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NATIONAL POLICY AND ACTION PLAN ON HUMAN RIGHTS

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LIST OF ABBREVIATIONS

ACHPR	African Charter on Human and Peoples Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AfrCHPR	African Charter on Human and Peoples' Rights
APRM	African Peer Review Mechanism
ASAL	Arid and Semi-Arid Lands
AU	African Union
CAT	Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CIPEV	Commission on the Post-Election Violence
CRC	Convention on the Rights of the Child
CSO	CSO Civil Society Organizations
ERSWEC	Economic Recovery Strategy for Wealth and Employment Creation
FGM	Female Genital Mutilation
GER	Gross Enrolment Rate
GJLOS	Governance, Justice Law and Order Sector Reform Programme
HIV-AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRBA	Human Rights Based Approach
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESR	International Covenant on Economic, Social, & Cultural Rights
ICPDR	International Convention on the Rights of Persons with Disabilities
IDPs	Internally Displaced Persons
IIEC	Interim Independent Elections Commission
IPPG	Inter-Parties Parliamentary Group
JSC	Judicial Service Commission
KACC	Kenya Anti-Corruption Commission
KENSUP	Kenya Slum Upgrading Programme
KLRC	Kenya Law Reform Commission
KNCHR	Kenyan National Commission on Human Rights
KANU	Kenya Africa National Union

MDGs	Millennium Development Goals
MOJNCCA	Ministry of Justice, National Cohesion & Constitutional Affairs
NAPHR	National Action Plan on Human Rights
NG&EC	National Gender and Equality Commission
NDP	National Development Plan
NGOs	Non-Governmental Organizations
NHRP	National Human Rights Policy
OAU	Organization of African Unity
OVP	Office of the Vice President
PCSC	Public Complaints Standing Committee
PWD	People with Disabilities
SCHR	Standing Committee on Human Rights
STI	Science, Technology and Innovation
TJRC	Truth, Justice and Reconciliation Commission
TB	Tuberculosis
UNAIDS	United Nations Joint Programme on HIV-AIDS
UNEP	United Nations Environmental Programme
UNICEF	United Nations Children's Fund
UNOCHA	United Nation Office of Coordination of Humanitarian Affairs
UPE	Universal Primary Education
MDAs	Ministries, Departments and Agencies
WHO	World Health Organization

FORWARD

The formulation of this National Policy and Action Plan on Human Rights marks an important milestone in the Government of Kenya's strive towards the fulfilment, respect, observance, promotion and protection of human rights. The National Policy and Action Plan on Human Rights give effect to Chapter Four of the Constitution, which is the legal and constitutional framework on human rights in Kenya. The successful implementation and operationalisation of Chapter Four necessitates the development and adoption of an overarching coherent policy framework that sets human rights goals and priorities within achievable time frames and provides guidance to all actors regarding the specific tasks that need to be accomplished to ensure that human rights principles are integrated and mainstreamed in all aspects of the Country's developmental agenda.

The Government adopted a highly participatory and consultative approach in the development of this Policy and Action Plan conscious that the success and credibility of the national undertaking largely depended on the broad support it received from all sectors of society and in the various regions.

In August 2005 a multi –stakeholder National Steering Committee was established to provide leadership to the policy development process. The Committee members were drawn from various Government Ministries, civil society organizations, trade unions and the private sector.

Multi-sector thematic working groups were constituted to bring in specialist expertise to the process. In October 2006, a National Stakeholders' Conference was successfully held to officially launch the process and to develop consensus on the process to be adopted in the formulation of the policy.

Regional hearings organized countrywide provided an important platform for the effective participation of *wananchi* at the grass root level to elicit their views on what should be in the policy. Identified issues, recommendations from the regional hearings and expert advice have provided the reservoir from which the Sessional Paper on the National Policy and Action Plan on Human Rights were drawn.

All human rights form the basis of the National Policy and Action Plan on Human Rights, which guides their observance, respect, protection, promotion and fulfilment. However, while the human rights based approach imposes an obligation on the State towards the fulfilment of human rights, it does not make the unreasonable demand that all of them must be realised immediately. In recognition of resource constraints, it allows for progressive realization and the setting of priorities among the rights, particularly economic, social and cultural rights. Therefore this policy and action plan addresses certain priorities for action, reflecting Kenya's most immediate human rights challenges, based on the views of

the public during regional hearings and stakeholders' discussions with Government and civil society.

The formulation of this Sessional Paper on the Policy and Action Plan on Human Rights is a testimony to the Government's desire to entrench human rights principles in a national policy framework to improve the enjoyment of human rights in Kenya. While the protection of human rights is primarily the responsibility of Government, I call upon the private sector, civil society organizations, national human rights institutions, academic institutions and all stakeholders to collaborate in the policy implementation process to guarantee the meaningful realization of rights for the Kenyan people.

Prof. Githu Muigai, FCI Arb, SC, MP
Attorney General

EXECUTIVE SUMMARY

The Government has developed this National Policy and Action Plan on Human Rights, in recognition of its primary responsibility to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in accordance with the Constitution of Kenya, 2010. The purpose of the National Policy and Action Plan is to give effect to Chapter Four of the Constitution by providing a comprehensive and coherent framework that elaborates broad human rights principles to guide the Government and other actors in carrying out their work in a way that enhances the enjoyment of rights by the people of Kenya.

The Government's commitment to human rights in the country is derived from a rights based Constitution and the numerous regional and international human rights instruments that Kenya is a state party to. The Bill of Rights in the Constitution is the mandatory framework for all social, economic and cultural policies in the country. It articulates important human rights principles and standards that are not only important for the well-being of individuals and communities but also essential components of economic and social progress. For the Bill of Rights to translate into the concrete realization of rights for the people of Kenya, all public policies, programmes and budgets, across both national and county levels, must be sensitive to and in compliance with human rights principles and standards as guaranteed in the Bill of Rights. The Bill of Rights thus finds expression in the adoption of a National Policy and Action Plan on Human Rights that strengthens social harmony and cohesion, advances the process of development and promotes accountability.

Kenya has experienced a number of historical and political challenges which have significantly hampered the realization of human rights for the people of Kenya. These challenges, which include inequality, poverty, diseases and corruption, require significant political, social and economic commitment to realize a useful societal transformation based on respect for human rights, democracy, equality and rule of law. While the government has made great strides over the years to improve the human rights situation in Kenya, these efforts have been hampered by the lack of a comprehensive framework to create cross-sectoral and cross-agency collaboration and coherence in the many policies, programs and plans that have been developed.

The Government has thus prepared this Sessional Paper on the National Policy and Action Plan on Human Rights with the clear understanding that in order to deliver on its human rights agenda, Kenya needs an overarching comprehensive and coherent framework that integrates and mainstreams human rights principles in national development planning, implementation and evaluation in all sectors. The development of this policy therefore is a reaffirmation of the Government's

commitment to address the various human rights challenges as it moves towards the creation of a better, cohesive and just society.

This Policy focuses on a set of key priority human rights areas that were identified by the public during hearings conducted countrywide. These key areas are categorized as follows: in the area of Civil and Political Rights- the right to life, liberty, and security of person, access to justice and the right to political participation, in the area of Economic and Social Rights- the right to the highest attainable standard of health, the rights relating to property, the right to housing, the right to food, the right to clean and safe water in adequate quantities, the right to education and the right to a clean environment; and in the area of Group Rights- the rights of specific vulnerable groups, women, children, persons with disabilities, youth, older persons, marginalized and minority groups, internally displaced persons and refugees.

This Policy and Action Plan restates the Government's commitment to human rights through broad undertakings. It also identifies the challenges and shortcomings that hinder the realization and enjoyment of human rights in the country and specifies the key strategic areas of intervention to address these challenges.

The Government acknowledges that for development to be meaningful, human rights standards must be implemented in a non-discriminatory, transparent, participatory and accountable fashion. The Government thus adopts a human rights based approach to the development and implementation of the National Policy and Action Plan on Human Rights.

This Policy will be implemented through a five year action plan. The Plan outlines specific priority action areas and outcome indicators to measure progress in the realization of human rights. It is the fundamental duty of every state actor to observe, respect, protect, promote and fulfil human rights and therefore the Plan identifies these actors and designates specific responsibilities for the realization of particular rights. The Plan will be used by the national and county governments to consciously mainstream human rights within the government's development processes.

1.0 INTRODUCTION

Kenya is committed to its obligations to observe, respect, promote, protect and fulfil human rights. The Constitution of Kenya gives recognition to the intrinsic value of human rights and achieving them is seen as an objective in its own right. It therefore gives human rights due prominence as reflected in the comprehensive Bill of Rights on civil, political, economic, social, cultural, group and developmental rights. This commitment is also demonstrated by the fact that Kenya is a state party to major international and regional human rights instruments (**annexure 2**), which have become part of the Kenyan law. (Art. 2(6) of the Constitution)

Although there have been a number of important human rights improvements since 2002, which have gone a long way towards improving the enjoyment of human rights in Kenya, these improvements have suffered from a lack of coordination, cross-sectoral and cross-agency coherence. The comprehensive Bill of Rights in the Constitution was informed by the reality that effective human rights fulfilment requires lasting commitment, a supportive institutional, legal framework and continuous implementation. Therefore, the development of this National Policy and Action Plan on Human Rights is based on the recognition that Kenya requires a comprehensive and coherent policy framework to guide government and other actors in carrying out programmes, strategies and plans that will enhance the realization and enjoyment of rights and fundamental freedoms by the people.

This National Policy and Action Plan on Human Rights underscores Kenya's human rights commitments and defines the human rights priorities for the next five years binding the Government at the national and county levels and its various branches i.e. ministries, departments and agencies (MDAs), Parliament at all levels and the Judiciary. The implementation of this Policy will be guided and monitored by an Action Plan that includes a matrix of targets and indicators.

The development of a National Policy and Action Plan on Human Rights is thus premised on the following commitments:

- ❖ that lasting improvement in human rights promotion, respect, protection and fulfilment ultimately depends on the State and its organs as the primary duty bearers;
- ❖ that the National Policy and Action Plan on Human Rights reiterates Kenya's commitment to the fulfilment of all human rights guarantees contained in the Constitution while setting specific priorities for the next five years, reflecting the outcome of consultations among various stakeholders from Government MDAs and civil society;

- ❖ that the National Policy and above all its Action Plan, which contains a matrix of specific objectives and indicators, will provide a basis upon which the Government, both national and county will be evaluated and held accountable for the implementation of the Bill of Rights in the Constitution of Kenya, 2010.

1.1 National Commitment

At the national level, the Government recognizes that it has the primary responsibility to observe, respect, protect, promote, and fulfil human rights as “the primary duty bearer”. Indeed, the Government acknowledges in the *Kenya Vision 2030* that development is primarily about people and will therefore be adopting a Human Rights Based Approach in the development and implementation of all its policies and programmes.

This means:

- ❖ A firm commitment to universal human rights as embodied in the Constitution of Kenya and other international and regional human rights instruments that Kenya is a state party to;
- ❖ Strict accountability for the implementation of human rights and potential challenges with a transparent policy approach;
- ❖ Implementation of all human rights standards in a non-discriminatory manner with a special focus on the impact upon marginalised and vulnerable groups; and
- ❖ Implementation of the political processes in a participatory manner to be able to measure human rights impact, progress and challenges.

1.2 Process of the Policy Formulation

This Policy and Action Plan was developed through a transparent, consultative, and participatory process that was spearheaded by the then Ministry of Justice, National Cohesion and Constitutional Affairs (MOJNCCA) and the Kenya National Commission on Human Rights, (KNCHR).

In 2005, Cabinet approval for the process was sought and given guaranteeing not only political support but also human and financial resources. During the same year, the process began with the commissioning of a *Baseline Survey on the Status of Human Rights in Kenya*. The Survey highlighted important human rights challenges that called for immediate attention and provided an in-depth analysis of

the various national policy initiatives in Kenya and their relationship to human rights.

In October 2006, the then Ministry of Justice, National Cohesion and Constitutional Affairs and the Kenya National Commission on Human Rights convened a National Stakeholders' Conference that endorsed the need for the development of a National Human Rights Policy (NHRP) and a National Action Plan for Human Rights (NAPHR). The stakeholders agreed that a policy paper would precede the development of the Action Plan for the purpose of setting out the vision, goals, objectives and principles of the national human rights policy, and the roles and functions of different actors. It was also agreed that the development of these would be through a national wide consultative process.

The process of development of the NHRP and the NAPHR was coordinated through a multi-sectoral Committee bringing together Government MDAS, the KNCHR, Civil Society Organizations (CSOs), the Trade Unions and the Private Sector. The process involved the collection of views from members of the public from all regions of the Country. In 2011 the NHRP and the NAPHR were merged and aligned to the new constitutional framework. In December, 2012 Cabinet considered the Policy and Action Plan and approved the publication and tabling in Parliament of the Sessional Paper on the National Policy and Action Plan on Human rights. In 2013, the Sessional Paper on the Policy and Action Plan was updated to take into account the new governmental structure.

1.3 Vision of the Policy

A Nation which recognises and protects human rights and fundamental freedoms, preserves the dignity of individuals and communities and promotes social justice and the realization of human rights for all without discrimination.

1.4 Goal of the Policy

To provide a framework for the integration and mainstreaming of human rights in development planning, implementation and evaluation in all sectors in order to fully implement the Constitution of Kenya.

1.5 Objectives of the NHRP

- ❖ To promote the observance, respect, promotion, protection and fulfilment of all human rights by the State and Non- State actors.
- ❖ To strengthen the capacity of all State and Non- State actors to observe, respect, protect, promote and fulfil human rights.

- ❖ To promote the human rights based approach to planning, implementing, monitoring and evaluating of programmes in all sectors in the country.
- ❖ To mainstream human rights in public policy development and resource allocation.

1.6 Human Rights Policy Principles

This policy upholds the following universally accepted human rights Principles:

- ❖ **Universality and Inalienability:** All human beings are born free and equal in dignity. All human rights inherently belong to each individual by birth, and cannot be taken away.
- ❖ **Indivisibility:** All human rights have equal status. Denial of one right invariably impedes the enjoyment of other rights.
- ❖ **Interdependence and interrelatedness:** The fulfilment of one right often depends, wholly, or in part, upon the fulfilment of other rights.
- ❖ **Equality and non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person.
- ❖ **Participation and empowerment:** All persons are entitled to active, free, and meaningful participation and access to information relating to the decision-making processes that affect their lives and well-being.
- ❖ **Accountability, transparency, and Rule of Law:** The State, its organs and its officials are the primary duty bearers in the fulfilment of human rights and are answerable for the observance of human rights. This means complying with legal norms and standards including accountability and transparency in this regard.

