercy Advisory Committee</p> <p>The National Police Service</p> <p>The Office of the Director of Public Prosecutions</p> <p>Ministry of Interior and National Administration - State Department for Correctional Services</p> <p>Parliament</p>

¹¹ <http://www.parliament.go.ke/node/20213>

			to abolish the death penalty and the imposition of a death sentence to offences related to the preservation of public security.	
2.8	ACCESS TO JUSTICE AND LEGAL AID			
142.129	Continue implementing its legal aid policies to ensure equal access to justice for victims of racial discrimination, minorities and indigenous peoples	Implemented	<ul style="list-style-type: none"> - The National Legal Aid Service (NLAS) is fully operational with a mandate to among others, provide a legal aid scheme to assist indigent persons to access legal aid. - The NLAS is operated by a fully functioning Board drawing membership from State and non-State actors. The Service has offices in 5 counties – Nairobi, Mombasa, Kisumu, Uasin Gishu and Nakuru. The process of rolling out the services to 7 marginalized regions – Lamu, Mandera, Tana River, Garissa, Wajir, Isiolo and Marsabit is ongoing, with plans to establish offices in all counties. The Board provides legal aid (to eligible clients) in criminal matters, civil matters and matters of public interest. Its services also extend to stateless persons and internally displaced persons. - The implementation of a National Action Plan for Legal Aid (NAP), which serves as a road map for coordinated implementation of legal aid interventions by the government and legal aid actors across development sectors for maximum impact has brought justice closer to the people, through community-based initiatives which have increased access points. - Some of the achievements of NLAS during the reporting period include the provision of legal aid to 1,399,042 people. - Legal Aid includes advice, representation, Alternative Dispute Resolution (ADR), drafting of court documents, and creation of legal 	National Legal Aid Service

			awareness. Legal aid clinics are conducted annually in Nairobi, Mombasa, Kisumu, Eldoret and Nairobi.	
142.130	Set up specialized courts that enable the speeding up and the effective treatment of gender-based violence cases	Implemented	<ul style="list-style-type: none"> - Two Sexual and Gender-based Violence (SGBV) courts have been set up in Shanzu and Siaya - They are uniquely designed to handle the delicate nature of SGBV-related cases, a much-needed departure from the traditional approach which has often led to re-traumatization of victims. These courts embody a trauma-informed approach that prioritizes the victims' safety, dignity, and privacy. - The SGBV Courts are staffed with specially trained judicial officers. These judicial officers have been trained on the intricacies related to SGBV, including survivors' needs and are equipped to handle the complexities of such cases with utmost sensitivity. - The country-wide roll-out of these courts as planned under the Social Transformation Through Access to Justice (STAJ) SGBV Strategy 2023-2030¹² which aims to overcome institutional, social and structural barriers by providing a trauma responsive Justice system for SGBV has begun in earnest, with operations already underway in hotspot areas including Mombasa, Siaya, and Kisumu counties. - Use of ICT initiatives was also adopted towards enhancing efficiency, effectiveness and timeliness in service delivery. - The Judiciary continued to invest in provision of internet services for all courts and tribunals. - A total of 1,500 Microsoft Teams licenses were procured to facilitate the Virtual court hearings 	Judiciary

¹² <https://www.judiciary.go.ke/wp-content/uploads/2023/07/SGBV-Strategy.pdf>

			<p>thus enabling litigants to attend to court proceedings without the need of attending in person.</p> <ul style="list-style-type: none"> - 31 video conferencing kits were procured and 38 courtrooms equipped with Court Recording and Transcription Solutions (CRTS) to facilitate virtual and remote hearing of cases. - Three (3) secure and reliable data centers were operationalized. 	
2.9	ANTI-CORRUPTION EFFORTS			
<p>142.68 142.69 142.70 142.71 142.72</p>	<p>Continue efforts aimed at fighting corruption as well as illicit financial flows and tax avoidance</p>	<p>Implemented</p>	<ul style="list-style-type: none"> - National Anti-Corruption Policy has been developed. The Government has formalized and remains keen to enter into framework agreements with other jurisdictions for the return of proceeds of crime. E.g framework agreements have been concluded between the Government of Kenya and Governments of Switzerland, the United Kingdom and Jersey to facilitate return of proceeds of crime hidden in safe havens. - The Government has Approved allocation of KSh. 3.9516 billion (\$ 26,511,908) for FY 2023/24 towards combatting corruption through investigation, prosecution, and punishment of perpetrators. - Kenya is a state party to the United Nations Convention Against Corruption and has undergone two¹³ implementation reviews. Recommendations from the reports provide a mechanism for reviewing and enhancing anti-corruption measures.¹⁴ - The Government developed the Kenya Integrity Plan (KIP) (2019-2023) which provides a strategy 	<p>Ethics and Anti-Corruption Commission</p> <p>Asset Recovery Agency</p> <p>OAG & DOJ</p>

¹³ https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf

¹⁴ <https://statelaw.go.ke/wp-content/uploads/2020/07/Kenya-UNCAC-Review-Report-Executive-Summary.pdf>

			<p>for promoting integrity and ethical conduct through partnerships and collaborative networks in Kenya for the period 2019 -2023. The Plan takes into account the Constitution of Kenya, 2010 and other legal and policy instruments in the fight against corruption.</p> <ul style="list-style-type: none"> - Assets worth KES 29.8 billion have been recovered by the EACC. - The County Anti-Corruption Civilian Oversight Committee has been put in place in counties like Lamu, Kitui, Vihiga, Kericho, Nyamira, and Isiolo. 	
142.69 142.70	Take further measurable efforts to combat corruption, including by ensuring thorough and effective investigation, prosecution of all suspects and punish perpetrators	Implemented	<ul style="list-style-type: none"> - The Office of the Director of Public Prosecutions prepares an Annual Anti-Corruption Report in respect of Prosecution of Anti-Corruption and Economic Crime Related Cases Pursuant to the Provisions of Section 37 of the Anti - Corruption and Economic Crimes Act No. 3 of 2003 (ACECA). - The report includes a summary of the steps taken by the ODPP in respect to each matter forwarded to him by the Ethics and Anti-Corruption Commission (EACC) and the Status of each case dealt with during that period. Further, the report shall indicate if any recommendation of the Commission to prosecute a person for Corruption or Economic Crime was not accepted and shall set out succinctly the reasons for not accepting the recommendation. - The EACC publishes an annual report that documents the progress of investigation, prosecution and adjudication of corruption cases. The National Ethics and Corruption Survey 2021 was released in December 2022.¹⁵ o 	Ethics and Anti-Corruption Commission OAG & DOJ

¹⁵ <https://eacc.go.ke/default/wp-content/uploads/2022/12/National-Ethics-and-Corruption-Survey-2021-EACC-30-Dec-2022.pdf>

			<p>Its goal was to establish the status of corruption and ethics in the country.</p> <ul style="list-style-type: none"> - The report noted that those who encountered corrupt and unethical conduct in government offices from which they sought services declined from 41.8 percent in 2018 to 23.2 percent. - Further, bribe payments declined to 16.5 percent for those who were asked to pay in order to receive a government service compared to 73.1 percent in 2018; - Since its establishment, EACC has recovered KSh. 26.65 billion in embezzled fortune, convicted 358 corrupt officers, and prevented further loss of KSh. 135.9 billion to corruption. 	
142.71	Continue taking targeted steps aimed at improving national legislation on the fight against corruption	Implemented	<ul style="list-style-type: none"> - The Government continuously conducts the ongoing review of Anti-Corruption laws with a view to strengthening them. - The Conflict of Interest Bill 2023 has already been approved by the National Assembly and is currently before the Senate. - Development of Whistleblower Protection Bill which is currently being redrafted. 	<p>Ethics and Anti-Corruption Commission</p> <p>OAG & DOJ</p>
142.72	Continue addressing corruption in a more effective manner, by enhancing transparency, accountability and institutional capacities	Implemented	<ul style="list-style-type: none"> - Mainstreaming corruption prevention measures in the public service is a requirement under the performance contracting framework which is administered under the Presidency. - The Ethics and Anti-Corruption Commission (EACC) publishes the Annual ethics and anti-corruption survey on the effectiveness of measures taken to prevent and detect corruption. - Kenya has been bestowed the responsibility to host Africa's first Centre for Anti-Corruption Studies and Research (CEREC). The agency is to 	<p>Ethics and Anti-Corruption Commission</p> <p>OAG & DOJ</p>

			<p>be established by the African Association of Anti-Corruption Authorities (AAACA), the continent's network for regional cooperation in the fight against corruption and promotion of good governance.</p> <ul style="list-style-type: none"> - The new regional body will focus on advanced anti-corruption studies and research. 	
2.10	FREEDOM FROM RELIGION			
142.150	Ensure that the right to freedom of religion or belief is fully protected and promoted	In the process of being implemented	<ul style="list-style-type: none"> - Kenya respect and protects freedom of conscience, religion, belief and opinion with various denomination. This enshrined in Article 32 of the Constitution and is manifested in the various denominations, religions, and beliefs practised in the country. - Further, the moratorium that halted the registration of religious institutions lifted in July 2022 vide a notice from the Registrar of Societies. - In addition, a Presidential taskforce was constituted in May 2023 to identify gaps that have allowed extremist religious organisations to set up shop in Kenya, as well as formulate a legal framework preventing radical religious entities from operating locally. - The taskforce will also table proposals on civic education to sensitize Kenyans on the need to avoid religious cults. - These measures are meant to bring sanctity to the sector and protect members of the public. 	OAG & DOJ
2.11	TRANSITIONAL JUSTICE			
142.149 142.135	Implement the recommendations made by the Truth, Justice and Reconciliation Commission, (TJRC) including investigating and	Partially implemented	<ul style="list-style-type: none"> - Kenya has and continues to implement the recommendations of the Commission through various legal, administrative, policy and other interventions. In 2015, H.E President Uhuru 	Kenya National Human Rights Commission

	punishing those responsible for serious human rights violations as well as providing remedy to the victims;		<p>Kenyatta apologized to victims of all past wrongs on behalf of himself and current and past governments. In his State of the Nation address, Kenyatta asserted full acceptance of responsibility for the failure of past governments to protect Kenyans from violations and committed to remedying the harms they have suffered. The apologies fulfil one of the recommendations in the report of the TJRC.</p> <ul style="list-style-type: none"> - All Internally Displaced persons emanating from the 2007/2008 post-election violence have been settled, integrated and/or compensated. - The Government has produced abridged/ user friendly version of the TJRC report with the support of the KNCHR 	<p>National Treasury and Economic Planning</p> <ul style="list-style-type: none"> - The National Treasury
142.51	Adopt the necessary legal framework to guide the operationalization of the Restorative Justice Fund	Not implemented	<ul style="list-style-type: none"> - While the fund has yet to be fully operationalized, the Government, in 2014 enacted the Victim Protection Act which establishes the Victim Protection Board with the mandate to provide compensation to victims. 	<p>National Treasury and Economic Planning</p> <ul style="list-style-type: none"> - National Treasury
2.12	COUNTER-TRAFFICKING PERSONS			
142.170 142.171 142.172 142.173 142.174 142.175 142.229 142.258	Accelerate efforts to combat trafficking in persons	Implemented	<ul style="list-style-type: none"> - The Government provided services to victims through partnerships with NGOs. - Funds from the National Assistance Trust Fund for Assisting Victims of Trafficking were utilized to provide victim protection services and support NGO-owned shelters. - Review of the Counter-Trafficking in Persons Act, 2010 to remove the option of a fine in lieu of imprisonment is ongoing. - To address the exploitation of Kenyan nationals abroad, the Ministry of Labor and Social Protection's National Employment Authority 	<p>Ministry of Labour and Social Protection</p> <ul style="list-style-type: none"> - State Department for Social Protection and Senior Citizen Affairs <p>CTIP Secretariat</p> <p>ODPP</p>

			<p>(NEA) continued to employ labour attachés in Kenyan diplomatic missions in Qatar, United Arab Emirates (UAE), and Saudi Arabia.</p> <ul style="list-style-type: none"> - The Ministry in collaboration with the National Employment Authority and the Ministry of Foreign Affairs has enhanced awareness of labour migration issues amongst members of the public and the media through the Public Sensitization/Awareness Programme against unregulated migrant Labour and human trafficking in the Middle East. Such forums have been conducted in Kilifi and Muranga Counties. - The NEA has established a Toll-Free No.: 0800222223 and reporting mechanisms on www.neaims.go.ke for migrant workers to contact in case of emergencies, disputes, or concerns regarding their working conditions. This provides workers with an avenue to seek assistance and report issues. - Kenyan embassies and consulates have ensured that their consular services are accessible to migrant workers and they provide necessary support, including assistance with documentation, legal matters, and emergencies.. - To promote access to justice and further protect victims participating in investigations and prosecutions, some courtrooms have been equipped with facilities that allow victims to provide testimony via video, one-way glass, or written statements. - The Government has continued to implement the National Plan of Action Against Sexual Exploitation of Children 2018-2022, which included efforts to prevent child sex trafficking, by conducting awareness campaigns targeting hotel operators in tourist destinations. 	
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			<ul style="list-style-type: none"> - The Government with its partners, maintains a 24-hour hotline (116) to report child abuse and exploitation, including child trafficking. - Office of the Director of Public Prosecutions maintained a specialized human trafficking unit, which includes prosecutors trained on human trafficking and related crimes. - Challenges include the lack of a centralized law enforcement data collection system on trafficking crimes, resulting in underreporting. 	
2.13	ELECTORAL REFORMS			
142.136 142.168	Intensify efforts to secure redress for survivors of sexual violence following 2007 and 2017 Presidential elections, and establish mechanisms to ensure such crimes are never repeated	In the process of being implemented	<ul style="list-style-type: none"> - The Government enacted a raft of measures to ensure free and fair elections and suppress instances of electoral violence including: <ul style="list-style-type: none"> o Training of police ahead of elections to mitigate sexual and gender violence. o The formation of a National Multi-Agency Consultative Forum on Election Preparedness. The forum chaired by the Chief Justice provided a platform from which to share technical knowledge and expertise to guide the realization of credible elections whilst leveraging on the mandates of the respective MDAs, o The creation of Standard Operating Procedures on Investigation and Prosecution of Serious Human Rights Violations Committed by Police Officers were formalized between the Independent Policing Oversight Authority (IPOA), ODPP and the National Police Service improved coordination between these critical agencies in ensuring justice is served. 	<p>Independent Electoral Boundaries Commission (IEBC)</p> <p>State Department for Gender and Affirmative Action</p> <p>NPS</p> <p>Judiciary</p> <p>ODPP</p> <p>IPOA</p>

			<ul style="list-style-type: none"> ○ There was enhanced collaboration between IEBC and security actors under the Election Security Arrangement Programme (ESAP) framework which contributed to a conducive environment for the conduct of elections. Notably, there were reduced cases of election-related violence during the conduct of 2022 General Elections. ○ The IEBC further conducted assessment, developed role cards and manuals as well as security training for the 2022 GE. Similarly, the Commission deployed two security officers per polling station across the country. ○ The IEBC also made an effort to promote peaceful elections through lighting of the peace torch and signing of peace pledges with Presidential candidates to ensure elections are free from violence, intimidation, improper influence or corruption before, during and post-election period. 	
142.155	Implement the recommendations of the 2017 EU Election Observation Mission, especially to strengthen the independence of the media and journalists and to provide protection for civil society	Implemented	<ul style="list-style-type: none"> - The IEBC continued to engage members of the Fourth Estate with a view of enhancing electoral reporting during the electioneering period. - The IEBC accredited 111 organizations as voter education providers and 5,978 journalists from 266 local and international media stations (49% increase from 4000 accredited journalist in 2007). - The Commission signed a Memorandum of Understanding (MOU) with the Kenya Media Sector Working Group (KMSWG) on 4th March 2022, which focused: i) Capacity building and 	IEBC

			<p>sensitization of journalists on electoral laws, processes, procedures and technology; ii) Establishment of a media centre to share information during the General Election; iii) Provision of electoral information</p> <ul style="list-style-type: none"> - The IEBC established a National Election Communication Center (NECC) that housed a modern media and call centre. These facilitated real time flow of electoral information across the country. - The IEBC's Results Transmission System (RTS) successfully transmitted all the 46,229 presidential result forms to the web portal from the polling stations. Besides, the web portal received over 380 million requests from the public who wanted to access the presidential results forms - Voter education interventions deployed included development and dissemination of IEC materials, use of traditional and new media. - In addition, IEBC's social media platforms grew significantly, e.g. Twitter grew from around 80,000 to 950,000 followers. - IEBC also signed an MoU with Meta to help in dealing with misinformation and disinformation during the electioneering period. 	
<p>142.167 142.169</p>	<p>Ensure that all human rights are duly respected and protected in the run up to and during the coming general elections in 2022</p>	<p>Partially implemented</p>	<ul style="list-style-type: none"> - Observer reports such as the Commonwealth Observer Group, led by The Hon. Bruce Golding, former Prime Minister of Jamaica, noted that, despite some challenges, the election was on the whole credible, transparent, inclusive and largely peaceful.¹⁶ 	<p>Independent Electoral Boundaries Commission</p> <p>NPS</p> <p>Ministry of Interior</p>

¹⁶ <https://thecommonwealth.org/news/commonwealth-observer-group-publishes-final-report-kenyas-2022-election>

			<ul style="list-style-type: none"> - The East African Community Election Observer Mission in turn observed that, “security personnel were present and highly professional in the discharge of their duties and did not interfere with electoral processes nor did they intimidate voters.” Further, it was noted that “polling officials displayed high levels of competence and professionalism and the mission commended the IEBC on the successful use of technology in voter registration, voter identification and transmission of results. It has improved efficiency, and increased transparency of the election process.¹⁷” - The ESAP which was conceptualized and envisaged as a multi-agency framework for coordination, collaboration and partnership involving state and non-state agencies in provision of election security for 2022 elections is noted to have achieved the following: <ul style="list-style-type: none"> o There was no reported election related death attributed to police conduct in the 2022 General Election; the first time since the re-introduction of multiparty elections in 1992. o There were reduced cases of electoral violence as opposed to previous elections. o The production and distribution of revised ESAP materials (Election Security Handbook, Police Role cards and Training Manual on Electoral Security). o Training of 180,000 police officers, IEBC staff and stakeholders. 	<p>Judiciary</p> <p>ODPP</p>
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¹⁷ <https://www.eac.int/statements/2560-preliminary-report-of-the-observation-mission-eac-election-observer-mission-to-the-9th-august-2022-general-elections-in-the-republic-of-kenya>

			<ul style="list-style-type: none"> ○ Enhanced collaboration between IEBC and other stakeholders in coordinating electoral security to ensure free, fair and credible elections. ○ There was an established structure of election security coordination that included IEBC Commissioners, National Police Service Joint Service Board and the secretariat from the two institutions. ○ There was enhanced provision of election security services at the County and Constituency level. 	
142.134	Combat hate speech, particularly during election periods, and punish incitements to racial or ethnic hatred	Partially implemented	<ul style="list-style-type: none"> - Development of the National Action Plan against hate speech¹⁸ which was officially launched on 15th June 2022 facilitates monitoring and analysing hate speech and convening the relevant actors. - The NCIC is pursuing the review of the NCIC Act No. 12 of 2008 to among others provide for powers to summon witnesses which will support its mandate towards the elimination of ethnic, racial and religious discrimination culminating in national cohesion and integration which all speak to enhancing and protection of human rights. - The NCIC is training and building the capacity of peace actors and stakeholders (youth, women and elders) on peace, cohesion and national values as well as conflict resolution. The trainings have been conducted in 7 Counties where 700 peace actors were trained. - The NCIC is also conducting Peacebuilding and Conflict Transformation Trainings in Mombasa, 	<p>Ministry of Interior and National Administration</p> <ul style="list-style-type: none"> - State Department for Internal Security and National Administration <p>National Cohesion and Integration Commission</p>

