



Joint Submission of the Right to Food Coalition Kenya
<https://rtfcoalitionkenya.org/>
Submission to the 4th Cycle of the Universal Periodic Review
8 October 2024

List of organizations

1. Article 43 Committee of the Social Justice Centres Working Group
2. Centre for Minority Rights Development (CEMIRIDE)
3. Concern Worldwide
4. Consumer Grassroots Association
5. East Africa Centre for Human Rights
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7. Freedom Development and Progress
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9. Intersectoral Forum on Agrobiodiversity and Agroecology (ISFAA)
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18. Rural Outreach Africa
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The Right to Food Coalition Kenya

1. This report is prepared by the Right to Food Coalition Kenya. Founded in 2021, the Right to Food Coalition Kenya is a diverse and inclusive alliance of 50 civil society organizations dedicated to the pursuit of and realization of the right to food. Our purpose is to see the eradication of hunger and food insecurity through a rights-based approach by advocating for the transformation of food systems, policies, and legislations, supporting grassroots initiatives, and fostering collaboration among stakeholders. Our members come from diverse constituencies including smallholder producers, grassroots organizations, NGOs, iNGOs, researchers, academia, media, vulnerable and marginalized groups such as rural and urban poor, people living in arid and semi-arid lands, people with disability, women, children, and the youth.

2. Status of implementation of recommendations from the 3rd Cycle

During the 3rd Cycle of the Universal Periodic Review (UPR) held on January 23, 2020, Kenya received 319 recommendations in total, six of which focused on the right to food. The Government accepted two of these right to food recommendations, incorporating them into its implementation plan¹. This plan outlined specific tasks, progress indicators, responsible actors for each task, and timelines for implementation. In this analysis, we examine the two accepted recommendations and assess the current status of their implementation.

UPR Recommendation	Status of Implementation	Description of activities, results, and challenges
142.66 Advance efforts aimed at growing the economy and enhancing food security	Partially implemented	The Fourth Medium Term Plan ² (2023-27) to ensure a sustainable and dependable food supply for the population includes providing seedlings and fertilizer subsidies to 1 million farmers in 14 high-risk counties, subsidized crop insurance to 2 million farmers, improving agro-processing, revitalization of cash crops and other priorities. Kenya's GDP growth was 7.5% in 2021. It declined to 4.9% in 2022 due to drought and increased commodity prices, it slightly increased in 2023 (5.6%) and it is projected at 5.5% in 2024 ³ .

¹ Implementation plan (2021-2025) for the 3rd cycle recommendations under the Universal Periodic Review (UPR) Process <https://statelaw.go.ke/wp-content/uploads/2022/04/3rd-Cycle-UPR-Implementation-Plan-2021-to-2025.pdf>

² Fourth Medium Term Plan 2023-2027. Bottom-Up Economic Transformation Agenda for Inclusive Growth https://repository.kippra.or.ke/bitstream/handle/123456789/4856/FINAL%20MTP%20IV%202023-2027_240320_184046%5b1%5d.pdf?sequence=1&isAllowed=y

³ The Kenya National Bureau of Statistics <https://www.knbs.or.ke/wp-content/uploads/2024/05/2024-Economic-Survey-Popular-Version.pdf>

		<p>The Kenyan economy was also highly affected by the COVID-19 pandemic (2019-2022) which deepened poverty and inequalities, causing an economic slowdown that still lingers, undermining the ability of developing nations to secure food supplies. This was soon followed by the Ukraine and Palestine wars, which disrupted trade routes, driving up food and fuel prices and worsening food insecurity, particularly in net food-importing countries like Kenya.</p> <p>Overall Consumer Price Index (CPI) rose from 124.16 in 2022 to 133.69 in 2023. This resulted in an annual inflation of 7.7% in 2023 as measured by CPI. The inflation was largely driven by an increase in prices of food and non-alcoholic beverages (9.7%); transport (12.2%); and housing, water, electricity, gas, and other fuels (8.1%)⁴. Between April 2023 and April 2024, increases in CPI were observed in food and non-alcoholic beverages (+5.6%); transport (+9.2%); and housing, water, electricity, gas, and other fuels (+3.8%).⁵</p> <p>In 2023 the Government delivered to farmers 300,000 metric tons of fertilizers subsidized from USD 47 to USD 16 during the short rains in October.</p> <p>Fertilizers distributed to farmers in 2023/2024 were adulterated and there has been no accountability taken by the government and no redress for farmers⁶.</p> <p>Measures to cushion the population against COVID-19 were arbitrarily removed with no stop-gap measures put in place⁷.</p>
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⁴ The Kenya National Bureau of Statistics (KNBS), <https://www.knbs.or.ke/wp-content/uploads/2024/05/2024-Economic-Survey.pdf>