2.0 THE HUMAN RIGHTS CONTEXT

2.1 Historical Background

Kenya has encountered challenges in the realization of human rights throughout its history. The colonial period in Kenya was characterized by both political and socio-economic human rights violations mainly perpetuated by the colonizers against the colonized.

One of the most significant protestations against this abuse of Kenyan's rights came in the form of the Mau Mau uprising in the 1950s that had a great impact on the clamour for independence. Subsequent regimes through the 1960s and 1970s were lauded for their commitment towards improving the situation of Kenyan citizens especially in areas relating to access to land for small landholders, health, education and poverty alleviation.

During this period, Kenya was effectively a de facto one-party State, which sharply restricted the enjoyment of civil and political rights, such as democratic rights and activities of opposition politicians and parties. In the 1980's, the de jure one-party State heightened restrictions on political pluralism and free electoral democratic processes.

The Inter-Party Parliamentary Group (IPPG) formed in 1997 was a result of a clamour by the political opposition for minimum Constitutional reforms aimed at among others things, creating a level playing field in elections. The IPPG consensus provided for fundamental electoral reforms that in part contributed to the ouster of the then ruling party, the Kenya Africa National Union (KANU) during the 2002 general elections. The ouster of KANU, a party that had been in power from 1963-2002 provided an opportunity for deeper democratic governance reforms and a renewed commitment to the promotion, respect, protection and fulfilment of human rights.

After decades of one party rule and attendant human right abuses, the government that came to power in 2002 showed commitment to making a break with the past and creating the necessary enabling environment for the enjoyment of human rights by all without discrimination. It was similarly after this period that the Government enhanced the process of signing and ratifying the relevant international and regional human rights instruments with a view to providing the citizens with the widest possible protection of their rights.

However, the violence that broke out after the December 2007 disputed presidential election precipitated the most severe human rights crisis in Kenya's independent history. This crisis brought into sharp focus the limitations of the country's democratic governance systems, which generally failed to diffuse the conflict and to prevent human rights violations from occurring. The 2007 post-election crisis also brought with it a renewed sense of urgency for far-reaching Constitutional, legal, policy and institutional reforms that have a bearing on the interdependent issues of human rights, democratic governance, the rule of law and security.

This turbulent historical background has contributed largely to the economic, political and social challenges that have hindered the realization of rights by a majority of Kenyans. The challenges which need urgent redress are identified as follows:

- ❖ Inequality: *Kenya Vision 2030* recognizes that problems of inequality pose economic, social and political challenges that lead to major human rights violations. Consequently, the Vision aims at economic growth while

ensuring that the political system is issue-based, people-centered, result-oriented and accountable.

- ❖ **Poverty:** Poverty remains a major impediment to both the fulfilment of basic rights and the realization of the full potential of many Kenyans, particularly women and children. The population in absolute poverty is estimated at 45.9% (2009). Approximately 56 per cent of Kenyans live below the international poverty line of less than \$1 per day. According to the Kenya Economic Report 2009, the number of Kenyans depending on others is 84 per cent. There also exist large disparities in incomes and access to education, health and land, as well as to basic needs, including: clean water, adequate housing, and sanitation among the citizens.
- ❖ **Lack of public awareness on human right issues:** A large number of the Kenyan citizenry is not aware of their human rights and therefore suffer various abuses often without seeking redress.
- ❖ **Corruption:** This not only affects economic growth and discourages foreign investment, but also diverts public resources from investments in infrastructure that are crucial strategic elements for poverty alleviation. It negatively affects access to resources, particularly for the poor and marginalized who are unable to access water, food, health services, and education through prohibitive fees and thus find it difficult to realize their basic human rights.

The Government has shown commitment to addressing the human rights challenges in Kenya by putting in place a number of measures to improve the enjoyment of rights by Kenyans. Kenya Vision 2030 is one such measure, which seeks to consolidate and sustain a number of important human rights improvements, which have gone a long way towards improving the enjoyment of human rights in Kenya. The Vision also largely supports the attainment of the Millennium Development Goals (MDGs), considered as the internationally accepted standards for measuring progress towards poverty alleviation. Other measures include; land reforms, police and judicial reforms, strengthening of governance institutions, women empowerment and the promotion of youth employment.

However, Kenya suffers from a lack of a coordinated, cross sectoral, cross agency and coherent integrated approach to guide Government in the creation of a human rights respecting State as committed to in the Vision 2030. There are also no quantitative and qualitative human rights indicators that can provide a basis upon which the Government, at both national and county level, can be evaluated and held accountable for ensuring the full realization of human rights.

This Policy therefore should be seen, not only as an integral part of the many important struggles that the country has undergone towards the creation of a better

and more just society throughout its history, but also as a reaffirmation of the Government's commitment to addressing the various human rights challenges in Kenya in a more comprehensive, coordinated and coherent manner.

2.2 Rationale for the Policy

The Constitution of Kenya, 2010, establishes a firm foundation for the observance, respect, promotion, protection and fulfillment of human rights and a basis upon which various pieces of legislation affecting the enjoyment of human rights can be enacted or amended. The Constitution contains one of the most progressive Bills of Rights as a mandatory framework for social, economic and cultural policies. The entire structure of the Constitution is underpinned by the notion of rights and is therefore considered a rights-based Constitution. The Constitution also codifies national values and principles which must guide the review, formulation and implementation of public policies, administrative decisions and procedures, enactment and application of the law. The Constitution thus, presents the basis for the adoption of this National Policy and Action Plan on human rights that articulates the core content of the different categories of human rights and also sets the arena for the development of policies, legislation, programmes, and strategies that will ensure the progressive realization of these rights.

The National Policy on Human Rights is complemented by an Action Plan with specific targets and indicators to measure progress in the realization of human rights. The National Action Plan on Human Rights provides a framework that clarifies responsibilities among the state actors who bear duties in the area of human rights, i.e. the Executive, the Legislature and the Judiciary both at the National and County levels of Government. At the same time, the Policy is a specifically Kenyan response to Kenya's international obligations formulated by the Kenyan people, the civil society and state institutions involved.

The National Policy and Action Plan on Human Rights, therefore provides the basis and framework for coherence and coordination in the protection and promotion of human rights in the country. It is therefore intended to:

- ❖ Implement Kenya's vision on human rights;
- ❖ Set human rights goals and priorities within achievable time frames;
- ❖ Clarify the responsibilities for the implementation of human rights, as anchored in the Bill of Rights in the Constitution, in view of the multiplicity of actors; and
- ❖ Monitor and evaluate the performance of different implementers in the fulfilment of human rights.

The Kenyan Constitution, 2010, includes the whole canon of universal human rights guarantees, i.e.:

- ❖ the right to life (art. 26), protection of human dignity (art. 28) and the guarantee of freedom and security of the person (art. 29)
- ❖ the guarantee of equality and freedom from discrimination (art. 27) with special protection for children (art. 53), person with disabilities (art. 54), youth (art. 55), minorities and marginalised groups (art.55) and for the older members of society (art.56)
- ❖ the protection against slavery and forced labour (art. 30)
- ❖ freedom of expression (art. 33), conscience, religion, belief and opinion (art. 32) and freedom of the media (art. 34) and information (art. 35)
- ❖ freedom of association (art.36),assembly, demonstration, picketing and petition (art. 37)
- ❖ the right to participate in public and political affairs (art. 38)
- ❖ freedom of movement and residence (art. 39)
- ❖ protection of right to property (art. 40) and land rights (art. 60-68)
- ❖ workers' rights (art. 41)
- ❖ the right to clean and healthy environment (art. 42)
- ❖ the right to the highest attainable standard of health (art. 43)
- ❖ the right to adequate housing (art. 43)
- ❖ the right to water and sanitation (art. 43)
- ❖ the right to be free from hunger and to have adequate food of acceptable Quality art. 43)
- ❖ the right to education (art. 43)
- ❖ the right to social security (art. 43)
- ❖ the right to participate in cultural life (art. 44)
- ❖ family rights (art. 45)
- ❖ consumer rights (art. 46)
- ❖ the right to fair administrative action (art. 47)
- ❖ due process rights in civil and criminal proceedings (art.48-51)

These rights are interrelated and interdependent. Challenges to one right endanger the realisation of another human right. All human rights form the basis of this Policy, which guides their observance, respect, protection, promotion and fulfilment. However, while the human rights approach imposes an obligation on the State towards the fulfilment of human rights, it does not make the unreasonable demand that all of them must be realised immediately. In recognition of resource constraints, it allows for progressive realization and the setting of priorities among the rights. Therefore this policy addresses certain priorities for action, reflecting Kenya's most immediate human rights challenges, based on stakeholders' discussions with Government and civil society.

3.0 KEY HUMAN RIGHTS PRIORITY AREAS

With the Constitutional human rights agenda emerging as a pillar of sustainable democratic governance, this Policy focuses on specific key and urgent areas as identified by the public during the consultation process that led to its development. These priorities were underscored by the outcome of the Universal Periodic Review Mechanism for Kenya, by the UN Human Rights Council in 2010, and other concluding observations of the various Treaty Bodies Mechanisms to which Kenya reports on the measures that it has taken to implement its human rights obligations. The policy also takes into account the report of the baseline survey *on the Status of Human Rights in Kenya*, conducted in 2005, which highlighted gains, gaps and deficits on human rights in Kenya and recommends remedial action.

Accordingly the key human rights priority areas are:

In the area of Civil and Political Rights

- (i) The Right to life, liberty, and security of person, which is especially hindered by insecurity and crime;
- (ii) Access to justice which is impeded by lack of access to courts and legal awareness and paucity of alternative disputes resolution mechanisms; and
- (iii) The right to political participation as challenged by political unrests, inadequate participation by women, youth, persons with disabilities and marginalized groups.

In the area of Economic and Social Rights

- (i) The right to the highest attainable standard of health, mainly impeded by inadequate health care services;
- (ii) The rights relating to property, which are affected by disparities in land ownership and human and wildlife conflict;
- (iii) The right to housing as challenged by affordability, access and availability;
- (iv) The right to food, as impeded by widespread food insecurity;
- (v) The right to clean and safe water in adequate quantities, where access is still a challenge;
- (vi) The right to education, as hindered by low quality and inadequate facilities; and
- (vii) The right to a clean environment, negatively impacted by climate change and environmental degradation.

Additionally, there are particular groups of people who face unique challenges in the equal realization of their rights and hence need special protection. These are categorized as Group rights and include:

- (i) Women
- (i) Children
- (ii) Persons with disabilities
- (iii) Youth
- (iv) Older persons
- (v) Marginalized and minority groups
- (vi) Internally displaced persons
- (vii) Refugees

3.1 Civil and Political Rights

3.1.1 Right to Life

The inherent right to life is the foundation of human dignity, all human rights and fundamental freedoms. The right to life requires the respect for the value of life regardless of age, health, status and condition.

The State commits to its duty to protect human life as enshrined under Article 26(1) of the Constitution that guarantees the right to life, liberty and security of the person which includes, the right not to be subjected to any form of violence from either public or private sources (Article 29), the right not to be held in slavery or servitude (Article 30), the rights of an arrested person (Article 49), the rights of children who have been detained Article 53(f), the protection of children from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour. Section 53(d) of the Children's Act reiterates this protection.

The Government's commitment to the right to life is also underscored by the following international human rights instruments that Kenya is a state party to: ICCPR (art. 6, 7); ICESCR (art. 11); CAT(art. 6, 27, 37); CRC(art. 10, 15, 28); ICRPD(art 4, 5); AfrCHPR (art. 5, 16); CRC (art. 3, 4, 5) and the Protocol to the AfrCHPR on the Rights of Women (Maputo-Protocol).

Key challenges: Insecurity and crime

During the consultations with the public, insecurity and crime were identified as a major challenge to the right to life in both urban and rural areas of Kenya. The rise of violent crime over the past few years has heightened the sense of insecurity among citizens. Many other threats to this right that have been witnessed over the years in Kenya include; mob violence, homicide, hunger, the death penalty, murder and torture.

Therefore, the State shall ensure that the right to life is respected and protected; that no one shall be arbitrarily deprived of their life; that every person has the right to freedom and security of the person, which includes the right not to be subjected to any form of violence or torture in any manner, whether physical or psychological, from either public or private sources; not to be subjected to corporal punishment; or treated or punished in a cruel, inhuman or degrading manner.

Priority actions

In order to address the current challenges to the right to life in Kenya and increase protection, the Government shall, among others:

1. Strengthen the justice system and the respect for the rule of law.
2. Strengthen policing and law enforcement institutions to make them more effective, efficient and accountable-including thorough investigations into allegations of human rights violations.
3. Take steps towards the abolition of the death penalty.

3.1.2 Access to Justice

The concept of access to justice revolves around the ease with which ordinary citizens are able to make use of the laws, legal procedures and legal institutions to resolve their problems in general and particularly to ensure their rights. Some of the essential components of access to justice include: laws- that are fair and accessible to the citizens in their form and language, the availability of a variety of, and easily accessible and effective mechanisms for resolving disputes that are adequately resourced and organised; simple and affordable procedures for achieving justice, fairness in the results of dispute resolution processes and knowledge on the part of citizens to enable them easily use the law and legal institutions.

The Constitution provides for the right to access to justice for all under art 10, 20 (4), 22(1) and (3), 27 (1), 48, 50, and 159. Internationally the Government has legally committed to ensure access to justice to individuals under ICCPR (art. 14 and 26), UN CAT (art. 13, 14), ICERD (art. 6), ICRPD (art. 13), ACHPR (art. 7) and Maputo Protocol (art. 8, 15).

Under the Vision 2030, access to justice has been identified as critical in alleviating poverty as it creates an enabling environment for investment and development. The goal for the 1st and 2nd Medium Term Plans of the Vision 2030 is to develop and implement a legal and institutional framework that is vital to promoting and sustaining fair, affordable, and equitable access to justice.

Key challenges:

First, access to justice still differs widely and depends on gender, socio-economic status, legal literacy levels and the presence of judicial infrastructure. Certain sections of the population, particularly women, children and persons with disabilities, have unique problems accessing judicial procedures and processes.