¹⁸ https://cohesion.or.ke/images/docs/downloads/Kenyas_National_Action_Plan_Against_Hate_Speech.pdf

			<p>Kilifi, Isiolo, Kitui Counties targeting Local Peace Structure where over 125 participants have been trained in those counties on Alternative Dispute Resolution, Conflict Mapping, Early Warning and Early Response Mechanisms, Gender Responsive Peacebuilding and Mental Health and Psychosocial Support.</p> <ul style="list-style-type: none"> - The Commission is promoting implementation of effective peace and conflict structures throughout the country. In order to resolve communal conflicts, the Commission has conducted 22 inter and intra community mediation and reconciliation dialogues, in 23 Counties. The dialogue forums have improved intercommunal relations and cessation of conflicts through community peace pacts and declarations. - The NCIC strengthened the capacity of the Multiagency Taskforce to effectively manage hate speech, ethnic contempt and political incitement. - In addition, the Commission developed and implemented the Political Decency and Peace Charter accountability charter and engaged political leaders across the counties to sign and commit to promote and maintain peace during and after the general elections. Eighty-six Secretary Generals of all Registered Political Parties and four Presidential Candidates signed the charter in addition to over 10,000 political leaders and aspirants. 	
142.133	Continue to prosecute acts of racial discrimination and hate speech and adopt a comprehensive strategy to eliminate harmful cultural practices	Implemented	<p>Harmful Cultural Practices</p> <ul style="list-style-type: none"> - The National Plan against Sexual Exploitation of Children in Kenya (2018-2022) recognises child marriage as a harmful practice that contributes 	<p>Ministry of Interior and National Administration</p> <ul style="list-style-type: none"> - State Department for Internal Security

			<p>to child sexual abuse and exploitation, and it envisions activities to engage men as community champions in reducing child marriage.</p> <ul style="list-style-type: none"> - The Sessional Paper No.2 of 2019 on National Policy on Gender and Development is a milestone whose goal is to achieve gender equality and women's empowerment (GEWE) in national development. The envisaged sustainable development also enhances the participation of women, men, girls and boys, as well as vulnerable and marginalized groups. - The State Department in partnership with Health Care Assistance Kenya (HAK) is operating a National GBV Toll-free Helpline 1195 to provide immediate assistance to survivors through Tele-Counselling and Referrals for medical and legal services. The helpline is also key in collecting and collating data on the number of cases reported to help inform policy and programming. Other government run helplines include National police helpline- 0800730999 and Child helpline-116. - The State Department for Gender and Affirmative Action launched the Komesha Dhuluma Mobile App in 2020. It is a mobile application and USSD service developed in order to improve access to GBV services by making the information of the location, contact numbers of service providers available to Kenyan citizens at the time of need. - Establishment of Inter-Agency Programme to prevent and Respond to GBV in the context of COVID-19 to accelerate efforts towards ending FGM and GBV. - The establishment by the ODPP of an Anti-FGM and Child Marriage Prosecution Unit to fast- 	<p>and National Administration</p> <p>National Cohesion and Integration Commission</p>
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			<p>track the prosecution of FGM and child marriage cases.</p> <ul style="list-style-type: none"> - Prosecution Counsel have been trained on FGM prevention and response in order to handle FGM cases properly. This has strengthened the officers' response through activation of an FGM Hotline; 0770 610 505. - Developed guidelines for establishment of Gender Based Violence Recovery Centres. - Establishment and strengthening of county GBV Working Groups and Women Peace and Security sub-sector Working Groups to strengthen referral system. - Mapping of the GBV service providers and updating and dissemination of the directory. - Mapping of safe spaces run by both Government and Civil Society Organizations (CSO's); 97 Institutions have been mapped. - Establishment of Recovery Centres, Safehouses/Rescue Centers for GBV Survivors at County level - Finalized Review of the National Policy on Prevention of and Response to Gender Based Violence, 2014. - Developed the SDG- 5 Strategy on Gender Equality and Empowerment of all Women and Girls (2020-2025) which highlights actions to be undertaken to position Kenya on the fastest and most reliable trajectory for the achievement of SDG-5. Key challenge remains the lack of a Gender Act to give effect to the National Gender Policies. <p>Discrimination</p> <ul style="list-style-type: none"> - The National Cohesion and Integration Cohesion (NCIC) conducted ethnic and diversity audit of 	
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			<p>employment in the counties with the aim of improving inclusivity in public employment opportunities, enhancing equitable distribution of public resources as well as increasing public understanding and practice of non-discrimination. The County ethnic and diversity audit focused on collecting and analyzing employment data from County Public Service Boards (CPSB), the County Assemblies (CA) and the Governors Offices (GO) in the forty-seven (47) Counties. The Commission received and analyzed data from 45 counties from which a draft Ethnic and Diversity Report was prepared and validated. The draft report indicates that only 13 (28%) of the 47 counties complied with the County Government Act No. 17 of 2012 section 65 (1) e which states that at least thirty percent of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the county.</p> <ul style="list-style-type: none"> - The NCIC developed and validated the Guidelines for County Employment Equity plans in collaboration with the Ethics and Anti-Corruption Commission (EACC), the Public Service Commission (PSC) and the National Gender and Equality Commission (NGEC). The guidelines, which aimed at addressing ethnic imbalance in county public service employment, were presented to the Parliamentary Committee on National Cohesion and Equal Opportunity, which gave feedback and recommendations. The draft guidelines for County Employment Equity Plan are still in the validation process. <p>Hate Speech</p>	
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			<ul style="list-style-type: none"> - The NCIC flagged and processed 1,107 complaints and incidences on hate speech, ethnic contempt and incitement in public spaces including social media platforms. It managed 56 cases, out of which 35 are in the prosecution stage, 9 are under conciliation; 5 are currently before court while 7 have been concluded. 	
3	ECONOMIC, SOCIAL & CULTURAL RIGHTS			
3.1	SUSTAINABLE DEVELOPMENT GOALS			
142.39 142.53	<p>Improve the mechanisms for collection of disaggregated data in order to facilitate an integrated assessment of advances in the promotion of human rights and in the implementation of the SDGs;</p>	Partially implemented	<ul style="list-style-type: none"> - Kenya National Bureau of Statistics and Kenya National Commission on Human Rights signed an MoU in 2017 to 2022 in order to strengthen collection and analysis of human-rights based data. During the period, Kenya collected information on the various groups left behind like intersex, persons with disabilities including those with albinism, stateless, refugees and asylum seekers, elderly, children among others .these were mainly done during the 2019 Kenya population and Housing census leading to production of various analytical reports found in the KNBS website (https://www.knbs.or.ke/download/2019-kphc). - As a result of the findings, a bill on Intersex persons has been drafted and three stateless communities ((Shona, Pemba and Makonde) have acquired citizenship - Secondly, a list of 29 groups left behind has been identified and Kenya signed into the Inclusive Data Charter to promote collection of disaggregated data with a focus on disability. 	<p>The National Treasury & Economic Planning</p> <p>- State Department for Economic Planning</p>

			<ul style="list-style-type: none"> - With the leadership of OHCHR, the State has managed to draft a set of questions on discrimination which can be included in data collection tools. - The State has also included SDG 16.10.1 which is addressing the rights of Human Rights Defenders into the National SDG Framework in 2023. - Plans are underway to have a module on refugees in the upcoming 2024 Kenya Integrated Household Budget Survey and also conduct a national disability survey in 2024 - The Government has established a well-coordinated and inclusive institutional framework for SDGs implementation. The SDGs Coordination Directorate within the State Department for Economic Planning at the national level and County Governments' SDGs focal persons at the sub-national level ensure the integration of SDGs into plans, policies, and budgeting frameworks. - Further, the establishment of the Inter-Agency Technical Working Committee (IATWC) on SDGs fosters collaboration among diverse stakeholders as well as promotes effective coordination and accountability in the implementation, monitoring and reporting of the SDGs - The Government has successfully mainstreamed the SDGs into national and sub-national development plans, ensuring alignment with the country's development priorities. The SDGs are integrated into Kenya's Vision 2030 through the Medium-Term Plans (MTPs) at the national level, as well as County Integrated Development Plans (CIDPs) at the sub-national level. 	
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3.2	POVERTY ERADICATION AND FULFILMENT OF THE BIG 4 AGENDA			
142.65 142.180 142.183 142.184 142.185 142.186 142.187 142.188 142.189 142.190 142.234	Continue to promote economic, social development and improve the living standard of its people	Implemented	<ul style="list-style-type: none"> - The National treasury has developed, Regulations that provide for participating Financial Institutions to charge an affordable and sustainable interest rate on loans due to the reduction of risk as a result of the sovereign guarantee. The effect of the charge will be affordable credit to MSMEs to enhance growth and sustainability of their enterprises. - Treasury developed Regulations and set budgetary allocations for affirmative action funds that include the: <ul style="list-style-type: none"> o Kenya Credit Guarantee scheme. o Youth Enterprise development fund o Uwezo Fund o Women Enterprise fund o Cash transfers and bursaries. - All funds cited are operational with 39 billion 17.5 for elderly 7.9 for Orphans and Vulnerable Children (OVCs) and 12 for persons with severe disability and with over 151.6 billion disbursed to the vulnerable groups from 2013-2022. - The poverty prevalence is now 33.6% due to the government investment in affirmative action and social protection. - Kenyans can now access over 5,000 Government services online. The services will also be available on the e-Citizen platform's USSD code *2222# and Gava Express. - Gava Express will be available in more than 250,000 M-Pesa shops, 28,000 KCB shops, 40,000 Equity shops and 22,000 Cooperative Bank shops to serve those without smartphones. 	The National Treasury

			<ul style="list-style-type: none"> - The Government of Kenya has rolled out skills development programs to enhance digital literacy skills and set up youth empowerment centers and tech hubs in various counties. The digital training opportunities provided by the ICT Authority, will target 20 million people as part of Kenya's National Digital Masterplan 2022-2032¹⁹. - The Government has established high tech innovation hubs and support centers. Digital hubs have already enabled 119,000 youth to access digital jobs. - The Government has established a framework to improve the ease of doing business for investors particularly for the MSMEs; - A One-Stop Investment Centre has been established; - Operationalization of the National Investment Council chaired; and - Additional Export Processing and Special Economic Zones (EPZs and SEZs) have been gazetted. - The Second Kenya Informal Settlements improvement Project (KISIP 2)2021-2025 which aims to build on the gains of its predecessor whose main objective is to improve the living conditions of people in selected informal settlements. - KISIP 2 is projected to benefit 1,700,000 people from enhanced security of tenure (500,000) and 1,200.000 will be people provided with improved urban living conditions. - The Keyan Urban Support Programme 2017-2023 whose goal was to establish and strengthen urban institutions to deliver 	
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¹⁹ <https://cms.icta.go.ke/sites/default/files/2022-04/Kenya%20Digital%20Masterplan%202022-2032%20Online%20Version.pdf>

			<p>improved infrastructure and services in participating counties</p> <ul style="list-style-type: none"> - The Government is currently rolling out the last mile 100,000km of fibre optic infrastructure throughout the country to improve health facilities, schools, Judiciary offices in far flung areas, and other public institutions. We are also concurrently setting up 25,000 WiFi hotspots targeting fresh produce markets, bus parks and other public spaces. We are also working with Members of Parliament in the set-up of 1450 ICT Hubs in every ward in the country to actualise this strategic intent. Our goal is to spur e-commerce, the creative arts, and the digital economy; the frontier of our Bottom-Up Economic Transformation Agenda. 	
142.245	Device ways and means to be in a position to allocate adequate resources for the effective implementation of actions geared to the advancement of human rights and conditions of children and working mothers	In the process of being implemented	<ul style="list-style-type: none"> - The Government has pledged to initiate Public Private Partnerships (PPPs) to deliver on projects and programmes for the betterment of all. For instance, to enhance access to water and the right to food the Government has committed through PPPs to deliver 100 dams and, in a bid, to progressively increase land under irrigation to 3 million acres. - To further enhance access to healthcare the Government with its partners has established a \$ 18 million public private partnership to deliver a m-mama program. It is an innovative mobile technology that links emergency referral systems and transports pregnant women and newborns facing complications to healthcare facilities. - To enhance the lives of Kenyans, the Government is committed to the implementation of the Bottom-Up Economic Transformation Agenda (BETA) through a human rights 	The National Treasury

			<p>approach embedding principles such as equality, equality, non-discrimination, affirmative action, to realize sustainable development goals while promoting and protecting human rights.</p>	
142.47 142.48	Enhance mobilization of resources for the realization of the “Big Four” national plan;	In the process of being implemented	<ul style="list-style-type: none"> - The Government maintains a Resource Mobilization Department with the Ministry of Treasury and Economic Planning - The department has several divisions, whose main functions are to: – <ul style="list-style-type: none"> o Undertake domestic and foreign borrowing including raising of grants in accordance relevant laws; o Prepare and implement the national government borrowing plan and in consultation with the fiscal agent prepare the annual domestic debt issuance calendar; o Act as the principal in the issuance of Government debt securities on behalf of the National Treasury through the Implementation of government securities auction calendar; o Undertake investor relations activities, roads shows, net shows, liaison and coordination with creditors and market participants; o Process Government Guarantees; o Coordinate missions and technical assistance from cooperating development partners - The Government has developed the Public Private Partnerships Regulations, 2023. The Regulations are to be issued pursuant to the Public Private Partnership Act (No. 14 of 2021), 	The National Treasury

			<p>and they seek to provide for the procedural requirements to be followed by contracting authorities in the initiation, planning, procurement, and execution of PPP projects.</p> <ul style="list-style-type: none"> - The Regulations are expected to fortify the existing legal and institutional framework for PPPs by promoting certainty, transparency, accountability, and effective partnerships between the public and private sectors; thereby facilitating timely delivery of high-quality public infrastructure and services. - As part of the Government's comprehensive long-term roadmap for sustainable financing, ensuring a balance of environmental, social, and economic objectives, the Cabinet in 2024 considered and approved the Sovereign Green Bond Framework. The Green, Blue, Social, and Sustainability Bonds present an increasingly attractive mechanism for Kenya to engage non-traditional institutional investors and allocate capital to finance green economic growth. - The Sovereign Green Bond Framework provides the missing nexus between climate action and economic development. The framework is therefore anticipated to facilitate the development of new or improved climate-resilient infrastructure, secure alternative sources of food and water, and catalyze the advancement of new green technologies in climate-vulnerable sectors. 	
3.3	RIGHT TO ENVIRONMENT			
143.4	Ensure that a human rights approach is reflected in the Government's 2020 submission of	Implemented	- With the Kenyan economy dependent on climate-sensitive sectors such as rain-fed agriculture, water, energy, tourism, wildlife, and	Ministry of Environment Climate Change & Forestry

	<p>the reviewed Nationally Determined Contributions;</p>		<p>health whose vulnerability is increased by climate change.</p> <ul style="list-style-type: none"> - The Government acknowledges that promoting the full respect for human rights standards such as equity, participation, equality, and non-discrimination provides the foundation for a sustainable development agenda and good governance outcomes - As such the Bottom-up Economic Transformation Agenda is anchored on five key pillars: Agriculture, MSME Economy, Housing and Settlement, Healthcare, as well as Digital and Creative Economy. The priority interventions proposed in the plan are expected to contribute toward six broad objectives including lowering the cost of living, eradicating hunger, managing unemployment, improving fiscal performance, stabilizing foreign exchange and ensuring inclusive economic growth. - Taking this into consideration the National Climate Change Action Plan (NCCAP) 2018-2022 which is a framework for Kenya to deliver on its Nationally Determined Contribution (NDC) under the Paris Agreement encourages the meaningful participation of the private sector, civil society, and vulnerable groups within society, including children, women, older members of society, persons with disabilities, youth, and members of minority or marginalised communities. - The NCCAP also acknowledges the disaggregated impacts of climate change and its socioeconomic impacts. - In honouring our global commitments on low emissions, the Government has considered and approved the National Green Fiscal Incentives Policy Framework. The Policy seeks to steer Kenya's economy to a path of low-carbon and 	<ul style="list-style-type: none"> - State Department for Environment and Climate Change
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			<p>climate resilient green development through a variety of fiscal and economic mechanisms.</p> <ul style="list-style-type: none"> - The Policy intervention accelerates the State's efforts to correct environmental externalities, support national climate change goals, and to promote clean energy investments. As a consequence, Kenya shall gain by witnessing a shift in consumption patterns from negative environmental trends to green and sustainable ones, the generation of additional revenues, and the driving of private investments in projects and programs that adopt climate-friendly production mechanisms. 	
3.4	RIGHT TO FOOD			
142.66	Advance efforts aimed at growing the economy and enhancing food security;	Implemented	<ul style="list-style-type: none"> - The Government has developed the Sustainable Agricultural Livelihood Restoration, Rehabilitation and Resilience in Kenya; Users' Guide for Trainers' 2023²⁰. - The Guidelines are to be used in designing and implementing livelihood restoration and rehabilitation interventions among communities adversely affected by climate change and variability induced disasters. The major disasters being focused include pests and diseases outbreaks, droughts and floods. Application of the Guidelines is expected to ensure that communities are safeguarded and protected from loss of human, social and asset capital resulting from adverse effects of the natural calamities. 	<p>Ministry of Agriculture and Livestock Development</p> <ul style="list-style-type: none"> - State Department for Crop Development - State Department for Livestock Development

²⁰ <https://www.kalro.org/elp/locust/index.php>

			<ul style="list-style-type: none"> - The Government has also developed the Guidelines on Sustainable Ruminant Feeds and Nutrition Security for Kenya 2023.²¹ - The livestock sector plays a key role in the socioeconomic development of Kenya, providing livelihoods to about 13 million Kenyans. It provides food, employment, income and export revenue to farmers and other stakeholders in the industry. - The main aim of the guidelines is to address the major feed challenges in the livestock sector and specifically ruminants which undergo perennial feed shortages due to; unreliable rainfall patterns, inadequate pasture and fodder conservation strategies, high cost of feed ingredients, overstocking, inappropriate grazing strategies amongst others. - In 2023 the Government made available 300,000 metric tons of fertilizer subsidized from KSh. 7,000 a bag to KSh. 3500 and again down to KSh. 2500 during the short rains in October. - This programme was supported by a farmer e-registration exercise and the development of an accurate and transparent e-voucher system for managing distribution. The system allowing farmers to access vouchers via their mobile phones. It will also enable the Government to plan future requirements in terms of fertilizer types and quantities - AS of 2023 the Government has registered more than 5 million farmers, issued more than 3.6 million e-vouchers and established last mile distribution centres with the support of the County Governments 	
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²¹ <https://www.kalro.org/elp/feed/index.php>

