

Kenya

Overview

Politics

The Kenyan government is a three-branch republic. The executive branch is led by William Ruto, elected in 2022. Following the general election, opposition candidate Raila Odinga claimed the vote was rigged and questioned perceived irregularities; however, international and domestic observers state that elections were generally free and fair.¹ Third parties, as well as the Independent Policing Oversight Authority, claim that this election was more peaceful and organized than those preceding it.²

The Overseas Security Advisory Council notes that greatest threats in Kenya are road safety and crime. The U.S. State Department has declared Nairobi to be a high-threat location for terrorism. Reports continue to describe a risk of terrorist activity from the al-Qaeda linked extremist group al-Shabaab, especially near the Somali border. This hostility is a result of Kenya's participation in the African Union Transition Mission in Somalia (ATMIS), which took military action against al-Shabaab in the early 2010s.³ Recent attacks by al-Shabaab include two ambushes in 2022 targeting Kenyan military forces, and a 2022 IED detonation targeting a Kenyan military convoy, which is reported to have killed 11 soldiers.⁴ Past attacks have reportedly included armed assaults, suicide operations, bomb and other explosive attacks, kidnappings, and attacks on aviation services and maritime vessels.⁵

Human rights groups and civil society organizations have reported that security forces, which were intended to conduct counterterror operations, have committed human rights violations in the process. These violations include extrajudicial killings and arbitrary arrests of human rights workers, especially those who identify as Somalis and Kenyan Muslims; they are targeted for their ethnic or cultural status.⁶

The country outlines legal repercussions for official corruption; however, there are still numerous reports of the practice. While Kenya continues to introduce reforms to fight



corruption, the government faces implementation hurdles. The public continues to view corruption as severe problem at all levels of government.⁷

Kenya has a bicameral legislative branch, which is divided between the senate and the national assembly. The legal system in Kenya is mixed, with English common law, Islamic law, and customary law jointly recognized.⁸

Economy

Kenya is classified as a lower middle-income country.⁹ As of 2014, the last year for which data are published, 37.5 percent of the population lives in multidimensional poverty.¹⁰ The unemployment rate was estimated to be around 5.5 percent in 2022.¹¹ The agricultural sector is the dominant sector in Kenya's economy and accounted for 22.4 percent of the country's overall GDP in 2021.¹² Service-related economic activity accounted for 60.6 percent of the country's GDP, while industry-related activity accounted for 17 percent.¹³ Of the 18.32 million total recorded employees, the vast majority, 15.26 million, are employed in the informal sector.¹⁴ Workers in the informal sector are much more susceptible to poor working conditions and exploitative labor demands due to the difficulty of enforcing worker protections and labor laws, lower wages, and more severe gendered divisions of labor.^{15,16} An estimated 337,200 individuals are engaged in waged employment in agriculture, forestry, and fishing industries as of 2021's provisional figures.¹⁷ This figure does not include small-scale farmers and pastoralists nor informal workers in these industries. The Kenyan government has taken considerable steps to implement business and infrastructure reforms to improve its investment climate. Consumer demand from a burgeoning middle class has increased, and the last five years have seen a five to six percent growth in GDP.¹⁸

Since the 2022 elections, the Kenyan government has focused on attracting more foreign direct investment, specifically from the U.S. In July of 2022, the country launched a strategic partnership with the U.S.¹⁹ The goal is to increase investment and promote sustainable and inclusive economic growth to achieve meaningful economic outcomes.²⁰ In May of 2022, the Kenyan government approved a policy enabling the conversion of underutilized state agricultural land for livestock and commercial crop production to increase agriculture investments.²¹

Social/Human Development

Kenya's Human Development Index (HDI) value for 2021 was 0.575, positioning it as 152 out of 191 countries and territories. The country is in the "medium" human development category.²²



Kenya has a population of over 57 million, and is made up of 11 main ethnic groups: Kikuyu (17.1 percent), Luhya (14.3 percent), Kalenjin (13.4 percent), Luo (10.7 percent), Kamba (9.8 percent), Somali (5.8 percent), Kisii (5.7 percent), Mijikenda (5.2 percent), Meru (4.2 percent), Maasai (2.5 percent), Turkana (2.1 percent), and other (8.2 percent).²³ Kenya's population has been growing rapidly in recent years, and around 37 percent of Kenyans are between the ages of 0-14.²⁴