Second, majority of Kenyans view the laws as too complex to be understood. Judicial institutions are perceived as being inaccessible, both physically (geographical inaccessibility of courts and court delays) and economically through prohibitive legal fees.

Third, citizens have shown a lot of mistrust to the judicial institutions.

Fourth, the system of criminal justice has challenges in terms of collection and storage of evidence, and in prosecutorial and investigative skills. Additional challenges are caused by corruption.

The Government has shown commitment to reforming the justice sector since 2003 through the Governance, Justice, Law, and Order Sector Reform programme and through the implementation of the recommendations of The Task Force on Judicial Reforms so as to ensure accessible and timely justice to all Kenyans.

Therefore, the State shall ensure access to justice based on the rule of law for all persons, which is expedient and affordable.

Priority Actions

To address the challenges related to access to justice, the Government shall, among others:

1. Strengthen legal and judicial sector institutions;
2. Enhance access to justice especially for indigent, vulnerable and marginalised individuals/groups;
3. Promote and facilitate alternative forms of dispute resolution;
4. Strengthen coordination among actors in the justice system;
5. Take measures to enhance access to international human rights mechanisms;
6. Establish a victims' fund for victims of tragedies ;
7. Align the functional organisation (including professionalization) of legal and judicial institutions to enhance inter-agency cooperation; and
8. Establish a fully fledged Legal Aid Scheme.

3.1.3 Right to participate in public affairs

The right to take part in public affairs, through among others, voting in elections and accessing public services is a universal human right and a basic principle of

human rights protection as provided for under Articles 12-18, 33, 38, 39, 78-80 and Chapter 7 of the Constitution, article 25 of the ICCPR and article 13 of the AfrCHPR.

The Constitution provides that every citizen is free to make political choices, which include the rights to form or participate in forming a political party; to participate in the activities of, or recruit members for a political party; or to campaign for a political party or cause. In addition, every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for any elective public body or office established under the Constitution; or any office or political party of which the citizen is a member.

Therefore, every citizen has the right without unreasonable restrictions, to be registered as a voter, to vote by secret ballot in any election or referendum and to be a candidate for public office, or office within a political party of which the citizen is a member, and if elected to hold office.

Linked to and a precondition for the enjoyment of these political rights is the right to access information from government and other sources. This right is guaranteed under article 35 of the Constitution. The political pillar of Vision 2030 provides for “a democratic political system that is issue-based, people-centered, result-oriented and accountable to the public”. An issue-based system is one in which political differences are about the means to meet the widest public interest. “People-centered” goals refer to the system’s responsiveness to the needs and rights of citizens, whose participation in all public policies and resource allocation processes is both fully appreciated and facilitated. A result-oriented system is stable, predictable and whose performance is based on measurable outcomes. An accountable system is one that is open, transparent and permits free flow of information. The full realization of the political pillar will guarantee Kenyans’ right to participate in public affairs in a democratic manner.

Key challenges

Generally, Kenyan politics and electoral politics in particular are often polarized by negative ethnicity. Given the deep historical and social foundations of different ethnic groups, it is desirable that Kenyans learn to celebrate their diversity. The problem arises, however, when ethnicity is politicized and manipulated for other objectionable purposes. The crucial issue to be resolved is the role of negative ethnicity in the weakening of democracy and the effect it has on the right to participate in public affairs.

Therefore, the State shall ensure every citizen realizes the right to participate in public affairs.

Priority actions

To address the challenges to political rights, the Government shall, among others:

1. Improve the institutional framework and monitoring mechanisms for credible, free and fair elections;
2. Conduct civic education programmes to widen knowledge and participation among citizens; and
3. Make operational the National Values and Principles of governance.

3.2 Economic, Social and Cultural Rights

3.2.1 The Right to the Highest Attainable Standard of Health

The right to the highest attainable standard of physical and mental health is one of the fundamental rights of every human being. It is firmly anchored in the Constitution (art. 43). It is also guaranteed by international treaties which Kenya is a state party to; ICESCR (art. 12); CEDAW (art. 11 (f), 12); CRC (art. 24); ICRPD (art. 25), ACHPR (art. 16); Maputo Protocol (art. 5, 14) and ACRWC (art. 14).

The right is an essential entitlement both intrinsically and as a means to the satisfaction of other human rights. It requires that health care is available, accessible, acceptable and of good quality and is realised on a progressive basis. This entails ensuring: the right of access to health facilities and services on a non-discriminatory basis, especially for vulnerable or marginalised groups; the provision of essential drugs to all those who need them as periodically defined by the WHO, measures to prevent, treat and control epidemic and endemic diseases; education and access to information concerning the main health problems in the country. The right to health further requires the need to ensure an adequate supply of safe food and nutrition; access to adequate shelter/housing; healthy occupational and environmental conditions including sanitation, solid waste management and an adequate supply of clean and safe water.

Key challenges:

Despite substantial investments in expanding access and availability of healthcare, access to healthcare services remains a challenge in Kenya.

First, majority of Kenyans are not yet able to access quality healthcare because of poverty, inadequate and uneven health infrastructure with heavy concentration of government medical staff in Nairobi and other urban areas and the inadequate availability of drugs and medical supplies.

Second, there are major health related concerns including high maternal and infant mortality rates, communicable and non-communicable diseases, nutrition

deficiency disorders, TB, HIV/AIDS and parasitic infections like malaria, that are compounded by inadequate funding.

Therefore, the State shall progressively guarantee that healthcare is available, accessible, affordable, and of acceptable quality. Everyone is entitled to emergency medical treatment.

Priority actions

In order to achieve progress in the implementation of the right to the highest attainable standard of health, the Government shall, among others:

1. Take policy, legislative and other measures, including the setting of standards, to achieve the progressive realization of the highest attainable standard of health, which includes the right to health care services and reproductive health care;
2. Ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalised groups, such as women children, infants, ethnic minorities and persons living with HIV/AIDS;
3. Ensure that no person shall be denied emergency medical treatment as stipulated under Art. 43 (2) of the Constitution;
4. Establish public awareness programmes focusing on prevention; and
5. Ensure that the existing health related policies and development plans are aligned to the Constitutional guarantees.

3.2.2 Rights relating to property

The protection of the right to own property of any description anywhere in Kenya is safeguarded under art.40 and 60-72 of the Constitution. Art. 14 of ACHPR, to which Kenya is a state party protects all forms of property.

Land remains the single most important source of capital for a majority of Kenyans. A large percentage of Kenyans depend on land for subsistence, pastoralism and for cash crop farming.

Key Challenges

As documented in the National Land Policy, the land question has manifested itself in many ways such as fragmentation, breakdown in land administration, disparities in land ownership and poverty. This has resulted in environmental, social, economic and political problems including deterioration in land quality, squatting and landlessness, disinheritance and forced evictions of some groups and individuals, urban squalor, under-utilization and abandonment of agricultural land, insecurity of tenure and conflicts.

Therefore, the State shall ensure the protection of property rights for all persons including a system of land administration and management which ensures equitable access to land; security of tenure; elimination of customs and practices that perpetuate gender discrimination relating to land and access to land , guided by the Constitution and the National Land Policy.

Priority actions

In order to enhance the rights relating to land ownership the Government shall, among others:

1. Provide an effective system for the settlement of land disputes in accordance with the Constitution;
2. Review and enact sectoral laws in accordance with the land rights anchored in the Constitution;
3. Implement measures to guarantee land rights and security of tenure for the vulnerable and marginalized and minority groups; and
4. Adopt and implement legislation and guidelines defining the circumstances and safeguards under which evictions can take place.

3.2.3 Human and Wildlife Conflict

Wildlife is a resource which plays a vital role in Kenya's local and national economic development and contributes directly and indirectly to foreign exchange earnings, and job creation. Wildlife is a natural resource that needs to be sustained for both the current and future generations. It also contributes to an enhanced biodiversity that is essential for the maintenance of the delicate balance of life on earth. However, taking into account the Kenyan population growth rate, the increasing demands for land resources and the continued existence of wildlife need to be balanced and equally protected.

Key challenges

Human and wildlife conflict gives rise to a number of challenges which relate, on one hand, to the threat to the livelihood of human beings who live in close proximity to wildlife and to the continued existence of wildlife. These include: destruction of livestock, crops and property by wild animals, competition for water resources, deaths or injuries by wild animals, low compensation for people killed or injured by wild animals, negative impact on tourism and land use conflict.

Therefore, the State shall undertake legislative, policy, institutional and administrative measures to manage wildlife and human-wildlife conflict.

Priority actions

The government shall:

1. Develop and implement policy, legislative, and an institutional framework to manage wildlife and human-wildlife conflicts;
2. Protect wildlife as a means to human subsistence and environmental protection; and
3. Fully implement the National Wildlife Conservation and Management Policy 2012.

3.2.4 The Right to Housing

The right to housing is guaranteed under Article 43 (1) (b) of the Constitution which provides that every person has the right to accessible and adequate housing, and to reasonable standards of sanitation.

The human right to adequate housing includes the right of every person to gain and sustain a safe and secure home and community in which to live in peace and dignity. The right to adequate housing also entails that housing is available to all, affordable, habitable, accessible and culturally acceptable. This includes among other things: the right to security of tenure (protection against forced evictions); affordable rent or building costs; clean water, sanitation, cooking facilities; safe buildings with adequate living space; access to work, health care, schools, and other services.

Kenya's firm commitment to the right is evidenced by the ratification of the international human rights instruments: ICESR (art. 11), CEDAW (art. 14 (2) (f), ICRPD (art. 26), and the Maputo Protocol (art. 16).

Key Challenge: Proliferation of informal settlements

Access to adequate housing remains a major challenge in Kenya. The majority of the residents in Kenya's largest urban centres, Nairobi, Mombasa, and Kisumu live in informal settlements. A number of informal settlements also exist in forests and rural areas. These informal settlements are characterized by low quality of housing with poor infrastructural services, overcrowding, inadequate access to water or electricity, poor sanitary conditions, insecurity, lack of privacy and poor accessibility in times of disasters.

Therefore, the State shall ensure the right to housing by every person, particularly the vulnerable and marginalized and shall take measures within its available resources, to ensure the progressive realization of this right.

Priority actions

To promote the right to accessible and adequate housing, the Government shall among others:

1. Take legislative, policy and other measures to guarantee the right of access to adequate housing particularly for the vulnerable and marginalized;
2. Take policy, legislative and other measures to ensure security of tenure for all citizens particularly for the vulnerable and marginalized;
3. Ensure that housing is provided within the framework of legal security of tenure, habitability, location, availability of utilities, economic and physical accessibility as well as cultural acceptability; and
4. Ensure that if expropriation takes place it is only be carried out in line with international human rights standards.

3.2.5 The Right to be Free from Hunger and to have Adequate Food of Acceptable Quality

Article 43 (1) (c) of the Constitution guarantees the right to food and provides that every person has the right to be free from hunger and to have adequate food of acceptable quality.

The right to adequate food is indivisible and interdependent with other rights. It forms a key basis for the realization and enjoyment of other core human rights, most recognizably, the right to life. Without adequate food, it is impossible to live a dignified and healthy life.

The right to adequate food entails the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals. The food should be free from adverse substances and should be acceptable within a given culture. The right also entails accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights. The right to adequate food further includes access to resources such as land, water, seeds, sufficient income, jobs, social security schemes; adequate housing with the provision of clean water , cooking and storage facilities. The right to food is also provided for under ICESCR (art. 11) CEDAW (art., 14 (2) (f), 24) and ICRPD (art. 26).

Key Challenge: Food insecurity

Food insecurity was identified during the national consultations as one of the major challenges facing the right to food in Kenya. Factors that have contributed to this include, successive poor performance of the rains leading to poor harvests; inadequate livelihood diversification; deterioration of terms of trade for the pastoralists and agro-pastoralists and economic recession.

The State shall ensure that everyone is free from hunger and shall progressively ensure that everyone has access to affordable food of acceptable quality in sufficient quantity.

Priority actions

In order to address the challenge of food insecurity the Government shall:

1. Undertake, policy, legislative judicial and administrative measures to implement the right to food as guaranteed under Article 43 (1) (c) of the Constitution;
2. Take steps to mitigate and alleviate hunger in times of natural or other disasters to ensure that no one suffers from hunger or severe malnutrition ;
3. Take steps to end discrimination in access to food or resources for food production, such as land; and
4. Take measures to develop and/or reform the existing agrarian systems, in order to achieve the most sustainable and efficient development and utilisation of natural resources, including eradicating impediments to agriculture.

3.2.6 The Right to Clean and Safe Water in Adequate Quantities

The right to clean and safe water in adequate quantities guarantee this right. It is guaranteed under Art. 43(1) (d) of the Constitution.

The right entitles everyone access to sufficient, safe, acceptable, and affordable water for personal, domestic and agricultural uses. It also entails adequate sanitation facilities to enhance the health and well-being of human beings necessary for economic development as well as leading to an adequate standard of living.

Kenya has internationally committed itself to protect the right to water under ICESCR, UNCRC (art. 24 (1) (c) and ICRPD (art. 28).

Key challenge: Inadequate access to safe water

Inadequate access to safe water was identified as one of the major challenges to the right to water. Kenya is categorized as a water scarce country with major water sources experiencing decline both in quantity and in quality. Rapid urbanization has contributed to putting immense pressure on water provision services. It has lead to the growth of informal settlements in most towns and urban centres which are poorly served with water and sanitation infrastructure. People living in such settlements hardly access safe drinking water while water tariffs are also unaffordable.

Therefore, the State shall ensure that, progressively, everyone has access to sufficient, safe, and affordable water of acceptable quality for personal, domestic and agricultural uses.

Priority actions

In order to further enhance the right to water and sanitation the Government shall:

1. Strengthen policies and legislation that guarantee the right of access to clean and safe water and sanitation;
2. Take appropriate measures for the effective management of water resources and the preservation of water against pollution; and
3. Ensure affordable access to adequate water in a non-discriminatory manner for all, particularly for the vulnerable, marginalized and minority groups.

3.2.7 The Right to Education

The right to education is guaranteed under Article 43 (f) of the Constitution which provides that every person has the right to education and Article 53 (1) (b) which stipulates that every child has a right to free and compulsory basic education.

Kenya has also given an international commitment to protect the right to education under ICESCR (art. 13, 14); CEDAW (art 100); (CRC art. 28); ICRPD (art. 24); AfrCHPR (art. 17); Maputo-Protocol (art. 12) and ACRWC (art. 11).