			<ul style="list-style-type: none"> - To promote production the fertilizer's formulation is customized to feed crops with their specific requirement of elements while addressing local soil nutrient composition. Further, the fertilizer has been distributed to farmers based on their land acreage and production capacity - As a result of these and other interventions the Government expects to harvest about 44 million bags of maize in 2023 up from 34 million in 2022. - To mitigate post-harvest losses the Government implemented a national initiative to acquire 100 driers distributed across various National Cereals and Produce Boards (NCPBs) across the country. - To enhance marketing the Government is committed to implementing the Warehouse Receipts System Act 2019 which establishes a structured and well-regulated trading system for agricultural commodities. The system creates an ecosystem with opportunities for the private sector and NCPBs to provide a trading platform that links buyers and sellers and facilitates access to credit by agricultural producers. - The Government is also increasing the budget of the Agricultural Finance Corporation (AFC) from KSh. 2 billion to KSh. 10 billion to facilitate affordable credit to farmers. - These efforts have seen farmers expand production by a further 200,000 acres above 2022 levels. - To reduce our national edible oil import bill of \$1 billion (KSh. 148 billion), the government is supporting sunflower cultivation by distributing 600 metric tons of seeds to farmers in partnership with counties in the Eastern, 	
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			<p>Western, and Nyanza regions, during the short rain season.</p> <ul style="list-style-type: none"> - The Government will open up state owned land for leasing to dairy farmers cooperatives as a way to cushion farmers from high cost of animal feeds. Further, the Government has also removed tax on livestock feeds to make dairy farming more profitable. 	
142.198	Continue the efforts to end malnutrition in all vulnerable layers of the society	Implemented	<ul style="list-style-type: none"> - The Government has developed and is implementing policies and legislation aimed at improving nutrition outcomes. - The Agri-Nutrition Implementation Strategy, 2020-2025²² which in compliance with Sustainable Development Goals, (SDGs) offers practical guidance on strategic interventions for decision makers to contribute towards sustained reduction of high malnutrition levels - The Nutrition Monitoring and Evaluation Framework,²³ covering the period 2018-2022, identifies nutrition as one of the essential health services under the primary health care, and therefore aims at accelerating and scaling up efforts towards the elimination of malnutrition, through the adoption of multi-sectoral nutrition information systems, the implementation of learning and research interventions, the involvement of stakeholders and experts. - The Nutrition Action Plan (KNAP) 2018-2022²⁴ is an evidence-based five-year strategic action plan that applies a multi-sectoral approach and 	<p>Ministry of Health</p> <ul style="list-style-type: none"> - State Department for Public Health and Professional Standards <p>Ministry of Agriculture and Livestock Development</p>

²² <https://faolex.fao.org/docs/pdf/ken214326.pdf>

²³ <https://faolex.fao.org/docs/pdf/ken214327.pdf>

²⁴ <https://faolex.fao.org/docs/pdf/ken212168.pdf>

			<p>promotes cross sectoral collaboration to address the social determinants of malnutrition sustainably with an overall aim of ensuring optimal nutrition for all Kenyans.</p> <ul style="list-style-type: none"> - According to the Global Nutrition Report 2022 Kenya is on course to meet four targets for maternal, infant and young child nutrition²⁵ 	
3.5	BUSINESS & HUMAN RIGHTS			
142.73 142.74 142.75	Ensure the final approval, launch and execution of the National Action Plan for the implementation of the Guiding Principles on Business and Human Rights;	Implemented	<ul style="list-style-type: none"> - Sessional Paper No. 3 on the National Action Plan on Business and Human Rights adopted on 9th November 2022 and launched in 2023. - A Multisectoral National Implementation Committee has been established to guide the process of implementing the Action Plan. 	OAG & DOJ
3.6	RIGHT TO HOUSING			
142.181	Continue implementing the affordable housing program for low-income people to achieve the Sustainable Development Goals regarding the right to adequate housing	Implemented	<ul style="list-style-type: none"> - The Boma Yangu platform is a solution supporting the Affordable Housing Program targeting delivery of decent and affordable housing to low and middle-income households. It aims to reduce the gap between demand and supply for housing in Kenya and provide the main component of a large framework established towards the 200,000 Affordable Houses annually. Reserved 2% for vulnerable groups specifically persons with disability. - The programme has about 10 completed project benefiting 45,000 persons with 334,000 registered with over 200 MSMEs onboarded. - A total of 1067 affordable housing units were constructed during 2021/2022 financial year. 	<p>Ministry of Lands, Public Works, Housing and Urban Development</p> <ul style="list-style-type: none"> - State Department for Housing and Urban Development

²⁵ <https://globalnutritionreport.org/resources/nutrition-profiles/africa/eastern-africa/kenya/>

			<ul style="list-style-type: none"> - In 2022/23 financial year 27.7 billion (\$ 170 million) was budgeted for the program with 4.6 billion (\$ 28.3 million) going to the Kenya Mortgage Refinancing Company for onward lending to potential home owners, 8.7 billion (\$ 53 million) for affordable housing program and 1.2 billion (\$ 7.3 million) for the social housing. <p>Beneficiaries to the Affordable,</p> <ul style="list-style-type: none"> - Social and police Housing Projects - 1,370 beneficiaries for affordable housing at park road. - 463 Beneficiaries for social housing in Mavoko - 192 beneficiaries for police housing (60 units Kiambu APS, 72 units Loresho Training College, 60 units NPS Rapid Deployment Unit HQs.) - 193 beneficiaries for civil servants housing in Kiambu <p>Ongoing projects</p> <ul style="list-style-type: none"> - 605 Affordable housing units at Bondeni Nakuru at 93% completion - 1,050 affordable housing units in Ruiru at 15% completion - 5,360 affordable housing units in Mavoko at 5% completion - 1,728 affordable housing units in Shauri Moyo A at 3% completion - 4,054 social housing units in Kibera Soweto Zone B at 10% completion - 13,700 social housing units (2,376 commenced at 50% completion) - 870 police housing units in various sites ongoing at an average of 74% completion <p>Legal and Policy frameworks</p>	
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			<ul style="list-style-type: none"> - National Housing Policy No. 6 of 2016 (Earmarked for review to align with the affordable housing program and other emerging issues) - Introduction of Affordable housing levy and operationalizing Affordable Housing Fund to Accelerate implementation of Affordable Housing program through increased financing. - In process of establishing Affordable Housing Levy Regulations - Slum upgrading and prevention policy (2016) in place. The aim of the policy is to integrate the existing slums into the formal system, enabling them to enjoy reasonable basic amenities. - Slum upgrading strategy draft developed and validated. <p>Slum Upgrading Programme.</p> <ul style="list-style-type: none"> - Various slum upgrading initiatives to Improve lives and livelihoods of people living and working in informal settlements done.The following were achieved since 2021; - 5 markets completed in Ijara (Garissa), Ngaru (Kirinyaga), Dede (Migori), Ajawa (Wajir) and Dundori (Nakuru). This has benefitted approximately 200 traders. - 4Kms of sewer line completed in Nyagachok (Kericho) - 12.9 km of access roads upgraded to Bitumen standards 	
3.7	RIGHT TO WATER AND SANITATION			
142.182 142.190	Accelerate the development of the national public water works for	Partially implemented	<ul style="list-style-type: none"> - The Government is implementing with the support of its partners, the Horn of Africa 	Ministry of Water, Sanitation & Irrigation

	<p>water resources storage to better ensure the right to water and sanitation of its people</p>		<p>Groundwater for Resilience (HoAGW4R) Program. Its objective is to increase the sustainable use and management of groundwater by beneficiary groups.</p> <ul style="list-style-type: none"> - The project is planned to span six years from July 2022 through to December 2027 - The project will be implemented in five transboundary counties: Garissa, Mandera, Marsabit , Turkana and Wajir. - The project is estimated to benefit 1.5 million people living in the rural communities will focus on groundwater management, development, and use. - The National Water Harvesting and Storage Authority Strategic Plan 2022-2027²⁶ concerns the importance for the country's development agenda of the centrality of access to water and the realisation of the related sustainable development goals, as recognised in the Vision 2030 Strategy. The Strategic Plan presents the National Water Harvesting and Storage Authority's mandate of developing, maintaining and managing national public works for water resources storage and flood and drought control, and thus it priorities the strategic interventions and actions that the Authority will implement within the period 2022–2027. - The Government has launched the National Irrigation Services Strategy, a key policy implementation instrument in guiding irrigation development and management in Kenya. The proposed intervention in the strategy aims to address the challenges facing the sector and unlock the potential for irrigation to contribute 	<ul style="list-style-type: none"> - State Department for Water & Sanitation
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²⁶ <https://faolex.fao.org/docs/pdf/ken217397.pdf>

			<p>to National food security and socio-economic development of the country</p> <ul style="list-style-type: none"> - The key interventions include: expanding irrigation infrastructure; irrigation water resource development; technical and institutional capacity development; and strengthening the provision of irrigation support services and infrastructure. The NISS also outlines investment opportunities in the irrigation sector. These interventions are designed to increase the area under irrigation by additional 500,000 acres by the year 2026. - The Government has pledged to initiate Public Private Partnerships to deliver 100 dams and, in a bid, to progressively increase land under irrigation to 3 million acres - Further the Government plans to invest in irrigation as a means to alleviate the country's food shortages. - These include: <ul style="list-style-type: none"> o The Galana Kulalu Food Security project is located in the coastal region. The project involves development of physical infrastructure for viable and economic utilization of the natural resources available within or accessible to the area making up the Galana Kulalu Ranches including but not limited to water storage, conveyance and distribution, irrigation, livestock production, aquaculture road network, land development, eco-tourism among others. It consists of various enterprises including maize, sugarcane, horticulture and orchards, dairy and beef ranching, fisheries, tourism and 	
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			<p>recreation, processing industries and human settlement.</p> <ul style="list-style-type: none"> ○ The Bura Irrigation Project in Tana River County. The Scheme has a gazette area of 12,000 acres with about 3,500 acres under production with maize being the main crop. The ultimate goal is to develop sustainable crop production via gravity fed irrigation system and as a result enhance food and nutrition security thereby improving the livelihoods of the Tana River residents and Kenya at large. ○ The Nyanjigi Irrigation Project in Murang'a County. The project, which is expected to bring a total of 7,500 jobs to the area, will increase food security, create wealth, and spur economic growth. <p>- The Government commissioned water and sanitation projects in Nyandarua County. The project involves the construction of a water treatment plant with a design capacity of 2000 cubic meters of water per day and enhancing the production and distribution capacity of the existing system to serve a population of 30,500 in the year 2023..</p>	
3.8	RIGHT TO SOCIAL PROTECTION			
142.192	Continue consolidating social protection programs in favour of its population, in particular for the most vulnerable sectors	Implemented	<p>- The Government has a National Social Protection Policy 2023 which asserts the right for every person to social security and binds the State to provide appropriate social security to persons who are unable to support themselves and their dependants. The Policy aims to</p>	<p>Ministry of Labour & Social Protection</p> <p>- State Department for Social Protection</p>

			<p>enhance focus on four thematic pillars namely Income Security, Social Health Protection, Shock Responsive Social Protection and Complimentary Initiatives</p> <ul style="list-style-type: none"> - Developed a Social Protection Bill 2024²⁷ whose objectives include to give effect to the State's obligations under international law and article 43 of the Constitution - The Government launched the Support Needs Assessment Report²⁸ aimed at enhancing the well-being of persons with disabilities and their primary caregivers in 2023. The report highlights the essential role of social protection systems in meeting the multifaceted needs of individuals with disabilities and their caregivers, from identification to financing. - The findings from this assessment will guide stakeholders, especially the government, in developing gender-responsive programs that provide support services to persons with disabilities and their families. The ultimate goal is to transition children with disabilities out of institutional care and reintegrate them into families and communities, aligning with their commitment to fostering inclusive, community-based environments. - In a significant stride toward the modernization and automation of government services, the State Department of Social Protection and Senior Citizen Affairs unveiled the Community Development Management Information System in 2023 - The Community Development Management Information System comprises three essential 	<p>and Senior Citizen Affairs</p>
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²⁷ <https://www.socialprotection.go.ke/sites/default/files/Downloads/public%20participation%20docss/THE%20SOCIAL%20PROTECTION%20BILL%2C%202024.pdf>

²⁸ [https://www.socialprotection.go.ke/sites/default/files/Downloads/Support%20Needs%20Assessment%20Report%202023_compressed%20\(1\).pdf](https://www.socialprotection.go.ke/sites/default/files/Downloads/Support%20Needs%20Assessment%20Report%202023_compressed%20(1).pdf)

			<p>programs: the Economic Inclusion program, Volunteerism, and Groups Registration aimed at uplifting and empowering communities.</p> <ul style="list-style-type: none"> - The Economic Inclusion program focuses on providing economic opportunities to marginalized individuals, ensuring prompt and efficient delivery of program benefits through automation. Volunteerism, a cornerstone of community strength, will benefit from improved volunteer matching and management facilitated by the system. - Groups Registration, a vital component of community development, enables the formalization and support of various groups and organizations striving to enhance the lives of Kenyan citizens. The introduction of paid services linked to a till number, "222222," simplifies group registration, renewal, and name searches, further streamlining the process. - The Government has rolled out the Inua Jamii programme which is a government cash transfer initiative that supports the most vulnerable members of the community by providing them with a stipend to cushion them from poverty, and hunger and improve their lives. - In pursuit of the Inua Jamii Programme the Government has: <ul style="list-style-type: none"> o Developed a decentralized Consolidated Cash Transfer Programme Management Information System (CCTPMIS) to all the 47 Counties and 290 Constituencies. o Transitioned 1.2 million beneficiaries into the account-based payment model (Choice Model) which allows beneficiaries to choose between the 	
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			<p>different banking partners to ensure quality of service.</p> <ul style="list-style-type: none"> ○ Developed and operationalized an electronic targeting solution accessible via a USSD code. ○ Operationalized a 1533 Toll free Line which beneficiaries/caregivers and members of the public can use to engage with the programme. The toll-free line operates on Mondays to Fridays between 8.00 a.m. and 5.00 p.m. and supports users of Safaricom mobile service provider. <ul style="list-style-type: none"> - The Government has progressively increased spending on social protection from 0.8 percent of GDP in 2014 to 1.5 percent. In this current fiscal year, 2023/24 the Government has allocated KSh. 26 billion for the Inua Jamii Programme of which over KSh. 19 billion is earmarked for the Older Persons Cash Transfer programme - The Government in partnership with various non-state actors, is implementing interventions within the National Policy on Older Persons and Ageing (2018) that offer reasonable care and assistance to older persons. The National Policy on Older Persons and Ageing was revised in 2018, and policy, legal and strategic provisions now cover all of the 18 focal issues across the three strategic directions of the Madrid International Plan of Action on Ageing - A Draft Geriatric Bill 2022 is also before Parliament. Once this bill becomes law, it will safeguard the rights of older persons, ensuring their access to health, well-being, participation, personal development, dignity, care and reasonable assistance, and protection from 	
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			<p>abuse as mandated by Article 57 of the Constitution of Kenya.</p> <ul style="list-style-type: none"> - In 2021, the Government launched the Kirinyaga Rescue Centre for Older Persons, which is currently providing a safe haven and temporary shelter to older persons who are victims of abuse and neglect. The Centre has the capacity to accommodate 45 vulnerable older persons. - The Government also maintains an inventory of institutions that offer care and support to older persons which is updated regularly with over 100 institutions in the database spread across the country. - The Government is constructing a similar centre in Kilifi County, to address the prevalent cases of elder abuse in that region - Since 2020, the number of memberships for National Social Security Fund (NSSF) has increased for both male and female. The number of male has increased from 1,513,613 to 1,835,509 and the number of female has significantly increased from 816,202 to 1,074,711. In addition, total monthly collections have increased from an average of KSh. 1.4B to an average of KSh. 3.8B which is an increase of 173% thus enhancing the level of member benefits upon retirement. - The Fund has also enhanced the amount paid to eligible dependants of a deceased member from KSh. 2,500 to KSh. 10,000. This amount is meant to facilitate the funeral arrangements. - The launch of the NSSF Haba Haba scheme in 2019 was aimed at addressing the product needs of the missing middle (informal and rural economy workers). The product which targets workers in the informal sector has seen a total membership of 73, 945 and a total contribution of KSh. 13,719,815.00 	
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			<ul style="list-style-type: none"> - Further, to enhance accessibility NSSF services are available across fifty-nine (59) branches across the country, in all one stop huduma centres and via a USSD code *303# - Under the Inua Jamii Cash Transfer Programme, KSh. 2.000 is paid monthly to enhance the capacities of care givers through cash transfers and as such, improve the livelihoods of persons with severe disabilities as well as reduce the disability related costs on households. The programme is currently supporting 37,553 households 	
142.243	Draw up a comprehensive policy to address the causes of the rise in the number of children in street situation, by providing appropriate social protection and services and by supporting family reunification programs	Implemented	<ul style="list-style-type: none"> - The National Policy on Rehabilitation of Street Families, 2023 has been developed. The purpose of the policy is to provide guidelines to guide and coordinate rescue, reintegration and re-socialization of the street families. - The Government operationalized the Street Families Rehabilitation Trust Fund (SFRTF) in 2019. The Fund's vision is to create a country "free of street families" and the mission is "to coordinate and develop capacity, mobilize resources to facilitate and monitor rehabilitative, re-integrative and preventive programmes for street families." - To create synergies the Fund has created chapters across all 47 counties. - The Government conducted the first national census of street families in 2018 in partnership with United Nations International Children's Fund (UNICEF). Findings showed that most of the 46,639 street persons were males at 72.4 per cent and females at 27.6 per cent, the majority being the youth at 45.3 per cent followed by children at 33.8 per cent and the older persons 	Ministry of Labour & Social Protection <ul style="list-style-type: none"> - State Department for Social Protection and Senior Citizen Affairs

			<p>at 2.4 per cent according the 2018 National Census of Street Families Report.</p> <ul style="list-style-type: none"> - The baseline study which included the reasons for going to the streets will guide the Fund in making evidence-based decisions. - The adoption of the National Policy on Promotion of Family Values will address loss of values, dissipating sense of civic duty, skewed work-life priorities, and the breakdown of families and communities. - The Government has launched the National Positive Parenting Programme (NPPP) guideline and manual. The NPPP aims to strengthen the capacity of families to foster healthy family relationships, mental health issues, promote healthy child development, minimise the risk of separation and address the challenge of reintegrating children back to their respective family or community members under the National Care Reform Strategy for Children in Kenya (2022- 2032). - The Directorate of Children Services has established offices in all forty-seven (47) Counties and three hundred and twenty (320) Sub Counties. These offices provide essential services to vulnerable children. The Directorate manages 30 Statutory Institutions for Children as follows: - Fourteen (14) Remand Homes, five (5) Rescue Children 's Centres, Nine (9) Rehabilitation Schools two (2) Reception and Classification Centres, Six (6) Child protection Centres and One (1) Child - Helpline 116. 	
3.9	RIGHT TO HEALTH			

<p>142.180 142.209</p>	<p>Continue to elaborate the development plan of the country and dedicate the resources necessary to improve the living standards of Kenyans, particularly in the areas of health and housing;</p>	<p>Implemented</p>	<ul style="list-style-type: none"> - The Government allocated KSh. 141.2 billion in the 2023/2024 budget. - The Government has developed the Universal Health Coverage Policy 2020-2030²⁹ which conveys the health sector policy directions, strategies and implementation framework. The Policy's objectives are to: <ul style="list-style-type: none"> o Strengthen access to health services; o Ensure quality of health services; o Protect Kenyans from the financial risks of ill-health, and o Strengthen the responsiveness of the health system in Kenya. - A draft National Public Health Institute Bill, 2022, is being developed to address disease prevention programmes and provision of primary healthcare - Towards fortifying national emergency response capabilities, the Ministry of Health and the Ministry of Defense have formalized a Memorandum of Understanding (MOU). - This collaborative effort signifies a comprehensive strategy covering research partnerships, resource utilization, personnel exchange programs, educational initiatives, and preparedness for national emergencies. - The collaboration extends to critical areas such as research on infectious diseases, resource use agreements, and personnel exchange programs, showcasing a holistic strategy to tackle the multifaceted challenges in human health and security. 	<p>Ministry of Health</p> <ul style="list-style-type: none"> - State Department for Medical Services <p>Ministry of Lands, Public Works, Housing and Urban Development</p> <ul style="list-style-type: none"> - State Department for Housing and Urban Development
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²⁹ <https://repository.kippra.or.ke/bitstream/handle/123456789/3566/UHC-POLICY-2020-2030-FINAL.pdf?sequence=1&isAllowed=y>