Kenya has a large population of refugees, primarily from Somalia and South Sudan, with the vast majority residing in camps.²⁵ The government of Kenya is attempting to transition refugees from camps to integrated settlements under the multi-year "Shirika Plan."²⁶ However, in 2016, the government put the registration of Somali asylum seekers on hold, rendering them a labor force with increased vulnerability to exploitation due to their informal status in the country. In early 2023, the Kenyan government agreed to resume registration of undocumented individuals and newly arrived refugees.²⁷

U.S. Department of State TIP Report Summary

U.S. Department of State TIP Ranking: Tier 2

According to the 2023 *Trafficking in Persons (TIP) Report*, trafficking or vulnerability to trafficking is found in potentially exported supply chains, including agriculture, fishing, and livestock (meat and live animals). Sex trafficking is noted in gold mining and fishing areas.²⁸

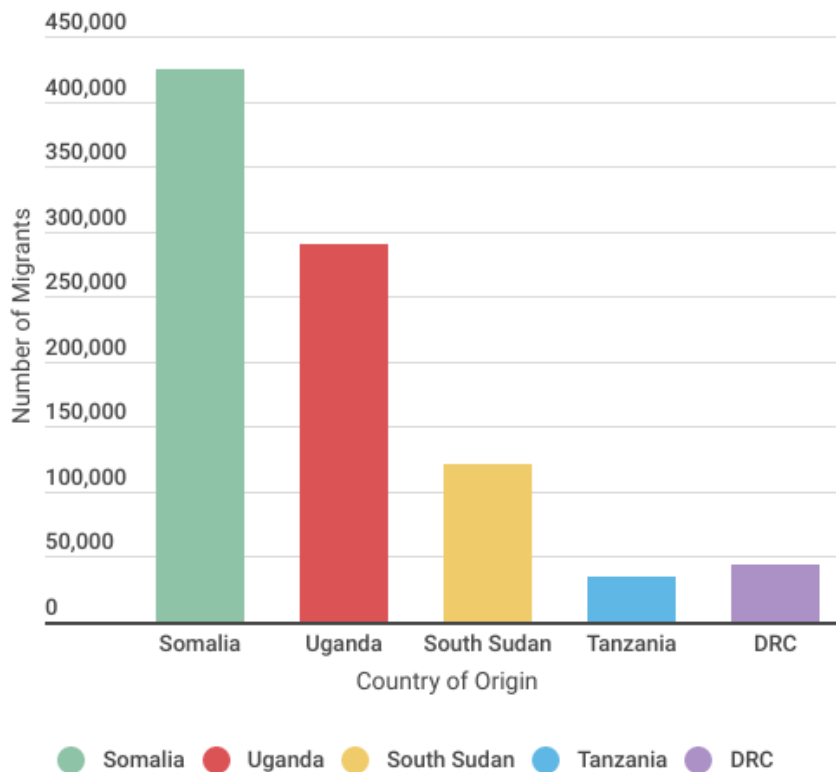
Read the full TIP report at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/>

Migrant and Other Vulnerable Populations

Kenya experienced net negative migration at a rate of -0.2 migrant(s)/1,000 population, ranking it 105th in the world in terms of migration rates.²⁹ Kenya's level of social stability in comparison to some of its regional neighbors has made it a destination for refugees.³⁰ About 16,779 individuals were considered stateless as of 2022.³¹ The conflict in neighboring Somalia has caused around 280,000 individuals to cross the border into Kenya.³² The most prominent source countries for migrants to Kenya are Somalia, Uganda, South Sudan, the United Republic of Tanzania, and the Democratic Republic of the Congo.³³



Migrants to Kenya (2020)