⁵ Kenya National Bureau of Statistics (KNBS), <https://www.knbs.or.ke/wp-content/uploads/2024/04/Kenya-Consumer-Price-Indices-and-Inflation-Rates-Highlights-April-2024.pdf>

⁶ The East African. Kenya fertilizer scandal newest threat to Ruto's food agenda <https://www.theeastafrican.co.ke/tea/news/east-africa/kenya-fertiliser-scandal-newest-threat-to-ruto-s-food-agenda-4588890>

⁷ Human Rights Watch 2021 Report. "We are all vulnerable here" <https://www.hrw.org/report/2021/07/20/we-are-all-vulnerable-here/kenyas-pandemic-cash-transfer-program-riddled>

		Economic access to food has been affected by the high cost of living, the introduction of taxes/levies on basic incomes, and the removal of food and fuel subsidies. These measures reduced the purchasing power of households.
142.198 Continue the efforts to end malnutrition in all vulnerable layers of society.	In the process of being implemented	<p>The outcomes of the implementation of the Kenya Nutrition Action Plan (KNAP) 2018-2022⁸ have varying achievements in the 19 Key Result Areas (KRAs) as compared to baseline values (KDHS 2014⁹).</p> <p>Under nutrition-specific indicators, KRA 6 (Prevention and Integrated Management of Acute Malnutrition (IMAM) Strengthened) and KRA 9 (Clinical Nutrition and Dietetics in Disease Management Strengthened) met zero (0%) of the targets due to challenges in target setting and lack of data¹⁰. The other 7 KRAs ranged between 20-60% change from the baseline. For KRA 1 (Maternal, Neonatal Infant and Young Child Nutrition (MIYCN)) 46% of the indicators had a value worse than the baseline value attributed to challenges in target setting, non-reporting, and ambiguity in certain indicators.</p> <p>Under nutrition-sensitive indicators, 5 KRAs achieved between 33-100% of targets. KRA 14 (nutrition in social protection) met 100% of set targets while KRA 13 (Nutrition in Water, Sanitation, and Hygiene) had 40% of its output indicators performing worse than the baseline. Particularly in households using improved sanitation facilities, the proportion of deaths attributed to unsafe water consumption, and the proportion of households with access to improved water sources. These challenges are observed mostly in arid and semiarid lands (ASAL) but also in urban slums.</p>

⁸ Kenya Nutrition Action Plan (KNAP) 2018-2022 <https://scalingupnutrition.org/sites/default/files/2022-06/national-nutrition-plan-kenya.pdf>

⁹ Kenya Demographic and Health Survey (KDHS) 2014 <https://www.dhsprogram.com/publications/publication-FR308-DHS-Final-Reports.cfm>

¹⁰ End term review of the Kenya Nutrition Action Plan 2018-2022. By Health & Economics Finance Development Consortium. June 2024.

