



**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
(ICESCR)**

The combined 2nd to 5th Periodic Report of Kenya

NGO Submission for the List of Issues

*Submitted for the consideration of the 56th pre-session of the
UN Committee on Economic Social and Cultural Rights*

Joint Submission

by

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And

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The Justice and Peace Commission of the Archdiocese of Nairobi
Kenya Movement of Catholic Professionals
Kenya Christian Professionals Forum
Pax Romana ICMICA
Pearls and Treasures

Geneva
September 2015

Introduction

This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to economic, social and cultural rights in Kenya.

The data and information in this submission was obtained by Franciscans International (FI), Edmund Rice International (ERI), the Office of Justice Peace and Integrity of Creation Franciscans Africa (JPICFA), the Centre for Social Justice and Ethics of the Catholic University of Eastern Africa, Kenya Movement of Catholic Professionals- Pax Romana ICMICA, Kenya Christian Professionals Forum, the Justice and Peace Commission of the Archdiocese of Nairobi and Pearls and Treasures Trust.

The focus of this submission is on issues pertaining to the right to food, education, water and sanitation, and health in Kenya.

Right to Food

Our organizations are concerned by the fact that although the Government acknowledges that 80%¹ of the population depends on agriculture it continues to spend less than 10% of the GDP on the agricultural sector. Despite the government's commitment, following the Maputo Declaration, to increase expenditure on agriculture to 10% of the GDP, a recommendation to that effect at the 2nd review of Kenya under the Universal Periodic Review (UPR) did not receive favor from the government. This failure to foster an enabling environment has directly impacted the livelihoods of the Kenyan people.

We also note that Kenya experienced an increase in the number of people facing extreme hunger from 0.85 million in August 2013 to 1.3 million in February 2014². Starvation-prone areas are characterized by low population densities and extensive geographical dispersion, with long distances between service delivery points and an under-developed road grid. Furthermore, the legal and institutional framework does not emphasise crop diversification and agro-ecological practices. The State has often been found to be unprepared, exemplified by incidents of mass starvation which occur within arid and semi-arid regions. This is a failure of early warning mechanisms and immediate responses to them.

We commend the efforts to operationalize the right to be free from hunger and to have adequate food of acceptable quality through the Food Security Bill 2014. However, the Bill is silent on agroecology, an area that is generally seen as vital to future food production. The UN Special Rapporteur on the Right to Food identifies agroecology *“as a mode of agricultural development which not only shows strong conceptual connections with the right to food, but has proven results for fast progress in the concretization of this human right for many vulnerable groups in various countries and environments. Moreover, agroecology delivers advantages that are complementary to better known conventional approaches such as breeding high- yielding varieties. And it strongly contributes to the broader economic development”*³.

Questions to the government

- *What strategies has the government put in place to increase the percentage allocation of the GDP towards agriculture?*
- *What steps have the government made in encouraging crop diversification, with an emphasis on orphan crops and agro-ecological practices?*

¹ Kenyan Government Report to the CESRC. E/C.12/Ken/2-5. 26/02/2014. –para. 117, p. 29.

² Famine Early Warning Systems Network, 2014. Food Security Outlook Update, March 2014. Available at <<http://reliefweb.int/sites/reliefweb.int/files/resources/Kenya%20-%20Food%20Security%20Outlook%20Update.pdf>> accessed on 8 September 2015.

³ Human Rights Council, (2010) Report submitted by the UN Special Rapporteur on the Right to Food, Olivier De Schutter. A/HRC/16/49. 17 December 2010. p. 1.

Right to Education

The field partners acknowledge the effort by the government of Kenya to improve access to education. However, several challenges persist with regard to the access and the quality of education.

There is a lack of statistics on children out of school and especially for children with disabilities. Child labor, insecurity and harmful cultural practices remain prevalent and the quality of education in most public schools remains poor. Other notable challenges include an absence of a concrete system to ensure equity between schools, as there has been an emerging trend for a number of public secondary schools to charge high fees, further complicating the creation of Kenyan educational system that is truly accessible to all in equal measure.

Another challenge that the government is facing is in protecting teachers and students from insecurity derived from political instability and social unrest. Students in northeastern Kenya have been particularly affected by a shortage of teachers, as this area is increasingly being avoided as it is perceived as dangerous. Consequently there have been reports of undertrained teachers and understaffed schools in this region, which is inherently affecting the quality of education.

Questions to the government

- *What steps is the government taking to guarantee access to quality education for all, including children with disabilities?*
- *What actions is the government taking to improve the standard of education, particularly through appropriate training and remuneration of teachers, as well as ensuring a fair distribution of staff across the country and between schools?*

Right to Water and Sanitation

It is reported that over 60%⁴ of the urban population in Kenya relies on water vendors, water kiosks or unprotected water sources that pose health risks, often in the form of water borne diseases. In low income communities, with an average monthly income of US\$ 70 per household, it is estimated that a family of five spends up to 10% of their monthly income on water.⁵

The majority of households in the northeastern part of the country have no toilet facilities. Despite high levels of access in Nairobi province, sanitary conditions in slum areas are very poor due to overcrowding.

Questions to the government

- *What concrete measures has the government taken to make safe drinking water and sanitation services accessible and affordable to all its citizens?*

Right to Health

Finally, our organisations are concerned that the government is spending less than 15% of the GDP on health despite its commitments under the Abuja declaration. The limited expenditure in the health sector translates into poor infrastructure, under staffing and unmotivated staff. A similar recommendation at the UPR did not receive favor from the Government of Kenya.

Questions to the government

- *What measures is the Government envisaging to conform to the commitments under the Abuja declaration?*

⁴ WSUP report (Kenya), 4 September 2013. <http://www.wsup.com/programmes/where-we-work/kenya>, accessed 17/09/2015.

⁵Ibid.