142.194	Step up efforts to increase access to health facilities to cover remote areas and all sectors of its society;	Implemented	<ul style="list-style-type: none"> - Counties have developed other medical schemes other than NHIF example, Machakos. - The Government has already engaged 100,000 100,000 dedicated Community Health Promoters, each equipped kits containing basic health commodities and equipment for treating common ailments and measuring vitals. The promoters are expected to serve around 100 households each 	Ministry of Health <ul style="list-style-type: none"> - State Department for Public Health and Professional Standards
142.191 142.199 142.204 142.205 142.201 142.210	Continue to protect and promote the right to health for all, through strengthening Universal Health Coverage (UHC)	Implemented	<ul style="list-style-type: none"> - The Government has developed a new Primary Health Care (PHC) Act 2023 to strengthen PHC as part of a package of health legislation to further UHC - The Act articulates a vision for reorganizing PHC through primary care networks (PCN) and formalizing the delivery of community health through community health promoters organized in community health units - The Act recognizes community health promoters, defining their roles and recruitment through the county public service board, in essence inducting them into the ranks of county public servants and remunerating them accordingly. - The Government has also come up with the Social Health Insurance Act, 2023 which establishes a framework for the management of social health insurance and provides for the establishment of the Social Health Authority - The Act repeals the current National Health Insurance Fund and establishes three new funds. They are the Primary Healthcare Fund, the Social Health Insurance Fund, and the Emergency, Chronic and Critical Illness Fund. 	Ministry of Health <ul style="list-style-type: none"> - State Department for Medical Services

			<ul style="list-style-type: none"> - The Primary Healthcare Fund will purchase services from health facilities at levels 1 to 3 while the Social Health Insurance Fund will cover services at levels 4 to 6. - The Emergency, Chronic and Critical Illness Fund will handle emergency and chronic illness costs once social health insurance is depleted. - Additionally, the Facility Improvement Financing Act 2023 addresses underfunding in public health facilities - The Digital Health Act 2023 streamlines technology adoption to enhance data sharing and resource utilization. The Act establishes the Digital Health Agency, which is tasked with creating a Comprehensive Integrated Health Information System. 	
142.193 142.196	Further implement national laws and policies on health services, with particular attention on the right to health of women and children, including through collaboration with other states;	Implemented	<ul style="list-style-type: none"> - The Government has implemented several strategies to make progress towards universal health coverage (UHC). The Kenya Primary Healthcare Strategic Framework 2019- 2024 emphasizes primary health care (PHC) as a vehicle for delivering UHC. The Community Health Policy 2020-2030 describes community health as an entry point into the health system, building on many decades of community health 	Ministry of Health <ul style="list-style-type: none"> - State Department for Medical Services
142.200 142.203 142.255	Continue efforts related to the promotion of the rights of persons with disabilities through rehabilitation and reintegration, and provide them necessary health services and take additional measures to address lack of access to high-quality healthcare	Implemented	<ul style="list-style-type: none"> - The Government has made significant milestones in enhancing the well-being of mothers and children, currently 90% of women choose to give birth in health facilities. - To further enhance access to healthcare the Government with its partners has established a \$ 18 million public private partnership to deliver a m-mama program. It is an innovative mobile technology that links emergency referral 	Ministry of Health <ul style="list-style-type: none"> - State Department for Medical Services Ministry of Labour & Social Protection

	<p>for women, including women with disabilities</p>		<p>systems and transports pregnant women and newborns facing complications to healthcare facilities.</p> <ul style="list-style-type: none"> - This initiative is complimentary and aligned with the Government's priority to deliver Universal Health Coverage through primary healthcare and operationalize electronic health information systems. - The Government, through the Kenya National Bureau of Statistics (KNBS) in collaboration with the Council and other stakeholders, commenced the Kenya National Survey for Persons with Disabilities (PWDs) in 2003. The objective of the Survey was to establish and secure up to date and comprehensive data and information on the number of persons with disabilities in Kenya for purposes of planning, monitoring and evaluating the various activities, programmes and projects thereby improve the wellbeing of persons with disabilities in Kenya According to the 2019 census conducted by Kenya National bureau of Statistics, 2.2% (0.9 million people) of Kenyans live with some form of disability. - The National Council for Persons with Disabilities (NCPWD) collaborates with various organizations and government agencies such as Ministry of State for Immigration & Registration of Persons through the e-citizen platform to collect data and conduct research on the status and needs of PWDs in Kenya. While the platform primarily focuses on streamlining administrative processes and providing access to government services, it indirectly supports the promotion and realization of the rights of persons with disabilities (PWDs) in Kenya. Here are some of the key services offered by e-Citizen; 	<ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services
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			<p>National ID and Registration Services:</p> <ul style="list-style-type: none"> - Application for Identity Cards: This service enables individuals, including PWDs, to apply for national identity cards, which are essential for accessing various government services and asserting citizenship rights. <p>Passport Application Services:</p> <ul style="list-style-type: none"> - Passport Application and Renewal: PWDs can use this service to apply for or renew passports, which are crucial for international travel, including medical treatment abroad and participation in international disability conferences. <p>NHIF and NSSF Services:</p> <ul style="list-style-type: none"> - National Hospital Insurance Fund (NHIF): PWDs can access NHIF services through e-Citizen, which provides financial protection for healthcare expenses, including hospitalization and surgeries. - National Social Security Fund (NSSF): This service allows individuals to contribute to their social security and access benefits, contributing to financial security for PWDs. <p>Education Services:</p> <ul style="list-style-type: none"> - Higher Education Loans Board (HELB) Application: PWDs pursuing higher education can apply for loans and scholarships through e-Citizen to support their educational aspirations, promoting their right to education. <p>Business Registration Services:</p> <ul style="list-style-type: none"> - Business Registration: PWDs who are entrepreneurs can use this service to register 	
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			<p>their businesses, promoting their economic and employment rights.</p> <p>Land and Property Services:</p> <ul style="list-style-type: none"> - Land Rent Payment: PWDs who own land or property can use this service to pay land rent, manage their property, and assert their property rights. The Affordable Housing Programme which is a priority initiative under the government geared towards facilitating the production of decent, safe and affordable housing for citizens of Kenya is also available to PWDs. - The Council has been actively promoting inclusive education in Kenya to ensure that children with disabilities have equal access to quality education. This includes advocating for accessible learning materials, teacher training, and support services for students with disabilities. This commitment was developed in collaboration with the Ministry of Education and civil society partners in which the target was to equip 12 rehabilitation centers and enhance the capacity of 10 Education Assessment and Resource Centers (EARCs) across the counties, to enable persons with disabilities access early education, training and rehabilitation services. In addition, various partners have made strides in furthering the achievement of this commitment. For instance, between 2018 and 2021, the Association for the Physically Disabled in Kenya (APDK) in close collaboration with EARCs, assessed a total 3,203 children with disabilities and referred 2,892 to mainstream and special education schools across its 10 branches. 	
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			<ul style="list-style-type: none"> - NCPWD has initiated and supported programs that provide skills training and promote employment opportunities for PWDs. These programs aim to enhance the economic empowerment and self-reliance of PWDs. The Council created the NCPWD Career Portal to ensure the realization of sustainable development goals (SDG No. 8) and the fulfilment of the Global Disability Commitments. The portal was created in collaboration with the Government of Kenya and the Innovation to Inclusion (i2i) Project's consortium partners and hosted by the Council. It creates an interface that allows jobseekers /employees with disabilities and employers to overcome barriers to employment for persons with disabilities. - The National Action Plan on the Implementation of the Global Disability Summit Commitments 2022 - 2025 further outlines key legislations, policy actions, reforms and programmes implemented to address disability inclusion. - The Council engages in legal advocacy to protect and promote the rights of PWDs. This includes advocating for the enforcement of the Persons with Disabilities Act and taking legal action when necessary. Recently the Council was involved in the review of the proposed Persons with Disability Bill in collaboration with other relevant stakeholders. The PWD Bill 2023 represents a significant step forward in the protection and empowerment of persons with disabilities in Kenya. Its potential enactment would signal a positive shift towards a more inclusive and rights-based approach to disability rights - 23 counties have waived medical assessment for persons with disability at gazetted health 	
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			centers as requested by the President during the International Day of Persons with Disabilities last year.	
3.10	HIV-PREVENTION			
142.197	Continue strengthening HIV prevention and education policies and programmes in the health sector	Implemented	<ul style="list-style-type: none"> - Kenya is committed to ending the AIDS epidemic as a public health threat by 2030, and is aligned to Kenya's Vision 2030, the Sustainable Development Goals and other global and regional health commitments such as UNAIDS 95-95-95 testing and treatment targets among people living with HIV within all sub-populations and age groups. - According to the Kenya World Aids Day 2013-2021 Report³⁰, Kenya was among the first countries in Africa to scale up the use of antiretroviral prophylaxis as an HIV prevention option. - Further, Kenya was amongst the first countries in Africa to introduce and ensure accessibility of Dolutegravir (DTG) based regimens. Dolutegravir is known to be better tolerated, has high potency and has a high genetic barrier to HIV drug resistance. This has improved treatment adherence, better viral suppression as well as reduced AIDS related morbidity and mortality. - Several innovative approaches have been developed to improve the efficiency and yield of testing by bringing HIV Testing Services (HTS) into community-based settings. Kenya has adopted these approaches to reach individuals 	Ministry of Health <ul style="list-style-type: none"> - State Department for Public Health and Professional Standards

³⁰ <https://nsdcc.go.ke/wp-content/uploads/2022/02/WAD2021Report.pdf>

			<p>who have trouble accessing facility-based testing or are unaware of the availability and benefits of testing.</p> <ul style="list-style-type: none"> ○ Mobile testing in the community ○ A “one-stop model” that integrates HTS with other needed services ○ Workplace testing ○ Partner and family testing ○ Social network testing ○ Home-based testing ○ HIV self testing <ul style="list-style-type: none"> - In 2021, the National HIV Reference Laboratory was the first public health laboratory to attain World Health Organisation HIV Drug Resistance Accreditation. - The Government has developed HIV Prevention and Treatment Guidelines, 2022.³¹ - These guidelines are aligned with the Ministry of Health’s mission of providing the highest standard of health for all Kenyans and one of the Government of Kenya’s Big Four Agenda on Universal Health Coverage. - The guidelines intend to widen access to key diagnostics and medicines to manage the most common causes of illness and death. - Further the guidelines provide key recommendations on HIV testing services and linkage to prevention and treatment; initial evaluation and follow up of People Living with HIV (PLHIV); standard package of care for PLHIV; adherence preparation monitoring and support; antiretroviral therapy in infants, children, adolescents and adults; prevention of mother to child transmission of HIV, Syphilis and Viral Hepatitis; TB/HIV coinfection; Hepatitis B & C/HIV 	
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³¹ <https://www.differentiatedservicedelivery.org/wp-content/uploads/Kenya-ARV-Guidelines-2022-Final-1.pdf>

			<p>co-infection; use of ARVs for post and pre-exposure prophylaxis for HIV uninfected populations; and HIV services for people who inject drugs.</p> <ul style="list-style-type: none"> - Prioritization of affordable healthcare for all under the universal health coverage (UHC) agenda will advance progress to ensure equitable and affordable access to quality essential health services, particularly for the disadvantaged, vulnerable, and poor in Kenya, including people living with or affected by HIV. - The Government plans to introduce a Unique Patient Identifier (UPI) by using the National Identification Card for adults, and the birth certificate for children <18 years. The roll out of the UPI now being undertaken in conjunction with an antiretroviral therapy (ART) census, will provide a validation of the actual number of people on ART and provide essential information for the quantification of ARVs, lab reagents and other essential commodities. - The Kenya World AIDS Day Report 2022 outlines key achievements in the HIV response as guided by the targets set in the Kenya AIDS Strategic Framework II (KASF II 2020/21 -2024/25)³² - In ten (10) years, Kenya has doubled the number of people diagnosed with HIV and on life saving antiretroviral treatment from 603,997 in 2012 to 1,122,334 million people at the end of 2021, with 73.3 % of those on treatment attaining viral suppression 	
3.11	SEXUAL AND REPRODUCTIVE HEALTH RIGHTS			

³² https://nsdcc.go.ke/wp-content/uploads/2022/12/WAD-Report_F4-1.pdf

142.202	Review all legal, policy and structural barriers that impede the provision of sexual and reproductive health (SRH) services, in particular against adolescent girls, young women and members of key populations more vulnerable to HIV, and implement comprehensive human rights-based programmes in this area	Implemented	<ul style="list-style-type: none"> - The Government has passed the National Reproductive Health Priority Research and Learning Agenda 2022-2027.³³ The importance of research in fostering national development cannot be over emphasized. The agenda outlines the key research gaps that need prioritized attention to inform and guide Kenya's investment in realizing the constitutional right to the highest attainable status of reproductive health. - Within its pages, evidence gaps in reproductive health, as viewed through the lenses of a Kenyan life-course, are listed for scientific investigation or evaluation, and thereafter strategies are proposed for improving the quality and volume of reproductive health research in an efficient and accountable manner. The aim is to provide a contextualized robust scientific foundation upon which current and future interventions for reproductive healthcare and reproductive health service delivery should be based. - The Government recognizes that optimal reproductive health is considered critical to national development. The National Reproductive health policy 2023-2032³⁴ has thus been developed to ensure that no Kenyan is left behind in matters of reproductive health. - This National Reproductive Health (RH) Policy is founded on the following key objectives: <ul style="list-style-type: none"> o To achieve universal Reproductive Health coverage through quality and 	Ministry of Health <ul style="list-style-type: none"> - State Department for Public Health and Professional Standards
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<https://www.nacosti.go.ke/nacosti/Docs/2022/NATIONAL%20REPRODUCTIVE%20HEALTH%20PRIORITY%20RESEARCH%20AND%20LEARNING%20AGENDA%20%282022%20%E2%80%932027%29.pdf>

³⁴ http://guidelines.health.go.ke:8000/media/The_National_Reproductive_Health_Policy_2022_-_2032.pdf

			<p>comprehensive Reproductive Health interventions across the country</p> <ul style="list-style-type: none"> ○ To improve responsiveness to client's reproductive health needs ○ To strengthen the enablers (Health Systems Building Blocks) for Reproductive Health, including aligning partnerships and collaboration <p>- The Government with the support of its partner UN Agencies and CSOs commenced in 2023 the roll-out of a new Development Impact Bond (DIB) for adolescent sexual and reproductive health (ASRH). This innovative Bond will fund the delivery of high-quality, adolescent and youth-friendly sexual and reproductive health services, including HIV testing and treatment, to adolescent girls aged 15-19.</p> <p>- The Bond will address the problem of teenage pregnancy, new HIV infections, and AIDS-related deaths among vulnerable adolescent girls in Kenya, focusing on challenges such as the lack of information about sexual and reproductive health and rights and inadequate access to services tailored to young people. The programme will be implemented in ten counties that experience a significant burden of HIV and adolescent pregnancy, including Nairobi, Mombasa, Kisumu, Homa Bay, Bungoma, Migori, Kisii, Nyamira, Kakamega, and Busia.</p> <p>- The Government through the Ministry of Health will provide the policy direction and overall stewardship of the programme, while the Council of Governors will ensure effective coordination of counties. The 10 County governments involved will be responsible for provision of SRH and HIV services to vulnerable adolescent girls.</p>	
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			<ul style="list-style-type: none"> - The Government has also developed the Menstrual Hygiene Management Strategy 2019-2024.³⁵ The goal of the strategy is to address the needs of girls and women and to provide a vehicle to transform Menstrual Hygiene Management (MHM) in Kenya in line with the Menstrual Hygiene Management Policy 2019-2030³⁶. The Strategy provides both guidelines and an action plan where all women and girls will have access to better MHM options. - To improve MHM in schools the Government has also rolled out a Menstrual Hygiene Management in Schools; A Handbook for Teachers 2022³⁷. The Handbook will reinforce learning and act a reference guide for teachers. It will also remedy the various challenges that schoolgirls face when menstruating and will work towards the provision of factual information to break myths, taboos, beliefs and misconceptions related to menstruation. 	
142.195	Improve maternal and child health care by redoubling investments in line with its International Conference on Population and Development (ICPD) commitments	Partially implemented	<ul style="list-style-type: none"> - As a signatory to the ICPD and Millenium Development Goals (MDGs) declarations, Kenya has formulated policies to improve the quality of life and well-being of its citizens. - The National Reproductive Health (RH) addresses the various commitments in relation to the ICPD including the need to reduce the heavy burden of preventable reproductive health morbidity and mortality. This is in line with the ICPD's goal to lower maternal mortality and advanced gender equality. 	Ministry of Health <ul style="list-style-type: none"> - State Department for Public Health and Professional Standards

³⁵ [http://guidelines.health.go.ke:8000/media/Menstrual Hygiene Management Strategy 2019-2024 -May2020.pdf](http://guidelines.health.go.ke:8000/media/Menstrual_Hygiene_Management_Strategy_2019-2024_-May2020.pdf)

³⁶ [http://guidelines.health.go.ke:8000/media/Menstrual Hygiene Management Policy 2019-2030- May2020.pdf](http://guidelines.health.go.ke:8000/media/Menstrual_Hygiene_Management_Policy_2019-2030- May2020.pdf)

³⁷ [http://guidelines.health.go.ke:8000/media/Menstrual Hygiene Management - A handbook for teachers - April 2022.pdf](http://guidelines.health.go.ke:8000/media/Menstrual_Hygiene_Management_-_A_handbook_for_teachers_-_April_2022.pdf)

			<ul style="list-style-type: none"> - Antenatal care (ANC) from a skilled provider is important to monitor pregnancy and reduce morbidity and mortality risks for the mother and child during pregnancy, delivery, and the postnatal period. - According to the Kenya Demographic Health Survey (KDHS) 2022³⁸, nearly all women (98%) reported receiving antenatal care from a skilled provider for their most recent live birth or stillbirth in the 2-year period before the survey. - Overall, 66% of women had four or more ANC visits for their most recent live birth or stillbirth. - Vaccination is one of the most cost-effective interventions implemented to prevent diseases, especially among children. According to the KDHS 2022 the vaccination coverage rate for basic antigens increased dramatically between 1989 and 1993 and dipped to a low of 57% in 2003. There has been a sustained upward trend since 2008–09, with coverage in 2022 at 80%. This is in line with the ICPD commitment to intensify system-wide efforts to eliminate all preventable maternal and child mortality and morbidities, - In relation to family planning, the KDHS 2022 indicates that while there was little difference in the percentage of currently married women using modern contraceptive methods between - 1993 and 2003, the percentage has since increased steadily over time, from 32% in 2003 to 39% in 2008–09, 53% in 2014, and 57% in 2022 	
142.111	Actively implement the positive measures to end gender-based violence and harmful practices, including through recent	Implemented	<ul style="list-style-type: none"> - The Government has passed various policies/frameworks/programs geared towards achieving this goal which include: 	Ministry of Public Service, Gender and Affirmative Action

