



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 3124th meeting

Held at the Palais Wilson, Geneva, on Thursday, 5 December 2024, at 10 a.m.

Chair: Mr. Balcerzak

Contents

Consideration of reports, comments and information submitted by States parties under
article 9 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Kenya (continued)

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The meeting was called to order at 10 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined eighth and ninth periodic reports of Kenya (continued)
([CERD/C/KEN/8-9](#); [CERD/C/KEN/Q/8-9](#))

1. *At the invitation of the Chair, the delegation of Kenya joined the meeting.*
2. **Ms. Boker-Wilson** (Country Rapporteur) said that, in the light of reports that Kenyan domestic workers in countries that were members of the Cooperation Council for the Arab States of the Gulf had been subjected to racist abuse, sexual violence, forced labour and wage theft, and that more than 90 Kenyan migrant workers had died in the Middle East between 2019 and 2021, she wished to know whether the State party planned to amend the Employment Act of 2007 with a view to ensuring that it included protections for domestic workers, including protection against sexual harassment. She also wished to know whether the State party had bilateral labour agreements with States members of the Council to ensure adequate and enforceable protection for migrant domestic workers and effective remedies for racial discrimination. She wondered whether the State party had a regulatory framework in place that enabled it to prevent recruitment agencies from exploiting migrant workers and to hold such agencies responsible for routinely monitoring persons for whom they had found employment abroad. Information on legislative and other measures intended to uphold the rights of migrant workers, in particular domestic workers, under the Convention would be welcome.
3. She would like to know whether the Refugees Act of 2021 provided for individual assessments of risks associated with refoulement, including for migrant women and children who might be victims of trafficking or had a well-founded fear of persecution upon their return; procedures for determining refugee status; and measures to ensure that adequate food, shelter and healthcare services were provided at reception facilities. She wondered whether the Act contained provisions on trafficking in persons to facilitate the detection of cases of child or forced marriage, domestic servitude, sexual exploitation and sexual slavery. It would be helpful to know whether the Act provided for measures to ensure that non-citizens, including refugees and asylum-seekers, enjoyed the rights protected by the Convention, such as access to education, birth registration and employment, and to develop a long-term strategy for the local integration of refugees.
4. She would welcome information on the implementation of the National Action Plan to Combat Human Trafficking, including case statistics, sanctions imposed, remedies provided to victims and measures taken to protect victims and combat trafficking in persons and abuse of Kenyan migrant workers abroad.
5. An update on the status of the national cohesion and peacebuilding bill, including information on whether it had been adopted by Parliament, whether it had been fully aligned with article 4 of the Convention and whether it had undergone any amendments, would be useful. She would appreciate updated information on complaints, prosecutions and administrative proceedings brought, convictions obtained and sanctions imposed for acts of racial discrimination in areas such as employment, education, the media and housing between 2022 and 2024. Further details of compensation that had been awarded to victims as a result of sentences that had been handed down during that period would be helpful.
6. **A representative of Kenya** said that general regulations had been adopted in 2024 to facilitate the implementation of the Refugees Act. Extensive discussions had been held across relevant ministries to ensure that asylum-seekers and refugees fully enjoyed their rights to education, birth registration and employment under the Convention. Documents had been issued that were integrated into the National Education Management Information System, were recognized by providers of government services and gave refugees and asylum-seekers access to education and healthcare services before their status was determined.
7. Pursuant to the Refugees Act, the Government conducted individual assessments to determine whether persons were victims of trafficking. Where such victims were identified, the Government worked in cooperation with the relevant agency to ensure that they received

the necessary assistance. The Act also provided that, except in the case of prima facie refugees, the process of determining refugee status was to be carried out on an individual basis in order to ensure that refugees and asylum-seekers were granted the international protection that they deserved. Asylum-seekers were granted international protection pursuant to the Refugees Act and the Convention relating to the Status of Refugees.

8. Despite the challenges posed by the fact that the majority of asylum-seekers at the country's main reception centre, Kakuma refugee camp, were persons who had previously sought asylum elsewhere, the Government recognized the importance of its obligations under the Convention and, in cooperation with development partners and United Nations entities, including the World Food Programme and the Office of the United Nations High Commissioner for Refugees, had progressively taken steps to ensure that all reception centres provided persons staying at them with adequate food and shelter. At the Global Refugee Forum held in 2023, the Government had pledged to ensure the peaceful coexistence of refugees and asylum-seekers with host communities by implementing the eight-year Shirika Plan, under which camps for such persons were to be transformed into settlements that were integrated into communities and their residents were to be provided with relevant documentation and services.