		<p>Under the enabling environment, 5 KRAs achieved between 17-61% of targets. KRA 16 (Sectoral and multi-sectoral nutrition information systems, learning and research strengthened) achieved 61% of target indicators, while KRA 18 (Capacity for nutrition developed) achieved 17% of set targets.</p> <p>The government has formally recognized Community Health Promoters (CHPs)' by paying their stipends and health insurance for 100,000 CHPs¹¹. CHPs are critical in promoting nutrition and uptake of healthcare services in the communities especially for pregnant mothers and children below 5 years.</p> <p>In 2023, Kenya ranked 90th out of 125 countries with sufficient data to calculate hunger scores. There was a marked increase in the percentage of the population that is undernourished, from 20% in 2014-2018 to 28% in 2022. The proportion of the population with an acceptable household food consumption score reduced from 88.8% in 2014 to 85% in 2022¹².</p> <p>Child wasting increased from 4% in 2014 to 5% in 2022, child stunting reduced from 26% in 2014 to 18% in 2022, percentage of obese children reduced from 4% in 2014 to 3.2% in 2022¹³. Child mortality for children under 5 years reduced from 4.6% in 2015 to 3.7% in 2021.¹⁴</p> <p>Budget cuts to the school feeding programme from USD 37,984,496 to USD 23,255,814 (Fiscal Year 2024/25) and USD 54,263,565 approved out of USD 131,782,944 requested between</p>
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¹¹ Ministry of Health <https://www.health.go.ke/government-launches-kshs-3-billion-stipend-payment-program-community-health-promoters>

¹² Kenya Demographic and Health Survey (KDHS) 2014, and Kenya Demographic and Health Survey (KDHS) 2022

¹³ Kenya Demographic and Health Survey (KDHS) 2014, and Kenya Demographic and Health Survey (KDHS) 2022

¹⁴ Global Hunger Index 2023 report Kenya <https://www.globalhungerindex.org/kenya.html>

		<p>2018-2022¹⁵ reveal a trend in inadequate budgetary allocation that will result in the exclusion of many children from the program. Further, the USD 23,255,814 approved for the school feeding programme was reduced to zero (0) in austerity measures in the 2024/2025 budget estimates. This was later reinstated in the supplementary budget and placed under the Hunger Safety Net Programme for Arid and Semi Arid Lands. ¹⁶ This effectively means that children in urban and rural populations shall not benefit from the program. This is projected to affect some 4 million learners who would have benefited from the programme.</p>
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Availability of food

3. Kenya's agri-food systems are highly vulnerable to climate change and external shocks since a huge percentage of Kenyan Agricultural systems are rainfed. They are also embedded in unsustainable conventional practices that rely on high levels of external and expensive inputs such as synthetic fertilizers and agrochemicals which degrade soils, lead to biodiversity loss, and compromise environmental health and food safety. Most populations affected are small-scale farmers, pastoralists, fisherfolk, and hunter-gatherers. While efforts are underway to finalize and launch the draft National Agroecology Strategy for Food Systems Transformation (NAES-FST) a strong emphasis on conventional agriculture, as well as incoherent land use and access policy and legislative framework, continues to expose a very huge part of Kenya's population to food insecurity. This results in continued unsustainable production, over-reliance on external inputs such as fertilizer, biodiversity loss, poor soil health, and vulnerability of smallholder farmers.
4. Although the Agriculture Rural and Urban Development (ARUD) sector has consistently demonstrated its capability to absorb resources effectively and is a key growth sector contributing 20% to GDP and employing 40% of the total population and more than 70% of the rural populace¹⁷, there is observed reduced investment in agriculture. USD 674,418,597 in FY 2023/24 to USD 636,279,063 in 2024/25, and Supplementary Budget 1 FY 2024/25 the allocation was revised further downwards to USD 555,116,273 representing a 5% cut from the initial budget estimates. With only 2.3% of public agriculture expenditure as a share of total public expenditure Kenya is failing to

¹⁵ The Auditor General's Performance Audit Report on National School Meals and Nutrition Programme by the State Department for Early Learning and Basic Education https://www.oagkenya.go.ke/wp-content/uploads/2023/11/NATIONAL-SCHOOL-MEALS-AND-NUTRITION-PROGRAMME_compressed.pdf

¹⁶ <https://www.treasury.go.ke/wp-content/uploads/2024/07/FY2024-25-PBB-Supplementary-1.pdf>

