

## COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Kenya - 2021

***THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY  
LABOUR Protocol of 2014 P029 to the Forced Labour Convention***

### REPORTING

#### Fulfilment of Government's reporting obligations

p29 Fulfilment of Government's reporting obligations

Yes

#### Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

c) The competent authorities

92. To which employers organizations was the report sent? [12] Please provide the list

Federation of Kenya Employers for comments and inputs

93. To which workers organizations was the report sent? [13] Please provide the list

Central Organization of Workers Union

94. Please describe the consultation process(es). [10.2]

Through the National Labour Board

### OBSERVATIONS BY THE SOCIAL PARTNERS

#### Employers' organizations

83. Have employers and or workers organizations been consulted in the

Yes

development and implementation of adopted measures? [6.1]	
95. Did employers organizations comment on the report? [11a]	No
<b>Workers' organizations</b>	
83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
96. Did workers organizations comment on the report? [11b]	No
<b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	
<b>Ratification</b>	
<b>Ratification intention</b>	
61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	Likely
62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	There is no forced labour in Kenya and there is no impediment to ratification upon consultation with the relevant national authorities and fulfilling requisite national obligation.
<b>Existence of a policy and or plan of action for the suppression of forced or compulsory labour</b>	
63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour	No

through prevention, victim protection and access to remedies? [1.1]	
65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]	The Social partners will be consulted within the tripartite institutions, the National Labour Board.
66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?	No
68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]	Yes
69. Please describe these measures. [1.5]	Through prevention, protection and prosecution
70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	Yes
<b>Measures taken or envisaged for systematic and coordinated action</b>	
64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]	The objectives and authorities responsible for the implementation, coordination and assessment of these measures will be agreed upon by the tripartite partners once they embark on developing the National Policy and action plan.
<b>Measures taken or envisaged to prevent forms of forced labour</b>	
74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]	Yes

<p><b>75. If so, please indicate the type of measures, [2.2]</b></p>	<p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,c) Regulation and supervision of the labour recruitment and placement process,d) Supporting due diligence by the public and private sectors,f) Promotion of safe and regular migration,h) Capacity building for the competent authorities</p>
--	--

**Measures taken or envisaged to protect victims of forced labour**

<p><b>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</b></p>	<p>Yes</p>
---	------------

<p><b>77. If so, please indicate the type of measures [3.2]</b></p>	<p>a) Training of relevant actors for identification of forced labour practices,b) Legal protection of victims,i) Specific measures for migrants</p>
---	--

**Measures taken or envisaged to facilitate access to remedies**

<p><b>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</b></p>	<p>Yes</p>
--	------------

<p><b>79. If so, please indicate the type of measures, [4.2]</b></p>	<p>f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges</p>
--	---

**Cooperation with other Member States, international / regional organizations or NGOs**

<p><b>81. Does the Government cooperate with other member States, international and regional organizations, or non-</b></p>	<p>Yes</p>
---	------------

<p>governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]</p>	
<p>82. Please briefly describe the modalities of this cooperation. [5.2]</p>	<p>Adoption and implementation of the International and regional protocols on forced labour</p>
<p><b>Special initiatives or Progress</b></p>	
<p>85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]</p>	<p>Kenya launched the 3rd Generation Decent work country programme 2021-2024 in Nov 2021 which has 3 key priority areas namely: human capital development, sustainable economic growth and social dialogue and Tripartism</p>
<p><b>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b></p>	
<p>86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]</p>	<p>b) Lack of information and data,h) Challenges linked to the labour recruitment and placement process</p>
<p><b>TECHNICAL COOPERATION NEEDS</b></p>	
<p><b>Request</b></p>	
<p>87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]</p>	<p>Yes</p>

**88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]**

b) Awareness-raising and mobilization activities => Most Important

c) Collection and analysis of data and information => Important

d) Guidance on the development of the national policy and plan of action => Important

e) Strengthening the legal framework => Important

f) Capacity building for the competent authorities => Most Important

g) Inter-institutional coordination => Important

h) Promotion of fair recruitment and placement practices => Most Important

i) Promotion of fair migration policies => Important

j) Vocational training, job-creation and income-generation programmes for at-risk populations => Important

k) Basic social security guarantees => Important

l) Guidance on supporting due diligence => Important

m) Capacity building for employers' and workers' organizations => Less Important

n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Important

o) Exchange of experiences between countries or regions; international cooperation => Less Important

	p) Other => Important
<b>89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.</b>	