9. **A representative of Kenya** said that the State Department for Diaspora Affairs had been established in 2022 with the mandates of championing protection of the rights and promotion of the welfare of Kenyan nationals who lived abroad and securing employment for Kenyan nationals abroad. While, two years previously, there had been many negative reports about the experiences of Kenyan domestic workers abroad, and in Gulf Cooperation Council countries especially, that situation had since changed as a result of targeted steps taken by the Government to revise existing bilateral labour agreements with States members of the Council, to actively negotiate such agreements where none were in place and to introduce mandatory pre-departure training for all migrant workers leaving Kenya. Recruitment agencies – which had been a major driving force behind the ill-treatment of migrant workers – in Kenya and the Council countries had been subject to a vetting process and all rogue agents had been blacklisted. Pursuant to their bilateral agreements with Kenya, the relevant Governments had undertaken to blacklist rogue agents and to seek compensation for persons who had been mistreated by them.

10. The Government was actively involved in identifying overseas employment opportunities, recruiting and training workers and supporting them while abroad with the participation of the Ministry of Labour and Social Protection, the National Employment Authority and the National Industrial Training Authority.

11. **Ms. McDougall** (Country Task Force) said that she wished to know whether the bilateral agreements that the State party had revised were agreements between the State party and other States or agreements between domestic workers and the heads of households.

12. **A representative of Kenya** said that the agreements revised had been between the Government and other States, but that they had contained samples of agreements between employers and workers, which normally formed part of such agreements between States.

13. **A representative of Kenya** said that, as part of the implementation of the National Action Plan to Combat Human Trafficking in the period 2013–2017, the Office of the Director of Public Prosecutions had collaborated with the Directorate of Criminal Investigations and other government agencies and received support from the French technical cooperation operator Civipol and the United Nations Office on Drugs and Crime in developing standard operating procedures for investigating and prosecuting cases of trafficking in persons in Kenya with a view to ensuring that migrant workers were not trafficked to other countries for the purpose of labour exploitation. A National Action Plan to Combat Human Trafficking for the period 2024–2027 had recently been launched and a specialized counter-trafficking division had been established within the Office of the Director of Public Prosecutions and was staffed by specially trained prosecutors. A multi-stakeholder collaboration conference on trafficking in persons was held every three months, national guidelines for the identification of victims had been distributed to all of the country's 47 counties and a prosecutor's manual on trafficking in persons had been developed. The rights of survivors of trafficking in persons under both the Counter-Trafficking in Persons

Act of 2010 and the Children's Act of 2001 had been affirmed in recent court judgments, and significant sentences had been imposed on perpetrators. As at September 2024, convictions had been obtained in almost 100 of the 160 cases of trafficking in persons and related cases that had been brought to court. Approximately 75 of those convictions had been obtained after full trials, while the remainder had been the result of plea bargains.

14. **A representative of Kenya** said that the National Cohesion and Integration Bill, 2023, which succeeded the national cohesion and peacebuilding bill of 2021, had passed the first reading and had been amended to take comments from members of the public into consideration. It would be submitted to Parliament for a second reading and debate, then for a third reading and adoption. Amendments had been made to the bill with a view to realigning it with articles 1 (1) and 4 of the Convention in particular. Under one such amendment, the penalties that could be imposed for hate speech had been toughened, from a fine of 1 million Kenya shillings to 10 million Kenya shillings, and from a term of imprisonment of 3 years to one of 5 years, to increase the deterrent effect of those penalties. Article 33 of the Constitution provided that freedom of expression did not extend to hate speech, propaganda for war and incitement to violence.

15. The National Cohesion and Integration Commission had been created to define the terms used in hate speech, promote national cohesion and integration and enhance peaceful coexistence. Conflict resolution generally took the form of arbitration, conciliation, mediation and similar means of dispute settlement. Under the National Cohesion and Integration Act, if the Commission was satisfied that an offence had been committed and there was sufficient evidence to prosecute, it was first required to attempt conciliation in order to promote national cohesion. That provision had, however, proved somewhat restrictive and there had been proposals for it to be deleted.

