



Convention on the Elimination of All Forms of Discrimination against Women

68th Session of the Committee on the Elimination of Discrimination against Women

23 October – 17 November 2017

Excerpts from the Concluding Observations on the 8th periodic report of Kenya: relevant to and potentially impacting sex workers, collated by NSWP.

Women human rights defenders

13. In line with recommendations accepted by the State party during the universal periodic review process in 2015 ([A/HRC/29/10](#), para. 142), the Committee recommends that the State party:

- (a) Adopt and implement, without delay, effective measures to protect women human rights defenders and thereby enable them to carry out their work freely and without fear of harassment, violence or intimidation or the threat thereof;

Gender-based violence against women

23. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party:

- (b) Increase the investigation, prosecution and conviction rates in cases of sexual and gender-based violence throughout the State party, including in informal settlements and in camps for internally displaced persons and refugees;

Trafficking

27. The Committee recommends that the State party:

- (a) Address the root causes of trafficking and exploitation of women and girls by improving their economic situation;
- (b) Conduct public awareness-raising campaigns, particularly in rural and traditional communities, on the risk of trafficking in persons for women and girls;
- (c) Strictly enforce the Counter-Trafficking in Persons Act by investigating, prosecuting and punishing perpetrators of trafficking and exploitation of women and girls and enforce the Victim Protection Act;
- (d) Continue to provide training for law enforcement and border personnel on the early identification of victims of trafficking and their referral to appropriate services;
- (e) Provide adequate resources for support services, including shelters, for victims of trafficking;
- (f) Enhance bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers.

Exploitation of prostitution

28. The Committee is concerned that women in prostitution run a heightened risk of gender-based violence, including abuse by the police, murder, gang rape, extortion, robbery, forced sex practices and forced non-usage of condoms. The Committee notes with concern the widely held prejudices against women in prostitution and that they face fines or arrest when they seek access to justice, social services and health care.

29. The Committee recommends that the State party:

- (a) Take measures to eliminate violence against women in prostitution, including by the police, and ensure that they can report such violence without fear of retribution or stigma;
- (b) Decriminalize women in prostitution and remove all types of liability, including fines, for them;
- (c) Ensure the prosecution and adequate punishment of perpetrators of violence, including murder, against women in prostitution;
- (d) Prohibit mandatory testing for HIV and sexually transmitted infections of women in prostitution following arrest, while encouraging them to undergo voluntary testing;
- (e) Adopt and implement adequately resourced programmes and other appropriate measures to create educational and employment opportunities for women at risk of entering prostitution and exit programmes for those who wish to leave;
- (f) Carry out educational and awareness-raising measures targeted at the general public, in particular men and boys, to reduce the demand for prostitution. Such measures should focus on combating all notions of the subordination of women and all forms of objectification of women.

Health

39. Recalling its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:

- (a) Strengthen efforts to reduce the high maternal mortality rate and ensure access for all women, including women with disabilities and women in prostitution, to health-care facilities and medical assistance by trained personnel, especially in rural areas;
- (e) Amend the Penal Code to decriminalize abortion and legalize it, at least, in cases of rape, incest, severe foetal impairment and risk to the health or life of the pregnant woman, ensure access to high-quality post-abortion care, especially where complications arise from unsafe abortions, and reinstate the Standards for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya of 2012