

**Joint NGO Submission for  
Universal Periodic Review (UPR) of Kenya  
49<sup>th</sup> Session (April/May 2025)**



**Edmund Rice International**



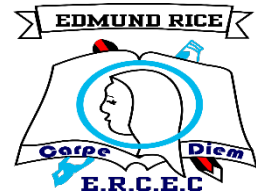
**VIVAT International**



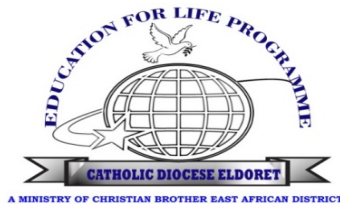
**Ruben Centre  
Edmund Rice Catholic**



**Edmund Rice  
Centre - Nairobi**



**Edmund Rice Centre Nairobi  
Education  
Center**



**Education for Life (EFL)  
Eldoret**



**Edmund Rice Eldoret  
Empowerment Program**



**Ruben FM**

## **Submitting Organisations**

**Edmund Rice International Limited (ERI)** is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in the countries where the two Congregations are present. ERI has a special interest in the rights of the child, the right to education and in eco-justice.

**VIVAT International** is a Non-Governmental Organization with a membership of more than 25,000 from 12 Catholic Religious Congregations, working in 122 countries to promote human rights through advocacy at international and local levels. VIVAT International addresses human rights issues with particular focus on the rights of children, women, and eradication of poverty, sustainable development and the culture of peace. It has Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC) and is associated with the United Nations Department of Global Communications (DGC).

**Edmund Rice Centre Nairobi (ERCN)** is a community-based organization that provides educational, advocacy, vocational and livelihood services to Children with Disabilities households living in the informal settlement of Kibera.

Website: [www.edmundricenairobi.org](http://www.edmundricenairobi.org)

Address: Kalobot Road, Langata, Nairobi, Kenya

**Ruben Centre** is a faith-based Charitable Trust striving for an empowered and just Mukuru community by providing quality education, health, financial and social services to children and families in the area.

Website: [www.rubencentre.org](http://www.rubencentre.org)

Address: Enterprise Road, Mukuru kwa Ruben, Nairobi, Kenya

**Edmund Rice Network-East Africa** is a newly formed entity to address social injustices in collaboration with Edmund Rice Ministries in East Africa.

Email: [erneastafrica24@gmail.com](mailto:erneastafrica24@gmail.com)

**Edmund Rice Catholic Education Center** envisions an empowered Embulbul community and its sounding enabling its targeted vulnerable beneficiaries achieve personal success in life. It seeks to engage the hearts and minds of the marginalized young people through an inclusive catholic Education with aim of empowering them for excellence in all aspects of their lives.

**Education for Life (EFL), Eldoret** envisions an empowered and transformed society where everyone leads a dignified life. It works to liberate and provide opportunities for vulnerable people affected and infected with HIV/AIDS especially women and children from informal settlements of Eldoret-Kenya to realize their full potential and make life fulfilling choices. EFL takes a holistic approach to issues faced by its beneficiaries through; Livelihood empowerment, Healthy lives promotion and, Human Rights Advocacy and Child safeguarding.

**Edmund Rice Eldoret Empowerment Program** aims to achieve Empowered, Liberated and Transformed lives of the marginalized Langas community as a long-term impact. It focuses on empowering vulnerable children, youth and the Langas Community, through empowering education for a dignified personal life, human rights advocacy, communal growth and development.

## INTRODUCTION

1. This joint submission to the Universal Periodic Review of Kenya is made by a coalition of faith-based and Community Based organizations including the Ruben Centre, Ruben FM, Edmund Rice Centre Nairobi, Edmund Rice Network East Africa, Edmund Rice Catholic Education Center, Embulbul, Education for Life (EFL), Eldoret, Edmund Rice Eldoret Empowerment Program and two ECOSOC accredited NGOs, VIVAT International and Edmund Rice International.
2. The submitting organizations respect the progress made by Kenya in promoting and safeguarding human rights and the commitments made in relation to previous UPR cycles but believe there are areas requiring further attention. This joint submission focuses on five interrelated areas of concern in Kenya, the right to adequate housing, social security, sexual reproductive health, education and discrimination against persons with disabilities in healthcare services, education and employment.