The right to education requires that it is available, accessible, acceptable and adaptable to all. An empowerment right, education is the primary vehicle through which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.

Education also has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment and controlling population growth. The right to education encompasses pre-school, primary, secondary, tertiary, adult education and vocational training. Education is both a human right in itself and an indispensable means of realizing other human rights.

Key challenge: Quality and relevance of education

Achieving high quality of education in Kenya with a content that is relevant to the needs of the economy and society is a major challenge facing the right to education across all levels, that is, primary, secondary and tertiary. Other challenges include regional disparities, inadequate programmes for children with special needs and from marginalized groups and low teacher to pupil ratio.

Therefore, the State shall ensure that every person has the right to education. Basic education shall be free and compulsory. The State shall within its available resources, ensure the progressive realisation of this right.

Priority actions

The Government shall:

1. Take policy, legislative and other measures to improve access to education for all particularly the vulnerable and marginalized groups;
2. Improve the quality of teacher training and education programmes;
3. Take legislative and administrative measures to ensure high quality of education in all regions of the country; and
4. Take legislative and administrative measures to ensure that Special Education needs are addressed.

3.2.8 The Right to a Clean and Healthy Environment

The right to a clean and healthy environment is a Constitutional right in Kenya. Environmental protection is safeguarded under articles 42, 69 and 70 of the Constitution and also under ACHPR (Art. 24).

Key challenge: environmental degradation

The key challenges identified as facing the right to a clean environment include illegal deforestation; soil erosion; pollution, uncontrolled exploitation of natural resources and destruction of indigenous forests.

Therefore, the State shall ensure that the right of everyone to live in a clean, healthy, and protected environment including sustainable utilisation and exploitation of resources and the fair sharing of their benefits is progressively realised.

Priority Actions

The Government shall:

1. Undertake policy, legislative, and institutional reforms for a better-coordinated and managed environment and for the eradication of practices and activities that endanger the environment in line with the provisions of the Kenyan Constitution; and
2. Put in place programmes to encourage public awareness on environmental concerns and their role in its protection and sustainability.

4.0 THE RIGHTS OF GROUPS

The Constitution takes due regard to the values, needs and rights of particular groups under article 10, 27 and 56. These provisions also reflect international human rights commitments that Kenya has made through ratification of international human rights instruments. These include the principles of non-discrimination and inclusion e.g. ICESCR (art. 2 (2)); ICCPR (art. 2 (1)); CEDAW (art. 2 (1)); ICRPD (art. 5); AfrCHPR (art. 2 and 3), CERD and Maputo-Protocol (art.2).

Kenyans, during the national consultations agreed that the groups who need special consideration and protection in Kenya are women, children, persons with disabilities, the youth, the elderly, marginalized and minority groups, internally displaced persons and refugees.

4.1 Rights of Women

Special protection of women is provided for under articles 27 (3), 21(3), 59 and 100 of the Constitution. Internationally Kenya has specifically committed itself on the rights of women as articulated under the Maputo Protocol and CEDAW.

Key Challenges: Unequal rights and treatment for women

Major challenges identified as facing the rights of women in Kenya include cultural prejudices and practices against women; discrimination against women in decision making in political and public life, in education and in economic life including employment, sexual violence in all its manifestations, limited access to health for minority women as well as discrimination with regard to land and property rights.

Therefore, the State shall take policy, legislative and administrative measures to ensure that all women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

Priority actions:

To address the challenges the Government shall:

1. Take measures to empower women to claim their rights;
2. Ensure the equitable representation at all levels of decision making;
3. Strengthen institutions that promote women's rights; and
4. Implement policies and laws to eliminate discrimination against women and promote equity.

4.2 Children's Rights

The Constitution of Kenya underscores the rights of children under art. 53, reflecting Kenya's international commitments under CRC and ACRWC.

In the implementation or the realization of the rights of children, certain categories of children remain vulnerable, including girls and boys from poor families, children born out of wedlock, those with disabilities, homeless children and refugee and asylum-seeking children.

Key challenges:

Key challenges identified as facing the rights of children include the fact that although the Government has enacted the Children's Act (Act No. 8 of 2001) and the Sexual Offences Act, 2006 which have extensive provisions that address sexual crimes against children, the challenge lies in ensuring effective implementation. There are numerous cases of sexual violence and exploitation, abuse, neglect and poverty that affect access to education. Ineffective implementation of the laws leads to poor living conditions of children in orphanages and borstal institutions.

Therefore, the State shall take all appropriate measures to ensure that the rights of the child are protected, guided by the principles of non discrimination, the best interests of the child, respect for the views of the child and the child's right to life, survival and development.

Priority actions

The Government shall among others:

1. Strengthen the enforcement of policies and legislation that enhance the realization of children's rights and in particularly against abuse and neglect; and
2. Enhance the implementation of the rights of children belonging to vulnerable or disadvantaged groups, including children with disabilities; children infected and/or affected by HIV/AIDS; orphans; indigent children and children in marginalized areas.

4.3 The Rights of Persons with Disabilities (PWDs)

Kenya has committed itself to ensuring the rights of persons with disabilities under article 54 of the Constitution and under the Persons with Disabilities Act, 2003. Kenya has ratified the UN Convention on the Rights of Persons with Disabilities. Article 25(1) of the Universal Declaration of Human Rights (1948) specifically advocates for the socio-economic rights of people with disabilities.

Key challenges:

Key challenges identified as facing PWDs include: the lack of adaptation of the educational system to address their needs; discrimination in employment; inadequate provision of facilities; lack of access to buildings and other infrastructure constructed without sensitivity to the needs of the PWDs; and under-representation in decision-making in the governance structures of the key sectors of society; negative cultural practices as well as difficulties in accessing justice.

Therefore, the State shall ensure that all persons with disabilities are treated with dignity and respect. The State shall endeavour to take all appropriate measures within its resources including affirmative actions to minimize barriers to equalization of opportunities for persons with disabilities in all aspects of social-cultural, economic and political life.

Priority actions

The Government shall among others:

1. Implement the rights of PWDs through policy, legislative, administrative, judicial and other measures including, affirmative action;
2. Develop an enabling framework for persons with disabilities to ensure their full potential to participate in political, social, cultural, and economic life is realised; and
3. Strengthen national institutions that promote the rights of Persons with Disabilities.

4.4 Rights of the Youth

The Constitution provides safeguards for the youth in Article 55. The Government identifies the youth as a national priority. Kenya's economic blue print, the Vision 2030 clearly states that for the country to attain its vision of becoming a middle income and prosperous state by 2030, it is imperative that youth concerns are given priority. The Government therefore must take measures, including affirmative action programmes, to ensure that the youth have access to relevant education and training; that they have opportunities to associate, be represented and participate in political, social, economic and other spheres of life; that they have access to employment; and that they are protected from harmful cultural practices and exploitation. These human rights guarantees are of particular relevance since Kenya's population is predominantly below the age of 35 years.

Key challenge: Youth unemployment

Kenyan youth continue to face many challenges which include limited opportunities for educational advancement and technical training, limited

opportunities for on- the- job training and employment, high levels of poverty, lack of finance and access to credit, disproportionate exposure to high health and social risks as well as limited opportunities and mechanisms to participate in decisions that affect their lives.

Youth unemployment estimated at 75 percent in Kenya is a major concern, since it is a precursor to increasing poverty and contributes towards insecurity in the Country. The cause of the growing unemployment is partly attributed to lack of appropriate skills required in the labour market. In addition, it is also of great concern that a third of all HIV/AIDS patients are young and over 75 percent of new infections are amongst the youth, majority of who are young women.

The key strategic areas of intervention to address these challenges include: capacity building and empowerment to enable youth engage in productive activities, creation of employment opportunities, provision of financial and market linkage support, character molding initiatives and enhanced participation in decision making.

Therefore, the State shall take measures, including affirmative action programmes, to ensure that the youth have access to relevant education and training; that they have opportunities to associate, to be represented and to participate in political, social, economic and other spheres of life, that they have access to employment and are protected from harmful cultural practices and exploitation.

Priority actions

To improve the situation of the youth and promote their Constitutional rights, the Government shall:

1. Ensure that the youth have access to relevant education, training, employment and economic opportunities;
2. Take measures to protect the youth from harmful cultural practices and exploitation;
3. Ensure stronger participation of the youth in leadership and decision-making including at the political level;
4. Ensure that all youth have equal opportunities to access resources ; and
5. Take measures that ensure that the youth access information including information on reproductive health.

4.5 Rights of Older Persons

The rights of older persons in Kenya are now constitutionally protected under art. 57.

As the quality of life in Kenya improves, more people live longer. In conformity with United Nations and African Union definitions, Kenya has adopted the definition of older people as those aged 60 years and above. The statistics show that about 1.5 million people in Kenya are aged 60 years and above, thus constituting 4.8 percent of the total population.

In 2009, the Government developed the National Policy on Older Persons and Aging. The goal of the policy is to promote older persons participation towards achievement of national development targets. It emphasizes the recognition of the older persons as part of the National Population, whose rights should be recognized and respected.

Key challenges:

The key challenges identified as facing the rights of older persons include: negative perceptions and attitudes from family and community members; exclusion from participation in the affairs of society; neglect and inadequate care and assistance from their families and society; physical and/or mental abuse; inability to access credit and healthcare services and facilities.

Therefore, the State shall take measures that ensure that older persons access services, reasonable care and assistance which enable them to live in dignity and respect.

Priority actions

The Government shall

1. Entrench older persons issues in national policies and planning;
2. Fully implement the National Policy on Older Persons and Aging;
3. Expedite the implementation of the National Social Protection Policy and the efficient rolling out of the cash-transfer project to ensure that the vulnerable older persons in society are protected from further vulnerability;
4. Protect the rights and entitlements of older persons infected and affected by HIV and AIDS ;
5. Develop and implement policies that militate against cultural practices detrimental to older persons.

4.6 The rights of minorities and marginalized groups

The Constitution underscores the recognition and promotion of the rights of marginalized and vulnerable groups under Articles 56, 10, 21(3), 91, 100, 174(e), 177, 201 and 204. These are reinforced by the international human rights instruments that Kenya is a state party to.

The National Land Policy, adopted in 2009, aims to solve land disputes and address historical injustices relating to land. It recognizes the vulnerability of marginalized groups and provides for collective land rights and a de-centralized land governance structure.

Key Challenges

The social exclusion of some groups in Kenya today is a by product of the socio-economic order inherited from the British colonialism, which embraced Western economic, social, organizational, linguistic, religious and cultural traits. The common denominator among Kenya's excluded communities is poor access to resources and opportunities, insecurity of tenure and alienation from the state administration. Their under representation in governance structures restricts their ability to address most of these issues and increases their vulnerability in the face of environmental, economic and political issues. They suffer from low levels of income, poor health and nutrition, literacy and educational performance, and physical infrastructure. Social exclusion is also a function of people's distance from the country's capital, Nairobi. The marginalized societies tend to live in remote areas of the country.

Therefore, the State shall adopt measures including putting in place affirmative actions to ensure that minorities and marginalised groups realize all the rights and fundamental freedoms set out in the Bill of Rights, on a basis of equality, taking into account their identity, way of life, special circumstances and needs .

Priority actions

The Government shall:

1. Take policy, legislative, administrative and affirmative actions to ensure the realization of social, economic, political, and cultural rights of minorities and marginalised groups; and
2. Take measures to ensure the protection of ancestral land and other rights of these groups in line with the National Land Policy.

4.7 Rights of the Internally Displaced Persons (IDP)

Kenya has had serious problems of internal displacements dating from the colonial period. Prior to 2008, there were approximately 300,000 IDPs. The post election violence that followed the 2007 general elections triggered a wave of displacements that left over 600,000 people homeless. However, the Government and other actors have been responding to this crisis and have resettled many of the 2008 IDPs. The strengthened Bill of Rights in the Constitution supports the rights of IDPs, under Articles 39 and 40.

Key challenges

Internally Displaced Persons (IDPs) face a myriad of challenges brought about by the absence of a legal and policy framework on IDPs, the lack of durable solutions for their return, local reintegration or local resettlement. Tensions and localized violence in some areas also continue to prevent the large-scale reintegration or return of the displaced persons into communities they had been displaced from.

Therefore, the State shall address the root causes of internal displacements and protect any internally displaced person against discrimination, if need be through affirmative actions.

Priority actions

To address the problems of the IDPs, the Government shall:

1. Implement the policy framework on IDPs in line with regional and international standards;
2. Enact and implement legislation on the IDPs;
3. Generate respect for diversity and cultivate a culture of respect for the rights of other ethnic groups; and
4. Implement policies and laws that nurture a culture of diversity, national cohesion and integration.

4.8 Rights of Refugees

Kenya has been seen as a relatively stable haven for those fleeing persecution or conflict in their home countries, in a region frequently plagued by political turmoil, ethnic violence, armed conflict and drought. As of September 2013, there were about 673,790 refugees in Kenya. This substantial population necessitates a rights-based approach to ensuring the protection and assistance of refugees and asylum seekers especially since Kenya has a policy of encampment.

Key challenges

Some of the key challenges facing refugees in Kenya include the curtailment of rights brought about by encampment. This includes the limitation of their meaningful participation in activities that impact on their lives, their access to services and their freedom of movement. Access to and recognition of documentation remains a challenge for refugees whose protection and access to services relies heavily on the recognition of their refugee status. Xenophobic attitudes also continue to threaten the security of refugees and asylum seekers leaving them susceptible to unlawful arrests, detention and forceful return.

Therefore the state shall take all appropriate measures within its resources to protect and safeguard the rights of refugees to ensure that they live in dignity and respect in accordance with international standards on the protection of refugees.

Priority actions

To address the problems of refugees and asylum seekers, the Government shall, among others:

1. Develop and implement a legal and policy framework to promote, protect and safeguard refugee and asylum seekers rights in line with the existing national and international legal frameworks with regard to the protection of refugees.
2. Facilitate the meaningful contribution by refugees and asylum seekers to manage their own livelihoods and encourage self-reliance and dignity.
3. Create awareness on refugee issues to promote respect for refugee rights and harmonious co-existence.