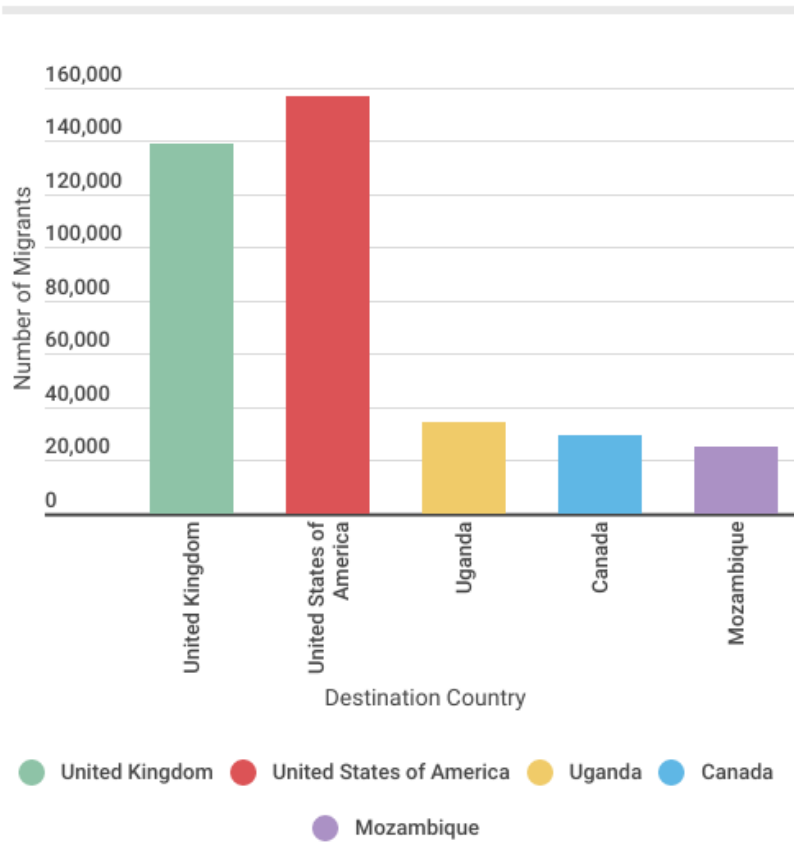


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The top migration destinations for Kenyans are the United Kingdom, the United States, Uganda, Canada, and Mozambique.³⁵ Most out-migrants are highly skilled workers and students.³⁶ However, the out migration of less skilled workers has been on the rise, primarily to the Gulf Cooperation Council (GCC) countries, which include Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. These workers aspire to secure domestic labor, hospitality, or other service sector positions due to a lack of employment opportunities at home; however, they reportedly face a risk of unethical employment and unfair treatment by hiring agencies and employers. The government implemented a ban on labor migration to the GCC in 2012, but the ban was lifted the following year.³⁷



Migrants from Kenya (2020)



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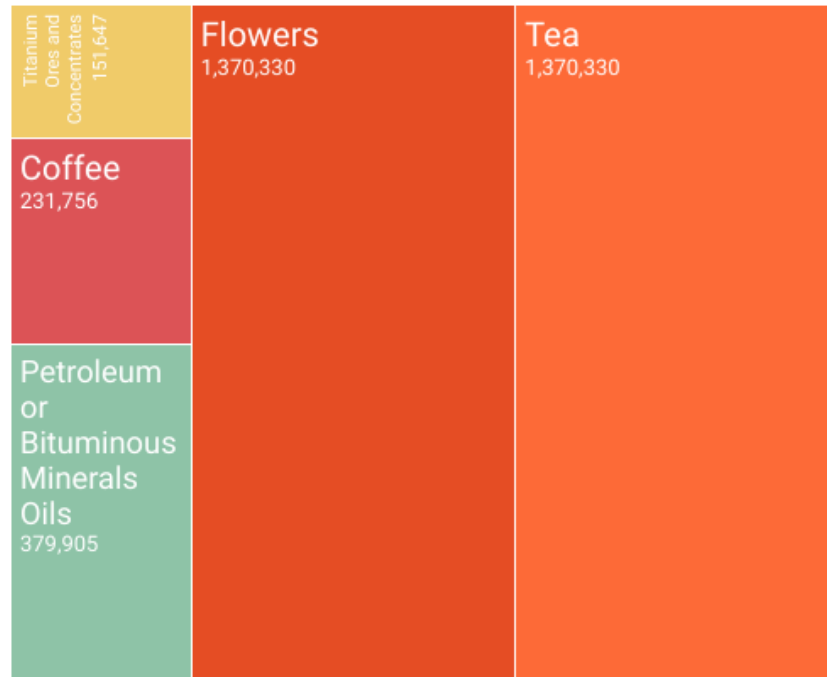
Exports and Trade

