



**Human Rights Council
Universal Periodic Review (UPR) of Kenya
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**Joint Stakeholders' Submission on:
Human Rights in Kenya**

Submitted by:

Marist International Solidarity Foundation (FMSI)
(NGO in Consultative Status with ECOSOC)

and

Our Lady of Orote – Marist Brothers of Kenya

Geneva, October 2024

I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to children's rights in Kenya, particularly the right to education, right to health and sanitation and right to food. Each section conveys recommendations to the Kenya Government. It incorporates recent developments from local sources, the Kenyan government, UN agencies, and testimonies from children affected by these issues. The recommendations aim to guide Kenya towards achieving its commitments under international conventions and Sustainable Development Goals (SDGs).

2. The data and information obtained for this submission came from various sources and includes information from youth, teachers, educators, and other civil society actors living and working in Kenya. All information concerned the period from August to October 2024.

3. **Marist International Solidarity Foundation (FMSI)** is an international organization promoted by the Marist Brothers, present in 80 countries. FMSI has more than 15 years of experience working in the field of international solidarity, advocating for children's rights especially in the field of education. It works at the international level, participating in the UN human rights mechanisms in collaboration with other organizations with similar interests. It has been accredited by ECOSOC since 2011.

4. **Marist Brother of Kenya:** the Marist Brothers is a religious congregation of consecrated men in the Catholic Church that educate children and young people in schools. They are registered under the Marist Brothers Province of Africa Centre East Trust. The brothers from Germany came to establish the mission in South Nyanza at Mbita parish at Roo (Sindo) in 1984. At the moment, the Marist Brothers run the Marist International University College in Nairobi and a comprehensive school at the lakeshore (Orore), Suba Sub County – Homa Bay County.

II. GENERAL REMARKS AND COOPERATION WITH THE UPR MECHANISM

5. Kenya was reviewed on January 23, 2020, at the 35th Session of the Working Group on the Universal Periodic Review.

This NGO coalition welcomes the constructive participation of Kenya in the Universal Periodic Review (UPR). On this occasion, Kenya received 319 recommendations and supported 263 recommendations while noting 56 recommendations. The present joint submission represents the follow-up to the UPR recommendations accepted by the State in 2020.

6. The implementation of recommendations is critical in order to ensure a true advancement of human rights in the State under review. Therefore, Kenya must pay particular attention to effectively follow-up those recommendations in consultation with Civil Society.

7. We thank the government of Kenya for the opportunity to submit this report, as well as for its adherence to the measures proposed by the United Nations for the participation of civil society. We welcome the recommendations adopted on the occasion of the last UPR, as well as the country's efforts to implement these measures. At the same time, we are also aware of the need to further elaborate on the previous recommendations, as well as to address new ones that may arise at the next session.

III. METHODOLOGY FOR DATA COLLECTION AND OVERVIEW OF THE TOPIC

8. An important part has been carried out by listening to the direct voices of children, adolescents and young people, as well as adults directly involved in the lives of children and young people. A group of 101 students, aged between 10 – 14 years, from educational establishments. We highlight the coincidence, in many of the themes, in the opinions expressed by the children and the adults who accompanied them in the consultation and listening process.

9. The main issues highlighted in this fieldwork are reflected in this report, although there were other concerns beyond those mentioned here.

10. Overview:

- **Right to Education:** Kenya has made progress in expanding access to education, but disparities in quality, infrastructure, and resources—especially in rural areas—continue to hinder equal opportunities for all children.

- **Right to Health and Sanitation:** Children call for improved sanitation and equal access to clean water in both public and private schools.

- **Right to Food:** Food insecurity in Kenya, especially in arid and semi-arid regions, remains critical, with children calling for better access to school feeding programs and nutrition education.

IV. RIGHT TO EDUCATION

11. Kenya has made significant strides in increasing access to education, notably through the introduction of the Competency-Based Curriculum (CBC) and continued government funding. The Kenyan government has supported recommendations from the UPR process (recommendations n. 142.207¹ and 142.208²), which urge increased investment in rural education. However, despite these commitments, rural areas remain underserved, with inadequate infrastructure and resources. Disparities in education outcomes are evident, and infrastructure in many schools is inadequate capacity building more so on the new curriculum. Testimonies from children highlight the need for improved sanitation, better learning resources, and support for children with disabilities.

12. Kenya is still striving to achieve equality among all children, especially regarding the right to education. For example, the government pays examination fees for all children in Kenya, regardless of the school they attend, and ensures their safety at all times. However, the quality of education in public institutions is lacking. Most classrooms are overcrowded, with as many as 70 students and only a few teachers, while private educational institutions often have empty classrooms. The subsidy for public schools has attracted many students because education is free, but the quality is seriously compromised. This has led to widespread cheating during exams each year. Everyone is aware of this, including the children themselves.

13. Recommendations:

- ***Strengthen infrastructure development in rural and ASAL³ areas to ensure all children have access to safe, well-resourced schools.***

¹ 142.207 Continue to increase investment in education and improve education in rural areas (China).

² 142.208 Intensify efforts to ensure access to quality education for all, especially in rural areas (Djibouti).

³ Arid and Semi-Arid Lands.