³⁸ <https://dhsprogram.com/pubs/pdf/PR143/PR143.pdf>

	<p>legislative frameworks, a pledge to end female genital mutilation, and its commitment to reduce maternal deaths</p>		<ul style="list-style-type: none"> ○ Sessional Paper No. 3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation and the National Policy on Gender Based Violence 2019 guide the regulation of FGM/C in Kenya. According to the KDHS 2022, the prevalence of FGM declined from 38% in 1998 to 15% in 2022. ○ Advocacy and awareness campaigns on GBV, Teenage pregnancies and child marriages on local/vernacular radio, TV and social media platforms. The KDHS 2022 states that the percentage of women who experienced physical violence in the 12 months before the survey declined from 20% in 2014 to 16% in 2022. Over the same period, the percentage among men declined slightly from 12% to 10 ○ Community dialogues with opinion leaders' women, girls, men, morans and boys in the campaign against GBV, teenage pregnancies and child marriages in 15 Counties. ○ Dissemination of popular version of the 2nd Kenya National Action Plan (KNAP) on implementation of the UN Security Council resolution of 1325 in 12 counties. These are Bungoma, Elgeyo Marakwet, Nandi, Trans Nzoia, West Pokot, Kitui, Samburu, Baringo, Mandera, Kwale, Mombasa and Kilifi counties. ○ Localization of 2nd KNAP in 14 counties through media engagement (electronic and print). ○ Capacity building of duty bearers at sub-county level in 7 counties; the activity 	<p>- State Department for Gender and Affirmative Action</p> <p>NPS</p>
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			was undertaken in 7 counties of: Nairobi, Kitui, Kilifi, Narok, Homabay, Kwale and Turkana.	
142.206	Reaffirm that the right to life exists from conception until natural death, and redouble efforts to protect it as such	Implemented	<ul style="list-style-type: none"> - Article 26 of the Constitution provides that (1) Every person has the right to life. (2) The life of a person begins at conception. (3) A person shall not be deprived of life intentionally, except to the extent authorised by this Constitution or other written law. (4) Abortion is not permitted unless, in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the mother is in danger, or if permitted by any other written law. - In addition, the Penal Code Cap 63 Laws of Kenya provides additional safeguards in sections 158, 159, 160, 228, and 240. - In relation to the death penalty please refer to responses provided to recommendations 142.12, 142.84, 142.85, 142.86, 142.87, 142.88, and 142.89 above. 	Ministry of Health <ul style="list-style-type: none"> - State Department for Public Health and Professional Standards
3.12	MENTAL HEALTH			
142.27	Finalize the adoption processes of the draft bills on children, mental health, and persons with disabilities	Partially implemented	<ul style="list-style-type: none"> - The aforementioned Bills have been passed apart from the Persons with Disabilities Bill 2023 which has been introduced in parliament and undergone the 1st reading. It is awaiting Committee stage. In particular: <ul style="list-style-type: none"> o Mental Health (Amendment) Act, 2022 passed o Children Act 2022 passed. 	Ministry of Health <ul style="list-style-type: none"> - State Department for Public Health and Professional Standards Ministry of Labour & Social Protection

				- State Department for Social Protection & Senior Citizen Services
3.13	RIGHT TO FAMILY			
142.46	Immediately adopt the National Policy for the Promotion and the Protection of the Family;	Implemented	- The National Family Promotion and Protection Policy was approved by the Cabinet on 3 rd October 2023.	Ministry of Labour & Social Protection - State Department for Social Protection & Senior Citizen Services
142.247	Take further measures to eliminate institutionalization of vulnerable children and orphans, and provide them with a family environment	Partially implemented	- The State Department through the National Council for Children's Services has developed a Care Reform Strategy 2022-2032 which seeks to advocate for retention of children within the families instead of taking them to the Institutions. The Government hopes to close the Institutions by 2032. In addition, the Directorate of Children's Services, developed the Alternative Family Care Guidelines, 2014, the Guidelines has highlighted various forms of Alternative Family Care methods such as Kinship Care, Kafaala, Foster Care, Adoption etc. Institutionalisation should be the last option.	Ministry of Labour & Social Protection - State Department for Social Protection & Senior Citizen Services
3.14	LABOUR AND EMPLOYMENT			
142.177 142.234	Continue to take measures aimed at addressing the issue of youth unemployment	In the process of being implemented	- Established Kenya Youth Employment and Opportunities Project (KYEOP) The project development objective of KYEOP is to increase employment and earning opportunities among targeted young people across Kenya.	Ministry of Youth Sports and the Arts - State Department for Youth Affairs

			<ul style="list-style-type: none"> - About 33,167 have benefited from training and internship. 64% who completed Job Specific Skills Training & Internship have been employed. - 32,168 youth received Business Support, with 26,922 receiving a KSh. 40,000 grant and 5,264 receiving coaching to manage a business. - 87% of youth who received business grants have created employment for themselves and others - 5% Participation in the Project is reserved for Persons with Disability. - KYEOP encourages youth from Vulnerable and Marginalized Communities and single youth mothers to apply. - Established Youth Enterprise Development Fund to champion the creation of employment for youth through enterprise development as a critical strategy for increasing economic opportunities and youth participation in nation-building. - Established Uwezo Fund: Uwezo Fund is a flagship programme for vision 2030 aimed at enabling women, youth and persons with disabilities access finances to promote businesses and enterprises at the constituency level, thereby enhancing economic growth towards the realization of the same and the SDGs 1 and 3. Since inception, the Fund has disbursed more than KSh. 7.2 billion (\$ 44.5 million) and directly supported 1,124,221 beneficiaries of which 69% are Female and 31% Male through provision of affordable and accessible credit, capacity building on entrepreneurship skills, basics on bookkeeping and market linkages and networking. - Overall, the absorption rate in the constituencies averages at 107.5%, indicating very impressive 	<p>Ministry of Labour & Social Protection</p> <ul style="list-style-type: none"> - State Department for Labour and Skills Development
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			<p>uptake of the Fund, with over KSh. 1.5 billion (\$ 9.2 million) having been revolved.</p> <ul style="list-style-type: none"> - Established the Hustler Fund. Since its inception, the Hustler Fund has provided substantial support to aspiring entrepreneurs, with 70% of borrowers being youth under the age of 39, comprising 53% men and 47% women. - According to the Economic survey 2023 there has been an increase in the number tenders awarded to youth, women and PWDs from 31651 tenders worth KSh. 30.1397 billion in 2018/19 to 37822 tenders worth KSh. 45.1564 billion in 2022/23 - Further all Ministries, Departments and Agencies (MDAs) are required to report on the Access to Government Procurement Opportunities (AGPO) programme which is monitored by the Public Procurement Regulatory Authority (PPRA) with detailed statistical information captured in the Economic Survey Report 2023.³⁹ - The Government, through the Ministry of Labour and Social Protection signed an MoU on 27th April 2020 with the Federation of Kenyan Employers (FKE) and the Central Organization of Trade Unions in Kenya (COTU) to protect jobs during the pandemic period. - The MoU provided for social dialogue at the workplace concerning compensation and working hours to protect the interests of enterprises and workers from the adverse effects of Covid-19 - In addition, the Kenyan government implemented a range of measures aimed at preventing a sharp increase in the 	
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³⁹ https://investmentpromotion.go.ke/sites/default/files/2023-07/Economic-Survey-2023_2.pdf

			<p>unemployment rate and mitigating job losses among both women and men.</p> <ul style="list-style-type: none"> - Some of these measures include: <ul style="list-style-type: none"> o Income Support Programs: the government implemented income support programs, such as cash transfers or direct financial assistance, to help individuals and families affected by the pandemic. These programs helped prevent job losses by providing temporary financial relief. o Job Retention and Wage Subsidies: introduction of wage subsidies to encourage employers to retain employees during economic downturns. These subsidies offset our costs and reduce the need for layoffs. 	
3.15	RIGHT TO EDUCATION			
142.207 142.208 142.209 142.210 142.215 142.217	Continue to increase investment in education, and improve education in rural areas	Implemented	<ul style="list-style-type: none"> - To improve educational outcomes in the Country, KSh 628.6 billion (\$ 4.3 billion) has been allocated in the FY 2023/24 up from KSh. 544.4 billion (\$ 3.7 billion). - The Ministry of Education Science and Technology has developed Policy and legislative framework for Education and Training to realign the human capital development needs of the country to the Constitution and the Kenya Vision 2030. - The Government increased enrolment and retention of girls and boys in pre-primary, primary and secondary education, particularly in ASAL counties and informal settlements through the following: 	Ministry of Education

			<ul style="list-style-type: none"> ○ Review and implementation of gender-equitable education policies- including curriculum reform, especially the new Competency Based Curriculum (CBC) rolled out in 2018; ○ Digitalization of contents to reach the un-reached and strengthen National Education Management Information System (NEMIS). ○ Revitalizing the vocational and technical education; ○ Implementation of Free Primary Education (FPE) Policy through which primary education in public primary schools is cost free. The Government gives a capitation at the rate of KSh. 1,420 per child annually; ○ The Government has allocated KSh. 200 million (\$ 1.2. million) per year towards primary school infrastructure; ○ Provision of sanitary towels to girls in primary schools to ensure equity in access to learning opportunities; and ○ Implementation of feeding programme in selected primary schools in ASALs, slums and pockets of poverty areas. <ul style="list-style-type: none"> - The Government has increased the capitation grants to all public schools particularly special needs schools to enhance the rights of a child to free and compulsory basic education. - The Government is currently working on enactment of the Special Needs Education Bill to provide for the education of learners with special educational needs and the conduct of educational institutions as regards special needs learners. 	
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			<ul style="list-style-type: none"> - The proportion of youth (aged 15-24) not in education, employment or training dropped from 30.1 per cent in 2020 to 28.8 per cent in 2021 and further to 21.1 per cent in 2022. - Under ICT human capital and workforce development the Digital Literacy Programme (Laptop Project), 1.2 million devices (including wireless routers) were distributed to 22,891 public primary schools, 	
142.211	Ensure equal access to education through the full integration of refugees and asylum-seekers into national education policies by 2020, in accordance with the 2017 Djibouti Declaration	Partially implemented	<ul style="list-style-type: none"> - The Government has developed a draft Education and Training Policy on the Inclusion of Refugees in the National Education System and corresponding costed multi-year implementation plan. - We have also witnessed the inclusion of Refugee Education in National Plans: <ul style="list-style-type: none"> o Refugees have been included in the National Education Sector Strategic Plan (NESSP) (2018-2022), o The ongoing Joint Education Sector Review, Covid-19, o The National Education Response Plan o In Global Partnership for Education (GPE) o World Bank projects such as Secondary Education Quality Improvement Project (SEQIP) and - Recognition of Qualifications/ Certifications and Recognition of Prior Learning (RPL), a pilot programme by the Kenya National Qualifications Authority (KNQA) and the International Labour Organization (ILO). - In 2022, a pilot assessment on prior learning was conducted which 100 refugees were assessed and are about to graduate. This program equates the skills refugees came with 	Ministry of Education

			<p>from the country of origin to those relevant in Kenya to enhance their employability and self-reliance.</p> <ul style="list-style-type: none"> - The Department of Refugee Services ensures that pupils/students have the required documents for access to education. No refugee child is left without access to education. - Refugees are able to access the Technical and Vocational Education and Training (TVET) institutions in host communities and vice versa - over 5,000 refugees are enrolled in TVET. - Provision of school infrastructure and rehabilitation of classrooms in the host community and camps. 12,200 refugee learners in urban areas of Kenya attend government schools. - The Accelerated Education Programme for overage learners has been developed and implemented in 40 schools. - University Initiatives and scholarships: Kenyatta University and Masinde Muliro have established satellite campuses in Dadaab and Kakuma - The Ministry of Education through the Jomo Kenyatta Foundation awarded Secondary School Elimu Scholarships in all Counties this year to needy and vulnerable learners who could not afford secondary school. The scholarship caters for school fees, transport to and from school, school kit and a stipend (pocket money) for the beneficiaries for the four-year education period. A total of 2,000 refugee children in camps were able to benefit. 1,000 in a Kakuma and 1,000 in Dadaab. - Elimu Scholarship under Kenya Primary Education Equity in Learning Programme (KPEEL) funded by the world bank has seen 8,000 refugees already benefit since its 	
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			<p>inception in 2022. The Ministry of Education projects to have around 117,900 refugees benefit by the year 2026.</p> <ul style="list-style-type: none"> - Training and Curriculum: 100% of learners in refugee hosting camps follow the Kenya national curriculum; with both refugee and host community learners participating in the co-curricular activities organised by the MoE - Both refugees and host communities who are enrolled sit for Kenya National Examination Council (KNEC) accredited examinations leading to certification. - The creation of Kakuma and Dadaab municipalities will enable refugee-hosting urban settings to access finances and services related to municipalities. 	
<p>142.212 142.220 142.254</p>	<p>Consider taking further measures to increase the number of girls and women in secondary and higher education, including through specific measures aimed at ensuring adequate access to education for girls with disabilities</p>	<p>Partially implemented</p>	<ul style="list-style-type: none"> - Kenya recognises basic education as a fundamental right and freedom. Every child's right to basic education is enshrined in the Constitution. - The 1994 School Re-entry Policy for Girls provided guiding principles for educators, parents, and communities in support of teenage mothers' return to schools. The policy requires school heads and teachers to unconditionally readmit teenage mothers into school. It specifies that if teen parents face stigma in their previous schools, they should be enrolled into a different school. Additionally, the policy recommends legal action against any adult that impregnates a teen and mandates counselling to be available for teen parents. - The Ministry of Education in Kenya has introduced the 2020 National School Re-Entry 	<p>Ministry of Education</p>

			<p>Guidelines to facilitate and formalise teenage parents' re-entry into learning institutions.⁴⁰</p> <ul style="list-style-type: none"> - The Government is working on the Learners with Disabilities Bill 2023. The Bill aims to pave the way for the inclusive education of learners with disabilities and outlines the responsibilities of educational institutions in accommodating their needs. - According to the KES23 total enrolment in primary schools slightly increased from 10,285.1 thousand in 2021 to 10,364.5 thousand in 2022. In 2022, enrolment of girls went up by 1.5 per cent to 5,116.1 thousand compared to a marginal increase of 0.1 per cent for the enrolment of boys. Total enrolment in secondary schools grew by 5.4 per cent from 3.7 million in 2021 to 3.9 million in 2022 with enrolment of girls rising by 5.1 per cent to 2.0 million compared to increase in boys' enrolment by 3.9 per cent to 1.9 million in 2022. 	
<p>142.213 142.214 142.218 142.219 142.221 142.223</p>	<p>Continue measures to ensure highest quality of education throughout the country without discrimination and continue efforts to address inequalities between men and women in education</p>	<p>Implemented</p>	<ul style="list-style-type: none"> - Standards and Quality Assurance assessment/inspection services by Government offices are provided to all schools. - The Government has also developed Standards for Laboratories, Equipment and Materials in Stem Schools and other Basic Education Institutions in Kenya, 2021⁴¹. The standards have been developed to provide a framework for ensuring quality learning environment in all Basic Education Institutions through provision of equitable, inclusive, safe and adequate laboratory infrastructure, equipment and materials. 	<p>Ministry of Education</p>

⁴⁰ https://www.education.go.ke/sites/default/files/2022-05/2020RH_NationalSchoolReEntryGuidelines.pdf

⁴¹ <https://drive.google.com/file/d/1ML0bLLglTAgOh0H6PsgTv66NvBJ8vMIx/view>

			<ul style="list-style-type: none"> - Kenya continues to make significant progress in our education sector. We have reduced the teacher shortage by hiring more teachers. In the last year, the Teachers Service Commission has recruited 56,000 teachers, which is half of the required number. This is the highest recruitment in the history of the commission in one year and the largest such exercise in Kenya's history. - Further, and in keeping with the Government's policy to equip Kenyan youth with practical skills and competencies, the commission has engaged 46,000 teacher interns. Because of the centrality and value of technical and vocational training in the provision of skills, knowledge and competencies, we are increasing the number of tutors in our TVET colleges by another 2,000. In a transformative shift, we unveiled a new funding model for higher education and technical and vocational training that guarantees needy students free college studies. The funding comprises government scholarships, loans and bursaries. Through this model, we have raised funding per student by 40 per cent. 	
142.216 142.222	Take further steps to promote access to technical vocational and education training institutions, especially for women and young people	Implemented	<ul style="list-style-type: none"> - The National Council for Persons with Disabilities (NCPWD) collaborates with government agencies, NGOs, and private sector partners to provide vocational training, job placement services, and career guidance to persons with disabilities. - Work is on course with development of the Kenya Advanced Institute of Science and Technology which will focus on postgraduate ICT and engineering courses among other STEM programmes. 	Ministry of Education <ul style="list-style-type: none"> - State Department for Technical, Vocational and Education and Training (TVET)