¹⁷ The Kenya National Bureau of Statistics. Economic Survey 2024. <https://www.knbs.or.ke/wp-content/uploads/2024/05/2024-Economic-Survey-Popular-Version.pdf>

achieve the Malabo target of investing 10% of the national budget in agriculture¹⁸. The high cost of inputs¹⁹ - seeds, fertilizers, and animal feed - and lack of agricultural extension services for smallholders lead to sub-optimal production in the crops and livestock sectors, unstable food supply, and high cost of food. Further, they lead to poor livelihoods for smallholder/peasant farmers and reduced economic activities in rural areas.

5. Land is crucial for securing the right to food for peasants, including pastoralists, forest peoples, and fisher communities. The Ogiek community has long faced land injustices, with a recent eviction displacing 700 families in the Maasai Mau Forest, despite a favorable 2017 ruling by the African Court on Human and Peoples' Rights and interim court orders in November 2023 to halt evictions. The Yiaku in Mukogodo Forest face land registration delays affecting over 6,000 people, while 5,000 Endorois are impacted by the Mukutani Forest gazettement, restricting access to their land. Fisher communities are hindered by gazetted landing sites and conflicts over fishing waters, leading to the abandonment of livelihoods. Poverty in Busia County rose from 70% to 83% between 2019 and 2022, with criminal activity, such as net destruction, increasing by 70% in 2021. Insecurity in pastoralist communities in Laikipia and Baringo Counties has displaced over 1,400 families in the past five years. The displacement, caused by banditry, has resulted in the loss of farmland, livestock, and homes. Projects like the Songa Barasa Dam, which began in 2008, remain stalled, limiting access to water for farming and livestock.

Adequacy of food

6. There are increasing levels of undernutrition²⁰ in the population and the most affected are children under 5 years, pregnant and lactating mothers²¹, school children, the elderly, persons with disabilities, and urban and rural poor people. These groups lack access to sufficient amounts of healthy food as indicated in the national food-based dietary guidelines²², that is, 2-5 meals per day from at least 4 food groups for children 6-23 months, 4 meals from 4 diverse sources for pregnant mothers and 6 meals from at least 4 food sources for lactating mothers. Despite the existence of the National Agri-Nutrition Strategy (2020-2025), dietary diversity is missing due to a focus on priority value chains that include maize, potatoes, bananas, pulses, and meat products, with little promotion of vegetables and indigenous crops such as millets, sorghum, and African leafy vegetables (ALVs). There is no guidance or enforcement in the procurement of diverse diets for public institutions such as schools (primary, secondary and colleges), hospitals, prisons, and others, to promote healthy diets.

¹⁸ African Union Development Agency-New Partnership for Africa's Development (AUDA-NEPAD)

<https://www.nepad.org/caadp/countries/kenya>

¹⁹ Monetary Policy Committee Agriculture Sector Survey,

https://www.centralbank.go.ke/uploads/market_perception_surveys/1508555824_REPORT%20ON%20THE%20AGRICULTURE%20PRICE%20SURVEY.pdf

²⁰ 28% of the population is undernourished. Global Hunger Index report Kenya,

<https://www.globalhungerindex.org/kenya.html>

²¹ Integrated food security phase classification (IPC),

https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Kenya_Acute_Food_Insecurity_Malnutrition_2023FebJun_Report.pdf

²² National Guidelines for Healthy Diets and Physical Activity 2017.