5.0 IMPLEMENTATION

5.1 Policy strategy

The Constitution contains a comprehensive Bill of Rights that safeguards all categories of human rights. In particular, Article 19 of the Constitution provides that the Bill of Rights is an integral part of Kenya's democratic state. It is also the mandatory legal framework for social, economic, and cultural policies. The purpose of recognizing and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings. Other than the Bill of Rights, the entire structure of the Constitution is underpinned by the notion of rights. The Constitution protects rights but also imposes mandatory duties on state actors.

Article 21(1) provides that 'it is a fundamental duty of the state and every state organ to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights. In this regard, article 10(1) provides that the values, which include human rights principles, bind all state organs, state officers, public officers, and any person whenever any of them applies or interprets the Constitution, enacts, applies or interprets the law or makes or implements public policy decisions.

The Government recognizes the importance of ensuring that the constitutional human rights safeguards become a reality for all Kenyan. The National Policy and Action Plan on Human Rights has thus been developed to guarantee the meaningful achievement of specific human rights goals across Government levels and sectors, all aimed at enhancing the respect, observance, protection, promotion, and fulfilment of human rights in Kenya . This means that the Government, at the national and county levels must ensure that all policies and programmes are rights based.

The Action Plan clearly identifies the multitude of implementers (duty-bearers) and assigns duties in the realization of human rights within a within a broad policy framework with both qualitative and quantitative human rights indicators to measure performance and monitor the implementation of human rights.

The Action Plan provides guidance to government officials, non-governmental organisations (NGOs), professional groups, educators, advocates, other members of civil society, and the public regarding the specific tasks that need to be accomplished to ensure that human rights are effectively observed and to promote cooperation more constructively.

The National Policy and Action Plan on Human Rights complements already existing sectoral policies, many of which in essence already promote the sector-specific human rights guarantees and ongoing reform programmes.

5.2 Institutional framework

Article 21(1) provides that ‘it is a fundamental duty of the state and every state organ to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights. In this regard, article 10(1) provides that the values, which include human rights, bind all state organs, state officers, public officers, and any person whenever any of them applies or interprets the Constitution, enacts, applies or interprets the law or makes or implements public policy decisions.

The Policy implementation process will be a collaborative effort between the Government Ministries, Departments and Agencies, civil society, private sector, academic institutions and all other stakeholders.

5.3 Article 59 Commissions

The Kenya National Commission on Human Rights, the National Gender and Equality Commission and the Commission on Administrative Justice are expected to carry out their mandates under their respective Acts to monitor and evaluate the implementation of this policy. In order to do this, they shall continuously advise on suitable human rights indicators. Human rights indicators help gauge the human rights impact of government programmes as well as the degree to which the processes used adhere to human rights principles. The indicators used to monitor progress should be developed using participatory methods and stakeholders should be empowered to assess progress and assist in the monitoring and evaluation. The Commissions shall also undertake capacity building for public and private bodies to enable them take responsibilities envisaged in this policy.

5.4 Human Rights Units (HRUs)

The Office of the Attorney General and the Department of Justice and the Kenya National Commission on Human Rights shall assist in the formation of Human Rights Units in Government Ministries, Departments and Agencies. However these Units will only act as focal points, as all Ministries and Departments are expected to implement the Constitution and therefore mainstream human rights priorities in all projects and programmes. In accordance with the Constitution, all Government

activities must be screened for their impact on human rights and the steps taken to minimize any negative impacts.

5.5 Resources and budgeting

To achieve its objectives, the human rights policy requires financial resources and stable budgetary support. To this end, the Government will ensure that resources are mobilized in its budgetary plans to support the mainstreaming of human rights in planning and budgetary process in the various Government Ministries, Departments and Agencies. In view of the foregoing, every Ministry and Agency will be required to provide for human rights realization in its budgets. Adequate resources will also be provided for the implementation of specific projects aimed at promoting human rights.

While the Government will continue enlisting the support of its development partners in the implementation of human rights initiatives, it is committed to providing the bulk of the budgetary support. Moreover, the Government recognizes the role of non-governmental organizations in human rights promotion and will continue to support their efforts in mobilizing resources through the provision of an enabling policy environment.

5.6 Implementation plan

The detailed implementation of this policy will be through periodic National Action Plans on Human Rights.

5.7 Policy Review

There will be need to review this National Policy and Action Plan on Human Rights every five years to take into account the current and future needs of Kenya in view of the social, economic, political and global dynamics in the human rights arena.

ANNEXURE 1: THE NATIONAL ACTION PLAN ON HUMAN RIGHTS

CIVIL AND POLITICAL RIGHTS					
Right to Life (Article 26(1), 29, 30, 49, 53 (d) and (f) of the Constitution)					
Policy Statement: The State shall ensure that every person has the right to life and that no one shall be arbitrarily deprived of their life; that every person has the right to freedom and security of the person, which includes the right not to be subjected to any form of violence from either public or private sources; subjected to torture in any manner, whether physical or psychological; subjected to corporal punishment; or treated or punished in a cruel, inhuman or degrading manner.					
Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
To increase the respect, protection and promotion for the right to life	<ul style="list-style-type: none"> Nurture a culture of respect for human life 	<ul style="list-style-type: none"> Respect for human lives observed by all 	<ul style="list-style-type: none"> Number of citizens led mechanisms established for the independent monitoring of the realisation of human rights Percentage decline in unlawful deprivation of life Percentage decline in cases of torture and any other cruel, inhuman and degrading manner 	5 years	<ul style="list-style-type: none"> Office of the Attorney General & Department of Justice Ministry of Interior & Coordination of Government National Police Service Ministry of Education, Science & Technology Kenya National Commission of Human Rights Ministry of Health Office of the Deputy President
	<ul style="list-style-type: none"> Strengthen the justice system and access to courts; 	<ul style="list-style-type: none"> Justice system institutionally strengthened 	<ul style="list-style-type: none"> Proportion of Judges with human rights competencies Percentage increase in number of courts 		<ul style="list-style-type: none"> Judiciary Judicial Service Commission The Ethics and Anti-corruption Commission
		<ul style="list-style-type: none"> Improved adjudication on complaints relating to right to life, liberty and security of person 	<ul style="list-style-type: none"> Proportion of received complaints on the right to life, liberty and security of person investigated and adjudicated by the courts, the national human rights institution, or other mechanisms 		<ul style="list-style-type: none"> Office of the Director of Public Prosecution
	<ul style="list-style-type: none"> Strengthen policing and law enforcement institutions to make them more effective, 	<ul style="list-style-type: none"> Policing and law enforcement institutions strengthened 	<ul style="list-style-type: none"> Number of police and law enforcement officers whose capacity on human rights and 		

	efficient, and accountable, including through investigation of allegations of human rights violations.		security as a means for effective law enforcement is built <ul style="list-style-type: none"> • Ratio of police actions that prevented violence against overall violence occurrence • Establish independent police oversight authority and the national police service commission • Percentage decline in corporal punishment • Incidence levels of extra judicial killings • Crime incidence levels 		
	<ul style="list-style-type: none"> • Enhance traffic rules in order to curb road carnage 	<ul style="list-style-type: none"> • Reduced incidences of road carnage 	<ul style="list-style-type: none"> • Incidence of road carnage 		
	<ul style="list-style-type: none"> • Eliminate all forms of violence 	<ul style="list-style-type: none"> • All forms of violence eliminated 	<ul style="list-style-type: none"> • Ratio of killings, violent attacks and similar crimes in the country • Proportion of poor people subjected to torture and violence • Crime rate disaggregated between the poor and non-poor segments of society 		
	<ul style="list-style-type: none"> • Take steps towards the abolishment of the death penalty 	<ul style="list-style-type: none"> • Full abolition of the death penalty 	<ul style="list-style-type: none"> • number of public debates on the death penalty), (perception survey (index) on people's attitudes towards the death penalty) 		
	<ul style="list-style-type: none"> • Reduce maternal mortality 	<ul style="list-style-type: none"> • Reduction in maternal mortality 	<ul style="list-style-type: none"> • Number of maternal death during pregnancy and birth 		
	<ul style="list-style-type: none"> • Ensure full and equal participation of citizens in the conduct of public affairs including elections 	<ul style="list-style-type: none"> • Improved participation of citizens in the conduct of public affairs including elections 	<ul style="list-style-type: none"> • Proportion of people taking part in the polls against number of registered voters • Proportion of poor and non-poor appointed to public office 		
	<ul style="list-style-type: none"> • Ensure enjoyment of right to freedom of association for all 	<ul style="list-style-type: none"> • Improved right to freedom for all 	<ul style="list-style-type: none"> • Proportion of poor people belonging to any association 		
	<ul style="list-style-type: none"> • Ensure enjoyment of the 	<ul style="list-style-type: none"> • Right to freedom of 	<ul style="list-style-type: none"> • Proportion of procedurally 		

	right to freedom of assembly	assembly enhanced	organised public meetings, demonstrations or strikes disallowed		
	<ul style="list-style-type: none"> • Ensure enjoyment of the right to information by the people 	<ul style="list-style-type: none"> • Right to information by the people guaranteed 	<ul style="list-style-type: none"> • Number of activities organised by the government to share information that address the needs of the poor • Share of public expenditure on dissemination of information 		
	<ul style="list-style-type: none"> • Enhance participation of the people on government development programmes 	<ul style="list-style-type: none"> • Improved participation of the people on government development programmes 	<ul style="list-style-type: none"> • Extent of involvement of the public in government programmes • Number of public participation fora organized by various government departments 		

Access to Justice (Article 10, 20 (1) (4), 22(1), 22 (3), 27 (1), 48, 50, and 159 of the Constitution)

Policy Statement: The State shall ensure access to justice based on the rule of law for all persons which is expedite and, if any fee is required, it shall be reasonable and shall not impede realisation of this right.

Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
To increase access and quality of legal and judicial services available to the public and reduce barriers to justice	<ul style="list-style-type: none"> • Strengthen legal and judicial sector institutions 	<ul style="list-style-type: none"> • Legal and judicial sector institutions strengthened 	<ul style="list-style-type: none"> • Number of human rights trainings carried out • Proportion of judges, prosecutors and lawyers trained on human rights and related standards for the administration of justice • Number of disputes resolved by ADR 		<ul style="list-style-type: none"> -Office of the Attorney General & Department of Justice -Judiciary -The State Law Office(Office of the Attorney General) -Law Society of Kenya -Kenya School of Law -National Legal Aid and Awareness Programme
		<ul style="list-style-type: none"> • Increased legitimacy of public institutions and citizens trust in the institutions. (survey with 	<ul style="list-style-type: none"> • Proportion increase in legitimacy of public institutions and citizens trust in the institutions. (survey with baseline 2012) 		

		baseline 2012)			
	<ul style="list-style-type: none"> Promote and facilitate alternative forms of dispute resolution 	<ul style="list-style-type: none"> Use of alternative dispute settlement mechanisms (disaggregated by sex, age, and economic status) increased 	<ul style="list-style-type: none"> Percentage increase in the of alternative dispute settlement mechanisms (disaggregated by sex, age, and economic status). 		
	<ul style="list-style-type: none"> Strengthen coordination among actors in the criminal justice system 	<ul style="list-style-type: none"> Coordination of actors in the criminal justice system enhanced 	<ul style="list-style-type: none"> Number of policy and regulation guidelines established to facilitate coordination between agencies within the criminal justice system. 		
	<ul style="list-style-type: none"> Take measures to enhance access to international human rights mechanisms 	<ul style="list-style-type: none"> Access to international human rights mechanisms enhanced 	<ul style="list-style-type: none"> Level of compliance on implementation of the CAT, ICCPR, ICESCR, ICRPD and CEDAW and issue declarations under art. 14 CERD, 22 CAT, Article 34 African Court of Human and Peoples Rights Number of Optional Protocols ratified, declarations made and implemented 		
	<p>Enhance access to justice especially for indigent, vulnerable and marginalised individuals/groups</p> <ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Improved access to justice to all 	<ul style="list-style-type: none"> Number of persons (disaggregated by sex, age, and economic status) who access legal aid Proportion of people availing themselves for justice mechanisms disaggregated by gender and poverty Proportion of poor people having access to legal aid Number of judges and courts per unit of population Average distance between poor 		

			<ul style="list-style-type: none"> households and courts Average length of proceedings before civil and human rights courts and tribunals Level of corruption in the administration of justice 		
	<ul style="list-style-type: none"> Enhance ability of the poor people to bring perpetrators of crime to justice 	<ul style="list-style-type: none"> Ability of poor to bring offenders to justice enhanced 	<ul style="list-style-type: none"> Number of cases brought to the courts by the poor and vulnerable groups determined 		
Right to participate in public affairs (Articles 12-18 33, 38, 39, 78-80 and Chapter 7, of the Constitution)					
<i>Policy Statement: The State shall ensure every citizen has the right to make political choices</i>					
Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
To ensure a democratic political system that is issue-based, people-centered, result-oriented and accountable	<ul style="list-style-type: none"> Improve the institutional settings and monitoring mechanisms for credible, free, and fair elections. 	<ul style="list-style-type: none"> Credible electoral monitoring body developed 	<ul style="list-style-type: none"> Incidences of electoral malpractice reported and adjudicated Number of people prosecuted for hate speech against the reported 		<ul style="list-style-type: none"> -Parliament, -Office of the Attorney General & Department of Justice -Independent, Electoral and Boundaries Commission -National Cohesion and Integration Commission
		<ul style="list-style-type: none"> Increased efficiency in the electoral process 	<ul style="list-style-type: none"> Level of automation on electoral process 		
	<ul style="list-style-type: none"> Conducting civic education programmes to widen knowledge and participation among citizens 	<ul style="list-style-type: none"> An informed and active citizenry 	<ul style="list-style-type: none"> Proportion of citizens above 18 years with IDs Average voter turnout in national and local elections, by disaggregated data 		
	<ul style="list-style-type: none"> Operationalize the National Values and Principles of governance 	<ul style="list-style-type: none"> National Values and Principles of governance 	<ul style="list-style-type: none"> No. of human rights violations based on ethnicity 		
	<ul style="list-style-type: none"> Ensure full and equal participation of citizens in the conduct of public affairs 	<ul style="list-style-type: none"> Improved participation of citizens in the conduct of public affairs including 	<ul style="list-style-type: none"> Proportion of people taking part in the polls against number of registered voters 		

	including elections	elections	<ul style="list-style-type: none"> • Proportion of poor and non-poor appointed to public office 		
	•	•			
	<ul style="list-style-type: none"> • Enhance participation of the people in government development programmes 	<ul style="list-style-type: none"> • Improved participation of the people on government development programmes 	<ul style="list-style-type: none"> • Extent of involvement of the public in government programmes • Number of public participation fora organized by various government departments 		
	<ul style="list-style-type: none"> • Ensure enjoyment of the right to freedom of assembly 	<ul style="list-style-type: none"> • Right to freedom of assembly enhanced 	<ul style="list-style-type: none"> • Proportion of procedurally organised public meetings, demonstrations or strikes disallowed 		
	<ul style="list-style-type: none"> • Ensure enjoyment of the right to information by the people 	<ul style="list-style-type: none"> • Right to information by the people guaranteed 	<ul style="list-style-type: none"> • Number of activities organised by the government to share information that address the needs of the poor • Share of public expenditure on dissemination of information 		
	<ul style="list-style-type: none"> • Ensure enjoyment of right to freedom of association for all 	<ul style="list-style-type: none"> • Improved right to freedom for all 	<ul style="list-style-type: none"> • Proportion of poor people belonging to any association 		