## EXECUTIVE SUMMARY

3. This Universal Periodic Review (UPR) submission addresses critical human rights issues affecting informal settlement dwellers in Kenya especially Kibera and Mukuru kwa Ruben.
4. **Right to Adequate Housing:** Informal settlement dwellers frequently face inadequate housing conditions characterized by poor sanitation, unsafe structures, and lack of basic amenities. This submission calls for urgent measures to improve housing quality, ensure safety, and provide equitable access to housing solutions.
5. **Social Security:** Residents in informal settlements are often excluded from effective social security systems, which exacerbates their vulnerability to economic instability. This submission advocates for enhanced social protection mechanisms, including unemployment benefits and healthcare access, to mitigate poverty and ensure financial security.
6. **Sexual & Reproductive Health:** Access to comprehensive sexual health services is severely limited in these communities. The submission emphasizes the need for accessible reproductive health services and support for survivors of sexual violence.
7. **Right to Education:** Educational opportunities for children and adults in informal settlements are constrained by inadequate infrastructure and economic barriers. Recommendations include improving school facilities, providing scholarships, and ensuring inclusive educational practices to foster equal access to education.
8. **Non-Discrimination for Persons with Disabilities:** Individuals with disabilities in informal settlements face significant discrimination in accessing healthcare, education, and employment. The submission advocates for inclusive policies and practices to ensure equal access and full participation for persons with disabilities.
9. **Abolish the Death Penalty in the penal code:** In line with Art 26 of the Kenyan constitution which guarantees the right to life to its citizens, this submission calls on

the government of Kenya to abolish the death penalty in the penal code and advocates for current death sentences to be changed to life sentences.

10. These key areas are addressed through specific recommendations aimed at improving human rights protections and fostering social justice for marginalized communities in Kenya.

## **A. RIGHT TO ADEQUATE HOUSING**

11. Kenya has made recommendable strides in implementing the affordable housing plan since its inception in 2017 as one of its key pillars of the then BIG FOUR AGENDA. The initiative targeted to deliver 500,000 affordable homes for Kenyans across all 47 counties by 2022.
12. The Kenyan government has been proactive in creating policies and legal frameworks to facilitate affordable housing. This includes the establishment of the Kenya Mortgage Refinance Company (KMRC) in 2020, which has played a pivotal role in improving mortgage affordability and increasing the number of qualifying borrowers.
13. The government had pledged to build 500,000 housing units for lower and middle-income segments by 2022, with units priced between USD 6,000 to USD 30,000. However little attention has been given to producing affordable housing for the poorer segments of the population, who form the bulk of Kenyan society – 53% by the end of 2020. As a result, over 60% of urban households in Kenya live in slums where they struggle to raise \$10 a month for rent.
14. The right to housing is embedded in the constitution, which provides that “every person has the right to accessible and adequate housing, and to reasonable standards of sanitation”. Despite the constitutional guarantee, the right to housing faces challenges in Kenya. These include forced evictions, a lack of affordable housing options, and the high cost of land and construction. The country has also struggled with implementing policies that effectively address these issues, leading to a situation where the right to housing is not fully protected or realized.
15. Informal settlements in Kenya face several critical challenges, including inadequate infrastructure, tenure insecurity, and overcrowding. These areas often lack essential services such as water supply, sanitation, and electricity, making daily life difficult and unhealthy for residents.
16. The insecurity of land tenure leaves many at risk of eviction, creating a climate of uncertainty and instability. Overcrowding exacerbates these issues, leading to cramped and substandard living conditions. Residents in these settlements also struggle with affordability, as low incomes make it difficult to access formal housing, and the quality of housing is often poor with inadequate ventilation and sanitation. Limited access to essential services like healthcare and education further hinders the residents' quality of life.

17. This right is supported by international treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Kenya has ratified.

## 18. **RECOMMENDATIONS**

We recommend that the government of Kenya: -

- a) Accelerate efforts in slum upgrading projects to improve infrastructure, sanitation, and housing quality for residents of informal settlements in Kenya.*
- b) Provide secure tenure for vulnerable populations to alleviate the fear of forced evictions.*
- c) Develop inclusive housing policies that cater for the needs of vulnerable populations, including women, the elderly, and persons with disabilities. These policies should ensure equitable access to housing and protect against discrimination.*
- d) Continue to strengthen its policy and legal frameworks to support the Affordable Housing Programme. This includes the enactment of comprehensive housing laws that address financing, land acquisition, and construction standards to ensure the delivery of quality and affordable housing units.*
- e) Enhance public-private partnerships to mobilize resources for the Affordable Housing Programme. These partnerships should be transparent and accountable, ensuring that they contribute effectively to the housing needs of low and middle-income earners.*
- f) Make the provision of housing microfinance in the form of loans more accessible to low-income residents. Inclusive policies should be developed to address the specific needs of vulnerable groups, ensuring a more equitable approach to housing and urban development.*