7. The burden of non-communicable diseases (NCDs) in Kenya, related to unhealthy diet, is a growing concern particularly in urban areas and among low-income populations. This has been attributed to the nutrition transition and high consumption of ultra-processed foods. The increased consumption of Nutrients of Concern (salt, sugar, and fats) significantly contributes to the growing number of non-communicable diseases which account for over 50 % of hospital admissions in Kenya.
8. The high levels of pesticide residues in fruits and vegetables, poor sanitation in markets and food vendors, food contaminants, and counterfeits due to gaps in regulation, surveillance, and enforcement in the use of agrochemicals in food production and marketing compromise the food safety of consumers especially those living in urban informal settlements and people who primarily depend on food markets. This results in foodborne illnesses and rising cases of NCDs, particularly cancer. The legal framework (Public Health Act) and the regulators - the Pest Control and Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) - are weak in enforcing standards and regulations. The state does not hold producers and food retailers accountable for their practices that violate food safety. Moreover, support for innovations and entry into the market for healthier alternative bio-inputs is still restricted by existing conventional agriculture-oriented regulations.
9. The Seeds and Plant Varieties Act Cap 326 criminalizes the rights of farmers to share, exchange, and sell farmer-saved seeds. It stipulates that only certified seeds from registered varieties can be sold, while the criteria and processes for certification and registration defined in the same Act, are inaccessible for farmer's seeds. Furthermore, for intellectual property-protected varieties, even the exchange is prohibited and the replanting of farm-saved seeds is only allowed when license fees are paid to the breeder. This punitive seed law affects smallholder farmers, organic farmers, and consumers by limiting access to diverse seeds and communities' ability to benefit from their genetic resources, contributing to agrobiodiversity loss, erosion of culture and traditions, and aggravating food and nutritional security. This Act contravenes Article 11 3(b) of the constitution of Kenya which obligates parliament to "enact legislation to recognize and protect the ownership of Indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by the communities of Kenya"²³. Additionally, it goes against international treaties which provide for the rights of farmers as relates to seeds such as the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), Article 9, Convention for Biological Diversity (CBD) under the Nagoya Protocol on Access and Benefit Sharing (ABS) and UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, Articles 19, 20.

Access to food

10. Essential foods are out of reach for low-income households thus affecting their right to access safe, adequate, and quality food. This is due to reduced purchasing power resulting from austerity and revenue-raising measures employed by the government in response to the debt problem in Kenya, lack of employment opportunities, and stagnant

²³ The Constitution of Kenya 2010 <https://kenyalaw.org/kl/index.php?id=398>

wages. Since 2021, the government has implemented an International Monetary Fund (IMF) fiscal consolidation program that includes aggressive taxation, removal of food and fuel subsidies, privatization, and budget cuts to social sectors. These measures have increased the level of food vulnerability for low-income households who are burdened by rising costs of living, stagnant wages, and job losses.

11. There are minimal social safety nets to plug the gap for most vulnerable households. The Inua Jamii cash transfer programme for orphans and vulnerable children, older persons, and persons with severe disabilities reaches about one million beneficiaries with about USD 14 per month. The Hunger Safety Net Programme provides about USD 38 every two months to 100,000 households in arid and semi-arid lands (ASAL). The World Food Program's (WFP) Sustainable Food Programme provides food support of about 30% - 50% of kilocalories needs to 175, 000 households in ASAL areas, while their Lisha Jamii Programme is providing cash and in-kind food support to a further 940,300 food-insecure beneficiaries in the ASAL areas. School feeding programmes under the county governments are inconsistent and lack sufficient funds to run which results in absenteeism and school dropouts.
12. Despite the establishment and allocation of the Equalization Fund²⁴ for arid and semi-arid lands (ASALs), there needs to be more food security planning for ASAL regions. Underdevelopment, marginalization, and poor infrastructure development in ASAL counties result in poor disaster response mechanisms and poor planning and preparations for food emergencies. Every year, about 16 million Kenyans living in 23 ASAL counties are at risk of hunger and malnutrition because of drought and floods. Related economic and political exclusion of these counties contributes to internal conflict and insecurity, displacing thousands and directly affecting access to food, markets, and basic services such as healthcare and education.