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Right to Health (Article 43 (1) (a) of the Constitution

Policy Statement: The State shall ensure that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; The rights to health shall be progressively implemented to ensure the rights is available, accessible, affordable and is of acceptable quality to all

Objective	<ul style="list-style-type: none"> • Enhance participation of the people on government development programmes 	<ul style="list-style-type: none"> • Improved participation of the people on government development programmes 	<ul style="list-style-type: none"> • Extent of involvement of the public in government programmes • Number of public participation fora organized by various government departments 	Timeframes	Implementation Agency
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<p>To progressively ensure health care is available, accessible, affordable and of acceptable quality to all</p>	<ul style="list-style-type: none"> • Ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalised groups, such as women, children, infants, ethnic minorities and persons living with HIV 	<ul style="list-style-type: none"> • Access to quality health facilities, goods and services especially for the marginalized and vulnerable groups increased 	<ul style="list-style-type: none"> • Proportion of people accessing quality health services • Number of measures put in place to ensure the right to access health facilities, goods and services on a non-discriminatory basis especially for the vulnerable and marginalized 		<p>Ministry of Health -National Treasury</p>
	<ul style="list-style-type: none"> • Ensure that no person shall be denied emergency medical treatment as stipulated in Art. 43 (2) of the Constitution 	<ul style="list-style-type: none"> • Access to emergency services 	<ul style="list-style-type: none"> • Number of people denied the right to access emergency services 		
	<p>Ensure that the existing health related policies and development plans are aligned to the Constitution of Kenya,</p>	<p>Coherent health policies and development plans aligned with the Constitution</p>	<ul style="list-style-type: none"> • Number of existing health related policies and development plans aligned to the Constitution of Kenya 		
	<p>Ensure improved health indices (WHO, reduced infant mortality; maternal mortality; doctor to patient ratio, life expectancy)</p>	<ul style="list-style-type: none"> • Reduction of under-five years mortality, increase in immunisation coverage, reduction in Malaria 	<ul style="list-style-type: none"> • Infant and under-five mortality rates • Infant mortality rate • Proportion of under-five children immunized against communicable diseases • Malaria prevalence rate (data disaggregated for these groups) 		
		<ul style="list-style-type: none"> • Reduced maternal mortality 	<ul style="list-style-type: none"> • Maternal mortality ratio • Proportion of births attended by skilled health personnel • Proportion of mothers with access to pre- and post-natal medical care facilities 		
	<p>Reduce HIV/AIDS</p>	<ul style="list-style-type: none"> • Reduced prevalence of HIV and AIDS 	<ul style="list-style-type: none"> • HIV/AIDS prevalence rate • Condom use rate • Rate of accessibility to HIV/AIDS centres • Number of children orphaned by HIV and AIDS 		

			<ul style="list-style-type: none"> • Proportion of people undergoing testing and counselling 		
	<ul style="list-style-type: none"> • Improve all aspects of environment and industrial hygiene 	<ul style="list-style-type: none"> • Improved hygiene and living environment 	<ul style="list-style-type: none"> • Basic environmental control measures 		
	<ul style="list-style-type: none"> • Prevent, treat and control epidemic, endemic, occupational and other diseases 	<ul style="list-style-type: none"> • Reduce prevalence levels of diseases 	<ul style="list-style-type: none"> • Prevalence rate of epidemic, endemic, occupational and other diseases 		
	<ul style="list-style-type: none"> • Eliminate the incidence of communicable diseases 	<ul style="list-style-type: none"> • Reduced incidence of communicable diseases 	<ul style="list-style-type: none"> • Prevalence and mortality rate associated with communicable diseases • Proportion of people with access to clean, safe drinking water • Proportion of people with access to adequate sanitation • Proportion of people immunized against communicable diseases (e.g. HIV/AIDS, malaria, tuberculosis) 		
	<ul style="list-style-type: none"> • Ensure access to adequate and affordable primary health care 	<ul style="list-style-type: none"> • Improved access to medical care 	<ul style="list-style-type: none"> • Life expectancy at birth • Proportion of public expenditure on primary health care • Proportion of the poor not covered by any kind of pre-payment mechanisms e.g. health insurance • No. of primary health care units per thousand population • Proportion of the poor population with access to affordable essential drugs 		
	<ul style="list-style-type: none"> • Eliminate gender inequality in access to health care 	<ul style="list-style-type: none"> • Reduced inequalities in access to health care 	<ul style="list-style-type: none"> • Ratio of women and men treated in medical institutions • Disability adjusted life years 		

			<ul style="list-style-type: none"> lost for men and women No. of doctors per population Number of referral hospitals 		
<p><i>Rights related to Property and Land Rights (Article 40, Chapter Five on Land And Environment (Article 60- 72) of the Constitution</i></p> <p><i>Policy Statement: The State shall ensure the protection of property rights for all persons including a system of land administration and management which ensures equitable access to land; security of land rights in terms of property and use of land; elimination of gender discrimination in law, customs and practices relating to land and ownership of land guided by the Constitutions and the National Land Policy</i></p>					
Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
<ul style="list-style-type: none"> To improve the system of land administration and management towards equitable access to land and security of land rights 	<ul style="list-style-type: none"> Revise and harmonise sectoral laws in accordance with the land rights anchored in the Constitution 	<ul style="list-style-type: none"> Coherent and consistent land legislation and policies in accordance with the Constitution 	<ul style="list-style-type: none"> Sectoral laws reviewed and harmonised 		<ul style="list-style-type: none"> -Ministry of Lands, Housing & Urban Development -Office of the Attorney General & Department of Justice -Kenya Law Reform Commission -Ethics and Anti-Corruption Commission -National Land Commission
<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Provide an effective system for the settlement of land disputes in accordance with the Constitution 	<ul style="list-style-type: none"> Efficient and independent, transparent, accountable and democratic land dispute systems and mechanisms including Alternative Dispute Management regimes established 	<ul style="list-style-type: none"> Number of cases addressed by the land dispute mechanisms as a proportion of the reported cases 		

•	• Implement measures to guarantee the land rights and security of tenure for the vulnerable and marginalized and minority groups	• Measures to guarantee the land rights and security of tenure for to vulnerable and marginalized and minority groups implemented including equal inheritance and ownership of land and property enhanced	• Number of poor, vulnerable, marginalized and minority groups (disaggregated) accessing security of tenure		
•	• Adoption of legislation, guidelines defining the circumstances and safeguards under which evictions are to take place,	• Protection from forced evictions	• Number of evictions, carried out in accordance with laid down guidelines		
	• Curb land allocation malpractices	Incidences of grabbed land reduced	• Number of grabbed land repossessed		
	• Affordable and efficient land transactions	Improved the efficiency for land transactions to minimize corruption	• Rate of finalisation of land transactions		
	• Resolution of historical injustices	Historical injustices Resolution of	• Incidence levels of violence or fighting over land rights		
<i>Human and Wildlife Conflict</i>					
<i>Policy Statement: The State shall undertake measures including legislative, policy, institutional and administrative to manage wildlife and human-wildlife conflict</i>					
• Wildlife and human-wildlife conflict managed	• Establishment of a land use policy that protects both the wildlife and human population	Land use policy that protects both the wildlife and human population developed	• Number of policies and legislations to protect both the wildlife and human population developed		-Ministry of Environment, Water & Natural Resources -National Environment Management Authority -Kenya Wildlife Service -Ministry of Environment, Water and Natural Resources
	• Protection of property and land rights and the standard of living for citizens living	• Protection of citizens property and land rights from wildlife activities	• Percentage reduction of cases of human-wildlife conflict • Proportion of compensation to		

	close to wildlife		number of cases reported relating to wildlife		
	<ul style="list-style-type: none"> • Protection of wildlife as means to human subsistence and environmental basis 	<ul style="list-style-type: none"> • Respect for wildlife and activities associated with wildlife enhanced 	<ul style="list-style-type: none"> • Number of wildlife corridor/migratory routes secured from human activity • Amount of shared income provided to communities living around wildlife areas by tourism sector • Area of water catchment rehabilitated/ conserved 		
<p><i>The Right to Housing (Article 43 (1) (b) of the Constitution)</i></p> <p><i>Policy Statement: The State shall ensure that every person particularly the vulnerable and marginalized has the right to accessible and adequate housing and shall endeavour by all appropriate means within its available resources, to ensure the progressive realisation of this right</i></p>					
To increase access to adequate housing for all citizens particularly the vulnerable and marginalized	<ul style="list-style-type: none"> • Take legislative, policy and other measures to guarantee the right of access to adequate housing recognizing the constituent aspects of the right to housing particularly for the vulnerable and marginalized 	<ul style="list-style-type: none"> • Legislative, policy and other measures to guarantee the right of access to adequate housing developed 	<ul style="list-style-type: none"> • Number of legislations, policy and other measures to guarantee the right of access to adequate housing 		<ul style="list-style-type: none"> -Ministry of Lands, Housing & Urban Development -The National Treasury -National Housing Corporation -Ministry of Environment, Water & Natural Resources -Ministry Health -Ministry of Interior & Coordination of National Government -Ministry of Transport & Infrastructure -Ministry of Industrialization & Enterprise Development
		<ul style="list-style-type: none"> • Access to adequate housing for the vulnerable and marginalized increased 	<ul style="list-style-type: none"> • Number of housing units constructed for the vulnerable and marginalized guided by the constituent elements of the right to housing including access to clean and safe water, sanitation facility, electricity and garbage disposal 		
		<ul style="list-style-type: none"> • Planning and implementation of housing projects targeted 	<ul style="list-style-type: none"> • Number of houses constructed per year targeted for vulnerable and marginalized groups effectively 		

		for vulnerable and marginalized groups effectively involve and consult them	involve and consult them		
	<ul style="list-style-type: none"> • Ensure all people have a dissent shelter 	<ul style="list-style-type: none"> • All people living in dissent shelter 	<ul style="list-style-type: none"> • Proportion of homeless people in the overall population 		
	<ul style="list-style-type: none"> • Ensure people enjoy security of tenure 	<ul style="list-style-type: none"> • Security of tenure provided 	<ul style="list-style-type: none"> • Proportion of people in the overall population with legal title to their homes, with statutory or other legal protections with respect to evictions • Proportion of people living in informal settlements • Proportion of people forcibly evicted within a given period 		
	<ul style="list-style-type: none"> • Ensure people live in housing situated in a safe and healthy location 	<ul style="list-style-type: none"> • Situations of people living in housing situated in unsafe and unhealthy locations eliminated 	<ul style="list-style-type: none"> • Proportion of poor households within 5 kilometres of a hazardous site 		
	<ul style="list-style-type: none"> • Ensure all people live in affordable housing 	<ul style="list-style-type: none"> • Improve provision of adequate affordable housing 	<ul style="list-style-type: none"> • Monthly housing expenditure of median poor household as a proportion of monthly income 		
	<ul style="list-style-type: none"> • Ensure provision of adequate physically accessible housing 	<ul style="list-style-type: none"> • Improved adequacy of physically accessible housing 	<ul style="list-style-type: none"> • Proportion of residential buildings occupied by the disabled that are easily accessible 		
	<ul style="list-style-type: none"> • Ensure essential services, facilities and infrastructure are provided with housing 	<ul style="list-style-type: none"> • Improved provision of housing services 	<ul style="list-style-type: none"> • Proportion of households with potable water, sanitation facilities, electricity, roads 		

The Right to be Free from Hunger and to have Adequate Food of Acceptable quality (Articles 43(1) (c) , of the Constitution)

Policy Statement: The State shall ensure that every person has the right to be free from hunger and to have adequate food of acceptable quality. The State shall ensure progressive realisation of this right as a means of achieving food security for all

Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
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<ul style="list-style-type: none"> • To enhance Food Security 	<ul style="list-style-type: none"> • Take legislative, policy, administrative and judicial measures including the setting of standards to implement the right to food as guaranteed in Art. 43 (1) (c) of the Constitution 	<ul style="list-style-type: none"> • Access to the right to adequate food and the right to be free from hunger, for every person increased 	<ul style="list-style-type: none"> • Number of legislations, policies developed and administrative and judicial measures taken to enhance access to adequate food and the right to be free from hunger 		<ul style="list-style-type: none"> -Ministry of Health -Ministry of Agriculture, Livestock & Fisheries -Ministry of Devolution & Planning -The Executive Office of the President
	<ul style="list-style-type: none"> • Ensure that all people are free from chronic hunger 	<ul style="list-style-type: none"> • Incidences of malnutrition and disease reduced 	<ul style="list-style-type: none"> • Proportion of underweight and stunting children under-five years of age • Proportion of undernourished population • Increased access food of acceptable quality in times of natural and other disasters 		
	<ul style="list-style-type: none"> • End discrimination in access to food or resources for food production, such as land 	<ul style="list-style-type: none"> • Non discrimination and equality in the access to adequate food including resources for food production particularly for the vulnerable, marginalized and minority groups enhanced 	<ul style="list-style-type: none"> • Proportion of people with inadequate intake of dietary food disaggregated in terms of gender • Proportion of underweight girls and boys 		
		<ul style="list-style-type: none"> • Promote competition among private dealers in agricultural inputs 	<ul style="list-style-type: none"> • Average cost of production of food production by farmers • Proportion of farmers accessing cheap farm inputs • Effective regulatory mechanisms introduced 		
		<ul style="list-style-type: none"> • Enhanced right to property and effective land registration 	<ul style="list-style-type: none"> • Proportion of people with title deed • No. of people resettled on productive land 		
		<ul style="list-style-type: none"> • Affordability of basic food stuffs 	<ul style="list-style-type: none"> • Percentage change in food prices • Proportion of household 		

			expenditure on food		
•	• Ensure all people have access to safe food of adequate nutritional value	• Knowledge of nutrition value and access to food disseminated	<ul style="list-style-type: none"> • Number of measures undertaken to enhance access to adequate food including resources for food production • Proportion of people with inadequate intake of dietary food • Proportion of people vulnerable to consumption of unsafe food • Proportion of people exposed to public information and awareness regarding food safety 		
		• Access to adequate food of acceptable quality in times of natural and other disasters	• Number of people accessing adequate food of acceptable quality in times of natural and other disasters		
	• Reform the agrarian system to achieve the most efficient development and utilization of natural resources	Agricultural production and food availability increased	<ul style="list-style-type: none"> • Number of measures undertaken to develop and/or reform the existing agrarian systems, including eradicating impediments, the strengthening domestic agricultural production (e.g. agriculture-extension, irrigation, credit, marketing) • Strengthening of small scale farmers 		
		• Methods of production, conservation and distribution of food by making full use of technical and scientific knowledge improved	• Level of automation and application of technical knowledge in conservation and distribution of food		
	• Mitigating against the effects of climate change	• Effects of climate change reduced	• Number of measures put in place to mitigate effects of climate change		

