



KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

**UNIVERSAL PERIODIC REVIEW
FOURTH CYCLE REPORT**

SUBMITTED ON 11TH OCTOBER 2024

PREVENTION OF TORTURE

Key Issues:

- ❖ Limited implementation of the National Coroners Service Act (NCSA), 2017, despite the appointment of an Acting Coroner-General.
- ❖ Challenges in operationalizing the Prevention of Torture Act (POTA), 2017, including inadequate funding and limited access to monitor compliance by the KNCHR
- ❖ Draft National Coroners Service (Amendment) Bill, 2023, yet to be enacted.

Recommendations:

- ❖ Fully establish the Coroner-General's Office to investigate deaths, including those involving police actions.
- ❖ Enact the National Coroners Service (Amendment) Bill, 2023.
- ❖ Criminalize enforced disappearances in Kenya.

ELECTORAL REFORMS

Key Issues:

- ❖ Limited justice for survivors of sexual violence following the 2007 and 2017 elections.
- ❖ Delays in arraignment of senior police officers accused of electoral violence.
- ❖ Persistent electoral violations, including voter bribery, intimidation, and misuse of children.

Recommendations:

- ❖ Investigate and prosecute individuals responsible for election-related violence.
- ❖ Expedite the reconstitution of the Independent Electoral and Boundaries Commission (IEBC).

KNCHR

Key Issues:

- ❖ Inadequate budgetary allocations and staffing limits KNCHR's ability to fully execute its mandate.
- ❖ KNCHR operates in only 6 out of 47 counties, restricting its reach.
- ❖ Donor dependency for programmatic work and new obligations under POTA and UNCRPD remain underfunded.

Recommendations:

- ❖ Increase funding for KNCHR to enable effective human rights monitoring and reporting.
- ❖ Expedite the enactment of the Economic and Social Rights Bill, 2022, to strengthen KNCHR's oversight capacity.

RIGHT TO HEALTH

Key Issues:

- ❖ Health funding remains below the Abuja Declaration's 15% threshold.
- ❖ Poor transition from the National Health Insurance Fund to the Social Health Insurance Fund obligating patients to pay out-of-pocket for services
- ❖ Inequitable access to healthcare for vulnerable and marginalized communities.

Recommendations:

- ❖ Eliminate direct out-of-pocket payments for essential services.
- ❖ Prioritize access to healthcare for vulnerable groups under the Social Health Authority.

RIGHT TO EDUCATION

Key Issues:

- ❖ Budget cuts hinder teacher recruitment, school feeding programs, and infrastructure development.
- ❖ Delayed disbursement of funds for higher education and delayed capitation for secondary schools.

Recommendations:

- ❖ Return the School Feeding Program budget to the Ministry of Education.
- ❖ Review HELB instead of implementing a new funding model.

PERSONS WITH DISABILITIES

Key Issues:

- ❖ Limited progress in passing disability-related legislation.
- ❖ Attitudinal and structural barriers persist for persons with disabilities.

Recommendations:

- ❖ Expedite the enactment of disability-related laws through participatory processes.
- ❖ Adopt and implement the Persons with Disabilities National Policy, 2024.

RIGHT TO ADEQUATE FOOD

Key Issues:

- ❖ Food insecurity remains a significant challenge, particularly for vulnerable groups.

Recommendations:

- ❖ Strengthen policy frameworks and distribution systems to improve access to adequate food.

THANK YOU!

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