			<ul style="list-style-type: none"> - The university is modelled after the Korean Advanced Institute of Science and Technology. Economically, Technopolis is already engaging over 2500 direct workers in the development phase and has economically impacted over 50,000 Kenyans. - In the 2022-2023 financial year, the Government employed 36,000 new teachers with plans to hire an additional 24,000 teachers to further improve education outcomes. - As part of a new funding model the Government will provide scholarships and loans to students who will be joining Universities and TVET institutions, effective 2023/2024 Financial Year. The model introduces a student-centred funding model rather than block funding to institutions. Fundamentally, grants/scholarships will now be awarded on a need basis just like loans have been awarded in the past. - On the basis of the 2022 Kenya Certificate of Secondary Education examination, 870,561 candidates were eligible for placement to universities and colleges. Of these, a total of 285,698 students submitted applications for placement to universities and colleges. A total of 285,167 secured places in degree, diploma, craft certificate and artisan courses in 282 training institutions. - The number of students who secured placement to degree programmes is 140,107 (130,485 to public universities and 9622 private universities). This represents 80.9% of the 173,244 students who qualified for degree programmes. 144,500 applicants have been placed in TVET institutions, while 560 applicants have been placed to Secondary Teacher Training Colleges. 	
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142.191	Take measures to ensure access to basic healthcare, education and other relevant social welfare systems to the population in a vulnerable situation	Implemented	<ul style="list-style-type: none"> - Refugees with formal employment can contribute and benefit from the National Social Security Fund (NSSF). For registration, they require an employer's letter and a refugee Identification card. Benefits accrued can be accessed on these two grounds: migration and invalid benefits. This means that upon cessation of Refugee status, contributors will access all benefits accrued. - NSSF is currently working with the World Bank on a program called the Nyota Project. The Project targets 800,000 vulnerable youth across all 47 counties including the ASAL areas of Kenya including 5,000 refugees and 5,000 vulnerable host community members. - Its aim is better employment outcomes and improved savings through integrated interventions that address the multitude of constraints that individuals face. It targets youth aged 18-29 years, with little or no education, who are unemployed, underemployed, or in low-tier employment with very low earnings. - The Government has engaged 100,000 dedicated Community Health Promoters, each equipped kits containing basic health commodities and equipment for treating common ailments and measuring vitals. The promoters aid access to healthcare are expected to serve around 100 households each . - Out of the 2022 KCSE graduates, over 45,000 university students and 42,000 TVET students categorised as vulnerable and extremely needy, are funded with the Government Scholarship and Loans. The categorisation will be realised through a reliable scientific method Means Testing Instrument, used to determine the 	Ministry of Education
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			<p>student's level of financial needs, to ensure they are supported adequately.</p> <ul style="list-style-type: none"> - The Government has developed and completed the Higher Education Financing Portal, to receive applications for both Scholarships, Loans and Bursaries for University and TVET students. Students who require funding must make formal application through Higher Education Financing portal, accessible at www.hef.co.ke. 	
4	GROUP RIGHTS			
4.1	RIGHTS OF THE CHILD AND JUVENILE JUSTICE			
142.125	Prohibit corporal punishment in schools and public institutions	Implemented	<ul style="list-style-type: none"> - The Government banned corporal punishment in schools in 2001 and enacted the Children's Act that entails protecting children from abuse and violence in all its forms. - Through the Children Act 2022 (section 25 (3) (b) (c)), Kenya has formally repealed the right of parents and others to "administer reasonable punishment" to children; corporal punishment shall not be inflicted upon a child by any person. - Kenya explicitly confirms that corporal punishment shall not be inflicted upon a child by any person. - Corporal punishment is unlawful in schools under the Constitution 2010 and the Basic Education Act 2013, Section 4 - The Teachers Service Commission Act (No. 20 of 2012), sets out teachers' duty to protect children in article 9(1): - "A teacher shall... take all reasonable steps to ensure the child is protected from abuse, 	<p>Ministry of Education</p> <ul style="list-style-type: none"> - State Department for Basic Education <p>Ministry of Interior and National Administration</p> <ul style="list-style-type: none"> - State Department for Correctional Services

			neglect, harmful cultural practices, all forms of violence, discrimination, inhuman treatment, corporal punishment and exposure to hazardous or exploitative labour.	
142.261	Implement a comprehensive birth registration program in order to prevent minorities from having limitations on the right to nationality.	In the process of being implemented	<ul style="list-style-type: none"> - The Government has set aside KSh. 1 billion (\$ 6.5 million) for Unique Personal Identifiers (UPIs) for all Kenyans. - The UPI (Maisha Number) will be issued to all citizens at birth. It will serve as the registration number for government services, including enrolment to educational institutions (NEMIS) and health insurance (NHIF), and as the ID number upon reaching 18 years old. It will also serve as a Personal Identification Number (PIN) for KRA and NSSF, among others. Upon demise, the same number will translate to the death certificate number. - Also, a Master Population Register will integrate existing databases for all persons born in Kenya, those on transit and refugees in the country database. - The Maisha Namba is being applied to the existing Civil Registration system, which encompasses all persons born and residing in Kenya, regardless of their citizenship or social status. The system will incorporate a fair and relevant adjudication process for such cases and considering the unique needs and circumstances of marginalised communities. - To enhance uptake and access, registration services will be offered at the lowest level of government representation, i.e., the sub-location level. Furthermore, countrywide registration drives, and outreach services will also be available. 	<p>Ministry of Interior and National Administration</p> <ul style="list-style-type: none"> - State Department for Immigration & Citizen Services

			<ul style="list-style-type: none"> - Among the key features of Maisha card is an MRZ (Machine Readable Zone) in line with International Civil Aviation Organisation (ICAO) that will make it possible to decipher personal encrypted details. - In June 2019, the Government carried out a mobile registration exercises for issuance of birth certificates to children of stateless persons. This was to ensure that they have access to education and health services and as a basis for nationality registration process. - Kenya has 48 tribes following the recognition of the Pemba, Shona, Makonde and Asians of Indian descent as Kenyan tribes. Members of these communities have been granted citizenship and issued with the requisite national identification documents and land title deeds. - Kenya is yet to achieve universal birth registration. Birth registration coverage stood at 79.9 and 83.2, 80.6 per cent in 2020, 2021 and 2022 respectively. - Efforts by the Government towards universal birth registration include; free health maternity cover that has seen more women deliver in hospital and consequently registration of more births, adoption of the Mother Child Health Strategy which ensures that all children unregistered at birth are registered during immunization, sensitization of registration assistants across the country who then carry out awareness creation to the public on the importance of registration, upscaling of mobile registration in rural areas, and establishment of more civil registration offices (currently in 126 sub-counties). - The Government is also making effort to ensure that intersex children are registered and given 	
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			<p>certification that is non-discriminatory. Upon the recommendation of the Taskforce on Intersex Persons, the State Party collected information on intersex persons in the 2019 Housing and Population Census. There is also a proposed Amendment to the Civil Registration Act before Parliament that seeks to make provisions for the registration of intersex persons.</p> <ul style="list-style-type: none"> - The Representation of Special Interest Groups Laws (Amendment) Bill, 2019 proposes better protection for marginalized groups including children while the Children Act, 2022 recognizes intersex children and acknowledges intersex as a 3rd sex marker. 	
142.244	Implement the provisions of the Convention on the Rights of the Child	Implemented	<ul style="list-style-type: none"> - The Children Act, which passed in 2022, strengthens the provisions on the rights of the child, juvenile justice and domesticates the Convention by for instance enhancing the age of criminal responsibility. - The objectives of the Act are to give power to Article 53 of the Kenyan Constitution by making extensive provisions on children's rights, children in need of care and protection, parental responsibilities, alternative care, children in conflict with the law, children services administration, and even the establishment and regulation of the National Council for Children's Services.⁴² - In the year 2020, the State Party launched the Alternative Justice System (AJS) Policy. The Policy, among other things, recognizes Alternative Justice Systems as a legitimate system of resolving disputes including children's cases as provided for in the 	<p>Ministry of Labour & Social Protection</p> <ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services

⁴² <https://www.musyimilaw.com/commentary-on-the-children-act-2022/>

			<p>Constitution and further elaborated in the Children Act, 2022.</p> <ul style="list-style-type: none"> - The Government is keen on reducing the number of children in the justice system. The Children Act, 2022 provides for diversion of children in conflict with the law from the formal justice system. - To further define the Best Interest of the Child (BIC), the Children Act 2022 contains a schedule (first schedule) which outlines BIC considerations. - The Government commenced a Cash Transfer Programme to Orphans and Vulnerable Children who have been made vulnerable by poverty, HIV/AIDS, Tuberculosis and Cancer with about 353,000 Households covered. - The Presidential Bursary Fund with KSh. 400 million (\$ 2.4. million) allocated annually to pay school fees for public boarding secondary school children who are orphaned or from poor families has seen about 22,000 students benefit annually. - The Government has established Child Protection Centres (CPCs), Child Protection Units (CPUs), Rescue Centres (RU) in line with the National Children's Protection Policy 2010 which is under review. - The establishment of Child Help desks in police stations as well as more Children Courts across the Country. Children matters are heard in the court chambers/in camera and prohibits participation of the public or press. - Child Protection in Emergency Guidelines (CPIE) developed and launched in June 2023. Implementation has commenced. - Kenya is also up to date with our treaty body reporting under the Convention on the Rights of 	
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			the Child having submitted out Sixth and Seventh State Report covering the periods 2016-2022 submitted in 2024.	
142.229 142.250 142.256	Continue the fight against discrimination and violence against women and children, including trafficking, forced labour and domestic abuse as well as improve reporting and bringing to justice perpetrators of such acts	Implemented	<ul style="list-style-type: none"> - The Government has a National Policy on elimination of Child Labour 2013 that seeks to mainstream child labour interventions at national, county and sectoral policies. Further, Section 18 of the Children Act 2022 prohibits subjecting a child to child labour, domestic servitude, economic exploitation or any work or employment which is hazardous, interferes with the child's education or is likely to be harmful to the child's health or physical, mental, moral or social development. Additional safeguards can be found in the Employment Act, 2012 - The Government has also developed a National Plan of Action to address Online Child Sexual Exploitation and Abuse 2022-2026 - Gazettement of Policare for Nairobi and Nanyuki. POLICARE is a National Police Service (NPS) integrated response to Sexual and Gender Based Violence (SGBV) in Kenya. - Introduction of GBV module into the KDHS - Coordination of the anti GBV multi sectoral approach to programming has improved. - GBV Information system has been established. - Work is ongoing on the ILO 190 through awareness and engagement with stakeholders. Political will has been galvanized around ratification of the ILO 190 at the highest level. - Shelter guidelines are in place. - The government takes a multi-sectoral approach to prevention and response to GBV, there is already in place the inter-agency programme which can be leveraged on to enhance multi- sectoral coordination and 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action <p>Ministry of Labour & Social Protection</p> <ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services

			<p>effective implemented of GBV prevention and response programs.</p> <ul style="list-style-type: none"> - Strong Inter-governmental framework on the coordination of gender signed between the national and county governments offers the opportunity to improve prevention and response to gender based violence by outlining responsibilities among various government levels and clear engagement spaces at national and county level. This includes structures such as the GBV Sector working group under the National Gender Sector Working Group (GSWG), county based GBV sector working groups as well as anti-FGM coordination groups which provide a solid institutional framework for follow-up, review and implementation of Kenya's Generation Equality Forum (GEF) commitments. - The structure of GEF have been constituted, a secretariat to support the GEF work has been set up and has been operational since November 2021 with the support of the Gates Foundation through Amref Health Africa. - To enhance reporting and access to justice two GBV courts have been established in Mombasa and Siaya counties - Establishment of Gender Violence recovery centers - Institution of gender desks in police stations - The amendments to the County Government Act No. 11 of 2020 at Section 68A requires each County Public Service Board to establish and implement strategies for the elimination of any form of discrimination on the basis of ethnicity, religion among others. In addition, in order to execute Section 65(1)(e) of the said Act, that requires that at least thirty percent of the vacant 	
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			<p>posts at entry level are filled by candidates who are not from the dominant ethnic community in the county; the boards are required to prepare and implement a public service employment equity plan for purpose of eliminating ethnic imbalance.</p> <ul style="list-style-type: none"> - The proportion of female children aged 5-17 years engaged in child labour dropped from 11.7 percent in 2020 to 2.9 per cent in 2021 and further to 2.6 per cent in 2022 while the proportion of the male counterparts dropped from 16.2 per cent in 2020 to 4.8 per cent in 2021 and further to 3.6 per cent in 2022. The number of children aged 5-17 years engaged in child labour dropped from 2,276,800 in 2020 to 640,500 in 2021 and further to 517,400 in 2022. - The Government with its partners has developed a Child Protection and information management System (CPIMS). - CPIMS is a system that provides accurate, timely and consistent national data for evidence-based programming on children protection issues. - This system captures disaggregated data on the nature of cases reported to the Directorate of Children's Services at all levels and institutions of care country wide and was recently expanded to capture data on alternative family care in the spirit of care reform. CPIMS is also interlinked with the Child Helpline and now submits data annually to KNBS as part of efforts to improve data management and planning for children by the Government. 	
142.131	Continue to improve Kenya's juvenile justice system and place children at its core	Implemented	<ul style="list-style-type: none"> - Children Act, 2022 passed. Under the Act, children accused of committing minor offenses, are processed through community-based 	The Judiciary

			<p>systems and children's courts. Additionally, all children coming into conflict with the law are eligible for free legal aid.</p> <ul style="list-style-type: none"> - The Child Justice Strategy 2023-2030⁴³ will guide the Judiciary towards harmonising and synergizing the different approaches leading to access to justice for the children of Kenya. - The strategy shifts focus from institutions to the beneficiary, that is the Child. In this regard, the strategy identifies 4 Strategic Areas of Focus: Rights of Children in conflict with the law; Protection of child victims and witnesses and children in need of care and protection; children who accompany their mothers or primary caregivers to prison and legal obligation of the Judiciary as a lead collaborator towards access to justice for children. 	
142.132	Raise the age of criminal responsibility	Implemented	<ul style="list-style-type: none"> - The Childrens Act 2022 raises the age of criminal responsibility from 8 years to 12 years 	<p>Ministry of Labour & Social Protection</p> <ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services
4.2	RIGHTS OF PERSONS WITH DISABILITIES			
142.248 142.249 142.250 142.251	Establish a long-term strategy to raise awareness and combat discrimination against people with disabilities and to enable	Implemented	<ul style="list-style-type: none"> - Disability mainstreaming programmes in the public and private sectors. The primary objective is to ensure that Government institutions embrace the Principal of Universal Design, 	Ministry of Labour & Social Protection

⁴³ <https://www.judiciary.go.ke/wp-content/uploads/2023/07/Child-justice-Strategy.pdf>

<p>142.252 142.253 142.254 142.255</p>	<p>allegations of discrimination to be brought before court, ensuring appropriate remedy to the victims</p>		<p>Reasonable Accommodation, and setting up an atmosphere that accelerates the needs and aspirations of Persons with Disabilities (PWDs). Hence, it is centred on creating an all-inclusive and accessible environment for PWDs</p> <ul style="list-style-type: none"> - Disability Mainstreaming forms part of the indicators in the Performance Contract of all MDAS with the essence of anchoring disability into government policies, plans, and programs. - As a result, institutions have put measures and programs that ensure the needs, interests, and aspirations of PWDs are addressed. They include: <ul style="list-style-type: none"> o Establishment and operationalization of Disability Mainstreaming Committee with 30% representation of PWDs. o Formulation of Disability Mainstreaming Action Plan to ensure that Staffs are informed on disability related aspects and to empower persons with disabilities. o Sensitization and training of staff on service provision to persons with disabilities o Establishment of structures and systems that ensure persons with disabilities access information and services, o Ensuring progressive realization of attaining the 5% on elective, appointive, contractual of all recruited personnel in appointments, employment/promotion for persons with disabilities per section 13 of the PWD Act 2003. o Ensuring that there is no discrimination in advertising, interviewing, 	<ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services
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			<p>recruitment, volunteerism, internships, training & promotions of PWDs.</p> <ul style="list-style-type: none"> - According to the National Council for Persons with Disabilities (NCPWD) Disability Mainstreaming Status Report for FY 2021 – 2022⁴⁴ public institutions are still a long way from fully becoming inclusive. During the evaluation, it was discovered that less than 1% of the institutions met the legal requirement of employing at least 5% of PWDs. - To address these challenges the NCPWD has recommended developing a sectoral-based disability mainstreaming framework that will bring on board all government institutions, including constitutional commissions, independent offices, and county governments as incorporates a series of recommendations and strategies towards achieving the inclusion of PWDs. - The Government committed to promote the collection of accurate data on persons with disability, disaggregated by gender, age, disability and geographic location for use in planning during the Global Disability Summit. - This commitment was realized during the 2019 National Housing and Population Census, in which the Kenya National Bureau of Statistics made use of the Washington Group Short Set Questions to collect data on PWDs. - According to the 2019 Census, the population of persons with disabilities above the age of 5 years stands at 918, 270. This constitutes about 2% of our total population. - The Government in 2023 unveiled the Support Needs Assessment Report aimed at enhancing 	
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⁴⁴ <https://ncpwd.go.ke/wp-content/uploads/2023/03/MDAs-Status-Report-2022-FINAL-1.pdf>

			<p>the well-being of persons with disabilities and their primary caregivers following the commitment made by Kenya during the Global Disability Summit (2018).</p> <ul style="list-style-type: none"> - PWDs are amongst the few groups of individuals entitled to exemption from income tax. Provision for this tax relief is found under sections 12 (3) and 35 (1) and (2) of the Persons with Disabilities Act, 2003. - The Government is also working to review National Policy for Persons with Disabilities 2006. - Towards ensuing access to remedies: <ul style="list-style-type: none"> o Constitutional Commissions such as the Kenya National Commission for Human Rights and the National Cohesion and Integration Commission (NCIC) have provided platforms for victims of discrimination to lodge a complaint and subsequently investigations are conducted. Interventions are then conducted to try and solve the situation through ADR mechanisms. Cases of merit are thereafter forwarded to the ODPP for legal action. o Employers are required to report on their compliance with employment provisions related to persons with disabilities, ensuring accountability. o Disability mainstreaming units within ministries oversee and report on the inclusion of persons with disabilities in public sector employment. - Sensitization and awareness campaigns are conducted to challenge stereotypes and raise awareness about the abilities of persons with disabilities. 	
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			<ul style="list-style-type: none"> - The Persons with Disabilities Act, 2003, obligates employers to make reasonable accommodations, such as providing assistive devices or modifying workstations, to enable persons with disabilities to perform their job functions. - The government offers incentives to employers who make workplace modifications to accommodate employees with disabilities. - A formal Memorandum of Understanding (MoU) was signed between the NCPWD and the Huduma Kenya Secretariat (HKS). This crucial partnership promises to extend essential disability services directly to individuals through the nationwide network of 52 Huduma centers, bridging the accessibility gap and bringing critical support closer to those who need it most. 	
142.254	Review of the Special Needs Education Policy (2009) and ensure that children with disability are integrated in the education system	Implemented	<ul style="list-style-type: none"> - In an effort to ensure inclusion of learners with disabilities in education, the Government has put in place the Sector Policy for Learners and Trainees with Disabilities (2018) which recognizes the need for the country to move towards inclusive education, instead of segregated education. - The Government through the State Department for Early Learning and Basic Education allocated a total of KSh. 6.7 billion (\$ 41 million) to facilitate the implementation of education programmes that target learners with disabilities while KSh. 1 billion (\$ 6.2 million) for vocational rehabilitation was allocated through the State Department for Vocational and Technical Training between FY 2016/17 and FY 2020/21, respectively. 	<p>Ministry of Education</p> <ul style="list-style-type: none"> - State Department for Basic Education <p>Ministry of Labour & Social Protection</p> <ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services

<p>142.200 142.255</p>	<p>Take additional measures to address lack of access to high-quality healthcare for women, including women with disabilities</p>	<p>Implemented</p>	<ul style="list-style-type: none"> - The Government continues to implement the free maternal care policy that has increased utilisation of a skilled birth attendant among women. The Kenya Demographic Health Survey 2023 placed the percentage of women in urban and rural areas who delivered in a health facility at 91% and 77%. Births delivered by a skilled provider stood at 97% and 84% respectively. - The Government is committed to enhancing access to quality healthcare for PWDs by developing inclusive policies and improving healthcare service accessibility. Notably, the Ministry of Health is actively working to create disability-friendly infrastructures, especially in the reproductive health sector, and has plans to increase the availability of disability-friendly maternity beds. - The Ministry has undertaken various initiatives, including training staff in sign language and recruiting PWDs to the workforce, with the goal of improving service accessibility. The upcoming Social Health Insurance Act 2023 will further ensure that rehabilitation services are covered by the National Health Insurance Fund, promoting inclusivity and reducing Out of Pocket expenditures for PWDs. - The Ministry's overarching aim is to integrate community members and households with disabilities into society, ensuring equal access to healthcare services for all. - The State Department for Social Protection and Senior Citizen Affairs through the Directorate of Social Development and in partnership with UNICEF have initiated work on exploring policy options to develop community care and support systems based, in part, on the results support need assessment. The objective of the 12-18 	<p>Ministry of Health</p> <ul style="list-style-type: none"> - State Department for Public Health and Professional Standards <p>Ministry of Labour & Social Protection</p> <ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services
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			months project is the strengthening of the policy frameworks in Kenya towards development of gender responsive and disability inclusive community support and care system in collaboration with national stakeholders through participatory development of a road map.	
4.3	RIGHTS OF INDIGENOUS PERSONS			
142.257 142.41	Consider further measures to enhance the meaningful participation of indigenous peoples in all matters affecting them	Implemented	<ul style="list-style-type: none"> - The Government continues to implement the World Bank's Indigenous People Planning Framework (IPPF). Its objective is fostering efficient and effective identification and mitigation of potentially adverse environmental and social impacts that may occur in the development projects. - The framework covers a series of mandatory requirements that apply to guide project engagement with the indigenous communities in the project area of influence and address any grievances. Likewise, the IPPF sets out a mechanism for communication with indigenous groups and helps guide activities that will be implemented for Indigenous Peoples groups. The following include examples of projects where the IPPF has been implemented: <ul style="list-style-type: none"> o World Bank - Kenya: Additional Financing for the Adapting to Climate Change in Arid and Semi-Arid Lands (ASAL) Project: This project, implemented by the Ministry of Environment and Forestry, involved consultations with indigenous communities in the project area and incorporated the IPPF. 	Ministry of Interior and National Administration <ul style="list-style-type: none"> - State Department for Immigration & Citizen Services