## **B. RIGHT TO SOCIAL SECURITY**

19. Kenya has registered considerable progress with policies shifting towards universal programs with a lifecycle approach. Social protection is being administered through the newly introduced social health insurance fund formerly known as National Insurance Fund and National Social Security funds which provide access to healthcare and pensions.

20. Kenya, like many other countries, faces significant challenges in providing comprehensive social security coverage. These challenges are particularly pronounced in informal settlements, where vulnerable populations often lack access to essential social protection programs. In this context, several critical gaps and issues need urgent attention.

21. The coverage of social protection programs remains inadequate. Many residents of informal settlements are excluded from these programs due to their marginalized status. Expanding coverage to include these vulnerable groups is essential for reducing poverty and vulnerability.
22. The implementation of social security initiatives suffers from fragmentation. Multiple agencies are involved, but lack of coordination hinders effective delivery. Streamlining processes and enhancing collaboration among relevant stakeholders can address this issue.

23. **RECOMMENDATIONS:**

We recommend that the government of Kenya: -

- a) *Work towards more inclusive and effective social security systems that strengthen community-based social protection networks within informal settlements and improve outreach and service delivery.*
- b) *Promote financial literacy and inclusion to empower residents to access available programs.*
- c) *Improve close collaboration between government agencies, non-governmental organizations (NGOs), and community-based organizations. By prioritizing targeted interventions for vulnerable groups within informal settlements, Kenya can work toward more inclusive and effective social security systems.*

**C. SEXUAL & REPRODUCTIVE HEALTH**

24. Most adolescents in Kenya face a range of health and social challenges around sexual and reproductive health that places adolescents at a higher risk of unwanted pregnancy, unsafe abortion and sexually transmitted infections.
25. In response to the recommendation made during Kenya's 3rd cycle Universal Periodic Review (UPR) to enact a reproductive health law, Kenya has taken commendable steps to provide a legal framework for young people's sexual and reproductive health. The National Adolescent Sexual and Reproductive Health Policy and the National Reproductive Health Policy 2022 - 2032 are pivotal in this regard, aiming to enhance the sexual and reproductive health status of adolescents and contribute to national development. These policies underscore the government's approach to reproductive health services, including education and access to information.
26. Whilst the efforts put in by the government are acknowledged, the implementation of comprehensive sex education and coverage of crucial topics in the school curriculum in Kenya faces significant challenges. Teachers also often encounter obstacles such as limited time, inadequate materials, or personal discomfort with the subject matter, which hinders effective delivery of sex education.

27. The scope of sexual health topics integrated into compulsory and examinable subjects is limited, and there is little incentive for teachers and students to prioritize them.

## 28. **RECOMMENDATIONS**

We recommend that the government of Kenya: -

- a) Develop laws that mandate comprehensive sex education in schools, covering a broad spectrum of topics leading to healthy relationships.*
- b) Invest in teacher training programs to ensure the accurate, appropriate, and effective delivery of the Comprehensive Sexuality Education (CSE) curriculum.*
- c) Develop and implement a comprehensive and age-appropriate sexuality education curriculum, based on internationally recognized standards and the latest evidence on what constitutes a successful program.*