16. Through the Commission, several significant initiatives had been taken to prevent and combat hate speech and ethnic contempt, including comprehensive training for journalists, media professionals and educators, in partnership with other key stakeholders. The Commission had also worked to empower the public through educational campaigns and media literacy workshops that aimed to develop the skills needed to critically analyse media content, recognize hate speech, manipulation and discrimination and understand the broader social impact.

17. **Ms. Boker-Wilson** said that she would appreciate an update on the Sudi case, in which Oscar Sudi, a Member of Parliament, had been accused of using abusive language. She would be interested to know whether the database that had been created in order to help stem the use of hate speech during the 2022 elections was still in existence and, if so, whether it was being used for other purposes.

18. She was grateful for the information concerning convictions for trafficking in persons and would like to know whether any compensation had been paid. With regard to the regulations relating to the new Refugees Act, she would like to know whether regulations of that kind were subject to change when a new government took office or whether they were firmly enough anchored in the legal order to prevent that happening.

19. **Ms. Stavrinaki** said that she would like to know what efforts were being made by the State party to introduce provisions on the protection of migrant workers, in particular women, from abuse and promotion of human rights, such as the right to respect for family life. She wondered in particular whether any provision was made in the bilateral labour migration agreements signed by the State party for the admission of family members of migrant workers and family reunification, notwithstanding the reluctance on the part of some employers to grant such family rights.

20. **Ms. Tebie** said that, while she commended the State party for having established a legal and constitutional framework that was sufficiently robust to combat discrimination and provide for reparation, she would like to know whether it could consider making the declaration under article 14 of the Convention to recognize the Committee's competence to consider individual communications, in cases where complainants had exhausted those domestic remedies without obtaining satisfaction.

21. **Ms. Tlakula** said that she would be interested to hear how the State party struck a balance between the need to maintain a database of hate-speech offenders and the need to avoid violating the laws on data protection.
22. **Ms. Shepherd** said that she would appreciate clarification of the number of complaints of hate speech received and the number of convictions. From the information given in the State party's report, both figures seemed rather low.
23. **Mr. Diaby** said that, in follow-up to his question at the previous meeting concerning the deployment of Kenyan police in Haiti and their apparent reputation for excessive use of force, he would like to know whether officers had been given training to ensure that they were fully aware of the Haitian context and in that way reduce the risk that their deployment might have detrimental effects.
24. He would be interested to know whether the State party's new mechanism for the prevention of mass atrocities was in operation, what its relationship was to the National Commission on Human Rights and whether sufficient resources had been allocated to enable it to discharge its mandate.
25. **A representative of Kenya** said that she could confirm that regulations had the force of law. They were approved through parliamentary proceedings and were required to be compatible with both the Constitution and other legislation. Accordingly, they could not be summarily disregarded or changed by any new government.
26. **A representative of Kenya** said that the National Cohesion and Integration Commission had first devised the "Hatelex", a list of hate speech terms, in the run-up to the 2022 elections. The list was a glossary of words and phrases deemed to have the potential to incite violence. The list could be used to determine whether an offence had been committed and to call out and "shame" politicians who resorted to such language. It was not an ad hoc list and was currently being updated to add or remove items in line with current usage, in preparation for the 2027 elections.
27. The 2022 elections had been generally agreed to be the most peaceful the country had known. The Commission had been gratified to learn that politicians sometimes took great exception to being called out in that way.
28. **Ms. McDougall** said that she would be interested to know what due process was provided to election candidates who were "named and shamed" in that way.
29. **Ms. Tlakula** said that, in the same vein, she would like to know how the data protection legislation was applied in such situations in order to protect the privacy of those impugned.
30. **A representative of Kenya** said that those affected did indeed enjoy the right to due process under the Constitution and the law. Some people had certainly protested and their complaints were duly considered by the Commission. There would be an evaluation of the impact of the procedures in advance of the next elections.
31. **Ms. Tlakula** said that it would probably be useful to involve the Office of the Data Protection Commissioner in the preparations for the next elections.
32. **A representative of Kenya** said that all due care was taken to protect individuals' privacy. He wished to clarify that the list in question did not in itself infringe on personal privacy. It was a list of words and phrases that were already in the public domain, having been uttered in public or published in print, and which, according to the National Cohesion and Integration Commission and other experts, might incite racial or ethnic hatred.
33. In the Sudi case, charges had been brought for the use of expressions deemed to constitute hate speech but, after careful consideration and evaluation of the evidence, the court had determined that the language used had not amounted to incitement to racial or ethnic hatred.
34. Kenya had compiled a compendium of domestic and international instruments on hate speech. Training had been provided to law-enforcement agencies and the judiciary. The test applied was the threshold proposed in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination,

hostility or violence, and took account of the provisions of the International Covenant on Civil and Political Rights and of the Kenyan Constitution.