			<ul style="list-style-type: none"> ○ Right Energy Partnership with Indigenous Peoples - The Impact of the Lake Turkana Wind Power Project on Kenya's Indigenous Peoples: This report highlights the challenges faced by indigenous communities due to the Lake Turkana Wind Power Project and emphasizes the need for the application of the IPPF in such projects. - The Government through the National Environmental Management Authority has developed an Indigenous Peoples' Framework (IPF)⁴⁵. - The Constitution provides a solid framework for rights, duties and responsibilities of the public in public participation. <ul style="list-style-type: none"> ○ Sovereign power which belongs to the people and can be exercised either directly through citizen participation or indirectly through democratically elected leaders. ○ National values and principles of governance include public participation as underscored in Article 10 of the Constitution. ○ Right to participate in decision-making is guaranteed specifically under Articles 118(1) (b) and 196(1) (b) of the Constitution and directs the national and county legislatures to respectively "facilitate public participation" in their work. This underscores the fact that the election of representatives does not negate the need for people to continuously be involved in governance processes. To 	
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⁴⁵ <http://www.nema.go.ke/images/Docs/NIE%20Docss/Annex%202023%20ARCA-%20Indigenous%20%20People%20and%20Chance%20find%20procedure%20.pdf>

			<p>this extent, members of the public are invited to submit written memoranda on various aspects of parliamentary business. Additionally, Parliament proceedings are open to the public through live streaming on channels such as YouTube.</p> <ul style="list-style-type: none"> ○ Right to petition Parliament is underscored in Article 119 of the Constitution, the Petition to Parliament (Procedure) Act, No. 22 of 2012 and the National Assembly Standing Orders provide the public with the right to request Parliament to consider any matter within its authority. ○ Equality - Article 27 of the Constitution guarantees equal participation in decision making processes including the legislative activities of Parliament. ○ Freedom of Expression - the freedom of expression including the freedom to seek, receive or impart information or ideas including during public participation processes is guaranteed under Article 33 of the Constitution of Kenya. ○ Right to access information - Article 35 of the Constitution as well as the Access to Information Act, No. 31 of 2016 guarantee every citizen the right to access information held by the State. <p>- Further, violations of any rights can be remedied via reference to judicial and non-judicial dispute handling mechanisms. These include the Judiciary, the African Commission on Human & Peoples' Rights, the African Court on Human & Peoples' Rights as well as the various</p>	
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			Constitutional Commissions such as the Kenya National Commission for Human Rights, the Commission on Administrative Justice and the National Land Commission.	
4.4	RIGHTS OF REFUGEES			
142.259 142.260	Ensure the protection of asylum seekers and refugees in its territory, provide adequate food and health services in reception facilities with the help of the international community	Partially implemented	<ul style="list-style-type: none"> - The Refugee Act 2021 recognizes the rights of refugees to participate in economic and social development and provides a legal framework for advancing refugee inclusion by highlighting the need to consider refugees in national and county development plans, and emphasizing the shared use of public institutions, facilities and spaces between refugees and host communities. - It also provides refugees the right to engage in gainful employment, economic enterprise, or trade subject to applicable laws. - The Government is also developing a Shirika Plan that envisages investment in key economic and social sectors in refugee hosting areas promoting a settlement approach which enhances inclusion and integration of refugees into their host communities, following the integrated settlement model. - Additionally, refugee matters have been factored into development planning in Garissa and Turkana 2023-27 Integrated Development Plans with efforts to reflect the same in Nairobi City County. These efforts pave the way for long-term sustainable planning, inclusion and programmes that benefit refugees and host communities - The creation of Kakuma and Dadaab municipalities will enable refugee-hosting 	Ministry of Interior and National Administration <ul style="list-style-type: none"> - State Department for Immigration & Citizen Services

			<p>urban settings to access finances and services related to municipalities.</p> <ul style="list-style-type: none"> - Land in Kambioos and Ifo 2 refugee camps has been rehabilitated to support green belts and orchards. - Irrigation Scheme has been established at Ifo 2 with a view to rehabilitate refugee hosting areas. - Refugee Health facilities have been registered by the government and received medical supplies from Kenya Medical Supplies Authority (KEMSA). - Since 2021 to date, Refugees are integrated into the national health system and benefiting from Universal Health Coverage (UHC) and so far about 70,000 refugees are enrolled on NHIF (8,511 Households/23,000 Individuals in Urban; 13920 Households /45,000 Individuals in Kakuma). - The Dadaab level 4 hospital is currently under construction. - All Refugees and asylum seekers in the camps receive free medical services. In Nairobi, the National Council of Churches of Kenya (NCCCK) funded by UNHCR provides free medical services to refugees and Asylum seekers. - A number of programmes have been developed in conjunction with international partners, such as the School Feeding Programme of the Ministry of Education (MoE) and the World Food Programme (WFP) which benefits over 300,000 learners, the Child Friendly Schools (CFS) framework with UNICEF in all refugee and host community primary schools and Parental Engagement and Empowerment component of CBC in all schools that ensure inclusion and access. 	
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			<ul style="list-style-type: none"> - Nairobi City County provides an online platform for refugees and hosts to apply for single business permits, as well as safe houses, rehabilitation centers and homes for the aged that refugees can access enhancing their self-reliance. 	
142.29	Take immediate steps to enact the Refugee Bill (2019), gazetted through Gazette supplement No 126 endorsing amendments that lead to enhancing freedom of movement and refugee inclusion	Implemented	<ul style="list-style-type: none"> - Refugee Bill has been enacted into law. The Bill was assented to on 17th November 2021 and is now cited as the Refugee Act 2021 - Further Refugee Regulations 2024 have been developed to operationalize the Act 	Ministry of Interior and National Administration <ul style="list-style-type: none"> - State Department for Immigration & Citizen Services
142.218 142.219	Pursue efforts in order to ensure that all Kenyans and residents receive quality education without discrimination.	Implemented	<ul style="list-style-type: none"> - The Constitution in Article 53 (1) (b) state that every child has a right to free and compulsory basic education and Article 55 (a) the State shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training. Minorities and marginalized groups under Article 56 (b) have a right to be provided with special opportunities in the field of education. - The Recognition of Prior Learning (RPL) policy framework in Kenya whose goal is to provide a framework for recognition of all acquired competencies was finalized in June 2021 and approved by cabinet in 2024. - This policy framework is critical to the development of a responsive and equitable education and training system that facilitates access, mobility, progression, and fair chances to the disadvantaged, discouraged and traditionally marginalized groups. - The policy will aid in recognition and certification of competencies, including prior learning and 	Ministry of Education

			<p>previous experience, irrespective of which learning settings or in what country the skills were acquired.</p> <ul style="list-style-type: none"> - The Government is implementing the Kenya Primary Education Equity in Learning (KPEEL) Program (2022-2026). The program was declared effective on 5th August, 2022. The program is funded by the World Bank (WB), with IDA credit of \$ 160 Million and a grant from the refugee window of \$ 40 Million and GOK counterpart funding of KSh. 1 Billion during the four year period of the Program implementation. - The Objectives of the Program are to: (i) equalize learning opportunities: improving learning outcomes in target counties; (ii) improve girls' participation in schooling; and (iii) strengthen capacity for implementing initiated reforms. - Additionally, The Girls' Education Challenge (GEC) program seeks to help up to a million of the world's poorest girls improve their lives through education. - I Choose Life-Africa's Jielimishe Girls' Education Challenge (GEC) Project is targeting to improve life chances of 10,123 marginalised girls and 6,890 boys from communities in Laikipia, Meru and Mombasa Counties. The five (5) year project, funded by the UK Government through the Department for International Development (DfID) will run from April 2017 to March 2022. - The Government is also investing in enhancing access to education via registration of learning institutions. According to the KES23, the total number of pre-primary, primary and secondary schools declined by 2.7 per cent from 83,747 in 2021 to 81,454 in 2022, mainly due to a decrease in the number of registered pre-primary and private primary schools. 	
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			<ul style="list-style-type: none"> - The number of secondary schools rose by 0.2 per cent to 10,502 in 2022. The total number of Technical and Vocational Education and Training (TVET) institutions went up by 5.7 per cent to 2,401 in 2022. - In the same period, the number of public universities increased from 32 in 2021 to 35 in 2022, due to awarding of charters to Kaimosi Friends University, Tom Mboya and Tharaka-Nithi University. 	
142.235	Increase efforts to prevent and combat sexual and gender-based violence, including in camps for internally displaced persons (IDPs) and refugees.	Implemented	<ul style="list-style-type: none"> - The Government has a policy on the prevention of internal displacement and the protection and assistance to internally displaced persons in Kenya, 2011. The Policy aims to mitigate and respond to a situation of displacement and adequately address the particular needs of the internally displaced, as well as to find sustainable durable solutions for them, irrespective of the cause of their displacement. - The Government has established a National Consultative Co-ordination Committee on Internally Displaced Persons to handle funds allocated for the resettlement and reintegration of IDPs, and also provides for preventative and protective measures as well. - The Government has also developed Standard Operating Procedures for identification and verification of IDPs to verify and profile the legitimate IDPs. - The deployment of gender desks in the police stations as well as courts in the refugee camps is also aimed at enhancing access to justice for victims of SGBV - The Gender-Based Violence Support Centre, located in Kakuma hospital, also helps track and respond to cases of SGBV. 	<p>Ministry of Interior and National Administration</p> <ul style="list-style-type: none"> - State Department for Immigration & Citizen Services

			- Working with its partners victims are able to access legal and psychosocial assistance in the camps.	
4.5	RIGHTS OF PERSONS WITH ALBINISM			
142.118 142.119 142.120 142.121 142.122 142.123 142.124	Redouble efforts to promote and protect the rights of people with albinism by creating support centers dedicated to this cause	Implemented	<ul style="list-style-type: none"> - The interventions to promote the rights of persons with albinism are provided through the NCPWD in the Albinism support programme. - Interventions here include but not limited to the National Albinism Sunscreen Support Programme (NASSP), skincare support, job placement, National Development Fund for Persons with Disabilities (NDFPWD), assistive devices where eye care is included, education assistance for basic education, tools of trade and processing of tax exemption. - Under the Albinism support programme, there is the NASSP that is targeting ALL persons with albinism in the country by providing sunscreen lotions. Currently, the program has registered a total of 3,738 out of which 1,772 are female while 1,967 are males. This is only 38.4% of the total number of 9,729 persons with albinism in Kenya reached through the sunscreen programme according to the 2019 census. - The Council supports persons with albinism by sponsoring periodic skin clinics where skin specialist/dermatologists attend to persons with albinism and conduct assessments/screening for cancer. Cases that need immediate attention are identified and appropriate referrals are made to manage the skin cancer. The Council supports all the medical costs for the treatment and 	Ministry of Labour & Social Protection <ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services

			<p>management of skin cancer for persons with albinism.</p> <ul style="list-style-type: none"> - The Policy for Learners and Trainers with Disabilities, 2018 also recognizes albinism as a category of persons with disabilities. - The Government has also developed a National Action Plan on Albinism 2023-2028, in partnership with the Kenya National Commission on Human Rights working in concert with organizations of and for persons with albinism and persons with albinism. - This Action Plan mirrors the Regional Action Plan on Albinism in Africa 2017-2021 and the African Union Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism in Africa (2021-2031) and its Implementation Matrix 	
4.6	EQUALITY AND NON-DISCRIMINATION			
142.62	Develop and adopt appropriate legislative and administrative measures to combat discrimination against women as well as discrimination and violence against LGBTI people	Implemented	<ul style="list-style-type: none"> - The Government is implementing article 27 of the Constitution which provides that; (1) Every person is equal before the law and has the right to equal protection and equal benefit of the law. (2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms. - The Ministry of Health has since 2010 put in place the Better Business Practices (BBP). The aim of this is to improve maternal and infant nutrition through workplace support for breastfeeding female employees. An initiative spearheaded by Private Sector has now seen over 192 companies trained on BBP, more than 30 companies have committed to practice BBP principles. To date 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

			<p>more than 17 companies have newly equipped lactation rooms.</p> <ul style="list-style-type: none"> - The Supreme Court Kenya (SCORK) held that the LGBTQIA+ community has the freedom to associate, which extends to the formation of associations. This case involved an application on whether refusal by the NGO coordination Board to register the National Gay and Lesbian Human Rights Commission (NGLHRC) as an organization was discriminatory and thus unconstitutional. - National legislation and policies currently being implemented towards enhancing equality and freedom from discrimination are; Chapter four on the Bill of rights; the Matrimonial Property Act, 2013; the marriage Act, 2014; the Counter-Trafficking in Persons Act, 2010; The Prohibition of Female Genital Mutilation (FGM) Act, 2011; The Sexual Offences Act, 2006 (Rev.2012); Amendment of the Law of Succession Act, 2010 (Rev.2018); the Children Act of 2022 ; the Persons with Disabilities Act; The National Legal Aid Act; The National Policy on Gender and Development (NPGAD) of 2019;The National Policy on Eradication of Female Genital Mutilation 2019; The National Policy on Menstrual Hygiene, 2019; The National Policy on Prevention and Response to Gender Based Violence; (currently under review) among others. 	
142.61	Continue collecting and analyzing disaggregated data on women with the aim to combat discrimination based on religion, ethnic background, age, health, disability and sexual orientation;	Partially implemented	<ul style="list-style-type: none"> - While Kenya has some challenges in terms of disaggregated data collection, efforts in tandem with the digital highway pillar of the Bottom-up Economic Transformation Agenda will assist in mitigating data collection, through the creation of databases and their interoperability. 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

			<ul style="list-style-type: none"> - Kenya has an interagency coordination mechanism on gender statistics that is co-chaired by the State Department for Gender and Affirmative Action and the Kenya National Bureau of Statistics. Through the mechanism a Gender Sector Statistics Plan⁴⁶ has been developed. - The Gender Sector Statistics Plan (GSSP), which is part of the Kenya Strategy for the Development of Statistics (KSDS), is aimed at strengthening Kenya's statistical capacity in gender statistics. The Plan offers strategic direction for the sector for the period 2019/20–2022/23. - Relevant programmes that support Governments include implementation of the UN Women Programme Initiative of Making Every Woman and Girl Count (MEWGC). This is a multi-stakeholder global strategy that aims to create a radical shift in how gender statistics are used, produced and promoted to inform policy and advocacy on gender equality. 	
142.59 142.64	Amend discriminatory laws against women and eliminate harmful practices and gender-based violence against women and girls	Implemented	<ul style="list-style-type: none"> - The Constitution at Article 27 enshrines the freedom from discrimination and this principle reigns supreme over all national legislation in the country. - Kenya has made substantive progress towards eliminating harmful practices, with the adoption of numerous policies and legislation including Sessional Paper No. 3 of 2019 on National Policy for the Eradication of Female Genital Mutilation; Towards a society free from harmful cultural practices, the Children Act 2022, the Prohibition of FGM Act 2011, and the Marriage Act 2014. 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

⁴⁶ <https://www.genderinkenya.org/wp-content/uploads/2020/12/Gender-Sector-Statistics-Plan.pdf>

			<ul style="list-style-type: none"> - The Government through the Anti-FGM Board has devised several programmes including community dialogues, alternative rites of passage, engagement of community elders, cultural leaders and religious leaders to fight against FGM. - A GBV information system has also been established to track all cases of Gender-based violence in the country. - The Government has also come up with a Gender-Based Violence Action 2023.⁴⁷ 	
142.178 142.179	Take additional measures to eliminate discrimination and harassment in the workplace, including on the basis of sex and sexual orientation and gender identity	Implemented	<ul style="list-style-type: none"> - All workers including domestic workers can report cases of harassment to the nearest local labour office for multiagency action. - The Ministry of Labour collaborates with other Government agencies to enforce measures against physical, mental and sexual harassment. - Employers are required to establish and communicate clear procedures for reporting workplace harassment. This allows workers, including domestic workers, to report incidents of harassment without fear of retaliation. - Employers are encouraged to provide training and awareness programs to employees to educate them about their rights and responsibilities and to prevent workplace harassment. Training should cover topics related to sexual harassment and other forms of harassment. - Employers are required to establish and communicate clear internal procedures for reporting workplace discrimination. 	Ministry of Labour and Social Protection <ul style="list-style-type: none"> - State Department for Labour and Skills Development

⁴⁷ <https://www.treasury.go.ke/wp-content/uploads/2023/06/P175017-SAFER-Gender-Based-Violence-Action-Plan-March-6-2023.pdf>

			<ul style="list-style-type: none"> - Labour inspectors in Kenya may conduct workplace inspections to assess compliance with labour laws, including anti-harassment provisions. - Labour inspections are also carried out to assess compliance with Employment Act 2007, Labour Relations Act 2007, Labour Institutions Act 2007, Work Injury Benefit Act 2007, and the Occupational Safety and Health Act 2007. They can identify and address instances of discrimination or harassment during inspections. - Workers who experience discrimination or harassment, including sexual harassment, have the right to seek legal remedies through the Kenyan legal system. They can file complaints with relevant labour authorities or pursue civil or criminal actions against perpetrators. - The Employment Act 2007 outlaws workplace discrimination in terms of gender, race, sex, HIV status etc, and in terms of fairness of recruitment and promotion. 	
4.7	PROTECTION FROM HARMFUL CULTURAL PRACTICES			
142.33 142.34 142.35	Finalize and implement, in 2020, the Draft National Action Plan to Ending Child Marriage in Kenya	In the process of being implemented	<ul style="list-style-type: none"> - The Government is still pursuing the finalization of the Action Plan whose mandate has been transferred from the Department of Gender to the Directorate of Children’s Services owing as part of government restructuring and owing to the prevailing elements of child protection. - Nevertheless, Kenya has committed to eliminate child, early and forced marriage by 2030 in line with target 5.3 of the Sustainable Development Goals. 	Ministry of Labour & Social Protection <ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services

142.54	Redouble efforts to provide training to medical, security and justice professionals on the application of its criminal law punishing harmful practices such as child, early and forced marriage; female genital mutilation; and girl “beading”	Implemented	<ul style="list-style-type: none"> - The Government is implementing various training programmes on GBV. For instance, capacity building of duty bearers at sub-county level in 7 counties has been done; the activity was undertaken in the following 7 counties: Nairobi, Kitui, Kilifi, Narok, Homabay, Kwale and Turkana. - Additionally, rescue and counselling centers were established in several counties, such as Bungoma, Vihiga, West Pokot, Meru, Kisii, Migori, Kisumu, Nairobi, and Kiambu. These centers provide vital services and safe spaces for survivors of GBV, ensuring their well-being and support. 	<p>Ministry of Labour & Social Protection</p> <ul style="list-style-type: none"> - State Department for Social Protection & Senior Citizen Services <p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action <p>Ministry of Health</p>
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	Make an effort to implement existing legislation to end female genital mutilation	Implemented	<ul style="list-style-type: none"> - The enactment of the Prohibition of FGM Act, 2011 was a key milestone in the campaign to end FGM in the country. The Government continues to enforce the law as well as undertake public awareness campaigns. The Government through the Anti-FGM Board has devised several programmes including community dialogues, alternative rites of passage, and engagement of community elders, cultural leaders and religious leaders. - According to the KDHS2022, the prevalence of FGM declined from 38% in 1998 to 15% in 2022. - Since 2014, the percentage of circumcised women who were cut and had flesh removed declined from 87% to 70%, while the percentage of circumcised women sewn closed increased from 9% to 12% 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