The top exported products from Kenya in 2022 were tea, flowers, petroleum or bituminous minerals oils, coffee, and titanium.³⁹



Top Commodity Exports (USD/Thousands)

2022

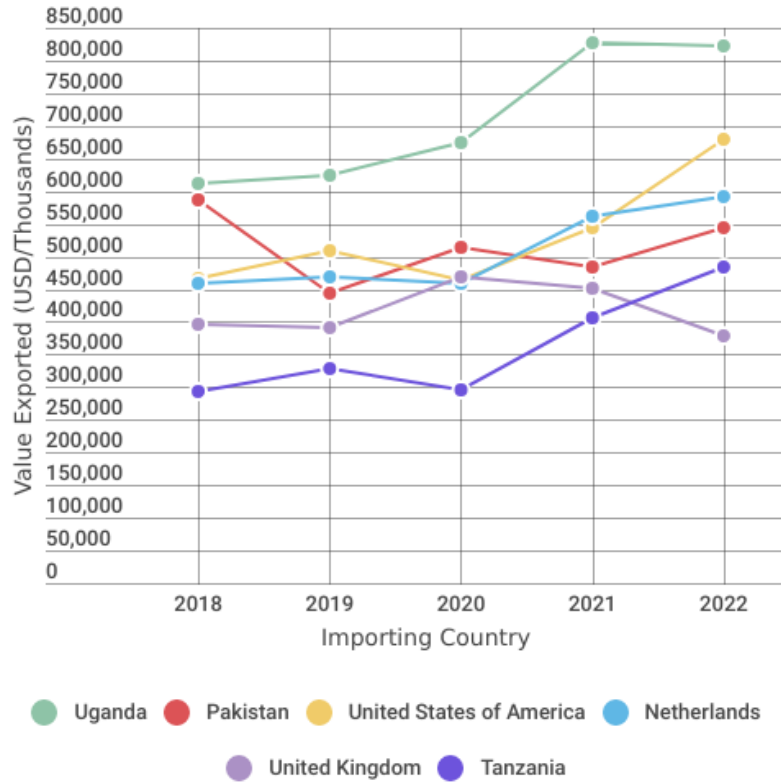


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The top importers of goods from Kenya in 2023 were Uganda, Pakistan, the United States, the Netherlands, and Tanzania.⁴¹



Kenya Export Partners (USD/Thousands)



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Trafficking in Persons Risk Factors Analysis

Legal/Policy Factors

Level of Legal Protection for Civil Liberties and Workers' Rights

Freedom of Association

Kenyan labor law allows workers to form unions and bargain collectively with their employers. However, there are legal restrictions on the ability to unionize, bargain collectively, and conduct strikes. Members of the police, armed forces, and prison employees are barred from forming unions, striking, or bargaining collectively. Employees who provide “essential services” are also barred from striking. While the government of Kenya is generally supportive of workers’ rights to bargain collectively, unionize, and strike, the enforcement of applicable laws is reportedly



inconsistent, largely due to the insufficient enforcement capabilities of the relevant governmental authorities and resource constraints.⁴³

Migrant workers often lack access to formal organizations, and thus face more challenges to collectively bargaining. Domestic workers are often subject to exclusion from exercising such rights; however, domestic workers' unions are active. The Kenyan government provides labor attachés in several Middle Eastern regions to coordinate migrant worker outflows.

