

KENYA (2016-2017)
THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	YES.	
	Involvement of Employers' and Workers' organizations in the reporting process	2016 - 2017 AR: YES, according to the Government: the Federation of Kenya Employers (FKE), and the Central Organization of Trade Unions (COTU) have been consulted in the reporting process through the communication of the Government's report and tripartite meetings.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2016 - 2017 AR: Observations by FKE	
	Workers' organizations	2016 - 2017 AR: Observations by COTU	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Kenya has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2016 - 2017 AR: The Government indicated that there are national policies and plans of action aimed at suppressing all forms of forced or compulsory labour as well as setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour.	
	Measures taken or envisaged for systematic and coordinated action	2017 AR: The Government reported that the national policy framework on the principle of elimination of all forms of forced labour is anchored in the Constitution and is reiterated in the Employment Act Section 5. This principle is espoused in a number of policies which are the key: National Policy on the Combat against Child Labour and the National Plan of Action for Combating Trafficking: Strategic Framework 2013-2017. Having recognized Kenya as a country of origin, transit and destination, the plan offers a comprehensive and coherent approach to combating trafficking in persons. It has a three-prong approach to action, which are prevention, protection and prosecution. Social Protection Policy-Provides for safeguards for vulnerable categories e.g. women, children, disabled persons, and old persons. Consultations have been conducted through the tripartite consultative, involving the National Labour Board and the Counter Trafficking in Persons Advisory Committee. There are also the National Assistance Trust Fund for Victims of Trafficking in Persons, and the National Vetting to Employment committees for coordinating actions toward combatting forced labour.	
Measures taken or envisaged to prevent all forms of forced labour	2016 – 2017 AR: The Government reported that there are various measures put in place for combatting trafficking in persons and are outlined in the National Plan, as strategic priorities and this include capacity building, raising public awareness, reducing fraudulent employment opportunities, direct assistance, capacity building for service providers, data collection and research, international co-operation and legislative framework.		

	Measures taken or envisaged to protect victims of forced labour	2016 – 2017 AR: The Government reported that there are measures expected to be undertaken in a coordinated manner through the National Assistance Trust Fund for Victims in Persons, and the Board of Trustees is working on guidelines for this.	
	Measures taken or envisaged to facilitate access to remedies		
	Non-prosecution of victims for unlawful acts that they would have been forced to carry out		
	Cooperation with other Member States, international / regional organizations or NGOs	<p>2017 AR: The Government stated that it works with multilateral agencies such as the IOM, UNDOC and the ILO. The non-governmental agencies with whom the government cooperates are CRADLE, Kenya Human Rights Council (KHRC) and the Federation of Women Lawyers (FIDA). There is a National Co-ordination Mechanism on Migration (NCMM), which is an inter-agency governmental and non-state actors body.</p> <p>2016 AR: The Government stated that it cooperates with member States and international organisations and indicated that the National Co-ordination Mechanism on Migration (NCMM) is an inter-agency governmental and non-state actors body.</p>	
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	<p>2017 AR: The Government indicated the following as challenges: a) social values, cultural traditions: poor live-in relatives turn into domestic workers; b) Social and economic circumstances: women and children are the vulnerable sections in the society and are more likely to suffer forced labour practices. This is attributed to the high poverty and unemployment levels for women vis-a-vis men. This also includes low education levels and awareness of labour rights. Children from poor families or orphaned are also more vulnerable to forced labour; c) lack of resources in the institutional framework: the Employment Act prohibits forced labour. However, the practice has been reported to prevail in sections of the economy such as in domestic work and Foreign Service contracts in the Middle East. The practice is hidden and not easily detected by the authorities and are mostly dealt with whenever complaints are made (victims on their part sometimes are not cooperative or may be unaware of labour rights). The practice is also not easily detected by the authorities and are mostly dealt with whenever reports or complaints are made; d) challenges linked to the labour recruitment and placement process: vetting of private employment agencies and enforcement of foreign contracts; and e) challenges linked to migration policies: border controls are not effective.</p> <p>2016 AR: The Government reported that lack of awareness (most of the vulnerable are not aware of the policies and legal requirement or protection available), and challenges linked to the labour recruitment and placement process (vetting of private employment agencies and enforcement of foreign contracts) and migration policies (ineffective border controls) pose obstacles encountered by Kenya in regard to effectively suppressing all forms of forced labour.</p>	



TECHNICAL COOPERATION NEEDS	Request	2017 AR: The Government stated that it requires ILO technical assistance for building the capacity of competent authorities. 2016 AR: The Government indicated that it requires ILO technical cooperation for building capacities in the area of preventing and effectively suppressing forced or compulsory labour and protection of victims.
	Offer	NIL.