## **D. RIGHT TO EDUCATION**

29. The Government of Kenya has made commendable strides to ensure education for all, focusing particularly on children in rural areas, informal settlements and persons with disabilities. Key initiatives include the introduction of Free Primary Education, which has significantly improved access to education by eliminating financial barriers. This policy ensures that children from various socio-economic backgrounds can attend school without worrying about tuition fees. Efforts to improve school infrastructure have been notable, especially in informal settlements where facilities have historically been inadequate. The government has been working to enhance these facilities to provide a better learning environment for students and persons with disabilities. Additionally, programs aimed at assessing and building teacher capacity have been implemented. These programs focus on enhancing the skills and competencies of teachers, ensuring that they are well-equipped to deliver quality education. This initiative is crucial in addressing the challenges of teacher shortages and improving the overall educational experience for students.
30. The Kenyan government has also launched several other significant initiatives. The 100% Transition Policy, introduced in 2018, aims to ensure that all children transition from primary to secondary school. This policy achieved an 83.3% transition rate in its inaugural year and over 97% in 2019. Teacher recruitment has been another focus area. The government has been recruiting teachers on a contract basis and has institutionalized an internship program for teachers to address the shortage and ensure that schools are adequately staffed. Curriculum reforms have also been a priority, with the President advocating for a competency-based curriculum that focuses on equipping students with practical skills. These reforms aim to align the education system with the current and future needs of the country, ensuring that students are



well-prepared for the job market

31. Despite the Kenyan government's efforts to provide education for all, significant gaps persist in informal settlements. There is a pressing need for more teachers to address the high student-to-teacher ratio. Better regulation of private actors in education is also necessary to ensure that all educational institutions meet set standards. Furthermore, increased public-private partnerships could help improve the quality of education by bringing in additional resources and expertise.
32. The AEF Ruben Primary School located in the Mukuru Kwa Ruben slums, highlights critical challenges faced by students and teachers. For instance, AEF Ruben Centre Primary School hosts approximately 3,500 students, with some classrooms accommodating up to 140 students, taught by only one teacher and one teacher aide (Hired by the Ruben Centre, a non-Profit organization). This unbalanced student-teacher ratio greatly hampers the quality of education provided.
33. There is a significant shortage of schools in the slum areas. In the Mukuru slums, there are only six formal schools serving a population of about 900,000 people, resulting in one school per 25,000 residents. This inadequacy has led to the proliferation of 162 informal schools that operate without regulation, compromising the safety of children and the quality of education. These informal schools lack oversight, and their educational standards are not monitored effectively.
34. Investment in school infrastructure is particularly crucial in these regions, where facilities are often inadequate. The Ruben Centre has reported a need for more classrooms and better educational resources to support the large student population. Despite the Nairobi County Government's efforts to provide free meals through programs like the "Dishi na County Feeding Program," many students still struggle to access nutritious meals consistently, affecting their learning and overall well-being.
35. Additional challenges include issues of drug abuse and the need for better enforcement of corporal punishment regulations. While there are programs addressing sexual reproductive health, such as those run by the Ruben Centre, more comprehensive measures are required to reach all students effectively.
36. Reports from the Special Rapporteur on the right to education and the Committee on the Rights of the Child have emphasized the necessity of addressing these gaps to ensure that all children have access to quality education in a safe environment. They advocate for increased investment in school infrastructure, better teacher-student ratios, and enhanced support systems to improve educational outcomes in Kenya.

### 37. **RECOMMENDATIONS**

We recommend that the government of Kenya: -

- a) *Increase government investment in education infrastructure. This entails directing funds towards building and upgrading school facilities, especially in marginalized areas like informal settlements and rural regions.*

- b) Improve teacher recruitment, training, and support.*
- c) Introduce policies that reduce teacher-student ratios in overcrowded schools.*
- d) Regulate and monitor informal schools to ensure compliance with safety and educational standards.*
- e) Expand and enhance school feeding programs to support students' nutritional needs and foster a better learning environment.*
- f) Support initiatives such as comprehensive health education and anti-drug programs to address critical issues affecting student welfare and academic performance.*

**E. NO DISCRIMINATION FOR PERSONS WITH DISABILITIES IN HEALTHCARE SERVICES, EDUCATION AND EMPLOYMENT.**

- 38. According to the UN state analysis Kenya has made significant strides in recognizing and addressing the rights and needs of persons with disabilities, as evidenced by its commitment to implementing the Convention on the Rights of Persons with Disabilities (CRPD) and achieving the Sustainable Development Goals (SDGs).
- 39. We acknowledge the efforts being enforced by the National Disability body in Kenya. There are some improvements in the sector and Kenya has made commitments in the following areas:
  - i. Stigma and discrimination: To raise public awareness on disability rights and to support the involvement of Persons with Disability (PWDs) and/or their representative organizations to demystify disability in the process.
  - ii. Inclusive education: To develop and implement costed inclusive education sector plans that focus on equipment, infrastructure and teacher training.
  - iii. Economic empowerment: To improve the lives of Persons with Disabilities and to enhance opportunities for the development of their economic potential.
  - iv. Harnessing technology and innovation: To finalize and implement the National Disability Policy on assistive devices and support services.
  - v. Data collection and disaggregation: To promote the collection of accurate data on Persons with Disabilities, disaggregated by gender, age, disability and geographic location for use in planning.