Lack of a legal framework for the right to food

13. Failure to fully implement an integrated rights-based approach to food and nutrition security has led to ineffective collaboration and coordination across sectors related to the right to food, no strategies, and therefore weak implementation of the constitutional provision on the right to food, disempowerment and exclusion of vulnerable groups in decision making, and limited ability by rights holders to hold government accountable for the right to food. Despite the entrenchment of the right to food in the Constitution, subsequent legal and policy documents produced after the promulgation of the Constitution have failed to recognize and create a framework for the implementation and realization of the right to food. Most of these legal and policy documents are needs-based and siloed as opposed to rights-based approaches to food and nutrition (e.g. the Agricultural Sector Transformation & Growth Strategy 2019-29 (ASTGS) and National Food and Nutrition Security Policy (NFNSP) 2011). Agriculture policies and strategies mainly focus on increasing productivity and commercialization of agriculture while

²⁴ The Equalization Fund was established through Article 204 of the Constitution of Kenya, ensuring that 0.5% of the National government's annual revenue is specifically allocated to marginalized areas. In 2023, the Parliament approved an appropriation of USD 107,751,937 to stimulate development in 34 counties that have marginalized areas. <https://www.equalizationfund.go.ke/home>

ignoring the salient enablers of access and adequacy of food such as incomes, social safety nets, and good governance.

14. The uncoordinated legal, policy, and institutional framework guiding the food system in Kenya is a significant concern. One of the primary causes of this problem is the inadequate, poorly executed, and the capture of public participation in policies and regulatory processes that do not include farmers, consumers, and other food system actors. Additionally, there is a lack of transparency and clarity regarding the roles and responsibilities of different stakeholders. It is often unclear who is doing what, where, and how accountability is being ensured. This ambiguity erodes trust and cooperation between stakeholders and policymakers. It also leads to inefficient resource allocation because policies are often met with poor adoption and non-compliance. Moreover, the exclusion of key voices from the policy-making process increases power imbalances and perpetuates inequity and disempowerment of farmers. This situation can result in policies that do not serve the interests of the majority of smallholder farmers and consumers, reduced productivity, lower incomes, and food insecurity, creating a cycle of poverty and vulnerability in these sectors.

Recommendations

15. The Government of Kenya should fast-track the transition to agroecology by finalizing and implementing the National Agroecology Strategy for Food Systems Transformation (NAES-FST), including the use of indigenous seed varieties and integrating local knowledge in research approaches to enhance soil fertility and productivity, prevent biodiversity loss, reduce use of external inputs, enhance food safety, and promote resilience to external shocks.
16. The Government of Kenya should “repurpose” national agriculture support systems from production-focused (large-scale mono-crop production, synthetic fertilizer subsidies, and land consolidation initiatives) and move towards more sustainable and equitable practices informed by the local context and priorities of vulnerable groups e.g. price support programs to small-scale diversified farmers, subsidies for organic fertilizers and soil enhancers, enabling regulatory environment for bio-inputs, resettlement of the landless and land allocation to vulnerable youth and women.
17. The Government of Kenya should fully devolve agriculture sector functions and resources and re-commit to the Comprehensive African Agricultural Development Programme (CAADP) in the 2025 Kampala Declaration by allocating at least 10% of the national budget to agriculture and prioritize investments towards supporting smallholder producers²⁵ to boost livelihoods of farmers and rural people and integrate local knowledge in climate adaptation initiatives. This should include mechanisms to enforce the 10% allocation at national and County levels.
18. The Government of Kenya should develop a National Implementation Plan to protect the right to food for peasants, in line with the United Nations Declaration on the Rights of Peasants (UNDRP). Land use plans should be updated to reflect peasants' unique livelihood systems and resource needs. By consulting community representatives, the

²⁵ Out of 7 CAADP commitments, Kenya is on-track on only 1 i.e. ending hunger by 2025, <https://www.resakss.org/sites/default/files/2021%20CAADP%20Biennial%20Review%20Brief%20-%20Kenya.pdf>

government can create land use systems that accommodate traditional practices and reduce conflicts over resources like pasture and water, ensuring equitable and sustainable land management.