35. It was very difficult to successfully prosecute offences involving the freedom of expression but prosecution was not the only means of dealing with such situations. Other possibilities used in Kenya were naming and shaming, eliciting apologies and educational initiatives. Alternative dispute-resolution procedures, alternative justice programmes and public awareness-raising campaigns were also being developed in order to tackle hate speech. Messages were addressed to the public through the social media platforms on a monthly basis.

36. One of the reasons so few cases came to court was that, in a country with a population of 50 million, with 40 different ethnic groups, an expression that meant one thing in one place could mean something quite different elsewhere. That presented yet another challenge to proving the existence of hate speech in judicial proceedings and was another reason for not focusing solely on prosecution through the courts.

37. With regard to reparations for trafficking in persons, the Government had committed considerable amounts to help victims. The National Assistance Trust Fund had been established in 2023 and currently had an allocation of 40 million Kenya shillings. Victims could also be entitled to repatriation, resettlement, shelter and psychosocial support.

38. **A representative of Kenya** said that she would provide answers to the questions on the Kenyan police mission in Haiti and on the declaration under article 14 of the Convention in writing.

39. **A representative of Kenya** said that, in negotiating bilateral agreements on migrant workers with other States, Kenya always aimed to obtain the best benefits and the best protection for its nationals. Family reunification was a complicated issue, but paid leave and home visits for migrant workers were two of the main conditions Kenya included in its agreements. It was also pushing, in collaboration with the International Organization for Migration, for the right to transfer savings and pensions, the reduction of remittance costs and the provision of safe houses to shelter those who found themselves in difficult situations.

40. **A representative of Kenya** said that, with regard to the protection of the rights of persons with albinism, Kenya was recognized as a safe haven in the region. The Office of the Director of Public Prosecutions had received no complaints of racially motivated attacks on such persons. Comprehensive measures, including robust legislation criminalizing discrimination and violence against such persons, had been implemented to ensure their full inclusion and participation in society, while awareness-raising programmes helped to combat harmful stereotyping and stigmatization. Other support measures included specialist care and cancer screening, optical equipment, inclusive education, skills training and promotion of employment opportunities. Persons with albinism were also represented in the Executive, the legislature and the judiciary.

41. The Government acknowledged the vital importance of protecting the country's forests for future generations while at the same time upholding the rights of Indigenous Peoples. Conservation must not be pursued at the expense of Indigenous communities' rights and livelihood and the Government collaborated with those groups to develop sustainable strategies that honoured their cultural heritage and promoted environmental stewardship.

42. In a recent case concerning the forced eviction of Sengur people from the forest, the courts had ordered the suspension of the eviction pending a hearing and the outcome of the appeal proceedings. The case raised important issues such as the status of the forest as community land under the Constitution and the Community Land Act.

43. Several measures had been taken to address the impact of climate change on Indigenous people, including a \$34 million project to restore over 500,000 ha of degraded lands in 11 counties, with the aim of helping 620,000 people to adapt to climate change and improve their resilience. The Government recognized the importance of Indigenous knowledge in climate action and was working to integrate that knowledge into climate policies and practices.

44. To enhance the capacity of the National Bureau of Statistics, data collection methods had been modernized. There was an elaborate infrastructure for data collection: each of the 47 counties had a statistical office, there were two sampling frames for censuses and surveys and socioeconomic databases had been created.

45. In 2022, the National Treasury had developed a national monitoring and evaluation policy as a framework for enhancing the effectiveness and accountability of public policies, programmes and projects. The policy supported the achievement of the Kenya Vision 2030 development programme and applied to all public sector institutions, civil society, the private sector, academia, the media and development partners involved in policy implementation.

46. **Ms. McDougall** said that, while she was grateful for the delegation's replies to the Committee's questions regarding Indigenous Peoples and albinism, she was left wondering why the Government continued to evict Indigenous groups from the forest and why it seemed unable to protect the right to life of persons with albinism, especially those living in border areas.

47. **A representative of Kenya** said that there were currently no evictions ongoing, either of the Ogiek people or the Sengur people, from forest areas.