Organizations such as the Ministry of East African Community and Regional Development assist domestic workers in understanding their rights. However, trade unions and civil society organizations criticize the government for failing to adequately protect the rights of migrant workers in Kenya, nor to stop abusive conditions and protect overseas workers from Kenya through repatriation when required.⁴⁴

Working Conditions

Over 80 percent of Kenyans are employed in the informal economy. The mean weekly work hours for informal laborers is 60.⁴⁵ The government has failed to enforce labor laws in the informal sector, creating an environment where workers are more susceptible to labor exploitation.⁴⁶ The law limits the workweek for general laborers to 52 hours per week, and 60 for those working at nighttime. Agricultural workers are not included in this limitation.⁴⁷ The Employment and Labor Relations court frequently receives reports of labor law violations. As of 2018, these cases are backlogged, dating back to 2007.⁴⁸

Workers in the construction sector, those working in hotels, and those working in the EPZs are reported to be especially vulnerable to labor abuses.⁴⁹ Regulations surrounding unsafe work practices, including the right of workers to remove themselves from dangerous or hazardous working conditions, were not adequately enforced, and penalties were not sufficient to deter violations.⁵⁰

The established minimum wage for all occupations is above the World Bank poverty rate.⁵¹ Kenyan law establishes a minimum wage for various economic sectors, which the president increased in May of 2022.⁵² The U.S. government country report on human rights most recently noted the minimum wages in 2018 as follows: for general laborers it is KES 12,926 (2018 USD 128) per month and KES 18,274 (2018 USD 181) per month for skilled laborers. For unspecialized or manual labor agricultural workers, the minimum wage was KES 7,323 (2018 USD 73), excluding housing allowances.⁵³ Other sources note the new 2022 minimum wage to be KES 15,201 for general laborers (around USD 115 in 2024) and KES 7,544.66 (USD 57.37 in 2024) for unskilled agricultural workers. The minimum wage only applies to those in the formal economy.⁵⁴ Notably, the 2024 increase in the minimum wage reflects an overall decrease in wages compared to 2018.



Discrimination

The law prohibits employment and occupation discrimination based on race, color, sex, age, religion, political or other opinion, nationality, ethnic or social origin, disability, language, pregnancy, or mental status. The constitution specifically bans discrimination against women based on land ownership, access, and inheritance. The law does not explicitly prohibit discrimination based on sexual orientation or gender identity. It is common for ethnic groups to discriminate in favor of hiring the same ethnic group. Women earn, on average, two-thirds of the salaries of their male counterparts. It is also reported that migrant workers in Kenya are routinely discriminated against in terms of hiring.⁵⁵

Forced Labor

Kenyan law prohibits most forms of forced labor, and according to the U.S. Department of State, authorities have made moderate advances in terms of eliminating forced labor practices. However, the government did not effectively curb forced labor, and forms of deterrence were reported to be ineffective at preventing the practice. Forms of forced labor present included forced child labor, “debt bondage, exploitation of migrant workers, and compulsion of persons [...] to work as domestic servants.”⁵⁶ Kenya reportedly serves as a transit point for migrants, which leaves these migrant populations susceptible to exploitation, which has been documented among Ethiopian, Burundian, and Rwandan workers transiting through Kenya to South Africa.⁵⁷ Forced prison labor is legal under Kenyan labor laws.⁵⁸

Child Labor

Kenyan labor laws set the minimum age for work at 16 years old and the minimum age for hazardous work at 18 years old. Children ages 13 to 16 are permitted to perform light work. Though the government is increasing the number of worksite inspections to verify compliance with child labor laws, the current number, 130, remains insufficient.⁵⁹ ⁶⁰ Child labor is documented in cattle, coffee, fish, gold, khat/miraa, rice, sand, sisal, sugarcane, tea, and tobacco industries.⁶¹

In 2022, Kenya made few advancements to prevent child labor. Forces existing to prevent child labor receive insufficient funds and resources, hindering the government’s ability to effectively reduce the use of child labor.⁶² As of 2019, approximately 11.6 percent of children ages five to 14 are working, and children in Kenya are exposed to the worst forms of child labor.⁶³ In the informal sector, the monitoring of child labor laws is difficult, and enforcement is reportedly insufficient.⁶⁴ Children were also reportedly exploited at high rates in domestic labor, and migrant children were frequently trafficked between rural and urban settings.⁶⁵