To further ensure that these commitments are being realized, Kenya also pledged to:

- vi. Institutionalize National Disability Inclusive budgeting across all government departments both at national and county levels.
- vii. Enforce existing laws and policies promoting the rights of Persons with Disabilities.

- viii. Strengthen the role of institutions and enhance their capacity to effectively deliver on its supervisory and enforcement mandate, to ensure that service implementation organs at county and national government levels adhere to the government commitments.

However, we still find that there are gaps in the commitments and pledges.

40. Kenya has shown commitment to ensuring equality and non-discrimination for persons with disabilities through the development of a National Plan of Action on implementing recommendations made by the Committee on the Rights of Persons with Disabilities, among other initiatives. However, persons with disabilities still face discrimination across sectors such as education, labor markets, transportation, housing, health, social protection, and gender disparities.
41. Some of the challenges attributed to this goal's non-attainment include; insufficient resourcing, weak institutional capacities, politicization, limited stakeholders' awareness of applicable frameworks, and related limited civic engagement. In addition, impunity, corruption, and abuse of power compromises respect for human rights.
42. Policy and legal frameworks seek to ensure accessibility for persons with disabilities within the country. However, persons with disabilities still face a myriad of challenges in terms of access to information in public spaces, and key public services. Information, in most cases, is presented in formats that persons with disabilities cannot easily consume. The absence of an enabling environment for compliance and enforcement has been flagged as one of the major gaps impeding the attainment of inclusive education for persons living with disabilities. Additionally, in education, learners with Disabilities are still attending segregated learning institutions despite the presence of a policy framework that speaks of inclusive education.
43. Inclusive services for persons with disabilities are essential in ensuring equal opportunities, access, and participation in various domains of life. Persons with disabilities are limited in accessing registration services with the National Council for People With Disability (NCPWD) and mainstream services like social protection, employment, health, education, and justice.
44. Access barriers to disability determination and registration services include high costs, long distances travelled, and lack of an institutionalized one-stop-shop approach to disability assessment, determination, and certification, poor compliance with the 5% reservation of employment opportunities, inaccessible health infrastructure, low coverage of persons with disabilities by social protection programs, and poor early identification and intervention services are some of the gaps that hinder access to both special support and mainstreamed services.

#### **45. RECOMMENDATIONS**

We recommend that the government of Kenya: -

- a) Promote the recruitment and training of functional assessment officers.*
- b) Ensure fair distribution of resources such as a monthly funds allowance for Persons With Disabilities.*
- c) Modify ramps and pathways to ensure accessibility and facilitate movement for Persons With Disabilities.*
- d) Design housing units with wider doorways, lower thresholds, and accessible bathrooms.*
- e) Ensure public spaces such as parks, markets, and community centers are wheelchair-friendly.*
- f) Provide Accessible public transport with ramps or lifts in buses, trains, and taxis.*
- g) Make transportation affordable for Persons With Disabilities.*
- h) Provide vocational training and job placement services for Persons With Disabilities.*
- i) Encourage employers to hire Persons With Disabilities and adapt workplaces.*

#### **F. ABOLISH THE DEATH PENALTY IN THE PENAL CODE.**

- 46. The government of Kenya under Art 26 of the constitution of Kenya has guaranteed the right to life to its citizens. However, the penal code still states that anyone found guilty of the crimes of treason, murder and robbery with violence should be sentenced to death.
- 47. The penal code goes against the constitution and the government's guarantee that everyone has a right to life. An appeal by Francis Muruatetu found that the death penalty is inconsistent with the law. However, the penal code is yet to be amended to remove the death penalty provision.
- 48. During its third UPR cycle, Kenya noted recommendations from Cyprus, Australia, Cabo Verde, Slovenia, Togo, Fiji, France, Portugal and Iceland to abolish the death penalty (144.41 – 144.47)

#### **49. RECOMMENDATIONS**

We recommend that the government of Kenya: -

- a) Abolish the death penalty in the penal code so that it is in line with the constitution of Kenya.*

***b) Change the current death sentences to life sentences.***