48. **Mr. Amir** said that he would welcome information on customary law in Kenya and the application of that law to communities living in forested areas. He wondered whether the State party's environmental policy provided for the protection of forests.

The meeting was suspended at 11.25 a.m. and resumed at 11.40 a.m.

49. **Ms. McDougall** said that she wished to know how the State party measured the effectiveness of the training activities and educational initiatives undertaken to combat racist prejudice and stereotypes among civil servants and the general public. She would appreciate information on educational programmes relating to the history and cultures of the various ethnic groups of Kenya, including the Indigenous Peoples, and their contribution to society as a whole. She would be grateful for details of educational programmes and campaigns addressing the colonial period in Kenya, the human rights abuses that had occurred during it and the questions surrounding post-colonial settlements, reparations and the preservation of memory through monuments.

50. The Committee would be interested to hear about any measures taken to implement the recommendations set out in the Durban Declaration and Programme of Action and any collaborative efforts made by the Governments of Kenya, other African countries and countries in other regions to implement those recommendations. Details of any activities undertaken in connection with the International Decade for People of African Descent would also be appreciated.

51. She would welcome information on the status of the Historical Injustices Bill, 2021, including its content and the timeline for its adoption by Parliament. She wondered what measures had been taken to raise public awareness of the Convention, whether civil society had contributed to the development of the State party's report and how the Government planned to disseminate the Committee's concluding observations.

52. **A representative of Kenya** said that customary law was mostly applied in cases relating to personal matters, but only to the extent that it was not inconsistent with the Constitution or repugnant to justice.

53. **A representative of Kenya** said that the Government had implemented several policies to promote human rights education and recognition of the history and cultures of the country's various ethnic and national minorities, including the Indigenous Peoples. Article 44 of the Constitution provided for the protection of the rights of minorities to use their languages and participate in the cultural life of their choosing. In 2017, the Government had developed the basic education curriculum with a view to defining the reforms that had since been carried out at all levels of the education system.

54. The country's schools were in the process of implementing the competency-based curriculum, which was focused on the ability of students to learn independently and develop skills for self-reliance. The new curriculum covered human rights education, as well as the languages, skills and cultures of the different ethnic and national groups and their

contributions to the development of the country. E-learning programmes had been implemented to facilitate access to learning.

55. The Protection of Traditional Knowledge and Cultural Expressions Act had been adopted to recognize and protect the intellectual property rights of traditional communities and persons. Cultural exchanges had played a key role in easing racial tensions in Kenyan society. Annual music and drama festivals were held at all levels of the education system to consolidate a sense of nationhood. Different communities celebrated their cultural days, which included the Lake Turkana Cultural Festival, the Samburu Cultural Festival and the Lamu Cultural Festival. The Brand Kenya website contained information on cultural initiatives.

56. A number of monuments had been created to honour the fallen heroes of the country's fight against British colonial rule. The Uhuru Gardens in Nairobi included a national monument and a museum that commemorated the declaration of the country's independence. The monument featured a pair of clasped hands and a dove that symbolized the national philosophy of peace, love and unity. In 2011, a statue to commemorate the prominent politician and independence leader Tom Mboya had been unveiled.

57. A national forest policy was implemented to protect the country's forests. The Government had pledged to increase the proportion of the country that was covered by forest to 30 per cent by 2050. A number of policies and programmes had been established to ensure that forests were managed in a sustainable manner, including the National Forest Programme 2016–2030, the National Strategy for Achieving and Maintaining over 10 per cent Tree Cover by 2020, and the Kenya National Biodiversity Strategy and Action Plan 2019–2030.

58. Kenya was a safe haven for persons with albinism who were fleeing from other countries. The authorities had not received any reports of acts of violence committed against persons with albinism in Kenya. The Government made every effort to protect such persons and to ensure their participation in society.

59. **A representative of Kenya** said that the National Cohesion and Integration Commission held town hall meetings and organized peace caravans to raise public awareness of measures to combat discrimination. Prior to the general elections, peace caravans had travelled around the country to spread messages of peace, including in local markets. An initiative called "love your neighbour" had been carried out to raise people's awareness of the importance of peace. The National Cohesion and Integration Commission had taken measures to promote peace and cohesion in educational institutions. To that end, it had set up over 50,000 clubs, known as Amani clubs, in primary schools, secondary schools and universities. The Commission also supported the Kenya National Drama and Music Festival in order to promote peaceful coexistence.