- 19.** The Government of Kenya should review and update the National Guidelines for Healthy Diets and Physical Activity to align with the WHO and UNICEF Infant and Young Child Feeding (IYCF) Guidelines of 2021²⁶. The government should develop a Nutrient Profile Model to establish thresholds for nutrients in ultra-processed foods, develop standards for Front-of-Pack labels to indicate when certain products exceed prescribed nutrient thresholds, and develop regulations to restrict the marketing of unhealthy foods and beverages to children.
- 20.** The Government of Kenya should revise the National Social Protection policy to increase the amount and coverage of the Inua Jamii Cash Transfer Program to include all possible beneficiaries – people with disabilities, orphans and vulnerable children, urban and rural poor people, and people living in ASAL regions. Additionally, the registration of beneficiaries should be transparent.
- 21.** The Government of Kenya should promote and incentivize the production and consumption of diverse indigenous food sources such as millet, sorghum, sweet potatoes, yams, and indigenous vegetables by providing subsidies, value-addition infrastructure, promoting procurement and consumption in public schools, hospitals/health centers, prisons, military, and other public institutions.
- 22.** The Government of Kenya should immediately withdraw highly hazardous pesticides from the market and promote alternatives to highly hazardous pesticides such as organic biopesticides. Additionally, the government should enact the Food and Feed Safety Control Coordination Bill 2023, implement mechanisms to enforce standards on food handling including full-capacity laboratories, harmonize standards for export crops and local use, and strengthen anti-counterfeit laws in line with regional norms such as the Common Market for Eastern and Southern Africa (COMESA).
- 23.** The Government of Kenya should fully implement Article 11 3(b) of the Constitution of Kenya by reviewing all policies and laws that infringe on the Article, including the Seeds and Plants Varieties Act (2012), and enact the draft Conservation (Access, and Benefits Sharing) Regulations that recognize farmers' rights in seeds systems. The government should also recognize and promote community seed banks and promote the rights of farmers to save, exchange, and sell seeds within the Farmer Managed Seed System.
- 24.** The Government of Kenya should reconsider the proposed austerity measures and prioritize budgetary allocations to sectors that are fundamental to the realization of the right to food such as health, education (including school feeding programs), social protection, senior citizens affairs, climate change, gender, water, and sanitation. Additionally, the government should implement genuine and meaningful public participation through the budget-making process and incorporate feedback from citizens and stakeholders to reflect their priorities accurately.
- 25.** The Government of Kenya should increase investments in food security and nutrition infrastructure in ASAL regions and involve the ASAL communities in establishing emergency response plans.

²⁶ Indicators for assessing infant and young child feeding practices: definitions and measurement methods <https://iris.who.int/bitstream/handle/10665/340706/9789240018389-eng.pdf?sequence=1>

- 26.** The Government of Kenya should enact and implement a comprehensive legal framework to operationalize the constitutional provision on the right to food, complete with requisite policies, strategies, institutional arrangements, resources, and redress mechanisms. To ensure that citizens can effectively hold the state and other duty bearers accountable, the government should invest in educating the populace about their right to food, the obligations of the state, and the roles of other duty bearers. This includes enhancing public understanding of mechanisms available for addressing violations or failures in realizing the right to food.
- 27.** The Government of Kenya should use the Voluntary guidelines on the right to food adopted by the UN Food and Agriculture Organization (FAO) in 2004 to guide policymaking and the adoption of coherent legal frameworks.
- 28.** The Government of Kenya should implement inclusive public participation in line with the Constitution of Kenya²⁷. Further, the government should establish a central food systems coordinating body or task force responsible for overseeing the development, implementation, and monitoring of coherent policies, aligned with national development goals, and responsive to the dynamic needs of the stakeholders. The coordinating body or task force should embrace human rights principles of transparency, accountability, participation, non-discrimination, and empowerment of the vulnerable, and be backed by a strong legal framework.

²⁷ Article 1 that states that sovereign power belongs to the people and Article 10 (2) (a) that details national values and the principles of governance, and the Fourth Schedule Part 2 (14) that states the function of county government to ensure and coordinating the participation of communities in governance at the local level.

List of organizations

This joint contribution has been prepared by the following organizations and persons (in alphabetical order):

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