142.114 142.115 142.116 142.117 142.133 142.115 142.117 142.133 142.64	Create joint efforts by member states to end Cross boarder FGM.	Implemented	<ul style="list-style-type: none"> - The Government through the Anti-FGM board in collaboration with UNFPA and other stakeholders held an end FGM cross border inter-ministerial meeting that involved Kenya, Uganda, Ethiopia and Somalia, culminating in the signing of a declaration to end cross border FGM within their borders. The Board also trained duty bearers from 20 FGM hotspot counties in Kenya, on the prohibition of the act and the effects of FGM 	Ministry of Public Service, Gender and Affirmative Action <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action
	Enhance Policy formulation by counties	Implemented	<ul style="list-style-type: none"> - The Government has developed Guidelines for Public Policy Development and Review 2020⁴⁸ to provide guidance in matters of public policy formulation in Kenya. 	Ministry of Public Service, Gender and Affirmative Action <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action
142.166	Make efforts to eradicate gender stereotypes that result in violence against women	Implemented	<ul style="list-style-type: none"> - The Government is currently implementing various awareness raising programmes and community dialogues with the aim of eradicating gender stereotypes. - The Government takes a multi-sectoral approach to prevention and response to GBV, - The Inter-agency Programme on Prevention of and Response to Gender Based Violence addresses the social and cultural norms that promote Gender Based Violence at individual, institutional and community levels, enhancing accountability and enforcement of legislation, 	Ministry of Public Service, Gender and Affirmative Action <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

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<https://repository.kippra.or.ke/bitstream/handle/123456789/2779/Guidelines%20for%20Public%20Policy%20Development%20and%20Review.pdf?sequence=1&isAllowed=y>

			<p>policies towards improving quality and utilization of essential GBV services.</p> <ul style="list-style-type: none"> - Further advocacy and awareness campaigns, aiming to promote gender equality and address gender-based violence (GBV) have been conducted. These campaigns were designed to engage men actively, recognizing their crucial role in promoting gender equality. 	
4.8	WOMEN'S RIGHTS: PARTICIPATION OF WOMEN IN DECISION MAKING			
142.60	Strengthen gender equality by implementing the two-thirds gender principle in all elective or appointive bodies in a timely manner	In the process of being implemented	<ul style="list-style-type: none"> - Despite challenges in building consensus on the two-third gender rule we now have a framework to deliberate on the two third gender in place. - A Multi-Sectoral Working Group on the Realization of the Two-Thirds Gender Principle was gazetted by the Cabinet Secretary for the Public Service, Gender and Affirmative Action on 15th August 2023. - In the 13th Parliament, out of the 349 positions, 81 seats (representing 23.3 per cent) are held by women. At the local government level, out of the 47 County Governors, 7 (15 per cent) are women, while out of the 47 County Deputy Governors, 8 (17 per cent) are women. In terms of Senators, 21 out of 67 (31.3 per cent) are women. Additionally, in the Members of County Assemblies (MCAs), 718 out of 2166 (33 per cent) seats are held by women. - Women representation for the positions of Governor, County Secretaries, Regional Commissioner, Deputy County Commissioner, Chief and Assistant Chief increased by 3, 3, 1, 8, 20 and 29 women. - The number of female County Governors more than doubled from 3 in 2021 to 7 in 2022 while 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

			<p>female principal secretaries increased from 10 in 2021 to 12 in 2022.</p> <ul style="list-style-type: none"> - On the other hand, the number of female Deputy County Commissioners increased from 43 to 51 over the same period. There was an increase in the positions held by women in the County Assemblies from 695 in 2021 to 725 in 2022. In the counties, the two-third gender rule was only achieved by Members of County Assembly (MCAs). - The number of female judges in the High Court and Magistrates Court increased by 14 and 41 women to 79 and 298 women, respectively, in 2022. Overall, Judicial officers achieved the two third gender rule during the review period. 	
<p>142.63 142.165 142.166</p>	<p>Establish mechanisms to increase the participation of women in political and public life, in decision-making positions</p>	<p>In the process of being implemented</p>	<p>The initiatives aimed at increasing the participation of women in political and public life and in decision making include:</p> <ul style="list-style-type: none"> - The development of the Women's Economic Empowerment Strategy 2020-2025⁴⁹ aimed at building women's entrepreneurship and at the same time, initiated the development of a Women's Economic Policy (draft) - The development of a curriculum on Women in Political leadership offered at the Kenya School of Government to equip women aspirants with leadership skills. 19 women have been trained in political leadership and 18 trainer of trainers and streamlining the election financing act to create a level playing field for women. - The Recognition of Women Trailblazers and Eminent Women Programme in different fields 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action <p>IEBC</p>

⁴⁹ <https://gender.go.ke/wp-content/uploads/2021/04/Women-Economic-Empowerment-Strategy-2020-2025-REVISED-10th-march.pdf>

			<p>to motivate aspiring and prospective leaders/candidates.</p> <ul style="list-style-type: none"> - Institution of a democracy fund for women aspirants - The development of a national strategy for supporting greater participation of women in political leadership 2017. - Media engagement programmes on women leadership. - Mentorship programmes in higher learning institutions 	
4.9	WOMEN EMPOWERMENT			
142.221 142.224	Continue efforts to address inequalities between men and women in education	Implemented	<ul style="list-style-type: none"> - Legislative and policy frameworks enhancing equality in education in Kenya include Articles 43(f) and 53(1) (b) of the Constitution that provide for the right to education and the right to free and compulsory basic education, respectively; The Basic Education Act (2013) which guarantees the right of every child to free and compulsory basic education; International and regional commitments related to education, such as the Education for All (EFA) goals; Sustainable Development Goals (SDGs); and The Vision 2030. - Reinforcement policies, programmes and actions include the higher education loans board; the presidential secondary school bursary; and the county and constituency funds. - Other bursary funds available include the National Government Affirmative Action Fund (NGAAF) education bursary at county level and the Constituency Development Fund (CDF) bursary at constituency level). 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action <p>Ministry of Education</p>

			<ul style="list-style-type: none"> - Other programmes include the private sector scholarships; the digital literacy programme; early childhood development education (ECDE) programme; enhancing inclusivity through special needs education; consideration by county education boards for gender inclusivity, and the 100 percent transition from primary to secondary school. 	
142.225	Continue to develop the national machinery for the advancement of women, strengthen coordination between various executive bodies and provide them with adequate resources	Implemented	<ul style="list-style-type: none"> - The Government has adopted Gender Responsive Budgeting (GRB), which seeks to mainstream gender into budgetary process from planning to implementation, monitoring and evaluation. - GRB has been increasingly used as an effective tool, both to hold government accountable to its commitment to gender equality and to achieve gender equality. - The Government has increased budget allocations for gender-related initiatives, specifically targeting the digital gender divide and ensuring energy access for women. This demonstrated the commitment to address gender disparities and create an enabling environment for women's full participation in all sectors. The budgetary increase from KSh. 4,049.23 million to 4,390.73 million and 5,276.14 million in the financial years 2021/2022, 2022/2023, and 2023/2024 respectively, signifies the Government's determination to promote gender equality through targeted funding. - The Government has embraced budget reforms, which includes the public's participation in the budget making process to allow transparency and negotiations. Public sector hearings of the budget preparation are announced through the local media, which gives women the opportunity 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action <p>Office of the Women's Rights Advisor</p>

			<p>to make their contribution in the budget development process.</p> <ul style="list-style-type: none"> - The other positive development is the shift to programme-based budgeting, which provides for the financing of specific programmes/projects. This shift has enabled the Government to track budgetary allocations that target gender responsive budgeting targeting programmes that benefits women, and hence lead to their empowerment. - Resources are also being allocated and utilized based on sex-disaggregated data. However, there is need for more resources in order to implement Government programmes on gender equality and women empowerment. - One of the objectives of Sessional Paper No. 2 of 2019 on National Policy on Gender and Development⁵⁰ is to provide a framework to integrate and mainstream gender into the National and County Government development planning and budgeting as well as resultant policies, programmes and plans including those of non-state actors. - The Government is currently disseminating the Policy in various counties with 5 counties (Busia, Taita Taveta, Muranga, Migori and Isiolo) already covered. 	
142.230	Guarantee women access to land by inter alia ensuring the full implementation of the constitutional provisions giving women equal rights to land ownership as men as well as the	In the process of being implemented	<ul style="list-style-type: none"> - The government is currently implementing various legal and policy frameworks to ensure women's equal rights to property. These include implementation of International Instruments such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); the Universal Declaration of Human 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

⁵⁰ <https://psyg.go.ke/wp-content/uploads/2019/12/NATIONAL-POLICY-ON-GENDER-AND-DEVELOPMENT.pdf>

	execution of the Marital Property Act and other women's land rights		<p>Rights (UDHR); Beijing platform for Action; and the African Charter on Human and Peoples' Rights (ACHPR)</p> <ul style="list-style-type: none"> - National legislation include article 48 of the Constitution on access to justice, article 27(2 &3) on equality and freedom from discrimination, article 10 on national values and principles of governance, Article 40(1&2) on rights to property, Article 45(3) on equal rights for parties to a marriage, Article 60(1) on principles of land policy, and Article 159(2& 3) on judicial authority; the Matrimonial Property Act (2013); the National land Commission Act 2012, the Land Act (2012),the Land Registration Act (2012), and the Community Land Act of 2016. - However, the enjoyment of land and property rights by women is limited by cultural beliefs, lack of awareness on the rights and remedies, expensive legal system, fear, lack of participation and structural discrimination. 	<p>Ministry of Lands, Public Works, Housing and Urban Development</p> <ul style="list-style-type: none"> - State Department for Lands and Physical Planning
142.232 142.233 142.234	Further promote women empowerment and gender equality	In the process of implementation	<ul style="list-style-type: none"> - Women in Kenya face significant bias in the ownership and control of land owing to the deeply ingrained patriarchal system prevalent in many communities. Despite some progress in recent years, statistics show a decline in women's land ownership. In 2014, 61.3% of women aged 15-49 did not own any land. This number rose to 75.0% for agricultural land and 93.3% for non-agricultural land in 2022, indicating decline in land ownership among women over the years. - Articles 40 and 60 (f) of the Constitution provide for the right of all Kenyans to hold and own property, and the elimination of gender discrimination in practices related to land and property in land, respectively. Subsequently, the 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action <p>Office of the Women's Rights Advisor</p>

			<p>National Land Policy of 2009 aims to protect women's land rights by promoting women's participation in land-related decisions. In addition, Sessional Paper No. 2 (2019) themed National Policy on Gender and Development calls for the integration of gender considerations and inclusion of women in decision-making related to land and property.</p> <ul style="list-style-type: none"> - The policy and legislative frameworks to enhance women empowerment and gender equality include the Access to Government Procurement Opportunities (AGPO) programme; the Women's Economic Empowerment Strategy; the Women's Economic Empowerment Policy; participation in Africa Growth Opportunity Act (AGOA) and the Common Free Trade Agreement (CFTA); enactment of the National Lands Act among others. Programmes include investment in time and labour-saving infrastructure, affirmative action funds and social protection programmes. - Gender equality and women's empowerment have also been prioritized in response to the High-Level Political Forum on Sustainable Development's call for universal changes in social and cultural norms. - Moreover, Kenya increased budget allocations for gender-related initiatives, specifically targeting the digital gender divide and ensuring energy access for women. This demonstrated the commitment to address gender disparities and create an enabling environment for women's full participation in all sectors. The budgetary increase from KSh. 4 billion (\$ 24 million) to 4.39 billion (\$ 27 million) and 5.2 billion (\$ 32 million) in the financial years 2021/2022, 2022/2023, and 2023/2024 	
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			respectively, signifies the Government's determination to promote gender equality through targeted funding.	
142.67	Ensure that women, especially rural women, are meaningfully engaged in the development and implementation of climate change and disaster risk reduction legislation and policies	In the process of implementation	<ul style="list-style-type: none"> - The Government has made significant progress in developing climate change legal and policies framework and strategies. The Government has put in place comprehensive legal and policy frameworks on climate change, environmental and disaster risk reduction which provide a cohesive basis for gender-responsive governance that fulfils the rights and needs of women and girls. - Kenya has adopted the 2030 Agenda for Sustainable Development, including its 17 SDGs with an aim to address women's concerns and to promote gender equality and empowerment across sectors including agriculture, energy, water, forestry and others. - Kenya's NDC has been revised and updated. The updated NDC commits to abate Greenhouse Gas emissions by 32 per cent compared to the first NDC target of 30 percent by 2030. Further, unlike the first NDC that was fully conditional to support, the updated NDC commits to mobilize resources to meet 13 per cent of the estimated implementation budget of \$ 62 Billion, requiring international support of 87 per cent. - In order to ensure that gender-responsive actions were identified, planned, budgeted for and implemented as part of mainstreaming gender into Kenya's NDC, Gender Analysis focusing on the key NDC sectors of Agriculture, Energy and Water have been undertaken to explore the gender-differentiated impacts of climate change by looking at existing gender inequalities in access to and use of resources, 	<p>Ministry of Environment, Climate Change and Forestry</p> <ul style="list-style-type: none"> - State Department for Environment and Climate Change <p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

			<p>participation, and benefits between various gender groups and analyzing the extent to which gender issues have been considered within Kenya's policy, legal, and institutional frameworks and their suitability for supporting gender-responsive climate change actions.</p> <ul style="list-style-type: none"> - The gender analysis provides strategic recommendations on governance, planning, and policy that will strengthen the integration of gender equality into NDC planning and implementation processes. - Additional legal and policy frameworks on climate change, environmental and disaster risk reduction, which provide a strong basis for gender responsive governance that fulfils the rights and needs of women and girls include the Climate Change Act 2016, - The Act requires that national and county governments mainstream intergenerational and gender equity in all aspects of climate change responses. The guiding principles in applying the provisions of the Act include ensuring equity and social inclusion in the allocation of effort and costs and benefits to cater for special needs, vulnerabilities, capabilities, disparities and responsibilities of vulnerable populations including women. - The Government is has taken legislative and Policy measures to address women's disadvantages resulting from gender inequality in agriculture including land rights, productive resources, unpaid work, employment and decision making. <ul style="list-style-type: none"> o The Community Land Act No. 27 of 2016 gives effect to Article 63 (5) of the Constitution that provides for the 	
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			<p>recognition, protection and registration of Community land rights.</p> <ul style="list-style-type: none"> ○ The Government has developed the Agriculture Gender Policy, was launched in March 2021. The Policy aims to systematically and structurally address the gender inequalities and their causes and thus enable the realization of the human potential in the agricultural sector. ○ Climate-Smart Agriculture Strategy (CSAS 2017) was put in place by the Government as an approach to developing an enabling environment, including the technical, policy, and investment conditions, to support actions aimed at achieving sustainable agricultural development for food and nutrition security under a changing climate. The agricultural sector plays is important in both economic development and poverty reduction is the largest source of income for rural households, supporting over 80 per cent of the rural population and providing about 75 per cent of total employment. More specifically, women account for approximately 75 per cent of the agricultural labour force in small-scale agriculture in Kenya as compared to 51 per cent of men. The Climate Smart Agriculture Strategy is intended to contribute to increasing productivity and commercialization of agricultural-related value chains with nutrition and gender considerations Adoption of value chain integration approach which is a 	
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			<p>result area that provides an enabling framework for integrating gender, nutrition (mostly through education and awareness creation) and the needs of the women and youth in value chain businesses.</p> <ul style="list-style-type: none"> - The Ministry of Land and Environment has also developed the first-ever Kenya land sector gender policy to monitor the progress of women's land rights in Kenya -Training Manual for Rural Women Land Rights that seeks to provide a framework for training rural women on their rights to land and natural resources as anchored in the laws and policies - Additional relevant legislation includes the Environment and Land Court Act 2011, the Community Land Act 2016, the Water Act, 2016, the Land registration Act 2011 and the Energy Act 2019. - To improve climate resilience the Government has also put in place strategies and plans which include the National adaptation plan II that establishes County Climate Change Funds; the National Climate Change Action Plan (NCCAP) 2018-2022; A climate fund; the National Climate Change Response Strategy; the National Climate Change Framework Policy 2016; the Climate-Smart agriculture strategy (CSAS, 2017); Water Sector Trust Fund; National Water Policy 2018; National Policy on Disaster Management; the National Policy on Gender and Development 2019; National Energy Policy 2019; the National Electrification Strategy; the Feed-in-Tariff (FIT) Policy 2008; the National Petroleum Policy 2019; the Universal Health Coverage 2018; the Kenya Environmental Sanitation and Hygiene Strategic Framework (KESSEF 2016-2020); and the 	
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			<p>National Strategy on Women Economic Empowerment.</p> <ul style="list-style-type: none"> - Various institutions have been established which include the National Climate Change Council; National Environmental Management Authority; The Climate Change Directorate; Water Services Regulatory Board, National Drought Management Authority. National Water Harvesting and Storage Authority, County Irrigation Development Units (CIDUs), National Irrigation Authority, National Environment Management Authority, Kenya Forest Service, Kenya Meteorological Department 	
4.10	WOMEN PEACE AND SECURITY			
142.226	Implement United Nations Security Council Resolution 1325 and related resolutions on women, peace and security	Implemented	<ul style="list-style-type: none"> - In 2012, the Government of Kenya committed itself to addressing and responding to the immediate and long-term needs of women in peace and security by developing and adopting a National Action Plan on UNSCR 1325 and related resolutions. KNAP I was launched in 2016, designed around the four pillars of Participation and Promotion, Prevention, Protection, and Relief and Recovery, and implemented over a period of three years (2016–2018). - The implementation of KNAP I resulted in gender-responsive and non-combative language and messaging among leaders and government agencies; enhanced ‘people relations’ elements in law enforcement; and enhanced prospects for innovation and economic and social wealth for women and girls. In addition, it led to the improved overall well-being of women in Kenya, including 	<p>Ministry of Public Service, Gender and Affirmative Action</p> <ul style="list-style-type: none"> - State Department for Gender and Affirmative Action

			<p>enhanced/restored dignity of women and girl survivors of sexual and gender-based violence (SGBV); inclusive growth; enhanced communality and well-being of refugees and internally displaced persons; and better appreciation of the importance of having a user-friendly monitoring and reporting tool</p> <ul style="list-style-type: none"> - The Government has since developed and launched the 2nd National Action Plan (KNAP) on UN Security Council Resolution 1325 in May 2020 and is being implemented for 5 years (2020-2024⁵¹). - The second Kenya National Action Plan (KNAP) on implementation of the UN Security Council resolution 1325 has been localized in 14 counties through media engagement (electronic and print). - The Sessional Paper No. 5 of 2014 on National Peacebuilding and Conflict Management aims among others, to mainstream gender issues in conflict management with emphasis on the empowerment of women towards long-term conflict mitigation and peace making. - The National Strategy to Counter Violent Extremism (2016) calls for mainstreaming of gender in all efforts to prevent and counter violent extremism at the national and county level. It acknowledges that the drivers of violent extremism are gender-specific and therefore require gender-responsive interventions. 	
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⁵¹ <https://gender.go.ke/wp-content/uploads/2020/09/KNAP-II-digital-30-Apr-2.pdf>