The right to clean and safe water in adequate quantities and to sanitation

Policy Statement: The State shall ensure that every person has the right to access to clean and safe water in adequate quantities and to sanitation without discrimination and

<i>shall endeavour by all appropriate means within its available resources, to ensure the progressive realisation of this right</i>					
Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
To increase access to clean and safe water and sanitation	<ul style="list-style-type: none"> Strengthen legislations and policies that guarantee the right of access to clean and safe water and sanitation recognizing the constituent elements of the right including accessibility, quantity, cartage, availability, assurance of supply, quality, upgradability and the needs of different groups 	<ul style="list-style-type: none"> Access to clean and safe water in adequate quantities and sanitation without discrimination for all particularly for the vulnerable and marginalized increased 	<ul style="list-style-type: none"> Proportion of population (disaggregated) receiving piped water or water from a protected source using an improved drinking Proportion of the population (disaggregated) has access (individual or shared) to improved sanitation facilities 		<ul style="list-style-type: none"> Ministry of Environment, Water & Natural Resources Water Resource Management Authority Water Resource User's Association Water and Sewerage Companies, Kenya Water Institute, Water Services Boards Water Services Trust Fund Kenya Water Institute National Water Conservation & Pipeline Corporation
		Ensuring safe water disposal for environmental protection	<ul style="list-style-type: none"> Percentage reduction in incidences of pollution on drinking water 		
	<ul style="list-style-type: none"> Take appropriate measures for the management of water resources and the preservation of water against pollution 	<ul style="list-style-type: none"> Equitable and sustainable use, management and conservation of water resources enhanced 	<ul style="list-style-type: none"> Number of measures taken to manage and conserve water resources 		
	<ul style="list-style-type: none"> Undertake measures to ensure affordable access to adequate water and sanitation in a non-discriminatory manner for all particularly for the vulnerable, marginalized and minority groups 	<ul style="list-style-type: none"> Affordable access to adequate water and sanitation in a non-discriminatory manner for all particularly for the vulnerable, marginalized and minority groups enhanced 	<ul style="list-style-type: none"> Percentage of people in informal human settlements receiving clean water and sanitation services Average cost per person to access sufficient, safe and regular water or services and sanitation particularly for the vulnerable, marginalized and minority groups 		
		<ul style="list-style-type: none"> A sound and sustainable financial system for water resource management, water supply, and sewage collection, treatment and disposal developed 	<ul style="list-style-type: none"> Share of budget allocation to water services 		

The Right to Education (Articles 43(1) (f) , Article 53 (1) (b), of the Constitution)

Policy Statement: The State shall ensure that every person has the right to education. Basic education shall be free and compulsory. The State shall endeavour by all appropriate means within its available resources, to ensure the progressive realisation of this right

<ul style="list-style-type: none"> • To increase access to the right to education recognizing the constituent elements of the right including that education is available, accessible, and culturally acceptable, and (adaptable) and of high quality 	<ul style="list-style-type: none"> • Take legislative, policy and other measures to improve access to education for all particularly the vulnerable and marginalized groups 	<ul style="list-style-type: none"> • Access to education for all particularly the vulnerable and marginalized groups increased 	<ul style="list-style-type: none"> • Increased net enrolment rates for the vulnerable and marginalized groups • Increased transition rates for the vulnerable and marginalized groups 		<ul style="list-style-type: none"> -Ministry of Education, -Commission for Higher Education -University Councils
	<ul style="list-style-type: none"> • Improve the quality of teacher training and education programmes 	<ul style="list-style-type: none"> • Improved quality teacher training and education provided meets high quality standards with contents relevant to the needs of the economy and society 	<ul style="list-style-type: none"> • Quality standards level for teacher training colleges in place • Rate of review of education curricula 		
	<ul style="list-style-type: none"> • Ensure balancing between the regions especially bringing up those that lag behind in enrolment 	<ul style="list-style-type: none"> • Affirmative measures undertaken to enhance access to education for the vulnerable and marginalized 	<ul style="list-style-type: none"> • Proportion of less advantaged and marginalized in the education system 		
	<ul style="list-style-type: none"> • Ensure provision of 	<ul style="list-style-type: none"> Universal primary 	<ul style="list-style-type: none"> • Net enrolment ratio in primary 		

	universal primary education	education achieved	education <ul style="list-style-type: none"> • Proportion of pupils starting grade 1 who reach grade 5 • Literacy rate in the age group 15-24 • Drop-out and attendance rates in primary schools • Share of public expenditure on primary education • Proportion of pupils not paying fees • Average fees paid per pupil in public schools 		
	<ul style="list-style-type: none"> • Eradicate illiteracy 	Literacy levels improved	<ul style="list-style-type: none"> • Overall adult literacy rate • Literacy rate for 15-24 age group 		
	<ul style="list-style-type: none"> • Ensure equal access for all to secondary education 	Improved enrolment on secondary education	<ul style="list-style-type: none"> • Net enrolment in secondary education, disaggregated for poor and non-poor • Share of public expenditure on secondary education • Ratio of girls to boys in secondary education • Drop-out and attendance rates in secondary education • Proportion of children with disabilities attending secondary education 		
	<ul style="list-style-type: none"> • Progressively enable free secondary education 	Improved access to secondary education	<ul style="list-style-type: none"> • Proportion of secondary students not paying school fees disaggregated for poor and non-poor • Average fees paid by secondary students in state schools 		
	<ul style="list-style-type: none"> • Eliminate gender disparity in primary and secondary schools 	Gender disparity in primary and secondary schools eliminated	<ul style="list-style-type: none"> • Ratio of girls to boys in primary and secondary schools • Ratio of literate females to males of between ages 15-24 • Rate of accessibility of sanitary towels by the girl child 		

•	• Improve the quality of primary and secondary education	Quality of primary and secondary education improved	<ul style="list-style-type: none"> • Pupil-teacher ratio • Teacher classroom ratio • Proportion of primary/secondary students receiving textbooks free of charge 		
<p><i>The Right to a clean and healthy environment (Articles 42, 69 and 70 , of the Constitution)</i></p> <p><i>Policy Statement: The State shall progressively realise the right of everyone to live in a clean, healthy, and protected environment including sustainable utilisation and exploitation of resources and the fair sharing of their benefits.</i></p>					
To promote the sustainable use of the environment	• Undertake legislative, policy and institutional reforms for a better coordinated and managed environment and for the eradication of practices and activities that endanger the environment in line with the provisions of the Kenyan Constitution	• Operationalise the environment and land court	<ul style="list-style-type: none"> • Level of operation of the environment and land courts • 		<ul style="list-style-type: none"> -Ministry of Environment, Water & Natural Resources -National Environment Management Authority -Ministry of Lands, Housing & Natural Resources -Judiciary
	• Ensuring judges and magistrates are trained on environmental law and its protection	• Capacity for judges and magistrates on environmental law and its protection built	• Number of judges and magistrates trained on environmental law and its protection		
	Put measures in place to improve environmental resources data	• Improved management standards for sustainable use of the environment	• Level of reduction of pollution and penalties in place for polluters		-
		• Improve forest cover	• Increased percentage of tree cover		
	• Put in place programmes to encourage public participation on environmental concerns	• Greater responsiveness of the public on environmental issues	• Number of programmes put in place to encourage public awareness on environmental issues		

	<ul style="list-style-type: none">• Utilise the environment and natural resources for the benefit of the people	<ul style="list-style-type: none">• Increased sustainability and benefits on the use of environment and natural resources	<ul style="list-style-type: none">• Extent of utilization of resources as a proportion of total available resources		
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GROUP RIGHTS

Women rights (Article 27(3), 21(3),59 and 100 of the Constitution)

Policy Statement: The State shall ensure that all women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres

Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
<ul style="list-style-type: none"> To eliminate all forms of discrimination against women and enhance gender equity in all spheres 	<ul style="list-style-type: none"> Development and implementation of laws and policies to eliminate discrimination against women and promote equity 	<ul style="list-style-type: none"> Laws and policies to eliminate discrimination against women and promote equity developed 	<ul style="list-style-type: none"> Number of policies and laws developed to eliminate discrimination against women 	2012-2017	<ul style="list-style-type: none"> -Office of the Attorney General & Department of Justice -Ministry of Interior & Coordination of National Government -National Police Service Commission -Ministry of Defence -Ministry of Education, Science & Technology -National Gender & Equality Commission -Ministry of Devolution & Planning
	<ul style="list-style-type: none"> Develop and implement measures including affirmative to eliminate discrimination against women and promote equality 	<ul style="list-style-type: none"> Reduced incidences of discrimination against women 	<ul style="list-style-type: none"> Percentage reduction in incidences of complaints of discrimination received, investigated, and resolved by the constitutional authorities or appropriate agencies 		
	<ul style="list-style-type: none"> Strengthen the capacity of women to exercise and claim rights 	<ul style="list-style-type: none"> Capacity of women to exercise and claim their rights strengthened 	<ul style="list-style-type: none"> Number of women empowered to claim their rights 		
	<ul style="list-style-type: none"> Ensure equitable representation at all levels of devolution 	<ul style="list-style-type: none"> Increased equality 	<ul style="list-style-type: none"> Proportion of representation women to men participating in all spheres of public life (data disaggregated by sector) including in: senior positions, 		

			political representation, formal employment etc <ul style="list-style-type: none"> • Average wage of females to males in different economic sectors 		
	<ul style="list-style-type: none"> • Strengthen institutions that promote women rights 	<ul style="list-style-type: none"> • Institutions that advance/promote women rights strengthened 	<ul style="list-style-type: none"> • Number of institutions in promoting women rights operational • Level of scope, and impact of measures implemented by Institutions that promote women rights 		
	<ul style="list-style-type: none"> • Eliminate violence against women 	<ul style="list-style-type: none"> • Violence against women reduced 	<ul style="list-style-type: none"> • Rate of specific crime against women disaggregated between poor and non-poor segments of society 		

Children rights (Article 14(4) 15 (3) 21 (3), , 53 of the Constitution), The Children’s Act, The National Children Policy

Policy Statement: *The State shall take all appropriate measures to ensure that the rights of the child are protected guided by the principles of non discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development.*

Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
To enhance the realization of children’s rights	<ul style="list-style-type: none"> • Strengthen the enforcement of legislation and policies that enhance the realization of children rights and in particularly against abuse and neglect 	<ul style="list-style-type: none"> • Protection, promotion and respect for children rights and in particular protection of children against abuse and neglect enhanced 	<ul style="list-style-type: none"> • Level of enforcement of legislation and policies that enhance the realization of children rights and in particularly against abuse and neglect 	2012 - 2017	<ul style="list-style-type: none"> -Office of the Attorney General & Department of Justice -Judiciary -Law Society of Kenya National Legal Aid and Awareness Programme -Ministry of Health -Ministry of Education, -The National Treasury -Ministry of Devolution & Planning

						-Department of Children's Services -Department of Social Services -National Council for Children Services
	<ul style="list-style-type: none"> Enhance the implementation of the rights of children belonging to vulnerable or disadvantaged groups, including children with disabilities; children infected with HIV and/or affected by HIV/AIDS; orphans; indigent children and children in remote or marginalized areas. 	<ul style="list-style-type: none"> Implementation of the rights of children belonging to vulnerable marginalised and minority groups enhanced 	<ul style="list-style-type: none"> Number of measures/programmes undertaken to enhance the rights of children belonging to vulnerable, marginalized and minority groups including enhancing their right to education, health, safe and clean water and sanitation, social security, protection from abuse and neglect 			
	<ul style="list-style-type: none"> Eliminate child labour 	<ul style="list-style-type: none"> Child labour eliminated 	<ul style="list-style-type: none"> Labour force participation of children under the age of 15 Prevalence of worst forms of child labour (in the sense of ILO convention no. 182) 			
<p><i>Rights of PWDs (Articles 54 of the Constitution), The Persons with Disabilities Act, The National Disability Policy</i></p> <p><i>Policy Statement: The State shall ensure that all persons with disabilities are treated with dignity and respect. The State shall endeavour to take all appropriate measures within its resources including affirmative actions to minimize barriers to equalization of opportunities for persons with disabilities in all aspects of social-cultural, economic, and political life.</i></p>						
Objective	Policy Area	Priority Action	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency

<ul style="list-style-type: none"> To promote dignity and respect for Persons With Disabilities 	<ul style="list-style-type: none"> Implement the rights of PWDs through legislation, administrative, judicial and other measures including affirmative actions 	<ul style="list-style-type: none"> Improved access of PWDs to social economic needs including education, health, employment, and public facilities 	<ul style="list-style-type: none"> Number of policies and legislations recognizing the rights of PWDs Number of PWD accessing economic opportunities and social amenities 	2012 - 2017	<ul style="list-style-type: none"> -Ministry of Education, -The National Treasury -National Council of Persons with disabilities -Ministry of Devolution & Planning
	<ul style="list-style-type: none"> Strengthen national institutions that promote the rights of persons with disabilities 	<ul style="list-style-type: none"> National institutions that promote the rights of persons with disabilities strengthened 	<ul style="list-style-type: none"> Structures in place to promote and protect the rights of PWDs 		
	<ul style="list-style-type: none"> Creating awareness for persons with disability 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Existence, scope and impact of measures implemented by Institutions that promote the rights of persons with disabilities 		

Rights of the Youth (Articles 21 (3), 55, 97 (1) (c), 98 (1)(c)100 (c), 177 (1) (c)of the Constitution), The Kenya National Youth Policy

Policy Statement: The State shall take measures, including affirmative action programmes, to ensure that the youth have access relevant education and training; opportunities to associate, be represented and participate in political, social, economic and other spheres of life; access employment; and are protected from harmful cultural practices and exploitation.