60. Exchange programmes between schools were organized. On one occasion, schools from different parts of Kenya had translated the national anthem into different local languages. With the support of Google, the Commission had organized after-school clubs where students could use tablets provided by the company to engage with their peers in other parts of the country and learn about their cultures. The Commission took measures to raise the public awareness about national laws and the available complaints mechanisms, which had led to an increase in the number of complaints submitted to the Commission and the relevance of the complaints.

61. **A representative of Kenya** said that the National Land Commission Act of 2012 provided a legislative framework for investigating historical land injustices and recommending forms of redress. The National Land Commission had reviewed about 5,000 cases and provided reparations of some kind to some of the people who had lost their land.

62. The Government had drafted the National Land Commission (Amendment) Bill, 2022, with a view to empowering the National Land Commission, which had originally been granted only five years in which to receive and process claims. The Bill would remove that time limit, enabling people who had missed the original deadline to seek redress. The Bill also sought to restore the Commission's mandate to receive and investigate complaints relating to public land, including the illegal allocation and disposition of land. It also

authorized the Commission to review and establish the lawfulness of grants and property even if they had been allocated before the establishment of the Commission.

63. **A representative of Kenya** said that the Government was actively calling for the proclamation of a second international decade for people of African descent. The Government believed that the issue of reparations for historical injustices should be discussed, including within the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. In that connection, it called on other African Member States and Member States in the Caribbean region to participate in discussions on the issue, including during the negotiations surrounding the draft United Nations declaration on the promotion, protection and full respect of the human rights of people of African descent, which would be taking place in January 2025.

64. **Ms. McDougall** said that she wished to know the time period covered by the National Land Commission Act and, in particular, whether it covered all the injustices that had occurred during the colonial era.

65. **Ms. Shepherd** said that she wished to know what measures were being taken to raise awareness of the rationale behind the Government's decision to send Kenyan troops to Haiti and what steps it was taking to garner public support for the troops' presence in that country. She wondered what the State party was doing to ensure that redress for the atrocities that had occurred during the colonial era was obtained. She would welcome information on the effectiveness of the National Gender and Equality Commission in tackling problems such as gender-based violence.

66. **Ms. Esseneme** said that she would welcome clarification of how customary law and written law were implemented and how they related to each other. In particular, she wished to know whether persons appearing before a customary court were first required to ensure that the custom being invoked did not violate a written law, whether customary hearings must involve assessors who were familiar with the custom concerned and whether a customary court could hear a case only if both parties agreed to be tried by the court and if the matter in question was not covered by any written law.

67. **Mr. Diaby** said that he wished to know whether the State party had established a national mechanism for the prevention of mass atrocities and, if so, whether it was independent and able to take effective measures on the ground. He would welcome information on the status and rights of the Nubian community, who continued to be denied their civil, political and cultural rights even though they had lived in Kenya for more than a century. He wondered whether members of the Nubian community were stateless and whether there was a mechanism for determining statelessness in Kenya. It would be interesting to know how many stateless persons there were in the country and whether the State party would consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

68. **Mr. Guissé** said that he wished to know what was being done to protect young Indian migrants, often referred to by the stigmatizing term "rockets", from xenophobia and whether any measures were being taken to promote their full integration into society. He wondered whether any steps had been taken to prevent the residential and occupational segregation of different ethnic groups and nationalities, including Kenyans of Indian descent.

69. **Mr. Amir** said that he wished to know the ratio of rural to urban inhabitants and whether the decline in the rural population, and the corresponding rise in the urban population, would result in insufficient attention being paid to rural areas.

70. **Ms. McDougall** said that the National Land Commission had found that the Kipsigis people had been subjected to historical injustices relating to the allocation of land but that, following the filing of an appeal by a multinational tea company, a court decision had quashed the Commission's finding and given rise to a legal impasse. In view of that situation, she wished to know whether any steps would be taken to ensure justice for the Kipsigis people.

71. **Ms. Shepherd** said that she would welcome further information on any measures being taken to prevent persons with albinism from being trafficked.

72. **Ms. Tlakula** said that she still had not received a response to her request for updated information on the cases mentioned in paragraphs 16, 19 and 20 of the State party's report.