- *Extend capacity building on the new curriculum to teachers in private schools (with affordable contribution) to ensure the curriculum is implemented uniformly.*
- *Extend support services, such as sanitary products and school meals, to both public and private schools to reduce absenteeism among girls.*
- *Address teacher shortages and improve teacher-student ratios in marginalized regions.*

V. RIGHT TO HEALTH AND SANITATION

14. Despite the expansion of healthcare services through the Universal Health Coverage (UHC) program, rural areas remain underserved. Sanitation facilities in schools, especially private institutions, require improvement. Kenya has supported recommendations aimed at ensuring access to clean water and sanitation, especially in underserved areas (recommendations n. 142.90⁴ and 142.194⁵). The testimonies from children reflect the need for equal access to clean water and proper sanitation in both public and private schools. They indicate persistent gaps in sanitation infrastructure in schools, with the issue of toilets remaining critical due to the insufficient number constructed for the learners. Similarly, access to healthcare facilities in rural areas remains inconsistent.

15. Recommendations:

- *Expand UHC to cover marginalized regions and ensure healthcare services reach remote areas.*
- *Improve sanitation infrastructure in schools, both public and private, to ensure access to clean water and proper sanitation.*
- *Increase investment in community health programs that focus on prevention and hygiene education.*

VI. RIGHT TO FOOD

16. Food insecurity remains a significant issue, particularly in the arid and semi-arid lands (ASAL) of Kenya. Although school feeding programs have been established, they are not universally accessible.

17. The government should explore ways to transition from traditional agricultural practices to mechanized ones. Additionally, raising awareness on how to use available water for irrigation, especially along the lakeshores, will enhance farming productivity.

18. Kenya's government has expressed its commitment to addressing food insecurity, as demonstrated by its support for recommendations n. 142.66⁶ and 142.259⁷. However, testimonies from children call for greater emphasis on nutrition and agriculture education in schools to combat hunger and ensure food security. Particularly, the expansion of school feeding programs and food security initiatives remains insufficient.

⁴ 142.190 Continue efforts to eradicate poverty and provide drinking water and sanitation (Sudan).

⁵ 142.194 Increase access to health facilities, especially in remote areas (Eritrea).

⁶ 142.66 Advance efforts aimed at enhancing food security (Barbados).

⁷ 142.259 Provide adequate food and health services in refugee reception facilities (Afghanistan).

19. Recommendations:

- *Expand and strengthen school feeding programs to ensure all children, particularly in vulnerable areas, receive nutritious meals.*
- *Develop comprehensive food security policies integrating agriculture and nutrition education into the school curriculum.*
- *Invest in sustainable agriculture practices in ASAL areas to improve food production and combat climate change effects.*

VII. DIRECT VOICES OF CHILDREN AND YOUNG PEOPLE

20. We would like to bring to this report, albeit briefly, some direct voices of children and young people when talking about the situation of rights in Kenya. These voices reaffirm the theoretical work that has been carried out by the organizations presenting the report, the result of interaction and listening to children, adolescents and young people, as well as groups of adults directly related to the lives of minors.

21. Some of the contributions have already appeared during the report, but we think it is interesting to specify the richness of the direct voices of the next generations of Kenya. We understand that they are the future of the country, and we know that they will be responsible for their own future. For this reason, with the consultation work, we also wanted to work on the participation and protagonism of children and young people, giving them a direct voice in the drafting of the report. From this desire, the "between quotes" of the report, and the contributions explained below, arise.

EDUCATION:

22. "Education is the acquiring of knowledge, skills and moral values for a good character in society. I would like to congratulate the government for restricting child labor and early marriages. I would also like to congratulate the government for paying school fees for poor children in public school, but I would also ask the government to pay also for poor children in mission schools. I would also like to congratulate the government for providing free public-school education. But I urge the government to pay attention to poor children who may still need assistance in getting school resources."

23. "The foundation of knowledge, skills, and good character in society is crucial. I urge the government to continue helping in mental education. I also congratulate the government for supporting children with special needs and ensuring that they go to school with equal chances to compete with their peers. The government's role in enhancing the quality of education is appreciated. It is through such efforts that our society will continue to improve."

24. "Thank you to the government for making education compulsory for all children."

25. "We are grateful for the government's efforts to accept children with disabilities into schools and for constructing more learning facilities for them. However, there are still schools without laboratories, and we urge the government to provide more. We also request more learning materials like textbooks and laptops for both public and private schools."

RIGHT TO HEALTH AND SANITATION:

26. "I would like to thank the government for educating communities about hygiene practices, including disease prevention. This ensures children are well-informed about hygiene and helps stop the spread of diseases. I would also like to thank the government for promoting agricultural programs and nutrition awareness. These programs, like school feeding and food assistance, combat

malnutrition and food insecurity. We recommend that agriculture and nutrition be made as important as English, Mathematics, and Kiswahili.”

27. “The expansion of access to healthcare services, including maternal and child health programs, is appreciated. The construction of toilets and latrines in public schools is commendable. However, we request the government to extend these efforts to private schools as well. I would also like to congratulate the government for providing sanitary towels to girls in public schools. We recommend that these services be extended to private schools as well.

28. “The provision of clean water filters to public schools is appreciated, but we request that private schools also benefit from these services.”

29. “Thank you for abolishing child labor and early marriages. But there is still more to do, such as providing sanitary towels for girls in mission schools. We also urge the government to ensure that school floors are properly cemented.”

VIII. CONCLUSION

30. Kenya has made commendable progress in advancing the right to education, health, and food. However, continued efforts are required to address regional disparities, improve infrastructure, and ensure that all children, especially those in vulnerable regions, have access to their basic rights. By implementing these recommendations, Kenya can further align with its commitments under international human rights frameworks and the Sustainable Development Goals (SDGs).