Civil Society Organizations

There have been credible reports of restrictions on freedom of expression, including violence and threats of violence against journalists. Non-governmental organizations (NGOs) reported cases of arrests and detention of journalists, activists, and other media personnel throughout 2022.⁶⁶ A governmental regulatory body, The Media Council of Kenya (MCK), reported “increasing incidences of profiling of and threats to individual journalists and media outlets by politicians related to 2022 general election campaigns.”⁶⁷ Mainstream media organizations are generally independent; however, there are reports of interference. Most domestic and international human rights groups can operate without restrictions. Despite this, there have been reports of officials intimidating NGO workers in more rural areas; these workers have reported harassment from county-level officials and security forces.⁶⁸

Immigration Policies Limiting the Employment Options or Movement of Migrants

The Citizen and Immigration Act of 2011 permits protection for stateless peoples and provides the opportunity for eligible individuals to apply for citizenship. However, the government does not have a sufficient method to identify these individuals; therefore, many stateless people continue to experience travel restrictions and are vulnerable to extortion and exploitation.⁶⁹

Asylum seekers and refugees were reported to face abuse and detention from police authorities.⁷⁰ They must reside in designated camps, and must receive a temporary pass to move outside of these areas.⁷¹ Limited travel for refugees is permitted only to those receiving specific medical services, those enrolled in public schools, and those attempting to resettle.⁷² The Kenyan government maintained a 2016 law which suspends the ability for Somali asylum seekers to receive registration documents and movement passes related to refugee camps, and as of 2020, around 80,000 individuals were without registration documents.⁷³ This leaves them susceptible to harassment from Kenyan authorities and labor rights violations.⁷⁴



Ratification of ILO Conventions Related to Human Trafficking or Rights of Workers and Migrants

Conventions	Status
ILO 29 Forced Labor	In force
ILO 87 Freedom of Association and Protection of the Right to Organize	Not ratified
ILO 98 Right to Organize and Collective Bargaining	In force
ILO 100 Equal Remuneration	In force
ILO 105 Abolition of Forced Labor	In force
ILO 111 Discrimination	In force
ILO 138 Minimum Age	In force
ILO 181 Private Employment Agencies	Not ratified
ILO 182 Worst Forms of Child Labor	In force
ILO 97 Migration for Employment	In force

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Use of Export Processing Zones (EPZs)

At the end of 2021, there were 82 Export Processing Zones (EPZs) in Kenya. The United States receives about 55 percent of these exports under the African Growth and Opportunity Act (AGOA).⁷⁶ Around 50 percent of all EPZs are foreign-owned, and the other 50 percent are joint ventures between Kenyan nationals and foreign investors or locally owned firms.⁷⁷ Some benefits to companies located in EPZs include rapid project approval and licensing, unrestricted foreign investment, and online inspections.⁷⁸

It has been reported that labor violations are prevalent in the EPZs, including the substitution of contract workers in full-time positions and mandatory overtime work. Legally, workers in export processing zones can participate in unions and bargain collectively.⁷⁹

Political Risk Factors

Political Instability or Conflict

Kenya scores an 87.8 in the 2023 Fragile States Index (FSI), placing it in the “Alert” category and ranking it 35th out of 178 countries. The FSI score scale ranges from 0 (indicating a “sustainable” political system) to 120 (indicating a political system on “high alert”).⁸⁰



Human rights groups report little progress on accountability for misuse of funds related to COVID-19, which could have led to worsened economic outcomes for families.⁸¹

Level of Crime and Violence

The U.S. Department of State rates the crime threat in Kenya as a Level 2, which indicates that travelers should practice extreme caution.⁸² The threats of crime are especially serious in Nairobi.⁸³ According to the United Nations Office on Drugs and Crime, Kenya had a homicide rate of 4.9 per 100,000.⁸⁴ Al-Shabaab continues to be an active terrorist threat in Kenya, especially near areas bordering Somalia.⁸⁵