Objective	Policy Priority Action Area	Expected Outcome	Outcome Indicators	Timeframes	Implementation Agency
<ul style="list-style-type: none"> To increase youth access to education, and training; opportunities to associate, be represented and 	<ul style="list-style-type: none"> To ensure that youth have access to relevant education, training and employment 	<ul style="list-style-type: none"> Enhanced youth access to education training and employment 	<ul style="list-style-type: none"> Percentage of youth with relevant skills and in employment Rate of employment among the youth 	2012 – 2017 represented and participate in political, social, economic and other spheres	<ul style="list-style-type: none"> -Ministry of Devolution & Planning -The National Treasury

participate in political, social, economic and other spheres of life; access employment; and are protected from harmful cultural practices and exploitation					
	<ul style="list-style-type: none"> • Take measures to protect youth from harmful cultural practices and exploitation 	<ul style="list-style-type: none"> • Enhanced protection for youth from harmful cultural practices and exploitation 	<ul style="list-style-type: none"> • Reduction in incidences of youth exploitation through harmful cultural practices 		
	<ul style="list-style-type: none"> • Participation in leadership and decision making 	<ul style="list-style-type: none"> • Youth participation in leadership and decision making processes increased 	<ul style="list-style-type: none"> • Proportion of youth participating in leadership and decision making processes 		
<i>Rights of Older Persons (Articles 21 (3), 57)</i>					
<i>Policy Statement: State shall ensure the older persons shall live in dignity and respect and receive reasonable care and assistance</i>					
<ul style="list-style-type: none"> • To ensure older persons their life in dignity and receive reasonable care 	<ul style="list-style-type: none"> • Respect the dignity for older persons and provide them with the necessary care 	<ul style="list-style-type: none"> • Respect for the rights of older persons observed 	<ul style="list-style-type: none"> • Number of measures targeted towards changing negative attitudes towards older persons 		<ul style="list-style-type: none"> -Ministry of Devolution & Planning -Ministry of Labour, Social Security & Services
		<ul style="list-style-type: none"> • Increased protection of older persons from neglect and other forms of physical and/or mental abuse 	<ul style="list-style-type: none"> • Percentage reduction in negative perceptions and attitudes on older persons • Percentage reduction in incidences of neglect and abuse of older persons 		
<i>The rights of marginalized communities and groups (Articles 56, 10, 21(3), 91, 100, 174(e), 177, 201 and Article 204)</i>					
<i>Policy statement: the State shall include consideration of the special concerns of marginalised groups and their particular situation and if need be give rise to affirmative action The State shall ensure the protection of the rights of marginalized communities and groups</i>					

<ul style="list-style-type: none"> • To ensure the protection of the rights of minority and marginalized groups 	<ul style="list-style-type: none"> • The realisation of affirmative action programmes for minorities and marginalized groups. 	<ul style="list-style-type: none"> • Enhanced participation in political and governance issue, access to economic, social and cultural rights 	<ul style="list-style-type: none"> • Number of Affirmative action programmes undertaken 		<ul style="list-style-type: none"> -Office of the Deputy President -Ministry of Sports, Culture & The Arts -Ministry of Lands, Housing & Urban Development -Ministry of Devolution & Planning -The National Treasury
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Protection of ancestral land and other rights of these groups 	<ul style="list-style-type: none"> • Enhanced protection of the right to ancestral land and other right for minority and marginalized groups 	<ul style="list-style-type: none"> • Number of measures undertaken to enhance protection of the rights of minority and marginalized groups. 		
<p>Rights of Internally Displaced Persons</p> <p><i>Policy Statement: The State shall provide freedom of movement for IDPs and protect them against discrimination if need be through affirmative action.</i></p>					
<ul style="list-style-type: none"> • To ensure the protection of the rights of Internally Displaced Persons 	<ul style="list-style-type: none"> • Develop and implement a legal and policy framework on IDPs in line with regional and international standards 	<ul style="list-style-type: none"> • Enhanced protection of the rights of Internally Displaced Persons 	<ul style="list-style-type: none"> • Number of legal and policy frameworks 		<ul style="list-style-type: none"> -Ministry of Devolution & Planning -The National Treasury - Ministry of Lands, Housing & Urban Development
	<ul style="list-style-type: none"> • Generate respect for diversity and cultivate a culture for the respect of the rights of other ethnic groups 	<ul style="list-style-type: none"> • Enhanced promotion for the respect for ethnic and cultural diversity 	<ul style="list-style-type: none"> • Number of measures taken to promote the respect for positive ethnic and cultural diversity • Incidence level of ethnic animosity 		

Rights of Refugees

Policy Statement:

The state shall take all appropriate measures within its resources to protect and safeguard the rights of refugees to ensure that they live in dignity and respect

<ul style="list-style-type: none"> To ensure the protection of the rights of Refugees in Kenya 	Develop and implement a legal and policy framework to promote, protect and safeguard refugees and asylum seekers' rights in line with the existing national and international legal frameworks with regard to the protection of refugees	<ul style="list-style-type: none"> Enhanced protection of the rights of refugees and asylum seekers 	<ul style="list-style-type: none"> Number of legal and policy frameworks developed 		-Ministry of Interior & Coordination National Government -Kenya National Commission on Human Rights
	Facilitate the meaningful contribution by refugee and asylum seekers to manage their own livelihoods and encourage self-reliance and dignity.	<ul style="list-style-type: none"> Enhanced contributions of refugees and asylum seekers in the management of own livelihood and enhanced self – reliance and dignity 	<ul style="list-style-type: none"> Number of measures taken to encourage refugees and asylum seekers to contribute in the management of own livelihood 		
	Create awareness on refugee issues to promote respect for refugee rights and harmonious co-existence	<ul style="list-style-type: none"> Greater responsiveness of the public on Refugee issues 	<ul style="list-style-type: none"> Number of programmes put in place to encourage public awareness on refugee issues 		
	Provide welfare services to refugees	<ul style="list-style-type: none"> Enhance livelihood for the refugees 	<ul style="list-style-type: none"> Percentage increase in number of refugees accessing basic social amenities 		

MONITORING AND EVALUATION FRAMEWORK

The monitoring and evaluation framework will facilitate effective routine managerial and coordination control as well as strategic assessment of outcomes and impact. The Framework will also provide the material from which lessons can be learned and policy analysis developed.

Monitoring

The monitoring will be at the operational level within each implementing agency to facilitate management and control, and at the strategic level to facilitate and inform reforms and the next phase of programme development and management.

Operational level

At the operational level implementing agencies will be required to provide appropriate, timely and sufficient information about the activities carried out under each output, and which information will serve several purposes: as a management tool, as a databank to inform decisions at the operational level; to keep stakeholders informed and to underpin strategic –level monitoring.

Strategic Level

Strategic level monitoring will be the responsibility of the National Human Rights Institutions in Kenya (NHRI) and will also facilitate the information, dissemination and knowledge management role that the institutions have. The NHRI will carry out the following strategic monitoring activities:

- Establish baseline information which can be used as a starting point for all the National Action Plan priority action areas, both as a tool to facilitate targeting and as fixed point from which trends in agreed key indicators for outputs can be tracked.
 - Systematically collect a range of data at fixed intervals to document changes in the target s population and attribute these to the National Action Plan priority action areas (where appropriate).
- Undertake special analyses as necessary to explore changes in particular agreed key indicators

- Disseminate and publish monitoring information in appropriate formats to implementing agencies, programme structures, donors, and other key stakeholders to facilitate lesson learning and contribute to dialogue and the future design of National Action Plans.

Evaluation

The evaluation of National Action Plan will seek to attain the following:

- Establish achievement of expected outcomes and impact at the objectives level
- Confirm that programme activities have been carried out effectively and to appropriate quality standards.

The evaluation will consist of:

Evaluation of Progress towards Key Milestones

This will be carried out by an independent contractor competitively sourced. It will use the information generated through the monitoring activities and will supplement this by undertaking special studies to assist in forming a view of progress and impact. It will undertake two such evaluations during the National Action Plan, one mid-term and the other will be an end-term evaluation.

ANNEXURE 2: INTERNATIONAL HUMAN RIGHTS TREATY OF WHICH KENYA IS A STATE PARTY

United Nations Charter	16 th December 1963
Universal Declaration of Human Rights (UDHR)	
International Covenant on Civil and Political Rights (ICCPR)	Accession 23.03.1976.
International Covenant on Economic, Social, and Cultural Rights (ICESCR).	Accession 01.05.1972
International Convention on the Eliminations of all of Discrimination Against Women (CEDAW)	Accession 09.03.1984
African Charter on Human and Peoples' Rights (ACPHR).	Accession 23/01/1992
International Convention on the Elimination of all Forms of Racial Discrimination (CERD);	Accession 13.09. 2001
International Convention of the Rights of the Child (CRC)	Ratification 30.07.1990
International Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. New York,	Accession 21.02.1997
Optional Protocol on the Involvement of Children in Armed Conflict	Ratification 28.01.2002
Optional Protocol to Convention on the Rights of the Child on Prostitution and Pornography	Signature 08.09.2000
African Charter on the Rights and Welfare of the Child	Accession 23.10.1992
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	Ratification 4.02. 2004
ILO Convention 138 on Employment Age	Ratification 09.04.1979
ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	Ratification 07.05.2001
Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (supplementing the United Nations Convention against Trans-national Organized Crime)	Accession 05.01.2005
International Convention on the Rights of the Child.	Ratification 30.. 1990
Amendment to article 43 (2) of the Convention on the Rights of the Child.	Acceptance 12.02. 2003

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.	Ratification- 28.01. 2001
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography.	Signature 8.09.2000
International Convention on the Rights of Persons with Disabilities. New York,	12.05.2008
International Convention for the Protection of All Persons from Enforced Disappearance.	Signature 6.02. 2007
1967 Protocol on Convention Relating to the Status of Refugees	Accession 13.11.1981
UN Convention Against Corruption	Ratification- 9.12. 2003
OAU Convention Governing Specific Aspects of Refugee Problems in Africa	Accession -23.06.1992
International Convention for the Protection of All Persons from Enforced Disappearance. New York, 20 December 2006	Signature- 6.02.2007
The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	Signature- 17.12. 2003
The Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples Rights	Accession- 04.02.2004
OAU Convention on Preventing and Combating Corruption	Accession 03.02. 2007
International Convention on the Suppression and Punishment of the Crime of Apartheid.	Signature-1.05. 1974
International Convention against Apartheid in Sports. New York, 10 December 1985	Signature- 16.05.1986

International Humanitarian Law

NO.	TITLE OF TREATY	DATE OF RATIFICATION/ACCESSION
	Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity. New York, 26 November 1968	Accession -1st May 1972
17.	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick Armed Forces in the Field, Geneva, 12th August 1949	Accession -20th September 1966
18.	Geneva Convention for the Amelioration of the	Accession -20th September 1966

	Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva. 12th August 1949	
19.	Geneva Convention Relative to the Treatment of Prisoners of War, Geneva, 12th August 1949	Accession- 20th September 1966
20.	Geneva Convention Relative to the Protection of Civilian Persons in time of War, Geneva. 12th August 1949	Accession -20th September 1966
21.	Protocol Additional to the Geneva Conventions of 12th August 1949 and Relating to the Protection of Victims of International Armed Conflicts. Geneva, 1977	Accession -23rd February 1999
22.	Protocol Additional to the Geneva Conventions of 12th August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts., Geneva 1977	Accession- 23rd February 1999
23.	Geneva Convention Relative to the Treatment of Prisoners of War. Geneva, 12th August 1949.	Accession -20th September 1966
24.	International Convention for the Protection of New Varieties of Plants. 1961. Revised Geneva, 1991.	Accession -13th May 1999

Refugees and Stateless Persons

No.	Title Of Treaty	Date Of Ratification/Accession
2.	Convention relating to the Status of Refugees. Geneva, 28 July 1951	Accession Declaration 16th May 1966
5.	Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, New York, 26	Accession 1 st May,1972

	November 1968	
6.	Protocol relating to the Status of Refugees. New York, 31 January 1967	Accession 31st November 1981
7.	Convention Governing the Specific Aspects of Refugee Problems in Africa. Addis Ababa, 10th September 1969.	Ratification -23rd June 1992

African Union Treaties, Conventions, Protocols, and Charters

No.	Title Of Treaty	Date Of Ratification/Accession
	Constitutive Act of the African Union. Lome 11th July 2000.	Ratification -4th July 2001
	Protocol on the Amendment to the Constitutive Act of the African Union. Maputo, 11th July 2003	Ratification -22nd May 2007
	Protocol to the Court of Justice of the African Union. Maputo, 11th July 2003.	Signature- 17th December 2003
	Protocol Relating to the Establishment of the Peace and Security Council of the African Union. Durban, 9th October 2002.	Ratification - 9th December 2006
	OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. 10thSeptember 1969	Accession-4th February 1993
	Treaty Establishing the African Economic Community, Abuja, 3rd June 1991.	Ratification -18th June 1993
	Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament. Sirte, 2nd March 2001.	Ratification-19th December 2003

ANNEXURE 3: POLICIES THAT HAVE A DIRECT IMPACT ON THE REALIZATION OF DIFFERENT HUMAN RIGHTS

a) The National Land Policy

- b) The Kenya National Youth Policy
- c) The National Gender and Development Policy
- d) The Kenya Education Policy
- e) The National Special Needs Education Policy
- f) The HIV/AIDS Policy
- g) The National Disability Policy
- h) Kenya National Social Development Policy
- i) The Mental Health Policy
- j) Population Policy for National Development
- k) The National Wildlife Conservation and Management Policy
- l) National Food Security and Nutrition Policy