73. **Ms. Boker-Wilson** said that it was not clear what obstacles prevented the State party from generating data disaggregated by gender, ethnic affiliation and other characteristics. She would appreciate the delegation's comments on reports that persons with albinism were required to register with the National Council for Persons with Disabilities in order to obtain prevention kits and sunscreen. She would be interested to know whether disadvantaged persons with albinism were given any financial support to cover the costs of treatment for skin cancer.

74. **A representative of Kenya** said that, under the 2010 Constitution, customary law was recognized as one of the applicable sources of law in Kenya. However, the Constitution stressed that all laws, whether statutory or customary, must be consistent with the Constitution and must not be repugnant to justice and morality. The Constitution recognized other traditional dispute resolution mechanisms that were not necessarily based on customary law.

75. **A representative of Kenya** said that the Government had demonstrated its commitment to tackling statelessness through the pledge that it had made at the high-level segment on statelessness to recognize and register stateless persons. In recent years, the Government had granted citizenship to 7,000 members of the Pemba community, 1,500 members of the Makonde community and 1,650 members of the Shona community.

76. At the Global Refugee Forum in 2023, the Government had pledged to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness by 2027. All eligible members of the Nubian community had been granted citizenship and issued with national identity cards. In 2017, the Government had acknowledged the land rights of Nubian people and had issued a community land title to the community in Kibera. The Government, in collaboration with the Office of the United Nations High Commissioner for Refugees, had facilitated access to mobile birth registration for over 11,000 children, including Nubian children.

77. **A representative of Kenya** said that the National Gender and Equality Commission had made significant strides in addressing gender-based violence in Kenya. The Commission had collaborated with various actors and sectors at both the national and county levels to provide a comprehensive response to gender-based violence and had implemented a number of prevention strategies aimed at young persons, including men and boys. Under the "Policare" Programme, law enforcement officers had been equipped with the skills and knowledge required to provide compassionate and effective support to survivors and "Policare" desks had been set up in certain hospitals to provide support to victims.

78. Kenya had a devolved system of governance, which had helped to channel resources to the counties. Thanks to devolution, counties with a significant amount of forest cover now had county governments that addressed development issues in those counties.

79. **A representative of Kenya** said that Kenya did not have specific legislation on historical injustices relating to land. However, the Constitution recognized historical injustices and mandated the State to address them. Responsibility for that task fell to the National Land Commission, whose powers would be expanded when the National Land Commission (Amendment) Bill had become law.

80. The Commission investigated land injustices that had occurred between 15 June 1895 and 27 August 2010, which covered the colonial era and the early years of independence. The British had removed certain communities from their land in order to make way for tea plantations. When the Commission had been established, it had issued recommendations relating to compensation, reparations and the return of the land to its original inhabitants. However, as soon as the recommendations had been issued, the multinational organizations that owned the tea plantation had filed an appeal and obtained a court order establishing that matters should stay as they were until the case had been heard. As the matter was still before the courts, there was nothing that the Government could do about it. In the meantime, the county governments of Baringo and Bomet were trying to provide effective services to the Talai and Kipsigis peoples. If the Court of Appeal issued a decision that was unfavourable to

the Talai and the Kipsigis, the Government would bring the matter before the Supreme Court. The Government had no information on the trafficking of persons with albinism.

81. **A representative of Kenya** said that the delegation would provide written responses to the questions on the multinational security support mission in Haiti and the establishment of a national mechanism for the prevention of mass atrocities.

82. **A representative of Kenya** said that the question of where people lived in Kenya was a matter of choice. If the members of a particular group or tribe opted to live in the same part of the country, they did so of their own volition, usually because other members of the tribe had previously settled there. The Government had no control over where people lived and there was no residential segregation.

83. **A representative of Kenya** said that the restrictions on freedom of speech established in article 33 of the Constitution had served as the basis for the formulation of a list of terms that clearly constituted hate speech. Persons in Lamu County who had reportedly engaged in hate speech were being dealt with in accordance with the law.

84. With regard to the question of land-related injustices, government policies before and after independence had tended to favour wealthier and better educated Kenyans. Once the relevant legislative measures had been taken, the National Cohesion and Integration Commission would become responsible for dealing with the recommendations made by the Truth, Justice and Reconciliation Commission on land and landlessness, including those relating to historical and structural injustices.

85. **A representative of Kenya** said that she wished to thank the Committee for its constructive engagement with the delegation. The Committee's insightful questions and thoughtful comments provided invaluable perspectives that would undoubtedly enrich the Government's ongoing efforts to combat racial discrimination.

The meeting rose at 1 p.m.