State Persecution

Refugees in Kenya have a precarious status within the country. In 2016, the government initiated a directive to revoke the refugee status of Somalis in Kenya and announced its intention to close the largest refugee camp, Dadaab. However, these directives were deemed unconstitutional by the High Court, and authorities instead worked to make voluntary repatriation an option for Somali refugees.⁸⁶ The camp was threatened with shutdown again in February of 2019 due to security concerns.⁸⁷ As of 2022, Kenya is no longer closing refugee camps, rather exploring the prospect of converting them into permanent settlements.⁸⁸ In addition, the country's 2021 "Refugee Act" promises new rights and freedoms for the group.⁸⁹

Abuses of those within the Kenyan LGBTI community by security forces was reported to be widespread. This abuse usually takes the form of physical, psychological, and sexual abuse, in addition to violence and forced marriage. The constitution does not specifically protect members of the LGBTI community from discrimination based on gender identity, and same-sex relations are criminalized under the penal code.⁹⁰ While advocacy groups for LGBTI rights were permitted by authorities to register and conduct activities, NGOs reported that they experienced frequent harassment and intimidation from police and nongovernmental forces, and even were subject to arrest for public order laws, such as those involving disturbances of peace.⁹¹

Level of Corruption

The Transparency International Corruption Perception Index scores Kenya as 31 out of 100, where 0 signals "Highly Corrupt" and 100 signals "Very Clean." As of 2023, Kenya ranks 126 out of 180 on this index.⁹²



Socio-Economic Risk Factors

Level of National Economic Development

Kenya's Human Development Index (HDI) value for 2022 was 0.575, positioning it as 152 out of 191 countries and territories. When adjusted for inequality, Kenya's HDI value falls to 0.426.⁹³ Despite the poverty, inequality, and low levels of development which continue to affect large portions of the Kenyan population, the country has maintained a GDP growth of around five percent in the last few years.⁹⁴

Level and Extent of Poverty

The United Nations Development Programme states that in 2014, the last year for publicly available data, 37.5 percent of the Kenyan population lived in multidimensional poverty, with an additional 35.8 percent living near that line.⁹⁵ The main factors contributing to endemic poverty and inequality in Kenya are noted as widespread corruption and a weakened governance system. Participation in the agricultural sector comprises around 75 percent of Kenya's population, making it the largest contributor to the nation's GDP, followed by the tourism sector.⁹⁶

Degree of Gender Inequality

While the Kenyan constitution provides equal rights for men and women, gender-based discrimination remains a significant problem within the country. The constitution allows for equal land ownership and property rights among men and women; however, the U.S. Department of State reports that customary laws typically take precedence.⁹⁷ Customary laws often prevent married women from inheriting their father's land, and also prevent widows from accessing their deceased husband's land upon remarriage.⁹⁸ Women face barriers in accessing their share of matrimonial property following disillusionment of marriage, which may render them economically vulnerable.⁹⁹

Rape and other forms of sexual violence are criminalized, but enforcement is reportedly inadequate. One estimate referenced in the U.S. Department of State's 2018 report on human rights in Kenya states that cases of sexual violence made up 25 percent of the number of reported human rights violations in the years following the 2017 elections, and only 22 percent of these cases were brought to authorities by victims.¹⁰⁰ The judiciary noted 17,272 cases of gender based violence between July 2019 and June 2020, and the national helpline for the Department of Gender Affairs received 5,009 cases in 2020, which indicates a 36 percent increase from the previous year.¹⁰¹ In rural areas, cases of sexual violence are often settled by community arbitration mechanisms, known as *maslaha*.¹⁰²



Landlessness and Dispossession

Kenya lacks a single, coherent system of land tenure, as well as a legal framework for providing compensation for landless individuals. This has resulted in many land disputes between private parties and communal bodies. Following the 2007-08 election, the Truth, Justice, and Reconciliation Commission reported that land reform was a core issue. In one such dispute of public land being occupied illegally is the Nairobi informal settlement of Kibera case, where government authorities forcefully evicted more than 10,000 people without providing a resettlement plan.¹⁰³

Indigenous communities also face challenges in securing their customary land rights. In 2009, members of the Ogiek community were evicted from their homes in the Mau Forest. A 2017 court ruling found that the government's actions toward the Ogiek people violated several human rights, and ruled that the government was required to provide restitution. The U.S. Department of State reports that the Kenyan government made little to no effort to implement strategies for compensation on this issue.¹⁰⁴

Environmental Factors

The main environmental risk factors in Kenya are water pollution, availability, and infestation, flooding, soil erosion, deforestation, and desertification.¹⁰⁵ Drought and desertification have a particularly adverse effect on food and water security and the livelihoods of herders and farmers.¹⁰⁶

Documented Trafficking Risk in Key Commodity Supply Chains

Coffee

Coffee Overview

Coffee in Kenya is produced on both large estates and small-holder farms.¹⁰⁷ Coffee produced by small farmers is processed at co-operative mills, while estates tend to have their own mills.¹⁰⁸ Over 80 percent of coffee is marketed by co-operatives, and over 90 percent is sold via the Nairobi Coffee Exchange.¹⁰⁹ The United States is the largest buyer of Kenyan coffee, followed by Belgium.¹¹⁰ While Kenya is recognized as the “main coffee logistics hub for Eastern Africa,” overall coffee production has been on the decline in recent years.¹¹¹

Documented TIP Risks in Coffee

The U.S. Department of Labor's 2022 *List of Goods Made with Forced Labor and Child Labor* indicates that coffee is produced with child labor in Kenya.¹¹² Interestingly, a 2008 International



Labor Organization (ILO) report notes that while child labor exists in the Kenyan coffee sector, it is more likely to be present on commercial plantations than on smallholder farms. Some of the key factors that were identified as reasons for child labor in the coffee sector were listed as instigation by parents (particularly when parents working in the sector experience piece rate or quota requirements), children’s own ambitions for self-reliance, efforts to increase household income.¹¹³

The 2008 ILO study of coffee plantations in Kenya found that over 20 percent of hired labor on estates was casual or part-time, as a function of both unpredictable harvest needs and a means to avoid labor laws that required benefits for full-time workers.¹¹⁴

Tea

Tea Overview

Kenya was ranked as the second highest exporter of tea in 2022, making it a critical sector for foreign exchange revenue.¹¹⁵ Smallholder farms account for around 55 percent of total tea production.¹¹⁶ 2020 estimates show that 90 percent of tea is hand-picked.¹¹⁷ In March of 2022, the average auction price for Kenyan tea was USD 2.59 per kilogram of tea.¹¹⁸ However, returns to small scale farmers are reportedly far below these estimates.¹¹⁹

Documented TIP Risks in Tea

According to the U.S. Department of Labor’s 2022 *List of Goods Produced by Child Labor or Forced Labor*, tea is produced using child labor in Kenya.¹²⁰ As of 2016, the last year for which data are reported, children make up an estimated 15 percent of all agricultural sector workers in Kenya, according to tea sector specific statistics.¹²¹

The Sustainable Trade Initiative (IDH) reports that small-scale producers in Kenya do not earn a living wage, making it nearly impossible for them to pay living wages to hired workers. Low earnings, in combination with labor-intensive harvesting peaks, may also incentivize reliance on unpaid family labor, including child labor. Hired workers in several tea-producing countries, including Kenya, are paid a piece-rate.¹²²

Apparel

Apparel Overview

Kenya has been a key beneficiary of the African Growth and Opportunity Act (AGOA), with its apparel sector increasing in value from about USD 8.5 million in 2002 to USD 603 million in 2022.¹²³ The majority of export firms have a “U.S.-dominant market orientation,” meaning that



the U.S. receives at least 80 percent of their exported products.¹²⁴ Around 40,000 workers were directly employed in EPZs for garment sector production in 2019. Thousands of apparel companies operate in Kenya, including 170 medium and large companies.¹²⁵ Labor is seen as an opportunity to make up for high costs of production, thus many companies are inclined to outsource low-cost labor.¹²⁶

Documented TIP Risk in Apparel

As of 2015, twenty-one apparel companies operate in Kenya's EPZs, where labor violations are reportedly prevalent.¹²⁷ Research has found that the use of sub-contracted labor among local and domestic workers is a common practice in Kenya.¹²⁸



Endnotes

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